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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS
FIRST SESSION.

SENATE.

MONDAY, *June 6, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou dost recognize our needs and hast been a present help in time of trouble. We supplicate this morning for that part of our country sitting amid the shadows of a great desolation and humbly beseech Thee for Thy help. We ask that in the midst of this sorrow hearts may be turned toward Thee and out of the calamity may come good to all directly or indirectly connected therewith. We ask Thy favor here this morning. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, June 2, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE UPPER SILESIAN QUESTION.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from yesterday's New York Herald by Frank H. Simonds on the upper Silesian question as it affects the future of Europe.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Herald, Sunday, June 5, 1921.]

"GREATER POLAND AS AN ALLY ESSENTIAL TO FRANCE—ANALYSIS OF EUROPE'S NEW PROBLEM MADE BY FRANK H. SIMONDS REVEALS HOW NECESSARY IT IS FOR THE GALLIC REPUBLIC TO HAVE STRONG FRIEND IN THE EAST TO OFFSET POSSIBLE TEUTON AMBITIONS IN THE FUTURE—BRITAIN'S POLICY AIMS FOR PEACE AND TRADE BUT LEAVES WAY OPEN FOR RENEWAL OF WAR.

"(By Frank H. Simonds.)

"The persistence of the upper Silesian trouble, the most disturbing single element in the European situation of the moment, should surprise no American observer of foreign affairs, for the simple reason that Poland, taking the larger question, of which the Silesian affair is only one of many phases, is, and will remain for the future, the gravest menace to European stability.

"It would be a mistake to charge the responsibility for this to the Poles themselves. In the last three centuries they have been almost habitually the victims rather than the authors of European disorder. Yet the fact remains that the situation in which the Polish race finds itself, its relation to its neighbors, and its importance to France in the new European adjustment combine to make it a source for future dangers even greater than that traditional eastern question, out of which arose the World War.

"Since this situation exists and will continue, there is reason for a brief examination of the Polish question as it now rises once more to trouble the world peace. Looking first at the general European situation one can perceive that, aside from Polish matters, there is gradually coming about an adjustment which might easily be of long duration. True, there remain many disputes between rival countries—disputes between the Italians and the southern Slavs over Adriatic frontages; between the Greeks and Italians over Albanian marches and Ægean islands; between the Hungarians and their several neighbors, who have taken from the Magyar State Provinces which contain Rumanian, Slovak, and Serbo-Croat majorities. There is a Bulgarian question for Serb, Rumanian, and Greek alike. There is a Turkish question for the Greeks.

"FRONTIER PROBLEM OF AUSTRIA LOOMS IN CENTRAL EUROPE AGAIN.

"Looking at the center of Europe, there is the familiar problem of Austria, which is seeking by almost daily demonstration to arrive at union with Germany. The new Bohemian State, too, has a German minority which accepts with ill grace incorporation in the Czecho-Slovak Nation. In a word, all around the edges of the new countries or the newly expanded small States there is friction. There may be readjustments, but time alone can bring about real stability. Yet, aside from the Austrian issue, conditions are plainly approaching a condition of stabilization. The several treaties, the arrangements between small countries, these give solid bases for hope.

"Moreover, when one looks at the larger States the situation is even more promising. Italy has at last established her guards on the crests of the Alps from Fiume to the Swiss frontier. Italia irredenta, that source of many wars in the last century, has disappeared as an issue. If there are now Slav and German majorities within Italian frontiers, as the recent election showed, their claims do not now constitute a European menace. The treaty of Rapallo between the Jugo-Slav and the Italians has been accepted on both sides of the new frontier and has brought an end to intrigue by Italy and unceasing threat by Slav.

"As to France, she has returned to the Rhine, and, with the reconquest of the 'Lost Provinces," has, like Italy, parted with an issue which has been in the back of all French minds ever since the treaty of Frankfort. Real peace between Germany and France was impossible while Germany held Strassburg and Metz.

"To be sure, there is the German hope of reconquest, but one may take present German threats with a grain of salt. Seated on the Rhine and the Saar, France has an immensely fencible frontier. To attack, Germany must now invade not alone through Belgium but also through Holland, as some of her generals urged in 1914, and this means adding Dutch and Belgian armies to French and almost inevitably insures the reappearance of Britain on the Continent. Even the Saar Basin, which is a thorny problem, can be disposed of when the hour arrives, 13 years hence, without necessarily constituting a cause for war.

"PARIS SETTLEMENT SHOWS A GAIN IN WEST AND SOUTH DESPITE OUTCRY.

"The simple fact is that the geographical settlements of the Paris conference in the west and south, despite all the outcry which they have occasioned, represent a gain for European order as well as for racial integrity. Certainly economic adjustments between the succession States of Austria are essential, must come, but, deduction again being made for Austria, reasonable solutions are not impossible. Accepting for the moment the view that the reparations issue has passed out of the debate, European peace would seem probable were the western obstacles alone to be considered.

"But it is at this moment that the Polish question takes on its true significance. We may believe that Germany, in the end and with reluctance, might accept the Alsace-Lorraine decision of the treaty of Paris because the present and the future dangers of challenging it are enormous, and would not impossibly bring Germany again into collision with the nations which defeated her in the recent war, all of whom have a debt of honor to France, so far as the question of Alsace-Lorraine is concerned. We may believe that the western frontier of Germany would be accepted by Germans as well as by Frenchmen and Belgians, just as it seems probable that what constitutes the natural frontiers of Italy will stand the test of time.

"But can any German accept the Polish settlement? Let us concede at once that this settlement, so far as it has been made, represents an injustice to the Poles rather than to the Germans. The partition of Poland, engineered by Frederick the Great, was one of the supreme political crimes of all history. The steady colonization of Germans on territory which was clearly Polish has represented only the second step in the wrong done the Polish people. If upper Silesia in whole or in part is retained by Germany, more Poles will still live under German rule than Germans within the frontiers of the new Polish Republic.

"But this does not in the least change the fact that the treaty of Paris cut Prussia in half. It separated East Prussia from the main mass of the old Hohenzollern monarchy, thrusting the notorious Danzig 'corridor' northward. In giving the Poles Posen, a Province in which the Slav majority was over-

whelming, the Paris conference made Berlin almost a frontier city. Granted that only a portion of the Silesian mineral fields fall to Poland ultimately, Germany will lose a considerable source of wealth and a portion of her resources for modern war, which is founded upon coal and iron beyond all else.

"Every German statesman from Frederick the Great onward has spoken of all other problems of his country as minor by comparison with the Polish question. To believe that sixty or seventy millions of Germans will permanently endure a situation in which their country is divided by the Danzig strip, will accept the loss of Danzig, Posen, Thorn, Bromberg, to say nothing of other lands that may be lost in upper Silesia, is to believe what is on the face of it impossible. Moreover, whatever be the expansion of Poland in the next two or three decades, whatever the gain in consolidation and reintegration, Poland can not hope to be a match for the Germany which must presently become again a world power.

"In this situation the French policy makes itself felt. France, too, with a prospective 40,000,000 of people a few decades hence, can not resign herself to impotence in the presence of a Germany of 70,000,000, setting out on a new career of conquest, with Poland as the first objective and the whole of middle Europe as an attractive artichoke, to be eaten leaf by leaf. Granted that the restored Germany might long delay an attack in the west, given its dangers, the time might well come even there when even British intervention would have no peril, no threat for a Germany expanded to cover all the lands between the Vistula and the Rhine and between the Baltic and the Black Sea.

"Following 1870, French policy sought and found in the Russian alliance the only possible counterweight to German menace. France could not then stand alone against Germany; she can not to-morrow. The British alliance will not suffice, for Britain does not and will not maintain an army based upon conscription. In 1914 Britain could get only four divisions to Mons in August, she had but six at the Marne in September, and the seventh did not reach Belgium until October. This small but infinitely precious reenforcement, moreover, was not sufficient to bridge the gap between German and French effectives.

"It was the Russian offensive in East Prussia, not the British divisions, which saved France at the Marne, by compelling the Germans to send two corps and a cavalry division east before the decisive battle. To-day, with Russia gone, France must still seek an eastern ally, and that ally is, in the nature of things, Poland. With 30,000,000 of people, with a system of conscription, with an army trained under French direction, Poland can supply the numbers essential to insure French safety, to take off enough of the German mass to enable France to make good the Rhine barrier at the very least.

"There, after all, is the naked truth of the new European situation. French safety depends upon Polish strength. If France is to be insured against a new German menace, that insurance must be found in Poland. But to obtain the Polish insurance France is bound to lend all her assistance to the Poles; she must stand with them against the Russians, as she did in the crisis of last summer, when Weygand and Jusserand went to Warsaw; she must stand with them in upper Silesia. Every ounce added to the weight of Poland is an ounce taken off the burden of France on her own frontiers when Germany regains her strength.

"But—and the fact is capital—Germany can not and will not accept the Polish settlement. If an accident of war should bring an American defeat, and as Zimmermann in his notorious proposal suggested, California, New Mexico, Texas, and Arizona should be returned to Mexico, can anyone imagine the American Nation accepting the decision? I am not suggesting the situations are intrinsically identical. Polish rights to Posen, West Prussia, and upper Silesia are something far more solidly founded on present ethnic conditions than the Mexican title to certain American States, but the German feeling in the present situation is precisely what the American would be in the instance I have suggested.

"Prussia remains the dominant factor in Germany and will remain. The greatness of Prussia was founded on the seizure of Silesia and the partition of Poland. Berlin, the Prussian as well as the German capital, is an open city barely a hundred miles from the new Polish boundary posts. East Prussia is divided from Pomerania by the Danzig corridor, and Danzig, one of the truly great German cities, is lost to Germany, while Konigsberg, which has a peculiar hold upon Prussian sentiment, is to-day the capital of an enclave in Slav territory.

"Now, British policy, as contrasted with the French, has always looked at the question of peace. France has sought and seeks security. Britain, secure within her islands, aims at such adjustments in Europe as will avoid any war, and, above all, any war which may affect Britain. A century and a quarter ago British policy consented to the last partition of Poland because it was a detail in obtaining Prussian and Austrian assistance in the war against the French Revolution, which was a menace to British security. At Paris two years ago Britain was ready to make any sacrifice of Polish interests to avoid the certainty of a later German challenge to the Versailles settlement.

"The American must clearly grasp the essential difference in objective of the Briton and of the Frenchman to see the truth in the latest European affair. Britain desires to avoid another continental war, so perilous to her commerce and her industry. In any war between Germany and France she would almost inevitably be dragged in, as she was before, because a victorious Germany at Calais and Antwerp would be a deadly peril for her. But such a war is almost inescapable if Poland be erected into a State, occupying most, if not all, of the truly Polish lands which were stolen by the Prussians under Frederick the Great and have been held in political servitude and against the will of their inhabitants ever since.

"Recall British policy in the Balkans and the parallel is illuminating. The British under Beaconsfield were always ready to turn back Christian populations to Turkish butchers because British policy aimed at restraining Russian advance on Constantinople, and the Christian populations of the Balkans, being mainly Slavs, seemed to British eyes certain to become tools of Russian ambition. British policy in the Baltic to-day is quite like British policy in the Near East in the days of the Congress of Berlin.

"At Paris the British were ready and eager to make Poland the sacrifice essential to insure a going peace. They fought both the French and the Americans successfully, seeking reductions of the territories assigned to Poland, because they saw in such assignments the certainty of a later German war, which would involve the rest of Europe, almost ineluctably. And they were just as ready to sacrifice Poland to Russia when the Red armies approached Warsaw and European stability seemed endangered by the bolshevist invasion.

"French policy, on the contrary, supported the Poles in all cases, not primarily because there was a profounder French appreciation of the immiment justice of the Polish claims but because Poland was a factor, a vital factor, in French security. As for the Americans, they wandered between the two policies, on the whole seeking larger concessions for the Poles than were allowed, because Mr. Wilson adhered to his 14 points, of which self-determination was one of the nearest to his heart. In the end it was Lloyd-George who prevailed upon the President to reduce the Polish corridor and provide a plebiscite for upper Silesia, originally assigned to the Poles.

"To-day in upper Silesia, British policy follows the same course. It will necessarily continue to follow it. The more that is taken from Germany, irrespective of the moral claims of Germany to it, the more certain Germany is, when she becomes strong, to seek to recover the lost ground. But such an effort spells a new European war. Therefore, the British deem it the wise course to take as little as possible from Germany. Even the return of Alsace-Lorraine to France found British unofficial opposition before the armistice and finds present critics to-day for precisely the same reason.

"A week ago I dwelt upon the other phase of British policy, the desire to restrain France, become the greatest military power in Europe, the return to the traditional policy of the balance of power. This, too, is a dominating influence, but beneath all else lies the British instinct to avoid war by concessions, concessions which may sacrifice principle to practical considerations, but serve an obvious and unmistakable purpose.

"POLAND ALREADY HAS ENOUGH TO EXCITE GERMANY TO SEEK REVENGE.

"It remains true, however, and here is the source of much contemporary British criticism of French policy, that the solution which has so far been arrived at in the matter of Poland negatives all British purpose and wish. To be sure Poland has not acquired all that France, or even the United States, as represented by President Wilson, would have assigned to her at Paris. But she has enough to insure German pursuit of revenge, of a new European settlement. Her frontiers can be maintained against Germany, when Germany recovers, only by force and by the force of France as well as of Poland. Even this force will not in the long run restrain Germany from trying to regain what she has lost of her old stealings. And this means a new continental war.

"Take the British view from the British standpoint: Before and during 1914 Russia supported Serbia. Serbia was in dispute with Austria; the merits of the dispute are clear, but they

are unimportant. As a consequence of this dispute came the Sarajevo tragedy, the Austrian ultimatum, the decision of Russia to support Serbia, of Germany to back Austria, of France to remain faithful to her Slav ally. Then came the invasion of Belgium and finally Britain was driven into a war, which in its origins did not touch her at all—that is, in its apparent origins. While the question was Serbian, Sir Edward Grey manifested actual sympathy with the Austro-German case. While it was still Russo-German, he stood unmoved. Even when it became French half of his cabinet were cold. But becoming Belgian, it became British.

"Now here, beginning under British eyes, is a new condition quite comparable with the old. The British are not interested in the frontiers between Poland and Germany. They are not prepared to fight to sustain Poland, either against Germany or against Russia—just as the United States is not. But French policy makes an eastern policy a western question. If Germany acts against the Poles, France will move against the Germans. Germany can only fight France through Belgium, and in a moment we are back at all the old evil circumstances of the World War, with all its terrible consequences.

"REPETITION OF GREAT WAR MEANS DESTRUCTION FOR BRITAIN AND EUROPE.

"Put the thing very simply. The British want peace in Europe; peace because peace is essential to their own domestic existence, let alone prosperity, since the closing of the European markets brings ruin to British industry. To obtain that peace they are prepared to sacrifice Polish interests to Germany, just as they subordinated the interests of the small Balkan people to Turkish when Turkey was a vital factor in British foreign policy in the Near East. A continuation of present European unrest, a repetition of the recent war any time in the next century, means the ruin not alone of Europe but of Great Britain itself.

"The French, on their part, want security. This security can be obtained only by the construction and maintenance of a Poland sufficiently strong to bridge the wide and ever-growing difference between German and French population. France, therefore, must support and maintain all Polish claims which have a basis in right or a relation to French necessities in the matter of Germany. If Poland is crushed then France can no longer maintain herself against Germany, save as the British consent to an alliance and to an adoption of conscription—and the British will do neither.

"As for the Germans, they will not accept Poland as it has been constructed; they would not have accepted any Poland which contained territory once included within German frontiers, although stolen by Prussian sovereigns in the past. And Poland without such territory would be economically first and politically later the mere creature of Germany, which would hold the Danzig gateway to the sea and possess all the coal, or most of it, which is essential to the development of Polish industry.

"There, in a nutshell, is the real situation with respect of Poland and the truth about British and French policies. This is the chaos into which we Americans have just come after having stayed out of European discussions for many, many months. If you read British newspapers you find great and always increasing irritation with the French because of their championship of Poland. Stripped of all camouflage this means that Poland constitutes in British eyes a danger to world peace, a possible occasion for British participation unwillingly in a new world struggle. It is the fact of Poland that the British with their unerring instinct in foreign politics object to, because the fact of Poland constitutes the greatest single danger to European peace henceforth as far as one can see.

"Read the French newspapers, again eliminating all the portions of the articles which deal with moral and sentimental issues, and it will be seen that Poland is for France the cornerstone of the new Europe, and French resentment at British policy, which has been constant at the Paris conference and since, grows out of the fact that, for the French, Britain in her readiness to sacrifice Poland seems in reality to be sacrificing France.

"Actual European history to-day is beginning to revolve around a new pivot. New alliances are taking shape, new policies are coming to the surface, but most important of all political questions—accepting the reparations dispute as henceforth economic, which is a large assumption—is the Polish problem, of which the upper Silesian dispute is only a detail."

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6567) to amend section 407 of the transportation act of 1920, and it was thereupon signed by the Vice President.

BERNARD M. BARUCH.

Mr. DIAL. Mr. President, I desire to ask unanimous consent to have printed in the RECORD a short editorial from the Charleston News and Courier of South Carolina in regard to Mr. B. M. Baruch. I beg to state that Mr. Baruch was born in the State of South Carolina; his father was a distinguished physician there, was the president of the South Carolina Medical Society and chairman of the State board of health, and lived in our State many years. Dr. Baruch died last week, and in his death the Nation has lost one of its most distinguished physicians. Some time ago some one at the other end of the Capitol was unkind enough to make charges which we believe to be untrue and unfounded against Mr. B. M. Baruch. The editorial is a very clear and dignified refutation of those charges and sets forth the high esteem in which he is held in the South. It is very short, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston (S. C.) News and Courier, June 3, 1921.]

"MR. BARUCH CONFOUNDS HIS CRITICS.

"One of the meanest and lowest of the campaigns of slander which raged at Washington, and in lesser degree throughout the country following the war, was that which had for its object the tarnishing of the good name of Bernard M. Baruch, who had been one of the most able and influential of President Wilson's advisers in the prosecution of the war and in the making of peace. The vituperation directed against Mr. Baruch was fomented, there is every reason to believe, by the vicious political element which was bent upon destroying Woodrow Wilson at any price and which thought to do him harm by traducing Mr. Baruch.

"For months all sorts of outrageous falsehoods were whispered about as to Mr. Baruch's activities at Washington in such a way as to create deep and widespread prejudice against him, yet without offering him a chance to meet and refute these slanders, as he easily could have done. Mr. Baruch's bearing throughout this bitter experience has been admirable. He has not murmured or complained and has trusted confidently to time to do him justice. Usually it does, nor is Mr. Baruch's case to prove an exception. Most of the farmers and business men in the South who railed against him because they believed he had been responsible for the break in the price of cotton have found out their error, and there has just been placed in the CONGRESSIONAL RECORD a letter written by Mr. Baruch to Senator KENYON in which it is shown how false and malicious was the charge that Mr. Baruch had anything to do with fixing the price of copper, the story which his enemies rolled under their tongues.

"Few men in America did as notable war service as did Mr. Baruch, and the economic sections of the peace treaty which he helped frame have yet to be subjected to criticism. It is interesting to learn authoritatively that not only does the record show that Mr. Baruch had no part whatever in price fixing, but he gave up his own business absolutely from the time the war started, disposed of his every interest that might possibly have affected his activities in Washington, neither bought nor sold any stocks, bonds, or commodities, and paid every cent of his own expenses in Washington, at Paris, and in all his journeyings while engaged in Government service, including rent for his office and the salaries for his secretary and stenographer.

"It is a disgraceful thing that men like Bernard M. Baruch and Charles M. Schwab in their effort to serve their country patriotically should have had to encounter such outrageous and indecent attacks as have been made upon them. It is comforting, however, to feel that Jefferson was right in his conviction that only the truth has power to harm permanently."

INTERNAL REVENUE COLLECTION DISTRICTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of proposed legislation increasing the maximum number of collection districts for the collection of internal revenue from 64 to 74, which was referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. LA FOLLETTE presented a resolution of the Legislature of Wisconsin, which was referred to the Committee on Foreign Relations, as follows:

Joint resolution 41, relating to the recognition of the Irish republic by the Government of the United States.

Whereas for upward of 700 years the people of Ireland have asserted, through force of arms as well as through parliamentary procedure, their incontestable claim to a free and independent government to which the nationhood of Ireland entitles them, and through which they might secure to themselves those inalienable rights of life, liberty, and the pursuit of happiness which are inherent in all peoples; and

Whereas the people of Ireland, possessing all the attributes of nationhood, have set up within the confines of their own country an Irish republican government to which they have pledged their allegiance, and such government, known as the Irish republic and sanctioned by the ballot of a vast majority of the Irish people, now is functioning as a de facto government and is, in fact, the only government recognized by the Irish people; and

Whereas for upward of 100 years it has been the settled policy and principle of the United States of America to acknowledge any government to be rightful which is founded by the will of the nation substantially declared; and

Whereas the people of the State of Wisconsin, firm in the conviction that the principle of self-determination in government extends to every nation whose people are united by common political ideals and that the people of Ireland are so united, believe that the Government of the United States, without violating any of the practices or usages of international law and without giving any other nation just cause for ill-will, can and should do everything in its power, consistent with its own principles and traditional policy, to encourage the recognition of Ireland as a free and independent republic: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature voicing the sentiment of the people of the State of Wisconsin, urges and requests the President of the United States, acting for and on behalf of the Government of the United States, by proclamation or in such other manner as may be proper, to formally recognize the Irish republic as a free and independent nation; and be it further

Resolved, That a copy of this resolution, properly engrossed and authenticated, be forwarded to the President of the United States, to the Secretary of State of the United States, to the presiding officers of both Houses of Congress, and to each of the United States Senators and Representatives from Wisconsin.

GEO. C. COMINGS,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
RILEY S. YOUNG,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE also presented a resolution of the Legislature of Wisconsin, which was referred to the Committee on Finance, as follows:

Joint resolution 44, memorializing the Congress of the United States not to repeal the excess profits and surtax laws and not to pass the sales tax law.

Whereas a concentrated effort is now being made to induce the Congress of the United States to repeal the excess-profits tax as well as the surtax; and

Whereas the main reason given for such repeal is that such taxes tend to cause men of wealth to invest their money in tax-free municipal bonds and securities instead of in business enterprises; and

Whereas it is a well-known fact that public improvements of all kinds were postponed during the war and that municipal corporations are now anxious to secure needed money with which to construct many needed public improvements; and

Whereas it is highly desirable that municipalities, in order to construct public improvements, be enabled to borrow money at reasonable rates of interest, which can be done when municipal securities are tax free, thereby helping to keep down the burden on the taxpayer and also give work to the thousands who would otherwise be idle because of industrial depression; and

Whereas neither of the taxes attempted to be repealed will affect the business man who does not make excessive profits, while they will affect the business man who is opposed to a return to normal business conditions and who desires to maintain high selling prices and excessive profits: Therefore be it

Resolved by the assembly (the senate concurring), That the Congress of the United States be, and is hereby, requested not to repeal either the excess profits tax law nor the surtax law; and be it further

Resolved, That Congress is hereby requested not to adopt the so-called sales tax law or any other law which will shift the burden of taxes from higher incomes and excess profits to the consumers; and be it further

Resolved, That a copy of this resolution be transmitted to the two Senators and the Congressmen from this State.

GEO. C. COMINGS,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
RILEY S. YOUNG,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE also presented a resolution of the Legislature of Wisconsin, which was referred to the Committee on Commerce, as follows:

Joint resolution 23, memorializing the Congress of the United States to enact such legislation as may be necessary to construct, erect, build, and maintain a bridge across the Mississippi River between the city of Prairie du Chien, in the State of Wisconsin, and the cities of McGregor and Marquette (North McGregor), in the State of Iowa.

Whereas the Mississippi River is a navigable stream constituting the boundary between the States of Wisconsin and Iowa, and there being no highway bridge of any description between the cities of Dubuque, in the State of Iowa, and La Crosse, in the State of Wisconsin, a distance of more than 120 miles; and

Whereas the cities of Prairie du Chien, McGregor, and Marquette (formerly North McGregor) are just halfway between the cities of Dubuque, in the State of Iowa, and La Crosse, in the State of Wisconsin, and are situated approximately 60 miles north of Dubuque, Iowa, and 60 miles south of La Crosse, Wis.; and

Whereas State highways Nos. 19, 27, and 60 of the State of Wisconsin have western termini at the city of Prairie du Chien, in the State of Wisconsin, and State highway 19, of the State of Iowa, has its eastern terminus at McGregor and Marquette (North McGregor), in the State of Iowa, and there being no bridge connecting such highways; and

Whereas there are thousands of automobilists, tourists, and interstate travelers annually going and coming from the eastern part of Wisconsin and other States to the east of Wisconsin, traveling westerly upon the above-designated highways across Wisconsin and Iowa and other States to the West of Iowa and vice versa; and

Whereas public necessity demands a highway bridge at these points to serve the interests of the public in traveling from one State to the other: Therefore be it

Resolved by the assembly (the senate concurring), That the members of the Legislature of the State of Wisconsin do hereby petition and earnestly pray the Congress of the United States to enact such legislation as may be necessary to construct, erect, build, and maintain a bridge across the navigable waters of the Mississippi River between the cities of Prairie du Chien, in the State of Wisconsin, and McGregor and Marquette (North McGregor), in the State of Iowa.

Resolved further, That a copy of this memorial, properly attested by the presiding officers and chief clerks of both houses, be forwarded by the secretary of state of Wisconsin to the Senate and House of Representatives of the United States, and to our Senators and Representatives in Congress.

C. B. BIRD,
President of the Senate Pro Tempore.
O. G. MUNSON,
Chief Clerk of the Senate.
RILEY S. YOUNG,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. TOWNSEND presented a resolution of the Legislature of Michigan, which was referred to the Committee on Foreign Relations, as follows:

STATE OF MICHIGAN,
FIFTY-FIRST LEGISLATURE.

Senate concurrent resolution 4, relative to conditions in Mexico.

Whereas there has existed in the past in our neighboring Republic of Mexico a period of revolution, bloodshed, and misunderstanding in which life, liberty, and commerce were at all times in jeopardy; and

Whereas in an election recently held in that Republic there was elected to the Presidency the most honorable Gen. Alvara Obregon, a man of the people, who has devoted himself most vigorously to the task of bringing order out of chaos; and

Whereas President Obregon enjoys the entire respect, confidence, and whole-hearted backing of all classes of his countrymen; and

Whereas a new era of peace, prosperity, and friendly relationship has been brought about by His Excellency President Obregon; and

Whereas the people of the great State of Michigan are overjoyed at the splendid manner in which President Obregon is directing the affairs of his country, and therefore the State of Michigan joins her sister States in a formal expression of friendship to the people of Mexico, and commendation and confidence in President Obregon: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Legislature of the State of Michigan declares itself to be most pleased with the election of, and the administration by, President Obregon, and takes pleasure in congratulating the people of Mexico upon the new era of peace and prosperity, and particularly for the friendly relationships which have been established; and be it further

Resolved, That the secretary of the senate and the clerk of the house of representatives are hereby directed to forward copies of this resolution to the President of the Senate of the United States and the Speaker of the House of Representatives, and to each of Michigan's Senators and Representatives in Congress; and be it further

Resolved, That the secretary of the senate and the clerk of the house of representatives be, and are hereby, directed to send to President Obregon a copy of this resolution.

Adopted by the senate June 2, 1921.

DENNIS E. ALWARD,
Secretary of the Senate.

Adopted by the house of representatives June 2, 1921.

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. WARREN presented a letter in the nature of a memorial of James A. and Minnie M. Crawford, of Alcova, Wyo., remonstrating against a proposed tariff of $10 per ton on amorphous graphite, which was referred to the Committee on Finance.

Mr. LODGE presented a resolution adopted at the convention of the Massachusetts State Court, National Order of the Daughters of Isabella, at Boston, Mass., May 23, 1921, favoring the recognition by the United States of the republic of Ireland, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a resolution of the Blair County Medical Society, of Altoona, Pa., opposing the sale of beer as a medicine, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a petition of sundry citizens of Geneva, Ohio, praying for the enactment of legislation to prevent gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented a petition of sundry citizens of Lubbock County, Tex., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

Mr. KEYES presented a petition of the annual convention of District No. 4, of the Hillsborough County Sunday School Association, of Hudson, N. H., praying for the enactment of the so-called Towner-Sterling educational bill, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Nashua, N. H., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of sundry citizens of Milford, N. H., favoring the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

Mr. McLEAN presented a resolution of the New Haven Musical Protective Association, of New Haven, Conn., requesting that the War Department be authorized to make the Army band a separate unit of company, so that the bandmaster would be in full command, etc., which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at a meeting held May 23, 1921, of the Woman's Club of Greenwich, Greenwich, Conn., favoring the calling of an international conference looking toward the reduction of armaments, which was ordered to lie on the table.

He also presented a petition voted at the regular service Sunday morning, May 29, of the pastor and congregation of the Hill Church, of Woodstock, Conn., praying that Congress take immediate action to bring the influence and power of the Government to bear to prevent the impending tragedy in the Near East, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the New Haven County League of Agricultural Fairs, of New Haven, Conn., favoring the enactment of legislation imposing a tariff duty on poultry and poultry products, which was referred to the Committee on Finance.

He also presented a petition of William H. Murray, chairman, Organization United National Association of Post Office Clerks, of New Haven, Conn., praying for the enactment of the so-called Steenerson bill providing for the restoration to the "special clerkship" grade of all clerks who were demoted by the Post Office Department's ruling of June 20, 1920, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Freja Lodge, No. 17, International Order of Good Templars, of Hartford, Conn., praying for the enactment of legislation to strengthen the Volstead prohibition enforcement act, which was referred to the Committee on the Judiciary.

He also presented resolutions of Russell Council, No. 65, Knights of Columbus, of New Haven; Division No. 1, Ancient Order of Hibernians, of Torrington; Division No. 3, Ancient Order of Hibernians, of New Haven; and Padriac Pearse Branch, Friends of Irish Freedom, of Torrington; all in the State of Connecticut, favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution of the Women's Auxiliary, American Legion, of Sabetha, Kans., favoring the enactment of legislation providing adequate relief for disabled ex-service men, which was referred to the Committee on Finance.

He also presented six petitions of sundry citizens of Lorraine, Haven, Wichita, Colwich, Mount Hope, Minneola, Wheaton, Frankfort, Concordia, and Bigelow; sundry members of Hackberry Farmers' Union No. 1392, of Hackberry; Lamoreaux Local No. 1961, Farmers' Educational and Cooperative Union of America, of Stafford; and Local No. 1770, Farmers' Union, of Stanley, all in the State of Kansas, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. KENDRICK. Mr. President, I present a petition numerously signed by citizens of Wheatland and Lakeview, Wyo., favoring early action by Congress upon the Capper antigrain gambling bill, which I move be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

FERTILIZER IN INTERSTATE AND FOREIGN COMMERCE.

Mr. FLETCHER. I present a resolution transmitted by the commissioner of agriculture of the State of Florida with reference to a bill which is now before Congress regulating the shipment of fertilizer in interstate and foreign commerce. I ask that the resolution may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Whereas it has come to the attention of the commissioners of agriculture of the Southern States that a bill has been introduced in Congress "to regulate the sale and shipment of fertilizer in interstate and foreign commerce, to prevent the adulteration and misbranding thereof, and for other purposes": Be it

Resolved, That we, the undersigned commissioners of agriculture, protest against the passage of this measure for the following reasons:

First. It may cause unnecessary duplication of work, as the States themselves have fertilizer laws that amply protect the public.

Second. The individual States have different fertilizer laws and regulations which amply protect the public, and against which the proposed Federal law would come into conflict and cause endless confusion.

Third. The commissioners believe that the existing State laws governing the manufacture and sale of fertilizer have been well worked out to meet the needs of the different States, and that these amply protect the public of these States and prevent adulteration and misbranding and fill all requirements.

W. A. McRAE,
Commissioner of Agriculture, State of Florida.

TALLAHASSEE, FLA., *June 2, 1921.*

BELLEAU AND BELLEAU WOOD.

Mr. OVERMAN. Mr. President, this is the anniversary of one of the greatest events in history in its far-reaching effect. The German Army had made its great and wonderful drive, and it seemed that our Christian civilization was about to be destroyed. Victory was about to perch on the German banners. Amiens, France, was about to be captured and the English Army and the French Army were about to be divided by reason of this wonderful drive. If these two armies had been separated and Amiens taken, the result of the war would probably have been different. Gen. Foch was given command of the troops of the allied and associated powers, and he selected the American troops to enter the fight for the great wedge that saved Paris and stopped the German drive, which was the beginning of the end of this Great War. After this the Germans never won a victory or made another drive. It was on that day at Belleau Wood when 2,000 American soldiers, our heroes, fell in battle and are now buried there.

A number of patriotic women of the United States have formed themselves into an association for the purpose of rebuilding the little village of Belleau, which the American troops were compelled to destroy in order to reach their objective, and it is to be reconstructed as a monument to the 2,000 patriotic, heroic dead who sleep there.

I ask unanimous consent to have printed in the RECORD a memorandum of this great event that really stopped the German drive and saved civilization, won the victory, and won the war.

I desire at the proper time to call to the attention of the chairman of the Committee on Appropriations the request that the president of this association be given the privilege, hardly ever accorded, of franking, in order that they may send letters to the patriotic people of the United States for the purpose of securing contributions and subscriptions to this splendid effort that is to be made. That is something unusual, but I think, inasmuch as they are asking for no appropriation, we ought to grant this privilege to the patriotic women. Therefore, in order that this may be thoroughly understood, I ask that the memorandum which I present may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorandum was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

"In the American Military Cemetery near Belleau and Belleau Wood lie 2,000 American soldiers and marines. They represent the First, Second, Third, Fourth, Eighth, Twenty-sixth, Twenty-eighth, Thirty-second, Thirty-sixth, Fortieth, Forty-first, Forty-second, Seventy-sixth, and Ninety-third Divisions, all of which fought gloriously in the cause of civilization in those fateful days of June and July, 1918.

"The actual deeds of the troops of the Second and Third Divisions during the fighting in June to check the last German rush toward Paris are beyond praise. But their moral significance and their moral influence on the war were so far-reaching and profound that they take rank with the important military events of history.

"On the 21st day of March, 1918, the Germans made their great drive against the British Fifth Army. The collapse of Russia had made it possible for the enemy to mass 65 additional divisions on the western front. The Allies must be crushed before the Americans should come. The great drive nearly split apart the French and British Armies at Amiens. On the 9th of April another terrible blow fell at Armentieres. At this time only 300,000 American troops were in France. But they were coming fast. By the end of May they had risen to 600,000, when the third German offensive came on May 27. This third blow was the great rush from the Aisne to the Marne. Gen. Pershing had offered the American Army to Marshal Foch. The time had come to use it. The enemy pressed on to Chateau-Thierry and seemed on the point of breaking through to Paris and victory. The Second Division was in reserve northwest of Paris. 'It was rushed to the vicinity of Meaux on May 31, and early in the morning of June 1 was deployed across Chateau-

Thierry road near Montreuil-aux-Lions in a gap in the French line, where it stopped the German advance on Paris. At the same time the partially trained Third Division was placed at French disposal to hold the crossings of the Marne, and its motorized machine-gun battalion succeeded in reaching Chateau-Thierry in time to assist in successfully defending that river crossing.'

"The enemy having been halted, the Second Division commenced a series of vigorous attacks on June 6, which resulted in the capture of Belleau Wood and Bouresche by the marines, and Vaux by the Third Infantry Brigade after very severe fighting. In these operations the Second Division met with most desperate resistance by Germany's best troops.

"Many hearts were filled with terror as the German avalanche thundered on through the Aisne and Marne to Chateau-Thierry and threatened Paris. The news of the performance of the Americans in this crisis ran like an electric shock of encouragement and hope throughout the allied armies and civil population. Corresponding dread and apprehension filled the German hosts. The Americans had come. The Americans could fight. The Americans could hold the best and bravest of the German armies, pin them where they stood, and overthrow them. German prisoners taken from raids hundreds of miles from the scene of the fighting knew the result. By the rapid grapevine of army rumor the news had traveled as if by telegraph. The tidal wave of American intervention had begun to gather. The enemy knew in his heart that it was the beginning of the end; that the final reserve of outraged civilization had been brought to bear; and that overwhelming disaster awaited him.

"On July 15 came the last great German offensive. The German masses met a disastrous repulse in the Champagne and south of the Marne, where the Thirty-eighth Infantry of the Third Division earned the title of 'the Rock of the Marne.' On July 18 Marshal Petain, under directions from Marshal Foch, assumed the offensive, victoriously attacking with the First and Second American Divisions and the First French Moroccan Division the flank of the enemy line southwest of Soissons, and repeatedly attacking with American divisions the enemy forces during their retreat from the Marne to the Vesle. In this advance the town of Belleau was captured by the Twenty-sixth Division.

"Let us not forget those fateful days of June and July. Therefore the Belleau Wood Memorial Association, with headquarters in Washington, D. C., has been formed with the approbation of the President of the United States, the Secretary of War, and Gen. Pershing to honor and perpetuate the memory of these men and to erect near the spot where they made the great sacrifice a memorial to their memory.

"It was felt in these days of dire need and suffering that the most suitable memorial would be a useful one. Close by the cemetery of Belleau lies the little village bearing the same name. It is the work of this association to rebuild this little village of Belleau near where so many Americans died that France and civilization might live. The living and the dead of the American Expeditionary Forces made possible the rebuilding of France. The rebuilding of this little village will be a symbol of that great historic fact."

Mr. LODGE. Mr. President, I desire to say only a few words, supplementing what has been so well said by the Senator from North Carolina.

This is the anniversary of the great fight at Belleau Wood, or one of the days of fighting there. It was one of the bloodiest fields of the whole war. The Second Division and the Seventh Infantry of the Third Division were engaged in the attack upon Belleau Wood, and the wood and the hill itself now bear the name of the American marines, whose losses there were very heavy. The Second Division and the Seventh Infantry were relieved at the northern end of the wood by the Twenty-sixth Division, a New England division, which began the counter offensive on July 18 from these positions.

There is hardly a State in the Union that is not represented in the little cemetery of the dead near the wood. Indeed, I think every State is represented there. From my own State there are 200 Massachusetts dead buried there. It was part of a very great battle, one of the greatest of the war. Indeed, there and at Chateau-Thierry was the turning point, when the offensive passed into the hands of the allied and associated powers, including, of course, the United States.

There is an effort being made by patriotic women to restore the little village of Belleau, which is in the immediate neighborhood of the wood. There were four villages there completely destroyed. I can only say that it is one of those objects with which everyone must feel the deepest sympathy. I am very glad the Senator from North Carolina has had printed this account of the work, and I hope that the women who are engaged in it may receive every possible encouragement. They are raising the funds by private subscription. It is one of the most memorable battles of the war, and it is one where the loss of American lives was particularly great. It ought to be commemorated by a memorial, and there is no better part for a memorial than the restoration of the little village which went to destruction under the fire of the contending armies.

REPORTS OF COMMITTEES.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 252) to amend an act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," reported it with amendments and submitted a report (No. 93) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (S. 745) to amend section 24 and section 256 of the Judicial Code, reported it with an amendment, and submitted a report (No. 94) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 982) for the relief of Louisa Frow, reported it with an amendment and submitted a report (No. 95) thereon.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, reported it with amendments and submitted a report (No. 96) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 1675) to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act, reported it with amendments and submitted a report (No. 97) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 1956) for the relief of J. V. McLea; to the Committee on Claims.

By Mr. NICHOLSON:

A bill (S. 1957) to establish a department of mines, and for other purposes; to the Committee on Mines and Mining.

By Mr. McNARY:

A bill (S. 1958) for the relief of estates of Edwin G. Scott, Clyde R. Dindinger, and Ralph R. Fraley; and

A bill (S. 1959) for the relief of Hilbert Edison and Ralph R. Walton; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 1960) providing for an additional judge for the northern district of California; to the Committee on the Judiciary.

By Mr. McKINLEY:

A bill (S. 1961) for the relief of the United Breweries Co., of Chicago, Ill.; and

A bill (S. 1962) for the relief of Archibald A. Rice; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 1963) to carry out the findings of the Court of Claims in the case of Velma C. Williams, administratrix of the estate of Paul Curtis, deceased, against the United States; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 1964) granting a pension to Lillian M. Woodard (with an accompanying paper); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 1965) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, and for other purposes; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 1966) granting a pension to Mabel S. Lawrence (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 1968) to regulate and license itinerant vendors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BALL:

A bill (S. 1969) to define and punish vagrancy in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

A bill (S. 1970) granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River, at or near Pettis Bridge, on State highway No. 8, in said counties and State; to the Committee on Commerce.

A bill (S. 1971) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy and Public Health Service hospitals; to the Committee on Civil Service.

A bill (S. 1972) to amend section 4041, Revised Statutes, enabling the Postmaster General to forbid payments of postal money orders in connection with the exclusion of fraudulent devices and lottery paraphernalia from the mails;

A bill (S. 1973) to amend section 213, act of March 4, 1909 (Criminal Code), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia;

A bill (S. 1974) to amend section 215, act of March 4, 1909 (Criminal Code), penalizing fraudulent use of the mails; and

A bill (S. 1975) to amend section 3929, Revised Statutes, relating to exclusion of fraudulent devices and lottery paraphernalia from the mails; to the Committee on Post Offices and Post Roads.

By Mr. CAPPER:

A bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906; to the Committee on the District of Columbia.

By Mr. BALL:

A bill (S. 1977) relating to hotel charges in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HARRIS:

A bill (S. 1978) granting to the State of Georgia the Point Peter Military Reservation, to be used by the State of Georgia as the site for a proposed public warehouse; to the Committee on Military Affairs.

PROPOSED MILITARY RESERVATION AT YORKTOWN, VA.

Mr. KELLOGG. Mr. President, I introduce a bill providing for the creation of a military reservation or park at Yorktown, Va.

The bill (S. 1967) declaring the battle field of Yorktown a national military park upon the acquisition of the site at a cost not exceeding $100,000 was read twice by its title.

Mr. KELLOGG. I ask unanimous consent of the Senate to make a brief explanation of the bill.

The VICE PRESIDENT. There being no objection, the Senator from Minnesota will proceed.

Mr. KELLOGG. Mr. President, I listened with interest to the remarks of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Massachusetts [Mr. LODGE]. I think the object to be attained, as favored by them, is a splendid and patriotic one. I visited the battle field of Belleau Wood last year and saw the absolute desolation of its ruined village near the beautiful cemetery which lies at the foot of the wood where so many American lives were sacrificed. I think that battle should be commemorated as a great event in the history of the world; but, Mr. President, I am proposing by the bill which I have introduced that Yorktown be preserved and made a military reservation. The committee on the preservation of historic spots of the Daughters of the American Revolution, headed by Mrs. Morris, of Minneapolis, have caused a survey to be made and have prepared this bill for introduction in order that we may preserve what there is left of this great historic battle field.

I wish to call the attention of the Committee on Appropriations to the fact that a small appropriation is asked in order that that battle field may be acquired. There is now situated upon this battle field a small village, I believe, consisting of only about 120 people.

The fortifications were built by Cornwallis, and were great fortifications in that day, but they are being plowed under, shoveled down, and destroyed, and soon this historic spot will be a complete ruin.

Let me remind the Senate that while we have six or seven great military reservations commemorating the battle fields of the Rebellion, such as Gettysburg, Antietam, Chattanooga, and others, we have only one, at Guilford Court House, N. C., commemorating the great war for our independence.

Many historic battles were fought during that great struggle, but on the battle field of Yorktown culminated the war for our liberties, and yet there is no reservation to mark and preserve that spot which has been sanctified by the blood of American patriots.

We talk about the "cradle of American liberty" and the "birthplace of the Nation," but the Nation was born at Yorktown. The conflict which there took place marked the close of the historic struggle which made possible this Union, which lifted its light into the Western skies.

It is well for us to preserve these historic spots, to renew our allegiance, and to draw inspiration from these battle fields in order that we may remember the principles upon which the Republic is founded. In this day when the world seems to be chasing strange gods and following strange doctrines which are so at variance with the principles for which our race struggled for generations, I think it is well for us to return and to draw inspiration from these battle fields, and there is no more historic spot in the United States than that at Yorktown. The ladies who comprise the membership of the Daughters of the American Revolution are entitled to great credit for their work in this behalf, and I hope the Committee on Appropriations will give the bill immediate attention.

The VICE PRESIDENT. Does the Senator desire to have the bill referred to the Committee on Appropriations?

Mr. KELLOGG I have been informed that bills carrying appropriations must be referred to the Committee on Appropriations. In the House a bill similar to that which I have introduced was referred to the Committee on Military Affairs.

The VICE PRESIDENT. The Committee on Military Affairs handles military appropriations.

Mr. KELLOGG. I ask to have the bill referred to the Committee on Military Affairs.

Mr. WADSWORTH. Mr. President, the bill introduced by the Senator from Minnesota belongs to the Committee on Appropriations. It involves the purchase of land.

Mr. OVERMAN. Mr. President, I should like to say to the Senator from Minnesota that the bill which provided an appropriation to establish the reservation at Guilford Court House was referred to the Committee on Appropriations, and I presume the bill introduced by the Senator from Minnesota would follow the same course.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Appropriations.

AMENDMENTS TO ARMY APPROPRIATION BILL.

Mr. STERLING submitted an amendment providing that the Secretary of War be authorized, upon request of the Secretary of the Treasury, to transfer all buildings, equipment, and grounds at Fort Meade, S. Dak., to the Treasury Department for the purpose of furnishing hospital facilities for sick and disabled veterans of the World War, intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and to be printed.

He also submitted an amendment intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 52, at the end of line 3, add the following proviso:

"*Provided further*, That the following proviso, relating to medical and hospital services in the Bureau of War Risk Insurance, to wit:

"'*Provided*, That no part of the money hereby appropriated shall be used for the payment of commutation of quarters, subsistence, and laundry or quarters, heat and light, and longevity to any employee, other than the commissioned medical officers provided for by statute,' contained in the act approved March 4, 1921, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," be, and the same is hereby, repealed.'"

PUNISHMENT OF SEDITIOUS ACTS.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, which was ordered to lie on the table and to be printed.

PROPOSED JUDICIAL INVESTIGATION.

Mr. STERLING submitted the following concurrent resolution (S. Con. Res. 5), which was referred to the Committee on the Judiciary:

Resolved by the Senate (the House of Representatives concurring), That a joint commission is hereby created which shall consist of six Senators to be appointed by the President of the Senate and six Representatives to be appointed by the Speaker of the House of Representatives, to consider such legislation in relation to the courts of the United States, the procedure therein and the judges thereof, as would tend to improve the administration of justice, and to report to the Congress a bill to carry the recommendations of the joint commission into effect.

WAR-RISK INSURANCE POLICIES.

Mr. WALSH of Massachusetts. I present a resolution and ask that it be read, and, in view of the fact that it simply seeks information of a public character, I ask unanimous consent that it may be considered and acted upon at this time.

Mr. SMOOT. I ask that the resolution be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 84) was read, as follows:

Resolved, That the Secretary of the Treasury is authorized and directed to report to the Senate as soon as practicable the following information:

1. How many Government war risk insurance policies have been issued prior to May 1, 1921, under the provisions of the act entitled "An act to authorize the establishment of a bureau of war risk insurance in the Treasury Department"?
2. How many Government war risk insurance policies were effective and in force on November 11, 1918?
3. How many, if any, Government war risk insurance policies were issued between November 11, 1918, and May 1, 1921?
4. How many of the Government war risk insurance policies that were effective and in force November 11, 1918, lapsed between November 11, 1918, and May 1, 1921?
5. How many of the Government war risk insurance policies that lapsed after November 11, 1918, have been reinstated under the provisions of existing laws?
6. How many who held Government war risk insurance policies and whose policies have lapsed, have actually applied for reinstatement but have not been reinstated on the ground that the applicant was not in as good health as at the date of discharge from service or at the expiration of the grace period of his insurance?
7. In how many cases where, after reinstatement of insurance and the policy became due by reason of the death of the insured, has payment been refused for the reason that the purported reinstatement was invalid?

Mr. WALSH of Massachusetts. Mr. President, briefly, the resolution seeks to secure information in regard to the extent to which Government war-risk insurance policies have lapsed. It also seeks to get information as to how many former service men have been refused reinstatement because of the poor physical condition which the applicant has developed since the date of discharge from service. I have been very much surprised to learn that in the case of many ex-service men whose original policies had lapsed but were subsequently reinstated, although premiums were paid for a period of time, payment of the principal sum named in the policy was refused at the time of death because of information which had come to the Government that the reinstatement was invalid by reason of the poor health of the applicant for reinsurance at the time of his reinstatement. I think it would be very beneficial and helpful in preparing the way for future possible legislation to have the whole history of the extent to which war-risk insurance policies have lapsed; and that is all the resolution seeks to accomplish.

Mr. SMOOT. Mr. President, I notice that one of the subdivisions of the resolution calls for information as to the number of insurance policies which have been reinstated under existing laws. Knowing the conditions in connection with the War Risk Insurance Bureau as I do, I suggest to the Senator that perhaps there ought to be added there the words "or regulations." I think there have been more policies reinstated under regulations than have been reinstated under existing laws.

Mr. WALSH of Massachusetts. I presume "existing laws" includes regulations, "existing laws" being a broader term than regulations.

Mr. SMOOT. It ought to, I will say to the Senator; but I am fearful that is not the case.

Mr. WALSH of Massachusetts. I have no objection to the words suggested by the Senator from Utah being added to the resolution.

The VICE PRESIDENT. The resolution will be so modified. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. POMERENE. Mr. President, I am attracted by a statement made by the Senator from Massachusetts to the effect that some of the applications were rejected because the applicant was in poor health at the time he sought the reinstatement of his insurance. Do I understand that that applies whether the applicant lost his health during the war and because of war conditions?

Mr. WALSH of Massachusetts. It does. For an applicant to have his insurance reinstated it is necessary to prove at the time the application is made for reinstatement that he is in as sound physical condition as at the date of discharge from the service. Many applications have been made for reinstatement and rejected because of this provision of law, which I believe should be changed, and I presented recently two bills to bring this about.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Massachusetts.

The resolution as modified was agreed to, as follows:

Resolved, That the Secretary of the Treasury is authorized and directed to report to the Senate as soon as practicable the following information:

1. How many Government war risk insurance policies have been issued prior to May 1, 1921, under the provisions of the act entitled "An act to authorize the establishment of a bureau of war risk insurance in the Treasury Department?
2. How many Government war risk insurance policies were effective and in force on November 11, 1918?
3. How many, if any, Government war risk insurance policies were issued between November 11, 1918, and May 1, 1921?
4. How many of the Government war risk insurance policies that were effective and in force November 11, 1918, lapsed between November 11, 1918, and May 1, 1921?
5. How many of the Government war risk insurance policies that lapsed after November 11, 1918, have been reinstated under the provisions of existing laws or regulations?
6. How many who held Government war risk insurance policies and whose policies have lapsed have actually applied for reinstatement, but have not been reinstated on the ground that the applicant was not in as good health as at the date of discharge from service or at the expiration of the grace period of his insurance?
7. In how many cases where, after reinstatement of insurance and the policy became due by reason of the death of the insured, has payment been refused for the reason that the purported reinstatement was invalid?

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GOOD, Mr. CANNON, and Mr. BYRNES of Tennessee were appointed managers of the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (S. 1154) for the construction of a bridge across the Des Moines River at or near the city of Dumas, Mo., and it was thereupon signed by the Vice President.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

The first business on the calendar was the bill (S. 656) to create a bureau of aeronautics in the Department of the Navy.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1021) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. WADSWORTH. Mr. President, the Senator from Montana [Mr. WALSH] entertains objections to this bill, and two or three or four weeks ago sought certain information from me about it, which thus far I have been unable to get. I think, in justice to him, that the bill should go over. He does not seem to be present.

The VICE PRESIDENT. On objection, the bill will be passed over.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as next in order.

Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 724) for the relief of Henry J. Davis was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 725) for the relief of Orion Mathews was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF CERTAIN ESTATES.

The bill (S. 158) for the relief of certain estates was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 4, line 18, to strike out "Hooper" and insert "Hopper," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the personal or legal representatives of the estate of I. G. Wickersham, the sum of $4,884.51; to the estate of Adolph Sutro, the sum of $1,600.10; to the estate of E. L. Colnon, the sum of $136.46; to the estate of George Shurtleff, the sum of $481.12; to the estate of Hannah Sachs, the sum of $1,119.26; to the estate of Marie G. E. Vallejo de Cooper, the sum of $1,204.97—all late of California; to the estate of George W. Clayton, late of Colorado, the sum of $710.01; to the estate of Samuel H. Galpin, the sum of $187.31; to the estate of William I. Townsend, the sum of $3,780.27—all late of Connecticut; to the estate of Amanda S. Cook, the sum of $997.98; to the estate of Everell F. Dutton, the sum of $222.66; to the estate of George W. Hoffman, the sum of $1,096.20; to the estate of Theodore Lattan, the sum of $205.90; to the estate of Abner M. Lewis, the sum of $303.30; to the estate of Aaron H. McClurg, the sum of $142.50; to the estate of William J. McDowell, the sum of $92.96; to the estate of Francis E. Rigby, the sum of $715.14; to the estate of William H. Salisbury, the sum of $350.43; to the estate of Francis T. Wheeler, the sum of $5,427.34—all late of Illinois; to the estate of Helen P. Carson, the sum of $166.73; to the estate of Elizabeth Campbell, the sum of $365.62—all late of Indiana; to the estate of Booth F. Glover, the sum of $557.19; to the estate of U. Marinoni, the sum of $1,011.71—all late of Louisiana; to the estate of Mary C. Carson, the sum of $142.06; to the estate of Henry W. Kingsbury, the sum of $300.88; to the estate of William Renshaw, the sum of $353.52—all late of Maryland; to the estate of Clara A. H. Adams, the sum of $238.37; to the estate of Charles W. S. Adams, the sum of $184.31; to the estate of John K. P. Balch, the sum of $413.13; to the estate of Robert Bartlett, the sum of $110.57; to the estate of Julia A. Beal, the sum of $148.50; to the estate of Lyman Brooks, the sum of $118.56; to the estate of John W. Corey, the sum of $181.82; to the estate of Harriet B. Chapman, the sum of $385.40; to the estate of Susan Emil Cunningham, the sum of $382.54; to the estate of Nancy M. Downer, the sum of $3,811.74; to the estate of William G. Doe, the sum of $646.65; to the estate of Chauncey G. Fuller, the sum of $208.40; to the estate of Mary E. Fletcher, the sum of $118.74; to the estate of Elizabeth J. Greeley, the sum of $188.20; to the estate of Pauline Gerry, the sum of $943.53; to the estate of Mary H. Grosvenor, the sum of $163.42; to the estate of Frederick A. Gilbert, the sum of $355.26; to the estate of David N. Holway, the sum of $132.68; to the estate of Elizabeth F. Harvey, the sum of $1,011.90; to the estate of James D. Hutchinson, the sum of $125; to the estate of Susan B. Lyman, the sum of $2,578.96; to the estate of Elizabeth P. Loring, the sum of 1,805.55; to the estate of Mary S. Moore, the sum of $77.34; to the estate of Esther S. B. Pettee, the sum of $185.81; to the estate of Eliza A. Paine, the sum of $1,247.61; to the estate of Charles H. Pinkham, the sum of $1,014.66; to the estate of George A. Sammet, the sum of $374.30; to the estate of George Shorey, the sum of $583.58; to the estate of Mary E. Stearns, the sum of $891.14; to the estate of Adeline G. Seccomb, the sum of $128.60; to the estate of Rebecca H. Taber, the sum of $224.34; to the estate of Cecilia Tully, the sum of $114.01; to the estate of Gilman J. Wright, the sum of $159.75; to the estate of Francis W. Wright, the sum of $189.94; to the estate of Francis W. Wood, the sum of $306.24; to the estate of Mary Davis Denny, the sum of $118.53; to the estate of James F. Stevens, the sum of $273.40—all late of Massachusetts; to the estate of Jay A. Hubbell, the sum of $1,236.44, late of Michigan; to the estate of Eliza C. Gardner, the sum of $633.42; to the estate of Frederick Heman, the sum of $334.18; to the estate of William Koken, the sum of $900.01; to the estate of Thomas M. Page, the sum of $1,894.80; to the estate of Charles E. Pearce, the sum of $2,994.94; to the estate of Eliza R. Paschall, the sum of $836.36; to the estate of Thomas Rankin, jr., the sum of $716.65; to the estate of William Senter, the sum of $1,689.21; to the estate of Edward Walsh, the sum of $1,100.90; to the estate of Catherine D. Wainwright, the sum of $15,176.30—all late of Missouri; to the estate of John E. Caffrey, the sum of $426.36; to the estate of Peter C. Diehl, the sum of $667.47; to the estate of Hope Z. Deacon, the sum of $798.57; to the estate of Walter Ferrier, the sum of $437.12; to the estate of Garret A. Hopper, the sum of $558.64; to the estate of Frederic Wood, the sum of $924—all late of New Jersey; to the estate of Serena P. Appleton, the sum of $387.15; to the estate of William H. Appleton, the sum of $2,589.34; to the estate of Theodore M. Barnes, the sum of $303.88; to the estate of Alice A. Bacon, the sum of $133.19; to the estate of Sophia E. Beach, the sum of $645.88; to the estate of Catharine Bolken, the sum of $113.29; to the estate of Thomas H. Barowsky, the sum of $845.69; to the estate of Frank A. Burnham, the sum of $91.62; to the estate of Alex Gordon Bradley, the sum of $509.83; to the estate of Julius P. Child, the sum of $172.02; to the estate of James A. Christie, the sum of $564; to the estate of Lucretia G. Clowes, the sum of $4,249.35; to the estate of James Devlin, the sum of $179.63; to the estate of Miln N. Dayton, the sum of $242.23; to the estate of Cornelia B. De Peyster, the sum of $172.41; to the estate of William G. Evans, the sum of $465.06; to the estate of Benjamin T. Frothingham, the sum of $3,338.92; to the estate of Virginia D. Furman, the sum of $515.22; to the estate of Thomas Fenton, the sum of $997.75; to the estate of Thomas Gould, the sum of $695.12; to the estate of William H. Gelshenen, the sum of $2,325.57; to the estate of Mary E. Hart, the sum of $7,229.95; to the estate of Mary Ann Hayes, the sum of $605.22; to the estate of Pierre Humbert, the sum of $2,615.08; to the estate of Emma F. Hall, the sum of $234.96; to the estate of Mary Hanstein, the sum of $171.42; to the estate of Philip J. Holzderber, the sum of $270.36; to the estate of J. Lee Judson, the sum of $2,681.76; to the estate of Joseph Kaufmann, the sum of $623.44; to the estate of Sarah M. Knight, the sum of $454.02; to the estate of Edward Kelly, the sum of $1,805.94; to the estate of Mary Ann Kissam, the sum of $668.30; to the estate of Daniel D. Lake, the sum of $282.86; to the estate of J. Nelson Low, the sum of $83.68; to the estate of Phoebe A. Lowerre, the sum of $98.38; to the estate of John McCullough, the sum of $121.72; to the estate of John McDermott, the sum of $292.66; to the estate of Morris Mark, the sum of $1,847.26; to the estate of John H. Moss, the sum of $734.88; to the estate of Andrew Soher, the sum of $79.21; to the estate of Michael Murphy, the sum of $2,640.90; to the estate of Courtlandt D. Moss, the sum of $1,061.10; to the estate of Alfred Ray, the sum of $4,508.89; to the estate of Agnes H. Robinson, the sum of $525.68; to the estate of James Robley, the sum of $383.84; to the estate of William M. Rice, the sum of $2,690.27; to the estate of Mary R. Swan, the sum of $4,204.15; to the estate of Helene Sommerhoff, the sum of $1,022.63; to the estate of Julia Stansbury, the sum of $584.29; to the estate of John R. Thomas, the sum of $1,697.73; to the estate of Julia K. Thomas, the sum of $102.03; to the estate of Sarah A. Townsend, the sum of $1,951.12; to the estate of Sarah A. Thomson, the sum of $331.90; to the estate of Charles Unger, the sum of $7,655.58; to the estate of Daniel E. Wyand, the sum of $106.02; to the estate of Sarah M. Weston, the sum of $2,929.53; to the estate of William Sanford Weeks, the sum of $161.12; to the estate of Nicolaus Will, the sum of $310.36—all late of New York; to the estate of Charles Baker, the sum of $1,118.81; to the estate of Emerine Baldwin, the sum of $1,070; to the estate of John W Moore, the sum of $380.55; to the estate of James M. Smith, the sum of $532.56—all late of Ohio; to the estate of John G. Baker, the sum of $4,049.78; to the estate of Charles Caleb Cresso, the sum of $1,139.45; to the estate of James S. Cox, the sum of $959.34; to the estate of Franklin B. Eisen, the sum of $965.58; to the estate of George W. Farr, the sum of $527.86; to the estate of Morton P. Henry, the sum of $1,766.15; to the estate of David Hey, the sum of $185.98; to the estate of Griffith Morgan Hopkins, the sum of $2,600.83; to the estate of Annie Henderson, the sum of $172; to the estate of Susan W. Longstreth, the sum of $105.49; to the estate of William M. Levering, the sum of $357.96; to the estate of Josiah Miller, the sum of $515.32; to the estate of Stephen P. M. Tasker, the sum of $883.35; to the estate of Josephine S. White, the sum of $282.93—all late of Pennsylvania; to the estate of John Scowcraft, late of Utah, the sum of $603.93; and to the estate of Susan E. Crozier, late of the District of Columbia, the sum of $3,111.50, or so much thereof as may be due each of the foregoing estates under the decisions of the Supreme Court of the United States (see Knowlton *v.* Moore, 178 U. S., United States *v.* Jones, and McCoach *v.* Pratt, reported in 236 U. S. Rep., decided in January, 1915).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF ARMS AND EQUIPMENT.

The bill (S. 1574) authorizing the Secretary of War to exchange with foreign nations desiring the same samples of arms and equipment in use by the Army of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized, in his discretion, to furnish to a foreign nation by loan, sale, or exchange, for exhibition or study, such articles of arms, matériel, equipment, or clothing as have been issued from time to time to the United States Army or which have been or may hereafter be produced for the United States Army: *Provided*, That this authority shall not be construed to require such loan, sale, or exchange of any article in the production of which there has been embodied any method or idea which public interest requires to be kept secret or confidential: *Provided further*, That this privilege shall not be extended to a nation which does not reciprocate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL LIVE-STOCK COMMISSION.

The bill (S. 659) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AWARD OF DISTINGUISHED SERVICE CROSS, ETC.

The bill (S. 1360) authorizing the award of the distinguished service cross or distinguished service medal, provided for in the act of July 9, 1918, to Army officers brevetted for gallantry during the War with Spain, Philippine insurrection, or China relief expedition, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the cases of officers then in the Army who were nominated to the Senate by the President for brevet commissions for service during the War with Spain, Philippine insurrection, or the China relief expedition for extraordinary heroism or gallantry in action or especially meritorious services, such as to justify the award of the distinguished service cross or the distinguished service medal provided for in the act of July 9, 1918, such cases may be considered and acted on under the provisions of said act, notwithstanding that such recommendations may have been made more than three years before said cases shall have been considered as authorized by said act, but all consideration of, and action upon, any such case shall be based exclusively on official records of the War Department.

Mr. KING. Mr. President, may I inquire of the chairman of the Committee on Military Affairs whether this bill meets the approval of the committee unanimously?

Mr. WADSWORTH. I do not recollect any opposition to it. This same legislation passed the Senate as a rider on another bill upon another occasion in the last Congress. It now is presented as a separate bill. The committee thought it was a desirable and proper procedure.

Mr. SMOOT. There is no additional compensation?

Mr. WADSWORTH. None at all. There is no money cost involved.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1737) for the relief of Con Murphy was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal, was announced as next in order.

Mr. LA FOLLETTE. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SALARIES OF UNITED STATES ATTORNEYS AND MARSHALS.

The bill (S. 425) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. KING. Let that go over.

Mr. OVERMAN. Mr. President, I want to say that I do not expect to have the Senate take up this bill now, but at some time during the session I shall ask the Senate to proceed with its consideration.

There are before the Judiciary Committee many bills asking for increases in the salaries of United States marshals and district attorneys, so we concluded that we would give a hearing and prepare an omnibus bill applying to every State, wherever the Attorney General, after looking into the business done by the courts, should recommend that that be done. He sent his experts down there and went over the business transacted by the district attorneys and marshals in every part of the United States, and we have tried to equalize the salaries upon the basis of the business done. I will say to the Senator from Utah that the bill involves very little increase, but the salaries are equalized. There is not much more appropriation called for.

Mr. KING. My understanding is that there is considerable increase. Let me inquire of the Senator whether the Department of Justice or the Government find any difficulty in filling the offices that are being vacated by Democrats?

Mr. OVERMAN. I think even if the salary were made no more than $2,000 we would find somebody who would take the office for $1,500. It is a question of whether we are paying these men what we ought to pay them. The Attorney General has recommended the passage of this bill, and has recommended each salary, and has taken up the matter and based the salary upon economic principles; that is, according to the work that each district attorney does in his district, and the work that each marshal does, and according to the work done in each State. It affects every State in the Union, and has been framed in order to get rid of these local bills. As the Senator knows, when he was on the Judiciary Committee we had bills from a great many of the States asking for increases of salary; so we concluded, instead of passing separate bills, that we would pass what is known as an omnibus bill, affecting the salary of every district attorney in the United States.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Yes.

Mr. WARREN. Does this bill for the United States marshals cover the United States attorneys and the clerks of courts, who are all subject to similar legislation?

Mr. OVERMAN. No; it is only as to marshals and district attorneys. I will ask the Senate to take up the bill at some other time.

Mr. WARREN. Has the matter of the clerks' salaries been considered?

Mr. OVERMAN. There is a law which provides that the Attorney General shall fix the salaries of the clerks.

Mr. WARREN. I know that; and let me say that the Attorney General, after fixing their salaries, discovered errors in perhaps a dozen or, I think, exactly 13 instances, and undertook to remedy those errors, but the Comptroller of the Treasury stated that having once decided what they were to be, he could not change them without further legislation.

Mr. OVERMAN. I think the law ought to be amended in that respect, because we gave him permission and authority to fix the salaries of these clerks upon the basis of the business they did, and if he made an error it ought to be corrected.

Mr. WARREN. They made errors in calculating, as the law provided, what they received in the way of fees, and so forth; and while there were not great amounts at issue, yet the errors should be corrected. I hope the Senator or his committee may take up that matter, because as to the clerks there is really a worse state of affairs than in the case of the marshals.

Mr. OVERMAN. It ought to be corrected. I remember that in the Senator's State, especially, it ought to be corrected, where an error was made by the Attorney General himself. He ought to have some margin, some discretion, as the business increases.

Mr. WARREN. The Senator knows that the Attorney General has not only acknowledged his mistake but has asked that it be corrected.

Mr. OVERMAN. Yes; he has asked for an increase himself.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to suggest that there is another injustice or inequality in the present law. Under the present law deputy marshals may be allowed $4 a day expenses, as I recall, whereas deputy clerks are allowed only $3 a day. They ought to be on the same basis.

Mr. OVERMAN. I think so. That is a matter with the Attorney General. He has authority to change that. He has authority to fix the salaries of the clerks; but, as the Senator from Wyoming said, having fixed the salaries, the Comptroller of the Treasury says he can not fix them over again. He can not increase or decrease the salaries, but has to let them remain just as he fixed them. In the case of Wyoming, where he evidently made an error and admits that he made an error, there ought to be some correction.

Mr. KING. Mr. President, I hope the Senator will not call this bill up for some time.

Mr. OVERMAN. I do not intend to call it up now.

Mr. KING. I think it would be very unfortunate to pass a bill now for an increase in the salaries of Government officials. In the light of the lack of employment throughout the country, falling prices, and industrial depression, I think the effect would be bad. I shall have to give notice to my friend that if he calls up the bill I will oppose it.

Mr. OVERMAN. I hope the Senator will read the bill.

Mr. KING. I have done so.

Mr. OVERMAN. When he reads it he will find that the increases are very small, comparatively.

Mr. POMERENE. Mr. President, if I may ask the Senator from North Carolina a question, I do not quite understand the theory on which the bill is framed. For instance, in my own State, with a population of nearly 6,000,000 and two districts, with the work increasing all the while, the salaries which are fixed are not as large as those in the Senator's own State.

Mr. SMOOT. Or in Oklahoma.

Mr. POMERENE. How does the Senator explain that?

Mr. OVERMAN. The salaries in my own State were not fixed by me; I had nothing to do with it. The Attorney General recommended the increases. I think if the Senator will examine my report, in which is set forth a statement of the business done in every district in the United States, he will find that the western district of North Carolina stands third in the list of districts in the United States, and that there is more business done by the court in that district than in any United States court except in New York and Illinois.

Mr. POMERENE. That may be true as to a certain kind of unmentionable business, but it does seem to me——

Mr. OVERMAN. Moonshiners have to be prosecuted by somebody.

Mr. POMERENE. Certainly; and I do not think any of us are in a position to throw stones at the Senator's State.

Mr. OVERMAN. I think you will find that violations of the law are going on everywhere.

Mr. POMERENE. I suppose that is true. I do not agree with the Senator from Utah [Mr. KING] that there ought not to be some increases of salaries. If there are not, we shall have serious difficulty in having these offices filled. I know, for instance, in my own State, while you can always find some one, perhaps, who will accept an appointment as district attorney or United States marshal, there is very serious difficulty in getting the right kind of men to fill the places of the deputies; and

something must be done to take care of that situation, otherwise it is going to be a serious one.

Mr. OVERMAN. I think you will find that everywhere, Mr. President. I remember when I had to recommend a man for appointment as district attorney I could not get a man of the right kind to take the position because it did not pay enough; and you will find that to be the case everywhere. Of course, you can get men to take the positions, but whether they are proper men or not is another question. I want the Senator to take this bill, look at it, and read the report and see what business is done in his State in the different districts, so that he will see that the bill is so framed, upon the recommendation of the Attorney General, as to be based upon the business done in each district in the United States.

Mr. SMOOT. I notice, Mr. President, that for the district attorney in the eastern district of Oklahoma the bill carries a salary of $6,500, and for the marshal in that district $6,000. For the district attorneys in both districts in Ohio it carries $5,000 for the district attorneys and $4,500 for the marshals. In other words, the State of Oklahoma has two districts, and they certainly can not do more work than is done in Ohio.

Mr. OVERMAN. The Senator is speaking from what appears in the report, but the fact is that Oklahoma is trying to get another judge. The one judge can not do the work that has to be done down there, and they are trying to get another district.

Mr. SMOOT. Most of the States are asking for another district judge.

Mr. McLEAN. Mr. President, what measure is before the Senate?

The VICE PRESIDENT. There is no measure before the Senate.

Mr. McLEAN. I ask for the regular order.

The VICE PRESIDENT. The regular order is the call of the calendar. The next bill on the calendar will be announced.

Mr. POMERENE subsequently said: Mr. President, if I may make a request of the Senator from North Carolina, I notice in looking over his report it gives the statistics as to the number of cases pending and disposed of for the years 1915, 1916, 1917, and 1918. I hope that when this matter comes up again the Senator will have from the Department of Justice the statistics for 1919 and 1920. I think they will tell a very substantially different tale.

Mr. OVERMAN. I think that is a good suggestion. I will say to the Senator that the bill was prepared two years ago, and has never been changed. These statistics were given at that time.

Mr. POMERENE. I am not finding fault with them, but I know there has been a tremendous increase in the business in the Ohio courts in the last two years.

Mr. OVERMAN. There has been in every court in the United States, I suppose.

ADDITIONAL JUDGE IN MONTANA.

The bill (S. 257) providing for an additional judge for the district of Montana was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the district of Montana, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

SEC. 2. That in case of disagreement in relation thereto between the judges of said district court the senior circuit judge of the ninth circuit shall make all rules for the transaction of the business of said court and all necessary orders for the division of the work and the assignment of cases for trial.

SEC. 3. That the clerk of the district court for the district of Montana and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said court.

Mr. KING. May I inquire of the Senator from Montana whether the business is so great and so important as to warrant the appointment of another judge?

Mr. WALSH of Montana. Not only that, but a very large economy will be effected by the appointment of another district judge. Some time ago, when a similar bill was passed by the Senate—it having been passed twice heretofore—I took occasion to disclose to the Senate that the expense of running the district court in the State of Montana is greater than the expense in any other district in the country and ranks next to the district in Alaska, because the distances to be traveled are so very great. So that it really would mean a very great economy if this bill should be passed.

Mr. SMOOT. Mr. President, I notice that the Attorney General does not recommend the passage of this bill.

Mr. WALSH of Montana. The former Attorney General recommended it repeatedly.

Mr. SMOOT. The former Attorney General recommended it?

Mr. WALSH of Montana. He did.

Mr. SMOOT. I notice that the present Attorney General does not recommend the passage of the bill.

Mr. WALSH of Montana. It is a matter of no very great consequence, either one way or another. The bill is a measure of economy. In connection with the measure, when it was up before, I introduced into the RECORD, and it is found here, a letter from the present district judge, appointed during the Taft administration, in which it was represented by him that it would effect a saving of $50,000 a year in the conduct of the business of the court. A similar bill has twice been passed by the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACTIONS FOR PERSONAL INJURIES.

The bill (S. 258) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State wherein the exterior boundaries of which it may be.

Mr. WALSH of Montana. I think there is a misprint in the bill. The word "wherein" should be "within" in line 11.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. In line 11, strike out the word "wherein" and insert in lieu thereof the word "within."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN TENNESSEE.

The bill (S. 1183) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, be, and it is amended so as to read as follows:

"SEC. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern division at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Giles, Hickman, Humphreys, Houston, Lawrence, Lewis, Marshall, Maury, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Marion, Coffee, Moore, and Lincoln, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester, on the first Monday in April and the third Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding the courts at Winchester and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river

forms the boundary line between the western and middle districts of Tennessee from the north line of the State of Alabama, north to the point Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court."

Mr. KING. I should like to have an explanation in regard to the measure.

Mr. NELSON. That bill simply rearranges the districts in Tennessee, and provides for an additional term of court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill will be passed over.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1039) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 834) to authorize the appointment of an ordnance storekeeper in the Army was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT GASTONIA, N. C.

The bill (S. 924) for the acquisition of a site and erection of a public building at Gastonia, N. C., was announced as next in order.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the chairman of the Committee on Public Buildings and Grounds, or of the Senator from North Carolina, how it comes about that this bill has been reported, when we are generally given to understand that no consideration whatever would be given at this session to bills for public buildings?

Mr. OVERMAN. There is no appropriation whatever called for by this bill.

Mr. WARREN. It will bring money into the Treasury.

Mr. OVERMAN. It will bring money into the Treasury and take none out. It allows an exchange of buildings.

Mr. WALSH of Montana. We are very badly in need of an addition to the Federal building at Helena, Mont. We are very much overcrowded.

Mr. OVERMAN. If this asked for an appropriation, I would have no idea at all of getting it through, but it provides for no appropriation. It simply provides for an exchange of buildings. It is recommended by the Secretary of the Treasury.

Mr. BORAH. Mr. President, I understand the Senator from North Carolina has discovered a way by which to bring money into the Treasury.

Mr. OVERMAN. It gives us a better building without appropriating any money. This bill practically passed at the last session. The citizens propose to pay for the building themselves, $175,000. It provides for the exchange of an old building. The comptroller held that they must pay the $175,000 down. The bill allows them to pay the money as the building progresses. That is all it amounts to.

Mr. WALSH of Montana. I read from the bill, as follows:

That upon the said new site, when acquired as aforesaid, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, approaches, etc., for the accommodation of the post office and other governmental offices in said city, at a limit of cost, exclusive of the site, of not exceeding $175,000. And the Secretary of the Treasury is hereby authorized to enter into contracts in the limit of cost hereby fixed for said building.

Mr. OVERMAN. There is not a dollar appropriated out of the Treasury. The $175,000 is paid into the Treasury by the Citizens' National Bank.

Mr. WALSH of Montana. That the Senator may understand me perfectly, I will state I am not contending that the United States Government ought not to have a very suitable public building at Gastonia, N. C., but I maintain that if an individual or a corporation came into any of our important towns throughout the country and declined to erect a building of its own, but rented buildings or offices or quarters here and there or anywhere that it could get them and did not contribute in some way to the upbuilding of that particular city, that individual or corporation would be justly subject to criticism and to incur the odium of the people within the community in which it did business.

The Government of the United States, I insist, ought at least to observe a similar regard for decency in the conduct of its business. I think it a wise public policy to construct public buildings, wherever those are required by ordinary conditions, within which the offices of the United States Government can be housed. I do not think it is a very commendable policy at all that we have been pursuing now for a period of eight years to decline to spend a dollar upon the ordinary public buildings. I was hoping that this evidenced some change from the policy heretofore pursued.

Mr. OVERMAN. I agree with the Senator. The fact about this matter is that the Government owns the site and the old building in which it is absolutely unable to conduct the business. The building is not large enough for the business necessary to be done there. It being impossible to get an appropriation for a new building, the citizens of Gastonia have donated a site and $175,000 in money of their own to erect a post-office building there. At the last session we passed a bill allowing them to do that.

Mr. SMOOT. What is the present building and site worth?

Mr. OVERMAN. I have no idea, but the Secretary of the Treasury sent the men down there to look at it and investigate it and appraise both sites and buildings. I wish I had the letter that accompanied the report on the bill which we passed at the last session of the Senate and which passed the House of Representatives. The only question involved here is that the comptroller has said that the $175,000 to be paid by the citizens must be paid in cash at once, whereas we want time to pay it in as the building progresses.

Mr. SMOOT. Has the department agreed to the exchange?

Mr. OVERMAN. Of course they have, and recommended it. They sent their own appraisers down there and appraised both buildings. The Government is making by it.

Mr. SMOOT. There is nothing in the report to show that.

Mr. OVERMAN. We passed a bill at the last session authorizing it to be done, and this is only fixing the terms of payment of the money as recommended by the Secretary of the Treasury.

Mr. KING. Will the Government have to reimburse the citizens for this money?

Mr. OVERMAN. No; it will not.

Mr. LENROOT. Mr. President, I am a member of the committee, but I was not present when this bill was acted upon. It seems to me that two amendments are made here to the existing law. The law at present provides that the Government shall have the use of the old building until the new one is completed. That is stricken out of the bill here by a proposed amendment.

Mr. OVERMAN. I have not suggested an amendment like that.

Mr. LENROOT. Why was that done?

Mr. OVERMAN. There is no intention of running the Government out of the building.

Mr. LENROOT. There is another change that is proposed. While the Senator says there is no appropriation out of the Treasury, yet it gives them time, and might give them 10 years, in which to pay the $175,000, and during that time we will pay out of the Treasury $175,000 in leasing the building.

Mr. OVERMAN. No; the Senator knows there is no appropriation here for $175,000 or any other sum.

Mr. LENROOT. There is an authorization for the Secretary to make a contract and there will be nothing left for us to do but appropriate to meet that situation.

Mr. OVERMAN. The understanding and agreement is as I have stated. The bill which passed at the last session, as the Senator will remember, so provided. He was a member of the committee, and I have no doubt remembers that it was heartily recommended by the department to take this $175,000 and erect a Government building on a better site than the old site.

Mr. LENROOT. Yes; but we have that law now, and here it is proposed to make the Treasury liable for this $175,000, with possibly a very long term for payment upon the part of the town.

Mr. OVERMAN. The bank wants time instead of paying the $175,000 down in cash, and that is all there is to it. They want to pay it as the building progresses, and the Secretary of the Treasury has recommended it.

Mr. LENROOT. Evidently the phraseology as it now is would certainly create a liability on the part of the Government, irrespective of whether the $175,000 is paid in or not. Furthermore, if the bill passes in this form, as the Government owns the building now, after the exchange it will be paying rent for the building it now owns.

Mr. OVERMAN. Oh, no.

Mr. LENROOT. I object to its present consideration.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. OVERMAN subsequently said: Mr. President, referring to Senate bill 924, while that bill was prepared by the Treasury Department, I feel that there is a great deal of merit in what the Senator from Wisconsin [Mr. LENROOT] said, and I feel that the bill ought to go back to the committee, as I do not want the Government to be liable for a cent. I ask, therefore, that the bill be referred back to the committee, and they can amend it so as to carry out the ideas suggested by the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from North Carolina asks that Senate bill 924 be rereferred to the Committee on Public Buildings and Grounds. Is there objection? The Chair hears none, and it will be so referred.

ORDNANCE STOREKEEPER IN ARMY.

Mr. SPENCER. Mr. President, a moment ago objection was made to the present consideration of Calendar No. 62, the bill (S. 834) to authorize the appointment of an ordnance storekeeper in the Army. Objection was made by the Senator from Utah [Mr. KING], and the bill was passed over under a misapprehension on his part of what the bill really is. If the bill may be again reported, I shall be very glad.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I have not had time to read the bill and the accompanying report, so I shall have to object.

The PRESIDING OFFICER. Objection is made by the senior Senator from Utah, and the bill will be passed over.

SALE OF POST-OFFICE SITE, BETHLEHEM, PA.

The bill (H. R. 89) for the public sale of post-office site on the west side of South Main Street, in the city of Bethlehem, Pa., was announced as next in order.

Mr. KING. I should like to have some explanation of that measure.

Mr. WARREN. The chairman of the Committee on Post Offices and Post Roads is not present at this moment, but when the bill was considered in the committee I was present. As I remember it, there are two post offices in two small, I will not say villages, but localities, which have lately become one, and they desire only one post office. Therefore this one is to be sold and the proceeds go into the miscellaneous funds in the Treasury.

Mr. KING. This is not preliminary to asking a larger appropriation for a more expensive site and a more expensive building?

Mr. WARREN. If so, it will fail.

Mr. KING. On the assurance of the Senator I do not object.

The bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell at public sale the post-office site and buildings thereon erected, situate on the west side of South Main Street, in the city of Bethlehem, Pa., after proper advertisement, and at such time and upon such terms as he may deem for the best interests of the United States, for a sum not less than $20,000, and to execute and deliver to the purchaser the usual quitclaim deed therefor, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED CROSS BUILDING IN CITY OF WASHINGTON.

The joint resolution (S. J. Res. 43) to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C., was announced as next in order.

Mr. SMOOT. I should like to have a little information about this.

Mr. WARREN. Does the Senator want to know what the building is?

Mr. SMOOT. I know what the building is, but is there a limit of time? In my opinion, we do want a limit of time on these matters. I have no objection if there be a limit of time named in the bill. I will ask that it may go over temporarily now.

The PRESIDING OFFICER. The joint resolution will be passed over temporarily.

Mr. SMOOT subsequently said: I should like to return to Calendar No. 65, the joint resolution (S. J. Res. 43) to grant authority to continue use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C. I see that there is a provision in the resolution that it shall be removed within such time as may hereafter be provided by Congress. I would prefer a definite limit, but this, I think, will be satisfactory. If it becomes necessary to remove it we can pass the resolution very quickly through Congress.

Mr. WARREN. It is to be used in connection with the offices of the Red Cross.

Mr. SMOOT. Oh, certainly.

The joint resolution was considered as in Committee of the Whole and was read, as follows:

Whereas by joint resolution of Congress approved the 22d day of May, 1917, authority was granted to the American National Red Cross to erect temporary structures upon square No. 172 in the city of Washington, D. C., for use in connection with its work in cooperation with the United States Government, provided said buildings erected under said authority should be removed and the site or sites thereof placed in good condition within such time as may hereafter be provided by Congress; and

Whereas the buildings erected pursuant to said resolution are still needed for use in connection with its work in cooperation with the United States Government: Therefore be it

Resolved, etc., That authority be and is hereby given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square 172 in the city of Washington for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States: *Provided*, That any building or buildings the use of which is extended under this authority shall be removed and the site or sites thereof placed in good condition within such time as may hereafter be provided by Congress: *Provided further*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JOHN B. H. WARING.

The bill (S. 667) for the relief of John B. H. Waring was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. It will be passed over.

MEMORIAL TO FIRST DIVISION DEAD, AMERICAN EXPEDITIONARY FORCES.

The joint resolution (S. J. Res. 25) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces in the World War, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment to add at the end of the joint resolution a second proviso, so as to make the joint resolution read:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant the Memorial Association of the First Division, United States Army, permission to erect on public grounds of the United States in the city of Washington, D. C., south of the State, War, and Navy Building, and east of the Corcoran Art Gallery, a monument to the dead of the First Division, American Expeditionary Forces, in the World War: *Provided*, That the site chosen and the design of the monument and pedestal shall be approved by the National Commission of Fine Arts: *And provided further*, That the United States shall be put to no expense in or by the erection of such memorial.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FARM LOAN ACT.

The bill (S. 1811) to amend the Federal farm loan act as amended was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. McLEAN. Do I understand the Senator from Utah objects to this?

Mr. SMOOT. Yes; I desire to offer an amendment to it. It will take a longer time to attempt to do that now than it will to let it go over and be considered later.

Mr. McLEAN. The bill is the twin sister of one we passed last week, and really should have been enacted at the same time. It does not seem to me the Federal Farm Loan Board can operate unless it is passed, if representations made to the

Committee on Banking and Currency are correct, and I think they are.

Mr. SMOOT. Will the Senator now agree to accept this amendment to be added at the end of the bill?—

The income from joint-stock land banks issued after June 30, 1922, shall be subject to all graduated additional income taxes, commonly known as surtaxes, now or hereafter imposed by the United States upon the income of individuals, partnerships, corporations, or associations.

Mr. McLEAN. I shall be very glad so far as I am personally concerned to have that amendment added to the bill; but the Senator knows very well that there will be serious opposition in the Senate until the amendment is fully understood.

Mr. SMOOT. Then I ask that the bill may go over.

The PRESIDING OFFICER. On objection, the bill will go over.

BOUNDARY LINE BETWEEN PENNSYLVANIA AND DELAWARE.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 82) ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware, which was read, as follows:

Resolved, etc., That the Congress hereby consents to the reestablishment of the boundary line between the States of Pennsylvania and Delaware, as heretofore agreed upon by said States, and as reestablished and confirmed, fixed, and determined according to the terms of an act of the General Assembly of the Commonwealth of Pennsylvania entitled "An act providing for the acceptance, approval, and confirmation of the report of the commission appointed in pursuance of the act approved the 4th day of May, A. D. 1889, authorizing the examination, survey, and reestablishment of the circle of New Castle as the boundary line between Pennsylvania and Delaware," approved June 22, 1897, and an act of the General Assembly of the State of Delaware entitled "An act providing for the acceptance, approval, and confirmation of the report of the commission appointed in pursuance of the act of the General Assembly of the State of Delaware, approved the 25th day of April, A. D. 1889, authorizing the examination, survey, and reestablishment of the circle of New Castle as the boundary line between Pennsylvania and Delaware," approved March 28, 1921.

The joint resolution was reported to the Senate without amendment.

Mr. NELSON. Mr. President, in the absence of the Senator from Delaware [Mr. BALL], I ask that the joint resolution go over.

The PRESIDING OFFICER (Mr. STERLING in the chair). The joint resolution will go over.

DANISH STEAMSHIP "FLYNDERBORG."

The bill (S. 997) conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claim of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I dislike very much to object to the consideration of this measure, and I will reserve my right to object in order that the Senator from South Carolina may make an explanation of the bill.

Mr. DIAL. Mr. President, I will say to the Senator from Utah that this bill passed the Senate at the last session, and it has been unanimously reported by the Judiciary Committee at the present session. The bill merely proposes to confer jurisdiction upon the United States District Court for the Eastern District of South Carolina for the claimants named in the bill to establish, if they can, a claim for the payment of damages which are alleged to be due them. The course proposed was recommended by the former Secretary of the Navy in a letter which the committee had before them. I read briefly from the end of the letter as follows:

The record clearly shows that the U. S. S. *Promethcus* was wholly responsible for the collision with the steamship *Flynderborg* and the damages sustained by that vessel, and it appears that the claim submitted is reasonable and just.

However, as H. R. 15575 is for the purpose of authorizing the claimant to have its claim passed upon by courts, this department makes no recommendation as to the amount to which the claimant is entitled.

In view of these circumstances, it is respectfully recommended that H. R. 15575 receive favorable consideration and action by Congress.

I can see no harm whatever in the bill.

Mr. KING. I desire to make an inquiry of the Senator from South Carolina. As I understand this bill, it proposes to confer the right of bringing a suit against the United States Government upon some foreigner or some foreign Government, I do not know which.

Mr. DIAL. It proposes to confer that right upon a foreigner.

Mr. KING. I desire to inquire of the Senator whether in the long history of our Government there are any precedents for such action; and, if there be any, how have claims for damages by nonresident foreigners been presented when they alleged that the Government of the United States or some of its officials had been guilty of a tort? How have such claimants presented their claims in the past and obtained compensation?

Mr. DIAL. Such claims may have been adjusted by arbitration or been settled with the department which had jurisdiction of the matter.

Mr. KING. Exactly.

Mr. DIAL. I do not know that foreigners have heretofore gone into the Court of Claims, but all that is proposed in this instance is to permit the case to be tried by a court of admiralty which ordinarily exercises jurisdiction in such matters. I can see no objection to letting anybody have a day in court. If the Government has done no wrong, of course the claimants will not recover; but if it has done a wrong, the damages ought to be paid.

Mr. KING. If the Senator will pardon me, I have been advised of certain Mexican claims arising out of the allegation that American troops have done damage either to the persons of Mexicans or to their property, and they, of course, hold the United States Government responsible. They are expecting when a joint commission shall be appointed, under treaty or otherwise, to adjust the disputes between the two Governments or the nationals of the two Governments, that they will have an opportunity to appear before that joint commission and present their claims against the Government of the United States. It seems to me if we pass this bill there would be no reason why we should not permit any Mexican to bring suit in the courts of Texas or Mexico or Arizona for damages alleged to have been sustained as the result of the wrongdoing of the Army of the United States or some of the soldiers of the Army. The bill may be wise; it may be just; but it seems to me that it establishes rather a dangerous precedent. It will be followed by many measures which will seek some sort of relief such as is sought by this bill.

Mr. DIAL. In the case to which the Senator from Utah refers I take it that a commission will be appointed before which such claims may be brought. In this case I do not know of any commission being contemplated which would have jurisdiction of the matter, and the people involved would have no remedy other than by legislation.

Mr. KING. I confess that I should be very reluctant to put the United States Government into the courts constantly at the request of foreigners.

Mr. WADSWORTH. Will the Senator from Utah yield to me?

Mr. KING. Yes.

Mr. WADSWORTH. Would the Senator deny the owner of a foreign vessel the opportunity to get justice in case he had suffered injury?

Mr. KING. No; I would not.

Mr. WADSWORTH. All this bill proposes to do is to give an opportunity to a foreign vessel owner to obtain justice.

Mr. KING. I was about to say that if the Government of the United States commits a tort against an alien there ought, perhaps, to be some method for the recovery by him of damages.

Mr. WADSWORTH. This is the only method.

Mr. KING. I am not so sure about that.

Mr. WADSWORTH. I can assure the Senator that is so.

Mr. KING. Let me make an inquiry of the Senator from New York, who seems to be familiar with this matter. During the course of our Government's history have there been claims presented by persons against the Government of the United States for tort, and, if there have been such claims presented, have those claimants gone into the courts for the purpose of presenting them?

Mr. WADSWORTH. Of course, that is a matter which is within the power of Congress. If we desire to make an out-and-out appropriation and settle the matter, we may do so, but possibly the committees of Congress and Congress itself deem it wiser to let the matter be passed on judicially by the courts in order to ascertain with a greater degree of exactitude just what the Government should pay the person who alleges the injury. So the Committee on the Judiciary have reported this bill requiring the claimant to appear in a United States court and sue the Government. It has been done time and time again, as I recollect; indeed, I know of no other judicial manner in which the matter may be settled.

Mr. WALSH of Montana. Mr. President, I think the common and ordinary procedure is to present such claims as that covered by the pending bill in the form of a bill to be referred to the Committee on Claims, and then the Committee on Claims proceeds to make inquiry. It has been suggested in this case, as indicated by the Senator from New York, that, instead of having a hearing before the Committee on Claims, the liability and the matter of the amount of the liability could better be determined by proceeding in court. It seems to me that such procedure would be much more likely to insure accuracy in the determination of the question than any hearing before the

Committee on Claims. The only point that I make about it is that I believe the method is so eminently just that we might enact a general law instead of passing a special act.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the senior Senator from Montana?

Mr. DIAL. I yield.

Mr. MYERS. I suggest to the Senator from Utah that it is a matter of public knowledge that Congress has several times voted appropriations to the citizens of foreign Governments residing in the United States who have had relatives lynched by mobs in this country. As a matter of fact, there have been several such appropriations.

Mr. KING. I am familiar with that. The ordinary course has been, as suggested to me by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE]—and that was my recollection—for claims on account of a tort to be presented to the State Department. In the cases to which the Senator from Montana refers, the claims were presented by the Government of China, representing the Chinese, and by the Government of Italy, representing the Italians who were lynched in New Orleans a number of years ago; and the Government of the United States, after making an investigation, made an appropriation to pay the claims.

Mr. MYERS. Would the Senator rather trust Congress in a matter of this kind than to trust a court of the United States? If a bill is introduced here it must be investigated by some committee of Congress; and does the Senator think that Congress is more economical in providing for payment than would be a judicial body like the Court of Claims or some other United States court? If the Court of Claims or the district court in South Carolina adjudicates this case, I think the determination could be relied upon. In any event, it must be passed on by some forum, just as would be done by Congress if a bill were introduced here. It seems to me that the bill is so eminently fair that, if there is no precedent, we ought to establish one.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. DIAL. In just a moment I will yield to the Senator from Minnesota, but before doing so I should like to state that the owners of the Danish vessel in question presented an itemized statement along with the papers in the case. That statement, with the other papers, was referred to the Secretary of the Navy, and the Judiciary Committee had all of those documents before it. Now, I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I wish to say that section 3 of the pending bill providing for an appropriation is proposed to be stricken out by an amendment reported by the committee.

There are two ways of paying such claims as that involved in the pending case: One is to allow the claimant to go into a court of admiralty, as in this case; and the other is to present the matter to the Committee on Claims. When it goes to the Committee on Claims, that committee considers the subject as an entirety; it can make a much larger allowance than can an admiralty court. A court of admiralty under the rules of admiralty can apportion the damages; for instance, if both vessels are at fault, the court will apportion the damages in proportion to the blame; while in the case of the bill before the Committee on Claims the whole claim is allowed as an entirety. So, the Government is much better off by going into a court of admiralty than it would be if the case were acted upon by the Committee on Claims.

Mr. KING. May I inquire of the Senator whether he construes this bill to direct the court to apply admiralty procedure and admiralty rules in determining the facts of the matter rather than the common-law rules with respect to such matters?

Mr. NELSON. This case will be tried according to the rules of admiralty, as in the case of collision between vessels owned by private parties. In the case of such a collision between vessels in private ownership, they go into a court of admiralty, where the case is tried according to the rules of admiralty, and damages are apportioned. It is entirely different from the common-law procedure. If we allow the claimant to go into the court in this instance, the case will be tried in the same manner as cases of collision between vessels owned by private parties.

Mr. WALSH of Montana. The bill so expressly provides. It says:

> and jurisdiction in admiralty is hereby conferred upon the District Court of the United States for the Eastern District of South Carolina to hear, consider, and determine such suit upon the principles of liability and in accordance with the practice.

Mr. KING. Mr. President, will the Senator from South Carolina permit me to ask the Senator from Minnesota another question?

Mr. DIAL. Certainly.

Mr. KING. The Senator from Minnesota suggests that there are two methods by which action may be taken. May I inquire of the Senator whether he finds precedent for such action as is contemplated by this bill?

Mr. NELSON. Yes; in the last Congress we passed one or two bills—I do not recall just how many—reported by the Committee on Claims, allowing damages in case of collision; and I have known years ago of other cases of that kind.

Mr. KING. The Senator does not understand my question. Does the Senator find any precedent for referring such a case to a court and permitting the court to assess damages against the Government of the United States as between the Government and a foreign citizen?

Mr. NELSON. We have; we have taken such action heretofore, and I regard it as much safer and better for the United States to have such cases go to a court of admiralty than to have them submitted to the Committee on Claims.

Mr. KING. If that is the proper method or the safer method, may I inquire of the Senator why there has not been a general statute passed to that effect?

Mr. NELSON. I can not account for that. My own opinion is that there ought to be a general statute on this subject, but it is difficult to get everybody to agree. We have a general statute in reference to cases growing out of contracts. In such cases the claimants can go into the Court of Claims; but in cases sounding in tort we have excluded the claimant from the Court of Claims.

Mr. FLETCHER. Mr. President, as I understand, the collision in question occurred in the waters of South Carolina within the jurisdiction of the court of the eastern district of that State?

Mr. NELSON. Yes.

Mr. FLETCHER. And it is proposed to give jurisdiction to the court where the damage actually arose, and where all the witnesses and all the testimony and everything else are available?

Mr. NELSON. Yes; the Senator is correct. The collision occurred in the waters of South Carolina, and my recollection is—and the Senator from South Carolina will correct me if I am in error—that it occurred in the harbor of Charleston.

Mr. DIAL. That is correct.

Mr. NELSON. And the collision was between a Government vessel and a Danish ship.

Mr. DIAL. The Senator is correct. The bill merely gives jurisdiction to the court for the eastern district of South Carolina to hear and adjudicate the case.

Mr. LENROOT. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. DIAL. I yield the floor, Mr. President.

Mr. LENROOT. Mr. President, two or three years ago I objected to a number of similar bills, but they finally went through Congress. I did so because, if it is right to pass particular bills upon this subject, we ought to have a general statute covering it. It ought not to depend upon whether some friendly Senator can be found to introduce a bill and work it through a committee, while an equally meritorious case may not be able to get a hearing at all.

I am inclined to think that the only way that we can procure a general statute is to object to bills such as that now pending. Perhaps action along that line would secure the enactment of a general statute. I am not, however, going to object to the pending bill; but I want to give notice now that I am going to object to all other bills of similar character, in the hope that by such action we may bring about the enactment of a general statute upon the subject, because either such bills as the one now pending ought not to pass, or there should be a general statute.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Mr. President, the Senator from Wisconsin has kindly placed in my hands the fourth volume of Moore's International Law Digest; and the authorities there collated seem to bear out the view which I imperfectly expressed a few moments ago, that in cases of this character the claim is presented to the State Department.

The first section says:

> A citizen of one nation wronged by the conduct of another nation must seek redress through his own Government. His Government must assume the responsibility for presenting his claim, or it need not be

considered. The claim of an alien, when presented to the State Department, must come through the diplomatic representative of the country to which he belongs.

And here is a long list of incidents showing that that is the course which has been adopted in the past; and I discover, too, that where Americans have been injured by other Governments they have adopted the same course which it is suggested here by Mr. Moore has been pursued when claims have been presented to the Government of the United States for torts, and, indeed, for contracts. Unquestionably the course has been for claims for damages growing out of tort or growing out of contract to be presented through diplomatic channels to the Government of the United States. American citizens are compelled to pursue that course. If they have sustained damages by reason of the wrongs of nationals or of Governments, their claims are presented through diplomatic channels. I grant that too often they do not obtain justice, and it may call for an adjustment of the method of obtaining damages for these wrongs.

I shall not object to the consideration of this bill, Mr. President, but I think it is a very unsafe practice. I think it is a precedent that may challenge the attention of Congress, and the wisdom of it I think may be seriously questioned.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all of section 3, so as to make the bill read:

Be it enacted, etc., That the Dampskibsselskabet Dannebrog, of Copenhagen, Kingdom of Denmark, the owners of the Danish steamship *Flynderborg*, are hereby authorized to bring suit in personam against the United States, within one year after this act becomes law, to recover damages for any injury to such steamship *Flynderborg* which may have been caused by the U. S. S. *Prometheus*, of the United States Navy, in a collision which took place between the U. S. S. *Prometheus* and the steamship *Flynderborg* on December 4, 1919, in Charleston Harbor, S. C., eastern district of South Carolina, and jurisdiction in admiralty is hereby conferred upon the District Court of the United States for the Eastern District of South Carolina to hear, consider, and determine such suit upon the principles of liability and in accordance with the practice obtaining in like suits in admiralty between private parties and to enter a decree or judgment for or against the United States or such Dampskibsselskabet Dannebrog, including costs.

SEC. 2. That the suit herein authorized shall be brought and prosecuted in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as amended, in so far as such provisions are applicable thereto, unless otherwise provided herein. The right of appeal and review shall be afforded as now provided by law in like suits in admiralty between private parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISABLED EX-SERVICE MEN.

Mr. WALSH of Massachusetts. Out of order, I ask unanimous consent to take up Senate resolution 59, providing for the appointment of a select committee to investigate all bureaus and agencies of the Government dealing with the welfare of the veterans of the World War. As the hour of 2 o'clock is approaching, it seems to me that if any action is going to be taken, it ought to be taken to-day.

Mr. SMOOT. I object, Mr. President.

Mr. WALSH of Massachusetts. I call attention to the fact that this subject matter has been pending before the Senate since April 27.

Mr. SMOOT. We may be able to reach it before 2 o'clock.

BILL PASSED OVER.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PROTECTION OF SALMON.

The joint resolution (S. J. Res. 4) requesting the President to negotiate a treaty or treaties for the protection of salmon in certain parts of the Pacific Ocean was announced as next in order.

Mr. JONES of Washington. Mr. President, I have just had an opportunity to examine this joint resolution. Unless the Senator from Oregon will consent to strike out the words "both within and," in line 11, I shall have to object to its consideration. There is a treaty here now affecting the waters of the State of Washington that has been shown to be so unjust that the Committee on Foreign Relations saw fit to ask the State Department to withdraw it, and yet this joint resolution calls for the negotiation of just such treaties.

Mr. McNARY. In answer to the statement of the Senator from Washington, I will say that I should regret to have any objection made to the immediate consideration of the joint resolution, because it vitally affects a very large and profitable industry on the Pacific coast.

Mr. JONES of Washington. I shall not object if the Senator will strike out the words "both within and." If he will not, I shall object.

Mr. McNARY. That is, within the 3-mile limit?

Mr. JONES of Washington. Yes.

Mr. McNARY. Beyond that the Senator has no objection?

Mr. JONES of Washington. I have no objection beyond that.

Mr. McNARY. Of course, the idea and purpose of a treaty negotiated between the Dominion of Canada, the United States, and Great Britain is for the protection of the salmon beyond the 3-mile limit.

Mr. JONES of Washington. But it says "both within and beyond." I understood that the object was to protect the salmon outside of the territorial limits, and I was surprised to find those words here.

Mr. McNARY. I have no objection to that amendment being made.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Washington.

The READING CLERK. On page 1, line 11, it is proposed to strike out the words "both within and," so as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and he is hereby, requested to negotiate on behalf of the United States, as promptly as is practicable, such treaty or treaties as may be necessary for or appropriate to the purpose of protection from unnecessary destruction, through wasteful practices, devices, and methods of capture, of salmon in the waters of the Pacific Ocean off the coasts of the United States, including the Territory of Alaska, and of the Dominion of Canada, beyond the limits of the territorial waters of the United States, including the Territory of Alaska, and of the Dominion of Canada, to the extent requird for protecting adequately the interests of the United States.

The amendment was agreed to.

Mr. KING. Mr. President, I have no objection whatever to this joint resolution. I invite the attention of the Senators, however, to the fact that a great deal of timidity has been sometimes expressed by the Senate as to the possibility of the legislative department trenching upon the rights of the Executive. It was suggested by some, when the Borah resolution was before the Senate, that it was a question for the President to determine whether he would take up with foreign nations the question of disarmament or the limitation of armament, and that the Senate and Congress had no right to express their views upon any of those questions. This joint resolution asks the President even to negotiate a treaty. The Senator is clearly within his rights in introducing the joint resolution, and the Senate is clearly within its rights in passing it.

Mr. McNARY. Mr. President, I observe in the report of the bill by the chairman of the Foreign Relations Committee, and he has also called my attention to it, that it is reported as a Senate joint resolution. It ought to be a Senate resolution; and I ask for a modification of it so that it will be a Senate resolution instead of a Senate joint resolution.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and it will be so modified.

The READING CLERK. It is proposed to strike out "Senate joint resolution 4" and insert "Senate resolution 85."

Mr. JONES of Washington. Would it not be necessary to change the resolving clause also? The resolving clause reads:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

Mr. McNARY. Yes, Mr. President; it should read simply "*Resolved.*" I ask that that change be made.

Mr. FLETCHER. Mr. President, would the Senator object to making it a concurrent resolution?

Mr. McNARY. Yes. It is entirely unnecessary, and we will get prompter action by initiating the matter through the expression of the view of the Senate. It is not necessary to go to the House.

The READING CLERK. On page 1, lines 1 and 2, it is proposed to strike out all after the word "*Resolved.*"

The amendment was agreed to.

The resolution as amended was agreed to.

EXPOSITION AT PORTLAND, OREG.

The joint resolution (S. J. Res. 5) authorizing the President to invite foreign nations to take part in an exposition at Portland, Oreg., in 1925, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. McNARY. Mr. President, I hope the Senator from Utah will withhold his objection. It is a matter which I think requires and has sufficient merit to receive prompt attention by the Congress. The Foreign Relations Committee made a unanimous favorable report upon the joint resolution, and the people of the State of Oregon are anxious to have a status fixed for the fair. Preparations have been made, and all we are requesting Congress to do is to ask the President to invite foreign nations to participate.

Mr. SMOOT. All of these joint resolutions that we have passed lately have had incorporated in them a provision that there shall be no obligation to the Government in issuing the invitations. I think, under this joint resolution as it is worded, if there should be an expenditure of money by those in foreign countries and a request should be made on their part to have the Government of the United States pay it, we would be in rather an embarrassing position. These joint resolutions in the past have always contained that proviso.

Mr. McNARY. Mr. President, there is no desire upon the part of the good people of the Northwest to call upon the Government to assume any liability whatsoever, and I shall be very happy to accept the amendment the Senator has indicated.

Mr. SMOOT. I have no objection to the passage of the joint resolution if the usual amendment is incorporated in it.

Mr. McNARY. I was not conscious of any provision of that character, though its purpose suits me very well.

Mr. SMOOT. That is the purpose of the amendment. I will get the wording, if the Senator has no objection, and have it incorporated in the joint resolution.

Mr. McNARY. I shall be glad to have that done if the Senator will withhold his objection to the immediate consideration of the joint resolution.

Mr. SMOOT. Or, if the Senator desires it to go over temporarily, or until I can get the language to which I refer, I will get it quickly.

Mr. McNARY. I should like to have it acted upon to-day.

Mr. SMOOT. If the Chair will let it be acted on with the understanding that I will furnish the amendment later, I have no objection.

Mr. McNARY. That will be very satisfactory.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Utah will be agreed to. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the joint resolution will be reported to the Senate.

Mr. McLEAN. Mr. President, it seems to me that the Senator interested in this joint resolution will lose no time, and may avoid a catastrophe, if he will postpone action on the measure temporarily until we know what the amendment is to be.

Mr. SMOOT. I will write it out.

Mr. McLEAN. I do not like to vote for an amendment that is still inchoate.

Mr. McNARY. Mr. President, the Senator from Utah stated precisely the principle which is involved in his amendment, and I am willing to accept it; but if there is objection I ask that the matter may go over temporarily, and during the course of the day I shall ask unanimous consent to take up the joint resolution.

The PRESIDING OFFICER. Without objection, the joint resolution will be passed over.

Mr. McNARY subsequently said: I ask unanimous consent to recur to Calendar No. 73, Senate joint resolution 5.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the joint resolution (S. J. Res. 5) authorizing the President to invite foreign nations to take part in an exposition at Portland, Oreg., in 1925.

Mr. McNARY. I offer an amendment, in line 9, to follow the word "energy," which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 1, line 9, after the word "energy" and before the period, insert:

Provided, That the United States Government shall be put to no expense by reason of the extending of the invitation, so as to make the joint resolution read:

"*Resolved, etc.*, That the President of the United States is hereby authorized and requested to invite foreign countries to participate in an exposition to be held in the city of Portland, State of Oregon, in the year 1925, to celebrate the completion of transcontinental and Pacific highways, the centennial of the invention of the electromagnet, and to exemplify the development of hydroelectric energy: *Provided*, That the United States Government shall be put to no expense by reason of the extending of the invitation."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL OF OFFENSES AGAINST THE UNITED STATES.

The bill (S. 637) to amend section 1014 of the Revised Statutes of the United States, so as to authorize the issue of a warrant for the arrest and removal of persons under indictment for offenses against the United States, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 2, line 17, after the word "law," to insert a colon and the following proviso:

Provided, That if the offense charged in said indictment is bailable the judge of said court shall fix the amount of bail and cause the same to be indorsed on the warrant so issued, and upon request of the person arrested under said warrant, he shall be taken before a United States commissioner or district judge in the district where arrested for the purpose of being admitted to bail for his appearance for trial in the court in which such indictment is pending: *Provided further*, That if the person charged with such offense fails to appear according to the terms of the bond or undertaking given for such appearance, and such bail is thereby forfeited, he shall not again be admitted to bail unless by the judge of the court in which such indictment is pending.

On page 3, line 16, after the word "witnesses," to insert the following words:

Together with his necessary maintenance from the time of his arrest until his discharge and immediate return by the most direct route to the place outside said district from which he was removed, said maintenance to be at the rate of not exceeding $5 per day.

On page 3, line 20, after the word "allowance," to insert the words "for mileage and maintenance," so as to make the bill read:

Be it enacted, etc., That section 1014 of the Revised Statutes of the United States be, and the same hereby is, amended by adding at the end thereof the following:

"That whenever it shall be made to appear in any court of the United States that any person or persons under indictment therein can not be found within the district where the offense is to be tried, the judge of said court shall examine, upon motion of the United States attorney, a transcript of the proceedings, testimony, and evidence before the grand jury upon the finding of such indictment, and if such proceedings shall appear to be regular and such testimony and evidence sufficient to establish a prima facie case against the accused he shall enter an order directing a warrant to issue for the arrest of the person so charged wherever found and for his removal forthwith to the district where the trial is to be had. Every warrant so issued shall be accompanied by a copy of the order directing the same, duly certified by the clerk of the court, may run into any other district, may be addressed to any marshal or deputy marshal of the United States, and may be executed in any place within the limits of the United States or subject to the jurisdiction thereof by the arrest of the person named and his removal forthwith to the district wherein the indictment is pending, there to be committed, let to bail, or otherwise dealt with according to law: *Provided*, That if the offense charged in said indictment is bailable the judge of said court shall fix the amount of bail and cause the same to be indorsed on the warrant so issued, and upon request of the person arrested under said warrant, he shall be taken before a United States commissioner or district judge in the district where arrested for the purpose of being admitted to bail for his appearance for trial in the court in which such indictment is pending: *Provided further*, That if the person charged with such offense fails to appear according to the terms of the bond or undertaking given for such appearance, and such bail is thereby forfeited, he shall not again be admitted to bail unless by the judge of the court in which such indictment is pending.

"That if any person so arrested and removed shall be acquitted upon trial of the indictment under which he is arrested, or if the indictment shall be quashed or dismissed without trial, and no other complaint or indictment be lodged or found against him during the term of court at which he was so discharged, he shall, upon the entry of order discharging him from custody, if he then desires to return to the place in which he was arrested, be allowed and paid mileage from the place of arraignment or trial to the place of arrest, the same to be computed and paid by the marshal of the district to which he was removed upon the same basis as mileage of witnesses, together with his necessary maintenance from the time of his arrest until his discharge and immediate return by the most direct route to the place outside said district from which he was removed, said maintenance to be at the rate of not exceeding $5 per day, such allowance for mileage and maintenance to be paid by the marshal out of the funds in his hands for miscellaneous expenses, United States courts.

"That the arrest and removal of offenders not under indictment, but proceeded against by complaint or information, shall continue to be accomplished in the manner first hereinbefore provided.

"That all laws and parts of laws inconsistent herewith are hereby repealed."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT OF CERTAIN SEDITIOUS ACTS.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. LA FOLLETTE. I interposed an objection to the consideration of Senate bill 1807 and Senate bill 425 because they could not properly be considered under the five-minute rule, and I for like reason object to the consideration of this bill.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF AMERICAN TRADING CO.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,002 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. LENROOT. Let that go over.

Mr. WADSWORTH. Mr. President, if the Senator from Wisconsin will permit a brief explanation of this matter, may I say that this same joint resolution passed the Senate at the last session of the Congress and was reported favorably by the House committee after most extensive hearings in both bodies.

Here is the situation: In the early part of May, 1920, the Department of Justice, under the direction of Attorney General Palmer, embarked upon a campaign to bring down the high cost of living. Among other things which they tried to affect by that campaign was the price of sugar, which at that time was in the neighborhood of 25 to 30 cents a pound.

One of the officials of the Department of Justice, who in the early part of May had direct charge of this campaign, requested an American commercial concern to purchase some sugar in the Argentine and to bring it to the United States and help break the price. In making the request of that concern, which the Government made, certain rules and regulations were laid down at the same time by our Government for the distribution of the sugar in the United States and the price at which it must be sold.

The concern, namely, the American Trading Co., agreed, upon the request of the Government, to purchase the sugar in the Argentine, bring it to the United States, and sell it here only to persons designated by the Department of Justice, and to sell the sugar thus imported to these persons designated by the Department of Justice at a net profit of but 1 cent a pound, and at the price of about 20 cents a pound, the ruling price in the open market of the United States at that time being in the neighborhood of 26 to 30 cents a pound.

The company which the Department of Justice asked to perform this service at a rate of profit which certainly was not attractive, and which would not attract anybody in an ordinary commercial transaction, agreed to do it. They purchased the sugar in the Argentine upon the assumption that the United States Government had secured the permission of the Argentine Government to export the sugar from the Argentine. The Government officials here at Washington had told these people that they had such permission, and, indeed, a message to that effect had come through the American embassy at Buenos Aires. When they had purchased the sugar, however, about the middle of May, it turned out that the Department of State, which carried on the negotiations with the Argentine Government, through our own ambassador in Buenos Aires, was in error and that the Argentine Government had not given an export license.

Two months were consumed by our Department of State in arranging with the Argentine Government to get the export license. In all of the cables and dispatches this company is referred to by our Government as the agent of the United States Government, acting on its behalf and under its control.

The price of sugar in the United States went down very, very severely during that two months' period when these people could not get the sugar out of the Argentine. When it started to go down in the United States, and they found themselves facing a loss, they asked the Department of Justice whether they could not resell the sugar in the Argentine and get out of the transaction. The Department of Justice informed them that the representatives of the State Department insisted that they must keep that sugar and bring it to the United States. They were forbidden to resell the sugar in the Argentine, and were compelled to bring it to the United States and face a loss, when they got here, of over a million dollars. From start to finish they were helpless in the entire matter. From start to finish they represented the Government of the United States, and the dispatches described them as its representatives.

Mr. WARREN. How much would the Government be obligated for by the passage of the bill?

Mr. WADSWORTH. That is a matter which could be calculated.

Mr. WARREN. Approximately?

Mr. WADSWORTH. I will tell the Senator as closely as I can. They brought 13,000 tons of sugar here. They managed to dispose of something like 5,000 tons of it, as I recollect.

Mr. WARREN. Nearly 14,000 was what they brought, was it not?

Mr. WADSWORTH. Thirteen thousand nine hundred; and the estimates made by the counsel of the Sugar Equalization Board, who appeared before the Committee on Agriculture and earnestly advocated the passage of this joint resolution, as did the Attorney General himself, were to the effect that the Sugar Equalization Board should take over and dispose of the sugar remaining, at a cost to the Government of approximately one million to one million two hundred thousand dollars.

It so happened that the Sugar Equalization Board made money by its general transactions. I think they have turned into the Treasury of the United States something like $30,000,000, and they have about ten million more to turn in. This loss would be paid out of the profits of the Sugar Equalization Board.

The American Trading Co., and the B. H. Howells Sons & Co., who acted with the American Trading Co., and again in entire agreement with the Department of Justice, are entirely helpless in this matter, and the action of the Government of the United States itself, and no other agency involved, has inflicted this immense loss upon a commercial concern.

Attorney General Palmer appeared before the committee, as did Mr. Glasgow, the counsel of the Sugar Equalization Board, and Mr. Zabriski, the president of the Sugar Equalization Board, all of whom were completely familiar with this transaction, and all joined in saying that the only decent, fair thing to do is for the Government, through the Sugar Equalization Board, to take over this transaction and save this concern.

The committee has twice reported it, upon each instance only one Senator objecting to the report, not on the ground that these people had not been hardly treated, but on the ground that the Department of Justice, in the first instance, should never have undertaken such a contract.

Mr. FLETCHER. Can the Senator state whether the transaction really did have any effect toward bringing about a lowering of the price of sugar?

Mr. WADSWORTH. The unanimous testimony in that regard is that the importation of this sugar, together with the announcement of the Department of Justice that this was merely a forerunner of vast importations from the Argentine, did more, perhaps, than anythnig else to smash the price of sugar in the United States. It was advertised far and wide all over the country. The price of sugar was smashed. The American people got the benefit of it, and these commercial people stand to lose $1,200,000 because, forsooth, they were an agent of the Government of the United States, and were not their own masters.

Mr. SMOOT. Is there any correspondence from the State Department showing that they were actual agents of the Government?

Mr. WADSWORTH. Absolutely, and it is in the hearings. I shall read one or two of the dispatches if the Senator cares to hear them.

Mr. SMOOT. I mean from the State Department.

Mr. WADSWORTH. Yes; from the State Department.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

Mr. WADSWORTH. In order that I may answer the question of the Senator from Utah, I will postpone making a statement about the Army bill.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. FRELINGHUYSEN. I do not wish to delay action on the appropriation bill, but I will ask the Senator from New York if he will not let the joint resolution go over that has been under discussion? I have an amendment to offer to it. I believe that the legislation should be general and not specific, because there are other instances of injustice to concerns to

which the Government has been under obligation and which have imported sugar. One was a firm in my own State——

Mr. WADSWORTH. May I interrupt the Senator? If he intends to offer an amendment to the joint resolution, I shall not press it for consideration to-day. I may say to the Senator that the offering of that amendment will cause extended debate, because I think it was once considered and rejected by the committee.

Mr. FLETCHER. I do not think we ought to go on with the joint resolution now. We ought to take up the calendar on next calendar day where we leave off to-day. There are a number of very important measures on the calendar that I should like to reach, and a number have gone over.

POTOMAC RIVER RAILROAD BRIDGE.

Mr. SUTHERLAND. Mr. President, I ask unanimous consent for the adoption of the motion which I send to the desk.

The VICE PRESIDENT. Without objection, it will be stated.

The READING CLERK. The Senator from West Virginia moves that the Committee on Interstate Commerce be discharged from the further consideration of the bill (S. 1847) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," and that the said bill be referred to the Committee on the District of Columbia.

Mr. SUTHERLAND. The bill relates to the highway bridge and the use of it by certain connecting companies, and in that the District of Columbia has a certain interest. So the bill should have been referred to the Committee on the District of Columbia in the first instance. The Interstate Commerce Committee fully realize that and ask that it be so referred.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

ADDRESS BY SENATOR HARRISON AT MONTGOMERY, ALA.

Mr. UNDERWOOD. Mr. President, on last Friday the Senator from Mississippi [Mr. HARRISON] delivered a very able address in Montgomery, Ala., at the dedication of the first White House of the Confederacy. It is a historic address, which should be preserved, as the history of our country should be preserved, for the common heritage of the children of the soldiers on both sides of the War between the States. I should like to have it printed in the RECORD, and I ask unanimous consent that the copy of the address which I send to the desk may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR HARRISON AT WHITE HOUSE DEDICATION EXERCISES FRIDAY AFTERNOON.

Senator HARRISON said:

"The South is grateful to Alabama for this occasion. If the spirit of the men who now sleep on the hallowed battle grounds where they made the supreme sacrifice could witness this event, they would know they 'did not die in vain.'

"To you noble women whose patriotic souls conceived and whose loving hearts nurtured and whose tender hands wrought this splendid work, a grateful people pours forth its benedictions of sincere appreciation. And for your chief executive, the members of the first White House of the Confederacy commission, the Legislature of Alabama, and every citizen in your State who aided, encouraged, and cooperated in making possible this occasion, southerners everywhere entertain to-day deepest feelings of appreciation.

"Lack of sentiment, forgetfulness of traditions, unappreciativeness of heroic deeds, are characteristics of only decaying people. A nation whose soul is unmoved by its history and unstirred by its achievements is doomed to failure. The South is a great section, rich in natural resources, commanding in wonderful advantages. It bows to no section in the rapid progress of its development; it yields to none in the opportunities presented. Numberless acres of untilled land, millions of feet of virgin forests, limitless energy in unharnessed waters, and countless miles of unearthed minerals are waiting to be touched by the welcome exploiter. No feeling of sectional narrowness stalks this land; no spirit of ostracism grips our people.

"But necessary as is added capital and more and new and enlarged industries, I would rather see its commercial supremacy deferred than for it to be attained by surrendering those priceless traditions and imperishable principles upon which our glorious history is founded. I never want to see the glories of the South forgotten in the maelstrom of industrial strife. I never want to see the principles for which our fathers sacrificed supplanted by a yielding to the commercial exigencies of the hour. I never want to see the shrine that was builded by our splendid men and noble women torn down and in its stead one erected to the god of Mammon. The sentiment of the South is too dear, its heritages too priceless, its sacrifices too great, its principles too precious and enduring to be bartered, however large and alluring the price. The conviction of the men for the right who molded the destinies of the South is dyed in blood too pure to ever fade, the cause for which they suffered was too just and too righteous for its children ever to suggest excuse or offer apology.

"As one who reveres the memories of our fathers, as one who shall ever strive to keep fresh the events that made its history great, as one who loves every sentiment connected with it in every pore and fiber of his being, I am glad to come from the bosom of your twin sister State, from the shadow of historic Beauvoir, and share with you the warmth and enthusiasm with which our hearts are filled to-day in the dedication of this historic home, dear to every southerner, and around which cherished memories will ever cling.

"It is peculiarly fitting that this event should take place on this day. Beautiful, historic old Montgomery! Dear, grand old Alabama! We salute you to-day, and I speak as a Mississippian, jealous of your wonderful resources, yet proud of your imperishable history. Oh, the statesmen and scientists and jurists and scholars and warriors and glorious women that you have given to the Nation!

"Your skies have been blackened by the smoke of invading foes. Your streams have run red with the blood of your patriotic sons. It was along the banks of the Tallapoosa, at memorable Horse Shoe Bend, than your brave backwoodsmen, fighting side by side with the intrepid Tennesseans and led by 'Old Hickory,' subdued the red man in his last stand, wrenched the scepter from his hands and opened up this fair land to civilization.

"In the Mexican War few States furnished to the Nation more soldiers and none braver than did Alabama. In '98 you were among the first to furnish your quota to avenge the sinking the *Maine* and succor poor, outraged, persecuted Cuba. From Santiago to Manila Alabamians played nobly their part, and the gallantry displayed by Joe Wheeler in leading his men to victory at San Juan Hill, and Richmond Pearson Hobson in the sinking of the *Merrimac* will remain an imperishable legacy to your State.

"And in the late World War no braver lads ever marched to the tune of martial airs or fought beneath the folds of any flag than those from Alabama. They maintained the splendid traditions of their fathers and shed undying glory not alone upon Alabama, but the Nation as well. Great as is the number of heroes of that mighty conflict enshrined on the pages of history, the name and fame of Gen. Robert L. Bullard and the Alabamians of the Rainbow Division will ring down the corridors of time.

"Inspiring as are those deeds, wonderful and soul stirring as are those events—lasting in the memory of future generations as they will be—they fail to stir the emotions, to fan the flames of enthusiasm, or grip the impulses of the heart as those circumstances and events incident to the War between the States. Just think of them! What a feeling is kindled! What emotions are aroused!

"It was here, in the 'cradle of the Confederacy,' where the new republic was nurtured. Here it was that the representatives of a proud and indomitable people met in convention and framed and adopted its constitution. Never before was a work of such import accomplished in such a masterly way in such a brief time as was the framing and adoption of that instrument. And to-day, in reading the principles then and there enunciated, the unselfish instinct of the section, the economic spirit of the day, the masterly intellect of the delegates is revealed. What a needed reform would be wrought if the Congress and the States would to-day amend the Federal Constitution and follow the principles enunciated in the Confederate constitution, extending the term of the President and Vice President to six years and making them ineligible for reelection. What an economy it would effect and what a saving to the taxpayers of the country if that part of the Confederate constitution could be adopted by the Federal Government requiring a two-thirds vote of the Congress to make Federal appropriations; and oh, that some of our present-day Democrats who, in their selfish desire to enrich a few at the expense of the many, protect one section to the detriment of another, who have joined the ranks of those who believe in a protective tariff, would read and memorize that part of the Confederate constitution that condemned in the strongest possible language a protective tariff and unanimously

laid down the rule that the passage of any such law was forever prohibited by the Confederate Congress.

"It was here that William L. Yancey, that mighty genius, a star of the first magnitude, the unrivaled orator of the Confederacy, from whose lips words fell like rushing water down the mountain side, introduced the first and only President of the Confederacy on the occasion of his first and only inauguration. What memories are revived on this occasion! What patriotic specters are revealed! In yon historic resting place sleeps this matchless orator, the most eloquent man of his day, Alabama's 'priceless jewel!'

"Here it was that the great intellects of the South met and laid plans to meet the momentous problems of that stormy period.

"I am sure I will be pardoned if I assert that subsequent events demonstrated that a fatal blunder was made by those in whose grasp the future of the Confederate government was held when the capitol was moved from this city to Richmond. Left here, it would have compelled the enemy to operate from a distant base of supplies, upon lines of communication 800 miles long, while it would have liberated to be used as occasion demanded a magnificent army which was constantly required for the defense of Richmond. Located as Richmond was, within little more than a hundred miles of the enemy's base, upon a river which permitted the approach of formidable war crafts and within a short distance of a strong fortress on a fine harbor, it was a constant invitation for aggressions which required the energy and most of the resources of the South to combat.

"But this is not the time or place to criticize. There is nothing we need regret. No government ever accomplished more against such overwhelming odds with fewer mistakes than did the Confederacy. Entering the war with little money, without an army or navy, no set of men ever displayed greater qualities of leadership than they. For four long years these men and you old grizzled veterans and your comrades in arms held at bay a section many times larger than yours, an area three times as great and a foe richer in every resource. You were fighting an enemy with forces magnificently equipped and thoroughly trained. You were fighting a government well established and the machinery of which was minutely organized. No government could have sustained itself so long without its people having an abiding conviction of the righteousness of their cause. You believed in it. You knew you were right. You knew that the principles for which the South had taken up arms were guaranteed in the Federal Constitution—had been advocated by the statesmen of other sections, and which for 40 years following the adoption of the Federal Constitution had never been denied. You knew that the South believed and held with unrelaxing grasp to the fundamental principle that the Union was composed of separate and independent sovereign States, and that the Federal Government was one of delegated powers specifically and clearly defined; that that guarantee had been clearly expressed in the Articles of Confederation and universally recognized in the Constitutional Convention. You knew that the New England States from 1795 to 1845 had proclaimed the right and threatened the action of secession; that Richard Griswald, a Representative in Congress from Connecticut, had declared that he was 'in favor of the New England States forming a republic by themselves.' You knew that Justice Joseph Storey, who in after years graced the Supreme Court of the United States, in speaking against the admission of Louisiana into the Union as a State, definitely said that if the bill passed the bonds of union would be broken, the States which composed it would be free from their moral obligations, and that 'as it will be the right of all, so it will be the duty of some to prepare definitely for a separation, amicably if they can, violently if they must.'

"You knew that the Hartford convention had declared the inalienable right to withdraw from the Union, and that Daniel Webster, in a speech to a Virginia audience in the forties, made the emphatic declaration that 'if the Federal Government fails to abide by the provisions of the Constitution, the South would no longer be bound to observe the compact. A bargain could not be broken on one side and still bind the other side.'

"As often as it has been repeated, it is not true that slavery was the cause of the war. Although slavery was interwoven, there were larger and greater questions involved. It was the unquestioned right of a State to exercise those powers not expressly delegated by the States in the Federal Constitution to the Federal Government. Without suggesting that slavery comports to the spirit of the times and the human progress of to-day it is a remarkable fact of history that at the time of the adoption of the Federal Constitution every State, save one, sanctioned it by law and practiced it in principle. Little respect can be given to those whose consciences were too sensitive to own slaves as property but who permitted themselves to become enriched by selling them at high value to others.

"The Southland believed that property of whatever kind should be respected and protected under the laws of the land. They resisted any invasion of the right of the States to control their own domestic affairs as a violation of the Federal compact. And so, fighting for such principles, the men and women of the South demonstrated to the world qualities of greatness unexcelled and courage unsurpassed.

"The South did not want war. It much preferred settling the mooted questions without war. It tried in every way through its leaders to avert the catastrophe. The leader of the cause, whose birthday we here commemorate, was a distinguished Senator from my State, who deferred resigning his seat as a United States Senator until all hope of settlement had vanished. But when the war was inevitable and the conflict began, the southern soldier made it his religion to fight, and the world has never seen such bravery and heroism as was displayed by him. No painter can ever paint the sufferings he endured. No orator can ever describe the courage he displayed. No bard can ever sing the praises he so richly deserved. No historian can ever write the true story of his valor in that awful drama. Suffice it to say that from the first angry shriek of the cannon at Fort Sumter until taps were sounded at Appomattox the southern soldier shed glory and luster on the Southland. He kept watch over it as long as he could and only sheathed his sword and returned to his home when nothing else remained for him to do.

"It was a dark day when the flag of southern hope and glory went down in clouds and tears. Then and there one of the most brilliant civilizations that ever flourished staggered and fell with broken lance and shattered shield.

"Fame, unrecorded, still is fame,
Truth, though unknown, is truth the same,
And the grandest glory known to man
Is heroism, though it win
No victor's wreath, nor conqueror's crown.

"And by the side of those immortal men through those four long years of anxious suspense were the noble women of the Confederacy. Heaven bless them!

"Nay, tell it as you may,
It never can be told.
Sing it as you will,
It never can be sung,
Nay, no singer yet has sung
Song to tell how heroes bled,
When our soldiers home among,
Wept eyes waiting for the dead.

"The terrible suffering that they endured will always excite the wonder and admiration of the world. Shut in from everyone, practically at home without protection, subjected to want and privation, the loneliness and suffering of fearful suspense—yet she never murmured, never ceased in her devotion, and never faltered in her duty. These wonderful women were the sentinels back home, and no human interest was ever more faithfully guarded. No comforter had they save their God, and no resource but unwearied prayer and hope.

"Glorious womanhood of the South. And thus they stood behind our intrepid armies and were their inspiration from Fort Sumter with its blazing fire of hope to the cruel and heartrending surrender at Appomatox, where all was darkness and despair.

"The Athenian women in great emergencies used their beautiful long hair to make rigging for vessels. The women of Poland stripped the jewels from their beautiful fingers and snowy white necks and threw them into the famished treasury of their bleeding country. Our grandmothers, in revolutionary times, molded their pewter spoons into bullets and sent their sons with Washington to fight the battles for our independence. But the women of the Confederacy plied their willing hands and made for the soldiers warm and comfortable clothing. They devoted themselves to toil in the fields that they and their loved ones might have food. Not only were they active and watchful at home, zealous in the cause of southern rights, but when occasion required they were the same ever watchful guardians around the sick and dying in every form that presented itself in that great struggle. If it were hospital service or if it were just after some great battle, these good women were on the spot, either to administer substantial aid to the living or Christian comfort to the dying. No word of complaint ever fell from their lips during that eventful epoch, only words of inspiration to their husbands or fathers or sons or sweethearts to keep up the fight. Every message from them carried with it the thrilling appeal to stand by the cause. The beautiful and patriotic sentiments that they uttered were more inspiring to the soldiers and fired them to more heroic action than the ringing words of Lord Nelson to his men, when sailing

into Trafalgar Bay: 'England expects every man to do his duty.' And Napoleon, amid the pyramids of Egypt with their 40 centuries of glorious achievements looking down upon him, could not have thrilled his armies more than the tender words from these heroic women.

"Men of gray, and women of the sixties, by your magnificent examples of devotion and bravery and sacrifice, you made humanity better. By the qualities and virtues you exhibited in that great struggle, patriotism was made more sublime, and let me say to you 'whose faltering footsteps are turned toward the grave,' fear not that in this materialistic age the children of the South will ever forget the principles for which you suffered and the priceless heritage that you have given us. We and our children will revere the spirit of your service and devotion. We will remember that your marvelous self-abnegation, heroic sacrifice, and unyielding patriotism is the most glorious legacy with which the South is endowed.

"While most wars produce one or two heroes, the war between the States produced thousands of them and brilliant leaders by the score. There was Forest, Beauregard, Longstreet, Johnston, Stuart, Van Horn, Walthall, Gordon, Morgan, Pettus, Oakes, Clanton, Pelham, and a host of others, whose names will be cherished by the sons and daughters of the South throughout time. But like the century plant that blooms but once in a hundred years, such a general as Lee is born. Cool in judgment, scholarly in attainments, careful in action, wonderful in military instinct, Robert E. Lee ranks to-day and always will rank as one of the greatest generals the world has ever produced.

"And by the side of him in history there will ever stand one other, a consecrated Christian, a tactful disciplinarian, a brave and great leader, and when he 'crossed over the river and rested in the shade of the trees' at Chancellorsville, Robert E. Lee lost his ablest lieutenant and the southern cause one of its greatest generals—Stonewall Jackson.

"And by the side of these two illustrious and immortal names history will record the name of the man whose memory we hallow to-day, the man who has probably been more maligned throughout the North than anyone who aided or sympathized with the southern cause. No American has been so little understood and maliciously misrepresented as Jefferson Davis. While living his detractors and enemies hurled their anathemas of malignity at him, and in death and even after death they tried to besmirch his character and reputation. They charged him with embezzlement, with extortion, and even with treason. No accusation was too slanderous for them to make and no crime too heinous for them to accuse him of. All the sins of the South were piled upon his shoulders and every mistake was branded upon his brow. Not only were the accusations made against him wholly false and unjust, but they treated him more cruelly. His imprisonment at Fortress Monroe—cruel, unmerciful, and inhuman—is only exceeded in debased mockery by one incident in the annals of history, and that the crucifixion of the lowly Nazarene. When he was arrested, after the war, he was mocked and derided, kicked and cuffed, and in iron chains thrown into a cold dungeon cell. There within that dismal prison he was surrounded only by the iron walls of his cell, visited only by loneliness, nourished by bread and water, accused of the highest of all crimes—and yet a trial was denied him. For days and weeks and months he was kept in chains that wore the thin flesh from his bones. At times his guards mocked him and exhibited him to curiosity seekers, who took from his cell even the tin cups from which he drank and the pewter spoons from which he supped as relics of the loathsome place. And when finally liberated, derided and blasphemed, he carried his heavy heart back to the land he loved to await the inevitable hour when his sad and persecuted life would end. And in after years, when he crossed the eternal river, carrying with him the heart throbs of a generous section, although he had served his country with distinction as Secretary of War, for the first and only time in this Nation's history under such circumstances was the flag of our country on public buildings, on the order of the then Secretary of War, not lowered to half-mast.

"But the day of retribution has come, and thousands to-day do honor to the memory of Jefferson Davis while scarcely any remember the name of the Secretary of War who issued that order.

"But why should Jefferson Davis have been selected or singled out to carry the alleged sins of the South? What was there in his deportment or his utterances that were not found in the deportment and utterances of tens of thousands of others? What act of his touching the South and the cause for which he stood and fought was there that was not sanctioned and approved by every southern officer and every private in the Confederate Armies? What principle did he advocate that did not meet the approval of Robert E. Lee, that splendid Christian character, that general whose placid spirit a generous world commends? What action of his did not meet the approbation of Stonewall Jackson, whose martyred spirit now lives with the angels and whose unsurpassed military leadership is the admiration of the world? What speech was ever uttered by Mr. Davis that did not find enthusiastic acclaim in the burning heart of every southern man?

"No true southerner in those days could be found who did not sincerely believe as did Mr. Davis and who did not approve of his acts, his utterances, and his deeds.

"It is a sad commentary that a distorted public opinion should measure one man by one standard and all the other men of the same section who stood for the same thing by another. I am not unaware that a certain glamor attaches to a military hero which elicits the admiration of all. A statesman of the highest order, a benefactor in achievements unsurpassed may return to his home from his labors unheralded, unwelcomed, and unapplauded, but the military hero, be he of the highest or lowest rank, is received with wild and enthusiastic acclaim. It is but natural that after the thundering roar of cannon, the flickering illumination of ghastly battles, and the sharp rattle of clashing musketry we love to hear the steady tramp of the returning battalions and the stirring music of martial airs. Our souls are stirred with emotion and the natural instinct of a generous heart finds expression in tumultuous and patriotic enthusiasm.

"For 240 years the unanswered question in England was, 'Shall Cromwell have a statue?' It required 240 years for public opinion in England to reach a just estimate of Oliver Cromwell, the mightiest man who ever led England's legions to victory or changed the course of her civil history. Cromwell died and was laid to rest with royal honors in Westminster Abbey, but when Charles the Second ascended the throne his body was disinterred, gibbeted, and his head was placed on Westminster Hall. But to-day a magnificent statue of Cromwell stands opposite the place where his head was exposed to the jeers of the passing crowds. Jefferson Davis is truly the Oliver Cromwell of America.

"What a wonderful character he was! What qualities of leadership he possessed! Ben Hill said of him, 'He was the most honest, the truest, gentlest, bravest, tenderest, manliest man' he ever knew.

"In that day when Webster, Calhoun, Clay, Benton, and other giant intellects graced the United States Senate, Prescott, the historian, pronounced Davis 'the most accomplished Member of the body.'

"Ridpath, another historian, who knew him personally, said of him:

> "He was a statesman with clean hands and pure heart, who served his people faithfully from budding manhood to hoary age, without thought of self, with unbending integrity, to the best of his great ability. All who knew him personally were proud that he was their countryman.

"He was an attractive orator, a great debater, highly educated, well read, with a remarkable memory. His mind was a storehouse of information. He detested hypocrisy and loathed deception. He despised sham and spurned pretense. Candor, frankness, and directness were the natural qualities of his character. Truly what he said of Franklin Pierce applies most fittingly to himself: 'If treachery had come near him, it would have stood abashed in the presence of his truthfulness, his manliness, and his confiding simplicity.'

"Jefferson Davis had a noble, proud, chivalrous, and tender nature. No citizen was so poor, no soldier so humble, no man so obscure as not to have ready access to his presence and sympathetic attention.

"And, oh, the lie that he exhibited approval at the assassination of Lincoln. Gen. Reagan, in speaking of this injustice, says that when the news of Lincoln's death reached Mr. Davis, his face expressed surprise and horror in the most unmistakable manner. 'It is too bad. It is shocking. It is horrible,' he declared. 'This is bad for the South. Mr. Lincoln understood us, and at least was not an ungenerous foe.'

"And history tells us that the next morning the little daughter of Gen. Reagan, in terror, came running in and climbed upon his knee and said to Mr. Davis that some one had told her that 'Old Lincoln was coming to kill everybody.' Mr. Davis soothingly brushed her forehead, and patting her upon the cheek, said, 'You are wrong, my dear. Mr. Lincoln is not a bad man. He would not willingly harm anyone, and he dearly loves little girls like you.'

"This incident and the one told by Dr. Craven, the Federal physician attending Mr. Davis at Fortress Monroe, reveal his gentle disposition.

"How true to his character was the incident when, as he was held in chains in his prison cell and fed upon bread and water, as related by Dr. Craven, he requested the attendant who threatened one day to kill a mouse that happened to play in the cell eating the crumbs that fell from his plate not to kill it, that it was 'the only living thing to which he could now administer comfort.'

"And how like the justice of the man when, as plantation owner at Brierfield, he refused ever to inflict punishment upon his slaves before giving them trial by a jury of their peers, with a judge and sheriff of their own color.

"Some one has said that 'his genius was most resplendent when the clouds were darkest, the tension greatest, the danger nearest. When passion swayed the hour he was in most perfect command of his highest powers and seemed to exercise the coolest judgment. He was cautious without timidity, intrepid without rashness, courteous without condescension, pious without pretense.'

"Jefferson Davis was a remarkable man. He loved the Union with all the devotion of his heart. He had given the best years of his life in its cause. He had served it in its highest legislative body, in one of its most important administrative positions and upon the field of battle. And be it said to his glorious memory, whose deeds are engraven in the hearts of his countrymen, that he never failed to measure up to the responsibilities of the hour nor faltered in the discharge of his duties.

"As a student at the West Point Military Academy, as a lieutenant on the wild western frontiers subduing the warlike savages and carrying comfort to the lonesome frontiersmen, as commander of Mississippians under the Stars and Stripes upon the plains of Mexico, winning glory for himself and shedding luster on our country by his magnificent leadership at Buena Vista and Monterey; as a Member of Congress; as Secretary of War under Franklin Pierce; as president of the southern Confederacy; as a prisoner at Fortress Monroe, tortured and persecuted for the sake of those who love his memory; as an old man at his beloved and beautiful home at Beauvoir, where the magnolia and jasemine perfumed the air he breathed and the waves from the Gulf sang wierd songs of applause to his constancy and devotion; as an invalid upon his deathbed in New Orleans, in every relation of life he was, all in all, a Christian gentleman, a gallant soldier, a matchless leader, and a great statesman.

"His life was a benediction, his name is fixed in history, and his services will be an inspiration to the children of the South forever. He loved Montgomery. He loved its people. It was here that he came in the full zenith of his power, the giant intellect of his day, the unquestioned leader of his people and received the wild acclaim of a loyal populace. It was here that he lived, laid plans, and counseled action in the most dramatic period of our country's history. It was here that he came as an old man, a nation's outcast, but the pride and idol of the South. And, true to the patriotism of Montgomery, your gates were again thrown wide open to him, your hearts burned with the warmth of your unfaltering love for him.

"It was in that old statehouse, after his stormy life had ended, the criticisms of unjust enemies and the wild ovations of a generous section could be heard no longer, that his body rested in state, peacefully sleeping so near his friends and among many of the scenes of his eventful career.

"It was, I believe, on yon balcony of the old Exchange Hotel, in his last public address to the people of Montgomery, that he said:

"'As I came here to-day I felt like I was coming home to where liberty dies not and heroic sentiment lives forever.

"This occasion attests the correctness of that noble expression, and as you men and women of the sixties and your children have seen this once torn country reunited and day by day become stronger and greater and more powerful, may the spirit of him whose best days were given in her services hover over us and guide us in realizing the hope that he expressed when he said that he wished for the time to come when an arch on the basis of fraternity and faithful regard for the rights of the States would be built and that it would stretch from the North to the South and on it in blazing letters inscribed, 'Esto perpetua.'"

ARMY APPROPRIATIONS.

Mr. WADSWORTH. I again call up the Army appropriation bill, which was temporarily laid aside.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. WADSWORTH. I ask that the formal reading of the bill be dispensed with and that the bill be read first for action on the committee amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WADSWORTH. Before the reading is commenced I should like to make a statement with respect to the bill and Army appropriations in general.

Mr. SMOOT. Mr. President, there are a number of Senators who desired to be present when the bill was taken up. If the Senator from New York does not object, I will suggest the absence of a quorum.

Mr. WADSWORTH. I yield for that purpose.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Harreld	McLean	Smoot
Brandegee	Harris	McNary	Spencer
Broussard	Hitchcock	Moses	Stanley
Bursum	Jones, N. Mex.	Myers	Sterling
Calder	Jones, Wash.	Nelson	Sutherland
Cameron	Kellogg	Nicholson	Trammell
Capper	Kendrick	Norbeck	Underwood
Curtis	Kenyon	Oddie	Wadsworth
Dial	Keyes	Overman	Walsh, Mass.
Dillingham	La Follette	Phipps	Warren
Ernst	Lenroot	Poindexter	Watson, Ga.
Fletcher	Lodge	Sheppard	Willis
Frelinghuysen	McCormick	Shortridge	
Gerry	McCumber	Simmons	
Hale	McKinley	Smith	

Mr. UNDERWOOD. I wish to announce the absence of my colleague [Mr. HEFLIN], who is unavoidably detained from the city. I ask that this announcement may stand for the day.

I wish to announce also that the senior Senator from Arkansas [Mr. ROBINSON] is detained on account of illness in his family, and that the junior Senator from Arkansas [Mr. CARAWAY] is absent on official business.

Mr. BROUSSARD. I wish to announce that my colleague [Mr. RANSDELL] is absent on business of the Senate.

The VICE PRESIDENT. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. STERLING. Mr. President, I desire to present an amendment intended to be proposed to the pending bill, and ask that it may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WADSWORTH. Mr. President, when the absence of a quorum was suggested I was about to indulge in a brief statement concerning Army appropriations in general.

The pending bill is the third Army appropriation bill presented to the Congress since the close of the Great War. Of course, the first of these bills, the bill of 1919, reflected in its provisions extremely abnormal conditions, involving, in part at least, the return from France of large numbers of American troops and supplies, their demobilization in this country, and various other conditions which of course followed immediately upon the close of the war. Therefore it would not be fair to state that the first bill following the close of the war was an accurate measure of what the Army was costing as a going concern. Nevertheless, I think it might be of interest to Senators to be reminded of what the two Committees on Military Affairs have done during the last three years with estimates of the War Department.

For the Army appropriation bill of the fiscal year 1919 the War Department earnestly urged an aggregate in appropriations of $1,300,000,000, and supported those estimates with arguments and pleadings before the Senate Committee on Military Affairs and likewise of course before the House committee. The Army appropriation bill of that year as finally passed carried in round figures $900,000,000, a cut from the estimates in that one bill of $400,000,000. For the fiscal year 1920 the requests of the department were in the aggregate in the neighborhood of $1,000,000,000. The Army appropriation bill carried $392,000,000, a cut of the estimates in round figures of $600,000,000, which I may say were urged with spirit and determination. So in those two years the Military Committees of the two Houses cut off in the aggregate $1,000,000,000 of Army expenditures.

The estimates for the fiscal year upon which we are about to embark and which are the third set of estimates which have been sent in since the war were in the neighborhood of $690,000,000. That was the figure pleaded for by Secretary of War Baker and by the chiefs of the different branches of the service. Those estimates were gone over very carefully, and lengthy hearings were held by the House committee at the last session and by the Senate committee at the last session. As a result, the Army appropriation bill finally passed Congress a few days before March 4 last, carrying, in round figures, appropriations aggregating $346,000,000. President Wilson de-

clined to approve it; it failed to go into effect. Hence we are going all over the ground again.

My understanding is that the former President refused to approve that bill largely on the ground that the committees and the Congress had reduced the appropriations too much, and that the Army under the amount provided for its support would not be adequate for the needs of the country. The bill was introduced again at this session, Mr. President, and passed the House of Representatives a few weeks ago, carrying in round figures $320,000,000, as contrasted with the bill which passed both Houses at the last session of Congress carrying $346,000,000. Upon the bill being referred to the Senate Committee on Military Affairs, we extended a special hearing to the new Secretary of War, the Hon. John W. Weeks, and also to the new Assistant Secretary of War, the latter being summoned before us for a particular purpose, to discuss one or two special items. We received from the Secretary of War the last view of the War Department, under the new administration, with the result that we report to the Senate this bill, which carries an aggregate of $335,000,000—$11,000,000 less than the bill which passed both Houses of Congress at the last session and $15,000,000 more than the bill passed by the House at this session.

I think this recital of what the committee has done during the last three years, and especially with respect to the reconsideration of this bill—for it is, in effect, a reconsideration—will indicate that the committee has not been tending toward extravagances, for the fact is we have in three years cut the appropriation $1,350,000,000 below the estimates earnestly urged by the administration.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WADSWORTH. I yield.

Mr. HITCHCOCK. I should like to ask the Senator whether the present administration has made any estimates?

Mr. WADSWORTH. The present administration did not have time to submit detailed estimates to the committee of either House. The Secretary of War, however, did make one plea, and practically one plea alone. This was his position, and this is his position to-day: He has said to us, in effect, "I would not urge you to appropriate one dollar more than you showed your willingness in both Houses to appropriate at the last session; indeed, I would be glad if it were possible to reduce that amount; but I beg of you that a certain rearrangement of the items of the bill be made, cutting savagely in some places and adding the amounts saved by those cuts in other places, notably in the pay items, in order that I may not be compelled to reduce the Army during the next fiscal year below a strength of 175,000 men." It is fair to say that the House of Representatives ignored in very large part that request of Secretary Weeks.

Mr. HITCHCOCK. Mr. President, that request was not accompanied by any formal estimate, as I understand?

Mr. WADSWORTH. It was accompanied by a letter showing where, in the judgment of the Secretary of War, certain severe sacrifices could be made in appropriations.

Mr. HITCHCOCK. But there was no estimate of the total appropriation requested?

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. What was that?

Mr. WADSWORTH. It was $346,000,000, but detailed estimates, of course, were not forthcoming, because the new Secretary of War could not possibly have them made up. He, however, made certain suggestions to the House, in which he pointed out that he was willing to sacrifice some of the activities of the Army in order to keep the Army from going below a certain strength in the number of men. The House accepted his suggestion concerning savage reductions and sacrifices, but did not give him the men, leaving him and the War Department and the Army in a much worse position, in an infinitely worse position, than if the Secretary had never made any offer to cooperate with the Congress in the direction of economy.

The Senate Committee on Military Affairs does not meet the views of the Secretary of War in their entirety. In short, the bill as presented to the Senate contains appropriations in the pay item sufficient to prevent the strength of the Army falling a trifle below 170,000 men, the Secretary of War having begged us not to let it fall below 175,000. We attempt to give him appropriations sufficient to pay the men upon that basis. At the same time we take advantage of the savage cuts which he himself pointed out he would be willing to endure if we let him have the men under the other appropriations. So the bill is before the Senate, carrying in the aggregate $335,000,000. It will keep the Army from going below a figure of about 169,000 men during the next fiscal year.

The Army to-day contains about 226,000 or 227,000 men. No recruiting is going on. It is being reduced by normal causes, notably, of course, by the expiration of enlistments. On July 1 next the Army will number 215,000 enlisted men.

Mr. KING. July 1 of this year?

Mr. WADSWORTH. July 1, next, the date upon which this bill will go into effect. If the normal rate of shrinkage continues, it will reach the figure of 175,000 men about the middle of January, 1922, and 170,000 or 168,000 about the middle of February, 1922. This bill proposes to stop the shrinkage at the point last named.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. LENROOT. Perhaps I have not a correct understanding of what the appropriation will do, but is it not true that the appropriation of $83,000,000 will be only about sufficient to pay 158,000 or 159,000 men?

Mr. WADSWORTH. No; Mr. President, it will pay for more than that when we consider the point which I have not reached yet, namely, that the bill proposes to repeal the reenlistment bonus provision.

Mr. LENROOT. How many will it pay for?

Mr. WADSWORTH. I have the table here showing the figures exactly. I can come very close to the figures, so that the Senator and I may be quite clear in our conclusions. An Army reduced to a minimum of 170,000 men and held there will cost in the item pay of enlisted men $85,944,000. An Army reduced to a minimum of 165,000 enlisted men and held there will cost in the item pay of enlisted men $84,880,000.

We appropriate $83,000,000 for that item, and on the page just opposite that appropriation we repeal a provision of existing law relative to the payment of reenlistment bonuses, and by that repeal we save $1,800,000 during the next fiscal year; so that in effect we are appropriating $83,000,000 plus $1,800,000, which makes $84,800,000, which is just about sufficient for 165,000 men or a trifle more as a minimum.

Mr. LENROOT. That is what I thought; but the Senator stated that the minimum under the appropriation would be 169,000.

Mr. WADSWORTH. We thought it would be between 168,000 and 169,000.

Mr. LENROOT. Would it not be much less than that because we are appropriating for an average?

Mr. WADSWORTH. No.

Mr. LENROOT. We are appropriating for 165,000 or 166,000 during the year. That is true, is it not?

Mr. WADSWORTH. No, Mr. President.

Mr. LENROOT. For how many?

Mr. WADSWORTH. The average would be about 180,000, but I call the attention of the Senator from Wisconsin to this provision in the bill, designed to expedite discharges:

> And the Secretary of War is authorized, under such reasonable regulations as he may prescribe, to grant applications for discharge of enlisted men serving in the continental United States without regard to the provisions of existing law respecting discharges until the number in the Army has been reduced to 170,000 enlisted men, not including the Philippine Scouts.

It was the idea of the committee that the money we are appropriating under the item of pay would necessitate reducing the Army to a figure somewhat below 170,000 men. That number is somewhat of an estimate, but it is apparent that unless the management of the War Department can save some little sums out of other pay items—and all the pay items are transferable one with the other—they will come down to about 165,000 men. The estimate of the finance department is that, starting with 215,000 men on July 1 next, the Army can be reduced and held at 165,000 men, and $83,000,000 plus $1,800,000 saved by the repeal of the reenlistment bonus will pay them.

Mr. LENROOT. That is the way I understand the matter—that this $84,000,000 would pay for between 165,000 and 168,000 men, beginning on the 1st of July, throughout the year.

Mr. WADSWORTH. No; Mr. President.

Mr. LENROOT. That is where I do not follow the Senator. Is not the estimate of $84,000,000, which the Senator had, and which I examined, based upon 165,000 men throughout the year?

Mr. WADSWORTH. No; Mr. President.

Mr. LENROOT. Will the Senator read it again? He has it before him.

Mr. WADSWORTH. Here is the way the column from which I read is headed:

> Minimum of 170,000: Average, 182,000; appropriation, $85,944,000.
> Minimum of 165,000: Average, 180,000; appropriation, $84,880,000.

Mr. LENROOT. Yes.

Mr. WADSWORTH. The average under this bill will be about 180,000 men for the entire year, starting with 215,000 at the beginning of the year.

Mr. KING. Mr. President, may I inquire of the Senator, if it will not interrupt the continuity of his observations, whether it would be a difficult thing to cut down the number to 160,000 by the 1st of July, or are the enlistments so graded that it would be impossible without violating the contract?

Mr. WADSWORTH. You would have to violate the contract, so called; you would have to discharge arbitrarily the difference between 215,000 men and the number you wanted to reach.

Mr. KING. Are there not enough applications for separation from the service to bring down the number to 160,000?

Mr. WADSWORTH. Mr. President, the applications for separation from the service are fewer, proportionately, than ever before.

There are some, and the Senate committee agrees with the House committee in putting in here a provision permitting the Secretary of War to grant applications for discharges according to any rule or regulation that he wants to promulgate, regardless of the provisions of existing law which limit his authority in that respect. That will expedite the reduction of the Army a little bit, but mighty little, in my judgment. The service is pretty popular. The pay is pretty good. The prospects on the outside are not as good as they have been at other times, and men are not applying to be released from the Army in the way they used to apply. It will undoubtedly get a few more men out, no one can say how many, but I do not anticipate that it will have a marked effect.

Mr. KING. The House, as I understand, passed this bill with a minimum of 150,000 officers and men.

Mr. WADSWORTH. No, Mr. President; the number is much lower than that, and that ought to be understood. Just what this situation is under the House appropriations has not been mentioned in one newspaper article or dispatch of any kind. We hear a lot of talk about the House of Representatives standing for an Army of 150,000, but that is not what they do in the bill. They stand for an Army for the next fiscal year averaging 150,000; but as the Army must start at 215,000 at the beginning of the year, under the appropriations of the House bill it must go down to 120,000 by the end of the year, in order to establish the average of 150,000. So the House bill reduces the Army to 120,000—95,000 men in 12 months' time. That, in the eyes of Secretary Weeks, spells utter disaster to the Army. He begs us not to do it. He points out that if discharges are forced at that rate and in those numbers, there can not be in the United States a combat unit large enough to take the field and be effective in case of an emergency. Such a drastic and savage reduction would result in the skeletonization of every regiment and squadron and battalion and battery and troop and company to such an extent that they would be, comparatively speaking, little squads of men.

In any event, under the Senate bill the War Department is compelled to reduce somewhat the number of units. That is conceded. They organized, in my judgment, too many divisions under the new law. Discretion was left with them. They organized nine. I think myself they should have organized not more than five. And, of course, they organized or continued the existence of appropriate constituent units of nine divisions. Under the Senate bill I think they will have to reduce the divisions to five, perhaps to four. They will have to reduce the number of regiments, and combine men from two or three regiments into one regiment. That is an expensive proposal by itself, because you have to transfer the officers and men back and forth over the United States, but at that I think it is a wise thing to do; but if you take the House figures, you skeletonize what is left so savagely and severely, that, as a matter of fact, by the end of the next fiscal year it is the judgment of everybody who has studied it up there that you will not have a real army at all.

The Senate committee begs the Senate to save the Army from that situation; and we are only $11,000,000 apart from the House in the matter of the appropriation for pay of the enlisted men. That is all that stands between the two houses in the item of pay of enlisted men, $11,000,000; and at that the Senate committee asks you to pass a bill smaller than the bill which both the Senate and the House passed at the last session.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield.

Mr. BORAH. I am unable to follow the Senator in the explanation which he makes of the difference in the number of enlisted men which the House provides for and the number which the Senate provides for. I call his attention—of course, he is familiar with it—to page 16, where the bill says:

The Secretary of War is authorized—

The House had it "directed"—

under such reasonable regulations as he may prescribe to grant applications for discharge * * * until the number in the Army has been reduced to 150,000 enlisted men.

Mr. WADSWORTH. Yes; but then they do not appropriate enough money to pay that number.

Mr. BORAH. Oh, well; that would not make any difference.

Mr. WADSWORTH. Yes; it would. It makes a difference to Secretary Weeks, and he is the Army.

Mr. BORAH. I know; but the deficiency bills are coming in here just the same as they always did.

Mr. WADSWORTH. I beg the Senator's pardon. He is again mistaken.

Mr. BORAH. I know what they are doing. They are coming in here, and we are passing them.

Mr. WADSWORTH. Not from the War Department.

Mr. BORAH. The time has not arrived yet.

Mr. WADSWORTH. I can assure the Senator from Idaho, if he does not trust the Secretary of War, that I do.

Mr. BORAH. It is not a question of trusting the Secretary of War.

Mr. WADSWORTH. He is the only man who is in control of the submission of deficiency estimates.

Mr. BORAH. It is not a question of trusting the Secretary of War; but we know that when these conditions arise the departments universally, under all administrations, take care of them by deficiencies.

Mr. WADSWORTH. I can assure the Senator from Idaho that that will not be the case in the War Department under Mr. Weeks. He has assured us to that effect; and if any man's word is good, it is that of John W. Weeks. If the Senator does not believe it, very well.

Mr. BORAH. Of course, I am not going to be put in the position of questioning the word of John W. Weeks. In my judgment, it is not relevant here at all. It does not enter into the proposition. If an emergency should arise, and John W. Weeks should think that the public interests required a deficiency, John W. Weeks would unhesitatingly provide for it. The statute authorizes it.

Mr. WADSWORTH. Not in "Pay of the Army."

Mr. BORAH. If Mr. Weeks thought that the public service justified it, he would undoubtedly do it, and that is always the basis upon which deficiency warrants are issued.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. WADSWORTH. Certainly. I happened to overhear a remark which perhaps prompted the Senator from Idaho to make his observation.

Mr. KING. I think the law authorizes incurring a deficiency if in this bill we authorize an army in excess of the appropriation which is carried. If we authorize an army of 180,000, and then make an appropriation for an army of 150,000, notwithstanding the good purposes of Secretary Weeks and his honesty and his integrity—and I join in all the eulogies which the Senator has pronounced upon Mr. Weeks—he would feel constrained, if the exigency arose, as the Senator from Idaho says, to continue the Army beyond the limits which would be authorized by the appropriation, with a statute there upon the books which authorized a minimum army of 180,000 men.

Mr. WADSWORTH. Mr. President, the Senator from Utah and the Senator from Idaho have forgotten—and it is peculiarly interesting that the Senator from Idaho should have forgotten—that this bill contains a proviso which reads as follows. It will be found on page 23:

Provided further, That the Army shall be reduced by the Secretary of War so that the sum herein appropriated shall defray the entire cost of the pay of the officers and enlisted men of the line and staff during the fiscal year ending June 30, 1922.

And the Senator from Idaho is the author of that amendment.

Mr. BORAH. How does that change the situation?

Mr. WADSWORTH. It means that he can not incur a deficiency. It must be reduced so that the money appropriated for "Pay of the Army" shall be sufficient to pay all the men that are in the Army during the year, and the Senator from Idaho wrote that himself. Now, I say the Secretary of War will not incur a deficiency.

Mr. BORAH. Then it does not depend upon the integrity of the Secretary of War, but it depends upon the fact that he has not the power to do it.

Mr. WADSWORTH. He has the integrity to obey the law. That is what I meant by his integrity.

Mr. BORAH. Exactly. I presume in that respect he is no different from other department heads. I concede that he has that integrity, but suppose he did not have it; could he do it?

Mr. WADSWORTH. Not without being liable to impeachment. There is the law laid down by Congress.

Mr. KING. Mr. President, may I ask the Senator from New York whether he does not think it would be wise, if he is limited in the amount which may be expended, to limit the number of officers and soldiers so that it would be impossible for

him, even if he had the inclination, in the face of the statute to retain more in the Army than would absorb the appropriation made?

Mr. WADSWORTH. In other words, the Senator from Utah believes that the Army appropriation bill should carry provisions stating how many men should be in the Army?

Mr. KING. The Senator from Utah believes that if the appropriation bill limits by the appropriation itself the strength of the Army it ought to state the limitation of the personnel not merely in figures with respect to dollars and cents but in numbers with respect to personnel.

Mr. WADSWORTH. The Senator may believe that, but I do not see what that adds to this bill in the matter of restrictions. This bill says that so much may be paid to soldiers and that the number of soldiers must be reduced until the amount appropriated is sufficient to pay them. If the Senator's suggestion were put into appropriation bills we would not only have to say how many men should be in the Army, but we would have to say how many master sergeants there should be, how many first sergeants, how many corporals, how many privates, first class, and how many privates, because the pay of the different grades is different. You would have to go into the detail of organizing the Army all over again in every appropriation bill, and I see nothing to be gained by it. We have tied the thing so tight in this bill that the Secretary of War and the other officials of the War Department can not spend a cent for increasing the number of men in the Army without being liable to impeachment by the Congress as violators of the law.

Mr. WARREN. Mr. President, if my colleague on the committee will yield for a moment, I do not see how you can tie it up any stronger than that.

Mr. WADSWORTH. It is the first time it has ever been done in the history of appropriation bills for the Army.

Mr. WARREN. I have never seen it done.

Mr. WADSWORTH. No Secretary of War has ever been treated that way before.

Mr. WARREN. I do not remember any time when there was a deficiency in the pay of the Army, because the department has always kept within the appropriation. There are always deficiencies in other items in the War Department, but in the pay of the Army I do not recollect any.

Mr. WADSWORTH. Let me say on that point, because the Senator from Florida stated a little time ago, I think, that deficiencies might be incurred, that the law permits the incurring of deficiencies for the Medical Corps, which cares for the health of troops; also deficiencies for subsistence, under which item the troops are fed; and also, I think, for clothing. Of course, men must have clothes. They must be fed. If they are ill or injured, they must be treated in the Army hospitals; and quite properly, I think, the Congress in statutes passed many, many years ago, authorized the Secretary of War to incur deficiencies in things of that kind, because it is entirely possible that an emergency may overtake the Army. A transport may be wrecked and the men's clothing lost, and a vast quantity of food and supplies and medical stores lost, and they must be instantly replaced, and the replacing of them will incur a deficiency. It is a wise discretion to leave to the Secretary of War.

We have just had a catastrophe at Pueblo, Colo. The War Department always, as everyone knows, stands ready to ship supplies, without asking any questions, to afflicted areas like that out of its own stores and send them right away. They do not ask any payment. The Secretary of War on yesterday gave complete power to the corps area commander, in the area in which Pueblo is situated, to send to Pueblo anything he has that they need. That may create a deficiency in clothing, or medical supplies, or food, and the Congress permits such a deficiency; but not in pay. It never has, and I think it never will.

Mr. BORAH. Mr. President, the House provided $72,678,659 for pay of enlisted men.

Mr. WADSWORTH. Yes.

Mr. BORAH. The Senate committee recommended $83,000,000.

Mr. WADSWORTH. Yes.

Mr. BORAH. The difference between the two sums pays how many men?

Mr. WADSWORTH. I have stated that result exactly.

Mr. WARREN. Did the House undertake to get at it with exactness?

Mr. WADSWORTH. No. The House makes its calculations on an entirely different basis, let me say to the Senator from Idaho. They are always figuring on the average strength of the Army for the next fiscal year. They appropriate enough money to pay an Army averaging 150,000 in strength for a year. But that is all they appropriate. Naturally, it will have to go down to 120,000 at the end of the year in order to meet that average. The Senate committee appropriates enough money to pay, on the average, 180,000 for the year, the minimum figure to be in the neighborhood of 168,000. That is the difference between the bill as it passed the House and the Senate committee bill.

Mr. BORAH. The difference between the two appropriations is $11,000,000.

Mr. WADSWORTH. It is.

Mr. BORAH. Of course, there may be something about this that is difficult for a man who is not more familiar with the Army than I am to understand, but I do not understand why it is that the House appropriation of $72,678,000 will not pay 150,000 men when the Senator says that $83,000,000, only $11,000,000 more, will pay 150,000 men.

Mr. WADSWORTH. The Senator must take into account that the Army is in a state of flux, and it is going down, down, down, all the time in its numbers.

Mr. BORAH. I understand that.

Mr. WADSWORTH. And that makes it seem rather mysterious why $72,000,000 will pay 150,000 for the year, and $84,800,000, the Senator should have said, taking into account the saving by the repeal of the existing reenlistment bonus, will pay an average of 180,000. They are figuring averages; we are figuring the Army reduced to a minimum and held there for the remainder of the year. Then next year, if the Congress wants it to go lower, it may so provide; but the Senate committee believed that a minimum of 120,000, which it must reach, as conceded under the House bill, is too low; it is dangerous.

Mr. BORAH. The actual difference, then, between the size of the Army under the bill as it passed the House and the Senate committee bill is 50,000 men?

Mr. WADSWORTH. Yes; at the end of the year, the last day of the last month of the next year, and not for the whole year.

Mr. BORAH. Exactly. As a matter of fact, then, the popular belief that there is a difference of only 20,000 is a mistake. The supposition has been that the House provided for 150,000, and that the Senate committee increased it only 20,000 more.

Mr. WADSWORTH. Yes.

Mr. BORAH. As a matter of fact, the House provided for 120,000, and the Senate committee has increased it 50,000.

Mr. WADSWORTH. Yes. The popular belief that the House has appropriated money for an Army which shall be reduced to 150,000 men is wrong. It must be reduced to 120,000 to get inside their figures.

Mr. HITCHCOCK. The Senator from Idaho brought out the fact I wanted to bring out, that the actual difference between the bill as it passed the House and the Senate committee bill is represented by a minimum of 48,000 men; that is to say, the difference between the two plans is 48,000 men.

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. What reasons did the Secretary of War give why 48,000 men should be added to the minimum?

Mr. WADSWORTH. To the minimum the House suggested?

Mr. HITCHCOCK. To the minimum of the Army.

Mr. WADSWORTH. The minimum suggested by the House?

Mr. HITCHCOCK. That is, what reasons did the Secretary of War give why the Senate should support an Army whose minimum should be 168,000 men——

Mr. WADSWORTH. He recommended an Army of 175,000.

Mr. HITCHCOCK. Why did the committee report in favor of an Army of 168,000, while the House deemed only 120,000 men as a minimum proper? What reasons did the Secretary of War give?

Mr. WADSWORTH. Perhaps the Senator was not in the Chamber a few moments ago, when I discussed the effect of the drastic reduction imposed upon the Army by the House provision, and I think in the discussion I stated the belief of the Secretary of War. I will state it again, Mr. President. It is just this: If the Army is reduced to that tremendous extent, the units in the Army, the companies, the batteries and troops, the battalions, squadrons, and regiments, will be so attenuated, so starved of men, that by the end of the year they would not be fit to take the field and do any effective work for any purpose.

For example, a reduction from 215,000 to 120,000 in 12 months is a reduction of about 40 per cent. You take 40 per cent of the men out of every company of Infantry in the Army and then detract the number of men who inevitably are assigned to kitchen police or fatigue duty, special details, and the companies that are left are almost useless, they are so small. You say, "Well, we will combine the remnants of companies." They will have to do that to a considerable degree under the Senate committee bill as it is. We are compelling them to reduce the number of units in the Army by this reduction in the appropriation as contrasted with the plans which they made a year ago for

the tactical organization. They think they can get along with the reduction which we impose upon them, because it does not compel them to combine in that short period too many units into new and single units of sufficient strength to be any good. But they say, "If you impose upon us the House method and the House rate of reduction, we will be in such a state that for an entire year we will be useless for the defense of the country or any portion of it." And it is easy to see what would happen if you did that.

In addition to that, it appears from an examination of the present rate of normal shrinkage that the Army could not reach 120,000 men by the end of the next fiscal year; that in addition to the normal shrinkage they would have to walk into the ranks and fire men out in order to get it down, and when once you do that, in addition to tearing the units to pieces, you tear the morale of the men to pieces. The Senate committee thinks that is too savage.

Mr. BORAH. In other words, the Senate committee thinks it is too precipitous?

Mr. WADSWORTH. Yes; too precipitous.

Mr. BORAH. But the Senator would not take the position that if sufficient time were given we could not at some time or other reduce it?

Mr. WADSWORTH. No; I would not take such a position.

Mr. BORAH. If by combining companies, and so forth, you could reduce it?

Mr. WADSWORTH. They have to combine a good many companies and regiments as it is under the Senate committee bill. But we think it is too savage to compel them to go to the House figures in one year.

Mr. BORAH. In other words, what they might be able to do in two years the Senator thinks would demoralize the Army to do in one year?

Mr. WADSWORTH. Yes; I do.

Mr. BORAH. Then I understand the point.

Mr. HITCHCOCK. Then the reason the Senator thinks it is undesirable to fix the minimum of 150,000 provided for by the House——

Mr. WADSWORTH. That is not the minimum.

Mr. HITCHCOCK. It is stated here in the bill to be the minimum.

Mr. WADSWORTH. That has to do with applications for discharges.

Mr. HITCHCOCK. The provision on page 17?

Mr. WADSWORTH. Yes. They have to go down to 120,000 to stay within the appropriation.

Mr. HITCHCOCK. Then the chief objection is that the bill as it passed the House does not provide for a minimum of 150,000 but provides for a scaling down until you get to 120,000, and then coming up to 150,000?

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. If that is true, why not fix the Senate committee bill so that the minimum shall actually be 150,000, and shall not go below that, and the pay be made adequate for that?

Mr. WADSWORTH. That is a matter for the judgment of Senators themselves. The committee thought it should not go below the figures that they fixed.

Mr. HITCHCOCK. The objection to that, as the Senator states, is that it would make the unit too small?

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. That is, the companies would be too small?

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. And the combinations of companies into regiments would be too small?

Mr. WADSWORTH. That is it.

Mr. BORAH. Mr. President, if the appropriations were made so as to actually hold the number of men up to 170,000, instead of reducing it to 120,000, if the appropriations should correspond with the 150,000 provided for on page 17, does not the Senator think that that could be carried out without destroying the Army?

Mr. WADSWORTH. I will say very candidly to the Senator that I think it is too far to go in one year. I really do.

Mr. BORAH. I would agree with the Senator from New York that perhaps it would be unnecessary to do it if it were not for the fact that we are in a distressed condition with reference to finances, and so forth, where we have to be drastic.

Mr. WADSWORTH. Let me say to the Senator, the Senator does not appreciate how drastic this bill is.

Mr. BORAH. I think I do.

Mr. WADSWORTH. It is savage in other items, where we have saved money.

Mr. BORAH. I know it is savage, and nothing but savagery will save the situation, so far as the finances of the country are concerned.

Mr. WADSWORTH. And the Secretary helped us in that.

Mr. BORAH. I appreciate what the Senator has done in that regard. But here is the situation: We appropriated about $100,000,000 for the Army prior to the war, and now we are appropriating $335,000,000. It does seem to me, in view of the distressed situation in which we find ourselves with reference to revenue—and the revenue bills will be coming along in a short time—that we could afford to go down to 150,000. Of course, my judgment on these matters is not worth anything, but I think we can go much lower. But the difference could be very readily taken care of by increasing the appropriation. But to reduce it to 150,000 seems to me to be wholly within reason.

I can not understand, Mr. President, how the presence or absence of 20,000 men in an army, while it makes a very large difference in the matter of dollars and cents, would absolutely destroy it, demoralize it. It looks to me as if, if they did not feel some pride in keeping the Army up to where it is, and did not have a militaristic view of it, but would look more at it from the standpoint of the taxpayers of the country, in view of the fact that everything has to be cut, in view of the fact that everything has to be reduced, we could afford to reduce the Army to 150,000 men. That is my opinion in the matter. I do not hesitate to say that I would cut it to 100,000 without any hesitancy whatever, and I would feel that in doing so, while I was doing that which the Army men think unjust to the Army, I would realize that I was doing that which is supremely just to the taxpayers of the country, whom we must take care of.

Mr. WADSWORTH. And protect.

Mr. BORAH. Yes, and protect; and the best protection in the world, Mr. President, for the United States right now is not a man in uniform, but is a contented citizenship.

Mr. WADSWORTH. I do not deny that, but occasionally a man in uniform is mightily needed.

Mr. BORAH. I agree with that; but the able Senator from New York stated at the last session of Congress, and I have no doubt stated correctly—I hope he did, because I agreed with him—that the only object of an Army at this time was for police service.

Mr. WADSWORTH. I said in continental United States.

Mr. BORAH. So far as those in Europe are concerned, we had better bring them home as soon as we can; but the only object of having an Army is for police service, so far as continental United States is concerned, and, of course, if we are going to have trouble abroad the Senator would not stop for a moment with 170,000 men. He is following the rule that we have them for police service in continental United States——

Mr. WADSWORTH. And the overseas possessions.

Mr. BORAH. But we have the Philippine Scouts and others there.

Mr. WADSWORTH. They are not in the $83,000,000 appropriated. Their item is a separate pay item.

Mr. BORAH. But the Senator has 170,000 men exclusive of Philippine Scouts.

Mr. KING. And we have of marines 27,000.

Mr. WADSWORTH. No; the Senator is mistaken. The 170,000 men are inclusive. It includes——

Mr. BORAH. I read:

Not including the Philippine Scouts.

Mr. WADSWORTH. From what is the Senator reading?

Mr. BORAH. Page 17 of the bill:

One hundred and seventy thousand enlisted men, not including Philippine Scouts.

Mr. WADSWORTH. That paragraph has no control over the size of the Army or its cost. That is merely the paragraph that authorizes the Secretary of War to grant applications for discharges, irrespective of the provision of existing law, until the Army has been reduced to 170,000, exclusive of the Philippine Scouts. The appropriations which we make will pay an average Army of 180,000 men, including the Philippine Scouts.

Mr. BORAH. Exactly; but how many of them are there?

Mr. WADSWORTH. That would be an Army reduced to a minimum of 165,000 men and held there.

Mr. KING. One hundred and sixty-five thousand or one hundred and sixty-eight thousand?

Mr. WADSWORTH. We are a little above 165,000. It is very difficult to say down to the last dozen how many men we are going to have, but the committee can tell within 1,500 up or down, and that is pretty close.

Mr. HITCHCOCK. I should like to get the Senator to repeat the reason, or to correct me if I make an erroneous

interpretation of it. The reason, then, that the House minimum of 150,000 is not considered sufficient is that it will compel such a scaling down of the units, say of the companies, that the Army will not be satisfactory.

Mr. WADSWORTH. It will not be any good.

Mr. HITCHCOCK. Why will it not be any good?

Mr. WADSWORTH. May I emphasize a phase of that which may throw a little more light on it? I do not know whether the Senator agrees with me about it or not, but I do not believe that the scaling down process should apply to the garrison at Hawaii or the garrison at Panama or the garrison at Corregidor. I think those garrisons should be kept at their present strength, and, if anything, in one or two instances should be somewhat increased. The scaling down will be applied to troops in the United States, and therefore will be the more severe proportionately to the units in the United States than would be the case if the scaling down were to be applied to the units wherever they may be.

Under the House figures the best estimate that the War Department can give us is that when we get the Army down to 120,000 men in toto, including the garrisons overseas, the Secretary will not reduce the garrisons in the Philippines, Hawaii, Panama, China, and Alaska to a figure less than 35,000. I would not urge him to do it. So, when we reduce the whole Army, including the 35,000 men in the insular possessions, to 120,000 men, and subtract from the 120,000 the Medical Corps, the Quartermaster Corps, the enlisted personnel of the Ordnance Department, the noncombatant mechanics of the Air Service——

Mr. HITCHCOCK. Can not they all be reduced?

Mr. WADSWORTH. No; they can not in the same ratio. You can not reduce the enlisted men of the Medical Corps in the same ratio, because you still have the same hospitals to support.

You can not reduce the enlisted men in the ordnance in the same ratio, because you still have the arsenals, and you have to keep them moving even at a reduced rate. You can not reduce your overhead, and the particular elements which I have just mentioned are part of the overhead of the Army, at the same rate that you reduce the enlisted men in the combat branches. You can not reduce the overhead much more when you get down to a certain figure.

The result is that the final and last scaling down is inflicted upon the Infantry, the Cavalry, and the Field Artillery in the United States, and the best estimates are that if the House figure is followed we would not have over 23,000 or 24,000 combat soldiers in the entire continental United States. I think that is too low.

Mr. HITCHCOCK. I have never been able to follow the estimates in figuring out the number of men provided. I am speaking of reducing the minimum of the bill to 150,000, and I am not speaking now of the extreme view of bringing it down to the extreme of 120,000 and then restoring it, because I believe it ought to be at least at 150,000 minimum. I have never been able to see how the reduction to 150,000 minimum could so reduce the units as to make them useless. I can see how officers might regard a small company as not such a complimentary command to have.

Mr. WADSWORTH. Oh, no; it is not that reason.

Mr. HITCHCOCK. I can see how they might object to that, but I think that the soldiers in the United States for a large part of the time, in fact, almost all the time, are simply occupying quarters and having a few drills. That is their business year in and year out.

Mr. WADSWORTH. The Senator means that that is his construction of it.

Mr. HITCHCOCK. That is what they do.

Mr. WADSWORTH. I should like to take the Senator to an Army post and let him live there six months and watch them. He would have a very different conception of their duties. Living in quarters and attending a few drills sounds splendid, but let the Senator try it.

Mr. HITCHCOCK. Will the Senator state what other duties they have?

Mr. WADSWORTH. Attending the few drills is quite an item when the drills are going on nearly all day every day.

Mr. HITCHCOCK. Why are they more difficult with a few men in the company than if the company were full? My point is this, if the Senator will permit me: The men that we hold here in the service in peace times in nine cases out of ten for almost all the time during the whole year do nothing except remain as a potential power for the United States to use in case it is necessary, and I am not able to see why during that time it can not be skeletonized down to the minimum provided in the House bill.

Mr. WADSWORTH. They cease being a potential power then. That is the answer.

Mr. HITCHCOCK. Why would they cease being a potential power then? They would still be a company. It would not have as many men in it, of course.

Mr. WADSWORTH. It would be just half as good a company if it had only half as many men. A company of infantrymen, for example, are not confined solely to the use of the rifle. The men are trained in several different methods of warfare as infantrymen.

A company of modern infantry is divided into platoons and sections. One section is the rifle grenade section, specially trained not only in the use of the rifle in its ordinary usage but also in the handling of the rifle grenade which is attached to the rifle. Another section is composed of bomb throwers who use the grenade. Another group in the company, or quite a considerable group, have the automatic rifle, the famous light Browning.

Unless you have your company large enough to contain an effective number of the different elements which must be used in combat, you have not got a company. It takes some time to build up the esprit and teamwork in a company of infantry. If Congress intervenes and tears the company all to pieces by taking 40 per cent of its men away from it, the rest of the men will know perfectly well they are not a company of infantry. They are a squad of men whose time will be devoted to doing fatigue duty.

I have always traveled upon the conviction that we maintained an Army because we thought an Army was necessary, in some measure at least, to defend the United States. I further entertained the conviction that the defense of the United States is something which may require fighting; in other words, an Army is a thing built and trained to fight, and if we reduce and skeletonize the units inside of that Army to such a low strength that they can not perform the military functions assigned to those units, then we have not got an Army that can fight, and that is all there is to it. I would rather have an Army of 2 divisions at war strength than an Army of 10 divisions at one-tenth war strength.

Mr. HITCHCOCK. Will the Senator state the strength of a company in the present organization?

Mr. WADSWORTH. About 200, war strength.

Mr. HITCHCOCK. I mean the present strength.

Mr. WADSWORTH. There are two strengths ordinarily discussed, the peace strength and the war strength. The peace strength is considered the lowest strength at which a company could be effective; and that, as I understand it, though I have not the figures with me, is to-day a little over 100 men. The war strength is 200 men.

Mr. HITCHCOCK. What would be the strength of a company under the bill which the Senator is advocating?

Mr. WADSWORTH. By the combination of some units, as they will have to do under our bill, it is hoped that the strength of the Infantry companies can remain in the neighborhood of 100 men.

Mr. HITCHCOCK. What would be the strength of a company under the provisions of the House bill?

Mr. WADSWORTH. I do not think there would be a bit over 55.

Mr. BORAH. If it was kept at 150,000 men, it could not make such a great difference.

Mr. WADSWORTH. I should have to make a guess at it.

Mr. HITCHCOCK. Suppose it is 75 men. In the past we have had many companies of 75 men, approximately.

Mr. WADSWORTH. That is before we had the automatic rifles, the grenades, and the rifle grenades.

Mr. HITCHCOCK. I can not conceive of the necessity of dividing them up to specialize in that way, and of saying to John Smith, "You can practice with nothing except grenades." Why can not the whole company do all those things and learn about all of them? Why is it necessary to divide them into such impossible units? If you have 75 men in the company, you certainly have a unit that can act and is mobile. I can understand that officers might prefer to have specialized experts and to have larger commands, but I can not see any practical reason for it.

I supposed when the Senator took the floor that he was going to say the Army would be inadequate to perform its military duties; that it could not be decreased in our foreign possessions, and that we could not police the United States; but instead of that he practically bases his entire presentation upon the argument that the units would not be large enough to be effective. Those units would be as large as they were before the war.

There would be approximately 75 men in the company. I think there would be more than that.

Mr. WADSWORTH. The men in the companies before the war numbered more than 75.

Mr. DIAL. I should like to ask the Senator from New York how many soldiers we have now in Panama?

Mr. WADSWORTH. I think we have in the neighborhood of 9,000 at present.

Mr. DIAL. I was told some time ago by a soldier from there that they had so many that they were in each other's way, and that we ought to take half of them and bring them back here.

Mr. WADSWORTH. The Senator ought to bring that soldier before the Committee on Military Affairs and let him tell that story.

Mr. FLETCHER. There are 8,280 in Panama.

Mr. WADSWORTH. You can find soldiers and civilians who will tell you almost anything.

Mr. KING. And officers?

Mr. WADSWORTH. Yes.

Mr. DIAL. It had been my hope and understanding that in view of the amount we recently donated to Colombia, there would be no further need for the further maintenance of any troops in Panama.

Mr. WADSWORTH. It is the settled policy and plan of the War Department to increase that number. To what figure I do not know, but I think it will go well above 10,000. I think the Senator will recall there are about 14,000 in Hawaii.

Mr. FLETCHER. In Hawaii there are 14,971.

Mr. WADSWORTH. And about 16,000 in the Philippines and in China, including the Philippine Scouts.

Mr. FLETCHER. Sixteen thousand five hundred and eighty-six, and in China there are 1,311.

Mr. HITCHCOCK. Has the Senator taken into account the probability that all the soldiers in Europe will be brought home after the peace resolution is agreed to?

Mr. WADSWORTH. They, of course, are included in the figures of the total strength of the Army.

Mr. HITCHCOCK. They would be available for service in the United States after that happy event occurred.

Mr. WADSWORTH. They would if they are returned. The Military Committee has no information as to whether they are to be returned or not.

Mr. BORAH. The Senator from Nebraska said after the peace resolution is agreed to. That likely will not be during the life of the pending bill, judging from the way we are progressing.

Mr. WADSWORTH. There are about 15,000 enlisted men, I think, with officers in Germany.

Mr. FLETCHER. There are 14,216 men and officers in Germany. Altogether, outside of the United States, there are 58,423 officers and men.

Mr. WADSWORTH. Mr. President, as the troops who are in Germany have just been mentioned, I desire to remind the Senate that all expenses of every kind and description incurred by and for the troops in Germany, including pay of officers and men, are a charge against the German Government.

Mr. BORAH. Mr. President, since the Senator from New York has mentioned that——

Mr. WADSWORTH. May I continue my statement?

Mr. BORAH. Yes.

Mr. WADSWORTH. Of course, the money collected from the German Government is turned into the Treasury of the United States. This bill, however, has to carry on its face the appropriations for the pay, subsistence, clothing, and all of the incidental expenses of the troops on the Rhine.

Mr. OVERMAN. How was the obligation imposed upon Germany to pay the expense of maintaining the American Army in Germany? Was it done by agreement?

Mr. WADSWORTH. No; it was under the terms of the armistice, which was entered into on November 11, 1918.

Mr. OVERMAN. It was not done by the treaty?

Mr. WADSWORTH. Of course not. We are not parties to the treaty.

I wish to put into the RECORD a statement of the account with the German Government. The German debt on account of American troops on the Rhine a short time ago aggregated $278,000,000. The Germans have paid in cash $37,000,000 on account. The last information which the committee received was that Gen. Allen, the American commander, has received assurances of some additional payments in the very near future, or has already received payments in settlement of some special accounts having to do with the support of our troops. I have here, and I shall later ask permission, as a part of my remarks, to insert in the RECORD a statement of the German account.

Mr. BORAH. As I understand, the German Government owes the United States about $250,000,000 on account for the maintenance of the Army on the Rhine? Of course, the fact that the German Government pays that is of some moment; but, at the same time, it ought not to be a justification for keeping the troops in Europe. We are deeply interested in the German Government getting back on an economic basis and doing business, and one of the reasons why it has been unable to do so is because of the keeping of troops there unnecessarily. I want to ask the Senator from New York who fixes the salary of our officers who are with the Army on the Rhine? Is their salary the same as they would draw if they were in the United States?

Mr. WADSWORTH. Certainly. We do not let the German Government fix the salaries of our officers.

Mr. KING. But they are paid 10 per cent more for overseas service.

Mr. WADSWORTH. Of course, there is added 20 per cent to the salaries of the enlisted men and 10 per cent to the salaries of the officers on account of their foreign service.

Mr. BORAH. I supposed that we fixed their salaries; but I desire to ask, Is the salary the same as that which they would receive if in the United States with the additional percentage on account of foreign service?

Mr. WADSWORTH. It is.

Mr. HITCHCOCK. I should like to ask the chairman of the committee a question.

Mr. WADSWORTH. I desire first to put into the RECORD the statement to which I have referred. I have here a recapitulation of the cost of the American army of occupation from December, 1918, but before putting it into the RECORD it may be of interest to some Senators to understand in what period of this occupation the greater part of the cost which is imposed upon Germany was incurred.

When first we went into German occupied territory we went in with a complete field army of seven, eight, or nine divisions; at any rate, it was the Third Army, and it embraced a large force. They were there for a few months, and then we began bringing the troops home. That force is now reduced, and it was reduced many months ago, to about 14,000 men. The greater part of the cost was incurred in the first six or seven months; the cost which has been incurred during the last 12 or 15 months constitutes comparatively a small portion of the total owed to us by the German Government.

Mr. President, I ask at this point to insert in my remarks the statement to which I have referred.

The VICE PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

Recapitulation of cost of the American army of occupation from December, 1918.

Period.	Total charges for period.	Credit account armistice funds received.	Miscellaneous credits account of Government sales.	Balance due United States.
Dec. 18, 1918–June 30, 1919	$216,832,123.29	$29,610,083.60	.....	$187,222,036.69
July 1, 1919–Mar. 31, 1921	59,235,487.51	4,728,093.69	$2,670,978.49	51,836,415.33
Total	276,067,610.80	34,338,180.29	2,670,978.49	239,058,452.02

Cost of American section, interallied Rhineland commission.

Period.	Total charges for period.	Credit account dollar and mark exchange received from Germany.	Excess amount drawn during period by I. A. R. H. C.
May 1, 1919–Mar. 31, 1921	$267,178.17	$290,504.20	$23,326.03

Costs of army and American section, interallied Rhineland high commission.

GRAND TOTALS.

Total charges for period	$276,334,788.97
Credit account armistice funds received	34,628,684.49
Miscellaneous credits account of Government sales	2,670,978.49
Balance due United States	239,035,125.99

Mr. HITCHCOCK. I wanted to ask the Senator if he has taken into his account or if the War Department have taken into account the probability that the 14,000 men who are now in Germany can probably soon be added to the forces in the United States which are at the disposal of the War Department?

Mr. WADSWORTH. They have not.

Mr. HITCHCOCK. Then, this appropriation bill is made up on the theory that those 14,000 men will not be available for service over here at all?

Mr. WADSWORTH. It is.

Mr. HITCHCOCK. Does the Senator think that is the correct outlook?

Mr. WADSWORTH. I do not know.

Mr. HITCHCOCK. Does not the Senator think, now when we are trying to reduce the Army to a minimum, when he makes the argument that there is difficulty in doing that because of the necessity of providing for needs of the country, that we ought to take into account the probability that we shall have 14,000 men soon available for what we may call police duty in the United States?

Mr. WADSWORTH. To answer that question, I should have to know, and so, I think, would all of us, what the President and the State Department are going to do in the matter of the foreign relations of the United States. That matter does not come before the Military Affairs Committee. The Secretary of War was asked about it, and he informed us that that was a matter which he could not discuss; that it was not within his jurisdiction; that he merely felt called upon to tell the committee what the needs of the Army were.

Mr. HITCHCOCK. Very well. Does the Senator think that after the United States has reached a status of peace with Germany as the result of a joint resolution of Congress approved by the President, we can by any means keep those 14,000 men in Germany?

Mr. WADSWORTH. I am not prepared to discuss that question.

Mr. HITCHCOCK. That is a matter that hardly needs any argument or opinion from the Secretary of War. It goes without saying that when we reach a condition of peace with Germany those troops must be brought home and can be added to the American establishment.

Mr. WADSWORTH. I do not agree with the Senator at all. That would involve a discussion of the terms of the Knox resolution, which, in my humble judgment, retains for the United States the right to keep troops in the occupied territory.

Mr. KING. I want to express my dissent from the position taken by my esteemed friend from Nebraska and to express my unqualified assent to the statement made by the Senator from New York. I feel that I have to differ from my friend from Idaho. I feel that it is the duty of the United States, in the circumstances, to maintain troops in Europe, and I heartily approve of the course pursued by President Harding in retaining American troops in Europe. I think it would be cowardly for us to withdraw from Europe under the situation there obtaining. We have obligations there; we have rights there; and I think that the Military Affairs Committee have acted wisely in formulating this bill with the understanding that the conditions in Europe may require some American troops there for an indefinite period. I make no complaint because the bill takes that factor into account.

Mr. President, just a word or two with respect to another phase of this measure. May I inquire of the Senator from New York if he has any information as to the mental processes of the House committee, and if he can tell us how they reached the conclusion that 120,000 men as a minimum would be an Army capable of functioning and discharging the duties of the Army as a fighting unit?

Mr. WADSWORTH. May I remind the Senator that the House committee did not reach any such conclusion? The House committee reported to the House of Representatives an appropriation of $83,000,000 for the pay of enlisted men—just what the bill as reported by the Senate committee does—but the House itself, over the protest of the House committee, adopted amendments cutting it to $72,000,000.

Mr. BORAH. Then, Mr. President, the question of the Senator from Utah should simply be changed to an inquiry as to the mental processes of the House instead of the committee.

Mr. WADSWORTH. I do not feel competent to speculate in such a wild field.

Mr. BORAH. There is this consideration to be taken into account: While, of course, I would not for a moment disparage the honorable body of which I am a Member, there has to be taken into consideration the fact that the House is elected every two years, and consequently, perhaps, has a keener knowledge of just how those who are going to vote are feeling in these days. It is a matter which may well, at the present juncture, enter into the situation, not for the mere purpose of remaining in office, but I think that the tax-paying public ought to be considered as well as the morale of the Army. Both must greatly suffer in the present situation in which we find ourselves, but I do not think that the Army ever gives any consideration to anything except the Army. It is natural that it should not do so.

The Army is its business; it does not think anything about the taxpayers. The man who has been trained in the Army would consider it more or less a disparagement of his intellect and his standing to talk to him about a project being curtailed because it would cost something. The Army naturally is trained to look at the other side of the question entirely.

Somebody must look at it from the side of the taxpayer; and my opinion is that by reason of the frequency with which the House has to return to its constituency they, perhaps, have a keener sense of what the people are thinking of than have we.

Mr. KING. Mr. President——

Mr. WADSWORTH. May I make one further observation?

Mr. KING. Certainly.

Mr. WADSWORTH. The observation I am about to make, of course, must not be construed as a reflection in any manner upon the other body, but I am inclined very strongly to believe that when the House voted for the amendment in the face of the protest of the committee they—not all of them, but a great many—thought that they were voting for an Army reduced to 150,000 men and held there. They were not; there was a misunderstanding there, it is very evident.

Mr. BORAH. We could very easily change this bill so that it would provide an Army of 150,000 men and leave it at that number. All we would have to do would be to change the figures in the appropriation.

Mr. LENROOT. At that point, Mr. President, the bill carries $83,000,000 for the pay of the enlisted men of the Army. The estimate of the War Department for a minimum of 150,000 men was $82,879,000—almost the exact amount proposed to be appropriated by the bill. The amount appropriated will pay a larger number of men by reason of the repeal of the reenlistment bonus provision; but there was, according to the estimate of the War Department—the estimate upon which I acted—the idea that this appropriation would provide substantially for a minimum of 150,000 men.

Mr. WADSWORTH. Does not the Senator from Wisconsin have in mind a minimum of 150,000, exclusive of the Philippine Scouts?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. The appropriation will provide for a minimum of about 167,000 men, inclusive of the Philippine Scouts. We are so close together that very few people can see the difference.

Mr. BORAH. Is there no accurate estimate as to what appropriation would be necessary to provide for an Army of 150,000 men and hold it there?

Mr. WADSWORTH. There is.

Mr. BORAH. What is that amount?

Mr. WADSWORTH. The Senator from Wisconsin has just stated it.

Mr. LENROOT. The amount is $82,879,000.

Mr. BORAH. One other question: If this bill should provide for 150,000 men, and the Army were to be held there, the question of the amount could be changed even in conference, could it not, to correspond to the necessary number determined upon? Although we should not change the figure here, it would be a matter for the conferees, would it not?

Mr. WADSWORTH. The figure arrived at in conference must be between the figures of the House and the Senate bills, respectively?

Mr. BORAH. Exactly. If, however, the bill carries the amount which the Senate committee has recommended, but provides that the Army shall be fixed at 150,000 men and remain there, then we would have the figures between the two amounts and the conferees could agree upon the amount necessary for an Army of 150,000?

Mr. WADSWORTH. We could.

Mr. KING. May I inquire of the Senator from Idaho whether he contemplated in that reduction that there should be a peremptory fixing of the number at 150,000 or that it should reach that minimum level by the process of expiration of enlistments, if I have made myself clear?

Mr. BORAH. Yes; I had assumed from what the Senator from New York has said that if we should immediately reduce it we would have to violate the contract of enlistment, and so forth, which I am not advocating.

Mr. LENROOT. Does the chairman of the committee take the position that we can not by law authorize the reduction without violating the contract of enlistment? I grant that there is no law now to permit the Secretary to do so.

Mr. WADSWORTH. No; I think we can by law.

Mr. LENROOT. But with the provision of the Borah amendment, I take it, directing the Secretary to reduce the Army to the amount of the appropriation, that would be sufficient authority for the Secretary to discharge arbitrarily as many as might be necessary.

Mr. WADSWORTH. Oh, I did not pretend that we could not pass an act directing the arbitrary discharge of a soldier; but without the passage of such an act the Secretary of War has no right to do it, and I hope no such act ever will be passed.

Mr. KING. Let me inquire of the Senator from Wisconsin whether he feels that it would be fair to the men who have enlisted, say, for two years or three years to separate them from the service by legislation before the expiration of their terms?

Mr. LENROOT. So far as the men are concerned I do not think there would be any unfairness, because their contracts of enlistment provide for two years or three years, as the case may be, unless sooner discharged.

Mr. KING. I was expressing no opinion. I simply wanted to get the view of the Senator.

Mr. LENROOT. But with the provision of the Borah amendment coupled with the other provision with reference to resignations reducing the number to 170,000 men, it should be recognized that those are two distinct propositions. It is not a reduction of the Army to 170,000 men; it is merely a provision that applications for discharge shall be granted until the Army is reduced to 170,000 men. Then the Secretary of War will not be compelled or authorized to grant applications; but we might give him arbitrary power to discharge to a lower number than the 170,000 men fixed in the bill.

Mr. HARRIS. Mr. President, I desire to ask the Senator from New York whether, in estimating the difference in expense between an average army of 150,000 and the number provided by the House bill, which reduces it to 120,000, the cost of sending the discharged soldiers home has been taken into consideration, and also the pay when a man is enlisted and sent to his regiment?

Mr. WADSWORTH. Yes, Mr. President; that was discussed in the committee. I had not discussed it on the floor. If the House appropriation should prevail and the Army should be reduced to 120,000 men at the end of the fiscal year, then, of course, right away, if the House still agreed to the proposition that the Army should be really 150,000 men, you would have to recruit 30,000 men, with all the expense of recruiting and new uniforms and transportation and equipment, and you would spend some millions right there in getting the Army back to 150,000 men, which apparently was the intention of most of the Members of the House anyway. I do not agree with the suggestion of the Senator from Idaho; but the suggestion of the Senator from Idaho to the effect that the Army should be reduced to 150,000 men and held there is far different from the provision of the House.

Mr. President, I ask unanimous consent to have included in the RECORD a table bearing on the subject we have just been discussing.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Estimated average enlisted strength of the Army during the fiscal year 1922, based upon losses by expiration of term of service and other normal causes and no original enlistments.

	Strength.	Decrease.	Months.
1921.			
July 1	215,385		12
July 31	208,100	7,285	11.5
Aug. 31	200,830	7,270	10.5
Sept. 30	195,031	5,799	9.5
Oct. 31	189,240	5,791	8.5
Nov. 30	182,050	7,190	7.5
Dec. 31	174,252	7,798	6.5
1922.			
Jan. 31	166,489	7,783	5.5
Feb. 28	161,837	4,632	4.5
Mar. 31	158,227	3,610	3.5
Apr. 30	147,202	11,025	2.5
May 31	135,945	11,257	1.5
June 30	126,516	9,429	.5

Mr. BORAH. Mr. President, the reason I suggested that the Army be reduced to 150,000 and held there is because I know that it could not be reduced below that number. The votes can not be had to do it. It was not expressing my view of it. What I would do would be to reduce it to 100,000.

Mr. WADSWORTH. That, of course, would require the arbitrary discharge of thousands of men.

Mr. BORAH. Of course, I did not mean that I would reduce it to 100,000, except in the process of the expiration of their service, and so forth. Since the Senator from Wisconsin has stated the terms of the enlistment, I am not so sure that we would not have the right to do so; but I should not want to have the appearance of violating a contract, and for that reason I would only reduce it in accordance with the terms for which the bill already provides.

Mr. President, I want to say just a word—because I have no desire to delay this bill—as to why I am going, if I can get an opportunity, to vote at least to hold down the Army to 150,000 men, and possibly, if I get an opportunity, to reduce it below that number.

The whole question turns upon the proposition of the safety of the security which we will have if we reduce it to 150,000, or should reduce it below that. As I understand, the Army of 150,000 or an Army of 175,000 are, in the opinions of those who advocate them, respectively, simply estimated at that figure because they believe that that amount is necessary for police purposes. No one would stop with an Army of 150,000 or 170,000 if we contemplated difficulty with a foreign power. Even if we contemplated a difficulty with Mexico, we would not be satisfied with an Army of 170,000 men or 150,000. We are maintaining an Army at a figure which we think will be sufficient, as it were, to police the situation in the United States, to keep order, as it were, and so forth.

Permit me to say, in passing, that the action of the President of the United States with reference to West Virginia leads me to believe that this administration will not utilize the United States Army quite so often for police purposes, which I most heartily indorse. I do not see why we need an Army above 100,000 or 120,000 men, at most, merely for police purposes.

I recognize the strength of the argument made by the Senator from New York as to a speedy change of the entire Army situation, and I do not undertake to controvert it. I admit for the purpose of this debate, as he states it, that it would have to a certain extent a bad effect upon the morale of the Army; but, Mr. President, there is the morale of the entire community of the United States, in which we are very deeply interested at this time; and I am very certain that unless we can find some way by which to reduce the Government's expenditures, the morale of the citizenship of the United States is going to be very badly impaired in the next few years. I am very certain that it is in a very unfortunate condition now, and it is for that reason and for no other that I seem to be persistent in trying to curtail expenditures to a point to which I believe we can curtail them and yet be within the line of security and perfect safety.

The President in his first address to Congress advised us that the present expenditures of the Government were unbearable; that they could not be continued; that there must be relief from such burdens. I am not quoting his exact language, but I am quoting the exact substance, the principle, of what he stated. The Secretary of the Treasury advised us a short time afterwards, after a thorough study of the matter, that while the Government's expenses are shocking and unbearable, there is no way to reduce them within the coming years, at least, except through the Army and the Navy appropriations. So we have the matter reduced to a very simple proposition. The President is perfectly conscious of the situation. The Secretary of the Treasury states that the only way in which the relief can be had which the President says must be granted is through the reduction of the Army and the Navy. So we are in the position that we must say to the people of the United States, "Your taxes must continue as they are, and the burden must remain as it is, unless we can cut savagely," as the Senator from New York said, though I think he used the term inappropriately in that particular instance, because I do not think it was a savage cut. Unless we can cut savagely upon these two items, there is no possible relief from the great burden which the Government is now imposing upon the people, and it is for this reason, taking the words of the President and the words of his Secretary of the Treasury, that it seems to me that we ought to be willing to do even that which the Senator from New York says will be the result of the cut, and that is, in a sense, to impair the morale of the Army.

I call attention also, Mr. President, to the statement of Prof. Seligman before the Committee on Finance a few days ago. That is the committee which is now dealing with the complex and very difficult problem of how to adjust these taxes, to shift them from one point to another, so as to relieve the sore place as much as possible until the other place becomes sore, and how to adjust the revenues of the Government—such a dis-

tressing proposition, as they inform us, that it is almost impossible to get started. Prof. Seligman said in his statement:

Secretary Mellon estimates that the expenditures for the fiscal year 1921 will be a little over five and a half billions, and for 1922 a little over four and a half billions. He does not, however, include in these estimates the postal expenditures, which, roughly speaking, amount to about another half billion. Our probable total expenditures may therefore be put at about six billions for 1921 and at about five billions for 1922.

I stop here to venture this opinion—I will not call it a prophecy, but I venture this opinion: Judging the future by the past, instead of being five billions for 1922 it will reach five and a half or six billions, and I see the items coming now which will cover that.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. Just a moment. The bills which are proposed, the expenditures which are in contemplation and which have the practical indorsement of the administration and the party, will carry that item to five and a half or to six billion dollars.

I yield to the Senator from Utah.

Mr. KING. The Senator has not included in that estimate the bonus. I make the prediction that the expenditures for 1922 will exceed $7,500,000,000.

Mr. BORAH. If we include the bonus, of course. I was not including that.

Prof. Seligman says:

In view of the fact that our prewar expenditures were about one billion ($983,000,000 in 1914), we may agree with the Secretary in characterizing the outlook as "shocking."

One billion in 1914 and five to six billions in 1922.

Bad as our situation is, however, it must not be forgotten that it is less unsatisfactory than that of the other participants in the war, with the sole exception of Japan.

But really, Mr. President, there is very little consolation in that fact, because the extremely bad situation in these other countries is visited by reflection upon this country in view of the fact that the large sums expended abroad are being expended not for purposes of reproduction and rebuilding, but for purposes of creating the instruments which do not bring prosperity or contentment. Again says Prof. Seligman:

This is all the more obvious as the Secretary's figures represent only the probable minimum of expenditures. Unless the very greatest care is exercised the expenditures will be considerably larger. It may be interesting to rearrange and complete the estimates in the Secretary's table in order to see at a glance where any important retrenchment is possible.

Then he gives the figures, as follows:

[In millions.]

	1921	1922
Military	$1,028	$568
Naval	697	543
	1,735	1,111
Interest	975	975
Sinking fund	283	265
	1,258	1,240
War-risk insurance	233	262
Pensions	272	265
	505	527
Railroads	804	545
Shipping Board	103	124
	907	669
	4,405	3,547
Post Office	467	495
Public debt redemption (excluding sinking fund, as above)	343	285
Miscellaneous expenditures	854	834
	6,069	5,161

Reducing the above table to rough figures in billions, it would come out something like this:

	1921	1922
Military and naval expenditures	1¾	1
Interest and amortization of debt	1¼	1¼
Insurance and pensions	¼	¼
Railroad and shipping	1	¼
Retirement of the debt	¼	¼
Post Office	¼	¼
General governmental expenditures	¼	¼
	6	5

Prof. Seligman continues:

In other words, virtually the entire increase of the budget, as will be evident from the first five items, is due to the war; and whereas in future years we may expect a diminution in the expenditures for railroads and shipping, it is obvious that the only possible retrenchment of any serious consequence is in the military and naval rubric. Unless a policy of ruthless reduction in the appropriations for these purposes is followed by the present Congress, we must even be prepared for an additional half billion of outlay.

At the time that Prof. Seligman made that statement he was making it not upon the savings which the Senate committee had made by reason of reducing the large estimates which had been made but he was making it at a time when the bills had been reported both from the Committee on Naval Affairs and from the Committee on Military Affairs, and he had in contemplation evidently the necessity of cutting these appropriations as they had been reported. He continued:

Only to the extent that future years will bring our military and naval expenditures down to the prewar figures of about a half a billion will any notable reduction in taxation be at all possible. Compared with the huge figures that will surely be needed for interest and amortization, for insurance and pensions, and for the War and Navy Departments, the amount of possible savings in the ordinary expenses of government is insignificant. The two immediate problems of policy which loom large from the fiscal point of view are thus a retardation in the tempo of debt payment and a slashing of the Army and Navy expenses.

Mr. OVERMAN. Mr. President, I have seen the statement, but I do not know whether it is true or not, as to the percentage of the cost of war in comparison with the total expenses of the Government. Has the Senator made an estimate of what percentage of the money raised by taxes goes for war purposes—what percentage of this five or six billion goes for war purposes?

Mr. BORAH. Ninety-three per cent for wars past and wars anticipated.

Mr. OVERMAN. I have seen the figure stated at 93 per cent. But how is it now?

Mr. BORAH. That is what it is now.

Mr. OVERMAN. Ninety-three per cent?

Mr. BORAH. Yes.

Mr. OVERMAN. Of this five or six billion, 93 per cent goes for war purposes?

Mr. BORAH. That is precisely it.

Mr. KING. Past, present, and future.

Mr. BORAH. Precisely so. In other words, if we should cut out the entire 7 per cent, upon which we run the Government of the United States, aside from these other items, we would only reduce the estimates, so far as the taxpayers are concerned, a comparatively small fraction. The 93 per cent of itself can not be reduced very much, except in two items. We can not reduce pensions, and we can not reduce those other items with respect to the interest upon war debts, and such things as that. There are only two items which we can reduce, as the professor said, and that is in the expenditures for the Army and the expenditures for the Navy.

Mr. OVERMAN. We have not reduced the Navy appropriations any.

Mr. BORAH. Not yet.

Mr. WADSWORTH. It may be of interest for me to interject the observation here that the so-called 1916 program for the Army has been completely abandoned.

Mr. BORAH. Yes; and perhaps the Senator from New York sometimes supposes that the Senator from Idaho is seeking to criticize the Senate Committee on Military Affairs. I am not. In fact, in view of the action of some other committees, the Senate Committee on Military Affairs has shown a proper spirit. I have not any doubt at all but what the able chairman and the members of that committee are just as anxious to relieve the taxpayers of this country as I am. I am assuming to myself no particular virtue in that respect whatever. I simply differ with them as to the point to which we can go. I conceive that it is possible to reduce the Army. We can save at least $25,000,000 and I believe we could save $70,000,000 in that item, and I want to say that in my judgment there could not anything take place here in the Senate which would inspire with more confidence for the future the citizenship of this country than to see the Congress of the United States really cut in regard to these expenditures. We know that business is discouraged and industry is demoralized, that there are 5,000,000 men out of employment, and if there is anything needed to encourage them it is to know that the Congress of the United States is endeavoring to reach them in every possible way and relieve their burdens. It is the morale of the people out through the country we must take into consideration as well as the morale of the Army of the United States. We will need a much less Army for police purposes in this country during

the next 10 years if we relieve the people from taxation than we will if we do not.

Mr. FLETCHER. May I ask the Senator what number of fighting men he thinks we would require at all times in continental United States?

Mr. BORAH. Mr. President, I am not building this Army on the theory of fighting men in the United States for the next five years.

Mr. FLETCHER. My idea of fighting men is men who can handle guns and actually do combat service when called upon to do it, not counting the roustabouts and civilians, the men who do not fight and can not fight and never expect to fight, but real combat men, and that sort of thing, the kind of men who are depended on to actually do the combat work in case of trouble. How many does the Senator think we ought to have of those men in continental United States at all times?

Mr. BORAH. I have said that if I had my way about it, I would reduce the Army, commissioned men and all, to 100,000 men.

Mr. FLETCHER. If you had an Army of 126,000 men you would have just about 25,000 fighting men in the United States proper—just about 25,000.

Mr. BORAH. How many do you have in the United States under the present figures?

Mr. WADSWORTH. Between fifty and sixty thousand, altogether.

Mr. BORAH. Now, Mr. President, in all candor, 25,000 or 30,000 men, so far as carrying on any war with any foreign Government is concerned, or repelling a foreign foe, would be worth just as much to us as 50,000. We could not, in other words, depend upon that sized Army for such a purpose. But I have no doubt but that for the purpose of policing this country we can have better police regulation by reducing taxes than we can by having soldiers to guard the country.

Mr. WADSWORTH. In other words, the Senator believes that if there were no police necessities at all we would not have to have any Army in the continental United States? It seems to me that is where he is driving.

Mr. BORAH. Yes.

Mr. WADSWORTH. Is that the Senator's belief?

Mr. BORAH. In other words, I might say that the Senator has reduced it to 50,000; I would reduce it to 25,000.

Mr. WADSWORTH. On the theory that the 50,000 is no better than the 25,000 for any purpose of actual combat?

Mr. BORAH. Precisely so, if it is combat with a foreign foe; and if it is merely keeping order at home, then reduction of taxes will do more for order and law than soldiers.

Mr. WADSWORTH. By the same argument, the 25,000 is no better than 5,000 for actual combat, and where do we get—down to zero?

Mr. BORAH. I arrive at the same destination exactly at which the Senator from New York arrives.

Mr. WADSWORTH. No; the Senator does not.

Mr. BORAH. Yes, I do; precisely.

Mr. WADSWORTH. Then I can not see where the Senator is going.

Mr. BORAH. Because for foreign service or repelling a foreign foe the Senator's army is no better than mine.

Mr. WADSWORTH. Do not call it "the Senator's army." I would not have anything like that.

Mr. BORAH. Senators refer to my army. I feel that I have just as much right to refer to the Senator's army.

Mr. WADSWORTH. The Senator from New York has some regard for the training feature of the Army. I think it is a wise thing to have at least 50,000 soldiers in the United States thoroughly trained.

Mr. BORAH. Why does the Senator say 50,000? Why does he not say 75,000 or 100,000?

Mr. WADSWORTH. I think it is twice as wise to have 50,000 as 25,000.

Mr. BORAH. And the Senator to be really wise would have 500,000.

Mr. WADSWORTH. No; I do not think we need that many.

Mr. BORAH. Exactly so. Where is the line of demarcation?

Mr. WADSWORTH. The line of demarcation is drawn with common sense.

Mr. BORAH. Nobody has any common sense except the Military Affairs Committee and the Army.

Mr. WADSWORTH. Not at all. The Senator is imputing thoughts to me which I do not entertain. If the Senator will indulge me just a moment, I do not mean to interrupt his statement——

Mr. BORAH. Not at all.

Mr. WADSWORTH. The Senator has talked about the Army being for nothing but police purposes. I do not agree with that. If that assumption of his were correct, then we would not need a Regular Army. What is the use of it? Other sorts of persons can do police work.

Mr. OVERMAN. How many National Guard have we?

Mr. WADSWORTH. Ninety-eight thousand to-day in the National Guard; some excellent, some good, some mediocre. Some of the units are very, very new. Within a year or two they will be very good.

Mr. REED. I sent the Senator an inquiry just a moment ago about that, but since the question has been answered as to that item, let me ask the Senator if the National Guard are not now rapidly increasing, being rapidly recruited, and their efficiency greatly increased?

Mr. WADSWORTH. I should say that the rate of increase is moderately rapid and very healthy. I would rather have it slow and healthy than rapid and unhealthy. The guard is certainly on a much better basis than ever before. I will be perfectly frank to say to the Senator from Missouri and the Senator from Idaho that when the guard is built up in accordance with the ideas which the committee had which drew the Army reorganization act, into a splendid force of trained citizens, you can reduce your Regular Army. It is going to take two or three years to do it, and then we can reduce the Regular Army again, but I do insist that the Regular Army has some functions other than as policemen. I think they are the nucleus of training for whatever force we have to defend this country.

Mr. BORAH. I was taking the Senator's statement in the debate made at the last session of Congress, which I thought was a very wise statement, that the only object of maintaining an Army at this time was for police purposes.

Mr. WADSWORTH. The Senator did not make the statement in those terms, by any means.

Mr. BORAH. I will endeavor to get the statement before the debate ends and read it into the RECORD, so that I will not misstate the Senator. But I gave particular attention to his statement, and I quote him in substance.

Mr. REED. I wanted to ask the Senator from New York if it is not a fact that a very large percentage of the present National Guard as formed and in the process of development is being formed out of soldiers who saw service during the last war?

Mr. WADSWORTH. That is true as to the commissioned officers of the Guard, but not as to the enlisted men, so far as my information goes. Most of the enlisted men are new. Most of the officers are veterans.

Mr. BORAH. Now, Mr. President, there has been a great change of view in regard to what sized Army is necessary. We have been constantly reducing it, and those who urged a reduction a year and a half ago were looked upon then as being somewhat unreasonable, but we have now gotten down to the point for which we were contending a year and a half ago. So I think, Mr. President, that there are many things which enter into our opinion in regard to this, and that which is not regarded as common sense to-day by some may be regarded as common sense to-morrow. For that reason I venture to make some suggestions at this time which do not seem to be based upon common sense.

I wish to ask our Republican friends on this side of the Chamber what are you going to do about the question of economy? What is your program? What is your plan? There is no provision anywhere for reducing expenses or reducing taxes. There is no program to that effect. If you do not cut the Army appropriations and the Navy appropriations, where are you going to reduce? I do not see any member of the Finance Committee here except the honorable Member from North Carolina [Mr. SIMMONS], but I should like to know, in view of the constant discussion of the question upon the part of Republican leaders that the taxes now are unbearable and that they must be reduced, when and where they are going to reduce them? Where is the program?

Mr. KING. Will the Senator permit a Democrat to reply?

Mr. BORAH. No; I do not think so.

Mr. KING. If the Democrat quotes a Republican, will the Senator permit the Democrat to reply?

Mr. BORAH. Yes.

Mr. KING. One of the distinguished members of the Finance Committee, the senior Senator from Utah [Mr. SMOOT], stated in taking testimony before the committee when a Mr. Miller was being interrogated only a few days ago, that instead of there being a reduction in taxation the taxes would be increased. Mr. Miller expressed his regret that there could not be a reduction of taxation and the senior Senator from Utah ex-

pressed his regret that there could be no reduction, but there seemed to be an absolute concurrence of opinion that there would be none. The senior Senator from Utah stated that there would be an increase. So I say to my Republican friend from Idaho that his party not only will not reduce taxation and not produce economies, but will increase taxation and will increase the expenses of the Government.

Mr. BORAH. That is not the kind of doctrine I wanted to hear, but I am afraid it is true.

Said the New York Herald of June 3—I could quote many other papers, but I quote the Herald because it has been giving particular attention to this matter, and I presume is not unfriendly to the administration, and is certainly entitled to speak to the Republican leaders, as it did its full share in putting them in power:

The one outstanding lesson of the series of articles which the New York Herald is publishing about the Federal Government's continued squander in the face of the imperative need to save is that Congress appropriates and the administrative spenders do not know how to economize. They do not know how to stop the waste, because they do not know where the waste is.

For the present fiscal year (ending with this month) the Democratic heads of departments asked for $5,064,350,793, and this was hailed as wild extravagance. The Republican Congress cut those estimates and appropriated to meet the revised items $3,717,441,484, and this was acclaimed by the legislative body as heroic economizing. But Secretary Mellon, of the Treasury, figures that when the year closes four weeks from now the actual spending will have been $5,602,024,861—

A little over $600,000,000 more than the estimates made by the Democratic heads of departments, which were criticized as being extravagant.

If the cost of the Postal Service is added, the spendings will have exceeded $6,000,000,000, as against the five billions of original estimates and the three and three-quarters billions of appropriations.

The estimates for the new fiscal year were $5,259,515,574. The appropriations (with estimates for the Army and Navy bills) have been $3,306,029,647. Secretary Mellon figures the actual spending, not including Postal Service, will be $4,565,877,033. Congress, in other words, went through the motion of saving for the approaching new fiscal year a billion and four hundred millions from the demands of the spenders. But without the Post Office figures the spendings will be three-quarters of a billion dollars more than the appropriations. With the postal items counted in the spendings as they were in the estimates, the actual spendings will be nearly a billion and a quarter of dollars more.

The article then concludes by saying:

But the plain truth about this sort of ramshackle business management and financial profligacy, now that revenues are growing scarcer and scarcer, is that unless the United States Government, legislative and administrative, buckles down to the job of saving money instead of talking about it, the National Treasury will be headed for the rocks, and the party in control of the Government will have to face a reckoning with the public.

I ask to have the entire article inserted in the RECORD.

The PRESIDING OFFICER (Mr. WATSON of Georgia in the chair). Without objection, it is so ordered.

The article is as follows:

[From the New York Herald.]

WILD GOVERNMENT SPENDING.

The one outstanding lesson of the series of articles which the New York Herald is publishing about the Federal Government's continued squander in the face of the imperative need to save is that Congress appropriates and the administrative spenders do not know how to economize. They do not know how to stop the waste because they do not know where the waste is.

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How the Government used to appropriate and spend may be judged by some comparisons before the war. For 1910, 1911, 1912, 1913, 1914 the appropriations were a little in excess of a billion dollars every year; the expenditures ranged between $919,000,000 for 1910 and $1,025,698,578 for 1914.

In 1917 the appropriations were $1,625,419,995 and the expenditures $3,046,183,746. In 1918 the appropriations were $18,892,027,501 and the expenditures $21,813,356,508. In 1919 the appropriations were $27,065,148,690 and the expenditures $35,129,566,706.

Since the war the gross overspending of appropriations has continued, as explained in detail in the first part of this article. The spenders have spent regardless of what the Congress appropriators had given them to spend. Then the Congress appropriators, by means of deficiency bills or other more or less secret measures to dig the spenders out, have given them the difference under the table, so to speak, where the public could not see the special squander allowances or know about them until after they were gone and all but forgotten.

But the plain truth about this sort of ramshackle business management and financial profligacy, now that revenues are growing scarcer and scarcer, is that unless the United States Government, legislative and administrative, buckles down to the job of saving money instead of talking about it, the National Treasury will be headed for the rocks, and the party in control of the Government will have to face a reckoning with the public.

Mr. BORAH. The anxiety of the public has been lulled to a certain extent by the fact that we have passed a budget bill, and there seems to be a supposition that there will be an inherent power within the budget bill, within the law, operating separate and apart from the individuals who operate it, which will compel the saving of public money. Of course, the budget bill will be absolutely worthless unless the attitude of mind of Congress and the mind of the departments wholly change. The budget bill in and of itself is simply an instrument or a means in the hands of those who really desire to save—who propose to systematize and to save—but if our attitude of mind continues the same, if the departments continue to make their estimates, and we continue to appropirate as we have, and our desire to curtail is no greater than it is now, the budget system will be simply a delusion and a snare, and it will save not a dollar for the people of the United States.

The only place where we can save is right here in these two bodies, the Senate and the House, by those who are elected by the people and sent here, and into whose command and keeping is given absolutely the control of the Treasury of the United States. No one else can save. We must ourselves make up our minds to the one proposition that we have simply got to cut these expenditures almost regardless in order to save the situation throughout the country, so far as the tax burdens are concerned. After we have done that, after we have cut these expenditures in so far as we dare to do, the tax burdens of the United States will still be so great that there will be plenty of complaint—and justly so—upon the part of the people. It is not therefore with any desire to find fault with the able committee which has brought in the bill, nor to challenge their good intentions, generally speaking, but it is with the hope that we will upon further reflection come to the conclusion that the burden rests upon us to do this. The duty is ours, and there is no escape from it.

There is one other proposition which I venture to mention, as it has come into the discussion to-day, because it is a part really of the entire proposition; at least it attaches itself to the question which we are now discussing. It has to do with the question of reducing the size of the Army, in my judgment, and reducing the size of the Navy. It has to do with the question of restoring normalcy throughout the country. That is the question of establishing a state of peace.

It is now approaching three years since the armistice was signed. For nearly three years we have been, as a matter of fact, at peace with Germany, and yet at the end of nearly three years we are technically in a state of war with Germany. It is a very large item, indeed, in the question of getting back to normal conditions and of trade resuming its proper function and entering the channels through which it was formerly accustomed or wont to pass. It is very much greater than the mere proposition of establishing a technical state of peace. It has to do with the entire question of the economic condition of the United States and of the world.

Not only have we failed to establish a technical state of peace, but we have done that which in my judgment, unless we surely and speedily remedy our course, was most unfortunate. We started to do it and then have failed. If there was any one distinct pledge made to the people of the United States in the last campaign which was clear and simple in its statement, easily comprehended, and which apparently a vast majority of the people understood and indorsed, it was that as soon as the party asking for power should be admitted to power it would establish a state of peace. The President in his speech of acceptance stated in substance that a state of peace would be established as soon as the Republican Congress could pass it and he could attach his signature to it.

I venture to say that there is not a man in this Chamber or in the House who went before the people for election who did not give them to understand that one of the first and speediest acts of the Republican Party would be to establish a state of peace.

We have an overwhelming majority in the House and an overwhelming majority in the Senate, and the executive department is Republican from turret to foundation stone; and yet we stand before the country, we stand before the world, as unable to pass a simple resolution establishing a state of peace.

We have not only been criticized by the opposition press, but we are now being apologized for by our own press, and we have become the subject and butt of ridicule by the foreign press. The Congress of the United States is unable to formulate a proposition which restores by law that which in fact exists.

We are kept in a state of uncertainty and unrest, and many arguments are made for expenditures for this and for that, for the Army and for the Navy, based upon the proposition that the world is still restless and in a state of war. I am not seeking to criticize any one individual, but as the party having control of the Government we ought to pass a resolution of peace, regardless of the particular wording of it, which will accomplish that which the people desire, to establish that condition between this country and Germany. So far as I am individually concerned, I would go further, but I shall not inject that into the debate at this time. When this matter reaches a voting point I shall undertake to get a vote upon the question of holding the Army at 150,000 men, not as representing my views, but because I realize there is no possible chance to do anything further. I would, had I the power, reduce it to 100,000 and feel that in doing so I would be rendering a great service to the people of our country and not endangering their safety or security in the least.

Mr. FRELINGHUYSEN. Mr. President, I have a great deal of sympathy with the statements made by the Senator from Idaho. I agree with him entirely that the crying need at the present time is establishing the cost of this Government upon an economical basis. But I do not think that this effort to save approximately $3,000,000 is the practical way to do it, as far as the cost of the Army is concerned.

I admit that I was startled with the estimates this year of over $300,000,000 to maintain an Army that previous to the World War cost only about $100,000,000 or $110,000,000; but the situation since then has changed. We are not entirely out of trouble. The condition of the country is restless; it is necessary for us to maintain a certain number of troops in Germany. Furthermore, when the committee reviewed the entire situation we were also influenced by the statement of the Secretary of War, who is better informed than we are as to the situation, and who urged that the Army at the present time be not reduced below 175,000 men.

The question of the size of the Army is only a matter of judgment. How many men does this country need for its national defense? Let me point out to the Senate that the Army is not only a police force but it is also a reserve to maintain law and order and to protect the property of the citizens of the country. When the World War broke out, we had a standing Army of 102,000 men, and to-day the high taxes that we are paying are largely due to the false military policy which we then maintained. We had no proper military organizations, and we were compelled to spend thirty billions where we would only have been compelled to spend half that had we had a proper organization so that we could have expanded the Army as was necessary for the requirements and needs of the great World War. All Senators know the confusion, the chaos that existed when that war began.

Mr. KING. Will the Senator yield to me?

Mr. FRELINGHUYSEN. If the Senator will wait until I shall have finished, I shall then be glad to answer any question.

The PRESIDING OFFICER. The Senator from New Jersey declines to yield.

Mr. FRELINGHUYSEN. The high cost of the war was due largely to the fact that we had no organization. The Military Affairs Committee studied this question in view of the experiences we had during the war. That committee had before them all of the generals who fought on the other side of the ocean, and they also had the department chiefs before them. Then they framed an Army reorganization bill, based upon the theory that at some future time it might be necessary for this country again to take up arms. In order to avoid the mistakes and the expensive costs that were necessary during the late war, the Army reorganization bill was framed. It provided for certain machinery in order that the Army might be expanded to 2,000,000 men if necessary. Then it provided as a skeleton a minimum number of men.

Mr. REED. How many?

Mr. FRELINGHUYSEN. It figured on a minimum of 240,000 men. That was the judgment of the Military Affairs Committee of the Senate at that time. Am I right, I will ask the chairman of the Committee on Military Affairs, the Senator from New York?

Mr. WADSWORTH. The basic law authorized a maximum for the Regular Army of 280,000 enlisted men. It was not the intention of the committee that it should be left at that number all the time, and it has not been.

Mr. REED. But the recommendation of the Military Affairs Committee was for 500,000 men, was it not?

Mr. FRELINGHUYSEN. Yes; that is true.

Mr. REED. But Congress cut the number to 240,000?

Mr. WADSWORTH. To 280,000.

Mr. FRELINGHUYSEN. To 280,000 men.

Mr. REED. It was thought that 280,000 was the least we should possibly have, then?

Mr. WADSWORTH. No, Mr. President; that should not be understood in that way, unless the Senator from Missouri sides with Secretary Baker in that controversy. The law provided a maximum authorized strength of 280,000 men for the Regular Army. Mr. Baker insisted that it was, therefore, mandatory upon him to recruit that number. The committee and Congress said, "There is nothing mandatory in the law; you do not have to recruit to that number"; but he insisted upon trying to do it. I personally went and begged him to stop recruiting.

That was last December. However, he paid no attention, but went on and increased the number up to 240,000 men. Congress finally intervened and passed a resolution ordering him to stop recruiting until the Army had been reduced to 175,000 men. President Wilson, at Mr. Baker's request, no doubt, vetoed the bill. We passed it over his veto, only one Senator voting against it here in the Senate. That action of the Secretary of War—mistaken, I believe—is the cause of all our trouble to-day. We had a swollen force, which we did not want and did not need.

Mr. REED. The Senator from New York is discussing one question while I am inquiring about another.

Mr. WADSWORTH. The Senator said that we thought we could not get along with less than 280,000 men.

Mr. REED. I did state it in that way, but let me tell the Senator what I had in mind and what is borne out by my previous question. The Senator from New Jersey [Mr. FRELINGHUYSEN] was discussing the question of the War Department having evolved a plan by which we could expand our force and avoid——

Mr. FRELINGHUYSEN. The Senator is mistaken in that. The Military Affairs Committee and not the War Department evolved the plan.

Mr. WADSWORTH. The committee rejected the department plan.

Mr. REED. I am trespassing on the time of the Senator from New Jersey, but I am really anxious to get the facts.

Mr. FRELINGHUYSEN. I refused to yield to the Senator from Utah [Mr. KING] but I shall immediately yield to him, in view of the fact that I have yielded to the Senator from Missouri [Mr. REED].

Mr. REED. What was the military authorities' plan for an Army?

Mr. FRELINGHUYSEN. For an Army of 576,000 men.

Mr. REED. Very well. Congress got hold of that, and it was pared down to 280,000, was it not?

Mr. FRELINGHUYSEN. That was the maximum which was authorized.

Mr. REED. And now, after that, Congress pared it down to 175,000 men?

Mr. FRELINGHUYSEN. Yes.

Mr. REED. But the military authorities still stood for 540,000 men. They never have changed their plans, have they?

Mr. FRELINGHUYSEN. I do not think they have changed their ideas.

Mr. REED. No.

Mr. WADSWORTH. The answer to the Senator's question depends upon whom we call "the military authorities."

Mr. FRELINGHUYSEN. Will not the Senator from Missouri define whom he means by "military authorities."

Mr. REED. I do not include the Committee on Military Affairs of the Senate, because I know they are not military authorities, for I once had a membership on that committee. They are, however, a group of Senators who are very earnestly trying to do their duty, and I think they have done very well in many respects. By "the military authorities" I mean the officers of the Army who came here with a plan and laid it down and said "This is what is necessary." Now, we have gotten down to 175,000, and I understand the matter in dispute is whether we shall have 150,000 men as against 175,000 men in the Army.

Mr. FRELINGHUYSEN. That is true.

Mr. REED. And, according to the plan of the Army officers, 175,000 men are utterly inadequate.

Mr. FRELINGHUYSEN. I do not know what their present views may be.

Mr. BORAH. It is the judgment of civilians.

Mr. FRELINGHUYSEN. It is the judgment of the committee who were authorized by the Senate to study this question and report the proposed legislation to this body.

Mr. BORAH. That is all true enough, but at last it is the judgment of civilians.

Mr. FRELINGHUYSEN. Possibly so; we are civilians.

Mr. BORAH. Exactly; I hope we are. In other words, it is not the plan that has been submitted to us by "the military authorities."

Mr. WADSWORTH. Again may I ask what the Senator means by "military authorities"? If the Senator really wants to know where the suggestion as to an Army of 576,000 men came from, I will tell him it came from about four officers out of the entire Army. They happened to be at the head of the department at the time. I know as well as I am standing here that if a vote had been taken amongst the commissioned officers of the Regular Army the vote would have been 20 to 1 against any such proposal.

Mr. REED. Who were the four officers?

Mr. WADSWORTH. The Chief of Staff and the assistant chiefs of staff under Mr. Baker.

Mr. REED. They were at the head of the Army?

Mr. WADSWORTH. Yes; but there are other military authorities.

Mr. REED. But the other military authorities did not come forward and recommend a plan for a smaller number, did they?

Mr. WADSWORTH. Indeed, they did; they appeared before our committee by the dozens and opposed the proposal to create an Army of 576,000 men.

Mr. REED. What number did they suggest?

Mr. WADSWORTH. They suggested an Army of 150,000, 250,000, 350,000, and so on.

Mr. REED. Then, there were some officers who placed the number as low as 150,000?

Mr. WADSWORTH. They were very few.

Mr. REED. Were they as many as were in favor of an Army of 500,000?

Mr. WADSWORTH. I should say that the average suggestion was for an Army of about 225,000 men. The military officers have not been quite so militaristic as the Senator from Missouri has endeavored to portray them. As a matter of fact, some of the highest ranking officers of the Army came before the committee and denounced the plan of the War Department.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. FRELINGHUYSEN. I do not object to the colloquy going on.

Mr. REED. Will the Senator permit me to say that the plan proposing an Army of 500,000 men plus was brought forward by the gentlemen who insisted that the millenium was about to be introduced?

Mr. WADSWORTH. At the time that the bill proposing an Army of 576,000 was proposed, and it was stated that that number would be necessary in order that the United States might carry out its international obligations, the covenant of the League of Peace or the League of Nations, or whatever it is, was pending in the Senate.

Mr. FRELINGHUYSEN. Now, if the Senator from Utah [Mr. KING] desires to ask me any question, I will be very glad to answer it if I can.

Mr. KING. I do not care to interrupt the Senator at this time.

Mr. FRELINGHUYSEN. It simply resolves itself into the question whether we shall have an Army of 175,000 or 150,000. Which is the better policy? The Senator from Idaho urges the lower minimum as a matter of economy, but the Military Affairs Committee believe that if the Army is reduced below 175,000 it will destroy the skeleton organization which has been provided under the present national defense act, which Congress itself has passed. The question is whether we shall have an Army of 175,000 men, which the Military Affairs Committee believe is necessary for the national defense and necessary to maintain the organization, or whether the Army shall be impaired, whether that organization shall be impaired by being reduced to 150,000 men by virtue of the pending bill, and approximately $3,000,000 thereby saved. That is the question, is it not?

Mr. BORAH. Mr. President, the Senator from New Jersey, with unusual candor, has stated what I have suspected all the time, that what we need is 175,000 enlisted men in order to give justification for the existence of commissioned officers to the number of 14,000.

Mr. FRELINGHUYSEN. Oh, not at all. I think the Senator will not accuse me of any intrigue or any effort in that direction. I am perfectly sincere in this matter.

Mr. BORAH. I know the Senator is, and he stated the proposition with absolute candor; but if he will read the RECORD he will find what I have said to be accurate. That, in my judgment, is the reason for the demand for the increased number. We have 14,000 commissioned officers who are costing us $52,000,000 a year, and if we undertake to cut the Army to 100,000 men we can not find any possible thing for them to do.

Mr. FRELINGHUYSEN. Mr. President, I have no thought of keeping the Army up to 175,000 men in order to keep 14,000 commissioned officers in their jobs.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. LENROOT. I know the Senator wishes to be accurate; but there is no proposition before the Senate coming through the Military Affairs Committee for an Army of 175,000 men. The maximum is 170,000, and the appropriation made by this bill is for less than 170,000. According to my view, it will bring the Army down to a minimum of between 150,000 and 160,000 men and not 175,000 men.

Mr. FRELINGHUYSEN. Possibly I was in error. I was speaking of the estimate made by the committee as the bill was presented. That is the position that I am taking, that the Army should be kept at that figure. If it is 170,000 men, then my statement that the number was 175,000 men stands corrected.

Mr. LENROOT. The subcommittee did make such a report, but I think some members of the committee were not in accord with it, and they compromised by reducing the number to that now found in the bill.

Mr. FRELINGHUYSEN. As I said before, the saving is $3,000,000.

Mr. BORAH. Why does the Senator say "$3,000,000"?

Mr. FRELINGHUYSEN. The Senator from New York has just stated to me that the difference between the estimate made by the committee and the effort by the Senator from Idaho to reduce this to a minimum of 150,000 is $3,000,000.

Mr. BORAH. Does the Senator contend that you can maintain the difference between 150,000 and 170,000, making 20,000, on $3,000,000 a year?

Mr. FRELINGHUYSEN. No; but taking out the reenlistment figures——

Mr. BORAH. But we are taking those out anyhow.

Mr. FRELINGHUYSEN. Then it is probably $14,000,000 or $15,000,000.

Mr. REED. Mr. President, why is it not one-seventh of the whole amount?

Mr. FRELINGHUYSEN. That is practically one-seventh of the whole amount, which is $87,000,000.

Mr. REED. Oh, no; if the Senator will pardon me, we propose to appropriate here for pay of the Army $164,000,000—I drop the odd figures—and for the Quartermaster Corps $110,000,000. That does not take into consideration the Ordnance Department or the Surgeon General's Department or many other things. One-seventh of that would be a much larger sum than the Senator has named.

Mr. FRELINGHUYSEN. I will have the figure in a moment. When the war began we had an Army of 102,000 men. Now we are proposing an Army of 175,000. Why? There are new branches of the service. There is the Air Service, the Machine Gun Service, the Motor Transport Service, the Chemical Service; all new branches. Now, if this organization is to be kept up as modern armies are it is necessary, if the United States intends to have a skeleton Army which can expand, and an organization, to have a larger Army than we had before, and it is perfectly practicable that we should. If we had had an Army of 250,000 men at a certain period of the war and had we been able to send them across before the Russian breakdown undoubtedly the war would have ended a great deal sooner than it did, and the cost to this country would have been ten or twelve billion dollars less. Now, the question is whether the judgment of the committee as to the size of this Army is to be supported or whether the present organization is to be impaired by a still further reduction. We may be wrong; it might not be necessary to have 170,000 men, or even 100,000 men, but the best study we have given to this question is that the Army should not be reduced below this figure.

The Army is costing too much. Why? We are paying the men $30 a month. Before we entered the war we paid the men $15 a month, and now a commission is studying the question of the pay of enlisted men and the officers to determine if it can not be reduced, and undoubtedly there will be a saving there. It should be reduced. There are other expenses incurred. We give them vocational training; we give them commutation of quarters, and I think up to the time of the enactment of this bill there was a large appropriation for laundry work. None of these benefits were given the enlisted soldier before. To-day

we are guarding with civilian personnel millions of dollars' worth of property and supplies and buildings, which have added to the cost, and when they are disposed of the cost of the Army will undoubtedly be still further reduced; so we hope that the next appropriation bill will be much less.

If you are going to economize, do not economize by reducing the size of the Army so low that it is not sufficient to maintain law and order and the national defense, but cut your Army pay; make your economies by the disposition of a lot of this property and the maintenance of a lot of these establishments, which I hope in the course of the year will be disposed of.

Then, to go on, I suppose the Senator from Idaho believes that the United States should continue in the shipping business.

I do not agree with him in that. If you want to save some money, introduce a bill to abolish the Shipping Board, and let the United States Government go out of the shipping business. To-day we have 10,000,000 tons of ocean-going tonnage, class A tonnage, taking out your Lake transportation and your coastwise vessels, and to-day you can buy ocean-going tonnage for $80 a ton. That is $800,000,000.

Mr. BORAH. When the Senator supposes that the Senator from Idaho is in favor of that proposition, he is putting up a man of straw and knocking him down. He had better deal with the Senator from Washington.

Mr. FRELINGHUYSEN. I will deal with the Senator from Washington.

Mr. JONES of Washington. I want to suggest that it would be doing the same thing with the Senator from Washington. The Senator from Washington brought in a bill here, and it passed through Congress, declaring for private ownership of American shipping; but so far as the abolishment of the Shipping Board is concerned, I want to say now that the Senator from New Jersey could not do a worse thing for shipping or the Government of the United States than to abolish it.

Mr. FRELINGHUYSEN. I do not agree with the Senator.

Mr. JONES of Washington. Of course not.

Mr. FRELINGHUYSEN. I believe that it is necessary to keep the Shipping Board in existence long enough to liquidate the property that the United States owns and no longer.

Mr. BORAH. That will not be very long at the rate at which we are going.

Mr. FRELINGHUYSEN. I agree with the Senator; but to maintain a proposition of $800,000,000 worth of ships at a cost of $400,000,000 overhead, to my mind as a business man, is a rather disastrous proposition for the taxpayer and for the Government; and that is the condition that exists to-day. There is where money can be saved; but I do not believe that it is wise in the present condition and situation in the country to reduce the Army so low that in event of another war we will be less strong, and I therefore hope that the position of the committee will be supported.

Mr. JONES of Washington. Mr. President, I am not going to discuss the shipping matter, except simply to say that the Shipping Board is not maintained because we have a merchant fleet. We will need the Shipping Board after we get rid of our ships. We will need it more than we need it now to determine the administrative policies that we shall follow in aiding and encouraging and helping to upbuild American shipping.

I simply wanted to say that. A great many people who advocate the abolition of the Shipping Board seem to think that it is simply an agency to deal with Government-owned ships. The Shipping Board in its essential principle was a governmental agency long before we had this shipping. The shipping that we have is an incident of the war. It came to us undesired, because it was absolutely necessary. I want to see this liquidation carried on as rapidly as possible, but I do not think we can give our ships away.

I do not know what the Senator from New Jersey would do with this 10,000,000 of ships that we have. He does not want to get it into private ownership and have it handled by private parties, I think, any more earnestly than I do; but you could not get people to take these ships now and agree to run them if you would give them to them. There is not any market at all for them.

You could not sell them, and it is simply a situation that we have got to take care of in the best way we can. As I say, however, after the ships are disposed of we will need a Shipping Board to take the place and perform the functions of the British Board of Trade if we maintain American shipping. That is the purpose and the ultimate aim of the Shipping Board. Of course, that will not cost very much.

Mr. FRELINGHUYSEN. I do not want the Senator from Washington to assume that I am in any way opposed to the policy of the United States maintaining a merchant marine. I am not; but I do not believe that the Government should run ships in competition with private owners.

Mr. JONES of Washington. I do not believe that, either.

Mr. FRELINGHUYSEN. I also believe that as soon as possible these ships should be disposed of and, in fact, I am somewhat impatient at the delay at the present time in disposing of them. I do not believe that the Government of the United States should continue to try to operate these ships, but I believe that it should get them into private hands as soon as possible. I do not think very much effort is being made in that direction at the present time. When a new Shipping Board is appointed I hope that it will liquidate; and when it has liquidated, if we are to have a marine policy, I think it should be run by one of the departments of the Government, and not by a separate board.

Mr. JONES of Washington. Mr. President, of course, that just comes back to a difference of opinion as to the agency that we should use. After all, we have to use human agencies in dealing with these problems. The Senator from New Jersey wants to have this one dealt with by the bureaucratic red-tape delaying policies that necessarily follow in doing a great thing through a department. I think we could not do a worse thing for the American merchant marine than to put this great policy and this great enterprise under some bureaucratic department. We had better keep it in the hands of an agency that has power to act, that under the law is given authority to act, and that can be held responsible for nonaction.

I agree with the Senator from New Jersey that we have had delay. I hope it will end soon. It is up to this administration to end it. We ought to see to it that we have a board that will discharge its duty under the law. If it does not do it, then, of course, this administration can be very properly held responsible for its failure.

Mr. REED. Mr. President, the Senator interests me with his remark that we ought to have a Shipping Board that will perform the functions now performed in Great Britain by the British Board of Trade.

The other day I received a letter from a gentleman who had written to the Shipping Board for a position to represent this Government in some foreign port. The reply received was that it was unnecessary to consider his application, because our business in foreign ports was now being attended to by British subjects in these respective ports. It occurs to me that we might save some money by abolishing the American Shipping Board altogether and turn it over to the British Board of Trade. As they already employ British subjects to handle American business, and refuse to employ Americans, it appears to me that we have reached a condition where we might just as well turn over to Great Britain the formal management of the business.

Mr. JONES of Washington. I agree with the Senator that if we are to continue in that sort of policy, we had better do that. The British Board of Trade would not employ Americans to do the British business. I want to see the Shipping Board get around to the point where they will not employ aliens to do the business of this Government. There is too much of what the Senator just now mentioned.

Mr. REED. The statement of the gentleman who wrote me that letter was so astounding that I was inclined to think that he has some crank; but he inclosed the letter from the Shipping Board. I wrote them asking for a reason, but I have not yet received a reply.

Mr. JONES of Washington. There probably is not nearly so much of that as a good many people think, but there is not any doubt that there is a good deal of it.

Mr. REED. This letter indicated that it was the general rule.

Mr. JONES of Washington. I think probably the writer was mistaken about that.

Mr. REED. No; I mean the letter from the Shipping Board indicated it. I shall be glad to produce it.

Mr. JONES of Washington. It has been going on to a considerable extent, I am satisfied, and I regret it very much. We can not build up American shipping in that way. We are simply playing into the hands of our competitors when we do it.

Mr. REED. That is just the reflex action we can expect from this pro-British propaganda that has been going on in this country, "Hands across the sea," and "Our beloved brethren." Our hands have gone across the sea, both of them. In one of them we have had soldiers and munitions and cannon; in the other we have had money; and both have come back empty.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I am ready to yield the floor. I simply rose to make that statement.

Mr. KENYON. I do not want the floor; I only desire to ask a question. The Senator from Washington says there is not as much of this British influence in the Shipping Board as the people think there is. I believe the converse of that is true, that there is more of it than anybody dreams of who has not examined the question.

I happen to have here in my hand a report which was made to the Shipping Board by a gentleman whom they sent abroad to look into the situation there. I had intended at some future time, perhaps, to use this report. It has never been made public, as I understand it, but it shows what Britain has been doing, and I am not blaming Britain; it simply shows how much smarter they are than we are. The gentleman who made the report was not retained any further in the service.

That gentleman who was connected with the Shipping Board also made another investigation, and I have another report from the files of the Shipping Board showing the list of officials across the sea, the salaries, and whether they are British subjects or American citizens. I think it is a safe statement, I hazard the statement, that of the 300 employees across the sea, 75 per cent are British subjects, and some of the most important positions are filled by British subjects, such, for instance, as that of marine superintendent, Capt. Blake, who is getting a salary of $6,000 a year—a British subject, and his entire department is composed of British subjects. Of course, some of the stenographers and other office force have to be British subjects, but to try to build up an American merchant marine against the British marine with the representatives of the American marine in nearly all the ports British subjects, and with about 75 per cent of their force British subjects, shows a situation which needs remedying.

I understand, too, that up to a few months ago, when an American ship sailed to any port with a cargo, and had to take on coal at any port, such as Barbados, a manifest of the complete cargo had to be filed with the British consul at New York or other port of sailing before there was any chance of the vessel getting coal, and even ships which went to Russia had to do that, because in the North Sea they might have to stop at some British port and get coal. So we find that the British had a complete record of all the cargoes and the consignees and the consignors and of everything we are doing.

We can not build up a merchant marine under those circumstances, and I hope that is one thing the new board will change. I want to suggest to the Senator from Washington, to think about it a little, that some provision be made for one of the members of the Shipping Board to be abroad, let us say for a couple of years, and then come back and let another member go.

Mr. REED. How would it do to send them all abroad?

Mr. KENYON. I am not prepared to say; but it would be advisable to have one of them over there, instead of having our interests taken care of by our chief rivals.

Mr. REED. Mr. President, I have no desire to hold the floor if the Senator from Washington would like to say something.

Mr. JONES of Washington. Mr. President, I merely wish to suggest to the Senator from Iowa that I think the idea he has is covered in the merchant marine act, and that the Shipping Board has authority to divide up its work, and handle it in such a way as it may deem necessary for the building up of the American merchant marine.

I think there is a great deal of merit in the Senator's idea. I know that it was discussed in the preparation of the bill. We ought to have some member of the Shipping Board over there. They ought to go over there to look into the situation. I do not think they ought to go over there with a blare of trumpets; I think they ought to keep as quiet as possible, for a time, at any rate, their official character, so as to get at the real situation.

As the Senator from Iowa says, we can not build up an American merchant marine with the condition of things as he has pointed it out, and I have had a great many letters along the same line. I think the situation has been remedied somewhat in the last few months, but it is still very bad. That is a phase of the situation, of course, which we expect the new Shipping Board to remedy.

We have not had any Shipping Board, as I said the other day, since the merchant marine act was passed that really was in a position to inspire men to go on and do their best. We hope to have one before long, and hope to have these conditions met as promptly and as effectively as possible.

EXECUTIVE SESSION.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. WADSWORTH. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 7, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 6, 1921.

VICE CONSUL, CONSTANTINOPLE.

Alfred T. Burri, of Mount Vernon, N. Y., now vice consul at Constantinople, to be a consul of class 7 of the United States of America.

CONSULAR SERVICE.

TO BE CONSULS OF CLASS 4.

Leon Dominian, of New York City.
Arthur C. Millspaugh, of Augusta, Mich.

TO BE CONSULS OF CLASS 7.

James O. Murdock, of Chicago, Ill.
Leland L. Smith, of Portland, Oreg.
Gerhard H. Krogh, of Fargo, N. Dak.
Alexander K. Sloan, of Greensburg, Pa.
Egmont C. von Tresckow, of Camden, S. C.
F. Harold Brown, of Cedarhurst, N. Y.
Fred R. Robinson, of Swampscott, Mass.
Marshall M. Vance, of Dayton, Ohio.
Walter A. Foote, of Philadelphia, Pa.
Clinton E. MacEachran, of Massachusetts.

ASSOCIATE JUSTICE, SUPREME COURT, DISTRICT OF COLUMBIA.

Adolph A. Hoehling, of Maryland, to be associate justice of the Supreme Court of the District of Columbia, vice Ashley M. Gould, deceased.

UNITED STATES ATTORNEY, EASTERN DISTRICT OF VIRGINIA.

Paul W. Kear, of Virginia, to be United States attorney, eastern district of Virginia, vice D. Lawrence Groner, appointed United States district judge.

PURCHASING AGENT, POST OFFICE DEPARTMENT.

Thomas L. Degnan, of Pennsylvania, to be purchasing agent for the Post Office Department, vice Robert L. Maddox, resigned.

ASSISTANT DIRECTOR OF THE CENSUS.

Joseph A. Hill, of New Hampshire, to be Assistant Director of the Census by promotion from chief statistician, vice William M. Steuart, promoted.

REGISTER OF LAND OFFICE, KALISPELL, MONT.

Robert M. Goshorn, of Kalispell, Mont., to be register of the land office at Kalispell, Mont., vice Frank O. Williams, term expired.

REAPPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES.

FIELD ARTILLERY.

Joseph Olden Daly, late captain, Field Artillery, Regular Army, to be major with rank from June 2, 1921.

INFANTRY.

To be major with rank from May 28, 1921.

Louis Alexander Falligant, late captain, Cavalry, Regular Army.

To be first lieutenant with rank from May 13, 1921.

Richard Head Trippe, late second lieutenant, Infantry, Regular Army.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

ORDNANCE DEPARTMENT.

Capt. Walter Holbrook Adams, Coast Artillery Corps, with rank from July 1, 1920.

Capt. James Dennett McIntyre, Coast Artillery Corps, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE.

First Lieut. Arnold Emerson Hecter, Infantry, with rank from July 1, 1920.

FIELD ARTILLERY.

Lieut. Col. Philip Sheridan Colderman, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. James Wadsworth Furlow, Infantry, with rank from July 1, 1920.

AIR SERVICE.

Maj. Roy Messick Jones, Infantry, with rank from July 1, 1920.

Capt. Lawrence Fielding Stone, Infantry, with rank from October 12, 1917.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES.

MEDICAL CORPS.

Captains.

First Lieut. James Morris Fontaine, Medical Corps, from May 8, 1921.

First Lieut. Juan Higinio Font, Medical Corps, from May 14, 1921.

First Lieut. John Earl Stanton, Medical Corps, from May 24, 1921.

DENTAL CORPS.

Captains.

First Lieut. Ralph Olds Leonard, Dental Corps, from March 2, 1921.

First Lieut. Warren Charles Caldwell, Dental Corps, from March 12, 1921.

First Lieut. William Elder Sankey, Dental Corps, from May 9, 1921.

First. Lieut. Herman James Lambert, Dental Corps, from May 13, 1921.

First Lieut. Avery Scott Hills, Dental Corps, from May 26, 1921.

CONFIRMATION.

Executive nomination confirmed by the Senate June 6, 1921.

UNITED STATES ATTORNEY, DISTRICT OF UTAH.

Charles M. Morris.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 6, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, in the words of our lips may there be words of truth and wisdom. On our hearts write the words of Thy righteousness and put into our memories Thy loving providence. May we walk in the light as Thou art in the light. May our country's deepest conviction ever be that it is righteousness that exalteth a nation. May all hearts be open to that section which is in such deep anguish of soul and darkness of outlook. Through Jesus Christ our Lord. Amen.

The Journal of Friday, June 3, 1921, was read and approved.

THE PRESIDENT'S SPEECH AT VALLEY FORGE.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD the address delivered by the President of the United States at Valley Forge on yesterday.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the speech delivered by the President of the United States at Valley Forge. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. A. P. NELSON. Mr. Speaker, I desire to call attention to the fact that on page 2117 of the RECORD, Senate bill 1837, an act to amend section 32 of an act of Congress approved July 17, 1916, known as the Federal farm loan act, was referred to the Committee on the District of Columbia when it should have been referred to the Committee on Banking and Currency.

The SPEAKER. Without objection, the correction will be made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and for prior years, and for other purposes, had requested a conference with the House on the bill and amendments, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS as the conferees on the part of the Senate.

UNANIMOUS-CONSENT CALENDAR.

The SPEAKER. To-day is set aside for consideration of business on the Calendar for Unanimous Consent. The Clerk will report the first bill.

EXCHANGE OF LANDS IN TERRITORY OF HAWAII.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 4598) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that that bill may be allowed to go over.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

OPERATION OF GOVERNMENT-OWNED RADIO STATIONS.

The next business on the Calendar for Unanimous Consent was House joint resolution 7, to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a most important bill, too important, in my opinion, to be considered on the Unanimous Consent Calendar. As it stands, the Committee on the Merchant Marine and Fisheries will be called in the near future, when a bill of this importance can be taken up in the regular order. Unless the gentleman asks unanimous consent to pass it over, I feel that I should object.

Mr. CHINDBLOM. May I say to the gentleman who has made the reservation that I quite earnestly hope he will not object to the consideration of this resolution at this time? It is not as important as it may seem to be, from the general legislative standpoint. It amends the resolution passed by the last Congress, which became effective on June 5, 1920, in one single particular. Under that resolution the naval radio stations were permitted to use their facilities for commercial business under certain contingencies. It differentiated between ordinary commercial business and press business—the reception and transmission of messages by newspapers and newspaper associations. The resolution of June 5, 1920, gave the Secretary of Commerce authority to determine when existing private facilities were adequate for any of the purposes for which the Navy was authorized to use its stations in the reception and transmission of press messages or messages for commercial purposes.

Mr. BLANTON. Will the gentleman yield there?

Mr. CHINDBLOM. Yes.

Mr. BLANTON. Unless the gentleman desires to discuss it, I object to this, because I do not think it ought to come up in this way. I intend to object unless the gentleman from Wisconsin [Mr. STAFFORD] does, and unless the gentleman wants to allow time to discuss it we will save time by making the objection.

Mr. CHINDBLOM. I presume any personal conversation which I may have had with the gentleman from Texas would not necessarily be binding upon him now or upon the House, but he will remember that when this matter came up about two weeks ago I spoke to the gentleman afterwards, and he said if it came up later and had not been reached on Calendar Wednesday by the Committee on the Merchant Marine and Fisheries before it was again reached upon this call, he did not think he would have objection.

Mr. BLANTON. I will state that I would not object if it were not for the fact that the Committee on the Merchant Marine and Fisheries would have a call now in a very short time. But they are to have a regular call here soon.

Mr. CHINDBLOM. May I say that the Committee on the Merchant Marine and Fisheries will have much business to lay before the House, and very important business. I do not think this measure is of such importance as either of the gentlemen thinks.

Mr. BLANTON. Can the gentleman give us as much as two hours' debate on it?

Mr. CHINDBLOM. I do not think we will need anything like two hours of debate on it.

Mr. BLANTON. Are you willing to give us all the debate that is necessary?

Mr. CHINDBLOM. I am willing to give all the time that is necessary to discuss the question.

Mr. BLANTON. That was my only objection, to be sure that we should have ample time to debate the resolution.

Mr. CHINDBLOM. So far as I am concerned, I should prefer that there would be ample time to discuss it.

Mr. BANKHEAD. I trust that the gentleman from Texas [Mr. BLANTON] will not object. It is a matter of much importance to the newspapers, who are suffering from the standpoint of inadequate service. Possibly, we can get some agreement as to a reasonable length of time to discuss it.

Mr. STAFFORD. Mr. Speaker——

Mr. BLANTON. Will the gentleman yield right there?

Mr. STAFFORD. If consideration should be given to this bill it would open up the whole question of the rates that are privileged to be charged by the Government in the transmission of messages, both for press and commercial uses, under the aero system. It would naturally involve a discussion of two hours at least, and I do not think it is fair to the consideration of other bills on the Unanimous Consent Calendar to have a bill of this importance interposed at this time.

Mr. CHINDBLOM. Will the gentleman yield for just one suggestion?

Mr. STAFFORD. I made the suggestion to the gentleman that I will have to object unless he asks unanimous consent to have it passed over without prejudice.

Mr. CHINDBLOM. Let us see whether we can not agree upon this proposition. The gentleman, I appreciate, has studied the measure—the resolution does not affect the rates at all in reference to commercial business.

Mr. STAFFORD. Should it get before the House it would open up discussion in regard to rates, both as to commercial and press business, on messages sent from the Government wireless plants.

Mr. CHINDBLOM. If gentlemen are to discuss matters not contained in the resolution——

Mr. STAFFORD. The resolution will be before the House for amendment, and who can say whether merely the amendment or the suggestion offered by the committee is up for consideration, or whether all germane amendments will be considered?

This is a bill on the Union Calendar, and every germane amendment would be open for consideration and the discussion might take up the entire day. It is not fair to Members having minor bills on the calendar to project this discussion into the House under unanimous consent.

Mr. CHINDBLOM. This bill was on the Unanimous Consent Calendar, and it was the very next bill to be reached just before the adjournment of the Sixty-sixth Congress. It is a matter in which the newspapers and press associations of the country are very vitally interested. They have had large delegations here asking for this legislation, which must be passed before June 20, 1922, in order to benefit them at all. This is only to extend certain conditions for a year.

Mr. STAFFORD. Is there any reason why the bill could not be taken up for consideration on the next Calendar Wednesday? If the gentleman is not willing to withdraw it now, I shall object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. CHINDBLOM. Under the circumstances, I must yield, and I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER. The Clerk will report the next bill on the Calendar for Unanimous Consent.

FISHERY RIGHTS IN PEARL HARBOR, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2499) to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, according to the information that I have, the fishing rights in and around the Hawaiian Islands are now owned by private individuals. Those rights were reserved to them when Hawaii became one of the insular possessions of the United States. I am of the opinion that if we start in buying fishing rights there will be no end of the legislation that will be sought for this purpose. Inasmuch as the fishing rights, in my opinion, do not seriously interfere with the naval rights in Hawaii at this time, I do not think they should be interfered with by the passage of this bill now.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. JOHNSON of Washington. Has the gentleman made inquiry concerning these fishing rights, and as to why the Navy Department thinks they should be controlled by the Government of the United States?

Mr. McCLINTIC. I am willing to reserve my objection in order that the chairman of the committee may give any information he desires to the House.

Mr. BUTLER. The responsibility is not on me. I introduced this bill at the suggestion of the department.

Mr. ALMON. Mr. Speaker, the purpose and necessity for the passage of this bill is explained in a report I made for the Committee on the Territories. It is a departmental bill, drawn at the instance of the Navy Department, and was indorsed by Secretary Daniels. It received a unanimous report from the Committee on the Territories during the Sixty-sixth Congress, and it passed the House without objection. It is indorsed by the present Secretary of the Navy.

We have at Pearl Harbor the only naval base in the mid-Pacific Ocean. We have spent large sums of money there. We have important fortifications there. The dry dock there cost more than $7,000,000. We were 10 years engaged in the construction of that dock. It is 1,001 feet in length, it is 138 feet in width, and 38½ feet effective depth.

Mr. Speaker, this is a closed port, and was made so by Executive order of President Taft in 1912. That means that no foreign registered ship shall be admitted into this harbor. Under the war powers the Secretary of the Navy during the war made it a closed port in every respect. There are certain ancient fishing rights around the borders of the islands in the Territory of Hawaii. They were handed down from the Crown, and at Pearl Harbor for a distance of about 8 miles along the shore these fishing rights are in existence. They are owned by a certain railroad and two estates, and they have been leased from time to time. They are now in the hands of lessees, who can come into the harbor and near our fortifications.

They use fishing boats of considerable size, but too small to be registered. The purpose is for the United States Government to acquire these fishing rights for the protection of the naval base at Pearl Harbor by keeping all unauthorized persons out of the harbor and make it a real closed harbor.

Mr. CHINDBLOM. Mr. Speaker, how soon will the Committee on the Public Lands be reached on Calendar Wednesday?

Mr. STAFFORD. It will be about when the snow begins to fly.

Mr. ALMON. This bill is from the Committee on the Territories. Now, Mr. Speaker and gentlemen of the House, that is an important harbor. It is our only naval base in the mid-Pacific Ocean. It is a closed harbor, and the purpose of this bill is to make it closed in the true sense of the word and to keep out these fishing boats for the protection of our fortifications.

There are many reasons why unauthorized people, whether they are foreigners or citizens of the United States, should be kept out of those places. They could go there and acquire information even in time of peace and know what is going on in reference to our naval preparations. In other words, if it is going to be a closed port, everybody ought to be kept out, except those who are authorized to go there by the Navy Department, and the purpose of this bill is to authorize the Secretary of the Navy to go there and make an investigation and inquire and report to Congress what these three fishing rights can be acquired for, and if they can not be contracted for, then to authorize him to proceed with condemnation proceedings in order to acquire them for the benefit of the Navy.

Mr. McCLINTIC. Will the gentleman yield?

The SPEAKER. Is there objection?

Mr. McCLINTIC. I should like to ask the gentleman a question. If this bill becomes a law will the United States Government then have the right to keep all kinds of vessels outside of that harbor?

Mr. BUTLER. Yes.

Mr. ALMON. That is the law now, Mr. Speaker.

Mr. McCLINTIC. If that is the law now, what is the necessity for the passage of this bill?

Mr. ALMON. The law now keeps out all registered ships, but these fishing boats are too small to be registered. There is no way to keep them out, and before the war and before this order was made under the war power fishing boats were coming in there, boats of considerable size, but they were too small to be registered. They can come in again after peace is declared. The purpose of this bill is to enable the United States Government to acquire all the fishing rights, so that these fishermen and all unauthorized persons may be kept out.

Mr. McCLINTIC. It seems to me if we have the right now to keep out vessels there is no necessity for the passage of this.

Mr. BUTLER. We can keep out everything except fishing boats.

Mr. McCLINTIC. I can not understand why you differentiate between small fishing vessels and others.

Mr. BUTLER. Because the small fishing boats are not registered.

Mr. McCLINTIC. One more question, and then I will subside. Does the gentleman who has charge of this bill believe that if the same is enacted into law it will set a precedent for the purchase of other fishing rights in and around the islands?

Mr. ALMON. I do not think so, because they are not needed, except in this particular case.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to examine and appraise the value of the privately owned rights of fishery in Pearl Harbor, island of Oahu, Territory of Hawaii, from an imaginary line from Kaak Point to Beckoning Point, both within said harbor, to the seaward, and the privately owned rights of fishery in and about the entrance channel to said harbor, and to enter into negotiations for the purchase of the said rights, and, if in his judgment the price for such rights is reasonable and satisfactory, to make contracts for the purchase of same subject to future ratification and appropriation by Congress; or in the event of the inability of the Secretary of the Navy to make a satisfactory contract for the voluntary purchase of the said rights of fishery he is hereby authorized and directed, through the Attorney General, to institute and carry to completion proceedings for the condemnation of said rights of fishery, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Hawaii, substantially as provided in "An act to authorize condemnation of land for sites for public buildings, and for other purposes," approved August 1, 1888; and the sum of $5,000 is hereby authorized to be appropriated, to be immediately and continuously available until expended, to pay the necessary costs thereof and expenses in connection therewith. The Secretary of the Navy is further authorized and directed to report the proceedings hereunder to Congress.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. ALMON. There is an amendment to the title.

The SPEAKER. Without objection, the title will be amended to conform to the body of the bill.

By unanimous consent the title was amended to read: "A bill to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii."

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS TO PHOENIX, ARIZ., FOR MUNICIPAL PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2421) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the south half of the northwest quarter and the north half of the southwest quarter of section 23, township 1 north, range 2 east, Gila and Salt River meridian, Arizona, be, and the same is hereby, granted to the city of Phoenix, Ariz., for municipal purposes, upon condition that the said city shall make payment for such land at the rate of $1.25 per acre to the receiver of the United States land office at Phoenix, Ariz., within 60 days after the approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That the grant herein is made subject to any valid existing easements on said land and upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the mayor of said city shall submit to the Secretary of the Interior a report as to the use of the land herein granted during the period named in such request, and that in the event of his failure to so report, or if it is shown in such a report that the terms of this grant have not been complied with, the grant shall be held forfeited and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SETTLERS AND ENTRYMEN ON BACA FLOAT NO. 3, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2422) for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, will the gentleman from Arizona make some explanation of the bill?

Mr. HAYDEN. Mr. Speaker, the history of the lands affected by this legislation is that a certain man named Luis Maria Cabeza de Baca was granted a large tract of land containing nearly 500,000 acres in the Territory of New Mexico when it was a part of the Republic of Mexico. A similar grant was made to the town of Las Vegas in 1835 by the then Mexican Government. These two grants conflicted, and in 1860 the Congress of the United States passed an act authorizing the heirs of Baca to select approximately 500,000 acres of land anywhere in the Territory of New Mexico, which then included a part of Colorado and all of Arizona. Five tracts of about 100,000 acres each were selected by the Baca heirs, among them one located near Nogales, Ariz., which comprised a little over 99,000 acres of land.

When the successors of the Baca heirs applied for a patent the General Land Office declined to issue the same for the reason that the act of June 21, 1860, provided that the land to be selected should be nonmineral, and the land in question was notoriously mineral in character. The Land Office then opened this land to settlement. Settlers entered upon it, patents were issued, and a number of other entrymen were in process of obtaining their patents when the Supreme Court of the United States, by a decision rendered on June 22, 1914, determined that the land did belong to the successors of the Baca family and therefore that the settlers had absolutely no title.

On December 13, 1917, the Federal court in Arizona ordered all the settlers evicted from the land. There were 18 entrymen who had received their patents from the United States for 2,352 acres, and there were 41 others who had final receipts or were in process of earning patents to land aggregating 5,527 acres. The Department of the Interior has at all times recognized them as valid entries and resisted the land-grant claimants on all occasions until the Supreme Court finally decided in favor of the grantees.

This bill merely proposes that the patentees and entrymen may be permitted to receive land in lieu of that which they lost. If one has already received a patent from the United States, the bill proposes that he may go elsewhere in the State of Arizona and secure twice the area of the land formerly patented to him, because he gave up land in an irrigated valley and must now select arid land. In the judgment of the Secretary of the Interior it would be only fair to allow the settlers to do that.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. STAFFORD. Does the gentleman know of any other instance where Congress has granted to persons similarly situated twice the amount of land which was originally patented to them?

Mr. HAYDEN. No; I know of no instance where twice the area was allowed. This bill as originally prepared by the department allowed the settlers to select an equal area anywhere in the United States where they might find it. I took up the matter with the Secretary of the Interior and told him that the settlers would, most of them, probably want to make selections in the State of Arizona. He, being familiar with the situation in the Southwest, knew that all that was left after 50 years of settlement was land that nobody else wanted up to this time. Under these circumstances Secretary Fall recommended to the committee and the committee amended the bill to the effect that the settlers might select a double area.

Mr. STAFFORD. So that the privilege that will be extended to these entrymen is limited to lands in the State of Arizona under this double right?

Mr. HAYDEN. Yes.

Mr. STAFFORD. That the committee is recognizing for the first time?

Mr. HAYDEN. That is true.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That where, prior to December 13, 1917, patents or patent certificates have issued under the homestead laws or preemption laws for land within the limits of a tract known as Baca Float No. 3, in the State of Arizona, and the patentees, their assigns, and legal representatives have been evicted by the local courts by reason of the prior grant to the legal representative of Luis Maria Baca, the patentee, his assigns or his legal representative, who under the laws and regulations would have been entitled to the return of the purchase money, fees, and commissions, shall be entitled to select in lieu thereof an equal quantity of nonmineral, unoccupied, surveyed public land subject to homestead entry.

SEC. 2. That where any person had made homestead entry for land within Baca Float No. 3, and had fully complied with the homestead laws thereon as to residence and cultivation prior to June 22, 1914,

in the bona fide belief that the land was public land, and has been evicted therefrom or prevented from making final entry by reason of the prior grant, said homestead entryman, or, in the case of his or her death, the successor to the right of entry under the homestead laws shall be permitted to make second homestead entry for other land, subject to the conditions, limitations, and benefits of the homestead laws applicable to such land; and upon submission of proof under his original entry that he had fully complied with the law as to residence and cultivation, shall on approval of such proof and payment at the office of second entry for the final fees and commissions due on a final entry for the land entered, receive a final certificate and patent without further residence and cultivation of the land embraced in the second entry.

SEC. 3. That the right of selection and second entry hereby granted shall not be assignable, directly or through irrevocable power of attorney, and must be exercised within three years after the passage of this act by the persons entitled to such relief, or, in the case of the death of a homestead entryman who has not submitted final proof and received his final certificate, by the person or persons succeeding to his right of entry under the homestead laws: *Provided*, That no persons acquiring said land by sale or conveyance subsequent to December 13, 1917, shall be recognized, and the applicant shall submit proof that he has not sold, assigned, nor relinquished his homestead nor entered into any contract or agreement to sell, assign, or relinquish the same, nor abandoned the land for a valuable consideration: also that the land sought to be selected is for applicant's own exclusive use and benefit, and that he has not sold or contracted to sell, directly or indirectly, said selected land: *And provided further*, That the entire right of reselection under each entry shall be exercised at the same time, under such rules and regulations as the Secretary of the Interior may prescribe, and on approval of the selection patent shall issue as on other entries.

With the following committee amendments:

Page 2, strike out "be entitled to select in lieu thereof an equal quantity of nonmineral, unoccupied, surveyed public land, subject to homestead entry," and insert "be entitled to select in lieu thereof not exceeding twice the area of the lands lost, of any nonmineral, unoccupied, surveyed public land in the State of Arizona subject to homestead entry."

Page 2, line 17, after the word "land," insert "situate in the State of Arizona and not exceeding twice the area of the original homestead entry lost as herein set forth."

The committee amendments were severally read and severally agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MAKING FORT WORTH, TEX., A PORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2466) to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Fort Worth, in the State of Texas, be, and the same is hereby, constituted a port of entry in the customs collection district of San Antonio, Tex., and that the privileges of section 7 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said port of Fort Worth, in the State of Texas.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEAD ENTRY FOR DISCHARGED SOLDIERS, ETC.

The next business on the Calendar for Unanimous Consent was House joint resolution 30, to amend a joint resolution entitled "A joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish some explanation would be given for the proviso as found on page 2, which withholds the rights and benefits conferred by this act from any person who has dodged service in the World War, as in the body of the resolution these rights are only to be conferred upon those who have been honorably separated and discharged from the service. How can a person who has dodged service in the Army be honorably separated and discharged so as to entitle him to the privileges of this bill?

Mr. SINNOTT. Mr. Speaker, this bill merely proposes to amend the act approved February 14, 1920, which gave a preference to soldiers for a period of two years from the date of the passage of the act, and which privilege will expire next February. This extends that privilege for a period of eight years, inserting the word "ten" in the original act instead of the word "two."

Mr. STAFFORD. I do not know whether the gentleman heard my inquiry, but so far he has not answered the query that I addressed him.

Mr. SINNOTT. Some men who refused service and to wear the uniform in the war were not given an honorable discharge, but they were given a separation without honor, and it is to exclude those men that this provision was inserted in the original act. It was not deemed advisable by the Congress at the last session nor by the committee to give this great privilege to men who refused to serve or to wear the uniform, although they were not honorably discharged on account of their failure to do their duty.

Mr. STAFFORD. I fear the gentleman does not grasp the query that I have propounded.

Mr. SINNOTT. Possibly not.

Mr. STAFFORD. In the body of the resolution you restrict this privilege to those who have been honorably separated or discharged from the service. Then in your proviso you exclude from the benefits of the act those who having been drafted refused to serve. It is difficult for me to conceive of a draft dodger who afterwards became honorably separated or discharged from the service, and I am asking the pointed question as to the pertinency of the proviso.

Mr. SINNOTT. A question was raised as to whether these men who refused to serve and were not given an honorable discharge nor were honorably separated should be entitled to the privileges of this resolution, and the committee two years ago, in order to make assurance doubly sure, put in this last proviso.

Mr. STAFFORD. How can a person who has been a draft dodger be honorably separated from the service of the United States?

Mr. SINNOTT. Some of them have.

Mr. SMITH. Is it not true that the conscientious objectors who refused service and were imprisoned were finally honorably discharged from the service?

Mr. SINNOTT. They did not dodge the draft.

Mr. STAFFORD. They were not honorably discharged.

Mr. SINNOTT. They refused to serve.

Mr. STAFFORD. No person can get an honorable discharge from the service of the United States Government without doing service in the war.

Mr. SINNOTT. The gentleman does not object to this double assurance.

Mr. STAFFORD. I had difficulty in seeing the need of it, and thought there was an inconsistency.

Mr. SINNOTT. That was the object of it two years ago. We have taken the matter up with the War Department and also with the Interior Department, and that is the language they advised in order to make it definitely certain.

Mr. STAFFORD. A further inquiry I want to make is as to the applicability of this bill to Indian lands, or public lands being open to entry, in cases where they are classified and sold at an appraised value. What rights would the discharged soldier have under such conditions?

Mr. SINNOTT. He has a preference right. There was one opening in Wyoming. There were 80 units thrown open to entry there and there were 3,200 applicants for the 80 units. The real benefit that the soldier will get is on the Government reclamation projects, where they are thrown open to entry. That land is very valuable and they get a preference right.

Mr. STAFFORD. Would the soldier under the terms of the bill be granted any preferential rights in the case of public lands open to settlement upon classification and sale?

Mr. SINNOTT. On the lands hereafter restored to entry the soldier would have a preferential right.

Mr. STAFFORD. May I inquire for information whether these lands are entered under the homestead or desert land laws when classified and sold?

Mr. SINNOTT. Some of them under the desert land law, the homestead law, and some under the reclamation act.

Mr. BLANTON. Will the gentleman yield? The gentleman from Wisconsin was talking about what should have been done but what was not done. These so-called conscientious objectors who refused to fight or perform any other service were honorably discharged——

Mr. STAFFORD. Honorably discharged—never.

Mr. BLANTON. They were not dishonorably discharged or court-martialed, as they should have been. And they were paid their back pay after being petted for months and months. The gentleman certainly has not kept up with such matters——

Mr. STAFFORD. They may have been discharged from the Army.

Mr. BLANTON. They got an honorable discharge or one that was not dishonorable and were paid their back pay.

Mr. STAFFORD. The gentleman from Texas is mistaken, because——

Mr. BLANTON. I will yield to the gentleman from California [Mr. LINEBERGER], who was an officer in the service and knows I am not mistaken. He is familiar with it.

Mr. STAFFORD. In the Army of the United States they only give an honorable discharge where they served in the Army; otherwise an ordinary discharge.

Mr. MONDELL. If the gentleman will yield, apparently the language the gentleman calls in question was put in possibly out of an excess of caution, but there can be no harm for its staying in the bill.

Mr. STAFFORD. I controvert the position of the gentleman from Texas that a conscientious objector received an honorable discharge and not an ordinary discharge.

Mr. MONDELL. I am rather inclined to agree with the gentleman that the language is probably unnecessary, but in any event it can do no harm whatever the effect is, and it was possibly put in out of an excess of caution.

Mr. SMITH. We want to exclude the conscientious objectors who were in Leavenworth penitentiary and who are supposed to have received an honorable discharge.

Mr. MONDELL. It seems to me there is no objection to it.

Mr. STAFFORD. To terminate this controversy, I will withdraw the right to object and let somebody else take up the cudgel.

Mr. BLANTON. Mr. Chairman, I want to ask the gentleman from California this: Were not these men discharged honorably and given back pay, and did not the gentleman discharge such men himself?

Mr. LINEBERGER. I will say for the benefit of the gentleman that is a fact. There is only one discharge from the Army other than a dishonorable discharge, and that is an honorable discharge.

Mr. STAFFORD. The gentleman contradicts himself when he says there is only one discharge——

Mr. LINEBERGER. A dishonorable discharge and an honorable discharge.

Mr. STAFFORD. But, if the gentleman will permit, with my meager knowledge of Army affairs, I know there is an ordinary discharge and a discharge without honor.

Mr. BLANTON. As to about 3,000 so-called conscientious objectors, who, after refusing to fight, refused to perform any other service, I assure the gentleman he is mistaken; for they were discharged and their discharge was not a dishonorable one, and, in addition, they were allowed all of their back pay and a $60 bonus.

Mr. JOHNSON of Mississippi. Mr. Speaker, regular order.

The SPEAKER. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 2, line 1, strike out the word "sixty" and insert the word "ninety."

The question was taken, and the amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, I would like to propound an inquiry to the gentleman in charge of the bill. Will the gentleman yield to me for the purpose of asking a question of the gentleman from California in regard to the matter which was recently discussed?

Mr. SINNOTT. Will the gentleman yield until the amendment is adopted?

The SPEAKER The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SINNOTT. I yield the gentleman two minutes.

Mr. CHINDBLOM. Mr. Speaker, I would like to ask a question for the purpose of obtaining some information from the gentleman from California [Mr. LINEBERGER]. It is stated that honorable discharges were given to men who were conscientious objectors and refused to serve. I would like to ask the gentleman whether that was under the law or under the order of the Secretary of War?

Mr. LINEBERGER. I am not informed whether it was the law or not, but it was under an order of the commanding officer of the particular unit involved Only where a man is sentenced by a general court-martial can a dishonorable discharge be issued. In cases where a man was incarcerated and had not been court-martialed he was sometimes discharged, so I am informed by the gentleman from Pennsylvania, with a blue ticket; but that came from the War Department direct and was never taken care of as an organization matter, and in my division was not used, to my knowledge at least, until after I had left to go overseas. So far as the average soldier was concerned, and so far as the discharges issued in the first months of the war, there were only two kinds of discharges—honorable and dishonorable—and I know, as a matter of fact, that within the organization with which I was connected prior to the time of going overseas I must have issued 15 or 20 honorable discharges to men who were conscientious objectors and had never rendered any military service. This was upon instruction from my superiors in command, and I assume they acted upon orders direct from the Secretary of War.

Mr. CHINDBLOM. Did that come to you from the selective-service board?

Mr. LINEBERGER. I was ordered to discharge them by my commanding officer, the colonel of the regiment.

Mr. SWEET. Had those men ever been in the penitentiary, or anything of the kind?

Mr. LINEBERGER. They were confined usually in the regimental guardhouse and absolutely refused to go into the military service. That happened at Camp Grant, Ill., in the Eighty-sixth Division, in November, 1917.

Mr. McKENZIE. Will the gentleman yield?

Mr. LINEBERGER. I will.

Mr. McKENZIE. Does the gentleman know on what grounds these men were discharged? Has he information in regard to that matter?

Mr. LINEBERGER. My memory is not clear about that, but the facts of the matter were that they did not render military service, because of what they claimed to be conscientious objections.

Mr. McKENZIE. Does the gentleman know why they were not court-martialed?

Mr. LINEBERGER. I do not know. The gentleman from Pennsylvania [Mr. KIRKPATRICK], who served in the Judge Advocate's Department, and who handled a number of these cases after they left the regimental or divisional headquarters, can perhaps give the gentleman the information he desires on that point.

Mr. KIRKPATRICK. These men were treated under an order of the Secretary of War, by which their professions of conscientious objections were investigated. If they were found to be sincere they were given an honorable discharge, by orders of the Secretary of War, in spite of the fact that they had refused to render any service, combatant or noncombatant.

Mr. McKENZIE. The gentleman being an ex-service man himself, I am satisfied he is intimate with the matter. The draft law that was passed had a provision in it that certain classes of people who were really conscientious objectors, belonging to some religious denomination opposed to war, were not permitted to escape the draft, but to escape serving in combatant service. The point I am getting at is whether or not the War Department had given instructions to commanding officers over this country to release a man simply because he claimed to be a conscientious objector and relieve him from helping to take care of men who were willing to fight?

Mr. KIRKPATRICK. That was the provision. A man could come before the board appointed by the Secretary of War, and if he could convince him of his sincerity, it did not make any difference whether he was a member of any existing sect opposed to military service or not.

Mr. CHINDBLOM. Mr. Speaker, I believe that this discussion is under a reservation——

Mr. McKENZIE. Does the bill pending before the House at this time appear to give to those gentlemen the same advantages that would be given to you or your colleague from California, who served as a soldier?

Mr. KIRKPATRICK. The gentleman will have to answer. I am not familiar with that.

Mr. CHINDBLOM. One further question. This order was issued with instructions that it should be kept secret?

Mr. KIRKPATRICK. I believe it was.

Mr. CHINDBLOM. I have a definite recollection of that. I myself served on one of the draft boards.

Mr. NEWTON of Minnesota. I merely wanted to add that along with the order of the Secretary of War, which extended the legislation by Congress, was an Executive order of the President——

Mr. KIRKPATRICK. I think that is true.

Mr. NEWTON of Minnesota (continuing). Which clearly extended the exemption for combatant service, not only to the man who had conscientious religious scruples but to the man who simply had conscientious scruples against war. It might have arisen from religion or socialism or any other "ism."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOSPITAL FACILITIES, BUREAU OF WAR RISK INSURANCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6263) to amend an act entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Training, Division of Rehabilitation, and for other purposes," approved March 4, 1921.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I understand this identical bill was incorporated in the deficiency appropriation bill which passed the House and is now being considered in the Senate. The provision, so far as the CONGRESSIONAL RECORD indicates, has not been stricken out in the Senate. I think this bill should either be passed over without prejudice or stricken from the calendar.

Mr. ANDREWS. Mr. Speaker, I understand that the provision inserted in the deficiency bill by the House was amended in the Senate, and that objection would arise on the part of the House if the Senate amendment should stand in conference, namely, that a portion of the money, $12,500,000, should be allotted to the War and Navy Departments for remodeling and extension of their hospitals. The Committee on Public Buildings and Grounds was unanimous against the allowance of allotments to the Navy and War Departments on the ground that their hospitals are regularly supported under their own appropriations, and that the hospitals under the Navy and War Departments, having vacant space, should be allotted to the ex-service men, and the only question of expense there that could arise and be charged to this appropriation would be the expense for maintenance. All that the Army and Navy hospitals need do to furnish this service to the soldier would be to state an account to the Secretary of the Treasury for reimbursement to the Army or Navy appropriation for the cost for the maintenance of the soldiers in the Army and Navy hospitals. On that basis the Secretary of the Treasury would cause an account to be stated, and the amount found due would be charged against a Treasury appropriation set apart in the sundry civil bill for maintenance purposes. Then, a counter-warrant would issue giving credit to the appropriation for the War or Navy Department rendering the service. So this matter is fully provided for on that basis, and the amendment of the Senate should not stand in the deficiency bill. And it seems to me it might be wise for us to pass this bill in the form in which it stands now, and then take the matter up later if the view of of the House should fail in conference.

Mr. STAFFORD. I feel that it is a better plan to have the bill passed without prejudice.

Mr. ANDREWS. Then, Mr. Speaker, in view of the suggestions offered, I ask that the bill be passed over without prejudice, to retain its place on the calendar.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the bill be passed without prejudice, and retain its place on the calendar. Is there objection? [After a pause.] The Chair hears none.

LANDS IN CERTAIN IOWA TOWN SITES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5621) for the disposal of certain lands in the town sites of Fort Madison and Bellevue, Iowa.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman having the bill in charge why we should make an exception granting to municipalities which happened to have squatted on certain land on which no patents had ever been issued these lots without making any payment at all?

Mr. HULL. That is done at the suggestion of the Interior Department itself.

Mr. STAFFORD. We do not always follow the suggestions of the Interior Department in the passage of bills.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SINNOTT. The municipality did not squat on this land. By virtue of the act of July 2, 1836 or 1837, it was provided that a section of land should be set apart for these various town sites, and the town sites themselves were given certain land for municipal purposes.

Mr. STAFFORD. Under the act to which the gentleman refers, which is not referred to in the report, has the gentleman any information as to whether they exercised that privilege in entering on other land than the eight lots referred to in this bill, and which the municipality has appropriated?

Mr. SINNOTT. Each town site was given a section of land; that is, a section of land was surveyed out, and the lots were surveyed and divided into certain classes, classes 1, 2, and 3, and given a different appraisement, and the settlers on those lands, the occupants, were given a preference right to purchase the lots, and after they exercised that preference the balance of the lots were sold at auction.

Mr. STAFFORD. Under the original act did the municipality exercise its privilege of selecting some of this land?

Mr. SINNOTT. The commissioners set aside for the use of the city certain tracts.

Mr. STAFFORD. And the lots that they are now occupying are those lots which the commissioners set aside?

Mr. SINNOTT. Well, I do not know. The commissioners set aside a certain strip of land for the State.

Mr. STAFFORD. I will ask the gentleman this question: The Chicago, Milwaukee & St. Paul Railway, which occupies two of these lots, would be obliged to pay the appraised value under the terms of this bill?

Mr. SINNOTT. Yes.

Mr. STAFFORD. I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all lots in the town sites of Fort Madison and Bellevue, Iowa, not heretofore sold and patented under the acts of July 2, 1836, and March 3, 1837 (5 Stat., pp. 70 and 178), shall be disposed of and patented to the occupants thereof holding same by themselves and their predecessors in interest, in good faith under claim and color of title, and who shall make application for patent or to purchase such lots within one year from the passage of this act, and who shall furnish satisfactory proof of such occupancy and color of title, and pay therefor the appraised value of such lots in case the purchase price has not been paid to the United States: *Provided*, That lots occupied by public improvements shall be donated and patented to the municipality owning such improvements. All lots in said town sites not so disposed of at the expiration of one year after the passage of this act shall be subject to private sale at the appraised value thereof, or to competitive sale, at not less than the appraised value, in the discretion of the Secretary of the Interior.

With a committee amendment, as follows:

Amend page 1, line 6, by inserting, after the word "the," the word "uncontested."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

REERECTION OF THE STATUE OF ABRAHAM LINCOLN.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MOORES of Indiana. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. KING. Will the gentleman from Indiana withhold his reservation?

Mr. MOORES of Indiana. I will not.

Mr. KING. Will the gentleman withhold it for five minutes? No; I will withdraw the request. I ask unanimous consent, Mr. Speaker, that House joint resolution 127 be permitted to remain on the calendar without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the resolution be permitted to remain on the calendar without prejudice. Is there objection?

There was no objection.

Mr. MOORES of Indiana. Now, Mr. Speaker, I ask unanimous consent to put in the RECORD a very brief letter from the Arts Club, of Washington, in regard to that statue.

The SPEAKER. The gentleman from Indiana asks unanimous consent to insert in the RECORD a letter as indicated. Is there objection?

Mr. KING. In view of the fact, Mr. Speaker, that the gentleman refused to let me speak on the subject, I will respectfully and in a gentlemanly manner object.

The SPEAKER. Objection is made.

COMPENSATION OF POSTAL EMPLOYEES.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6573) to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this is an important bill. I think we should have a statement concerning it made to the House.

Mr. STEENERSON. I shall be glad to give a statement in regard to it if the gentleman will reserve his objection.

Mr. BANKHEAD. Does the gentleman reserve it?

Mr. STAFFORD. I will reserve it in order to give the Chairman of the Committee on the Post Office and Post Roads the privilege of explaining it.

Mr. STEENERSON. Mr. Speaker, the main purpose and object of this bill is to correct results that came from the passage of the reclassification act of June 5, 1920. That was an act that was framed by the Joint Commission on Postal Salaries. But however carefully the commission labored, the act resulted in inequalities and discriminations that we feel ought to be corrected.

The first section of this bill relates to fourth-class postmasters, and it simply rearranges the salaries fixed in the reclassification act so that they will be on a uniform scale.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. I will.

Mr. MONDELL. I think it is altogether too important a piece of legislation to be passed by unanimous consent. I do not object to the gentleman making a brief statement in regard to it, but manifestly the bill can not be passed with only a few minutes of discussion. The fact that there are some seven or eight sections, each of which is important, shows in itself that it can not be passed by unanimous consent.

Mr. STEENERSON. I hope the gentleman will reserve that opinion until after I have given my explanation.

Mr. MONDELL. If the gentleman will be very brief, I shall have no objection.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield for a question?

Mr. STEENERSON. I would rather explain.

Mr. CHINDBLOM. This seems to be an important piece of legislation. How long does the gentleman think it will be until it could be reached by the Committee on the Post Office and Post Roads on Calendar Wednesday?

Mr. STEENERSON. This simply corrects the schedule that was adopted in that law by making it uniform, so that the compensation of these fourth-class postmasters will be based upon the receipts. There is no objection to the bill. The department has recommended it, and the committee were unanimous.

Mr. BANKHEAD. I desire to say to the gentleman that it is apparent that objection is going to be made, and the gentleman will have to make this same statement over again when the bill comes up for passage. It seems to me it is a vain thing to make the explanation now.

Mr. STEENERSON. I would be very glad to make a little further explanation for the benefit of the House.

Mr. BANKHEAD. Yes; but I will say to my friend that it is apparent that the bill will be objected to.

Mr. STEENERSON. Yes; but it will be coming up very soon, so that the explanation which I make to-day will hold good.

Mr. BANKHEAD. The gentleman will have to repeat his explanation when the bill comes up again.

Mr. STEENERSON. I will simply say that this bill was reported in nearly its present form at the last session, and that the committee have again considered it under the new administration. We have gone over it most carefully, and the opinion of the committee is unanimous. All the members concur in the report. The Postmaster General appeared before us in person and approved of the provisions of the bill. As it is a technical matter, it would take considerable time to explain it, but I am satisfied that there is no Member of the House who thoroughly understands the inequalities that now exist in the compensation of some postal employees who would make any objection. It is a very meritorious matter, and it ought to be disposed of before the next fiscal year begins. Of course, I shall be very glad to go over each section and explain it in detail, but, as the gentleman from Alabama has suggested that there is going to be objection to it, perhaps I ought not to take any more time.

Mr. BANKHEAD. I am not proposing to object. The gentleman must not put me in that attitude.

Mr. STEENERSON. I appreciate that. I do not think there is a single Member of the House who will object.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

Mr. STEENERSON. I do not think any gentleman will object.

Mr. STAFFORD. I certainly withdraw my reservation of objection.

Mr. MONDELL. Mr. Speaker, everybody seems to be ducking. I simply submit my request.

The SPEAKER. The Chair put it, and there was no objection to it.

Mr. STEENERSON. There is no objection to the bill going over without prejudice.

The SPEAKER. The Clerk will report the next bill.

VASHON ISLAND MILITARY RESERVATION, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5622) providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause the land in the Vashon Island abandoned military reservation in sections 1, 2, and 3, all in township 21 north, range 2 east, Willamette meridian, in the county of King, in the State of Washington, to be surveyed and subdivided into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon as lessees or sublessees on May 1, 1920.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any person who as lessee or sublessee was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of May, 1920, who made actual settlement thereon in good faith under the terms of a certain lease held of the War Department by one James Bachelor, or a sublease thereunder, or anyone who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase to exceed the tract actually occupied and improved by a lawful lessee or sublessee on May 1, 1920, and in no case exceeding 20 acres in a body, according to Government surveys and subdivisions thereof, upon the payment to the Government of a sum of money equal to the appraised value thereof, such appraisement to be made as provided by law: *Provided*, That in making such appraisement the appraisers shall not include the improvements thereon made by the occupants of such lands: *Provided further*, That payment to the Government may be made in one sum, or one-tenth cash and the balance in nine equal annual installments, with interest at 5 per cent per annum, payable annually, as the purchaser may elect.

SEC. 3. That if any tract of the lands described in section 1 hereof be not purchased by the lessee or sublessee, his heirs or assigns, as provided in section 2 of this act, within 90 days after the same becomes subject to purchase under the provisions of this act, then and in that event the Secretary of the Interior is hereby authorized to dispose of the remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations," and the said lessees, sublessees, heirs, or assigns, who do not purchase such tracts shall have the privilege of removing from their tracts any buildings placed thereon, and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884.

SEC. 4. That the Secretary of the Interior in making the survey provided for by this act shall ascertain what part of said lands, if any, are needed for lighthouse or roadway purposes, and any lands needed for such purposes shall be segregated or reserved for such use, and the lands so segregated or reserved shall not be subject to disposal hereunder.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I should like to inquire of the gentleman from Washington [Mr. JOHNSON] concerning the method prescribed in the bill for payment. In section 2 we find that the payment shall be made all in one sum, or the alternative one-tenth in cash and the balance in nine equal annual installments. It occurs to me that some of the beneficiaries of this act might not be able to pay the entire amount in cash, and yet might have more ready cash than merely one-tenth of the amount. I suggest to the gentleman an amendment, to insert after the word "or," in line 24, page 2, the words "not less than," and after the word "nine," in the same line, insert the words "or less number of," so it will read:

That payment to the Government may be made in one sum or not less than one-tenth cash and the balance in nine or less number of equal annual payments.

Mr. JOHNSON of Washington. Mr. Speaker, I have no particular objection to the amendment. The bill as written follows

the form of a bill passed two Congresses ago permitting another tract to be sold by the same method.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment and offer the amendments that I have just suggested.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 24, after the word "or," insert the words "not less than."

The amendment was agreed to.

Mr. STAFFORD. And the other amendment is, after the word "nine," in the same line, to insert the words "or less number of."

The SPEAKER. The gentleman from Wisconsin offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 24, after the word "nine," insert the words "or less number of."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment which I wish to call to the attention of the gentleman from Washington [Mr. JOHNSON], and I send it to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 3, line 2, after the word "elect," strike out the period and insert a comma and the following: "And with the option in the purchaser, his heirs and assigns, to pay the remaining installments on any date when an installment becomes due."

Mr. STAFFORD. Mr. Speaker, the person having this privilege should certainly have the right when any installment becomes due to pay the entire amount, so that he can settle it all up and get a clear title. That is the purpose of the amendment.

Mr. JOHNSON of Washington. Mr. Speaker, I shall be very glad to have the amendment accepted.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

LLOYD E. GANDY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2861) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes.

Mr. STAFFORD. Mr. Speaker, I make the point of order against the bill that it is not properly on the Union Calendar; that it is a private bill and should be on the Private Calendar. I would like to be heard for a moment on that by the Chair, or if the gentleman who introduced the bill wishes to have the matter go over to a subsequent date when the point of order can be determined, because I do not wish to take advantage of the gentleman, I would be very glad to have that done. I seriously contend that under the precedents of the House this is a private bill.

Mr. WEBSTER. Mr. Speaker, it is obvious, if the gentleman is making the point of order to the bill, he will object to its consideration, and I have nothing to do but to meet his terms.

Mr. STAFFORD. Oh, there is something more than an objection. I am raising a point that it is a private bill and not a bill of a public character.

Mr. WEBSTER. Mr. Speaker, may the bill be passed over without prejudice?

Mr. STAFFORD. Without in any way waiving the point of order which I have made.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PHILIPPINE ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5756) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, as I understand the bill it proposes to raise the limit of possible indebtedness in the Philippine Islands from $15,000,000 to $30,000,000.

Mr. TOWNER. Yes.

Mr. COOPER of Wisconsin. To double it.

Mr. TOWNER. Yes.

Mr. COOPER of Wisconsin. I shall object at this time to a bill of such importance being considered by unanimous consent. I never heard of it until to-day, and the bill carries provision for an extraordinarily large increase of the indebtedness of those islands. I want a short opportunity to investigate.

Mr. TOWNER. Mr. Speaker, will the gentleman pardon me for one statement that perhaps may change his mind? There has been no increase of indebtedness of the Philippine Islands since the organic act was passed in 1916. This bill has the unanimous approval of the Committee on Insular Affairs. It has been carefully examined by the Bureau of Insular Affairs and it comes to us on the petition of the Philippine Legislature and of all of the leaders in the Philippine Islands. While it might seem to be a large increase, it really is a very small amount, considering the vast increase in business and importance of the Philippine Islands. They are now placed at such a disadvantage that they can not carry on the necessary public work of the islands, having reached the limit of their indebtedness, and going even beyond it—not the bonded indebtedness but other classes of indebtedness. It is really an emergency proposition.

Mr. COOPER of Wisconsin. It is a fact, is it not, that under existing law the Philippine Islands have prospered?

Mr. TOWNER. That is correct.

Mr. COOPER of Wisconsin. If they have prospered under existing law, it would seem to me not to be a matter of emergency that they be allowed to increase their bonded indebtedness by 100 per cent. If the law which is now on the statute books works so happily in their interest, then I desire a brief opportunity in which to investigate and see whether it is necessary for them to further increase their prosperity by doubling their bonded indebtedness.

Mr. TOWNER. Of course, there is nothing for me to do except to ask unanimous consent that the bill be passed over without prejudice, and that it keep its place on the calendar.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill be passed over without prejudice and keep its place on the calendar. Is there objection?

There was no objection.

NATIONAL MILITARY PARK, PLAINS OF CHALMETTE.

The next business on the Calendar for Unanimous Consent was the bill H. R. 2232, in reference to a national military park on the Plains of Chalmette, below the city of New Orleans.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, if I understand the ultimate object of this bill, it will be to levy a charge upon the Treasury of half a million dollars.

Mr. O'CONNOR. Mr. Speaker, I do not know exactly how to answer that question or statement. The present purpose is merely to have a survey made of the old battle field down there at Chalmette, where was fought the memorable battle commonly known as the Battle of New Orleans. In all probability if that survey be made and the United States Government fixes definitely that battle field, and no governmental action is taken—and neither the gentleman nor I can say now when such favorable action may be taken by the Government—in such event the Colonial Dames or the Daughters of the American Revolution or the Daughters of 1812, or all three, may conclude to take over the battle field as determined by the survey. The gentleman knows very well that one step at a time should characterize and mark our advance in securing the purpose of this bill. There is nothing that commits the Government to any expenditure other than the small expenditure of making this survey and investigating the feasibility of establishing a national military park upon land which will be determined to be the battle field.

Mr. STAFFORD. But the bill in its present form does commit the Government to certain things.

Mr. O'CONNOR. Will the gentleman indicate what part of the bill does that?

Mr. STAFFORD. In deciding what should be included in this national military park it goes further than merely providing for the survey. It restricts and limits the survey as to what should be included by stating that certain tracts of lands as may be now under the jurisdiction of State patriotic societies

should be excepted. Again, in section 3 it excepts from the survey inclusion in this national park of the so-called "Pakenham's headquarters." Yet the tentative survey made some years back by district engineers recommended strongly, as I recall, the inclusion of that tract as part of the national park. If we are going to create a national park to commemorate the great victory of Gen. Jackson, I think there should be no restrictions at all upon the Government or on the investigating officer as to what should be included. There will be plenty of time when the report comes in to determine whether the portions which have been excepted in this bill should be excepted or included.

We should not at this time decide in this leisurely way what should be included in the national park.

Mr. O'CONNOR. I am perfectly willing—glad, in fact—to accept any amendment which might be proposed.

Mr. STAFFORD. I think it would be better to have this bill go over for two weeks.

Mr. O'CONNOR. If the gentleman will permit me, I would like to say this bill was prepared by the Colonial Dames and has the indorsement of all of those splendid women associated with them, the Daughters of the American Revolution, the Daughters of 1812. I introduced it exactly as they sent it to me. Now, after all, these sections which seem objectionable to the gentleman might be eliminated by way of amendment. The purpose is, from my viewpoint and from the viewpoint, I believe, of all lovers of that great old battle field down there, to have a survey made, to have a foundation on which to build a superstructure, a great memorial, a great national military park. If the National Congress from now on wants to take the position of being unmindful of the greatness and glories of that spot, if they do not care to start a great monument to Old Hickory down there, all right. The Colonial Dames and these other organizations——

Mr. STAFFORD. There may be merit in the position which the Colonial Dames take in saying that they want to retain jurisdiction over these tracts. I think it is better if the gentleman, after careful consideration of the bill in the respect which I have mentioned, would bring it up again, and I ask unanimous consent that it be passed over without prejudice.

Mr. O'CONNOR. Is there any objection——

Mr. STAFFORD. I have no objection to the survey being made, but I do not think it is advisable for the Congress to commit itself in advance that certain tracts should be excluded from the survey, as provided in this bill, even though ultimately the Congress may recognize and approve the position of the Colonial Dames and other patriotic societies in making that exclusion. I am one who does not believe that Mount Vernon should be taken out of the hands of the women's patriotic society which has charge of that institution. I believe it is better cared for under their direction than if the National Government had charge.

I believe it is unwise to place limitations in permanent law that will prevent the Congress, if it desires to have a national park down there, from determining in advance as to its extent; that we ought not to commit ourselves when merely passing a survey bill to the position for all time that we will except certain tracts from consideration.

Mr. QUIN. Let me say to the gentleman that the Military Committee was unanimous in its report on this matter to the Congress. These people must have the Federal jurisdiction in order to enforce eminent domain proceedings.

Mr. STAFFORD. I am not saying my judgment is better than the judgment of the great Committee on Military Affairs, of which the gentleman from Mississippi is such an honored and valued member, but his colleague and other gentlemen about me approve the position I take.

Mr. O'CONNOR. I do not want to incite the hostility of the gentleman from Wisconsin or any of his associates.

Mr. QUIN. The gentleman's compliment of the committee is not unworthy——

Mr. STAFFORD. Certainly not unworthy of the gentleman from Mississippi, who, I believe, accepts it.

Mr. O'CONNOR. I think the gentleman's objections could be met by striking out all on pages 2 and 3 of the bill.

Mr. STAFFORD. No; I should say section 4 would have to be retained to provide funds for this survey.

Mr. O'CONNOR. Suppose we amend it by striking out all on page 2.

Mr. STAFFORD. Will that have the hearty indorsement of the gentleman from Louisiana?

Mr. O'CONNOR. Yes, sir. I am perfectly willing to make a beginning in a matter which I consider of great concern to the people of this country.

Mr. LAYTON. How much money will it cost to begin?

Mr. O'CONNOR. To make this survey, I do not think it will cost more than $200.

Mr. STAFFORD. Mr. Speaker, with the understanding just had with the gentleman from Louisiana, that he will move to strike out page 2 of the bill, and if it has the approval of the other gentlemen of the House, I will withdraw the reservation of the objection; but if this is going to be contested, I think that this matter ought to go over. I withdraw the reservation of the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to investigate the feasibility of establishing a national military park on the Plains of Chalmette, below the city of New Orleans, where was fought, on January 8, 1815, the Battle of New Orleans, and to prepare plans of such park and estimate of the cost therefor, and obtain such further information as may enable Congress to act upon the matter after being fully advised.

Said park, if established, is to be known as the Chalmette National Military Park and to embrace within its borders the present grounds and monument now the property of the United States by transfer from the State of Louisiana in 1907, under the terms of act No. 41 of the session of the General Assembly of Louisiana in 1902, approved June 19 (session laws, pp. 40 and 50), and an act of the Congress of the United States, chapter 2928 (1907), of the Fifty-ninth Congress, approved March 4 (34 Stat., p. 1411).

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. In the consideration of bills on the Union Calendar in the House as in Committee of the Whole House when is it in order to move an amendment?

The SPEAKER. It is read by sections, and it is after reading the section.

Mr. STAFFORD. May I suggest to the Speaker that this is virtually the first reading of the bill and not the second reading. Of course, if it is the second reading of the bill, then this is the time to move an amendment as the sections are read.

The SPEAKER. The Chair thinks the first reading was a reading by title, and this is the second reading.

Mr. STAFFORD. Mr. Speaker, then I move to strike out, on page 2, the last paragraph of section 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, strike out all of lines 1 to 11, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That nothing in this act shall be construed to interfere with the custody of said monument by the United States Daughters of 1776 and 1812 as honorary custodians, granted by the act of the General Assembly of Louisiana (act No. 8 of 1894), approved June 14 (Session Laws, p. 8), and recognized by the aforesaid act of Congress of 1907.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 2, just read.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That nothing in this act shall be construed to interfere with the custody of the Versailles plantation site, including ruins, now called Pakenham's headquarters, inclosed within a high iron fence, and avenue of live oaks leading to the river, by the Colonial Dames resident in Louisiana.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 3.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That such a sum as may be required by the Secretary of War to carry out the investigations herein directed is hereby authorized to be appropriated out of any moneys available therefor.

Mr. STAFFORD. Mr. Speaker, I ask that the Clerk be authorized to change "section 4" to "section 2."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. O'CONNOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

DEFICIENCIES.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6300, the deficiency bill, to disagree to all the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks to take from the Speaker's table the bill H. R. 6300, disagree to all the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Iowa [Mr. GOOD] how much was the additional appropriations the Senate put on this bill? It contained one hundred millions when it went over. How much does it now contain?

Mr. GOOD. My understanding is that something like $53,000,000 has been added by the Senate. But that understanding comes through the press. I have no personal knowledge of it.

Mr. BLANTON. The Senate also added $98,000,000 in amendments to the naval bill, and now it has added $53,000,000 to the deficiency bill. May we find out what the gentleman's attitude is going to be about these additions the Senate has put on?

Mr. DYER. Mr. Speaker, I ask for the regular order.

Mr. BLANTON. The gentleman from Missouri is not interested in these big $53,000,000 and $98,000,000 items, but I am, and the people of the country are vitally interested.

Mr. DYER. The gentleman is trying to ask about some other bill rather than this one.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that the Senate asked for the conference?

Mr. GOOD. Yes.

Mr. COOPER of Wisconsin. Then the situation is this: On the coming in of the conference report the papers will come here and the House will have the first vote, the Senate having asked for the conference?

Mr. GOOD. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. GOOD, Mr. CANNON, and Mr. BYRNS of Tennessee.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

MEMORIAL TO FIRST DIVISION, AMERICAN EXPEDITIONARY FORCES.

The next business on the Calendar for Unanimous Consent was House joint resolution 81, authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War.

Mr. HUSTED. Mr. Speaker, reserving the right to object——

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, does this contemplate putting a memorial in the grounds north of the Agricultural Department Building in the Mall?

Mr. LUCE. Close to the Agricultural Department Building in the Mall. I can not tell the gentleman the exact spot.

Mr. COOPER of Wisconsin. Is it proposed or understood that the design of this memorial and its location shall be subject to the approval of the Fine Arts Commission?

Mr. LUCE. I so understand.

Mr. COOPER of Wisconsin. I notice you use the word "recommendation" rather than "approval." Would this permit a committee of Congress or any other body to ignore the advice of the art commission?

Mr. LUCE. I do not so understand it.

Mr. COOPER of Wisconsin. The reason I speak of that at this time is that I have a very vivid remembrance of the debate and the struggle we had on this floor concerning the memorial to Abraham Lincoln. The Fine Arts Commission was ridiculed because it proposed to have the memorial erected on the banks of the Potomac. Not only the proposed location but also the design itself was denounced. It was said that these artists and specialists were interfering where they had no right to interfere, and that they did not know any more about it than we did. And it was by a close vote that the proposition for the erection of that memorial in accordance with the advice of that commission went through the House and became a law. Everybody now admits that the Fine Arts Commission was correct and that its critics on this floor were all wrong. Now, I want, before that Mall is populated with memorials, that the location of each memorial and its design shall be subject to approval of men who have made the business of designing such things and the study of landscape effects their life work. I do not want a law enacted so that any committee of Congress or any department official will have the right to ignore the recommendation of the commission.

Mr. STAFFORD. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. STAFFORD. Has my colleague noticed that, under the bill as reported, the Fine Arts Commission has not that free hand in locating this memorial that it should have; that the Congress does in a way describe the location in this bill as well as in the bill following?

Mr. COOPER of Wisconsin. I notice such a provision in one bill, but I did not know that a similar one is in the other.

Mr. STAFFORD. In the bill it provides the designation in the south of the city, near the Navy Building and east of the Corcoran Art Gallery. It restricts it to that rectangular space as described, and yet the Fine Arts Commission may have charge of the plan for the ornamentation.

Mr. COOPER of Wisconsin. Is not that the next resolution? It is not the one we are now considering. We are considering the one for the location of a memorial in the Mall.

Mr. STAFFORD. We are considering, as I understand, House joint resolution 81. That is the very resolution I have read from.

Mr. LUCE. I thought it was the other one.

Mr. COOPER of Wisconsin. I thought so, too.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. May I inquire what resolution is before the House for consideration?

The SPEAKER. House joint resolution 81.

Mr. COOPER of Wisconsin. May I ask the gentleman from Massachusetts a question? I had been looking at the one which precedes it. The one now under consideration would locate the memorial definitely right east of the Corcoran Art Gallery and south of the State, War, and Navy Building.

Mr. LUCE. Mr. Speaker, for one I am in the most complete sympathy with the view taken by the gentleman from Wisconsin, and can assure him that so long as I may have any vote on the Committee on the Library, barring some contingency I do not expect, it shall not be cast contrary to the advice and recommendations of the Commission of Fine Arts. It strikes me the country is to be congratulated that it has adopted this policy which has already brought great benefit to the city, and it is sure to continue so to do.

Mr. COOPER of Wisconsin. If the gentleman will permit, the site is definitely located east of the Corcoran Art Gallery and south of the State, War, and Navy Building on the bit of lawn just there. That violates the very spirit of the law which confers jurisdiction upon the Arts Commission. The location of the site as well as the design of the memorial should be subject to the approval of the commission. But you would definitely fix the location in the law. That may be an inappropriate place for it. I am as strongly in favor of memorials to the heroic dead as is the gentleman from Massachusetts, but I have in former years seen in this city so many things put up that ought to be torn down that I am very earnest in my view that nothing of a memorial character, nothing so important as this, should be definitely located by an act of Congress before both the design and the site have the approval of the Arts Commission. Would the gentleman from Massachusetts consent to striking out on the first page, beginning on line 7, the words "south of the State, War, and Navy Building, and east of the Corcoran Art Gallery," and leave the site then to be selected by the committee and the Arts Commission?

Mr. LUCE. I should have no objection to that amendment. It does, however, increase the powers both of the Committee on the Library and of the Arts Commission. At present the bill would restrict both to the approval of that particular site.

Mr. COOPER of Wisconsin. Now, a memorial site in that location would not have space enough. It would be among those large buildings, and it would be affected, if it is a memorial of any size. To show how minds differ in that respect I will merely cite the fact that one of the gentlemen of the House, in a newspaper interview, once urged strongly that the Lincoln Memorial should be constructed between the Union Station and the Capitol. Think what would have happened had that been done!

I do not believe that we should by this resolution select the site and then pretend to give the commission discretion to select it. This resolution would absolutely preclude the exercise of discretion by the commission, for it definitely locates the site.

Mr. LUCE. May I call the gentleman's attention to the first words on page 2, "That the site chosen shall be approved by the Joint Committee on the Library, with the advice and recommendation of the commission"?

Mr. COOPER of Wisconsin. Yes. But the site chosen is within very narrow limits—that is, "east of the Corcoran Gallery and south of the State, War, and Navy Building." If you say by law that the site must be within a very narrow space, they can locate it at either end of that space, but not outside of that narrow space, so that to all intents and purposes you deprive them of discretion.

Mr. LUCE. It was our intention to safeguard the matter completely by including that language so that the site shall be approved by the joint committee and the commission. But if it is the desire of the gentleman to enlarge our authority, I shall not object.

Mr. COOPER of Wisconsin. Well, with that understanding, Mr. Speaker, I will withdraw my objection.

The SPEAKER pro tempore (Mr. HUSTED). Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker——

Mr. COOPER of Wisconsin. I want to keep the right to offer that amendment, which has been accepted by the gentleman from Massachusetts [Mr. LUCE].

Mr. CHINDBLOM. I understand this memorial is to be erected without any expense to the United States Government?

Mr. LUCE. It is.

Mr. CHINDBLOM. Why not add to your bill the words that are contained in the following bill on the calendar for the same kind of a proposition, the words "and the United States is to be put to no expense by the erection of this memorial"? That is in a bill which provides for a memorial to be erected in memory of the men in the Agricultural Department who went into the war. It is the next bill on the calendar.

Mr. LUCE. There is no objection to that.

The SPEAKER pro tempore. Is there objection to the consideration of this resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant the Memorial Association of the First Division, United States Army, permission to erect on public grounds of the United States in the city of Washington, District of Columbia, south of the the State, War, and Navy Building, and east of the Corcoran Art Gallery, a monument to the dead of the First Division, American Expeditionary Forces, in the World War: *Provided*, That the site chosen and the design of the monument and pedestal shall be approved by the Joint Committee on the Library, with the advice and recommendations of the National Commission of Fine Arts.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to amend the resolution by striking out, in line 7, the words "south of," and all of line 8, and in line 9 the words "Art Gallery."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 1, line 7, strike out "south of the State, War, and Navy Building, and east of the Corcoran Art Gallery."

Mr. BLANTON. Mr. Speaker, under what direction, then, would this memorial be located, and where?

Mr. COOPER of Wisconsin. It would be located with the approval of the Joint Committee on the Library and the Fine Arts Commission.

Mr. BLANTON. And without any direction at all?

Mr. COOPER of Wisconsin. It is on the public grounds of the United States. It would be just like other memorials.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Speaker, I think, of course, this permission should be granted; granted not only to the First Division, but to any other of the divisions that did service in France. There may be some of the other divisions that will later on ask for this same privilege, and we must treat them all alike.

But there might be also some of the other divisions that did not have service in France, yet which who might have had individual members who did service there with other divisions, and I would be in favor of granting to them this privilege.

Mr. KING. Mr. Speaker, will the gentleman from Texas yield long enough to enable me to make a point of no quorum present?

Mr. BLANTON. The gentleman would have that right anyway. I will state to my parliamentary friend from Illinois that he can take any Member off his feet at any time by simply making the point of no quorum.

Mr. KING. I did not want to take the gentleman off his feet. That is why I asked him.

Mr. BLANTON. I am willing to be taken off my feet if the gentleman wants to make the point.

Mr. KING. I desire to make the point of no quorum present if it will not interrupt my friend.

Mr. BLANTON. I am willing to be interrupted.

Mr. KING. I make the point of no quorum present, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of no quorum present.

Mr. CANNON. I hope the gentleman will withdraw that. There is real work to be done.

Mr. KING. I insist on the point, Mr. Speaker.

Mr. CANNON. Will my friend be satisfied to have a talkfest between the gentleman from Louisiana and the gentleman from Illinois?

Mr. KING. If we can take up the 40 minutes that it would take to call the roll.

Mr. CANNON. Suppose objection is made?

Mr. COOPER of Wisconsin. Mr. Speaker, can the gentleman from Illinois interrupt the gentleman who is addressing the House to make the point of no quorum?

Mr. BLANTON. That is admissible.

The SPEAKER pro tempore. We are not in Committee of the Whole. We are in the House.

Mr. BLANTON. The same rule prevails. The point of no quorum can be made at any time.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. MONDELL. I move a call of the House.

The SPEAKER pro tempore. The gentleman from Wyoming moves a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ansorage	Fields	Kreider	Rossdale
Anthony	Fish	Lee, N. Y.	Sabath
Atkeson	Fisher	London	Sears
Bacharach	Flood	Lyon	Shelton
Barbour	Fordney	McCormick	Siegel
Benham	Frear	McLaughlin, Pa.	Sisson
Blakeney	Free	Mann	Snell
Bland, Ind.	Fuller	Martin	Snyder
Bond	Gahn	Mason	Sproul
Bowers	Garrett, Tenn.	Michaelson	Stedman
Brand	Gernerd	Mills	Stiness
Brooks, Ill.	Glynn	Moore, Ill.	Sullivan
Brooks, Pa.	Goldsborough	Moore, Va.	Taylor, Ark.
Browne, Wis.	Good	Morgan	Taylor, Colo.
Burdick	Gould	Newton, Mo.	Taylor, Tenn.
Burke	Graham, Ill.	Nolan	Thomas
Cable	Graham, Pa.	O'Brien	Timberlake
Cantrill	Griffin	Oliver	Treadway
Carter	Hadley	Overstreet	Upshaw
Classon	Harrison	Paige	Vare
Codd	Hicks	Perkins	Voigt
Cole	Hogan	Perlman	Volk
Coughlin	Houghton	Peters	Walsh
Crowther	Hutchinson	Petersen	Ward, N. Y.
Cullen	Jacoway	Rainey, Ala.	Wason
Dempsey	Kennedy	Rainey, Ill.	Watson
Dunbar	Kiess	Ransley	Wheeler
Edmonds	Kindred	Reavis	Williams
Evans	Kirkpatrick	Reed, N. Y.	Wurzbach
Fairfield	Kitchin	Reed, W. Va.	Zihlman
Faust	Kline, N. Y.	Riordan	
Fenn	Knight	Rodenberg	

The SPEAKER pro tempore. On this roll call 305 Members have responded to their names. A quorum is present.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLANTON] is recognized for three minutes.

Mr. BLANTON. Mr. Speaker, I am rather surprised that our good friend from Illinois [Mr. KING] should attempt to conduct a one-man filibuster. Usually, on practically every other subject than one he is remarkably sane, able, amiable, and affable, but the very minute you mention the reserve bank act or anything that pertains to it the gentleman becomes abnormal. In order that the House may know what actuated the gentleman, I will enlighten it. There is one thing about him that all must admit. You can not pass anything by him. He stays on the floor, and everything that comes up he knows something about it before it comes up. He heard a while ago that the Speaker was going to recognize a gentleman to move to suspend the rules and to pass Senate bill 86, amending the reserve banking act, and it had the usual effect. He immediately went to pieces, and thought he would adjourn the House by making the point of no quorum, but the gentleman from Wyoming [Mr. MONDELL] had other business to attend to and he would not permit it. [Laughter.]

I appreciate the splendid control which the gentleman from Wyoming has over the House; that he has everything all oiled up; that things have to go just like what he wants them to go or they are not going at all. That is an awfully good condition for things to be in. It is well for the country that what you think about legislation or what your other Republican colleagues might think is immaterial unless you go to the gentleman from Wyoming first and have an understanding with him, for he is not going to let any of you take things in hand. The

quicker you men realize that the better off you are going to be. Our young friends who lately came here through the great upheaval of affairs last November, the quicker you recognize the fact that you can not do anything unless the gentleman from Wyoming is willing the better off you will be. [Laughter.] The gentleman from Illinois will now realize that, however much he may think that he has done his duty.

The SPEAKER pro tempore (Mr. HUSTED). The time of the gentleman from Texas has expired, and the question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 2, line 4, after the word "arts," strike out the period, insert a comma, and add the following: "and the United States shall be put to no expense in or by the erection of this memorial."

Mr. CHINDBLOM. Mr. Speaker, I understand that the proponents of the resolution consent to this amendment.

Mr. LUCE. They do.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LUCE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING THE FEDERAL RESERVE ACT.

Mr. APPLEBY. Mr. Speaker, I move to suspend the rules, discharge the Committee on Banking and Currency from the further consideration of the bill S. 86, and pass the bill.

Mr. KING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present. The Chair will count. [After counting.] Two hundred and twenty Members present, a quorum. The gentleman from New Jersey moves to suspend the rules, discharge the Committee on Banking and Currency from further consideration of the bill S. 86, and pass the bill.

Mr. WINGO. Mr. Speaker, I demand a second.

Mr. KING. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KING. Is the gentleman from Arkansas opposed to the bill? If he is not, I am opposed to the bill, and I demand a second.

The SPEAKER. Is the gentleman from Arkansas opposed to the bill?

Mr. WINGO. I am not.

The SPEAKER. The Chair thinks it is right to recognize some one opposed to the bill, and the Chair recognizes the gentleman from Illinois, who demands a second.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 25 (a) of the Federal reserve act, being the section added to said act by the act approved December 24, 1919, be amended so that the first sentence of the paragraph prescribing the amount of capital stock a corporation organized under that section is required to have and prescribing also the manner in which such capital stock must be paid in, said paragraph being the fourth paragraph following subparagraph (c) of said section, shall read as follows:

"No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per cent on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its business operations until the whole of the capital stock shall be paid in: *Provided, however,* That whenever $2,000,000 of the capital stock of any corporation is paid in the remainder of the corporation's capital stock or any unpaid part of such remainder may, with the consent of the Federal reserve board and subject to such regulations and conditions as it may prescribe, be paid in upon call from the board of directors; such unpaid subscriptions, however, to be included in the maximum of 10 per cent of the national bank's capital and surplus which a national bank is permitted under the provisions of this act to hold in stock of corporations engaged in business of the kind described in this section and in section 25 of the Federal reserve act as amended: *Provided further,* That no such corporation shall have liabilities outstanding at any one time upon its debentures, bonds, and promissory notes in excess of ten times its paid-in capital and surplus.

Mr. APPLEBY. Mr. Speaker, this act was passed by the House and the Senate last year. It allows corporations to be formed to do a foreign business. The act has operated nicely, but in these strenuous times it is hard to get together four or eight millions for any business purpose; hence this amendment. The bill has been passed by the Senate and now comes to the House for consideration. As I understand it, the only difference between this amendment and last year's bill is that it allows a corporation to pay the money in as needed by the demands of their business. Their action must be approved by the Federal Reserve Board. The old bill called for the payment of 10 per cent every two months until the full amount was paid in. This measure came before our committee and had practically the unanimous indorsement of the committee.

Mr. KING. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. KING. How long was the bill under consideration by the Banking and Currency Committee?

Mr. APPLEBY. I think about a week, between the time it came in and the time it went out.

Mr. KING. I did not ask that; I asked for the time it was under discussion in the committee.

Mr. APPLEBY. The time was not very long.

Mr. KING. Not over five minutes, was it?

Mr. STAFFORD. Mr. Speaker, I make the point of order that it is not privileged to disclose transactions in the committee.

The SPEAKER pro tempore (Mr. HUSTED). The point of order is sustained.

Mr. KING. The Chair does not desire to hear anything on the point of order?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. KING. I was not asking to disclose any discussion that occurred in the committee; I asked the gentleman how long it was under consideration by the Banking and Currency Committee. It seems to me that is perfectly proper and that no point of order would lie against it.

Mr. APPLEBY. Mr. Speaker, the governor of the Federal Reserve Board, in a letter dated April 16, 1921, to Senator EDGE had this to say:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, April 16, 1921.

MY DEAR SENATOR EDGE: Upon receipt of your letter of the 14th instant, inclosing a copy of Senate bill 86 to amend section 25(a) of the Federal reserve act, I brought the matter to the attention of the Federal Reserve Board, all members being present except the Secretary of the Treasury. I have not had an opportunity so far of ascertaining what his views are, but the bill was considered by the board in regular session and met with the unanimous approval of those present, and I was authorized to inform you of the fact.

The law as it stands at present authorizes the organization of corporations with a minimum subscribed capital of $2,000,000, of which at least 25 per cent must be paid in before the corporation can begin business; and it provides further that the remainder of the capital stock must be paid in installments of at least 10 per cent on the whole amount of the subscribed capital as frequently as one installment at the end of each succeeding two months from the time of the commencement of business operations until the whole of the subscribed capital stock shall be paid in. Your amendment, as the board understands it, provides in cases of corporations having a larger subscribed capital that whenever $2,000,000 of the capital stock is paid in, the remainder of the corporation's capital stock or any unpaid part of such remainder may, with the consent of the Federal Reserve Board, be paid in upon call from the board of directors.

As the present law limits the investment of member banks in the stock of corporations organized under the provisions of either section 25 or 25(a) of the Federal reserve act to an amount not exceeding 10 per cent of the subscribing bank's capital and surplus, the board feels that it is important that no member bank should have a contingent liability for unpaid subscriptions, which, added to the amount paid in, would exceed the maximum of 10 per cent of the subscribing bank's capital and surplus. The proviso in your bill, however, that the unpaid subscriptions must be included in the maximum of 10 per cent of the national bank's capital and surplus which a national bank is permitted under the provisions of the act to hold in stock of corporations engaged in business of the kind described in sections 25 and 25(a) of the Federal reserve act, seems to cover this point adequately and appears to the board to remove any danger of oversubscription.

In the opinion of the board the public is also protected by the second proviso in the bill that no such corporation shall have liabilities outstanding at any one time upon its debentures, bonds, and promissory notes in excess of ten times its paid-in capital and surplus.

Gov. Harding of the Federal Reserve Board in this communication approved it. The following appeal for the support of the Edge law and the Foreign Trade Financing Corporation was made on the 4th of May last before the National Foreign Trade Council by George R. Meyercord, of Chicago:

After calling attention to what he termed "a good job" done by Uncle Sam in the Federal reserve system, Mr. Meyercord predicted that history will repeat itself in Europe. He said in part:

"Countries now struggling bravely to regain their prewar standing have lost little in natural resources or industrial competency. All they need is time—a little time—to recover. They are solvent. They furnish the most inviting field in the world for foreign trade, for they are in need of American goods. They need above all the raw material or the partly manufactured stocks which can be furnished by this country and which can fast be turned into money by the industrial millions of war-sick Europeans.

"The foreign trade financing corporation to my mind offers the solution of the manufacturers' problems. As I view the big fundamental thought back of the Edge law, I see in it this problem solved.

"The Foreign Trade Financing Corporation through its debentures speaks in American dollars to the American investor, and the American investor need only have faith in the vast capital of the corporation and in its management. Surely, it is axiomatic that this will follow. It is unthinkable that the management will not be both able and of a superior order."

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. TOWNER. As I understand it from the gentleman's statement, the original bill provided that the amount of capital stock that must be paid in was 25 per cent?

Mr. APPLEBY. Yes.

Mr. TOWNER. This amendment changes that to 10 per cent?

Mr. APPLEBY. Oh, no; not at all. The law provides that whenever the capital of a corporation is $2,000,000 paid in, the remainder of capital stock can be paid in upon call by their board of directors, with the consent of the Federal Reserve Board. In other words, if it is an $8,000,000 corporation $2,000,000 must be paid in before they can do business.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. STEVENSON. The present law states that when they organize and pay in 25 per cent, after that they must pay in 10 per cent every 60 days until it is all paid in. The only change which this proposed law contemplates is to say that they must pay in at least $2,000,000, and that after that instead of paying 10 per cent every 60 days the balance shall be paid as called for by the director. For instance, take the $100,000,000 corporation that is being organized. They must pay in 25 per cent, which is $25,000,000 under the law, and under the present law it would have to be $10,000,000 every 60 days until it was all paid in, while under the amendment which this proposes it shall be paid in in greater or smaller installments until it is all paid in.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. STAFFORD. Does not the gentleman leave out the further provision that the balance must be paid under such regulations as the Federal Reserve Board approves?

Mr. STEVENSON. It must be under such regulations as the Federal Reserve Board shall approve.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. WINGO. If gentlemen will take Senate bill No. 86 and examine it they will find that the first seven lines, on page 2 of the bill, recite what the present law is, and that the new matter commences with the words "*Provided, however,*" in lines 10 and 11.

Mr. RAMSEYER. How does the Senate bill differ from the House bill, which many of us have in our hands?

Mr. WINGO. They are identical, and as I understand it the procedure will be to substitute the Senate bill for the House bill.

Mr. STAFFORD. Oh, no; the motion before the House is to suspend the rules and pass the Senate bill.

Mr. APPLEBY. Mr. Speaker, I do not know that I can add anything more except to say, as we do in the Legislature of New Jersey, "This is a meritorious bill and it ought to pass." I yield the remainder of my time to the gentleman from Pennsylvania [Mr. McFADDEN].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. McFADDEN. Mr. Speaker and gentlemen of the House, the gentleman from New Jersey [Mr. APPLEBY], I think, has fairly covered the purposes of the bill.

Mr. KING. Mr. Speaker, will the distinguished gentleman yield?

Mr. McFADDEN. Certainly.

Mr. KING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy Members, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Bacharach	Brand	Burke	Clark, Fla.
Barbour	Britten	Cantrill	Classon
Blakeney	Brooks, Pa.	Carter	Cole
Bland, Ind.	Browne, Wis.	Chandler, N. Y.	Coughlin
Bond	Burdick	Chandler, Okla.	Crowther
Dempsey	Humphreys	Moore, Va.	Snell
Denison	Hutchinson	Newton, Minn.	Snyder
Echols	Jacoway	Nolan	Sproul
Edmonds	Jefferis	O'Brien	Steenerson
Evans	Johnson, S. Dak.	O'Connor	Stiness
Fairfield	Kendall	Paige	Sullivan
Faust	Kindred	Park, Ga.	Summers, Wash.
Fenn	Kirkpatrick	Perkins	Taylor, Ark.
Fields	Kitchin	Perlman	Taylor, Colo.
Fisher	Kleczka	Peters	Taylor, Tenn.
Flood	Kline, N. Y.	Petersen	Thomas
Fordney	Knight	Rainey, Ill.	Tincher
Free	Kreider	Ransley	Treadway
Fuller	Lee, N. Y.	Reavis	Valle
Gahn	Lehlbach	Reed, N. Y.	Vare
Gallivan	Little	Reed, W. Va.	Voigt
Garrett, Tenn.	London	Riddick	Volk
Glynn	Luhring	Riordan	Walsh
Goldsborough	Lyon	Rodenberg	Walters
Gould	McCormick	Rossdale	Ward, N. Y.
Graham, Ill.	McLaughlin, Pa.	Ryan	Wason
Graham, Pa.	Madden	Sabath	Wheeler
Griffin	Mann	Scott, Mich.	Williams
Harrison	Martin	Sears	Wise
Haugen	Mason	Shelton	Yates
Hicks	Michaelson	Siegel	Zihlman
Hogan	Mills	Sisson	
Houghton	Moore, Ill.	Slemp	

The SPEAKER pro tempore. On this roll call 301 gentlemen answered to their names.

Mr. McFADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The gentleman from Pennsylvania is recognized for eight minutes.

Mr. McFADDEN. Mr. Speaker and gentlemen of the House, as I said, the gentleman from New Jersey [Mr. APPLEBY] in the discussion of this measure has covered the main points in this amendment. This bill simply amends the former Edge Act, permitting these corporations to begin business by providing that when 25 per cent of their capital has been paid in, if a capital of $2,000,000 has been subscribed, they can begin business with $500,000 capital. Some of these corporations have been organized with $2,000,000, some organized with $10,000,000 of capital. The American Bankers' Association is in the midst now of organizing one with $100,000,000 capital, and my understanding is that they have subscriptions totaling something over $30,000,000. We might say in pressing this legislation at this time that it is done for the purpose of permitting this corporation or any other corporation of that nature to begin business with the minimum capital requirement. They feel that when they have subscribed the amount of $30,000,000 they should have the right to begin doing business without being compelled to put up any additional capital until it is required in the transaction of their business. Hence this amendment, which simply is to the effect that whenever in the judgment of the board of directors who are engaged in the management of this corporation, if they deem it necessary to begin business, they can do so, and the Federal Reserve Board can give them permission to begin and only require the capital to be paid in as it is required from time to time.

Mr. BLANTON. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. BLANTON. If this is a legitimate business corporation and comes within the rules of the Federal reserve act just the same as any other banking institution, why should not they begin to do business when as much as $30,000,000 is subscribed out of the $100,000,000?

Mr. McFADDEN. I will say to the gentleman the present Edge law requires that they shall continue to pay in 10 per cent every 60 days until the full capital is paid in. Bankers and business men who are subscribers to this capital stock do not like to tie up that amount of money in times like the present until it is absolutely needed.

Mr. JOHNSON of Mississippi. The only difference I observe in the present bill is that it vests power in the board of directors to call for this money whenever they deem it necessary, whereas under the Edge bill it necessitates the paying in of 10 per cent every 60 days after the $2,000,000 has been paid in.

Mr. McFADDEN. The minimum capital provided in the Edge law was $2,000,000, and the Edge law provided that there should be 25 per cent, or $500,000, paid in before they could be authorized to do business.

Mr. JOHNSON of Mississippi. That is the only change that is made.

Mr. McFADDEN. That is the only change.

Mr. RAMSEYER. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. RAMSEYER. In the part of the bill down to the first proviso there is no change from existing law, is there?

Mr. McFADDEN. There is not.

Mr. RAMSEYER. That seems very clear. Now, after the proviso it states that whenever $2,000,000 capital stock of any corporation is paid in—suppose there is a $2,000,000 corporation organized. Does that mean that the corporation has to pay in the full capital stock before it starts doing business?

Mr. McFADDEN. It would have to pay 25 per cent, just as the law provides now.

Mr. RAMSEYER. Then the proviso does not take into consideration a corporation of that size as I understand it.

Mr. McFADDEN. They are authorized to do business whenever they have paid in 25 per cent of the authorized capital, and the minimum capital authorized is $2,000,000.

Mr. KING. Mr. Speaker, I make the point that there is no quorum here. I regret so to report, but I make the point there is no quorum.

The SPEAKER. The gentleman from Illinois makes the point there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-eight Members are present, not a quorum.

Mr. McFADDEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Flood	Kline, N. Y.	Reed, W. Va.
Bacharach	Fordney	Kreider	Riordan
Benham	Free	Langley	Rodenberg
Bixler	Freeman	Larson, Minn.	Rossdale
Blakeney	Fuller	Lee, N. Y.	Ryan
Bland, Ind.	Gahn	Little	Sabath
Bond	Gallivan	London	Sears
Brand	Garrett, Tenn.	Luhring	Shelton
Brinson	Gernerd	McLaughlin, Pa.	Siegel
Britten	Glynn	Madden	Sisson
Brooks, Pa.	Goldsborough	Maloney	Slemp
Browne, Wis.	Good	Mann	Snell
Burdick	Gould	Mansfield	Snyder
Burke	Graham, Ill.	Martin	Sproul
Byrns, Tenn.	Graham, Pa.	Mason	Steenerson
Cantrill	Green, Iowa	Michaelson	Stiness
Carew	Griffin	Mills	Sullivan
Carter	Hardy, Colo.	Montague	Taylor, Ark.
Chandler, N. Y.	Harrison	Moore, Ill.	Taylor, Colo.
Chandler, Okla.	Hicks	Moore, Va.	Taylor, Tenn.
Clague	Hogan	Newton, Minn.	Thomas
Clark, Fla.	Houghton	O'Brien	Timberlake
Classon	Hudspeth	O'Connor	Tincher
Cole	Humphreys	Ogden	Treadway
Coughlin	Hutchinson	Olpp	Vare
Crowther	Jacoway	Paige	Volk
Dempsey	Johnson, S. Dak.	Parker, N. Y.	Walsh
Echols	Kelly, Pa.	Perkins	Walters
Edmonds	Kendall	Perlman	Ward, N. Y.
Elliott	Kennedy	Peters	Wason
Evans	Kiess	Petersen	Wheeler
Fairchild	Kincheloe	Purnell	Wise
Fairfield	Kindred	Rainey, Ill.	Woods, Va.
Fenn	Kinkaid	Ransley	Young
Fields	Kitchin	Reavis	Zihlman
Fisher	Kleczka	Reed, N. Y.	

The SPEAKER. Two hundred and seventy-eight Members have answered to their names, a quorum.

Mr. McFADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. McFADDEN. Mr. Speaker, I reserve the balance of my time.

Mr. RAMSEYER. Will the gentleman yield to answer the question I started to ask him?

The SPEAKER. Does the gentleman from Illinois [Mr. KING] wish to use his time?

Mr. KING. I would like to use my time, but I did not know that the gentleman from Pennsylvania [Mr. McFADDEN] controlled when I should talk; but I am willing to go ahead now, and I hope nobody will make the point of no quorum. [Laughter.]

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. KING. Mr. Speaker, I am opposed to this amendment. It is a well-known fact that when the Edge law was passed by this House I did what I could to prevent its passage, and I tried to point out at that time some of the defects of the law. That law was jammed through this House with about 50 Members present on the theory that it would stabilize exchange. That was 18 months ago. Has there been any exchange stabilized? Has the promise that the gentleman from South Carolina [Mr. STEVENSON] made—that he was going to make $330,000,000 for the cotton raisers of the South—been realized since the passage of that act? Have any of the promises made to the Members of this House that the Edge Act was a great cure-all for all our difficulties been realized? Have they, as a matter of fact, fulfilled one solitary promise that they made upon the floor of this House?

Now, because the time is short and because I have not had the time, not expecting this bill to come up to-day, to arrange everything in a logical way, I am going to limit myself, in the first place, while there is a good attendance here, to pointing out just why this amendment should not pass this House, without any reference to the Edge law or without discussing the ruinous dangers upon which an Edge corporation functions.

There was no consideration given in the committee or on the floor to this matter. It was prepared outside. It sprang from the loins of certain people in New York and attorneys from the outside, lugged into the Congress, brought up the steps of the Capitol and into the committee room, and jammed through without any consideration whatever. I will not relate what happened in the Banking and Currency Committee, because it might seem there was something personal in it, although there was absolutely nothing.

I have the highest regard for all of the gentlemen on the Banking and Currency Committee, and I am forced to disagree with them on the passage of the amendment, and I deem it my duty to my district and the Members of the House to attempt to point out why I am here trying in a single-handed way to defeat this amendment. Somebody was in such a rush—I will not say it was the Banking and Currency Committee of the House—the gentleman from New Jersey stated here that only five minutes was given to the consideration of this bill or its effect in committee. When I got there the bill was out. That is all there is to that. It would probably have come out anyway, so far as that is concerned. But somebody was in such a rush that no consideration was given it in the Banking and Currency Committee. Possibly the gentlemen understood the effects of it. Possibly the individuals back of it explained it so clearly that they understood it. Now, they say there is nothing in the bill, that it is a nice little bill. We always bring in nice little bills, but they have a terrific effect after they get into operation. See how it is worded. A trick, not done by the Banking and Currency Committee, but done on the outside. It says:

It shall be amended to read as follows.

Now, in most legislative bodies, Mr. Speaker, they usually set out the part of the act that is repealed, instead of not mentioning what is repealed, and simply saying that after this "it shall read as follows." Knowing that many Members of this House have not time to go and get a copy of the Federal reserve act and read it over for themselves, they neglect that and depend upon other people to do it. Now, I want to call the attention of the House to what it leaves out. There is about a page of matter omitted, the most important part of which is the following.

This amendment which I now read and which is now left out of consideration in this amendment before the House was put in here on the floor of the House when the bill was passed, after full discussion:

No corporation except as herein provided shall, during the time it shall continue its operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital.

If the House passes this amendment and leaves that part out of the Federal reserve law, you have done nothing else but legalize Ponzi's case in Boston. He is in the penitentiary to-day for paying his dividends out of capital stock. Are you going to legalize——

Mr. WINGO. Will the gentleman yield?

Mr. KING. I can not yield just now. Are you going to legalize Ponzi-ism? I will not accuse anybody of putting this over deliberately, and perhaps the gentleman can explain the various provisions of the Federal reserve act that are left out by this amendment.

Mr. WINGO. I wish to say to the gentleman——

Mr. KING. I can not yield. The gentleman can not penetrate the RECORD at this point. It says:

The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing, without a meeting and without a formal vote.

That is left out. When this amendment is passed no longer will that feature be under the control of the Federal Reserve Board. So far as it is controlled, it practically amounts to nothing anyway.

Then it says:

But any such increase of capital stock shall be fully paid within 90 days after such approval.

That is out by virtue of the amendment under consideration.

And be reduced in like manner, providing in no event it shall be less than $2,000,000.

This is eliminated by this amendment.

The following important section will be omitted from the law if the amendment is passed:

Any national banking association may invest in the stock of any corporation organized under this section, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this section and in section 25 of the Federal reserve act as amended shall not exceed 10 per cent of the subscribing bank's capital and surplus.

And so, Mr. Speaker, it seems to me that no Member of this House will want to go on record for a measure of this kind, which practically legalizes the payment of dividends out of the capital stock.

Mr. Speaker, in the remainder of my time I may say that by the building up of these Edge contraptions you are simply allowing a fund to be raised for the starting of a European campaign to flood this country with bond obligations. It is nothing more nor less than a great stock-selling campaign. Briefly illustrating this statement in the little time that I have left, without going into details, we might set upon this table before me a great sausage-making machine and into this great big hopper of the sausage-making machine will be put the bonds of Silesia, and the bonds of Poland, and the bonds of Russia.

All the old-time bonds will be dumped into this sausage machine, unguaranteed except so far as the countries themselves guarantee them, and also bonds from France and Italy; and not only that, but from silk factories organized in Italy and now going on, and also factories organized in other foreign countries, button factories, and other factories competing with American goods, which will come into this country and ask us to exempt them from taxation in our own country while they come here and compete with America.

They talked about stabilizing exchange. When will exchange be stabilized? When they have built up Europe; when their buildings have been constructed, and all the international bankers of Europe have gotten their money back, and a few of their cousins in America have gotten their money back, and when Europe shall stand on an equal footing with America. Then and then only will exchange be stabilized. You must sell debentures enough in this country to allow for the reconstruction of Europe. How can you do it when there will be $25,000,000,000 or more of these foreign debentures sold in this country? What are you going to do with the bonds of the Federal farm loan banks that are not selling now, although they carry 5 per cent and are tax free, when you are selling foreign debentures paying 10 per cent? It will be a fine thing for the people to buy these things, and everything will be done in order to have the people look at this situation from the standpoint of the international banker who is making commissions.

I have no quarrel with any bankers or any international bankers. But this is a fine way for them to make money, and a whole lot of money, and to make it out of your pocket and out of my pocket. I stand here to-day to tell you that if you want to veto the operation of these Edge banks you should vote against this bill on principle.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. KING. Yes.

Mr. MORGAN. I would like to have some information concerning this bill. I am not clear as to its provisions. First, is not this a discrimination against the smaller institutions in favor of the larger?

Mr. KING. It is. The operation of the whole scheme will cause the rich to become richer and the poor to become poorer.

Mr. MORGAN. Does not this bill provide that 25 per cent of the capital stock of the $2,000,000 corporation shall be paid in?

Mr. KING. I think it does.

Mr. MORGAN. Then, does it not provide that if it is capitalized at $50,000,000, it is required to pay in only $2,000,000, and the remainder of the capital is subject to the control of the Federal Reserve Board?

Mr. KING. Yes.

Mr. MORGAN. Is it not also a fact that they can pay dividends against the capital stock instead of against the capital paid in, thereby discriminating against the small institutions?

Mr. KING. Yes. There would be no small institutions in this country when the Edge debenture-issuing banks get in full swing.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. KING. Yes.

Mr. McFADDEN. I call the gentleman's attention to the provision on page 2, "That no corporation shall have liabilities outstanding at any one time upon its debentures, bonds, or promissory notes in excess of ten times its paid-in capital and surplus," and then remark that no matter what the capital authorized is, it is the amount of capital that is paid in that counts. These corporations are limited in obligations and notes to ten times the amount of capital paid in.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield to me a minute to ask the chairman of the Committee on Banking and Currency a question?

Mr. KING. If you do not take it out of my time I will.

Mr. RAMSEYER. May I have the attention of the chairman? After the first proviso, where it reads, "That whenever $2,000,000 of the capital stock of any corporation shall be paid in," and so forth, did the committee consider using the language, "whenever 25 per cent of the capital stock had been paid in"? If that were in, then you would put a little corporation, say, with an authorized capital stock of $2,000,000 and a big corporation with an authorized capital stock of $50,000,000 or $100,000,000 on absolutely the same basis.

Mr. KING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KING. How much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. McFADDEN. I will say to the gentleman that I just remarked that the authorized capital has nothing to do with it. It is the amount of capital that they have when they commence to do business. They can only issue obligations of ten times the amount of capital paid in.

Mr. RAMSEYER. But the little corporation has to pay up every 60 days and the $100,000,000 corporation does not.

The SPEAKER. The gentleman from New Jersey [Mr. APPLEBY] is entitled to the floor. There are four minutes remaining on each side.

Mr. KING. Mr. Speaker, I want to call the attention of the House to the fact that in spite of the legislation contained in the Edge bill, the Federal Reserve Board, exercising its usual autocratic powers, decided, in star chamber, as usual, that there should be two kinds of Edge corporations; one kind that bases its business upon taking acceptances and the other basing its business upon the issuance of debentures and holding that the Edge corporation which issued debentures should not, as a matter of fact, take acceptances. That is the ruling of the Federal Reserve Board, carefully reviewed by the National Trades Council. The defeat of this amendment will not injure any Edge corporations that are doing an acceptance business. I am here to say that so far as that is concerned, and so far as financing individual shipments is concerned, these corporations are doing fairly well. The same business could have been done by the banks which were organized under section 25 of the Federal reserve act.

I reserve the remainder of my time.

The SPEAKER. The gentleman reserves two minutes.

Mr. McFADDEN. I yield two minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, in the two minutes allotted to me I can not say all I would like to say; but I am for this bill for the very reason that the gentleman from Illinois [Mr. KING] is against it.

There is going to be a great deal of foreign financing in this country, and I want to see it done under the control of a Government agency. I do not want wild-catting throughout this country. That is the reason why we brought that kind of business under the control of a governmental agency when we passed the Edge Act. What does this bill do? It does not do anything that my friend from Illinois says. I would not charge the gentleman with trying to mislead you, but I say he does not know anything about the bill. He has not read it. He told you it repealed the provision of the existing law to prohibit them from paying dividends out of capital. The gentleman is wrong. If he will read the bill he will see that it simply amends the first sentence of the fourth paragraph of subsection (c) of the Edge Act. After the first sentence there are six lines before you get down to the provision that he says is repealed. What on earth does this bill do, gentlemen? All it does is that instead of requiring the capital stock, as now required by law, to be paid in 10 per cent every 60 days after the initial payment, 25 per cent having been paid where the 25 per cent equals $2,000,000, they do not have to pay in any more except upon the call of their own directors. That is all there is to it. The gentleman says it gives an advantage to the larger corporation. It does not. If he will read the last few lines of the bill they answer that statement. I would not be for the bill except for the last few lines. The paid-up, not subscribed, capital stock is always the basis. They can not assume liabilities in excess of ten times their paid-up capital stock—not the stock which is subscribed.

Mr. BURTNESS. Will the gentleman yield?

Mr. WINGO. I can not yield. I have not the time.

In other words, the paid-up capital stock represents the basis of business and liabilities. Why should the bankers of the country be required to pay up their subscriptions on this capital stock, to go into the coffers of this corporation, to a greater amount than is needed? The bankers do not wish to pay it in until the volume of business requires it to be sent to the headquarters of the corporation. That is all there is to it. It is not worth the row we have had about it. It liberalizes the requirements of the law, and is done at the request of the bankers of the United States, who are asking for this amendment, and that is all there is to it.

Mr. KING. Mr. Speaker, the gentleman made an argument of the kind he has just now made on a previous occasion—that the bill ought to be passed because "the gentleman from Illinois" was against it. Now, I would not accuse the gentleman from Arkansas of attempting to mislead this committee, but you heard just exactly what he said. Now, you can look at the bill. It provides that the act shall be amended to read as follows, and then the provision appearing on page 2 is the paragraph which it refers to. In that paragraph in the original law are the identical things that I read to this House, which are cut out by the passage of this amendment. That could have been avoided had there been less haste.

The SPEAKER. The question is on the motion of the gentleman from New Jersey [Mr. APPLEBY] to suspend the rules and pass the bill.

The question being taken, on a division (demanded by Mr. KING) there were—ayes 131, noes 24.

Mr. KING. The House having divided, I make the point of no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present. The Chair will count. [After counting.] Two hundred and twenty-four Members present, a quorum.

Mr. KING. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois asks for the yeas and nays. As many as favor ordering the yeas and nays will rise and stand until they are counted. [After counting.] Eleven Members, not a sufficient number, and the yeas and nays are refused. Two-thirds having voted in the affirmative, the bill is passed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1154. An act for the construction of a bridge across the Des Moines River at or near the city of Dumas, Mo.

LEAVE TO EXTEND REMARKS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WINGO. On what subject?

Mr. HAUGEN. On the packers bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SINCLAIR. I ask unanimous consent to extend remarks in the RECORD on the money question.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks as indicated by him. Is there objection?

There was no objection.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Virginia (at the request of Mr. BLAND of Virginia), indefinitely, on account of sickness.

To Mr. GARRETT of Tennessee, for three days, to attend exercises at the University of Tennessee.

To Mr. EVANS, for three weeks, on account of important business.

To Mr. WHEELER, until further notice, on account of illness in his family.

To Mr. HUDSPETH, indefinitely (at the request of Mr. PARRISH), on account of important business.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned until Tuesday, June 7, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

152. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to adjust accounts of Capt. J. S. Carpenter, Supply Corps, United States Navy; to the Committee on Expenditures in the Navy Department.

153. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou La Batre, Ala.; to the Committee on Rivers and Harbors.

154. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill for the relief of Cyril Burton; to the Committee on Claims.

155. A letter from the Secretary of the Treasury, transmitting a tentative draft of legislation limiting the number of the collection districts for the collection of internal revenue and the whole number of collectors to 74, after July 1, 1921; to the Committee on Ways and Means.

156. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Woodbridge Creek, N. J.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SCOTT of Michigan, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 6754) to amend sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, reported the same with amendments, accompanied by a report (No. 136), which said bill and report were referred to the House Calendar.

Mr. RAMSEYER, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 6508) to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, reported the same without amendment, accompanied by a report (No. 137), which said bill and report were referred to the House Calendar.

Mr. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 2429) to fix the compensation of certain employees of the United States, reported the same with an amendment, accompanied by a report (No. 138), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS, from the Committee on Flood Control, to which was referred the bill (H. R. 5651) to survey the Yazoo River, Miss., with a view to the control of its floods, reported the same without amendment, accompanied by a report (No. 139), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 143) concurring in the declared purpose of the President of the United States to call an international conference to limit armaments, reported the same without amendment, accompanied by a report (No. 140), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 34) creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru, reported the same without amendment, accompanied by a report (No. 141), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 2394) to amend section 6 of the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, reported the same without amendment, accompanied by a report (No. 142), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 2393) to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries, of the Department of Commerce, reported the same without amendment, accompanied by a report (No. 143), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5013) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials, reported the same without amendment, accompanied by a report (No. 144), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4462) granting an increase of pension to Maston Harris; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6470) granting an increase of pension to Albert W. Barnes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5797) granting a pension to Mina Binder; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SWEET: A bill (H. R. 6861) to amend section 1 of the interstate commerce act, as amended by the transportation act, 1920, relating to car service, and sections 3 and 13 of said act, as amended, to make clear the intent of said act not to authorize interference with the regulation of intrastate commerce by the several States; to repeal section 15a of said act, as amended, prescribing a so-called rule of rate making, and to limit the effect of said orders of the Interstate Commerce Commission to matters within its jurisdiction; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 6862) authorizing the Secretary of War to lease to the Bush Terminal Railroad Co. and the Long Island Railroad, for restricted use, the tracks of the Government railroad on the Army supply base at South Brooklyn, N. Y.; to the Committee on Military Affairs.

By Mr. DRIVER: A bill (H. R. 6863) granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 6864) authorizing exchanges of lands within the Rainier National Forest in the State of Washington; to the Committee on the Public Lands.

By Mr. PARK of Georgia: A bill (H. R. 6865) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS: A bill (H. R. 6866) to amend the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 6867) to confer jurisdiction upon the Court of Claims to adjudicate the claims of American citizens; to the Committee on the Judiciary.

By Mr. SANDLIN: A bill (H. R. 6868) to prevent the nullification of State antigambling laws by international or interstate transmission of bets and betting odds on horse races and other contests; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER of New Jersey: A bill (H. R. 6869) to increase the limit of cost of the United States post office at East Orange, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. HUDSPETH: A bill (H. R. 6870) granting homesteads to soldiers, sailors, and marines upon proof of 60 days' residence; to the Committee on the Public Lands.

By Mr. KUNZ: A bill (H. R. 6871) to increase the limit of cost for the new public building site for the West Side, Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: A bill (H. R. 6872) to defray the expenses of litigation and proceedings instituted by direction of the General Council of the Chippewa Indians of Minnesota, and for other purposes; to the Committee on Appropriations.

By Mr. DRANE: A bill (H. R. 6873) to create an additional judge in the southern district of Florida; to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 6874) to increase the limit of cost for the United States Public Health sanatorium at Dawsonsprings, Ky., and authorizing the Secretary of the Treasury to provide additional facilities for the United States Public Health hospital at Broadview, Cook County, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 6875) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KIESS: A bill (H. R. 6876) to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments; to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 6877) to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTER: Joint resolution (H. J. Res. 143) concurring in the declared purpose of the President of the United States to call an international conference to limit armaments; to the Committee on Foreign Affairs.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 144) providing that the Federal farm loan act be extended to the Territory of Alaska; to the Committee on Banking and Currency.

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin relating to the restoration of package-freight boats on the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Michigan relative to conditions in Mexico; to the Committee on Foreign Affairs.

By Mr. BECK: Memorial of the Legislature of the State of Wisconsin relating to the recognition of the Irish republic by the Government of the United States; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Wisconsin urging Congress not to repeal the excess-profits and surtax laws and not to pass the sales-tax law; to the Committee on Ways and Means.

By Mr. KELLEY of Michigan: Memorial of the Legislature of the State of Michigan relative to conditions in Mexico; to the Committee on Foreign Affairs.

By Mr. LAMPERT: Memorial of the Legislature of the State of Wisconsin relating to the restoration of package-freight boats on the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Wisconsin urging Congress not to repeal the excess-profits and surtax laws and not to pass the sales-tax law; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin, relating to the recognition of the Irish republic by the Government of the United States; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Wisconsin, relating to the establishment of more friendly relations with Russia and for the resumption of trade and commerce with the Russian people; to the Committee on Foreign Affairs.

By Mr. MICHENER: Memorial of the Legislature of the State of Michigan relative to conditions in Mexico; to the Committee on Foreign Affairs.

By Mr. VOIGT: Memorial of the Legislature of the State of Wisconsin urging Congress not to repeal the excess-profits and surtax laws and not to pass the sales-tax law; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin relating to the restoration of package freight boats on the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 6878) authorizing the Secretary of War to donate to the town of Dunellen, Middlesex County, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 6879) to pay John E. Bolden for services rendered the United States Army from April 4, 1865, to and including July 15, 1865; to the Committee on War Claims.

By Mr. CURRY: A bill (H. R. 6880) granting a pension to Henry Phalen; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 6881) granting a pension to William W. Stone; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 6882) for the relief of W. H. Overocker; to the Committee on Claims.

By Mr. GENSMAN: A bill (H. R. 6883) granting a pension to J. W. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6884) granting a pension to Abington Johnson; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 6885) granting a pension to Cora H. Hoyt; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 6886) granting a pension to Elizabeth B. McAlister; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 6887) granting a pension to Silas Woodmansee; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 6888) granting an increase of pension to Stephen A. Gabbard; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 6889) granting a pension to Ella Wilhelmina Cunningham; to the Committee on Invalid Pensions.

By Mr. SHELTON: A bill (H. R. 6890) for the relief of John C. Bennett; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 6891) for the relief of Barry County, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 6892) for the relief of the estate of Felix Scott Chambers, deceased; to the Committee on War Claims.

By Mr. MacGREGOR: A bill (H. R. 6893) granting a pension to Alvin E. Briggs; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 6894) granting a pension to John V. Graviss; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 6895) granting a pension to Charles W. Adams; to the Committee on Pensions.

Also, a bill (H. R. 6896) granting a pension to Mitchell Lenoir; to the Committee on Pensions.

Also, a bill (H. R. 6897) granting a pension to Martha Jane Holden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6898) granting a pension to John Greene; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 6899) for the relief of Frances Martin; to the Committee on War Claims.

By Mr. ROSE: A bill (H. R. 6900) authorizing the Secretary of War to donate to the city of Altoona, Blair County, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 6901) granting an increase of pension to Henrietta Thoburn; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 6902) for the relief of Robert W. Caldwell; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 6903) to remove the charge of desertion from the military record of John H. Wingfield; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 6904) granting a pension to Thomas Holden; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 6905) granting a pension to Orilla (Laduke) Martin; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 6906) granting a pension to Jacob James; to the Committee on Pensions.

Also, a bill (H. R. 6907) granting a pension to Nelson E. Bucknam; to the Committee on Pensions.

Also, a bill (H. R. 6908) granting a pension to W. S. Coburn; to the Committee on Pensions.

Also, a bill (H. R. 6909) for the relief of John B. Sanford; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 6910) granting a pension to Mordecai Fizone; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 6911) to correct the military record of Jesse L. Meeks; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1089. By Mr. ARENTZ: Petition of residents of Nye County, Nev., asking Congress to take the necessary action to bring about the recognition of the existing duly elected government of the republic of Ireland by the Government of the United States; to the Committee on Foreign Affairs.

1090. By Mr. COCKRAN: Resolution passed by the Cruiser and Transport Post, No. 341, American Legion, favoring the remedial legislation proposed by the Dawes committee, looking to the welfare of sick, wounded, and disabled veterans; to the Committee on Interstate and Foreign Commerce.

1091. Also, resolution of the Chamber of Commerce of the State of New York, opposing the proposed transfer of the Hydrographic Office, Bureau of Navigation, Navy Department, to any other executive department of the Government; to the Committee on Naval Affairs.

1092. By Mr. DALLINGER: Resolution of the Boston Branch of the American and British Federation, protesting against the Mason, La Follette, and Norris resolutions; to the Committee on Foreign Affairs.

1093. By Mr. DARROW: Resolution adopted by monthly meeting of Friends of Philadelphia for the western district in behalf of an international conference looking toward disarmament; to the Committee on Foreign Affairs.

1094. By Mr. DRIVER: Memorial of Mount Vernon Baptist Association, of Haynes, Ark., opposing American interference in the Irish question; to the Committee on Foreign Affairs.

1095. By Mr. FUNK: Petition by the Lions Club, of Bloomington, Ill., indorsing the program of legislation asked by the Americn Legion of the Sixty-seventh Congress in the interest of disabled soldiers, sailors, and marines, etc.; to the Committee on Interstate and Foreign Commerce.

1096. Also, petition by the Women's Auxiliary Unit, Post No. 672, Middletown, Ill., indorsing the program of legislation asked by the American Legion of the Sixty-seventh Congress in the interest of disabled soldiers, sailors, and marines, etc.; to the Committee on Interstate and Foreign Commerce.

1097. By Mr. GREENE of Massachusetts: Resolutions for the relief of the disabled of the World War from the Bay State Lodge, No. 563, Loyal Order of Moose, Mansfield, Mass.; Women's Auxiliary Unit to Mansfield Post No. 198; Bay State Tap & Die Co.; Newformed Rank; Emmanuel Methodist Church; American Legion Post No. 198; Knights of Columbus; Mansfield Lumber Co.; Marion Hat Works (Inc.); Mansfield High School; Mansfield News; William P. McDermott; and four others; to the Committee on Interstate and Foreign Commerce.

1098. By Mr. HERSEY: Resolutions passed by the Maine State Retail Jewelers' Association protesting against further increase of taxes on the jewelry industry; to the Committee on Ways and Means.

1099. By Mr. HUTCHINSON: Memorial of the congregation of the Watchung Avenue Presbyterian Church of Plainfield, N. J., respectfully urging the President and the Congress of the United States to call a conference of the leading nations on the reduction of armament; to the Committee on Foreign Affairs.

1100. By Mr. KISSEL: Petition of Rock Plaster Corporation, New York City, in regard to the tariff on raw or crude gypsum; to the Committee on Ways and Means.

1101. Also, petition of State of New York, the adjutant general's office, Albany, N. Y., urging support of the proposed amendments to the national defense act; to the Committee on Military Affairs.

1102. Also, petition of New York State Coal Merchants' Association (Inc.), Albany, N. Y., opposing any pending or proposed legislation having for its object governmental control and regulation of the coal or any other line of business; to the Committee on Interstate and Foreign Commerce.

1103. By Mr. KUNZ: Resolution of the Chicago Plan Commission in session May 24, 1921, urging Congress to immediately make an appropriation for the acquisition of a certain site in Chicago for a new post-office building; to the Committee on the Post Office and Post Roads.

1104. By Mr. MacGREGOR: Resolution of the Washington Post, No. 287, American Legion, favoring relief for disabled veterans of the World War; to the Committee on Interstate and Foreign Commerce.

1105. By Mr. MEAD: Petition of Buffalo Chamber of Commerce, favoring the Capper bill (S. 1150); to the Committee on Interstate and Foreign Commerce.

1106. Also, petition of Buffalo Chamber of Commerce, opposing the passage of House bill 10, or any other bill which pro-

vides for fixing the metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

1107. Also, petition of the Lake Erie Excursion Co., of Buffalo, N. Y., opposing certain clauses in the general deficiency bill; to the Committee on Appropriations.

1108. Also, petition of Industrial Traffic Club of the Niagara Frontier, Buffalo, N. Y., opposing House bill 215; to the Committee on Ways and Means.

1109. Also, petition opposing certain clauses in the general deficiency bill (H. R. 6300); to the Committee on Appropriations.

1110. By Mr. OSBORNE: Memorial consisting of a telegram dated May 27, 1921, from C. L. Best Tractor Co., San Leandro, Calif., protesting against the distribution to the various States of an additional 1,000 tractors contemplated by House bills 4899 and 4602; to the Committee on Agriculture.

1111. By Mr. SINCLAIR: Petition of Rev. F. B. Stevenson, on behalf of the Presbyterian Church and congregation of New Salem, N. Dak., urging disarmament; to the Committee on Naval Affairs.

1112. By Mr. SWING: Petition of C. B. Pottenger and 106 others, of San Bernardino, Calif., urging the passage of the soldiers' bonus bill; to the Committee on Interstate and Foreign Commerce.

1113. By Mr. TREADWAY: Petition of teachers and students of Drury High School, of North Adams, Mass., to Congress to bring about a conference of the great powers of the world to deliberate on disarmament; to the Committee on Foreign Affairs.

1114. By Mr. WATSON: Resolution passed at a meeting of the Woman's Auxiliary of Donald McLeod Post, No. 336, American Legion, North Wales, Pa., for the relief of the disabled soldiers, sailors, and marines; to the Committee on Interstate and Foreign Commerce.

1115. Also, resolution passed at the annual Montgomery County Sabbath School Convention, held at Souderton, Pa., in favor of the Smith-Towner bill; to the Committee on Education.

1116. Also, resolution adopted by the rector and congregation of Christ Church (Old Swedes), Upper Marion, Pa., favoring international conference looking to the limitation of armaments, both military and naval; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *June 7, 1921.*

(Legislative day of Monday, June 6, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 86) to amend the act approved December 23, 1913, known as the Federal reserve act.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2232. An act in reference to a national military park on the Plains of Chalmette, below the city of New Orleans;

H. R. 2421. An act granting certain public lands to the city of Phoenix, Ariz., for municipal purposes;

H. R. 2422. An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona;

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes";

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii;

H. R. 5621. An act for the disposal of certain lands in the town sites of Fort Madison and Bellevue, Iowa;

H. R. 5622. An act providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes;

H. J. Res. 30. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920; and

H. J. Res. 81. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War.

CALL OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harreld	McKinley	Smith
Borah	Harris	McLean	Smoot
Brandegee	Jones, N. Mex.	McNary	Spencer
Broussard	Jones, Wash.	Moses	Stanfield
Bursum	Kellogg	Nelson	Stanley
Cameron	Kendrick	Newberry	Sterling
Capper	Kenyon	Nicholson	Sutherland
Culberson	Keyes	Oddie	Townsend
Cummins	King	Overman	Underwood
Curtis	Knox	Poindexter	Wadsworth
Dial	Ladd	Pomerene	Walsh, Mass.
Ernst	La Follette	Reed	Watson, Ga.
Fletcher	Lenroot	Sheppard	Weller
Gerry	Lodge	Shortridge	Williams
Hale	McCormick	Simmons	Willis

Mr. UNDERWOOD. I wish to announce that my colleague [Mr. HEFLIN] is absent on public business; that the senior Senator from Arkansas [Mr. ROBINSON] is absent, owing to illness in his family; and that the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Arkansas [Mr. CARAWAY] are absent on official business.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED.

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 2232. An act in reference to a national military park on the Plains of Chalmette, below the city of New Orleans; to the Committee on Military Affairs.

H. R. 2421. An act granting certain public lands to the city of Phoenix, Ariz., for municipal purposes; and

H. R. 2422. An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona; to the Committee on Public Lands and Surveys.

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"; to the Committee on Commerce.

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii; to the Committee on Territories and Insular Possessions.

H. R. 5621. An act for the disposal of certain lands in the town sites of Fort Madison and Bellevue, Iowa;

H. R. 5622. An act providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes; and

H. J. Res. 30. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920; to the Committee on Public Lands and Surveys.

H. J. Res. 81. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War; to the Committee on the Library.

PETITIONS AND MEMORIALS.

Mr. NICHOLSON presented six petitions of sundry citizens of Carlton, Bristol, Lamar, Granada, Ramah, Kutch, Simla, Kit Carson, Boone, Orchard, Cedaredge, and Briggsdale, all in the State of Colorado, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN presented a petition of sundry citizens of Raleigh, N. C., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented two petitions of sundry citizens of Willcox and Parker, Ariz., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented six resolutions of the Commissioners of Roads and Revenues of Bibb County, Road Commissioners of Bibb County, Board of Roads and Revenues of Dodge County, Board of Roads and Revenues of Bartow County, Board of Commissioners of Decatur County, and the Good Roads Associa-

tion of Gilmer County, all in the State of Georgia, favoring the enactment of legislation to aid the States in the construction of rural post roads, which were referred to the Committee on Post Offices and Post Roads.

Mr. LADD presented resolutions of the pastor, Rev. F. B. Stevenson, and congregation of the Presbyterian Church of New Salem, and the Synod of North Dakota, Presbyterian Church in the United States of America (adopted at Kenmare), both in the State of North Dakota, favoring the calling of an international conference for the purpose of considering the question of world disarmament, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the State Directorate of North Dakota, American Association for the Recognition of the Irish Republic, at Fargo, N. Dak., May 29, 1921, favoring the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented 16 telegrams, in the nature of petitions, signed by Lawrence R. Plank, Francis K. Fassett, H. L. Orrman, F. C. Swain, Alex Euchenhofer, Mr. and Mrs. Edwin Lesh, Mrs. H. L. Orrman, Ellen Harrigan, Bernice Harrigan, Lida M. Swain, Leila A. Thomas, Ida Kalbfus, Matilda Beck, Sara H. Pierce, Edith L. Boyer, and Emma L. Peacock, all of Dayton, Ohio, praying that an international conference be called for the purpose of considering the question of world disarmament, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the Ohio Yearly Meeting of the Religious Society of Friends, adopted at Barnesville, Ohio, June, 1921, favoring the calling of an international conference for the purpose of considering the question of world disarmament, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of the Society of Friends, of Liberal, Kans., praying that an international conference be called for the purpose of considering the question of world disarmament, which was referred to the Committee on Foreign Relations.

He also presented 12 resolutions of sundry citizens of Kansas City and Argentine, Kans., favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the Kansas Grain Dealers' Association, of Kansas City, Mo., favoring a reduction in freight rates on grain and grain products, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Kansas Grain Dealers' Association, at Kansas City, Mo., May 26, 1921, protesting against the enactment of a sales or turnover tax law, which was referred to the Committee on Finance.

He also presented four petitions of sundry citizens of Argonia, Savonburg, Stork, Walnut, Harveyville, Johnson, New Ulysses, and Olathe, all in the State of Kansas, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. REED. I present a resolution signed by the president, professors, and students of Kenrick Theological Seminary, of Webster Grove, Mo., requesting the Government of the United States to acknowledge the independence of the Irish republic. I ask that the resolution, which is short, be printed in the RECORD and that the names of the first six signers thereto may also be printed.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the principle of the United States as enunciated by the founder of this Republic has always been that "All just powers of government are derived from the consent of the governed"; and

Whereas it has been the traditional policy of the United States to recognize the independence of oppressed nations struggling for the God-given rights of freedom and justice; and

Whereas the United States entered and brought to a successful culmination the late war with the avowed and expressed object of procuring self-determination for small nations; and

Whereas in accordance with this principle the people of Ireland in December, 1918, by a vote of approximately three to one, decided to live under a republican form of government; and

Whereas a republican government de facto and de jure has been established in Ireland: Be it therefore

Resolved, That we, the faculty and students of Kenrick Theological Seminary, Webster Grove Mo., hereby request the Government of the United States to acknowledge the independence of the Irish republic.

V. Rev. M. S. RYAN, C. M., D. D., Ph. D., *President.*
Rev. CHARLES L. SOUWAY, C. M., Ph. D., D. D., S. S. D., *Vice President.*
Rev. F. V. CORCORAN, C. M., Ph. D., S. T. D., *Professor of Apologetics.*
Rev. FRANCIS J. REMLER, C. M., *Secretary.*
Rev. JOSEPH P. DONOVAN, C. M., J. C. D., *Professor of Ethics and Canon Law.*
Rev. THOS. D. COYNE, C. M., D. D., *Professor of Theology.*

SALE OF DEPARTMENT OF COMMERCE DOCUMENTS.

Mr. MOSES. I ask unanimous consent to present certain reports from the Committee on Printing, and I shall ask further unanimous consent that they may be considered at once.

I report back favorably without amendment from the Committee on Printing the bill (S. 435) to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds, and I ask unanimous consent for its present consideration.

Mr. UNDERWOOD. As the Senator desires immediate consideration of the bill, I ask that it may be read in full.

The PRESIDENT pro tempore. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to sell, at a price to be fixed by him based on the cost of paper and presswork, such technical, scientific, statistical, and other publications issued by the Department of Commerce or any bureau, office, or service therein as he may deem best for the public interest: *Provided*, That the receipts from such sales shall be deposited in the Treasury and credited to, and to that extent increase, the department's allotment of the appropriation for printing and binding for any fiscal year within which such deposits may be made: *Provided further*, That nothing herein contained shall be construed to prevent the usual free distribution of any publications to officials of the Government or to foreign Governments, libraries, and scientific associations and institutions of learning as provided by law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. UNDERWOOD. Let me ask the Senator in charge of the bill if it contemplates the sale of surplus documents, or does it contemplate the publication of documents for sale?

Mr. MOSES. It contemplates putting an end to the practice of having reprints for the purpose of free distribution. The purpose of the bill is that interested parties who wish copies of reports and documents which have heretofore been printed and which are out of print may purchase them, in order that the practice of having a reprint order issued by the Joint Committee on Printing may cease and that further free distribution of the documents may be ended, so that those persons who really wish documents may get them, and get them as provided in the bill.

Mr. UNDERWOOD. By applying to the Public Printer, he can order a reprint at the expense of the person who wants the document?

Mr. MOSES. Yes.

Mr. UNDERWOOD. Does the bill place the basis of sale above the question of cost?

Mr. MOSES. Not at all. The basis is exactly that of other documents which are now printed for sale at the Government Printing Office.

Mr. UNDERWOOD. What is that basis?

Mr. MOSES. The cost of the paper and presswork and binding and 10 per cent above that.

Mr. UNDERWOOD. That would mean that the Government would not be out anything in the way of outlay?

Mr. MOSES. Oh, the Government would not be out at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN INSTRUCTORS OF THE DEAF.

Mr. MOSES. From the Committee on Printing I report an original Senate resolution providing for the printing as a document of the proceedings of the twenty-second meeting of the convention of the American instructors of the deaf, which was held June 28, 1920, and I ask unanimous consent for its present consideration.

Mr. UNDERWOOD. I should like to ask the Senator from New Hampshire what is the estimate of the cost of the printing of this publication?

Mr. MOSES. It is $1,120. The estimate is attached to the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution (S. Res. 86) was considered by unanimous consent and agreed to, as follows:

Resolved, That the report of the proceedings of the twenty-second meeting of the convention of the American instructors of the deaf, held June 28, 1920, be printed as a Senate document.

THE DADE MASSACRE.

Mr. MOSES. From the Committee on Printing I report favorably without amendment the resolution (S. Res. 40) which was submitted by the Senator from Florida [Mr. FLETCHER] April 13, 1921, and I ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the paper entitled "The Dade Massacre," by Frederick Cubberly, together with the accompanying maps and illustrations, be printed as a public document.

Mr. UNDERWOOD. What is the estimate of the cost of printing that document?

Mr. MOSES. The estimate which is attached to the resolution is $58.20.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

CAPITULATIONS AND CONSULAR INSTITUTIONS.

Mr. MOSES. From the Committee on Printing I report favorably without amendment the resolution (S. Res. 13) which was submitted by the Senator from South Dakota [Mr. STERLING] March 11, 1921, and I ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the manuscript entitled "The Origin of the Capitulations and of the Consular Institution," by G. Bie Ravndal, American consul general at Constantinople, be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. What is the estimate of the cost of printing in that case?

Mr. MOSES. The estimate is $541.35. I will say, by way of further explanation, that this document contains a history of the development of the capitulations in force in Mohammedan countries, particularly in Turkey, and their present status. The capitulations, as is well known, Mr. President, will be a subject of consideration when we come to reestablish our diplomatic relations with the Ottoman Empire, and certain of the capitulations will disappear if we follow the practice of European Governments which have established their relations with the Turkish Government. It is possible, indeed, that the whole body of capitulations may disappear. The document the printing of which is here provided has been written by Mr. G. Bie Ravndal, who has been consul general at Constantinople for a number of years. This document is offered by way of supplement to the other information along this line which has been printed by order of the Committe on Foreign Relations. It so happened that this particular manuscript was presented to the Senate by the Senator from South Dakota [Mr. STERLING] and was referred to the Committee on Printing. Otherwise it would have been taken up by the Committee on Foreign Relations at the same time they considered the other documents in connection with this whole subject.

The resolution was considered by unanimous consent and agreed to.

PERRY'S VICTORY MEMORIAL COMMISSION.

Mr. MOSES. From the Committee on Printing I report an original resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 87) was read, as follows:

Resolved, That the first annual report of the Perry's Victory Memorial Commission, December 6, 1920, be printed as a Senate Document.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. MOSES. For the information of the Senator from Alabama [Mr. UNDERWOOD], Mr. President, I will say that the estimate of the cost for the printing of this document is $550. This is one of the reports which, by statute, are made to Congress and which, by the statute, are required to be printed.

The resolution was considered by unanimous consent, and agreed to.

REPORT ON OIL INDUSTRY.

Mr. POINDEXTER. Mr. President, a few days ago the Senate made an order for the printing of the report of the investigation of the Federal Trade Commission regarding the oil industry. Upon inquiry I find that the Federal Trade Commission itself is having the report printed, and that a sufficient number of copies will be available from that source. So it seems to me that it is unnecessary to duplicate the printing of the document. In order to save the expense which would be incurred by doing so, I ask unanimous consent that the order for the printing of the report as a public document may be rescinded.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. POINDEXTER. I also ask that the report, which is lying on the Secretary's table, be referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The report will be so referred.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 1979) granting a pension to Matilda T. Lyman; to the Committee on Pensions.

By Mr. NICHOLSON:

A bill (S. 1980) for the relief of John Doyle, alias John Geary; to the Committee on Military Affairs.

A bill (S. 1981) granting extra pay to the heirs of Cyrus Hall; to the Committee on Claims.

By Mr. KING:

A bill (S. 1982) to change the title of the Supreme Court of the District of Columbia to "The general court of the District of Columbia"; to the Committee on the Judiciary.

A bill (S. 1983) to improve the street car service in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Mr. REED. Mr. President, are we in the morning hour or has the Senate met following a recess.

The PRESIDENT pro tempore. The Senate is in session following a recess, there being, therefore, no morning hour.

Mr. REED. Then, out of order, I ask unanimous consent to introduce several bills, which I send to the desk, and also certain pension bills.

The PRESIDENT pro tempore. In the absence of objection, the bills will be received.

By Mr. REED:

A bill (S. 1984) for the repeal of certain war-time legislation, and for other purposes; and

A bill (S. 1985) to prohibit citizens of the United States from accepting any present, emolument, office, title, or decoration of any kind whatever from any king, prince, or foreign State; to the Committee on the Judiciary.

A bill (S. 1986) to erect a Federal building in the city of Farmington, Mo., on the site now owned by the United States Government; and

A bill (S. 1987) to reimburse Latimer & Benning for losses sustained in erecting a United States post office and courthouse at Las Cruces, N. Mex. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 1988) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.; to the Committee on Claims.

A bill (S. 1989) for the purchase of a rifle range at Liberty, Mo. (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1990) granting a pension to James Grogan (with an accompanying paper);

A bill (S. 1991) granting a pension to Harry Wright (with accompanying papers);

A bill (S. 1992) granting a pension to Lacy L. Garrison (with accompanying papers);

A bill (S. 1993) granting a pension to William F. Murray (with accompanying papers);

A bill (S. 1994) granting a pension to Sarah V. Burke;

A bill (S. 1995) granting a pension to John F. Ellis (with accompanying papers);

A bill (S. 1996) granting a pension to Andrew J. Williams (with accompanying papers);

A bill (S. 1997) granting an increase of pension to Mary Reilly;

A bill (S. 1998) granting an increase of pension to William H. Hayes; and

A bill (S. 1999) granting a pension to Gallant Hays (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 2000) for the relief of Capt. James G. Oakley; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 2001) to increase from 30 years to 35 years the age limit for appointments in the grade of second lieutenant in the Regular Army of persons who served as officers in the United States Army in the World War; to the Committee on Military Affairs.

A bill (S. 2002) for the relief of Charles D. Shay; to the Committee on Claims.

By Mr. SUTHERLAND:

A bill (S. 2003) to amend section 1 of the act to regulate commerce, approved February 4, 1887, as amended; to the Committee on Interstate Commerce.

By Mr. MYERS:

A bill (S. 2004) for the relief of the First International Bank of Sweet Grass, Mont.; to the Committee on Public Lands and Surveys.

By Mr. REED:

A joint resolution (S. J. Res. 68) authorizing the Secretary of War to loan certain equipment to the Modern Woodmen of America; to the Committee on Military Affairs.

AMENDMENTS TO ARMY APPROPRIATION BILL.

Mr. DIAL submitted an amendment intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 46, line 8, after the word "further," to strike out the balance of line 8, and all of lines 9 and 10 down to the word "And"; in line 11 strike out "$100,000" and insert "$1,000,000"; in line 12, after the word "and," strike out "no person" and insert "not more than 25 persons"; and in line 13, after the word "annum," add "and no person shall receive more than $5,500," so as to make the proviso read:

"*Provided*, That whenever possible officers, warrant officers, noncommissioned officers, or other enlisted men shall be detailed as instructors: *And provided further*, That not more than $1,000,000 shall be expended for salaries and not more than 25 persons shall be employed hereunder at a rate of compensation exceeding $3,000 per annum, and no person shall receive more than $5,500," etc.

He also submitted an amendment providing that no part of any moneys appropriated in the Army appropriation bill shall be used to pay United States soldiers now in Germany, France, or Belgium from 90 days after the approval thereof, intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and to be printed.

Mr. HARRIS submitted an amendment providing that the President of the Senate and the Speaker of the House appoint a committee of not less than three Members of the Senate and three Members of the House of Representatives, and that such committee shall inspect once during each fiscal year not less than two of the general and special service schools of the Army, intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes; agreed to the conference requested by the Senate, and that Mr. KELLEY of Michigan, Mr. FRENCH, Mr. WOOD, Mr. BYRNES of South Carolina, and Mr. OLIVER were appointed managers of the conference on the part of the House.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 4) creating a joint commission to be known as the Joint Commission of Agricultural Inquiry, which shall consist of five Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker.

ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

The PRESIDENT pro tempore. The Army appropriation bill is before the Senate as in Committee of the Whole under an agreement that the bill shall be read for amendment, committee amendments to be first considered. The Secretary will read the bill for committee amendments.

Mr. DIAL. I send to the desk an amendment intended to be proposed by me to the pending bill, which I ask to have printed and lie on the table. I shall offer the amendment at the proper time.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, on page 2, line 17, to increase the appropriation for contingencies of the Army from "$75,000" to "$168,000."

Mr. KING. Mr. President, I desire to inquire of the Senator from New York what is the necessity for the increase proposed by the amendment? In this connection let me call attention to the proviso reading:

That not to exceed $118,000 of the money herein appropriated shall be expended for the payment of salaries of civilian employees.

Inasmuch as I have mentioned the question of civilian employees, I desire to call the Senator's attention to the fact that upon over 20 pages of the bill provisions are made for civilian employees and large sums are appropriated—$4,000,000 in one place, $2,500,000 in another place, and one million several hundred thousand dollars in another. I wish to inquire whether or not there has been any reduction in the number of civilian employees in the War Department, and, furthermore, what is the necessity for such a large number of civilian employees to be provided for under the appropriation carried in the pending bill? It seems to me, Mr. President, that a private business would conduct the activities herein provided for with one-third of the number of employees carried by the bill. Not only civilian employees are available but, as the Senator from New York knows, there are thousands of men in the Army who give their services to some of the activities, clerical and otherwise, that are provided for in the bill.

Mr. WADSWORTH. Mr. President, the item now before the Senate I will discuss first, and then say a few words generally in regard to the matters brought up by the Senator from Utah. Under the heading "Contingencies of the Army" there are carried on all the activities of the Director of Sales and also of the War Department Claims Board, involving the settlement of claims brought by contractors and still pending from the Great War time period of activity.

One hundred and eighteen thousand dollars is authorized out of the total of $168,000 for the expenses of the director of sales and of the claims board. Of that $118,000 the director of sales will have $68,000 and the claims board $50,000. The $68,000 allotted under that provision to the director of sales is about half what he had for the current fiscal year. It will employ 43 persons, who are engaged under the supervision of the director of sales in the selling of surplus property. In that office of the War Department they have sold $1,333,000,000 worth of property. I mention that figure as the cost price of the property. They have turned into the Treasury in cash approximately $900,000,000; they have on hand to-day, already declared surplus and ready for sale, and, indeed, they are endeavoring to make the sales, $180,000,000 worth of property, and they have been notified that within a short time the War Department will turn over to them for sale $250,000,000 worth in addition. When the committee granted a special hearing to the Assistant Secretary of War, who has general charge of the business activities of the War Department, and was informed by him of the dire effect upon the organization of the sales director if he could only have twenty or thirty thousand dollars to supervise this vast work, the committee made up its mind that $68,000 total expenditure as an overhead for the carrying on of this tremendous activity was an exceedingly small cost. The percentage figured out in comparison to the money that is coming into the Treasury would be infinitesimal.

Now, as to the claims board, $50,000 of the appropriation is to employ 33 persons to assist the claims board in adjusting and passing upon the claims that are still pending. They have already settled thousands and thousands of claims, and there are still pending something over 300 claims. It is estimated—and, of course, it is but an estimate—that the Government in the settlement of those three hundred-odd claims still pending may have to expend $43,000,000.

The civilians under the claims board are employed as auditors. They are experts in the auditing of the manufacturers' books, men who know about the handling of raw materials, what the costs are, what the Government should be charged and what it should not be charged. The claims board has saved in its reconsideration of claims that have come up to them from boards in the field millions and millions of dollars. So we thought it was a pretty good thing to keep these two activities, the director of sales and the claims board, operating effectively but not extravagantly; and when one considers that we have $43,000,000 at stake in the settlement of the claims still pending, $50,000 expended to protect the interests of the Government is a very small sum. The committee was entirely persuaded that the estimate made by the Assistant Secretary of War was justified, and it unanimously agreed to accept the estimate.

As to the civilian employees of the War Department, the Senator has asked me a question which it would require a somewhat lengthy address to answer. These civilian employees in the War Department are very numerous. They will be much less numerous when this bill passes. I think it fair to say that this bill itself, reported as it is from the Senate committee—and we accept the House figures on all the items save this little item that we have just been discussing affecting civilian employees—will compel a reduction of the number of civilian employees employed by the War Department and the

Army by at least 30 per cent, and the bill for the current fiscal year compelled them to reduce 40 per cent.

The reduction to-day is going on very fast. Most of those civilian employes have been employed for the purpose of taking care of these enormous storage depots, the Army supply bases built during the war, the powder factories that are standing idle, owned by the Government, with valuable machinery and equipment in them but not yet liquidated. Slowly but surely that stuff is being liquidated. The Secretary of War tells us that he is going to liquidate it much faster. He has got to get rid of it.

It is the overhead that is the burden to the Army, not the pay of the enlisted men. It is the tremendous overhead left over from the war; and the committee of the House and the committee of the Senate have joined hands in forcing very severe reductions in several of the items to which the Senator has alluded by stating that not more than a certain amount shall be expended for the pay of civilian employees, and those limitations constitute tremendous reductions over the requests made by the department itself under the last administration.

Mr. WILLIS. Mr. President, I desire to make an inquiry of the chairman of the committee.

Within the last few days I have received correspondence, as perhaps other Senators have, relative to the employment of a concern of expert engineers for the purpose of making a survey of this property. I have taken the position that that is the business of the Government itself; that there ought not to be any civilian employees or any contract with any private concern to do such a thing. I want to ask the Senator whether he knows what the attitude of the War Department is or would be toward any such employment as that. Does the Senator understand what I refer to?

Mr. WADSWORTH. I regret to say that I can not answer the question. I have never heard that suggestion made before, and have never heard it discussed.

Mr. WILLIS. I know that it is made. There is a company of engineers seeking employment for the purpose of making a survey of this Government property. I have taken the position that seems to me to be correct, that that is the business of the War Department itself; that there is no reason why private concerns should be employed to tell the Government what it owns.

The second question I want to ask, which is more important, is whether, in the opinion of the Senator, this appropriation could be used for such a purpose?

Mr. WADSWORTH. Not at all.

Mr. WILLIS. If it could be, I am not for it.

Mr. WADSWORTH. It certainly could not.

Mr. SMOOT. Mr. President, in answer to the question asked by my colleague [Mr. KING] as to the number of civilian employees in the District separated from the War Department of late, I will state that in the month of October there were 385 employees separated from the War Department; in the month of November there were 266 separated from the War Department—that is, I mean, there were that many less employees—in the month of December there were 165 less employees; in the month of January, 1921, there were 350 separated from the War Department; in the month of March there were 405 separated from the War Department; and in the month of April there were 387. I will say to my colleague that I have not yet received the May report, but I shall within a very few days.

Mr. KING. May I inquire of my colleague whether that includes separations from the War Risk Insurance Bureau?

Mr. SMOOT. No; this is from the War Department. I will say that there were nine hundred and some separated from the War Risk Insurance Bureau alone in the month of May.

Mr. KING. May I likewise inquire how many are in the employ of the War Department, as shown by the report from the Civil Service Commission?

Mr. SMOOT. The report that I have here does not give the total number of employees. It gives the additions and the separations and the net figures of increase or decrease of all the departments of the Government.

Mr. WADSWORTH. Mr. President, may I ask the Senator if he is not referring merely to the classified civil-service employees?

Mr. SMOOT. I understood the civilian employees in the District were what were referred to.

Mr. WADSWORTH. The War Department has discharged ten times as many as the Senator has read. The civilian employees cared for in this bill are not, except in a very few instances, civil-service employees; and when I said "a 40 per cent reduction," I meant a reduction of civilians in the field, not here in Washington—at the camps, at the storage depots, the Army supply bases, and so forth.

Mr. SMOOT. The Senator is correct as to that. In fact, I think many thousands of them have been separated from the service in the last six months.

Mr. WADSWORTH. Just let me state one thing. In about a year and a half, owing, I think very largely, to the severity of the reductions in the appropriations, nearly 60,000 civilians were separated from the Quartermaster's Department. They had ninety-odd thousand civilian employees in the Quartermaster Department shortly after the end of the war, and this last year it has been reduced to 34,000.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. In reference to the inquiry by the Senator from Utah, the hearings show that one item requested by Assistant Secretary Wainwright was $50,000 for our civilian employees for the claims department, and $68,000 for our sales department. The statement was made that the amount of surplus on hand now to be disposed of was $155,543,000 at cost, and the Assistant Secretary further stated that in addition to this practically $155,000,000 worth of property to be disposed of they have $250,000,000 worth. So that the proposition is to have a sufficient force to dispose of $405,000,000 worth of property within the next year, and it was thought that $168,000 would be a reasonable allowance for the force necessary to handle that amount of property during the year.

Mr. KING. I see.

Mr. President, I want to take the time of the Senate for just a moment to call attention to the enormous amounts which are paid for civilian employees, notwithstanding the promises of reduction and indeed the actual reductions which have occurred in some of the branches of the military service of the Government.

I invite attention to the heading "Office of the Chief Signal Officer." Provision is made for salaries of civilian employees, and an appropriation is made of $2,835,000. We all know that a large number of the employees in that department are those who have been inducted into the service. The personnel is not very large. Notwithstanding the fact that a considerable number of officers and enlisted men discharge clerical duties and perform other work that civilian employees are called upon to perform, $600,000 of that amount is called for by this bill for additional civilian employees.

Mr. WADSWORTH. Not "additional." I wish the Senator would not use that expression; it is less.

Mr. KING. Well, additional to the employees furnished by the Government itself; that is, those who are in the military service. I was remarking—the Senator did not catch my words—that many officers and enlisted men perform work of a clerical or business character, and constructive and important, and in addition to those employees—I use the word "employees" in contradistinction to purely military service—$600,000 are called for for additional civilian employees. Now, it seems to me that the amount appropriated for civilian employees is entirely too great, measured by the entire appropriation.

I call attention to page 13, under the head of "Air Service." The bill carries an appropriation of $19,200,000. Then follows this provision:

Provided, That not to exceed $4,000,000 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding $250,000 may be expended for experimentation, conservation, and production of helium.

I have no objection to the latter item. I think that is a very wise expenditure; but it seems to me that $4,000,000 out of $19,200,000 is entirely too much for civilian employees. We all know that in that service a great many officers and enlisted men perform important work of the same character, or much the same character, as that performed by some of the civilian employees.

On page 18 appropriations are carried for a large number of clerks and messengers and laborers in the General Staff College.

On page 19 provision is made for a large number of additional clerks and civil-service messengers at headquarters of the several territorial departments, corps areas, etc.

On page 22, for compensation of clerks and other employees of the finance department, $1,420,000 is appropriated.

So, Mr. President, on pages 13, 18, 19, 22, 28, 29, 30, 35, 46, 51, 54, 55, 61, 69, 75, 77, 78, 79, and many other pages, large amounts, aggregating millions and tens of millions of dollars, are carried for civilian employees. I believe that the amount we are called upon to appropriate for the overhead is entirely too great. It seems to me that the amount appropriated for

clerks is not justified by any reasonable demands that might be made for necessary civilian employees in these departments.

Let me ask of the Senator—because I do not want to take the time to challenge attention to each of these items—whether the committee examined them carefully with a view to determining whether these millions, if not tens of millions, of dollars are required for civilian employees in the War Department?

Mr. WADSWORTH. The committee examined them with the greatest of care. We had extensive hearings at the last session of Congress. The figures to which the Senator has alluded are the same that were reported at the last session and passed by both Houses.

Mr. KING. Let me say, Mr. President, that it seems upon the face of this bill that we pay more for clerks and noncombative forces under this bill than it cost to maintain an Army of 100,000 men before the war——

Mr. WADSWORTH. That is a pretty rash statement.

Mr. KING. In some countries, at least; and I am not sure but what these costs are not approximately as great as the annual cost in our own country for an Army which we had for many years.

Mr. WADSWORTH. The Senator asked me a question, and he is now going on to make some more statements.

Mr. KING. I yield.

Mr. WADSWORTH. Of course, the Senator's last statement is so far from being accurate that I do not think I will spend much time in answering it now. I will just take up one or two of these things and show the Senator what the committee has done.

On page 10, under the Signal Corps, the Senator criticizes an appropriation of $600,000 for civilian employees. They begged us to give them $1,398,000 for that same item. We cut the estimate more than in half. Those employees are very largely used in taking care of the storage depots, in which vast quantities of Signal Corps equipment left over from the war are stored. That stuff has to be handled; it has to be taken care of, checked up, and shipped out when it is sold by the director of sales. We cut the estimate, as I said, from $1,398,000 down to $600,000. I think the Senator will admit that that is a fairly drastic cut. We went into it very carefully, and so did the House committee, and we came to an agreement on these civilian employees. We were more intent upon reducing those items than any other.

In the Air Service the Senator criticizes the $4,000,000 appropriated for civilian employees. They begged us for $4,917,000 for that same item. We cut off practically $2,000,000 from their request. Those men are employed in about the same way, in taking care of the huge accumulations of airplane equipment, supplies of all kinds, various articles stored away by the hundreds of thousands and millions. It is stuff they are trying to get rid of. Some of it is very hard to get rid of; there is no use for it in civil life. Some of it has not much more than scrap value. It is hard to get rid of it. We are forcing them to discharge men. We forced $2,000,000 worth of civil employees out of the service.

Mr. REED. Mr. President, I do not wish to interrupt the Senator, but I want to ask him a question, if it will not interrupt him.

Mr. WADSWORTH. It will not.

Mr. REED. With an Army of 200,000 men, why is it that this work can not substantially all be done by Army officers and by enlisted men?

Mr. WADSWORTH. Then they would never do any soldiering at all.

Mr. REED. What soldiering is there for them to do?

Mr. WADSWORTH. They are training all the time.

Mr. REED. Does it require 200,000 men to take charge of these supplies?

Mr. WADSWORTH. It does not.

Mr. REED. How many?

Mr. WADSWORTH. I do not know; but we have not 200,000 men in the United States in the Army. The figure upon which the Senator bases his assumption is wrong. We have not 200,000 men in the Army.

Mr. REED. We have 15,000 men in Germany, guarding the interests of France and England, not those of the United States in any particular, for we have no interests there.

Mr. WADSWORTH. The Senator forgets the 35,000 in our overseas possessions.

Mr. REED. I have that in mind.

Mr. WADSWORTH. So that does not leave anything like 200,000 to guard property in the United States.

Mr. REED. There are soldiers in the Philippines, some in Hawaii, and some few, I think, in China. Probably it is necessary to have them there; I am not speaking of that. But I can not understand why it is not entirely feasible for some of the enlisted men and officers to do the work of guarding Army supplies.

It seems to me, Mr. President, that it is an utter mistake in a time of profound peace to follow a policy based upon the idea that a soldier shall never do anything except handle a gun. I think it will be necessary to introduce into our Army system the idea of the Army at least doing its own work. It seems to me absurd to set up any other system. I know of no avocation in life which can not be filled by some of the enlisted men or some of the officers of the Army.

If we employed them in that way we would have them subject to call. They would be cutting down expenses and in that way earning their livelihood as they went along. I think it is a question that ought to be considered in the most serious way.

I know of no greater absurdity in the world than the one exemplified when we constructed our training camps. We called hundreds of thousands of young men from all walks of life. There were brick masons and stone masons, carpenters and architects, clerks and typewriters, and blacksmiths; representatives of every trade and profession in the United States were called to the colors. It became necessary to build some houses for those men to live in, and instead of employing them at that work and doing it almost without cost to the Government we sent out and took from civil life men who ought to have been employed in civil life, paid them exorbitant, outrageous wages, while we had in the camps thousands of men who could not work at military evolutions all of the time and who would have been the better for employment. It was never done in any other war before this in the history of the world, so far as I know.

In the Civil War when the armies of the Federal Government went into camp they built their camps and were very glad to have the opportunity to do so. When the armies of the Confederacy went into camp they built their camps, and were glad to do so. If we had had the modern system instead of an army marching into a wilderness, chopping down the trees, and building the log cabins in which they were to live through the winter, as was done by Grant and Sherman and Sheridan, and by Lee and Jackson, they would have had a lot of carpenters and gentlemen employed to go down there and build those camps. The result would have been that they would not have built them in time for an army to occupy before it was again on the march. It is a system of utter waste. It is a system I do not hesitate to denounce as idiotic. You have an Army, and, in addition, a lot of wet nurses to take care of the Army. Instead of conceiving the idea that bright, keen, splendid young men sent into France, sent into Arizona, or sent anywhere else, have every ability to take care of themselves, we must send along a lot of people to look after them. It is foolishness reduced to the last degree.

I heard it expressed very well by a hard-headed old farmer at the time we were sending our troops to France. He said, "I suppose it is high treason to have an opinion of your own, but if I was fighting this war I would send one army to France, not three." He meant he would send an army of soldiers over there, not a host of people, who should have had guns in their hands, to sell them cigarettes at a profit and to open stores for the distribution of supplies.

Mr. WADSWORTH. Mr. President, will the Senator yield for a moment?

Mr. REED. I yield.

Mr. WADSWORTH. The Senator knows, of course, that the Army did all its work in France, that everything that was built was built by the Army, that they laid every rail, built every bridge, storehouse, barracks, that everything was done by soldiers.

Mr. REED. Then the Senator has conceded the point I am urging. If they could do it in France they can do it in the United States, and that ends that question and there ought to be no further discussion about it.

Mr. WADSWORTH. The Senator from New York does not accept that conclusion.

Mr. REED. I accept it.

Mr. WADSWORTH. There is a very different state of affairs on this side of the water.

Mr. REED. Yes; there is a different state of affairs. There is no enemy in front, no enemy behind, no enemy on either side, and they have all the time there is. That is the difference. The Senator says the Army did all its work over there. Let us see about that. How many millions of dollars were collected here and expended by gentlemen wearing uniforms who went over there and opened up places of amusement and places to sell goods?

Mr. WADSWORTH. Does the Senator refer to the American Red Cross and the Y. M. C. A.?

Mr. REED. I am referring to the Y. M. C. A., and I am referring to the Red Cross in part.

Mr. WADSWORTH. And to the Knights of Columbus?

Mr. REED. Yes; in part. I am not afraid to talk about those organizations. I saw many a fellow running around this country with a uniform on who was sound in wind, limb, and eyesight, and in that business because he did not want to be on the battle front; and the money all came from this country to send them there. When you talk to me about an ambulance corps, or when you talk to me about a Red Cross nurse, I admit that those people performed a heroic and splendid service and are entitled to every degree of credit for it, and it was a service that aided the Army and did not detract from it. But there were a good many hundred thousand other people sent over there—if not by this Government, they went under the authority of the Government.

Mr. WADSWORTH rose.

Mr. REED. Yes; I mean just what I said.

Mr. WADSWORTH. A good many hundred thousand were sent over there?

Mr. REED. Yes, sir.

Mr. WADSWORTH. By the Government?

Mr. REED. Yes; sent over there by the American Government or the American people, and every one of them financed out of the pocketbooks of the American people.

Mr. WADSWORTH. I hope the Senator will not forget that he said a good many hundred thousand were sent over.

Mr. REED. I said that exactly.

Mr. WADSWORTH. On what ships did they go, the "good many hundred thousand"?

Mr. REED. They all got ships.

Mr. WADSWORTH. What ships?

Mr. REED. I could not tell the name of a ship that carried a soldier.

Mr. WADSWORTH. I am afraid the Senator can not.

Mr. REED. I do not understand that kind of a question. Does the Senator dispute the fact?

Mr. WADSWORTH. Whose ships?

Mr. REED. Does the Senator dispute the fact?

Mr. WADSWORTH. I dispute the fact that there were a good many hundred thousand.

Mr. REED. How many does the Senator say went over?

Mr. WADSWORTH. I suppose not over 4,000 or 5,000.

Mr. REED. All told?

Mr. WADSWORTH. Yes; civilians.

Mr. REED. I have seen more than that number myself.

Mr. WADSWORTH. The Senator was not there.

Mr. REED. No; I was here. I had not any opportunity to be there.

Mr. WADSWORTH. I am speaking of people who went abroad. I desire to hold the Senator to his statement. Many hundred thousand civilians were sent over with the Army, said the Senator.

Mr. REED. No; I did not say they were sent over with the Army. I said they were sent over there, and perhaps I ought to have made the statement that they were engaged in this service. They may not all have gone over.

Mr. WADSWORTH. Ah, but the Senator said they were sent over there.

Mr. REED. What is the difference, if they were paid by the American people, whether they drew the money in France or drew it in New York City? It does not make a bit of difference. I have not any time to quibble about such things. That is aside from what I was discussing. There was an army of these men.

Mr. FRELINGHUYSEN. Mr. President, may I ask the Senator a question?

Mr. REED. Certainly; the Senator may ask any question he wishes.

Mr. FRELINGHUYSEN. Does the Senator mean that these men who went over there were engaged in private business at Government expense?

Mr. REED. No; but I mean that many of them went over there in uniform, that they opened up establishments, that they sold the American soldiers supplies, and that they often charged them more than the market price.

Mr. FRELINGHUYSEN. If I understand the Senator correctly, he charges that certain men, a large number of men, went to Europe during the period of the Great War in the uniform of the United States and profiteered on the American Army. Is that true?

Mr. REED. The Senator can put any construction he pleases on my statement. The statement I made was that there was a large number of these gentlemen over there in France doing work that consisted of opening up shows and fandangoes of different kinds, that some were engaged in selling supplies to American soldiers, and that in many instances they sold them at a profit. I will go further and charge that they sold some of the goods that were donated by the American people, because I have been told by soldiers, many of them, that they had bought articles which they found had been made and donated.

Mr. FRELINGHUYSEN. Of course, no one condones offenses of that character. I presume the Senator has some definite information?

Mr. REED. I have had it.

Mr. FRELINGHUYSEN. I think the Senator should submit it to the Senate.

Mr. REED. It is one of those things to be put in the background.

Mr. FRELINGHUYSEN. I hardly think there were a good many hundred thousand of those men.

Mr. REED. How many hundred thousand were there, if the Senator please, who were engaged in this work, going over the country in various ways and chasing back and forth to Europe?

I do not care to spend a lot of time discussing that question. It is not material to what I am saying except that if the American Army in France, with all the work that was necessary to be done to train and get ready for a fight with an enemy just a few miles away, could do what the Senator from New York has said they did—namely, do all of their own work, build their own bridges, erect their own quarters, and handle their own stores—it is a strange thing if in this country in a time of profound peace they can not look after their own supplies. Must they now call upon the Congress for a large civilian force to do their work for them?

Ultimately the Army, if you have one of any considerable size in this country, must take care of itself. You can not make it self-supporting, but it can be made to do its own work.

When I am told there are millions of dollars worth of airplane supplies here and that most of it is junk, I want to know why it can not be guarded by an American soldier who is looked after by an American officer, and why you have to go out and hire a man to look after these supplies who ought to be working and earning some money in some other way.

I desire to say a word or two about the bill. When the Army appropriation bill was before the Senate a few months ago in the last session of Congress I was one of very few Senators who insisted that an Army of 150,000 men was an excessive Army under present conditions. I do not know what the vote on that bill will show, because I have not looked it up, but the amendment failed.

We are told by the military authorities, those at the head of the Army and who spoke for the Government, that we must have an Army of over 500,000. These gentlemen had worked out a plan and assured us that that plan was absolutely necessary in order that the country should be properly protected. Fulmination after fulmination came forth from military sources to the effect that we must not leave our country again in a position where it could be successfully attacked. The awful examples of the war were held before us.

We were assured that this Army of over half a million men was absolutely necessary. We obtained that information not only from the officers of the Army but the Secretary of War joined in the recommendation. But Congress could not agree or would not agree. Then we were told that a plan had been worked out by which we could reduce the strength of the Army to about 240,000 men, but if we went below that we would not have such an organization as could be enlarged on scientific lines in case of war.

Then the Secretary of War, or some one, started on a recruiting plan to fill up the Army to the top of the allowance. I think if any man will examine the facts he will find that effort was forced to the very utmost, that they recruited the lame and the blind and the halt to a disgraceful degree, and that they were obliged, after they had sent them to various camps, when they underwent thorough examination, to pay the fares of numbers of them back home. That is the information which comes to me from officers in the Army, and I credit it.

The Senator in charge of the bill smiles at my remark. For myself, I saw with my own eyes in the city of Chicago in front of employment agencies groups of recruiting officers posted to buttonhole the riffraff that drifts in and out of such agencies, trying to induce them to sign enlistment blanks. There hardly could have been gotten together anywhere in the country a more undesirable looking lot of creatures to put into the Army. They were foreigners, jabbering in broken tongues. That was a part of the drive to fill up our Army.

Congress put its foot down upon that proposition and passed a bill to limit the size of the Army to 175,000. So we have made some progress. From an Army of about 540,000 we have finally

settled down to about 175,000, and the question that is now presented, as I understand it, is whether we are going to make a further reduction to 150,000 men. We are told that an Army of that size is the very lowest we can possibly get along with.

I will tell you how you can reduce this Army by 15,000 men and not lose a man from the defense of the United States. We have in round numbers 15,000 soldiers somewhere in France or Germany. What are they there for? Why does not the present administration bring those soldiers home? It is no excuse to say that they were sent over there by a former administration, for that is excusing one error by pleading another. We have been substantially at peace for three years; it will not be long before it will be four years. Not a gun has been fired. What are those 15,000 men kept in Germany for? What right of the United States are they enforcing? What property of the United States are they guarding? What interests are they looking after? I defy any living man to tell me a good reason for keeping 15,000 men in Germany.

The Senate long ago passed a resolution declaring a state of peace. It is tied up in the House of Representatives. Why and by whom? The President of the United States in many of his campaign speeches pledged the American people that there would be an immediate declaration of peace.

In his message to Congress he declared he would sign such a resolution, if properly drawn. It was properly drawn, but it is suspended in the House of Representatives, and I should like to have some one who is in touch with the present administration tell the American people and the Congress why it is being held up. The grapevine brings us many mysterious stories and reasons. One is that a Representative has an ambition to have his name attached to the resolution in place of the name of the Senator from Pennsylvania [Mr. KNOX], but other rumors are to the effect that the administration has interfered. I do not charge that, for I do not know it to be a fact, and I should regret exceedingly to find the rumor verified; but if the rumor should be verified, it would furnish an illustration of a breach of faith with the American people which would find but few parallels in the history of the American Republic, for if there ever was a solemn pledge made to the American people it was that peace would be immediately declared, once the new administration came into power.

I say this in kindness, for no one more than myself entertains a kindly feeling for the President of the United States. We have the right to have this war ended, some time, somewhere, somehow. We have a right to have those American soldiers brought back to the United States and the expense of keeping them in Europe ended.

It will be said that Germany is under an obligation to pay the expense of the American troops in Europe. The last figures I saw some time ago were that Germany is now in default to the United States over $225,000,000. Perhaps the Senator from New York [Mr. WADSWORTH], in charge of the pending bill, can give me the correct figures. If I had the money, I would not want to cash that obligation at 10 cents on the dollar. We may get it; we may never get it; but the soldiers doing duty over in Germany are a menace to the peace of the American Republic every moment they are there. They are a menace for this reason: If a disturbance should occur in that part of the world, there would be great danger of our troops being drawn into it. It will be recalled that they were once ordered into a peaceful country, a country with which we never had been at war; they were put in line of battle, and were held for a long time in that country. I speak of Russia. That fact serves to illustrate, with very great force, the danger of our troops being kept where they are.

There is trouble in Poland; there is trouble in Silesia; there is trouble in Turkey; there is war between Greece and Turkey; all Europe is in a state of turmoil. France and England, if the press reports are to be credited, have recently indicated a disposition almost to spring at each other's throats.

They are quarreling about boundary lines; they are disputing over coal possessions; they are in conflict regarding questions of economics and military questions; but chiefly the quarrel is over the collection of the money that France and England and Italy say should be paid them by Germany. I assert that if there is any reason on earth for keeping the American soldier over there, it is that he may be employed as a collecting agent, to collect the money which is due to foreign Governments. So long as our soldiers are in that position, if the flame should break forth at any time and our soldiers should be drawn into the conflict and some of them should be killed, not only would the misfortune of their deaths fall upon us, but the cry would at once be raised, "American blood has been spilled and ought to be avenged." England knows that; France knows that; Italy knows that. So long as our troops can be kept there, those countries feel that the United States has a living pawn upon the international board, and that pawn they regard as being there for their protection and benefit. It is time to bring those soldiers home. When we bring them home we shall have 15,000 more men in this country to help defend the country, and we shall need 15,000 fewer men for the taxpayers to support.

Mr. President, there is a good deal of misinformation going out to the public in general in regard to our Army. The people are being told that we are only to have a little Army of 175,000 men, but that is not all of the military force of the United States. Of course, at the present time the Army comprises 228,000 men, but if we reduce the Army to 150,000 that will not at all represent the aggregate of our fighting force. We have in addition to that 21,583 marines.

Mr. KING. We have nearly 27,000.

Mr. REED. The figures were given to me on yesterday as being 21,000. They were, however, given over the telephone, and there may have been an error in hearing the figures.

Mr. KING. I will get the figures for the Senator in a few moments.

Mr. REED. Very well; but be it 27,000 or 21,000, the late war proved that the marines are a very good fighting force.

We have, in addition to that, 98,000 National Guardsmen, officered, for the most part, by veteran officers of the European war. I am informed that the National Guard is better armed and equipped than ever in the history of the country. My further information is—and I think it is correct—that recruiting is going on rapidly, and that we have already authorized a National Guard which, if it is filled to its full complement, will exceed 425,000 men. The very latest information I have from a man who occupies a high position in the control of the National Guard is that the discipline and the morale of the guard are vastly superior to what they were prior to the war, and that there is every indication of a readiness to enlist, so that that service will undoubtedly largely increase in the near future, and it will be a body of men officered by the cream of those officers who volunteered and went over to France.

Mr. President, I do not hesitate to say that that is nearly all the force we need in this country. I insist that this bill shows that a National Guard can be maintained at so much less expense than can the Regular Establishment that everybody ought to be ready to join in an effort to increase its size, instead of building up a big standing Army that eats money. We ought to have a very large National Guard, the members self-supporting the year around, and the Government only required to pay the cost of their equipment and the expenses of armories and occasional trips to camp. That is the way to prepare this country for its defense.

Let me say again, and say it with all the force I can possibly summon, that the National Guardsmen demonstrated in the great World War their capacity to march beside and fight beside the Regulars. They did so in every instance. Not once did they fail. If we had sent none but Regulars to France, the force would have been so small that it would have been swallowed up and lost in the multitude. There were a vast number of men who never would have gone under ordinary circumstances, who volunteered in the Regular Army because there was a war; they recruited it up to a considerable extent, but still my information is that there were more National Guardsmen on the battle front than there were Regulars; that they got there almost as quickly as the Regulars, and they stood for a good deal of hard usage by Regular Army officers, in my judgment. Be that as it may, we will have 170,000 Regulars, 27,000 Marines, 98,000 National Guardsmen, and, in addition to that, 70,000 reserve officers, who are not upon the pay roll, but who can be called out at any time in case of war, almost all of whom saw service in France and are capable of taking command of men at a moment's notice.

Mr. President, to say that we can not safely cut the Regular Army to 150,000 men at this time seems to me to be utterly ridiculous.

That would give us 150,000 Regulars. Twenty-seven thousand marines added to that number makes 177,000 men in the regular service, with practically 100,000 National Guardsmen who can be called to the colors in a day's time, and who are officered by veterans of the war. That provides a military force of substantially a quarter of a million troops in a time of profound peace; and that is sufficient, sir.

When you tell me that you can not get up a plan for an Army of 150,000 men that can be expanded, I say that if we have not enough military talent in this country to devise a plan of that kind we had better start educating it. It is an utter absurdity to make the assertion that you can not devise

a plan given an Army of 150,000 that can be expanded to any size necessary, and 70,000 reserve officers which you can call on at any moment to help organize the new troops.

In addition, Mr. President, everybody knows that if this country were to be attacked from within or without, there is scarcely a man who went abroad in the last war and who is in sound health who would not rally to the colors. They are all young men yet. They are all the same kind of men they were when they so gloriously demonstrated the courage of the American soldier on the fields of France. They are all patriotic now, as they were then, and they have the additional advantage of training and experience, and they are here and will respond to the call.

Besides, who is going to attack the United States just now? I voted for the large Navy bill because that is our point of weakness, and because it is not only our first line of battle, but if managed aright it may be the last, and because if we have a real Navy no Nation in the world can ever send a single soldier to put foot upon our soil. I am going to vote for a reduction of this Army bill, and I wish it were 100,000 instead of 150,000 that we were voting on. I wish that we might build up in this country a National Guard of two or three hundred thousand citizen soldiers who live with their fathers and mothers and their wives, who are part of the community, and who support themselves, so that the Government would only be required to furnish their equipment and pay the expenses of training them in camps on occasion.

That is the way to defend this country; not by the hired soldier who works all the year around and is nothing but a soldier.

It has been said here—I have said it myself; it is a thing that every man will recognize if he pauses to think—that no Regular Army we ever have had can defend this country against a great enemy, and no Regular Army we ever will have as long as we are a Republic can defend this country against a great enemy. When the enemy comes, the defense of this country is found in the men and women who live in the homes of this country. The vast resources of the Nation must be mobilized and millions and millions of men must be summoned to the battle front, and when they are summoned they will come. All we need is the equipment and the officers—men who have the skill of brain and knowledge to have planned in advance, so that the men can be mobilized and utilized.

I do not mean to say that training is of no advantage; but if you are going to have training to defend you in the time of war, then you must train not a little Regular Army but you must train a large body of citizens. The best means yet devised to accomplish that end is to train a large National Guard composed of volunteers, to officer it efficiently, to equip it properly, and to have it in readiness.

So, Mr. President, I shall vote to reduce the size of the Regular Army, and I hope it will be reduced.

Mr. KING. Mr. President, just one word in reply to what the Senator from New York [Mr. WADSWORTH] said a moment ago. I was just tabulating the items—and I regret not having had the time to complete the list containing appropriations for civilian employees and clerical help. A few pages only of the bill contain the following appropriations for civilian employees: $600,000, $4,000,000, $147,590, $48,100, $733,000, $5,000——

Mr. WADSWORTH. Mr. President, may I point out an error already?

Mr. KING. Yes.

Mr. WADSWORTH. The Army field clerks are not civilians.

Mr. KING. Oh, well, what does the Senator denominate them? They are not fighting men, not combatants; their work is wholly of a clerical nature.

Mr. WADSWORTH. They are part of the Army, subject to military discipline, eligible for transfers as warrant officers. I am only contending for accuracy; that is all. The Senator has stated $733,000 there for civilian employees. Let us have it right.

Mr. KING. Mr. President, I am gratified to know that the Senator desires accuracy, and I am sure that the Senator can furnish much light upon this bill. I say that by way of compliment, because he has given much excellent service and has devoted his fine ability to its formulation.

I was speaking of civilian employees, or rather those who do not constitute a part of the fighting force and whose duties are entirely of a clerical nature. This class performs no military duty and are essentially peace employees, doing the work of clerks, typewriters, stenographers, and so forth. I was speaking of the tremendous expense involved in the maintenance of an Army. In order to have one soldier, it would appear that we must have one civilian employee or one clerk or some other supernumerary that does no combat work. I am not so sure that it does not require more than one supernumerary or civilian clerk or noncombative employee in order to furnish one soldier. The Senator from New York knows that far better than I; but I was calling attention to the vast expense involved in the clerical work, in the civilian work, incident to the maintenance of the Army.

Continuing, I find here some other items. One of them is $198,000. The Senator may very properly say that that is not a charge against civilian employees. Perhaps the Senator may be right. It is, however, for the commutation of quarters for civilians, as I understand the item.

The same is true of the next item, $75,000.

On page 22 is an item of $1,420,000.

On page 28 is an item of $1,750,000.

Mr. WADSWORTH. Will the Senator mention that item—on what page?

Mr. KING. On page 28.

Mr. WADSWORTH. Oh! I thought the Senator said page 22.

Mr. KING. No; page 28:

Provided, That from this appropriation not to exceed $1,750,000 shall be expended for the pay of civilian employees.

If I am in error there, I shall be glad if the Senator will correct me.

Mr. WADSWORTH. No; that is all right.

Mr. KING. The item preceding it is $16,500,000, and of that amount $1,750,000 goes to civilian employees.

The item on page 22—if I am in error there I shall be glad to be corrected—is:

For compensation of clerks and other employees of the Finance Department, $1,420,000.

I find on page 30:

Provided, That from this appropriation not exceeding $2,450,000 shall be expended for the hire of labor; not exceeding $2,825,000 shall be expended for the pay of civilian employees other than laborers.

So there would be over $5,000,000 to be expended under the item of "Incidental expenses"; and so on, Mr. President. Before the bill is passed, if it is not hastily railroaded through the Senate, I shall place before the Senate a complete tabulation of the items carried for civilian employees and for clerical help and for other expenditures, to be differentiated from expenditures that might be denominated "combative"—that is, expenditures for the officers and soldiers and for their maintenance and subsistence, and for guns and military supplies.

I made an observation a few minutes ago, and the alert Senator from New York challenged the accuracy of that statement. I have not before me, unfortunately, all of the data, which could soon be obtained from the Library; but let me call attention briefly to the expenditures for the Army for a number of years:

In 1877, $27,621,000 plus—I will omit the hundreds of thousands.

In 1878, $25,000,000.

In 1879, $25,000,000.

In 1880, $26,000,000.

This bill carries nearly as much for the payment of civilian employees for service in the Army and for other clerical help as the entire expenses of the Army in either of the years just mentioned. Indeed, I am inclined to think that this bill will carry more than either of those sums for civilian employees and for the payment for services outside of the combat forces.

In 1881, $26,000,000.

In 1882, $28,000,000.

In 1883, $27,000,000.

In 1884, $24,000,000.

In 1885, $24,000,000.

In 1886, $24,000,000.

In 1887, $23,000,000.

In 1888, $23,000,000.

In 1889, $24,000,000.

In 1890, $24,000,000.

In 1891, $24,000,000.

In 1892, $24,000,000.

In 1893, $24,000,000.

The same for 1894.

In 1895 it was $1,000,000 less.

In 1896, $23,000,000.

In 1897, $23,000,000.

In 1898, $23,000,000.

No one thought during these years that our country was very much endangered by reason of the small size of the Army and the limited amount spent for its maintenance.

In 1899, the entire expense of the Army was $23,000,000. Then came the Spanish-American War, and our war expenditures expanded to $80,000,000.

Mr. WADSWORTH. Does the Senator state that that was the cost of the Army in the Spanish-American War?

Mr. KING. No; that is just for the one year.

Mr. WADSWORTH. What year?

Mr. KING. For 1900.

Mr. WADSWORTH. That was two years after the war.

Mr. KING. In 1899, $23,000,000.

Mr. WADSWORTH. That was just for the Regular Army alone, of course. The 1899 expenditures were much higher than $23,000,000.

Mr. KING. Yes; my recollection is that the Spanish-American War cost something over a billion dollars.

In 1901, our expenses for the Army were $114,000,000.

In 1902, $115,000,000.

In 1903, $91,000,000.

In 1904, $77,000,000.

In 1905, $77,000,000.

In 1906, $77,000,000.

President Roosevelt devoted himself energetically to the building up of the Navy, but he approved of the policy which provided the United States with a small Army.

And he favored restricting the expenditures for the Army to the lowest possible limit, and that view was entertained by the American people.

In 1907 war expenditures were $71,000,000.

In 1908, $78,000,000.

In 1909, $95,000,000.

In 1910, $101,000,000.

In 1911, $95,000,000.

In 1912, $93,000,000.

In 1913, $90,000,000.

In 1914, $94,000,000.

In 1915, $101,000,000.

In 1916, $101,000,000.

Then we were thrust into the World War, and the enormous expenses incident thereto were incurred.

The ordinary expenses for the Regular Army in 1917 were $267,000,000.

In 1918, $273,000,000.

In 1919, $225,000,000.

Yet the entire expenses for this year are more than $320,000,000.

Mr. WADSWORTH. Does the Senator say that the Regular Army last year cost only two hundred and some million? The Army appropriation bill carried $392,000,000, or $60,000,000 more than the pending measure.

Mr. KING. In 1917 it was $267,000,000. I was speaking of the Regular Army appropriations.

In 1918 they were $273,000,000.

Mr. WADSWORTH. That must be a segregation of certain items out of the war appropriations.

Mr. KING. All appropriations for the fiscal years from 1877 to 1917, inclusive, are shown by the document I hold. It was prepared by this Government.

Mr. WADSWORTH. It is apparent on its face that the Regular Army cost infinitely more than that in 1918.

Mr. KING. I shall be very glad if the Senator will examine these figures; and if they are erroneous, I should be glad to have the department which prepared them make correction, because erroneous information should not be promulgated.

Mr. WADSWORTH. When I made that statement a moment ago I meant using the same basis of computation the Senator is using in his comments on this bill. Charging to the Army all the things that he charges to the Army, it would be infinitely beyond $260,000,000. Of course, you can take out of the war-time expenditures just the pay of Regular Army officers and Regular Army soldiers, and their clothing, and the money which would have to be spent upon them.

Mr. KING. The Senator will bear in mind that I am giving the cost for 1917 and 1918.

Mr. WADSWORTH. That was during the war. It is not important, and I did not mean to interrupt the Senator.

Mr. KING. I think it is important that I should have the RECORD accurate. I should very much regret to have placed in the RECORD an inaccurate statement, even though it came from Government departments, or officials of the United States.

I find on the following page of this same document that in 1919 the Army expenditures were $10,225,000,000. That would be, I assume, when the peak of the war expenditures had been reached, and when many of the contracts negotiated in former years matured, and the obligations were met by the Government. At any rate, the appropriations made in that year were $10,225,000,000 plus.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. In just a moment. In 1920 the cost was $772,000,000. Now, I yield.

Mr. LENROOT. With reference to the 1917 and 1918 appropriations, which the Senator has read, both those appropriations were made prior to our entry into the war; that is, the bills were passed prior to our entry into the war, and the Senator is reading only the appropriation bills. Of course, the Senator does not mean that that was the cost of the Army during the fiscal year ending June 30, 1918.

Mr. KING. No; no. I understand there were many obligations incurred during that period and, just as I stated a moment ago, the maturity of many of those obligations presumably came in 1920, when the prodigious sum of $10,000,000,000 plus was appropriated for the Army of the United States. It is my recollection that a considerable portion of this appropriation was covered back into the Treasury, not having been expended.

In 1907, Mr. President, we had 54,000 enlisted men. In 1908 we had 67,000 plus. I am not giving the number of officers. In 1909 we had 74,000, and in 1910, 70,000. I do not happen to have the book here containing the figures for the Army during the years from 1910 to 1915, but in 1915 there were 95,765 enlisted men. That does not include the officers. In 1916 there were 97,000 enlisted men; in 1917, 283,000.

So, Mr. President, the appropriations for the Army now are infinitely greater, as I have indicated, than they were a few years ago, and the appropriations are entirely disproportionate to the increase in the Army. We are now providing for an Army for the next fiscal year, the minimum of which is 168,000, and we are asked to appropriate more than $320,000,000. The amount is entirely too great for the size of the Army. The cost of the Army is entirely too great in view of the size of the Army, and it is entirely too great in view of the burdens resting upon the American people. The overhead incident to the maintenance of the Army is entirely too much. The red tape, the wasteful and archaic methods employed, the great mass of civilians and clerical and other help utilized in the work of the Army—these and a multitude of other causes—call for enormous appropriations. War machines, both in peace times and in war times, are expensive. The country receives but little for the huge sums expended.

We are appropriating more for an Army of approximately 200,000 men as an average for the year than the annual costs of Germany for her mighty military hosts prior to the World War.

Republics have not learned economy of administration. Both the States and the National Governments pay entirely too much for the administration of their Governments.

Mr. FLETCHER. Mr. President, I suggest to the Senator that one increase is due to the increase of pay, which is, of course, very considerable. The enlisted men now get $480 a year, and the pay of those higher in rank has been increased proportionately.

But in addition to that the overhead built up during the war, which can not be absolutely done away with in a minute but which is being reduced as rapidly as possible, accounts for a large part of this expense, and I think myself the Senator is correct in criticizing the enormous overhead expense. I believe the enormous overhead expense is the real trouble in the Army to-day, and we are trying, of course, to reach that as rapidly as we can. But when you had to have an Army of 4,000,000 men, you had to have a considerable expansion of the overhead, and when you begin to reduce that Army, as we have done within the last two years, down to the present strength of 230,000, we are making a very considerable progress in that direction, and along with it has gone a considerable reduction in the overhead. But, in my judgment, there is still too much overhead expense to-day. We can not get rid of it, however, in a month or two. It is going to take a little time, and the effort is being made, I believe, in all branches of the department to reduce that overhead as fast as possible.

Mr. KING. Mr. President, I want to compliment the chairman of the committee, the Senator from New York [Mr. WADSWORTH], and the other members of the committee for the excellent work done in the preparation of this bill. They have accomplished some economies and reforms. The Senator from New York has valiantly striven to bring about reforms, and I wish to unreservedly commend him for the splendid work which he has done. But he and the committee have had behind them the impetus of a tremendous organization, and it has resistlessly pressed for a larger Army; that is, some forces in the Army have contended for a larger Military Establishment, and

it has been a difficult task, I concede, to bring about reforms and to reduce the personnel and to get rid of the débris of the war.

But we are now far removed from the war, some three years, and the expenses of the War Department for the fiscal year 1922, it seems to me, should be reduced materially below the levels provided in this bill. I know how difficult it is to overcome bureaucracy and the momentum which the bureaus and the executive instrumentalities of the Government assume. We have to fight, Congress has to fight, for reforms, to fight against the executive departments. The executive branches of the Government are more extravagant than have been the legislative branch of Government, and that is saying a great deal. But we have to continue these cuts, drastic though they seem to be. The Army must be reduced in size and the cost of maintaining it must be brought down. There is no reason for a large standing Army, and the burdens of maintaining it are becoming too heavy to be borne.

It is difficult to see how the people are to meet the demands of the States and the Nation. The taxes required to meet the legitimate expenses of the Government are a heavy burden; beyond that they become an intolerable burden. Before the bill is voted upon, I shall offer an amendment to reduce the Army to 100,000 men. I think that an Army of that size is sufficient for the coming fiscal year.

Mr. HARRIS. Mr. President, may I ask the chairman of the committee about an item on page 20, line 4, pay of contract surgeons, $56,801. It is my understanding that we have more surgeons in our Army for its size than there are in any army in the world, and with the reduction in the Army it seems to me that the regular surgeons should be able to do all of this work.

Mr. WADSWORTH. I can tell the Senator about that. There is a mere handful of contract surgeons. Sometimes the Army has 20, 30, or 40 men at some remote post. It is not a large enough number of men to warrant the assignment of a regular medical officer to that little place. In that event the Surgeon General makes a contract with a local physician to provide medical care for this little group of men, and he is known as a contract surgeon. It is a great saving of money to do it in that way; otherwise we would have to have a captain in the Medical Corps assigned to some little far-away place, with only 20 or 30 soldiers. That is the purpose of the item.

Mr. HARRIS. The Government does not employ regular practicing surgeons at regular salaries?

Mr. WADSWORTH. Oh, no. They are working part of the time only for the Government.

Mr. WATSON of Georgia. Mr. President, some days ago one of the high, most popular officials of the Government went out into the regions roundabout and made a speech in which he complimented the country upon the fact that the people had intrusted their interests to "a wise, clear-visioned man from Ohio," and that in their service this man from Ohio was toiling on, day after day, not in his own but the public welfare.

I have a very vivid recollection of the speeches made in the last campaign. I remember the speeches of the "wise, clear-visioned man from Ohio." I remember that he was represented in speech and cartoon as staying out of the League of Nations, represented at the door of a house where Gov. Cox was entering the league at the other door. I remember that the wise, clear-visioned man from Ohio distinctly promised that he would immediately urge upon Congress peace with Germany by the resolution which President Wilson had vetoed. I remember that he promised us to bring home the soldiers from the Rhine. I remember the promise for economy in all branches of the Government as opposed to Wilsonian waste and extravagance.

Mr. President, we have been here now three months and the President has been here three months, and we have seen him tolling on from day to day from one proud ovation to another proud ovation, from one good little speech to another good little speech, and we are almost on the point of discovering that the Ten Commandments are in force and that 12 times 12 still make 144.

What have we done? An English novelist once wrote a book entitled "What Will He Do With It?" This wise, clear-visioned man from Ohio has "it." What will he do with it? Is it not time he was telling us?

The Knox peace resolution passed the Senate without the aid of its distinguished author. We passed it while he was absent. Why he was absent is his business and not mine; but we passed it while he was absent, and we sent it over to the House of Representatives confidently expecting its speedy passage; and there it has hung in suspense—why?

The soldiers are still on the Rhine—to become naturalized? Because they love it? Are they going to stay over there indefinitely? Why are they on the Rhine? There seems to be a mysterious connection between the failure to pass the peace resolution and the retention of those troops on the Rhine. By a mere shred of legality the troops are kept upon the Rhine because we have not passed the peace resolution. Can any Senator suggest any other reason why peace should not be legally declared? Can any Senator suggest another reason why the wise, clear-visioned man from Ohio has not kept his pledge to withdraw those troops from Germany?

As to economy, what have we done? The Senator from Florida [Mr. FLETCHER] suggests "overhead charges." I have heard that expression until it begins to pall upon me. "Overhead charges" in the Army, in the Navy, in the Shipping Board, in the deficiency bill. "Overhead charges," and the Senator from Florida says they can not be reduced in a month. Who has asked that they be reduced in a month? It is two years and six months now since the armistice, and still we are preparing for war. Have they not, in that two and one-half years, had time to reduce the overhead charges? When will they be reduced? Will it be next month, next year? Will it be when the people are exhausted, when they have been bled white? Overhead charges! They can not be reduced in a month? No; but in two years I think they might have been reduced.

Mr. FLETCHER. May I suggest, if the Senator will allow an interruption, that they have been reduced. My contention is that they can not be entirely eliminated immediately, but I myself believe they are too high now and that they ought to have been reduced further than they have been.

Mr. WATSON of Georgia. Then fall in line and help us reduce them.

Mr. FLETCHER. But I am not claiming that they have not been reduced, because they have been very greatly reduced, of course, in all the departments.

Mr. WATSON of Georgia. Mr. President, there must be some object in view in the maintenance of this huge standing Army. Everybody knows what the constitutional history is. Every Senator is more or less familiar with it. The fathers who framed our Constitution took it as a truism, accepted and universally acknowledged, that a standing Army was incompatible with civil liberty and individual rights. They came from England, where that question had been debated in the halls of Parliament and on the battle fields. Dynasties had gone down and new dynasties had come up on the very ground that the old dynasties endeavored to maintain a standing army. The Stuart dynasty, not being furnished with money by the British Parliament, relied upon secret funds furnished by the absolute King of France. Parliament, finding it out, the people finding it out, rose in rebellion against that dynasty and drove it from power and accomplished the revolution of 1688. That question came up again and again afterwards, and never was there a standing army in England, not even until the signal for the war of 1914.

In the Constitutional Convention of 1787 Senators will remember that our forefathers debated the best method of keeping down the standing army. Its danger was admitted. Nobody denied it. Mr. Hamilton himself did not deny it. They discussed first one plan and then another, and they finally hit upon this plan of an appropriation limited to two years, upon the assumption that the men who made that appropriation would have to return to the people once every two years to get the people's sanction before that appropriation could stand. Therefore, it was provided that the House of Representatives, elected every two years, should be heard, considered, deferred to, if you please, in making military appropriations for which they have to account. Is it not putting them in a false position to force them to go back next year to their constituencies and answer for a bill made here by six-year men and four-year men in the Senate?

Surely the Senator from New York, who so ably leads for the bill on its passage through the Senate, has some objective in view in asking for an Army of 170,000 men in a time of profound peace, so far as we are concerned. I understood him yesterday to say that it would wreck the Army if the high command were required to reduce it to 150,000 men.

Mr. WADSWORTH. May I interrupt the Senator?

Mr. WATSON of Georgia. With pleasure.

Mr. WADSWORTH. I said 120,000.

Mr. WATSON of Georgia. I stand corrected, and I ask why can not the Commander in Chief and the General Staff reduce it to 100,000 if we say they must? Could not Gen. McClellan have organized or reorganized an army and brought it up or brought it down to 100,000 men? Could not Gen. Grant have organized up or organized down to an army of 50,000 men?

Could not Gen. Lee have done it? Could not "Stonewall" Jackson have done it? Could not Gen. Sherman have done it? It seems to me that any great captain, any great organizer knowing his business, would be able to do it if he wanted to do it.

Name after name has been mentioned here of nations which are our rivals and who may be our enemies. By a process of elimination let us see against whom this Army is being prepared.

Take the case of Great Britain. What possible danger have we to apprehend from her—a loose-jointed empire, held together by uncertain ties, with indications that the members of the Empire are about to fall off from it. There are 100,000 regular British troops maintained in Ireland! Think of it—100,000 troops!—35,000 more than the Duke of Wellington had when he met Napoleon at Waterloo; 100,000 men!—a greater army than Gen. Lee ever commanded or than "Stonewall" Jackson ever commanded. Wellington himself, in his immortal Peninsular campaign, never commanded more than 45,000 troops. The English Empire now has 100,000 regular troops in Ireland, a few miles across the narrow channel, engaged in what is really a civil war; one part of the Empire destroying the other—and, therefore, like Saturn, the British Empire is devouring its own children.

We read of another British army going into Silesia, and it is within a hair's breadth of an armed collision with France.

There is another British army, maintained in India; another in Egypt; another in Mesopotamia. Would it not seem to be a common-sense proposition that an empire thus about to fall to pieces, which is stuck together only by the bayonet, can not always hold together? Then it does not seem to me that we need apprehend any danger from Great Britain.

How is it with Japan? Japan is staggering under the burden of taxation. She also has her imperialists. They endeavored to gain a foothold and territorial increase in Siberia, but the latest news is that Japan can not afford the expense and is withdrawing from Siberia. She has on her hands Korea, another Ireland, so to speak; and she has the everlasting question of China—whether she will be allowed, by treaty or otherwise, to absorb the largest group of the human family. How can Japan be a danger to us? With our fleet as it now stands, with the fleet as it stood before the war, how could Japan do anything against us, so many thousand miles away? Where could she get her naval coaling stations? How could she supply her armies or her navy? Where would she land her troops? What would we be doing while she was trying to land them thousands of miles away from her base of supplies? Japan is nothing but a bugaboo with which imperialists endeavor to scare the civilian into adopting a militarist policy in this country.

What other danger have we? Is it France? Why, France is so spread out in her imperialistic designs that it is all she can do to maintain her army at home, with another in Syria, and another in Cilicia, and another in Silesia.

Senators, Great Britain is so put to it, that her army right now is composed not of white men merely. One-third of the English army is black, imported from India and from Africa, to hold the balance of power in Europe, as umpire of the war game between the whites.

How about France? Nearly one-half the soldiers fighting for France are colored troops, imported from the jungles of Africa and turned loose on the white populations of Europe. Therefore, it is idle, it seems to me, to say that we need apprehend any attack from Great Britain, Japan, France, or any other country on the globe.

You may build ramparts as China did, with 400,000,000 people behind them, but unless those people are warlike in spirit, ready to respond when the country calls, the wall does them no good whatsoever.

You may build ever so many navies, but history will tell you that it never has been the rule that the largest number of ships won the battle on the high seas. It is the better quality of troops, the better cause in which they fight, that determines the battle; and very often the smaller vessels and the smaller number of vessels gain the victory. We proved that in the War of 1812; England proved that in the Napoleonic wars. In every single instance where Lord Nelson and the other great sailors of Great Britain engaged the combined navies of France and Spain it was the English who were in the minority and who bore off the triumph.

When are we going to reach the point when we can say "economy" and practice it? Senator after Senator has alluded to the condition of our people. It can not be described in terms that will show how great their distress is. They believed last November that they were putting men in power here in Washington who would reverse the Wilsonian policy, reduce expenditures, and bring the Government back closer to the people. One of the slogans of Candidate Harding was "back to the Constitution and away from the league," but to-day we are closer to the league than we are to the Constitution.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. WATSON of Georgia. With pleasure.

Mr. LA FOLLETTE. I should like to ask the Senator from Georgia if he does not think that it is possible that the large standing army that we are building up in this country is for the purpose of taking care of the distressed people at home?

Mr. WATSON of Georgia. Mr. President, I am very glad the Senator from Wisconsin has asked the question. I was about to get on that ground in connection with what the Senator from New York said about the fatigue duty of the private soldier and in connection with police duty performed by the United States Army. I should like for the Senator from New York, whose ability I admire, to point out to the Senate the constitutional authority for using the United States Army to police the States. [A pause.] The Senator does not answer.

Mr. WADSWORTH. I will answer in my own time.

Mr. WATSON of Georgia. I thought the Senator would answer in my time so that I might reply to him.

Mr. WADSWORTH. I am delighted to listen to the Senator without interruption.

Mr. WATSON of Georgia. I appreciate the compliment as much as I regret the lack of opportunity to reply to what the Senator might say.

It was never contemplated that the Federal Government should police the States. Who dares to say that the State of New York can not police herself? Who dares to say that the State of Wisconsin can not provide the necessary police service within her borders, or the State of Georgia, or the State of Florida, or the State of Ohio, from which the wise men come. [Laughter.] I do not mean the wise and very able Senator [Mr. POMERENE] who sits smilingly in front of me, nor do I mean the other wise man from Ohio who would be smiling at me were he in his seat.

Where do we get the authority to police the States, take them by the nape of the neck, and tell them to behave themselves? No such authority exists. It is entirely an invasion of State rights and local self-government for the central Government to take upon itself the power to enter a State and do police work.

Mr. President, it does not do any good here in the Senate to talk against an invulnerable, inflexible majority. I know that perfectly well; but back of these immovable men who are determined not to give the people relief, although they promised it, are the people at home. Back of them are the independent newspapers of the country, and we are perforce compelled to look for results before that great jury of the common people and to get our views before them through the independent newspapers of the land.

Senators, you are reckoning without your host if you believe that you can ride roughshod over the promises made last year and not be held to account for it. You will be held to account. Men who are here for six years can not be turned out; men who are here for four years can not be disturbed; but where is the Senator here for four or for six years who would not feel the chill and discomfort of friends falling off and of the moral support of the people giving way under his feet? No man loves to be unpopular; no man loves to be deserted by his own people, and only the man can endure the ordeal who in his conscience feels justified for what he has done, and who from the clouds of to-day looks forward to a brighter to-morrow.

I hope, for their own sakes, the Senators back of these increases of Navy and Army feel that they are doing right, because they certainly will need their fortitude a few months after this Congress shall have adjourned.

This Army, after all, is organized against our own people and in the interests of the officer class, the officer caste; not the democracy of the French Army, but the autocracy of the American Army.

The Senator alluded to the "fatigue duty" of the private. Is it a part of the fatigue duty of the private to trundle around town the baby cart of the officer? Is it a part of the fatigue duty of the officer to motor out to the polo grounds, mount the ponies, and play the game, while the privates groom the horses, blanket the horses, and tote the balls? How would it do to put the privates on the horses and let the officers groom the horses and tote the balls? How would it do for the officer to trundle the baby cart of the private?

Fatigue duty? Well, I should think it was very fatiguing, and we are asked to pay for it—menial service, servant work. God knows the soldier ought to obey his officer and observe the rules of discipline during the hours of duty; but when the soldier comes off, and the hour of duty is over, he ought to be a free American citizen, proud of his individual manhood, just as the officer is.

It would be the easiest thing in the world for me to tell the story of a militaristic empire which went to pieces during the late war. I will not tell it now. At some other time I will; but, Mr. President, I hope that the House of Representatives will take courage by what has been said here by the few of us who intend to make, to the bitter end, a fight for the keeping of the campaign promises of last year. Those men of the House of Representatives are right, and they ought to stand by it and fight it out on that line, if it does take all summer.

Mr. WADSWORTH. Mr. President, the Senator from Georgia asked me a question to which I promised to reply in my own time. He asked what right the Federal Government had to use the Federal Army, or the Regular Army, as he expressed it, to police the States. I call his attention to section 4 of Article IV of the Constitution of the United States. It reads as follows:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

I think that answers the question.

Mr. WATSON of Georgia. Mr. President, I was not unaware of the existence of that provision of the Constitution, but my construction of it differs from that of the Senator from New York.

Mr. FLETCHER. Mr. President, I am not quite in accord with what the Senator from Georgia [Mr. WATSON] has said. I do not, however, want to be put in the position of advocating extraordinary expenditures because I do not quite agree with the House and am inclined to support the bill as reported by the Senate committee.

The argument made by the Senator from Georgia, it seems to me, leads logically to the conclusion that we ought not to have any Army at all in the United States. I do not know whether the Senator would contend for that or not. I will ask the question whether, in his view, we ought to dispense with the Army?

Mr. WATSON of Georgia. Mr. President, I should like to answer the Senator in the words of Jefferson's first inaugural. That would be my answer—that reliance upon the State Militia is the best reliance in time of peace. We do not need any 175,000 men to go into Georgia or Florida to maintain peace, even at the call of the governor.

Mr. FLETCHER. Of course, Mr. President, the Senator knows that under the present organization scheme of the Army it is composed first of a regular force, what is called the Regular Army branch of the Military Establishment, next the National Guard, and after that the reserve force; so that we have, as it were, three lines of defense making up our United States Army of to-day: The Regular Army, to be composed as we have it here of 170,000 men; the National Guard, which we hope to encourage in every way and to make stronger than it ever has been in the past—I think myself that the National Guard ought to be built up; and then the reserve force. Those three arms, we may say, will constitute the United States Army under the present organization.

As to whether we ought to do away entirely with the Regular branch of the service, we may have some difference of opinion. I do not feel myself at this time that we would be justified in eliminating that branch of the Military Establishment, or putting it in such a situation as to be ineffective and of practically no use—making it entirely, for instance, composed of officers without any men. It seems to me, if we are going to have any Regular Army at all, that we ought to have one that it will be worth while to maintain, and one that can be relied upon to meet the needs of the country at any time. We can not tell now just what conditions will be a month from now. We can not afford to concede that all the world is at peace, and there are no disturbances on the horizon in any quarter, or that here at home we have no need for any Military Establishment such as we propose to keep up and such as we have kept up all the years in the past.

The Secretary of War stated to our committee in this language his view upon that subject at page 11 of the hearings:

> I want to refer to the size of the Army now and what it has been. With a force of 150,000 men we will have a smaller military force per thousand dollars of wealth than this country has ever had. We will have the smallest per capita military establishment in the world, to such a degree that we are almost out of the reckoning. Not over one soldier to 7,000 inhabitants. That does not indicate that we are building up a great Military Establishment. It simply means that in proportion to our strength, our population, and our needs we are trying at least to maintain a Military Establishment that will be as strong as the smallest this country has ever had, and that is practically all we are asking for.
>
> I can not see any reason why we should not be given 175,000 men for the next year, and let us get adjusted to that new condition, and then if it is found that we can reduce that force, I would be the first one to come to Congress and say that I believe that it can be safely done. But we are moving pretty fast. We are living in troublous times. We do not know what the next months are going to develop. Prudence, and the commonest kind of prudence, would seem to warrant us in not cutting the Army to such a degree that we can not get any real benefit out of it if we find it necessary to use it.

That seems rather logical and sound. It is the matured thought of the Secretary of War after studying the whole situation, and it is the conclusion which he reached and has well stated here in this form to the committee.

So far as my own position is concerned, I have done my best on every occasion to proceed in the direction of an establishment of peace, not only in this country but throughout the world. It was my view that we should have entered into relations with the other civilized nations of the earth in order to accomplish that, and that we should have done it promptly upon the conclusion of the peace conference. I believed then that the covenant of the League of Nations, with all the reservations that had been voted upon it, should have been adopted and entered upon in order that there might be in the first place an assurance of peace throughout the world, and in the next place an assurance of a reduction of armaments throughout the world; that there should be no further need of big military establishments in this country or in any other country. I have hoped and struggled with all my might and power to bring about a condition of that sort; but others, including my friend from Georgia, have insisted that that was not the wise course to pursue, and so we are left in the air, and have been for two years, with the whole world unsettled and our own situation undefined, our own position more or less misunderstood, and necessarily these disturbed conditions as we find them to-day have resulted.

I am not willing now to say that there is no need of any Navy in the United States and no need of any Army in the United States, and I am not willing to admit that if we are to have any Army at all we should have it a mere skeleton and of such sort as would be of no use in time of need.

The Secretary of War said, in his opening statement:

> But the proposition to reduce the number of men to the extent that is proposed in the pending bill—

That is, the House bill—

> will be so crippling, in my opinion, that it will make the Army ineffective, and it is that point that I want to especially emphasize.

I will not go into details. The Senator from New York has already outlined the scope and purposes of the bill, and I did not rise to discuss it in detail. I simply wanted to refer to these matters as a basis for my position in connection with the measure.

Mr. KING. Mr. President, I would like to inquire of the Senator, who is a member of the Military Affairs Committee, the strength of the reserves which might be avaliable for military service in the event the Government went to war.

Mr. FLETCHER. I am not in position to state definitely to the Senator what that strength would be. Perhaps just at this time it would be very difficult to specify precisely what could be relied upon in the way of reserves. But there would be a very considerable force which could be marshaled under that head.

Mr. KING. Could the Senator from New York furnish the information?

Mr. WADSWORTH. I did not hear the question.

Mr. KING. What is the strength of the reserve force available for military service in the event our Government were called to war?

Mr. WADSWORTH. The Senator does not refer to the National Guard?

Mr. KING. No. The National Guard, as I recall, is substantially 80,000 in number and increasing, and will probably increase until it exceeds 100,000.

Mr. WADSWORTH. There is no other force but the Regulars. There is no reserve force. There are 70,000 reserve officers, but they are without commands; there are no troops under them.

Mr. KING. I understand that. But are there not some soldiers who might be denominated reserves in addition to the 70,000 officers?

Mr. WADSWORTH. No; we have no reserve system for the Regular Army, as is the case with the Regular Navy.

Mr. KING. But we have the 70,000 reserve officers?

Mr. WADSWORTH. Yes.

Mr. KING. Is anything being done to keep them up to modern technical military training?

Mr. WADSWORTH. Yes; Mr. President, the new law provides for the force known as the Organized Reserves. That has not yet been organized. It is not even commenced. It is a matter which must be very, very carefully studied; and in any event the organized reserves would be a very highly skeletonized force of citizen volunteers, liable to active military duty only in case of war, and the plan is that the reserve officers shall officer that force.

Mr. KING. That was my understanding.

Mr. FLETCHER. But the reserve officers may be used in training that force, where there are voluntary enlistments in the reserve of men who desire to participate in the training camps.

Mr. KING. Is it not also true that provision is made for the annual training, or periodical training, at least, of the reserve officers—mobilizing them?

Mr. FLETCHER. Yes; that is contemplated.

Mr. KING. So that they may be brought up to modern standards, and their training may bring them up to the standard, as it shall be advanced, of scientific military development.

Mr. LA FOLLETTE. Mr. President, the Senator from Utah stated the strength of the National Guard at about 80,000?

Mr. KING. Yes.

Mr. LA FOLLETTE. I think that is an understatement. I understand that its present strength is practically 100,000 and that it will be increased beyond that number under existing law.

Mr. KING. The last authentic figures I saw were something like 86,000, and I did not know that it had reached 100,000.

Mr. LA FOLLETTE. I think the present strength is about 98,000.

Mr. KING. I am glad to be advised of that fact. Does the Senator from Wisconsin know the maximum strength that will be reached when it has been recruited to its full strength?

Mr. LA FOLLETTE. I think the maximum strength of the National Guard, when recruited to full strength, will be considerably over 100,000, about 106,000.

Mr. WADSWORTH. It will be above that.

Mr. LA FOLLETTE. It is stated here in the report of the chief of the Militia Bureau that pursuant to statute law the strength of the National Guard June 30, 1920, should have been 106,300 men. I do not know what its full strength would be if it were recruited up to the limit of the law at the present time.

Mr. WADSWORTH. The basic law provides for annual increments, and the figure which the Senator quotes was the figure to which the guard, under the law, might have grown at that date.

Mr. LA FOLLETTE. I so understood.

Mr. WADSWORTH. When the annual increments are finished, if the guard does succeed in recruiting the maximum authorized legal strength, the guard will be in the neighborhood of 425,000 officers and men. It is fair to say, however, that very few people entertain the belief that a force of that size will actually exist. If it does, I may say to the Senator, its cost will surpass that of the Regular Army, if we reduce the Regular Army as we reach that, which is the plan.

Mr. LENROOT. Will the Senator state how much we are appropriating for that in this bill?

Mr. WADSWORTH. For the guard?

Mr. LENROOT. For the guard, in personnel. My recollection is that we are appropriating for 125,000 men.

Mr. WADSWORTH. The estimates were for 125,000 men, and both committees cut under the estimates quite a little. The estimate of the department was that the guard for the next fiscal year would average in strength, clear through the year, 125,000 men. The committees did not believe it would average quite that high. It is apparent, however, that it is going to start on July 1 with a round hundred thousand. It is 98,000 now. It may increase to 130,000 or 150,000 during the next year; we do not know. But, as fast as men volunteer, and units are formed of the requisite type and size, and properly officered, they are accepted by the War Department and federalized, and then go into the appropriation bill.

Mr. LA FOLLETTE. Will the chairman of the committee please explain just what the figures in his report mean, under the summary given at the end of the report, where the National Guard has set opposite it $25,554,100?

Mr. WADSWORTH. That is the sum total of the appropriations carried in this bill for the support of the guard. There are several items of those appropriations. One of $9,000,000 and something is for the pay of the enlisted men and officers, for their drills and maneuvers. They are paid at maneuvers at the same rate as soldiers and officers of the Regular Army. Then for the armory drills the enlisted men receive approximately a dollar a drill, and they must attend at least 48 drills. As a matter of fact, they do attend gladly more than 48, but they are not paid for the excess number. Then the guard has to be clothed and equipped and transported to and from its maneuvers, and it has in its possession Federal transportation, such as horses and mules, motor trucks and tractors, and those things have to be taken care of. The bill carries money for the care and upkeep of the animals and of the equipment wherever it is necessary, the total of that item being about $25,000,000. It would be much more were it not for the fact that the War Department has on hand vast supplies of strictly military equipment, such as guns and rifles and ammunition, and which this bill provides shall be delivered to the guard without charge against the National Guard appropriation.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on page 2, line 17, where the committee proposes to strike out "$70,000" and to insert in lieu thereof "$168,000."

The amendment was agreed to.

Mr. HARRIS. I ask unanimous consent to submit the amendment which I send to the desk.

The VICE PRESIDENT. We are proceeding under a unanimous-consent agreement to take up first the committee amendments.

Mr. WADSWORTH. Does the Senator from Georgia ask unanimous consent to suspend that procedure in order that he may offer an amendment of his own?

Mr. FLETCHER. No; the Senator from Georgia merely asked leave to introduce it and have it printed.

Mr. HARRIS. I am asking to have it printed, and I shall offer it after the committee amendments are disposed of.

The VICE PRESIDENT. It will be printed and lie on the table. The Secretary will state the next amendment of the committee.

The next amendment was, on page 2, line 18, after the word "exceed," to strike out "$40,000" and insert "$118,000," so as to read:

Provided, That not to exceed $118,000 of the money herein appropriated shall be expended for the payment of salaries of civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims.

The amendment was agreed to.

The next amendment was, on page 2, line 21, to insert the following additional proviso:

Provided further, That the Secretary of War is authorized, in his discretion, to sell to any foreign State or Government upon such terms as he may deem expedient any material, supplies, or equipment pertaining to the Military Establishment as, or may hereafter be, found to be surplus which are not needed for military purposes and for which there is no adequate domestic market.

The amendment was agreed to.

The next amendment was, on page 4, line 14, to increase the appropriation for contingencies, Military Intelligence Division, General Staff Corps, from "$200,000" to "$300,000."

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the words "telegraph service," to strike out:

Not to exceed $1,000,000 may be expended for signal equipment for organizations; not to exceed $7,500 may be expended for pigeon service; not to exceed $100,000 may be expended for photographic and cinematographic service; and not to exceed $100,000 may be expended for the operation and maintenance of Camp Alfred Vail.

The amendment was agreed to.

The reading of the bill was continued to line 4, page 11, the last paragraph read being as follows:

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM.

For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska Military Cable and Telegraph System as may be approved by the Secretary of War, to be available until the close of the fiscal year 1923, from the receipts of the Washington-Alaska Military Cable and Telegraph System which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, $140,000.

Mr. WADSWORTH. Mr. President, I may observe at this point, and I am sure the Senator from Utah [Mr. KING] will be especially interested, that here is an item rather typical of several, which is a burden on the Army and has nothing to do with the Army at all. It ought not to be placed on the shoulders of the War Department. It ought to be placed with the Commerce Department or somewhere else.

Mr. KING. May I say to the Senator that we carry a very large Alaskan appropriation in another bill, and it seems to me we ought to carry this appropriation there instead of in the Army bill.

While I am on my feet, will the Senator permit an inquiry respecting the paragraph which we are just approaching, which

will save me rising again? The Senator will notice on page 12, in lines 2, 3, and 4, there is a provision as follows:

To explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith.

As the Senator knows, the Bureau of Mines and the research departments of the Government during the war and now were and are engaged, as I am advised, in the production of helium gas and studying the characteristics of it, its production, and so forth. Does not the Senator think it would be a wise idea to concentrate all the activities of the Government devoted to this very expensive undertaking?

Mr. WADSWORTH. I was not aware that the Bureau of Mines was producing any helium gas. My information was that the only agencies in the United States Government that were producing and conserving helium gas in any way were the Army and Navy jointly in Texas.

Mr. KING. The Senator is acquainted with Dr. Moore—I think that is the name?

Mr. WADSWORTH. We had not known that the Bureau of Mines was operating any plant or conserving any gas. That is news to us. In fact, our committee gained the impression that the only officials active in this work in the Government were the Air Service representatives acting in conjunction with the Navy. I had not known that gas was used for anything else except for lighter-than-air ships, such as dirigibles, blimps, and balloons.

Mr. KING. I may be in error in stating that the Bureau of Mines is now engaged in it.

Mr. WADSWORTH. I am mistaken in one respect, at any rate. I see that Gen. Menoher stated that the Bureau of Mines have been looking after it all over the country. They are not producing any, however, and the Air Service people are looking for it all over the country. They have just taken two sets of wells and are developing some helium from them.

Mr. KING. A very distinguished scientist—I think his name is Dr. Moore, but as to that I am not sure—visited me some time ago, and I made inquiry of him, as I have from other sources. My information was then, and now is, that some branches of the Interior Department—and that would be the Bureau of Mines or some auxiliary instrumentality—are devoting themselves to experimentation with helium, as well as other gases; and the particular scientist whom I now have in mind I think has done perhaps more than anyone else in the development of helium gas. My information was that there are one or more activities outside of the War and Navy Departments engaged in experimentation with helium, and perhaps with other gases—poisonous gases—to be used in naval and military warfare.

Mr. WADSWORTH. This is not a poison gas.

Mr. KING. No; I know it is not. I said helium gas and poisonous and other gases. It would seem to me, if that is true—and that is my information—that they ought to be coordinated.

Mr. WADSWORTH. I think the Senator is right if it is true. We had not information to that effect. We know the Bureau of Mines was exploring—that is, testing gas wells in different parts of the country to ascertain the helium content. We did not have any information, however, that they were producing any helium gas. These are the only people who are producing it in quantity.

Mr. KING. May I ask the Senator whether they have succeeded in acquiring lands and gas wells from which helium gas can be produced, and whether the War Department and Navy Department would be put in possession of the same, or are they authorized to get them and act independently of the operations of the Bureau of Mines or any other instrumentality of the Government?

Mr. WADSWORTH. I do not know the power conferred upon the Bureau of Mines concerning the acquisition of property. I do not think the Bureau of Mines can acquire any property, however.

Mr. KING. I do not think so either.

Mr. WADSWORTH. The War Department and the Navy Department can acquire property when authorized by Congress and the appropriation is made. The War Department and the Navy Department to-day are jointly operating a plant which they own.

Mr. KING. I did not know but that under some of the powers conferred during the war the Bureau of Mines had been given and still had authority to acquire property for the purpose of producing helium gas as well as other gases to be used for naval and military purposes.

Mr. WADSWORTH. The War Department has the power of condemnation over helium land.

The reading of the bill was continued to page 13, line 15, the last clause read being as follows:

Not exceeding $250,000 may be expended for experimentation, conservation, and production of helium.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New York if $250,000 for experimentation, conservation, and production of helium is really necessary. I will say to the Senator that there is no question as to where helium comes from and there is no question as to how it can be produced in the United States in almost any quantities the War Department may want. We have several times had investigations during the past year of the subject.

Mr. WADSWORTH. There is no doubt that helium can be produced from nearly all natural gases, but in only a few parts of the country can it be produced economically, because when the helium content falls below a certain figure it does not pay to extract it from natural gas.

Mr. SMOOT. That is true.

Mr. WADSWORTH. I think that figure is 1.5 per cent or 1 per cent. I forget just what the economical minimum is.

Mr. SMOOT. I forget the percentage, but I know that in the oil leasing act there was a provision authorizing the Government to do certain things with reference to the matter.

Mr. WADSWORTH. I call the Senator's attention to the fact that this is a limitation on the amount which may be spent.

Mr. SMOOT. They can expend $250,000 and no more for this purpose?

Mr. WADSWORTH. Yes; it is a limitation.

Mr. SMOOT. Really I do not know how they are going to spend $250,000 for that purpose.

Mr. WADSWORTH. They are now operating a plant in Texas and producing the gas.

Mr. SMOOT. They are operating that plant?

Mr. WADSWORTH. Yes; in conjunction with the Navy. It may be of interest to the Senator from Utah to know that the two services together, as I recall it—and perhaps the Senator from Wisconsin [Mr. LENROOT] will correct me if I am wrong—asked for an appropriation of $800,000 with which to run that plant, to develop additional resources in that part of the country, which they would take up and utilize when the plant which they have been using in the recent past shall have become exhausted. We cut down the Army's end of it to $250,000.

Mr. LENROOT. The department asked for $800,000 for the Army and $800,000 was asked for the Navy, making a total of $1,600,000.

Mr. WADSWORTH. Then I am wrong by 100 per cent. They asked for $800,000 for the Army and the naval authorities asked for $800,000 for themselves. The two are working together. We did not want the work stopped. So we arbitrarily reduced the $800,000 to $250,000 and put a provision in the bill that they can not spend more than that. We thought that it was in the interest of economy; and yet we believe that where helium can be economically procured it is a very wise thing to secure it.

Mr. SMOOT. I myself think so. I think the Government of the United States has a perfect right now wherever the gas is produced to enter into a contract for it or even to require the producer of the gases from which helium is extracted to sell to the Government. It seems that the appropriation is merely for experimentation and conservation. Does "conservation" mean the production of helium?

Mr. WADSWORTH. Yes.

Mr. SMOOT. It means production rather than conservation?

Mr. WADSWORTH. Yes. They conserve it by storing it in tanks after it is produced.

Mr. SMOOT. If it includes the production of it, perhaps the amount is not too large.

Mr. LENROOT. The item is for production in an existing plant.

Mr. SMOOT. Then I have no objection to it, but if it were merely and simply an expenditure for experimentation I think it would be perfectly useless, because we all know how helium is made and from what source it may be obtained.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 15, line 18, after the numerals "1920," to insert "or not to exceed five reserve officers in the Judge Advocate General's Department, or"; and in line 20, before the word "except," to strike out the word "and," so as to read:

For pay of the officers of the Officers' Reserve Corps, $250,000: *Provided*, That no portion of this appropriation shall be expended for the pay of a reserve officer on active duty for a longer period than 15 days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army

reorganization act approved June 4, 1920, or who may be detailed for courses of instruction at the general or special service schools, of the Army, or who may be detailed for duty as instructors at civilian military training camps appropriated for in this act, or who may be detailed for duty with tactical units of the Air Service, as provided in section 37a of the Army reorganization act approved June 4, 1920, or not to exceed five reserve officers in the Judge Advocate General's Department, or except one officer of the Medical Reserve Corps.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert the following additional proviso:

Provided further, That pay and allowances of such additional officers of the Medical Reserve Corps as are required to supplement the like officers of the Regular Army in the care of beneficiaries of the Bureau of War Risk Insurance treated in Army hospitals may be paid from the funds allotted to the War Department by that bureau under existing law.

Mr. SMOOT. Mr. President, I desire to ask the Senator from New York to explain why that amendment is necessary?

Mr. WADSWORTH. This is a money saver, may I say to the Senator from Utah. I will explain how and why. There are some empty beds in the Army hospitals, and after consultation with members, I think, of the so-called hospital site commission and the Surgeon General of the Public Health Service the Surgeon General of the Army, Gen. Ireland, entered into some sort of an understanding with the other governmental agencies, including the War Risk Insurance Bureau, I may say, that he would take care in the Army hospitals of some of the war risk patients who are not soldiers, but who are ex-soldiers. That understanding has been reached. It is possible that he will take as many in the aggregate as 4,000 war risk patients into existing Army hospitals, thereby obviating the building of two or three new hospitals somewhere; but if he takes in two, three, or four thousand patients in addition to his soldier patients he will necessarily require more medical officers; and he tells us that the only way that he can get the additional medical officers in order to take care of the increased number of patients is by securing reserve medical officers and placing them on active duty. Congress has tried to hold down and to restrict very severely the number of reserve officers ordered, with their consent, on active duty, because, of course, that is another way of paying salaries and running up appropriation bills.

When the committee was informed of that situation they decided that it was in the interest of economy to encourage the use of the Army hospitals for war risk patients. Therefore we suggest the amendment that the reserve medical officers who may be summoned to active duty for the purpose indicated shall be paid out of the war risk appropriations allotted to the War Department in accordince with existing law for that purpose. We shall have to pay the doctors from some source, and it seems that the Army appropriations should not carry the burden of caring for war risk patients.

Mr. SMOOT. I agree with the Senator as to that, but I know that we appropriate ample funds with which to pay all the medical reserve officers who may be summoned to active duty. However, because of the way in which the amendment is worded, I was wondering just how they would be paid, and if they would be paid under the amendment at a higher rate than medical officers of the Public Health Service are now paid.

Mr. WADSWORTH. They would be paid the Army rate of pay.

Mr. SMOOT. That is just the same as if they were commissioned officers?

Mr. WADSWORTH. Yes; they are commissioned officers; and they will be on active duty.

Mr. SMOOT. I refer to commissioned officers on active duty.

Mr. WADSWORTH. Yes; that is true.

Mr. SMOOT. Are there not enough medical officers now in the Public Health Service to take care of this work?

Mr. WADSWORTH. I am not aware whether there are or not; I believe there are not; but, in any event, it would be very bad policy to take a Public Health Service officer and put him on duty in an Army hospital, because the commandant of the Army hospital would have no military jurisdiction over him, and discipline in and about an Army hospital is absolutely essential. The officers referred to in the amendment are medical reserve officers, and they are going into Army hospitals to take care of War Risk Bureau patients. In any event some medical officers will have to be employed.

Mr. SMOOT. What I had in mind was taking medical officers who are now in the Public Health Service and using them for this purpose, because I will assure the Senator that they will never be dispensed with, so far as the Public Health Service is concerned, and if the work is taken away from them I think there might be a likelihood of paying for more medical officers than are necessary.

Mr. WADSWORTH. I do not think the contingency will happen.

Mr. SMOOT. The thought is a very good one; I think it is a splendid thing to use the Army hospitals to take care of wounded service men, but if it is going to require a double number of officers, then, of course, I do not think there would be any money saved. Will the Senator allow the amendment to go over temporarily, so that I may have an opportunity of looking into it a little further?

Mr. WADSWORTH. I can give the memorandum which was supplied by the Chief Surgeon of the Army on this point. I shall read it, because we are all here, and we might just as well dispose of this amendment, if we can. This is a memorandum submitted to the Chief of Staff of the Army, a copy of which was sent to me.

Mr. SMOOT. By whom?

Mr. WADSWORTH. By the Surgeon General of the Army, Gen. Ireland. It is as follows:

Subject: Change in Army appropriations act, fiscal year 1922.

1. Request that application be made to the Senate Military Committee to amend lines 1 to 14, inclusive, on page 15 of the bill, for the support of the Army for the fiscal year ending June 30, 1922, H. R. 5010, as introduced in the House of Representatives April 25, 1921, to read as follows:

Then follows the language of the paragraph in the bill, with this suggestion as to an amendment to be added, which we did not follow just as it is stated:

Except such officers of the Medical Reserve Corps not to exceed 100, of the Dental Reserve Corps not to exceed 30—

We left them out entirely—

and of the Veterinary Reserve Corps not to exceed 100—

We left them out entirely—

as the Secretary of War may deem necessary for the proper service of the Medical Department: *Provided*, That the pay and allowance of such of these reserve officers as are required to supplement the like officers of the Regular Army in the care of beneficiaries of the Bureau of War Risk Insurance treated in military hospitals may be paid from the funds allotted to the War Department by that bureau under existing law.

The last paragraph is the body of our amendment in the bill.

Paragraph 2 of the memorandum reads:

If this amendment be enacted into law, the medical department will be relieved of a serious embarrassment. After hearings before the committee appointed by the President to consider ways and means of providing adequate hospital treatment for beneficiaries of the Bureau of War Risk Insurance, I stated that 4,000 such beneficiaries could be treated in military hospitals provided the necessary additional personnel were authorized. The officers of the Reserve Medical Corps and Dental Corps enumerated in the amendment constitute the commissioned part of that additional personnel.

The Senate will recall he suggests 100 medical reserve officers, 30 dental reserve officers, and 100 veterinary reserve officers.

With these officers proper professional care and attention can be given the entire 4,000 such beneficiaries; without them only 1,000 can be cared for. By this amendment the medical department can secure qualified professional men who, when called into active service, will have military status and will be amenable to military discipline. Their pay and allowances will be paid to them by Army finance officers in the usual manner, and yet be charged not to appropriations of the Army but to those of the Bureau of War Risk Insurance, for whose beneficiaries they are employed primarily to care.

3. It is only by the strictest economy in the use of its officers that the medical department is now able to carry out its functions. Under the Army reorganization act of June 4, 1920, the number of officers of the medical department is restricted to the actual strength of the Army after July 1, 1921. The enlisted strength of the Army is now approximately 225,000 men. While the present strength of the Medical Corps, 1,179, is slightly in excess of the authorized allowance of 6½ officers per thousand enlisted strength based on 175,000 men, the actual strength of the Army is 50,000 in excess of that number, and in the measure of its requirements in medical officers, on account of the wide dispersion of troops, is the equivalent of 100,000 in excess of that number.

Then he proceeds to state how it is quite impossible for the Army itself out of the regular medical officers to contribute any more personnel to take care of the war risk patients, but he can summon reserve medical officers, with their consent, to active duty and pay them in the manner proposed.

Mr. SMOOT. As I remember, by order of the President some medical officers were transferred from the Public Health Service to the War Risk Insurance Bureau.

Mr. WADSWORTH. From the Public Health Service to the War Risk Insurance Bureau?

Mr. SMOOT. Yes; for the purpose of taking care of the patients of the War Risk Insurance Bureau.

Mr. WADSWORTH. The Senator means from the Army, does he not?

Mr. SMOOT. No; I do not mean from the Army; I mean from the Public Health Service. I do not remember just how

many there were, but I can look the matter up and see whether the number transferred is really necessary if the Army is to take care of 4,000 disabled ex-service men.

Mr. WADSWORTH. If the Army is going to do it, it will be necessary to use Army surgeons, reserves or regulars. This is a scheme by which the reserve surgeon will be used. He will be paid out of war-risk funds because he is taking care of war-risk patients.

Mr. SMOOT. I notice that it says here "military hospitals," and in the amendment it says "Army hospitals."

Mr. WADSWORTH. They are the same thing.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from New York if under existing laws civilians can be treated in Army hospitals? I think the suggestion about taking care of war-risk patients in the Army hospitals is a very excellent one, but I had assumed that there was probably some difficulty in the way of taking care of civilians and putting them under Army discipline.

Mr. WADSWORTH. Apparently there is no difficulty about that. I think the last legislation passed on the subject in the last Congress authorized the President to use any Government property for the care of war-risk patients. That includes the military hospitals.

Mr. KING. Mr. President, I heard part of the colloquy between the Senator from New York and the senior Senator from Utah, and I am not sure yet whether I fully understood the deductions to be properly drawn therefrom. Would this amendment prevent or is there any law that would prevent the employment of the Public Health medical men in the Army hospitals, and the utilization by the Army of the services of the Public Health officers?

Mr. WADSWORTH. I do not know what authority the Surgeon General of the Public Health Service would have to send a Public Health Service physician to an Army hospital. He can not do it.

Mr. SMOOT. I do not think he can.

Mr. WADSWORTH. No.

Mr. SMOOT. But the Senator knows that medical officers of the Public Health Service have been used in the past by the Vocational Board.

Mr. WADSWORTH. Oh, yes.

Mr. SMOOT. And I think they are now, if I am not mistaken. The order that was issued by the President the other day was that a number of them should be transferred to the War Risk Bureau for that purpose in the consolidation of the work between the Vocational Board and the Public Health Service, and the only thought I had in mind was that if 4,000 of these soldiers were to be taken care of in the Army hospitals, what would the medical officers of the Public Health Service do, even though they had been transferred to the War Risk Bureau or the Vocational Board, if we went outside and brought in reserve or medical officers to do that work? It may be all right, Mr. President; I do not know; but I was wondering, if we take the 4,000 disabled soldiers——

Mr. WADSWORTH. Call them "ex-soldiers."

Mr. SMOOT. I mean disabled ex-soldiers. If we take them and put them into the Army hospitals, the Army itself providing the number of medical officers necessary to care for them, what would we do with the ones that we have now taking care of those same men?

Mr. WADSWORTH. I suppose we must assume that the number of patients under treatment in hospitals is going to increase very largely when they get the hospital space available.

Mr. SMOOT. That may be true, and I guess it is true.

Mr. KING. Mr. President, may I inquire whether there would be any impropriety in enacting a law requiring the Surgeon General, or requiring these activities of the Government which have medical officers under their jurisdiction, to transfer them temporarily, when their services are not required in the agency to which they properly belong, to such other agencies of the Government as require their services?

To illustrate, suppose that in the Army there is a large number of medical men not required, and the services of medical men are needed in the War Risk Bureau, or in the Public Health Service, or vice versa, why could not some provision be made that upon the requisition of the other department, if they found that they had officers available, they could be transferred to the other activity?

It seems to me that that ought to be done, because I can readily conceive that with the narrowing of the Army, the reduction of the number of soldiers, there may be a surplus of medical officers.

Mr. WADSWORTH. No; the medical officers must be reduced in number as the Army goes down. That is the law.

Mr. KING. They will be separated from the service, will they?

Mr. WADSWORTH. Yes. There can be no more than six and a half medical officers per 1,000 of enlisted men.

Mr. KING. I am very much gratified to learn that. I was afraid that when they were in there they were in for life, and would soon be drawing pensions for retirement.

Mr. WADSWORTH. The Senator is too suspicious.

Mr. KING. I am suspicious of the Army, I will say frankly, and of the Navy, and suspicious of the appropriations made. The only thing that reassures me and gives me supreme optimism is the splendid integrity of the Senator from New York. I know that he is watching all of these things with the utmost care and caution. But to return, it seems to me that there ought to be some provision so that the President of the United States, upon being requested, could allocate from one branch of the service to another these medical officers that are not required.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 16, line 9, to increase the appropriation for pay of enlisted men of the line and staff from "$72,678,659" to "$83,000,000."

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	McKinley	Smith
Ball	Harreld	McNary	Smoot
Borah	Harris	Moses	Sterling
Brandegee	Hitchcock	Myers	Sutherland
Broussard	Jones, N. Mex.	Nelson	Swanson
Bursum	Jones, Wash.	Newberry	Townsend
Calder	Kellogg	Nicholson	Trammell
Cameron	Kenyon	Norbeck	Underwood
Cummins	Keyes	Norris	Wadsworth
Curtis	King	Oddie	Walsh, Mass.
Dial	Knox	Overman	Walsh, Mont.
Dillingham	Ladd	Phipps	Warren
Elkins	La Follette	Poindexter	Watson, Ga.
Ernst	Lenroot	Pomerene	Watson, Ind.
Fernald	Lodge	Sheppard	Willis
Fletcher	McCormick	Shortridge	Wolcott
Gerry	McCumber	Simmons	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, this is a vote which will determine the increase in the Army over the number fixed by the House, and upon it I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the junior Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the senior Senator from Nevada [Mr. PITTMAN], and vote "nay."

Mr. WILLIS (when his name was called). Has the Senator from Tennessee [Mr. MCKELLAR] voted?

The VICE PRESIDENT. He has not.

Mr. WILLIS. I have a pair with that Senator for the day, and therefore I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. STERLING. I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the junior Senator from Missouri [Mr. SPENCER] and vote "yea."

Mr. MCKINLEY. I have a pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the senior Senator from Maryland [Mr. FRANCE], and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). May I inquire if the Senator from Virginia [Mr. GLASS] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I have a general pair with that Senator, which I transfer to the junior Senator from Maryland [Mr. WELLER], and allow my vote to stand.

Mr. ELKINS. I have a pair with the junior Senator from Mississippi [Mr. HARRISON], which I transfer to the junior Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. ERNST. I have a pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the senior Senator from Minnnesota [Mr. NELSON] and vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

Mr. UNDERWOOD. I desire to announce the absence of my colleague [Mr. HEFLIN] on official business. As has been announced, he is paired on this vote with the Senator from Rhode Island [Mr. COLT].

Mr. McCORMICK (after having voted in the affirmative). I have a pair with the Senator from Wyoming [Mr. KENDRICK], and in his absence I transfer that pair to the Senator from California [Mr. JOHNSON] and allow my vote to stand.

The result was announced—yeas 34, nays 30, as follows:

YEAS—34.

Ball	Ernst	McCormick	Poindexter
Brandegee	Fernald	McCumber	Shortridge
Bursum	Fletcher	McKinley	Sterling
Calder	Hale	Moses	Sutherland
Cameron	Kellogg	Myers	Wadsworth
Cummins	Keyes	Newberry	Warren
Curtis	Knox	Nicholson	Watson, Ind.
Dillingham	Lenroot	Oddie	
Elkins	Lodge	Phipps	

NAYS—30.

Ashurst	Jones, N. Mex.	Norris	Trammell
Borah	Jones, Wash.	Overman	Underwood
Broussard	Kenyon	Pomerene	Walsh, Mass.
Dial	King	Sheppard	Walsh, Mont.
Gerry	Ladd	Simmons	Watson, Ga.
Harreld	La Follette	Smoot	Wolcott
Harris	McNary	Swanson	
Hitchcock	Norbeck	Townsend	

NOT VOTING—32.

Capper	Gooding	New	Shields
Caraway	Harrison	Owen	Smith
Colt	Heflin	Page	Spencer
Culberson	Johnson	Penrose	Stanfield
Edge	Kendrick	Pittman	Stanley
France	McKellar	Ransdell	Weller
Frelinghuysen	McLean	Reed	Williams
Glass	Nelson	Robinson	Willis

So the amendment of the committee was agreed to.

Mr. KING. Mr. President, it probably is not necessary, but we give notice that we shall ask for a separate vote upon this amendment in the Senate.

The next amendment was, on page 16, line 23, before the word "under," to strike out the word "directed" and to insert the word "authorized."

Mr. BORAH. Mr. President, may I ask the Senator from New York what is the purpose of changing the word "directed" to "authorized"?

Mr. WADSWORTH. If the Senator will note, the language, without such an amendment, would read as follows:

The Secretary of War is directed under such reasonable regulations as he may prescribe to grant applications for the discharge—

And so forth.

The committee felt that it was rather a curious juxtaposition of words to direct a man to do a thing in the way which he regards as reasonable. So we changed the word "directed" to "authorized," which was the original meaning of the author of the amendment, as we understood.

Mr. BORAH. The author of the amendment does not so understand it.

Mr. WADSWORTH. I have discussed it with him.

Mr. BORAH. So have I. But of course if the Senator in charge of the bill says this is satisfactory to the author of the amendment, I have not a word to say.

Mr. WADSWORTH. I have no authority to state his position at all. The effect is the same with the language either way.

Mr. BORAH. At any rate, if it goes in in this way, it will go to conference?

Mr. WADSWORTH. Yes.

Mr. BORAH. Very well.

The amendment was agreed to.

The next amendment was, on page 17, line 2, before the words "enlisted men," in line 3, to strike out "150,000" and insert "170,000," so as to read:

And the Secretary of War is authorized under such reasonable regulations as he may prescribe to grant applications for discharge of enlisted men serving in the continental United States without regard to the provisions of existing law respecting discharges until the number in the Army has been reduced to 170,00 enlisted men, not including the Philippine Scouts. The provisions of this paragraph shall take effect immediately upon the approval of this act.

Mr. BORAH. Mr. President, I shall not ask for a yea-and-nay vote on the amendment, but I want to have a viva voce vote taken on it.

The amendment was agreed to.

Mr. KING. I shall ask for a separate vote upon this amendment in the Senate.

The next amendment was, on page 17, after line 5, to strike out:

No portion of the appropriations contained in this act shall be used to pay, in accordance with the provisions of section 27 of the Army reorganization act, approved June 4, 1920, an enlistment allowance to any soldier who enlists or reenlists after the approval of this act.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to insert:

The provisions of section 27 of the Army reorganization act, approved June 4, 1920, providing an enlistment allowance, are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 18, line 2, to increase the appropriation for additional pay for length of service to enlisted men from "$3,500,000" to "$4,600,000."

Mr. KING. May I inquire of the Senator from New York if this is necessitated by reason of the increase in the personnel?

Mr. WADSWORTH. No; the size of the Army has no relation to this item. The fact is that the long-service men in the Army to-day are of sufficient number and their longevity pay is such as to necessitate an appropriation of $4,625,000. They must be paid; it is the law. They are there. They are not the kind of men who leave the Army at all. They have been in for 10, 15, 25, or 30 years.

Mr. WALSH of Montana. May I inquire how it came that the House was not advised that that is the fact, and how did the House come to arrive at the figure which they inserted in the bill?

Mr. WADSWORTH. I do not know.

Mr. WALSH of Montana. It was a pure mistake, then, in calculation?

Mr. WADSWORTH. I think so.

Mr. WALSH of Montana. Was there no testimony on the point before the House committee?

Mr. WADSWORTH. There were no hearings at this session.

Mr. WALSH of Montana. Were there any hearings at the last session?

Mr. WADSWORTH. Yes; there were hearings at the last session on the entire bill.

Mr. WALSH of Montana. Can the chairman advise us what was said and what the items were which enter into this aggregate?

Mr. WADSWORTH. I can only state what was said before the Senate committee. I do not know whether the House committee went into the matter and inquired whether $3,500,000 would be sufficient to pay the men who are entitled to it under the law.

Mr. WALSH of Montana. It seems to me rather a startling proposition.

Mr. WADSWORTH. The Senate committee did go into it and received a direct statement from the War Department that it would be absolutely necessary to appropriate the sum which is here suggested. In fact, we are $25,000 below their estimate.

Mr. WALSH of Montana. Is it not equally supposable that the War Department gave the House committee the facts upon which their computation was based?

Mr. WADSWORTH. It is supposable, but I do not know whether they did or not. I am perfectly free to say that if we do not appropriate enough to pay these men a deficiency appropriation will have to be asked or the amount taken from some other source.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from New York whether the amendment already adopted, which does away with the allowance for reenlistment, would reduce the number of these men?

Mr. WADSWORTH. No; there is no connection between the two.

Mr. HITCHCOCK. Is there not a proposition in the bill to put a stop to the extra pay for reenlistment?

Mr. WADSWORTH. Yes.

Mr. HITCHCOCK. I thought there was one. Will not that amendment have a tendency to reduce the pay for length of service?

Mr. WADSWORTH. No; the longevity pay is not the same as the reenlistment bonus.

Mr. HITCHCOCK. But if men are allowed to reenlist it will increase the number of longevity men. It is obvious that men continuing in the service——

Mr. WADSWORTH. There is nothing in the bill which prevents them from reenlisting.

Mr. HITCHCOCK. The Senator stated, and it is my recollection, that there is an attempt to restrict reenlistment.

Mr. WADSWORTH. Oh, no; the Senator from New York never said that.

Mr. HITCHCOCK. The bonus is taken away.

Mr. WADSWORTH. The present law provides that after a man enlists in the Army and serves one enlistment, if he thereupon reenlists for three years he shall receive a $90 bonus for so doing.

Mr. HITCHCOCK. That is taken away?

Mr. WADSWORTH. That provision is repealed.

Mr. HITCHCOCK. One purpose of taking it away is to reduce the number of reenlistments and take away the inducement for reenlistment.

Mr. WADSWORTH. No; the purpose is to save money.

Mr. HITCHCOCK. I think it is also to take away the inducement to reenlist.

Mr. WADSWORTH. It is not the purpose at all to take away the inducement, because the reenlistments are coming in greater proportion now than ever before, and the bonus is not necessary to induce reenlistment.

Mr. HITCHCOCK. The bonus was put there for the purpose of inducing men to reenlist.

Mr. WADSWORTH. Yes; based upon the experience before the European war.

Mr. HITCHCOCK. And they are now doing it as a matter of right to secure the bonus?

Mr. WADSWORTH. They are.

Mr. HITCHCOCK. By taking the bonus away we reduce the number of reenlistments?

Mr. WADSWORTH. I do not think we are.

Mr. HITCHCOCK. By reducing the number of reenlistments will we not reduce the need for longevity pay?

Mr. WADSWORTH. No; because this is applicable almost entirely to men who have spent a long time in the Army. They reenlist regardless of the bonus, because if they do not reenlist they lose the 30-year retirement privilege. When a man has spent 15 years in the Army a reenlistment bonus is not the inducement that keeps him in the Army thereafter; it is the prospect of retirement at three-quarters pay at the termination of 30 years' service. The longevity pay increases each five years, as I recollect, as he goes on in the service. The longevity money must be paid the men. The number of men who have had 15 years of service or more is almost stationary. It is a fixed charge. The variation will be very slight no matter what the pay of the enlisted men upon the first enlistment or the second enlistment may be.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued to page 18, line 6, the last items read being as follows:

For pay of the officers on the retired list, $5,000,000.
For increase pay to retired officers on active duty, $275,000.

Mr. KING. May I make an inquiry of the Senator from New York pertinent to the items just read? We have here an item for pay of officers on the retired list of $5,000,000, and then the next item is $275,000. I presume that is by reason of the fact that there were more officers retired?

Mr. WADSWORTH. No. The second item is for the pay of retired officers on active duty. When a retired officer goes on active duty he is paid the full pay of his grade. If he is on retired duty, he is paid only three-quarters of the pay of his grade. It so happens that to-day there are 203 retired officers on active duty. To pay them the full pay would cost $369,000. Both committees joined in the reduction to $275,000, which would compel the War Department to reduce the number of retired officers on active duty from 203 down to 178.

Mr. KING. May I inquire of the Senator whether the bill which we passed some time ago has expired by limitation, which authorized the increasing of the number of officers to approximately 18,000 or a considerable number? I may not state the number accurately. The Senator will recall that during the consideration of the Army bill some time ago a provision was added which permitted the retention of a very large number of officers for the replenishing of the Army, and there were added to the Army probably some 14,000 officers.

Mr. WADSWORTH. The Senator must be referring to the Army reorganization act, which authorizes a maximum commissioned personnel strength——

Mr. KING. No; I am not alluding to that.

Mr. WADSWORTH. That is the only existing law on the subject.

Mr. KING. The Senator will recall that last year provision was made for the temporary addition or retention of approximately 14,000 officers.

Mr. WADSWORTH. That provision was supplanted by the Army reorganization act and no longer exists. All of the emergency or temporary officers were discharged December 31, 1920.

Mr. KING. Does the Senator state that in view of the reduction in the size of the Army there will be a necessity for the employment of the retired officers in active service?

Mr. WADSWORTH. As I pointed out a moment ago, we are compelling a reduction in the number employed on active service. Most of the retired officers who are on active service are acting as military instructors at schools and colleges, where some of them are very useful; they are doing good work for the Government and for the colleges and schools. They are not fit for active, hard service in the field, and if they can be employed in that way, especially when the schools and colleges like one of these officers particularly well, it is a good thing to do it.

Mr. KING. I agree with the Senator.

Mr. WADSWORTH. But we wanted to reduce the number, and we have reduced it by 25.

The reading of the bill was continued.

The next amendment of the Committee on Military Affairs was, on page 20, line 5, under the subhead "Miscellaneous," to increase the appropriation for pay of nurses from "$800,000" to "$900,000."

The amendment was agreed to.

The next amendment was, on page 20, line 17, after the word "duty," to strike out "$5,000,000" and insert "$6,000,000," so as to read:

For commutation of quarters and heat and light to commissioned officers, warrant officers, members of the Nurse Corps, and enlisted men on duty at places where no public quarters are available, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty, $6,000,000.

Mr. KING. I should like to inquire of the Senator from New York what is the necessity for that increase? If we are reducing the Army, it seems to me there is no necessity for an increase of a million dollars in this item. Certainly the House must have given consideration to the subject.

Mr. WADSWORTH. I will state the facts to the Senator. It is very difficult to estimate just how much money will be required for commutation of quarters, heat, and light for all officers and men who may at one time or another draw allowances of that kind. The revised estimate of the department was $7,233,000. The House cut it to $5,000,000. We had a long discussion about it, and some of the members of the Committee on Military Affairs sent for an officer in the War Department who gives more study to this thing than anyone else there. He insisted—and I speak frankly—that $7,000,000 was needed and he did not see how they could get through with less. The Senate committee split the difference and made it $6,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 21, line 2, to increase the appropriation for additional 10 per cent increase of pay of officers on foreign service from "$250,000" to "$325,000."

Mr. WALSH of Montana. Mr. President, I wish to inquire about that item. What is the reason for believing that the number of officers in foreign service and men in foreign service will be greater than the number estimated by the House?

Mr. WADSWORTH. They are greater to-day by actual count.

Mr. WALSH of Montana. Greater than at the time the estimate was prepared?

Mr. WADSWORTH. The estimate of the department for 10 per cent increase of pay for officers in foreign service was $362,784. That would pay the officers who are now on foreign service, and there are 1,297 of them. The House cut that to $250,000, making it possible to pay only 890 officers. Some one must pay the balance of those officers or else they must be brought home from foreign service.

Mr. WALSH of Montana. Most of them are in Germany, I suppose?

Mr. WADSWORTH. No; some are in Germany, some in the Philippines, some in China, and some in Alaska.

Mr. WALSH of Montana. The Alaskan is not foreign service.

Mr. WADSWORTH. I think the officers and men in Alaska are entitled to the foreign-service increase. I regret to say to the Senator that I can not recollect whether Panama is foreign service or not. I think it is not and I think Hawaii is not.

Mr. WALSH of Montana. I wish to inquire of the Senator, then, with respect to the officers and men who are in Germany. For what period is it contemplated that this amount will pay their extra compensation?

Mr. WADSWORTH. One year.

Mr. WALSH of Montana. So that we are now——

Mr. WADSWORTH. May I modify that a little? The Senator will notice that the appropriation proposed by the Senate committee is $325,000. The estimate was $362,000.

Mr. WALSH of Montana. And that is upon the basis of the officers and men now in Germany remaining there for another year?

Mr. WADSWORTH. A little short of a year. It would make it possible for them to stay and for all the officers on foreign service in other places to stay a little less than one year on the appropriation recommended by the Senate committee. If they do not stay, then the money is not spent.

Mr. WALSH of Montana. We are appropriating on the basis that the Army is going to remain in Germany another year?

Mr. WADSWORTH. Approximately.

Mr. DIAL. Mr. President, I send to the desk an amendment to the pending bill, and ask that it may be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 21, line 4, to increase the appropriation for additional 20 per cent increase of pay of enlisted men on foreign service, from "$1,000,000" to "$1,750,000."

Mr. KING. May I inquire of the Senator from New York whether the testimony shows that, in view of the advantages to us in exchange, it was considered proper to give such a large increase in pay for foreign service?

Mr. WADSWORTH. It is fixed by law.

Mr. KING. I know that; but the law is not immutable; and I was wondering if the committee considered the advisability of changing the law?

Mr. WADSWORTH. Does the Senator mean changing the law by reducing in dollars the pay of our soldiers in Germany?

Mr. KING. No. I mean by reducing the amount allowed for foreign-service pay.

Mr. WADSWORTH. In what currency would we then pay them?

Mr. KING. Of course, we should necessarily pay them in American dollars.

Mr. WADSWORTH. Then we should pay them less than the law provides that they shall receive.

Mr. KING. I grant that.

Mr. WADSWORTH. I think it would be rather difficult to amend the law from time to time just to suit the situation in Germany.

Mr. KING. I agree with the Senator entirely, but I was wondering whether or not there was testimony tending to show that there ought to be increased pay for foreign service. My experience with soldiers who have been abroad is that they regard it as desirable to go to Alaska, to Panama, or to China; they do not hesitate; they are not reluctant to accept foreign service. Many of them would prefer foreign service, at least for one trial, to remaining at home; and I was wondering if the committee had considered the question of reducing the foreign-service pay.

Mr. WADSWORTH. No; it has not. That matter should be taken up by the joint committee of Congress provided for in the temporary pay increase bill of last year. That is one of the problems of the pay of the Army.

Mr. KING. That will be considered?

Mr. WADSWORTH. Undoubtedly.

Mr. HITCHCOCK. Does not the Senator think that, so far as the army of occupation in Germany is concerned, an entirely different situation exists from that which has existed heretofore in the case of foreign service? The enlisted men and officers of the American Army in Germany are using their American money to buy German money at an enormous discount, so that the ordinary pay of the American soldier over there is purchasing for him very much more than it would purchase in any other part of the world.

Mr. WADSWORTH. Of course, they have that advantage, but it would be rather difficult for us to make the pay of officers differ in accordance with the part of the world in which they happen to be.

Mr. HITCHCOCK. If it is proposed to keep that Army there for another year, as the Senator has indicated by his answer——

Mr. WADSWORTH. I did not indicate that.

Mr. HITCHCOCK. The Senator indicates that an appropriation is made for that purpose.

Mr. WADSWORTH. For a little less than a year.

Mr. HITCHCOCK. The Senator is careful not to be very definite on the subject; but an appropriation is made for keeping the Army there for another year, something which I think is not going to happen and which can not happen.

Mr. WADSWORTH. No. I will say to the Senator from Nebraska that the appropriation of $1,750,000 for the additional pay of enlisted men on foreign service is not based upon a year; it is considerably less. We must remember not to think of this merely in the terms of our men on the Rhine. We have 10,000 of our troops in the Philippines and 1,600 in China; and for the number of men on foreign service to-day $2,269,000 are necessary to pay them for one year, while we are appropriating only $1,750,000.

Mr. HITCHCOCK. So that the Senator from New York is really taking into account in this item the bringing of the soldiers back within the year?

Mr. WADSWORTH. Yes; the possibility of that; but we have no information as to when they will return.

The VICE PRESIDENT. Without objection, the amendment of the committee is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 21, line 15, to insert the following proviso:

Provided, That the Secretary of War shall determine what officers are required to be mounted within the meaning of the law authorizing the furnishing of mounts and horse equipment and the payment of additional pay to officers who furnish additional mounts at their own expense.

The amendment was agreed to.

The Assistant Secretary continued the reading of the bill to the end of line 11, on page 22, the last clause read being as follows:

The appropriation for "Pay, etc., of the Army," for the fiscal year 1921 shall be available for the authorized pay of members of the Reserve Training Corps or other persons authorized by the Secretary of War to attend the advanced course training camps during such fiscal year.

Mr. WADSWORTH. In line 9, page 22, after the word "Reserve," the word "Officers'" should be inserted. I suggest that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WALSH of Montana. I should like to inquire of the Senator from New York, merely for information, how it comes that in this bill we make the appropriations which are provided for on page 21 for the widows of certain officers of the Army?

Mr. WADSWORTH. I can not say where those items originated. They have been in the Army appropriation bill for years. In my judgment they really do not belong in the bill. The persons referred to should be put upon a pensionable status. If the Senator from Wyoming [Mr. WARREN] were here he might recollect how it was that those three items got into the Army appropriation bill. They were originally inserted before my day.

Mr. WALSH of Montana. I made the inquiry because my attention was some time ago called to the fact that for some 10 years prior to 1917 there was a general law which accorded to the widow of an officer in the Regular Army six months' pay on his death. That law was repealed, my recollection is, in October, 1917, but was reenacted in 1919.

Mr. WADSWORTH. It was repealed by implication in the war risk insurance act.

Mr. WALSH of Montana. Yes; but it was reenacted in 1919, so that the widows of officers dying prior to October, 1917, were accorded six months' pay; the widows of officers dying since 1919 are accorded six months' pay; but the unfortunate widows who lost their husbands during the intervening period, it seems, are excluded and thus unjustly discriminated against. I was wondering whether the widows mentioned were in that class and therefore special provision was being made for them.

Mr. WADSWORTH. I confess I can not recollect where these items originated. I have become so accustomed to seeing them in the bill that if I did know I have forgotten. There must be some special state of circumstances surrounding them that caused their inclusion originally in the bill.

Mr. WALSH of Montana. Does the Senator see any reason why the act to which I have referred should not be made applicable to widows of those officers dying during that intervening period?

Mr. WADSWORTH. I should think not. I have consulted with one or two members of the committee, and perhaps the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Florida [Mr. FLETCHER] would not object if I suggest that we strike out these three items of the bill and let the matter go to conference and find out just what ought to be done with them; that is, without prejudice, of course, to the beneficiaries.

Mr. WALSH of Montana. I inquired through no antagonistic spirit; I merely wanted to know what the items meant.

Mr. WADSWORTH. I move to strike out, on page 21, commencing in line 20, the remainder of that page, and lines 1, 2, 3, and 4 on page 22.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out the three paragraphs, beginning on page 21, with line 20, down to and including line 4, on page 22, as follows:

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, $1,500.

For amount required to make monthly payments to Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, $1,500.

For amount required to make monthly payments to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, $1,200.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WARREN subsequently said: Mr. President, I understand that during my temporary absence there was some inquiry made concerning the items of the bill on page 21 providing monthly payments to the widows of certain officers.

Those provisions have been incorporated in the bill for many years to fulfill laws enacted by Congress a long time ago. They are widows whose husbands lost their lives by tendering their bodies to the medical service for use in connection with certain scientific investigations and experiments, such as to ascertain the cause of yellow fever and what the mosquito had to do with the spread of that disease and other important experiments of hazardous nature in the interest of health and the protection of human life throughout the Nation.

While I remember all the cases, as to one of them—the Kissinger case—I should have to refresh my memory to some extent, but in the cases of the two widows, in each instance the officer sacrificed his life to medical science and for the welfare of the race. Their families were left without means following the death of the noble men who were willing to take chances in the interest of medical science and lost their lives as a result.

Mr. SMOOT. I call the Senator's attention to the fact that the widows of officers who lost their lives on the Panama Canal by allowing their bodies to be subjected to the bite of a fever-infested mosquito in order to aid medical science were granted a pension of $125 a month, and they draw their pensions the same as other pensioners under the pension laws.

Mr. WARREN. That does not apply to the three items carried in this bill.

Mr. SMOOT. I do not know as to the three cases mentioned.

Mr. WARREN. I will say to the Senator that I undertook on one or two occasions to have the payments to the two widows mentioned placed in the bill under the laws governing the Pension Bureau, and to have the items taken out of this bill, but the cases were so extreme and the devotion of the officers who lost their lives was such that there was very serious objection made, and it was insisted by their comrades that the items be carried as they had theretofore been in the Army appropriation bill, as a tribute, and every year since the appropriation has been made, and, as I have said, the law requires it to be made.

Mr. SMOOT. On page 22 is an item reading as follows:

For amount required to make monthly payments to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, $1,200.

How is that in this bill?

Mr. WARREN. I do not recall the particulars about that case, but I think that it was placed in the bill on the initiative of the Senator from North Dakota [Mr. MCCUMBER]. I repeat, I am not entirely certain about that one case, but we had an investigation concerning the other cases, as to what the necessities of the widows mentioned were, some complaint having drifted in to us. I will not refer to the details, but it became necessary to know something about their circumstances, and the results satisfied the committee that it was just and proper to continue the items in the bill, and they will have to be continued until the law is repealed.

Mr. MYERS. Mr. President, may I suggest that I think it would be well for the Senate to reinstate those items which were stricken out? I am well satisfied from the explanation of the Senator from Wyoming that they ought to be in the bill.

Mr. WARREN. By all means they ought to be in the bill.

Mr. MYERS. If the bill goes to conference with the items stricken out, the House conferees may say, "We will accept the amendment"; and then what could we do? We could only insist on our own amendment.

Mr. WARREN. I repeat that the law provides for payment in these cases, so that the items should remain in the bill.

Mr. WADSWORTH. I move to reconsider the vote by which the amendment offered by me striking out the three items was adopted.

The VICE PRESIDENT. Is there objection? The Chair hears none; and without objection, the amendment will be considered as not having been made.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 25, line 12, to increase the appropriation for subsistence of the Army from "$29,350,000" to "$30,500,000."

Mr. KING. Mr. President, I inquire of the Senator the reason for adding something over $1,000,000 to that total?

Mr. WADSWORTH. The appropriation made by the House of $29,350,000 is the estimate of the amount which is regarded as necessary to subsist an Army of the size contemplated by the House. The War Department tells the Senate committee that for an Army reduced to 175,000 men $31,500,000 would be necessary; but as we have reduced the Army to a trifle under 170,000 men the committee thought that $30,500,000 would be sufficient. This item and the one covering the pay of enlisted men are the only two items in the bill which have anything important to do with the size of the Army.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The Assistant Secretary continued the reading of the bill, reading under the heading "Regular supplies" to the appropriation of $16,500,000, in line 1, on page 28.

The next amendment of the Committee on Military Affairs was, on page 28, line 3, after the words "civilian employees," to strike out:

Not to exceed $1,750,000 shall be expended for power, heat, and electric current, of which not exceeding $52,300 may be used for improvement of electric power supply system at Governors Island, N. Y.; not to exceed $100,000 shall be expended for maintenance and repair of buildings (including repair of machinery) for laundries; not to exceed $300,000 shall be expended for the maintenance and repair of heating apparatus (other than stoves); not to exceed $200,000 for maintenance and repair of electric wiring and fixtures; not to exceed $10,000 for the repair and exchange of typewriters.

And, on line 13, before the word "not," to insert "and," so as to make the proviso read:

Provided, That from this appropriation not to exceed $1,750,000 shall be expended for the pay of civilian employees, and not to exceed $5,225,000 for fuel.

Mr. KING. Mr. President, I want to advise the Senate that when we get through with the amendments offered by the committee I shall move to reduce the amount of $16,500,000, in line 1, page 28, as well as the very large items carried for civilian employees in other parts of the bill. It seems to me that $1,750,000 for the payment of civilian employees in the expenditure of the $16,500,000 is entirely too much when we take into account the large number of other civilian employees, and the organization which is existing now to care for all branches of the Government, and some of the duties of which would extend into the labors involved in the expenditure of this $16,500,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 28, line 14, after the word "fuel," to strike out:

Not to exceed $6,265,000 for forage, including salt and vinegar and bedding for animals, and straw for soldiers' bedding; not to exceed $350,000 for ice; and not to exceed $550,000 shall be expended for stationery.

The amendment was agreed to.

The next amendment was, on page 28, after line 17, to strike out:

Provided, That the Secretary of War is authorized and directed to sell as soon as possible after the approval of this act, upon such terms and under such conditions as he may deem most advantageous to the

best interests of the Government, such horses and mules now being held at remount stations and posts as are not in actual use, and in any event not less than 10,000 of such animals shall be sold.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "recruiting," to insert "and of the sum appropriated for incidental expenses, $100,000 shall be immediately available"; and in line 23, after the word "including," to insert "draft evaders and," so as to read:

Postage; cost of telegrams on official business received and sent by officers of the Army, including members of the Officers' Reserve Corps, when ordered to active duty; for expenses of expresses to and from frontier posts and armies in the field; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; and of the sum appropriated for incidental expenses, $100,000 shall be immediately available for the apprehension, securing, and delivering of deserters, including draft evaders and escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $10 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, $5,500,000.

The amendment was agreed to.

The next amendment was, on page 30, line 11, after the word "exceeding," to strike out "$2,500,000" and insert "$2,450,000"; in line 12, after the word "exceeding," to strike out "$2,900,000" and insert "$2,825,000"; and in line 14, after the word "exceeding," to strike out "$75,000" and insert "$100,000," so as to make the proviso read:

Provided, That from this appropriation not exceeding $2,450,000 shall be expended for the hire of labor; not exceeding $2,825,000 shall be expended for the pay of civilian employees other than laborers; not exceeding $100,000 shall be expended for telegrams, cablegrams, and postage; and not exceeding $25,000 shall be expended for experimental and development work.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, not as a committee amendment, but as an amendment which has been brought to my attention and which I think should be offered, I offer the amendment which I send to the desk to go in after line 16 on page 30, and call the attention of the Senator from Utah to the item.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 30, after line 16, it is proposed to insert:

MONUMENTS OR TABLETS IN CUBA AND CHINA.

For repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, $1,000.

Mr. WADSWORTH. My information is that this item has always been carried in the sundry civil bill, and by some accident it was left out. It is a standing item to take care of the monument at San Juan and the monuments in China, with a caretaker to take care of the grounds.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 34, line 3, after the word "*Provided*," to strike out:

That the amounts to be expended from this appropriation for the objects hereinbefore set forth shall not exceed the following respective sums: Animal-drawn transportation, $1,530,000; transportation by water, $10,620,000; rail transportation, $10,200,000; and motor transportation, $6,375,000.

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the words just stricken out, to strike out:

Provided further, That no part of this appropriation shall be expended for the purchase of draft or pack animals or animal-drawn vehicles.

The amendment was agreed to.

Mr. WADSWORTH. In line 3 the word "*Provided*" should be stricken out as an amendment.

Mr. FLETCHER. No; I think it would be better to leave that in and to strike out "*Provided further*," in line 11.

Mr. WADSWORTH. I was going to move to strike out the word "*further*" in line 11.

Mr. FLETCHER. I suggest striking out the words "*Provided further*," in line 11.

Mr. WADSWORTH. Very well.

The ASSISTANT SECRETARY. It is proposed to strike out the words "*Provided further*," in line 11. Then it will read:

$28,725,000: *Provided*, That no money appropriated by this act—

And so forth.

The amendment was agreed to.

Mr. KING. Mr. President, for my own information I should like to know the method by which the department reaches the conclusion that such a stupendous sum—nearly $29,000,000—will be required for transportation charges.

Mr. WADSWORTH. The department reached the conclusion that $61,500,000 was necessary, and we cut them to $28,000,000. Under the item of "Transportation" the transports taking supplies for the troops in Germany are paid for, coming and going. The transports crossing the Pacific to the Philippines and to China, to Hawaii, down to Panama and up to Alaska, are all paid for under it. Whenever any soldier or a unit of soldiers travels on duty the railroad fare is paid for under this item. All the repair and maintenance of the trucks used in the Army is paid for under this item; all the escort wagons, everything on wheels, purchase, repair, and maintenance, is paid for under this—the care of horses, purchase of horses and mules, pack animals, everything that has to do with moving the Army or its supplies.

The item is one that can be made variable, great or small, by the Secretary of War, unless the Congress places severe restrictions upon it. The present Secretary of War has laid down a rigid rule that no officer shall be ordered across the country or on special duty involving travel pay without his approval. A careless habit grew up during the war and immediately afterwards. Vast numbers of officers were traveling all over the country. It became an easy thing to do, to order an officer back and forth across the continent, and men in the same way. That is being cut down severely, and the committees have set the example by cutting that estimate from $61,500,000 down to $28,000,000; and, if the truth must be told, they do not see how they are going to get on with that amount. They will have to, but it is going to immobilize most of the Army.

Mr. KING. They may have to walk.

Mr. LODGE. Mr. President, I know, of course, that an agreement has been made to take up first the amendments offered by the committee; but since we are at the part of the bill which relates to the sale of motor trucks, while I will offer the amendment later if the rule is insisted on, I want to ask the chairman of the committee as to an amendment which I understand is to be offered by the Senator from Kansas [Mr. CURTIS], who is not here.

The amendment is, on page 34, line 17, after the word "Army," to insert the words:

Provided further, That the Secretary of War is authorized and directed to dispose of by transfer to the Post Office Department, for use in the Postal Service, such number, not exceeding 2,000, of three-quarter ton motor trucks as in the judgment of the Secretary are not necessary for the use of the Army.

Mr. WADSWORTH. I can not accept that amendment.

Mr. LODGE. I did not mean to press it at this time. I know it is not in order at this moment.

Mr. FLETCHER. The Senator can present it now, and it can be printed, I take it, and considered later.

Mr. LODGE. I can present it after the bill is finished, of course.

Mr. FLETCHER. Yes; but I mean if the Senator is asking that it be now presented, it can be printed.

Mr. LODGE. No; I wanted information in regard to it. I shall offer it at the appropriate time. The amendment was sent to me by the Postmaster General.

Mr. WADSWORTH. He sent it, I think, to every Member of the Senate.

Mr. LODGE. Very likely. I did not mean to claim any peculiar privilege; but as it was sent about generally, and it was said that it was to be offered by the Senator from Kansas, I wanted to know what the objection to it was. On its face it sounds very reasonable.

Mr. WADSWORTH. Mr. President, it is now quarter of 5. I do not know whether it is the pleasure of the Senate to embark upon a discussion of the motor-truck problem to-night or not.

Mr. LODGE. Then I will let it go over until the bill is concluded and at the proper time I will offer it, unless by that time the Senator from Kansas has reappeared.

Mr. WADSWORTH. I am quite sure it will take more than 15 or 20 minutes to settle the motor-truck problem.

Mr. LODGE. Very well; let it go over then until the time when it is in order.

Mr. OVERMAN. Mr. President, in this connection I should like to ask the chairman of the committee a question. We

had a discussion of this matter, and an amendment was adopted on this bill at the last session requiring the Secretary of War to turn over to the States and counties for road purposes all unused trucks and automobiles.

I understood the chairman to say they have all been disposed of, and that they have no surplus on hand. I would like to know if that is true?

Mr. WADSWORTH. What surplus they have on hand is worn-out material. They have no surplus of usable trucks. They are 1,500 short to-day.

Mr. OVERMAN. And that is true as to automobiles?

Mr. WADSWORTH. They are 480 short in passenger-carrying automobiles.

Mr. OVERMAN. I merely wanted to have that appear in the RECORD, because it will probably prevent a fight.

Mr. FLETCHER. The Senator will find a discussion of this question in the hearings before the committee on pages 34 and 35. The conclusion there reached is that there is now a deficit of 1,505 trucks and 487 passenger-carrying automobiles.

Mr. OVERMAN. I thank the Senator for the information.

Mr. FLETCHER. The details are given in the hearings.

The VICE PRESIDENT. The Secretary will state the next amendment.

The next amendment was, on page 35, after line 7, to insert the following additional proviso:

And provided further, That not to exceed $700,000 of this appropriation shall become immediately available for the shipment of sodium nitrate from present storage points to the Savanna Proving Grounds, Ill.

The amendment was agreed to.

The next amendment was, on page 35, after line 16, to insert the following additional proviso:

And provided further, That hereafter the cost of transportation of civilian employees and of materials in connection with the construction or maintenance of seacoast fortifications, or the acquisition of land therefor, by the Engineer Department, or with the manufacturing and purchase activities of the Ordnance Department and the Chemical Warfare Service, shall be charged to the appropriations for the work in connection with which such transportation charges are incurred.

The amendment was agreed to.

The next amendment was, at the top of page 36, to strike out:

The Secretary of War is hereby directed and authorized to transfer, without charge, within 30 days after the approval of this act, to the Department of the Interior, six serviceable light motor trucks.

The amendment was agreed to.

The next amendment was, on page 36, line 14, after the numerals "$2,000,000," to strike out "*Provided*, That no part of this appropriation shall be expended for new construction work."

The amendment was agreed to.

The next amendment was, on page 38, line 10, after "1921," to insert the following additional proviso:

Provided further, That all the money hereinbefore designated under the titles "Subsistence of the Army," "Regular supplies, Quartermaster Corps," "Incidental expenses, Quartermaster Corps," "Transportation of the Army and its supplies," "Water and sewers at military posts," "Clothing and camp and garrison equipage," shall be disbursed and accounted for, except as specifically limited, as "General appropriations Quartermaster Corps," and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 41, line 20, to strike out the following proviso:

Provided, That this appropriation shall not be available for the rent of offices for military attachés.

The amendment was agreed to.

The next amendment was, under the head "Military post exchanges," on page 42, line 1, after the word "rooms," to insert "hostess houses," so as to read:

For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, hostess houses, chapels, and gymnasium, including repairs to buildings erected at private cost, in the operation of the act approved May 31, 1902, for the rental of films, purchase of slides, supplies for and making repairs to moving-picture outfits and for similar and other recreational purposes at training and mobilization camps now established, or which may be hereafter established, $150,000.

Mr. WADSWORTH. I move as an amendment to the amendment, on line 1, after the word "rooms," to insert the words "for the conduct and maintenance of hostess houses."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 3, on page 44, the last paragraph read being as follows:

CONSTRUCTION AND REPAIR OF HOSPITALS.

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repairs of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers and electric work, cooking apparatus, and roads and walks for the same, $900,000.

Mr. KING. Before passing the item of hospitals, permit me to say that the appropriation bill last year carried a considerable sum, and we had a number of hospitals following the war. May I inquire of the Senator in charge of the bill, in view of the appropriations heretofore made, and the legacies of the war in hospitals, whether this sum is deemed necessary?

Mr. WADSWORTH. Does the Senator refer to the appropriation on the top of page 44?

Mr. KING. I was called from the Chamber, and as I was coming in I heard the item of hospitals referred to.

Mr. WADSWORTH. Construction and repair of hospitals?

Mr. KING. Yes, sir.

Mr. WADSWORTH. This is for the standard number of hospitals which are now actually operated by the medical department. They are all in operation. The department asked $1,625,000 for the construction and repair of hospitals. No new ones are being constructed, and the committee gives them $900,000.

Mr. KING. I supposed that with the reduction of the Army there would be a material reduction in the amount appropriated for new construction.

Mr. WADSWORTH. We have reduced it $700,000 below their estimates, and I would go very slowly in reducing it any more, because it might injure the sick.

Mr. KING. Of course, we must make adequate appropriations, but in view of the large appropriations made for the Public Health Service, and the reduction in the Army, I was led to inquire whether or not this amount was necessary.

The reading of the bill was resumed.

The next amendment was, on page 46, line 5, to increase the appropriation for vocational training from "$1,200,000" to "$1,500,000."

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 50.

RELIEF OF FLOOD SUFFERERS IN COLORADO.

Mr. PHIPPS. Mr. President, I send to the desk a joint resolution, and ask unanimous consent for its immediate consideration. It relates to the sufferers from the flood in the district of Pueblo, Colo.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 69) for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War is hereby authorized and directed to take such temporary sanitary measures as he may deem necessary and to furnish subsistence and quartermaster supplies belonging to the Military Establishment and available and issue the same to such destitute persons in Colorado as have been rendered homeless or are in needy circumstances as a result of the recent flood due to the overflow of the Arkansas River and its tributaries, and in executing this joint resolution the Secretary of War is directed, in so far as possible, to cooperate with the authorities in the State of Colorado and the mayors of such cities on the Arkansas River or its tributaries as may have sustained damages.

The VICE PRESIDENT. The Senator from Colorado asks for the immediate consideration of the joint resolution just read. Is there objection?

Mr. UNDERWOOD. Mr. President, I think this is a very proper resolution. I do not object, because I think we ought to grant the relief. But I do not think we ought to let it go through as a merely perfunctory matter. I think the Senator should advise the Senate as to about what the cost will be. We would like to have a statement about it.

The Senate, by unanimous consent, considered the joint resolution as in Committee of the Whole.

Mr. PHIPPS. Mr. President, it was thought advisable to put the joint resolution in this form for the reason that it is as yet impossible to secure definite estimates as to the amount of Federal relief which may be necessary in assisting the local authorities and the State of Colorado to provide relief. It is not sought at this time to take any note of the property damage, such as the destruction of buildings, the washing down of the levees along the two rivers, the crop destruction, or anything of that nature, but simply to provide for the relief of sufferers from the flood.

In the case of San Francisco, which I may cite, not exactly as a precedent, but to state what action was taken at that time, the first joint resolution passed by the Congress appropriated $1,000,000 for use for relief of sufferers. That was followed later by additional measures, making a total appropriation for the purposes of relief of $2,500,000.

In the cases of the Ohio floods the War Department, and I believe in that instance also the Navy Department, as it had been the case in the San Francisco earthquake, were authorized to proceed with the work of relief, and the expenditures in the cases of the Ohio floods, amounting to something over $800,000, were covered by appropriations subsequently made to the departments which had provided the supplies for the sufferers.

The matter of covering this emergency immediately and in a proper manner was taken up by the Colorado delegation with the chairmen of the Appropriation Committees of the Senate and of the House. The suggestion we made to them was to place an upper limit of $1,000,000, or so much thereof as might be necessary, in the form of an appropriation which would be carried by the joint resolution. The chairmen of those committees agreed, in conferring with the Colorado delegation, that it would not be advisable to do that. They thought it would be preferable to give the authority to the War Department to utilize supplies out of stores and to render assistance to the sufferers without stipulating the amount of cost that would be involved.

I think the record will show that in all cases, without perhaps more than one or two exceptions, in disasters of any magnitude the Federal Government has rendered assistance immediately.

Perhaps the Secretary of War has authority without this legislation to render aid and assistance, but I know, after conference with him, that he would prefer to have specific authority, as is proposed by the joint resolution.

Mr. UNDERWOOD. Mr. President, I doubt whether the Secretary of War has any authority to render aid under the law. He may render aid and have his action approved by Congress subsequently, but under the law I do not think he has any authority to do it. I believe the Senator's joint resolution is a very timely one and a very proper one, and it is limited within the scope of the action of Congress in the past. I do not think the Congress has ever gone to the extent of paying for permanent damages.

Mr. PHIPPS. It has not, and that is not contemplated in the joint resolution.

Mr. UNDERWOOD. The joint resolution, as I understand it, relates to immediate relief for the sufferings of the people there, and I think it should meet the approval of all. Where it is practicable and possible I would like to see some limitation put in the measure and not give a blanket order, but, as the Senator says, under these circumstances that could not be done at this time, and the joint resolution should pass in the form in which it is presented to us.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. WADSWORTH. I move that the Senate stand in recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Wednesday, June 8, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 7, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou art our refuge and strength and our heavenly Father, too, in whom we find repose. We linger in the outer court of the Holy of Holies. Hear our call and give answer to our little prayer. When the load is heavy, give us support; when the way is uncertain, give us guidance; and when the pathway is lonely and forbidding, bless us with Thy companionship. Feed us not with the bread of tears, but give unto us that living manna that cometh down in bountiful measure from the Father of Life. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE NAVAL BILL.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The Clerk read as follows:

Resolved, That the bill H. R. 4803, making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, be, and hereby is, taken from the Speaker's table, with Senate amendments thereto, to the end that the Senate amendments be, and hereby are, disagreed to, and the conference requested by the Senate on the disagreeing votes on said amendments be, and hereby is, agreed to, and the Speaker shall immediately appoint the conferees.

Mr. GARNER. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL of Kansas. For a question.

Mr. GARNER. I want to suggest to the gentleman from Kansas that we might facilitate this matter and avoid the passage of the rule if the conferees would assure us that they would give us a vote on the Borah amendment.

Mr. CAMPBELL of Kansas. Mr. Speaker, I listened to the discussion on the floor when the matter was up a few days ago, and it was my understanding then that the probable conferees on the part of the majority said that they would bring the matter back in such a way as to allow a vote on the question. I will now yield to the gentleman from Michigan.

Mr. GARNER. The contemplated minority conferees who will be appointed, I assume, are in the Chamber; and may I ask the gentleman from Michigan if he would agree to give the House a vote on the Borah amendment if we consent to send the bill to conference by agreement?

Mr. KELLEY of Michigan. I will say that I thought I expressed myself the other day as clearly as I knew how, that the Borah amendment would be brought back for a vote by the House. There is no other way.

Mr. GARNER. So that there may be no mistake about it, will the gentleman from Michigan bring the Borah amendment back and give us an opportunity to vote directly on the proposition whether or not the Borah amendment shall be agreed to?

Mr. KELLEY of Michigan. There is no question but what that will be done, and I will do that.

Mr. GARNER. The gentleman will do that?

Mr. KELLEY of Michigan. That, of course, means that a motion to concur with an amendment would be in order. I would not undertake to prevent opportunity for amendment.

Mr. GARNER. That is exactly what I want to call attention to. The gentleman knows that under the rules of the House, when he comes back from the conference and moves to recede and concur in the Senate amendment, any gentleman having the floor can move to concur with an amendment.

Mr. KELLEY of Michigan. That is true.

Mr. GARNER. Will the gentleman resist a motion to concur with an amendment and give the House an opportunity to vote directly on the Borah amendment?

Mr. KELLEY of Michigan. I can not say that——

Mr. PADGETT. If the gentleman will yield, after the bill has gone to conference and it comes back, a motion to concur has precedence over a motion to concur with an amendment.

Mr. GARNER. There is just where the gentleman is mistaken about the rules of the House.

Mr. PADGETT. After it comes back from conference, I say.

Mr. GARNER. No; we looked that matter up, and on a motion to recede and concur you ask for a division of the question.

Mr. PADGETT. Oh, if you divide, you are correct; but if not, a motion to concur has precedence.

Mr. GARNER. The rules of the House kill the preferential motion to concur with an amendment. What I want the gentleman to agree to now is that we may have an opportunity to vote directly on the Borah amendment.

Mr. KELLEY of Michigan. So far as I am concerned, I think the Borah amendment should be amended, and I think the gentleman from Texas thinks so, too. I would not ask unanimous consent to vote directly upon that without an amendment to it.

Mr. GARNER. In other words, the gentleman is not willing that the House should vote directly on the Borah amendment?

Mr. FESS. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman.

Mr. FESS. With a motion to concur in the Senate amendment and another to concur with an amendment, the gentleman gets a direct vote——

Mr. GARNER. Oh, no. I prefer that the House should have an opportunity to vote directly on the Borah amendment and thus test the judgment of the House.

Mr. FESS. The gentleman's desire is that this side of the House should bind itself not to offer an amendment to the Borah amendment.

Mr. GARNER. Oh, no; not at all.

Mr. MONDELL. Mr. Speaker, if gentlemen will yield——

Mr. KELLEY of Michigan. I yield.

Mr. MONDELL. There is no doubt but that every gentleman here has an opinion with regard to every one of the Senate amendments on this bill; no doubt that every gentleman would like to have every amendment in the bill presented to the House just in the way that would best please him. Manifestly that can not be arranged. The rule proposes to send the bill to conference in the usual way, with the conferees uninstructed, the House reserving all its rights on the conference report, and nothing more than that can be asked.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARNER. The gentleman from Wyoming says that the House will reserve all its rights. Now, the gentleman from Wyoming has been on a number of conferences. The gentleman from Wyoming knows that if you take the bill up under the rules of the House the House would have an opportunity to vote on the Borah amendment and agree to it. The gentleman knows that. The House will take away from itself the opportunity to vote on the Borah amendment by the adoption of this rule.

Mr. CAMPBELL of Kansas. Mr. Speaker, I can not yield further.

Mr. MONDELL. What the gentleman from Texas said is not correct. If the bill were taken up under the rules of the House, it would go to the Committee on Appropriations.

Mr. GARNER. But it comes back from that committee to the Committee of the Whole House on the state of the Union, and the Committee of the Whole House could agree to the Borah amendment.

Mr. CAMPBELL of Kansas. We do not know how the matter would be presented. The possibilities are that it would not come back from the committee with the Borah amendment in it at all.

Mr. GARNER. But the committee would have an opportunity to consider it.

Mr. CAMPBELL of Kansas. It would have the same opportunity to consider the question involved in the resolution that is now pending in the House. When this bill is sent to conference the conferees will do as they usually do, representing the House. They will assert their opinions with respect to the question involved.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. The gentleman from Texas [Mr. GARNER] and other gentlemen will have an opportunity of voting to agree or to disagree to the conference report or to that part of it which is in disagreement.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. PADGETT. Under the rules of the House the conferees can not agree to that legislation with an amendment.

Mr. CAMPBELL of Kansas. Not at all.

Mr. PADGETT. They will come back to the House without a conference agreement, and then it can be submitted to the House. The conferees can not bring it back to the House with an amendment under the rules of the House.

Mr. CAMPBELL of Kansas. Not new matter or matter that would not have been in order when the bill was under consideration in the House.

Mr. Speaker, I yield 30 minutes to the gentleman from North Carolina [Mr. POU] for the purpose of debate.

Mr. POU. Mr. Speaker, this appears to be one of those peculiar legislative proposals which has the support of everybody and yet is never enacted into law. I refer to the great question of universal disarmament. I speak for myself, and I know I speak for some others on this side of the Chamber, if not for very nearly all. We in good faith wish to give the President of the United States an opportunity to see what he can accomplish by way of agreement with the great nations of the earth to lift from the shoulders of the people at least a part of the burden that is imposed by the great naval establishments. We would like, if we could so arrange it, to have an opportunity to vote for the Borah amendment, or for that amendment substantially, and if gentlemen on the other side can give us any assurance that that opportunity will be given to the House, this rule will be adopted with practical unanimity. That is the position on this side of the Chamber in so far as I have been able to ascertain the attitude of the minority. We have no desire to embarrass the President. I saw a statement published in the paper the other day by the distinguished author of the so-called Borah amendment which has a great deal of common sense to it. He wanted the amendment made as simple in terms as possible. He did not desire any conditions. He wanted a vote squarely on his proposal.

Certainly this is a proposal concerning which men ought not to attempt to play politics. On this side of the Chamber I know that there are many who in perfect good faith are willing to give the President untrammeled opportunity to see what he can do. It would, I honestly believe, be more accurate to say the minority is unanimously willing to give the President such opportunity. We will be grievously disappointed if when the conference report comes back the Borah amendment is camouflaged by the so-called Porter resolution. We do not want any such gold brick as that. Here is a practical opportunity for the President to make a move in the right direction, supported by a minority here well-nigh unanimous. Mr. Speaker, upon the wall of every home in America should be written the statistics which indicate the burden of the expense of war and preparation for war. From 80 to 90 cents out of every dollar appropriated by this Congress will be for the maintenance of the Army or the Navy or for the paying of pensions or for meeting other expense made necessary by war. Almost 90 cents out of every dollar must go to pay the penalty of past wars or for the purpose of making ready for future wars. How long the taxpayers of America will permit this war budget to grow in size because of the danger of future wars is problematical. This much is certain, they will not stand it always, for the end is national bankruptcy. We hope that you will give us an opportunity to vote on the Borah amendment. We put this matter squarely up to you of the majority in absolute good faith. We ask you to give the House opportunity to vote. If you do, we stand ready to cooperate with you. If you do not, you had better make ready your answer to the people of America. [Applause on the Democratic side.]

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. COOPER of Ohio. I merely want to say to the gentleman that I as one Republican want an opportunity to vote direct on the Borah amendment. [Applause.]

Mr. POU. I know also that the gentleman from Ohio does not stand alone. I know that there are gentlemen on this side of the House, as well as on that side, who are willing to approach this question in a sincere, honest manner, and to place it above any political consideration. We have no right to attempt to play politics in a great matter like this which affects all the American people.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. RAMSEYER. Under the new rules of the House are not the conferees required and compelled to come back with the Borah amendment, as it is legislation on an appropriation bill, and give the House an opportunity to express its opinion?

Mr. POU. I do not think so. I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, this motion involves a question of general policy of supreme importance. That is the independent right of two legislative bodies to place items on an appropriation bill. That independent right surely leads to extravagance and waste. In every appropriation bill which becomes a law we see manifest evidences of the different preferences and ideas of the two Houses, together with the result of personal efforts to obtain appropriations. On this very bill there was for a long time a controversy between the Senate and House. The House preferred the building of battleships while the Senate preferred the building of cruisers. When the conference report was agreed upon, the amounts in the bill were very much increased because of a recognition of the preferences of the two Houses. I do not anticipate any hasty change in this system. I would indulge in no baiting of the Senate, no derogation of its prerogatives, but the best system is one in which a single House has the responsibility for appropriations. We recently passed a budget bill which will create a great reform, but it will not create a millenium. Possibly a joint committee of the two Houses may be a partial solution of the question. In other countries single houses have full authority. In England the Lords even for clerical service must appeal to the Commons. In France the question has never been definitely decided, although the right of the Senate to add amendments has always been denied.

What have we here? A bill very carefully considered in this House. It goes to the Senate and a hundred million dollars are added. I shall be disappointed, Mr. Speaker, if a total of

$1,000,000 of those additions is recommended by the conferees, when the bill comes back to the House. [Applause.]

The Senate might, if it had an independent responsibility, frame a most excellent appropriation bill, but this House, where there is earnest and sometimes even acrimonious debate, speaks most accurately, most correctly for the will of 110,000,000 people. [Applause.] The people are demanding economy. Occasionally the demand is too vague and general and those who ask it are seeking appropriations for their own special interest, inconsistent with the views they advocate. But the duty rests upon this House to promote economy. The overburdened taxpayers of the country are crying aloud for relief. The whole world, with the mounting cost of militarism, is threatened with universal bankruptcy, and I trust the conferees will stand firmly and bring back to this House a report of nonconcurrence in these additions so that the bill may remain as it was in the House. Thus we shall do our duty to the country by expressing the opinion that we are opposed to this mad race for an increase in military expenses. [Applause.]

Mr. CAMPBELL of Kansas. Will the gentleman from North Carolina yield some of his time?

Mr. POU. I will yield five minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I think we can all agree with the gentleman from Ohio [Mr. BURTON] in his suggestion that the conferees on the part of the House at least ought to try to eliminate from the conference report the increases of the Senate. I believe that 90 per cent of the membership of this House are in favor of retrenchment in the matter of expenditures in military affairs. Now, as for myself, for instance, I know I have well-formed views that I believe are based on premises that are conclusive from the testimony that I have, and that is that the military branch of the Government should be reduced to 100,000 men. I would like to see disarmament in the Navy, but I shall never support disarmament in the Navy as long as other nations are likely to be armed and are dangerous to the safety of our Republic. [Applause.] Now, that is my position. The gentleman from Ohio has spoken to the House in reference to the best method of getting adopted the House views on this bill. The gentleman from Ohio has been on many conference committees. He understands exactly the methods of a conference. He understands also that when you trust to the conferees a matter of disagreement to a Senate amendment without instructions that when the conferees' report is once agreed to there is no escape except to vote it up or vote it down, and the gentleman will recall in his long service in this House and in the other body that seldom, if ever, has he known of a complete conference report on an appropriation bill having been rejected. So I suggest to the gentleman from Ohio and those who believe with him that this House should assert itself, should make itself felt in the matter of appropriations and in the matter of economy, and give the House an opportunity to instruct its conferees. You can get that in this instance. The reason heretofore why we did not consider Senate amendments under the general rules of the House was because we did not have the time, but now the gentleman from Wyoming is dragging out the session because he has got nothing to do. We are adjourning over two or three days in order to kill time. We have plenty of time to send this bill to conference under the rules of the House. Why do you not do it? You older Members know why you do not do it. You do not want—the leader [Mr. MONDELL] does not want—to give us an opportunity to vote on the Borah amendment.

Mr. CAMPBELL of Kansas. Will the gentleman from Texas yield?

Mr. GARNER. I will yield.

Mr. CAMPBELL of Kansas. Could any Member of this House deny to the House an opportunity to vote for the Borah amendment if he saw fit to do so if the Senate conferees did not recede on the Borah amendment?

Mr. GARNER. He will never get an opportunity to vote directly on the Borah amendment if any gentleman in the House availing himself of the rules of the House makes a motion to concur with an amendment, and if that motion is agreed to the Borah amendment will never be considered.

Mr. CAMPBELL of Kansas. If the motion to concur with an amendment is voted down, then would not the House have an opportunity to vote on it? Then why does the gentleman from Texas say——

Mr. GARNER. Because I know. I have been here long enough to know the gentleman from Kansas and know the art by which he prevents an opportunity to vote directly on a question. [Applause on the Democratic side.]

Why, every gentleman here knows what has happened. I am going to read from the mouthpiece of the administration, from the Washington Post. Does anybody deny this is the mouthpiece of the administration? No one doing so, I will read from this authentic document. [Applause on the Democratic side.]

The House Foreign Affairs Committee yesterday reported a joint resolution concurring in the declared purposes of President Harding with respect to the international limitation of armament. It is not the present intention that that resolution shall be passed by the House as a legislative enactment. In this respect it is most unusual—

I think we can agree to that—

The Foreign Affairs Committee has simply taken this occasion to inform the conferees on the naval appropriation bill—

I call that to the attention of the gentleman from Michigan [Mr. KELLEY]—

who will be appointed this morning, that the House prefers this expression of opinion to the Borah disarmament amendment added to the naval bill in the Senate. The inference, of course, is that this procedure has the approval of the House leaders, and that the understanding has been reached by informal conferences among them. The House naval conferees are favorable to the Porter substitute and against the Borah amendment.

Now I give that as authority for my statement to the gentleman from Kansas that the leaders on his side are opposed to the Borah amendment and are in favor of the so-called Porter resolution. Is it true?

I give that as authority for my statement. Is it true that the gentleman from Kansas and the leaders on his side are opposed to the Borah amendment and favor the Porter resolution?

The SPEAKER. The time of the gentleman has expired.

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 20 minutes remaining.

Mr. POU. I yield to the gentleman four minutes more.

Mr. SWEET. Will the gentleman yield?

Mr. GARNER. I will.

Mr. SWEET. Is the gentleman reading from an editorial?

Mr. GARNER. I was reading from the report of a reporter who is usually inspired in his argument.

Mr. SWEET. An item in the Post?

Mr. GARNER. Yes; and I challenge the gentleman over there to deny it, and I call upon the gentleman from Kansas to know if it is true.

Mr. CAMPBELL of Kansas. The gentleman is not on the stand.

Mr. GARNER. The gentleman from Kansas is a leader, and I have referred to the leaders on his side, and I include him as one of them.

Mr. CAMPBELL of Kansas. And I disclaim the soft impeachment.

Mr. GARNER. The gentleman is on his feet now. Will he tell me that it is not true?

Mr. CAMPBELL of Kansas. No such agreement has been entered into with respect to this matter or any other matter, to my knowledge.

Mr. KELLEY of Michigan. I will say, as a probable member of the conference committee, that no person has mentioned to me any particular phraseology as a substitute.

Mr. GARNER. May I ask the gentleman a question?

Mr. KELLEY of Michigan. Yes.

Mr. GARNER. Does he favor the procedure—the so-called Porter amendment to the Borah amendment?

Mr. KELLEY of Michigan. What does the gentleman mean by the "procedure"?

Mr. GARNER. Substituting the Porter resolution for the Borah amendment.

Mr. KELLEY of Michigan. I suppose the gentleman from Texas and those on that side are very eager——

Mr. GARNER. I am asking you——

Mr. KELLEY of Michigan. I am getting at that. It is easy to have this matter disposed of on the naval bill and not by separate resolution. Now, he seems to have changed front.

Mr. GARNER. I asked the gentleman a direct question, whether he wants the Borah amendment or the Porter resolution?

Mr. KELLEY of Michigan. I have not read the Porter resolution.

Mr. GARNER. The gentleman has not answered the question.

Mr. KELLEY of Michigan. How could I know, if I have not read it? I am not in the habit of preferring one thing or another until I read it.

Mr. GARNER. The gentleman does not know anything about the Porter resolution?

Mr. KELLEY of Michigan. No; I do not.

Mr. GARNER. Mr. Speaker, this only illustrates——

Mr. MONDELL. The minority caucused yesterday afternoon on the Borah amendment. Did the minority agree to support the Borah amendment as a political proposition? [Laughter.]

Mr. GARNER. Let me say to the gentleman from Wyoming that the Democratic membership of the House did not caucus yesterday, as he stated.

Mr. MONDELL. Who were the gentlemen who were here?

Mr. GARNER. I do not know that I could enumerate them. Nearly all of the Members were here, but it was not a caucus. And may I say to the gentleman from Wyoming that the Borah amendment was not discussed in the conference yesterday at all. So the gentleman is misinformed in the premises.

Mr. MONDELL. And this question that the gentleman is now discussing was not discussed?

Mr. GARNER. It was not discussed. Does the gentleman from Wyoming favor the so-called Porter resolution in preference to the Borah amendment?

Mr. MONDELL. I do.

Mr. GARNER. That settles it. These gentlemen then understand what they will get when the committee of conference comes back.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, there seems to be considerable confusion about the parliamentary situation that faces us as to what the conferees will do. I want to talk to the Republican Members a minute. In my opinion the Porter resolution will not be considered at all in the conference, for the reason that anything that is not in dispute, anything that has not been up in one or the other of the Houses will not be a matter that is in order.

Mr. GARNER. Will the gentleman yield?

Mr. PADGETT. Will the gentleman yield a moment just there?

Mr. FESS. I yield.

Mr. PADGETT. If it comes back to the House from the conference, as under the rule it is required to be brought back to the House, a motion to recede from the House disagreement and concur with an amendment substituting the Porter resolution is in order and will be preferential.

Mr. GARNER. Will the gentleman yield?

Mr. FESS. Let the "gentleman from Ohio" make his statement first, and then he will yield.

The gentleman from Tennessee [Mr. PADGETT] expressed the situation. I stated that I did not believe it would be considered in the conference, because I do not think it is in order. But when the conferees come back, they being unable to agree to the Borah resolution, because that would be out of order if presented here, they can not agree to a thing that was put on in the Senate that would have been out of order if offered here. And it has to come back here for a vote. That is the new rule. It will come back here.

Now, I want to say to the membership on this side, which seems to be somewhat confused, that when it comes back here the gentleman from Michigan [Mr. KELLEY] will probably have the floor, because he will have charge of the report, and it is true that a motion to concur in the Senate amendment would be in order. It would also be true that you could concur in the Senate amendment with an amendment, provided the amendment would be germane. Now, the question that the Democratic side of the House is raising, that you are not going to have a chance to vote directly on the Borah amendment, is without force, because if that motion were made by them and the motion to concur with an amendment is made, the motion to concur with an amendment will be voted on first. Those who do want to vote directly on the Borah amendment would simply vote down the motion to concur with an amendment, and that would give the House an opportunity to vote directly on the Borah amendment, so that this contention of my friend from Texas that you are not going to have any chance to vote on the Borah amendment flatly is not in good form.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes; I will yield to my friend from Texas.

Mr. GARNER. Will the gentleman from Ohio, with his very great influence on the Republican side, help us to vote down that amendment and give us a chance to vote on the Borah amendment?

Mr. FESS. I will not.

Mr. GARNER. The gentleman is just now telling his side of the House not to be alarmed; that they will have an opportunity to vote on the Borah amendment, and yet he is not willing to vote down the amendment to that amendment.

Mr. FESS. Certainly not. The gentleman has just requested that this side of the House will vote for a unanimous agreement to prevent any amendment from being offered. What kind of legislation is that? The truth of the matter is that this whole question is in the control of the House. If the House does not want it, they can very easily get a modification of it. That is what I believe will be done. That is what I believe ought to be done. [Applause on the Republican side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman from North Carolina [Mr. POU] use some of his time?

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I am a member of the Committee on Foreign Affairs, from which yesterday morning was reported the Porter disarmament resolution, which is proposed by the Republican side of this House as a substitute for the Borah disarmament resolution to the naval appropriation bill. I was not exactly present at its birth, because it was born at a secret conclave of the Republican members of the committee, but after it was christened and dressed up in its fine raiment the Democratic members were permitted to look at its beaming face. [Laughter.]

Now, Mr. Speaker and gentlemen of the House, just a moment about the situation in which we find ourselves. Gentlemen will remember that when the naval appropriation bill was originally before the House I offered an amendment providing for the calling of a conference on disarmament, and gentlemen on the Republican side of the aisle then had an opportunity to vote for disarmament, but voted against it when the question came up for a vote.

Mr. CAMPBELL of Kansas. A point of order was made.

Mr. CONNALLY of Texas. No. A point of order was made, and it was overruled, as the gentleman from Kansas will recall. The point of order was overruled, and it came to a vote, and you gentlemen over there who are now proposing the Porter resolution voted against that resolution which had teeth in it.

Mr. BUTLER. Oh, no.

Mr. CONNALLY of Texas. Oh, the gentleman from Pennsylvania is not going to vote for any kind of disarmament, because he believes in our having the greatest Navy in the world. He is not going to vote for any disarmament.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BUTLER. I initiated a movement last January in favor of disarmament, and the RECORD will show it. It is broader than anything that has yet been offered.

Mr. CONNALLY of Texas. The gentleman will have a chance to prove that.

He will have an opportunity to-day. I want to say a word to the Republican Members. This is not a partisan question. I observe, however, that gentlemen who carry around in their vest pockets large, lazy majorities, usually start out by tyrannizing over the minority, but they wind up generally by tyrannizing over their own majority. Why are you being denied a vote on the Borah resolution or some other kind of a resolution that really means disarmament? The minority over here can not adopt it. Less than one-third of the membership of this House can not vote down two-thirds. You gentlemen on the Republican side of the House are the ones that are being denied the right to really express your sentiments. Oh, they will not come out boldly and admit that their plan is to not let you vote on it, but they use this parliamentary device; they are going to chloroform and give knock-out drops to disarmament by reason of the Porter substitute. Let me read it.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield for a question?

Mr. CONNALLY of Texas. Yes.

Mr. CAMPBELL of Kansas. Does the gentleman believe under the rules of the House that the House conferees would have the right to bring in the Borah amendment amended by the Porter resolution? Will the gentleman answer the question? He has just stated that that could be done.

Mr. CONNALLY of Texas. I believe they could do it.

Mr. CAMPBELL of Kansas. They can not do it under the rules of the House.

Mr. CONNALLY of Texas. I will answer the gentleman. We have the word of the gentleman from Ohio [Mr. FESS], who is high in your councils, and the word of your leader, the gentleman from Wyoming [Mr. MONDELL], that whenever the conferees come back with a proposal of that kind one of you will rise in his place and say, "I move to concur with an amendment," that will kill the Borah amendment.

Mr. CAMPBELL of Kansas. And the gentleman from Texas, if he has his wits about him, will make a point of order against the amendment as amended.

Mr. CONNALLY of Texas. Oh, no; not with success.

Mr. GARNER. And the gentleman from Kansas will bring in a special rule to make it in order, if necessary.

Mr. CONNALLY of Texas. I thank my colleague from Texas for interjecting that, because now the time has come when almost every morning we have a new rule, a special rule, a fresh one, reported by the gentleman from Kansas [Mr. CAMPBELL]. What do we find? We found the other day, when we wanted to get a vote on the Borah amendment, or something with some substance to it, the gentleman from Michigan [Mr. KELLEY] withdrew his unanimous-consent request to send the naval bill to conference.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. May I have one minute more?

Mr. POU. I yield one minute more to the gentleman.

The SPEAKER. The gentleman from Texas is recognized for one minute more.

Mr. CONNALLY of Texas. Now, gentlemen of the House, do not adopt this colorless, vapid, denatured, one-half of 1 per cent Porter disarmament resolution. [Laughter on the Democratic side.] It does not mean anything, except that it means the death of disarmament in any form in this House. [Applause on the Democratic side.] What does it mean? It says:

The Congress hereby expresses its full concurrence in the declaration of the President "that we are ready to cooperate with other nations to approximate disarmament," and further fully concurs in his declared purpose and intention to call an international conference—

And so forth.

That is to say, "We concur in an intention to call a conference that has never been announced by the President." I have here his inaugural address, and I have his message to Congress, and I challenge gentlemen to point out in either one of these official pronouncements where the President has ever declared his intention to call such a conference. We concur in something that does not exist. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, how does the time stand?

The SPEAKER. The gentleman from North Carolina [Mr. POU] has 15 minutes and the gentleman from Kansas has 10 minutes.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The Chair thinks the gentleman from Kansas has used 15 minutes.

Mr. MONDELL. Mr. Speaker, there is no more adroit politician in the land than the gentleman from Texas——

Mr. BRITTEN. Which gentleman from Texas?

Mr. MONDELL. The gentleman from Texas, Mr. GARNER. There are other adroit politicians from Texas also. The gentleman from Texas [Mr. GARNER] has taken the laboring oar here in an attempt to persuade Republicans that in some way or other in following the usual procedure of the House we are depriving some one of his rights. But before I go to that matter let me say that the gentleman from Texas is not justified in saying that the gentleman from Wyoming or anyone else has been killing time. We were a few days late in getting started, owing to the fact that the minority did not have their committee places filled. [Laughter.] Since that time by unanimous consent we have several times adjourned over Saturday. And may I suggest to the gentleman from Texas and to the other gentlemen on that side that if that is held to be killing time I shall not hereafter prefer any request for unanimous consent to adjourn over Saturday? Notwithstanding these adjournments, for which the gentlemen on that side have pleaded, we have worked more continuously and diligently and have passed more good legislation through the House in this session of Congress than in any like period during the 25 years I have been in Congress, and no one can deny that fact. We are progressing in a businesslike way and are disposing of many very important and pressing questions.

Now, what is the proposition before us? It is to send this bill to conference in the way in which nine-tenths—and I do not know but I might properly say ninety-nine one-hundredths—of the bills that come before the House go to conference. It is the most extraordinary and unusual thing for a bill coming back to the House with Senate amendments to go to a committee.

I remember only two or three cases in the eight years when our friends on the other side had charge of the affairs of Congress when a House bill coming back to the House with Senate amendments was sent to a committee. The usual practice, the wise practice, the sensible practice is to send the bill to conference without instructions, leaving the conferees free to discuss all the matters in controversy. And there is no doubt that that is the better practice in view of the new rule of the House under which the conferees can not bind the House to agree to a Senate amendment which under the rules could not have been placed on the bill in the House. The gentleman from Texas imagines that he can arouse fear on the part of some on this side by suggesting that the vote will come in a little different form than he would like to have it. Now, gentlemen, the most important proposition on this bill is not the Borah amendment. The most important question is whether or not we shall add nearly $100,000,000 to the naval appropriation bill, and so far I have heard no suggestion from the minority side that that increase of $100,000,000 should not be accepted, every dollar of it. All that we have heard from that side is a partisan attempt to make political capital out of the disarmament provision on the bill.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. The gentleman from Texas never raised his voice in protest against these increases——

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Texas.

Mr. GARNER. Give us an opportunity to vote on it and we will register. [Applause.]

Mr. MONDELL. We will give you an opportunity to vote on them. Curiously enough you seem to have forgotten all about these increases. They constitute the real issue in connection with this naval bill. The question is, Shall the House adhere to its view that the appropriations made for the Navy in the House bill are sufficient? I hope and believe the House will adhere to the sums the House voted.

Mr. PADGETT. Will the gentleman yield?

The SPEAKER pro tempore (Mr. STAFFORD). The time of gentleman from Wyoming has expired.

Mr. POU. I yield four minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, in order to relieve the gentleman from Wyoming [Mr. MONDELL] from any anxiety as to his last statement, I think I can say to him that he will find the Democratic side of this House voting for the naval bill as it went through the House. With equal confidence I am satisfied that we will find the gentleman from Wyoming voting for increased appropriations on the naval bill before it passes the House. I say that because when we came to the Army bill he then voted for a larger Army than he had voted for in the House last February. When we come back to the House, with the House conferees, as I hope, standing up for 100,000 men, I fear that the gentleman from Wyoming may be standing for 120,000 or 110,000 men. But I did not intend to refer to that. Instead of that, gentlemen of the House, I desire to pay tribute to the distinguished Senator from Idaho [Mr. BORAH]. In the last Congress when the naval bill was up an effort was made to add an amendment providing for the suspension of naval construction until an invitation was extended by the President on the subject of disarmament. I opposed that along with the majority on this side of the House, because we did not desire to interfere with the action of the President who was to be inaugurated on March 4.

The bill went over to the Senate, and the distinguished Senator from Idaho [Mr. BORAH] began a fight to place upon the naval bill an amendment which was in order, which did not tie up the funds of the Navy, but provided for an invitation to a disarmament conference. Rather than agree to that, through the influence of the administration, the naval bill was filibustered to death in the closing hours of that Congress. Therefore it had to be reintroduced in this Congress.

Mr. PADGETT. It was not the administration——

Mr. MONDELL. What administration?

Mr. BYRNES of South Carolina. I mean the administration of the Senate, the senatorial leaders in charge of the bill on the floor of the Senate who represented the incoming administration and who now represent the administration.

Mr. MONDELL. That is a different matter.

Mr. BYRNES of South Carolina. I can not yield to the gentleman. When the bill was introduced again, it was endeavored to amend the bill on the floor of the House. All efforts were vain, because points of order were made by the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Michigan [Mr. KELLEY]. The bill went to the Senate, and there we found the friends of the administration on the floor of the Senate again opposing the amendment of the distinguished Senator from Idaho. Now, I recall that the distinguished gentleman from Wyoming [Mr. MONDELL] said on April 28 in the House:

I trust that during this session of Congress it may be apparent to us and to those directly charged with responsibility in the matter of foreign affairs that the time is ripe for the Congress to take action suggesting a conference on disarmament. At such a time I think the

Congress should act, and I have no doubt that Congress in due and proper time will act. This is hardly the time to take further action in that direction in view of the authority the President now has.

He spoke of it as in the distant future. The time was not ripe. But when this bill went to the Senate, the distinguished Senator from Idaho [Mr. BORAH] again began the fight for his disarmament amendment.

He was opposed by the Naval Committee of the Senate, and yet after two weeks his voice had reached all sections of the country, had even penetrated the White House, the time became ripe in two weeks, and the newspapers carried the information that there was no longer any objection by the administration to the amendment of the distinguished Senator, and it was unanimously adopted by the Senate. But there has been another change, and to-day I fear we are witnessing the funeral exercises of the Borah amendment. I read an editorial in the Post of Monday, and I fear the editor of the Post is much closer than the distinguished leader on the floor of the House to the administration, and I have to accept its statement. [Laughter.]

The statement is: "There really is no occasion for any pronouncement by Congress at this time on the subject of disarmament." That is the statement of the editor of the Washington Post. I fear it is the death knell of the Borah amendment in this Congress. I did not believe it until this morning, but when my good friend from Michigan said that when the conferees come back to the House he will move to concur, with an amendment——

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KELLEY of Michigan. I did not say that.

Mr. BYRNES of South Carolina. I understood the gentleman to say that when the conferees came back he would move to concur with an amendment.

Mr. KELLEY of Michigan. I said that I might do so.

Mr. BYRNES of South Carolina. If the gentleman will say that he will not move to concur with an amendment, I will withdraw everything I have said this morning.

Mr. KELLEY of Michigan. I have not consulted with the other conferees.

Mr. BYRNES of South Carolina. Well, let us consult now. [Laughter.]

Mr. KELLEY of Michigan. There are three others to consult besides myself.

Mr. BYRNES of South Carolina. Let us, you and I, consult right now. [Laughter.] I know that my friend would love to do it. But the administration is now against this Borah amendment. Whatever becomes of it, the reputation of the distinguished Senator from Idaho will not be injured. The fact will remain that he pushed them to the brink of disarmament even if he could not throw them into it. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the committee, there seems to be a unanimous opinion on the question of disarmament. It is all a dispute about how we shall proceed. It only takes a minute's consideration to convince oneself that disarmament comes about or can come about from any one of three ways. The first way that disarmament can be brought about is for this House—you do not have to consider the other side of the Capitol—if this House is sincere in disarmament, as we are led to believe this morning, we can refuse appropriations of any amount whatever for any naval program or any Army program, and we are not entirely discharging our obligations when we authorize or request the President of the United States to call a conference. You and I have certain moral responsibilities to answer to our people back home for having voted an appropriation in the first place. [Applause.] You can not get out of it.

Now, I want to take the second way of getting disarmament, and that is authorizing or requesting the President of the United States to call a conference. But before I discuss that I want to say that there is a third way, and that, in my judgment, is decidedly more to be preferred than through a conference, and that is, for the President of the United States to enter upon negotiations with the great powers of the world looking to an agreement for immediate disarmament, which at the very latest will be six months before a conference could be called. The gentleman from Texas [Mr. GARNER] says that if we were assured that we would get action he would have no more to say, and the gentleman from South Carolina says that he speaks on the authority of one of the newspapers. I want to say to you men on this side of the Chamber and you men on that side of the Chamber that we can not discharge our solemn obligations to the American people by quoting newspaper articles on the question of disarmament.

Suppose you adopt the Borah resolution or any other resolution that authorizes or requests the President of the United States to call a conference. I ask you what have you done? Instead of doing the greatest possible thing toward disarmament, you have tied the hands of the Executive of the United States in entering upon negotiation. In other words, you have forced him to go one of the three ways, regardless of what important developments in the world's affairs may have been secured in the negotiation. I want to say to you men on the Republican side and to you men who are here for the first year that this is a question upon which you must do your own thinking. There are three ways of disarmament, as I said before. There is no way, absolutely no way, that you can be deprived of exercising your choice on voting for or against disarmament, unless the conferees on the part of the Senate withdraw and recede from the amendment. It seems to me that if you gentlemen on the Democratic side are honest, if you are sincere, if you are not playing politics of the peanut variety, you want to disarm in the most effective way and to start a reduction in dollars the quickest way. You can not call a conference and have it convene the world powers short of six months or a year, or two or three years. The facts are that history shows that the average time of calling a conference of the world powers runs about two years. I simply say that we do not want to tie our hands in such a way that no amendment can be offered to furnish the very best solution possible to get action at the earliest date. [Applause.]

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from North Carolina has 5 minutes and the gentleman from Kansas 10 minutes.

Mr. CAMPBELL of Kansas. There will be but one more speech on this side.

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from New York Mr. [COCKRAN].

Mr. CAMPBELL of Kansas. Before the gentleman from New York begins, let me say to the gentleman from North Carolina that I said there would be but one more speech on this side. I have since had a request for two minutes aside from the remarks I shall make myself. Is there any objection to that?

Mr. POU. Not if the gentleman will yield me two minutes.

Mr. CAMPBELL of Kansas. I have not the time.

Mr. POU. The time can be extended two minutes.

Mr. CAMPBELL of Kansas. I have no objection to extending the time two minutes.

The SPEAKER pro tempore. It is necessary to obtain the consent of the House before that can be done.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that an additional two minutes be added to the time for debate, and that those two minutes be given to the gentleman from North Carolina [Mr. POU].

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that two minutes be added to the time for debate, and that those two minutes be granted to the gentleman from North Carolina [Mr. POU]. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, my main object in rising is to answer a question which was propounded to the gentleman from Texas [Mr. GARNER] by the leader of the House, the gentleman from Wyoming [Mr. MONDELL]. He asked whether there had not been a conference or a caucus of Democrats here on the floor of the House last evening with reference to the Borah amendment. The gentleman is mistaken in his assumption. The Borah amendment was not debated nor discussed. It was not even mentioned. No reference whatever was made to it from the beginning to the end of our proceedings. We did meet to consider our attitude upon the resolution recently reported to the House with reference to peace. That gathering, however, was not a caucus but a conference called for the purpose of ascertaining whether we should take united action on the proposal reported by the Committee on Foreign Affairs, and after full discussion it was decided that a question so momentous, so vital to the well-being of the country, as one affecting peace or war was a matter not for partisan political discussion but for patriotic individual action. [Applause.]

We separated after a very extensive comparison of views without the slightest attempt to establish control over individual action. Everyone was left absolutely free to come here and express his conscientious conviction by the vote that he will cast.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. COCKRAN. Certainly.

Mr. MONDELL. I was misled, evidently, as other gentlemen have been misled by what we saw in the newspaper.

Mr. COCKRAN. I am sure that the gentleman from this experience will learn caution, if he does not learn anything else, and that in the future when he propounds a question with reference to Democratic action he will take pains to equip himself with more reliable information than a newspaper article. [Laughter.]

Mr. Speaker, I think there is no one in the House more deeply concerned in attempts to effect universal disarmament than I. I can claim, I think, to be the first in this country who took definite action to secure it by offering a resolution at a meeting early in May last year, of the New York delegates to the Democratic convention, pledging them to stand for a declaration in the national platform favoring disarmament—not partial disarmament or disarmament at some future time—but disarmament now, universal and immediate. The one opportunity that can possibly come before this House so far as I can see now to express ourselves on disarmament is offered by the Borah amendment. It is not the amendment that I should myself submit. It is not in my judgment the best that could be framed, but it is the only one we have before us—the only one apparently that we can have before us. I am quite sure that a vast number of members on the Republican side of the House, as I know all on this side, would like to see that amendment adopted, failing a more comprehensive declaration by Congress in favor of disarmament. The gentleman from Wyoming [Mr. MONDELL] promised us such a comprehensive declaration, and the redemption of his promise is this—this—this—

Mr. GARNER. Porter resolution.

Mr. COCKRAN. Yes; I was seeking an adjective that could adequately describe it, but I could not find one—this Porter resolution. [Laughter.] The Porter resolution is nothing but an attempt to evade the question of disarmament. It is a declaration that this House approves what the President said on the subject. It is not a momentous fact whether the House approves it or not. Whether this House likes or dislikes the course of the President has no international significance whatever. Then the resolution appropriates $100,000 to meet the expenses of a conference, if the President chooses to call it. But suppose he assembles this conference; he has no power to agree on disarmament, because he has no power of himself to bring about disarmament. The utmost he could do is merely to come back here and make a recommendation to Congress, which might or might not be adopted. The world which recently has had an experience of dealing with proposals made by a President of the United States which were subsequently planned by the Senate is not likely to treat seriously this proposal for a conference not to effect disarmament but merely to make mere proposals. When a motion was offered in the Committee on Foreign Affairs to amend the Porter resolution by adding to it a provision giving the President power to disband and reduce our armed forces by land and sea until there would remain no more than sufficient to maintain domestic peace—that is, no more than sufficient to constitute an effective police force—provided other nations did the same, it was voted down. And it was voted down because the intention underlying this Porter resolution is not to effect disarmament, but to talk about it for the amusement of Republican politicians and satisfaction perhaps of the conscientious, among Republican voters, who constitute, I am glad to say, a vast majority of them. [Applause on Democratic side.]

If there were a determination or disposition to have this House make a clear, emphatic declaration upon the whole subject in any form that could be effective, I would gladly vote for it in preference to the Borah amendment. I would gladly welcome a frank, full, free discussion of the whole question of disarmament on a separate proposal, dealing with it exclusively and comprehensively rather than be forced to discuss it on an appropriation bill for one branch of the Military Establishment. But when every Republican here takes the attitude, with cynical candor, that the one chance to declare in favor of disarmament offered by the Borah amendment shall be denied us, when it is clear that we shall be allowed no opportunity whatever to make a declaration upon the subject that will be effective if this procedure be adopted, then, Mr. Speaker, I feel it is my duty, as one who wants to see disarmament actually effected rather than talked about, to cast a vote against this rule, or any rule that will prevent this House from expressing in some way or other its judgment, its honest conviction that disarmament has become absolutely necessary to the safety of civilization, and, indeed, to the preservation of the human race. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker and Members of the House, calling attention again to newspaper articles, I would point out that the Porter resolution, according to the newspapers, was voted on in the Committee on Foreign Affairs and reported out by a vote of 14 to 1. Doubtless the 1 vote was that of the gentleman from New York, my colleague [Mr. COCKRAN].

Briefly, in the two minutes allotted to me, I want to point out to the Republican membership of this House that the Porter resolution is not an attempt to deceive the Republicans and to undermine the purpose of the Borah amendment. It is an improvement upon the Borah amendment, and is meant as such. [Applause on the Republican side.] I ask every Member of this House, in particular the Republicans, to read the Porter resolution and find out for himself by its contents what the declared intent of the Committee on Foreign Affairs was in reporting out that resolution. We all want approximate disarmament, we all want to limit armaments, and you will find that the Porter resolution goes much further in bringing about what we desire to accomplish than any other amendment or resolution that has come before this House or any other body, regardless of the statement of my distinguished colleague from New York.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. POU. Mr. Speaker, I had hoped that it would be possible for me as one Member of the House to support this rule, but I said in the beginning that I would not vote for the rule unless I had assurance from those in control that the House would have an opportunity to vote on the Borah amendment, or substantially that amendment. That assurance has not been given, and I for one shall vote against the rule. To give such assurance would not have been at all improper, and I believe it would have been received with universal approval throughout the country.

Before I take my seat, there is a correction which I think should be made. I am informed that the gentleman from New York [Mr. FISH], who has just taken his seat, is entirely mistaken as to the attitude of the minority on the Committee on Foreign Affairs. I am informed that the members of the minority did not support the Porter resolution at any stage of the proceedings. I may be mistaken in that, but I think I am not.

Mr. CAMPBELL of Kansas. Mr. Speaker, it seems to me that our friends have worked themselves into a frenzy over a matter that should not disturb them. They have worked themselves up to the belief that if this resolution sending the Navy bill to conference is agreed to they will be denied the right to vote upon a provision that the Senate added to the bill, which is not in order under the rules of the House.

Now, let me read just what the rights of the House are:

Rules XX and XXI as amended June 21, 1920.

Now, listen:

No amendment of the Senate to a general appropriation bill which would be in violation of the provisions of clause 2 of Rule XXI—

That is the clause which prevents amendments which are not germane to an appropriation bill—

if said amendment had originated in the House, nor any amendment of the Senate providing an appropriation on any bill other than a general appropriation bill, shall be agreed to by the managers upon the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

Now, the gentleman from Texas and other gentlemen who have fretted themselves into a fury about this matter could have saved themselves all their agitation by simply reading one of the last rules adopted by this House.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. PADGETT. Under the present rules of the House if a motion is made to concur——

Mr. CAMPBELL of Kansas. Oh, yes. But if a motion is made to concur with an amendment that motion can be separated and the amendment voted down and the House would have control over the whole matter.

Mr. PADGETT. But it puts a man who voted against it in the position of voting against the only motion that is before the House, and he has no opportunity to vote on the Borah resolution.

Mr. CAMPBELL of Kansas. If the amendment is voted down, then the vote would be on agreeing to the Borah amendment. I do not yield further. I did not yield for a speech.

Mr. PADGETT. Let me ask the gentleman this question.

Mr. CAMPBELL of Kansas. No; I can not yield further.

Mr. PADGETT. Will not the gentleman let me ask him a question?

Mr. CAMPBELL of Kansas. No.

I know, as gentlemen know who have studied the rules of the House, that there will be an opportunity for this House to vote

upon an amendment put on an appropriation bill by the Senate before the House agrees to it. I am amazed at gentlemen here who have for years insisted that the House was losing its standing before the country because it yielded its prerogatives to another body or to Executive authority, aside from any question as to which is preferable, the Borah amendment or the Porter resolution, in respect to the attitude that the President could take upon the question of disarmament, should take the position taken by any Member of another body is infallible, and that any position taken by a committee of this House, clothed with authority and under the necessity of performing its duties, must be set aside and the opinion of a Member of the other body taken in preference.

Mr. UNDERHILL. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I do not know which of these propositions the President should act under, but I do know—I will yield in a moment—I do know that the language of the Borah amendment has been very much misunderstood, or gentlemen have not read it at all. I have been led to believe from what gentlemen have said about it and from letters and telegrams I have received about it that if the Borah amendment were agreed to at once every nation in the world would begin to throw its arms into heaps and the question of disarmament would begin at once. Now, listen to the Borah amendment:

That the President is authorized and requested to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval expenditures and building programs of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective Governments for approval.

So it comes back to this House for approval as to what shall be done. Under the resolution proposed by the Committee on Foreign Affairs the same question comes to the House, not representing three nations of the world but of the entire world. Now I will yield to the gentleman from Massachusetts for a question.

Mr. UNDERHILL. There is a little confusion in my mind as to whether one who might vote against an amendment of the so-called Porter resolution, if the House voted that up, would then have an opportunity to vote for some amendment looking toward disarmament. That is, in other words, if it were voted up and he voted against it, and being on record against disarmament, would he then have an opportunity to vote on an amendment to the amendment? I am of the opinion that, an amendment to Senate amendment having been agreed to, the vote would then come on agreeing to the Senate amendment as amended.

Mr. CAMPBELL of Kansas. Yes.

Mr. UNDERHILL. As amended?

Mr. CAMPBELL of Kansas. As amended. The amendment of the Senate is not in order at all without a vote of the House. Now, any amendment to that amendment can be voted up or down, and the question then before the House is on the amendment as amended, and ultimately the exact wording of the Borah amendment may be the matter voted upon by the membership of this House.

The SPEAKER pro tempore (Mr. STAFFORD). The time of the gentleman has expired, with the exception of a quarter of a minute.

Mr. CAMPBELL of Kansas. I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

Mr. COOPER of Ohio. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio rise?

Mr. COOPER of Ohio. May we have the resolution again reported?

The SPEAKER pro tempore. Without objection, the resolution will be again reported on the request of the gentleman from Ohio.

The resolution was again reported.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. POU. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 233, nays 110, not voting 88, as follows:

YEAS—233.

Ackerman	Ansorge	Arentz	Barbour
Anderson	Anthony	Atkeson	Beedy
Andrews	Appleby	Bacharach	Begg
Benham	Fess	Lawrence	Rodenberg
Bird	Fish	Layton	Rogers
Bixler	Fitzgerald	Leatherwood	Rose
Blakeney	Focht	Lehlbach	Ryan
Bland, Ind.	Fordney	Lineberger	Sanders, N. Y.
Boies	Foster	Little	Schall
Bowers	Frear	Longworth	Scott, Mich.
Brennan	Free	Luce	Scott, Tenn.
Britten	Freeman	Lufkin	Shaw
Brooks, Ill.	French	Luhring	Shreve
Brooks, Pa.	Frothingham	McArthur	Siegel
Brown, Tenn.	Funk	McFadden	Sinclair
Burroughs	Gensman	McKenzie	Sinnott
Burtness	Goodykoontz	McLaughlin, Mich.	Smith
Burton	Gorman	McLaughlin, Nebr.	Speaks
Butler	Green, Iowa	McLaughlin, Pa.	Stafford
Cable	Greene, Mass.	McPherson	Steenerson
Campbell, Kans.	Greene, Vt.	MacGregor	Stephens
Campbell, Pa.	Griest	Magee	Stiness
Chalmers	Hadley	Maloney	Strong, Kans.
Chandler, N. Y.	Hardy, Colo.	Mapes	Strong, Pa.
Chandler, Okla.	Haugen	Merritt	Summers, Wash.
Chindblom	Hawes	Michener	Sweet
Christopherson	Hays	Miller	Swing
Clague	Herrick	Millspaugh	Taylor, N. J.
Clarke, N. Y.	Hersey	Mondell	Temple
Classon	Hickey	Montoya	Thompson
Clouse	Hicks	Moore, Ill.	Tilson
Codd	Hill	Moore, Ohio	Timberlake
Colton	Hoch	Moores, Ind.	Tincher
Connell	Hogan	Morgan	Tinkham
Connolly, Pa.	Houghton	Mott	Towner
Cooper, Ohio	Hukriede	Mudd	Treadway
Cooper, Wis.	Hull	Murphy	Underhill
Copley	Husted	Nelson, A. P.	Vaile
Coughlin	Ireland	Newton, Minn.	Vestal
Cramton	James, Mich.	Nolan	Voigt
Curry	Jefferis	Norton	Volk
Dale	Johnson, Wash.	Olpp	Walters
Dallinger	Jones, Pa.	Osborne	Ward, N. Y.
Darrow	Kearns	Parker, N. J.	Watson
Davis, Minn.	Kelley, Mich.	Parker, N. Y.	White, Kans.
Denison	Kendall	Patterson, Mo.	White, Me.
Dickinson	Kennedy	Patterson, N. J.	Williams
Dowell	Ketcham	Porter	Williamson
Dunbar	King	Pringey	Winslow
Dunn	Kinkaid	Purnell	Wood, Ind.
Dyer	Kirkpatrick	Radcliffe	Woodruff
Echols	Kissel	Ramseyer	Woodyard
Edmonds	Kleczka	Reece	Wurzbach
Elliott	Kline, Pa.	Rhodes	Wyant
Ellis	Knutson	Ricketts	Young
Elston	Kopp	Riddick	Zihlman
Fairchild	Kraus	Roach	
Faust	Langley	Robertson	
Fenn	Larson, Minn.	Robsion	

NAYS—110.

Almon	Drewry	Larsen, Ga.	Rayburn
Aswell	Driver	Lazaro	Rouse
Bankhead	Dupré	Lea, Calif.	Rucker
Barkley	Favrot	Lee, Ga.	Sabath
Beck	Fisher	Linthicum	Sanders, Tex.
Bell	Fulmer	Logan	Sandlin
Black	Gallivan	Lowrey	Smithwick
Bland, Va.	Garner	Lyon	Steagall
Blanton	Garrett, Tex.	McClintic	Stedman
Bowling	Gilbert	McDuffie	Stevenson
Box	Goldsborough	McSwain	Stoll
Briggs	Hammer	Mansfield	Sumners, Tex.
Buchanan	Hardy, Tex.	Martin	Swank
Bulwinkle	Harrison	Mead	Tague
Byrnes, S. C.	Huddleston	Montague	Ten Eyck
Carew	Humphreys	Nelson, J. M.	Thomas
Carter	Jacoway	Oldfield	Tillman
Clark, Fla.	James, Va.	Oliver	Tyson
Cockran	Johnson, Ky.	Overstreet	Upshaw
Collier	Johnson, Miss.	Padgett	Vinson
Connally, Tex.	Jones, Tex.	Park, Ga.	Ward, N. C.
Crisp	Keller	Parks, Ark.	Weaver
Cullen	Kincheloe	Parrish	Wilson
Davis, Tenn.	Knight	Pou	Wingo
Deal	Kunz	Quin	Woods, Va.
Dominick	Lampert	Rainey, Ala.	Wright
Doughton	Lanham	Raker	
Drane	Lankford	Rankin	

NOT VOTING—88.

Bond	Good	Mann	Rosenbloom
Brand	Gould	Mason	Rossdale
Brinson	Graham, Ill.	Michaelson	Sanders, Ind.
Browne, Wis.	Graham, Pa.	Mills	Sears
Burdick	Griffin	Moore, Va.	Shelton
Burke	Hawley	Morin	Sisson
Byrns, Tenn.	Hayden	Newton, Mo.	Slemp
Cannon	Himes	O'Brien	Snell
Cantrill	Hudspeth	O'Connor	Snyder
Cole	Hutchinson	Ogden	Sproul
Collins	Johnson, S. Dak.	Paige	Sullivan
Crowther	Kahn	Perkins	Taylor, Ark.
Dempsey	Kelly, Pa.	Perlman	Taylor, Colo.
Evans	Kiess	Peters	Taylor, Tenn.
Fairfield	Kindred	Petersen	Vare
Fields	Kitchin	Rainey, Ill.	Volstead
Flood	Kline, N. Y.	Ransley	Walsh
Fuller	Kreider	Reavis	Wason
Gahn	Lee, N. Y.	Reber	Webster
Garrett, Tenn.	London	Reed, N. Y.	Wheeler
Gernerd	McCormick	Reed, W. Va.	Wise
Glynn	Madden	Riordan	Yates

So the resolution was agreed to.

The Clerk announced the following pairs:
On this vote:
Mr. JOHNSON of South Dakota (for) with Mr. KITCHIN (against).
Mr. REAVIS (for) with Mr. SISSON (against).
Mr. GRAHAM of Illinois (for) with Mr. HUDSPETH (against).
Mr. SNYDER (for) with Mr. SEARS (against).
Mr. CANNON (for) with Mr. FLOOD (against).
Mr. HUTCHINSON (for) with Mr. SULLIVAN (against).
Mr. SHELTON (for) with Mr. HAYDEN (against).
Mr. PERLMAN (for) with Mr. O'BRIEN (against).
Mr. WALSH (for) with Mr. BRAND (against).
Mr. WHEELER (for) with Mr. RAINEY of Illinois (against).
Mr. PAIGE (for) with Mr. WISE (against).
Mr. NEWTON of Missouri (for) with Mr. GARRETT of Tennessee (against).
Mr. PERKINS (for) with Mr. BRINSON (against).
Mr. GERNERD (for) with Mr. LONDON (against).
Mr. GRAHAM of Pennsylvania (for) with Mr. BYRNS of Tennessee (against).
Mr. SPROUL (for) with Mr. COLLINS (against).
Mr. WASON (for) with Mr. TAYLOR of Colorado (against).
Mr. PETERS (for) with Mr. GRIFFIN (against).
Mr. MILLS (for) with Mr. O'CONNOR (against).
Mr. TAYLOR of Tennessee (for) with Mr. RIORDAN (against).
Mr. SANDERS of Indiana (for) with Mr. TAYLOR of Arkansas (against).
Mr. KREIDER (for) with Mr. FIELDS (against).
Mr. CROWTHER (for) with Mr. KINDRED (against).
Mr. HAWLEY (for) with Mr. CANTRILL (against).
Mr. KAHN (for) with Mr. MOORE of Virginia (against).
The result of the vote was announced as above recorded.
The SPEAKER announced the following conferees: Mr. KELLEY of Michigan, Mr. FRENCH, Mr. WOOD of Indiana, Mr. BYRNES of South Carolina, and Mr. OLIVER.

JOINT COMMISSION OF AGRICULTURAL INQUIRY.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a report from the Committee on Rules.
The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.
The Clerk read as follows:

Concurrent resolution 4.

Resolved by the Senate (the House of Representatives concurring), That a joint commission is hereby created, to be known as the joint commission of agricultural inquiry, which shall consist of five Senators, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the President of the Senate, and five Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the Speaker.
Said commission shall investigate and report to the Congress within 90 days after the passage of this resolution upon the following subjects:
1. The causes of the present condition of agriculture.
2. The cause of the difference between the prices of agricultural products paid to the producer and the ultimate cost to the consumer.
3. The comparative condition of industries other than agriculture.
4. The relation of prices of commodities other than agricultural products to such products.
5. The banking and financial resources and credits of the country, especially as affecting agricultural credits.
6. The marketing and transportation facilities of the country.
The commission shall include in its report recommendations for legislation which in its opinion will tend to remedy existing conditions and shall specifically report upon the limitations of the powers of Congress in enacting relief legislation.
The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.
The commission or any subcommittee of its members is authorized to sit during the sessions or recesses of Congress in the District of Columbia or elsewhere, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditure shall be paid from the contingent funds of the Senate and the House of Representatives in equal proportions, upon vouchers authorized by the committee and signed by the chairman thereof.

Mr. CAMPBELL of Kansas rose.
The SPEAKER pro tempore (Mr. STAFFORD). For what purpose does the gentleman rise?
Mr. CAMPBELL of Kansas. That is the rule; that is the resolution that is before the House.
Mr. BLANTON. Mr. Speaker, I make the point of order that there is no rule proposed from the Rules Committee before the House.
The SPEAKER pro tempore. The gentleman from Texas makes the point of order that no rule for the consideration of the Senate resolution just read is presented from the Rules Committee.
Mr. BLANTON. The Committee on Rules has not presented anything here that would make this Senate concurrent resolution in order.
Mr. CAMPBELL of Kansas. This resolution was reported from the Committee on Rules—reported out—and submitted by me on the floor.
The SPEAKER pro tempore. The gentleman from Kansas will point out to the Chair some authority for presenting the resolution at this time and making it privileged.
Mr. CAMPBELL of Kansas. I did not say that the rule was privileged.
Mr. BLANTON. That is not the point of order, Mr. Speaker. I make the point of order that the gentleman from Kansas has not presented any rule or resolution whatever from the Committee on Rules, but simply has had read from the Clerk's desk the Senate concurrent resolution, and that, without a rule from the Committee on Rules, it would not be in order at this time.
Mr. CAMPBELL of Kansas. The only question pending before the House is whether or not this resolution is privileged. Before anybody makes the point of order that the resolution is not privileged, I will concede the point of order.
Mr. PADGETT. Will not the gentleman ask unanimous consent?
Mr. CAMPBELL of Kansas. Not now. I want to see if anybody makes the point of order that the resolution is not privileged.
The SPEAKER pro tempore. The gentleman from Kansas presents a report from the Committee on Rules.
Mr. GALLIVAN. Mr. Speaker, reserving the right to object, is there any great need for this legislation at this hour?
Mr. CAMPBELL of Kansas. I think so.
Mr. GALLIVAN. Does somebody else besides the distinguished gentleman from Kansas think so?
Mr. CAMPBELL of Kansas. Oh, yes. The Senate of the United States thinks so. They voted so unanimously a few days ago. Five hundred gentlemen who make their living by working on a farm assembled here in Washington the other day and agreed upon this resolution. They thought it was necessary.
Mr. GALLIVAN. Reserving the right to object, I want to say that although there is no farmer in my district I am a friend of the farmer.
Mr. BLANTON. Mr. Speaker, I am in favor of the Senate concurrent resolution, but I raise the question of orderly procedure, because the Rules Committee has not yet presented any rule.
Mr. CAMPBELL of Kansas. The gentleman is raising the only question that he can raise.
The SPEAKER pro tempore. The gentleman from Kansas presents a report from the Committee on Rules.
Mr. THOMAS rose.
The SPEAKER pro tempore. For what purpose does the gentleman from Kentucky rise?
Mr. THOMAS. I wish to ask the gentleman from Kansas if the popgun tariff bill that was passed some weeks ago did not fix the farmers all right? [Laughter.]
The SPEAKER pro tempore. The Chair will say that is not a parliamentary inquiry. The gentleman from Kansas presents a report recommending that the Senate concurrent resolution be adopted.
Mr. BLANTON. That report has not been read by the Clerk yet.
Mr. CAMPBELL of Kansas. The Clerk read that the first thing.
Mr. BLANTON. Oh, no. That is the point I make. He has not read any such report from the Rules Committee.
The SPEAKER pro tempore. The Chair will inquire of the Clerk whether he read the report or not.
Mr. BLANTON. He read only the Senate concurrent resolution. He did not read any report or rule from the Rules Committee.
The SPEAKER pro tempore. The Clerk informs the Chair that he did not read the report. He will now read the report submitting this resolution presented by the gentleman from Kansas.
The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:
The Committee on Rules, to which was referred Senate concurrent resolution 4, submits a privileged report on said resolution, with the recommendation that it be adopted.

Mr. BLANTON. I withdraw the point of order now.
The SPEAKER pro tempore. The gentleman from Texas withdraws the point of order that no rule has been presented for the consideration of the Senate concurrent resolution. No objection has been interposed to its consideration. The Chair assumes that the House acquiesces to have it considered at this time and in this manner. The gentleman from Kansas is recognized.
Mr. PADGETT rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. PADGETT. I am in favor of the resolution, and it is proper to report it. But is not the gentleman from Kansas in error in stating in his report that he is submitting a privileged report? It is not a privileged report.

Mr. CAMPBELL of Kansas. It is not a privileged report. I did not know that the word "privileged" was in the resolution, because it is not a privileged resolution in its form.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for one hour.

Mr. CAMPBELL of Kansas. Mr. Speaker, I shall use only a few moments. Then I shall yield 10 minutes to the gentleman from North Carolina [Mr. POU]. At the conclusion of that time I shall move the previous question. I am more anxious that this resolution shall be adopted and the work be proceeded with as outlined in this resolution than I am for a discussion of the very important matters involved.

There is no doubt that there is a great economic question that has not been settled by the American people. The enormous waste between the producer and the consumer, or the enormous expense that is attached to an article from the time it leaves the producer before it reaches the consumer, raises an economic question in this country that challenges the best judgment and the best attention of the Congress and of the people. The producer gets a very small per cent of what the ultimate consumer pays for the products of industry in the United States. Where is the waste? Who applies the additional cost, some of which should go to the producer, much of which should be saved to the consumer.

Mr. McDUFFIE. Does not the gentleman think that a great deal of the trouble is in the cost of transportation—the freight rates?

Mr. CAMPBELL of Kansas. That is an element of it, but that is not a bagatelle, that is a very small part of the cost attached to the price paid by the ultimate consumer in addition to what the producer gets.

Mr. LAZARO. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Louisiana.

Mr. LAZARO. I will say to the gentleman that it was brought out at a conference the other day in New York that the American producer gets only 50 per cent, whereas in Holland the producer gets as much as 95 per cent of the price of his product.

Mr. CAMPBELL of Kansas. I doubt if the American producer gets 50 per cent. I am sure that in many instances he does not get 50 per cent. In many instances he does not get 25 per cent. In some instances I doubt if he gets 10 per cent of the cost to the ultimate consumer.

Mr. PADGETT. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. PADGETT. Hogs are selling at less than 8 cents a pound to the farmer, and yet they are charging 50 cents a pound for bacon right here in Washington.

Mr. CAMPBELL of Kansas. And much more than that down here in this restaurant, where for a poorly cooked strip of bacon you pay about 30 cents.

Mr. PADGETT. Beef cattle are selling at about 8 cents a pound, and they charge us here in Washington 50 cents for round steak and 65 cents for sirloin. I want to call attention to another instance——

Mr. CAMPBELL of Kansas. I can not yield further. All these things are true, and more.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. CHINDBLOM. As to the scope of the work of this commission, would it be within their province to investigate, for instance, the necessity for regulatory legislation, such as board of trade bills and packer bills?

Mr. CAMPBELL of Kansas. Yes; because they may well go into every element that adds to the cost to the ultimate consumer that the producer does not get. All these things should be inquired into by this commission. The whole purpose should be to reduce the expenses that attach to an article from the time it leaves the producer until it reaches the consumer. A larger percentage of what the ultimate consumer pays for the product should go to the man who produces it.

Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, this is a unanimous report from the Committee on Rules. I think it is only fair to say that the scope of the concurrent resolution was broadened upon the suggestion of the minority. We not only were in favor of the resolution, but we were in favor of making it broader, and it was made so by including that clause which directs the joint commission to investigate the difference in cost at the farm and in the hands of the consumer.

Now, Mr. Speaker, I shall not detain the House by discussing this resolution. Every thinking man must have come to the conclusion that there is a great task ahead of the proposed joint commission, a task stupendous in its proportions. If they can not report a remedy they can at least establish the incontrovertible facts. Representatives of almost all the farming organizations in America appeared before the Committee on Rules and stated that this was the one thing above all others that they urged just at this time. It is a matter of common knowledge that throughout the country agricultural conditions have been growing steadily worse, and this resolution will at least give our Republican friends an opportunity to explain why that prosperity which they promised in the last campaign on every stump throughout the length and breadth of America did not arrive on schedule time.

I yield to the gentleman from Texas [Mr. BLANTON] two minutes.

Mr. BLANTON. Mr. Speaker, there are only two words in this resolution to which I object. Those are the words "or elsewhere." Authorizing this commission to hold hearings either in Washington, "or elsewhere," which takes in the whole world. In other words, after Congress adjourns this commission of 10 men may sit anywhere in the world they want to, and at Government expense. They can take a trip to France, as has been done in the past in several instances. They can go anywhere they want to, in Europe or on the other side of the United States in California, if they want to to have hearings. They can thus spend the hot summer time——

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. No, I can not yield, as I have only two minutes. I think we ought to have some kind of a reasonable limitation on the expenses of this commission. We are all in favor of the purposes of this resolution, but what is the necessity of giving this commission the right in the recess of Congress, after we adjourn, to sit anywhere in the United States or in Europe they want to, and charge the expenses up to the House and Senate, which will ultimately come out of the Treasury and out of the pockets of the people? I hope the gentleman will strike out the words "or elsewhere," and will place some reasonable limitation upon the expenditures. If he will not move the previous question and permit amendments to be offered, I will offer such amendments.

Mr. CAMPBELL of Kansas. I yield three minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker, the passage of this resolution was requested by the congress of farm organizations held here in the city of Washington in April last. Representatives of 16 farm organizations met here in conference. They knew that the farmers were receiving only about 10 or 15 per cent of the price that the American people are charged for their commodities. They knew that the prices of farm products had been deflated but that all supplies and materials that the farmer buys were still carrying the war price. They knew that credits had been restricted to agriculture, that cattlemen were being sold out, and the stock herds sacrificed. They knew that cattle, sheep, and hogs, corn and wheat, oats, cotton, butter, eggs, and all farm produce which they were being forced to sell at prices far below the cost of production were still being sold to the consumer at prices they could not afford to pay, which robbed the producers of the sympathy which would otherwise result in protecting them from ruin.

They want a committee of Congress to investigate these conditions. It has been charged that they were the result of restricted credits; it has been charged that they were the result of high railroad rates; and it was charged that they were the result of improper marketing. They want to go before some committee of Congress and lay all the cards on the table and have Congress, after complete investigation, make report to this House and the country of the true conditions of agriculture and what Congress could do by way of remedial legislation. They prepared a resolution and asked Senator LENROOT to introduce it in the Senate and myself to introduce it in this House. It has been perfected some in the committees and has their unanimous indorsement. It has passed the Senate and has the indorsement of all the farm organizations. They are asking the American Congress to take this action in order that they may be able to present the true condition in which agriculture is situated and also determine what remedial legislation can be proposed for its relief. The resolution should pass without objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

VETERANS' BUREAU.

Mr. SWEET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau, and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ANDERSON in the chair.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last two words of the paragraph that was read when the bill was under consideration last week, for the purpose of asking the chairman of the committee about the lines 6 to 10 on page 2. I would not presume to suggest to this committee how they should write this bill in reference to the powers to be given to the director of the bureau, but I do respectfully call attention to the fact that you are clothing him with a great deal of power in the way of organization and in establishing such staff officers, experts, and assistants as he may prescribe. I congratulate the committee on this bill, and it is high time that we should enact legislation of this character, but it occurs to me that you clothe the director with too much authority in building up these organizations in this veterans' bureau. I appreciate the fact that it would be difficult for the committee to designate specifically just how many bureaus are necessary or how many employees should be in each bureau. It is altogether probable that the right man and a big man will be selected to take charge of this work. I take it that it was the idea of the committee to find such a man and clothe him with all this responsibility and authority and let him be responsible for his acts and the conduct of the various bureaus. In other words, this is to some extent an experiment.

Mr. SWEET. That is true.

Mr. McDUFFIE. Was the committee unable to figure out or designate in this bill just what powers were necessary and just what staff officers and bureaus, and so forth, were necessary, or was that deemed impossible?

Mr. SWEET. That is true. I will say that the director will be clothed with unusual powers. That was the thought of the committee in authorizing the director to select the officers, to divide it up into sections and bureaus, and it was a matter left to his discretion. It must be remembered that the complaints that came to the committee were largely caused by a division of authority, largely due to passing the responsibility from one bureau to the other, and in the organization of the veterans' bureau it was thought that that power should be vested in the director. Now, mind you, in this case we are combining the Bureau of War Risk Insurance and the Rehabilitation Division of the Federal Board for Vocational Education and the Public Health Service in so far as it deals with disabled ex-service men. This is the organization of a great bureau, and it was thought best by the committee not to go into the question as to the division of it, but in the first instance, at least, to vest in the director of the bureau power and authority to make it an efficient organization.

Mr. McDUFFIE. Right there, if the gentleman will allow me, there is no restriction or limitation on the salaries that he may designate that are to be paid to his staff of officers.

Mr. SWEET. Only so far as they have been prescribed in certain appropriation bills. Reference is hereafter made to that proposition in another section which states that he will be bound by the restrictions imposed in appropriation bills which are passed by Congress.

Mr. McDUFFIE. In other words, he will not have the power to create unnecessary staff officers or such experts as he may deem proper with salaries that are higher than those already being paid in the bureau.

Mr. SWEET. That is true, and that he will follow along the line already established in that direction. In addition to that, if the gentleman will turn to section 14, in order that Congress may understand the situation, we provide:

> The director shall file with the Clerk of the House and the Secretary of the Senate on the first day of the next regular session after this act takes effect an itemized account of all expenditures made under this act, including names, classifications, and salaries of all staff officers, experts, assistants, and employees. Thereafter, on the first Monday in December of each year, the director shall make a report to Congress of his doings under this act for the preceding fiscal year.

In other words, your committee felt that in order to meet this situation and have efficient service rendered by the new bureau, at least in the first instance, the director should have the whole authority of organization.

Mr. McDUFFIE. I will say I think that it is a dangerous proposition to clothe any one man with that much authority, it matters not how good a man he may be.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman, I desire to say that there is already reorganization going on at the War Risk Bureau. I was talking this morning with Col. Raynor, who has charge of the personnel section, and if we would just let him alone and not hamper him he will get rid of a whole lot of surplus employees who ought to be sent home. He is doing his best right now, and if we will stop making him do something that he does not want to do, he will continue to send them home. I have in my hand a statement which was furnished me by President Martin A. Morrison, of the Civil Service Commission, showing that on June 30, 1916, we had the following employees: 39,259 in the District of Columbia, and 400,539 employees elsewhere in the United States, making a total of 439,798 civil-service employees then in the United States. He also certifies that on the date of the armistice, November 11, 1918, we had the following civil-service employees: 117,760 in the District of Columbia, and 800,000 elsewhere in the United States, making a total of 917,760 civil-service employees then in the United States. He also certifies that on December 31, 1920, we had the following civil-service employees: 86,650 in the District of Columbia, and 553,525 elsewhere in the United States, making a total of 640,175 civil-service employees then in the United States.

He also certifies that on May 1, 1921, we had 84,231 civil-service employees in the District of Columbia, and that by July 1, 1921, it is contemplated that this number will be reduced about 4,500.

In other words, from December 31, 1920, when we had 86,760 civil-service employees in the District of Columbia, until May 1, 1921, when we had 84,231 civil-service employees in the District of Columbia, we succeeded in reducing the surplus employees here in Washington only 2,529 in number; and even if the further reduction contemplated by President Morrison of 4,500 by July 1, 1921, is accomplished, we will have reduced the surplus employees here in Washington only 7,029 from December 31, 1920, to July 1, 1921.

Even with this contemplated reduction accomplished on July 1, 1921, we will then still have 40,472 more civil-service employees here in Washington than we had before the war. And for two years I have been clamoring to get these surplus employees sent home and taken from the pay roll. It is true that since the armistice to July 1, 1921, we will have reduced the number of civil-service employees here in Washington from 117,760 to 79,731, yet we must remember that we had only 39,259 before the war, and the people are looking to us to get rid of this surplus.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SWEET. I may say to the gentleman that, as far as the Bureau of War Risk Insurance is concerned, the number at the time the hearings were held on H. R. No. 3, had been reduced from 15,000, or nearly that, down to about 5,700.

Mr. BLANTON. But the great trouble is this, that the very minute they are put out of that place, the gentleman or some colleague of his takes them right down to some other department and says, "Here, put them back on the pay roll somewhere else," and they are put back, and while they get out of one department they go right back into another, and they are still on the Government pay roll.

Mr. SWEET. But I will say to the gentleman that we are discussing to-day the Bureau of War Risk Insurance and service to be rendered the soldiers.

Mr. BLANTON. Yes; but I have just used this as a preliminary statement to what I am about to say, that if we will just back up Col. Raynor down there when he puts them out, and let them stay out, and if we will just back up every other bureau executive who puts them out and not go and force him or some other bureau to take them back, we can get rid of these 40,000 surplus clerks still on the pay roll and send them home and stop this expense.

Mr. MILLER. Mr. Chairman, I move to strike out the last word for the purpose of asking a few questions. I notice in the first section of the bill that the director of the veterans' bureau is to be an Assistant Secretary of the Treasury. What is the idea of making him an Assistant Secretary of the Treasury?

Mr. SWEET. So as to have him as near to the Secretary and the President as possible. In that event he reports directly to the Secretary and to the President.

Mr. MILLER. Would he not report in the same manner if he is not made an Assistant Secretary of the Treasury?

Mr. SWEET. He would be under some other Assistant Secretary.

Mr. MILLER. What is the salary of the other Assistant Secretaries?

Mr. SWEET. Five thousand dollars.

Mr. MILLER. And this salary is made $10,000?

Mr. SWEET. Yes; because of the great responsibility imposed upon him.

Mr. MILLER. I am not quarreling over the salary. If anything, it is too small.

Mr. SWEET. The present Director of the Bureau of War Risk Insurance gets $7,500, and when this House passed the Sweet bill, in September, 1919, we gave him $10,000. That was cut down to $7,500 in the Senate.

Mr. MILLER. It is, then, the idea of the committee that the director's duties are so much larger than those of any other Assistant Secretary that he is entitled to twice the salary?

Mr. SWEET. The gentleman must remember we are combining the Rehabilitation Division of the Federal Board for Vocational Education and the Bureau of War Risk Insurance.

Mr. MILLER. Yes; I know that; I have read the bill.

Mr. SWEET. And that the responsibilities imposed upon the director are as great, if not greater, than any other officer in the Government of the United States.

Mr. MILLER. By this combination you are bringing about a unit and paying a man twice as much as you pay any other Assistant Secretary of the Treasury, because his duties seem so much greater than those of any other Assistant Secretary?

Mr. SWEET. And the responsibilities imposed upon him under this act.

Mr. RAYBURN. And do we not, under this act, abolish two other offices that pay $5,000 a year?

Mr. SWEET. Yes; we abolish indirectly the director of the Rehabilitation Division of the Federal Board for Vocational Education.

Mr. MILLER. But that will be passed right on down.

Mr. SWEET. And we abolish the office of the Director of the Bureau of War Risk Insurance.

Mr. MILLER. All of those men will be passed right on.

Mr. SWEET. Not necessarily, because the director will reorganize the whole bureau.

Mr. MILLER. But somebody will have to be in charge of vocational training.

Mr. SWEET. Yes.

Mr. MILLER. And he will be subordinate to the director?

Mr. SWEET. Yes.

Mr. MILLER. So that you pass them right down the line. You do not get rid of anybody.

Mr. FROTHINGHAM. Mr. Chairman, may I ask the gentleman a question?

Mr. MILLER. Certainly.

Mr. FROTHINGHAM. I note that there is an Assistant Secretary of the Treasury now in charge of the War Risk Insurance and Public Health.

Mr. SWEET. That Assistant Secretary will still be in charge of the Public Health, because we do not take over the Public Health Service only in so far as it pertains to the services to be rendered by that Public Health Service to the disabled ex-service men.

Mr. FROTHINGHAM. So this means an additional one?

Mr. SWEET. Yes; it means an additional Assistant Secretary of the Treasury.

Mr. MILLER. We will then have six Assistant Secretaries of the Treasury instead of five.

Mr. SWEET. We will have one more, whatever the number is.

Mr. STAFFORD. Mr. Chairman, I move to amend by striking out in lines 6 and 7, page 1, the following:

The director of which shall be an Assistant Secretary of the Treasury.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 1, line 6, after the word "Bureau," strike out the words "the director of which shall be an Assistant Secretary of the Treasury."

Mr. STAFFORD. Mr. Chairman, if we allow this provision to remain in the bill Congress will be impelled to increase the salaries of all the other Assistant Secretaries from $5,000 to $10,000. There is no question but what the salary of the other Assistant Secretaries of the Treasury and Assistant Secretaries of other departments should be increased, but we should not attempt in this way to increase the salary of the other Assistant Secretaries. I am not in a position to say that the Assistant Postmasters General, the Assistant Secretary of the Navy, of War, and other Assistant Secretaries should receive $10,000 or even more, but the committee can see that if we create this director as an Assistant Secretary we immediately raise the salaries ultimately and in the near future of the other Assistant Secretaries. I can not agree with the gentleman having the bill in charge that this director will have greater duties than the Assistant Secretary who has supervision of the income-tax collections and of customs, and the other Secretaries attached to the Treasury Department.

I have no quarrel with the salary fixed by the committee at $10,000. I believe that the salaries of these supervisory officials, and particularly Assistant Secretaries, are not commensurate by far with the work imposed, but for us indirectly to increase the salary of all the Assistant Secretaries, for this is what we are doing, is subject to strong objection. Now, the further question which is before the committee is whether this director should be constituted an Assistant Secretary. No great advantage will result from an administrative point of view by creating him an Assistant Secretary. He will be placed under one of the five existing Secretaries of the Treasury. We do not detract from his powers or minimize his position by failing to appoint him an Assistant Secretary. If it is going to be the purpose of the Congress whenever we create a director of a bureau, director of child labor, or of anything, immediately to invest him with the title of Assistant Secretary, why that would result in an army of supervisory officials. I think we have enough Assistant Secretaries in the Treasury for the time being without creating this one, and particularly if it is going to result in the leveling up of the salaries of all the Assistant Secretaries of the Government. I will yield to the gentleman from Vermont.

Mr. DALE. I was wondering if the gentleman from Wisconsin out of his experience had come to the conclusion that a man who is to be placed in charge of this immense organization would not necessarily have to have the qualifications or would not necessarily have to meet the enormous duties of the other Secretaries or meet duties less than those?

Mr. STAFFORD. I think the duties imposed upon Assistant Secretaries of the Treasury, all of them, are very onerous and great, but I do not think there is any need of creating an Assistant Secretary or making an Assistant Secretary out of the director. He will have the same power as provided in this bill without constituting him an Assistant Secretary. For the two reasons advanced, because we will have to raise the salaries not only of the Assistant Secretaries of the Treasury, but of all the Assistant Secretaries in the departments, and because no greater power will be conferred, I am opposed to his being constituted an Assistant Secretary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. This country is trying to save money. I am not in favor now of raising the salary of anybody who gets a big salary. These other people who are Assistant Secretaries do not receive any such salary as this, and I do not believe——

Mr. HUSTED. Will the gentleman yield?

Mr. LITTLE. Excuse me a minute. I do not believe every time we create something new we have got to raise the salary. This man is not going to do any more work than scores and scores of other men here in Washington who do not get that salary. In my judgment we ought to try to save money instead of looking for a place to increase a salary, and I think this is a good one to begin on.

Mr. HUSTED. I would like to call the attention of the gentleman to the fact that the present Director of the Bureau of War Risk Insurance receives $7,500. This bill legislates out of office the Federal Vocational Education Board, and I understand there are two or three civilians on the board, each of whom receives a salary of $5,000, so that the total salaries there alone would be $17,500, and this man only receives $10,000.

Mr. BLAND of Indiana. The board does not cease to exist at all.

Mr. LITTLE. I think we ought to save a little money, and there is no reason why we should begin to squander it. Let us save it.

Mr. STAFFORD. If the gentleman will yield, the purpose of the amendment I have offered is not to diminish the salary of the director. I have no intention of making a motion to diminish the salary carried in the bill. My idea is that you should not create an Assistant Secretary of the Treasury out of this director and give him a salary of $10,000 which will neces-

sarily force the giving of the other Assistant Secretaries, charged with responsible work, $10,000.

Mr. LITTLE. There is no sense in every time you get near the Treasury of sticking your hand into it and taking out more money. Let us stop it, and stop it right here.

Mr. SWEET. Mr. Chairman, I have listened with a great deal of interest to the gentleman from Wisconsin and the gentleman from Kansas. I fear they have not read this bill over very carefully.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWEET. The facts are—just a moment——

Mr. STAFFORD. The gentleman is making a statement in the nature of a reflection upon me. I have read the bill very carefully; otherwise I would not have risen to offer an amendment. I have several amendments to offer, not with the intention of being captious but in order to try to improve the bill.

Mr. SWEET. I did not mean to make a captious statement. But the truth of it is the director is vested with full authority over this new bureau. The director is made an Assistant Secretary of the Treasury. Now, then, as suggested by the gentleman from New York [Mr. HUSTED], the office of Director of the Bureau of War Risk Insurance is abolished. The director of the Rehabilitation Division of the Federal Board for Vocational Education will go out of existence, and there will be a new organization of these agencies, as provided in section 1 and in other sections of the bill.

Mr. MILLER. Will the gentleman yield right there?

Mr. SWEET. Yes.

Mr. MILLER. What, then, becomes of the present Assistant Secretary of the Treasury who is now in charge of the Public Health and War Risk Insurance?

Mr. SWEET. He will have charge of the Public Health Service, just as he has now, and he will receive his $5,000.

Mr. MILLER. There is now a present Assistant Secretary of the Treasury who has charge of the united functioning of the War Risk Insurance and Public Health?

Mr. SWEET. That is true.

Mr. MILLER. Now, are you going to duplicate here, when your War Risk Insurance Bureau is swallowed up in this thing?

Mr. SWEET. Let me say to the gentleman that the Assistant Secretary of the Treasury who now has supervision over the Public Health Service and Bureau of War Risk Insurance has no such powers as are given to this new Assistant Secretary of the Treasury.

Mr. MILLER. That is not the element I am after.

Mr. SWEET. He is between the Secretary and the Director of the Bureau of War Risk Insurance to-day.

Mr. MILLER. Are you going to continue, then, the present Assistant Secretary of the Treasury who has charge of the War Risk Insurance?

Mr. SWEET. As far as that is concerned, it is a matter to be determined hereafter.

Mr. MILLER. The War Risk Insurance is turned over to the director of the veterans' bureau by your bill here. Are you going to keep that man?

Mr. SWEET. Let me say to the gentleman that he will be a director of this bureau, and all questions that pertain to the benefit of the soldiers of this country will be submitted to him. He will have charge of the regional offices and the suboffices, and the present Assistant Secretary of the Treasury has no such duties or responsibility.

Mr. MILLER. Let me ask the gentleman another question. He probably did not understand my question.

Mr. SWEET. I think I did.

Mr. MILLER. There is at the present time an Assistant Secretary of the Treasury in charge of the Bureau of War Risk Insurance and Public Health?

Mr. SWEET. Yes.

Mr. MILLER. Now you take away from him the Bureau of War Risk and put it in the hands of the veterans' bureau under your bill. What becomes then of the present Assistant Secretary of the Treasury?

Mr. SWEET. He is still Assistant Secretary of the Treasury and has charge of the Public Health Service.

Mr. MILLER. Which is not enough to keep him out of mischief.

Mr. HUSTED. There is an Assistant Secretary of the Treasury who has had supervision of this work.

Mr. MILLER. General supervision, but no responsibility.

Mr. HUSTED. I understand; but he was in the Treasury Department before the Bureau of War Risk Insurance was created.

Mr. SWEET. That is true.

Mr. HUSTED. He was not created for that purpose, and he assumed it as an additional function.

Mr. SWEET. That is true.

Mr. HUSTED. And he still remains in the Treasury Department and is performing all the duties that he formerly did?

Mr. STAFFORD. I think the assertion and statements made by the gentleman from New York are not entirely founded on fact. There was no Assistant Secretary of the Treasury in charge of the War Risk Insurance and Public Health when the original War Risk Insurance Bureau act was passed, and when the gentleman says here——

Mr. SWEET. That is just what he asserted.

Mr. HUSTED. Will the gentleman yield?

Mr. STAFFORD. With the permission of the gentleman from Iowa.

Mr. HUSTED. Is it the gentleman's understanding that when the Bureau of War Risk Insurance was created there was also created an additional Assistant Secretary of the Treasury for the purpose of presiding over this bureau?

Mr. STAFFORD. There was not. It is an aftercreation entirely. There was no Assistant Secretary at that time.

Mr. HUSTED. That Assistant Secretary of the Treasury was in the Treasury Department before the War Risk Insurance was created.

Mr. STAFFORD. He was an additional Secretary, created after the Bureau of War Risk Insurance was organized.

Mr. HUSTED. Not at all.

Mr. PARRISH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do this in opposition, really, to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. By reason of the circumstances in which the committee that framed this bill finds itself and the circumstances surrounding the wounded and disabled soldiers generally we are forced to place a great deal of discretion and authority in the director of the veterans' bureau. In other words, we are forced to intrust to his care and keeping, for the time being at least, the welfare of every man that has been wounded in the service or every man that must look to the Government for care and protection, either in vocational training, compensation, insurance, or any other matters concerning relief for the World War veterans. In doing this they have been compelled to allow the director to name his own assistants, fix their salaries, and to create his own staff, and to designate the number of sections, and so forth, that shall operate and function under him. In giving him this authority it seems to me that it is wise to give him a salary that is commensurate with the position and the responsibility that he must assume. If the gentleman's amendment carries, I presume that he would offer another amendment, on page 6, section 9, which would have the effect to relieve the director of the veterans' bureau of any responsibility whatever to the Treasury or to any other department.

Mr. Chairman, since we are compelled to put so much authority in the hands of the director and lodge with the director so much responsibility, I believe that the disabled men ought at least to have one avenue by which they may appeal to some other authority if there should be an injustice done to them in the enforcement of the provisions of this act. For that reason, Mr. Chairman, I believe it is a wise provision contained in this bill which makes the director of the veterans' bureau an Assistant Secretary of the Treasury and gives to the ex-service men, as it does in section 9, the right of appeal to the Secretary of the Treasury, who has authority to control or direct the director should there be any injustice in the administration of this law. We want to make certain that prompt and adequate relief will be granted to the wounded and disabled men who served in the great World War and to whom this Nation owes a debt of gratitude that no amount of money can ever repay.

Mr. BLAND of Indiana. Mr. Chairman, I think it is conceded that $10,000 is not too much salary to pay to the director, a most important official. It is thought that with that salary the appointing power may be able to get a real big man for the job. I think it is generally conceded that the highest-class men can not be obtained for $5,000. Granting that that is true, it would seem to be absurd to put a $10,000 man in a $10,000 job under the supervision of a $5,000 man who would be an Assistant Secretary over him. Surely you would not ask your $10,000 man, that you paid that large salary to get, to be ordered and directed by an Assistant Secretary who would be getting only $5,000. Therefore it is entirely proper to make the director of this most important bureau an Assistant Secretary of the Treasury.

I differ with the gentleman from Wisconsin [Mr. STAFFORD] in his view of the duties of the assistant who is to be relieved of his work in connection with the Bureau of War Risk Insurance. That is only one part of his duties. The Public Health Department is still under him. It is a very large department, and it is growing every day, and the only thing that he loses

is that part of the Public Health Department that applies to soldiers. But if we, by this legislation, abolished his duties entirely, it would not justify putting this $10,000 man under a $5,000 Assistant Secretary.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. ROGERS. The former Director of the Bureau of War Risk Insurance told me that if he himself desired to make a journey to New York, to make an official inspection as a part of his duty, he had to go to the Assistant Secretary of the Treasury and get the permission of that Assistant Secretary of the Treasury before he could make the trip. I think the gentleman from Indiana will agree that that is a perfectly absurd situation.

Mr. BLAND of Indiana. It would be.

Mr. FROTHINGHAM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. FROTHINGHAM. Mr. Chairman, I made this inquiry not in order to criticize the committee. That is what I am on my feet now to explain. I shall vote with the committee and not with the gentleman from Wisconsin [Mr. STAFFORD]. I asked the question that I propounded merely for information, to find out if the present Assistant Secretary did have any such powers now, and if it were contemplated merely to increase his power.

There is no question in my mind but that the committee has done absolutely right. You can not afford to put anyone at the head of this bureau who is not a big man, and you cannot expect such a man to come down here unless you make him at least an Assistant Secretary of the Treasury and give him at least the salary the committee provided for in this case.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FROTHINGHAM. Yes.

Mr. FESS. I have been impressed with the possibility of what the gentleman from Wisconsin [Mr. STAFFORD] said occurring, that if we make this man an Assistant Secretary at this salary, there will be immediately an effort to make all Assistant Secretaries' salaries the same. That does not necessarily follow, does it?

Mr. FROTHINGHAM. Not to my mind.

Mr. FESS. An effort will be made to that end; everybody knows that. But the character of this work is so outstanding and so different from the others that I do not think it would follow that giving this particular salary to this particular man means that we shall give it to all the others.

Mr. FROTHINGHAM. I entirely agree with the gentleman.

Much complaint has been made in the past, and righteous complaint, for neglect, not of Congress, but of the inefficient manner in which the different bureaus dealing with wounded veterans of the World War have been managed. We have all been cognizant of many such cases. Only the other day I read in a Washington paper of the appointment of a committee by the local board of trade here to investigate cases of alleged ill-treatment of convalescent soldiers.

The committee is to be congratulated on the comprehensive bill it has brought in consolidating the different bureaus.

Nothing we can do will be too much for those who were wounded in defense of this country and are doomed in consequence to a life of invalidism.

Anyone who attended the impressive ceremonies in the amphitheater at Arlington on Memorial Day and saw the crippled soldiers from the Walter Reed Hospital come into the inclosure must have felt a determination to do their utmost to prevent the occurrence of such calamities in the future. When I was in France during the war I was taken to a studio in Paris where an American sculptress was molding delicate masks for the benefit of men whose faces had been mutilated in the war. She was aided in her work by the use of photographs taken before the soldiers were injured. I saw there two men, one of whom had part of his face blown off and the other most of his mouth, and when she had affixed to them these masks their appearance became almost normal.

It is the realization that these and other calamities are the result of war that makes us want to go to almost any length to prevent it. For the sake of those who may be maimed or killed and not merely for the sake of economy we want some agreement to prevent war. Disarmament will not do it if we are the only ones to disarm, for the history of the world from century to century shows that it is the weakly armed and poorly prepared nations with riches coveted by others that have been the ones to fall. This country does not intend to fall, and for that reason we are going to keep an adequate Army and Navy.

As long as other nations keep up their armed forces and as long as there are covetous nations in the world capable of striking us we must be prepared for defense. There is only one way to make a curtailment in our military and naval forces safely, and that is through an agreement with other nations for disarmament or the establishment of an international court with sufficient power to make their judgments effective. With the present advancement in civilization, one or both of these accomplishments must surely be possible of attainment.

Gen. Pershing has said:

It would appear that recent experiences should be enough to convince everybody of the danger of a renewal of this competition. But one nation cannot reduce armaments unless all do. It is time that enlightened people everywhere should undertake to reach some rational agreement which would not only relieve the world of its heavy financial burden but which in itself would go far toward the prevention of war. We are not a warlike people.

Admiral Sims has said:

Those things were continually discussed, and one of the commonest remarks made was that when we should get done with this war we will all be pretty faulty if we cannot find some means by which we can get along peaceably in the world and safely without the enormous expenditures.

Gen. Bliss likewise put the matter clearly when he said:

Now, if the real problem is to minimize the chances of another world war, which will necessarily be a war between the great civilized powers, the problem can be solved only by getting these few nations together for a full and free conference. * * * I believe that the common peoples of the nations represented would not permit that conference to adjourn until at least one definite step toward a general limitation of armaments had been taken.

The President stated in his recent address to Congress:

We are ready to cooperate with other nations to approximate disarmament.

In 1910 Congress passed a joint resolution providing for the appointment by the President of a commission of five members—

to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of Government for military purposes and to lessen the probabilities of war: *Provided*, That the total expense authorized by this joint resolution shall not exceed the sum of $10,000 and that the said commission shall be required to make final report within two years from the date of the passage of this resolution.

In 1916 a provision was added to the naval appropriation bill whereby—

The President is authorized and requested to invite, at an appropriate time, not later than the close of the war in Europe, all the great Governments of the world to send representatives to a conference which shall be charged with the duty of formulating a plan for a court of arbitration or other tribunal, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval.

Thus we see that the United States has been an active advocate of this policy, and this year at the last session and again at this session the Senate has passed an amendment to the naval bill by a vote without any dissent authorizing and requesting the President to invite the Governments of Great Britain and Japan to a conference on disarmament. The United States has gone even further than that, however, for in the year 1817 it proposed to Great Britain the limitation of armament on the Great Lakes. The proposition was made by our State Department and agreed to by Great Britain through its minister to this country. The arrangement was approved by the United States Senate, and on the 28th day of April, 1818, it was proclaimed by the President of the United States, and from that day to this, 103 years, this document has remained a vital and effective force for the limitation of armament and peaceful settlement of disputes between two great nations.

It gives grateful proof that honorable nations can make joint agreements for disarmament and live up to them. This precedent seems to me of so much importance that I wish to quote the proclamation in full so that it may become more generally known to the present generation of the world.

By the President of the United States of America.

A PROCLAMATION.

Whereas an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord 1817, between Richard Rush, Esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Hon. Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

"On Lake Ontario, to one vessel not exceeding 100 tons burden, and armed with one 18-pound cannon.

"On the upper lakes, to two vessels not exceeding like burden each and armed with like force.

"On the waters of Lake Champlain, to one vessel not exceeding like burden and armed with like force.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded and confirmed, and is of full force and effect.

Given under my hand at the city of Washington this 28th day of April, in the year of our Lord 1818, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The functions, powers, and duties conferred upon the Federal Board for Vocational Education by the act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, and amendments thereto, are hereby transferred to and made a part of the veterans' bureau.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the introducer of the bill.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HUSTED. I notice that the Federal Board for Vocational Education as a board is not abolished by this section, but is still continued.

Mr. SWEET. They still have other duties.

Mr. HUSTED. I notice that the functions, powers, and duties conferred upon the Federal Board for Vocational Education by the act approved June 27, 1918, are transferred to and made a part of the veterans' bureau.

Mr. SWEET. Yes; they are vested in the new bureau.

Mr. HUSTED. What powers are retained by the Federal board, may I ask?

Mr. SWEET. The Federal board has the supervision and control of all matters that arise under the act that was passed in 1917 providing for the promotion of vocational education to men employed in agriculture, trades, and industries, and so forth.

Mr. BANKHEAD. If the gentleman will allow me, they also have charge of the subject matter of the bill passed at the last session of Congress for the rehabilitation of industrial cripples.

Mr. HUSTED. Will this bureau have any control over the education of disabled soldiers?

Mr. SWEET. No. We are passing that over to the new bureau, so that everything pertaining to disabled soldiers will be there.

Mr. HUSTED. Am I correct in supposing that everything in relation to the care of disabled soldiers is vested in this new bureau, and no power will be reserved in any other branch of the Government?

Mr. SWEET. That is true as to hospitalization, allowances, allotments, compensation, insurance, and vocational training. They are all vested in this new bureau and are placed under the control and management of the director.

Mr. HUSTED. But the Federal Board for Vocational Training still remains in existence for certain other purposes, including the rehabilitation of industrial cripples?

Mr. SWEET. Yes.

Mr. HUSTED. And what else?

Mr. SWEET. And for the carrying out of an act passed in 1917 which related to the education and preparation of men for occupations, and the like of that.

Mr. FESS. The Smith-Hughes Act, which carries $7,000,000 annually.

Mr. ROACH. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. ROACH. Mr. Chairman and gentlemen, I have not consumed any time of this House until now, but I do want now to make some few remarks on the general features of this bill.

Mr. Chairman, a considerable amount if not all important legislation proposed in this House calls forth a sharp difference of opinion upon the part of its Members, but in the proposed law under consideration, which has been very appropriately designated by the committee as "the veterans' bureau," we have a measure upon which there should be no difference of opinion as to the principle involved in the bill or the objects sought to be attained, and the measure should receive the solid support of the Members of this House.

In my opinion, no more important and necessary legislation than that proposed in this bill will be considered at this or any future session of Congress. There may be said to be two classes of our citizens at least who are entitled to and are sorely in need of legislation by Congress at this immediate time that will materially advance and promote their rights and welfare. One of these is the so-called ex-service men and their dependents, the other is the farmers and producers of this country, both of whom are badly in need of our help and are crying out for our assistance. We are in duty bound to hear them both and answer their call. The well-being of our Government demands that we should. Here in this law it is proposed to discharge the overdue obligation to the first class mentioned, and any delay or uncertainty of purpose upon our part to speedily enact this bill into law must be carefully avoided; and I wish to make it clear that I shall not only vote for this measure but will resist to the utmost of my energies and ability any act that may even tend to delay its passage or render less effective any of its provisions; and following its enactment into law, which I confidently expect, it is to be hoped that we can then continue to direct our energies in behalf of serving the interest of the second class of our citizens which I have mentioned as requiring our consideration.

The committee handling this legislation is to be commended, and I most whole-heartedly do commend them for the painstaking, thoughtful, and intelligent manner in which they have worked out the details of the legislation proposed in this measure, all of which is so vital to the interest and welfare of the ex-service men and their dependents, and the necessity for which has become apparent and well recognized by not only every Member of this House but by all the people of this country who are in any degree familiar with the subject under consideration. In making this statement I have in mind both the inadequacy of our present laws upon the subject under consideration and the inefficient and unsatisfactory manner in which those laws have been administered, both of which evils will be corrected and largely, if not entirely, overcome by enacting this measure into law.

This bill correlates all of the agencies of the Government heretofore in any way dealing with, relating to, or having to do with the interest and rights of the ex-service men, such as the Bureau of War Risk Insurance, the Rehabilitation Division, Vocational Training Department, hospitalization work, medical, surgical, dental, convalescent care and treatment, and such other like agencies too numerous to mention, and brings them under one general head, to be hereafter known as the veterans' bureau. In other words, a complete overhauling and reorganization of the whole system and placing it on a practical working basis by which the business can be thoroughly, expeditiously, and systematically handled in the shortest period of time possible and at a minimum cost. A law of this character is not only desirable but has been demonstrated by past experience to be absolutely necessary if we are to give to the ex-service men of this country that which is justly theirs and make clear to them what rights they have.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROACH. Mr. Chairman, I ask unanimous consent for five additional minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes additional. Is there objection?

There was no objection.

Mr. ROACH. Without purpose to unnecessarily condemn or criticize previous legislation on this subject, it must be recalled that all such legislation was enacted under the emergency created by the World War and out of necessity more or less hurriedly prepared and considered, rendering it next to impossible to give to it the consideration which it deserved or to take into account the many phases of the rights and interests of the soldier and his dependents as they would naturally arise in the future. Our beloved country had on short notice been drawn into a world war 3,000 miles across the sea. The deadly conflict was on—no time to reflect or consider. The thing to do then was to act. Our young men, the best of our manhood, had been ordered to fall in line and march by the millions; and even

had they so desired, they had no choice but to obey. But let it be said to their credit that the red blood of patriotism which enabled their ancestors to firmly establish the institutions of this country was fired in their veins, and that without hesitation or halting they leaped to the defense of our flag and the institutions of this Government. We have all witnessed the sight of their going, of the father who stood by supporting a grief-stricken mother as with tear-dimmed eyes he waved a farewell to these gallant sons, the pride and future hope of their home, many of whom were never to return. They were vigorous, strong, erect, full of life, ambition, and courage. We were proud of these men, who for the most part had just begun to take on the serious responsibilities of life and to take their place in the business life of the country. They made the supreme sacrifice, turning their backs to father, mother, wife, sweetheart, home, bright futures, prosperous business engagements—everything that is dear and sought after by men—all at the command of their Government; and now, in turn, this Government must answer their call. The privations and hardships which they uncomplainingly suffered, and which I shall not take the time to recount, only emphasizes, strengthens, and adds further to their rights. Many of them never returned; others have returned, but not the bright, smiling-faced boy that went. We find many of those who have returned broken in health, maimed, wounded, shell shocked, and nervous wrecks of their former self; their once bright future dissipated, business engagements and former opportunities taken over by others, and to otherwise be confronted with discouragement and disappointments. To these men and their dependents this Government owes a stupendous and solemn obligation, which must be promptly met. This bill measurably undertakes to fulfill that obligation and to correct and clarify present laws upon the subject written under the stress of the moment and which are admittedly inadequate. We should not falter or hesitate; our duty to these men is plain; the country is demanding that they be dealt with fairly, wisely, and justly, and no right-thinking person is going to question the propriety of liberal provisions for these men by a grateful Government.

It is not to be wondered that the emergency legislation in their behalf by no means discharges our obligation to them or that the administration of these laws has not proven satisfactory. What we are interested in now is to see that justice and right are no longer delayed. Now that we have a knowledge of the defects of our laws on the subject of their rights and of the inefficient manner in which such laws as we have have been administered, we subject ourselves to condemnation without measure if we do not now, without further delay, remedy a situation that has become deplorable, and from which the ex-service men and their dependents have been made to suffer and ofttimes denied that which is due them from a just Government.

No doubt every Member of this House has had brought to their individual attention case after case and claim after claim of deserving ex-service men or their dependents who, owing to the present inefficient methods of handling their claims by the Government under the present complicated and overlapping system of bureaus, divisions, and agencies, has been denied justice at the hands of the Government. Many of these cases that have come under my own notice are pathetic and heart-rending; that the present system of duplications and overlapping of authority, multitude of separate and independent agencies, departments, and bureaus, is recognized as chiefly responsible for this condition, and it is not to be wondered. These various agencies of which I speak, each with their own complicated methods of handling business, has proven so confusing to the ex-service man that he could seldom get results on his claim when presented by him personally, and have likewise dumbfounded and confused lawyers of experience and legal training who have undertaken to help the soldier or his dependents get action on their claim. This bill overcomes all that and renders it a comparatively simple matter for the soldier or his dependents to assert and obtain their rights, by bringing all of these various departments, bureaus, and agencies into one centralized department of general control.

Hereafter, whether the claim be one of insurance, compensation, hospital, medical, dental, or other treatment, vocational training, or whatever rights to which the claimant is entitled, there need no longer be any confusion under this bill consolidating these several agencies heretofore handling such claims in obtaining a prompt adjustment of such rights. If this law is properly administered a simple letter to the "Veterans' Bureau" by the claimant should and no doubt will set the machinery in motion for a prompt and businesslike disposition of the claim thus presented. The bill not only centralizes the work in Washington under one general department but decentralizes the work to be done in the field; and these two combined facts, both of primary importance, argue strongly for efficiency and a prompt and proper handling of these claims. The provisions of this bill for the 14 regional offices and such suboffices as may be required to properly function the activities of the field work—not exceeding 50 in number, it will be seen—brings the Government in close contact with the service men—carries the work to their door, as it were—and it is apparent that this provision of the bill will enable the Government to promptly get in touch with these men or their dependents and arrive at a speedy and correct decision and adjudication of their rights. If this bill becomes a law there will no longer be division of authority and responsibility, duplication of work, and overlapping of departments, which has directly resulted in *inexcusable* delays and inefficient handling of claims for insurance, compensation, hospitalization, vocational training, and like claims, all of which will be avoided.

In other words, it is proposed by this bill to "cut out so much red tape" in discharging the obligations of the Government to these men, dispense with a few unnecessary departments and clerks, exercise some common sense in handling their claims, and inject such business methods in the general program relating to their affairs as will make it comparatively simple for them to obtain their rights. Such a change will not only be welcomed and receive the plaudits of the ex-service men and their dependents, who have indorsed this bill through the American Legion and in other ways, but will likewise receive the approval and commendation of the general public. The clear and well-defined purpose of this legislation is to facilitate and expedite a proper handling and prompt dispatch of this important branch of the Government's business and to make it possible by practical and simple methods for the ex-service men and their dependents to secure their rights under the law and to make known those rights in clear and certain terms. The bill not only preserves to them all rights and privileges under former laws, but materially adds to, extends, and liberalizes the present provisions of such laws.

Mr. Chairman and gentlemen of the House, here is this bill. Let us highly resolve that these men have not sacrificed in vain, in so far as a just Government can make suitable provisions and recognition of their splendid services. Let us pass this bill into law, with the same energy, resolution, courage, and determination that made it possible for these boys to win the war and perpetuate the principles of our Government that has made our country great, with a prayer on our lips for its faithful administration and execution by those charged with that duty. [Applause.]

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee one or two questions. I wish to preface my questions by making a very brief statement.

What we want to achieve by this legislation is to get speedy action for the benefit of the veterans of the Great War. That is the purpose the committee have in mind in bringing in this bill.

Mr. SWEET. That is what we are endeavoring to accomplish.

Mr. McKENZIE. Some time ago the Congress of the United States enacted what was known as the Smith-Hughes bill, to provide vocational education, in which the States were to participate.

Mr. SWEET. That is true.

Mr. McKENZIE. I assume there has been some organization along that line?

Mr. SWEET. There has.

Mr. McKENZIE. Later on we enacted what is known as the Smith-Bankhead bill, for the purpose of taking care of industrial cripples—men injured in industry.

Mr. SWEET. That is true.

Mr. McKENZIE. We have also provided that in the War Risk Bureau there shall be rehabilitation treatment given the soldiers disabled in the war.

Mr. SWEET. The question of vocational training pertains to the Vocational Board.

Mr. McKENZIE. Yes.

Mr. SWEET. And of course we are granting hospitalization through the laws passed with reference to the Bureau of War Risk Insurance.

Mr. McKENZIE. That is the point I have in mind, Mr. Chairman. Under this section you provide that all the activities of the Vocational Educational Board and all of the activities heretofore exercised by the Public Health Service for the rehabilitation of the crippled veterans shall be transferred to this new Federal bureau. The question I want to ask is, Will that expedite the treatment of these boys? If so, how do you expect this new bureau to proceed? Do you expect they will investi-

gate a man's case and then turn him over to the vocational or rehabilitation organization that is now in existence, or do you intend that there shall be built up in this new bureau a new organization to take care of these veterans?

Mr. SWEET. They will be completely taken care of by the new bureau.

Mr. McKENZIE. Then, I want to ask the gentleman from Iowa if he does not think that that sort of a proceeding will delay or retard, rather than expedite, the treatment?

Mr. SWEET. It is the judgment of all those who have had charge of this matter—the present director, Mr. Lamkin, and everyone who is connected with it—that if that phase of it is put into the new bureau and carried along it will be expedited, and that the soldiers will receive better and more efficient treatment.

Mr. McKENZIE. Let me ask the gentleman further: Do you intend, then, that the organization that is now in existence for treating these soldiers and giving them vocational training shall be transferred over bodily into this new bureau?

Mr. SWEET. Yes; we do.

Mr. McKENZIE. And that will wipe out, then, the organizations now in existence for vocational training and for the rehabilitation of cripples from civil life, in so far as soldiers are concerned?

Mr. SWEET. Oh, no. In section 3 we refer specifically to the act providing for vocational rehabilitation and return to civil employment. This separate act, which pertains to the soldiers, and the amendments to that particular act, are transferred, and all the functions, powers, and duties conferred by that act are transferred, to this bureau and exercised by it.

Mr. McKENZIE. Let me cite a specific case. Suppose we have a soldier who is crippled. He goes before one of these boards out in the country, under the new department that you are going to create. He is examined and found to be entitled to rehabilitation or vocational education. It is approved down here in Washington. Now, is there a board in existence or an organization to which that young man can be sent or transferred for treatment at once?

Mr. SWEET. Yes; as quick as the transfer is made; of course it will be under the supervision and direction of the new bureau. Not only that, but before he can get vocational training of course he must get the record from the Bureau of War Risk Insurance as to whether he is receiving compensation, or the like of that. So you see we are bringing this whole matter together in one bureau, so that he may receive more efficient treatment.

Mr. McKENZIE. I am afraid that you will have confusion worse confounded.

Mr. SWEET. There is no confusion.

Mr. FESS. Will the gentleman allow me?

Mr. SWEET. Certainly.

Mr. FESS. To-day this rehabilitation work is under the direction of the Federal board. All this will do is to transfer it from the direction of the Federal board to this director of the Federal bureau.

Mr. HICKS. In other words, that does not change the matter any, but merely transfers it.

Mr. HUSTED. Mr. Chairman, for the purpose of securing recognition I rise in opposition to the pro forma amendment. I should like to ask the introducer of the bill if there are in the Vocational Educational Board at the present time separate organizations for the treatment of soldiers, and another organization for the treatment of industrial cripples, and a still further organization for the treatment of people under the Smith-Hughes Act?

Mr. FESS. Will my friend from Iowa allow me to answer that?

Mr. SWEET. Yes.

Mr. FESS. This organization for the treatment of industrial cripples will be under the Federal Board and it works through the various State compensation commissions. The law did not go into effect until June. It was passed a year ago to take effect this June. This bill does not touch that.

Mr. HUSTED. Will the transfer bodily of the entire rehabilitation organization from the Federal Board into the veterans' bureau leave you without any organization to take care of industrial cripples and take care of the Smith-Hughes Act?

Mr. FESS. No; the only thing we take from the organization is this particular feature of the work of the soldiers' division; the industrial cripple work is not to take effect until this June.

Mr. HUSTED. And the machinery will still be left to execute these two acts?

Mr. FESS. Yes.

The Clerk read as follows:

SEC. 4. All personnel, facilities, property, and equipment, including leases, contracts, and other obligations and instrumentalities in the District of Columbia and elsewhere of the Bureau of War Risk Insurance, of the United States Public Health Service, as described and provided in a written order of the Treasury Department issued and signed by the Secretary of the Treasury on April 19, 1921, and designated "Order relative to the transfer of certain activities of the United States Public Health Service, relating to the Bureau of War Risk Insurance, including the trainees of the Rehabilitation Division of the Federal Board for Vocational Education," and of the Rehabilitation Division of the Federal Board for Vocational Education, are hereby transferred to and made a part of the veterans' bureau under the control, management, operation, and supervision of the director, and subject to such change in designation and organization as he may deem necessary in carrying out the provisions of this act: *Provided*, That all commissioned personnel detailed or hereafter detailed from the United States Public Health Service to the veterans' bureau, and such other personnel as shall be added from time to time when such added personnel is employed for the same purpose and for performing the same or similar duties, shall hold the same rank and grade, shall receive the same pay and allowances, and shall be subject to the same rules for relative rank and promotion as now or hereafter may be provided by law for commissioned personnel of the same rank or grade or performing the same or similar duties in the United States Public Health Service.

Mr. SWEET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 18, after the word "education," insert "as a result of the administration of the act of June 27, 1918, and amendments thereto."

Mr. SWEET. I will say that that amendment is offered at the suggestion of the gentleman from Ohio [Mr. FESS] in order that there may be no question as to the extent to which section 4 goes. It was not the intention of the committee to include the industrial cripples, and the amendment is as follows:

As a result of the administration of the act of June 27, 1918, and amendments thereto.

In other words, in section 3 we were simply transferring the functions, powers, and duties which pertained to this particular act and amendments thereto, and it is the desire of the committee that we should simply refer to the same act and amendments thereto.

Mr. ROGERS. I suppose the gentleman will offer the same amendment to section 5.

Mr. SWEET. I think that is taken care of.

Mr. ROGERS. It is exactly the same in language.

Mr. SWEET. If the gentleman will examine section 5, at the top of page 5, he will find that we are making the transfer in regard to the rehabilitation division of the Federal Board for Vocational Education.

Mr. ROGERS. Not in the first paragraph of section 5.

Mr. SWEET. Well, the amendment may be offered there.

Mr. BANKHEAD. Mr. Chairman, I notice that the gentleman from Iowa in reading the amendment left out the word "approved." He read it "act of June 27, 1918."

Mr. SWEET. At the suggestion of the gentleman from Alabama, Mr. Chairman, I ask unanimous consent that I may modify my amendment by inserting the word "approved" instead of the word "of."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify the amendment, and the Clerk will report it.

The Clerk read as follows:

Page 3, line 18, after the word "education," insert "as a result of the administration of the act approved June 27, 1918, and amendments thereto."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The amendment as modified was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Iowa if he regards it as essential that the order referred to beginning in line 13, page 3, shall be referred to in the form in which it is mentioned, instead of incorporating the material provisions of that order. I confess that to me it seems very loose legislation to incorporate in this way what is a mere temporary regulation, subject to change, having no sanctity and no real validity except from day to day within the department.

Mr. SWEET. Let me say to the gentleman that the order, as the gentleman will find, is rather lengthy, and we are simply referring to it as a description of the property. We describe it as "order relative to the transfer of certain activities of the United States Public Health Service relating to beneficiaries of the Bureau of War Risk Insurance, including the trainees of the rehabilitation division of the Federal Board for Vocational Education, to the Bureau of War Risk Insurance." This order provides for the transfer of this property in a manner that we desire to have it transferred under the terms of the bill. In order to meet that situation we simply refer to the

order as being descriptive of that property. We consider that far better than to describe it in general terms.

Mr. ROGERS. The gentleman undertook in section 4 to quote accurately the title of the order?

Mr. SWEET. Yes.

Mr. ROGERS. In two respects the language in the bill varies from the language indicated in the gentleman's own remarks of last Thursday as the title to the order. If the gentleman is quite convinced that this is both a suitable and a necessary way of legislating, at least we ought to embody in the bill the accurate title of the order as issued by the Treasury Department.

Mr. SWEET. I have the accurate title of the order before me and we have followed that title. The reference in my remarks was taken from a report made to me, which I inserted in the RECORD, but I have now an exact copy of the order from which the bill was drawn.

Mr. ROGERS. The bill is correct and the gentleman's speech was incorrect?

Mr. SWEET. The quotation in the speech is not exactly correct.

Mr. ROGERS. The order begins by transferring all of the "activities" of the United States Public Health Service with the exception of certain hospitals and dispensaries. Was it the intention of the committee of which the gentleman is a member to transfer any of the so-called public health hospitals to the veterans' bureau?

Mr. SWEET. No.

Mr. ROGERS. All the hospitals now under the operation of the Public Health Service will continue under the control of the Public Health Service?

Mr. SWEET. Yes.

Mr. ROGERS. Will the actual operation of the hospitals continue under the Public Health Service?

Mr. SWEET. They will.

Mr. ROGERS. I notice that the language of the Treasury order is that all of the activities shall be transferred.

Mr. SWEET. Yes.

Mr. ROGERS. "Activities" does not sound like a physical-property word.

Mr. SWEET. Yes; but the truth of it is that these hospitals at all times under all circumstances have been in the Public Health Service and when we are making this transfer it is simply the activity; we are doing away with the condition that existed previously between the Public Health Service and the Bureau of War Risk Insurance, and when we refer to it we say "all personnel, facilities, property, and equipment, including leases, contracts," and so forth, and then when we make the transfer we are simply leaving to the Public Health Service the hospitals. And I may say right here, so that the House may get a clear conception of what the bill does, that as far as the new bureau is concerned, it has full charge over men who are desirous of obtaining hospitalization. The new bureau will determine that question, and these men then will be turned over to the Public Health Service to have rendered to them hospitalization. When they are turned over to the Public Health Service for hospitalization, it will be just the same as if the gentleman would send his boy or girl to a hospital. When the boy is in the hospital he will receive the care and treatment from that hospital. In other words, this hospitalization question, as far as disabled soldiers are concerned, is to be determined by the veterans' bureau. The hospital service is to be performed by the hospital, either private or public, as the case may be.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS. Is it the fact that so far as the Public Health patients are concerned, the change contemplated by the proposed bill is limited to the physical examination and the assignment to hospitals of the applicants for hospitalization, both of which will hereafter be under the veterans' bureau?

Mr. SWEET. That is practically true.

Mr. ROGERS. In other words, as far as the maintenance and control and operation of the hospitals are concerned, and as far as the care and treatment of the men while they are in the hospitals are concerned, the present conditions remain practically unchanged?

Mr. SWEET. That is true.

Mr. ROGERS. And the intent of this section is to bring about that precise result?

Mr. SWEET. That is true.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. WHITE of Maine. I take it that only those facilities and property, equipment, leases and contracts, and other matters mentioned specifically in this Executive order or departmental order are transferred to this new bureau?

Mr. SWEET. As far as the Public Health Service is concerned. As far as the Bureau of War Risk Insurance is concerned, everything is transferred. As to the Rehabilitation Division of the Federal Board for Vocational Education, everything is transferred.

Mr. WHITE of Maine. Is this order a matter of public and permanent record?

Mr. SWEET. Yes.

Mr. WHITE of Maine. Where would a man go to see under this section what is transferred? Would he go to the Treasury Department and get a copy of that order?

Mr. SWEET. Yes; he could get it in that way. These orders are published and bound. They are regular orders, signed by the Secretary of the Treasury.

Mr. WHITE of Maine. So that they are in the full sense a matter of public record?

Mr. SWEET. I think that is true.

Mr. STEPHENS. Mr. Chairman, in the case of hospitalization, where the boys are sent to the hospital, are they still under the care and direction of this bureau?

Mr. SWEET. Up to the time they are assigned to the hospital they are under the supervision and care of the veterans' bureau, but after their assignment to the Public Health Service hospital, or any other hospital, in that event, of course, they are under the control of that hospital, so far as as hospitalization is concerned; but I may say this, that section 9 of the bill provides that the new bureau shall inspect these hospitals to ascertain whether or not the boys are receiving the care and attention to which they are entitled, and if they are not, then they can be taken away and other hospital facilities furnished them.

Mr. STEPHENS. Is that the case in regard to vocational training? When the boys are undergoing vocational training, are they actually under this bureau?

Mr. SWEET. They are under this bureau.

Mr. STEPHENS. Then a boy who would stop vocational training has his vocational training pay stopped?

Mr. SWEET. Yes; and his compensation then would start at once.

Mr. STEPHENS. And there would not have to be an intermission of one or two or three or six months?

Mr. SWEET. That is one of the propositions we endeavor to reach in the formation of this bureau.

Mr. ROGERS. Mr. Chairman, will the gentleman yield again?

Mr. SWEET. Yes.

Mr. ROGERS. As far as the transfer of the "facilities, property, and equipment, including leases and contracts," and so forth, of the Public Health Service is concerned, what, in the gentleman's judgment, will be comprehended within that transfer? Hospitals are expressly excluded in the order of April 19, and dispensaries are expressly excluded. I suppose the equipment of hospitals, naturally and inevitably, would be excluded. What Public Health property would be transferred to the veterans' bureau?

Mr. SWEET. I can say, referring to the order, that all of the activities of the United States Public Health Service, with the exception of such hospitals and dispensaries as are operated for that service, in so far as they affect the beneficiaries of the Bureau of War Risk Insurance, including trainees under the Rehabilitation Division of the Federal Board for Vocational Education, are transferred to the Bureau of War Risk Insurance, and the Director of the Bureau of War Risk Insurance is hereby directed to administer such activities and shall hereafter be responsible for the examination, hospitalization, and satisfactory medical care and treatment, including supplies for the said beneficiary.

Mr. ROGERS. That transfers the "activities" of the Public Health Service?

Mr. SWEET. Yes.

Mr. ROGERS. Which are intangible things. What physical property will be transferred from the Public Health Service to the veterans' bureau as a result of this act?

Mr. SWEET. There is not a great deal of that, except perhaps property that has been used by the Public Health Service in carrying out the directions of the Bureau of War Risk Insurance.

Mr. ROGERS. In other words, was it the intention of the committee to disturb as little as possible the action of the Pub-

lic Health Service, having, of course, in mind the necessity of consolidating the interrelated soldier agencies of the Government?

Mr. SWEET. That is true.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question.

The CHAIRMAN. The Chair recognizes the gentleman in opposition to the pro forma amendment.

Mr. DOWELL. While the ex-service man is in the hospital and his compensation has been determined while he remains in the hospital, how is that to be determined afterwards by the veterans' bureau except through a report of the Public Health Service?

Mr. SWEET. If a man is in the hospital, his compensation continues just the same as if he was out of the hospital.

Mr. DOWELL. But the compensation changes from time to time through examinations of the various boards of the War Risk Insurance. Is there any change in that during the time he is in the hospital; and if there is not, how is the compensation determined while he is in the hospital?

Mr. SWEET. As far as that is concerned, if he enters a hospital, unless he has a reexamination, unless the board determines that his rate shall be different, of course it continues just the same in the hospital as it does when he is not in the hospital.

Mr. DOWELL. Assuming he has a 10 per cent disability when he is sent to the hospital, does that 10 per cent remain during the time he is in the hospital?

Mr. SWEET. We do not change the law in that respect in any way.

Mr. DOWELL. How would it be determined whether or not he can have an increase in compensation while he is in the hospital?

Mr. SWEET. I will say to the gentleman the question of rating and rerating is passed upon by a board in the Bureau of War Risk Insurance, and when a man is granted a rehearing it must be presented to the board and that board determines the matter, so you see the very fact he enters a hospital does not mean that his compensation will be increased or decreased, and we do not interfere with that in any way.

Mr. DOWELL. But the general rate may be changed possibly by the fact that he is in a hospital?

Mr. SWEET. That may be true.

Mr. DOWELL. His compensation, I take it, will increase according to his health——

Mr. SWEET. Yes; it does now.

Mr. DOWELL. What I am getting at is this: The rate of compensation is now determined by the veterans' bureau under this bill. After he goes into a hospital, as I understand it, he is then under the hospital direction and under the Public Health Service. Now, does the Public Health Service determine the rate?

Mr. SWEET. Oh, no. The Public Health Service has nothing to do with it.

Mr. DOWELL. How may he get an increase?

Mr. SWEET. The question of increase will be presented to the board under the new bureau just as it is now presented under the Bureau of War Risk Insurance, or presented to the regional office under the provisions of this bill.

Mr. DOWELL. And they have nothing to do, however, with hospitals?

Mr. SWEET. No.

Mr. BRIGGS. Will the gentleman yield?

Mr. SWEET. I will.

Mr. BRIGGS. I understand in reference to the activities transferred from the Public Health Service, War Risk Bureau, it contemplates in the examination made of a man for vocational training or compensation direct reports to the director of the veterans' bureau which heretofore have been going through the Public Health Service?

Mr. SWEET. That is a matter that will be left under the direction and supervision of the director. We hope, at least, that they will be made under the director.

Mr. BRIGGS. Is not that the very purpose of this provision in transferring the activities of the Public Health Service "intangible," as referred to by the gentleman from Massachusetts, so that these endless delays through examinations may not occur, and reports go through the present long channels to get to the veterans' bureau; but the man's case may reach the veterans' bureau and be acted upon within a reasonable time?

Mr. SWEET. That is true.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the paragraph. The gentleman has spoken here of putting a case not properly treated, in an assumed case, in the Public Health Service. What are you going to do with him now?

Mr. SWEET. You can send him to another hospital or send him to private institutions, because they are under contract, and the whole matter suggested by the gentleman from Indiana is covered in section 9, but a young man can receive such hospitalization as the new bureau may determine.

Mr. SUMMERS of Washington. And the discipline of the boy, as is indicated in some other section of the bill, is that to be carried out by the Bureau of War Risk Insurance or the Public Health Service?

Mr. SWEET. By the new bureau, the veterans' bureau.

Mr. SUMMERS of Washington. Although the boy is under the direct care of the Public Health Service?

Mr. SWEET. As far as discipline is concerned, to pass upon the discipline.

Mr. SUMMERS of Washington. Well, are you going to have an inspector down there at the hospital?

Mr. SWEET. Section 9 provides for inspection. There will be a medical division, of course, in the veterans' bureau, and there will be a system of inspection whereby they will go through the hospitals and see whether or not the young man is getting that to which he is entitled.

Mr. SUMMERS of Washington. It looks to me like there would be a conflict of authority.

Mr. SWEET. There is no conflict of authority.

Mr. WILLIAMSON. If the gentleman from Iowa will yield, I would like to ask him a question. If I understand his explanation correctly, the new bureau will have nothing to do with the Public Health hospital in itself, but what will be the situation in reference to the Public Health Service? Will they be authorized to provide such necessary facilities so that there will be sufficient to take care of these ex-service men who may require hospitalization?

Mr. SWEET. Under section 9 we make provision for that, so that all the facilities of the Government are required to furnish hospitalization at the direction of the director of the veterans' bureau, such as the Public Health Service, the War Department, the Navy Department, the Department of the Interior, and the National Home for Disabled Volunteer Soldiers, and so forth.

Mr. WILLIAMSON. I think that is clear in my mind now. I had gotten the idea that the director would do it himself.

Mr. SWEET. In other words, the Public Health Service furnishes that hospitalization to the new bureau.

Mr. WILLIAMSON. Either public or private?

Mr. SWEET. Either public or private.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

All records, files, documents, correspondence, and other papers in the possession of the Bureau of War Risk Insurance, and those which as a result of the administration of the act of June 27, 1918, and amendments thereto, are in the possession of the Rehabilitation Division of the Federal Board for Vocational Education shall be transferred to the veterans' bureau.

Mr. LAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAYTON: Page 5, line 9, after the word "and," insert the word "such" and strike out the rest of line 9.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that that section has not been read. Without objection, the amendment will be withdrawn.

Mr. FISH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a few questions. While we are discussing this admirable bill reported by your committee, and of which you are the author, the Civil Service Commission have made it almost impossible for ex-service men to qualify for certain positions under the proposed veterans' bureau. I want to ask the chairman if it is possible to amend the bill, and where it could be amended, to change these qualifications? I refer to the qualifications for assistant placement officer. The qualifications and requirements prescribed by the Civil Service Commission, together with the rehabilitation bureau, demand that these young soldiers, averaging around 25 years of age, must have had two years of experience in adjusting labor disputes. I submit that there is not a single soldier of that age, a single ex-service man, who can qualify as having adjusted disputes between capital and labor. In my own district I have four cases of men who have been turned down for that reason. The result is that a large percentage of the employees of that bureau are not ex-service men. I believe it is the sense of this House and of the public that

ex-service men should have preference, and it should be made easy for them to qualify. We should not permit obstacles to be placed in their way that make it impossible for them to do so. Does the chairman understand the point that I am making?

Mr. SWEET. I will say that I think that would hardly be an amendment to what is termed the war risk insurance act. It would probably be an amendment to some other statute which relates to the Civil Service Commission or the qualifications of those who are to hold certain positions. And I really do not believe it would be proper in a bill of this kind.

Mr. FISH. I agree with the chairman. I do not see any place in this bill in which you can properly offer such an amendment. It is a very important matter. Has Congress any right to make qualifications for civil-service examination?

Mr. SWEET. It surely has. Amending of the civil service laws is a matter that is purely legislative.

Mr. FISH. I want to read for the information of Congress the requirements for assistant placement officer, which is the main office that a service man can qualify for. It is more difficult for him to qualify as a training officer, because he has to have certain experience in teaching or as a supervisor of education.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. FISH. I will yield.

Mr. NEWTON of Minnesota. Will the gentleman inform the House just what the duties of a placement officer are?

Mr. FISH. I will. Reading from these civil-service requirements for placement assistant, $1,500 to $2,400 a year, it says:

> The duties of appointees will be to secure suitable employment for rehabilitated men who are entitled to assistance through the Federal Board for Vocational Education; to follow up such cases while in training on the job and after placement in employment and render such advice and assistance thereafter as may be necessary or as directed by the officers of the division; the adjustment of questions arising concerning the employment of such men; to cooperate with other officers in arranging for the training of rehabilitated men in productive establishments; and the making of such other investigations concerning these subjects as may be directed by the officers of the division.

Now, as to education and experience, it says:

> The prerequisites for consideration for this position are: Education equivalent to the first eight grades of common school and at least two years' experience in handling and adjusting industrial controversies or in some position requiring a similar degree of tact and judgment in contact with employers and employees and in which the duties performed by the applicants required a wide knowledge of the requirements of the various trades and industries.

Now, I submit that there is not a single service man that can qualify properly under those qualifications.

Mr. UNDERHILL. Will the gentleman yield?

Mr. FISH. I yield.

Mr. UNDERHILL. Could anybody qualify under that requirement unless he was a walking delegate of some labor union?

Mr. FISH. That is exactly the point.

Mr. NEWTON of Minnesota. I wish to say that I know of an instance in my own State of a man who served two years overseas and who has been doing the work of a placement officer and doing it acceptably, but he could not qualify so as to get the $2,400 compensation under that very rule.

Mr. HILL. Will the gentleman yield further?

Mr. FISH. I will.

Mr. HILL. I have three cases of precisely the same kind in my district in Baltimore in which excellent men were barred out by that provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FISH. I want to call the attention of the chairman to this matter again.

Mr. DENISON. Will the gentleman yield for a question?

Mr. FISH. I will.

Mr. DENISON. I would like to inquire if the gentleman from New York has addressed the Civil Service Commission and called their attention to that fact, and ascertained whether or not they could change this?

Mr. FISH. I have.

Mr. DENISON. What did they say?

Mr. FISH. They said it was within the power of the Federal Board for Vocational Education to make the change in qualifications. Then I went to the Federal board, and they told me that it was within the power of the Civil Service Commission.

Mr. DENISON. I think that is true.

Mr. FISH. I do not think it is in the power of Congress. I wanted to make sure from the chairman himself whether it would be proper to offer such an amendment to this bill, and furthermore, I wanted to call the attention of Congress to this matter, because it affects every one of us, and we all want to give adequate preference to ex-service men in taking civil service examinations for positions under the various governmental agencies dealing with the welfare of the ex-service men and to prevent any unreasonable barriers being written into the civil service requirements whereby they are unable to qualify for these appointments. Inasmuch as such an amendment would not be germane to this bill, I have served my purpose by calling attention to the matter.

Mr. BLAND of Indiana. Has the gentleman a suggestion for putting it in that form? The gentleman speaks of the fact that the person who seeks employment must have such experience as will enable him to take the job.

Mr. FISH. I had that in mind.

Mr. BLAND of Indiana. What kind of experience would you require the soldier to have outside of knowing how? You want him to have experience.

Mr. FISH. I will give you an example. My own secretary has been adjutant of a post of 500 paid-up members for the past two years. He took the civil service examination and passed with high honors, but was turned down because he did not have two years' experience in adjusting labor disputes.

Mr. BLAND of Indiana. It says:

> Two years' experience in adjusting labor disputes or experience in connection with employment of men.

Mr. FISH. As adjutant of the post and as my secretary, he has been doing this for two years. He has placed scores of them.

Mr. BLAND of Indiana. You would require the soldier to have some experience in that work, because otherwise you could not expect him to perform the service.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent that the gentleman from New York may be permitted to extend his remarks in the RECORD, and answer this question, and propose a plan that might be workable.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from New York [Mr. FISH] may have leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SWEET. Mr. Chairman, I offer the following amendment to section 5. It is along the line of the last amendment I offered to section 4. It is for the purpose of making it more definite and certain. After the word "education," in line 17, insert "as the result of the administration of the act approved June 27, 1918, and amendments thereto."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

> Amendment offered by Mr. SWEET: Page 4, line 17, after the word "education," insert "as the result of the administration of the act approved June 27, 1918, and amendments thereto."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. ROGERS. I wanted to ask the gentleman what was the purpose of the words "to be rendered," in lines 11 and 12? This section apparently contemplates the transfer of documents of the various kinds from the Public Health Service to the new bureau?

Mr. SWEET. Yes.

Mr. ROGERS. That, of course, is essential if the new bureau is to function successfully?

Mr. SWEET. Yes.

Mr. ROGERS. But it seems to contemplate the transfer of existing documents.

Mr. SWEET. Or those relating to services to be rendered.

Mr. ROGERS. Under this bill the service of the character mentioned is to be stopped, is it not?

Mr. SWEET. The Public Health Service will have certain records in regard to patients that will be sent there by the Bureau of War Risk Insurance, and of course we will want the hospital record of each man, and so by the language used the veterans' bureau may obtain possession at least of copies of the records made in each hospital for each patient.

Mr. ROGERS. That is what I thought as to the meaning of the language; but if that is so, should not line 14 read, "who are now, have been, or shall be patients"? In other words, you want to have this a continuing authority, do you not, and not an authority limited to past and existing patients?

Mr. SWEET. Of course, the moment that a patient of the Bureau of War Risk Insurance is assigned to the Public Health Service for hospitalization, so far as the immediate control of that patient is concerned, he passes to the Public Health Service, subject to inspection, of course, at all times by the veterans' bureau, so that I think the language used there covers the situation—"who are now or have been patients or beneficiaries."

Mr. ROGERS. But in order to have the language "to be rendered" matched by the patients in the hospital, the matter should be followed in the future. You want to transfer the hospitalization records.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. SANDERS of Indiana. This first provision carries the expression, "all records, files, documents, correspondence, and other papers." As the gentleman from Massachusetts will notice, these papers may relate to the service that has been rendered or service contemplated by the Public Health Service before this bill was ever thought of. The second provision refers to persons who are now patients, or will be at the time the act takes effect, or who have been patients or beneficiaries of the Bureau of War Risk Insurance. After this bill takes effect there will be no such thing as beneficiaries of the Bureau of War Risk Insurance or the Rehabilitation Division, because they will all be merged in the new veterans' bureau.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. GOODYKOONTZ. A provision is made to the effect that the veterans' bureau shall have the power to assign to the hospital patients, and the hospital is under the jurisdiction of the Public Health Service, and you say that after the veterans' bureau shall have directed the transfer of the patients, in a way they lose jurisdiction over their patients except to make a certain inspection?

Mr. SWEET. That is true.

Mr. GOODYKOONTZ. Which board shall determine the duration of the time that the ex-service man is to stay in the hospital?

Mr. SWEET. The new bureau, the veterans' bureau.

Mr. GOODYKOONTZ. It will have control over his treatment and decide when he is cured?

Mr. SWEET. Yes. It will decide when he is cured.

Mr. BANKHEAD. Mr. Chairman, I desire to call the attention of the chairman of the committee to the fact that on line 4 of page 5 appears the language "of June 27."

Mr. SWEET. Yes. That language should be changed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SWEET].

The amendment was agreed to.

Mr. SWEET. Mr. Chairman, the gentleman from Alabama [Mr. BANKHEAD] calls my attention to the use of the word "of," on page 5, after the word "act." I ask unanimous consent that the word "of" be changed to the word "approved."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the word "of" be changed to the word "approved." The Clerk will read the amendment proposed.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Page 5, line 4, amend by striking out the word "of" and inserting in lieu thereof the word "approved."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. The director shall establish a central office in the District of Columbia, and not more than 14 regional offices and such suboffices, not exceeding 50 in number, within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the veterans' bureau and to carry out the purposes of this act. Such regional offices may exercise such powers for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable after care, making insurance awards, granting vocational training, and all other matters delegated to them by the director as could be performed lawfully under this act by the central office. The suboffices shall have such powers as may be delegated to them by the director, except to make compensation and insurance awards and to grant vocational training.

Mr. SWEET. Mr. Chairman, I wish to propose an amendment. On page 5, line 15, after the word "powers," insert the following: "as may be delegated to them by the director."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Page 5, line 15, after the word "powers," insert "as may be delegated to them by the director."

Mr. SWEET. I will say that during the time of the general debate the question arose as to whether or not the regional offices would have such power as may be delegated to them by the director.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. SWEET. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. Is it contemplated by the gentleman's amendment that we should give to the director the power to do that which at the bottom of page 5 we say shall not be done? By that I mean, does it include these words:

Except to make compensation and insurance awards and to grant vocational training.

Mr. SWEET. I will say to the gentleman from Mississippi that that only applies to the suboffices.

Mr. JOHNSON of Mississippi. That is all the gentleman's amendment is intended for?

Mr. SWEET. My amendment applies to the regional offices. My amendment is after the word "powers," in line 15. The same question has arisen as to whether or not the director has the right to delegate the powers to be exercised by the regional offices, and this amendment, as I believe, makes it clear that these regional offices shall have such powers as are enumerated in this section and such other powers as may be delegated to them by the director.

Mr. JOHNSON of Mississippi. I have no objection to that. I am in favor of it.

Mr. RAYBURN. Will the gentleman yield?

Mr. SWEET. I yield to the gentleman from Texas.

Mr. RAYBURN. My understanding was that the committee meant to give these powers to the regional offices, not by delegation of the director.

Mr. SWEET. I am frank to say to the gentleman from Texas that I understood at all times that these regional offices would have such powers as were delegated to them by the director.

Mr. RAYBURN. Then you do not want to say affirmatively in the law that they shall have power to make these awards.

Mr. SWEET. They are to have that power, and then in addition to that, such other powers as may be delegated to them by the director.

Mr. RAYBURN. If the gentleman's amendment is adopted, then it will say that the director may do so and so.

Mr. SWEET. That is true. It is left to the director under this amendment.

Mr. BARKLEY. Will the gentleman yield?

Mr. SWEET. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Then under that amendment the director may confer on some regional offices the power to make final awards and withhold that power from others. What I thought we wanted was to confer by law upon all of the regional offices the power to make final awards and such other powers as the director might delegate to them.

Mr. LITTLE. If not, what is the use of having them?

Mr. BARKLEY. If the gentleman's amendment is adopted, it leaves it entirely to the director to determine whether some regional offices shall have this power and others not. Does the gentleman think that is wise? Ought we not to confer upon the regional offices the power to make these awards, without leaving it to the director?

Mr. LITTLE. If not, what is the use of having them?

Mr. QUIN. I should like to have the gentleman's definition of the word "may"—"may exercise such powers." Does not the gentleman think it ought to be "shall"?

Mr. BRIGGS. If the power is given to them to do that, they will exercise it.

Mr. LITTLE. I should like to ask the gentleman from Iowa a question.

Mr. SWEET. I yield to the gentleman from Kansas.

Mr. FISH. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. The gentleman from Iowa has the floor. The Chair will submit the request at the conclusion of the gentleman's time.

Mr. FISH. A parliamentary inquiry, Mr. Chairman.

Mr. RAYBURN. The gentleman from New York can not take the gentleman from Iowa off his feet for a parliamentary inquiry.

Mr. LITTLE. The gentleman from Iowa has yielded to me for a question. I wish to ask him, if his amendment is adopted, the gentlemen who constitute these 14 tribunals will have no powers except those delegated to them by the director?

Mr. SWEET. That is true.

Mr. LITTLE. If the director should not happen to delegate any powers to them, what would be the use of having these 14 regional offices? They could not do anything. They could not accomplish anything. The purpose of the gentleman's bill,

as I understand it, is to get speedier justice for these boys; and if these 14 regional offices have no right to give them justice, if everything has got to come up here to Washington for determination, what is the use of having the 14 regional offices?

Mr. SWEET. There is no question that the director will establish these regional offices.

The CHAIRMAN. The Chair will now submit the request of the gentleman from New York [Mr. FISH]. If there be no objection, the amendment offered by the gentleman from Iowa will be again reported.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Page 5, line 15, after the word "powers," insert "as may be delegated to them by the director."

Mr. DENISON rose.

Mr. LITTLE. Mr. Chairman, I ask to be heard against the amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Illinois [Mr. DENISON], a member of the committee.

Mr. DENISON. Mr. Chairman, I want to say just a word with reference to the amendment offered by the gentleman from Iowa [Mr. SWEET]. The statute specifies—and we are not changing that language—that these regional offices may perform any of the duties that may be performed by the central office, but we think that ought to be done under the direction or delegation of the director of the bureau. Now, I think that is a proper amendment. If you do not do that you are going to make every one of the 14 regional offices absolutely independent of the central office, and one of the regional offices may go ahead and perform certain acts, and if the director should raise an objection or attempt to get it corrected, the head of the regional office could say "No; it shall stay as we have fixed it. We have our authority under the act of Congress and we are independent of the central office."

Now, gentlemen, I do not think we ought to have 14 veterans' bureaus in this country independent of one another. We ought to have 14 regional offices, and all of them, to some extent, accountable to the central office. There ought to be some system. There ought to be one man at the head of all of them, and these 14 offices ought to operate under uniform regulations and directions of the director.

Mr. JACOWAY. What is the use of having the regional offices at all, then?

Mr. DENISON. For the very purposes specified in the act. It can not be the intention of Congress to establish 15 veterans' bureaus, independent of each other. We must have some coordination and some responsibility to the central office.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENISON. I will.

Mr. BRIGGS. Why could not the purpose that gentlemen have in mind be served without the amendment of the gentleman from Iowa, by putting in, after the word "may" in line 15, the words "under such rules and regulations as may be prescribed by the yeterans' bureau," so that it will read, "Such regional officers may, under such rules and regulations as may be prescribed by the veterans' bureau, exercise such powers for hearing complaints," and so forth.

Mr. DENISON. That would suit me all right if that would accomplish the purpose I have expressed.

Mr. BRIGGS. I understand the purpose of the bill is to give the regional offices full power to act on men's claims under such regulations as will bring a uniformity of action in the regional offices.

Mr. DENISON. That is what we are trying to accomplish by the amendment, and any proper language that will accomplish that purpose is agreeable to me.

Mr. BRIGGS. The other provision puts it in the possession of the director, a power which, I think, is contrary to the provisions of the bill as reported and contrary to the wishes of the people.

Mr. DENISON. It is my idea and, I think, the idea of the gentleman from Iowa also, that the regional offices shall have all the powers enumerated in the section, but that they shall exercise them under the directions and regulations issued by the director of the bureau.

Mr. RAYBURN. Will the gentleman yield?

Mr. DENISON. Certainly.

Mr. RAYBURN. Does the gentleman believe that this amendment gives the regional offices this power?

Mr. DENISON. Certainly.

Mr. RAYBURN. There must be some power in Washington to bring about uniformity of action in the regional offices.

Mr. DENISON. Yes; there ought to be one directing head to the bureau.

Mr. SWEET. I will say to the gentleman from Texas that my object in offering this amendment was to put it in such shape as would put it in accord, as I believe, with the ideas of our committee. That is what I had in mind. If I have not met that, I am willing to have it amended.

Mr. RAYBURN. The intent was to give the regional offices these powers, and the only thing I am insisting on is that there shall be no language put in the bill that will take it away from them.

Mr. ROGERS. Mr. Chairman, I offer a substitute.

The Clerk read as follows:

Page 5, line 14, strike out the sentence beginning on line 14 and ending on line 22, and insert in lieu thereof the following: Such regional offices shall, under the control of the director, have the power to hear complaints, to examine, rate, and award compensation claims; to grant medical, surgical, dental, hospital, and convalescent care and necessary and reasonable after care; to make reasonable awards; to grant vocational training; and, if delegated to them by the director, may exercise such other powers as could be performed lawfully under this act by the central office.

Mr. STAFFORD. Mr. Chairman, I make the point of order that it is not a substitute to the amendment offered by the gentleman from Iowa. The gentleman from Iowa offered a simple amendment limited entirely to the amount of powers that may be exercised by the regional officers. The gentleman from Massachusetts offers a substitute which embodies a different subject than that included in the amendment offered by the gentleman from Iowa. The gentleman's amendment is not a substitute, but an entirely different proposition; it has no relevancy to the question before the House as to whether the purpose shall be limited to the authority delegated to the director. The amendment under consideration is of an entirely different character than the proposition before the committee.

Mr. ROGERS. Mr. Chairman, I would like to suggest that to determine the propriety of the amendment offered in the nature of a substitute against the point of order raised the question for the Chair to determine is not the language of the proposed amendment in the determination of whether the language is in terms a substitute for the original amendment, but, rather, a determination of whether the idea of the substitute amendment is in reality a substitute more or less equivalent to the idea of the original amendment. With that test in mind, it seems to me that it is perfectly clear that my amendment is in order as a substitute for the amendment offered by the gentleman from Iowa. The idea of the amendment of the gentleman from Iowa was to regulate the powers to be exercised by the regional officers under this bill.

The gentleman from Iowa has one idea, namely, that the powers which ought to be exercised by the regional offices should be limited to the powers delegated to those offices by the director. The underlying idea of the amendment which is offered as a substitute is identical, with one qualification, and that qualification is that I think the regional offices ought to be exercised automatically and without delegation of certain fundamental powers which are enumerated both in the bill and in my amendment. In other words, the issue is an extremely narrow one, as far as the substance is concerned, although I am willing to admit, if it is material, that the language of my amendment is more voluminous than the amendment of the gentleman from Iowa.

Mr. STAFFORD. Does the gentleman contend that if the amendment under consideration was that suggested by the gentleman from Texas that the powers should be under such regulations as the director may prescribe, that the gentleman's amendment would be in the nature of a substitute? The gentleman will have due time to offer his amendment after the committee has acted on the amendment of the gentleman from Iowa. The gentleman's amendment is not a substitute for the amendment offered by the gentleman from Iowa.

Mr. ROGERS. I can only repeat what I have already said.

The CHAIRMAN. The Chair is ready to rule. The amendment of the gentleman from Iowa perfects the text with respect to two propositions. It strikes out no language in the text, but the amendment of the gentleman from Massachusetts strikes out all of the text beginning with the sentence beginning on line 14 down to line 22. It amends the text of the bill in many particulars not touched at all by the amendment of the gentleman from Iowa. The Chair thinks that the amendment offered by the gentleman from Massachusetts is not a substitute, and sustains the point of order.

Mr. LITTLE. Mr. Chairman, I desire to be heard in opposition to the Sweet amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas.

Mr. BRIGGS. Mr. Chairman, I want to offer a substitute.

The CHAIRMAN. The gentleman from Kansas is recognized in opposition to the pending amendment.

Mr. LITTLE. Mr. Chairman, the purpose of this amendment, as I understand it, is to give more speedy justice to the soldiers. If it does that, it is a good thing; if it does not, the bill is no good. They begin by fixing a scheme by which they establish 14 places over the country where the soldier can go and get a final conclusion whether one is right without going to Washington, and I may say in confidence to you that the gentleman is going to withdraw his amendment, so that it will stand just as printed. He can go to 14 different places and get a decision under this bill, as it will be as soon as my friend withdraws this amendment. As it is now he has to come here. That gives the man that much better opportunity to have a decision. He has 14 places where he can get a decision. You have 50 substations, so to speak, one in every State, in addition to that, and you give them some powers, but you do not give them enough. What is the use of having them? You say in the bill not as originally drawn, but as it has been changed by the committee, that these substations can not decide as to compensation, can not decide as to insurance, and can not decide as to vocational rehabilitation. How will the bill stand when the gentleman withdraws the amendment? You will have 50 places where you might as well have final decisions as not, and yet the man has to be sent to one of 14 places, perhaps a thousand miles from him. He may just as well come to Washington and be done with it. There is no use of fixing a lot of substations, 50 of them, unless you are going to have them accomplish something. If you will give to each one of them the right to hear evidence, which they have now——

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. QUIN. Why did the committee put in the language in respect to their powers, except as to making compensation, insurance awards, and granting vocational training? Why did they take that power away from those suboffices?

Mr. LITTLE. I do not know why they made that mistake.

Mr. QUIN. The gentleman is not a member of the committee?

Mr. LITTLE. No.

Mr. QUIN. I beg the gentleman's pardon.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. NEWTON of Minnesota. The limitation on the suboffices is not a limitation on the bureau of regional offices.

Mr. LITTLE. I know it is not, and it should not be on the suboffices either.

Mr. NEWTON of Minnesota. The committee were wholly agreed that the suboffices should not have those three powers.

Mr. LITTLE. The bill was drawn the other way. It gave to the suboffices the right to make compensation and insurance awards and grant vocational training, but the committee has changed it, and they are wrong. We all make mistakes, however. If you are going to compel a soldier to depend upon 14 places that he can not get to, you may as well have him come here. If he is a thousand miles away from one of the 14 stations, he may just as well be sent to Washington. He will not have a Congressman at any one of these 14 stations to take care of him. He had better have one place at Washington where he has a friend at court who can go down and attend to his business. If you will give the 50 stations the right to make awards, as the bill originally intended, the boy can present his evidence, and, if necessary, he can go to the substation or he can have a lawyer at home go up there, and he can have somebody to protect him, or if you leave it as it is here at Washington, his Congressman will have to do it; but scatter the matter around to 14 different places, where he will be as far from some of them as he will from Washington, and you will have no improvement. I want to have read in my time for information the amendment which I send to the desk.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

The CHAIRMAN. The gentleman is not offering this amendment in his time.

Mr. LITTLE. No; I want to have it read for information in my time.

The CHAIRMAN. Without objection, the amendment will be read for information.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 5, lines 23 and 24, after the word "director," strike out the comma and the words in lines 23 and 24.

Mr. LITTLE. That will leave the power as originally intended in those 50 substations, giving them the power to pass on a man's rights.

Mr. LAYTON. Unless the suboffices have that right to final adjudication, what is the use of it?

Mr. LITTLE. There is no use for them at all.

Mr. LAYTON. Who will confirm their findings?

Mr. LITTLE. They will have the right to hear complaints, to pass on claims and to decide on them, but as it is proposed you want to have them send up the evidence to the 14 different stations. They can examine the compensation claims, and then they have to go to these 14 stations to be heard. The 14 stations will not have the original evidence before them, but they will just have a transcript of the lower court, and a man who has not seen the case will have to decide it on the record. It is much better to let the lower court, the 50, pass on their own hearings. If they do so the claimants will secure rapid decisions.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LITTLE. This is the main point of this whole bill. If this section does not turn out properly your bill does not amount to a row of pins. It all turns on this particular section, on the point that we have been discussing. If you put this through as it now stands, you will have 50 substations that will hear all of the evidence and then check it up to one of the 14 to decide. It is better for the original 50 to decide.

If you are going to have it sent up to the 14, you may just as well have it sent here where the boy can have a chance to be heard through some friend at court. I hope the House will consider this amendment of mine very carefully, if I can get your patience, because this is extremely important.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. GARRETT of Texas. Is it the gentleman's contention now that if his amendment, which has been read for information, should prevail, the 50 suboffices would pass finally on these questions?

Mr. LITTLE. Just the same as the regional people would do.

Mr. GARRETT of Texas. Then, if that be true, what use would you have for the regional offices?

Mr. LITTLE. I do not know.

Mr. GARRETT of Texas. I thought the purpose of this law was to get rid of the red tape, or as much of it as possible.

Mr. LITTLE. That is what I am trying to do. Cut them out if you want to. There is no use building up 50 substations and going to this expense unless we utilize them and use the evidence they get. If you are going to have 14 places scattered around far from the boy, you had better let it stand just as it is and let the Congressman take care of him. Such methods will not improve his opportunities. If the plan purposed by this bill is a good one, there should be in a every State a tribunal which should hear and decide and avoid delays by sending the evidence to some of 14 points far from the claimant. If it is finally decided at a distance, you will save time by forwarding the facts proven to Washington, where his Congressman may aid the soldier. You can not help him at some "regional" center like St. Louis, Kansas City, or Boston. This is a fine bill, but a flaw in this section 6 will deprive it of all utility. This section is the hinge on which the whole proposition swings.

Mr. BRIGGS. Mr. Chairman, I offer a substitute for the Sweet amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 5, line 15, after the word "may," add the following: "Under such rules and regulations as may be prescribed by the director."

Mr. BRIGGS. Mr. Chairman, the substitute offered will not take away from the regional organization the power to make compensation and insurance awards, but will give the director power to make such rules and regulations as to prescribe uniformity and otherwise direct their activities.

Mr. BURTNESS. If the gentleman will yield, I want to say I am in hearty favor with the thought the gentleman has in mind, but has the gentleman considered the significance of the word "such" in line 15?

Mr. BRIGGS. I did.

Mr. BURTNESS. "Such regional offices may exercise such powers." Why is the word "such" used there, unless you have to follow it up——

Mr. BRIGGS. The powers are designated in the preceding sentence to that very section, and it is only under such rules and regulations as he may prescribe.

Mr. BURTNESS. I would like to ask if that would not be construed, "such regional offices may exercise such powers by hearing complaints," and so forth, and all other matters delegated to them by the director?

Mr. BRIGGS. I think the powers are sufficiently specified as to indicate what shall be exercised under rules and regulations as may be prescribed by the director. If the gentleman will recall, there was an early section of the bill, I think section 3, where there was a general designation that the director shall have the power to prescribe such rules and regulations for carrying out the purposes of the act, and some confusion arose as to whether it would apply in this case to regional boards, and it was for that purpose that I understood the chairman of the subcommittee offered the proposed amendment. It went further than that, it seems to me, because it took away the final power, and now it seems to me to have no power at all. This keeps the power in the regional organization subject to such rules and regulations as the director may prescribe.

Mr. SWEET. I wish to say I believe the gentleman's amendment is better than my amendment, and as far as I am concerned I am willing to accept the substitute.

Mr. BARKLEY. Does not that involve a change of language a little farther down? I think the amendment does carry out the purpose in mind, but it may be necessary to change a word or two farther down in order to be harmonious.

Mr. BANKHEAD. Mr. Chairman, I desire to oppose the amendment nominally. Gentlemen of the committee, I regard this as a very important matter, and in order that hereafter there may be no possible confusion as to the purpose of the House in passing this legislation I want to ask the chairman of the subcommittee this question: You are providing here for one central office in Washington?

Mr. SWEET. That is true.

Mr. BANKHEAD. If this bill passes as amended by the gentleman from Texas a soldier in Alabama, for instance, if he desired to exercise that discretion, could file his claim for compensation directly with the central office in Washington. Is that true?

Mr. SWEET. Or the regional office, or suboffice.

Mr. BANKHEAD. And if he exercises that discretion, the central office in Washington has the plenary and final jurisdiction until concluded. He could not take it back to Alabama after he had filed it in Washington?

Mr. SWEET. The situation will be this, as I regard it: It will be under the direction and supervision of the director, and consequently the soldier would be required to have his case determined at the regional office or at the suboffice, or wherever it may be, under rules and regulations prescribed.

Mr. BANKHEAD. Well, under the gentleman's construction it makes it mandatory in its last analysis. He can not file his application with the regional director. Is that true?

Mr. SWEET. It might turn out that way, although as I view it he can file his application with a suboffice, a regional office, or in Washington.

Mr. BANKHEAD. Let us take a concrete case in order to have a clear understanding of this matter. Suppose an Alabama soldier files his claim at Montgomery in the event an office were established there. Under this bill will that office have absolute and plenary power to consider all phases of the evidence and finally dispose of this claim?

Mr. SWEET. If it is a regional office; yes.

Mr. BANKHEAD. Without any supervision or review whatever from the central office in Washington?

Mr. SWEET. He will have the right of appeal if he does not get what he deems is just.

Mr. BANKHEAD. Suppose the regional office at Montgomery misconstrues the law or puts too liberal an interpretation on the law or is too restricted in its construction of the law, what does the general office in Washington do with reference to that office——

Mr. SWEET. It operates under such rules and regulations as may be prescribed by the director, and it is up to him to administer this law equitably and justly.

Mr. BANKHEAD. The gentleman has said the suboffices have final and arbitrary power.

Mr. SWEET. I said regional offices. I did not say that they had final and arbitrary power.

Mr. BANKHEAD. What kind of power have they, then?

Mr. SWEET. They can determine upon awards as to compensation and insurance, and granting vocational training, and the like of that, and if a party is aggrieved he can make appeal here to the Washington office.

Mr. BANKHEAD. Do you make provision for that?

Mr. SWEET. A provision will be made under the rules and regulations of the director.

Mr. BANKHEAD. It is not prescribed in the bill?

Mr. SWEET. It is not.

Mr. BANKHEAD. I want to express a good deal of anxiety, I will say very frankly, as to the practical administration of this bill under those circumstances. I very seriously doubt the wisdom, although it might make for some expediency in the administration of these claims, to withdraw the restraining end of the central administration here in Washington absolutely and turn it over to the arbitrary decision of the regional offices.

Mr. BLAND of Indiana. I do not find anything in this section that would give them that arbitrary power, unless the director made such rules and regulations as would entitle them to it.

Mr. BANKHEAD. The chairman of the committee says that is the purpose of the committee, and that is the reason I am raising this question.

Mr. SWEET. Now, if the gentleman has misunderstood me, let me say this. This is what I said, namely, that at these regional offices they will have the right to pass upon compensation and insurance claims; that is, to make the awards, and they will also have authority to grant vocational training, and that will be subject to review at the Washington office. In addition to that, I call his attention to section 2, which says:

> The director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this act, and for that purpose shall have full power and authority to make rules and regulations not inconsistent with the provisions of this act but which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this act except as otherwise provided herein.

Mr. BANKHEAD. Then that means that the powers are not conferred upon these regional offices that the gentleman alleges are conferred upon them, to wit, that they have arbitrary and final jurisdiction to settle and determine this question?

Mr. SWEET. I have denied that twice. I have not said they have arbitrary power. The gentleman puts that in my statement. I said that they have a right to pass upon them.

Mr. BANKHEAD. What does that mean?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWEET. To pass upon it; but not arbitrarily.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SWEET. To answer the gentleman's question, I would say that they do not pass upon it arbitrarily but under proper rules and regulations prescribed by the director.

Mr. BANKHEAD. Then they have no absolute and definite power to determine the merits of the case?

Mr. SWEET. They determine them except in cases where they have been appealed as provided under rules and regulations prescribed by the director.

Mr. BANKHEAD. Now, that is the information I want to get. In the last analysis the central office is not surrendering its supervision?

Mr. SWEET. It is not.

Mr. McDUFFIE. It is bringing about an invitation to appeal these cases, and ultimately it is going to cause more delay.

Mr. LITTLE. Mr. Chairman, I move to strike out the last half of the amendment.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Texas [Mr. BRIGGS].

Mr. LITTLE. Mr. Chairman, I offered an amendment. Have I the floor?

The CHAIRMAN. If the gentleman has offered an amendment that is in order.

Mr. LITTLE. I moved to strike out the last half of the last amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. LITTLE to the substitute offered by Mr. BRIGGS:
> Strike out the last half of the substitute.

Mr. LITTLE. Mr. Chairman, I wish to attract the attention, in this connection, of the gentleman from Iowa to the language, which seems to me to dispose of the inquiry of the gentleman from Alabama [Mr. BANKHEAD]. This bill says:

> Such regional officers may exercise such powers as may be performed lawfully under this act by the central office.

There is some confusion now on this floor as to just what the committee means. But the language is susceptible of the interpretation that the regional officials can come to a final conclusion. If so, we relieve the central office of much of its labor and expedite the claims of the soldiers. If every case must come to Washington for final determination we will lose time, not gain.

If this bill passes in its present form, each regional office shall exercise such powers as could be performed lawfully under this act by the central office, and that is what it says. I take it that that means just what it says; that these regional institutions can do anything that the central office could do, which means that they could issue regulations, too. I expect that is what it means.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. In just one minute. It is true that the central office is given power to issue regulations. It says so. But that is not all. It says they shall issue such regulations as shall not be inconsistent with the law. The bill apparently says the regional office shall have all the powers the central office has, and to prescribe regulations would be inconsistent with the law; so that when you come down to the finish it means that the regional powers can settle the whole thing. There seems no escape from it. As this bill provides now, the courts will probably hold that the regional powers have ultimate and absolute authority—arbitrary, the gentleman says.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. QUIN. Why does the gentleman want to amend it if they have that? I think they ought to have that power.

Mr. LITTLE. I will withdraw my amendment, having expressed my views on the subject. My amendment was a pro forma amendment, anyway.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Iowa, as amended by the amendment of the gentleman from Texas.

The amendment as amended was agreed to.

Mr. BLAND of Indiana. Now, Mr. Chairman, I sent an amendment to the Clerk's desk a moment ago that I would like to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 5, line 10, after the word "exceeding," strike out the word "fifty" and insert in lieu thereof the words "one hundred and forty."

Mr. BLAND of Indiana. Mr. Chairman, the purpose of this amendment is to increase the number of suboffices. Suboffices, as I understand it, will have no powers of consequence in administering the law. They are more for the purpose of getting the wounded soldier in touch with the bureau than anything else. At present the Vocational Education Board have about 140 substations. They have three in Indiana. The district office is at Cincinnati, Ohio. They have 14 general regional offices, and Cincinnati is one of these offices, and we are supplied from that center. We have a suboffice at Evansville, one at Indianapolis, and one at South Bend, Ind.

If this bill becomes the law as it is written, we will have only 50 suboffices, and we could only possibly have but one suboffice in Indiana, and probably one in Illinois, with the result that a boy in Evansville, for example, would have to travel two or three hundred miles if he wanted to get in personal contact with the bureau.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. QUIN. What is the difference in the powers that the suboffices have now as compared with what the offices will have under this bill?

Mr. BLAND of Indiana. Probably they have more power under the vocational board at the present time than they would have under this law. This law specifically provides that they shall not have certain powers.

In Indiana we have now three places where our boys can go to get information as to what they can have and what they are entitled to and where they can go to get it. Under this law we shall have but one substation in Indiana. The main regional office will be in Cincinnati, probably, and this is too far away to help much. We ought at least to have as many suboffices under this great bureau as we have to-day under the vocational board.

Mr. QUIN. Suppose the amendment of the gentleman from Kansas [Mr. LITTLE] is adopted. Then how about the limitation of the number?

Mr. BLAND of Indiana. I do not think we should do away with the regional offices in favor of the suboffices. In my opinion the suboffices will be merely places for getting information and for getting positions after taking training and not places for the adjudication of the claims.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. JACOWAY. The suboffices have not the power of adjudication and determining vocational training?

Mr. BLAND of Indiana. No; I do not think they ought to have that power; but we should have a number of suboffices where the boys can get in touch with the proper authorities. If we have only 50 suboffices where we now have 140, we will be taking the boys farther away from the benefits of the act than they already are. We have been talking about bringing the office closer to the soldier. Let us act accordingly.

Mr. BARKLEY. The existence of 140 suboffices was only correct with relation to the vocational board. The Bureau of War Risk has no suboffices at all; neither has the Public Health Service.

Mr. BLAND of Indiana. Some of the functions of the War Risk and the Public Health are located with the 14 regional offices now.

Mr. BARKLEY. But the committee thought that as between the 140 which the vocational board has and the none possessed by the Bureau of War Risk Insurance, 50 would be enough.

Mr. BLAND of Indiana. You thought if they had more duties to perform they ought to have fewer offices?

Mr. BARKLEY. No; not at all.

Mr. BLAND of Indiana. I think if you have more duties you ought to have more offices; and since you are taking in all the activities in which the soldier boys are interested, I feel that you ought to bring them nearer together and have more or at least as many suboffices than you have had under the vocational board.

Mr. BARKLEY. The bureau never has asked for any such number.

Mr. BLAND of Indiana. The vocational board asked for them, and the boys are getting in touch with them, and now you are taking them away and cutting them down to 50. We need them. This is a big proposition.

Mr. BARKLEY. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. BARKLEY. The law will not prevent suboffices being scattered out all over the country.

Mr. BLAND of Indiana. Only 50. An average of one to a State. But the boys do not know where they are. Let us have an office where the boy will know where it is, and where he will not have to travel 500 miles to get the information he wants.

Mr. BARKLEY. They would have to establish one in every county under the gentleman's proposition.

Mr. BLAND of Indiana. We already have three in Indiana, but not one in every county. Why not have them under this bill? The benefits under this law mean more than compensations or pensions; it means training and procuring employment after training. We never had this problem put up to us until after the World War.

Mr. GOOD. Mr. Chairman, I think from the study I have been able to give this bill that it contains a great deal of necessary legislation; I fear it contains some legislation that will not be beneficial. As the gentleman from Massachusetts [Mr. WINSLOW] and the gentleman from Iowa [Mr. SWEET] know, I have always had some question with regard to this provision. Instead of increasing the number of these suboffices, I doubt the wisdom of creating any, and feel that we are not going to get the benefit from them that the committee feel the soldiers will receive through them.

After the Civil War Congress by legislation created 18 pension agencies throughout the United States to distribute the pensions; these agents had other duties also. Twenty years ago, after repeated reports from the Secretary of the Interior, a fight was begun to eliminate those pension agencies. Secretary Garfield reported that a saving of $350,000 a year could be made by the abolition of those offices without any detriment to the service or delay in the distribution of the pensions, yet nothing was done. That fight continued year after year, and after it had continued for 15 years or more Congress finally did repeal that legislation just a few years ago. The repeal was followed by an administration of the act that reduced expenditures $225,000 a year, and the pensioners received their pensions more promptly than they ever had before.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. GOOD. In just a minute. These offices were political offices pure and simple. There was one in my State. There was one in nearly every Northern State. They were looked upon as political offices. Now, I shall not offer any amendment

here, and I only rise to express my fear that these offices will be political offices. When Mr. Cholmeley-Jones came before the Committee on Appropriations and asked for the creation of these offices he said he felt that these would grow into political offices, and that he had no opposition to fixing the time when they should be abolished. My recollection is that he suggested either three or perhaps five years. It was a very short time. Now, I shall not offer any amendment. May I suggest to gentlemen, however, who have studied this matter and given it a great deal more thought than I have, if now is not the time to place some limit when these regional offices and these suboffices shall be abolished; for after the compensation has been fixed, when the question of vocational education is behind us, and those problems are out of the way, then let the law be administered from Washington.

Mr. BLAND of Indiana. Now will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Indiana.

Mr. BLAND of Indiana. With reference to the pension law, the gentleman knows that those agencies were branch offices for the payment of pensions.

Mr. GOOD. Yes; that was largely the case.

Mr. BLAND of Indiana. They were not for purposes of adjudication at all.

Mr. GOOD. Yes; to some extent. The examiners went out from those agencies and examined the pensioners. Under the law there was a board of examiners, composed—in part, at least—of physicians, and when a pensioner made application for a pension or for an increase of pension and he lived in a certain district the information was sent to the pension agent in that district and then some of the work was done there.

Mr. BLAND of Indiana. That was long after the pension business had been established and after the soldier had got in touch with the Federal Government.

Mr. GOOD. These soldiers are in touch with the Federal Government.

Mr. BLAND of Indiana. Not all of them; you have new ones every day.

Mr. DENISON. If the gentleman will yield, I want to supplement what the gentleman from Iowa says—the House of Representatives passed a bill four times before they could get that legislation.

Mr. GOOD. I do not know what limitation ought to go on here, but I am pretty well satisfied in my own mind and the former Director of the War Risk Bureau was satisfied that it ought not to be a general law extending for all time.

[The time of Mr. GOOD having expired, by unanimous consent he was given five minutes more.]

Mr. GOOD. I wondered if we could not by limitation here fix the time when these offices should go out of existence.

Mr. BEEDY. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. BEEDY. We had our attention called recently to some activities of the local boards, and I notice that we have one of these boards in the State of Maine. The duties of the local boards are entirely different from those given the regional boards under the new act. Would the gentleman or the committee object to an amendment to limit the number of local offices to such as the director might find best adapted to the efficiency of the bureau?

Mr. GOOD. Well, I am not in charge of the bill.

Mr. BEEDY. Has the gentleman any idea of what the effect would be on these communities which have only one local office if this was adopted in the present form?

Mr. GOOD. I have not any opinion on that subject that would be worth anything. Now, in regard to the salaries paid to the officers, you have 14 regional offices and 50 suboffices, with no limit as to salary?

Mr. SWEET. Nothing more than that we provide that the provisions in the appropriation bill restricting salaries shall prevail.

Mr. GOOD. That is for next year only; when this comes up next year for appropriation for the following year, if a Member of the House wanted to offer an amendment appropriating $10,000 for the salary of the regional officers that would be in order.

Mr. SWEET. Of course, the whole matter of salaries would be under the director of the bureau.

Mr. GOOD. No; that would be within the discretion of Congress, I take it. The director will only estimate for the appropriation, but Congress must grant the money.

Mr. SWEET. That is true; but probably when the matter is taken up again there would be some legislation in regard to salaries. In other words, it is the thought of the committee that in the first instance, organizing the bureau, we are unable to give the number of sections, the number of divisions, the number that will necessarily be employed, what the reasonable salaries are to be; and so that is left largely to the discretion of the director; but we did not waive the provision put in the appropriation bill.

Mr. GOOD. I can well understand how a committee intrusted with legislation of this kind is up in the air, so to speak, in determining what the salaries should be, but it seems to me that there ought to be some limitation, if possible, and it is better to fix salaries first than to let the men fix them. I have some fears about this particular part of the bill. I am afraid that you are creating a political machine that you are never going to get rid of unless you put in the act itself a provision that these regional offices shall cease to exist after a period of, say, 5 or 10 years at the most, or fix some limitation. Forty years after the close of the Civil War we had engrafted on the Government a political machine that cost us $225,000 a year, and former Secretary Garfield said it was costing $350,000 a year. I am not going to offer an amendment, but I suggest it for what it is worth, whether it would not be wise now to put a provision in this bill that the regional offices shall cease to exist after a period of 5 or 10 years. It seems to me that is a reasonable limitation. If you do not do something like this, I say to you that I fear you will not get rid of them for the next 50 years.

Mr. LINEBERGER. That would not prevent their extension if Congress thought it was necessary.

Mr. GOOD. Oh, no; but the trouble is that when you once create a political machine you will not get the Senate to abolish it. The Senator from your State will appoint the regional officers and the Members of the House will have nothing to say. You give a Senator a political office and you have got to take it away from him with instruments if you get it away from him at all. [Laughter.]

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word of the amendment. I am opposed to the amendment offered by my colleague from Indiana increasing the number of suboffices to 140. I have considerable sympathy with the suggestion offered by the gentleman from Iowa [Mr. GOOD] that a time limit be put on the decentralization, and as far as I am personally concerned—and I know some members of the committee seem to feel the same way—there would be no objection to limiting the duration of the life of these offices.

When it comes to the question of how many suboffices shall be created for this bill, we have two conflicting principles. One is the idea of bringing the activity as near as possible to the soldier. Of course, that is a very desirable thing. The other is the creating of only such number of tribunals or suboffices as shall be consistent with giving careful consideration of the interests of the soldier. We have a number of suboffices, so far as vocational training is concerned. We do not have a great number of suboffices so far as the activities of the Bureau of War Risk Insurance are concerned. We have not any provided by law, but there are some subdivisions of that office. We have still a less number so far as the Public Health offices are concerned. We have combined those three activities. Shall we give 140 suboffices so as to give 140 tribunals that shall be acting for the Bureau of War Risk Insurance?

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. QUIN. I should like to know where, with reference to the States, each one of these 50 offices will be located? Will there be one in each State in the Union?

Mr. SANDERS of Indiana. That is a matter of detail that we leave to the director. The act does not locate the suboffices. Gentlemen, I think it is very important that these suboffices be not increased to such great degree that they will not be responsible positions. We have 14 regional bureaus——

Mr. BLAND of Indiana. What does the gentleman mean by "responsible positions"? You do not give them any power in the bill. It is only what is delegated by the director. The bill does not give them any power. What power are you going to give them except to be an office for the boy to get in touch with?

Mr. SANDERS of Indiana. These suboffices have entire jurisdiction of everything that shall be delegated to them by the director except the power to make compensation and insurance awards and grant vocational training. They have complete power so far as hospitalization is concerned; they have complete power in those matters which require speedy action.

Mr. BLAND of Indiana. They may be given complete power.

Mr. SANDERS of Indiana. They may be given complete power. We have undertaken to create an organization here, putting the matters of detail in respect to the organization in the hands of the director of the veterans' bureau and letting

him work out the entire matter. We have not undertaken to hamper him in fixing the different powers and duties in the law, except as to the regional board.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. HUSTED. Is it not true that under this provision the suboffice could be given power to rate the degree of disability of the applicant?

Mr. SANDERS of Indiana. So far as making a recommendation is concerned, yes. They can not make a compensation award.

Mr. HUSTED. They could not make the award, but they could rate the degree of disability?

Mr. SANDERS of Indiana. I do not know just what would be included in that technical term, but they could take any step delegated to them that is not included in the making of a compensation award.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. NORTON. Mr. Chairman, it seems to me that the bill we are now considering is exactly contrary to what it is claimed to be. The title of the bill says it is to improve facilities, yet you are cutting the suboffices to 50 where there are 140 actually used and nine more authorized, and yet you say you are improving facilities. You are not enacting the bill that the soldiers asked for, and you know it. Every soldier and every soldier organization in the country is opposed to this bill as it stands here to-day. You can not find one organization that will tell you it is in favor of this bill. Here is a letter from the commander and telegrams are coming to-day from the assistant department commander, the head of the Red Cross, and others, all of them saying that this section 6 is worse than no bill at all, and that is the kind of a bill that you are undertaking to put through. You are cutting down these offices and taking away the jurisdiction they have to-day. Look at the different cities. Eleven States have more offices than are created under this bill, lacking one. Are you going to put one in Texas and send the people across that great State, where they have nine to-day? Is that what the Texas boys want? And yet you say you are improving these facilities. It only takes 24 hours to pass a claim in one of these suboffices to-day and have it completed.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Not at this time; maybe when I get through. I am going to ask to read some of these telegrams that have come to-day on this subject, signed by people that you stated here two or three days ago were satisfied. I say to you that they are beginning to learn, and by day after to-morrow morning you will have telegrams from all parts of the country, from the department commanders, saying that this is not the bill that they recommended. You are making it worse than it was before. Eight hundred and twenty-seven are taking training in Cleveland alone. Are you going to take the office away from them? To-day there are five officers in Ohio; the headquarters are at Cincinnati, but no one is complaining. And there is one suboffice in Toledo that is doing a good business, one at Columbus, and one at Dayton.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Not now; not until I read these figures. The eligible list is 914. One thousand nine hundred and seventy in the city of Cleveland alone are entitled to this training. Yet you are going to take this office away from them and send them down across the State. I say to you that that is not improving facilities—not much.

Gentlemen, I can not find a single commander in the United States to-day who favors this bill, not one. I am going to read one telegram—there are perhaps two or three more which I would like to read—which I received this morning:

> The Sweet bill (H. R. No. 3) will be relief to long-suffering disabled veterans only if the principle involved in section 6 as originally drawn is carried out. If passed with section 6 as amended by committee, 2-year fight for disabled will have been in vain. On behalf of the American Legion of Ohio, I urge you to support Sweet bill with section 6 as originally drawn.

That is signed by J. R. McQuigg, department commander of Ohio.

Mr. McSWAIN. Will the gentleman explain the original amendment No. 6?

Mr. NORTON. I have a copy of it right here. Here is the original section 6——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHALMERS. I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NORTON. This is section 6 as originally drawn. It has since been changed:

> SEC. 6. The director shall establish a central office in Washington, D. C., and not more than 14 regional offices and such suboffices within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the veterans' bureau and to carry out the purposes of this act. Any such regional office or suboffice may exercise such powers, including the establishment of agencies for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescence care, insurance awards, pension awards, and all other matters delegated to these agencies by the director as could be performed lawfully under this act by the central office.

Now, here is what they say right after this. I am quoting from a letter from the office of the national commander of the American Legion under date of June 1, 1921:

> This section was reported favorably by the subcommittee, but amended by the Committee of the Whole in the following language: "Except to make compensation and insurance awards and grant vocational training."

It did not cut them to 50, but it gave these powers, and they want the powers they practically have to-day. And the last paragraph of the letter of the national commander says:

> On behalf of the American Legion, which for two years has labored unceasingly to relieve the disabled, I urge upon every Member of the Congress his support of section 6 of H. R. 3 as originally drawn.

Mr. BEGG. Will the gentleman yield for a question?

Mr. NORTON. I will.

Mr. BEGG. I want to ask the gentleman if he is in favor of giving the regional director unlimited authority to establish as many departmental offices as he chooses? For instance, under the resolution he can put one in every county of the United States if he so desires.

Mr. NORTON. I will say this: That the regional director is supposed to be a man knowing what is right, and I do not suppose he would do what was wrong, and he is in a far better position to determine what is needed in his district than the Members of Congress here in Washington. Now, in regard to the speech made a moment ago about the old, disabled soldiers, of course some consider it unfortunate that it did not cover the southern soldiers. I would like to know what man here on this side was or is opposed to the pensions that have been granted to the old soldiers. Where is the man who will say that now? I am in favor of the money that has been expended that way. I want this money now expended with northern soldiers and southern soldiers alike. Why, you told these men when they went to war that you would see to it that you would make them whole. Why, money does not count with these armless and legless men. I want to say to you, gentlemen, the time has not come when we should cut down these offices. I had an amendment providing that they should continue for three years, and at the end of three years all of this, practically, will be over as far as these different parties who have been injured and vocational education are concerned. You have only got three years to look after these boys, and it was only a mighty short time ago when you were saying, "Boys, go to the front; we will see that you are taken care of when you come back." How many are doing it to-day? Now, not only the soldier organizations but the Red Cross are opposed to this change in section 6. Here is a telegram, signed by Col. D. H. Pond, Cleveland Red Cross, saying that they do not want this amendment as it is put in here. Gentlemen, you are spending millions, and if you comply with the wishes of those who defended the country you will never regret it, because in the future it will speak for you. [Applause.]

Mr. WINSLOW. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6611, and had come to no resolution thereon.

ORDER OF BUSINESS—CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House dispense with the business in order under Calendar Wednesday rule to-morrow. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, I am not going to object. I do not want to interfere with the procedure of the House, but I hope we will soon have an opportunity to take up some matters from the Committee on the Merchant Marine and Fisheries.

Mr. MONDELL. Next week.

Mr. CHINDBLOM. Only on Monday the argument was made that because the committee was soon to be reached we were not to have our day in court.

Mr. BLAND of Indiana. What business is it proposed to take up to-morrow instead of Calendar Wednesday business?

Mr. MONDELL. To continue the bill now before the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COLORADO FLOOD SUFFERERS.

Mr. KAHN. Mr. Speaker, the House has heard with profound regret of the disaster that recently took place in Colorado, and I desire to ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 148) for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries.

Resolved, etc., That the Secretary of War is hereby authorized and directed to take such temporary sanitary measures as he may deem necessary and to furnish subsistence and quartermaster supplies belonging to the Military Establishment and available, and issue the same to such destitute persons in Colorado as have been rendered homeless or are in needy circumstances as a result of the recent flood due to the overflow of the Arkansas River and its tributaries, and in executing this joint resolution the Secretary of War is directed so far as possible to cooperate with the authorities of the State of Colorado and the mayors of such cities on the Arkansas River or its tributaries as may have sustained damages.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BEGG. Mr. Speaker, reserving the right to object, and I shall not do so, I would like to ask a question. I would like to ask the distinguished gentleman if the governor of this State has sent a formal request to the War Department or any other department for this assistance? I understand it is customary in cases of this kind to present such a request.

Mr. KAHN. It is not customary, so far as I know. I happen to represent the city of San Francisco. I was here in 1906, when that city was overwhelmed by earthquake and fire, and Congress, without any request on the part of the governor, immediately passed resolutions of this kind.

Mr. HARDY of Colorado. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. HARDY of Colorado. I would like to say to the gentleman that the governor has made the request of those here in Congress, and elsewhere in the Government, for a larger amount of assistance than we are asking for here.

I have received telegrams from those in authority in Pueblo telling of their desperate condition and asking for substantial aid. This measure will be helpful, but does not afford all the relief that this devastated section is in need of. The telegrams from Pueblo are as follows:

PUEBLO, COLO., *June 6, 1921.*

GUY U. HARDY,
Congressman, Washington, D. C.:

Late estimates of total property and crop damage between Canon City and State line is from fifteen to twenty million dollars. Damage in Pueblo, city and county alone, will total six to eight million dollars. Federal Government expends millions of dollars to improve and repair levees in all sections of country. We now ask Federal Government to appropriate sum of $5,000,000, of which the sum of $2,000,000 may be immediately available, for purposes of repairing and improving Arkansas River and Fountain River levees and removing débris from cities damaged, of which Pueblo should have at least one and a half million dollars immediately. Impossible to ascertain loss of life, owing to impossibility of removing débris without great financial assistance, but Pueblo alone will show several hundred people drowned when débris is removed.

JAMES L. LOVERN,
President City Council.
FRANK S. HOAG,
Chairman Levee Repair Committee.
E. E. WITHERS,
President Pueblo Water Works.
C. K. MCHARG,
President Arkansas Valley Ditch Association.

—

PUEBLO, COLO., *June 6, 1921.*

GUY U. HARDY,
Congressman, Washington, D. C.:

To-day's developments, including the current floods, make former estimates to you very conservative. We need help at once. Would suggest Federal investigator at once.

JAMES L. LOVERN,
President City Council.
FRANK S. HOAG,
Chairman Levee Repair Committee.
E. E. WITHERS,
President Pueblo Water Works.
C. K. MCHARG,
President Arkansas Valley Ditch Association.

Mr. KAHN. I will say further for the benefit of the gentleman from Ohio [Mr. BEGG] that I am under the impression that the War Department is already doing some of this work, on account of the acute condition that exists there. Of course, unless we pass some resolution of this kind, I take it that the officials might be impeached for violating the law. But I think it has always been customary for Congress, upon the happening of a great disaster of this kind, to pass this sort of a resolution.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MINORITY VIEWS ON PEACE RESOLUTION.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. FLOOD] may have two days in which to present minority views on the peace resolution. I make this request in accordance with an arrangement between the gentleman from Pennsylvania [Mr. PORTER] and the gentleman from Virginia.

The SPEAKER. Is there objection?

Mr. MONDELL. We hope to take up the peace resolution day after to-morrow. Will this interfere with the consideration of it?

Mr. ROGERS. The gentleman from Virginia [Mr. FLOOD] understands that it is the plan of the House to take up the peace resolution on Thursday, and I think there will be no disposition on his part to delay the consideration of it.

Mr. MONDELL. I am sure there will be no disposition to delay, but on a former occasion, where permission was granted to file minority views, it was urged later that that time had not fully expired, and that therefore it was not proper to take the matter up for consideration. With the understanding that there will be no objection to taking the peace resolution up should we reach it day after to-morrow, I would have no objection to the granting of the request.

Mr. BARKLEY. Is it the purpose of the gentleman from Wyoming to call up the peace resolution whether we finish the bill under consideration or not?

Mr. MONDELL. I hope we shall finish the bill under consideration by to-morrow night.

Mr. BARKLEY. We all hope that, but in the event we do not finish it, then what?

Mr. MONDELL. Of course that is a matter that we would have to decide after consultation with the gentlemen in charge of this bill. Most of the Members of the House understand that we are going to take up the peace resolution, if possible, on Thursday, and if we do not finish the bill now pending before the House the question would then arise, and it would be settled largely, I take it, on the judgment of the gentlemen in charge of this bill whether or no we will take up the peace resolution.

Mr. BARKLEY. I assume, considering the time devoted to that subject last year, it would probably take two or three days to dispose of the peace resolution.

Mr. MONDELL. We expect to dispose of it Thursday or Friday.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I do.

Mr. BEGG. I was going to say that unless the request was modified I would object. I am perfectly willing to give them until 12 o'clock Wednesday night. They only wanted until Tuesday. If the gentleman from Massachusetts [Mr. ROGERS] will modify his request I will have no objection. Otherwise I will have to object.

Mr. ROGERS. I will modify my request. I think it will be agreeable to the gentleman from Virginia [Mr. FLOOD]. I think the purpose is to present his minority views to-morrow night.

The SPEAKER. The gentleman from Massachusetts modifies his request and asks that the gentleman from Virginia [Mr. FLOOD] may present the minority views at any time until 12 o'clock to-morrow night. Is there objection?

There was no objection.

CONFERENCE REPORT ON THE DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that I may have until 12 o'clock to-night in which to file the conference report on the bill H. R. 6300, the deficiency bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that he may have until 12 o'clock to-night to file the conference report on the deficiency bill for printing under the rule. Is there objection?

Mr. STAFFORD. Reserving the right to object, I presume the gentleman desires to have it incorporated in to-morrow's RECORD also?

Mr. GOOD. Yes.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. What became of the $53,000,000 additional that the Senate placed on the bill?

Mr. GOOD. There will not be much of that remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 158. An act for the relief of certain estates;

S. 1574. An act authorizing the Secretary of War to exchange with foreign nations desiring the same samples of arms and equipment in use by the Army of the United States;

S. 1360. An act authorizing the award of the distinguished service cross or distinguished service medal provided for in the act of July 9, 1918, to Army officers brevetted for gallantry during the War with Spain, Philippine insurrection, or China relief expedition;

S. 257. An act providing for an additional judge for the district of Montana;

S. 1183. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended;

S. 258. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States;

S. J. Res. 43. Joint resolution to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.;

S. J. Res. 25. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War;

S. 997. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claim of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes;

S. 657. An act to amend section 1014 of the Revised Statutes of the United States so as to authorize the issue of a warrant for the arrest and removal of persons under indictment for offenses against the United States; and

S. J. Res. 5. Joint resolution authorizing the President to invite foreign nations to take part in an exposition at Portland, Oreg., in 1925.

The message also announced that the Senate had passed without amendment the bill (H. R. 89) for the public sale of post-office site on the west side of South Main Street in the city of Bethlehem, Pa.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 257. An act providing for an additional judge for the district of Montana; to the Committee on the Judiciary.

S. 258. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

S. 657. An act to amend section 1014 of the Revised Statutes of the United States so as to authorize the issue of a warrant for the arrest and removal of persons under indictment for offenses against the United States; to the Committee on the Judiciary.

S. 997. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claim of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes; to the Committee on Claims.

S. 1183. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

S. 1574. An act authorizing the Secretary of War to exchange with foreign nations desiring the same samples of arms and equipment in use by the Army of the United States; to the Committee on Military Affairs.

S. J. Res. 5. Joint resolution authorizing the President to invite foreign nations to take part in an exposition at Portland, Oreg., in 1925; to the Committee on Foreign Affairs.

S. J. Res. 25. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War; to the Committee on the Library.

S. 158. An act for the relief of certain estates; to the Committee on Claims.

S. J. Res. 43. Joint resolution to grant authority to continue the use of the temporary buildings of the American Red Cross headquarters in the city of Washington, D. C.; to the Committee on the Library.

S. 1360. An act authorizing the award of the distinguished service cross or distinguished service medal provided for in the act of July 9, 1918, to Army officers brevetted for gallantry during the War with Spain, Philippine insurrection, or China relief expedition; to the Committee on Military Affairs.

EXTENSION OF REMARKS.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the Sweet bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks on the pending bill. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 8, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

157. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting an urgent request that the House pass House bill 5756, which provides for the increase of the limit of the indebtedness of the Philippine Government from $15,000,000 to $30,000,000, was taken from the Speaker's table and referred to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TOWNER, from the Committee on Insular Affairs, to which was referred the bill (H. R. 6557) to authorize the Secretary of the Treasury to repair and rebuild customs buildings in Porto Rico, and to pay for same out of duties collected in Porto Rico, reported the same with an amendment, accompanied by a report (No. 147), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes, reported the same with an amendment, accompanied by a report (No. 148), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4976) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio, reported the same with an amendment, accompanied by a report (No. 149), which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 1019) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children, reported the same with amendments, accompanied by a report (No. 150), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY, from the Committee on Flood Control, to which was referred the bill (H. R. 1269) to make a preliminary survey of the Calaveras River in California with a view to the

control of its floods, reported the same without amendment, accompanied by a report (No. 151), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 6874) to increase the limit of cost for the United States Public Health Sanatorium at Dawsonsprings, Ky., and authorizing the Secretary of the Treasury to provide additional facilities for the United States Public Health Hospital at Broadview, Cook County, Ill., reported the same without amendment, accompanied by a report (No. 152), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER (by request): A bill (H. R. 6912) appropriating $5,000,000 for the relief of starving Chinese; to the Committee on Appropriations.

By Mr. ACKERMAN: A bill (H. R. 6913) granting permission to the city of Plainfield, Union County, N. J., to widen Watchung Avenue in front of the Federal post-office building; to the Committee on Public Buildings and Grounds.

By Mr. VOLK: A bill (H. R. 6914) to provide adjusted compensation for veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. WINSLOW: A bill (H. R. 6915) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: A bill (H. R. 6916) to provide a method for the settlement of private claims against the Government of the United States not exceeding $500; to the Committee on Claims.

By Mr. HUDSPETH: Joint resolution (H. J. Res. 145) directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural and livestock sections of the country, and for other purposes; to the Committee on Banking and Currency.

By Mr. UPSHAW (by request): Joint resolution (H. J. Res. 146) to provide for the reimbursement to the Eastern and Emigrant Cherokees by blood for lands allotted to the Negro freedmen (among the Cherokees) from the lands granted to the Eastern and Emigrant Cherokees by blood under treaty of 1835, and for other purposes; to the Committee on Indian Affairs.

By Mr. FLOOD: Joint resolution (H. J. Res. 147) authorizing and requesting the President to invite all nations to send delegates to a convention to provide for disarmament and making an appropriation therefor; to the Committee on Foreign Affairs.

By Mr. KLECZKA: Memorial of the Legislature of the State of Wisconsin, requesting Congress not to repeal the excess profits and surtax laws and not to pass a sales tax law; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin, relating to the restoration of package-freight boats on the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Wisconsin, relating to the recognition of the Irish republic by the Government of the United States; to the Committee on Foreign Affairs.

By Mr. McCLINTIC: Memorial of the Legislature of the State of Oklahoma, urging relief for Mrs. Margaret Dugall Robertson, of 80 Leslie Terrace, Aberdeen, Scotland; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 6917) to provide for a survey of Hereford Inlet, Anglesea, Cape May County, N. J., with a view to its improvement for navigation; to the Committee on Rivers and Harbors.

By Mr. BLAND of Indiana: A bill (H. R. 6918) granting a pension to Nancy A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6919) granting a pension to Maria A. Struman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6920) granting a pension to David T. Shields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6921) granting a pension to Anna E. Washington; to the Committee on Invalid Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 6922) granting a pension to Lillian M. Woodard; to the Committee on Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 6923) granting a pension to David H. Funk; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 6924) granting a pension to Ray H. Schumaker; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 6925) authorizing the Secretary of War to donate to the Northwestern Military and Naval Academy, Lake Geneva, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 6926) for the relief of Abraham Leibovitz; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 6927) granting a pension to Charles A. Swartz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6928) granting a pension to William H. Robinson; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 6929) for the relief of Horace E. Walker; to the Committee on Claims.

By Mr. KINCHELOE: A bill (H. R. 6930) granting a pension to Maggie L. Schafer; to the Committee on Pensions.

By Mr. KLECZKA: A bill (H. R. 6931) granting a pension to Lizzie McCarthy; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 6932) granting an increase of pension to Margaret Hyde; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 6933) to extend certain letters patent; to the Committee on Patents.

By Mr. MacGREGOR: A bill (H. R. 6934) granting a pension to Margaret Keller; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 6935) granting a pension to Frederick A. Mackey; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 6936) to correct the military record of Charles Geiger; to the Committee on Military Affairs.

Also, a bill (H. R. 6937) granting a pension to Ellen A. Phillips; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 6938) granting an increase of pension to William F. Slack; to the Committee on Pensions.

By Mr. PARKS of Arkansas: A bill (H. R. 6939) for the relief of Jasper N. Mose; to the Committee on Claims.

By Mr. RHODES: A bill (H. R. 6940) for the relief of Monroe Gann; to the Committee on Military Affairs.

Also, a bill (H. R. 6941) granting an increase of pension to Louisa Sinclair; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 6942) granting a pension to Victor F. Wilson; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 6943) for the relief of Edward A. Purdy; to the Committee on Claims.

Also, a bill (H. R. 6944) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions; to the Committee on Claims.

By Mr. SNYDER: A bill (H. R. 6945) granting a pension to Laura Brown; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 6946) granting a pension to James A. McGuire; to the Committee on Pensions.

Also, a bill (H. R. 6947) granting a pension to Andrew J. Legg; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 6948) to carry out the findings of the Court of Claims in the case of Eugene C. Wilson; to the Committee on War Claims.

Also, a bill (H. R. 6949) fixing the term of service of Elijah C. Putnam during the Civil War; to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 6950) granting a pension to William Owins; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 6951) providing for the erection of a monument to the memory of Joseph W. Guyton, the first member of the United States Army to be killed on German soil; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1117. By Mr. BARBOUR: Resolution adopted by the Women's Auxiliary, Madera (Calif.) Post of the American Legion, indorsing program of legislation asked by the American Legion in the interests of the disabled veterans of the World War; to the Committee on Interstate and Foreign Commerce.

1118. Also, resolution adopted by the board of education of Fresno County, Calif., in support of the Fess-Capper bill; to the Committee on Education.

1119. By Mr. CHALMERS: Resolution adopted by Rebecca Lodge for the relief of the disabled soldiers; to the Committee on Interstate and Foreign Commerce.

1120. Also, petition adopted by the St. Paul's Evangelical Brotherhood Class of Oak Harbor, Ohio, urging relief for disabled soldiers, etc.; to the Committee on Interstate and Foreign Commerce.

1121. Also, petition of Oak Harbor Chapter, No. 131, Order of Eastern Star, indorsing program of legislation as outlined by the American Legion for the relief of the disabled soldiers, sailors, and marines of America; to the Committee on Interstate and Foreign Commerce.

1122. By Mr. COOPER of Wisconsin: Petition of the First Baptist Church of Racine, Wis., urging the President to call international conference for reduction of armaments; to the Committee on Foreign Affairs.

1123. By Mr. DARROW: Petition of 66 members of the Germantown meeting of the Religious Society of Friends, Philadelphia, and from the Tabernacle Presbyterian Church of Philadelphia, in behalf of an international conference on disarmament; to the Committee on Foreign Affairs.

1124. By Mr. KISSEL: Petition of the Boyd Transfer & Storage Co., Minneapolis, Minn., relative to taxation legislation; to the Committee on Ways and Means.

1125. Also, petition of Turpentine & Rosin Producers' Association, New Orleans, relative to tariff on camphor and rosin; to the Committee on Ways and Means.

1126. Also, petition of American Sash & Door Co., Kansas City, Mo., regarding tax legislation; to the Committee on Ways and Means.

1127. Also, petition of R. J. Barnett, L. V., M. R., and W. F. Dillon, I. Layefsky, C. McGrath, W. Murnane, Mrs. M. Kelly, G. Royael, and M. E. Shea, all of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1128. By Mr. LINEBERGER: Petition of citizens and various civic bodies hereinafter enumerated for the approval without delay of the appropriations recommended for the construction of needed naval bases on the Pacific coast as set forth in the report of the joint committee of the Senate and House of Representatives in the form of telegrams from the Long Beach Chamber of Commerce, Long Beach; National Association of Stationary Engineers, Los Angeles; Pasadena Chamber of Commerce and Civic Association, Pasadena; Los Angeles County Bar Association, Los Angeles; Glendale Chamber of Commerce, Glendale; Post No. 150, American Legion, Burbank; Los Angeles Electric Club, Los Angeles; Chamber of Commerce, Burbank; the City Council of Santa Monica, Santa Monica; Orange County Harbor Association, Santa Ana; Highland Park Chamber of Commerce, Los Angeles; the National City Co. of California; Produce Exchange of Los Angeles, Los Angeles; Southern Council, D. A. R., Los Angeles; Buena Park Woman's Club, Buena Park; Los Angeles City Council, Los Angeles; and John G. Bullock, president of Bullocks, Los Angeles; also resolutions from Chamber of Commerce, San Pedro; Society of Sons of the Revolution, Los Angeles; and Chamber of Commerce, San Fernando; also various petitions containing 416 names and including one from the Union League, and one from the Owensmouth Women's Club, all of the above from the State of California; to the Committee on Naval Affairs.

1129. By Mr. LUCE: Resolutions adopted by the Massachusetts Federation of Churches approving the Towner-Sterling bill and disapproving the Fess-Kenyon bill in regard to establishing a department of education; to the Committee on Education.

1130. Also, resolution adopted by the Massachusetts Federation of Churches concerning the settlement of boundaries and administrations affairs in Armenia; to the Committee on Foreign Affairs.

1131. By Mr. RAKER: Petition of A. J. Harder, of Roseville, protesting against the repeal of the zone postal law; to the Committee on Post Offices and Post Roads. Also, petition of California Fruit Distributors, of Sacramento, Calif., urging the purchase and improvement of experimental vineyards in California; to the Committee on Appropriations. Also, petition of Western Industries Co., San Francisco, Calif., indorsing House bill 2486 and urging its passage; to the Committee on Ways and Means. Also, petition of Hetch Hetchy Miners and Tunnel Workers' Union, Groveland, Calif., relative to recognition of Ireland; to the Committee on Foreign Affairs.

1132. By Mr. RIORDAN: Petition of Daniel Guidone and other citizens of New York City, urging the passage of the bill (H. R. 3208); to the Committee on the Judiciary.

1133. By Mr. SNYDER: Petition of the Tabernacle Baptist Church, of Utica, N. Y., urging the United States to assume the initiative in the matter of disarmament; to the Committee on Foreign Affairs.

1134. By Mr. WATSON: Resolution passed by the Langhorne Sorosis, Langhorne, Pa., favoring legislation asked for by the American Legion for the relief of the disabled of the World War; to the Committee on Interstate and Foreign Commerce.

1135. By Mr. WOODYARD: Petitions of the First Methodist Episcopal Church of Parkersburg and the First Baptist Church of Parkersburg, both in the State of West Virginia, favoring limitation of armament; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *June 8, 1921.*

(Legislative day of Monday, June 6, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

RELIEF OF FLOOD SUFFERERS IN COLORADO.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 148) for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries, in which it requested the concurrence of the Senate.

Mr. PHIPPS. Mr. President, I ask that the joint resolution just received from the House of Representatives may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 148) for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries was read twice by its title.

Mr. PHIPPS. Mr. President, inasmuch as this joint resolution is identical with the one passed by the Senate on yesterday, I ask unanimous consent that it may be put on its passage.

Mr. CURTIS. Let it be read first.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Assistant Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of War is hereby authorized and directed to take such temporary sanitary measures as he may deem necessary and to furnish subsistence and quartermaster supplies belonging to the Military Establishment and available, and issue the same to such destitute persons in Colorado as have been rendered homeless or are in needy circumstances as a result of the recent flood due to the overflow of the Arkansas River and its tributaries, and in executing this joint resolution the Secretary of War is directed so far as possible to cooperate with the authorities of the State of Colorado and the mayors of such cities on the Arkansas River or its tributaries as may have sustained damages.

Mr. UNDERWOOD. May I ask the Senator from Colorado a question? This is substantially the same joint resolution that we passed yesterday afternoon?

Mr. PHIPPS. It is identical in language with the joint resolution passed by the Senate yesterday afternoon.

The Senate, by unanimous consent, considered the joint resolution as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Broussard	Harris	Nelson	Underwood
Calder	Jones, Wash.	Overman	Wadsworth
Capper	Kenyon	Phipps	Warren
Culberson	King	Sheppard	Watson, Ga.
Cummins	Knox	Shortridge	Weller
Curtis	Ladd	Simmons	Williams
Dial	La Follette	Smith	Willis
Dillingham	Lenroot	Smoot	Wolcott
Fletcher	Lodge	Spencer	
Frelinghuysen	McCormick	Swanson	
Hale	McLean	Trammell	

Mr. CAPPER. I wish to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from South Dakota [Mr. NORBECK], the Senator from Oregon [Mr. MCNARY], and the Senator from Wyoming [Mr. KENDRICK] are in attendance at a meeting of the Committee on Agriculture and Forestry.

Mr. UNDERWOOD. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] is absent on account of a death in his family.

I wish also to announce that my colleague [Mr. HEFLIN] is absent on public business, and that both the Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Arkansas [Mr. CARAWAY] are absent on official business.

The VICE PRESIDENT. Forty-one Senators having answered to their names, a quorum is not present. The Secretary will call the roll of absentees.

The names of the absent Senators were called, and Mr. ASHURST, Mr. BURSUM, Mr. MCCUMBER, Mr. NICHOLSON, Mr. ODDIE, Mr. POINDEXTER, Mr. STANFIELD, Mr. STANLEY, Mr. STERLING, Mr. SUTHERLAND, and Mr. WALSH of Montana answered to their names when called.

Mr. JONES of New Mexico, Mr. BALL, Mr. GERRY, Mr. KENDRICK, Mr. KEYES, Mr. NORRIS, Mr. NORBECK, Mr. GOODING, Mr. MCNARY, Mr. BORAH, Mr. POMERENE, Mr. TOWNSEND, and Mr. KELLOGG entered the Chamber and answered to their names.

The VICE PRESIDENT. Sixty-five Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented resolutions, letters, and a telegram in the nature of petitions of the pastor and congregation of the Linden Avenue Baptist Church, of Dayton; Rev. Orville L. Kiplinger, pastor of the First Congregational Church of Mansfield; the pastor and congregation of the United Congregational Church of Oberlin; the pastor and congregation of the First Friends Church of Van Wert; Rev. Paul J. Gilbert, pastor of the Presbyterian Church of Bowling Green; Rev. J. L. Langhorne, pastor of St. Paul's Episcopal Church, and sundry citizens of Martins Ferry; the congregation of the First Methodist Episcopal Church of Leipsic; the pastor and congregation of the Poland Presbyterian Church, of Poland; the pastor and congregation of Grace Lutheran Church, of East Palestine; and the pastor and congregation of the Church of Our Saviour, of Akron, all in the State of Ohio; and the pastor and congregation of the First Presbyterian Church of College Corner, Ind., favoring the calling of an international conference for the purpose of considering the question of a reduction of armaments and of world disarmament; which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a resolution of the Boston Branch of the American and British Federation, of Boston, Mass., protesting against the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented three petitions of sundry citizens of Howard, Beloit, Asherville, Danville, Harper, Argonia, Sawyer, Duquoin, Runnymede, and Norwich, all in the State of Kansas, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

REPORT OF COMMITTEE ON MINES AND MINING.

Mr. ASHURST, from the Committee on Mines and Mining, to which was referred the bill (S. 843) to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," reported it without amendment and submitted a report (No. 98) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 2005) granting a pension to Martha F. Acton (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 2006) granting a pension to Jennie M. Hichborn; to the Committee on Pensions.

By Mr. KING:

A bill (S. 2007) to amend section 304 of the revenue act of 1918; to the Committee on Finance.

By Mr. SPENCER:

A bill (S. 2008) for the relief of George Simpson and R. C. Dunbar; and

A bill (S. 2009) for the relief of C. M. Perkins; to the Committee on Claims.

INVESTIGATION BY COMMITTEE ON MILITARY AFFAIRS.

Mr. FRELINGHUYSEN submitted the following resolution (S. Res. 88), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be, and is hereby, directed during the Sixty-seventh Congress to investigate and ascertain the quantity of war materials, equipment, and supplies of any and every kind now in the possession of the War Department; the pay of all civilian employees engaged in the care of such materials, equipment, and supplies, together with all costs incident to the care of said property, and to report to the Senate how much, if any, of said care is unnecessary; to investigate and report as to all real estate now owned and held for the use of the Army, and whether any of such real estate should be sold; and to investigate and report as to the necessity of maintaining the present number of Army camps, cantonments, and posts.

Said committee or any subcommittee thereof is authorized to sit during the sessions or recesses of Congress at such times and places as it may deem advisable and to report to the Senate as soon as practicable the results of its investigations; and to employ such clerical assistants as may be necessary.

All of the expenses incurred in furtherance of the purposes of this resolution shall be paid from the contingent fund of the Senate.

NAVAL CONFIRMATIONS EN BLOC.

Mr. OVERMAN. Mr. President, I wish to call this to the attention of the Senator from Washington [Mr. POINDEXTER]. A few days ago, when we had the naval appropriation bill before the Senate for consideration, I introduced an amendment in the discussion of which I stated that we have been confirming men here en bloc when all the nominations were irregular. I illustrated one case, but the Senator from Washington made a point of order and cut me out. However, I find that to-day more nominations are presented which are not in order and that are not regular. I have a letter with reference to the matter which I should like to put in the RECORD to show that we have been confirming men en bloc when the nominations were not regular. I call it to the attention of the Senator from Washington. I should like to have the letter read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

WASHINGTON, *D. C., June 7, 1921.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OVERMAN: I notice that you recently, on the floor of the Senate, asked for an investigation relative to the confirmation en bloc of certain nominations from the Navy Department.

Along the latter part of April or the first of May the Senate confirmed a large number of officers in the Marine Corps. These officers had been selected for permanent commissions in the Marine Corps by a selection board created by the Secretary of the Navy, and it appears that in so doing 190 permanent marine officers have been deprived of rights to promotion guaranteed by sections 7 and 10 of the act of May 22, 1917. These two sections are set out on pages 2 and 3 of a memorandum on promotions in the Marine Corps and the laws relating thereto, which I am herewith sending you.

I have requested the Secretary of the Navy to reconvene the selection board for revision of its proceedings, and in the meantime call on the Attorney General for an opinion construing this promotion law for the guidance of the board, and if you can see your way clear to use your best efforts to cause this to be done I would greatly appreciate it, and so will the officers concerned.

Very truly, yours, W. W. SCOTT.

Mr. POINDEXTER. Mr. President, there is nothing in the statement contained in the letter which has just been read which indicates that any of the nominations which were sent to the Senate by the Secretary of the Navy were in any way irregular. The statement merely claims that certain other classes of officers—not those who were nominated, but other officers—were entitled to promotion under an old law. The Secretary of the Navy was of the opinion that they were not entitled to promotion. The letter relates to officers whose names have not been sent to the Senate and not to those whose names were sent to the Senate. But, however that may be, I am very glad, indeed, to have the Senator from North Carolina [Mr. OVERMAN] call attention to the matter. I also have received a letter from Mr. Scott, the writer of the letter which has been read. He is an attorney in this city, who, I suppose, is retained by the officers who were not promoted, and who claim the right to promotion. I shall be very glad, indeed, to take the matter up with the Navy Department and have it investigated and a report thereon made.

Mr. OVERMAN. I shall be very glad if the Senator from Washington will do that. As to the case I had in mind the other day, the Comptroller of the Treasury has ruled just as I contended, that the officer who received the promotion is not entitled to it. It was that matter which I desired the Senator from Washington to allow to go to conference to be investigated. I repeat that since that time the Comptroller of the Treasury has ruled that the officer to whom I have referred is not entitled to the pay he received.

Mr. POINDEXTER. Will the Senator from North Carolina give me the name of that officer?

Mr. OVERMAN. I do not like to name him, but I will give the Senator from Washington a copy of the ruling of the Comptroller of the Treasury to which I have referred.

Mr. POINDEXTER. I should like the Senator to furnish me with the name of the officer, and I will join with him in investigating the matter.

Mr. OVERMAN. I will furnish the Senator from Washington with the name of the officer.

ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 54, line 7, before the words "student officers," to insert "not to exceed 50"; and in line 8, after the word "institutions," to insert: "in addition to the 2 per cent of commissioned officers authorized to attend technical, professional, and other educational institutions as provided for in section 127a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920," so as to read:

ENGINEER SCHOOL.

Equipment and maintenance of the Engineer School, including purchase and repair of instruments, machinery, implements, models, boats, and materials for the use of the school and to provide means for the theoretical and practical instruction of Engineer officers and troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of scientific and professional works, papers, and periodicals treating on military engineering and scientific subjects, textbooks and books of reference for the library of the United States Engineer School; for incidental expenses of the school, including chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; compensation of civilian lecturers and payment of tuition fees of not to exceed 50 student officers at civil technical institutions in addition to the 2 per cent of commissioned officers authorized to attend technical, professional, and other educational institutions as provided for in section 127a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920.

Mr. KING. May I inquire of the Senator from New York the effect of the amendments reported by the committee which have just been stated? I should be glad to have the Senator state the purposes of each of those amendments.

Mr. WADSWORTH. Mr. President, under existing law the War Department may send officers to technical institutions, to colleges and universities to take special courses. There is a limitation, expressed in percentages, on the number which may be so sent. A peculiar situation exists in the Engineer Corps. A large number of graduates from West Point have not had the full training which is ordinarily given in the West Point course, they having been graduated with their classes ahead of schedule during the recent war and just at the close of the war, and a number of them have been commissioned in the Engineer Corps. Those young officers have not really completed their engineering instruction or training. They have been sent to Camp Humphreys to take the best course which can be prescribed at that place, but the Engineer Corps, through the Chief of Engineers, and with the approval of the Secretary of War, is exceedingly anxious to send some of those young officers to the Massachusetts Institute of Technology and to the Troy Polytechnic Institute to take an additional special course, so that they will catch up in the quickest and most effective manner with the standards which they would have attained had they remained at West Point for four years. These two amendments, taken together, permit that to be done, the number of officers being sent to those institutions not to exceed 50.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, at this point I desire to propose three amendments to the items which are found on pages 54 and 55. The three amendments will not result in any increase of expenditure.

The best information which I have received—and that quite recently—is that the engineer school at Camp Humphreys, for the support of which $35,000 is appropriated, on line 21, page 54, of the pending bill, can scarcely get along with that amount, owing to the additional number of young officers who have been sent there and must be maintained there while they are undergoing special instruction. The department asks that that amount be increased to $45,000, that it be increased by $10,000, and that the appropriation for $150,000 for "engineer equipment of troops," which is found on line 5 of the next page of the bill, be decreased by $5,000, and also that the appropriation for "engineering operations in the field," which is found on line 20, of page 55, be decreased by $5,000; in other words, to decrease two of the appropriations by $5,000 each and add the $10,000 to the first appropriation mentioned.

Mr. KING. I desire to inquire of the Senator from New York, if those changes are made and that accretion is given, will it not be a precedent so that next time $45,000 will be asked for the school?

Mr. WADSWORTH. Mr. President, let me say to the Senator from Utah that there has not been a precedent followed in this bill. The amounts appropriated by the bill are so far below what were asked by all of the bureaus and branches of the Army which are concerned that I challenge the Senator to find a precedent in the whole bill. There will not be any precedent for next year. The Army is still in a state of flux.

The VICE PRESIDENT. The amendments proposed by the Senator from New York will be stated.

The ASSISTANT SECRETARY. On page 54, line 21, it is proposed to strike out "$35,000" and to insert "$25,000."

The amendment was agreed to.

The ASSISTANT SECRETARY. Also on page 55, line 5, it is proposed to strike out "$150,000" and to insert "$145,000."

The amendment was agreed to.

The ASSISTANT SECRETARY. Also on page 55, line 20, after the words "Maps, War Department," it is proposed to strike out "$225,000" and to insert "$220,000."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 26, on page 59.

Mr. KING. May I inquire of the Senator what steps are being taken, if any, to reduce the activities of the arsenals of the United States? I find an appropriation in the bill of $375,000 for automatic machine rifles. The presumption was that when the war was over we had a surplus of all kinds of munitions of war—rifles, cannon, and so on. In view of the fact we have such a tremendous supply, does the committee deem it necessary to make this appropriation for automatic machine rifles?

Mr. WADSWORTH. Mr. President, the arsenals and manufacturing activities of the Ordnance Department are running on a very severely reduced basis. Perhaps I can indicate what steps are being taken in reducing those activities by stating what the department asked for in two or three of these instances and what this bill gives. On page 59, for the manufacture of arms the revised estimate was $500,000; that was the last and lowest figure presented by the department.

The appropriation is $400,000, and with that appropriation the Springfield Arsenal is maintained at a rate which will turn out about 75 rifles per day, which is not enough to provide for the wastage in the Springfield rifles.

Mr. KING. The Senator is aware, of course, of the fact that the fortifications bill, as I recall, deals in part, if not wholly, with arsenals.

Mr. WADSWORTH. It does not; it merely deals with the arsenals that make artillery and artillery ammunition. This bill deals with the small-arms manufacture and small-arms ammunition. As a matter of fact, this bill ought to carry the fortifications bill, and, if I have anything to say about it next year, it will.

Mr. KING. I agree with the Senator.

Mr. OVERMAN. Mr. President, I agree with the Senator on that point. As I remember, the fortifications appropriation bill has considerable to do with arsenals.

Mr. WADSWORTH. It has.

Mr. OVERMAN. Appropriations have been made for them in separate measures, but I think they all ought to be combined and be considered by one committee and not by two.

Mr. WADSWORTH. Yes.

Mr. OVERMAN. As has been suggested, there are appropriations for arsenals in the fortifications bill. Whether that bill covers the item now under discussion in the pending bill I do not know.

Mr. WADSWORTH. The item under discussion relates to the Springfield Arsenal, and is for its maintenance and operation. If appropriations for the arsenal were to be reduced below the amount carried, it might just as well be closed entirely.

Mr. KING. Let me suggest to the Senator from North Carolina that Admiral Sims, in testimony which he recently gave before the Senate committee, animadverted upon our fortifications program. I ask the Senator to consider that testimony, because Admiral Sims declares that we need but little, if anything, for fortifications, in view of the development of submarines and aircraft, and that the money spent for our fortification is largely wasted. That is the legitimate deduction to be drawn from his testimony.

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. WADSWORTH. I yield.

Mr. WARREN. The allocation of appropriation bills to various committees, which took place some years ago, resulted in a certain division of military subjects, the reason for which does not appear at first blush; but nevertheless it has a bearing in considering the whole line of expenditures. For instance, while there has been more or less confusion in these matters as between the regular Appropriations Committee and other committees during the war, the plan was, when the various bills were allotted to different committees for consideration, that the

sundry civil bill should carry all new additions in the way of land and military posts for the Army, but that the regular supplies for the Army should be provided for in the Army appropriation bill. It was also the idea that fortifications, which are as much naval as army in character—necessitating the buying of land here and there and the erection of fortifications—which called for direct appropriations one year and perhaps nothing the next year but aggregating several hundred thousand dollars, perhaps, in some one or more years, should be provided for in a separate appropriation bill, the idea being that the Army appropriation and the naval appropriation bills should cover provision for the regular annual supplies and ordinary annual expenses of the Military and Naval Establishments, which run along in about the same amount each year, and that appropriations for all extraordinary expenses should go to the other committee.

The Springfield Arsenal is about the oldest one which we have in the United States for the manufacture of arms, and provision for the carrying on of that arsenal, of course, is made in the regular Army appropriation bill, which provides for the maintenance of the Army, the pay of the men, and so forth, in a regular annual way. It might be a good plan and it might not to combine the two bills. Whatever is done, when the time comes there probably will be no objection on the part of the Appropriations Committee to that which is considered proper, but to pass it over as if one committee had infringed upon the other is entirely erroneous.

Mr. WADSWORTH. Mr. President, I had risen to answer the question of the Senator from Utah. The only other arsenal covered in this bill is the Edgewood Arsenal, operated by the Chemical Warfare Service. It is easy to see what we are doing in reducing the operations of that arsenal when I remind the Senator that this year they had an appropriation of something over $5,000,000. They asked for $4,392,000 for next year, and we give them $1,350,000.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and the Secretary read to line 23 on page 62, the last paragraph read being, under the heading of "National Guard," the following:

For expenses, sergeant-instructors, $60,000.

Mr. WADSWORTH. Again, I desire to propose two amendments, which, if adopted, will make a change in two items on page 62, but will not result in any increase in the total appropriations. I do this at the earnest request of the Chief of the Bureau of Militia Affairs, who called upon me after the bill had been reported to the Senate. He emphasized the fact that the appropriation on line 23 for expenses of sergeant-instructors assigned to National Guard units for the purpose of assisting those units in training would not pay the number of sergeant-instructors that are now on duty. When I say that it would not pay them, I do not mean for their salaries; I mean for their expenses. Of course, their salaries are paid out of the Regular Army pay items. The number of guard units is increasing day by day, as new companies and new batteries are being federalized, and he earnestly requested that the $60,000 appropriation be increased to $150,000 and stated that there is no question whatsoever but that at least that amount of money will be necessary to pay the expenses of these men. He also requested that the amount of money appropriated for pay and allowances of officers of the National Guard detailed with the Army be reduced to $60,000, it now being fixed at $150,000, the Chief of the Bureau of Militia Affairs stating to me—which is undoubtedly the fact—that there are very, very few National Guard officers on duty with the Regular Army, and it is very unlikely that there will be any during the next fiscal year.

So, Mr. President, on line 12, page 62, I move to strike out "$150,000" and to substitute "$60,000."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 62, line 12, it is proposed to strike out "$150,000," and in lieu thereof to substitute "$60,000," so as to read:

For pay and allowances, officers, National Guard, detailed with Army, $60,000.

The amendment was agreed to.

Mr. WADSWORTH. On line 23, I move to strike out "$60,000" and insert "$150,000."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On line 23, it is proposed to strike out "$60,000" and in lieu thereof to insert "$150,000," so as to read:

For expenses, sergeant-instructors, $150,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 67, after line 13, to insert:

For the preparation of plans, the initiation of work, including the employment of all necessary engineering, technical, clerical, and other services, and for any and every purpose connected therewith, for an increased water supply for the District of Columbia, in accordance with Potomac project "E," described in the report submitted by Maj. M. C. Tyler, Corps of Engineers, $200,000, to be immediately available and to remain available until expended: *Provided*, That 60 per cent of this sum shall be paid from the revenues of the District of Columbia and 40 per cent from the Treasury of the United States.

Mr. NORRIS. Mr. President, I send to the desk an amendment which I ask to have stated. While I prepared it without reference to the pending amendment, I desire to offer it as an amendment to the committee amendment, and simply add to the committee amendment the language I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, after line 24, the following:

For the preparation of plans, the initiation of work, including the employment of all necessary engineering, technical, clerical, and other services, and for any and every purpose connected therewith, for the development of hydroelectric power at Great Falls, in accordance with the report of Maj. M. C. Tyler in Senate Document No. 403, Sixty-sixth Congress, third session, $200,000; and the development of such power is hereby authorized at an expense not exceeding the amount of cost estimated in said report and within such limit of cost the Federal Water Power Commission is hereby authorized to make any modifications or changes in the plans of said improvement as may be considered advisable by said commission.

Mr. NORRIS obtained the floor.

Mr. KING. Mr. President, may I inquire of the Senator, before he proceeds, so that he may answer the inquiry I was about to propound to the Senator from New York, whether the District Committee has passed upon this, or any other committee of the House or the Senate; and have they determined the cost of this project, whether it is $1,000,000 or $20,000,000, and all of the features that are pertinent to the question? It seems to me that if we appropriate this $200,000 we are entering upon a project which will commit the Government and the District to a very large appropriation. Whether it is wise or unwise, I express no opinion.

Mr. NORRIS. Mr. President, this amendment, if enacted into law, will have the effect of developing the water power at Great Falls in the Potomac River near this city. It is the proposition that in various forms has been before Congress for the last 15 or 16 years.

It will be remembered that in the last Congress, a little over a year ago, I offered an amendment to the Water Power Commission bill that was agreed to, and was put into the bill, having this same effect. There were, however, Senators who thought that the investigations that had been made had been made so many years before that it would not be advisable to go into the project until it had been reinvestigated. The matter went to conference, and as a compromise the conferees agreed on a provision appropriating $25,000—I think that was the amount—for a resurvey of the proposition. That was put into the law, the amount was expended in the resurvey, practically the same investigation was made that had been made several times, and another report was made by the engineers recommending that it be done. The amendment of the committee to which I have asked that this be added as an amendment is likewise carrying out the recommendations made in the same report by the same engineers for the development of an increased water supply for the District of Columbia.

I do not care to take the time of the Senate to go into the Great Falls water-power dvelopment. I have debated it a great many times, and other Senators have, on the floor of the Senate; but it seems to me it is sufficient to say that this amendment carries out the recommendation of the board that was provided for in the Water Power Commission bill. They recommend that this be done, the same as they recommend that the committee amendment to which it is added shall be put in the law, providing for an increased water supply for the District.

In its report the Federal Power Commission says:

The plan for the development of hydroelectric power from the Potomac has these great advantages: (1) It contemplates a serial development of which the several elements can be separately and consecutively undertaken, with the result that the power resources of the District will be augmented from time to time as the capacity of the District for the absorption of the power developed increases; (2) the suggested conservation of use of existing steam installations for the production of power makes it highly improbable that any substantial loss will accrue to those who have invested in steam power plants; and (3) the serial development of water power will render unnecessary extensive and costly additional steam power-plant installations which would be necessary unless existing power-producing facilities are supplemented as here suggested by the early development of a large body of primary power from a dam erected near Chain Bridge.

The Federal Power Commission recommends to the Congress that it authorize an immediate start in the development of power in accordance with the Tyler report. Our study of the situation satisfies us that all the power so developed will find a ready market in the District of Columbia and the circumjacent territory to which it can be transmitted without disproportionate line loss or transmission system cost.

Mr. KING. Mr. President, will the Senator tell us whose words those are?

Mr. NORRIS. This is the language of the Federal Power Commission.

The complete development of the Potomac, with dams located at Chain Bridge and Great Falls and with the great water reservoirs for storage, will constitute a national asset of incalculable value. It will save coal, labor, and transportation. It will free the National Capital from dependence upon steam-power production, which is increasingly costly and is subject to much greater likelihood of interruption at critical times, due to shortage of coal. It will produce an immense body of primary and secondary power of increasing value, and may well aid materially in the development of a power district about the great commercial and industrial cities from Philadelphia to Richmond, in which a steady and uniform supply will stabilize and encourage further industrial development. The project when completed will stand as an illustration to the country generally of the immense value of water-power development in the conservation of our national resources. For these reasons the Federal Power Commission concurs in the reports herewith transmitted.

I will now read from the report of Maj. Tyler:

To sum up the water-power situation, the Potomac at Great Falls can be made to yield annually hundreds of millions of kilowatt hours of energy, all of which may progressively be put to advantageous use, first as intermittent power, supplemented by steam power at times of low water at a maximum rate equal to that of the water power, and eventually as constant power, the equivalent of the energy in a steady, regulated flow of 6,000 cubic feet per second, supplemented only at times of peak demand by steam power, whose maximum rate of output will then be, perhaps, half that of the constant water power.

The report of Maj. Tyler further says:

A comprehensive development of the Potomac River for power purposes by means of power dams in the main river and storage reservoirs on certain of the larger tributaries is economically feasible, and continuous power thereby can be generated at a cost per kilowatt hour approximately 50 per cent less than that for power generated by steam, if the entire output of the hydroelectric plants can be marketed.

Further he says:

The complete development for power purposes of the Potomac River between Brunswick, Md., and tidewater will be best accomplished by two power dams, one at the District of Columbia line with pool at elevation 115 feet above mean sea level and the other immediately above Great Falls with pool at about 215 feet above mean sea level.

The power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, modified along the general lines indicated herein, is a unit of the larger development.

* * * * * * *

With coal costing $7 per ton f. o. b. car at steam stations in the District of Columbia, the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session—

That was the other investigation, made by Col. Langfitt, in which he recommended that this power be developed—

modified along the general lines indicated herein, if operated in conjunction with the central steam stations and distribution systems of the public utilities of the District of Columbia, will deliver power at substations 2 mills per kilowatt hour cheaper than the production cost at steam-station switchboard, will earn interest at 6 per cent on capital investment, pay depreciation, maintenance, and operation charges, return the capital invested in 30 years, and conserve annually approximately 240,000 tons of coal.

So under this report, Mr. President, he says, figuring coal at $7 a ton, the cost of electricity will be cut in two, 240,000 tons of coal will be saved annually, and a sufficient charge be made for the electric energy so that, after paying all maintenance charges and all depreciation charges and 6 per cent on the invested capital, it will return all of the money in 30 years.

Mr. KING. Mr. President, may I inquire of the Senator, as I am disposed to raise a point of order against this amendment——

Mr. NORRIS. It is not subject to a point of order, unless the point of order is made against the committee amendment.

Mr. KING. I am speaking of the committee amendment, the entire amendment.

Mr. WADSWORTH. May I ask the Senator from Nebraska on what ground he offers his amendment as an amendment to the committee amendment? It simply calls for an additional appropriation.

Mr. NORRIS. I understand that.

Mr. WADSWORTH. For a different purpose.

Mr. NORRIS. It all comes from the same proposition, based on the same report, based on the same state of facts. If the Senator will follow the committee amendment, he will find that it is based on the report of Maj. Tyler, and Maj. Tyler's report contains in it two propositions—increase of water supply and the development of Great Falls hydroelectric power. It is all in one report. They ought to be together. They ought to go simultaneously together in their development. It ought to be all one amendment, as a matter of fact.

Let me say further, Mr. President, that I have offered this amendment several times. It passed the Senate once, after an extended debate, on a roll call. It has been fully debated. We might put in the balance of the day debating it, but I assumed that when we finally put it on a bill and passed it through the Senate, inasmuch as the only objection that was made to it was that Senators thought we ought to have another investigation, that would be sufficient. I contested that proposition. I contended on the floor of the Senate that the investigation already made, in which $20,000 was spent to investigate the whole thing, was sufficient, and I prevailed, in the judgment of the Senate, after that debate took place, and we put it on the bill on a roll call.

The House conferees objected to it and the conferees on the part of the Senate finally compromised and put into the bill what was originally offered as a substitute in the Senate and voted down, to wit, that another investigation should be made, and that became the law.

That investigation has been made and the other report completely and fully vindicated it, and we have here another recommendation. While it is fresh I want the Senate to act on it. We presented the other proposition over and over, year after year, when nobody even claimed that it was not a proper proposition, when everybody admitted that the falls ought to be developed, when there was no contention over that proposition, and then finally, when we did act, the argument was made that the investigation was too old and that we should have a new one. The new one was made, a complete investigation again made, at the expense of $25,000, and again the report comes back to Congress that this can be done, that it will reduce the cost of electricity 50 per cent, that it will pay 6 per cent on the invested capital, will pay depreciation and maintenance charges, and return the principal in 30 years, even with that reduction.

Mr. President, inasmuch as Congress once put this into the law, and the only objection made to it was that we should have a fresh investigation, it seems to me now that there ought to be no objection and that there can be no objection to this development.

Mr. KING. Mr. President, the Senator knows that I am sympathetic with the proposition to acquire Great Falls, and to establish a hydroelectric plant there, not only for the benefits the District would derive therefrom, but because I think it would enable the city to obtain an adequate water supply without being subject to claims for damages by the riparian owners of the falls. But the point I want to suggest to the Senator is this: A report, I understand, has just been submitted by some officials of the War Department who have made an investigation. Has the report been submitted to the District Committee? Has any committee of the House or Senate had the report before it and approved of the same with its demands for perhaps twenty-five to fifty millions of dollars?

Mr. NORRIS. No, I will say to the Senator; it has not been submitted to any committee, and let me take that thought up.

Mr. KING. Let me suggest——

Mr. NORRIS. Just let me answer that, and then I will yield to the Senator again.

I want to offer a few observations on that proposition. That is the kind of an objection that was made from year to year to this thing. I proposed this amendment once to a river and harbor bill, and they said, "It can not go on a river and harbor bill, because it is not proper there." I offered it to the sundry civil appropriation bill, and they did not think it was proper there. I offered it to the Army bill, because the Army has to do the work, and after trying it twice and going into it fully it was finally agreed to.

Mr. WADSWORTH. If the Senator from New York has anything to say about it in the future, the Army will not do this work, and this appropriation will not be carried charged to the Army.

Mr. NORRIS. There is some reason in that. I agree with the Senator. But the Army engineers do all this work, and the Senator himself has offered an amendment to the bill to which this amendment is attached by which the Army is going to increase the water supply of the District of Columbia and the city of Washington. This fits right on that provision.

Mr. President, it was referred once to the Committee on the District of Columbia, when we had the other report before us, and that committee referred it to the Commissioners of the District. They promptly recommended the enactment of a law that would carry it out; but there was never anything done about it.

This report is a new report, and I have a copy in my desk, although I had marked what I have read, and some other things, in the advance sheets. I was anxious to do this now so that nobody would come here and say, "Let us get a new report."

Mr. President, the question arises, Are we going to delay this matter again? Suppose this work had been done before the war; what a great advantage it would have been to us. It is going to take 10 years to complete the work. This will only start it. I think it will be done at a good deal less cost than the document says it can be done for. According to the document it will cost over $40,000,000.

But I think that was based on prices of labor and materials some time last year; anyway, when labor and materials were very high. But, taking it at that highest peak, when it was higher than it ever was, or ever will be again, even on those figures we can do it all along the lines I have outlined; and inasmuch as the argument was made before, "All we want to do is see what some Army engineers will say about it; all we want to do is to get another technical opinion on it, and if that agrees with it then it will go through," it seems to me that there ought to be no objection to it now.

I would like to say, Mr. President, that I am compelled to leave the Senate because the Committee on Agriculture is engaged in a very important investigation; and I will ask the Senator from New York to let it go over unless Senators are ready to vote on it now. I would like to be here when it is passed on, but I will not be able to stay in the Senate now.

Mr. KING. Let me ask the Senator one question before he leaves. As I suggested a moment ago, I am in sympathy with the project to acquire the falls, to build a dam, and to establish a hydroelectric plant. But the Senator has already indicated that this project will cost $40,000,000. If the engineers have said $40,000,000, it will be $50,000,000 or more before it is completed.

Mr. NORRIS. Let me correct the Senator. I think the Senator did not hear what I said. These estimates are based on the peak of war prices. I thank the Senator for making that suggestion, because it is important. I would like to say to the Senator that this complete development consists in the building of two or three different dams, and, as they say in their report, as the Senate would see if I had time to read it to the Senate, it will be done by degrees. They will develop one first—probably the one at Chain Bridge first—and they will use that; they will even use the power from that in developing the others. I have forgotten whether they estimate that it will take 5 years or 10, but I think it would depend a good deal on the amount we appropriated; so that it is going to be put up piecemeal, and as fast as one project is completed it can be utilized while they are working on the others.

Mr. KING. The point I desired to make, if the Senator will pardon me, is that we are now asked to commit the Government to a project which the commission reports will cost $44,421,000. Does the Senator think that the Senate or the Government is now ready, upon this, I will say, ex parte report, to embark upon a project that will involve the expenditure of such a tremendous sum? Ought not some committee, say the District Committee, because the District is to be charged with a part of the cost, investigate the report, analyze it, and then make their report to Congress? And if their report is favorable a bill could quickly be offered and the necessary amount appropriated.

Mr. NORRIS. Before I go to the committee meeting let me answer the questions of the Senator from Utah. First, to his question whether the Senate is ready, my answer is that in my judgment it is, or at least it ought to be. This is not a new project. It is not something that has sprung out of the air. Sixteen or seventeen years ago Congress passed an appropriation act providing for the expenditure of $20,000 to investigate the proposition. That was not the only one. It has been investigated by various governmental engineers. They expended that $20,000. They secured one of the greatest hydroelectric engineers in the world, who went over the situation and superintended the investigation. They went completely through it. They made a minute and detailed report, which has never yet been successfully assailed. Nobody has opposed it except the street railway companies and similar institutions which do not want cheap electricity and which are already charging the people of this city and the Government of the United States exorbitant prices for electricity. No one else stands in the way of this development.

Every time the same argument has been made—let somebody else investigate. It has been investigated for 16 years. No Member of the Senate, unless he is an engineer, is competent to know anything about it. I do not profess to know anything about it. I have to rely upon the experts, and for 16 to 20 years the Government experts have been recommending this. It has been recommended oftener than any other proposition that ever came before the Congress, and we are confronted now with the same old proposition—to investigate some more, look into it a little more. There is not a committee of the Senate or of the House that is competent to make an investigation as thorough, as complete, and as comprehensive as the one that is before us now and which has just been printed.

The amendment, if agreed to, ties the Government to the proposition and commits the Government to the development of that power. It does not confine us even to the particular method that is here provided. It is provided that they can modify or change the plans, and they are given the widest latitude.

It does seem to me that if we are going to develop this proposition we ought to do it now. Everyone realizes the difficulty we had during the war in the city of Washington with reference to coal. Everyone knows what we are liable to have next winter. The development of the project will save us 240,000 tons of coal every winter in the city of Washington. When it is fully developed it will give to every citizen in Washington who uses electricity in his house the current at one-half what he is paying now. The Government itself is the largest customer in the District of Columbia for electric power. The project will furnish current that will operate and run all the street cars of the city. It is a sin—a moral sin—that within the shadow of the dome of the Capitol one of the greatest water-power possibilities in the world is going to waste every day while we investigate further and further and further.

Mr. WADSWORTH. May I say to the Senator from Nebraska, I do not know how long he is going to be absent, but some of us have every hope of passing the bill to-day.

Mr. NORRIS. I will say to the Senator that I agreed to meet with the Committee on Agriculture and Forestry at 1 o'clock. If the Senator will put this amendment over and go on with the bill and notify me later when it is taken up, I shall be glad to adjourn operations over there and come back to the floor of the Senate immediately upon notification.

Mr. WADSWORTH. Very well.

Mr. SMITH. May I say to the chairman of the Committee on Agriculture and Forestry [Mr. NORRIS] that there are other members of that committee who are vitally interested in the bill now under investigation before the committee, and who are also interested in the passage of the Army appropriation bill now under consideration on the floor of the Senate? I should like to ask the Senator from Nebraska if it is not possible for him to suspend the very interesting and vital testimony that is being given before his committee now so that those of us who desire to do our part in both the committee and the Senate may have an opportunity to do so?

Mr. NORRIS. Let me say to the Senator from South Carolina that I appreciate that difficulty just as well as he does, and were I not the chairman of the committee I would stay right here and let this bill go on to a finish. I would have been here to-day anyway, but the Senator realizes that we are having hearings before the Committee on Agriculture and Forestry on a very important bill, and people are here from all over the United States to be heard by the committee.

Mr. SMITH. That is the bill to which I am referring.

Mr. NORRIS. If the chairman of the committee absents himself we all know what happens. So I feel morally bound to be with the committee.

Mr. SMITH. The Senator has missed the point of what I asked him. I am a member of the Committee on Agriculture and Forestry, and the hearings being conducted there are very important. I desire very much to be present at those hearings, and I desire to be present during the consideration of the Army appropriation bill here. I was asking the chairman of the Committee on Agriculture and Forestry if he could not suspend the hearings for the day at least on the very important bill pending before the committee now in order that members of the committee can be on the floor of the Senate during the consideration of the Army appropriation bill.

Mr. NORRIS. I understood the Senator's request, but the Senator will understand that when the Army appropriation bill is out of the way there will be pending another bill just as important. I suppose when this bill is finished the so-called packer bill will be brought before the Senate, and it will not be possible for members of the Committee on Agriculture and Forestry then to have hearings on the bill which they are now considering, unless they have them before 12 o'clock noon. The result will be, if we adjourn those hearings for this week, or even for to-day, probably we will adjourn to a time when members of the Agricultural Committee will necessarily have to be on the floor of the Senate, except in the forenoon.

Mr. SMITH. While I am on my feet I wish to state that there ought to be some arrangement with reference to hear-

ings on bills in committee rooms that would not cause them to conflict with the duties of members of the body on the floor during the consideration and passage of vitally important bills. We can not be in both places at once. I wished to make that statement so that I at least may put myself on record as stating that I am going to be on the floor of the Senate whenever a bill of importance is taken up for consideration and passage, and I shall devote the morning hours and such other time as I possibly can to attending committee meetings.

Mr. KING. I think I can state to the chairman of the Committee on Military Affairs that there is no reason why the bill under discussion should not be passed this afternoon. Speaking for myself, I have no desire to delay it.

Mr. WADSWORTH. I am very thankful for that assurance from the Senator from Utah.

Mr. KING. Mr. President, I wish to say just a few words in reply to the Senator from Nebraska [Mr. NORRIS]. I regret very much that he is compelled to leave the Chamber to attend the meeting of the Committee on Agriculture and Forestry.

The Great Falls project is not new to me. May I ask the pardon of the Senate for a personal reference? When I was a Member of the House a few years ago I was charged with the duty of making an investigation of the Great Falls project.

After a rather exhaustive investigation, I reached the conclusion that the Government ought to acquire the riparian rights upon either side of the falls in order that it might ultimately build a hydroelectric plant from which power could be obtained for the city of Washington. Moreover, the District at that time had an inadequate supply of water. It had diverted a portion of the Potomac River above the falls and conveyed it through the conduit to Washington. In so doing, it had diminished the flow of the stream and thus damaged the riparian proprietors. Suit had been brought in the Court of Claims and award made in favor of the owners of the land abutting upon the falls. A proposition was made, by the terms of which the judgment against the Government was to be satisfied and the riparian owners were to waive claims growing out of the action of the Government in taking an additional quantity of water from the river for which compensation had not been awarded in the first suit, and the Government was to obtain all riparian rights. The sum to be paid to the riparian owners was very reasonable.

Unfortunately, the bill reported to the House for the purpose of acquiring these rights was defeated. Ever since that investigation I have believed that the Government should acquire the falls, and by that I mean all lands abutting upon the river necessary for the construction of dams, the building of electrical plants, and so forth.

But the question now before us is somewhat broader. The Senator from Nebraska [Mr. NORRIS] has stated that various investigations have been made. Undoubtedly that is true, but it is manifest that Congress has not been satisfied with investigations, nor has it been willing to make the necessary appropriation to buy the falls and to build dams and electric plants.

As I understand, an engineer has recently submitted a report favoring the building of an electrical plant. This report none of the Senators have had an opportunity to read, so far as I am advised. Indeed, I did not learn of its existence until the Senator from Nebraska took the floor. He has just handed me a voluminous report containing a great many pages of printed matter. I find it here stated that the project will cost more than $44,000,000. That is the engineer's report. Senators do not know the details of the report or the plans suggested. No committee of the Senate or House has had an opportunity to examine the report, nor has any committee reported in favor of its adoption or the expenditure of the large sum which it declares necessary in order to build a hydroelectric plant. The duty rests upon Congress to determine whether this huge appropriation shall be made. While it is true that all Members of the House and the Senate can not examine the details of the report or familiarize themselves with all of its provisions, nevertheless, when we are called upon to embark upon an enterprise that calls for more than $40,000,000 and perhaps $50,000,000 or $60,000,000, opportunity should be given for a full examination of the report and some responsible committee of the House or the Senate should make such an examination so that they can recommend to Congress what course should be pursued in the matter.

As stated, I believe that the Great Falls project should be developed. I should like to see a modern electric plant established and the District obtain the benefits that would accrue therefrom. That the project will be expensive none can deny. The report indicates that fact. To construct the various dams which the report suggests are necessary, and to build a modern electric plant and to install the necessary machinery, will cost, in my opinion, more than the report fixes as the probable cost. However, I am not opposing the building of a plant nor the embarking by the Government upon the enterprise. I am only insisting that before Congress commits itself to this project opportunity should be given to the House and the Senate to determine whether it is ready to adopt this report or some other suitable one, and that some responsible committee of the House or the Senate shall, upon proper investigation, put the seal of their approval upon this or some other plan. Under our legislative system committees are charged with responsible duties. Bills are referred to them, and it is their duty to examine the measures referred to them and to furnish to the House and the Senate all information obtainable and submit an expression of their considered judgment in relation thereto. When we are talking so much of economy it would seem that a project that on its face calls for more than $44,000,000, and will probably cost fifty or sixty millions of dollars, should be the subject of serious consideration by a proper committee of Congress.

Mr. LODGE. Will the Senator from Utah allow me to interrupt him?

Mr. KING. Certainly.

Mr. LODGE. I quite agree that it is for Congress to judge whether we ought to spend this amount of money now or engage in this project now, but as to improving the situation by adding the ignorance of Congress to the knowledge of the engineers, there seems to me to be absolutely nothing to it. Engineers are dispassionate persons. They make a report, and hardly any Senators will read it. Those who do will be just as wise when they come to consider the question again as they are now.

Why is it not just as well for us to get through with this business of investigating and talking about investigations which a committee is not fit to make and ought not to make, and let us decide, which is our province, whether this is the wise time to make the appropriation or not. I am not arguing for either side of the question, but can we not facilitate progress more by deciding the things we are here to decide and that we know enough about to decide?

Mr. KING. The argument which has just been made by the Senator from Massachusetts is, of course, an argument in favor of the appropriation, though the Senator may disclaim it.

Mr. LODGE. By saying that Congress is ignorant?

Mr. KING. By stating that we should decide now whether to embark upon enterprises, because if we adopt the amendment we commit the Government to the policy which is set forth in the report.

Mr. LODGE. I did not urge voting for the amendment.

Mr. KING. No. The Senator speaks about the "ignorance of Congress." I confess to being ignorant upon many matters, and my knowledge of hydraulics and hydroelectric plants, and so forth, is unimportant, but I am not willing to vote now to commit the Government to an enterprise that will cost $44,000,000 or $50,000,000 or $60,000,000 without a committee of Congress investigating the report or having an opportunity to satisfy my own judgment, imperfect as it may be, as to the merits of the report and the feasibility of the plan proposed.

If the matter of entering upon this great enterprise had been referred to a committee of the Senate and it had examined the matter together with the report just referred to by the Senator from Nebraska, I would be inclined to vote in favor of the committee's recommendation. However, when so large a sum is called for, I want to satisfy my own mind that the project is proper and the appropriation should be made.

If the chairman of the Committee on Military Affairs will assure me that his committee has examined this matter; that they approve of it; that the plan proposed by the engineers is the best to be adopted; and that the enterprise should now be entered upon, I shall probably support the proposition.

Mr. WADSWORTH. Of course, the Senate Military Affairs Committee has never examined the matter. Furthermore, it has no jurisdiction over it. It would never come to that committee.

Mr. KING. But there is an amendment concerning the water supply of the District reported to the bill by the Military Affairs Committee of the Senate.

Mr. LODGE. The Water Power Commission have examined the matter.

Mr. WADSWORTH. Let me say to the Senator from Utah that the amendment beginning in line 14, on page 67 of the bill, having to do with the water supply of the District, was put on by the Committee on Military Affairs of the Senate because the proposition had passed both Houses of Congress at the last session as an amendment which had been offered to the Army appropriation bill from the floor by the Senator from West Virginia [Mr. SUTHERLAND]. It was accepted by the House. So

it has once before passed both Houses, and as the Army appropriation bill was the only vehicle by which this proposed survey could be made, looking toward an increase in the water supply of the District, the committee made up its mind that it would yield its technical objection to the matter being carried in the Army appropriation bill and let it once more come before the Senate. The committee, however, has never considered the amendment of the Senator from Nebraska.

Mr. KING. May I ask the Senator from New York whether he, as chairman of a great committee, and his committee are willing to sponsor this proposition and to recommend to the Senate that we should embark upon this project, which commits the Government to an expenditure of at least $44,000,000?

Mr. WADSWORTH. The Senator from Utah asks me a question the answer to which is obvious. I am completely ignorant about the matter.

Mr. KING. Then can the Senator from New York complain if other Senators, ignorant of the report and its recommendations, are unwilling to vote for the amendment of the Senator from Nebraska, which is a commitment to the project and to the appropriation of many millions of dollars?

Mr. WALSH of Montana. Mr. President——

Mr. KING. I yield to the Senator from Montana.

Mr. WALSH of Montana. I am a little surprised to hear Senators stand in their places upon the floor of the Senate and profess ignorance of this plan, either officially or otherwise. The matter has been debated at great length during the brief period of my service in the Senate, I am sure, three different times. On two occasions the whole subject was gone into at great length, when there was an attendance in the Senate very much larger than is customarily present when matters of very great moment are under consideration.

Mr. KING. Will the Senator yield to me in my time?

Mr. WALSH of Montana. Yes.

Mr. KING. A report containing several hundred pages, and which has just been printed, has been handed to me within the past five minutes. It is upon this report that we are expected to act. Is the Senator from Montana willing upon this report now to vote for a project which will cost $44,000,000?

Mr. WALSH of Montana. If this were the first time I had ever heard of such a thing, as the Senator from Utah professes——

Mr. KING. No; I did not so profess.

Mr. WALSH of Montana. I should be entirely unwilling to do so; but a report was made upon this matter eight years ago. It was then very carefully considered by the Senate. Action upon it was postponed, but subsequently it was taken up and further consideration was had of the matter. A year ago the Senator from Nebraska, very commendably, urged action on the matter by the Senate.

I opposed action at that time, insisting that the report was too ancient, that many conditions had interposed since the time that the prior report upon the subject had been submitted, and that because a project might be feasible and practicable if constructed in the year 1912 was no justification for entering upon the project in the year 1920. I, therefore, insisted that action should be taken to get more recent and more up-to-date information concerning it. Accordingly the Water Power Commission was instructed to inquire into the subject. They secured the necessary experts and embarked upon an inquiry. They now make a report to us to the effect that the project is a feasible one, that it is a practicable one, and that Congress ought to enter upon it.

I am not now arguing that we ought to enter upon it; but I am contending, Mr. President, that there is no very great basis for anybody who has followed the course of legislation in this body to urge that he is wholly ignorant on the subject, or if he is, that that affords any particular reason why the Senate, after the matter, to my knowledge, has had elaborate consideration three separate times, should not proceed to act.

I urged a year ago that we ought to get an up-to-date report upon the project. As I said at that time, it had my entire sympathy, but I could not enter upon it as a business proposition without more recent information. We now have that information; we have it secured by the best talent that can be procured. We have the recommendation of the commission that was created for the express purpose of inquiring into matters of this character. Their report is before us. I do not know when the report was printed, but it was made public through the newspapers at least three months ago. Accordingly every opportunity has been afforded to anyone who is interested in the matter, either for or against, to fully acquaint himself with the important and salient points in the pages of the report.

I very sincerely hope, after the consideration that has been given to this subject by the Senate, that it will not again be postponed, but that action will be taken upon it now. I am prepared to vote on the question.

I have always regarded it as a singularly remarkable thing that this great water power, which is in the immediate vicinity of the National Capital, has remained undeveloped, while out on the frontier, in the State of Montana, there can not be found an available power site of similar character that has not already been developed. The Government of the United States and the city of Washington are consuming an enormous amount of electrical energy for their own purposes, not to speak about the lighting of the city and the transportation of cars over the street car lines, and here is an available source of power at our very doors. Why should it not be appropriated by the Government of the United States? If upon the advice of our experts it is a profitable proposition, why should we not take hold of it and develop it?

Mr. DIAL. Mr. President, I heartily concur in what the Senator from Montana has just said. We should, by all means, develop the water powers of the United States. The Senator from Montana has referred to the fact that in his section of the country water powers have been developed on an extensive scale; indeed, I have heard of some places in that region where a pound of coal is not burned in a town, but the power for lighting, heating, and everything else is furnished by electricity. Throughout the South we are developing our water powers. They are reasonably profitable, and we thereby save great quantities of coal.

Last year the matter now under discussion was pending before the Senate for a considerable time. Since then the price of building material has appreciably declined; cement and various commodities which enter into construction have gone down; labor is plentiful now; and I am satisfied that the War Department has on hand considerable machinery, such as trucks, hoisting engines, crushers, and various other machines, which could be well used in aiding construction work of the character proposed.

In the vicinity of Washington there is a demand for a great amount of power, and if the water power at Great Falls could be developed it would save coal and decrease the cost of electricity to consumers in the city. The great advantage, however, that I see growing out of such development would be the example it would set to the people of the United States generally. Visitors come here almost daily from every section of the country. If the plant at Great Falls were constructed, many of them undoubtedly would go there and inspect the development; and when they saw the magnificent results there obtained they would go home and decide to develop the water powers which are found all over the country. I well remember the effect that the first dam I ever saw had upon me. After seeing it, I concluded that I knew of a power site that ought to be developed. We gathered inspiration and we did develop it. There are running now throughout the South hundreds upon hundreds of cotton mills by the use of power generated from water-power sites, and electricity is being used for many purposes. Even in the small town in which I live, a town of 5,000 people, the people are cooking by electricity and are securing from it the most perfect heat that can be obtained.

I repeat that the cost of materials which would be necessary in connection with the development of such a project has declined greatly in the last year and no doubt will continue to decline. Copper is at about as low a price as it ever has been, and so with other necessary articles. I hope the development will be carried forward.

Mr. KING. Mr. President, I make the point of order against the amendment which has been tendered that it has not been estimated for by a standing committee or any committee, and that it increases the appropriation contained in the bill.

Mr. OVERMAN. I hope the Presiding Officer will not rule on that point of order in the absence of the Senator from Nebraska [Mr. NORRIS], who said he would like to be present when it was finally considered. I do not think it is fair and just to decide the point in his absence.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

Mr. WADSWORTH. I ask the Senator from Utah to withdraw his objection.

The PRESIDING OFFICER. After the point has been made, the Chair does not think it can be withdrawn.

Mr. LODGE. No.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Sterling
Ball	Hale	McLean	Sutherland
Borah	Harris	Nicholson	Swanson
Broussard	Harrison	Norris	Townsend
Bursum	Jones, N. Mex.	Oddie	Trammell
Calder	Jones, Wash.	Overman	Underwood
Cameron	Kellogg	Phipps	Wadsworth
Capper	Kenyon	Poindexter	Walsh, Mont.
Curtis	Keyes	Pomerene	Warren
Dial	King	Sheppard	Watson, Ga.
Dillingham	Ladd	Shortridge	Willis
Fernald	La Follette	Simmons	Wolcott
Fletcher	Lenroot	Smith	
Frelinghuysen	Lodge	Smoot	
Gerry	McCormick	Stanley	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. NORRIS. Mr. President, I understand that a point of order has been raised against the pending amendment. Am I correct?

The PRESIDING OFFICER. The Senator is correct. The point of order is that it has not been reported by a standing committee and is not estimated for.

Mr. NORRIS. Mr. President, one rule of parliamentary law that is as old as any system of parliamentary jurisprudence, and to which there is no exception, as far as I have ever heard, is that a point of order will not lie against an amendment to a provision that has the same limitations attached to it that apply to the amendment that is offered. In other words, if a point of order—even assuming it to be good—is made against an amendment to a provision which in itself is likewise subject to a point of order, the Chair must overrule the point of order. As the Chair has stated to me the grounds upon which this point of order is made, the same objections and the same rules will apply to the provision of the bill which I seek to amend by the amendment that I have offered.

The Chair will appreciate, I think, the universal rule—which, while it does not apply directly, illustrates the point—that when a demurrer is filed in court against a pleading, if the pleading against which the demurrer is filed, although subject to the demurrer, is answering another pleading that would be subject to the same difficulty——

The PRESIDING OFFICER. If the Senator will permit the Chair, the Chair would suggest that the amendment to which the Senator has proposed his amendment is reported by a standing committee of the Senate, and therefore comes under the rule that makes in order such provisions.

Mr. NORRIS. Mr. President, if that be true, then an amendment to that committee amendment that is germane is not subject to the point of order. The appropriation is for the same thing. If you will read the language of these two amendments, you will see that to a great extent they are identical. I was careful, in drawing the amendment, to make it identical with the committee amendment just as far as I could. I copied the language of it. They both refer to the same document; they both refer to the same thing; and if one is subject to the point of order, the other one is. The fact that a committee is behind one and an individual Senator is behind the other does not give the one any prestige over the other.

The PRESIDING OFFICER. If the Senator will permit the Chair, paragraph 2 of Rule XX says that the Presiding Officer may submit any question of order for the decision of the Senate; and the Presiding Officer is going to submit this proposition to the Senate to decide whether or not it wants this amendment to go in the bill, notwithstanding the point of order.

Mr. NORRIS. That is perfectly satisfactory.

Mr. LODGE. Mr. President, on the general statement about the point of order, I only want to say this before we pass away from it: I do not think the doctrine can possibly be sustained that because a clause in a bill or an amendment in a bill is in order you can therefore attach to it any kind of other amendment that is not in order. Assuming that this amendment of the committee is in order, that does not make in order anything you choose to attach to it, because that would enable you to attach everything that is out of order to any clause of any bill.

Mr. NORRIS. Mr. President——

Mr. KING. Let me say that of course my point of order relates merely to the amendment offered by the Senator from Nebraska. It does not relate to the committee amendment.

Mr. NORRIS. I understand that, and I am arguing the matter on that theory.

Mr. President, if the Senate holds that the amendment I have offered is out of order, then the logical result of such holding is that a committee can propose any amendment, although if the same amendment were proposed by a Senator it would be subject to a point of order; that when the committee proposes it, it avoids that difficulty.

Mr. LODGE. The rules say so.

Mr. NORRIS. But a committee of the Senate can bring in here an amendment that is subject to a point of order. There is not any question about it. If this amendment changes existing law, the committee amendment does the same thing.

Mr. WADSWORTH. The point of order is not raised on that ground.

Mr. NORRIS. I understand that it is not. I am glad that it is not, because I am in favor of the committee amendment. I believe in it. It ought to be agreed to. I am not opposed to the committee amendment; but, Mr. President, here is an amendment on all fours with it, just like it, coming from absolutely the same source. Their origin is just exactly the same.

Mr. WADSWORTH. The Senator will admit that the legislative channels through which they travel are somewhat different.

Mr. NORRIS. Yes; they are a little different, and that makes me think of the lawyer who was trying a replevin suit before a justice of the peace. The lawyer, on a point of law, cited a replevin suit that seemed, as he thought, to be absolutely on all fours with the one on trial, and to decide the question at issue. The justice, when he came to decide it, said: "This replevin suit is with regard to hogs, and you are trying to fool the court by citing a replevin suit that involves cattle."

It seems to me that that illustration answers this. They are the same, although they do different things. They originate in the same way. The infirmity of one is the infirmity of the other. They are identical, except that one increases the water supply and the other increases the supply of electricity.

Mr. WADSWORTH. What I meant by a difference in channel, if the Senator will allow me, was that one is reported by a standing committee and the other is not.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Nebraska whether his amendment appropriates $200,000 additional to that already contained in the bill?

Mr. NORRIS. Yes.

Mr. LENROOT. It seems to me it is very important that this rule should not be destroyed. There can not be the slightest doubt but that this amendment is out of order under the rule. It does add a new item of appropriation. It is immaterial whether it is in the form of an amendment to an amendment or in the form of an amendment to the bill. It is upon a different subject, adds a new item of $200,000, and is squarely in conflict with the rule, so clearly that there can be no question about it.

The PRESIDING OFFICER. The question is, Will the Senate hold the point of order made by the Senator from Utah [Mr. KING] well taken? [Putting the question.] The noes have it. The amendment is held in order.

Mr. WADSWORTH. I ask for a division. There was scarcely an opportunity for the Senate to know what the question was.

The PRESIDING OFFICER. The Senator from New York asks for a division.

Mr. WADSWORTH. Now, will the Chair state the question? Scarcely a Senator understood it.

Mr. LODGE. I do not think the Senate quite understood the question.

The PRESIDING OFFICER. The Chair said, "Will the Senate hold the point of order well taken?" The Chair heard several "noes," that it would not hold it well taken; but the Senator from New York asks for a division.

On a division, the Senate refused to sustain the point of order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WADSWORTH. Mr. President, I desire to call the attention of the Senator from Utah to the fact that here is $400,000 which is not chargeable to the Army of the United States.

Mr. KING. Let me say that there will be, perhaps, forty or fifty millions of dollars involved, and we will not charge that to the Army, either.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 67, after line 24, to insert:

The War Department is hereby directed to cancel and abandon the claim in the sum of $18,583.44 for United States property issued to the National Guard of Texas and lost, damaged, and destroyed during and immediately after the storm and flood at Corpus Christi, Tex., and surrounding country in September, 1919, the property having been furnished for relief of the civilian population.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. WADSWORTH. Mr. President, at the earnest request of the Secretary of War, I offer the following amendment, to follow line 5, on page 68.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. On page 68, after line 5, insert the following after the amendment last agreed to:

That the Secretary of War is authorized, in his discretion, to pay to Emil Hugli, an attorney of Berne, Switzerland, the sum of $50, compensation for services rendered the United States at the request of an officer of the United States.

The amendment was agreed to.

Mr. WADSWORTH. As part of my remarks I desire to present a letter addressed to me as chairman of the Committee on Military Affairs by the Secretary of War, which describes the incident in which this obligation was incurred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 9, 1921.

The honorable the CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS, UNITED STATES SENATE,
Washington, D. C.

SIR: I have the honor to transmit herewith papers relative to the claim of Emil Hugli, an attorney of Berne, Switzerland, who was employed by Capt. John H. Kiplinger, Field Artillery, judge advocate, on February 5, 1920, in an emergency to assist him in protecting the interests of the United States. The claimant in this case rendered necessary and valuable service to the United States. He acted in good faith and accepted employment on behalf of the United States from an officer of the United States without question as to that officer's authority to bind this Government or whether the officer had or had not complied with our own regulations. The bill as rendered is considered most reasonable for the service, and I regret that there is not at present some way that this case can be paid by administrative officers. The claim as presented is for Swiss francs 255.80, which at the current fluctuations of exchange is between $45 and $50 of American money. Had the officer at Berne cabled the War Department for authority to make this employment, it would have been granted undoubtedly, but the expense of cabling alone would have equaled the cost of the employment.

I therefore submit the papers to you, with a request that there be included in the next appropriation act an item authorizing the Secretary of War to pay to Mr. Emil Hugli, an attorney of Berne, Switzerland, the sum of $50 as compensation for his services rendered the United States at the request of an officer of the United States.

Very respectfully, yours,

JOHN W. WEEKS,
Secretary of War.

Mr. WADSWORTH. Mr. President, on the last page of the bill will be found, in lines 12 to 17, inclusive, subject matter adopted by the House and not changed by the Senate, but the like of which has not appeared in Army appropriation bills before. It reads as follows:

No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

It turns out that that paragraph has caused a good deal of confusion in the minds of men who work in the Government arsenals under the Army. There is no law at present erecting machinery for the fixing of wages in the Army arsenals. There is for the Navy. The statute governing the Navy's procedure provides for a wage board in the Navy Department, and that board finally fixes the wages after holding hearings and making investigations.

Mr. LODGE. I think they have those wage boards in all the navy yards.

Mr. WADSWORTH. Yes; in all the navy yards. The Army, although not commanded to do so by statute, follows a practice very similar to that of the Navy, but does it unofficially. But the practice varies, as I understand it, in different arsenals, and the men employed in the Army arsenals are somewhat at a loss to know just what the effect of this language on page 89 will be in the matter of fixing wages. So I purpose offering an amendment, so that section 2 will read as follows:

No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government, other than those whose pay is adjustable from time to time through wage boards or similar authority, an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

If that amendment is adopted, the matter can be taken up in conference, and if there is any other complication due to this proposal of the House, it can be better understood and resolved.

Mr. SMOOT. Mr. President, I do not think there will be any complication arising through the amendment. The object of the amendment is to relieve the employees of the Army arsenals from receiving pay, as they have in the past, according to the customary amount paid by private individuals or corporations adjacent to the arsenals.

Mr. WADSWORTH. This is only for an hourly wage, and that very thing is done now in the arsenals by authority similar to the Navy wage boards. It is to maintain the present situation that this amendment is proposed, not to change it.

Mr. SMOOT. I think more than likely it would maintain the present scale of wages paid, and that is what the employees are after. They were satisfied when wages in private yards were mounting very rapidly on account of the war, and their wages were ascending in the same way. Now that the wages paid by private concerns and corporations outside are decreasing, the employees do not want to follow down. They were perfectly willing to accept the increases, but they do not want to follow the decreases.

Mr. LODGE. Mr. President, I know something about the wage boards in the navy yards, and I know they have made large reductions in the rates of wages, but the arsenals I do not know about. I know that in the navy yards they have brought the wages down. I think it is only proper that those wage boards should exist. I think they work well. But I do not see why a man should be subjected to two systems.

Mr. SMOOT. I will say to the Senator that if the wages have been decreased——

Mr. LODGE. They have in the Navy. I am not speaking about the Army.

Mr. SMOOT. If the wages have been brought down in the Navy, then the reports that were made to us at the time we had the appropriation bill up for consideration, in which the claims for increases in salary, the Senator will remember, were brought before the Senate, were not correct. The Senate disagreed to the amendment which the representative of the employees of the navy yards asked for, and after that was disagreed to——

Mr. LODGE. That was a different proposition.

Mr. SMOOT. Mr. Alifas came to my office and said, "Nothing can be done to cover the provisions of the amendment. The wage board will not meet until October,"—or November; I forget which he said—"and therefore they can not pass upon the wages." I said to Mr. Alifas, "Do you want the wage board called together before the 1st of October, or the 1st of November, to pass upon this question?" He said, "No." He did not want it, because he knew that when the wage board met they would reduce the wages.

Mr. LODGE. They have reduced them. That was a proposition to take them out from under the wage board, and the amendment of the Senator from New York is a proposition to put them under the wage board.

Mr. SMOOT. They are under the wage board now.

Mr. LODGE. No; they are not.

Mr. WADSWORTH. Unofficially in the Army; there is no statute on it.

Mr. LODGE. That is just it.

Mr. WADSWORTH. They operate very much the same as the Navy wage boards, but they are not commanded to do so by statute, as they are in the Navy. I will state the situation in the Army as I understand it.

Mr. SMOOT. Let me see the amendment.

Mr. WADSWORTH. I ask the Senator to listen for just a moment. The House language provides that the wages shall be the same as those paid by private enterprises in the same locality. It so happens that there are one or two Army establishments situated out in the open country employing skilled mechanics, where there are no such wages existing in the same locality; there is no locality about there where skilled mechanics' wages are paid, and if the House language goes in the wages of all the skilled machinists and mechanics in an Army institution which is not situated next to a city where there are similar private undertakings will be reduced, they fear, very, very heavily in order to meet the prevailing wage scale of the locality for the employment nearest approaching that of a skilled machinist.

My amendment provides that the Army authorities may continue to do, with the sanction of law, as it were, what they do to-day. They fix by authority the wages of skilled machinists in Army institutions to conform as near as possible with the wages of machinists employed at the nearest point where similar employees are paid. In other words, there will have to be little adjustments of that kind and little compromises, because sometimes you find an Army institution established in a

place where there are no skilled machinists; and yet the House language says that they must be the same as in that locality. That is the point.

Mr. SMOOT. I want to call the Senator's attention to the House provision, and read it, and then the proposed amendment and the words inserted into that amendment making the change. The House provision reads:

No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

That is the way the House provision reads. The Senator's proposed amendment would insert these words:

Other than those whose pay is adjustable from time to time through wage boards or similar authority.

Mr. WADSWORTH. Yes; that is just it. That is what they are doing now unofficially, and if that amendment is not adopted the House language will stop that. You take the Picatinny Arsenal, in New Jersey. I do not see either of the Senators from New Jersey here, but I think it fair to say that it is up in the back hills of New Jersey. That locality does not employ anything like the character of skilled workingmen that this arsenal employs. Under the House language they will have to be reduced to the level of the wages of the village tinsmith.

Mr. SMOOT. Of course, we know that never would be allowed in the Army or the Navy.

Mr. WADSWORTH. It would be under that language; it is mandatory.

Mr. LODGE. It would be under that language.

Mr. SMOOT. It never has been done in the past.

Mr. WADSWORTH. That language compels it.

Mr. SMOOT. Whenever there is an amendment of this kind proposed in the Senate affecting the Army or the Navy it seems to me there is always something back of it, that there is going to be an increase rather than a decrease. This may be all right, Mr. President, and I will not object to its going into the bill, but I want to look it up between now and the time the bill goes to conference.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from New York.

The READING CLERK. On page 89 strike out section 2 as it appears in the House print and insert the following:

No part of the moneys appropriated in this act shall be used for paying any civilian employee of the United States Government, other than those whose pay is adjustable from time to time through wage boards or similar authority, an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, I offer the following amendment, to be added at the end of the bill, and to avoid difficulty in reading it, I will read it myself:

The restriction in section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by the act approved May 27, 1910, prohibiting the sale or exchange of Territorial lands in excess of 40 acres in area and $5,000 in value is hereby amended by adding thereto the following:

"*Provided*, That this restriction shall not apply to the exchange of lands between the Territory and the United States of America or conveyance by the Territory to the United States of land for military or naval purposes."

In explanation of the amendment, I will say that under the act of May 27, 1910, amending the act for the government of the Territory of Hawaii, the following language was contained:

No sale of land for other than homestead purposes, except as herein provided, and no exchange by which the Territory shall convey lands exceeding either 40 acres in area or $5,000 in value shall be made.

In the Navy appropriation act of June 4, 1920, there was the following provision:

The Secretary of the Navy is hereby authorized to exchange certain land now a part of the naval-station property at Honolulu, Hawaii, necessary for the extension of Punchbowl Street, city of Honolulu, through the naval station, for certain land now owned or to be acquired by the Territory of Hawaii, lying to the northeast of the naval station, Pearl Harbor, Hawaii, and containing 132 acres, more or less, required for naval purposes.

It would seem to me that the act which I have just read, being a specific act, authorizing the exchange of certain lands, would invalidate it, notwithstanding the general limitation in the earlier act, which I have previously read. But it was held by the attorney general of Hawaii that the provisions of the naval act to which I have just referred for the conveyance to the United States of 132 acres of land could not be carried out because of the limitation to 40 acres of land, not exceeding $5,000 in value, in the act of 1910.

The amendment which I have offered applies equally to the Army and the Navy, both of them having establishments in the Hawaiian Islands, and it is submitted at the request of the Secretary of the Navy in order to meet the difficulty which I have just stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. LODGE. Mr. President, I desire to offer an amendment, with reference to which I should like to have a statement from the chairman of the committee. I was asked by the Postmaster General to submit it. On page 34, in line 17, after the word "Army," I move to insert the following additional proviso:

And provided further, That the Secretary of War is authorized and directed to dispose of, by transfer to the Post Office Department for use in the Postal Service, such number, not exceeding 2,000, of three-quarter-ton motor trucks as in the judgment of the Secretary are not necessary for the use of the Army.

I should be glad to have the chairman of the committee give me information in reference to the matter. It seems to be a reasonable request, if the motors are there.

Mr. WADSWORTH. Mr. President, that brings up the whole question of further distribution of motor vehicles by the Army to other departments of the Government free of charge. I can state to the Senate the figures furnished by the Secretary of War within the last three weeks to the Committee on Military Affairs, showing what the Army has on hand, and I will read a portion of the statement furnished to the committee:

On October 30, 1920, instructions were issued directing that the number of motor vehicles of all types, including trailers, to be retained for the Army should aggregate 30,000.

Let me interpolate that motor vehicles of all types include motor trucks of all sizes, heavy and light, passenger-carrying automobiles, motor cycles, and side cars.

This figure will enable the War Department to actually equip the organizations of the Army; to provide for the upkeep of camps, posts, and other stations; and to establish a small reserve for the equipment of certain corps and Army troops in the event that tactical units higher than divisions should be organized.

I may again interpolate that there should be included a statement to the effect that the National Guard must also be equipped as the units of the guard are accepted and federalized. Continuing:

This reserve, however, will not be maintained for the above purpose only, but out of it all replacement will be met. The distribution of 30,000 vehicles to be retained—which includes motor cycles and chassis—is as follows: Equipment of tactical units, 10,088; posts, camps, etc., 12,838; replacement and maintenance, 7,074; total, 30,000.

That was the number ordered by the Secretary of War to be set aside on last October 30 of every conceivable kind of motor vehicle, plus trailers. Continuing:

Referring particularly to the two types covered by the provisions under consideration—

That is, trucks and passenger cars—

the total retention included 19,652 trucks and 4,245 passenger cars. Of these two types there were on hand December 31, 1920, 24,997 trucks and 3,974 passenger cars. A large part of this equipment, however, was unserviceable or nonstandard. Such of it as fell in either class was declared surplus and is now being disposed of, with the result that there is actually now a deficit of 1,505 trucks and 487 passenger cars.

That is the situation of the War Department to-day with respect to motor trucks and passenger cars.

Mr. OVERMAN. What do they mean by a deficit?

Mr. WADSWORTH. They are short that number.

Mr. OVERMAN. Short of what?

Mr. WADSWORTH. Of the requirements for an army of 175,000 men.

Mr. DIAL. If they are short that many, I should like to have the Senator explain this situation to me: I went down to Camp Holabird last Saturday. There they have a great number of trucks. I do not know how many there were, but if strung out in a row it would be a mile or more in length. I was told that they were brought there before the armistice and had been there ever since—new trucks that had never been used.

Mr. WADSWORTH. I have been to Camp Holabird myself. I have seen the park of trucks, or at least a great park of trucks there, and I was informed at the time of my visit that those trucks belong to the Department of Agriculture.

Mr. President, I am going a little further into this matter. I may be utterly alone in my opinion, but this debauch of the free distribution of Government property has gone far enough. I can well understand the appetite that is aroused in a State highway commissioner when he understands that the War Department owns a lot of trucks and that there is a law upon the statute books passed by Congress authorizing the Secretary of War to turn over those trucks to the Department of Agriculture free of charge to be given to the States.

Mr. WALSH of Montana. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Montana.

Mr. WALSH of Montana. I have before me the chart prepared by the Department of War showing the number of trucks on October 31, 1920, referred to by the Senator from New York. I also have a compilation made by the Department of Agriculture from that chart, from which it appears that there were on hand October 31, 1920, 41,529 motor vehicles; that there were then estimated by the department to be necessary for an Army of 250,000 men, including the National Guard and the Reserve Officers' Training Corps, 26,544.

Mr. WADSWORTH. Twenty-six thousand five hundred and forty-four what?

Mr. WALSH of Montana. Vehicles of all kinds.

Mr. WADSWORTH. What was the date of the estimate?

Mr. WALSH of Montana. October 31, 1920.

Mr. WADSWORTH. That is wrong, because the date of my statement is October 30, 1920, and the total number of motor vehicles of all kinds was then authorized at 30,000.

Mr. WALSH of Montana. Forty-one thousand five hundred and twenty-nine this table shows.

Mr. WADSWORTH. From where does the Senator derive that table?

Mr. WALSH of Montana. I got this from the Department of Agriculture——

Mr. WADSWORTH. I thought so.

Mr. WALSH of Montana. Wait a moment. The compiler asserts that the facts and figures are taken from chart No. 188, compiled by the War Department, showing the motor vehicles of all kinds then under the control of the War Department. I have the chart before me. If that is the case, there would seem to be widely differing information.

Mr. WADSWORTH. The Agricultural Department attempts to inform the Senate what the War Department ordered on October 30, 1920, in the matter of the retention of trucks——

Mr. WALSH of Montana. But the Agricultural Department——

Mr. WADSWORTH. Just a moment. The Secretary of War and Chief of Staff present this statement showing exactly what they did order on that day, and they are the officials who put out the order, and it shows that they ordered retained 11,000 fewer trucks than somebody in the Department of Agriculture says they ordered.

Mr. WALSH of Montana. I do not understand that.

Mr. WADSWORTH. The Senator has just stated that according to an official in the Department of Agriculture the War Department ordered retained 41,000 motor vehicles.

Mr. WALSH of Montana. No; the Senator has misunderstood my statement. I said the schedule shows that the total number of vehicles of all kinds on hand in the War Department was 41,525——

Mr. WADSWORTH. Oh, yes.

Mr. WALSH of Montana. And the War Department estimates that there were requisites for an Army of 230,000 men 26,544 vehicles of all kinds, leaving——

Mr. WADSWORTH. That last does not agree with the figures of the War Department itself.

Mr. WALSH of Montana. I have the War Department figures here.

Mr. BORAH. The Senator from Montana is quoting the War Department figures.

Mr. WADSWORTH. I think he is not quoting from the War Department on that last phase of it.

Mr. BORAH. That is what the Senator said. I do not know.

Mr. DIAL. Mr. President——

Mr. WADSWORTH. I should like to continue with my statement. I was about to state what has been going on——

Mr. WALSH of Montana. May I give the Senator further information with respect to this matter?

Mr. WADSWORTH. Yes.

Mr. WALSH of Montana. I should say that distribution has been made between October 31, 1920, and the 1st day of February, 1921, so that the 41,529 cars were reduced 34,463. On February 1, 1921, the War Department declared they had on hand, over and above the amount estimated as necessary for an Army of 250,000 men, a surplus of 7,066. Accordingly, if we are going to reduce the Army to 170,000 or 150,000, the acceptance of the pending amendment for the distribution of 10,000 more cars would seem to be quite reasonable.

Mr. WADSWORTH. I had hoped to make this a continuous statement so as to tell the story properly, but it seems impossible. I am perfectly good-natured about it, because I know it is the habit of all of us in the Senate to interrupt in that way.

The bill provides for the disposal of 10,000 trucks and 2,000 automobiles by sale. Something over 6,000 of them have already been sold. I will say that the bill provides for the sale of 10,000 dating from last January 1, and that the 10,000 shall be sold in the first six months of the year.

There are nearly 4,000 left to be sold under the provisions of the bill. They are junk. They are not serviceable. They are worn out. The representatives of the Department of the Interior have attended some of the sales and have been unable, so one of the representatives of the department himself told me, to find a car that was worth buying, repairing, and putting into use. The Department of Agriculture representative has told me the same thing. They have been going about and watching some of the sales. The cars which the War Department have left and which this bill commands them to get rid of are not worth anything for active service unless a considerable amount of money is spent in putting them into repair again. But we do not find the Department of Agriculture or the Postmaster General or the Department of the Interior or the Public Health Service offering to buy a third-rate car and spend money on it and put it in repair. They want to take a car out of the stock of the War Department, a brand new car assigned for the use of the War Department, and get it for nothing and make the War Department keep the old cars.

That has been going on here for the last two or three months, and the drive in its influences has ramifications all over the country. All they have to do is to "press the button" and people interested in the building of good roads wire to Representatives and to Senators urging that the Secretary of War be directed—not authorized, but directed—to turn over more trucks from the War Department.

Mr. OVERMAN. Where do they get this information? I have had two or three letters and have written back that there are no motor vehicles available, and yet they write me that their information is that they are here and are not being used; that there are good trucks and good automobiles which may be had. They get the information somewhere, but it is misinformation.

Mr. LODGE. It is misinformation.

Mr. WADSWORTH. It is the easiest kind of alleged information to distribute.

Mr. LODGE. They get it from the Department of Agriculture.

Mr. OVERMAN. That is what I want to know. I want to write back and tell my correspondents the facts.

Mr. BORAH. I am not interested in the Department of Agriculture; but is there a department here which is engaged in sending out absolutely false information?

Mr. OVERMAN. That is what I am inquiring about.

Mr. WADSWORTH. They do not send it out officially.

Mr. BORAH. They are just as crooked if they send it out unofficially as information from the department.

Mr. WADSWORTH. For example, I heard yesterday from the officer of the War Department who has supplied the figures to Representative MACGREGOR, who has made a study of this thing and who stands aghast at the waste of public money which has been going on by this free distribution, that the Post Office Department to-day has 800 trucks stored at Relay, Md., and yet it is asking for 2,000 more. Perhaps the Postmaster General does not know that.

Mr. BORAH. I can understand the appetite of the department, because I have been here for 14 years, and I know their appetites are all alike.

Mr. WADSWORTH. The whole thing is a question of appetite.

Mr. BORAH. But I do not understand how a department of the Government would send out false information. I am somewhat interested in it, because this information has come back to me as it has to others, and I am simply waiting for developments here to see where we are. But if people in the various States are being informed by a department of the Government here that certain facts are so when they are not so, that is a thing which I should like to know.

Mr. WADSWORTH. I do not state that a department of the Government is doing that or that any high responsible officer is doing it, but the rumor was started by some one, "You can get more trucks if you can get the Senate to direct the Secretary of War to give them to you," and that "the trucks are in such and such a place near your home city or the capital of your State." That is what is going on. Now, I am going to read to the Senate a newspaper dispatch from Texas.

Mr. LODGE. If the Senator will permit me, I desire to say that I am not going to press the amendment which I have suggested. I withdraw the amendment.

Mr. WADSWORTH. This dispatch is from Austin, Tex., and is headed:

WAR EQUIPMENT WILL BE SOLD AT CAMP MABRY—OF MANY AND VARIED KINDS, BUT STATE DOUBTS IF SALE PAYS FREIGHT RATES.

AUSTIN, TEX., *April 22.*

An unusual sale is to occur at Camp Mabry, May 3, when the State board of control—

That is, of Texas—

sells a large amount of war equipment which was given the State highway commission by the Federal Government. It is estimated that the freight will amount to more than the equipment will bring at sale. "The State was required to pay the freight, which amounted to $21,000," said A. R. Johnsen, of the board of control, who will have charge of the sale.

Now, listen!

Thirty-five motor trucks, representing 11 different makes and ranging from 1 to 3 tons capacity, are to be sold; also 15,000 rolls of barbed wire, which were to have been used for entanglements at the front. Among other things to be sold are two 36-gauge steam locomotives and tenders, two 24-gauge gas locomotives, 12,000 fence posts, 600 escort wagons and parts, 300 folding lanterns, 3 mine-sinking pumps, two flat cars, three 15-ton trailers, sixteen 36-gauge trucks, three 15-ton Holt tractors, three concrete mixers, 950 "pieces elephant shelters."

Mr. BORAH. What are those?

Mr. WADSWORTH. I can not advise the Senator. The article continues:

Eleven water carts; 5 boxes hoisting-engine parts; 2 locomotive cabs; 32 flat cars, 36 gauge; 2 steam locomotive tenders; and 4 trailer tops.

All of this material, according to the statement, delivered through the channel of the Department of Agriculture from the stores of the War Department free of charge, is to be sold by the State for road-building purposes.

Mr. President, I think we had better call a halt on the free distribution of any more material. I sympathize with the House of Representatives in the provision which they have put into this bill that whatever surplus trucks there are now—and we fix a minimum which shall be sold—shall be sold for cash and the money turned into the Treasury of the United States.

Now, I want to state how many trucks have been distributed to the States, so that we may ascertain if it is conceivable that any of the States actually need new trucks. By the way, the State of New Jersey sold eight Pierce-Arrow trucks the other day for $390 apiece.

Mr. BORAH. That sounds like a battleship sale.

Mr. WADSWORTH. The paper from which I am about to read is a "Statement of all motor vehicles transferred from War Department surplus to the Department of Agriculture, showing allocation by States as nearly as can be determined from records available":

	Passenger.	Light delivery trucks, class AA.	Ambulances.	1 to 2 ton trucks, class A.	3 to 5½ ton trucks, class B.	Motor cycles.	Bicycles.	Total.
Alabama	44	4	8	134	275	.....	.....	465
Arizona	20	.....	8	90	106	3	.....	227
Arkansas	33	6	7	283	205	.....	.....	534
California	89	34	21	459	315	.....	.....	918
Colorado	65	37	.....	213	175	.....	.....	490

It is conceded that the State of Arkansas has wasted that property outrageously——

Mr. PHIPPS. Mr. President, will the Senator kindly inform us the date of the statement from which he is reading?

Mr. WADSWORTH. June 4, 1921.

Mr. PHIPPS. I thank the Senator.

Mr. WADSWORTH. The statement comes from the officer of the War Department who has charge of the matter of turning over these motor vehicles to the Department of Agriculture.

Mr. STERLING. Mr. President——

Mr. WADSWORTH. I should like to make a continuous statement of this matter, if Senators will please refrain from interrupting me until I conclude.

Mr. STERLING. I will not interrupt the Senator.

Mr. WADSWORTH. These figures may vary a little from the actual accurate figures.

Mr. STERLING. They vary considerably from a statement here which purports to be the statement of the Bureau of Public Roads of the Department of Agriculture.

Mr. WADSWORTH. Yes; there will be found quite a number of variances; but the Bureau of Public Roads, may I indicate to the Senator, when this movement was first started not only announced to the States that these motor vehicles were going to be at their disposal but even canned food. That bureau will start anything. I continue the list showing the number of motor vehicles which have been distributed to the various States:

	Passenger.	Light delivery trucks, class AA.	Ambulances.	1 to 2 ton trucks, class A.	3 to 5½ ton trucks, class B.	Motor cycles.	Bicycles.	Total.
Connecticut	13	8	4	51	92	1	.....	169
Delaware	5	1	5	15	13	.....	.....	39
Florida	29	15	4	68	106	3	.....	225
Georgia	86	16	10	155	305	.....	.....	572
Idaho	18	6	7	81	40	3	.....	155
Illinois	81	41	23	223	247	.....	.....	615
Indiana	57	48	33	167	436	.....	.....	741
Iowa	40	13	13	166	150	.....	.....	382
Kansas	35	8	20	125	58	.....	.....	246
Kentucky	29	4	9	130	166	.....	.....	338
Louisiana	31	11	5	106	122	.....	.....	275
Maine	19	15	8	34	73	.....	.....	149
Maryland	15	6	12	29	106	.....	.....	168
Massachusetts	24	19	8	44	100	.....	.....	195
Michigan	50	29	12	179	296	.....	.....	566
Minnesota	15	21	74	152	273	.....	.....	535
Mississippi	34	26	8	138	162	.....	.....	378
Missouri	52	.....	21	173	285	.....	.....	531
Montana	21	20	24	178	189	.....	.....	432
Nebraska	33	12	28	96	107	.....	.....	276
Nevada	20	5	.....	66	105	.....	.....	196
New Hampshire	10	18	8	14	40	.....	.....	90
New Jersey	47	29	16	42	99	.....	.....	233
New Mexico	29	41	.....	82	103	.....	.....	255
New York	126	59	29	201	609	.....	.....	1,024
North Carolina	63	11	8	147	206	.....	.....	435
North Dakota	19	25	.....	40	118	.....	.....	202
Ohio	77	28	22	124	369	.....	.....	620
Oklahoma	35	11	.....	113	247	.....	.....	406

Mr. STERLING. Mr. President, will the Senator state whether he is reading now the number allotted to each State or the number actually delivered?

Mr. WADSWORTH. The number turned over to the Department of Agriculture for allotment, according to these figures, in the aggregate the several States, being the best figures that the War Department can produce from the last available operations.

Mr. OVERMAN. Have they actually been delivered to the States?

Mr. WADSWORTH. The overwhelming majority have; there are still some in the course of delivery, but the ones enumerated have been turned over; and, mind you, the War Department knows where they are shipped; it knows the allocation, because they have been taken out of the War Department stores.

Mr. FLETCHER. On what basis is the allocation made?

Mr. WADSWORTH. The allocation has been made many times during the last 18 months.

Mr. FLETCHER. I understand that; but what is the basis of the apportionment? Is there any basis for it at all, or are the motor vehicles granted on request?

Mr. WADSWORTH. On request from the Department of Agriculture.

Mr. STERLING. Are they not allocated upon the basis of the road mileage in the several States?

Mr. WADSWORTH. Yes; that is true; but the request is made of the War Department by the Department of Agriculture, and that is all the War Department knows about it; they have no control over the distribution.

To resume the figures where I left off, as to the number of vehicles distributed to the various States:

	Passenger.	Light delivery trucks, class AA.	Ambulance.	1 to 2 ton trucks, class A.	3 to 5½ ton trucks, class B.	Motor cycles.	Bicycles.	Total.
Oregon	52	8	.....	32	188	.....	.....	280
Pennsylvania	88	43	36	223	657	.....	.....	1,047
Rhode Island	3	.....	4	3	35	1	.....	46
South Carolina	30	7	5	120	80	.....	.....	242
South Dakota	25	8	10	129	85	.....	.....	257
Tennessee	29	13	10	162	105	.....	.....	319
Texas	112	57	1	469	288	.....	.....	927
Utah	28	31	11	124	65	4	.....	263
Vermont	8	3	4	16	18	.....	.....	49
Virginia	46	30	15	160	387	.....	.....	638
Washington	15	16	8	97	134	.....	.....	270
West Virginia	18	5	9	77	62	3	.....	174
Wisconsin	38	12	10	163	107	.....	.....	330
Wyoming	7	6	.....	79	121	3	.....	216
Washington, D. C.	87	15	9	65	94	.....	.....	270
Unknown	160	231	326	2,034	4,382	704	176	8,013
Total	2,120	1,112	913	8,271	13,106	725	176	26,423

Mr. President, in this connection I ask to have printed in the RECORD a table showing motor vehicle spare parts turned over to the Agricultural and other departments.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Chart showing each class of motor vehicle spare parts turned over to the Department of Agriculture and other departments, including the value and approximate period for which the spare parts will provide maintenance for stated number of vehicles.

Name and type of vehicle.	Approximate period for which spare parts were supplied.	Value of spare parts.
Nash Quad 3-ton	1 year's maintenance for 3,650 vehicles.	$1,368,750
Heavy aviation 3-ton	1 year's maintenance for 2,000 vehicles.	790,000
Packard 3-ton	1 year's maintenance for 2,000 vehicles.	750,000
Peerless 3-ton	1 year's maintenance for 500 vehicles.	150,000
Republic 3½-ton	1 year's maintenance for 500 vehicles.	162,500
Moreland 2-ton	1 year's maintenance for 135 vehicles.	37,800
Kelly-Springfield 1½ to 2 ton	1 year's maintenance for 400 vehicles.	128,000
Selden 3½-ton	1 year's maintenance for 125 vehicles.	43,725
White 3-ton	1 year's maintenance for 1,000 vehicles.	350,000
Gram-Bernstein 3-ton	1 year's maintenance for 500 vehicles.	205,000
Federal 3-ton	1 year's maintenance for 300 vehicles.	96,000
Hurlburt 5-ton	2 years' maintenance for 100 vehicles.	68,000
White 5-ton	2 years' maintenance for 150 vehicles.	90,000
Federal 5-ton	1 year's maintenance for 150 vehicles.	48,750
Pierce-Arrow 5-ton	2 years' maintenance for 100 vehicles.	65,000
Packard 5-ton	2 years' maintenance for 426 vehicles.	296,800
Kelly-Springfield 3½-ton	1 year's maintenance for 600 vehicles.	225,000
Pierce-Arrow 2-ton	1 year's maintenance for 800 vehicles.	240,000
Commerce	1 year's maintenance for 600 vehicles.	120,000
EMC model 23 ambulance	2 years' maintenance for 500 ambulances	125,000
Light aviation	2 years' maintenance for 1,200 vehicles.	636,000
Ford ambulance, touring, light delivery.	1 year's maintenance for 6,000 vehicles.	709,000
Cleveland motorcycle	1 year's maintenance for 190 vehicles.	12,415
Indian motorcycle	1 year's maintenance for 1,378 vehicles.	275,600
Miscellaneous trailer parts	2 years' maintenance for 100 vehicles.	15,000
Solid tires (casings, tubes), various sizes.		272,395
Total		7,271,735

Mr. WADSWORTH. Mr. President, there have been 9,000 motor vehicles turned over to the Post Office Department, and yet they want more. To state the figures proves that they can not need more, if, indeed, they have taken any care of the trucks that have been turned over. This old Santa Claus of a War Department, against which everybody is making a drive on account of its extravagance, has turned over to other departments without charging them one cent, and without getting a particle of credit for the transfer, over $130,000,000 worth of property, including altogether 37,000 motor vehicles. The Postmaster General blithely asks for 2,000 more, and there is a scheme on foot to get a thousand or two thousand more tractors. The Senate, over my protest, as will be recalled, attached an amendment to the fortifications bill during the last session directing that 1,250 brand new tractors be turned over to the States. I have information which is not official and I can not vouch for its accuracy, but it is to the effect that at least one of the States is renting the tractors and pocketing the money.

Mr. TOWNSEND. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. TOWNSEND. Unfortunately, I have not been here to listen to all that has been said, and I do not care to have the Senator go over it again; but I should like to ask him whether there has been a survey of the trucks and automobiles owned by the War Department for the purpose of determining how many we have?

Mr. WADSWORTH. The War Department have given out their official figures as to exactly how many they have on hand.

Mr. TOWNSEND. The reason why I ask that question is because not a great while ago a representative from Camp Bragg, an employee of the War Department, who had been there for some years, informed me that in that camp alone there were literally acres of automobiles standing out in the fields unprotected. I sent him to the Secretary of War after making an appointment with the Secretary, and he conveyed that information to him. I have been led to believe that the War Department does not know how much of this material we have on hand, scattered over this country in various camps to-day; and I am more interested in knowing what we have on hand right now than anything else in order that we can act intelligently upon its distribution. I think we all agree that none of this material that could be used ought to be left out exposed to the elements to be destroyed. If it can be used on highways, in the Post Office Department, or elsewhere, it should be used.

As I say, I confess that I have not been able to follow the debate. I am interested in what the Senator has stated as to the allocation of certain automobiles and trucks; but I am still wondering if the War Department knows what number of trucks and automobiles that this Government has paid for are now scattered somewhere throughout the United States.

Mr. WADSWORTH. Mr. President, the Military Affairs Committees of the House and of the Senate have been discussing and examining this thing for over a year. At every set of hearings we have had on appropriation bills, and sometimes on other bills, we have questioned the authorities of the War Department most closely and severely as to the actual facts; and I have laid before the Senate this morning the last figures concerning motor trucks and motor vehicles now in the hands of the War Department, owned by it.

I desire, for the purpose of the RECORD, to put in some more figures.

A moment ago I understated the number of motor vehicles of all types turned over by the War Department to other departments. I think I said it was 37,000. The figures furnished me, which I had not looked at closely enough, tell me that it is 48,019. Here is the way they run:

Department of Agriculture, 26,985.

Post Office Department, 8,259. I was a little in error when I said "9,000" a moment ago; it is 8,259.

Public Health Service, 1,559.

Thirty-nine were sold to the War Camp Community. Eight were sold to the Food Administration. What the Food Administration has done with them, or what the War Camp Community has done with them, we do not know.

The superintendent of the State, War, and Navy Building got two. They were sold to him.

One was sold to the Department of Labor, 3 to the Reserve Officers' Training Corps, and 10 to the Department of Commerce.

Then for river and harbor work the department turned over, free of charge, 299 trucks or motor vehicles.

To the House of Representatives and the Senate, and so forth, 20.

To the Commissioners of the District of Columbia three were sold.

Mr. BORAH. Mr. President, are these trucks or automobiles?

Mr. WADSWORTH. These are motor vehicles.

One hundred and thirty-seven were turned over, free of charge, to the Interior Department; 6 to the Treasury Department; 13 were sold to the Housing Corporation, 1,263 were turned over to the Navy and Marine Corps, of which 539 were paid for by the Navy, the rest being given.

I submit that the War Department has supported these people long enough; and if there are to be any more transfers—and I can not conceive that there should be, in view of the fact that they are already 1,500 trucks short—let the money pass, and let these departments show what they are getting in the way of Government property. Although it may not be a popular attitude to take, I, for one, am opposed to any further free distribution to the States. They have had 26,000 motor vehicles in 18 months' time. If there are any more that are serviceable—and I can not believe it—let them be sold, and let the money go into the Treasury. That is what the bill proposes.

I have an understanding with the Senator from Colorado [Mr. PHIPPS] that he is to offer an amendment which will give the Secretary of War the alternative of selling these 10,000 trucks or of turning over not more than one-half of them to the Department of Agriculture in accordance with the provisions of existing law. That amendment was part of the conference report on the Army appropriation bill passed at the last session of Congress and adopted by both Houses. It was a compromise between the Senate and the House, the House conferees fighting almost to the bitter end against any further transfers free of charge to the Department of Agriculture or any other department. The more I have studied this thing, the more I am inclined to side with the House in their contention.

Mr. KING. Mr. President, why does the Senator yield to the proposed amendment of the Senator from Colorado?

Mr. WADSWORTH. I will tell the Senator why. I will be perfectly frank about it. None of these trucks will be turned over to the States, because they are junk. The States will not accept them; but they will not believe it, and the only way to teach them is to let them go and see them.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to add, at the end of the bill, the following paragraph:

That the President of the Senate and the Speaker of the House of Representatives shall appoint a committee, to consist of not less than three Members of the Senate and three Members of the House of Representatives, and that such committee shall inspect once during each fiscal year not less than two of the general and special service schools of the Army.

Mr. HARRIS. Mr. President, I have only this to say: Every year a committee of Congress is sent to the Military Academy and the Naval Academy. Not more than half the Army officers are graduates of the Military Academy. The Army service schools are attended by all the officers, those who are not graduates as well as those who are graduates of the Military Academy; and no committees of Congress ever inspect those service schools. This amendment is to require that every year at least two of these schools shall be inspected by committees of Congress.

I know, Mr. President, that it is a great inconvenience for Senators to leave their official business here and visit these institutions, but the work they are doing at these service schools for the Army is very important, and committees from Congress should make inspection of their work and report their findings.

Mr. WADSWORTH. Mr. President, I am heartily in favor of having Members of the Congress visit the Army service schools and the cantonments and camps and arsenals, and under ordinary circumstances I should lend every bit of encouragement I could to it. I gather, however, that if this amendment becomes a law the committees visiting these schools will have all their expenses paid out of the contingent fund of the Senate. This is the day of economy, and I think I had better raise a point of order against the amendment.

The VICE PRESIDENT. Will the Senator state his point of order?

Mr. WADSWORTH. It is legislation upon an appropriation bill and is not reported from a committee.

The VICE PRESIDENT. The amendment not having been reported from a committee, it is not in order. The point of order is well taken.

Mr. PHIPPS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 34, line 19, after the word "sell," it is proposed to insert the following:

or to dispose of by transfer to the Department of Agriculture under existing laws for its own use and the use of the several States in road work and maintenance of roads.

Mr. PHIPPS. Mr. President, I merely want to say that in following the statement of figures which has been read into the RECORD by the Senator from New York, in charge of the bill, and comparing it with information which has reached me, I find quite a variance, which illustrates the fact that there is a wide difference of opinion as between the War Department and the Agricultural Department regarding the surplus trucks, automobiles, and other vehicles remaining on hand. I am rather inclined to think that an accurate inventory should be ordered at the end of the present fiscal year to determine definitely just what stocks of supplies the War Department has on hand, including not only trucks and automobiles but other supplies of every kind and nature. We are told that there are great quantities of machinery that would be used for finishing automobiles, and other machinery that is of value that is not stored properly; that is, out of doors, being destroyed by weather conditions; and I beg to suggest that the Committee on Military Affairs should take cognizance of that situation.

I feel that if the War Department has these automobiles which the Bureau of Roads of the Agricultural Department claims it has available for distribution it would be better to turn them over to the various States, and fill the requisitions and requests that they have already made than to allow those automobiles to remain out in the weather. They are not being used, and they are not being properly protected. For that reason I urge the adoption of this amendment to the clause as framed by the House.

Mr. DIAL. Mr. President, the Senator from New York [Mr. WADSWORTH] said a while ago that his information was that the trucks at Camp Holabird had been turned over to the Agricultural Department to be turned over to the States to be used in building good roads. Since that time I have telephoned to the Bureau of Roads, and they tell me that they have no trucks whatever at Camp Holabird, and they have but very few assigned to them anywhere, possibly a dozen; that they have distributed them to the States, and they are now being used in the construction of good roads. They further tell me that they can use all the trucks that they can get.

Mr. WADSWORTH. There is no doubt about it.

Mr. DIAL. To listen to the Senator from New York, it would seem that there is a different pocketbook to pay for trucks assigned to the Army and those assigned to the other departments of our Government. I can see no good reason for the Army keeping these trucks and letting them rust out in the weather. As I stated a while ago, last Saturday I saw hundreds of trucks, perhaps, at Camp Holabird—I did not count them—out there in the weather, and my information was that they were put there before the armistice. They are absolutely new and have never been used. I can not see any difference between the War Department of this Government, the Post Office Department, the Good Roads Bureau, or any other department. The property is bought from the money collected in taxes from the people and is paid for out of the same pocketbook.

I do not want to be unfriendly to the War Department, but I do not want it to arrogate to itself the belief that it can take this property and keep it there and let it rust out. We all know that property will rust out about as quickly as it will wear out. I can see no better use these trucks can be put to than for building good roads all over the country. If the Post Office Department needs some, let the Post Office Department have them. There should be no antagonism whatever between the War Department and any other department of this Government. But to my mind the War Department does not need those trucks; otherwise they would have used them long before this, at least two years and a half ago. The fact that they have not proves positively to me that they do not need them, and they ought to be disposed of in some way.

I did not catch the full meaning of the amendment of the Senator from Colorado, but I understand it purposes to turn over the trucks, in the discretion of the Secretary of War, to the Secretary of Agriculture, to be used in building good roads.

Mr. PHIPPS. I will say to the Senator that the purpose of the amendment which I have offered is to permit the turning over of these trucks to the Bureau of Good Roads, Department of Agriculture, to distribute a certain proportion of the trucks to the States, instead of providing that the entire surplus shall be sold. The provision in the House text of the bill calls for the sale of 10,000 trucks and 2,000 passenger-carrying automobiles during the first nine months of the current calendar year.

Mr. DIAL. And the Senator's amendment would turn them over to the Department of Agriculture?

Mr. PHIPPS. It would turn over to the Department of Agriculture one-half of that quantity for distribution to the States for use in building good roads.

Mr. DIAL. What does the Senator suggest shall be done with the other half?

Mr. PHIPPS. I think the Government ought to sell them. If the States want more than are allotted to them, let the States pay for them. I am inclined to agree to a large extent with the Senator from New York, in charge of the bill, that it is only proper that the War Department should have some credit for the property which it turns over, and if this property is to be sold, and the War Department is willing to take a second-hand price, or almost a scrap price, for material that can be utilized, it seems to me the States should be willing to pay a reasonable figure for that machinery. Already great numbers of these automobiles have been turned over to them, and I think they could very well use a portion of their money for road-building purposes in the purchase of the necessary tools with which to build the roads, including trucks and automobiles.

Mr. DIAL. Mr. President, I think it would be very well to let half of them go, but if we sell the other half we will get very little for them; we will throw them away. I do not see any particular objection to the War Department getting reasonable credit. After all, it is a question of bookkeeping. But that is not the point. The point I am trying to bring to the attention of the Senate is that the property of the United States ought to be put to use; it ought not to be allowed to rust out.

Mr. PHIPPS. I would like to say further to the Senator that had it not been for the very definite attitude displayed by Members of the House who had to do with this bill, and which was displayed in the consideration of the bill in the last Congress, and particularly in the conference over the disposition of the bill, I would have had the amendment provide that they should all be turned over to the States. But knowing the attitude of Members of the House as displayed in the past, and particularly as displayed in the preparation of this bill, in conference with the Senator from New York, it was felt that we could not get the assent of the House to the full allowance.

Mr. DIAL. No doubt the Senator from Colorado and I are working to the same end. We are on the same committee and we want to do everything we can to build up the roads in this country.

Mr. President, I have no ill will against the War Department. I have a great many friends in that department. But the people of this country are a little bit impatient over their extravagance. Down in my part of the country last year and year before last that department allowed linters to stay out in the weather and absolutely rot. Thousands and hundreds of thou-

sands of bales of linters of some value simply decayed and went to waste and were hauled out and thrown in the gutters and around in the fields. Several hundred bales in my own town were hauled out and disposed of in that way. I am trying to get that department to realize that the people of this country are tired of paying taxes and not having a dollar bring a hundred cents return. We want to stop appropriating money it is not necessary to appropriate. I want the War Department to have all that is necessary to keep it up in proper shape, but the people of this country will not stand for any such reckless extravagance and any such indolence and willful waste any longer. We bought bonds and paid for them; they have gone down below par, and at the same time we look out of every window and see property going to waste every day. We want that stopped.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 52, at the end of line 3, add the following additional proviso:

Provided further, That the following proviso, relating to medical and hospital services in the Bureau of War Risk Insurance, to wit: "*Provided*, That no part of the money hereby appropriated shall be used for the payment of commutation of quarters, subsistence, and laundry, or quarters, heat and light, and longevity to any employee, other than the commissioned medical officers provided for by statute," contained in the act approved March 4, 1921, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," be, and the same is hereby, repealed.

Mr. STERLING. Mr. President, just this word of explanation. My attention had been called to this matter through correspondence with two women who are in the reconstruction aid service, one at Boston, Mass., and the other at Chicago, Ill. On hearing from these aids in this service I submitted the matter to the Surgeon General, and I have a communication from him, and I ask that a part of that communication be read by the Secretary.

Mr. KING. Do I understand the Senator to take the position that commutation of quarters should be extended to all engaged in any of these activities?

Mr. STERLING. Not all engaged in any of these activities, but in this particular activity, I will say to the Senator from Utah, the reconstruction aid service, Army service, and under the direction of the Surgeon General of the Army. It is estimated, I may say, that a great number of these aids will be obliged, if they can not have this commutation, to leave the service, and the service will be greatly impaired. I think it is a most important and valuable service.

Mr. KING. Mr. President, I raise a point of order against the amendment.

Mr. STERLING. Mr. President, I hope the Senator from Utah will just withhold that until an extract is read from the letter from the Acting Surgeon General.

Mr. KING. I do not want to be estopped. I will withhold the point of order for a moment.

The VICE PRESIDENT. The Secretary will read.

The reading clerk read as follows:

A large number of aides, dietitians, nurses, and administrative assistants are needed by the service in order to furnish proper hospital care to disabled ex-service men and women, and provisions were made for uniform grades and compensation in each of these groups of employees. The regulations contain provision for compensation of these groups on the basis of salary plus bonus, with quarters, subsistence, and laundry, or allowances in lieu thereof, the latter to be given only when it is not practicable for the service to furnish quarters, subsistence, and laundry in kind. The giving of such allowances as a part of compensation is an old, established method in the service for the purpose of meeting varied conditions in the different hospitals and to simplify the procedure in making necessary transfers. Legal advice was solicited before adopting this plan, and the opinion was submitted that there was no legal objection, which was confirmed by a decision of the Comptroller of the Treasury under date of February 21, 1921.

Approximately 50 per cent of the reconstruction aides are now receiving allowance in lieu of quarters, subsistence, and laundry, only because quarters in kind can not be furnished, as space for that purpose is not available. It is estimated that a large number of the young women will resign if this allowance is cut off and that others will eventually resign because of overwork caused by the undermanning of the hospitals. In this connection it is brought to your attention that the matter of losing the services of this personnel is one of extreme seriousness to the service, since upon the resignation of the young women in question it will be impossible to replace them, as qualified personnel is not available.

Mr. STERLING. One of these workers, the one from Chicago, says in the letter I received from her:

About 50 per cent of all reconstruction aides are now receiving allowance in lieu of quarters, subsistence, and laundry. Many of these girls live at home and are obliged to contribute to the family budget. If this provision becomes operative, no matter how much they like their present work, it will be necessary for them to seek more lucrative employment, since it is a physical impossibility to live on $80 per month.

Mr. President, this does not ask for one cent by way of appropriation. It simply authorizes an allotment out of a $33,000,000 appropriation to the War Risk Insurance Bureau in the last sundry civil act, and because of the great need of this service, its importance to the Government, and its importance to the soldier who is seeking rehabilitation and training in occupational service I think this provision of the sundry civil act should be repealed, and that is the purpose of this amendment.

Mr. SMOOT. Mr. President, I am surprised at the Surgeon General asking for the repeal of this provision. That was put in the last sundry civil act, Mr. President, to cure a wicked practice which had been going on in the Public Health Service for some time. Senators, men doing clerical work in the Public Health Service are drawing commutation, drawing longevity pay, and drawing laundry pay. Men taken from the Treasury Department and put into the Public Health Service, who had worked in the Treasury Department for over 15 years and never received a salary over $1,600 during that whole length of time, are transferred to the Public Health Service, and draw longevity pay, commutation of quarters, and the $240 bonus, and their salaries raised from $1,600 to approximately $2,780.

Mr. President, the law provided that these privileges should be extended only to commissioned officers, and the Public Health Service, to get around it, made the employees administrative assistants, and they drew commutation of quarters, $65 a month, and longevity pay, and pay for laundry, running the salaries of many clerks up to $3,400 and more.

As to these nurses, Dr. Long, the representative of the Surgeon General of the Public Health Service, was in my office day before yesterday, and we went over the whole situation as to the nurses. What this amendment means is that nurses will be paid and administrative assistants and clerks in the Public Health Service will be paid the same as the men and the women doing similar work in all the other departments of the Government and in addition receive these other privileges. Why, there has already been introduced in this body a bill to place some of them on the retired list.

No Senator would vote for the repeal of that provision if he knew what it meant. Make a point of order against it? Of course, we will make a point of order against it. I wish to say that the provision will not be changed in this body until all the Senators know what it means. I think even the Surgeon General of the Public Health Service has acknowledged that the present practice is wrong and never ought to be allowed in the future. I tell him now that it is not going to be changed. We are going to clean up that department; if possible, we are not going to have clerks drawing officers' pay, and I do not believe the Senate of the United States is going to put clerks on the retired list as yet or pay them longevity pay, laundry allowance, and commutation of quarters.

No wounded soldiers are going to suffer if this amendment is disagreed to. We have had separations from the service of nurses, and I do not know of a discharge that has been made but what the discharged nurse has asked to be put back in the service again. Head nurses drawing over $3,400 a year! Is it any wonder the American people are taxed to death? I am perfectly willing to pay nurses, to pay administrative assistants, to pay clerks for the work they do, and I want the Government of the United States to be the best paymaster in all the world, but I am not going to stand here and allow the Government of the United States to be robbed if I can help it.

My colleague suggested that he would make a point of order against this, and if he does not I shall do so.

Mr. KING. I would be glad if the senior Senator from Utah would do so, but having called the attention of the Chair to the fact, I now make a point of order against the proposed amendment.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. KING. Under Rule XVI, it is general legislation upon an appropriation bill, involves expenditures not estimated for, and not reported by any committee.

Mr. STERLING. Before the ruling is made on the point of order I should like to ask the Senators from Utah, or either of them, if they would object to an amendment which would exempt those in reconstruction-aid service, and those alone, from the provisions of the proviso in the sundry civil act?

Mr. SMOOT. I will say to the Senator that Dr. Long has agreed upon a base pay for these nurses, and it will be put into operation under a regulation of the department, and there will be an amendment of rule 53 of that department, as I remember

the number. Those nurses are going to be taken care of just the same as they are taken care of in the Army and the Navy, but to no greater extent.

Mr. FLETCHER. I call for the regular order.

The VICE PRESIDENT. The Chair is of the opinion that the point of order is well taken, and that the amendment is general legislation upon an appropriation bill.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, at the end of line 6, insert the following additional proviso:

Provided further, That the Secretary of War is hereby authorized, upon request of the Secretary of the Treasury, to transfer all building equipment and ground at Fort Meade, S. Dak., to the Treasury Department for the purpose of providing hospital facilities for sick and disabled veterans of the World War.

Mr. SMOOT. I should like to ask the Senator from South Dakota if there has been any request made by the Treasury Department for that transfer?

Mr. STERLING. No; not that I know of.

Mr. SMOOT. Then I should like to have the Senator explain why the transfer is to be made.

Mr. STERLING. The transfer is most desirable, I will say to the senior Senator from Utah, for the simple reason that here is property the building and construction of which cost more than a million dollars, and which is located in one of the healthiest places in all the United States. It was an Army post, as the Senator knows, I think. It is unused and would be an ideal place for the quartering of soldiers who are sick and disabled. The object of the amendment is simply to authorize the transfer to the Treasury Department, on the recommendation of the Secretary, and nothing else. I suppose the Secretary of the Treasury will be guided in his recommendation by the suggestions or advice of the Secretary of War as to the needs of Fort Meade for an Army post or as to the lack of any such need.

Mr. WADSWORTH. May I ask the Senator a question?

Mr. STERLING. Certainly.

Mr. WADSWORTH. Is it not a fact that legislation passed at the last session of Congress specifically authorizes the President to take any property from one department and give it to the Public Health Service or use it for hospital purposes? In other words, has not the President power now under the law to make the transfer?

Mr. STERLING. I think it is not so understood by the Secretary of War himself, I will say to the Senator from New York. I, in company with my colleague and the Congressman from that district, had a conference with the Secretary of War, and later, and after that conference, he gave us to understand that he did not see how under the existing law he would be authorized to make the transfer.

Mr. FLETCHER. I understand the property is practically abandoned by the War Department and not used now.

Mr. STERLING. It is not used now unless it is used by a few enlisted men who are merely caretakers.

Mr. FLETCHER. It merely authorizes a transfer to the Public Health Service for use in taking care of injured and disabled soldiers?

Mr. STERLING. Yes.

Mr. FLETCHER. I do not see any objection to it at all, so far as I am concerned.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add at the proper place in the bill the following:

That the Secretary of War be, and he hereby is, authorized to grant to the association known as the United States Training Corps for Women the free use of such Government land as he may consider advisable for use by said association in the conduct of recreational camps for women, and to loan to said association such camp equipment as shall in his judgment be necessary to completely and properly equip such recreational camps as said association shall from time to time establish and operate, the use of said land and equipment to be granted upon such terms and conditions as the Secretary of War shall consider advisable for the protection of the Government. And the Secretary of War is further authorized to detail not to exceed 10 officers of the Army to duty at said recreational camps for such periods as he shall deem advisable.

Mr. KING. I make a point of order against the proposed amendment.

Mr. OVERMAN. I hope the Senator will withdraw it.

Mr. KING. No; I shall not.

Mr. OVERMAN. The women of the country are interested in this amendment. We all know something about the great work that Miss Susanna Cocroft has done for the women. There were recreational camps for women last year which did a great deal of good. They had at the camps something more than a thousand women at their own expense.

The proposed amendment does not contemplate the expenditure of a cent of money. It merely authorizes the Secretary of War in his discretion to do certain things. The women propose to establish five or six training camps in the United States; and if they do so, it is proposed to let them have the use of the tents at their own expense. They will maintain the training camps themselves.

I do not see why the Senator from Utah should object to it. There is no expenditure of money involved, and merely discretion is granted rather than any direction to the Secretary of War whatever. If these good women of the United States want to have the training camps that did so much good during the last war and want to keep them up in this way, why should anyone object to allowing the Secretary of War to furnish them tents?

Mr. SMITH. May I ask the Senator from North Carolina what is the nature of the training they get there?

Mr. OVERMAN. The Senator knows something about it. During the war they were given outdoor exercises and trained for hospital work. They were given all kinds of training for war purposes.

Mr. SMITH. I thought perhaps it was military training.

Mr. OVERMAN. The Senator ought to know all about this training. If he does not, he did not keep up with what the women were doing throughout the whole war in these training camps.

I hope the Senator from Utah will withdraw his point of order. It is in behalf of the good women who desire to carry on these training camps.

Mr. KING. It is a very difficult thing to resist the appeals of my friend from North Carolina. I know he is a great champion of the ladies and a champion of their rights. However, this is merely a pretext—of course, the Senator does not offer it for that purpose—for getting something out of the Government. It will cost the Government not only a few dollars but a great deal. I insist upon the point of order.

Mr. OVERMAN. In what way will it cost the Government a great deal of money?

Mr. KING. In the first place, it authorizes a detail of officers for training and the furnishing of tents and various other things.

Mr. OVERMAN. Oh, no; not various other things. The Government has a great many officers who are on retired pay now doing nothing, retired Army officers, and they could be sent to these training camps. The War Department has the tents stored away in warehouses. I do not see how it will cost the Government a cent.

Mr. KING. Let the matter go to the Committee on Military Affairs and let them pass upon it and make an investigation and see what the costs are. It is general legislation on an appropriation bill, and I make the point of order under Rule XVI.

The VICE PRESIDENT. The point of order that the amendment is general legislation is well taken.

Mr. FLETCHER. Mr. President, I wish to offer an amendment. On page 46 of the bill I move to strike out the proviso, beginning in line 8, and reading as follows:

Provided further, That no part of this appropriation shall be available for salaries of civilian instructors other than in technical branches—

And also the next proviso, reading as follows:

And provided further, That not more than $100,000 shall be expended for salaries and no person shall be employed hereunder at a rate of compensation exceeding $3,000 per annum.

I think these are very grave restrictions that it will be advisable not to put in the bill. The employment of civilian instructors in carrying on this work is not merely for the technical branches but for others as well, and it may be that a very desirable man could be obtained for something more than $3,000, whereas this absolutely limits the employment of any person to a sum within $3,000.

I am not going to take any time to argue it, but I hope the chairman of the committee will not resist the proposition, because if we accept the amendment the matter will go into conference, and we can determine then whether or not I am correct in my position regarding it.

I have received this morning a very strong letter from Congressman J. J. MCSWAIN on the subject, which I would like to insert in the RECORD.

The VICE PRESIDENT. Without objection, it will be inserted in the RECORD.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1921.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Please pardon the special zeal which impels me to write you asking that you consider the facts stated in this letter in connection with the amendment on page 46 of the bill to make appropriations for the Army for the year ending June 30, 1922 (H. R. 5010).

When the bill was before the House I offered certain amendments, but at that time I was not in possession of all the facts that have since come to me in connection with the work of education in the Army. Since that time I have visited Camp Jackson, S. C., and spent two days in the schools and talked not only with Gen. Hines and Capt. Burkett, both of whom are enthusiastic for the work, but talked with the enlisted men and civilian teachers and citizens of Columbia who have visited the schools, and they are all enthusiastic about the schools and all say that it would be a serious misfortune to cripple the schools now by eliminating the civilian teachers; and the bill as it now stands, on page 46, certainly has the effect of eliminating civilian teachers.

Please let me submit the following reasons why the bill should be amended on the floor of the Senate:

1. As the bill now stands, $1,400,000 will be employed in buying material, equipment, and machinery in connection with the schools, and from my observation and reports received at the War Department, the same is not necessary if the civilian instructors are to be eliminated. In fact, I was told as the schools have already been equipped with appliances, machinery, tools, etc., it is felt that the schools can be conducted successfully if 10 per cent of the appropriation be restricted to the purchase of equipment and 90 per cent be left for the employment of civilian instructors.

2. The restriction that the civilian instructors be employed only to instruct in teaching technical subjects should be eliminated, because civilians are necessary in the work of general education, and especially in helping to wipe out illiteracy. It is a remarkable fact that during the last year, at Camp Jackson, 1,733 enlisted men were taught to read and write, and one of them, Arthur Young, of Youngs Creek, Tenn., passed from complete illiteracy to the eighth grade in 10 months. I am assured that such results would have been impossible without civilian teachers, many of whom are ladies specially trained in primary methods of instruction. These boys who have been redeemed from illiteracy told me with earnest faces and well-nigh moist eyes that the works of the civilian teachers have been a blessing to them, the value of which they can never sufficiently appraise.

3. The $3,000 limit should be removed so as to provide that a limited number of civilians, say, 15 or 20, may receive more than $3,000, because it is necessary that there should be organizers, supervisors, leaders, and men of executive ability and vision to inspire, to lead, and to guide the work conducted by the teachers at the various Army posts.

I gather from the report of the hearings before the House committee that such leaders in the Army as Gen. Bullard, Gen. Liggett, Gen. Summerall, Gen. Harbord, and many others strongly approve the work of the civilians in the Army. Gen. John L. Hines, a soldier of wide experience, told me that he regarded the work as well-nigh indispensable from the point of military efficiency.

Men who are illiterate or who have not trained their minds to concentration and study can not now become efficient soldiers because of the highly technical and scientific weapons and agencies now employed in combat. Furthermore, orders that men are bound to obey under penalty of punishment, camp directions, road guides, written messages, and multitudes of matters necessary for a soldier to know, are all based on the assumption of ability to read and write.

I find also, from personal observation, that this educational program does not materially interfere with the soldier's training. In fact, it is necessary to the best soldiers' training. Now, in time of peace we are not compelled to train men to become efficient fighting soldiers in a few weeks, and can now afford to take time to lay the foundation. Even during the war emergency, when we were all hurried, men who were illiterate at the time of their enlistment were given an opportunity to learn to read and write.

As an ex-service man, I think I can see the question from their point of view, and I therefore unhesitatingly say that the ex-service men of the country would almost unanimously approve of the continuation of the present educational program in the Army and would condemn any direct or indirect steps to discontinue the work, which means so much for thousands and thousands of men who either did not have the chance in boyhood or did not take it to learn to read and write.

I am informed that the Secretary of War, Hon. John W. Weeks, has come out in a strong letter advocating the same amendments that I hereby advocate by eliminating the restrictions as to the manner of the use of the $1,500,000.

Please pardon the suggestion that if any restrictions must be placed by legislative action, not less than $1,000,000 should be made available for the employment of civilian teachers whose services shall not be restricted to teaching technical subjects but may be also used in general educational work.

I have not heard of any person connected with the Army who has come out in writing over his own signature to disapprove of the present educational program in the Army. If there have been any such statements published they have escaped my attention. I am, therefore, necessarily at a loss to understand the source of the opposition to the wonderful work now being done for the enlisted men in the Army. If generals of high commands and of wide experience approve it, and if the enlisted men strongly approve of it and beg for it, and if the civilian population cordially indorse it, then I respectfully ask why should the restriction not be eliminated and why should not the present educational program be allowed to continue?

You will observe that the suggestions herein made do not involve the expenditure of any more money. We do not ask that the sum total be increased, but only ask that the amount of $1,500,000 be made available by the removal of the restrictions, as suggested in the letter of the Secretary of War.

I believe that this question is so plain and simple that if the people of the country could only understand it I am sure we would all hear from the people in a very few hours demanding that we give these boys in the Army a chance to develop their minds and to have access to the information contained in books, magazines, and newspapers, and to have the ability to communicate with their loved ones by letter.

I feel it my duty to add that I believe after another year the appropriation for this purpose may be still further reduced, because there are being trained now in the vocational schools many noncommissioned officers who can ultimately become instructors in the trade schools and technical subjects connected with the work of vocational training; also to a very limited extent noncommissioned personnel may be used to instruct in general educational subjects. But to cut off now, without warning, as it were, the civilian instructors, would catch the Army unprepared in this respect and would therefore almost fatally cripple the work. I found at Camp Jackson that a hasty course of instruction for enlisted men to become teachers in the event that the civilian teachers are cut off is now being given by these very civilian teachers. But Gen. Hines and Capt. Burkett and the enlisted men themselves all agree in saying that the work of general education can not be carried on by the noncommissioned personnel and the enlisted personnel with anything like the efficiency and success now meeting the efforts of the civilian instructors.

You will pardon this long letter and attribute it to my enthusiasm and to a sincere belief that the cause of education, and thereby of civilization, is to a degree involved in this measure.

Yours, very respectfully,

J. J. MCSWAIN.

Mr. SMITH. Mr. President, I also have received communications with reference to this amendment. I have not had time to study the matter sufficiently, but from the information I have derived from those who have studied it I believe that the amendment proposed by the Senator from Florida should be accepted by the chairman of the committee and by the Senate in order that a matter of such importance as this, touching the teaching of those who would come under the jurisdiction of these camps, may be taken up in conference and thoroughly digested and such an agreement reached as will meet the real requirements of the case.

In the communication to which the Senator from Florida [Mr. FLETCHER] has referred there is an instance cited where an adult within 10 months was elevated from illiteracy to a point of education equivalent to that of the eighth grade. Everyone knows that the employment of civilian teachers would give us a wider field from which to get the proper instructors. All of us who are familiar with educational processes know that we have millions and millions of lesson hearers but precious few teachers. There is all the difference in the world between the two. We can employ a lesson hearer for a nominal sum but we have to pay for teachers. I think in a case like this we should have teachers. I therefore hope the Senator from New York will agree to allow the amendment to go into the bill.

Mr. DIAL. Mr. President, I also hope the Senator from New York will agree to the amendment. I had prepared an amendment on yesterday touching the same point. I hope the Senator will allow the employment of these teachers to be continued. They have done a wonderful work as we understand; certainly that is true at Camp Jackson, in the State of South Carolina.

Mr. WADSWORTH. Mr. President, the department asked for $5,000,000 for vocational training; that was their last revised estimate. The bill which was passed at the last session of Congress carried $1,500,000. The House of Representatives at this session put the amount at $1,200,000, and the Senate committee, as has been noted, seeks to restore it to $1,500,000. Of course, that is a little less than one-third of what the department asked for vocational training in the Army, and is less than one-half what has been spent during the present fiscal year. The conferees at the last session agreed upon the language which is now found on page 46, between lines 8 and 13, inclusive, limiting the number of civilian instructors to those employed only in the technical branches, and limiting the amount which could be paid to civilians as teachers to $100,000; that $100,000, of course, to come from the $1,500,000.

This is an example of the severity of the Military Committees in cutting down this bill. There is no doubt about it that this is an exceedingly severe reduction. It is, however, only one of two or three dozen reductions equally severe all along the line. Some one has got to suffer. The committee insist that the expenses be kept down. Of course, the amendment which the Senator from Florida [Mr. FLETCHER] offers does not increase the appropriation, but merely has to do with lifting the limitation placed upon what may be paid to civilians. The Senator from Utah [Mr. SMOOT], and many others, have complained of the number of civilians who are employed in connection with the Army.

I shall not object to the amendment. It does not raise the appropriation, and we can take the matter up in conference; but I desire to say that the other House will be found almost adamant on the question.

Mr. SMOOT. I desire to have the amendment again stated. I was called from the Chamber when it was formerly stated.

The VICE PRESIDENT. The amendment proposed by the Senator from Florida [Mr. FLETCHER] will be stated.

The ASSISTANT SECRETARY. On page 46, beginning in line 8, after the word "instructors," it is proposed to strike out the two provisos, which read as follows:

Provided further, That no part of this appropriation shall be available for salaries of civilian instructors other than in technical branches: *And provided further*, That not more than $100,000 shall be expended for salaries and no person shall be employed hereunder at a rate of compensation exceeding $3,000 per annum.

Mr. LENROOT. Mr. President, I am very sorry that the chairman of the committee has stated that he had no objection to the amendment, for if the amendment be adopted and becomes a part of the law, unless the appropriation is increased, the amendment is going to injure rather than help vocational education. The very small appropriation is not going to permit the employment of $6,000 men nor any very large number of teachers. If this amendment is to be adopted, as I said a moment ago, there is going to be less vocational education for the enlisted man under this limited appropriation than if the language shall remain as it is.

Mr. SMOOT. Or else there must be a deficiency appropriation.

Mr. LENROOT. Or else there must be a deficiency appropriation. That will be the situation if the chairman of the committee is going to accept the amendment.

Mr. WADSWORTH. I do not accept the amendment on behalf of the committee, of course.

Mr. LENROOT. But if the chairman of the committee accepts the amendment individually, it seems to me it necessarily follows that he seems to be willing to agree to increase the appropriation.

Mr. WADSWORTH. But I am not.

Mr. LENROOT. If the Senator is not willing to increase the appropriation, then I do not think the amendment ought to be adopted, for if we are going to cut to the bone the cutting should be made where the least injury will occur to the soldier who is to receive the benefit of the training. With this small appropriation, if we are going to keep high-salaried teachers, there will be just that fewer number of teachers who can be employed to give the soldiers the elementary education which it does not require a high-salaried man to give.

Mr. FLETCHER. Mr. President, I can not agree with the Senator from Wisconsin. I do not see that the amendment will limit vocational training in any respect; on the contrary, the effect would be, in my judgment, to make it more efficient. A limitation of $3,000 seems to me to be rather drastic in these days. If we are going to get high-class, well-trained, well-prepared, well-equipped educators, we can not expect to get them if we are going to limit their pay to $3,000. I do not mean that there shall be any enormous number of them at all, but I can see in a great work like this, where perhaps five or six or more such men and women as that would be most desirable in order to promote the best and highest interests of the whole work. That is the reason why I think the matter of salary ought to be left open. I do not see that the restriction ought to be imposed upon this work. It is a limitation which is without any real justification.

It does not follow if the provisos are stricken out that we are going to waste any money on other teachers. I do not see that that would necessarily follow at all. I am quite sure that it is not wise to limit the employment of civilian persons to technical branches. There may be other work, unquestionably there is other work, in connection with vocational training which is not purely technical work. Why should civilians be excluded from that kind of work? I do not see the reason for doing so.

I do not see that it would help the cause of vocational training at all to retain these provisos in the bill. I think, on the contrary, it would be most helpful to the whole work if these two provisos were stricken from the bill and we should leave those who are responsible for conducting and carrying on the work without the limitation which would be imposed by either one or both of the provisos. At any rate, it can do no harm if we strike out the provisos; the matter will be in conference, and if on more mature reflection it is insisted upon by the other House that the original provision shall remain undisturbed, the Senate could yield and leave the matter as it is. However, I think it a matter of such importance that it ought at least to go into conference.

Mr. LENROOT. I do not think the Senator followed my statement. The fact is that unless we are going to have some limitation of this kind, in view of the small appropriation, the amount appropriated will be used for high-priced men, laying out courses of study and systems of education with no one to teach and no one taught. That is why the limitation is necessary, if we are going to keep this appropriation down to the point where it is now.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. FLETCHER].

The amendment was rejected.

CONFIRMATION OF HON. GEORGE E. CHAMBERLAIN.

Mr. JONES of Washington. Mr. President, the President has named Hon. George E. Chamberlain as a member of the Shipping Board. Mr. Chamberlain has just retired from this body, after 12 years of highly honorable service, with the esteem and best wishes of every Member of the Senate. I think it is not only in accordance with custom but it would be highly proper to have his nomination confirmed without reference to the committee. Therefore I ask unanimous consent that the Senate, as in open executive session, confirm the nomination of Mr. Chamberlain.

Mr. FLETCHER. Mr. President, I am very glad to join the Senator from Washington in the request which he has made. I think the selection of Mr. Chamberlain is a most admirable one; no man in the country, in my judgment, is better qualified to discharge the responsible duties of the position of member of the Shipping Board than our able and distinguished former colleague from Oregon, Mr. Chamberlain.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate the nomination of George E. Chamberlain to be a member of the Shipping Board. The question is, Shall the Senate advise and consent to the nomination? [Putting the question.] The Senate unanimously advises and consents to the nomination.

Mr. JONES of Washington. I suggest that the President be notified of the confirmation when we notify him of the confirmation of the other members of the Shipping Board, which I think will occur in a short while.

The VICE PRESIDENT. Without objection, that course will be followed.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 89. An act for the public sale of post-office site on the west side of South Main Street, in the city of Bethlehem, Pa.; and

H. J. Res. 148. Joint resolution for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries.

ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

Mr. WALSH of Montana. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 21, after line 25, it is proposed to insert the following:

Hereafter the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917.

Mr. WALSH of Montana. Mr. President, the amendment relates to a matter concerning which a colloquy took place between the chairman of the committee and myself on yesterday, at which time I took occasion to explain the situation which the amendment is designed to relieve. An act was passed in 1908 under which six months' pay was granted to the widow or dependents of officers or enlisted men in the Regular Army on the death of the officer or enlisted man. That act continued in force until the enactment of the war risk insurance act in the month of October, 1917, when, by an inadvertence, it apparently was repealed. The attention of the War Department was very speedily called to that, and they asked immediately for appropriate action by the Congress to correct the error. A bill was introduced by the present chairman of the Committee on Military Affairs to correct it, and that bill received the approval of the Senate, so that the matter has already had the approbation of this body; but when it went over to the House it was amended so as to take effect only as of the date when it was approved, instead of taking effect as the bill provided, at the date when the act of 1908 was repealed. The consequence is that from 1908 until 1917 this allowance was made, and from December, 1919, on it has been made, but unfortunately there is a period

from October, 1917, until December, 1919, during which the widows and dependents of officers who died do not participate in this benefit, which is a manifest and most invidious discrimination against these people. The purpose of the amendment is, in effect, to continue in force from October, 1917, the act of 1908.

The bill to which I refer, which accomplished the same end, was Senate bill 2497, and it had the approbation of the Senate during the first session of the Sixty-sixth Congress. The Committee on Military Affairs at that time submitted a report approving the bill, making a part of it a communication from the then Secretary of War under date of January 12, 1918, calling attention to the inadvertent repeal of this statute; so that almost immediately upon the enactment of the war risk insurance act attention had been called to the fact that it operated to repeal the act of 1908, and acting upon the recommendation of the then Secretary, the Senate Committee on Military Affairs reported and the Senate passed a bill to restore that act; but, as I say, when it went to the House a provision therein which made it operative from October, 1917, was eliminated, so that it became operative only from the time that the act was passed and approved, leaving this hiatus of about two years. During that period many men to whom we are especially indebted were called away, and their widows and dependents are thus discriminated against.

Mr. SMOOT. Mr. President, I am not quite sure, but, if I remember correctly, the House took that action because of certain legislation that was passed that in reality placed the officers and soldiers in the same position, if they had taken advantage of the law, as if the law dated back to October, 1917. I remember that some question arose at the time, but it has escaped my mind, and I really do not recall it now; but there was some reason for that action on the part of the House.

Mr. WALSH of Montana. I have not been able to discover any reason at all for it. I have before me the record of the Senate Committee on Military Affairs, which discloses nothing.

Mr. SMOOT. Yes; but it came up in the House, as I remember, and in the Housse it was changed so as to take effect in 1919 instead of 1917. If the Senator will look it up—or I will, this evening—I am quite sure it will be found that a reason was given in the House for changing it to the date of the passage of the act rather than the date of the declaration of war.

Mr. WALSH of Montana. Then, I appeal to the Senator to let the amendment go upon the bill and let it go to conference; and if there was any sound reason for the change in the House, doubtless they will insist upon it, and we shall be apprised of it. I have not been able to understand why this discrimination was made. I think the Senator ought to do that.

Mr. SMOOT. I will ask the Senator having the bill in charge if he remembers what reason was given by the House for having the bill take effect upon its passage rather than from the date of the passage of the relief bill, in October, 1917, as I remember the month when the bill was passed?

Mr. WADSWORTH. I have no recollection of that. May I ask the Senator from Utah or the Senator from Montana whether the House amended the Senate bill so as to have that effect?

Mr. SMOOT. Yes.

Mr. WADSWORTH. And the Senate concurred in the House amendment?

Mr. SMOOT. And they concurred, and I thought perhaps the Senator would remember the reasons given. I am quite sure that a reason was given on the floor of the Senate, and they insisted upon its taking effect in 1919, at the date of the passage of the act, rather than going back to the date of the passage of the original relief bill, in 1917.

Mr. WADSWORTH. I regret to say that I have no recollection of the incident, except the passage of the bill, in which I was deeply interested; and I have every sympathy with the contention of the Senator from Montana. I do not see how we can ever explain why we leave a gap of 18 months there, during which period that benefit shall not accrue.

Mr. SMOOT. I think the Senator will find out that that was covered in the legislation, although I am not positive of that; but I do remember that a reason was given for the change.

I shall not object to this, Mr. President; but when the bill goes to conference I should like the chairman of the committee, who will be one of the conferees, to have the House members look up the reason for the change of the date.

Mr. WADSWORTH. We will look it up.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on agreeing to the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. WADSWORTH. Mr. President, I suggest that the amendment go in after line 7, on page 23, at the end of the pay item of the bill, rather than where the Senator has proposed.

Mr. WALSH of Montana. That is quite satisfactory.

The PRESIDING OFFICER. Without objection, the change will be made. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. SMITH. Mr. President, I want to ask the chairman of the committee if there is any amendment pending on page 46, under the heading "Quartermaster supplies and services for rifle ranges for civilian instruction."

The reason why I am asking the question is that I am in receipt of a telegram from the adjutant and inspector general of my State claiming that the amount allowed herein is not sufficient for the rifle ranges and the practice both indoors and on the range, and from a reading of the telegram I am led to believe that some one either has proposed or will propose an amendment to that paragraph. Is any such amendment pending?

Mr. WADSWORTH. I know of no such amendment pending. May I say to the Senator that the amount appropriated by the bill will not support this activity on anything like the scale on which it has been supported before. It was not the intention of the committee that it should be. We have got to cut down, and these people have got to take their medicine.

This is really not a departmental matter. Persons from the outside, the National Board for the Promotion of Rifle Practice, appear before the committee every year on this item and on one other. They beg us for $400,000. We give them $100,000. I think last year they had $200,000.

Mr. SMITH. Mr. President, I desire to ask the chairman of the committee if this is a part of the training of our National Guard?

Mr. WADSWORTH. It is not.

Mr. SMITH. It is no adjunct of that?

Mr. WADSWORTH. It reads:

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War.

Mr. SMITH. May I ask the Senator why any appropriation at all is made if this is not in some way either an adjunct to the National Guard or a part of our military preparedness?

Mr. WADSWORTH. It is not in conjunction with the National Guard or any part of the Regular Army. It is for the encouragement of rifle shooting among civilians.

Mr. SMITH. To what end? For what purpose?

Mr. WADSWORTH. To make them better shots, so that if they should be inducted into the service they would be better soldiers.

Mr. BORAH. What are the ages of the men who take this practice at Government expense?

Mr. WADSWORTH. I can not recollect what the age limits are. Of course, the finest rifle shots in the world take part in the matches, but civilian rifle teams compete at these matches. I think the national matches at Camp Perry attract attention all over the world, but we simply could not give them the money. We have not the money to give them.

Mr. BORAH. We would not have any right to give it to them if we had, if that is the purpose in which they are engaged.

Mr. WADSWORTH. Yes; there is some statute of Congress authorizing this thing, or it has stood in this appropriation bill for many, many years.

Mr. BORAH. I have no doubt of it.

Mr. WADSWORTH. This is another thing which should not be charged to the Army.

Mr. BORAH. And it should not be charged to anybody.

Mr. WADSWORTH. Of course, the Senator from Idaho does not believe that the Federal Government should encourage rifle shooting amongst the citizens.

Mr. BORAH. I think that is a matter which the citizens can take up themselves. They can organize their voluntary associations, and if they want to practice in shooting with rifles at clay birds and targets and that sort of thing they can do it. It is perfectly absurd that the Government of the United States should be appropriating large sums of money to encourage rifle shooting on the part of men who are in no wise connected with the Army, and may never be.

Mr. SMITH. I am rather inclined at first blush to agree with the Senator from Idaho, and I am not at all satisfied with the explanation given me by the chairman of the Committee on Military Affairs for the appropriation of the $100,000; but, judging from the telegram that I have, it seems as if serious consideration has been given this matter by the War Department, for it refers to "Bulletin 4 of the War Department."

Now, I will acknowledge that this telegram came too late for me to prepare myself by getting this bulletin and seeing what importance the War Department attached to this matter. There certainly must be some importance attached to it, or we would not appropriate $100,000 for the purpose.

Mr. BORAH. That is no argument at all.

Mr. SMITH. Why should we appropriate $100,000 if it is of no benefit?

Mr. BORAH. The Senator has uncovered here a matter which ought to be eliminated from the bill entirely.

Mr. SMITH. Exactly. I am not standing here pleading for it. I am simply asking for enlightenment.

Mr. BORAH. Would the Senator object to making a motion to strike it out?

Mr. SMITH. If we get no further information than we have now, I would not object at all.

Mr. BORAH. What page is it on?

Mr. SMITH. It is on page 46. I am not advocating it. I am simply asking for information. If it is for no purpose in the world but to encourage men to shoot rifles, I will admit that I do not see any use in having the appropriation here at all; but if there is a bulletin out from the War Department there must be some importance attached to it, or else they would not have seriously considered the matter.

The Senator from Idaho said that that was no argument at all. I was not making any argument. I was simply asking for information. The Senator from Idaho took the position that there was no reason at all for having it here. The Military Affairs Committee took the position that it had a value of $100,000, and I had not informed myself as to what Bulletin No. 4 specified. Therefore I rose to find out whether this was a matter of sufficient importance for an amendment to be added to increase it, or whether it was of such little importance that it should go out.

Mr. WADSWORTH. Mr. President, there is no mystery about this thing. The National Board for the Promotion of Rifle Practice are an official body, authorized by statute, headed by Gen. Philipps. That board, through Gen. Philipps or their other members, come before the committees of the Congress every year to state the requests which they have to make with respect to the civilian rifle teams in their national matches. If the Senator will read this item, he will see that while the total is $100,000 there is a proviso—

That out of the said sum of $100,000 there may be expended for the payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches not to exceed $80,000.

This appropriation is nearly all consumed at the national matches; and at the national matches there are teams from the Infantry and the Cavalry and other branches of the Regular Army, teams representing the Regular Army as an entirety, teams from the Navy, the Marine Corps, the National Guard of the several States, and civilian teams. This appropriation is to cover the expenses of that. There is no mystery about it. I have given the Senator all the information. They wanted $400,000.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. Not yet; just a moment. They wanted $400,000, with a much larger amount than $80,000 for traveling and restaurant expenses of these teams. We gave them only $100,000.

Mr. SMITH. Mr. President, this information is very valuable. At first blush one would have thought that this appropriation of $100,000 was made for the purpose of having an annual rifle practice by civilians. The information now is that you have rifle practice for the Army, Navy, and National Guard, which is essential and necessary to get them skilled in the use of the rifle——

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. I yield.

Mr. WADSWORTH. The Senator is mistaken about that. This appropriation does not take care of the rifle practice of the Regular Army or the National Guard.

Mr. SMITH. If the Senator had just waited a minute, I would have made myself clear.

Mr. WADSWORTH. The Senator just said that. I will wait.

Mr. SMITH. This $80,000 is to enable civilians to take advantage of this practice of the Army and Navy——

Mr. WADSWORTH. No.

Mr. SMITH. I yield for an explanation. I would like to get just what the Senator means by saying that, in addition to the practice of the Army and the Navy and the National Guard, this proviso of $80,000 is to be for the use of civilians in rifle practice. Is that correct?

Mr. WADSWORTH. Not entirely. Will the Senator yield?

Mr. SMITH. I yield.

Mr. WADSWORTH. The Regulars, the National Guard, the Navy, and the Marines get all their rifle practice out of their own appropriations, and upon their own reservations at Army posts, Army rifle ranges, and Navy shore stations where there are rifle ranges, such as the one at Guantanamo. This national match is not a part of the regulated rifle practice of the services. It is a national match, open to teams of any kind who conform with regulations prescribed by the Secretary of War and the National Board for the Promotion of Rifle Practice. The Army and the several branches in it send their teams, and the Navy sends its teams, and the Marine Corps sends its teams, its best shots, to compete against men from Switzerland, teams from Europe, and various other places, teams of the National Guard, teams of civilian rifle clubs.

This is to pay the expenses of the national match, which is not an Army matter at all, is far beyond the Army, and the expenses of the civilian teams who travel and go to these matches, for their subsistence and travel expenses, which are paid out of this. The soldiers who are ordered to go there of course get their travel expenses out of the appropriation for mileage of the Army, and other appropriations. They get their rations out of the appropriation for subsistence of the Army, and other appropriations.

Mr. SMITH. This is an appropriation to enable civilians to go to these meets and to participate in them, outside of the appropriations for the regular pay of the Navy and the Army.

Mr. WADSWORTH. Yes; and to keep the range and the targets in order, and to operate the targets while the matches are going on. Certain civilians are employed to stand in the target pits and mark the shots and telephone the records back to the scorers.

Mr. SMITH. Mr. President, it was exactly my understanding that this was to encourage rifle practice, and as provision had already been made to take care of those in the regular service, I said this was an additional appropriation to enable civilians to participate.

Mr. DIAL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 23, after line 7, after the amendment agreed to at that place, insert the following:

Provided further, That no part of the money appropriated herein shall be used to pay our soldiers now in Germany, France, or Belgium 90 days after the approval of this act.

Mr. DIAL. Mr. President, I offer that amendment in the hope that we will bring our soldiers home. I have no defense to make of Germany and no kind words to say in her behalf for the way she conducted the war. My great regret is, and will always be, that our soldiers did not go on to Berlin.

But, Mr. President, the war has been over about two years and a half, and I feel that it is time we were bringing our soldiers home. It is claimed that by some agreement Germany is to pay their expenses, which I understand will be about $72,000 a day. We have not collected much, I believe, from Germany, and possibly we will be a long time collecting the balance. Anyway, I feel that it is time that Germany should go to work and get on her feet and make the wherewithal with which to pay us what she owes us, and it will be to our interest to get her back on her feet.

Mr. WADSWORTH. Mr. President, I hope very much that the amendment will not be agreed to. It would be a most unwarranted interference, in my judgment, with the foreign policy of the United States. For the Senate at this time to take action, without any consideration at all, without any knowledge of the situation as it exists in Europe, or as estimated by the administration itself, to compel, through the withholding of pay, the withdrawal of the troops, to my mind is something we should not consider seriously for a moment; and may I say to the Senator from South Carolina that his amendment would not only do that, but it would prevent the paying of any soldier who has been in Germany, even after he gets home?

Mr. DIAL. Of course, Mr. President, I had no such intention in offering the amendment. I merely desire to have the men brought home as soon as possible.

The amendment was rejected.

Mr. KING. Mr. President, during the debate I called attention to the large sums provided in the pending measure for

overhead expenses. While amounts carried by the bill for the pay of officers and enlisted men, and for their maintenance and for purely military operations are very large, an examination of the bill will show that the various items of appropriation for civilian employees, clerical help, and those engaged in noncombative employment, reach enormous proportions. As Senators know, this bill carries nearly $350,000,000. I placed figures in the RECORD yesterday showing the amounts appropriated for a number of years for the maintenance of the Army. It is only quite recently that the hundred million mark has been reached.

It seems to me that we have not yet learned how to secure adequate results from appropriations made by the Government. In every department of our National Government the amounts annually expended are disproportionate to the benefits derived therefrom. No matter which party is in power or what individuals are in charge of the departments, bureaus, or executive agencies, the results are not very different. We have entirely too much machinery in the Government, and, unfortunately, there is a disposition to increase the machinery and multiply executive agencies.

Every reported or alleged evil existing calls for another bureau or commission or for an army of new employees, and with the augmentation of these forces no benefits are obtained. It is impossible, without making an exhaustive examination—and that requires weeks, if not months—to get an adequate idea of the stupendous amount of machinery existing in the executive departments of our Government. It is manifest that with the increase in executive agencies the expenses of the Government are increased. The constant demands for increased Federal organizations is, in my opinion, an unwholesome manifestation. One would suppose that the financial crisis through which we are passing and the enormous burdens which the people are compelled to bear would arouse an irrisistible sentiment in favor of governmental economies and the most drastic reductions in governmental appropriations. I regret to say that there seems to be an increase from all of our land in the demands for Federal bounties and largesses and appropriations. The local financial difficulties seem to whet the appetites of many for Federal aid.

During this debate it has been frequently said that the people will not submit to these heavy burdens of taxation. I have made similar statements. It is scarcely conceivable that the accuracy of such statements is subject to challenge, and yet I find myself doubting the truthfulness of those statements. Generally speaking, I think it may be said that the people want an economical administration. They are opposed to waste and extravagance and desire to see honest and efficient administration in all governmental affairs. Undoubtedly the American people are politically honest and sincere in their expressions in favor of an economical administration of our National Government. But many of those who entertain this view do not hesitate to support appeals for Federal aid and for enormous appropriations in behalf of enterprises and schemes the wisdom of which is subject to serious question, and the constitutionality of measures enacted to carry them into effect is exceedingly doubtful.

An examination of the various appropriation bills passed by Congress results in a rude awakening to those unfamiliar with the questions involved; they discover that in many instances the major portion of enormous appropriations is devoted to overhead expenses and to the payment of an army of Federal employees. If the appropriation is for the rehabilitation of soldiers, it is discovered that huge sums are consumed in the mechanical appliances of the organization and in meeting the compensation charges of the battalions of civilian employees. So it is in the Army and in the Navy. In the naval appropriation bill recently passed it was shown that hundreds of millions were directly and indirectly chargeable as overhead expenses in the departments. In the bill before us we discover very large appropriations for the machinery of the War Department. By that I mean the civilian organization in contradistinction to the fighting organism.

There must be a drastic change in our governmental machinery. There is too much lost motion, too much circumlocution, too many officials and officeholders. I feel sure that the present Secretary of War is earnestly seeking to bring about economies in the War Department. All who know former Senator Weeks can bear testimony to his great ability and his unquestioned honesty and integrity. But the tremendous machinery existing in the department, and which has been created through more than a century of governmental activity, makes the task of bringing about reforms one of great difficulty.

Notwithstanding the splendid work done by the committee from which this bill came, I think there are many instances in which they could have reduced the items for which appropriations are sought without impairing the efficiency of the Army or working any injury to any branch of our military service, and I believe it was a mistake to provide for an Army of from 170,000 to 225,000.

I have referred to the demands made by the public for appropriations. In fairness I should say that in some parts of our country there are insistent demands that the burdens of taxation shall be lightened and that the appropriations made by Congress shall be not only materially reduced but drastically reduced. When attention is called to the fact that our annual expenses are four or five times greater than they were before the war, many of the American people seriously inquire as to the reason. No adequate reason can be given; and soon, in my opinion, the demands for explanation will become more insistent, and unless the policy of Congress changes, the answer to these inquiries will be deemed inadequate, and the party responsible for the high taxes and enormous appropriations will be rebuked by the electorate of this Republic.

I have had frequent occasion since coming to this body to voice my opposition to appropriation bills passed by Congress. Upon numerous occasions I have criticized appropriation bills and many of the items found therein and have protested against the extravagance and prodigality characterizing Federal administration. The serious financial condition of our country should call for a minimum of appropriation. Every effort should be made to reduce the heavy burdens of taxation.

We are not only not reducing but there is every evidence that the present session of Congress will set an example of extravagance, perhaps never before equaled, in this Republic. The warnings emanating from the Secretary of the Treasury and from Senators, as well as from various other sources, seem to fall upon dull ears. We pass appropriation bills and deficiency bills and measures calling for amounts in the aggregate in excess of our revenues and evince but little concern over the result. A number of Senators have been attempting to eliminate from this bill various items found therein, but all attacks seem futile. I called attention, when the debate on this bill first began, to the large appropriations carried for civilian employees and clerical and administrative help. I directed attention to a number of items, aggregating several millions of dollars, and insisted that the appropriations for purely administrative purposes and for civilian help were ruinous in their immensity. It seems to me inexcusable to appropriate millions of dollars, as this bill does, for clerical help and civilian employees.

I stated that before the debate was concluded I would call attention to other items carried in the bill for civilian employees and for help and assistance and labor connected with the massive machinery which controls the War Department, or, perhaps, properly speaking, which is the War Department. In order that I may sharply challenge attention to some of these items, I move to amend on page 30, line 11, by striking out the numerals "$450,000," so that as amended the provision will read:

That from this appropriation not exceeding $2,000,000 shall be expended for the hire of labor.

The bill carries $2,450,000. My amendment seeks to reduce the appropriation $450,000. If this proposed amendment is adopted, I shall move to amend line 12 by striking out the numerals "$825,000."

The appropriation calls for $2,825,000 for the pay of civilian employees other than laborers, and my amendment would reduce the item $825,000. These items appear under the heading "Incidental expenses." I invite attention to the fact that large appropriations have been made for the civilian employees and for clerical help at various other points in the bill and for every possible purpose and contingency. Yet we find "Incidental expenses" carrying over $5,000,000 for civilian employees. The provision reads, in part, as follows:

INCIDENTAL EXPENSES.

Postage, cost of telegrams for official business—

and a number of other items, aggregating $5,500,000. But we find that $2,450,000 may be expended for the hire of labor, and not exceeding $2,825,000 "shall be expended for the pay of civilian employees other than laborers." So that from the item of $5,500,000, under the head of "Incidental expenses," if I interpret this section correctly, we appropriate nearly $5,500,000 for civilian employees. As to the last item, it is mandatory upon the Secretary of War. Two million eight hundred and twenty-five thousand dollars "shall be expended for the pay for civilian employees other than laborers." There seems to be no discretion. The Secretary of War is compelled to make these expenditures. How this item can be defended I do not know.

Thus we have of "incidental expenses" $5,500,000, and ostensibly for a large number of matters—postage, cost of telegrams

on official business received and sent by officers of the Army, including members of the Officers' Reserve Corps when ordered to active duty, for expenses of express to and from frontier posts and armies in the field, and for the employment of an organist for the United States Disciplinary Barracks, and incidental expenses of recruiting, and incidental expenses for the apprehension, securing, and delivery of deserters, including draft evaders—from that large list of subjects, which it would seem would require a considerable appropriation, and for which apparently a large appropriation is made, we find that the entire amount is absorbed by civilian employees except $250,000.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. May I inquire what the present status of those items is? Have we agreed to the committee amendments?

Mr. KING. Yes.

The PRESIDING OFFICER. The committee amendment has been adopted and is not now open to amendment without a reconsideration.

Mr. FLETCHER. That is what I supposed was the status, but I did not know but what they had been passed over.

Mr. KING. Mr. President, I perceive the situation, and to save any question I move a reconsideration of the vote by which the item in line 11, page 30, was changed from $2,500,000 to $2,450,000.

The PRESIDING OFFICER. Is there objection to the reconsideration? The Chair hears none, and it is so ordered.

Mr. KING. Now, I renew my motion to strike out the numerals "$2,450,000" and to insert the numerals "$2,000,000."

At this point, as I do not care to take up the time of the Senate in presenting separately the items to which I wish to call attention, I desire to place in the RECORD a number of items for civilian expenses that are carried in this bill. I do this to show what I conceive to be the extravagance of the War Department in the matter of civilian employees, clerical help, and nonconstructive forces.

On page 2, $168,000.

On page 3, $22,000.

On page 4, $300,000.

On page 10, $600,000.

And let me say, in passing, Mr. President, as I recall that item and several others——

Mr. WADSWORTH. I dislike to interrupt the Senator, but he has made two mistakes already.

Mr. KING. If so, I shall be glad to be corrected.

Mr. WADSWORTH. For instance, the Senator said on page 3 that there was appropriated $22,000 for civilian employees. If he will read the item, he will see that it includes typewriters, office, toilet, and desk furniture; textbooks, books of reference, scientific and professional periodicals, and so forth. The Senator also said $168,000 was appropriated for civilian employees on page 2. That is not correct.

Mr. KING. If the Senator had waited until I concluded the sentence I would have been glad to state what the record shows and explain the manner in which these items are carried. I was about to observe that some of the appropriations carried in the bill comprise civilian compensation, clerical help, administrative assistance, and so forth, as well as items for supplies or other purposes. It is not always possible to determine accurately what part of the appropriation is to be allocated for civilian employees' compensation and what part for other purposes. The item the Senator has just called attention to contains several objects to be affected by the appropriation. Among them are compensation for the chief clerk for superintendence of the General Staff College Building; pay of a chief engineer, assistant engineer, carpenter, four firemen, and elevator conductor; and the aggregate is $22,000. So that in a number of these items it is impossible to determine just what proportion of the aggregate is allotted for the pay of civilian employees or for clerical help, but in many of the items the entire sum carried is for that purpose.

I direct attention to the item of $600,000 on page 10, where $2,835,000 is appropriated for the Signal Corps. I do not complain of that amount, large as it appears to be, but it does seem to me to be absurd and improper to carve out of that amount $600,000 to be expended for salaries and wages of civilian employees.

On page 13 there is carried an appropriation of $19,200,000 for Air Service, and $4,000,000 of that is for the pay and expenses of civilian employees other than those employed in experimental and research work; then not exceeding $270,000 for experimentation, conservation, and production of helium; not exceeding $4,300,000 may be expended for experimental and research work on airplanes or lighter-than-air craft and their equipment and pay of necessary civilian employees. It is impossible to determine what part of that item of $4,300,000 may be expended for the pay of civilian employees. There is no limitation; and so a very large part of this huge appropriation is absorbed in overhead and civilian compensation. There is nothing in the bill and nothing in the report to indicate the division which will be made, but $4,300,000 of the $19,200,000 is appropriated outright for that purpose, and millions more may be diverted to the same end.

On page 18 is an appropriation of $147,590 for clerks, messengers, and so forth, for the Chief of Staff. On the following page is an item of $48,100 for clerks and messengers for the Chief of Staff's College. On the same page is $733,000 for Army field clerks. Let me say, in passing, that there is a large number of field clerks, to me it seems too great a number, in view of the reduction promised in the personnel of the Army; but, at any rate, notwithstanding the large number of clerks and civilian employees, we are appropriating in that item $733,000 for Army field clerks. Then follows an additional item of $5,000 for additional pay in foreign service. Then there is an item for commutation of quarters, of heat and light of $198,000. That is a direct charge for civilian employees, or at least employees engaged in clerical work in connection with the Army.

On page 20 there is an appropriation of $2,500 for an accountant, and an item of pay for contract surgeons; on page 22 an item for compensation of clerks and other employees of the finance department, $1,420,000; on page 28 an item of $1,750,000 for clerks in the Quartermaster Department. On page 30 we find the item to which I called attention a moment ago of $5,500,000 for incidental expenses—$2,450,000 for hired labor and $2,825,000 for the pay of civilian employees other than laborers. On page 35 is $250,000 for employees in the Quartermaster Department. On page 36 is an appropriation of $2,000,000, and it is impossible from the appropriation to determine what amount is for civilian employees. I merely give the aggregate. It involves expenditures for a number of matters.

On page 55 is an appropriation of $45,000 for civilian assistants in the Engineers' office, and $75,000 more is found on page 76 for additional employees, and $200,000 on page 77 for engineering and other service.

In addition to all this there are a large number of items, aggregating several million dollars, which call for the expenditure of very large sums for the payment of civilian employees. There is an item for teachers in Cavalry schools, $10,000; Field Artillery schools, civilian employees, $35,000; Infantry school, $35,000; Field Artillery teachers, $5,000; Fort Monroe, for employees at that school, $12,000; contract surgeons, $36,000; civilian employees, nurses, and so forth, in certain hospitals, $900,000.

On page 20 is an appropriation of $1,875,000, which embraces a number of items, but among the items is an expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps. Notwithstanding the large appropriations carried in other items for the Quartermaster Department we find in this paragraph $1,875,000, and it is impossible to determine what proportion of that is for Army field clerks and field clerks of the Quartermaster Corps.

Other appropriations as difficult to understand—that is, to segregate the amount appropriated for civilians—are as follows: On page 43, $900,000; on page 46, $100,000; on page 51, $200,000; on page 53, $220,000; on page 54, $25,000; on page 56, $425,000; on page 61, $1,350,000, and a considerable portion of that appropriation is for civilian employees.

The aggregate of all these appropriations is a colossal sum. I have no doubt that a complete analysis of the figures would show an appropriation of more than $30,000,000 for civilian employees and for those who are engaged in what might be denominated clerical work. I can not understand, with the determination evinced by the chairman of the committee for economy in the administration of the War Department, how he can justify or approve these enormous appropriations for the purposes stated in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee which was reconsidered.

The amendment was agreed to.

Mr. LENROOT. Mr. President, before the bill is finally acted upon I wish to take about two minutes in a discussion of the bill as a whole.

The bill does not meet with my entire approval. I would liked to have seen it lower in the number of personnel. I am

a member of the committee, and the bill is the result of a compromise between a small minority of the committee and the majority of the committee, and I believe a very good compromise upon the whole.

I wish to say for the chairman of the committee that while a minority of the committee disagree with him and his colleagues as to the size of the Army required, aside from that he and the committee itself have cut these appropriations to the very bone, according to the evidence which was produced before the committee.

I wish to put in the RECORD some figures as to the bill. The Army appropriation bill for the fiscal year ending the last day of the present month carried $394,700,000, and deficiency appropriations were made during the year amounting to $55,056,000, making a total of appropriations for the present fiscal year of $449,956,000. The pending bill carries $335,955,000, or $113,811,000 less than the amount appropriated for the present fiscal year, which is a very substantial saving compared with the appropriations made for the present fiscal year.

I should like to make a little comparison between the Army appropriation bill and the Navy appropriation bill. For the Navy there was appropriated for the fiscal year ending June 30, 1921, $433,400,000. There were two deficiency appropriations made for the Navy during that fiscal year amounting to $71,650,000, or a total of appropriations for that fiscal year of $505,050,000. The bill which passed the Senate a few days ago carried in round numbers $496,000,000 for the Navy for the ensuing fiscal year, or only $9,000,000 less than was expended in the present fiscal year, while the Army appropriation bill now before the Senate is $113,000,000 less than the amount expended for the Army during the present fiscal year.

In addition to that, Mr. President, the personnel in this bill is cut at least 50,000 men, while in the naval bill, which was just passed, there was an increase of 1,000 men, which gives us a very good idea, I think, of the difference, so far as economy is concerned, between the naval bill and the Army appropriation bill.

As I said a moment ago, while I believe the Army can, without injury to the country, be further reduced, and I expect that it will be reduced, below the number appropriated for in this bill, I think that, considering the situation, a very fair compromise has been reached.

I want to say in this connection that while the chairman of the committee thinks that this bill will provide for a minimum Army of 169,000 men, I do not agree with him. I believe that the amount appropriated will provide for a minimum Army of more than 150,000 men, unless the Secretary of War on the 1st day of July next shall arbitrarily discharge a number of thousands of men. He is given the power to do so, of course, in this bill, and he may do so, but the estimate that the chairman has made as to the bill permitting an Army of from 165,000 to 169,000 men was based, as I understood him, upon the assumption that on the 1st of July the Army would consist of 207,000 men, while, as a matter of fact, it will consist, as now estimated, of 215,000 men. That being true, Mr. President, I believe, unless the Secretary of War arbitrarily discharges some 10,000 men on the 1st of July next, that at the end of the next fiscal year, under the existing appropriations, we shall find our Army cut down to 150,000 men.

The PRESIDING OFFICER. If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. UNDERWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum, and the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	McKinley	Stanley
Borah	Harrison	McNary	Sutherland
Brandegee	Jones, N. Mex.	Myers	Swanson
Broussard	Jones, Wash.	Nelson	Trammell
Bursum	Kellogg	Nicholson	Underwood
Cameron	Kendrick	Norris	Wadsworth
Capper	Kenyon	Overman	Walsh, Mont.
Curtis	Keyes	Phipps	Warren
Dial	King	Pomerene	Watson, Ga.
Dillingham	Knox	Reed	Watson, Ind.
Elkins	Ladd	Sheppard	Weller
Fletcher	La Follette	Shortridge	Williams
Frelinghuysen	Lenroot	Simmons	Willis
Gerry	Lodge	Smith	Wolcott
Gooding	McCormick	Spencer	
Harreld	McCumber	Stanfield	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present. The question is on concurring in the amendments made as in Committee of the Whole, except the two reserved for a separate vote in the Senate. Without objection, the amendments not reserved are concurred in. The Chair hears no objection. The question now is on concurring in the first amendment reserved, which the Secretary will state.

The SECRETARY. In the item "Pay of enlisted men," on page 16, line 9, after the word "staff," the committee proposes to strike out "$72,678,659" and in lieu to insert "$83,000,000."

Mr. WADSWORTH. Mr. President, I have only about three sentences to utter; then I shall take my seat and have nothing more to say on the bill. The question now arises as it did yesterday, although perhaps some Senators were absent at the time the matter was then debated, Shall the Army, which to-day contains in the neighborhood of 220,000 men, be reduced, according to the best calculation the committee and the department can make, to the number of approximately 168,000 men and held there for the remainder of the next fiscal year? The department tells us that it will reach that figure through normal shrinkage after the expiration of about six months of the next fiscal year. That is the proposal of the Senate committee, earnestly pleaded for by the Secretary of War.

The House proposal is that the Army shall be reduced from its present figure of 228,000 men to 120,000 men by the end of the next fiscal year. Under the House appropriation 108,000 men, or 50 per cent, approximately, of the entire Army must be discharged. I beg the Senate not to inflict such treatment upon the Army. It is too drastic; it is too severe. We have done our best, Senators, to keep this bill down; as the Senator from Wisconsin [Mr. LENROOT] has said, to carve the items in the bill to the bone. We present you a bill $11,000,000 less in the aggregate than the bill both Houses passed at the last session. We ask you not to treat the Army in such a terribly drastic manner, for as I stand here I verily believe that if we compel 108,000 men, in round numbers, to leave the service, in one way or another our Army by the end of the latter portion of the next fiscal year will not be an Army at all.

Mr. BORAH. Mr. President, just a word. The House understands that the bill as passed by it will reduce the Army to 150,000 men. The Senator from New York contends that, owing to the appropriations made in the House bill, the Army will be reduced to less than 120,000. That matter could be easily taken care of, if the Senate so desired, by changing the amount appropriated. The vote, however, at this time will determine the question of whether we will raise the Army to 168,000 or 170,000 men. If the vote should be adverse to that, it will be within the power of the Senate to arrange definitely for 150,000 men, if it desires so to do.

The Senator from New York has spoken—and I am not going to take the time of the Senate—with reference to the effect of this action upon the Army. We are appropriating here $335,000,000 for an Army. That is three times as much as we were appropriating for that purpose prior to the war.

I have no doubt that to some extent the effect which the Senator from New York portrays will follow; but, nevertheless, we are advised by the experts with reference to the revenues of the Government and with reference to taxes that if we do not cut drastically there is no possible chance to reduce the taxes in this country during the next year or two years. There are only two items in connection with which we can successfully reduce taxes, and those are the appropriations for the Army and the Navy. So far we have not been able to make a cut of any moment whatever with reference to the Navy.

I do not believe there is a Senator in the Chamber who does not believe that we will be perfectly secure and perfectly safe with an Army of 150,000 men. Such an Army can be available for no purposes except police purposes; it is not large enough, and neither is an Army of 170,000 men, to guard adequately against foreign attack; and while it is true that it may have the effect of reducing the Army below that which the Secretary of War thinks proper, it is, nevertheless, also true that only in that way can we relieve the burdens which are pressing down upon the American people. I venture the prophecy that unless this Congress cuts these items there will come here a Congress which will cut them far more than we are asking that they be cut now. The Army will not suffer from reduction anything like the people are suffering from these ever-pressing burdens. Let us realize that the situation is serious, very serious, and let us meet it. One of the ways to meet it is to reduce war expenses, and we must not hesitate to do our full duty in that respect.

Mr. WILLIAMS. Mr. President, I want to add my small voice to the potent voice of the Senator from Idaho.

To build a great, big Navy with the idea that we are afraid of somebody, or else with the idea that we want to make somebody afraid of us, is a mild form of insanity. To try to keep up a great, big Army with views like that, or with any other

views that I have heard uttered, is not a mild form of insanity; it is mere pure idiocy.

I not only agree with the Senator from Idaho as far as he has gone but I would go further, and I see no reason why the United States should have an Army of over 50,000 men. During our most respectable existence as a Nation our Army amounted to 25,000. Nobody was picking a quarrel with us. We were picking a quarrel with nobody. We have no quarrel to pick now. Nobody has any quarrel to pick with us.

Every dollar devoted to armament on land, even though the same argument may not be made as to armament upon the sea with the same strength and force, is a dollar unjustifiably abstracted from education, from moral progress, from public-road building, from an increase of harbor and open waterway facilities, from something in itself useful to something in itself destructive and idiotic.

Mr. REED. Mr. President, I am unable to understand the logic of the Senator from New York [Mr. WADSWORTH]. He tells us that if this item in the appropriation bill is reduced, or is kept at the point where the House put it, it will force discharges in the Army so that there will be a reduction to 120,000, and that he therefore thinks that will result in a practical disintegration of the Army.

If there are 228,000 men who now want to belong to the Army, I am unable to understand why the discharge of half of that number, or approximately half, would make the others who are allowed to remain want to get out of the Army. It seems to me they would want to stay in the Army all the more, because it would be harder to stay in the Army and there would not be so much opportunity for everybody to get in, and if they once got out the chance to get back in would not be so good; so I am unable to understand that logic.

Mr. President, I have the utmost respect for the chairman of this committee and for the work that he has been endeavoring to do. We have simply come to a point here where there is a difference of opinion, and fundamentally it is the difference between an Army of 175,000 men and an Army of 150,000 men.

In addition to that, as I took occasion to say on yesterday, we have 98,000 men in the militia, and it is admitted that they never were so well trained and so well equipped or anything like so well officered, because substantially all of their officers are veterans of the European war. That, of course, is a broad and general statement, and there are exceptions; but that is the general rule. Moreover, it is admitted that the National Guard is growing rapidly, not only in numbers but in its general efficiency, so that if this country were by any peradventure to be called upon to enter a war or to suppress disturbances at home, we have in addition to the Regular Army this body of men, officered, trained, and equipped, as I have said, and rapidly growing in numbers.

I think, therefore, we can safely cut this appropriation at this point, and that even if the Army should go to 120,000 we would still have all the troops necessary to maintain the "skeletonized army" of which we hear so much talk and which could be recruited in case of war.

As to war, there never was a time in the history of the United States—if we would only bring our soldiers back from Europe, where they are a constant menace, because they might possibly be attacked—when we were in a safer position than at present. What country will attack us at present? It certainly is not Germany. Why, they have taken away all the arms of Germany, and she lies there prostrate. It certainly is not France. Who will claim that it is England? If you speak of Japan, she can not under existing circumstances land a soldier in the United States. Besides, I call attention to one fact that ought never to be forgotten, and that is that the lesson of the last war to the world is that America is not too proud to fight, that she is not too cowardly to fight, that she is not too inefficient to fight, that she has the resources and has the men, and that to-day there are in the United States of America 2,000,000 highly trained soldiers——

Mr. WILLIAMS. Four million.

Mr. REED. I am speaking of those who were abroad; I think the Senator is more nearly right than I am—soldiers who would respond on the instant if the liberties or rights of the United States were menaced. Therefore, pressed as we are with taxation, pressed as we are with burdens that the people can scarcely bear, it seems to me but an act of prudence to cut as far as we can upon this bill.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BORAH. I call for the yeas and nays.

Mr. LA FOLLETTE. Mr. President, Gen. Nelson A. Miles, for many years the head of the Army of the United States, a man whose military training is unexcelled, whose military experience is broader than that of any other recognized military authority in the country, I am informed has always held the opinion that the standing Army of this Government ought never to exceed 1,000 men for every million of our population. In my view, Mr. President, it would be no calamity if the standing Army of this Government were reduced at the end of a year to 100,000 men.

When Gen. Miles declared for a standing Army limited to 1,000 men per 1,000,000 of population, it was accepted by Congress and the country, and the Army was for many years maintained below that figure. During that period the National Guard was much below its present strength.

In voting upon the pending amendment Senators should remember that in June, 1916, legislation was enacted which really makes the National Guard of this country a part of the United States Army. It was stated in the course of the debate yesterday by the chairman of the Committee on Military Affairs that under existing law, when it shall have been completely executed, the maximum strength of the National Guard of this country will be 425,000 men.

He stated, in response to questions propounded to him yesterday, that by the end of the coming year the National Guard is likely to number at least 150,000 men. The expense of maintaining the National Guard falls upon the American people and adds another great burden to that imposed in maintaining the standing Army.

Mr. President, in 1870 we had a population of 38,000,000, in round numbers. We had at that time a standing Army of 34,000. Ten years later, in 1880, we had a population of 50,000,000 and a standing Army of 24,000. Ten years later, in 1900, we had a population of 75,000,000 and a standing Army of 65,000. In 1910 our population was 91,000,000 and our standing Army 72,000. Gen. Miles had been for years the head of the Army of the United States, and I take it from these figures that his ideas prevailed and were reflected in the legislation that built up that Army.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. The Senator, in quoting Gen. Miles, is right about the 1,000 men to 1,000,000 inhabitants being the minimum. That is what he desired in the very years of which the Senator is speaking. He desired to have at least 1,000 men in the Army for every 1,000,000 people. That was the minimum. But he really wanted a somewhat greater number.

Mr. LA FOLLETTE. I am glad to be confirmed in my recollection; and it is my recollection that it was his positive and often-declared opinion that the Army should never exceed that proportion to our population, Mr. President.

Coming down to 1915, our population, I suppose, was then, in round numbers, probably 100,000,000. That was the mid-census period. I have not the exact figures of our population at that time; but our standing Army at that time was 100,000 men, or 101,000, to be more specific.

Now, Mr. President, we come down to 1920. We have a population of 105,000,000 people in this country. We have a world that is on crutches outside of the United States, a world from which we can not possibly be attacked. No man throughout the long debate on the naval appropriation bill and throughout this debate has had the hardihood to suggest that war can be made upon the United States by any Government on earth.

What excuse have we in these times, with the pressing burdens that have been imposed upon the American people by the war through which we have just passed, for building up an Army nearly twice the size of the Army as fixed by its relation to our population in this country ever since the Civil War?

Mr. President, it is to be borne in mind all the while that there is being built up another great military organization. I did not carry the figures of the National Guard along during these census years with the figures of the increase of the standing Army, but the National Guard has been growing larger. That must be considered, I think, in deciding this question. Senators who vote for this increase will have to answer to the tax-burdened people of this country. They will demand to know why their representatives stand for an increase in the standing Army of nearly 100 per cent over the peace-time period preceding this war. Senators favoring this great standing Army will also have to assume the responsibility and be able to answer for the enormous increase which by national legislation and State legislation is imposed upon the people of this country in building the National Guard.

I say to you, Mr. President and Senators, that those who want the big navies and big standing armies have seized upon the conditions that follow upon every war to build up a great Naval Establishment, far beyond the power of the people of this country to maintain; and to build up a great Army which

will ultimately, under legislation now on the statute books, be composed of the National Guard, numbering nearly half a million men, and a standing Army of 175,000 men.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield.

Mr. REED. I hope the Senator will not do as I did, forget to mention the fact that we have 27,000 marines at the same time.

Mr. LA FOLLETTE. Yes, Mr. President; and besides that a reserve of 70,000 officers. I think I am right in saying that they are outside of this Army of 175,000, am I not? I do not wish to overstate anything.

Mr. WADSWORTH. They are; but they are not paid.

Mr. LA FOLLETTE. I understand that they are not paid. But, Mr. President, they are ready; they are being kept ready for any military needs of this country at any time. Seventy thousand officers, even though they be not on the pay rolls, are being kept in military training, ready to officer any regiments which might be raised out of those men who were so splendidly trained for military service during the years of the late war.

Mr. REED. They are 70,000 minute men, ready to be called at a minute's notice.

Mr. LA FOLLETTE. Seventy thousand men ready to be called on a minute's notice, Mr. President. I venture to say when we go back to the people who have to pay these bills and talk it out with them they will not be satisfied with the argument that it is mighty hard on the Army to reduce it to 150,000 or 120,000 men. Their answer will be that it is mighty hard on the people to carry the burden of this great Military Establishment in a time of profound peace.

Mr. President, this proposed amendment reducing the personnel to 150,000 ought to pass. It ought to pass overwhelmingly. It will effect a large saving to the taxpayers. The Army ought to be reduced to 120,000, the number carried by the bill as it came from the House. I do not know just what rights have been carried over into the Senate from the Committee of the Whole, but I trust the right to vote for an Army of 120,000, as the House proposes, and no larger by a single man, will be given to us in the Senate.

Mr. WARREN. Mr. President, I hope the committee amendment, which is the question now before the Senate, will receive the support of the Senate. So far as the money is concerned, a very large part of it will come back in the channels of trade in this country and be distributed among the poor as well as the rich. I would not ask support of a provision for an Army of this size if I did not think it necessary at this time, an Army which may hereafter be reduced or increased, as circumstances may occur. From what I know of the situation, and from what I know of the Army, with which I have been somewhat conversant for a number of years, I believe by all means the committee should be sustained in this amendment.

Mr. MYERS. Mr. President, I listened with very much interest to the remarks of the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], as I always listen with interest to all that he says when I am in the Chamber. I was much interested in his remarks to the effect that there is no nation on the face of the earth to-day with which we are in any danger of engaging in warfare.

I heard very much of that kind of talk before April, 1917, preceding our entrance into the World War, and at that time I was one of those who believed it. It had its influence with me, and I believed at that time that there was no danger of the United States becoming engaged in war with any nation on the face of the earth. I did not see how we could be drawn into any war.

Yet when President Wilson toured the country, just before our entrance into the war, and advocated large increases of the Army and Navy, he raised a perfect furor of indignation among the people of this country because the country was not better prepared for the emergency. I think we should learn something from the experience of the last few years.

Woodrow Wilson, late President of the United States, before he went out of office, urged that we have an Army of 300,000 officers and enlisted men. That was his judgment as the result of our experience in the World War and our lack of preparedness for that great calamity. He vetoed a bill which Congress passed because it provided for an Army of only 175,000 men.

Secretary of War Baker urged in the strongest possible terms that this country keep, for the present at any rate, an Army of 300,000 officers and enlisted men.

Gen. Pershing appeared before the Senate Committee on Military Affairs and urged and pleaded that our standing Army for the present be not reduced below 175,000 men, at least. He advocated that it be 200,000, but he pleaded with the committee not to make a reduction below 175,000 for the present.

Secretary of War Weeks urges that the Army plans of this country, under the Army reorganization law, which is now in force, demand an Army for the present of 175,000 men and urges that it be granted.

Are we to give no weight or credence whatever to the opinions of those who went through the great World War with us, and were probably in closer touch with it than any other human beings? Are we to give no weight whatever to their judgment as the result of the experience of that terrific conflict?

Prior to our entrance into the World War such arguments as I have heard to-day were winning arguments with me, and I voted against any material increases in our Army and Navy; but the experiences we have had in the last few years have widened my vision, and I believe we should look upon the subject from a more far-reaching standpoint to-day than we did in the days which preceded April, 1917.

Mr. REED. Mr. President, just so the country may know the situation, let me state it in a word. We are talking here about an Army of 175,000 men.

Mr. WADSWORTH. May I correct the Senator? It is 168,000.

Mr. REED. Very well; but we have been talking about 175,000 and 168,000 and 150,000, as though that were the military force to defend this country.

What are the facts? I will put the Army at 150,000, which is what is being contended for. There are 27,000 marines. There are in round numbers 100,000 National Guardsmen, a part of the Regular Army under the law to-day. There are 70,000 reserve officers, sworn in, subject to call at a moment's notice. That is a force immediately, instantly available of 347,000 men. Let us talk about the facts. That is 347,000 men if we reduce the Army to 150,000.

Mr. MYERS. As to the 70,000 officers who may be called at a minute's notice, what good would they do us if there were no trained and disciplined men for them to command?

Mr. REED. I will answer that by the statement that what we need always is officers, and that has always been the claim; and if the Senator wants to know where the trained and disciplined men are, I answer that there are from two to four million of them on the farms, in the workshops, and in other places, ready to be called to the colors.

Mr. MYERS. Yes; and we trained them in 1917 on sudden notice at tremendous and staggering expense.

Mr. REED. But they are trained now, and the Senator certainly will not stand here and dispute with me that a trained officer, ready to be called at a moment's notice, is not a much more valuable man than simply an untrained citizen who can fire a gun. The 70,000 trained officers ought to be the equivalent in value of a standing army of 350,000 men, or more than that number. No one can tell how great the value is. But if at the beginning of the war we had had 70,000 trained officers who could have been called on at a moment's notice they could have whipped the Army into shape in half the time.

So you have 347,000 men, 70,000 of them trained officers, practically every one of whom saw service in the war, and most of them across the sea.

Mr. JONES of New Mexico. Mr. President, owing to physical disability I was not able to be present during the time of the consideration of the Navy appropriation bill, and I have not been able to be here very much during the consideration of the Army appropriation bill. It is quite probable that I should not undertake to say a word even now, but the situation is one to which I have devoted much thought, although I am not a member either of the Committee on Military Affairs or the Committee on Naval Affairs.

There is one great outstanding fact. The Navy appropriation bill which has passed the Senate appropriated in round numbers half a billion dollars. The Army appropriation bill carries in round numbers $350,000,000 more. This makes a total appropriation for the Army and the Navy in round numbers of approximately $850,000,000.

I am not sufficiently acquainted with the organization of either the Army or the Navy to say where retrenchment might occur. At this time, so soon after the Great War is over, when we have an equipment far beyond anything we have ever had before, it is inconceivable to me that the cost of the Army and the Navy should be kept at such a figure as is proposed by the two bills to which I have referred. I submit that it will be difficult to explain to the people of the country the necessity for an appropriation of practically $850,000,000 for an Army and a Navy at this time. When all the other expenses are considered in

connection with it, I presume the total expense will probably reach as much as $900,000,000.

The people of the country are burdened with taxes now. They want a reduction in governmental expenses. I do not know where we can find a place to retrench better than in the Army and the Navy. There is not a single bureau or division of a bureau in the Government that does not desire to augment its importance in governmental affairs. The bureaus themselves will not point out where retrenchment may be made, and in my judgment it is the duty of the Congress to take these matters in hand and bring about retrenchment.

I do not know whether in the Army appropriation bill the retrenchment should occur in the number of enlisted men. It may be that retrenchment could be made in some other parts of the bill. It may be that the pay of the men might be reduced. It may be that the expense of their maintenance might be reduced. But there certainly is an outstanding fact, and that is that the expenses of the Army and the Navy should be reduced and that the country will not uphold a Congress which appropriates almost as much for the Army and the Navy in this time of peace as it appropriated for the entire upkeep of the Government prior to the war.

I am going to vote against concurring in the amendment made as in Committee of the Whole, and if the bill is not thus amended before it is passed I am going to vote against the bill, not because I do not believe we should have an Army but because I believe the bill should go back to the committee so that the committee may study its provisions and find some place where retrenchment may take place.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. WADSWORTH. May we have the question stated?

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. The pending amendment is the amendment of the committee on page 16, line 9, where it is proposed to strike out "$72,678,659" and in lieu to insert "$83,000,000," for pay of enlisted men of the line and staff.

The reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence I transfer my pair to my colleague [Mr. PAGE] and vote "yea."

Mr. HARRIS (when his name was called). I transfer my pair with the junior Senator from New York [Mr. CALDER] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. McKINLEY (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN], who is absent. However, I am at liberty to vote on this question. I vote "yea."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence I transfer that pair to the junior Senator from Alabama [Mr. HEFLIN] and vote "nay."

Mr. GERRY (when the name of Mr. WALSH of Massachusetts was called). I wish to announce the unavoidable absence of the Senator from Massachusetts [Mr. WALSH]. If present he would vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is unavoidably absent. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WILLIS (when his name was called). I am paired for the day with the Senator from Tennessee [Mr. McKELLAR]. However, I have been very reliably informed that if he were present he would vote as I propose to vote. I therefore feel at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I transfer that pair to the junior Senator from Tennessee [Mr. McKELLAR] and allow my vote to stand.

Mr. BROUSSARD (after having voted in the negative). When I voted I overlooked the fact that the senior Senator from New Hampshire [Mr. MOSES] is absent. I have a general pair with that Senator which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Nevada [Mr. ODDIE] with the Senator from Louisiana [Mr. RANSDELL].

Mr. UNDERWOOD. I wish to announce that my colleague [Mr. HEFLIN] is absent on public business. He is paired on this question with the Senator from Rhode Island [Mr. COLT].

Mr. GERRY. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is absent on account of a death in his family.

I also wish to announce that both the junior Senator from Arkansas [Mr. CARAWAY] and the Senator from Louisiana [Mr. RANSDELL] are absent on official business.

The result was announced—yeas 32, nays 36, as follows:

YEAS—32.

Ball	Fernald	Lodge	Shortridge
Brandegee	Fletcher	McCormick	Spencer
Bursum	Frelinghuysen	McKinley	Sterling
Cameron	Hale	Myers	Sutherland
Cummins	Kellogg	Nelson	Wadsworth
Curtis	Keyes	Nicholson	Warren
Dillingham	Knox	Phipps	Watson, Ind.
Elkins	Lenroot	Poindexter	Weller

NAYS—36.

Ashurst	Harrison	Norris	Swanson
Borah	Jones, N. Mex.	Overman	Townsend
Broussard	Jones, Wash.	Pomerene	Trammell
Capper	Kendrick	Reed	Underwood
Dial	Kenyon	Sheppard	Walsh, Mont.
Gerry	King	Simmons	Watson, Ga.
Gooding	Ladd	Smith	Williams
Harreld	La Follette	Stanfield	Willis
Harris	McNary	Stanley	Wolcott

NOT VOTING—28.

Calder	Glass	Moses	Penrose
Caraway	Heflin	New	Pittman
Colt	Hitchcock	Newberry	Ransdell
Culberson	Johnson	Norbeck	Robinson
Edge	McCumber	Oddie	Shields
Ernst	McKellar	Owen	Smoot
France	McLean	Page	Walsh, Mass.

So the Senate refused to concur in the amendment made as in Committee of the Whole.

Mr. WADSWORTH. Mr. President, I assume from the observations made by some of the Senators who voted against the committee amendment that it was their intention at least to have the Army reduced to 150,000 men and held there. That was the apparent intention of the other House, or at least of some of the Members of the other House, as I understand, when that body made an appropriation of $72,678,659. As the bill now stands, the Army will be reduced far below 150,000. I know, of course, some Senators want that done; others, however, I am informed, do not want that done, but do want the Army reduced below the figure suggested by the Senate committee. Therefore, Mr. President, I offer an amendment, on line 9, page 16, to strike out "$72,678,659" and to substitute "$81,000,000," instead of the $83,000,000 proposed by the Senate committee.

Let me make this statement in that connection: From the tables furnished the committee by the War Department, and which the committee is compelled to regard as being as accurate as can be compiled, we find that if the Army is reduced to a minimum of 150,000 men and held there the appropriation necessarily would be $82,879,000, but it ought to be stated that the amount of $82,879,000 includes in its calculations the reenlistment bonus provision of existing law, which this bill proposes to repeal. The repeal of the reenlistment bonus provision will save $1,800,000 for the next year. Therefore, if the Senate desires the Army reduced to 150,000 men and held there, it will appropriate actually $81,000,000 and still retain in the bill the repeal of the reenlistment bonus provision. Therefore I move the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The ASSISTANT SECRETARY. On page 16, line 9, it is proposed to strike out "$72,678,659" and in lieu thereof to insert "$81,000,000."

Mr. BORAH. Before that is voted upon, Mr. President, I desire to ask a question. The Senator would concede, would he

not, that the number "170,000", should be changed on line 2, page 17?

Mr. WADSWORTH. Yes; naturally so. The amount appropriated governs that, although that provision does not govern the appropriation.

Mr. BORAH. With the understanding that the change on page 17 is to be made, and that the number "170,000" is to be reduced to "150,000," which would be consistent with the amendment which the Senator from New York now offers, I shall not object to the amendment.

Mr. WADSWORTH. Certainly. So far as I may do so, I accept the other amendment suggested by the Senator from Idaho.

Mr. WILLIAMS. A parliamentary inquiry. I suppose I must have caught it wrong, but as I caught it the amendment increases the amount appropriated in the bill?

Mr. WADSWORTH. Yes; it increases the amount appropriated by the House.

Mr. WILLIAMS. I did not catch the Senator's statement.

Mr. WADSWORTH. My amendment now offered would increase the House appropriation to $81,000,000 in order to retain the Army at a strength of 150,000 men when such strength shall have been reached.

Mr. WILLIAMS. I beg the Senator's pardon and the pardon of the Senate. I forgot that the bill is a House bill. Then, the Senator's amendment is only an increase of the amount proposed to be appropriated in the bill as it comes from the other House?

Mr. WADSWORTH. Yes.

Mr. KING and Mr. FLETCHER addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Utah.

Mr. KING. I yield to the Senator from Florida.

Mr. FLETCHER. I was going to say to the Senator from Mississippi that there are reductions made by the bill as reported from the Senate committee from the amounts carried in the bill as it came from the other House which do not carry the full increase as indicated by the amendment.

Mr. KING. Mr. President, I desire to ask the chairman of the committee whether the reduction in size of the Army will not involve a reduction in some of the other figures carried in the bill for maintenance, clothing, subsistence, and so forth, because, as I understand, the bill as reported provided for an Army the minimum of which was to be 168,000. If we reduce the Army to 150,000 and hold it there, that reduction will be effectuated within six months, and obviously there must be corresponding reductions in the other items of appropriations.

Mr. WADSWORTH. The only other item that amounts to anything at all is the subsistence item. It happens that the Army equipment other than subsistence is being taken care of out of existing stock, but the subsistence has to be furnished to men out of stocks freshly purchased. That provision is found on page 25. If the Senate decides to compel the reduction of the Army to 150,000 men and hold it there, the appropriation made by the House for subsistence would seem to be sufficient.

Mr. BORAH. That matter will be in conference.

Mr. WADSWORTH. It will be in conference in any event. That is the only other item in the bill upon which the size of the Army within the figures discussed has any effect.

Mr. KING. Would there be no difference in the items for guns, ammunition, hospitals, and so forth?

Mr. WADSWORTH. Not at all. The Army have now all the guns and ammunition left over from the war, and we are not making any appropriations in this bill for new supplies of ordnance, but merely for some experimentation work.

Mr. KING. Do I understand the Senator, then, to mean that reducing the Army from 168,000 to 150,000 and maintaining it at that figure will effectuate the saving of approximately only $11,000,000?

Mr. WADSWORTH. Of only $3,000,000, including the reduction in subsistence. There has been a complete misunderstanding of this matter from the beginning.

Mr. BORAH. If the amendment of the Senator from New York is adopted, the amounts appropriated will all go to conference, anyway.

Mr. WADSWORTH. Certainly.

Mr. BORAH. With the understanding that the number "170,000," on page 17, shall be reduced, I have no desire to call for a yea-and-nay vote on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next reserved amendment.

The ASSISTANT SECRETARY. On page 17, line 2, the committee proposes to strike out "150,000," relative to the number of men in the Army, and to insert in lieu "170,000."

Mr. BORAH. As I understand, the Senator from New York is willing that the amendment on page 17, in regard to an Army of 170,000 men, shall be disagreed to in order to make it conform to the action of the Senate?

Mr. WADSWORTH. It should be disagreed to; that is all.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

The PRESIDENT pro tempore. The bill is still before the Senate and open to amendment.

Mr. KING. Mr. President, I desire to say just a word. I have given notice that I would offer an amendment reducing the Army to 100,000 men; but in view of the vote had a few moments ago and of the statements heretofore made by Senators, I do not care to press that motion.

The PRESIDENT pro tempore. If there be no further amendments to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill was read the third time.

Mr. WADSWORTH. I ask unanimous consent to have printed in the RECORD as part of my remarks certain tables showing the strength of the armies of other countries.

The PRESIDENT pro tempore. Without objection, the tables will be printed in the RECORD.

The tables referred to are as follows:

Populations and approximate strengths of regular armies—Part I.

[The tabulation shows the comparison of populations and approximate strengths of regular armies of European countries and the United States.]

Country.	Population.	Regular Army.	Regular Army in per cent of population.
Switzerland	4,069,000	170,000	4.25
Greece	7,500,000	240,000	3.20
Esthonia	1,200,000	36,500	3.04
Poland	30,022,000	815,000	2.71
Lithuania	2,000,000	40,000	2.00
Rumania	17,393,200	323,600	1.86
France	[1] 39,601,509	735,300	1.85
Letvia	2,605,000	45,000	1.73
Czechoslovakia	13,215,500	216,800	1.64
Albania	830,000	13,500	1.58
Serbs, Croats, and Slovenes	14,365,500	194,000	1.35
Belgium	[2] 7,555,600	100,000	1.32
Italy	36,740,000	464,000	1.26
Norway	[3] 2,391,800	30,000	1.25
Finland	3,325,000	35,000	1.05
Spain	[3] 20,695,700	216,600	1.05
Denmark	2,941,000	27,500	.94
Great Britain	[1] 45,516,000	[4] 425,000	.93
Turkey	12,000,000	[5] 100,000	.83
Russia (bolshevist)	[6] 182,182,000	[7] 1,500,000	.82
Bulgaria	4,430,000	32,000	.72
Portugal	5,545,600	33,000	.60
Hungary	7,600,000	36,000	.46
Austria	6,400,000	22,000	.33
Netherlands	[8] 6,724,700	20,000	.30
Sweden	[2] 5,813,800	15,600	.27
Germany	[7] 55,088,000	150,000	.27
United States	[9] 105,709,000	[10] 222,900	.21

[1] 1911.
[2] 1913.
[3] 1910.
[4] Includes 130,000 Indian troops serving outside of India.
[5] Nationalist Army.
[6] 1915.
[7] Estimated.
[8] 1917.
[9] Continental.
[10] Estimated enlisted strength, not including Philippine Scouts, Jan. 20, 1921.

Populations and approximate strengths of regular armies—Part II.

[The tabulation shows the comparison of populations and approximate strengths of regular armies of American and Asiatic countries and the United States.]

Country.	Population.	Regular Army.	Regular Army in per cent of population.
Uruguay	1,490,000	9,800	0.70
Mexico	16,000,000	90,000	.56
Chile	4,000,000	20,000	.50
Japan	58,000,000	273,200	.47
Ecuador	1,300,000	6,000	.46
China	400,000,000	1,369,900	.34
Venezuela	2,848,000	9,000	.31
Argentina	8,300,000	23,000	.27

Populations and approximate strengths of regular armies—Part II—Con.

Country.	Population.	Regular Army.	Regular Army in per cent of population.
Bolivia	3,000,000	7,100	0.23
Peru	3,530,000	7,500	.21
Brazil	22,000,000	37,000	.16
Paraguay	1,000,000	1,500	.15
Colombia	5,475,000	6,000	.11
United States	[1] 105,709,000	[2] 222,900	.21

[1] Continental.
[2] Estimated enlisted strength, not including Philippine Scouts, Jan. 20, 1921.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

Mr. WADSWORTH. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WADSWORTH, Mr. SUTHERLAND, Mr. NEW, Mr. FLETCHER, and Mr. MCKELLAR conferees on the part of the Senate.

THE MEAT-PACKING INDUSTRY.

Mr. LODGE. Mr. President, I am about to move that the Senate proceed to the consideration of executive business, but I yield to the Senator from Nebraska to enable him to have taken up the so-called packers bill.

Mr. NORRIS. I move that the Senate proceed to the consideration of House bill 6320, being the so-called packers bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska.

Mr. REED. What is the bill? To what does it relate?

Mr. LODGE. It is the so-called packers bill.

Mr. NORRIS. It is a House bill which the committee has reported back with an amendment.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment.

THE COAL INDUSTRY.

Mr. FRELINGHUYSEN. Mr. President——

Mr. LODGE. I yield to the Senator from New Jersey, if he does not desire to have a bill passed.

Mr. FRELINGHUYSEN. I simply wish to give notice that after the passage of the packers bill, I intend to call up Senate bill 1806 and Senate bill 1807, known, respectively, as the seasonal coal bill and the coal stabilization bill.

CONDITIONS IN IRELAND.

Mr. LA FOLLETTE. Mr. President——

Mr. LODGE. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, without reading, a clipping from the London Daily News of Tuesday, May 24, 1921. The article sets forth the charges made by Brig. Gen. Crozier, lately commander of the Auxiliary Division of the Royal Irish Constabulary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clipping referred to is as follows:

"DUBLIN CASTLE TERRORISTS—GEN. CROZIER'S NEW CHARGES AGAINST IRISH ADMINISTRATION—OFFICIAL EVIDENCE 'ARRANGED'—ACCUSATIONS OF MURDER, LOOTING, AND ARSON WHICH THE GOVERNMENT MUST INVESTIGATE.

"Further grave charges brought by Brig. Gen. Crozier, lately commanding the Auxiliary Division, Royal Irish Constabulary, against the authors and instruments of the present régime in Ireland are made public below.

"Gen. Crozier asserts that murder, arson, looting, and other forms of terrorism were practiced by the Crown forces during the six months he held his Irish command, and that it was in consequence of his determination to enforce discipline and put an end to police crime that his position was deliberately rendered impossible and resignation forced upon him.

"Perhaps his gravest accusation is that certain highly placed personages at Dublin Castle have, to his personal knowledge, been guilty of endeavoring to arrange the evidence bearing upon three murders, viz, the Father Griffin case, the guardroom case, and the Drumcondra case.

"An immediate public inquiry by a select committee of the House, or a joint committee of Lords and Commons, is demanded, and would appear to be inevitable.

"It is interesting to note that the period covered by Gen. Crozier's revelations largely coincides with that covered by the investigations of the Daily News special correspondent, Mr. Hugh Martin, whose story of police methods in Ireland is now dramatically confirmed by this leading police witness.

"CROZIER'S DOSSIER—ALLEGATIONS BACKED UP BY SWORN TESTIMONY AND AFFIDAVITS.

"[By Hugh Martin.]

"Zola's 'J'accuse!', which shook the French State to its foundations, is the obvious parallel to the challenge Gen. Crozier issues to-day to the Government of this country. It is a challenge that no government of a civilized State dare ignore.

"Gen. Crozier is not a journalist, whose evidence must necessarily be incomplete because gathered under difficult conditions and whose conclusions it is easy to sweep aside as being the fruit of ignorance and bias. He is a soldier with a brilliant record, speaking with complete inside knowledge of his subject and testifying, under stress of conscience and a sense of public duty, against the very men whom it was his task to command or to obey.

"The sum total of his testimony is, in certain aspects, a more shocking indictment of the present system of government in Ireland, both as devised and administered by those in supreme control and as executed by those below, than has been drawn up, to my knowledge, by any English journalist or any independent investigator.

"This indictment Gen. Crozier has embodied in a bulky dossier. Each accusation can be supported by sworn evidence, and many affidavits have already been taken. The charges are specific in character and are made in several instances against men occupying positions of high authority whose names are set down in writing. The dossier has been shown to a number of persons, including an ex-Army commander.

"INQUIRY ESSENTIAL.

"It therefore constitutes, if the charges are false, a libel of the most serious character, calculated not only to harm individuals but also to bring public order into contempt. The nation and the citizens are equally entitled to protection against so gross an attack.

"On the other hand, if the charges are true, the nation will demand salutary measures against a system and a personnel that has betrayed its confidence and dragged its honor in the dust.

"There seems to be no way out but the straight way, and that is the way of a public inquiry, either by a select committee of the House or, better still, a joint committee of Lords and Commons. Gen. Crozier should be called upon to produce his evidence and the most thorough measures taken to protect the lives and property of witnesses from Ireland. The latter point is obviously essential.

"Set out below in outline are some of the allegations made by Gen. Crozier upon which he must be directed to give evidence on oath. They begin with an incident at the commencement and end with an incident at the close of his term of office.

"1. AUXILIARIES AS SINN FEINERS.

"Disguised as members of the I. R. A., a company of auxiliaries, Gen. Crozier asserts, held up a post office at Kilkenny last September, gagged and bound the sorters, and opened some 20 mail bags. All the money found—a considerable sum—except £29, which was returned to police headquarters, was stolen and the letters thrown into the river. Telephone wires were cut and the district isolated by the police themselves as a blind.

"Lieut. Col. ———, the company commander, resigned soon after this operation took place. The auxiliary division had only recently been formed, and its development dates from the precedent officially set on this occasion.

"2. TREATMENT OF PRISONERS.

"Capt. ———, M. C., resigned his command after a fortnight on account of what he described as 'the methods in vogue.' Information as to the nature of these methods was subsequently obtained and was found to relate to the treatment of prisoners.

"3. MURDER OF FATHER GRIFFIN.

"Gen. Crozier is prepared to swear that he was informed, after leaving the force, by a certain cadet that he (the cadet) had murdered Father Griffin in County Galway and that a certain officer named stood by and afterwards buried the body in a bog.

"The latter officer is now alleged to occupy a position of great responsibility.

"Gen. Crozier states that a very highly placed official at Dublin Castle and a police officer of standing in the West were directly involved in the suppression of evidence bearing upon the murder. He was himself intrusted with a message between these two persons conclusively proving this.

"4. MURDER OF MR. MICHAEL O'CALLAGHAN.

"Gen. Crozier is in a position to supply important information relative to the murder of Mr. Michael O'Callaghan, ex-mayor of Limerick.

"5. THE KILLALOE SHOOTINGS.

"Gen. Crozier alleges that an ex-member of the Auxiliary Division who threatened an exposure of the circumstances under which three men were killed at Killaloe 'while endeavoring to escape' was 'squared' by the Irish government. The officer who executed this mission is now in London.

"6. 'GUARDROOM' AND DRUMCONDRA SHOOTINGS.

"Gen. Crozier is prepared to swear that in the course of a serious conversation at Dublin Castle on February 17 with an officer in high command the Drumcondra case was mentioned. This is the case in which two men were said to have been taken at night in a car from the castle and murdered at a lonely spot on the outskirts of Dublin.

"Gen. Crozier's charge is that the following words, or words to precisely the same effect, were used to him by the highly placed officer referred to:

"We managed to square the evidence in the Guardroom case, but I'm afraid we can't do it here. However, I did my best to put the wind up ———, and convinced him, I think, that he was an accessory before the fact.

"Gen. Crozier further declares that some of the police evidence in the Drumcondra case was, as a matter of fact, 'arranged,' and that he was himself present at the rehearsal of a portion of the proposed evidence before a prominent intelligence officer. That trial resulted in an acquittal.

"The 'Guardroom case' referred to above is the case in which men were killed 'while endeavoring to escape' from Dublin Castle guardroom.

"7. THE CROKE PARK 'MASSACRE.'

"This is the incident in which a party of police, following the murder of eight officers in Dublin, fired upon a football crowd at Croke Park.

"Gen. Crozier states in his dossier that one of his most trusted officers came straight to him from Croke Park after the shooting and reported:

"It was the most disgraceful show I have ever seen. The Black and Tans fired into the crowd without any provocation whatever.

"He ordered the officer to sit down at once and put his report into writing. This was done. Gen. Crozier sealed the report with his own hand and sent it at once to Dublin Castle.

"Was this officer asked to give evidence at the inquiry, and why has nothing more been heard of his report?

"8. RAIDING CREAMERIES.

"A cadet was discharged by Gen. Crozier for having knocked a civilian down, and left the country. The general had information that he intended to return to Ireland and lead a gang of robbers.

"Urgent representations were made in the highest quarter that the man should not be allowed to reenter the country. They were ignored.

"He came back, borrowed a police car, inveigled his nephew (under the plea, the latter urged, that he was a secret service officer) into joining him in a buccaneering expedition, and was caught raiding a creamery. The man was sentenced to 12 months' imprisonment and his nephew to three months.

"9. THE LOOTING AT TRIM.

"In this notorious case, which led to Gen. Crozier's resignation, an affidavit has been sworn by Maj. Wake, who, as court of inquiry officer, was ordered to go to Trim and collect evidence in connection with the charge of looting brought against members of "N" company of the auxiliaries.

"Maj. Wake brought back with him from Trim a number of articles which were said to have been stolen and afterwards returned. These he showed to his superior officers at the castle. The affidavit proceeds:

"'The next day the officer commanding the Auxiliary Division informed me that Maj. Gen. Tudor had ordered him to demand my resignation on the ground that I had been irregularly enlisted into the division by Brig. Gen. Crozier, and without him, Gen. Tudor, having been consulted.

"'With the express assent of the officer I applied to Gen. Tudor for an interview, which he refused. I then requested Gen. Tudor's permission for an interview with Sir Hamar Greenwood, the chief secretary, which was declined, but he stated that I could arrange for such interview myself.

"'I then wrote to Gen. Tudor refusing to resign, as I had been guilty of no misconduct, or to accept dismissal. On the following day I was dismissed from the force.'

"10. THE FIRE BRIGADE 'HOLDUP.'

"As a reprisal for one of the members of the Dublin fire brigade having identified a cadet in connection with an alleged offense on the previous day the brigade station at Ballsbridge was 'held up' by a party of auxiliaries.

"Gen. Crozier went down himself, caught the cadets red-handed, and put the two ringleaders under arrest. He put the men back for a court-martial, against the wish of headquarters, and the men were kept in the guardroom for several weeks awaiting trial.

"Upon Gen. Crozier's resignation the men were released on the ground of 'insufficient evidence.'

"These 10 paragraphs are a mere selection from the mass of detailed evidence got together by Gen. Crozier, tending to show the state of affairs with which he had to deal. Faced with the imperative necessity of restoring discipline and checking crime one of his most valuable weapons was the power of dismissal; of this he was deprived as early as November, and his resignation was the sequel to the still further limitation of his authority.

"A PLOT THAT FAILED.

"A curious sidelight upon the attitude toward official instructions which was apt to be taken by some members of the Auxiliary Division is supplied by an incident personal to myself which Gen. Crozier recalls.

"Following my adventure at Tralee, a special order with reference to my safety was circulated from Dublin Castle among the police. A member of the auxiliaries was prompted by this (having dined well) to set off from Beggar's Bush Barracks in a car with the expressed intention of 'throwing Hugh Martin into the Liffey,' after picking up a friend at the Hibernian Hotel to help in the operation.

"The matter being reported to Gen. Crozier, he telephoned to the Hibernian requesting —— to await an urgent message which would reach him in a few minutes. The message took the form of an escort which brought him back to barracks in custody.

"By a strange trick of fate this officer was himself shot dead not long afterwards in the West.

"More points from Gen. Crozier's dossier will be published in to-morrow's Daily News, together with facts relating to his dismissal that make a public inquiry imperative."

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 9, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 8 (legislative day of June 6), 1921.

CONSUL OF CLASS 4.

Charles L. Hoover, of Missouri, formerly a consul of class 4, to be a consul of class 4 of the United States of America.

UNITED STATES ATTORNEYS.

NORTHERN DISTRICT OF MISSISSIPPI.

Lemuel E. Oldham, of Mississippi, to be United States attorney, northern district of Mississippi, vice J. L. Roberson, appointed by court.

DISTRICT OF RHODE ISLAND.

Norman S. Case, of Rhode Island, to be United States attorney, district of Rhode Island, vice Peter C. Cannon, appointed by court.

WESTERN DISTRICT OF TEXAS.

John D. Hartman, of Texas, to be United States attorney, western district of Texas, vice Hugh R. Robertson, removed.

CHIEF OF MILITIA BUREAU, WAR DEPARTMENT.

Brig. Gen. George Collins Rickards, National Guard of Pennsylvania, colonel, Officers' Reserve Corps, to be Chief of the Militia Bureau of the War Department with the rank of major general for a period of four years from June 7, 1921.

MEMBERS OF UNITED STATES SHIPPING BOARD.

Albert D. Lasker, of Illinois, for a term of six years.
T. V. O'Connor, of New York, for a term of five years.
George E. Chamberlain, of Oregon, for a term of four years.
Edward C. Plummer, of Maine, for a term of three years.
Frederick I. Thompson, of Alabama, for a term of two years.
Meyer Lissner, of California, for a term of one year.
Admiral William S. Benson, of Georgia, for a term of one year.

COAST AND GEODETIC SURVEY.

John William Cox, of North Carolina, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, in the Coast and Geodetic Survey, vice Jack Senior, promoted.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES.

To be colonel with rank from May 26, 1921.

Lieut. Col. Le Vert Coleman, Coast Artillery Corps, Regular Army.

To be captain with rank from July 1, 1920.

First Lieut. George Shipley Prugh, Infantry, Regular Army.

MEDICAL CORPS.

Captains.

First Lieut. Milner Hubbard Eskew, Medical Corps, from May 8, 1921.
First Lieut. Luther Remi Moore, Medical Corps, from May 29, 1921, subject to examination required by law.
First Lieut. Harry Willard Waterous, Medical Corps, from May 30, 1921.
First Lieut. Carl Randolph Mitchell, Medical Corps, from June 3, 1921.

DENTAL CORPS.

Captains.

First Lieut. Carl Eaton Safford, Dental Corps, from May 18, 1921.
First Lieut. Page Purnell Albert Chesser, Dental Corps, from May 29, 1921.
First Lieut. Jay Ross Haskin, Dental Corps, from June 3, 1921.

CHAPLAINS.

To be chaplains with the rank of lieutenant colonel.

Chaplain James Lincoln Griffes, from June 4, 1921.
Chaplain John Menifee Moose, from June 4, 1921.

REAPPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES.

COAST ARTILLERY CORPS.

First lieutenant with rank from May 2, 1921.

Walter John Wolfe, late second lieutenant, Coast Artillery Corps, Regular Army.

INFANTRY.

Captain with rank from May 24, 1921.

John Ellis Rossell, late captain, Infantry, Regular Army.

First lieutenant with rank from May 25, 1921.

Donald Weldon Brann, late second lieutenant, Infantry, Regular Army.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

FINANCE DEPARTMENT.

First Lieut. James Bayard Haley, Quartermaster Corps, with rank from July 1, 1920.

ORDNANCE DEPARTMENT.

Maj. Everett Collins, Cavalry, with rank from July 1, 1920.
Capt. Robert Sherman Barr, Coast Artillery Corps, with rank from October 12, 1917.
Capt. Scott Brewer Ritchie, Quartermaster Corps, with rank from December 31, 1919.

CHEMICAL WARFARE SERVICE.

First Lieut. Charles Stricklen Shadle, Infantry, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Charles Franklin Fletter, Quartermaster Corps, with rank from July 1, 1920.
First Lieut. Alphonse Stoeckle, Cavalry, with rank from July 1, 1920.

INFANTRY.

Lieut. Col. Robert Emmet Grinstead, Quartermaster Corps, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. James Desmond Summers, Coast Artillery Corps, with rank from July 1, 1920.

PROMOTIONS IN THE UNITED STATES NAVY.

Capt. Henry A. Wiley to be a rear admiral in the Navy, from the 27th day of May, 1921.

Commander Thomas A. Kearney to be a captain in the Navy, from the 27th day of June, 1920.

Lieut. Commander John Grady to be a commander in the Navy, from the 1st day of January, 1921.

Lieut. Jere H. Brooks to be a lieutenant commander in the Navy, from the 23d day of September, 1919.

Lieut. James D. Smith to be a lieutenant commander in the Navy, from the 1st day of January, 1921.

Lieut. James G. Stevens to be a lieutenant commander in the Navy from the 1st day of January, 1921.

Lieut. Raymond G. Thomas to be a lieutenant commander in the Navy, from the 7th day of February, 1921.

Lieut. Henry D. McGuire to be a lieutenant commander in the Navy, from the 4th day of March, 1921.

Lieut. (Junior Grade) David R. Lee to be a lieutenant in the Navy, from the 1st day of July, 1919.

Lieut. (Junior Grade) Andrew H. Addoms to be a lieutenant in the Navy, from the 6th day of June, 1920.

Lieut. (Junior Grade) James M. Lewis to be a lieutenant in the Navy, from the 1st day of July, 1920.

Lieut. (Junior Grade) Isaac Schlossbach to be a lieutenant in the Navy, from the 1st day of July, 1920.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, from the 1st day of July, 1920:

Joseph H. Chadwick.	Moses B. Byington, jr.
John E. Williams.	John D. Alvis.
Herbert J. Grassie.	John S. McReynolds.
Francis C. Denebrink.	James L. Fisher.
George K. Weber.	William S. Garrett.
Leonard B. Austin.	Stanley M. Haight.
Douglas A. Spencer.	Albert L. Hutson.
John R. Sullivan.	Robert L. Mitten.
Bernard F. Jenkins.	Walter S. Macaulay.
Benjamin R. Holcombe.	William Busk.
Edmund B. Caldwell.	Thomas G. Fisher.
Walter C. Calhoun.	James W. Whitfield.
Elliott M. Senn.	William O. Baldwin.
Ralph F. Skylstead.	Lisle Henifin.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 30th day of March, 1920:

Francis C. Denebrink.
Leonard B. Austin.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 29th day of June, 1920:

Moses B. Byington, jr.	John S. McReynolds.
John D. Alvis.	James L. Fisher.
Walter S. Macaulay.	William S. Garrett.
William Busk.	Stanley M. Haight.
Thomas G. Fisher.	Albert L. Hutson.
James W. Whitfield.	Robert L. Mitten.
William O. Baldwin.	Lisle Henifin.
John R. Sullivan.	

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 1st day of July, 1920:

Hobart A. Sailor.	Jeffrey C. Metzel.
Allen D. Brown.	John W. Roper.
Clarence H. Schildhauer.	Franz O. Willenbucher.
Donald C. King.	Paul F. Lee.
Joseph R. Lannom.	Stephen K. Hall.
James L. Holloway, jr.	Gustave H. Bowman.
Frank V. Aler, jr.	Dixie Kiefer.
Willis W. Pace.	Malcolm F. Schoeffel.

Medical Director Albert M. D. McCormick to be a medical director in the Navy, with the rank of rear admiral, from the 1st day of January, 1921.

Asst. Surg. Alma C. Smith to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 30th day of July, 1919.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 6th day of June, 1920:

John LeR. Shipley.
Francis G. Speidel.
Leonard H. Denny.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant from the 1st day of July, 1920:

John L. Frazer, jr.	Haliburton McCoy.
Leonard O. Riggert.	William H. Funk.
Bernard L. Toothaker.	George W. Wilson.
Wendell H. Perry.	Joseph B. Logue.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant from the 6th day of June, 1920:

Leon C. Frost.
Clark E. Morrow.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant from the 1st day of July, 1920:

James I. Root.
William T. Davidson.
Spry O. Claytor.
Tyler W. Spear.
Eugene DeS. Jarboe.
Lawrence E. McGourty.
Allen H. Hetler.
Henry R. Delaney.

Assistant Paymaster Edward J. Alexander to be passed assistant paymaster in the Navy with the rank of lieutenant from the 1st day of July, 1920.

Naval Constructor John W. Woodruff to be a naval constructor in the Navy, with the rank of commander from the 6th day of June, 1920.

Naval Constructor Emory S. Land to be a naval constructor in the Navy, with the rank of commander from the 1st day of January, 1921.

Naval Constructor Edwin G. Kintner to be a naval constructor in the Navy, with the rank of commander from the 1st day of January, 1921.

The following-named carpenters to be chief carpenters in the Navy, to rank with but after ensign from the 26th day of October, 1920:

George H. Wheeler.
Sterling C. Giradet.
William A. Nightingale.
Michael C. Faber.
George D. Barringer.
Whitney Collins.
Garrison R. Arey.

Pharmacist Robert E. Weaver to be a chief pharmacist in the Navy, to rank with but after ensign from the 11th day of August, 1920.

The following-named passed assistant paymasters for temporary service to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

George Peter Seifert.
Ambrose Jones Barnum.
Orlo Seward Goff.
Dayton Fisher.
Joseph Alvin Rebentisch.
Charles Eric Sandgren.
James Gately.
Lewis Sterling Sutliff.
Thomas Anslem Culhane.
Alvah Bernard Canham.
Ross Berchard Deming.
William Thomas Williams.
Frank Lewis.
Theodore Saulsbury Coulbourn.
Charles Edward Rappolee.
Alexander Casimir Kozlowski.
Arthur Gerhard King.
William Reese Parker.
Samuel Blair Caldwell.
Orville Dale Foutch.
Eugene Kincaid Brooks, jr.
Le Roy Moyer.
Edward Roy McKenzie.
William Jasper Smith.
George William Masterton.
Walker Andrew Settle.
Oscar James Phillips.
Burnice Winton Shumaker.
Thomas Martin Schnotala.
Harry Albert Hooton.
Arthur William Babcock.
Charles Howard Breyer.
Charles Woodard Charlton.
Noble Rolly Wade.
Frederick Scherberger, jr.
Henry Eugene Brown.
Fred Alexander Abbott.
John Hendrick Seifert.
Maurice Samuel Hirshorn.
Joseph O'Reilly.
William Howard McKenna.
Walter Albert Thomas.
Benjamin Harrison White.
Lester Alpheus Dyckman.
Walter Edwin Morton.
William Cecil Colbert.
Benjamin Berkowitz.
Orly Tagland.
George Edward Lord.
Percy James Hutchinson.
Marcus Eugene West.
Thomas Craighead Edrington.
Albert Sidney Freedman.
Robert Carson Vasey.
Houston Sevier Stubbs.
William Charles Jahnke.
William Russell Ryan.
Walter Theodore Cronin.
Leonard Alois Klauer.
Jacques Harry Erman Everette.
Charles Wesley White.
James Fellis.
Peter John Penner.
Clarence Adams Miley.
Charles Emmerich Rudolph.
Francis Patrick Kenny.
Samuel Voorhees Dunham.
Stephen Edward Smith.
Ralph Jenkins Dindot.
John Leabon Cash.
Vergil L. Marsh.
Edwin Ernest Mullen.
James Everett Sanner.
James Madison Easter.
Daniel Lynch.
Edward Henry Duane.
Harry Evan Groos.
Max Baum.
Lloyd Christian Sowell.
Harry Harrison Bloxham.
Edison Huntington Gale.
Herman Winfred Johnson.
Maurice Thaddeus Scanlan.
John Benjamin Daniels.
William Herbert Abbey.
Michael Joseph Dambacher.
Harry Everest Stengele.
Herbert Carlyle Lassiter.
Hilton Pradby Tichenor.
Michael Joseph Kirwan.
Arthur Percival Marmaduke Shock.
Nathaniel Edward Disbrow.
James Clyde Masters.
John Henry Theis.
Allen Joseph Marshall.
Wallace David Chace.
William Elmer Todd.
Roy Edward Smith.
Eugene Lawrence Gray.
Thomas Lewis Sorrell.
Roy Lee Walford.
Clifford White LeRoy.
Clarence William Baker.
Charles Wesley Brown.
Allen Chester Bridges.
Independent Whipple Gorton.
Arthur Albert Lee.
Jonas Frederick Rupert.
Edwin Roe Gallagher.
Joseph Simon.
Roy Earnest Barrett.
Arthur Melven Bryan.
Charles August Sieck.

The following-named passed assistant paymasters of the United States Naval Reserve Force to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 3d day of August, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

Russell D. Calkins.
Miles R. Finley.
Lorimer C. Graham.
Julian H. Maynard.
Marvin C. Roberts.
Charles W. Stevenson.
George M. Eyferth.
Francis L. Gaffney.
Eugene B. Kennedy.
Richard D. Micou.
Robert A. Shotwell.
William B. Young.

The following-named assistant paymasters for temporary service to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), from the 1st day of July, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

Dillon Foster Zimmerman.
Robert Giffen Robeson.
Isaac Wayne Thompson.
Edwin Reid Applegate.
Robert James Monteith.
Harold Ruppert Lehmann.
James Monroe Thomas.
Myron W. Willard.
John Hawkins Gallion.
Hugh Arthur Phares.
James Edward Brennen.
Mason Edward Mitchell.
George Edward Duffy.
Charles Albert Cook.
George Lawrence Thomas.
John Charles Poshepny.
Edward Mixon.
Frank Joseph Manley.
Julius Joseph Miffitt.
Percival Francis Patten.
Robert Hamilton Mattox.
William James Dean.
Frederick Schwab.
Ralph John Henry Oldegeering.
Fillmore Shattuck Carver Layman.
Howard Randall Jackson.
Leon Ivan Smith.
Archie Arthur Antrim.
Harold Elliott Humphreys.
Percy Wadsworth McCord.
Tipton Forrest Woodward.
George Parks Smallman.
Chris Jacob Norstad.
Robert Roy Thompson.
Samuel Lawrence Bates.
Gordon Samuel Bower.
Henry Chilton McGinnis.
Harry Francis Hake.
Harry Gillespie Kinnard.
Michael Albert Sprengel.
William Edwin McCain.
Grandison James Tyler.
Stamford Grey Chapman.
Joseph Edward Ford.
Hugh John McManus.
Alexander Wolseley Urquhart.
John Joseph Carroll.
Nicholas Alexander Brown.
Howard Niles Hill.
Leo Vincent Flavell.
Albert Washington Eldred.
Jacob Holmes Kyger.
Marvin McCray.
Roy Leo Koester.
George Scratchley.
Charles Brandon Forrest.
William George Conrad.
Orville Franklin Byrd.
Lester Bernard Karelle.
James Daniel G. Wognum.
Robert Von Ritter.
Leon Dancer.
Harry Alfred Miller.
Harvey Rector Dye.
Charles Musil.
Forrest Ivanhoe.
Ray Wadley Byrns.
William Walter Wise.
Don Merrill Robinson.
Robert Harper Lenson.
Golden Fletcher Davis.
Theodore Martin Stock.
William Elliott.
James Edward Hunt.
William Edward Woods.
Leo Adelbert Ketterer.
Edward Hammel Hulit.
John Wesley Overand.
Charles Harold Converse.
Cornelius Adam Brinkmann.
Charles Alexander Cameron.
Joseph Thomas Lareau.
Paul K. Coons.
James Herbert Stevens.
Ellsworth Foraker Sparks.
John Patrick Killeen.
Karl Stacy Farnum.
Louis Alford Puckett.
Ellory Francis Carr.
Charles Harrison Gillilan.
Daniel Leo McCarthy.
Charles Henry Ritt.
Joseph William Cavanagh.
Verny Carroll.
Charles Schaaf.
Ray Erastus Snedaker.
George Washington Davis.
Guild Bruda.
Alvin Steward Reid.
Robert Ralston Blaisdell.
Edward Francis Ney.

The following-named assistant paymasters of the United States Naval Reserve Force to be assistant paymasters in the Navy with the rank of lieutenant (junior grade) from the 1st day of July, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

Worth B. Beachman.	James M. McComb.
Carl J. Buck.	Hunter J. Norton.
Thomas P. Byram.	Walter E. Scott.
Charles R. Flanigan.	John H. Skillman.
Charles M. Garrison.	Maurice M. Smith.
Herman F. Gingrich.	John M. Speissegger.
Morris R. Grady.	Leslie A. Williams.
Webster Gross.	George F. Yoran.
Walter Guerry.	

The following-named assistant paymasters, for temporary service, to be assistant paymasters in the Navy with the rank of ensign from the 6th day of June, 1919, in accordance with the provisions of the act of Congress approved June 4, 1920:

Charles Frederick House.	Guy John Cheatham.
Calvin William Schaeffer.	Louis Weigle Crane.
Letcher Pittman.	Benjamin Oliver Kilroy.
Robert Hill Whitaker.	Frank Humbeutel.
Charles Ernest Leavitt.	William Starling Cooper.
Harrison William McGrath.	Archie Bawlin McKay.
Josephus Maximilian Lieber.	Charles Thomas Flannery.
	Carl Louis Biery.
Harry Carl Mechtoldt.	Harry Herbert Hines.
Charles Welford Fox.	Everett Warren Brown.
Edwin Henry Bradley.	William Henry Phillips.
Percy Briggs.	John Barnette Cattermole.
John Lawrence Herbert Clarholm.	Lamar Lee.
	Andrew Colon Shiver.
George Harold Crofut.	Matthew Thornton Betton.
Claude Randolph Clerk.	John Ball.
Theodore Winans Smith Runyon.	Carl William Seitz.
	Edward Winslow Hawkes.
Joseph Gustavus Hagstrom.	Charles Streater Bailey.
Cyrus Baker Kitchen.	Clark Howell Miley.
Earl Francis Codding.	Walter William Mahany.
Joseph Patrick Burke.	John Henry Davis.

The following-named assistant paymasters for temporary service to be assistant paymasters in the Navy, with the rank of ensign, from the 4th day of June, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

Stephen Reuben Edson.	
Matthias Anthony Roggenkamp.	Edwin Arnold Eddigorde.
	Harvey Elzay Wathen.
Harold Arthur Rigby.	Lawrence Jefferson Webb.
Russell Hardy Sullivan.	George Henry Williams.
William Earl Tripp.	Richard August Vollbrecht.
Henry Hugh Karp.	
Joseph Arthur Hesse.	Samuel Ellsworth McCarty.
John Enos Wood.	
Francis Merle Waldron.	

The following-named assistant paymasters of the United States Naval Reserve Force to be assistant paymasters in the Navy, with the rank of ensign, from the 4th day of June, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

George Walter Armstrong.	Robert F. Batchelder.
Joseph E. Bolt.	James Chapman.
Errett R. Feeney.	Francis D. Humphrey.
William F. Jones.	Willard C. Moore.
Christian P. Schwarz.	John N. Silke.
Edmund T. Stewart.	Purvey B. Summey.
Arthur L. Walters.	Richard L. Whittington.

MARINE CORPS.

Gerald C. Thomas to be a second lieutenant in the Marine Corps from the 4th day of June, 1920.

CONFIRMATIONS.

Executive nomination confirmed by the Senate June 8 (legislative day of June 6), 1921.

COLLECTOR OF INTERNAL REVENUE.

Arthur B. Allen, for district of Nebraska.

Confirmation by Senate in open executive session June 8 (legislative day of June 6), 1921.

UNITED STATES SHIPPING BOARD.

George E. Chamberlain, of Oregon, to be a member for a term of four years.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 8, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, enter into a blessed relationship with us. We would learn through Thee. Be our teacher, whispering into our souls the secrets of the best life, thus working in us to do the pleasure of Thy holy will. Correct and improve us, that we may use our powers to the noblest ends. Thus we shall live in a realm where service is joy and the cup of life is sweet. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. BLAND of Indiana made the point of order that there was no quorum present and subsequently withdrew the point.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 435. An act to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds.

The message also announced that the Senate had passed without amendment the joint resolution (H. J. Res. 148) for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 435. An act to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds; to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 89. An act for the public sale of post-office site on the west side of South Main Street, in the city of Bethlehem, Pa.; and

H. J. Res. 148. Joint resolution for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6567. An act to amend section 407 of the transportation act of 1920.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, I call up the conference report on the deficiency appropriation bill, H. R. 6300.

The SPEAKER. The gentleman from Iowa calls up a conference report, which the Clerk will report.

The Clerk read the conference report on the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the year ending June 30, 1921, and for prior years, and for other purposes, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33½, 34, 36, 38, 39, 40, 45, 46, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 72, 73, 74, 78, 91, 93, 98, 102, 103, 104, 109, 110, 111, 112, 115, and 118.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 15, 16, 17, 32, 33, 37, 43, 47, 48, 51, 70, 71, 75, 79, 80, 81, 82, 83, 84, 85, 116, and 120, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "year" and insert in lieu thereof the word "years"; and in line 3, after the numerals "1921," insert "and June 30, 1922"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$550,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"General Land Office: For additional employees during the fiscal year 1922 at annual rates of compensation as follows: Law examiners—4 at $2,000 each, 8 at $1,800 each, 20 at $1,600 each; 8 clerks at $1,400 each; in all, $65,600."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For continuation of the investigation of structural materials, such as stone, clays, cement, etc., including personal services in the District of Columbia and in the field, $50,000: *Provided*, That as much of this sum as necessary shall be used to collect and disseminate such scientific, practical, and statistical information as may be procured, showing or tending to show approved methods in building, planning, and construction, standardization, and adaptability of structural units, including farm buildings, building materals, and codes, economy in the manufacture and utilization of building materials and supplies, and such other matters as may tend to encourage, improve, and cheapen construction and housing."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$336,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For printing and binding for the Smithsonian Institution, including $26,702.70 for the National Museum, $10,000 for the Bureau of American Ethnology, and $5,000 for the annual reports of the American Historical Association, fiscal years 1921 and 1922, $41,702.70."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "District of Columbia"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Sixty per cent of the sums contained in this section for the District of Columbia shall be paid out of the revenues of the District of Columbia and 40 per cent out of the Treasury of the United States"; and the Senate agree to the same.

The committee of conference have not agreed upon the following amendments of the Senate numbered 1, 19, 21, 41, 42, 49, 67, 68, 69, 76, 86, 88, 89, 92, 94, 95, 96, 97, 99, 100, 101, 105, 106, 107, 108, 113, 114, 117, and 119.

JAMES W. GOOD,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.
F. E. WARREN,
CHARLES CURTIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 2 and 3: Strike out the language, inserted by the Senate, providing for the transfer of a passenger automobile from the War Department to the Civil Service Commission.

On Nos. 4 and 87, relating to the District of Columbia Rent Commission: Appropriates $15,000, as passed by both Houses, and locates the item in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 5 and 6, relating to the fire department of the District of Columbia: Increases the appropriations for contingent expenses and fuel from $2,500 to $4,000 each, respectively, as proposed by the Senate.

On Nos. 7 to 14, inclusive, and No. 90, relating to the Municipal Court of the District of Columbia: Appropriates for the municipal court in the amounts passed by both Houses and locates the items in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 15 and 16: Appropriates $800 additional for judgments against the District of Columbia to cover a judgment certified to Congress after the bill had passed the House.

On Nos. 17 and 18: Provides, as proposed by the Senate, that the amounts for the District of Columbia for the fiscal year 1920 and prior fiscal years shall be paid on the half-and-half basis instead of on the basis of 60 per cent from the revenues of the District of Columbia and 40 per cent from the Treasury of the United States, as proposed by the House.

On Nos. 20 and 91, relating to the Federal Power Commission: Authorizes the use of $5,000 for printing and binding during the fiscal year 1922 as passed by both Houses and locates the item in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 22 and 93, relating to the Shipping Board: Appropriates $25,000,000 in the first section of the bill for the completion of construction work, as proposed by the House, and strikes out the appropriation of $75,000,000, as proposed by the Senate, in section 4 of the bill for all purposes of the Shipping Board.

On Nos. 23 to 30, inclusive: Restores to the first section of the bill the appropriations for the office of the Secretary of the Treasury, which were stricken out by the Senate and transferred by it to section 4 of the bill.

On No. 31, providing additional employees in the office of the Comptroller of the Currency: Restores to the first section of the bill the appropriation of $14,800, stricken out by the Senate and transferred by it to section 4 of the bill.

On Nos. 32 and 33: Appropriates $200,000 for the enforcement of the national prohibition act in the language proposed by the Senate instead of a like sum in the language proposed by the House.

On Nos. 33½ and 98: Increases the number of persons who may be employed in the Bureau of War Risk Insurance at $1,800 per annum, as passed by both Houses, and locates the paragraph in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On No. 34: Strikes out the language, inserted by the Senate, making the appropriation for hospital facilities for the Bureau of War Risk Insurance available for expenditure for construction work at hospitals of the War and Navy Departments.

On No. 35: Appropriates $550,000, instead of $650,000 as proposed by the Senate and $350,000 as proposed by the House, for operating supplies for public buildings under the Treasury Department.

On Nos. 36 and 104: Directs the Secretary of the Treasury to prescribe a schedule of fees to be charged at the national quarantine stations as passed by both Houses and locates the paragraph in the first section of the bill as proposed by the House instead of in section 4 as proposed by the Senate.

On No. 37: Appropriates $500, as proposed by the Senate, for a survey of the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park.

On Nos. 38, 39, and 40, relating to the War Department: Restores the following items which were stricken out by the Senate: Three thousand dollars for Shiloh National Military Park; authority to continue available during the fiscal year 1922 certain appropriations for housing Seacoast Artillery troops in the Philippine Islands; and authority continuing during the fiscal year 1922 an appropriation to make payments for certain searchlights now under contract.

On No. 43: Provides that the Secretary of the Treasury, instead of the Secretary of the Navy, shall be authorized to make payments for rent of quarters furnished to certain officers of the Navy while on submarine duty.

On Nos. 44 and 110: Appropriates $65,800, as proposed by the Senate, instead of $32,800 as proposed by the House, for additional employees in the General Land Office and inserts the paragraph in the first section of the bill as proposed by the House instead of in section 4 as proposed by the Senate.

On No. 45: Appropriates $5,000, as proposed by the House, instead of $10,156, as proposed by the Senate, for the protection of the Oregon & California Railroad lands and the Coos Bay Wagon Road lands.

On Nos. 46 and 110: Appropriates $10,000 for furniture and filing cases for the Patent Office, as passed by both Houses, and locates the item in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 47 and 48, relating to the Bureau of Animal Industry, Department of Agriculture: Provides that the appropriation for payment of indemnities on account of animals condemned as being tubercular shall be available on account of cattle "slaughtered" during the remainder of the current fiscal year, as proposed by the Senate, instead of for cattle "to be slaughtered," as proposed by the House.

On Nos. 50 and 111: Inserts the paragraph passed by both Houses continuing during the fiscal year 1922 the appropriation heretofore made for the Olympic National Forest and locates the item in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On No. 51: Inserts the appropriations of $12,000 and $15,000, respectively, for the purchase of lands for the Department of Agriculture's experimental vineyards near Fresno and Oakville, Calif., as proposed by the Senate.

On Nos. 52 and 111: Appropriates $5,000, as passed by both Houses for the work of consolidating the labor-saving devices in the Department of Agriculture and locates the item in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On No. 53: Restores the language stricken out by the Senate making the appropriation of $5,000 for the Steamboat-Inspection Service available during the fiscal year 1922.

On Nos. 54 and 112: Appropriates $20,000 for the enforcement of wireless communication laws by the Bureau of Navigation as passed by both Houses, and locates the item in the first section of the bill as proposed by the House instead of in section 4 as proposed by the Senate.

On Nos. 55 and 56, relating to the Bureau of Fisheries: Appropriates $5,000 and $5,970, respectively, for the steamer *Gannet* and the steamer *Phalarope*, as passed by both Houses, and locates the paragraphs in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 57 to 60, inclusive, relating to the Bureau of Foreign and Domestic Commerce: Appropriates $12,000 for additional employees and $250,000 for investigations in connection with export industries, and authorizes the recall of four trade commissioners during the fiscal year 1922, as passed by both Houses, and locates the items in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 61 to 65, inclusive, and No. 115, relating to the Bureau of Standards: Provides for a transfer of $250,000 from the Bureau of the Census to the Bureau of Standards for the carrying on of certain investigations, as passed by both Houses, and modifies the appropriation for the investigation of structural materials so as to provide for the collection and dissemination of information useful in connection with housing and construction work, and locates the paragraphs in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On No. 66, relating to the Immigration Service: Appropriates $336,000, as proposed by the House, instead of $488,831.53, as proposed by the Senate, for expenses of the enforcement of the laws regulating immigration.

On Nos. 70 and 71, relating to the Senate: Appropriates $500 for maintenance of motor vehicles, $250 for fuel, and $16,245 for the Senate Office Building.

On Nos. 72, 73, 74, and 118, relating to the House of Representatives: Appropriates for the office of the Doorkeeper, for committee employees, and for the office of the Sergeant at Arms, as passed by both Houses, and locates the items in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On No. 75: Inserts the appropriation of $16,383.63, proposed by the Senate, for the payment of holidays in the Government Printing Office.

On Nos. 77 and 78: Appropriates $41,702.70 for printing and binding for the Smithsonian Institution, and $125,000 for printing and binding for the Department of Agriculture, as passed by both Houses, and locates the items in the first section of the bill, as proposed by the House, instead of in section 4, as proposed by the Senate.

On Nos. 79 to 83, inclusive: Appropriates for additional judgments of United States district courts and the Court of Claims certified to Congress after the bill had passed the House.

On No. 84: Appropriates $182,270.48 for the payment of audited claims certified to Congress by the Secretary of the Treasury after the bill had passed the House.

On No. 85: Provides, as proposed by the Senate, that the items for the fiscal year 1922, inserted by the Senate and accepted by the House, shall be carried in a separate section of the bill.

On No. 102: Strikes out the appropriation of $60,000, inserted by the Senate, for the purchase of additional property adjacent to the Federal building at Salt Lake City, Utah.

On No. 103: Strikes out the paragraph, inserted by the Senate, for the acquisition of additional land adjacent to the customhouse and appraiser's store building at Wilmington, N. C.

On No. 109: Strikes out the appropriation of $5,000, proposed by the Senate, for expenses of two delegates to the Pan-American Postal Congress at Buenos Aires, Argentina.

On No. 120: Renumbers the last section in the bill.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 1: Appropriating $10,000 for the Bureau of Efficiency.

On No. 19, relating to the Federal Board for Vocational Education: Authorizing payments for support to be made directly to persons dependent upon trainees of the board and establishing a limit of 18 months within which persons must make application for training.

On No. 21: Appropriating $8,800 to Henry Jones Ford for services as a member of the Interstate Commerce Commission.

On No. 41: Appropriating $15,000 to pay the widow of the late Chief Justice of the Supreme Court of the United States.

On No. 42: Appropriating $125,000 for operation and maintenance of the airplane mail service between New York and San Francisco.

On No. 49: Authorizing the payment to Peter G. Ten Eyck for certain rent remaining unpaid by the Department of Agriculture.

On No. 67: Authorizing the compilation of appropriations made at the first session of the Sixty-seventh Congress.

On No. 68: Authorizing the payment by the Public Buildings Commission of $354.51 for the repair and upkeep of an automobile.

On No. 69: Authorizing the payment of an assistant clerk to Hon. Tasker L. Oddie, a Senator from the State of Nevada.

On No. 76: Authorizing the transfer of a passenger automobile from the War Department to the Government Printing Office.

On No. 86: Appropriating $100,000 for expenses of examinations by the Civil Service Commission.

On No. 88: Appropriating $1,544,000 for additional school facilities in the District of Columbia.

On No. 89: Appropriating $10,000 for a site for a branch library in the District of Columbia and authorizing the acceptance from the Carnegie Corporation of not less than $50,000 for the erection of a building on such site.

On No. 92: Appropriating $425,000 for the Interdepartmental Social Hygiene Board.

On No. 94: Appropriating $57,820 for passport bureaus at New York, San Francisco, Chicago, Seattle, and New Orleans.

On No. 95: Appropriating $10,000 for an undersecretary of the Treasury, $11,380 for the Division of Printing and Stationery, and $4,800 for the Division of Mails and Files of the Treasury Department.

On No. 96, relating to the Office of the Comptroller of the Currency: Appropriating $37,880 for additional employees, $1,500 for increases in compensation, and authorizing the comptroller to designate a national-bank examiner to act as chief of the examining division.

On No. 97: Reappropriating certain unexpended balances for the Office of the Auditor for the Post Office Department for the compensation of employees to audit the accounts and vouchers of the Postal Service.

On Nos. 99, 100, and 101: Relating to the appropriation of $500,000 for improvements at the Broadview Hospital, Chicago, Ill., and $750,000 for fireproof construction work at the sanatorium at Dawson Springs, Ky.

On No. 105, relating to the War Department: Appropriating $5,000 additional compensation for the Assistant Secretary of War during the fiscal year 1922, $600,000 for the installation of a pipe line at Schofield Barracks, Hawaii, and authorization

for the expenditure of $400,000 for the payment of court awards for the acquisition of land at Camp Benning, Ga.

On No. 106: Authorizing the carrying forward until June 30, 1922, of certain unexpended balances for the settlement of contracts entered into by the War Department during the period of the war.

On No. 107: Authorizing the expenditure of $100,000 for the development of a water supply for the Ogden (Utah) Arsenal.

On No. 108: Appropriating $35,000 for the payment of claims for damages incurred in connection with the operation of the Air Mail Service.

On No. 113: Appropriating $2,500 for expenses of an advisory committee for the Bureau of Fisheries.

On No. 114, relating to the Bureau of Foreign and Domestic Commerce: Authorizing the expenditure of $25,000 for personal services in the District of Columbia and increasing the allowance for clerical hire for commercial attachés abroad.

On No. 117: Appropriating $2,100 for an assistant clerk to the Committee on Finance of the Senate.

On No. 119: Granting to the head of any department or other Government establishment the authority to discontinue the printing of any annual or special report.

JAMES W. GOOD,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. GOOD. Mr. Speaker, as this bill passed the House it carried approximately $100,890,000. As it passed the Senate it carried $156,500,000. Of that amount the Senate has added $50,000,000 for the Emergency Fleet Corporation. The Senate has receded from its amendments relating to that subject. The House bill carried $36,852,000 for the balance of this year for the completion of the vessels now under contract. My recollection is that there are about 44 of these vessels. They are in various stages of completion, most of them more than 75 per cent completed, some of them as much as 98 per cent completed. Then we carry $25,000,000 for next year to complete the building program. We do not carry anything for operation or anything in the way of cash to pay claims for canceled contracts.

There are pending about $47,500,000 of claims because of contracts for the completing of ships that were canceled. There were several reasons which actuated us in taking this course. In the first place, on the 1st day of May or thereabouts the Emergency Fleet Corporation had a cash balance of $26,000,000 on hand. It also expected to receive during the present fiscal year in cash for sales previously made approximately $18,000,000, giving the Shipping Board $44,000,000 in cash which under the law will continue available for next year for operations and for the payment of claims. At the time we passed the bill and at the time the Senate passed the bill very little was known as to how the Shipping Board would be composed, and even up to this time very little is known about it. The newspapers announce that the President has agreed upon the persons whom he will recommend as the members of this board; but it was perfectly apparent to Congress that with $44,000,000 available to pay losses, when many of those losses could be saved entirely and most of them could be greatly reduced, we should not appropriate $50,000,000 more to pay claims for cancellations and losses and leave a large part of that sum to be paid out at the discretion of men employed by the Shipping Board.

We realized that some of these contracts for vessels should have been canceled two years ago; but if we did not appropriate the money to pay for the delivery of boats as we had agreed to pay, thereby necessitating the closing down of the yards, with a resulting loss, they would have claims for damages against the United States that would amount to millions of dollars. It therefore seemed to us that we should appropriate the money necessary to pay for the completing of the vessels.

At the present time there is something of a strife among the men operating the vessels. It is understood that Admiral Benson reduced the wages 15 per cent and made further reductions, and that some other agencies of the Government at the present time are interceding and asking a modification of that order to the extent that the Shipping Board shall enter into a contract with these men which shall provide that these war-time wages—and they are war-time wages when the reduction is only 15 per cent, and when we take into consideration the enormous increases made during the war—that these war-time wages shall continue for another year. It seems to me it would be better to tie up these vessels than now to permit the Government to sign a contract continuing these war-time wages for another year. [Applause.]

To do that will simply add to our losses, will simply extend the time for rehabilitation. What the Government, it seems to me, acting through the Shipping Board, should do is simply agree to a reasonable reduction now, and as prices go down, as everything these men have to buy with which to live decreases, there should be a corresponding decrease in the wages of the men who are performing this service.

And so for a great many reasons, which would take too much time to explain here, the House conferees absolutely refused to yield to the Senate amendment, which added $50,000,000 to the appropriation, all of which would be available for expenditure even before the Shipping Board is completed.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BANKHEAD. How much was carried in the bill for the Shipping Board as it passed the House?

Mr. GOOD. Thirty-six million eight hundred and fifty-two thousand dollars for this year and $25,000,000 for next year, making $61,852,000.

Mr. BANKHEAD. How much is the amount agreed upon in conference?

Mr. GOOD. That is the amount agreed upon in conference.

Mr. BANKHEAD. There is no increase?

Mr. GOOD. No increase at all.

Mr. McDUFFIE. Will the gentleman yield?

Mr. GOOD. I will.

Mr. McDUFFIE. Did I understand the gentleman to say that the Shipping Board was about to enter into a contract to allow the wages of these men to remain as they are for another year?

Mr. GOOD. Admiral Benson had served an ultimatum on the employees that the reduction would be 15 per cent and that there would be no contract that would bind the Shipping Board or the Emergency Fleet Corporation to pay even that wage for any definite length of time. Now, the situation has developed to a point where I understand the Secretary of Labor has recommended, and that Admiral Benson is inclined to accept, recognizing the 15 per cent reduction in the wage with the provision that that wage shall continue and remain in force for one year.

Mr. McDUFFIE. But it has not been entered into yet?

Mr. GOOD. I understand it has not, and I hope it never will be, for if the Government starts out on a proposition of that kind it is suicidal if we are to get back to anything like normal conditions.

Mr. DUNBAR. Will the gentleman yield?

Mr. GOOD. I will yield to the gentleman.

Mr. DUNBAR. Newspaper reports state that the operations of the Shipping Board are costing the Government a million dollars a day.

Mr. GOOD. I think no one knows what it amounts to. I do not think it will amount to anything approximating that amount. But I do say that there are losses running into the millions of dollars a year that can be saved by a businesslike administration of the Shipping Board and the Emergency Fleet Corporation, and Congress should not appropriate more money until a policy has been announced by the board that will cut off these unnecessary expenses. [Applause.]

Now, deficiencies will come in before you for this purpose, and in refusing this amount I would not have the House believe that it is absolutely certain that the Shipping Board will not need any money. But it seems to me the position of the country and Congress is that the Shipping Board should be able to lay their cards on the table, and that we should be able to know when we appropriate a million dollars what that money is appropriated for. [Applause.]

Mr. DUNBAR. The losses of the Shipping Board are not all made up by appropriations.

Mr. GOOD. No.

Mr. DUNBAR. I take it that the money to pay these losses is secured by selling the ships.

Mr. GOOD. But they are not getting much money from that source now.

Mr. DUNBAR. Does the gentleman believe that the Shipping Board should go into liquidation; that we should sell all the ships as fast as possible and get out of the business?

Mr. GOOD. I do not want to take up the time of the House to announce what my opinion is on that subject, but to-day you can build cargo ships in England for less than $70 a ton, and the United States has been trying to sell ships to American people, that will fly the American flag, at all the way from $165 to $225 a ton. It is perfectly assinine to attempt to secure capital to go into the shipping business in America that will be compelled to compete with English bottoms that cost but $70 a ton dead-weight when we are trying to sell for $165 a ton.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. I will yield to the gentleman from Texas.

Mr. BLANTON. Does the gentleman believe that the recommendation made by the Secretary of Labor and the seeming inclination on the part of Admiral Benson to accept was in any way influenced by the action of the Government employees who are asking war-time wages in peace times by the action at New Orleans in taking charge of the Government vessels, removing them, and putting them under certain physical punishment?

Mr. GOOD. I do not know; I know nothing about the incident the gentleman refers to.

Mr. STEVENSON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. STEVENSON. The difficulty about the Shipping Board is that there is no Shipping Board, and has not been for some months. Admiral Benson is only a locum tenens and has no authority.

Mr. GOOD. He is acting as the agent of the President of the United States.

Mr. STEVENSON. There is no board having a legal status and has not been since December.

Mr. GOOD. No.

Mr. STEVENSON. They can not lay down any policy until there is a board created. Is there any prospect that one will be appointed soon?

Mr. GOOD. Oh, I think so.

Mr. LAZARO. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. LAZARO. Is it true that the Shipping Board is to be instructed to sell the wooden ships by October 1?

Mr. GOOD. That item was a part of the amendment of the Senate increasing the appropriation by $50,000,000. Now, that item went out entirely, because the House would not agree to the Senate amendment.

There was some disposition to fix definitely the sale of these ships, and my own impression is that it is the unanimous judgment of the conferees that the Shipping Board should sell these ships or report to Congress before the 1st day of next December why they have not sold them.

Mr. LAZARO. But the gentleman is not in favor of fixing a date?

Mr. GOOD. Oh, yes. I would sink those ships to-morrow, rather than continue the wasteful practice that we have been engaged in of paying $440,000 a year simply to guard them when you can not get a man to bid on them. It is doubtful if you will ever get a man to bid on them. Are you going to continue as we have been continuing for the past two and a half years to guard these ships that are not worth guarding when you can not sell them to-day for the amount that we have expended in guarding them?

Mr. LAZARO. I would instruct the board to sell them for the best price they can get. I certainly would not fix the date, for no business man would do that in his own business.

Mr. GOOD. If we are building breakwaters anywhere in the United States, it seems to me that it would be a good thing to take those ships and fill them with stones and use them in the construction of those breakwaters.

Mr. LAZARO. But we are not doing that.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. HARDY of Texas. Is it not a fact that the Committee on the Merchant Marine and Fisheries took up this whole question of a policy for the Shipping Board and enacted a law in which the Shipping Board is directed to sell the ships to American citizens at practically the world market price?

Mr. GOOD. Yes; but before that the President had full power to sell the ships, and the very act that appropriated the money to build the ships authorized the President to sell them. He was given a free hand. I will say to the gentleman that the whole policy of selling those ships at the highest price was, in my opinion, a mistake for this reason: We could get at that time $200 a ton, or we thought we could, because at that time there was a demand for ships, but just as soon as that demand ceased, then the men who had entered into contracts to purchase the ships ceased paying on their contracts, and to-day they are not paying at all.

Mr. HARDY of Texas. Will the gentleman yield me five minutes out of his time?

Mr. GOOD. I expect to yield the gentleman from Tennessee [Mr. BYRNS] a little time.

Mr. HARDY of Texas. I would like to have five minutes on that particular thing.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?

Mr. GOOD. For a question; yes.

Mr. McDUFFIE. I thought I understood the gentleman to say that we did not know what was being done with the money appropriated for the Shipping Board. Does the gentleman mean to tell the Congress that there is no way of ascertaining from the board the manner of expenditure of this money?

Mr. GOOD. I will say this to the gentleman for his information: The board had a claim against the War Department for the movement of troops and personal effects and property during the war. The claim aggregated over $200,000,000. The Emergency Fleet Corporation or the board could not furnish a statement to the War Department so that it would pass the auditor. They could not furnish vouchers required by law, and finally they wanted $5,000,000 to audit the claims. The War Department said that it would cost them $5,000,000 also, so the Shipping Board and the War Department did what I think was a very sensible thing. They did what the Railroad Administration did—simply agreed on a lump sum, as I recall, of $56,000,000. The items are large items. They know how much each vessel costs; they know how much they pay out to each vessel; they know certain of those things. They know that they are paying to favored dock owners $1,500 a month to tie up their ships at certain docks, and they know they are doing some of those things, but when you are dealing with property that cost the Government over $3,000,000,000, when you are dealing with the largest corporation in all the world, I think the gentleman will at once see how futile it is to take each item of expenditure and find out where the money is going.

Mr. McDUFFIE. Did the Shipping Board or its representatives present to the gentleman's committee any data to show that the future might hold out brighter conditions? Is it not a fact that the great loss to-day is due to world conditions?

Mr. GOOD. Oh, the gentleman has as good an opinion about that as the Shipping Board. It is mere speculation to state how soon business is going to revive or the extent to which it will revive, or the extent to which we will engage in foreign trade. I think myself that everyone who has studied the matter thinks that we are at the low-water mark and that conditions will improve. We all hope so.

Mr. McDUFFIE. They will have to have cargoes for these ships. The stagnation of the world's business and the fact that the ships are tied up is one thing that is bringing about this enormous loss.

Mr. GOOD. Yes. We have over 900 ships tied up.

Mr. McDUFFIE. That is including the wooden ships?

Mr. GOOD. To be exact, there were on May 4, 685 steel ships and 275 wooden ships tied up.

Mr. KNIGHT. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. KNIGHT. It was stated on the floor of the Senate yesterday that 75 per cent of the money appropriated for employees for the Shipping Board abroad was being paid out to foreigners in our employ who are supposed to get business for America.

Mr. GOOD. I do not think I would be permitted to discuss what occurred on the floor of the Senate.

Mr. KNIGHT. Does the gentleman know whether 75 per cent of the appropriations for the Shipping Board and its employees abroad is being paid to Englishmen and other foreigners for the purpose of attending to American business?

Mr. GOOD. No; I do not know about that. I am not informed about that.

Mr. KNIGHT. Is there anything in this bill which guards against such a condition of affairs.

Mr. GOOD. No; this bill is a money bill.

Mr. KNIGHT. I know it is a deficiency bill.

Mr. GOOD. It only pays the labor and for the material that goes into the completion of the ships. We do not appropriate here a dollar for the operation of anything of the kind to which the gentleman refers.

Mr. KNIGHT. Does not the gentleman think there should be some limitation upon the expenditure of the money to prevent that condition of affairs?

Mr. GOOD. I imagine that would be a question that is largely a matter of administration. It is a question that the Shipping Board can regulate. If they are doing a thing that is unwise, the Shipping Board has ample authority to correct it.

Mr. KNIGHT. Has this House no power over the Shipping Board?

Mr. GOOD. Yes; but that is a legislative matter, and the other committee ought to take charge of it.

Mr. KNIGHT. Then, should we not proceed to legislate upon the matter and stop that condition of affairs?

Mr. GOOD. We can not do it on this bill because we have not a dollar here for operations, not a single penny, which is being spent abroad.

Mr. KNIGHT. What does the gentleman think about legislation of that kind? Is he in favor of it?

Mr. GOOD. Well, I do not know what the situation is about that. I do not know about the employment; I do not know what international difficulties might arise by such legislation. I will say to the gentleman that I have not studied it; I have not had any hearing on it; and on a matter of that kind we ought to legislate with very great care, so as not to make any mistake and arouse feeling abroad or subject the country to matters that might lead to grave difficulties.

Mr. KNIGHT. Does the gentleman think kicking out 75 per cent of the Englishmen who are drawing money from American taxpayers as employees of this board, who are alleged to be trying to get American business, would greatly complicate the situation?

Mr. GOOD. I was surprised when I saw the statement, but I know nothing about the conditions of employment or the reasons for the employment, and I hesitate to express any views upon the question.

Mr. KNIGHT. I just wanted to get the gentleman's views as to what policy the House should pursue in that regard.

Mr. GOOD. Now, the House bill carried $350,000 for operating supplies, public buildings. These are public building scattered throughout the country. They are post offices, customhouses, and places where we hold court. The item was largely intended to cover the increase in the cost of coal. In reporting the $350,000 we cut the estimate by $300,000 on the assumption that they would not need much coal or any coal for May and June. Unfortunately, May was a very cold month, and it was necessary to purchase a good deal of coal for those buildings. The Senate put in the amount of the estimate, $650,000. The conferees have agreed to $550,000.

The matter of employees for the General Land Office was up before in the House. A short time ago we enacted what is known as the oil leasing act, which threw a great deal of work upon the General Land Office, and which brings into the Federal Treasury something like twelve or thirteen million dollars a year from leases. Now they are swamped with work. We gave them in the House bill half of what they estimated for.

The Senate gave them the full amount of the estimate, but the department informs us that in all likelihood they will not be able to attend to all the work that has been thrown upon that office by that act, and that they will be compelled, even if we grant the full amount, to allow some work to go unperformed, and therefore on that item the conferees agreed to the Senate provision, which carried $65,600 instead of $32,800.

The Department of Agriculture has maintained experimental vineyards of 20 acres each, one at Fresno, Calif., and one at Oakville, Calif. They have maintained those vineyards under lease for more than 15 years, and in those vineyards they have perhaps the greatest variety of grapes in any one collection in all the world, more than 700 varieties. The vineyards are very valuable vineyards; they are experimental stations; the Government does not own the ground. The act of March 2, 1921, authorized and directed the purchase of those vineyards at not to exceed $12,000 for one and $15,000 for the other. The act was passed authorizing the purchase after the appropriation bills were passed, and the Senate bill carried an appropriation of $12,000 for the Fresno vineyard and $15,000 for the Oakville vineyard, and the conferees on the part of the House have agreed to that amendment.

For the Immigration Service there was no estimate before the House, and after the bill passed the House the department made an estimate that they would need $488,000 for the increase in the Immigration Service, largely at Ellis Island. The Senate put that item on the bill. There were no hearings in the Senate in regard to it. The conferees required the department to come before them, and they sent representatives, and after going over the matter with the representatives we found that they will have an actual deficiency, if they bring about certain reductions which they say they can bring about, of $336,000 for this year. We have therefore agreed to the amendment of the Senate with an amendment striking out the $488,000 and inserting $336,000.

There was a holiday declared under order of the President on the date of the funeral of Chief Justice White. That necessitates an appropriation of $16,386.63 just to pay the men who are employed in the Government Printing Office. The regular appropriation for holidays only provided sufficient funds for certain known legal holidays, and this one, of course, was unforeseen.

After the bill passed the House there were judgments of the United States court certified aggregating $475,253.93. The conferees agreed to that amount. Then there were judgments of the Court of Claims of $143,000 certified after the bill passed the House. The audited claims certified after the bill passed the House were $182,270.48.

The Senate receded from the item of $60,000 for the purchase of additional property adjoining the public building at Salt Lake and also receded from an item authorizing the expenditure of an unexpended balance for acquiring additional land adjacent to the customhouse at Wilmington, N. C. The Senate also receded on an appropriation of $5,000 for delegates to the Pan American Postal Congress.

In brief, these are the matters we have agreed to. There are about 30 amendments not agreed to in the conference report. Many of them the conferees would have agreed to if we had had authority. When the conference report is disposed of we shall then call up these individual items for your consideration.

Mr. Speaker, may I ask as to the time?

The SPEAKER. The gentleman has consumed 30 minutes.

Mr. GOOD. Does the gentleman from Tennessee wish some time?

Mr. BYRNS of Tennessee. There are some gentlemen here who would like time, and I may want about 15 minutes myself.

Mr. GOOD. Does the gentleman want to use that now?

Mr. BYRNS of Tennessee. Yes; I will use it now.

Mr. GOOD. I yield to the gentleman from Tennessee 15 minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, the deficiency bill as it passed the House made some provision for additional employees for 1922, which, as the House will remember, were placed in the bill under a special rule. The Senate has increased the appropriation for employees for 1922; and while under the rules of the House the conferees have not undertaken to agree to those provisions of the Senate, I have information to the effect that possibly later on a motion will be made to recede and concur in those amendments, and at that time I may have something further to say with reference to them.

But I do think that it is important at this time that I call the attention of the House to the fact that if this conference report is adopted, and if the motion to recede and concur in the Senate amendments is adopted, this deficiency bill, framed for the purpose, on its face, of providing for deficiencies for the present fiscal year, will add to the number of employees for the next fiscal year in an amount that I shall now state. For instance, it is proposed to increase the clerical force in the city of Washington in the number of 155 designated employees or clerks, with an aggregate salary for the fiscal year of $254,923.34. But that is not all the story, for this bill will carry lump-sum appropriations, which are available only and will be used only in the way of providing for additional employees for the next fiscal year, amounting to $645,000, or a total, with the specially designated employees, of $899,923.34. And it should be stated also that as the bill passed the House and as it will become a law it gives to the Secretary of the Treasury the right to use the balance on hand under the expense of loans, amounting to $3,750,000, for the employment and maintenance of the present organization during the fiscal year 1922, and in addition especially authorizes the Secretary of the Treasury to employ clerical assistance amounting to one-tenth of 1 per cent of any new issues or new certificates of indebtedness that may be issued during the year 1922. Or, in other words, under this deficiency bill—framed, as I say, on its face, for the purpose of providing for deficiencies for the present year and past fiscal years—Congress has legislated for the next fiscal year, for salaries alone, sums amounting to $4,649,923.34.

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. GOOD. Now, of course, the gentleman recognizes the fact that no one likes appropriation bills. Will the gentleman now tell the House, in all candor, where we can safely eliminate any of those items?

Mr. BYRNS of Tennessee. Yes; there are a number of them, I think, that could be eliminated, I will say to the gentleman.

Mr. GOOD. The gentleman has changed his mind, then, since we wrote the bill.

Mr. BYRNS of Tennessee. No, indeed. The gentleman will shortly move to recede and concur, if I am correctly informed, in an amendment creating a new position in the Treasury Department to be known as Undersecretary of the Treasury, that will pay a salary of $10,000 a year, in the face of the fact that Congress is now considering a bill, which will undoubtedly become a law very shortly, that provides for an additional Assistant Secretary of the Treasury at $10,000 a year.

Mr. GOOD. That bill does not carry an appropriation, but this carries an appropriation.

Mr. BYRNS of Tennessee. Does the gentleman think for one moment if Congress legislates on the subject and provides for the appointment of an assistant secretary, who shall have charge of the veterans' bureau at a salary of $10,000 a year,

that Congress will hesitate in making the required appropriation?

As I stated, gentlemen, those are questions I expect to discuss later on when these separate motions are made to recede and concur.

The gentleman from Iowa [Mr. GOOD] has referred to the action of the conferees with reference to the Shipping Board. As he has stated, the bill as it passed the House carried an appropriation of something over $36,000,000 for construction during the pending fiscal year—a pure deficiency. In addition to that, it carried $25,000,000 for construction purposes during the fiscal year 1922. The Senate increased this amount to $75,000,000. I gave my assent to the action of the conferees, as set forth in this report, because the House had acted upon the matter, and as a representative of the House I stood for the House amendment, and the Senators having agreed to recede, we have brought in a report carrying out the will of the House with reference to the appropriation for the Shipping Board. But I think it proper to call the attention of the House and of the country to the fact that it was seriously stated to the conferees by the distinguished chairman of the Senate Committee on Commerce that Admiral Benson, the acting agent for the President, said that unless he received appropriations for operating purposes the ships would necessarily have to be tied up on July 1. The chairman of that committee stated that nothing more important could be done in favor of British shipping and those interests which desire to prevent the United States from developing its merchant marine and from providing its own ships and carrying its own commerce under its own flag to the various markets of the world.

These amendments provide only for construction purposes. There is nothing here for operating purposes. There is nothing here which Admiral Benson states will enable him to operate these ships after July 1.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. BANKHEAD. I understood the chairman of the committee to state that the investigation showed there was some $40,000,000 surplus available for operating expenses. Is that true or not?

Mr. BYRNS of Tennessee. That statement was made and I do not controvert it, but the information is more or less a matter of speculation. It may be on hand or it may not be. I have stated what Admiral Benson has to say on the subject.

Mr. BANKHEAD. What does Chairman Benson say about it?

Mr. BYRNS of Tennessee. He has reported to the conferees as making the emphatic statement that unless the appropriation is made in this bill it will be necessary to tie up all of our ships, or nearly all of them, after July 1, at the beginning of the next fiscal year. I am sure that is a situation which neither the House nor the country wants to bring about.

These ships have been built. They have cost the Government now over $3,000,000,000, which has been expended, and certainly we do not want to be put in a position of tying up these ships without money to operate them. It was stated that possibly some of them might have to be tied up in foreign waters without men to operate them. Our commerce has to be transported. If it is not carried by our ships, it will be carried, of course, by British shipping, and as the chairman of that committee stated, in his judgment no greater favor could be done to the British shipping interests than by the failure on our part to make an appropriation for the operation of these ships.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield right there?

Mr. BYRNS of Tennessee. Yes.

Mr. McDUFFIE. With reference to favoring British maritime commerce, did the gentleman notice the statement of a distinguished Senator a few days ago to the effect that 75 per cent of the representatives of this Government, that is, the agents of the Shipping Board of the United States abroad, were British subjects?

Mr. BYRNS of Tennessee. I do not know that I saw that particular statement, I will say to the gentleman from Alabama.

Mr. McDUFFIE. If that is the condition, I suggest to the gentleman that there ought to be a radical change. We should not have our business put in the hands of our competitors.

Mr. BYRNS of Tennessee. Undoubtedly there ought to be a change. I do not question but that there are many things with respect to the operation of the ships that ought to be changed. It was stated at the other end of the Capitol in a very elaborate speech the other day that salaries had been increased out of all proportion for various employees of the Shipping Board. I think that is undoubtedly true. I do not think there is any defense for many of the salaries that are now being paid by the Shipping Board. But, gentlemen, I want to call your attention to the fact that in my judgment that is more the fault of Congress than of the Shipping Board. I make that statement because of the manner in which we have made the appropriations for this service. I contended two years ago, when this House adopted the policy of making indirect appropriations out of the Treasury by authorizing the Shipping Board to use its receipts from the sales of ships and operations and things of that sort for its running expenses, that it would lead undoubtedly to gross extravagance and waste, because not knowing what they were going to get in, members of the Shipping Board and others in charge, feeling optimistic, and feeling that they were going to have plenty of money on which to run, increased salaries, I have no doubt, to a greater extent than they would have done if Congress had done what it ought to have done in a businesslike way and passed a bill making direct appropriations for the Shipping Board and providing that its receipts should be covered into the Treasury as a part of miscellaneous receipts. I repeat that this Congress is responsible, certainly to the same extent that the Shipping Board is, for these indefensible salaries that are now being paid, and which were dilated upon in the other body at the other end of the Capitol a few days ago when this bill was under consideration.

There is another reason. We have not had a Shipping Board since Congress passed the merchant marine act on June 5, 1920. The former President of the United States, President Wilson, very promptly made his appointments of members of the Shipping Board. They were sent to the Senate, and the Republican majority in the Senate, for some reason best known to itself, declined to confirm those nominations. Those gentlemen served under the appointment of the President without the full authority which they would have had by confirmation.

What has been the result since March 4? We have had no Shipping Board. It is true that Admiral Benson is acting, so to speak, as the President's personal agent, but there has been no head of this great organization and this great business, which has cost the people of this country more than $3,000,000,000.

It was stated by newspapers shortly after March 4 that the President was trying to get a $100,000 man to head this board at the salary that was fixed by law, and that was given as one excuse why there was delay in making these appointments of members of the Shipping Board. It was stated that he first wanted to get his chairman, and then he would very promptly name the other members of the board.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CHINDBLOM. If he gets Mr. Lasker, he will have a $100,000 man.

Mr. BYRNS of Tennessee. Yes. I understand Mr. Lasker has made a great success with his private business. I do not know Mr. Lasker, but he bears a very high reputation. I noticed in a paper which some one facetiously termed "the court organ" the other day in setting forth his experience and his qualifications for this position the statement was made that he is the president of the Lord & Thomas Advertising Co., out of which he has made a great deal of money; that he was also interested as a stockholder in the Chicago Baseball Club; that he was also interested in Quaker Oats, and I think some other business which I do not now recall. But since the gentleman has raised the question, I have received information from a source which I shall not undertake to give to the gentleman, but which makes me think that possibly one of the peculiar qualifications of the gentleman whom my friend has named is the fact that he is an advertising expert, for I am told he is the author of the posters which we saw during the last campaign.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I would like to have five minutes more.

Mr. GOOD. I agreed to yield five minutes to the gentleman from South Carolina [Mr. BYRNES]. Can the gentleman get along with three?

Mr. BYRNS of Tennessee. No; I would like to have five. I think I am entitled to it.

The SPEAKER. The gentleman is recognized for three minutes more.

Mr. KNIGHT. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Not now. I understand that the gentleman referred to by the gentleman from Illinois [Mr. CHINDBLOM] is the author of the phrase, "Don't wiggle and wobble," and possibly on account of that great service which he rendered in the last campaign, as well as on account of the distinguished success that he has made in his private business, the gentleman may be qualified, although the paper to which I have referred the other day stated expressly that he had no

knowledge of ships, but that he proposed to surround himself with a number of ship experts who would give him the knowledge necessary to make a valuable chairman of the Shipping Board. [Laughter.]

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield again?

Mr. BYRNS of Tennessee. In just a moment. The gentleman sees I have not much more time, and I can not get more time. If I had the time, I would be glad to yield to the gentleman.

Mr. CHINDBLOM. I simply wanted to ask the gentleman if it is the purpose of the gentleman and of the other side of the House to complain about everybody that is suggested as a member of the Shipping Board?

Mr. BYRNS of Tennessee. Oh, no.

Mr. CHINDBLOM. That seems to be the purpose.

Mr. BYRNS of Tennessee. I am speaking my own individual sentiments and views. But what I am complaining about is the fact that nobody has been appointed to that position, and we have had on our hands a merchant marine which has cost the people more than $3,000,000,000 without any actual head for more than three months.

Mr. CHINDBLOM. Then the gentleman does not mean now in advance to indict Mr. Lasker?

Mr. BYRNS of Tennessee. Oh, no; indeed. I hope if he is appointed, as I understand he will be, that he will make a distinguished and shining success. I hope he will live up to all that the gentleman thinks of him.

Mr. KNIGHT. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Ohio.

Mr. KNIGHT. The gentleman has drawn a very harrowing picture of the losses brought upon the country because the Senate did not confirm the appointments of former President Wilson to the Shipping Board. In view of the losses inflicted upon the country by the members of the Shipping Board appointed by President Wilson, I would like to ask the gentleman if he does not think that perhaps the failure to confirm those appointments was a blessing to the country instead of a loss.

Mr. BYRNS of Tennessee. Of course, the gentleman has his own opinion about that and I have mine, but I think that some board, consisting at least of intelligent and honest men—and nobody has questioned their reputation or honesty—would be far better than no board at all, which is the situation under which we have been laboring for the last three months. Why, the gentleman will remember that only a short while ago it was stated in the papers that we were going to have as chairman of this great board one of the heads of the Steel Trust. It was stated that in all probability he was going to accept it. Weeks passed while deliberations and negotiations were being had with reference to his acceptance. One of my colleagues [Mr. DAVIS] called attention to the fact one day upon the floor of the House that he was one of the heads of the Steel Trust, which probably sold more of its commodities to the Shipping Board than any other organization or business concern in the country, and he suddenly declined to accept. Then we heard that one of the heads of the Standard Oil Co. was going to be the head of this board, and for two or three weeks we waited in suspense until he could determine whether or not he would accept this position. We were told about a week ago that he had declined to accept it. I hope that Mr. Lasker will take the place, for somebody ought to be appointed, and I hope that he will make a distinguished success, because I am convinced that what we need to-day is less wiggling and wabbling on the part of the administration in the appointment of the members of the Shipping Board and some positive, affirmative action. [Applause.]

Mr. GOOD. I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I desire to say only a few words with reference to the subject last discussed, which discussion was provoked, I believe, by my good friend from Illinois [Mr. CHINDBLOM], who asked the gentleman from Tennessee [Mr. BYRNS] whether he regarded the prospective chairman of the Shipping Board as a $100,000 man.

Mr. CHINDBLOM. That was not the question at all.

Mr. BYRNES of South Carolina. I understood that to be the gentleman's question. The gentleman also asked whether it was the purpose of members on this side of the House to criticize every person suggested for appointment to the Shipping Board. Certainly it is not my intention to do so. When this bill was up in the House for consideration there was much discussion about the Shipping Board. I did not participate in it, but at the same time I had considerable sympathy with the position of the gentleman from Tennessee [Mr. BYRNS] who was somewhat irritated at the delay in the making of the appointments. The fact is that the Shipping Board is the biggest business that this country has ever known. The Congress has appropriated more than $3,000,000,000 for the Shipping Board to construct ships and plants. Compared with it the Steel Trust and the Standard Oil Co. are small concerns. I would not criticize the President if he went to the Standard Oil Co. or the Steel Corporation or any other great company in America to get a man to manage the Shipping Board. This delay I have regarded as excusable, because I believed the President was going to secure a big man and because I believed the prophecy of the gentleman from Iowa [Mr. GOOD] would be made good when he said that they wanted a $100,000 man—but my criticism is that judging from the press reports now we are not going to get a $100,000 man. The gentleman from Iowa knows that this board needs the greatest executive in the country. I will vote for any appropriation in reason to increase the salary of the chairman so as to make it possible to secure the best brains in America, taken from the Standard Oil Co. or from the Steel Trust or from the shipping interests, but I become pessimistic, indeed, when I read in the press that we are to have as chairman of the board a man who says he knows nothing about ships and whose qualifications as recited by my colleague from Tennessee [Mr. BYRNS] disclose no experience in construction or in any industry that would fit him for the management of the greatest industry in America. Why, how does the management of the Chicago Cubs fit one to direct the affairs of the Shipping Board? How does the management of the business of Quaker Oats or Van Camp's pork and beans or Lord & Thomas's advertising agency qualify him? When the man asked to be relieved because he knew nothing about ships why did not the President release him and select some man from the great shipping industry of this country instead of a man who says he knows nothing about the business?

Why, they say an evidence of his qualification is that he suggested Judge Landis to settle the dispute between the baseball teams of the country. Now, great as that may be to the baseball fans, what qualification does it offer for the management of the greatest business in America? I should liked to have seen Mr. Farrell made chairman of the Shipping Board, because he is a great executive, and the Shipping Board demands the best we have.

Mr. CHINDBLOM. But your colleague did not want him.

Mr. BYRNES of South Carolina. I do not speak for anybody except myself any more than the gentleman from Illinois does. I wanted to see Mr. Farrell appointed. But it is a great descent from steel to soup and pork and beans. It is a great descent from brains to beans. [Laughter.] Why, you had another Republican from Chicago, Mr. Charles Piez. He knows the shipping industry. He is a good Republican, because he was chairman of the Republican ways and means committee in Cook County in the last campaign. That ought to make him in favor with the administration. He knows the shipping business, having been general manager of the Fleet Corporation during the war. He was recommended by Charles Schwab for the appointment, according to press reports. Why could not you capitalize his experience and appoint him instead of going to Chicago and selecting an advertising man? You may get publicity for the Shipping Board; he may be able to decide the delicate question of how much pork should be sandwiched in with so much beans in Van Camp's products. He may be able to tell whether a man should play short stop or first base, but I will bet that he does not know the bow from the stern of a ship. I have nothing against the gentleman. He may be qualified for the business in which he is engaged, but that business in no way qualifies him for the chairmanship of this board. Apparently his chief qualification is, as my colleague says, that he wrote the advertisement on wiggling and woggling in the last campaign. [Applause.]

Mr. GOOD. Mr. Speaker, I deplore the fact that these assaults should be made upon men who are being considered by the President for responsible positions. [Applause.] I think it is very unfortunate and unbecoming when in the House the other day an assault was made upon Mr. Farrell, whom the newspapers reported was being considered by the President for the head of this great corporation, and this great Shipping Board. I regret now that allusion should be made to the gentleman whom the President is considering for the presidency of the board, Mr. Lasker, of Chicago. I happen to know Mr. Lasker. I regard him as a man of high ability, of integrity, and of courage, and while, as he says, he may not be informed with regard to the building and operation of ships, yet we propose that the Government get out of the business not only of building and running ships but get into the business of immediately selling these ships to private business that will operate them. [Applause.] We propose, if we can, to avoid these losses, for we will have losses in everything the Government undertakes

to run that private enterprise ought to run. [Applause.] That has been our experience in the past, and it will be our experience in the future. I do not know whether Mr. Lasker was the author of the wiggle-woggle advertisement, but I do know that the past administration has done nothing but wabble, so far as this Shipping Board and our shipping problems are concerned, and they have wabbled us into more debts than the people can pay. [Applause.] And if we can just wiggle out the people will be satisfied. If the past administration had had a little wiggle with all of its woggle we would not have these enormous deficiency bills.

The gentleman from Tennessee complains of the great number of clerks we are adding. He is greatly mistaken about that. After this bill is passed we will have reduced the number of clerks in the Treasury Department for the next year over this year by more than 2,000. That is true even after these provisions are adopted. And the present administration intends that the Government shall function in a healthy way, and I am sure the question of additional clerks was an afterthought of the gentleman from Tennessee, because, as I recall—I may be mistaken—he was never opposed to but one item in the bill, and that was the item in regard to an assistant to the Secretary of the Treasury.

Mr. Speaker, the provisions carried in this bill were gone over with great care by the committee, and I say to you that there is not a single item in the bill but what it seemed to the committee was justified and absolutely necessary. I move the previous question on the adoption of the conference report.

The SPEAKER. The question is on the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

BUREAU OF EFFICIENCY.

To enable the Bureau of Efficiency to perform the duties imposed upon it by the legislative, executive, and judicial appropriation act for the fiscal year 1921, $10,000.

Mr. GOOD. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the Senate amendment No. 1 and agree to the same with an amendment as follows: After the sum of "$10,000" in said amendment, insert the following:

"*Provided*, That no part of this appropriation or of the appropriation for the fiscal year 1922 for this bureau shall be available for the payment of any salary at a rate of compensation exceeding the rate paid on July 1, 1920, except the chief of the bureau, whose salary shall not be in excess of the rate of $7,500 per annum."

Mr. HARDY of Texas. Will the gentleman yield me five minutes?

Mr. GOOD. I yield to the gentleman from Texas five minutes.

Mr. HARDY of Texas. Mr. Speaker and gentlemen of the House, what I rise for is to attempt in a brief and imperfect way to say something in regard to the Shipping Board in answer to the continual ragging that has been going on about this board. I have said so before, but I must reiterate that it seems that there is a set purpose to make a case against the Shipping Board by mere repetition and to continually charge all sorts of deficiencies and defects and shortcomings to the Shipping Board. Gentlemen are very sensitive if anybody makes any charge against or says anything about the prospective Shipping Board, but they are not content with one time stating unsupported charges against the existing Shipping Board but carry it on continually. The board is charged with the heinous offense of not selling their ships. I want to say that if there is a fault the fault of not selling the ships or giving them away lies with Congress. Because Congress was called on by Mr. Payne, chairman of the Shipping Board, to lay down a policy for his guidance in the matter of selling, leasing, or operating these ships, and the committee of which I am a member, the Committee on Merchant Marine, did so in what is called the Jones shipping bill, which became a law June 5, 1920. We instructed the Shipping Board to sell our steel ships only to American citizens and to sell them at the world's market price, and they have been trying to do that ever since. In order that the policy we prescribed may be plain, I read sections 1 and 5 of that law:

[Public, No. 261, Sixty-sixth Congress.]

H. R. 10378. An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes.

Be it enacted, etc., That it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, in so far as may not be inconsistent with the express provisions of this act, the United States Shipping Board shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained.

SEC. 5. That in order to accomplish the declared purposes of this act, and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States, except as provided in section 6 of this act, all of the vessels referred to in section 4 of this act or otherwse acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than 15 years after the making of the contract of sale. The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell. All sales made under the authority of this act shall be subject to the limitations and restrictions of section 9 of the "Shipping act, 1916," as amended.

Section 9 of the shipping act of 1916 provided that ships sold by the Shipping Board should be under the American flag and should not be sold to any person not a citizen of the United States, or put under a foreign flag without the board's approval. We did not instruct the board to sell them at a sacrifice. We did not instruct them to sell them at any less than the world market price. Rather, as you will see, we instructed them not to do so, but Mr. Payne told us that he had had no offers to buy except to a very limited amount at any price. He told us that he was offering them along the lines of policy that we laid down, finding out what ships could be contracted for in England, and finding out what tonnage was being offered for in England, and offering our ships at that price. The truth of the business is that Mr. Payne and Mr. Benson are honorable and capable men, and every man on our committee, when John Barton Payne appeared before it, acknowledged that he was a splendid man for the place, and I think we were all convinced he had done and was doing his best to find purchasers for the ships, and I think it was clear that no man could have done more than he did. And of course the gentleman from Iowa knows that the President could only sell these ships through his proper agent, and that the Shipping Board was the only proper agent. The truth is the chairman of the Shipping Board had a hard duty, because he had $3,000,000,000 worth of ships which he had to try to put on the ocean under our flag, and under our policy to establish certain routes, and build up a great American merchant marine and assist our commerce. Members of our committee talked to him freely, and by our law we told him what should be the policy of the Government, and we told him that if he could not sell the ships he should lease or operate them. He has operated or leased ships until there is no cargo for them. He has done the best he could, and I think it is a poor policy to rap and criticize and attack and find all sorts of fault with a public official because he is of the opposite party to your own. When you get your men in there they are going to do the same thing the Shipping Board has heretofore, unless you tell them to destroy these ships or give them away, and in my judgment you could not give them away to American citizens and have them obligate themselves to run them on the lines our policy said should be established. If they were privately owned they would be tied up as they are to-day. What are you going to do? You must do the best you can, and we must grin and endure it. It may be that some of you wish to give these ships to private persons and then give them a subsidy to run them. I do not.

What about the wooden ships? We told him to sell them to foreigners if he could. It was up to us if we wanted to burn them. What would you do with a lot of junk, or whatever you might call it, which has cost you big money, and which has valuable machinery in it and timber? You have one of two things to do—to take care of them and guard them until you can make some disposition of them or destroy them. We thought they might be sold for something to some foreign country, like South or Central America. Would you burn them? You can not sell them, at least not now.

It is up to Congress to sell them, or, if necessary, to sink them in the waters where they lie. Otherwise you must guard them against depredations. That is all that is being done, and it costs money. If you have ever been in a business that is a

losing business, you will understand the situation. You can not get any bid on them and they are bringing in no dividends and there is a loss from year to year, just the same thing some of us farmers are up against at the present time. I have got mules on my farm that I can not afford to give away, and I do not want to give them away, and I have lands and I know that I am going to stand a loss this year for operating them. Mr. Benson is in the same shape. He has something like 20,000,000 tons of shipping on his hands and no frieght to move, and no genius can make a success of that through these distressful and depressing times. Gentlemen know that, and yet they continue to rap the Shipping Board that has done all that is in its power. It is not fair. The members of the Merchant Marine and Fisheries Committee, Republicans and Democrats alike, know that it is not fair to Mr. Payne nor to Admiral Benson. They know neither of them could sell those ships, and that is why they did not. [Applause.]

[Under leave to extend.]

Mr. Speaker, the gentleman from Iowa, after I had, I think, successfully defended the Shipping Board, turned his guns upon the President, and said that it was his duty to have sold these ships and that he had authority to do so under the original shipping act, and that the law I referred to was not passed till the close of last Congress. Let me ask whose fault it was that this law was not passed sooner. Let us admit that there was a broad, general authority under the first law for the President to operate or sell the ships. This law was passed when the Government did not own or contemplate owning any considerable number of ships, and carried only $50,000,000 appropriation for construction and operation of ships. After we got into the war we appropriated and spent some $3,000,000,000 for ships, and when the war closed we had this vast ship tonnage on our hands.

Was not the Shipping Board or the President, if you please, more than justified in presenting the matter to Congress for its determination as to what should be done with the ships, and the terms, restrictions, and conditions on which they should be sold, leased, or operated? This is just what was done through Judge Payne not very long after the armistice. Congress met May 19, 1919. If it had any fault to find with the administration of the Shipping Board or with its policy as to the sale of the ships it ought to have said so by passing appropriate legislation. We had our boys in Europe to bring home first and perhaps needed the ships for that. Freight was plentiful and high. Every condition indicated that the ships could be operated at a profit, and so from May 19, 1919, to June 5, 1920, Congress was inert. Now, when we can not operate at a profit, men, like the gentleman from Iowa, are howling that the President right at once, without consulting Congress and immediately after the armistice, ought to have sold these ships or given them away on any terms or conditions which he might have deemed proper. It is simply a partisan and shameful effort to condemn and malign the President and the Shipping Board for the crime of being a part of his administration. And let me add that the Republican President has had since March 4 to try his hand on selling these ships, and so far as I am advised has not in those three months sold one.

I hope Democrats will do better and refuse to condemn or malign the Republican President and Shipping Board if they are as faithful and honest as President Wilson and his Shipping Board have been in their administration of this great branch of the Government.

Mr. GOOD. Mr. Speaker, I can not let the statement go unchallenged that the gentleman has just concluded his speech with that "they knew he could not sell the ships and therefore he did not." I have tried to correct the gentleman several times. The gentleman knows that the merchant marine act did not pass until just before the adjournment of Congress at the last session, but under the appropriation act of June 15, 1917, which authorized the purchase of the ships, a good many ships were sold, not alone to Americans but to Europeans, and they were sold under the provision of the law, contrary to the statement of the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GOOD. No; I will not yield until I have read the law. The gentleman does not seem to know what the law is. The law that the President of the United States was operating under all of the time provides:

All ships constructed, purchased, or requisitioned under authority herein or heretofore or hereafter acquired by the United States shall be operated and disposed of as the President may direct.

It is not as Congress may direct, but Congress gave the President the power to buy ships and to sell the ships, and the President was operating under that law all of the time, until at least the merchant marine act was passed. He was operating under that law when most of these ships were sold. Practically none of the ships were sold after the passage of the merchant marine act. All of the ships that we got any money for were sold under the provision that I have just read. Whatever blame attaches to it should be accepted by men like men, because the Congress gave the President the right and it gave it to him without stint. It gave him full power to sell the ships at any price he might designate and to sell the ships to whomsoever he desired. All this talk about throwing it on the Congress is the merest bunk.

But, Mr. Speaker, I desire now to take up the pending amendment. We have placed on the amendment a limitation with regard to expenditures. When the deficiency bill came before Congress we asked the question whether or not they had been increasing the salaries from year to year. Mr. Brown said they had not, that this deficiency was not caused by an increase in the salaries at all. I was somewhat apprehensive about this bureau because it grew from an expenditure of $30,000 in 1915 to $125,000 for this year. Mr. Brown said there had been no increase. After he appeared before the committee I learned the fact that Mr. Brown, just before March 4 last, went to President Wilson and had his salary increased from $6,000 to $10,000 a year, and he had the assistant chief's salary increased from $5,500 a year to $6,500 a year, and so on with a great many other increases. When we took this matter before the conference it was my thought that we ought to place a limitation upon the salary of the director of practically what he was getting at the beginning of the year. This amendment does not permit the payment of any salary in excess of $7,500 a year, which is the salary of the Members of the House and the Senate, and it then provides that the same rate of pay for these employees that was in effect at the beginning of the fiscal year shall remain in effect until changed by law. It seems to me that it is an amendment that ought to be adopted.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield me five minutes of time?

Mr. GOOD. On this amendment?

Mr. CHINDBLOM. In regard to the colloquy of a few moments ago.

Mr. GOOD. I suggest that we dispose of this matter first.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 19: Page 14, line 15, after the figures "$15,000,000," insert: "*Provided*, That payments for the support and maintenance of persons dependent upon any trainee of the board as provided by section 2 of the act may, in the discretion of the board, be paid either direct to such dependent or dependents or to the trainee upon whom they are dependent: *And provided further*, That any person entitled under the provisions of the vocational rehabilitation act, as amended, to take vocational training must make application therefor within 18 months from the date of the approval of this act."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 19 and agree to the same. I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker and gentlemen of the House, I shall not attempt during these five minutes to make such a reply as might be adequate to the very learned argument made a moment ago in reference to the appointment of Mr. Lasker, of Chicago, on the Shipping Board. I regret that arguments of that sort should come from gentlemen for whom all of us have the very highest regard, and I do not believe in their hearts they feel that that kind of criticism is justified in advance of a man's appointment to an office. Mr. Lasker, of Chicago, is one of the most successful business men in that part of the country. One of the speakers ridiculed his interest in Quaker Oats, ridiculed his interest in the Van Camp Co., ridiculed his interest in the Chicago Baseball Club. One would think those are not legitimate business enterprises. One would think that a successful business man of this country has no right to have any money invested in a corporation, like the Quaker Oats Co., which furnishes a market and is furnishing use for the products of the farms of this land. One would think there is something contemptible and beneath the dignity of a gentleman and of a business man to be interested in the baseball business, which represents a sport so popular with everybody, even with Members of this House.

Mr. Speaker, I think we ought to stop this promiscuous denunciation and criticism of successful men in business who are willing to give their services to public office. Certainly men of the class of Mr. Farrell, of the class of Mr. Teagle, of the class of Mr. Lasker, certainly those men do not take public office for the emoluments which such public office might give them. They take public office at the request and earnest solicitation, if at

all, of the President of the United States and of others who desire to secure their services.

Mr. MADDEN. Will the gentleman yield?

Mr. CHINDBLOM. Certainly.

Mr. MADDEN. I just want to say I know Mr. Lasker very well. I do not know whether he is going to be appointed chairman of the Shipping Board or not, and I do not care, but I know he is one of the able men of America who has been one of our most successful business men.

Mr. CHINDBLOM. There is no question about that. I want to say this in reference to the Shipping Board——

Mr. BANKHEAD rose.

Mr. CHINDBLOM. I have only five minutes. I am a member of the Committee on the Merchant Marine and Fisheries. I know the Hon. John Barton Payne well, and he, too, came from Chicago. John Barton Payne never ran a ship; John Barton Payne never built a ship; and John Barton Payne, in my opinion—and I said it before upon the floor of this House—was very able and capable as chairman of the Shipping Board, and I expressed my regret that the President saw fit to keep moving him from one position to another so that he was never able to accomplish anything in the position for which he seemed to be so admirably fitted. If President Wilson had permitted John Barton Payne to remain at the head of the Shipping Board I believe he would have accomplished great results as he seemed about to do when he took hold of the business of that board. He was no more qualified, he was no more prepared, for taking up the work of the Shipping Board than Mr. Lasker would be, than Mr. Teagle would be, or Mr. Farrell would be. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS], and then I think we will have to finish this bill.

Mr. BYRNS of Tennessee. Mr. Speaker, my good friend from Illinois [Mr. CHINDBLOM] has had something to say by way of criticism of some remarks which were made by me and my colleague in reference to the failure of the administration to promptly appoint members of the Shipping Board. I expressly stated, and I wish to state now, that in anything I may have said I did not intend in the least to reflect upon either the high personal character or the business ability of Mr. Lasker, of Chicago. I did express some element of doubt whether a man whose interests had been along the line indicated by the gentleman from Illinois, who knows nothing about ships or the shipping industry, was exactly the man to take charge as chairman of the Shipping Board if it is in the situation described by the gentleman from Iowa.

Mr. CHINDBLOM. Will the gentleman permit one question?

Mr. BYRNS of Tennessee. Yes.

Mr. CHINDBLOM. I understand it is the purpose to sell these ships, and if they are sold at all they will be sold to men in the shipping business. I think that is one reason why a man in the shipping business may not be available for a position on the Shipping Board. Does not the gentleman think so?

Mr. BYRNS of Tennessee. I do not know. I do not know just why they are not available, but I had hoped, and I am sure the country had hoped, that in the development of this great merchant marine, which is costing so much money and which for the first time within years has offered real hope that we would have a great merchant marine of ships flying our flag and carrying our commerce rather than be compelled to depend upon foreign ships and foreign shipping interests, that the President would have selected some one whose past experience was such as to commend himself to the entire country as a man who would be able to take charge of the situation from the start.

Mr. BRITTEN. Will the gentleman yield for a question right there?

Mr. BYRNS of Tennessee. I will.

Mr. BRITTEN. Does the gentleman know of one chairman of the Shipping Board appointed by President Wilson who knew anything about ships when he was appointed, with the exception of Admiral Benson?

Mr. BYRNS of Tennessee. I know that gentlemen on that side of the Chamber from the very time of their appointment have never failed to criticize them severely for their actions upon the Shipping Board. We have just listened to a 30-minute speech this morning from the gentleman from Iowa severely condemning the administration of the Shipping Boards of the past.

I will say to the gentleman that one chairman of the Shipping Board, a man who stands high in this country and who has great information about ships and shipping interests, was Admiral Benson, who, on account of his experience and ability, has been retained by the present President as his personal agent since March 4, and is now in charge.

Mr. HARDY of Texas. And in addition to the chairman we had Mr. Rossiter and Mr. Piez, who are shipping men, on the board with the chairman.

Mr. BYRNS of Tennessee. I am glad to have that suggestion from the gentleman.

Mr. CHINDBLOM. Was Mr. Piez a shipping man before he came on the board?

Mr. BYRNS of Tennessee. I do not know.

Mr. BRITTEN. And neither was Mr. Hurley.

Mr. BYRNS of Tennessee. I have no intention of casting personal reflections on anyone. I do not question the ability of any of these gentlemen who have been suggested for chairman of the Shipping Board, but what I complain of is this long delay which has resulted in bringing about just the situation that has been described in this House and at the other end of the Capitol. If you want results, if you want the Shipping Board to function, then, in God's name, appoint a Shipping Board so that it can function.

Mr. KNUTSON. Will my friend from Tennessee tell the House what he thinks of the appointment of former Senator Chamberlain as a member of the Shipping Board?

Mr. BYRNS of Tennessee. I do not know whether Senator Chamberlain has any information relative to ships or not. I know that he is a gentleman of ability and stands high throughout the country, and is a man who I am sure will faithfully do his duty.

Mr. KNUTSON. We are all sure of that.

Mr. GOOD. Now, Mr. Speaker, I hope the debate from now on will be confined to the amendments. They all have relation to the appropriation of money, and we ought to divorce our discussion of that from such discussions as have just taken place. I want to call the attention of the Committee on Interstate and Foreign Commerce to the fact that this is a change of existing law, in that it permits the payment of allowances that are due a trainee and the dependent members of the trainee's family in the judgment of the board. It is found that some trainees with families depending upon them for support draw increased compensation because they have families and give nothing to the support of the families, and these families in some cases become a public charge. This will simply give the board the power in such cases to allot the amount to the trainee or to the members of his family, as may seem just to the board. It also provides that any person who is entitled to vocational training must make application for vocational training within 18 months after the passage of this act. This matter was suggested to the House committee. We refused to adopt it, because it was legislation. The Senate has adopted this amendment, and I have now moved to concur in the Senate amendment.

The SPEAKER pro tempore (Mr. STAFFORD). The question is on the motion of the gentleman from Iowa [Mr. GOOD] to recede and concur in Senate amendment No. 19.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Amendment No. 21: Page 15, after line 5, insert:

"INTERSTATE COMMERCE COMMISSION.

"For payment to Henry Jones Ford, on account of services rendered as Interstate Commerce Commissioner from June 11, 1920, to March 4, 1921, $8,800."

Mr. GOOD. Mr. Speaker, the House bill in quite a number of cases carried appropriations for officials in a similar situation. I move to recede and concur in Senate amendment No. 21.

The SPEAKER pro tempore. The gentleman moves to recede and concur in the Senate amendment No. 21.

Mr. GOOD. In all cases where the appointment of an official had been legally made, except that the appointment was not confirmed, and where the official performed the duties, we carried appropriations for that official. Mr. Ford was appointed as a member of the Interstate Commerce Commission but was not confirmed. He rendered service from June 11, 1920, to March 4, 1921, and no appropriation has been made for that service. The Committee on Interstate and Foreign Commerce of the House has reported out a bill in favor of authorizing this item of appropriation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. GOOD] to recede and concur in Senate amendment No. 21.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 41: Page 29, after line 21, insert:

"JUDICIAL.

"To pay the widow of Edward Douglass White, late Chief Justice of the United States, $15,000."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 41 and concur in the same.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House recede from its disagreement to Senate amendment No. 41 and concur in the same.

Mr. GOOD. Mr. Speaker, while there is no law for the appropriation, the custom in a number of cases has been to appropriate one year's salary to the widow of a deceased Justice of the Supreme Court of the United States. I think that has taken place in recent years in most cases, except perhaps that of Chief Justice Fuller. An appropriation was made for the widow of Justice Brewer for a full year's salary. In the case of the death of Justice Harlan we appropriated to his widow one year's salary, and the same was true in the case of Justice Lurton. The amount carried here of $15,000 is one year's salary and is in accordance with the custom of Congress.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa that the House recede from its disagreement to Senate amendment No. 41 and concur in the same.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 42: Page 34, after line 18, insert:

"OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

"For the operation and maintenance of the aeroplane mail service between New York and San Francisco, including the same objects specified under this head in the Post Office appropriation act for the fiscal year 1921, $125,000."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 42 and concur in the same.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House recede from its disagreement to Senate amendment No. 42 and concur in the same. The question is on agreeing to the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 49: Page 44 of the bill, at the top of the page, insert:

"The Secretary of Agriculture is authorized to pay to PETER G. TEN EYCK, from the appropriation 'Meat inspection, Bureau of Animal Industry, 1921,' the sum of $84, representing rent remaining unpaid by the Department of Agriculture for the use and occupancy of a room in the Spencer-Trask Building, Albany, N. Y., from and including November 17, 1920, to February 28, 1921, the provisions of section 114 of the Penal Code notwithstanding."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 49 and concur in the same.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House recede from its disagreement to Senate amendment No. 49 and concur in the same.

Mr. GOOD. Mr. Speaker, this is a case where the Department of Agriculture occupied rooms in a building owned by a Member of Congress.

Under section 114 of the Penal Code they would not be authorized to receive it, or the Government could not pay it, without express authority of law. The Department of Agriculture occupied the room at the regular rent, and the amount is due to Mr. TEN EYCK, and it should be paid.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

After line 16, page 49, insert:

"The statement of appropriations, etc., for the third session of the Sixty-sixth Congress shall include the Army, naval, and second deficiency appropriation acts passed during the first session of the Sixty-seventh Congress, and all other appropriations made at the latter session shall be compiled and published with the statement of appropriations for the second session of the Sixty-seventh Congress."

Mr. GOOD. Mr. Speaker, I move to recede from the disagreement of the House to Senate amendment No. 67, and concur in the same.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House recede from its disagreement to Senate amendment No. 67 and concur in the same. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

After the amendment just adopted insert:

"Public Buildings Commission: The accounting officers of the Treasury are authorized to credit to the account of the disbursing officer of the Public Buildings Commission the sum of $354.51, heretofore expended for the repair and upkeep of an automobile, and charge the same to the appropriation for the Public Buildings Commission."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 68 and concur in the same.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House recede from its disagreement to Senate amendment No. 68 and concur in the same.

Mr. GOOD. Mr. Speaker, that is an item where a congressional commission, composed of Members of the Senate and Members of the House, took over an automobile from the Housing Corporation and had it repaired, and the repairs amounted to $354.51. After the repairs were made they found they had no authority of law to incur the expense.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

After line 10, page 50, insert:

"SENATE.

"To enable the Secretary of the Senate to pay from the appropriation 'For compensation of officers, clerks, messengers, and others,' for the fiscal year 1921, to Austin Jackson, for services rendered as assistant clerk to the Hon. TASKER L. ODDIE, Senator from the State of Nevada, at the rate of $1,500 per annum from March 4, 1921, to March 20, 1921, both dates inclusive."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 69 and concur in the same.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. DENISON. I wish the gentleman from Iowa would explain why we have to make a special appropriation for that. Is not that provided for by law?

Mr. GOOD. No. There is no authority to pay it because the appointment was not received in time. It was lost in the mail, and during that 16-day period, while that clerk performed the service, it was found that the appointment had not been made in accordance with law. But the clerk did the work and he is entitled to be paid. The formal appointment was lost in the mail.

Mr. SMITH. Why is it necessary to bring an item of that kind to the House?

Mr. GOOD. If we had included it in the conference report, it would have made the whole conference report subject to a point of order. We were careful not to include anything that would make the conference report subject to a point of order.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

After line 19, page 52, insert:

"The Secretary of War is authorized and directed to transfer, without payment therefor, to the Government Printing Office one motor-propelled passenger-carrying vehicle, if such vehicle can be obtained from surplus stores not needed by the War Department."

Mr. GOOD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"The Secretary of War is authorized and directed to transfer, without payment therefor, to the Government Printing Office one motor-propelled and passenger-carrying vehicle."

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Iowa to recede from the disagreement to Senate amendment No. 76 and concur therein with the amendment as reported.

Mr. PARKER of New Jersey. Mr. Speaker, do I understand the House strikes out the provision and directs that it shall be done, even if the automobile is not surplus and the War Department needs it?

Mr. GOOD. If the words are left in in many of these amendments—there are two or three of them—"if such vehicle can be obtained from surplus stores not needed by the War Department," you might as well not enact the legislation at all,

because they have not declared a great many of the automobiles in stock as surplus.

Mr. PARKER of New Jersey. May I ask the gentleman, if that be so, ought not the automobile, if it is needed, be bought elsewhere instead of taking it from one department against its will and giving it to another?

Mr. GOOD. No. We have hundreds of automobiles in the War Department, and very soon they will be out of date, and then the War Department, which is never willing to take anything either out of date or out of style, will want to junk them.

Mr. PARKER of New Jersey. Is not this taking matters into the hands of the House from the War Department?

Mr. GOOD. The Government Printing Office has many employees. It does work for all the 10 departments and under the law now for all the independent establishments. The Public Printer is obliged either to send his foreman or assistant or go himself to these departments. He now has an automobile that is out of commission, and perhaps needs a small passenger car as much as anybody else in the Government.

Mr. PARKER of New Jersey. I desire on my own account to protest against that mode of doing business. It is not the proper way to do, in my judgment, for the House to tell the War Department what is surplus and what is not.

Mr. GOOD. We have always done that; we have had to tell the War Department when it can buy property, and when not.

Mr. SMITH. Will this afford the War Department an opportunity to get a new automobile when the next appropriation bill comes up?

Mr. GOOD. They can not get it unless they get the appropriation for it.

Mr. SMITH. Probably they will get the appropriation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. GOOD] to concur in the amendment with the amendment which has been reported.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Amendment numbered 86: Page 78, after line 6, insert:

"CIVIL SERVICE COMMISSION.

"For travel, printing, stationery, contingent expenses, additional employees, and other necessary expenses of examinations, fiscal year 1922, $100,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum, except one at $3,000."

Mr. GOOD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 86 and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000."

Mr. GOOD. Mr. Speaker, the sum of $117,000 was estimated for by the Civil Service Commission as being necessary to conduct the civil-service examinations for vacancies in post offices throughout the country. The Senate amendment carried $100,000. It has seemed to us that the amount carried in the Senate amendment is excessively large, and it is somewhat problematical as to just the number of post offices where examinations will be held. It is likewise somewhat problematical as to what each examination will cost. It has seemed to us that if possible the expenditure for next year for this purpose should not exceed $75,000, and therefore I have offered the amendment to reduce the amount from $100,000 to $75,000.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. I yield for a question.

Mr. BLANTON. This $75,000 proposed by the gentleman is one of the incidental expenses connected with the change of postmasters throughout the country?

Mr. GOOD. Yes.

Mr. BLANTON. And it is one of the incidentals of what happened in November?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. Will the gentleman yield to me?

Mr. GOOD. I yield three minutes to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Mr. Speaker, I am for this amendment. I doubt if it will be enough to serve the purposes for which the appropriation is being made. I am for it because it seems to be necessary to enable a change from Democratic to Republican postmasters, and inasmuch as the Republican Party are in control of the Government, so far as I am concerned, I have no objection, but, on the contrary, I think they are entitled to the offices, if they want them, although I know of no real economic reason and no reason based on efficiency which would require a change in the postmasters over the country.

Mr. RICKETTS. Evidently the gentleman is not familiar with the existing condition of affairs in the Post Office Department.

Mr. BYRNS of Tennessee. The gentleman is entitled to his opinion about that. As stated by the gentleman from Iowa, $117,000 was asked for this purpose. A member of the Civil Service Commission told me privately that in his judgment $117,000 would not be sufficient to conduct all of the examinations; but I realize the hunger that exists in certain quarters for some of these offices, and I think it very well to make this appropriation now, and I have no doubt that the majority in Congress will provide whatever funds may be necessary later on. Personally I would have preferred to see this change made in some other way, because I was never for the order which was made during the Democratic administration, and this seems to be a very high price to be paid at this time of high taxes merely to enable a change of postmasters on the subterfuge that it is being done through the civil service. Everybody knows and appreciates the real purpose of the recent Executive order, which has made this appropriation necessary.

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Iowa.

Mr. GOOD. I only want to express the hope that that hunger will be satisfied to a greater extent than it was satisfied in the gentleman's district under the previous administration. [Laughter.]

Mr. BYRNS of Tennessee. I have no doubt it will be very fully satisfied, because I have observed that if there is one party that is capable of taking care of its own when it comes to filling the offices it is the party to which the gentleman belongs. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the motion to concur in Senate amendment 86 with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Amendment No. 88: Page 78, after line 19, insert:

"PUBLIC SCHOOLS.

"Buildings and grounds: For the erection of an 8-room extensible building on the site in the immediate vicinity of the Mott School, $140,000;

"For the purchase of additional land adjoining the John Eaton School, $12,000;

"For the erection of an 8-room addition to the John Eaton School, $140,000;

"For beginning the erection of a junior high school north of Taylor Street and east of Fourteenth Street, on the land now owned by the District of Columbia, $100,000, and the commissioners are authorized to enter into contract or contracts for said building at a cost not to exceed $300,000;

"For the purchase of a site for a junior high school building in the vicinity of the Gage, Emery, and Eckington Schools, $50,000;

"For beginning the erection of a junior high school on the site in the vicinity of the Gage, Emery, and Eckington Schools, $100,000, and the commissioners are authorized to enter into contract or contracts for said building at a cost not to exceed $300,000;

"For a new site in the vicinity of the Smothers School, $5,000;

"For the erection of a 4-room building on the site to be purchased in the vicinity of the Smothers School to replace the Smothers School, $70,000;

"For the purchase of a site for a 16-room extensible building in the vicinity of and north of Lincoln Park, $30,000;

"For the erection of an 8-room extensible building on the site to be purchased in the vicinity of and north of Lincoln Park, $140,000;

"For the erection of a 4-room addition to the Monroe School, $75,000;

"For the purchase of a site adjoining the Lovejoy School, $6,500;

"For the purchase of a site west of Sixteenth Street NW., in the Ingleside section, $40,000;

"For the purchase of land adjoining the Phillips School, $9,000;

"For the purchase of a site for a 16-room building adjoining the Buchanan School, $30,000;

"For the erection of an 8-room extensible building adjoining the Buchanan School, $140,000;

"For the purchase of a new site in the vicinity of the Bell School, $20,000;

"For the erection of an 8-room building on the site to be purchased in the immediate vicinity of the Bell School, to ultimately replace the Bell School, $140,000;

"For the erection of a building for the care of tubercular pupils, $150,000;

"For repairs and alterations of the Harrison School, now used for colored tubercular children, $17,000;

"For the purchase of a site in the vicinity of Woodley Park, $40,000;

"For the purchase of land adjoining the Armstrong Manual Training School, $20,000;

"For the purchase of additional land north of the Hayes School, $5,000;

"For the purchase of additional land adjoining the Emery School, $8,000;

"For the purchase of additional land adjoining the Peabody School, $20,000;
"For the purchase of additional land adjoining the Adams School, $20,000;
"For the purchase of additional land adjoining the Webb School, $1,500;
"For the purchase of additional land adjoining the Harrison School, $15,000; in all, fiscal year 1922, $1,544,000, to be disbursed and accounted for as 'Buildings and grounds, public schools,' and for that purpose shall constitute one fund."

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment 88 and concur in the same.

The SPEAKER. The gentleman from Iowa moves that the House recede from its disagreement to Senate amendment 88 and concur in the same.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is entitled to the floor.

Mr. BLANTON. Will the gentleman yield to me five minutes?

Mr. GOOD. I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, if this were a question of the people living in the District of Columbia taxing themselves in order to provide adequate school facilities for their children here in this District I would vote for just as high a tax and for just as great an expenditure of public money for that purpose as any man in this House, because no man in this House believes more strongly in providing proper educational facilities for the boys and girls and young men and young women of the country than I do. Or if it were a question of voting for an appropriation found necessary through a proper investigation by Congress, I would not oppose it. But unfortunately the other body put this amendment of over $1,500,000 on a deficiency bill, when we all know that by reason of the existing circumstances no great amount of consideration could have been given it, and the Senate has proposed in this bill that the people of the United States shall pay half of this expense. Even under the proposition as it will be made by our friend from Iowa [Mr. GOOD] in charge of this bill that the people living here in the District be required to pay 60 per cent, that still leaves 40 per cent of this amount of taxation upon the whole people of the United States, so that we should act deliberately and with consideration in the proposed expenditure of this money.

This question is now before the District Committee. It has just begun to give the question consideration, and very careful consideration has been begun by two members of that committee. Why not let us finish our investigation? Why rush the matter in a deficiency bill? Why do you not give the proper committee a chance to investigate this question and see what is really needed? I know that the proposal made by the District Commissioners here is exaggerated and much larger than is necessary. When this question first came up I had occasion to visit some of these schools in person, and I am now making an attempt to visit all of them, and if given time some of the other members of the committee may do the same thing.

Now, I heard that the Johnson School was badly congested, and I made a personal visit to it, going into each classroom, and personally inspecting conditions, and asking questions of each teacher there, being accompanied by the principal of the school. The following is the report of same I made to the District Committee at the time we had Dr. Ballou before us, to wit:

JOHNSON SCHOOL.

[Miss Brewer, principal.]

Miss Brewer's room: 44 desks, 36 pupils enrolled, 8 vacant desks, 8 windows. No pay pupils in school.
Mrs. Dawson's room: 48 desks, 39 pupils enrolled, 9 vacant desks, 8 windows.
Mrs. H. M. Tancre's room: 48 desks, 39 pupils enrolled, 9 vacant desks, 6 windows.
Miss Street's room: 46 desks, 32 pupils enrolled, 14 vacant desks, 6 windows.
Miss Lantenschalager's room: 48 desks, 46 pupils enrolled, 2 vacant desks, 8 windows.
Miss Schoenborn's room: 48 desks, 36 pupils enrolled, 12 vacant desks, 8 windows.
Miss Sargeant's room: 48 desks, 31 pupils enrolled, 17 vacant desks, 6 windows.
Miss McCauley's room: 48 desks, 32 pupils enrolled, 16 vacant desks, 6 windows.

ONLY PORTABLE BUILDING (JOHNSON SCHOOL).

Miss Dwyer's room (3 A grade): 45 desks, 35 pupils enrolled (1 extra), 10 vacant desks. This is the only portable building at Johnson school, and is composed of the one room taught by Miss Dwyer. Eleven windows, 2 glass doors. Only 3 sick children last winter; health ideal; teacher thoroughly satisfied.

I had also heard that there was great congestion at the Powell School, and I personally inspected every classroom in it, and the following is my report made of conditions there to the District Committee at the time we had Dr. Ballou before us, to wit:

POWELL SCHOOL.

[Miss McGill, principal; R. L. Haycock, supervisor, third division, officing here.]

Miss Spackman's room (7 B grade): 48 desks, 31 pupils enrolled, 17 vacant desks, 6 windows.
Miss Aetcheson's room: 48 desks, 47 pupils enrolled, 1 vacant desk, 7 windows.
Miss Jaquette's room: 48 desks, 39 pupils enrolled, 9 vacant desks, 7 windows.
Miss Oberly's room (on stage), kindergarten class; has assistant teacher: 23 pupils, 5 years old.

[Kindergarten class.]

Miss Quinter's room (has assistant teacher): 35 pupils enrolled, 5 years old; 7 windows. Teaches to noon every day.
Miss Holzberg's room: 48 desks, 44 pupils enrolled, 4 vacant desks, 7 windows.
Miss Dill's room: 44 desks, 37 pupils enrolled, 7 vacant desks, 7 windows.
Miss Carmichael's room: Sewing. Girls taking sewing instruction come here daily.
Miss Bagby's room: 48 desks, 33 pupils enrolled, 15 vacant desks, 7 windows.
Miss Kirby's room: 46 desks, 44 pupils enrolled, 2 vacant desks, 7 windows.
Miss Meloy's room: 46 desks, 35 pupils enrolled, 11 vacant desks, 7 windows.
Mrs. Chenery's room: 47 desks, 33 pupils enrolled, 14 vacant desks, 7 windows.
Miss Short's room: 48 desks, 45 pupils enrolled, 3 vacant desks, 7 windows.
Miss Lamson's room: 48 desks, 41 pupils enrolled, 7 vacant desks, 7 windows.
Miss Taylor's room (6 A grade): 48 desks, 36 pupils enrolled, 12 vacant desks, 7 windows.
Miss F. A. Reeve's room: 47 desks, 47 pupils enrolled, 7 windows.
Miss L. M. W. Reeve's room: 48 desks, 36 pupils enrolled, 12 vacant desks, 7 windows.
Mrs. Burmeister's room: 48 desks, 45 pupils enrolled, 3 vacant desks, 7 windows.

[Portable schools at Powell School, 2; 1 classroom in each.]

First portable—Powell School:
Mrs. Page's room: 47 desks, 38 pupils enrolled, 9 vacant desks, 11 windows, 2 glass doors.
Second portable—Powell School:
Mrs. Smith's room: 42 pupils enrolled, room for 8 extra desks, 11 windows, 2 glass doors.
Carpenter shop: With expert mechanic in charge as instructor, to which various classes of boys go daily.

Now, besides the above, the only evidence we have had before the District Committee on this question was that we had Dr. Ballou to come before us one morning and make a statement. If any member of the District Committee besides myself has made any personal inspection of the schools of Washington, he has not yet given the District Committee the benefit of his information.

There was only one schoolroom visited by me where there was an enrolled pupil for each desk in the room. To each teacher visited I said, "What do you need? Do you need anything to give the children the best instruction?" Well, some said a globe, some said a wall map, some said a sand box. "Anything else?" I asked. "No." "Got everything you need?" "Yes." "Is your room comfortable?" "Yes." "Sanitary?" "Yes." "You don't want anything else except the few items mentioned?" "No."

Now, in the State of Texas little children of kindergarten age are not permitted to attend the public schools free. In Texas a child can not go to a public school until it is 7 years of age.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOOD. I yield the gentleman five minutes more.

Mr. BLANTON. Here in Washington the children can begin at the nursery age of 5 years. In these two schools, the Johnson and the Powell, I found in one of them one kindergarten class and the other had two, and in one room I found only 25 little tots 5 and 6 years old, with two teachers in charge of the 25 children. Here each kindergarten teacher is furnished an assistant. I want to say that there is not a city in the United States to-day where there are better school facilities than we have in the city of Washington. It is true that at the Johnson School they had a building with just one large room in it on the outside they called a portable building. At the Powell School they had two such 1-room buildings they called portable buildings. In the one at the Johnson School the teacher said that she had had the best health in her school the past winter that they had in any school, with only three cases of sickness. The two temporary 1-room portable buildings at the Powell School were stuck down in a low place where there was mud in wet weather and they had had some sickness there. There was plenty of room on high, dry ground there to move those two buildings out of the mud to avoid that trouble, and I called the principal's attention to this.

I believe that if you will properly readjust the school children and make them attend the proper schools you will solve most of these difficulties. They all want to go to certain schools. For instance, you take the Force School out on Massachusetts

Avenue, and most of the people have heard that the children of the great Theodore Roosevelt went there, and because of that sentiment there are a lot of children that want to go to the Force School, and it is always crowded. There ought to be a proper readjustment in the city, and if you had a proper readjustment there would be very little crowded conditions.

Again, is it proper and right for the whole people of the United States to be called upon to continue to build fine new school buildings for the city of Washington and to pay 40 per cent of their maintenance? Do you know that in this city there are 2,485 children from the States of Maryland and Virginia who go to school in Washington practically free of tuition and the people of the United States pay 40 per cent of the expense? Why should the people of the United States be called upon to educate 2,485 children who live in the States of Virginia and Maryland? Those States give each child an apportionment, but it is not transferred to Washington. I would not call upon the Congress to help educate the children of Texas. I do not think the people of Virginia and Maryland ought to call upon the rest of the United States to educate the children in their particular States.

Mr. SMITH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SMITH. As a matter of fact, is it not true that the children coming from Maryland and Virginia pay tuition to the District of Columbia schools?

Mr. BLANTON. Out of 2,485 children from the two States I have named, how many does the gentleman from Idaho think pay tuition?

Mr. SMITH. I am seeking information from the gentleman from Texas.

Mr. BLANTON. Only 82. I know exactly, because I have investigated it. Out of 2,485 children who are attending school in the District of Columbia and living in Virginia and Maryland only 82 pay tuition, and the balance come in scot free, and are furnished their school books. It is claimed that their fathers and mothers are working in the District. They come here each morning from Maryland and Virginia to work in some Government service. That may be true, but they moved over into Virginia and Maryland, where, instead of paying $131 a month rent, as I pay for an unfurnished house, they get the same house there for $40 and $50 a month. If they can save from $50 to $100 a month on rent by living in Virginia and Maryland, why should they object to paying $6 a month for their children to go to school in the District?

Mr. HICKS. Why are they not compelled to pay tuition?

Mr. BLANTON. Because Congress does not force them to do it. I am protesting that Congress ought to compel every single child that lives out of the District of Columbia who goes to school in the District to pay tuition, and then we would not have congestion. Now, Mr. Speaker, in order to verify the figures I have mentioned, I will call attention to the following list of enrolled nonresident pupils, by schools, here in Washington, showing the number enrolled, and the number paying tuition. Dr. Ballou verifies this as correct, to wit:

Statements showing number of nonresident pupils attending the public schools of the District of Columbia, May 3, 1921.

School.	Number enrolled.	Number paying tuition.
Wilson Normal School	15	
Armstrong High School	9	
Business High School	109	5
Central High School	245	6
Dunbar High School	21	1
Eastern High School	16	1
McKinley High School	158	8
Western High School	175	13
Junior High School (colored)	3	
Junior High School (white)	95	4
Franklin-Thomson School	53	11
First division:		
Adams School	2	
Addison School	21	
Brown School	287	2
Corcoran School	8	
Curtis School	42	1
Dennison School	9	1
Eaton School	36	
Fillmore School	5	
Force School	8	
Hyde School	34	
Jackson School		
Reservoir School	9	
Tenley School	22	
Third division:		
Brightwood School	36	6
Brightwood Park School	3	
Cooke School	10	
Hubbard School	2	
Johnson School	2	
Morgan School	2	
Park View School	1	
Petworth School	1	
Powell School	1	
Ross School	5	
Takoma School	317	2
West School	7	3
Woodburn School	33	2
Fifth division:		
Abbot School	13	
Arthur School	2	
Blake School	10	1
Brookland School	3	
Eckington School	12	1
Emery School	6	1
Gales School	7	1
Henry-Polk School	6	1
Langdon School	20	
Portables, Eighteenth and Monroe Streets NE	47	
Seaton School	20	5
Twining School	11	
Webster School	21	1
Sixth division:		
Bennings School	38	
Blair School	5	
Blow School	34	
Kenilworth School	60	
Ludlow School	5	1
Madison School	5	
Pierce School	4	
Taylor School	4	
Webb School	9	
Wheatley School	4	
Seventh division:		
Carberry School	4	
Edmonds School	1	
Hilton School	5	
Peabody School	5	2
Wallach-Towers School	2	
Eighth division:		
Bradley School	13	
Fairbrother School	1	
Grant School	1	
Jefferson-Amidon School	3	2
Ninth division:		
Congress Heights School	69	
Randle Highlands School	15	
Stanton School	22	
Van Buren School	2	
Tenth division:		
Military Road School	21	
Montgomery School	4	
Phillips School	4	
Stevens School	3	
Sumner School	2	
Wormley School	42	
Eleventh division:		
Burrville School	75	
Cook School	1	
Mott School	6	
Smothers School	13	
Twelfth division:		
Jones School	4	
Thirteenth division:		
Birney School	2	
Garfield School	11	
Ungraded for white pupils	6	
Summary:		
Normal schools	15	
High schools	733	34
Junior high schools	98	4
Franklin-Thomson School	53	11
Ungraded schools	6	
First division	483	4
Third division	420	13
Fifth division	178	11
Sixth division	168	1
Seventh division	17	2
Eighth division	18	2
Ninth division	108	
Tenth division	76	
Eleventh division	95	
Twelfth division	4	
Thirteenth division	13	
Total	2,485	82

Now, in the Washington schools we have already given them the following teaching forces, with the following basic salaries, to wit: One superintendent at $6,000, 2 assistant superintendents at $3,750 each, 1 directing intermediate instructor at $2,400, 1 superintendent of manual training at $2,400, 1 secretary at $2,000, 1 financial clerk at $2,000, 1 clerk at $1,600, 2 clerks at $1,500 each, 1 clerk at $1,400, 3 clerks at $1,200 each, 3 clerks at $1,000 each, 1 clerk at $900, 2 stenographers at $1,000 each, 1 messenger at $720, 1 attendance officer at $1,080, 1 attendance officer at $960, 7 attendance officers at $900 each, 1 principal of Central High School at $3,500, 2 assistant principals of Central High School at $2,400 each, 10 principals of

other high schools and normal schools at $2,700 each, 2 deans of high schools at $2,400 each, 7 directors at $2,000 each, 1 assistant directing primary instructor $1,800, 7 assistant directors at $1,800 each, 1 assistant superintendent manual training at $1,800, 14 heads of departments at $2,200 each, 35 normal high manual training teachers at $2,200 each, 384 teachers in class 6 at $1,440 each, 189 teachers in class 5 at $1,200 each, 518 teachers in class 4 at $1,200 each, 563 teachers in class 3 at $1,200 each, 374 teachers in class 2 at $1,200 each, and 100 teachers in class 1 at $1,200 each—the above being merely the basic salary, increased with each year's service—10 librarians at $1,200 each, 35 clerks of class 4 at $960 each. Janitors: One superintendent at $1,500, 2 engineers at $1,500 each, 2 engineers at $1,200 each, 2 engineers at $1,000 each, 4 assistant engineers at $1,000 each, 2 electricians at $1,200 each, 9 firemen at $720 each, 1 gardener at $840, 5 night watchmen at $720 each, 4 coal passers at $600 each, 2 janitors at $1,100 each, 15 janitors at $1,000 each, 1 janitor at $900, 36 janitors at $840 each, 1 janitor at $800, 73 janitors at $720 each, 14 janitors at $600 each, 3 assistant janitors at $900 each, 3 janitors at $250 each, 11 matrons at $600 each, 5 charwomen at $480 each, 12 skilled laborers at $720 each, 88 laborers at $600 each. And we have already given the Washington schools annually the following appropriations for the following purposes:

Vacation schools	$20,000
Longevity pay	520,000
Allowance to principals	36,000
Night schools	60,000
Americanization work:	
Principal (1)	1,800
Teachers	10,200
Janitors	213,450
Matrons	6,600
Care small buildings	15,000
Night schools	5,000
Americanization, contingent	2,500
Kindergarten supplies	6,000
Dental clinics	2,000
Rent	16,500
Compulsory education	6,000
Repairs to buildings	200,000
Manual training	45,000
Fuel, gas, electric light	165,000
Furniture and equipment	6,540
Contingent expenses	75,000
Paper towels	3,000
Pianos	1,500
Textbooks and supplies	82,000
Flags	900
Playgrounds, maintenance	3,000
School gardens	3,000
Physics equipment	3,000
Chemistry and biology	3,000
Transportation tubercular children	1,000
Community forums	35,000
Remodeling Hamilton	7,600
Medical inspection (16)	500
Chief inspector (1)	2,500
Nurses (10)	1,200
Dental operators (8)	700
Prophylactic operators (4)	900
Textbooks and supplies:	
Labor (2)	3,000
Cabinetmaker (1)	1,200

When a person inspects the many, many splendid school buildings situated over Washington, some of them such as the Central High, Western High, Dunbar (colored) High, and others almost as extensive as many big universities, and remembers that the whole people of the United States have paid 50 per cent of the cost of same, and up to last year 50 per cent of the maintenance of same, and that they are now to keep on paying at least 40 per cent of the cost of all new buildings, and at least 40 per cent of the annual cost of maintenance, I take it that the people want us, as their representatives, to go slow and to be sure that we are right before we go ahead. They do not want us to spend their money recklessly in gobs of $1,500,000 by impulsive amendments on deficiency appropriation bills for new construction, without any extensive investigation. We are simply taking the word of Dr. Ballou for all this, and I will guarantee that I have been in more school buildings in Washington than he has personally. He is taking somebody's word for what he asks. Out of the 800 pupils in the Takoma School 300 are from the State of Maryland, live and sleep in Maryland every night, and the people of the United States are paying a large per cent of the cost of their education.

I know that at a banquet in Washington not long ago one of our distinguished committee chairman, in his exuberance, is reported by Washington papers to have exclaimed that he was going to spend $800,000,000 in the District, and was going to give $100,000,000 to the Washington schools, that the blue sky was to be his limit, that he was used to spending money in large gobs from where he came from, but that the Congressmen from the jack-rabbit sections of the South and West were not used to spending money. I expect him to vote for this proposal. But let me again assert that the money he has been used to spending during his 24 years as a public lawmaker has been public money and not his own private money. Some of us Congressmen from the jack-rabbit sections of the South and West are used to spending our own money freely and generously, but we are careful about spending the people's money out of the Public Treasury.

Mr. GOOD. Mr. Speaker, the gentleman from Texas can get more erroneous statements into a speech of 10 minutes than any other Member of the House.

Mr. BLANTON. Will the gentleman tell me one?

Mr. GOOD. The gentleman is complaining because children whose parents reside out of the District attend schools in the District without paying tuition. The gentleman forgets the large appropriations we have made for the agricultural colleges and schools of mechanic arts to every State in the Union. The gentleman forgets that out of the Federal Treasury large allotments to States for educational purposes have been made, and Texas gets a very large sum.

The gentleman says that the children of Federal employees working in the District but living in Maryland and Virginia do not pay any tuition. That is so, but it is because Congress has said by a specific statute that they do not need to pay any tuition. That is the reason. Congress legislated on the subject, and said that these children, whose fathers and mothers are Government employees in the District of Columbia, should have the advantages of the schools of the District without charge.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. KEARNS. Can the gentleman tell the reason why these 74 children to whom the gentleman from Texas [Mr. BLANTON] refers have to pay tuition?

Mr. GOOD. I do not know about every child. I have not taken a census of it.

Mr. KEARNS. He said that 74 out of 2,500 had to pay tuition.

Mr. FOCHT. They do not have to pay tuition; they volunteered to do it.

Mr. GOOD. Mr. Speaker, the situation with respect to schools in the District of Columbia is this: The District has been growing, and the population has been increasing very rapidly. We have done very little in the way of constructing school buildings. Take the first item in the amendment, which is illustrative of the general situation. It is the Mott School, at Fourth and Trumbull Streets, in the District of Columbia. The enrollment to-day is 1,010 pupils. They have 18 classrooms, one supply room occupied by coaching classes, and an assembly hall occupied by the fifth grade. They have two portable buildings which are occupied by second grades and one kindergarten. Sixty students, nearly 60 pupils for every room, and in many cases—and this is one of them—the children are permitted to go to school for only a few hours a day, because there are not school facilities enough. They are turned upon the streets to do as they please. Before the Committee on Appropriations or the conferees were willing to agree on this matter and to instruct me to make the motion which I have made we took the matter up with the House Committee on the District of Columbia. The Committee on the District of Columbia has been investigating the matter and told us that every one of these items should be allowed.

The only criticism that committee had was the fact that it would not supply what is necessary in the District. The Senate Committee on the District has had extensive hearings on the matter and they have urged this as an emergency. The House last spring attempted to solve the question and would have solved it and we would have granted other appropriations at that time but for the fact that then the estimate of the minimum cost for constructing an eight-room school building was $220,000. Some investigation has been made in regard to costs at this time, and they have brought them down, so that they think they can construct an eight-room building for $140,000. At any rate they will not be permitted to expend more than $140,000. The amendment which I have moved to agree to is in harmony with the wish of the Senate committee that investigated the matter and the express wish of the House committee that has jurisdiction of the legislation.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. CHALMERS. The gentleman does not claim that this example that he has given for one school, averaging 60 pupils, is at all general throughout the District of Columbia?

Mr. GOOD. I can give the gentleman the facts in regard to the matter.

Mr. CHALMERS. I visited a school last week and I found an entirely different condition. I do not think that the crowding of the District schools is such as has been pictured.

Mr. GOOD. Was it one of the schools that we have provided for here?

Mr. CHALMERS. I think the children in the building would not average 40 per room. It may be, as has been said, that this is important enough to put upon a deficiency bill, and yet a matter of this importance ought to have the careful consideration of the committee, it seems to me.

Mr. GOOD. It has had the careful consideration of three committees. It had the consideration of the subcommittee of the Committee on Appropriations on the District appropriation bill. I do not claim that it had the attention of the committee on deficiencies, except that we reviewed the testimony. It had the investigation of the House committee on District affairs—that is, legislative affairs—which says that the only objection to it is that it is not enough, and it has had the investigation of and extensive hearings before the Senate committee on the District. I hate to put on an appropriation just as badly as the gentleman does, and I have been trying to do the best I could to keep them down, but I say to the gentleman that I do not want to take the responsibility of turning young children out on the streets in the District of Columbia when we have provided by the agreement of the conference report that 60 per cent of the cost of these buildings shall be paid out of the revenues of the District and 40 per cent out of the United States Treasury.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. The gentleman knows that this congestion, so far as the schools are concerned in the city of Washington, has existed for several years. There has been great agitation and great demand for additional school buildings. We have had portable buildings, but they are not healthy, they do not provide proper comforts for the children in the winter. The gentleman knows that it was stated to the conferees that even the sum appropriated here would not provide sufficient buildings to enable the school board to do away with all of the portable buildings.

Mr. GOOD. That is true.

Mr. BYRNS of Tennessee. And, as the gentleman has suggested, it is by no means sufficient to provide adequate, up-to-date facilities for school buildings.

Mr. GOOD. One of the items is to rebuild a wooden building which was constructed in 1864–65, which has been condemned as being insanitary.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. NEWTON of Minnesota. I wish to say that during the little over two years that I have been here one of the members of my family has never been able to attend school more than half a day. That condition is almost general throughout considerable portions of the city.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to put into the RECORD, for I shall not have time to read it, the statement I have here in regard to each of these school buildings, the record furnished by Dr. Ballou, so that it may be preserved as a permanent record.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

Memorandum on classroom needs of the elementary schools and what the $2,000,000 program now before Congress provides.

[Prepared by Frank W. Ballou, superintendent of schools.]

1. NEED OF ADDITIONAL CLASSROOMS IN ELEMENTARY SCHOOLS, 183 CLASSROOMS NEEDED, NOVEMBER 1, 1920.

The study made by the superintendent of schools shows the need of 183 additional classrooms to accommodate the pupils in the public schools of the District of Columbia on November 1, 1920, as follows:

	Classrooms.
To eliminate the use of portable schoolhouses	73
To eliminate the use of rented quarters and undesirable rooms	35
To reduce oversize classes to classes of 40 pupils	57
To eliminate part time classes	18
Total additional rooms needed	183

In the following pages the basis of each stated need is summarized.

SEVENTY-EIGHT PORTABLE SCHOOLHOUSES.

The 73 portable schoolhouses for elementary-school pupils and the 5 for high-school pupils are located as follows:

Building sites upon which located:	Number of portables.
Armstrong, M. T., High	5
Blair	2
Brown, E. V	1
Brookland	1
Bryan	1
Buchanan	3
Burrville	4
Bruce	2
Cooke, Henry D	2
Cook, John F	1
Deanwood	5
Eaton	4
Force	1
Gage	3
Garrison	1
Garnet	1
Johnson	1
Lenox	1
Lovejoy	1
Madison	1
Maury	2
Military Road	1
Mott	2
Monroe School	1
Monroe and Eighteenth Streets NE	6
Parkview	3
Petworth	5
Powell	2
Smallwood	1
Syphax	2
Takoma	3
Tenley	1
West	4
Wheatley	4
Total	78

Estimated at 40 pupils per room, over 3,100 pupils are accommodated in these 78 portable schoolhouses. To abandon their use will require 78 additional permanent classrooms.

FORTY RENTED QUARTERS AND UNDESIRABLE ROOMS.

The accommodations rented for school purposes, for which $16,500 is paid annually, are as follows:

Berean Baptist Church, Eleventh and V Streets NW.
737, 739, 741 Eleventh Street NE.
25 Fifth Street SE.
2014 Franklin Street NE.
1340 G Street NE.
212 H Street NW.
466½ Huntoon Place SW.
1201 K Street NE.
1606 M Street NW.
646 Massachusetts Avenue NE.
Northeast Industrial School, 8th and I Streets NE.
129 Schott Alley NE.
837 Shepherd Street NW.
810 Sixth Street SW.
Takoma Parish Hall, Takoma, D. C.
Thirty-ninth and Windom Streets NW.
730 Twenty-fourth Street NW.
Wallace Memorial United Presbyterian Church, Randolph Street and New Hampshire Avenue NW.
1600 Eckington Place NE., storehouse for the public schools. Lots 53 to 61, inclusive, adjacent to the Buchanan School.

The undesirable rooms in permanent buildings used for class work are located as follows:

First division: John Eaton School, two office rooms; Tenley School, two in annex (old church).

Third division: Brightwood Park School, 1 basement room; Parkview School, two playrooms, one library, one auditorium.

Fifth division: Gage school, one undesirable room used for class work.

Sixth division: Webb School, one playroom used for manual training, one class transferred to Blow School for lack of room.

Eighth division: Smallwood-Bowen: 1 playroom used for printing.

Eleventh division: John F. Cook School, Mott School; 1 unfit for use, 1 supply room, 1 assembly hall, 1 boys' playroom.

Thirteenth division: Lovejoy School, Cardoza School; 1 basement room, 3 basement rooms.

To eliminate the use of rented quarters and of these undesirable rooms would require at least 35 additional classrooms.

FOUR HUNDRED AND FORTY-FOUR CLASSES WITH OVER 40 PUPILS.

Classes with over 40 pupils on November 1, 1920, are indicated below:

Division.	Classes from—			
	41 to 45.	46 to 50.	50	Total.
First	15	8	1	24
Third	44	28	2	74
Fifth	31	15	2	48
Sixth	13	3	.....	16
Seventh	27	13	.....	40
Eighth	22	11	.....	33
Ninth	20	26	2	48
Tenth	28	10	10	48
Eleventh	39	26	.....	65
Twelfth	5	3	.....	8
Thirteenth	25	13	2	40
Total	269	156	19	444

To reduce these classes to 40 pupils each would require at least 57 additional classrooms.

TWENTY-SEVEN CLASSES ON PART TIME.

Classes receiving three and one-half hours of education instead of five hours are as follows:

Division.	Number of classes.	Number rooms needed.
First	6	3
Third	9	7
Fifth	1	1
Sixth	2	1
Seventh	1	1
Eighth	1	1
Ninth	.....	.....
Tenth	2	1
Eleventh	3	2
Thirteenth	2	1
Total	27	18

To eliminate part time and put these 27 classes, involving over 1,000 pupils, on the full time to which they are entitled would take a minimum of 18 additional classrooms.

FORTY-FOUR CLASSROOMS NOW UNDER CONSTRUCTION.

The following additional classrooms are now under construction:

	Rooms.
Burrville	8
Deanwood	4
Petworth	8
Takoma	8
West	8
Woodbridge-Langdon	8
Total	44

The Deanwood rooms have already been occupied; the other rooms will probably be ready by the opening of school on September 19, 1921.

These 44 rooms will later in this memorandum be deducted from the total need of 185 rooms, leaving an unsatisfied need of 139 classrooms for the elementary schools.

The following additional classrooms have been provided for in the last appropriation bill or before:

	Rooms.
Deanwood	4
H. D. Cooke	4
Wheatley	12
Total	20

The Deanwood addition should be ready by January 1, 1922. The addition to the H. D. Cooke will probably be ready by September 19, 1921. The Wheatley will not be ready before September, 1922. New plans had to be prepared for this addition, since former plans were for eight rooms only.

Twenty additional rooms will be deducted from the total need later in this memorandum.

Summary of relief already provided for.

	Classrooms.	
Total additional rooms needed		183
Now under construction	44	
Additional rooms provided for	20	
		64
Total need unmet by present appropriations		119

From the above it is clear that there would still be need for 119 additional classrooms for elementary school pupils if the classrooms which have already been appropriated for had been ready for occupancy November 1, 1920. Furthermore, the computed need of 183 classrooms does not provide a single seat for a pupil not already enrolled in the schools on November 1, 1920.

The program of 183 additional classrooms only brings the schoolhouse accommodations up to date; it does not provide for probable future increase in enrollment.

In view of the above statement, no feeling can be justifiably entertained that this program is building beyond our present needs. Furthermore, this building program need not wait a school survey, since this program is so planned that it provides seats for pupils whose location is known, because they are already enrolled in the schools.

II. WHAT THE $2,000,000 PROGRAM NOW BEFORE CONGRESS PROVIDES.

The supplemental estimates submitted to Congress by the Board of Commissioners of the District of May 2, 1921, at the request of the board of education cover the cost of urgently needed school sites and buildings, of additional sites on which school buildings should be erected by September 1922, and of land for playground purposes adjoining certain schools. These estimates are classified and briefly analyzed in the following pages.

THIRTY-SIX ADDITIONAL CLASSROOMS FOR ELEMENTARY SCHOOLS.

The $2,000,000 program now before Congress provides additional classrooms as follows:

	Number of additional classrooms.
Mott School	8
John Eaton	8
Vicinity of Lincoln Park	8
Monroe	4
Buchanan	8
Total	36

If appropriations are made at once, so that plans may be promptly developed for these additional accommodations, these buildings should be ready for occupancy by September, 1922. They can not be erected by that date if appropriations are delayed until the regular estimates are acted on in the winter of 1922.

FOUR REPLACEMENTS AND IMPROVEMENTS.

The building program now before Congress provides for a new building to replace the present Smothers Building, which is unfit for use; for an ultimate replacement of the Bell School, which must be transferred from its present location over an old creek; for a new building to replace the Hamilton School for tubercular white children; and for certain improvements at the Harrison School for tubercular colored children.

	Rooms.
Smothers, replacement	4
Bell, replacement	8
Hamilton, replacement	4
Harrison, remodeling	0
Total	16

It should be noted that these replacements do not provide additional classrooms. They are, however, imperative needs.

TWO JUNIOR HIGH SCHOOLS.

The building program also includes a request for appropriations for two junior high schools, each of which will provide about 12 elementary schoolrooms and about the same number of high-school rooms. These two schools when completed would provide 24 elementary classrooms and 24 high-school classrooms.

Buildings of this size can scarcely be planned and erected in less than two years. If they are to be ready for September, 1923, appropriations must be made at once.

Since the relief which they will provide the high schools is as necessary as the relief they will provide the elementary schools, they should be authorized at once.

FIVE SITES FOR EARLY USE.

Five sites are estimated for on which buildings should be located at an early date. In the budget of October 1, 1921, the board of education expects to ask for appropriations for the erection of buildings on all or most of these additional sites:

Lovejoy School: Land adjoining present school.
Ingleside section: New site.
Phillips School: Land adjoining present school.
Woodley Park: New site.
Armstrong Manual Training High School: Land adjoining present school.

SIX ADDITIONS TO SCHOOL YARDS FOR SCHOOL PLAYGROUNDS.

In addition to the requests for purchase of land for school sites there are certain items which provide for the purchase of additional land adjoining school yards, which need to be extended, and on which additions to buildings may possibly, in some instances, be later erected: Hayes School, Emery School, Adams School, Peabody School, Webb School.

The purchase of this additional land is imperative if the schools are not forever to lose it. A contractor stopped building operations on the land adjoining the Adams School to allow for its purchase for a school playground. The Woodley Park site will be lost by a few months' delay. It is strongly urged that appropriations be made at once.

The policy of the superintendent of schools and the board of education with regard to the educational treatment of pupils suffering from tuberculosis is contained in the following paragraph of a letter addressed to the Board of Commissioners dated March 17, 1921, as follows:

"The superintendent of schools believes that the physical well-being of the persons in such an institution is of first and paramount importance and that provisions for the education of such persons should always be subordinate to their physical well-being. The superintendent is further of the opinion that the responsibilities for the general supervision of the health conditions in such an institution should rest primarily with the health office and, of course, the department of medical inspection in the schools. The board of education and the superintendent of schools should adapt the educational procedure in the institution to the health conditions determined upon by the health department."

In accordance with the above policy the health office and others interested in the development of such institutions were asked to make suggestions as to the facilities which such institutions should provide. The following outline indicates some of the major suggestions thus made:

Classrooms sufficient in size to accommodate pupils.
An industrial room for manual activities.
Rest rooms—each with a capacity of 30 cots.
A dining room.
A kitchen and pantry, with cold storage facilities.
A combined office and physical examination room.
Play rooms—well lighted and ventilated.
Toilets and lavatories.

In addition to the above, of course, there should be heating facilities, provisions for the storage of books, blankets, clothing, materials for the industrial room, extra cots, and other special equipment.

In addition to the above there should be an uncovered porch surrounding the building on a level with the class and rest rooms, so that cots or reclining chairs may be placed on them for the use of the children.

The building should be piped for the vacuum system of cleaning, in order that a minimum amount of dust may result from the cleaning of the rooms.

From the above it will be seen that the request for an appropriation is for an institute, rather than for the conventional type of school building.

The institution to replace the Hamilton School for white children would, in general, cover the above specifications. The remodeling of the Harrison School for colored children would as nearly as practicable conform to the above specifications.

HARRISON SCHOOL (FOR COLORED CHILDREN.)

This school has an enrollment of 63 pupils. It is located at Thirteenth and U Streets NW.

Very little has been done to this building to adapt it to the needs of these tubercular children. The item of $17,000 in the estimates now before Congress will make it possible to better adapt this school building to the special needs of tubercular children.

HAMILTON SCHOOL (FOR WHITE CHILDREN).

The Hamilton School is a 4-room building located on Bladensburg Road, far to one side of the District. It is unfortunately located, from the standpoint of accessibility.

There are enrolled in the school at the present time 33 pupils. Additional pupils are occasionally assigned to the school. During the year several pupils have been reported as being recovered from tuberculosis, and have been transferred from the Hamilton School to the regular elementary schools.

Attention is called to the fact that many more children will undoubtedly be assigned to these institutions as soon as there is a sufficiently large staff of medical inspectors to make it possible to examine physically the children in the schools. Accordingly there is little danger of building too large an institution for either colored or white children.

MOTT SCHOOL, ELEVENTH DIVISION (COLORED).

[Fourth and Trumbull Streets.]

Enrollment: 1,010 pupils.
Eighteen classrooms.
One supply room occupied by coaching class, assembly hall occupied by fifth grade, boys' playroom occupied by fifth grade.
Two portables, each occupied by second and third grades.
One kindergarten and first grade occupy same room.
The proposed 8-room addition will make it possble to—
1. Put the second and third grade part-time classes on full time.
2. Reduce oversize classes to 40 pupils or under.
3. Abandon four undesirable rooms.
4. Eliminate two portables.

There is also much congestion in the Garnet-Patterson-Phelps group of schools, which congestion will be relieved to some extent by the increased accommodation at the Mott School.

JOHN EATON SCHOOL, FIRST DIVISION.

[Thirty-fourth Street and Lowell Place NW.]

Enrollment: 519 pupils.
Eight classrooms.
Four rooms in portables.
Two office rooms used for kindergartens.
One hall room used twice a week for sewing classes.
Two first grades using the same room.
Two second grades using the same room.
Two third grades are in session part time only.
Two fourth grades are in session part time only.
The proposed 8-room addition will make it possible to—
1. Put two part-time classes on full time.
2. Provide two classrooms for the first and second grades using the same room.
3. Abandon three undesirable rooms.
4. Eliminate four portables.

JUNIOR HIGH SCHOOL (IOWA AVENUE), THIRD DIVISION.

[North of Taylor Street. This site is now owned by the District government. The site is located between two north and south car lines and is accessible to pupils in the northern suburbs.]

Four portables at West School.
Five portables at Petworth School.
Three portables at the Park View School.

The Petworth School has 23 classes to be accommodated in a 16-room building, where an 8-room addition has just been completed, and where there must remain five portables to take care of unprovided-for classes. The erection of this building would provide accommodations for the pupils in these portables.

The proposed erection of a junior high school on this site will make it possible to—
1. Provide accommodations for the seventh, eighth, and ninth year pupils for this section, thus relieving the senior high schools, particularly the Central High School, and a considerable number of first-year classes.
2. Provide relief to the Park View, Petworth, Hubbard, and West Schools in the seventh and eighth grades.
3. Provide for a rapidly growing residential section.

JUNIOR HIGH SCHOOL (ECKINGTON), FIFTH DIVISION.

The proposed erection of a junior high school in this vicinity would make it possible to—
1. Provide accommodations for many of the seventh and eighth grades in the following schools of the fifth division—i. e., Eckington, Emery, Gage, Brookland, Langdon, where the aggregate enrollment is about 600 pupils, thus relieving the congestion which now exists in the schools.
2. Provide relief in the first-year classes of the Central, Business, and McKinley High Schools.
3. Provide somewhat for increased school population in this rapidly growing residential section of the city.

SMOTHERS SCHOOL (REPLACEMENT), ELEVENTH DIVISION (COLORED).

[Bennings Road near Forty-second Street NE.]

Enrollment: 124 pupils.
Four classrooms.
The proposed erection of a new building on this site will make it possible to—
1. Abandon the present very undesirable building.

This is an old frame building, heated by stoves, with no running water, poor ventilation, insanitary toilets built 186 feet from the school, no playrooms nor playgrounds, and was built about 1864–1866.

Lincoln Park site: The erection of a building on this site would cause relief to congestion now in the Maury and Edmonds Schools and provide for the constantly increasing enrollment in this section of the city.

MAURY SCHOOL, SEVENTH DIVISION.

[B Street between Twelfth and Thirteenth Streets NE.]

Enrollment: 502.
Eight classrooms.
Two first grades use the same room.
Two second grades use the same room.
Two third grades use two portable buildings.

EDMONDS SCHOOL.

[Ninth and D Streets NE.]

Enrollment: 389.
Eight classrooms.
Two first grades use the same room.
One second grade and one third grade use the same room.
The proposed 16-room addition will make it possible to—
1. Put one part-time class on full time (Edmonds).
2. Avoid present doubling up of first and second grades.
3. Organize a very much needed kindergarten in the Maury or Edmonds Schools, or both.
4. Relieve present congestion in classes at Maury, Edmonds, Hilton, Peabody, and Carbery Schools.
5. Accommodate in neighborhood school many children who are forced to go north into Webb and Pierce Schools or south into the Bryan School.
6. Provide for certain increased enrollment.
7. Eliminate two portables (Maury).

MONROE SCHOOL, THIRD DIVISION.

[Columbia Road, between Georgia and Sherman Avenues.]

Enrollment: Five hundred and forty-eight pupils.
Twelve classrooms.

The annex to the Monroe was planned as an 8-room unit, but only four rooms have been built. This request is to complete the original plans.

Some of the pupils who should be admitted to the Monroe School are now compelled to enter the Park View (Newton and Warder Streets), Hubbard (Eleventh and Kenyon Streets), or Ross (Harvard Street, between Eleventh and Thirteenth Streets NW.), on account of lack of accommodations at Monroe.

One portable, third grade (on part time).
The proposed erection of a 4-room addition will make it possible to—
1. Put three third-grade classes, now on part time, on full time.
2. Reduce the classes to 40 pupils or under.
3. Provide for increased enrollment at Monroe and relieve congestion to some extent at Park View (enrollment, 1,026), and where there are three portables, and at the Hubbard (enrollment, 452), where there are two third grades on part time.
4. Eliminate one portable now occupied by a second and third grade.

LOVEJOY SCHOOL (LAND ADJOINING SCHOOL), THIRTEENTH DIVISION.

[Twelfth and D Streets NE.]

Enrollment: 695 pupils.
Twelve classrooms.
One portable.
One basement room used for classroom purposes.
Three classes accommodated in rented quarters.
Two first grades occupy same room with kindergarten classes.
One third grade on part time only.

The proposed purchase of land adjoining this school will provide play space for children at this school at the present time.

It is the purpose of the board of education to ask for an appropriation with which to erect an addition to the Lovejoy School at an early date.

INGLESIDE SITE, THIRD DIVISION.

[Fifty thousand square feet, west of Sixteenth Street, north of Irving Street, south of Park Road, east of Adams Mill Road.]

This site is for the purpose of providing for the erection of an eight-room building, which, when erected, will make it possible to—
1. Put one third grade at the Johnson School, now on part time, on full time.
2. Provide for a kindergarten class now occupying the same room with another kindergarten class at the Powell School.
3. Relieve oversize classes in the primary grades of the Johnson School (300 pupils), Powell School (324 pupils), and Cooke School (461 pupils).
4. Eliminate three portables at the Johnson-Powell unit, thus providing accommodation for four classes.

PHILLIPS SCHOOL (LAND ADJOINING SCHOOL), TENTH DIVISION.

[Twenty-eighth and M Streets NW.]

Enrollment: 338.
Eight classroooms.

MONTGOMERY SCHOOL.

[Twenty-seventh Street between I and K Streets NW.]

Enrollment: 346.
Ten classrooms.

STEVENS SCHOOL.

[Twenty-first Street between K and L Streets NW.]

Enrollment: 838.
Twenty classrooms (six classroooms used for special work).
Two third grades occupy same room.

It is the purpose of the board of education to ask for an appropriation next October with which to erect an addition to the Phillips School on this site. This addition would afford relief to the Montgomery and Stevens Schools.

BUCHANAN SCHOOL, NINTH DIVISION.

[E Street, between Thirteenth and Fourteenth Streets SE.]

Enrollment: 540 pupils
Eight classrooms.
Three rooms in portables.
One room in portable (Bryan).
Two kindergartens occupying same room as first grade.
Two classes using same room (Bryan).
Two classes using same room (Cranch).
Two classes using same room (Tyler).
The proposed 8-room addition will make it possible to—
1. Reduce the classes to 40 pupils or under.
2. Provide four classrooms for eight classes now using the same rooms.
3. Eliminate four portables.

There are 12 vacant rooms in the schools of this division:
Two, annex of Congress Heights School.
Four, Randall Highlands School.
Three, Stanton School.
Three, Van Buren School.

None of the pupils living in the vicinity east of the Anacostia River can be accommodated in these vacant rooms. They must be accommodated in the Buchanan, Bryan, Cranch, and Tyler Schools. There are enough pupils at the present time to properly fill an 8-room addition to the Buchanan School. This will not allow for probable increase in enrollment.

BELL SCHOOL (REPLACEMENT), THIRTEENTH DIVISION (COLORED).

[First Street, between B and C Streets SW.]

Enrollment: 441 pupils.
Eight classrooms.
One third grade occupies same room with second grade.
The proposed erection of a new building on this site will make it possible to—
1. Put one third-grade part-time class on full time.
2. Abandon present very undesirable building.
This building was erected in 1889 over a filled-in creek. The officials of the engineer department have recommended against its use.
The erection of a new building on this site will bring desirable relief to the congested schools at the south, which are Randall and Cardoza.

HARRISON SCHOOL (FOR COLORED TUBERCULAR CHILDREN).

[Thirteenth Street, between V and W Streets NW.]

Enrollment: Sixty-three pupils.
Very little has been done to this building to adapt it to the needs of these tubercular children. The item of $17,000 in the estimates now before Congress will make it possible to better adapt this school building to the special needs of tubercular children.

HAMILTON SCHOOL (FOR WHITE TUBERCULAR CHILDREN).

[Bladensburg Road and Mount Olivet Road NE.]

The Hamilton School is a 4-room building located on Bladensburg Road, far to one side of the District. It is unfortunately located from the standpoint of accessibility.
There are enrolled in the school at the present time 33 pupils. Additional pupils are occasionally assigned to the school. During the year several pupils have been reported as being recovered from tuberculosis and had been transferred from the Hamilton School to the regular elementary schools.
Attention is called to the fact that many more children will undoubtedly be assigned to these institutions as soon as there is a sufficiently large staff of medical inspectors to make it possible to examine physically the children in the schools. Accordingly there is little danger of building too large an institution for either colored or white children.

WOODLEY PARK (SITE).

The purchase of this site will provide, while land is available, for a building badly needed to take care of the pupils in this neighborhood, who are without convenient school accommodations.

ARMSTRONG MANUAL TRAINING SCHOOL (ADDITIONAL LAND).

[P Street between First and Third Streets NW.]

Enrollment: 638 pupils.
This school was erected in 1902 to accommodate 300 pupils. In addition to the main building five portable buildings are being used on the present site to take care of its present enrollment.
An addition will soon have to be built to this school. This land requested should be purchased at once in anticipation of such need.

HAYES SCHOOL (LAND NORTH OF SCHOOL), SIXTH DIVISION.

[Fifth and K Streets NE.]

Enrollment: 360 pupils.
Eight classrooms.
This building is practically without playground or land upon which an addition could be made.
The land in question is at present unimproved and available. This section is being rapidly built up and the land should be acquired at once.

EMERY SCHOOL (ADDITIONAL LAND), FIFTH DIVISION.

[Lincoln Road and North Capitol Street.]

Enrollment: 688 pupils.
Sixteen classrooms.
A small tract of vacant land south of the Emery School, if built upon, would jeopardize the light and air conditions of the present building.
It is the wish of the board of education to purchase this land at once.

PEABODY SCHOOL (ADDITIONAL LAND), SEVENTH DIVISION.

[Fifth and C Streets NE.]

Enrollment: 529 pupils.
Classrooms, 12. One small house in Shotts Place rented.
This is a large building, absolutely without playground space. The land which it is proposed to purchase has no improvements of any considerable value.
The additional land will undoubtedly be needed in the near future for the construction of an addition to the Peabody School. Until then, of course, the land will be used for playground purposes.

ADAMS SCHOOL (ADDITIONAL LAND), FIRST DIVISION.

[R Street between Seventeenth Street and New Hampshire Avenue NW.]

Enrollment: 331 pupils.
Eight classrooms.
This building is practically without play space. The land in question is now unimproved. Plans are now actually made for occupying the site by houses. At the request of the Commissioners of the District the builder ceased building operations to provide an opportunity for the purchase of this land by school authorities for playground purposes.

WEBB SCHOOL (ADDITIONAL LAND ADJOINING), SIXTH DIVISION.

[Fifteenth and Rosedale Streets NE.]

Enrollment: 356 pupils.
Eight rooms.
The boys' playroom in the Webb is now used for manual training purposes.
A sixth-grade class is sent to the Blow School for classroom work.
This is a small piece of unimproved land, which will add greatly to the light, ventilation, and playground facilities of this building, as well as provide classrooms already needed.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement from Dr. Ballou and a statement of the investigation I made at the Johnson and the Powers Schools.

The SPEAKER. Is there objection?

There was no objection.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT], the chairman of the Committee on the District of Columbia.

Mr. FOCHT. Mr. Speaker, there should be no confusion as to the necessity here in this deficiency appropriation bill for this item. It is well known that throughout the country, not only in respect to the matter of schools but in regard to every other branch and functioning of a public nature, there has been vast dislocation.

Now, with reference to the schools of Washington, it is well known that during the war there was a great influx of outside population, temporary, it is true, in large part, but just how much of an exodus there has been it has been impossible to ascertain up to this time. Hence, without any increase of school accommodations, there necessarily had to be a great congestion. You will find that to have been the case in nearly every city and every town and even hamlet in the United States, particularly the centers of business activities, of manufacturing establishments, where the population seemed to flow during the war time; hence it is no exception but rather was intensified in the Capital of the Nation, where we had an influx of over 100,000 people who never lived here before. Consequently the schools have been congested. Now, with respect to the gentleman who speaks of some schools having only a few scholars, or, rather, vacant seats, I desire to say that scientifically 40 scholars constitute the standard number of a school, and therefore there may have been places in the schools, 50 or 60 seats, and probably 10 or 8 or 5 are unoccupied, and yet under examination before the committee it was found that in no instance were there less than 40, and probably 45 to 50, in every school; hence those which were described here as having vacant seats were those under what is called the standard system of education of numbers under one teacher. Now, the urgency of this situation was made entirely manifest to the Committee on the District of Columbia by Prof. Ballou under a statement which was inserted in the RECORD, or will appear there, introduced by the chairman of the Committee on Appropriations. Now, Dr. Ballou was under fire before the committee on several occasions, and I was greatly disappointed—really, I was chagrined—after what I learned as to the educational facilities of this District, recalling that in Pennsylvania we take the little foreign boy and girl by the hand, send them to our public schools with free schoolbooks and, if necessary, with a good meal in their stomachs, and again, if necessary, clothe them, and in many instances wash them. That is what we do with children in Pennsylvania, and we also have compulsory education. Here we found not only deficiency in accommodations but an absence of free schoolbooks.

They are only in the hands of a few, certainly not all. Free schoolbooks ought to be in the hands of every child. They ought to have free schoolbooks and a good teacher to teach them, and every child ought to be compelled to go to school. I was very greatly disappointed when the head of the school system in Washington asked for such a meager sum as is contained in this bill and which is wholly inadequate. It is not a question of money here, my friends, because when we get at this thing thoroughly and make a complete and exhaustive study of it you will see us asking not for a meager million and a half dollars, but it will be for $5,000,000 to take care of the education of the youth of the District.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of Mississippi. Will the gentleman yield? I ask that the gentleman be granted an additional minute.

Mr. GOOD. I yield to the gentleman.

Mr. JOHNSON of Mississippi. I want some real information. On page 80, line 20, there is an appropriation of $17,000 for the Harrison school for tubercular children. Do you physically examine these children to ascertain whether they are afflicted with tuberculosis, or how do you reach the conclusion that they are tubercular children? I ask this in all good faith. I am in favor of the amendment, but I want some information along that line.

Mr. FOCHT. It would be a crime to place the child in a tubercular institution where there are other tubercular children who have not been examined and a diagnosis pronounced as to its tubercular condition.

Mr. JOHNSON of Mississippi. But that is not an answer to my question.

Mr. FOCHT. Undoubtedly I say yes; that answers it.

Mr. JOHNSON of Mississippi. Is that the way you learn whether they are tubercular?

Mr. FOCHT. Undoubtedly, by proper physical examination by a person competent to make a proper diagnosis of the facts.

Mr. JOHNSON of Mississippi. How many tubercular children are there in the District of Columbia in schools?

Mr. FOCHT. I presume a great many more than anybody knows about. I have not examined them at all.

Mr. JOHNSON of Mississippi. Well, I take it that the gentleman does not know very much about the situation.

Mr. FOCHT. You take it. You can have your opinion. But I refuse to be kidded any further, and I will go on with my remarks, and I decline to be interrupted by a gentleman who says I know nothing about it. The gentleman can take the floor after awhile and tell how wise he is, and I will impart what little information I have right now.

Mr. JOHNSON of Mississippi. I am in favor of it.

Mr. FOCHT. All right. The gentleman is a fine fellow, and I thank him for the information, and I hope the House will be illuminated, enlightened, and instructed by the gentleman, but I want to say just as far as we have gone we find the service here woefully deficient, and that is the reason I am for this bill and why every other Member of the House should be for it, but I give warning that this is a very small item in comparison with what the necessities call for and what we will ask in the course of our further investigation when we come to lay before the House a complete canvass and survey of the school situation of the District of Columbia. [Applause.]

Mr. GOOD. I yield three minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House, it was stated a few moments ago that a matter of this importance should have careful investigation in the committee, and it should not come as an amendment from the Senate for action by the House without full investigation. For the information of the House I desire to state as a member of the Subcommittee on Appropriations whose duty it is to make appropriations for the public-school buildings in the District of Columbia that we have investigated this matter for the past three or four years, during which period we had insistent demands for more appropriations and for more buildings.

We have postponed from year to year a proper response to those demands upon the theory that the cost of material and construction would go down, and that we could have it done a great deal cheaper perhaps next year than this year. That is one reason why we did not bring in a greater appropriation for school buildings—at least it influenced my vote. I will state to the House, if human testimony can be relied upon, these buildings are absolutely essential for the accommodation of the children of the District of Columbia. And I state to you that since the Government has assumed the province of educating the youth of the District it is its duty to furnish ample schoolhouses and teachers so that it can discharge the sacred duty efficiently and effectively.

Mr. LOWREY. May I ask the gentleman a question? I want to know about those buildings. It says, I believe, in the appropriation bill, that there are two 8-room buildings, each $140,000. It seems to me that is an unreasonable appropriation for a building of that size. What is the reason for that cost?

Mr. BUCHANAN. I am not a material man nor a carpenter, but I know that is about what they cost, and what the others have been costing, and that is cheaper than it has been in the past, considerably. They have been costing $186,000.

Mr. LOWREY. And they have been planned by architects?

Mr. BUCHANAN. Yes, sir; and erected on competitive bids.

Mr. CRAMTON. Mr. Speaker, I want to demand a division of the question.

The SPEAKER. The gentleman from Michigan demands a division of the question. The question is on receding from disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. CRAMTON. Mr. Speaker, I want to offer a preferential motion, that the House concur in the Senate amendment with the amendment which I send to the desk.

The SPEAKER. The gentleman from Michigan moves to concur in the Senate amendment with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves to concur in the Senate amendment with an amendment as follows: Page 81, line 15, after the word "fund," insert: "*Provided*, That obligations shall not be entered into under these appropriations for 'public schools, buildings, and grounds in excess of such amount that the share of the appropriations for the District for 1922 to be paid out of the revenues of the District of Columbia can be paid out of such revenues for the year 1922.'"

Mr. CRAMTON. Mr. Speaker, in explanation of that amendment I want to say that as I understand the purpose of the chairman of the committee, and what is likely to be the action of the House, it will be provided that 60 per cent of the cost of these buildings and grounds shall be paid from the revenues of the District and 40 from the Federal Treasury. That applies generally to the expenditures in the District. Now, the expenditures of the District necessarily should not be in any year an amount so large that the revenues will not take care of that 60 per cent. The revenues of the District are by law limited to a 2 per cent tax rate. So that when they have spent all their 60 per cent share, all they can raise under their 2 per cent maximum tax, then they are up against it. Now, the amount here, a million and a half dollars, added to the other appropriations for District purposes for the coming year, will produce a total so large, in my opinion, that there will be a deficit of two or three hundred thousand dollars chargeable to the District. It is my understanding that it is the hope of the District that they will take that two or three hundred thousand dollars, that should be paid by the District, from the Federal Treasury on the theory that the District has a surplus, as they call it, in that Treasury. Now, that alleged surplus amounts to about $4,000,000. The question of whether or not they have that surplus there belonging to them is one that is debatable. It is denied by many Members of Congress, and before you proceed to establish the policy of turning that alleged surplus of $4,000,000 over to them we ought to have the matter up here in a proper way and thrash it out on its merits, and not have it come as a tail to a public-school kite like this.

The only effect of the amendment I have offered is to provide that the District will go on spending under their appropriation until they have used up all their revenues, and then they will stop. If I am wrong, if the amount that this school program adds is not so great as to exceed their revenues, then the amendment will have no effect whatever, but if I am right it safeguards the Treasury against any raid of two or three or four hundred thousand dollars out of an alleged surplus.

Mr. MADDEN. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. MADDEN. Of course, they can not begin to use this money for a year?

Mr. CRAMTON. A good deal of it can not be used during the year, but, as I understand, when it finally is used it will be taken out of the 1922 revenue.

Mr. MADDEN. I do not believe they will use any of it for a year.

Mr. CRAMTON. But when it is used it will come out of the 1922 revenues. This is simply a precaution, and I do not think anybody will object to it.

Mr. MADDEN. It is a very wise precaution.

Mr. GOOD. Will the gentleman yield? If I understand the gentleman, without dipping into this surplus at all the appropriation for the next fiscal year, together with this appropriation, will not exceed the anticipated revenues of the District by more than $200,000?

Mr. CRAMTON. That was the estimate of one of the gentlemen in the District government, and I think was the most hopeful possible. My own guess would be that it would run four or five hundred thousand dollars.

Mr. GOOD. That might seriously, then, just stop what you intend to do.

Mr. CRAMTON. On the other hand, through their desire to extend the school system with the appropriation given there, it is an encouragement to economize in other branches of the District government and use that money for school purposes.

Mr. GOOD. You cut pretty deep on your other branches. You take your street cleaning and sewer appropriations, and you will find that you have cut pretty substantially. While I hope there will be saving, yet I do not think the gentleman looks for any substantial saving anywhere along the line, does he?

Mr. CRAMTON. There will be a few places where they will save.

Mr. GOOD. There are certain places where they ought not to save. They ought not to neglect the sewers, so as to bring about an unhealthy condition.

Mr. CRAMTON. Probably the best estimate is the hope expressed by Col. Kutz, of $200,000 or $300,000. I think he stated the amount at $300,000, and the District's share is 60 per cent of that, so that around $200,000 was his expectation. I hope the gentleman will have no objection.

Mr. DAVIS of Minnesota. I would like to ask the gentleman from Michigan a question. This amendment, as I understand it, contemplates the payment of this additional sum out of the revenues for 1921?

Mr. CRAMTON. Yes.

Mr. DAVIS of Minnesota. The limit of taxation is 2 per cent. They have never gotten up to the 2 per cent yet. If they do not want to have a deficiency, let them raise the taxation to the 2 per cent, and then they will have lots of money.

Mr. GOOD. Have they any authority to levy a tax in excess of 2 per cent?

Mr. CRAMTON. They have not.

Mr. DAVIS of Minnesota. They have never come anywhere near it yet.

Mr. GOOD. If I understand the gentleman from Michigan, if they levy a tax of 2 per cent, as they are authorized to do, then it is estimated that with this appropriation there will be a deficit in the District funds of about $200,000?

Mr. CRAMTON. That is it. If there is not——

Mr. GOOD. The gentleman from Minnesota shakes his head.

Mr. DAVIS of Minnesota. I do not think that will be the case with the present scale of taxes. They have not gotten up to it yet.

Mr. CRAMTON. I took up the matter this morning with the engineer commissioner of the District, and with that maximum they run the danger of this deficit of $200,000. What I want to prevent is the setting of this precedent. If you once establish the precedent that they can get a piece of money out of the Treasury on the theory that they have a $4,000,000 surplus, you might as well say good-by to that four million.

Mr. HARDY of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. CRAMTON] to concur with an amendment.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. CRAMTON. A division, Mr. Speaker.

The SPEAKER. The gentleman from Michigan asks for a division.

The House divided; and there were—ayes 17, noes 57.

So the motion was rejected.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 77, noes 6.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. As many as are in favor of concurring in the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 276, nays 31, answered "present" 4, not voting 120, as follows:

YEAS—276.

Ackerman	Burton	Dempsey	Gernerd
Anderson	Butler	Denison	Gilbert
Andrews	Byrnes, S. C.	Dickinson	Good
Anthony	Byrns, Tenn.	Dominick	Gorman
Appleby	Cable	Dowell	Greene, Mass.
Arentz	Campbell, Kans.	Drewry	Greene, Vt.
Aswell	Campbell, Pa.	Driver	Griest
Atkeson	Cannon	Dunbar	Griffin
Bankhead	Carew	Dupré	Hammer
Barbour	Carter	Edmonds	Hardy, Colo.
Barkley	Chandler, N. Y.	Elliott	Hardy, Tex.
Beck	Chindblom	Ellis	Harrison
Beedy	Christopherson	Elston	Haugen
Begg	Clague	Fairchild	Hawes
Benham	Clarke, N. Y.	Faust	Hawley
Bird	Clouse	Favrot	Hayden
Bixler	Cockran	Fenn	Hays
Black	Codd	Fess	Herrick
Bland, Ind.	Colton	Fish	Hickey
Bland, Va.	Connally, Tex.	Fisher	Hicks
Boies	Connell	Fitzgerald	Himes
Bond	Connolly, Pa.	Flood	Hukriede
Bowling	Cooper, Ohio	Focht	Hull
Brennan	Cooper, Wis.	Foster	Humphreys
Briggs	Coughlin	Frear	Hutchinson
Brinson	Cullen	Freeman	Jacoway
Brooks, Ill.	Curry	French	James, Mich.
Brooks, Pa.	Dale	Frothingham	James, Va.
Brown, Tenn.	Dallinger	Gallivan	Johnson, Ky.
Buchanan	Darrow	Garner	Jones, Pa.
Bulwinkle	Davis, Minn.	Garrett, Tenn.	Kahn
Burroughs	Davis, Tenn.	Garrett, Tex.	Kearns
Burtness	Deal	Gensman	Keller
Kelley, Mich.	McLaughlin, Mich.	Patterson, Mo.	Speaks
Kelly, Pa.	McLaughlin, Pa.	Perkins	Stafford
Kennedy	McPherson	Perlman	Stedman
Ketcham	McSwain	Petersen	Steenerson
Kincheloe	MacGregor	Pou	Stephens
Kinkaid	Madden	Pringey	Stevenson
Kirkpatrick	Magee	Radcliffe	Stoll
Kissel	Maloney	Raker	Strong, Pa.
Kline, Pa.	Mapes	Ramseyer	Summers, Wash.
Knight	Martin	Rayburn	Sumners, Tex.
Knutson	Mead	Reber	Sweet
Kopp	Merritt	Reece	Swing
Kraus	Michener	Rhodes	Tague
Kreider	Miller	Roach	Taylor, N. J.
Kunz	Mills	Robertson	Temple
Lampert	Millspaugh	Robsion	Ten Eyck
Lanham	Montoya	Rodenberg	Tinkham
Larsen, Ga.	Moore, Ill.	Rogers	Towner
Lawrence	Moores, Ind.	Rose	Underhill
Lazaro	Morgan	Rosenbloom	Upshaw
Lea, Calif.	Morin	Rossdale	Voigt
Leatherwood	Murphy	Rouse	Volk
Lee, N. Y.	Nelson, A. P.	Ryan	Walters
Lehlbach	Nelson, J. M.	Sabath	Ward, N. C.
Lineberger	Newton, Minn.	Sanders, Ind.	Weaver
Linthicum	Nolan	Sanders, Tex.	Williamson
Little	Norton	Sandlin	Wilson
Logan	O'Connor	Schall	Wingo
London	Oldfield	Scott, Tenn.	Winslow
Luce	Olpp	Shaw	Wood, Ind.
Lufkin	Osborne	Shreve	Woods, Va.
Luhring	Padgett	Siegel	Woodyard
Lyon	Parker, N. J.	Sinclair	Wright
McArthur	Parker, N. Y.	Sinnott	Wurzbach
McCormick	Parks, Ark.	Slemp	Wyant
McFadden	Parrish	Smith	Zihlman

NAYS—31.

Almon	Fulmer	Lee, Ga.	Steagall
Bell	Goldsborough	Lowrey	Strong, Kans.
Blanton	Hill	Oliver	Swank
Box	Hoch	Park, Ga.	Thomas
Chalmers	Huddleston	Quin	Thompson
Collins	Jones, Tex.	Rankin	Tyson
Cramton	Lankford	Ricketts	White, Kans.
Crisp	Layton	Riordan	

ANSWERED "PRESENT"—4.

Clark, Fla.	Collier	Johnson, Miss.	McDuffie

NOT VOTING—120.

Ansorge	Gould	Michaelson	Snell
Bacharach	Graham, Ill.	Mondell	Snyder
Blakeney	Graham, Pa.	Montague	Sproul
Bowers	Green, Iowa	Moore, Ohio	Stiness
Brand	Hadley	Moore, Va.	Sullivan
Britten	Hersey	Mott	Taylor, Ark.
Browne, Wis.	Hogan	Mudd	Taylor, Colo.
Burdick	Houghton	Newton, Mo.	Taylor, Tenn.
Burke	Hudspeth	O'Brien	Tillman
Cantrill	Husted	Ogden	Tilson
Chandler, Okla.	Ireland	Overstreet	Timberlake
Classon	Jefferis	Paige	Tincher
Cole	Johnson, S. Dak.	Patterson, N. J.	Treadway
Copley	Johnson, Wash.	Peters	Vaile
Crowther	Kendall	Porter	Vare
Doughton	Kiess	Purnell	Vestal
Drane	Kindred	Rainey, Ala.	Vinson
Dunn	King	Rainey, Ill.	Volstead
Dyer	Kitchin	Ransley	Walsh
Echols	Kleczka	Reavis	Ward, N. Y.
Evans	Kline, N. Y.	Reed, N. Y.	Wason
Fairfield	Langley	Reed, W. Va.	Watson
Fields	Larson, Minn.	Riddick	Webster
Fordney	Longworth	Rucker	Wheeler
Free	McClintic	Sanders, N. Y.	White, Me.
Fuller	McKenzie	Scott, Mich.	Williams
Funk	McLaughlin, Nebr.	Sears	Wise
Gahn	Mann	Shelton	Woodruff
Glynn	Mansfield	Sisson	Yates
Goodykoontz	Mason	Smithwick	Young

So the motion to concur in the Senate amendment was agreed to.

The Clerk announced the following pairs:

Until further notice—

Mr. TREADWAY with Mr. COLLIER.

Mr. NEWTON of Missouri with Mr. MCDUFFIE.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. EVANS with Mr. JOHNSON of Mississippi.

Mr. SNYDER with Mr. SULLIVAN.

Mr. GRAHAM of Illinois with Mr. HUDSPETH.

Mr. BLAKENEY with Mr. MCCLINTIC.

Mr. REAVIS with Mr. SISSON.

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. FUNK with Mr. SEARS.

Mr. WOODRUFF with Mr. O'BRIEN.

Mr. CHANDLER of Oklahoma with Mr. DRANE.

Mr. HUSTED with Mr. RAINEY of Alabama.

Mr. SHELTON with Mr. MONTAGUE.

Mr. WASON with Mr. CANTRILL.

Mr. BACHARACH with Mr. RAINEY of Illinois.

Mr. FULLER with Mr. DOUGHTON.

Mr. VAILE with Mr. TILLMAN.

Mr. TAYLOR of Tennessee with Mr. WISE.

Mr. REED of West Virginia with Mr. BRAND.
Mr. PAIGE with Mr. KINDRED.
Mr. DYER with Mr. MANSFIELD.
Mr. PETERS with Mr. VINSON.
Mr. GRAHAM of Pennsylvania with Mr. MOORE of Virginia.
Mr. FREE with Mr. TAYLOR of Colorado.
Mr. IRELAND with Mr. FIELDS.
Mr. WALSH with Mr. OVERSTREET.
Mr. WILLIAMS with Mr. TAYLOR of Arkansas.
Mr. WHEELER with Mr. SMITHWICK.
Mr. PATTERSON of New Jersey with Mr. RUCKER.

Mr. COLLIER. Mr. Speaker, did the gentleman from Massachusetts, Mr. TREADWAY, vote?

The SPEAKER. He did not vote.

Mr. COLLIER. I am paired with the gentleman from Massachusetts. If I were not, I would vote "yea." I vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Amendment numbered 89: Page 81, after line 15, insert:

"FREE PUBLIC LIBRARY.

"For the purchase of a site for a branch of the free Public Library in the southeastern section of the District of Columbia, $10,000, or so much thereof as may be necessary, and authority is hereby conferred upon the Commissioners of the District of Columbia to accept from the Carnegie Corporation of New York not less than $50,000 for purpose of erecting a suitable branch library building on such a site, subject to the approval of said commissioners and the board of library trustees. Authority is hereby conferred upon a commission to consist of the Engineer Commissioner of the District of Columbia, the president of the board of library trustees, and the chairman of the committee on branch libraries of the library trustees to supervise the erection of said branch library building, $10,000."

Mr. GOOD. Mr. Speaker, I offer the following motion.

The SPEAKER. The gentleman from Iowa offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 15 of the matter inserted by said amendment, strike out the comma and "$10,000."

Mr. GOOD. This item appears twice in the paragraph.

The SPEAKER. The question is on the motion to concur in the Senate amendment with the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 92: Page 83, after line 13, insert:

"INTERDEPARTMENTAL SOCIAL HYGIENE BOARD.

"The duties and powers conferred upon the Interdepartmental Social Hygiene Board by chapter 15 of the Army appropriation act approved July 9, 1918, with respect to the expenditure of the appropriations made therein are extended and made applicable to the appropriations for similar purposes made in this act.

"For expenses of the board, including personal services in the District of Columbia and elsewhere, books of reference and periodicals, printing and binding, traveling, and other necessary expenses, fiscal year 1922, $25,000.

"For assisting the States in protecting the military and naval forces of the United States against venereal diseases, fiscal year 1922, $200,000: *Provided*, That no part of this sum shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons.

"For allotment to the various States for the prevention, treatment, and control of venereal diseases, fiscal year 1922, $200,000: *Provided*, That the sum of $5,000 shall be first allotted from this appropriation to each State that satisfies the conditions and regulations governing this appropriation, and the remainder of this appropriation shall then be allotted to each State in the proportion which its population bears to the population of the continental United States, exclusive of Alaska and the Canal Zone, in conformity with the conditions and regulations governing such allotments.

"In all, Interdepartmental Social Hygiene Board, $425,000."

Mr. GOOD. Mr. Speaker, I offer the following motion.

The SPEAKER. The gentleman from Iowa offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 92, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERDEPARTMENTAL SOCIAL HYGIENE BOARD.

"The duties and powers conferred upon the Interdepartmental Social Hygiene Board by chapter 15 of the Army appropriation act approved July 9, 1918, with respect to the expenditure of the appropriations made therein are extended and made applicable to the appropriations for similar purposes made in this act.

"For expenses of the board, including personal services in the District of Columbia and elsewhere, books of reference and periodicals, printing and binding, traveling, and other necessary expenses, fiscal year 1922, $25,000.

"For assisting the States in protecting the military and naval forces of the United States against venereal diseases, fiscal year 1922, $200,000: *Provided*, That no part of this sum shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons.

"In all, Interdepartmental Social Hygiene Board, $225,000."

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve a point of order against the motion.

Mr. GOOD. I do not think it is subject to a point of order, I carry exactly the same language that is carried in the Senate amendment, but strike out a portion of it.

Mr. GARRETT of Tennessee. I am not sure that it is subject to a point of order. I have reserved it as a matter of precaution, in order to ask the gentleman a question. There is a provision that says something about extending the powers of this board to certain appropriations carried in this act.

Mr. GOOD. That is the exact language carried in the Senate amendment. I do not change that by the dotting of an "i" or the crossing of a "t." The only change in the Senate amendment is the striking out of the lines from 7 to 16, inclusive, and then substituting $225,000 for $425,000, in line 18. The rest of the amendment is just the same.

Mr. GARRETT of Tennessee. I will withdraw the reservation of the point of order.

Mr. GOOD. Mr. Speaker, I am not exactly clear in my own mind what is the duty of Congress with regard to the enlisted forces of the United States in giving them some protection in place of that which they now have, so far as prevention of venereal diseases is concerned. This year there is appropriated for this purpose $1,015,000, to protect from these dread diseases the young men who are enlisted in the military services of the United States. This amount is spent in connection with the local authorities where there are camps and large numbers of young men in the military service, and it is the plan so far as possible to segregate these young men from the prostitutes who are in the habit of visiting these places. The laws in most of the States are rather lax, and the execution of these laws has been still more lax. Under the Chamberlain-Kahn Act provision was made for some Federal protection for these men. Now, as I have stated, they have this year over $1,000,000 for this purpose. I think it was the intention of the framers of that act that as we got away from the war we should gradually have the local authorities take charge of this service entirely. Next year I do not believe we should be called upon for any appropriation for this service, and the amendment which I have offered cuts the amount down to $250,000, and the thought has been that with this appropriation the State and local authorities hereafter will be compelled to take care of this regulation themselves. The only question is whether or not Congress ought at once to stop enforcing the laws and regulations, and stop assisting the military authorities and the local authorities to bring about better health conditions in this regard. I am frank to say that I am guided very largely by the very best medical authorities in the United States, men like the professors from Johns Hopkins who have this matter in charge, who say that this is absolutely essential, and that they think by conducting this work for another year the local authorities will be able to cope with the situation. They do not think they are able to cope with it unassisted now. Personally I would prefer not to make the motion for this amount, but I have been persuaded by these medical authorities who have come to me that it is for the best interests of the young men who are taken from their homes and who are away from parental control and authority that they have whatever protection we can throw about them in this regard.

Therefore, following the unanimous request of the medical authorities I have reported this amendment.

Mr. PADGETT. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. PADGETT. Within the past two or three weeks I was talking with one of the members of the board and he expressed his personal opinion that the board ought to be abolished and this work turned back to the military and naval authorities in connection with the local authority.

Mr. GOOD. The gentleman says one member of the board?

Mr. PADGETT. Yes.

Mr. GOOD. Which member of the board?

Mr. PADGETT. I will not give his name.

Mr. GOOD. I think the gentleman ought to give his name, because the board sent up a united request, and nobody ought to be on the board who will do that sort of thing—ask the Appropriations Committee to report out an appropriation which he does not believe in.

Mr. BYRNS of Tennessee. The gentleman from Iowa says "united request" from the board. I would like to know when the request was made.

Mr. GOOD. They have made the request for the appropriation.

Mr. BYRNS of Tennessee. When was it made? Not when we were conducting the hearings on the deficiency bill. This is the first information that I have had that the board ever made any request on this bill.

Mr. GOOD. My understanding is that there was a formal estimate, but I may be mistaken about that.

Mr. PADGETT. This gentleman expressed the opinion that this legislation authorizing the board being a strictly war measure, and peace now prevailing, it had served its purpose and that the work was largely a duplication of other work.

Mr. GOOD. I will say that some members of the board have spoken to me about it, but I do not remember which ones. If the board does not want it, I do not want to ask for it. I will now yield to the gentleman from Tennessee [Mr. BYRNS] five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, gentlemen of the House are familiar with the legislation and the reasons which brought about its enactment. During the war when we were mobilizing something like 4,000,000 boys in the land, placing them in various camps and cantonments over the country where they were exposed to all sorts of temptations, Congress very properly thought an appropriation should be made to afford them protection. So, without a dissenting voice, so far as I know, we passed an act creating the Interdepartmental Social Hygiene Board. That act was intended to be limited, as I think, in the opinion of practically every Member who voted for it, to the period of the war and gave authority for appropriations to be made to assist the States in controlling venereal diseases for the protection of our soldiers in the Army and also the Marine Corps and the Navy. In addition to that it gave authority for appropriations to be made to the States for assisting in the general work of controlling venereal diseases, also for appropriations to be made in order to assist colleges and universities to carry on that sort of work.

A year and a half ago the proposition came before the House, and on a point of order which was made at that time it was held that the law, so far as appropriations made in behalf of States, colleges, and universities, had expired by limitation. Therefore we have no law, in my judgment, to-day which will authorize the appropriation to assist a State in this general work or to render assistance to colleges and universities in doing this sort of work.

The gentleman from Iowa has proposed an amendment which carries $25,000 on its face for the office in Washington, and $200,000 to be expended in assisting the States in controlling venereal diseases for the protection of soldiers and seamen in the Navy. As far as I am concerned, if I had to take one amendment or the other, I would infinitely prefer the Senate amendment, although it is not authorized by law. Why? Because, as the gentleman from Tennessee [Mr. PADGETT], my colleague, pointed out a while ago, this is a duplication of work, a duplication of service, and if you are going to appropriate money out of the Treasury, appropriate it for all the States.

Everyone knows that the Army appropriation bill carries a considerable sum—I do not recall how much—for this very work to be performed among the soldiers. The naval appropriation bill carried several hundred thousand dollars for the same purpose with reference to the seamen in the Navy and the Marine Corps.

Mr. McKENZIE. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. McKENZIE. I wish to ask if it is not a fact that a great deal of credit is claimed by this organization for the care of soldiers and seamen and marines during the war period when it is not due to the organization at all, but due to the officers of the Army, the Navy, and the Marine Corps who enforced discipline in the various branches of the Military Establishment for the protection of these young men?

Mr. BYRNS of Tennessee. I am satisfied that a great deal of the credit is due to the officers of the Army and the Marine Corps and in the Navy for enforcing discipline, as the gentleman from Illinois says.

Mr. LAYTON. If the department of the Federal Government looks after such things, why should we not have a dental bureau to look after the teeth?

Mr. BYRNS of Tennessee. If this is going to be the policy, then there will be some reason for that.

Mr. LAYTON. In other words, we will go on and not stop.

Mr. BYRNS of Tennessee. Yes. Now, in addition to the fact that you have now a very large appropriation for the Army for this very work, and a large appropriation in the naval bill for the naval and marine forces——

Mr. GOOD. Not to do this work.

Mr. BYRNS of Tennessee. For the treatment of soldiers and sailors and which may be applied to this work. This is a disease. I think clearly under the appropriation surgeons have the right to use it for this purpose, and it is so used, as I am informed. In addition, you have a division of the Public Health Service devoted solely to the study and prevention of venereal diseases which carries an appropriation of $200,000. So I repeat that this is a duplication of the service. You are here seeking to duplicate work and service which will be performed under other departments of the Government. I repeat that I would infinitely prefer to accept the Senate amendment than to accept the amendment offered by the gentleman from Iowa. The gentleman from Iowa referred to the appropriation of last year, and said it carried a million and fifteen thousand dollars for the Interdepartmental Hygiene Board. That is true; but how was it divided? We only appropriated $150,000 for this specific purpose.

At that time we had a much larger Army than we are going to have next year; we had a much larger Navy than we are going to have next year, because we all know that the Army is going to be materially cut down and the Navy materially reduced. Yet last year in the face of the fact that we had an Army much larger and a Navy much larger than we will have next year, we carried only $150,000 for this specific purpose, while the amendment offered by the gentleman from Iowa proposes $200,000 for the same purpose. There has not been, so far as I know as a member of the subcommittee having charge of the deficiency appropriation bill, a single request made by this interdepartmental board for an appropriation in this bill for this purpose, in so far as the House committee is concerned.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield me five minutes more?

Mr. GOOD. Mr. Speaker, I yield five minutes more to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Therefore it was not considered by the Appropriation Committee of the House and did not come before the House. Here are the Senate hearings upon this bill. There was not a single person who appeared before the Senate committee advocating this. There was not a single line of testimony taken upon this particular amendment. There is not, so far as the record shows, a single request submitted by the interdepartmental board that an appropriation be made for this purpose. When this bill was under consideration in the Senate, you will find that not one single Senator had one single word to say either for or against the amendment.

Mr. GOOD. But the Senate never discusses any amendment. That is true of all amendments.

Mr. BYRNS of Tennessee. That may be true. That may be a reason which satisfies my good friend from Iowa.

Mr. GOOD. That is no argument against it.

Mr. BYRNS of Tennessee. For my part before I vote out of the Treasury $225,000, I want at least to have a request made for it by those who are to have charge of the funds, and I want some testimony before the committee showing how it is going to be used.

Mr. GOOD. There is a request.

Mr. BYRNS of Tennessee. When did it come?

Mr. GOOD. It is Senate Document No. 28.

Mr. BYRNS of Tennessee. It never was submitted to the House committee.

Mr. GOOD. It came after the House bill was passed.

Mr. BYRNS of Tennessee. Oh, it was submitted after the House bill was prepared and presented to the House. I want to say this. I am in favor of this kind of work by the States, but if Congress is going to do it, let us do it in a regular and orderly way, let us have some legislation passed by Congress so that it can carefully consider and determine just how the money is to be expended and what kind of salaries are to be paid. Do not let us legislate $225,000 out of the Treasury of the United States for work that is going to be duplicated in other services, when we have no information as to what salaries are going to be paid and how it is going to be actually expended.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. LAYTON. Did I understand the gentleman, who I take it is a real Democrat, who comes at least from a good Democratic section of the country, to be in favor of this stuff?

Mr. BYRNS of Tennessee. No; I am opposed to it.

Mr. LAYTON. Bureaucracy and paternalism, taking charge of the Government, of everything under God's heaven that ought to be left to the people of the States.

Mr. BYRNS of Tennessee. I am opposed to it, but I did say that I would infinitely prefer to accept the Senate amendment than to accept the amendment offered by the gentleman from

Iowa [Mr. GOOD], because I believe the Senate amendment would carry an appropriation which would not serve to duplicate work now being performed by other departments.

Mr. LAYTON. The trouble with me is that I do not know where to find a resting place. The gentleman's side of the House is as bad as this side. We are all of us sliding as fast as a railroad express train right into socialism, sovietism, and everything else. [Applause.]

Mr. BYRNS of Tennessee. And the time has come when Congress must ride in the other direction, or the people are going to demand the reason why.

Mr. LAYTON. I think the gentleman is correct.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. GOOD. Mr. Speaker, I yield two minutes to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Speaker, I hope the House will support the amendment of the gentleman from Iowa [Mr. GOOD]. I consider it most meritorious legislation. During my time in the legislature of my own State, some 10 years ago, we passed the first legislation and made the first appropriation for work of this character, and the records of the War Department will bear me out when I tell you that among the young men from my State who were admitted to the Army and Navy during the recent war there was a smaller percentage of venereal disease than among the men of other States. Oregon stood at the top of the list. I believe this is good legislation, not only from the standpoint of the States but of the Nation, for the protection of the young manhood of the country, and I am going to support it.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield me three or four minutes?

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it seems to me that this is a most excellent point for the House to begin to demonstrate its real belief in some of these economy talks that we have had and also some of the decentralization policies that we hear advocated here so often and yet so seldom see put into effect. There is no excuse for continuing this appropriation under present conditions. There was an excuse when we were raising an Army of 4,000,000 men, called speedily into the service from hillside and valley, with every class and character of our people rushed suddenly into camps, without the States themselves having any opportunity to do the necessary things to throw safeguards around the camps—called into the Army under the draft. There was not only an excuse, but there was a justification in those extraordinary times for the Federal Government to make its appropriation for this purpose; but now we have nothing but the Regular Army. The volunteer armies and the draft armies have all been disbanded, and we are back to the same conditions that prevailed for more than 100 years, when we got along without encroaching upon, not the rights but the duties of the States. I think sometimes that we rather create a bad sentiment about these things by emphasizing State rights themselves and not talking about State duties. This is a police proposition. This thing ought to be done under the police powers of the States. We have got to go back to those principles sometimes. Surely some time we will have to try to put a stop to the Federal Government undertaking to do everything that the States ought to do. It seems to me that this is a good time to begin, and I hope the House will vote down the amendment offered by the gentleman from Iowa [Mr. GOOD] and further insist upon its disagreement to the Senate amendment, so that it will finally go entirely out of this bill when it is passed. [Applause.]

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, probably there is no disease in this country that is as insidious as the disease that is taken care of by this amendment. At the time we went into the war, which was referred to by the gentleman from Tennessee [Mr. BYRNS], the boys came from the homes and the firesides of this country. The States at that time had full authority to take care of these matters, but they had done absolutely nothing. Of the young men who came to the colors of their country on the first call, as I remember, over 25 per cent of them had venereal diseases, simply an awful condition to contemplate. As the war went on there was a material reduction in that respect. The men were taught how to take care of themselves, to go to the doctors immediately in case of difficulty. In my opinion this provision in the bill is so important so far as public health is concerned that there ought to be really no opposition to the provision. We take care of many diseases, and even provide that men shall be isolated if they fall victims to those diseases. To my mind there is nothing more important than to take care of these private diseases because they affect the childhood of the Nation in the years to come. They apply to the womanhood of the Nation, and the greatest amount of care that can be given the matter is none too much in looking after the welfare of our people in this regard.

Mr. PADGETT. Will the gentleman yield?

Mr. KAHN. I will.

Mr. PADGETT. The question is not looking after the welfare, but it is a continuation of this war instrumentality.

Mr. KAHN. I understand that.

Mr. PADGETT. The Army has a Medical Corps to look after and treat especially all of these matters for the soldiers. The Navy has it also——

Mr. KAHN. I understand all that.

Mr. PADGETT. And this complex thing comes here and tries to cover over and do the same work that is provided for with ample appropriations in the Army, the Navy, and the Marine Corps.

Mr. KAHN. I do not agree with the gentleman at all. This is not to do the same work by any means.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. LAYTON. The whole question is this: Shall we nationalize the public health?

Mr. KAHN. Oh, I do not think that is involved in the matter.

Mr. LAYTON. It is an insidious influence that is creeping up——

Mr. KAHN. I decline to yield for a speech. I do not think that that has anything to do with it at all. We spend a great amount of money, and this Congress gladly votes a large amount of money to pay for diseases affecting animals and to pay for the eradication of insects that destroy cotton and other plants. And yet Members on this floor protest against appropriations for conserving men. I for one am for the men first. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOOD. Mr. Speaker, I only want to correct some false impressions existing in regard to this provision. I have no more interest in it than any other Member of the House. I do want to call attention to the fact that there is absolutely no conflict or duplication in the service performed by the Army and Navy. The statement made by the gentleman from Tennessee that one member of the board told him that they did not need the service is a serious reflection upon some member of the board. The members of the board are composed of the Secretary of the Treasury, and his name appears as voicing the sentiment of the board. The statement asking for $425,000 is signed by M. W. Ireland, Surgeon General of the Army, and he signs on behalf of the Secretary of War. The statement asking for $425,000 is signed by E. R. Stitt, Surgeon General of the Navy, and he signed, of course, on behalf of the Secretary of the Navy, and if there is one of those Secretaries who has not enough backbone to come and say to the Congress what he means I would like to know what his name is.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. GOOD. I will.

Mr. BYRNS of Tennessee. And tell the House just when that request was signed first?

Mr. GOOD. It is dated the 27th of May.

Mr. BYRNS of Tennessee. I am speaking of the first request signed by the Surgeon General of the Navy to which the gentleman referred.

Mr. GOOD. That is dated March 29, 1921.

Mr. BYRNS of Tennessee. And how long was it held even before it was transmitted to the Secretary of the Treasury to be transmitted to the Congress?

Mr. GOOD. It could not have been transmitted to the Congress until after the Congress convened.

Mr. BYRNS of Tennessee. I ask the gentleman the question, How long before it was transmitted to the Secretary of the Treasury after it was signed?

Mr. GOOD. I do not know——

Mr. BYRNS of Tennessee. I will tell the gentleman; I have a copy. It was signed——

Mr. GOOD. I do not yield to the gentleman.

Mr. BYRNS of Tennessee. The gentleman should yield; the House wants the information.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GOOD. I have already told the gentleman it is dated March 29, 1921, and it was transmitted to Congress on the 27th day of May, 1921. It was signed from room 1030, Eighteenth Street and Virginia Avenue NW., by M. W. Ireland, Surgeon General of the Army, on April 20, 1921——

Mr. BYRNS of Tennessee. April 30.

Mr. GOOD. And I do not see any other date——

Mr. BYRNS of Tennessee. But is it not a fact it was signed March 29, and held a month before it was sent to the Secretary of the Treasury and held a month before it was sent to the House?

Mr. GOOD. I do not know anything about it, except as shown. I do not know who held it.

Now, then, I want to say to the gentleman that he is entirely mistaken in regard to there being an overlapping of activities. We expressly provide in the language of the bill that no part of this sum shall be expended in existing reformatories, dormitories, detention homes, hospitals, or other institutions. This is a preventive measure, as stated by the gentleman from California [Mr. KAHN]. The Nation was shocked when it learned that 25 per cent of the young men in the first draft of the Army and Navy were suffering from venereal diseases.

Mr. KAHN. Will the gentleman yield?

Mr. GOOD. I will.

Mr. KAHN. As I now recall, it was 27 per cent.

Mr. GOOD. It was a condition that shocked the moral sentiment of America. While the Army and Navy appropriations always carried money to take care of these men that were sick, it was found that it was necessary to do work which the gentleman from Tennessee [Mr. GARRETT] well says is State work.

I agree that we are encroaching somewhat upon the duties of States and I trust this will be the last of it. But because we found this terrible condition in the young men of the country, and we were taking them from their homes and throwing them into large centers of population, Congress, it seems to me, wisely said, "We will start some preventive measures, and when lewd women visit these camps where local police are not adequate to take care of the situation we will assist in giving some protection to the young men." That is all this measure is. It is not for hospitalization. It is a humane thing for a boy who is serving his country in the Army or the Navy of the United States. It did take from the amount that was allotted to the States, but I have stricken that out. And I struck it out because I found in my own State that out of that allotment to States the Public Health Service was paying the doctor, the public health official, more than was being paid to the governor of the State of Iowa.

Now, we provided here only $200,000 to do this work. The great medical authorities of America are back of this movement. The women, through their club organizations, have written hundreds of letters, urging, for the sake of the boys that are away from home, that this protection for this year be carried on, so that the States can properly take care of this situation. I have no desire to have this amendment carried except I believe you must ease down on a proposition of this kind gradually, or else we may lose all we have accomplished by large appropriations during the last three years.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is now on the motion of the gentleman from Iowa [Mr. GOOD] to recede and concur with an amendment.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. GARRETT of Tennessee. Division, Mr. Speaker.

The House proceeded to divide, and the Speaker pro tempore announced the ayes were 113.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point that no quorum is present. The House is dividing.

The SPEAKER pro tempore. Those opposed will still remain standing. [After counting.] On this vote the ayes are 113 and the noes are 58.

The gentleman from Tennessee [Mr. GARRETT] makes the point of order that there is no quorum present. As the Chair recalls, every Member, almost to a man, voted, and as the vote disclosed that there is no quorum present, there will be an automatic call.

Mr. GOOD. I beg to differ with the Chair. Quite a number of Members did not rise at all.

The SPEAKER pro tempore. The Chair will then count.

The SPEAKER pro tempore proceeded to count.

Mr. DOWELL. Mr. Speaker, a point of order.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry. Is the Chair taking cognizance of those who are leaving the Chamber?

The SPEAKER pro tempore. The Chair has authority to note those who are present and not voting and have their presence noted by the Clerk, but he has no authority whatsoever to prevent them from withdrawing from the Chamber at this stage of the proceedings.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOWELL. I would like to inquire if the Speaker does not count those on the other side of the House who left the Chamber?

Mr. BYRNS of Tennessee. Mr. Speaker, I make the point of order that that is all out of order pending the point of no quorum.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOWELL] has a right to make a parliamentary inquiry, and the Chair has recognized him for that purpose.

Mr. BYRNS of Tennessee. I submit, Mr. Speaker, that the point of order having been made that there is no quorum present, nothing can be entertained until the presence or absence of a quorum has been ascertained.

The SPEAKER pro tempore. The Chair will state that it has been the uniform practice of the House for the last 14 years, in the knowledge of the Chair, that during the consideration of the point of no quorum a parliamentary inquiry may be entertained.

Mr. DOWELL. My inquiry is if it is not the duty of the Speaker to count those on the Democratic side who left the floor after the point of order was made?

The SPEAKER pro tempore. The Chair has the right to include in the count of a quorum those Members who were present at the time when the question was raised and who since have left the Chamber. The Chair will again count to see whether or not there is a quorum present.

Mr. WINGO. Mr. Speaker, I make the point of order that the fact that three senile Democrats who were dragged in here to vote in favor of the amendment withdrew to the couches in the cloakroom does not constitute a proper predicate for a parliamentary inquiry. [Laughter.]

The SPEAKER pro tempore. That is not a point of order, and the Chair will count. [After counting.] One hundred and seventy-eight Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of the motion of the gentleman from Iowa [Mr. GOOD] will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 187, nays 81, answered "present" 3, not voting 160, as follows:

YEAS—187.

Ackerman	Dallinger	Kopp	Raker
Anderson	Darrow	Kraus	Ramseyer
Andrews	Davis, Minn.	Kunz	Ransley
Ansorge	Dempsey	Lampert	Reece
Anthony	Denison	Lankford	Reed, W. Va.
Appleby	Dickinson	Larson, Minn.	Rhodes
Arentz	Dowell	Lawrence	Roach
Aswell	Dupré	Lazaro	Robertson
Atkeson	Edmonds	Lea, Calif.	Rogers
Barbour	Elliott	Lee, N. Y.	Rose
Barkley	Ellis	Lehlbach	Rosenbloom
Beck	Elston	Lineberger	Rossdale
Beedy	Fairchild	Little	Sabath
Benham	Faust	London	Sanders, Ind.
Bird	Favrot	Luce	Sanders, N. Y.
Bixler	Fenn	Lufkin	Sandlin
Bland, Ind.	Fitzgerald	McArthur	Schall
Blanton	Focht	McCormick	Shaw
Boies	Free	McLaughlin, Pa.	Shreve
Bond	Frothingham	Madden	Siegel
Brennan	Gensman	Magee	Sinclair
Britten	Gernerd	Mapes	Smith
Brooks, Ill.	Gilbert	Martin	Speaks
Brooks, Pa.	Good	Mead	Steenerson
Brown, Tenn.	Gorman	Merritt	Stephens
Burroughs	Greene, Mass.	Michener	Strong, Kans.
Burtness	Greene, Vt.	Miller	Strong, Pa.
Burton	Griest	Montoya	Sweet
Butler	Hardy, Colo.	Moores, Ind.	Swing
Campbell, Pa.	Herrick	Morin	Temple
Carew	Hickey	Murphy	Ten Eyck
Chindblom	Hicks	Nelson, A. P.	Tinkham
Christopherson	Himes	Nelson, J. M.	Towner
Clague	Hoch	Newton, Minn.	Underhill
Clarke, N. Y.	Hukriede	Norton	Vare
Classon	Hull	O'Connor	Vestal
Cockran	Hutchinson	Osborne	Voigt
Collins	Jacoway	Parker, N. J.	Volk
Colton	James, Mich.	Parker, N. Y.	Walters
Connell	Jones, Pa.	Parrish	White, Kans.
Connolly, Pa.	Kahn	Patterson, Mo.	White, Me.
Cooper, Wis.	Kelly, Pa.	Perkins	Wilson
Copley	Ketcham	Perlman	Winslow
Coughlin	King	Petersen	Woodyard
Cramton	Kirkpatrick	Porter	Wurzbach
Cullen	Kissel	Purnell	Wyant
Dale	Knutson	Radcliffe	

NAYS—81.

Almon	Black	Briggs	Byrns, Tenn.
Bankhead	Bland, Va.	Buchanan	Cable
Begg	Bowling	Bulwinkle	Chalmers
Bell	Box	Byrnes, S. C.	Connally, Tex.

Crisp	Hammer	Mills	Sanders, Tex.
Curry	Harrison	Morgan	Smithwick
Davis, Tenn.	Hill	Nolan	Stafford
Deal	Huddleston	Oldfield	Steagall
Dominick	James, Va.	Oliver	Stedman
Doughton	Johnson, Ky.	Olpp	Stevenson
Drewry	Johnson, Miss.	Padgett	Stoll
Driver	Kincheloe	Park, Ga.	Swank
Dunbar	Kline, Pa.	Parks, Ark.	Tillman
Fish	Larsen, Ga.	Quin	Tyson
Fisher	Layton	Rankin	Ward, N. C.
Fulmer	Logan	Rayburn	Wingo
Garner	Lowrey	Reber	Woods, Va.
Garrett, Tenn.	McKenzie	Ricketts	Wright
Garrett, Tex.	McLaughlin, Mich.	Riordan	
Goldsborough	MacGregor	Rouse	
Griffin	Maloney	Ryan	

ANSWERED "PRESENT"—3.

Clark, Fla.	Collier	Pou

NOT VOTING—160.

Bacharach	Graham, Ill.	Luhring	Sinnott
Blakeney	Graham, Pa.	Lyon	Sisson
Bowers	Green, Iowa	McClintic	Slemp
Brand	Hadley	McDuffie	Snell
Brinson	Hardy, Tex.	McFadden	Snyder
Browne, Wis.	Haugen	McLaughlin, Nebr.	Sproul
Burdick	Hawes	McPherson	Stiness
Burke	Hawley	McSwain	Sullivan
Campbell, Kans.	Hayden	Mann	Summers, Wash.
Cannon	Hays	Mansfield	Sumners, Tex.
Cantrill	Hersey	Mason	Tague
Carter	Hogan	Michaelson	Taylor, Ark.
Chandler, N. Y.	Houghton	Millspaugh	Taylor, Colo.
Chandler, Okla.	Hudspeth	Mondell	Taylor, N. J.
Clouse	Humphreys	Montague	Taylor, Tenn.
Codd	Husted	Moore, Ill.	Thomas
Cole	Ireland	Moore, Ohio	Thompson
Cooper, Ohio	Jefferis	Moore, Va.	Tilson
Crowther	Johnson, S. Dak.	Mott	Timberlake
Drane	Johnson, Wash.	Mudd	Tincher
Dunn	Jones, Tex.	Newton, Mo.	Treadway
Dyer	Kearns	O'Brien	Upshaw
Echols	Keller	Ogden	Vaile
Evans	Kelley, Mich.	Overstreet	Vinson
Fairfield	Kendall	Paige	Volstead
Fess	Kennedy	Patterson, N. J.	Walsh
Fields	Kiess	Peters	Ward, N. Y.
Flood	Kindred	Pringey	Wason
Fordney	Kinkaid	Rainey, Ala.	Watson
Foster	Kitchin	Rainey, Ill.	Weaver
Frear	Kleczka	Reavis	Webster
Freeman	Kline, N. Y.	Reed, N. Y.	Wheeler
French	Knight	Riddick	Williams
Fuller	Kreider	Robsion	Williamson
Funk	Langley	Rodenberg	Wise
Gahn	Lanham	Rucker	Wood, Ind.
Gallivan	Leatherwood	Scott, Mich.	Woodruff
Glynn	Lee, Ga.	Scott, Tenn.	Yates
Goodykoontz	Linthicum	Sears	Young
Gould	Longworth	Shelton	Zihlman

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. MCPHERSON with Mr. UPSHAW.

Mr. MOORE of Ohio with Mr. HAYDEN.

Mr. NEWTON of Missouri with Mr. HAWES.

Mr. FOSTER with Mr. LANHAM.

Mr. CANNON with Mr. FLOOD.

Mr. FORDNEY with Mr. LYON.

Mr. MUDD with Mr. THOMAS.

Mr. MILLSPAUGH with Mr. LEE of Georgia.

Mr. THOMPSON with Mr. BRAND.

Mr. SINNOTT with Mr. JONES of Texas.

Mr. KEARNS with Mr. SUMNERS of Texas.

Mr. BROWNE of Wisconsin with Mr. TAGUE.

Mr. LONGWORTH with Mr. GALLIVAN.

Mr. KENDALL with Mr. BRINSON.

Mr. TAYLOR of New Jersey with Mr. MCDUFFIE.

Mr. KELLER with Mr. GOLDSBOROUGH.

Mr. CROWTHER with Mr. MCSWAIN.

Mr. LUHRING with Mr. HARDY of Texas.

Mr. SPROUL with Mr. CARTER.

Mr. WATSON with Mr. LINTHICUM.

Mr. KREIDER with Mr. WEAVER.

Mr. KENNEDY with Mr. HUMPHREYS.

Mr. REED of New York with Mr. TAYLOR of Colorado.

Mr. COLLIER. Mr. Speaker, is the gentleman from Massachusetts, Mr. TREADWAY, recorded?

The SPEAKER pro tempore. He is not recorded.

Mr. COLLIER. I have a pair with the gentleman from Massachusetts, but I voted "no." I wish to withdraw that vote and be recorded as "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Amendment No. 94: Page 85, after line 19, insert:

"DEPARTMENT OF STATE.

"Passport bureaus: For salaries and expenses of maintenance of passport bureaus, fiscal year 1922, as follows:

"At New York, N. Y., $20,820;

"At San Francisco, Calif., $7,500;

"At Chicago, Ill., $17,500;

"At Seattle, Wash., $4,500;

"At New Orleans, La., $7,500;

"In all, $57,820."

Mr. GOOD. Mr. Speaker, I move that the House insist on its disagreement to Senate amendment numbered 94.

Mr. MAGEE. Mr. Speaker, I desire to make a preferential motion. I move that the House recede from its disagreement to Senate amendment 94 and agree to the same.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from New York, which is a preferential motion.

The Clerk read as follows:

Mr. MAGEE moves that the House recede from its disagreement to Senate amendment numbered 94 and agree to the same.

Mr. GOOD. I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Speaker, we already have passport bureaus in the city of New York and in the city of San Francisco. The amendment of the Senate, if adopted, will provide for additional bureaus in Chicago, Seattle, and New Orleans. The passport bureau in New York was established about January 1, 1916, and the one in San Francisco some time in the year 1918. These bureaus are self-sustaining and even more than that. Last year the net revenue to the Government from the passport bureau in New York City was $24,000 and in the city of San Francisco $579. These bureaus have been established for the accommodation of the people. Under the direction of the Secretary of State a passport can be issued at one of these bureaus, or a passport amended. When you come to consider the distance from San Francisco to Washington, and the great convenience to the people of having a passport issued there upon direction of the Secretary of State if the applicant shall be found to be entitled to a passport, you can realize the importance to San Francisco of having a passport bureau. I can hardly see what objection anyone can have to the establishment of passport bureaus in large cities in this country for the benefit and accommodation of the people, especially when it does not cost the Government a cent but is a source of revenue to the Government. I am against waste and extravagance, but I am also strongly in favor of thrift, and when the Government can not only accommodate the people but also obtain revenue at the same time, why should we not adopt a system and practice of that kind?

The Secretary of State recently sent a letter to the gentleman from Arkansas [Mr. JACOWAY]. At my request the gentleman from Arkansas has consented that I may read into the RECORD this communication from the Secretary of State bearing upon this question. I will ask the Clerk to read it.

The SPEAKER pro tempore. Without objection, the letter will be read.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, June 4, 1921.

The Hon. H. M. JACOWAY,
House of Representatives.

SIR: In response to your secretary's recent oral request for information relative to the desirability of securing appropriations for the continuance of the passport bureaus at New York and San Francisco, with the possible establishment of additional bureaus at other important centers, I am now pleased to inform you that estimates for this purpose have been forwarded to the Secretary of the Treasury for transmission to the Congress.

In order that you may properly judge of the relative cost of maintenance as compared with the revenue of those bureaus, your attention is directed to the following tabulation, which shows the estimated number of applications to be taken and the cost of maintenance of each bureau. Perhaps the most striking feature in this connection, as you will observe, is the fact that the fees derived from the taking of passport applications at all of the bureaus would amount to as much as or more than their cost of maintenance. In other words, they may be considered as self-sustaining.

Location of bureau.	Number of applications (at $1 each).	Cost.
New York	41,094	$20,820
San Francisco	5,109	7,500
Chicago	5,600	17,500
Seattle	1,200	4,500
New Orleans	5,000	7,500

The figures given for the number of applications executed at New York and San Francisco are based upon receipts from those offices during the past year. The figures given for Chicago are believed to be accurate within one or two hundred. The figures for Seattle and New Orleans are estimates. When the New York office was established it handled only about 50 to 75 cases a day. The office now normally executes 150 applications per day. At the present time the number is running over 200 daily. In the year following the establishment of the agency at San Francisco the number of applications increased about 100 per cent. There is therefore no reason to doubt that the receipts from the cities in which agencies are proposed will materially increase above the present average receipts from those cities.

If the bureaus now established in New York and San Francisco are abolished, the major portion of the fees received through those offices will be lost to the Government, the reason for this being that the taking of applications for passports would devolve to a considerable degree upon clerks of State courts, who retain the fees for executing applications for passports.

It may be remarked that no provision has been made for a bureau at Key West, Fla., as the Cuban legation has informed this department that no passports are now required for Americans entering Cuba from the United States.

You are aware of the great convenience to the public afforded by these agencies where timely information regarding the requirements of foreign governments is given out by specialized officials and where it is possible to assemble all essential documents relating to the proof of nationality and the right of the applicant to possess an American passport. Confusion and the loss of time are the inevitable result of intrusting such work to the clerks of courts, who are not specialized on the subject and from whom applications arrive at the department in incomplete form.

Since the traveling public is subject to many delays, annoyances, and expenses incidental to the existing passport requirements, I feel that it is desirable to afford such facilities at home as will ameliorate rather than multiply the hardships in this regard. As this can be done at nominal expense, if not indeed without expense to the Government, I deem it very desirable that provision should be made therefor.

I have the honor to be, sir,

Your obedient servant,

CHARLES E. HUGHES.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAGEE. Just one minute more.

Mr. GOOD. I yield to the gentleman one minute.

Mr. MAGEE. I want to say, Mr. Speaker, that I trust the House will agree to the Senate amendment.

Mr. BRITTEN. Will the gentleman yield for a question before he leaves the floor?

Mr. MAGEE. I yield to the gentleman from Illinois.

Mr. BRITTEN. Am I correct in assuming that unless this Senate amendment is agreed to, at least in part, the existing passport bureaus at New York and San Francisco will be abolished after July 1?

Mr. MAGEE. Yes; as I understand it.

Mr. GOOD. I yield three minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER. Mr. Speaker and gentlemen of the House, I speak especially on behalf of one of the Pacific coast cities. Out our way we are trying mighty hard to build up a commerce between the United States and the Orient. We have a line of Shipping Board vessels leaving the city of Seattle for the Orient. The function of this Senate amendment is to permit passports to be granted in these cities. If there is anything that will tend to build up commerce and encourage our people to travel, it is this facility in aid of travel. I want to call the attention of Members to the fact that it will cost the Government nothing to give our people these facilities and enable us to stimulate travel between our country and the Orient.

Mr. SMITH. If this passport office is not established at Seattle or San Francisco, anyone wanting to go to the Orient would have to make arrangements for a passport at least two weeks in advance of his sailing, whereas if they are established, he could secure his passport at either place in a few hours.

Mr. MILLER. Yes, sir; that is the situation.

Mr. MADDEN. He would not save anything anyway because the passports are issued in Washington.

Mr. SMITH. They are sent to the agents of the department in blank, and all these officials have to do is to secure authority from Washington, by wire if necessary, and issue the passport.

Mr. MILLER. They are filled out right in these passport offices.

Mr. MADDEN. The practice is for the application to be made at the point of residence by an individual to the office now existing or through the clerk of a Federal court, and when they are satisfied that all the requirements are completed, the passports are sent here to Washington.

Mr. SMITH. That is true ordinarily, but the passport offices have passports signed in blank, and all the officer has to do is to issue them, after authority is granted from Washington.

Mr. MILLER. And under the statement of the gentleman from Illinois the fees would go to the clerk of the United States court instead of to the Government.

Mr. MADDEN. The letter that was read in response to the inquiry of the Secretary to Mr. JACOWAY shows that the revenue would go to the clerk of the State court and the State court clerk has nothing to do with it.

Mr. GOOD. I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker and gentlemen of the House, when this matter was up before I submitted a letter from the Secretary of State relating to this matter, and a point of order was made that the amendment now under consideration could not then be considered. Since that time the Senate has placed it on the bill, and it is before us now for determination. This is necessary, and it is no expense to the Government. It is a great convenience to the traveling public, the commercial men. The traveling public and commercial men ought to be considered. I trust that the House will see its way clear to recede from its disagreement to the amendment of the Senate and concur in the Senate amendment, so that these people, wherever located—in New Orleans, Chicago, Seattle, New York, or San Francisco—may have an opportunity at the earliest date possible to receive their passports so that they may go to the foreign countries to do business or on pleasure, as they may see fit. [Applause.]

Mr. GOOD. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Speaker, the passport office at San Francisco within the last three years has taken care of 10,000 applications for passports. The passport office is located at the Federal building. Only a few clerks are required to take care of this work, and it has been a great convenience to the traveling public, not alone to the business men who may want to get passports for passage to the Orient and Central and South America but for travelers for pleasure to these countries. This is a matter of great importance to the people of the Pacific coast, who are 3,000 miles away from Washington. With all due regard to the gentleman from Illinois [Mr. MADDEN], I will say that the passports are granted by the office at San Francisco upon telegraphic orders from Washington and they have full power to visé the passports. In addition, it saves a lot of correspondence between the people on the Pacific coast and Washington. The clerical end of the passport work is taken care of by men in charge there. Everyone who wants to leave the country for foreign lands is not acquainted with the passport regulations, but they can go to the passport office in the customhouse at San Francisco and find out what they have to do. This is an economical proposition. It not only brings revenue into the Treasury but is a great convenience, and we ought at least to give some consideration to the matter of service. There is not a department of the Government but what was created for service to the public, whether it is the Post Office Department, the Department of Agriculture, the Department of Commerce, or any other executive department. They are created for service. When you establish the passport office at San Francisco or Seattle or New York, it will render a great service to the business interests of the country and to the people who are going to travel abroad, and I hope the motion of the gentleman from New York [Mr. MAGEE] will be accepted by the House. [Applause.]

Mr. GOOD. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, there probably is not a Member of the House who does not from time to time get telegrams from his traveling constituencies requesting immediate action on passports. I had one sent this morning. It was impossible for Chicago to issue the passport, and so the passport had to be issued in Washington. It has to be sent to the customhouse in New York because of the inability of Chicago to issue a passport. The motion of the gentleman from New York is consistent with economy in the service, is consistent with efficiency in the service, and ought to be adopted by the House. The traveling public is entitled to it and the State Department desires it. [Applause.]

Mr. GOOD. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, I do not want to take the time of the House, for it seems to me that this is a simple proposition to have these passport offices established for the convenience of the public. If we want something to serve the public, let us adopt this amendment, and I hope the House will adopt it.

Mr. GOOD. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Speaker, I do not know that I can better sustain the motion of the gentleman from New York than to read portions of a letter from the Secretary of State to the junior Senator from California [Mr. SHORTRIDGE]. It is very much along the lines of the letter of my colleague [Mr. O'CONNOR], who when the deficiency bill was up before the House offered a similar amendment which was ruled out on a point of order, because of the perennial desire of gentlemen to make

points of order that a thing is not authorized. Here is what the Secretary says:

If the bureaus now established in New York and San Francisco are abolished, the major portion of the fees received through those offices will be lost to the Government, the reason for this being that the taking of applications for passports would devolve to a considerable degree upon clerks of State courts, who retain the fees for executing applications for passports.

It may be remarked that no provision has been made for a bureau at Key West, Fla., as the Cuban Legation has informed this department that no passports are now required for Americans entering Cuba from the United States.

You are aware of the great convenience to the public afforded by these agencies where timely information regarding the requirements of foreign Governments is given out by specialized officials, and where it is possible to assemble all essential documents relating to the proof of nationality and the right of the applicant to possess an American passport. Confusion and the loss of time are the inevitable results of intrusting such work to the clerks of courts, who are not specialized on the subject and from whom applications arrive at the department in incomplete form.

Since the traveling public is subject to many delays, annoyances, and expenses incidental to the existing passport requirements, I feel that it is desirable to afford such facilities at home as will ameliorate rather than multiply the hardships in this regard. As this can be done at nominal expense, if not, indeed, without expense to the Government, I deem it very desirable that provision should be made therefor.

I have the honor to be, sir,

Your obedient servant, CHARLES E. HUGHES.

That ought to be conclusive to those who want to aid the traveling and commercial public in getting relief from the vexatious delays in getting passports, frequently required, on very short notice.

Mr. GOOD. Mr. Speaker, while I have made the motion that the House further insist upon its disagreement to the Senate amendment, I realize that there is a very earnest demand upon the part of Members that this service be continued. It is asked for by the State Department, and it is estimated it will not cost the Government anything, because it is paid by those who make application. I have no desire to oppose the motion of the gentleman from New York.

Mr. BLANTON. Mr. Speaker, will the gentleman yield some time to me?

Mr. GOOD. Is the gentleman from Texas opposed to the motion of the gentleman from New York?

Mr. BLANTON. Yes.

Mr. GOOD. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the gentleman from Iowa converted me on the proposition, and I am still with him if all of the balance of the House is against him. I think that issuing passports is a safeguard that we should retain in the Secretary of State's office here in Washington. It should have the final say as to whether or not a passport should be issued. If we had had the proper safeguards thrown about the issuing of passports, we would not have had the infamous international draft dodger, Bergdoll, getting out of this country into Germany.

Mr. SMITH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I regret I have not the time. I want to say that we can not throw too many safeguards around the issuance of passports. It is said as an excuse for this measure that the Federal clerks in our States will get these fees. I would just as soon have the Federal clerk in my district continue to get his $1 fee for each application for a passport which he receives as this other officer that we are to create, who is to receive a salary that will take up all of the fee. What is the difference? You may as well pay it as a fee to the Federal clerk in our own State as to pay it as a salary to somebody else in some other State. I am in favor of the proposition of the gentleman from Iowa [Mr. GOOD], the chairman of the Committee on Appropriations, that we refuse to concur in the Senate amendment, and I am standing here with him if all others desert him.

The SPEAKER. The question is on the motion of the gentleman from New York to recede and concur.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 163, noes 9.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and two Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from New York to recede and concur.

The question was taken; and there were—yeas 260, nays 13, answered "present" 1, not voting 157, as follows:

YEAS—260.

Ackerman	Ansorge	Atkeson	Barkley
Almon	Arentz	Bankhead	Beck
Andrews	Aswell	Barbour	Beedy
Begg	Fenn	Lazaro	Reber
Bell	Fish	Lea, Calif.	Reece
Benham	Fisher	Leatherwood	Rhodes
Bird	Fitzgerald	Lee, N. Y.	Ricketts
Bixler	Focht	Lehlbach	Riordan
Black	Free	Lineberger	Roach
Bland, Va.	Frothingham	Linthicum	Robertson
Boies	Fulmer	Little	Robsion
Bond	Gallivan	Logan	Rose
Bowling	Garner	London	Rosenbloom
Box	Garrett, Tenn.	Lowrey	Rossdale
Brennan	Garrett, Tex.	Lufkin	Rouse
Briggs	Gensman	Luhring	Ryan
Britten	Gernerd	McArthur	Sabath
Brooks, Ill.	Gilbert	McCormick	Sanders, N. Y.
Brooks, Pa.	Goldsborough	McDuffie	Sanders, Tex.
Brown, Tenn.	Gorman	McFadden	Sandlin
Buchanan	Greene, Mass.	McLaughlin, Nebr.	Schall
Bulwinkle	Griest	McLaughlin, Pa.	Scott, Tenn.
Burtness	Griffin	McPherson	Shaw
Burton	Hammer	MacGregor	Shreve
Butler	Hardy, Tex.	Madden	Siegel
Byrns, Tenn.	Harrison	Magee	Sinclair
Cable	Hayden	Maloney	Sinnott
Carew	Herrick	Mapes	Smith
Chalmers	Hickey	Martin	Smithwick
Chandler, N. Y.	Hicks	Mead	Speaks
Chindblom	Hill	Merritt	Steagall
Christopherson	Himes	Michener	Stephens
Clague	Hoch	Miller	Stevenson
Clarke, N. Y.	Hogan	Mills	Stoll
Clouse	Huddleston	Montoya	Strong, Kans.
Collins	Hukriede	Moores, Ind.	Strong, Pa.
Colton	Hull	Morgan	Summers, Wash.
Connell	Hutchinson	Morin	Sumners, Tex.
Connolly, Pa.	Jacoway	Murphy	Swank
Cooper, Wis.	James, Mich.	Nelson, A. P.	Sweet
Coughlin	James, Va.	Nelson, J. M.	Swing
Crisp	Johnson, Ky.	Newton, Minn.	Temple
Cullen	Johnson, Miss.	Nolan	Ten Eyck
Curry	Jones, Pa.	Norton	Thompson
Dale	Kahn	O'Connor	Tillman
Dallinger	Kearns	Oldfield	Tinkham
Darrow	Keller	Olpp	Towner
Davis, Minn.	Kelly, Pa.	Osborne	Vare
Davis, Tenn.	Kincheloe	Padgett	Vestal
Deal	Kindred	Park, Ga.	Voigt
Dempsey	King	Parker, N. J.	Volk
Dickinson	Kinkaid	Parker, N. Y.	Ward, N. Y.
Dominick	Kirkpatrick	Parks, Ark.	Ward, N. C.
Doughton	Kissel	Parrish	White, Kans.
Dowell	Kleczka	Patterson, Mo.	White, Me.
Drewry	Kline, Pa.	Perkins	Williamson
Driver	Knutson	Perlman	Wilson
Dunbar	Kopp	Purnell	Wingo
Dupré	Kraus	Quin	Winslow
Edmonds	Kunz	Radcliffe	Woods, Va.
Elliott	Lampert	Raker	Woodyard
Ellis	Lankford	Ramseyer	Wright
Elston	Larson, Minn.	Rankin	Wurzbach
Fairchild	Lawrence	Ransley	Wyant
Favrot	Layton	Rayburn	Young

NAYS—13.

Anderson	Cramton	Stafford	Wason
Blanton	Good	Tyson	
Burroughs	Luce	Underhill	
Connally, Tex.	McLaughlin, Mich.	Walters	

ANSWERED "PRESENT"—1.

Collier

NOT VOTING—157.

Anthony	Freeman	Lee, Ga.	Scott, Mich.
Appleby	French	Longworth	Sears
Bacharach	Fuller	Lyon	Shelton
Blakeney	Funk	McClintic	Sisson
Bland, Ind.	Gahn	McKenzie	Slemp
Bowers	Glynn	McSwain	Snell
Brand	Goodykoontz	Mann	Snyder
Brinson	Gould	Mansfield	Sproul
Browne, Wis.	Graham, Ill.	Mason	Stedman
Burdick	Graham, Pa.	Michaelson	Steenerson
Burke	Green, Iowa	Millspaugh	Stiness
Byrnes, S. C.	Greene, Vt.	Mondell	Sullivan
Campbell, Kans.	Hadley	Montague	Tague
Campbell, Pa.	Hardy, Colo.	Moore, Ill.	Taylor, Ark.
Cannon	Haugen	Moore, Ohio	Taylor, Colo.
Cantrill	Hawes	Moore, Va.	Taylor, N. J.
Carter	Hawley	Mott	Taylor, Tenn.
Chandler, Okla.	Hays	Mudd	Thomas
Clark, Fla.	Hersey	Newton, Mo.	Tilson
Classon	Houghton	O'Brien	Timberlake
Cockran	Hudspeth	Ogden	Tincher
Codd	Humphreys	Oliver	Treadway
Cole	Husted	Overstreet	Upshaw
Cooper, Ohio	Ireland	Paige	Vaile
Copley	Jefferis	Patterson, N. J.	Vinson
Crowther	Johnson, S. Dak.	Peters	Volstead
Denison	Johnson, Wash.	Petersen	Walsh
Drane	Jones, Tex.	Porter	Watson
Dunn	Kelley, Mich.	Pou	Weaver
Dyer	Kendall	Pringey	Webster
Echols	Kennedy	Rainey, Ala.	Wheeler
Evans	Ketcham	Rainey, Ill.	Williams
Fairfield	Kiess	Reavis	Wise
Faust	Kitchin	Reed, N. Y.	Wood, Ind.
Fess	Kline, N.	Reed, W. Va.	Woodruff
Fields	Knight	Riddick	Yates
Flood	Kreider	Rodenberg	Zihlman
Fordney	Langley	Rogers	
Foster	Lanham	Rucker	
Frear	Larsen, Ga.	Sanders, Ind.	

So the motion to recede and concur was agreed to.
The Clerk announced the following pairs:
Until further notice:
Mr. ANTHONY with Mr. BYRNES of South Carolina.
Mr. FAUST with Mr. COCKRAN.
Mr. RODENBERG with Mr. RUCKER.
Mr. TREADWAY with Mr. COLLIER.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. STINESS with Mr. POU.
Mr. TILSON with Mr. UPSHAW.
Mr. SNELL with Mr. STEDMAN.
Mr. ROGERS with Mr. OLIVER.
Mr. EVANS with Mr. LARSEN of Georgia.
Mr. PORTER with Mr. MANSFIELD.
Mr. APPLEBY with Mr. CAMPBELL of Pennsylvania.
Mr. NEWTON of Missouri with Mr. HAWES.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will report the next amendment.
Mr. GOOD. Mr. Speaker, I ask unanimous consent to dispense with the reading of the next Senate amendment. I desire to offer an amendment as a substitute, and the Senate amendment is quite long.
Mr. BLANTON. On what point?
Mr. GOOD. It is in reference to a lot of Treasury items.
The SPEAKER. Is there objection to the request of the gentleman from Iowa. [After a pause.] The Chair hears none.
The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TREASURY DEPARTMENT.

"OFFICE OF THE SECRETARY.

"Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall receive compensation at the rate of $10,000 per annum and shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease, fiscal year 1922, $10,000.

"Division of Printing and Stationery: Clerks—1 $1,400, 1 $1,200, 1 $1,000, 1 $900; multigraph operators—1 $1,200, 1 $1,000; skilled laborer, $840; 4 laborers, at $720 each; 2 messenger boys, at $480 each; in all, fiscal year 1922, $11,380.

"Division of Mail and Files: Distributing clerk, $1,400; reading and routing clerk, $1,400; assistant file clerk, $1,100; assistant mail messenger, $900; in all, fiscal year 1922, $4,800."

Mr. JOHNSON of Mississippi. Mr. Speaker——
Mr. BLANTON. Mr. Speaker, I make the point of order against the amendment.
Mr. JOHNSON of Mississippi. The gentleman knows that the Sweet bill provides for an office paying $10,000 to an Assistant Secretary——
Mr. BLANTON. Just a moment until we get the point of order settled.
The SPEAKER. The gentleman will state his point of order.
Mr. BLANTON. I make the point of order that the amendment is legislation on an appropriation bill, unauthorized by law; that it establishes new positions that are not authorized by law.
Mr. GOOD. Mr. Speaker, the same language exactly is carried in the Senate amendment, and it is not subject to the point of order. It is true it is a new position, but it is germane.
The SPEAKER. The gentleman from Iowa states that this is exactly the same language as the Senate amendment, and the Chair overrules the point of order.
Mr. JOHNSON of Mississippi. Is this a new office in addition to that carried in the Sweet bill?
Mr. GOOD. It has no reference to the Sweet bill.
Mr. JOHNSON of Mississippi. This is a new office carrying a $10,000-a-year salary?
Mr. GOOD. I wish to state, Mr. Speaker, I am going to yield five minutes to the gentleman from Tennessee, and I will take five minutes myself, as I am trying to close the bill to-night, and we will try to explain the provision.
Mr. STEVENSON. I just wanted to ask this question: Is this the same undersecretary that is provided for in what is known as the McFadden bill, which proposes to abolish the Comptroller of the Treasury and make a new undersecretary in his place?
Mr. GOOD. I do not know. I will yield to the gentleman from Tennessee.
Mr. WINGO. Will the gentleman yield some time to those who do know; the gentleman says he does not know.
Mr. GOOD. I have yielded to the gentleman from Tennessee.
Mr. BYRNS of Tennessee. Mr. Speaker, the gentleman from Iowa early in the proceedings of to-day made some remarks to the effect that possibly I had changed my mind in regard to some positions in this bill. I wish to say to him and to the House that I have not changed my mind in reference to these various positions. I have never said some of them were not necessary for the year 1922. My criticism when this bill was before the House before, in so far as some positions were concerned, went to the effect that in the last legislative bill they were not taken care of, and that claims were then made that great economies were being effected, and there were being made great reductions of force, when as a matter of fact in this bill they are sought to be restored for the year 1922. But in so far as this particular position is concerned, I think I am entirely consistent when I enter my very earnest protest to the passage of the amendment offered by the gentleman from Iowa. Now, this amendment undertakes to create a new position, an entirely new position, to be known as the Undersecretary of the Treasury, who is to be paid a salary of $10,000 per annum. Now, if gentlemen upon the other side, by whom the people have been promised economy, want to start at this time on the practice of creating an office which pays $10,000 a year in a deficiency bill, why of course that is their privilege. But it is not in keeping with your promises to the people.
Before you do that I want to call your attention to the fact that when you create this position of an Undersecretary of the Treasury at $10,000 a year you will very soon, possibly to-morrow or next day, as soon as the pending Sweet bill comes to a vote, create another Assistant Secretary of the Treasury at $10,000 a year. During and for the war Congress created two additional Assistant Secretaries of the Treasury. There were already three permanent Assistant Secretaries. Congress created the two additional Secretaries at a salary of not $10,000 but $5,000. Those positions expired by limitation, and the legislative bill which passed in February expressly failed to make appropriations providing for those places. But here we are about to create a new position, not at $5,000 but at $10,000 a year, and in no sense needed.
Mr. WINGO. And I will state to the gentleman that there is a bill pending before the Banking and Currency Committee to create another Secretary of the Treasury at $10,000 a year, and put him on the Federal Reserve Board and give him $2,000 extra for that.
Mr. BYRNS of Tennessee. That adds to the story of the failure of the Republican majority to practice the economy it so eloquently preached in the campaign before the last election.
Mr. BYRNES of South Carolina. Does the gentleman from Tennessee know any reason why we should not increase the salaries of assistant secretaries in the other departments to $10,000?
Mr. BYRNS of Tennessee. There is no reason on earth for it if this amendment is adopted. And I wish to say to the gentleman from South Carolina that if this Congress is consistent, when it comes to preparing the next appropriation bill it will increase the salaries of other secretaries in the various departments. You can be very certain that this will be taken for a precedent, and you will be met by the demand that other secretaries be increased from $5,000 to $10,000 a year.
Now, gentlemen, there was a hearing on this proposition before the committee. The Secretary of the Treasury, for whom I have great admiration and respect, appeared and strenuously presented his claims for the need of an undersecretary of the Treasury. I must confess I never understood just why they wanted to call him "undersecretary." Some question was raised. The only suggestion I heard in reply was that Great Britain has an undersecretary of finance, or some position of that sort. But what I oppose is not so much the name but the salary you are undertaking to fix for this new position, a salary of $10,000—over and beyond any sum Congress has ever appropriated for any position of this particular kind. You only pay your Undersecretary of State, if I remember correctly, $7,500 a year. Why pay the Undersecretary of the Treasury $10,000 a year? The Secretary of the Treasury now has an Assistant Secretary at $5,000 and three Assistant Secretaries at $5,000 each. You here propose an undersecretary at $10,000, and you will soon give him another assistant at $10,000.
Mr. LUCE. I think the gentleman's sense of fairness will lead him to state that by the creation of this office we will abolish the office of Comptroller of the Currency, so that there will be no addition to the burden on the Treasury.
Mr. BYRNS of Tennessee. I have heard it intimated that there was such legislation contemplated. Personally I am not now inclined to favor it.
Mr. WINGO. The gentleman has not read the bill, evidently. It proposes not only to abolish the comptroller but to create an additional number. In other words, to create three offices and abolish one.

Mr. LUCE. I am quite confident that the fairness of the gentleman from Arkansas will permit me to express the prediction that no such conflict of authority will take place, and that the ultimate result of this legislation will be simply to replace the Comptroller of the Currency by this undersecretary without having any additional expense.

Mr. BYRNS of Tennessee. Mr. Speaker, I hope the House will vote down this amendment in the interest of economy.

Mr. GOOD. Mr. Speaker, it was first argued that we should decline to agree to this amendment because the Sweet bill creates an office of Assistant Secretary of the Treasury. It must be remembered that the Sweet bill abolishes the office of Director of the War Risk Insurance Bureau and simply transfers the duties to a new officer. Now, it is argued that because a bill is now pending in some committee by which it is intended to create an office under the Secretary of the Treasury we should decline now to pass this amendment, when the present Secretary of the Treasury is overburdened with activities, and when under the law the office of two of the Assistant Secretaries will cease to exist after the 1st of July. The Secretary of the Treasury says he is overburdened with duties; that he is obliged to come to Congress now in support of the revenue bill; that he is obliged to do a great deal of work in connection with the tariff bill. Never before in the country's history were there so many duties thrown upon the Secretary of the Treasury, and all that Congress wants to do is to give him the force, to give him the assistance in the executive department so that he can do his work.

They say that $10,000 a year is too much, and yet when the other side brought before Congress a bill a few years ago authorizing the loaning of money to farmers you created five positions and gave the holders salaries of $10,000 a year. Under the Secretary of the Treasury the Commissioner of Internal Revenue gets $10,000 a year, the collector of customs at New York gets $12,000, the Comptroller of the Currency gets $12,000 a year. Here you are creating a position, if you create the position as I think you ought to create it, to give the Secretary of the Treasury the help that he says he must have in his office in order that he may perform the great duties of that office, which are larger by manyfold than ever before; and yet it is claimed that because some bill is pending in some committee creating another position we should not now do the work that is necessary so that when the 1st of July comes the Secretary of the Treasury can have the assistance that will assist him to perform the great duties devolved upon him.

Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The gentleman from Iowa moves the previous question on the motion to recede and concur.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Iowa to recede and concur.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The SPEAKER. A division is called for.

The House divided; and there were—ayes 133, noes 76.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 144, nays 132, not voting 155, as follows:

YEAS—144.

Ackerman	Clouse	Frothingham	King
Anderson	Colton	Gensman	Kinkaid
Andrews	Connell	Gernerd	Kissel
Arentz	Connolly, Pa.	Good	Kline, Pa.
Atkeson	Coughlin	Gorman	Kopp
Bacharach	Cramton	Greene, Mass.	Kraus
Beedy	Curry	Griest	Kreider
Benham	Dale	Hadley	Larson, Minn.
Bixler	Dallinger	Haugen	Lawrence
Boies	Darrow	Hays	Lea, Calif.
Bond	Davis, Minn.	Herrick	Leatherwood
Brennan	Dempsey	Hickey	Lehlbach
Brown, Tenn.	Dickinson	Hicks	Lineberger
Burroughs	Dunbar	Hill	Luce
Burtness	Dupré	Himes	McCormick
Butler	Edmonds	Hogan	McFadden
Gable	Elliott	Hukriede	McLaughlin, Nebr.
Campbell, Pa.	Fairchild	Hull	McLaughlin, Pa.
Chandler, N. Y.	Faust	Jones, Pa.	McPherson
Chindblom	Fenn	Keller	MacGregor
Christopherson	Focht	Kelley, Mich.	Madden
Clarke, N. Y.	French	Kendall	Magee
Maloney	Parker, N. Y.	Siegel	Treadway
Mapes	Patterson, Mo.	Sinclair	Vare
Merritt	Perkins	Sinnott	Vestal
Michener	Porter	Smith	Volk
Miller	Purnell	Stafford	Walters
Mills	Ransley	Steenerson	Ward, N. Y.
Montoya	Rhodes	Stephens	Wason
Moores, Ind.	Roach	Strong, Pa	White, Me.
Morgan	Robertson	Sweet	Williamson
Morin	Rogers	Swing	Winslow
Nelson, A. P.	Rosenbloom	Temple	Wurzbach
Nolan	Rossdale	Thompson	Wyant
Osborne	Sanders, N. Y.	Tilson	Young
Parker, N. J.	Shaw	Timberlake	Zihlman

NAYS—132.

Almon	Doughton	Kunz	Ricketts
Aswell	Dowell	Lampert	Robsion
Bankhead	Drewry	Lankford	Rose
Barbour	Driver	Layton	Rouse
Barkley	Ellis	Lazaro	Ryan
Beck	Favrot	Lee, N. Y.	Sabath
Begg	Fisher	Little	Sanders, Tex.
Bell	Fitzgerald	Logan	Sandlin
Bird	Flood	London	Schall
Black	Fulmer	Lowrey	Scott, Tenn.
Bland, Va.	Gallivan	McDuffie	Smithwick
Blanton	Garner	McLaughlin, Mich.	Speaks
Bowling	Garrett, Tenn.	McSwain	Steagall
Box	Garrett, Tex.	Martin	Stevenson
Briggs	Gilbert	Murphy	Stoll
Brooks, Ill.	Goldsborough	Nelson, J. M.	Strong, Kans.
Brooks, Pa.	Green, Iowa	Newton, Minn.	Summers, Wash.
Buchanan	Griffin	Norton	Sumners, Tex.
Bulwinkle	Hammer	Oldfield	Swank
Byrnes, S. C.	Hardy, Tex.	Oliver	Ten Eyck
Byrns, Tenn.	Harrison	Olpp	Tillman
Carew	Hayden	Padgett	Tinkham
Chalmers	Hoch	Park, Ga.	Tyson
Cockran	Huddleston	Parks, Ark.	Underhill
Collier	Hutchinson	Parrish	Upshaw
Collins	Jacoway	Perlman	Voigt
Connally, Tex.	James, Mich.	Quin	Ward, N. C.
Cooper, Wis.	James, Va.	Radcliffe	White, Kans.
Crisp	Johnson, Ky.	Raker	Williams
Cullen	Johnson, Miss.	Ramseyer	Wilson
Davis, Tenn.	Kincheloe	Rankin	Wingo
Deal	Kindred	Rayburn	Woods, Va.
Dominick	Knutson	Reece	Wright

NOT VOTING—155.

Ansorge	Frear	Lee, Ga.	Riddick
Anthony	Free	Linthicum	Riordan
Appleby	Freeman	Longworth	Rodenberg
Blakeney	Fuller	Lufkin	Rucker
Bland, Ind.	Funk	Luhring	Sanders, Ind.
Bowers	Gahn	Lyon	Scott, Mich.
Brand	Glynn	McArthur	Sears
Brinson	Goodykoontz	McClintic	Shelton
Britten	Gould	McKenzie	Shreve
Browne, Wis.	Graham, Ill.	Mann	Sisson
Burdick	Graham, Pa.	Mansfield	Slemp
Burke	Greene, Vt.	Mason	Snell
Burton	Hardy, Colo.	Mead	Snyder
Campbell, Kans.	Hawes	Michaelson	Sproul
Cannon	Hawley	Millspaugh	Stedman
Cantrill	Hersey	Mondell	Stiness
Carter	Houghton	Montague	Sullivan
Chandler, Okla.	Hudspeth	Moore, Ill.	Tague
Clague	Humphreys	Moore, Ohio	Taylor, Ark.
Clark, Fla.	Husted	Moore, Va.	Taylor, Colo.
Classon	Ireland	Mott	Taylor, N. J.
Codd	Jefferis	Mudd	Taylor, Tenn.
Cole	Johnson, S. Dak.	Newton, Mo.	Thomas
Cooper, Ohio	Johnson, Wash.	O'Brien	Tincher
Copley	Jones, Tex.	O'Connor	Towner
Crowther	Kahn	Ogden	Vaile
Denison	Kearns	Overstreet	Vinson
Drane	Kelly, Pa.	Paige	Volstead
Dunn	Kennedy	Patterson, N. J.	Walsh
Dyer	Ketcham	Peters	Watson
Echols	Kiess	Petersen	Weaver
Elston	Kirkpatrick	Pou	Webster
Evans	Kitchin	Pringey	Wheeler
Fairfield	Kleczka	Rainey, Ala.	Wise
Fess	Kline, N. Y.	Rainey, Ill.	Wood, Ind.
Fields	Knight	Reavis	Woodruff
Fish	Langley	Reber	Woodyard
Fordney	Lanham	Reed, N. Y.	Yates
Foster	Larsen, Ga.	Reed, W. Va.	

So the motion to recede and concur with an amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SANDERS of Indiana with Mr. MEAD.

Mr. TAYLOR of New Jersey with Mr. VINSON.

Mr. TOWNER with Mr. FIELDS.

Mr. VAILE with Mr. TAYLOR of Colorado.

Mr. WALSH with Mr. LARSEN of Georgia.

Mr. ANTHONY with Mr. TAGUE.

Mr. APPLEBY with Mr. MOORE of Virginia.

Mr. CANNON with Mr. RAINEY of Illinois.

Mr. DENISON with Mr. O'CONNOR.

Mr. ECHOLS with Mr. TAYLOR of Arkansas.

Mr. WOODRUFF with Mr. DRANE.

Mr. REED of New York with Mr. CARTER.

Mr. BOWERS with Mr. STEDMAN.

Mr. CHANDLER of Oklahoma with Mr. RAINEY of Alabama.

Mr. LANGLEY with Mr. CLARK of Florida.
Mr. NEWTON of Missouri with Mr. HAWES.
Mr. SNYDER with Mr. SULLIVAN.
Mr. GRAHAM of Illinois with Mr. HUDSPETH.
Mr. BLAKENEY with Mr. MCCLINTIC.
Mr. FORDNEY with Mr. LINTHICUM.
Mr. FREE with Mr. MONTAGUE.
Mr. MILLSPAUGH with Mr. THOMAS.
Mr. EVANS with Mr. RIORDAN.
Mr. SHELTON with Mr. RUCKER.
Mr. HARDY of Colorado with Mr. LANHAM.
Mr. FOSTER with Mr. WEAVER.
Mr. GRAHAM of Pennsylvania with Mr. LEE of Georgia.
Mr. JOHNSON of South Dakota with Mr. KITCHIN.
Mr. HUSTED with Mr. OVERSTREET.
Mr. WOODYARD with Mr. POU.
Mr. IRELAND with Mr. SEARS.
Mr. REAVIS with Mr. SISSON.
Mr. KAHN with Mr. BRINSON.
Mr. KIESS with Mr. MANSFIELD.
Mr. LUFKIN with Mr. O'BRIEN.
Mr. KEARNS with Mr. BRAND.
Mr. MOORE of Ohio with Mr. JONES of Texas.
Mr. PAIGE with Mr. CANTRILL.
Mr. KIRKPATRICK with Mr. WISE.
Mr. PATTERSON of New Jersey with Mr. LYON.
Mr. REBER with Mr. HUMPHREYS.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Amendment No. 96——

Mr. GOOD. I ask unanimous consent to dispense with the reading of Senate amendment 96, as I shall offer a motion to recede and concur with an amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to dispense with the reading of the Senate amendment, as he is going to offer a substitute for it. Is there objection?

Mr. WINGO. I object.

The SPEAKER. The gentleman from Arkansas objects. The Clerk will report the Senate amendment.

The Clerk read as follows:

Amendment No. 96: Page 89, at the top of the page, insert:

"OFFICE OF THE COMPTROLLER OF THE CURRENCY.

"For salaries, fiscal year 1922, at annual rates of compensation as follows: Clerks—4 at $2,000 each, 4 at $1,800 each, 4 at $1,600 each, 5 at $1,400 each; clerk-counters—2 at $1,400 each, 4 at $1,200 each; 2 messengers at $840 each; in all, $37,880.

"For compensation, in addition to that carried therefor in the legislative, executive, and judicial appropriation act for the fiscal year 1922, as follows: Deputy comptroller, $500; deputy comptroller, $500; chief clerk, $500; in all, $1,500.

"For expenses of Federal reserve and national currency (to be reimbursed by the Federal reserve and national banks): For additional employees during the fiscal year 1922 at annual rates of compensation as follows: Clerk-counters—3 at $1,400 each, 3 at $1,200 each; 7 counters at $1,000 each; in all, $14,800.

"The Comptroller of the Currency may designate a national-bank examiner to act as chief of the examining division in his office."

Mr. GOOD. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 96, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"OFFICE OF THE COMPTROLLER OF THE CURRENCY.

"For salaries, fiscal year 1922, at annual rates of compensation as follows: Clerks—4 at $2,000 each, 4 at $1,800 each, 4 at $1,600 each, 5 at $1,400 each; clerk-counters—2 at $1,400 each, 4 at $1,200 each; 2 messengers at $840 each; in all, $37,880.

"The Comptroller of the Currency may designate a national-bank examiner to act as chief of the examining division in his office."

Mr. GOOD. Mr. Speaker, the first paragraph of my proposed amendment is in the Senate amendment to the bill. The third paragraph is included in the conference report. The second paragraph has to do with increases of salaries, and the substitute which I have offered does not include it. I move the previous question on the motion.

The SPEAKER. The gentleman from Iowa moves the previous question.

The question being taken, on a division (demanded by Mr. WINGO) there were—ayes 135, noes 33.

Mr. WINGO. On that vote I make the point of no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum present. The Chair will count. [After counting.] Two hundred and seven Members present, not a quorum. As many as are in favor of ordering the previous question will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll. The Sergeant at Arms will notify absentees and the Doorkeeper will close the doors.

The question was taken; and there were—yeas 189, nays 77, answered "present" 1, not voting 164, as follows:

YEAS—189.

Ackerman	Fairchild	Lee, N. Y.	Ricketts
Anderson	Faust	Lehlbach	Roach
Andrews	Fenn	Lineberger	Robertson
Arentz	Fish	Little	Robsion
Atkeson	Fitzgerald	London	Rogers
Bacharach	French	Longworth	Rose
Barbour	Frothingham	Luce	Rosenbloom
Beck	Gensman	Lufkin	Rossdale
Beedy	Gernerd	McCormick	Ryan
Begg	Good	McFadden	Schall
Benham	Gorman	McKenzie	Scott, Tenn.
Bird	Green, Iowa	McLaughlin, Mich.	Shaw
Bixler	Greene, Mass.	McLaughlin, Nebr.	Shreve
Boies	Griest	McLaughlin, Pa.	Siegel
Bond	Hadley	McPherson	Sinclair
Bowers	Hardy, Colo.	MacGregor	Smith
Brennan	Haugen	Madden	Speaks
Brooks, Ill.	Hays	Magee	Stafford
Brooks, Pa.	Herrick	Maloney	Steenerson
Brown, Tenn.	Hickey	Mapes	Stephens
Buchanan	Hicks	Merritt	Strong, Kans.
Burroughs	Hill	Michener	Strong, Pa.
Burtness	Himes	Miller	Sweet
Cable	Hoch	Mills	Swing
Campbell, Pa.	Hogan	Montoya	Temple
Chalmers	Hukriede	Morgan	Thompson
Chandler, N. Y.	Hull	Morin	Tilson
Chindblom	Hutchinson	Mott	Timberlake
Christopherson	James, Mich.	Murphy	Tinkham
Clouse	Jones, Pa.	Nelson, A. P.	Treadway
Connell	Kearns	Newton, Minn.	Underhill
Connolly, Pa.	Keller	Nolan	Vare
Cooper, Wis.	Kelley, Mich.	Norton	Voigt
Coughlin	Kendall	Olpp	Volk
Cramton	King	Osborne	Walters
Curry	Kinkaid	Parker, N. J.	Wason
Dale	Kissel	Parker, N. Y.	White, Kans.
Dallinger	Kline, Pa.	Patterson, Mo.	White, Me.
Darrow	Knutson	Perkins	Williams
Davis, Minn.	Kopp	Porter	Williamson
Dempsey	Kraus	Purnell	Wilson
Denison	Kreider	Radcliffe	Winslow
Dickinson	Lampert	Ramseyer	Wurzbach
Dowell	Larson, Minn.	Ransley	Wyant
Dunbar	Lawrence	Reber	Young
Edmonds	Lazaro	Reece	
Elliott	Lea, Calif.	Reed, W. Va.	
Ellis	Leatherwood	Rhodes	

NAYS—77.

Almon	Doughton	Kunz	Sabath
Barkley	Drewry	Lanham	Sanders, Tex.
Bell	Driver	Lankford	Sandlin
Black	Dupré	Layton	Smithwick
Bland, Va.	Fisher	Lee, Ga.	Stevenson
Blanton	Flood	Logan	Stoll
Bowling	Gallivan	Lowrey	Summers, Wash.
Box	Garrett, Tenn.	McDuffie	Sumners, Tex.
Briggs	Gilbert	McSwain	Swank
Bulwinkle	Goldsborough	Nelson, J. M.	Ten Eyck
Byrnes, S. C.	Hammer	Oldfield	Tyson
Byrns, Tenn.	Hardy, Tex.	Oliver	Upshaw
Carew	Harrison	Park, Ga.	Ward, N. C.
Collier	Huddleston	Parks, Ark.	Weaver
Collins	Jacoway	Parrish	Wingo
Connally, Tex.	James, Va.	Quin	Woods, Va.
Cullen	Johnson, Ky.	Raker	Wright
Davis, Tenn.	Jones, Tex.	Rankin	
Deal	Kincheloe	Rayburn	
Dominick	Kindred	Rouse	

ANSWERED "PRESENT"—1.

Cockran

NOT VOTING—164.

Ansorge	Copley	Graham, Ill.	Larsen, Ga.
Anthony	Crisp	Graham, Pa.	Linthicum
Appleby	Crowther	Greene, Vt.	Luhring
Aswell	Drane	Griffin	Lyon
Bankhead	Dunn	Hawes	McArthur
Blakeney	Dyer	Hawley	McClintic
Bland, Ind.	Echols	Hayden	Mann
Brand	Elston	Hersey	Mansfield
Brinson	Evans	Houghton	Martin
Britten	Fairfield	Hudspeth	Mason
Browne, Wis.	Favrot	Humphreys	Mead
Burdick	Fess	Husted	Michaelson
Burke	Fields	Ireland	Millspaugh
Burton	Focht	Jefferis	Mondell
Butler	Fordney	Johnson, Miss.	Montague
Campbell, Kans.	Foster	Johnson, S. Dak.	Moore, Ill.
Cannon	Frear	Johnson, Wash.	Moore, Ohio
Cantrill	Free	Kahn	Moore, Va.
Carter	Freeman	Kelly, Pa.	Moores, Ind.
Chandler, Okla.	Fuller	Kennedy	Mudd
Clague	Fulmer	Ketcham	Newton, Mo.
Clark, Fla.	Funk	Kiess	O'Brien
Clarke, N. Y.	Gahn	Kirkpatrick	O'Connor
Classon	Garner	Kitchin	Ogden
Codd	Garrett, Tex.	Kleczka	Overstreet
Cole	Glynn	Kline, N. Y.	Padgett
Colton	Goodykoontz	Knight	Paige
Cooper, Ohio	Gould	Langley	Patterson, N. J.

Perlman	Sanders, Ind.	Stiness	Vinson
Peters	Sanders, N. Y.	Sullivan	Volstead
Petersen	Scott, Mich.	Tague	Walsh
Pou	Sears	Taylor, Ark.	Ward, N. Y.
Pringey	Shelton	Taylor, Colo.	Watson
Rainey, Ala.	Sinnott	Taylor, N. J.	Webster
Rainey, Ill.	Sisson	Taylor, Tenn.	Wheeler
Reavis	Slemp	Thomas	Wise
Reed, N. Y.	Snell	Tillman	Wood, Ind.
Riddick	Snyder	Tincher	Woodruff
Riordan	Sproul	Towner	Woodyard
Rodenberg	Steagall	Vaile	Yates
Rucker	Stedman	Vestal	Zihlman

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. BURTON with Mr. HAYDEN.

Mr. DYER with Mr. TILLMAN.

Mr. FOCHT with Mr. ASWELL.

Mr. PERLMAN with Mr. MARTIN.

Mr. BUTLER with Mr. GARRETT of Texas.

Mr. FUNK with Mr. PADGETT.

Mr. SINNOTT with Mr. CRISP.

Mr. RODENBERG with Mr. O'BRIEN.

Mr. WATSON with Mr. STEAGALL.

Mr. STINESS with Mr. O'CONNOR.

Mr. MOORE of Ohio with Mr. HUMPHREYS.

Mr. FOSTER with Mr. STEDMAN.

Mr. GREENE of Vermont with Mr. FAVROT.

Mr. LUHRING with Mr. GRIFFIN.

Mr. MUDD with Mr. JOHNSON of Mississippi.

Mr. ANSORGE with Mr. FULMER.

Mr. BROWNE of Wisconsin with Mr. BRAND.

Mr. BLAND of Indiana with Mr. GARNER.

Mr. GRAHAM of Pennsylvania with Mr. BANKHEAD.

Mr. WOOD of Indiana with Mr. DOUGHTON.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

OFFICE OF AUDITOR FOR THE POST OFFICE DEPARTMENT.

The unencumbered balances in the appropriations for compensation of employees to audit the accounts and vouchers of the Postal Service in the fiscal years 1920 and 1921 are reappropriated and made available during the fiscal year 1922. And not exceeding $975 per annum may be expended out of the appropriation for contingent and miscellaneous expenses for rental of telephones in the fiscal years 1921 and 1922.

Mr. GOOD. Mr. Speaker, I move to recede from the disagreement and concur in the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to pass Senate amendment 99 until we have disposed of Senate amendments 100 and 101, because if they are not agreed to we do not want to concur in Senate amendment 99.

The SPEAKER. The gentleman from Iowa asks unanimous consent to pass over Senate amendment 99 until we dispose of Senate amendments 100 and 101. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Chicago, Ill., Broadview Hospital: For recreation building, walks, and roads, water-softening apparatus, additional water supply, planting and improving of grounds, and for superintendence and technical services necessary for said work at customary rates of compensation to be employed within or without the District of Columbia and without regard to civil-service rules and regulations, at a limit of cost not to exceed $500,000: *Provided*, That the expenditures for such superintendence and technical services shall not exceed 3 per cent of the total amount expended hereunder: *And provided further*, That in carrying the foregoing authorization into effect the Secretary is hereby authorized, in his discretion, to enter into contracts or to employ labor and purchase materials in the open market, all of said work to be performed under the supervision and direction of the Secretary of the Treasury.

Mr. FISH. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Iowa has the floor.

Mr. FISH. We are appropriating here half a million dollars to erect a hospital——

Mr. GOOD. No; the hospital has been erected at a cost of $3,000,000, without any profit to the contractors. An audit of the books of Shank & Co. and Mr. Hines shows that the contractors have lost over $1,000,000. There is no adequate water supply, not a tree on the place, and the Government owns 300 acres of land, no building for recreation for the men, no roads or walks or anything of that kind. It was intended by this amendment to provide for a water supply, as the water-supply system is not adequate for a hospital for a thousand men. The hospital is complete and cost $3,400,000, and cost the contractors over $4,000,000.

Mr. FISH. The amendment as I read it calls for an appropriation not to exceed $500,000.

Mr. GOOD. That is for the water supply and building for recreation, swimming pool, and trees, walks, and so forth.

Mr. FISH. Has this anything to do with the ex-service men?

Mr. GOOD. That is what it is for. The whole hospital will hold 1,000 beds for ex-service men.

Mr. FISH. Why does it not come under the bill where we appropriated $18,000,000 to take care of these hospitals?

Mr. GOOD. Because the committee found that the $18,000,000 would be necessary to do the work in certain hospitals they had selected and the building of the new one in the State of the gentleman in New York.

Mr. FISH. I am afraid not. Will the gentleman yield me three minutes to speak on this matter?

Mr. GOOD. I will offer the amendment, and then if the gentleman wants to speak I will yield him three minutes.

The Clerk read as follows:

Mr. GOOD moves to recede from the disagreement to the Senate amendment and concur in the Senate amendment with the following amendment: In lines 6, 7, and 8 of the matter inserted by the Senate amendment, strike out the following words: "at a limit of cost not to exceed."

Mr. GOOD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I would like to call attention to the fact that we are casually appropriating a sum of $500,000 on a hospital that is not fully completed. That is, $500,000 for recreation buildings, walks and roads, water-softening apparatus additional to the water supply, and so forth.

How are we going to make good our promise of economy when we pass a $500,000 appropriation without a minute's debate? The crux of the present financial situation is appropriations and not so much the question of taxation. It is these unreasonable appropriations by Congress which make the public impatient. We take up too much time in talking about taxation and ways and means of raising revenue, which is only the manifest of the disease, and do not consider sufficiently the real disease, which is appropriations by Congress such as this, appropriating lump sums of $500,000. Now, I am informed that this is for ex-service men, and as an ex-service man I am opposed to this particular amendment. I do not believe in using the ex-service men as a camouflage in making appropriations in a deficiency bill when we have provided $18,000,000 for permanent hospitals for ex-service men and when the deficiency does not yet exist. This appropriation should come under the provision for $18,000,000.

A lot of you Republicans, and especially the new men in this House, came here pledged to economy, yet you have made no improvement upon the Democratic record under this bill, when you appropriate such sums without a minute's debate. What are you new men who come here from doubtful districts going to do when you go back home and explain that you did not live up to your promises of economy? I am not familiar with the facts in regard to this particular appropriation and all I know is what I read, which was called to my attention not more than two minutes ago. Nevertheless, we should have some discussion in this House on an appropriation amounting to $500,000. We ought to know whether it is a necessity and whether it can not come, where it seems to me it should come, under the provisions of the $18,000,000 appropriation for permanent hospitals for ex-service men.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HILL. Mr. Speaker, will the gentleman yield me one minute on this same thing?

Mr. GOOD. I yield one minute to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Speaker, I agree entirely with what has been said by my colleague from New York [Mr. FISH]. If I knew the facts about this hospital I might not be against this amendment, but when we appropriate in this House $500,000 flat for recreation buildings, walks and roads, water-softening apparatus, and additional water supply, planting and improving grounds, and the other items enumerated here, even though these adornments are adjuncts to the hospital for ex-service men, I think we should know something about the facts and that there should be some debate upon it. I think we should be informed whether we can afford that sort of adornment at the present time.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HILL. I am afraid that my time is up. If I have any time, I yield.

Mr. MADDEN. The gentleman came over here from Baltimore the other day with a request to rebuild some rotten docks

and offered an amendment for $75,000, and nobody but the gentleman knew anything about it.

Mr. HILL. Mr. Speaker, I have a right to answer that, have I not? In regard to the matter of those docks——

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. HILL. Mr. Speaker, I ask that the gentleman yield me a little further time.

Mr. GOOD. I do not yield any further time.

Mr. HILL. Then I ask unanimous consent for one minute.

Mr. GOOD. Not on the docks; no.

The SPEAKER. The time is in the control of the gentleman from Iowa.

Mr. GOOD. Mr. Speaker, the situation with regard to this hospital is this: Neither of the gentlemen would be opposed to some appropriation. I do not know whether this is the proper amount. I do know that we have expended $3,400,000 and that we have inadequate water supply and inadequate fire protection. The gentlemen would put their comrades in a building where there is inadequate water supply and inadequate fire protection, for they would now refuse to give them water supply and fire protection after we have spent $3,400,000 on the building. They may do that to their comrades, but the mothers and fathers of those comrades would not agree to any such thing, and the intelligent American public sentiment will not stand behind anything of that kind. This amount may be too much. The next item may be too much, but we have spent the money, and what we are asking for here is an appropriation of a small amount to make the appropriation we have already made available for the ex-service men. I mo the previous question.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield me one minute?

Mr. GOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Iowa to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 101, page 91 of the bill, insert:

"Dawsonsprings, Ky.: Sanatorium. To enable the Secretary of the Treasury to cause the principal buildings for the Dawsonsprings, Ky., Sanatorium to be erected of fireproof construction and as originally designed, $750,000, and the limit of cost heretofore fixed for said sanatorium is hereby increased from $1,500,000 to $2,250,000: *Provided*, That from and after the passage of this act the completion of the buildings and approaches for said sanatorium shall be under the supervision and direction of the Supervising Architect of the Treasury, the compensation of the superintendent of construction and such technical and clerical assistance as may be necessarily employed in the superintendence of the completion of said buildings and approaches to be chargeable to the appropriation for the field force of the office of the Supervising Architect."

Mr. GOOD. Mr. Speaker, I move to recede and concur in the Senate amendment No. 101. This item is for Dawsonsprings. We have already appropriated a million and a half dollars there. The former Secretary of the Treasury was confident that the hospital could be built for that amount if he could construct it by purchasing the material and hiring the labor. Some contracts were entered into, and the hospital is now in a state of incompletion. We have spent one and a half million dollars upon it. According to the estimate of the supervising architect, it will take $750,000 to complete the hospital by providing fireproof construction for some of the buildings. This is a hospital for the tubercular ex-service men. I do not see how we can avoid the appropriation of this money, much as I should like to do it, because we need the hospital and it is practically two-thirds complete. It is proposed by this appropriation to complete it. I move the previous question.

Mr. HILL. Mr. Speaker, will the gentleman yield me two minutes against the amendment?

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. PARKER of New Jersey. Is this a deficiency for the year 1921?

Mr. GOOD. It is a Senate amendment.

Mr. PARKER of New Jersey. But it is not a deficiency.

Mr. HILL. Mr. Speaker, will the gentleman yield me two minutes?

Mr. GOOD. Yes; I yield two minutes to the gentleman from Maryland.

Mr. HILL. Mr. Speaker——

Mr. ROSENBLOOM. Mr. Speaker, will the gentleman yield for a question?

Mr. HILL. I have only two minutes. Mr. Speaker, I was much interested in what the gentleman said in reference to taking care of the soldiers, but I was also much interested in that he was not able to say how much of the $500,000 in the last item was necessary for the Broadview Hospital.

I protest against an appropriation of $750,000 for this Dawsonsprings Sanatorium without further consideration and without having the details of it. If it is necessary for the hospital and necessary for the soldiers, it should have a proper hearing. Here in two items are appropriated $1,250,000 without any consideration, and as far as I am personally concerned as a Representative of this House I do not care whether it is a Senate amendment or not; I would like to vote against it.

Mr. CHINDBLOM. Will the gentleman from Iowa yield for one suggestion? I want to say to the House that both of these propositions, the hospital at Broadview, Ill., and the sanatorium at Dawsonsprings, Ky., have been thoroughly considered by the Committee on Public Buildings and Grounds. Hearings have been had and the committee has reported favorably on both propositions, and the report is before this House and these propositions have the support and indorsement of the Committee on Public Buildings and Grounds.

Mr. LANHAM. I want to ask the gentleman if it is not a further fact that the Assistant Secretary of the Treasury has made a personal investigation of these propositions and has submitted a request for this amount?

Mr. CHINDBLOM. That is true.

Mr. GOOD. And with this appropriation the building will be fireproof.

Mr. ROSENBLOOM. This appropriation of $750,000, will that include an adequate water supply, the decorating of the grounds and parks, and so forth?

Mr. GOOD. That is the estimate for the completion of the building in every respect, including the grading, building of bridges, roads, and so forth.

Mr. ROSENBLOOM. That is a new water supply.

Mr. GOOD. Absolutely; and that is the estimate.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GOOD. I now move to recede and concur in Senate amendment No. 99.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. GOOD. I have a substitute for 105, and I ask unanimous consent that the reading of the Senate amendment be dispensed with.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 105, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"WAR DEPARTMENT.

"Office of the Secretary: For additional amount required for the salary of the Assistant Secretary of War in accordance with section 5a of the act 'To amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and to establish military justice,' fiscal year 1922, $5,000.

"Water system, Schofield Barracks, Hawaii: For installation of a pipe line to replace the present water main from Koolau Reservoir to Schofield Barracks, fiscal year 1922, $600,000.

"Quartermaster Corps: To complete the acquisition of land required for the Infantry School at Camp Benning, Ga., there may be expended from the appropriation 'General appropriations, Quartermaster Corps,' for the fiscal year 1919, the sum of $400,000, which amount shall be in addition to the sum of $515,252, the expenditure of which for the same purpose was authorized by the act approved February 28, 1920, entitled 'An act to amend the Army appropriation act of 1920, and for the purchase of land and to provide for construction work at certain military posts, and for other purposes.' The said sum of $400,000 herein authorized to be expended shall remain on the books of the Treasury to the credit of the appropriation 'General appropriations, Quartermaster Corps, 1919,' until June 30, 1922."

Mr. CRAMTON. Mr. Speaker, will the gentleman yield a little time or yield for a question?

Mr. GOOD. I will yield for a question.

Mr. CRAMTON. Mr. Speaker, I notice the substitute offered by the gentleman from Iowa is the same as the amendment 105 put in by the Senate, except with the omission of two items.

Mr. GOOD. Yes.

Mr. CRAMTON. I especially want to call attention to the second item in the substitute offered, and that is the provision of $600,000 for a water system at certain barracks in Hawaii. How does that item come to be a deficiency appropriation?

Mr. GOOD. It has been estimated on two different bills. The water supply for Schofield Barracks is brought about 5 miles. It was originally built, I think, in 1912 and cost $175,000. It was put in wrought-iron pipes, but because of the peculiar condition of the soil there the pipe gave out after it had been down about four or five years, and it cost $200,000 to

repair it. Then they asked for $200,000 more for repairs. We refused that and asked for a survey, first, to see if we could not get a water supply nearer, and second, to see if they could use cast-iron pipe, because they say the life of cast-iron pipe will be indefinite, which everybody who is familiar with it knows. The cast-iron pipe installation costs $600,000, and its life will be indefinite. It is simply to replace pipe of the same dimensions to carry the only water supply for the Schofield Barracks that they have.

Mr. CRAMTON. What I am trying to direct the attention of the gentleman to is this——

Mr. GOOD. The leakage now is stated to be 500,000 gallons per day from this water supply.

Mr. CRAMTON. What I am trying to direct attention to is that the item appropriated for is not for the year 1921, of which the deficiency bill has jurisdiction, but is expressly for the fiscal year 1922, which would come under the jurisdiction of the committee having charge of the Army appropriation bill.

Mr. GOOD. No; it would not be in the Army bill. It would come under the sundry civil bill. After long hearings, we asked for further investigation, and they instituted an investigation but did not have the report ready when we reached this bill, but they had it in the Senate. We were satisfied that we should do something. They have a regiment there—I think one regiment now, maybe more—and this is the only water supply. The leakage is stated to amount to 500,000 gallons a day. It is in a bad way, and something must be done.

Mr. HILL. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. HILL. Is this $600,000 an existing deficit?

Mr. GOOD. No; it is for the purpose of putting in a cast-iron pipe.

Mr. HILL. That is, the $600,000 is for a pipe?

Mr. GOOD. Certainly. You could not put in the pipe until you had the money.

Mr. HILL. And it is to be cast-iron pipe?

Mr. GOOD. Yes; cast-iron pipe.

Mr. HILL. Cast-iron pipe has the life of five years, and is never used by water companies.

Mr. GOOD. That shows what the gentleman knows about it. Cast-iron pipe, according to the experts, has a life that is almost indefinite. They have cast-iron pipe in some of the cities that has been down over a hundred years.

Mr. MADDEN. A hundred years, unless they have electrolysis.

Mr. HILL. I happen to be the president of a half-million-dollar water company, and we never use cast-iron pipe.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk proceeded to read amendment No. 106.

Mr. GOOD. Mr. Speaker, I have a substitute for that also, and I ask that the reading of the amendment be dispensed with.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the reading of the amendment be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 106, and agree to the same with an amendment as follows: In line 11 of the matter inserted by said amendment, after the word "and," insert the word "of," and in line 13 strike out the following: "In the District of Columbia and elsewhere."

The SPEAKER. The question is on agreeing to the amendment.

Mr. PARKER of New Jersey. May I ask how much the unexpended balances are that are carried forward?

Mr. GOOD. There are at the present time quite a large number of unexpended balances, but the Secretary of War has been attempting to make these settlements, and just how much it will be on the 1st of July I do not know. There is something over $35,000,000 at the present time.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 107:

"Ogden Arsenal, Utah: Of the $5,000,000 which the Chief of Ordnance, United States Army, was authorized in the second deficiency act, approved March 6, 1920, to expend during the fiscal year 1921 for the construction of storage facilities for ammunition and components thereof, $100,000 is hereby made available during the fiscal year 1922 for the development of a water supply for Ogden Arsenal, Utah: *Provided*, That not to exceed $30,000 of the amount herein made available for this purpose may be expended for the purchase of such land and water rights as may be necessary to provide a suitable water supply for Ogden Arsenal.

Mr. GOOD. Mr. Speaker, I move to recede from our disagreement to the Senate amendment No. 107 and agree to the same.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 108, page 96:

"POSTAL SERVICE—OUT OF THE POSTAL REVENUES—OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

"When any damage is done to person or property by or through the operation of the Post Office Department in any branch of its service and such damage is found by the Postmaster General upon investigation to be a proper charge against the United States, the Postmaster General is hereby invested with power to adjust and settle any claim for such damage when his award for such damage in any case does not exceed $500; and the sum of $35,000 is hereby appropriated for the fiscal year 1922 to carry out the provisions of this paragraph."

Mr. GOOD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk proceeded to read amendment No. 113.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment, as I have a substitute, which I send to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent that the substitute be read in lieu of the amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate No. 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"DEPARTMENT OF COMMERCE—BUREAU OF FISHERIES.

"Expenses of advisory committee: For the expenses of an advisory committee of not to exceed two members from the Atlantic coast, two members from the Pacific coast, and four members from the inland waters, Great Lakes, and Alaskan sections of the United States, to be designated from time to time by the Secretary of Commerce, to consist of men prominently identified with the various branches of the fishery industry, qualified in aquatic research, and experienced in fish culture, who shall visit the Bureau of Fisheries at such times as the Secretary of Commerce may deem necessary and report to the Secretary of Commerce on the condition and needs of the service, the members to serve without compensation, but to be paid the actual expenses incurred in attending the meetings, fiscal year 1922, $2,500."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Speaker.

The House divided; and there were—ayes 137, noes 23.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the substitute I have here be read in lieu of the Senate amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the substitute be read in lieu of the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 114 and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

"Not more than $25,000 of the appropriation for 'Promoting commerce, Department of Commerce, fiscal year 1922,' may be used for personal services in Washington, D. C.

"Commercial attachés: The appropriation for 'Commercial attachés, fiscal year 1922,' shall be available for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $2,500 per annum for each person so employed. And not to exceed two commercial attachés employed under said appropriation may be recalled from their foreign posts and assigned for duty in the Department of Commerce without loss of salary."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. WINGO. Mr. Speaker, I ask for a division.
The SPEAKER. A division is demanded.
The House divided; and there were—ayes 123, noes 23
So the amendment was agreed to.
The SPEAKER. The Clerk will report the next one.
The Clerk read as follows:

After line 1, page 102, insert the following:

"SENATE.

"Committee employee: For an assistant clerk to the Committee on Finance, fiscal year 1922, $2,100."

Mr. GOOD. Mr. Speaker, I move to recede and concur.
The SPEAKER. The gentleman from Iowa moves to recede and concur. The question is on agreeing to that motion.
The motion was agreed to.
The SPEAKER. The Clerk will report the next one.
Mr. GOOD. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the amendment.
The SPEAKER. The gentleman from Iowa asks unanimous consent that the substitute be read in lieu of the amendment. Is there objection?
There was no objection.
The Clerk read as follows:

Mr. GOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"GOVERNMENT PRINTING OFFICE.

"In order to keep the expenditures within or under the appropriations for the fiscal year 1922 for printing and binding, the heads of the *various* executive departments and Government establishments are hereby authorized to discontinue the printing of any annual or special reports under their respective jurisdiction: *Provided*, That where the printing of said reports is discontinued, the original copy thereof shall be kept on file in the offices of the heads of the respective departments or Government establishments for public inspection."

The SPEAKER. The question is on agreeing to the amendment.
Mr. WINGO. Mr. Speaker, will the gentleman yield for a question there for information?
Mr. GOOD. Yes.
Mr. WINGO. Am I correct in supposing that this repeals the law requiring certain departments to make annual reports and print them?
Mr. GOOD. They make the annual reports, but if the department itself feels that the annual report is not of such public importance as would warrant its printing, they suspend the printing. The law requires that the reports shall be printed. The department feels that inasmuch as some of the reports were not printed heretofore they can suspend the printing. But the original report must be kept on file and kept open to inspection.
Mr. WINGO. There are some reports that are very necessary to be made to Congress for the information of Congress. Now, suppose a department declined to give Congress access to that report and withholds printing?
Mr. GOOD. All the reports sent to Congress are printed by Congress, and are not printed by the departments.
Mr. WINGO. This simply cuts out their private printing?
Mr. GOOD. Yes.
Mr. WINGO. It will not prevent the printing of reports that are required to be made to Congress annually?
Mr. GOOD. No; it will not interfere with them.
The SPEAKER. The question is on agreeing to the amendment.
The amendment was agreed to.

LEAVE OF ABSENCE.

Mr. WOODRUFF, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

ORDER OF BUSINESS.

Mr. SWEET. Mr. Speaker, I rise for information. May I ask what will be the order of business to-morrow?
Mr. GARRETT of Tennessee. That is in the lap of the gentleman.
The SPEAKER. To-morrow is Thursday. The gentleman will be recognized to-morrow morning if he so desires.
Mr. SWEET. It is the desire of the Committee on Interstate and Foreign Commerce to go on with this soldier legislation.
The SPEAKER. The Chair will expect to recognize the gentleman if he desires it to-morrow.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution and bill:

H. J. Res. 148. Joint resolution for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries; and
H. R. 89. An act for the public sale of post-office site on the west side of South Main Street, in the city of Bethlehem, Pa.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, June 9, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,
Mr. SMITH, from the Committee on the Public Lands, to which was referred the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests, reported the same with amendments, accompanied by a report (No. 154), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. DYER: A bill (H. R. 6952) fixing the salaries of certain United States attorneys and United States marshals; to the Committee on the Judiciary.
By Mr. SUMMERS of Washington: A bill (H. R. 6953) for the acquisition of a site and the construction of buildings, etc., for the Yakima Indian Agency, Wash.; to the Committee on Indian Affairs.
Also, a bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter; to the Committee on the Post Office and Post Roads.
By Mr. MASON: A bill (H. R. 6955) to amend section 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States"; to the Committee on the Merchant Marine and Fisheries.
By Mr. WINSLOW: A bill (H. R. 6956) to amend the interstate commerce act by adding thereto a new section, No. 20b, and to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, by adding a new paragraph to section 10 thereof; to the Committee on Interstate and Foreign Commerce.
By Mr. DYER: A bill (H. R. 6957) to create two additional associate justices of the Supreme Court of the District of Columbia; to the Committee on the Judiciary.
By Mr. ROSSDALE: A bill (H. R. 6958) to amend the farm loan act to extend and include its operations in the towns and cities; to jointly promote the development of agriculture upon the farms and of home building and owning thereof by dwellers in the towns and cities; to provide capital for agricultural development and to promote building of homes in cities; to create standard forms of investment based upon farm land and city home mortgages; to equalize rates of interest upon farm land and city home loans; to furnish a market for United States bonds; to create Government depositaries and financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.
By Mr. VESTAL: A bill (H. R. 6959) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes; to the Committee on Education.
By Mr. CRISP: A bill (H. R. 6960) to direct the Secretary of the Treasury to loan to the Federal Farm Loan Board the sum of $200,000,000, and for other purposes; to the Committee on Banking and Currency.
By Mr. McDUFFIE: A bill (H. R. 6961) granting certain lands to the State of Alabama for use of the Searcy Hospital for the Colored Insane; to the Committee on the Public Lands.
By Mr. KISSEL: Resolution (H. Res. 108) directing Herbert Clark Hoover to furnish to the House of Representatives certain information regarding the European Relief Council; to the Committee on the Judiciary.
By Mr. TAGUE: Joint resolution (H. J. Res. 149) amending public law No. 5, Sixty-seventh Congress; to the Committee on Immigration and Naturalization.

Also, joint resolution (H. J. Res. 150) to compel merchants to mark all goods imported from foreign countries, showing the country in which such goods were made or manufactured, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: Joint resolution (H. J. Res. 151) to provide that deferred grazing fees received prior to December 31, 1921, shall be considered as receipts of the fiscal year 1921; to the Committee on Agriculture.

By Mr. GALLIVAN: Joint resolution (H. J. Res. 152) providing that there will be no prize fight in the United States for the world championship until after the passage of the soldiers' bonus bill; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 6962) granting an increase of pension to William H. Hamilton, jr.; to the Committee on Pensions.

By Mr. COCKRAN: A bill (H. R. 6963) granting a pension to John Tully; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 6964) granting an increase of pension to Mary E. Lape; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 6965) granting a pension to James E. Embury; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army; to the Committee on Military Affairs.

By Mr. DUNN: A bill (H. R. 6967) for the relief of Claude L. Seiler; to the Committee on Claims.

By Mr. GAHN: A bill (H. R. 6968) granting an increase of pension to John Salmon; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 6969) for the relief of Joseph P. Ryan; to the Committee on Claims.

By Mr. HUSTED: A bill (H. R. 6970) for the relief of Louise L. Coleman, surviving administratrix of the estate of Walter H. Coleman, deceased; to the Committee on Claims.

By Mr. LARSON of Minnesota: A bill (H. R. 6971) granting a pension to Augusta Harrington; to the Committee on Invalid Pensions.

By Mr. LUFKIN: A bill (H. R. 6972) for the relief of Frank O. Glover; to the Committee on Military Affairs.

Also, a bill (H. R. 6973) granting a pension to Helen G. Noyes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6974) granting a pension to Annie G. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6975) for the relief of Edith P. Friend; to the Committee on Claims.

Also, a bill (H. R. 6976) granting a pension to Adaline S. Jensen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6977) for the relief of Mrs. Herbert W. Bean; to the Committee on Claims.

Also, a bill (H. R. 6978) granting a pension to Mary E. Foley; to the Committee on Pensions.

Also, a bill (H. R. 6979) granting a pension to Sarah K. Marshall; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 6980) for the relief of Leroy S. Kiger; to the Committee on Military Affairs.

Also, a bill (H. R. 6981) granting a pension to Eliza L. Robinson; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 6982) granting a pension to William T. North; to the Committee on Pensions.

By Mr. MORIN: A bill (H. R. 6983) granting a pension to Rose Creighton; to the Committee on Invalid Pensions.

By Mr. PARKS of Arkansas: A bill (H. R. 6984) granting a pension to Lucy Lavin; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 6985) for the relief of T. L. Love; to the Committee on War Claims.

By Mr. ROUSE: A bill (H. R. 6986) granting an increase of pension to Henrietta Thoburn; to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 6987) granting a pension to Patrick J. Blake; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 6988) to validate the second additional homestead entry of William Root; to the Committee on the Public Lands.

By Mr. TINKHAM: A bill (H. R. 6989) for the relief of James J. Dailey; to the Committee on Claims.

By Mr. WARD of New York: A bill (H. R. 6990) granting a pension to George W. Garrison; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1136. By the SPEAKER (by request): Petition of W. G. King and 315 others, of the second congressional district of Kansas, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1137. Also, petition of 1,560 citizens of Louisiana, asking the United States Government to recognize the republic of Ireland; to the Committee on Foreign Affairs.

1138. Also, resolution of the Clarence Allen Post, No. 178, American Legion, of Turners Falls, Mass., and of the Quentin Roosevelt Post, No. 11, American Legion, of Washington, D. C., urging relief for the disabled of the World War; to the Committee on Interstate and Foreign Commerce.

1139. By Mr. CAREW: Petition of Thomas and Catherine Bagnall and Evelyn B. and Alice J. Kelly, protesting against the atrocious conduct of the British forces in Ireland; to the Committee on Foreign Affairs.

1140. By Mr. COCKRAN: Petition of the Crockery Board of Trade of New York, urging Congress to retain the postal zone advances and their material increase by further enactments, and that each class of mail should pay cost of service in order that no class pay over cost; to the Committee on the Post Office and Post Roads.

1141. Also, petition of the taxation committee, Brooklyn Chamber of Commerce, favoring a sales tax; to the Committee on Ways and Means.

1142. By Mr. CONNOLLY of Pennsylvania: Petition of the Second Allegheny Building Association of Philadelphia, Pa., favoring legislation exempting from taxation income received from building and loan association shares to the amount of $500; to the Committee on Ways and Means.

1143. Also, letter from the City and State Savings and Loan Association, of Philadelphia, Pa., containing text of resolution adopted by the association favoring legislation exempting from taxation income received from building and loan association shares to amount of $500; to the Committee on Ways and Means.

1144. By Mr. CULLEN: Resolutions passed by the Crockery Board of Trade of New York, urging on all Members of Congress retention of postal zone advances and their material increase by further enactments, and also that each class of mail should pay cost of service in order that no class pay over cost; to the Committee on the Post Office and Post Roads.

1145. By Mr. CURRY: Petitions of the Mare Island Metal Trades Council, of Vallejo, Calif., and the Rotary Club, of Richmond, Calif., urging relief for the disabled soldiers; to the Committee on Interstate and Foreign Commerce.

1146. Also, petition of the Northern California Turkish Tobacco Growers' Association, urging tariff on Turkish type of tobacco as grown in California; to the Committee on Ways and Means.

1147. Also, petition of the California Fruit Distributers, of Sacramento, Calif., urging appropriation for the purchase of the grape experimental stations at Oakville and Fresno, Calif.; to the Committee on Appropriations.

1148. By Mr. DALLINGER: Petition of citizens of Massachusetts, favoring the calling of an international conference to discuss the disarmament question; to the Committee on Foreign Affairs.

1149. Also, resolutions passed June 5, 1921, at the regular morning service of St. James Methodist Episcopal Church and St. Johns Church, Arlington, Mass., on the subject of world peace and disarmament; to the Committee on Foreign Affairs.

1150. By Mr. FENN: Resolutions of the Methodist Episcopal Church of Hocknaum, East Hartford, Conn., and the Congregational Church of Kensington, Conn., seeking disarmament of nations; to the Committee on Foreign Affairs.

1151. By Mr. FROTHINGHAM: Petition of parishioners of the Church of the Good Shepherd (Episcopal), Dedham, Mass., urging the passage of that section of the naval appropriation bill relating to reduction of naval armament; to the Committee on Naval Affairs.

1152. By Mr. GILLETT: Resolutions adopted at a meeting of the members of the Second Congregational Church and parish

of Chicopee Falls, Mass., held Sunday, June 5, 1921, and the Western Massachusetts District of the International New Thought Alliance, requesting Congress to do what in it lies to further all efforts made by the executive or by any branch of the Government looking to a conference among the representatives of the principal nations with a view to reducing armaments; to the Committee on Foreign Affairs.

1153. By Mr. KISSEL: Petition of the Niagara Asbestos Corporation, Buffalo, N. Y., protesting against the proposed increase of tariff on manufactured asbestos products; to the Committee on Ways and Means.

1154. Also, petition of the Private Soldiers and Sailors' Legion of the United States of America, Washington, D. C., urging support of the Sweet bill, the defeat of the fivefold bonus bill, H. R. 1, and to secure the passage of a straight cash bonus as provided in the Mason bill, H. R. 2186; to the Committee on Ways and Means.

1155. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the enactment of a law putting into effective operation a moderate general sales tax to supplement the modified income and excise taxes; to the Committee on Ways and Means.

1156. Also, petition of Mrs. B. Conlon, Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1157. By Mr. MAPES: Petition of A. H. Sturgis and 40 others of the Bostwick Lake Congregational Church, of Rockford, Mich., for a conference of leading nations on naval disarmament; to the Committee on Naval Affairs.

1158. By Mr. RAKER: Petition of the California Cotton Mills Co., Oakland, Calif., protesting against the excess profits tax and favoring some form of sales tax; to the Committee on Ways and Means. Also, petition of A. Mattei, of Fresno, Calif., urging the passage of H. R. 2486; to the Committee on Ways and Means. Also, petition of the California Club, San Francisco, Calif., requesting citizenship for the American Indian; to the Committee on the Judiciary. Also, petition of the San Francisco District, California Federation of Women's Clubs, indorsing the Smith-Towner bill; to the Committee on Education.

1159. Also, petition of the Tacoma Brewing Co., San Francisco, Calif., urging the passage of H. R. 2486; to the Committee on Ways and Means. Also, California Assembly joint resolution No. 30, State of California, relative to adoption of the metric system; to the Committee on Weights and Measures. Also, California Assembly joint resolution No. 11, State of California, relative to use of airplanes in forest-fire protection; to the Committee on Agriculture. Also, California Assembly joint resolution No. 17, State of California, relative to national forest reserves being exempt from local taxation; to the Committee on Ways and Means.

1160. By Mr. RAMSEYER: Petition of citizens of Oskaloosa and Mahaska County, Iowa, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1161. By Mr. REBER: Resolution adopted by the congregation of the First Methodist Episcopal Church of Schuylkill Haven, Pa., urging the President and Congress to call a conference of the leading nations to consider the question of disarmament; to the Committee on Foreign Affairs.

1162. By Mr. RIORDAN: Petition of 53 citizens of the eleventh congressional district of New York, urging the enactment of H. R. 3208; to the Committee on the Judiciary.

1163. By Mr. RYAN: Petition of John F. McGowan and 228 others, of the fifteenth congressional district of New York, urging recognition of the Irish republic; to the Committee on Foreign Affairs.

1164. Also, petition of Johnny Daly and 14 others, protesting against the Volstead Act; to the Committee on the Judiciary.

1165. By Mr. SWING: Petition of Thomas C. Armstrong and 20 others, recommending construction of needed naval bases on the Pacific coast; to the Committee on Naval Affairs.

1166. By Mr. THOMPSON: Petition of certain residents and citizens of Defiance and Williams Counties, Ohio, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

1167. Also, petition of Edward S. Matthias Post, No. 46, United Spanish War Veterans, Van Wert, Ohio, in favor of H. R. 4; to the Committee on Pensions.

1168. By Mr. TREADWAY: Resolutions adopted by the First Congregational Church and parish of North Adams, Mass., on May 29; the First Baptist Church of North Adams, Mass.; and the First Baptist Church and congregation of Adams, Mass., in favor of calling a conference among the representatives of the principal nations with a view to reducing armaments; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *June 9, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for the privileges continued unto us. Help us to realize not simply the utterance of speech but the deep throbbings of our hearts as we ask for companionship with Thee through all the devious ways of life. Help us, we beseech of Thee, to be true to the highest ideals, to the glory of Thy name. Through Christ our Lord. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Assistant Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, June 6, 1921, when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RECOGNITION OF FOREIGN GOVERNMENTS (S. DOC. NO. 37).

Mr. McCUMBER. Mr. President, on the 5th day of January, 1904, the senior Senator from Massachusetts [Mr. LODGE] delivered in the Senate a very full, comprehensive, and elaborate speech upon the matter of the authority of the President of the United States in the question of recognizing new States or any other States. There is but one copy extant of that speech, I understand, in document form. It goes into the matter very fully, giving the decisions of the Supreme Court on the subject, the letters of Attorneys General, the action of the Presidents, and the views of law writers logically arranged.

I think at this time when quite a number of prospective new nations are in process of incubation the Senate may find the material gathered in that speech of great use. I therefore ask that it may be printed as a public document.

The PRESIDENT pro tempore. Is there objection? It is so ordered, without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes; that the House had receded from its disagreement to sundry amendments of the Senate to the bill and agreed to the same, and that the House receded from its disagreement to sundry amendments of the Senate and agreed to the same with amendments, in which it requested the concurrence of the Senate.

THE MEAT-PACKING INDUSTRY.

Mr. MYERS. I present a memorial of the Legislature of Montana and also a telegram from an official of the Legislature of Montana in regard to the unfinished business now before the Senate. I ask that the memorial and the telegram in relation thereto be printed in the RECORD.

There being no objection, the memorial and telegram were ordered to lie on the table and to be printed in the RECORD, as follows:

HELENA, MONT., *January 24, 1921.*

Senator H. L. MYERS,
Washington, D. C.:

A resolution passed both house and senate unanimously, part of which follows:

"Whereas there is pending before Congress Senate bill 3944, by Gronna, Senate bills by KENDRICK and KENYON, and House bill by ANDERSON, which we consider to be detrimental to our industry, we believe the remedy for abuses of power and inefficient service by large concerns lies in strict and broad-minded supervision and not in curtailment of production that might result from the delegating of a commission with arbitrary power."

Copies going forward, to-day's mail, as confirmation of the above wire.

C. J. McALLISTER,
Secretary of the Senate.

Senate memorial 1, introduced by committee on stock growing and grazing, relative to the regulation of the packing industry.

Whereas there is pending before the Congress of the United States Senate bill 3944, introduced by Gronna, and Senate bills by KENDRICK and KENYON, and House bill by ANDERSON, the purposes of which are to provide transportation, storage, and marketing facilities for, and to regulate commerce among the States in, live stock, meats, and other products derived from live stock or the slaughtering of live stock, which we consider to be detrimental to our industry; and

Whereas, regardless of our objections to said bills on the foregoing grounds, we believe that the remedy for the abuses of power and inefficient service to the public by large concerns throughout the country lies in strict and broad-minded supervision and not in the curtailment of production that might result from the delegating of a commission with arbitrary powers: Now, therefore, be it

Resolved by the senate of the seventeenth legislative assembly (the house of representatives concurring), That we do hereby protest against the passage of said bills or like legislation tending to create any further agitation; be it further

Resolved, That a copy of this memorial be forwarded by the secretary of the senate to our Senators and Representatives in Congress, and they are urged to use their best efforts to prevent the passage of said bills.

NELSON STORY, Jr.,
President of the Senate.
C. J. MCALLISTER,
Secretary of the Senate.

THE MERCHANT MARINE.

Mr. EDGE. Mr. President, on the 2d instant the Senate received a communication from the United States Shipping Board submitting a very valuable report which required several months to compile, and which was made at the request of the Senate through a resolution unanimously adopted during the last Congress. It had been my understanding that the report had been ordered printed, but I have just learned otherwise. I think it is a very valuable document.

It has been discussed more or less in the public press, and in my own mail I have many inquiries for copies of the report. Its publication might tend to throw light on many matters which are frequently under discussion relating to Shipping Board activities. On making inquiry, I find that the report was not ordered printed. I should like to ask unanimous consent that the report be printed as a public document.

Mr. SMOOT. Did the Senator say the report was made in response to a Senate resolution?

Mr. EDGE. Yes; a Senate resolution adopted by the last Congress. It required some six or seven months for the Shipping Board to compile the statistics and information asked for by the resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Jersey?

Mr. FLETCHER. The Senator now asks to have the report printed as a public document?

Mr. EDGE. I ask that it be printed as a public document.

Mr. FLETCHER. What is the nature of the report?

Mr. EDGE. Generally it gives the details of receipts and expenditures, forms of contracts, number of ships in operation, where they are in operation, information as to claims that have been settled and adjusted, as well as those which are still in process of adjustment; in other words, it answers in great detail many of the criticisms which we have heard from time to time in the Senate and elsewhere. It seems to have been a great mistake that the report was simply filed, and that we do not have it for reference, as it should be had when matters relating to the Shipping Board are under discussion before the Senate.

Mr. FLETCHER. I know that the law requires the Shipping Board to make reports to Congress, and I was wondering if their report to Congress did not include this material.

Mr. EDGE. No; this was the report called for by special resolution passed unanimously by the Senate.

Mr. SMOOT. It gives no account of the banquets which they have held in New York?

Mr. EDGE. I think the report of a congressional investigating committee might go more into detail with reference to matters of that kind.

Mr. SMOOT. I think some committee ought to go into it.

Mr. KENYON. May I ask the Senator from New Jersey if the report shows the number of employees who have been to New York, Chicago, and other places at various times attending banquets and whose expenses have been paid by the Government?

Mr. EDGE. I am sure I can not answer the query of the Senator from Iowa. I am very positive, however, that the report is a very valuable document and should be printed for such purposes as we usually print public reports covering important activities. Here is a department of the Government spending, as has been frequently stated, more money than any other department of the Government. There has been much criticism, some undoubtedly justified and some perhaps not justified. The information called for by the report was compiled in answer to direct questions. So far as I have had time to go over the report I think they have given us very valuable information. I ask unanimous consent that the report may be printed as a public document.

The PRESIDENT pro tempore. The Chair hears no objection, and it is ordered as requested.

DEATH OF COL. FREDERICK W. GALBRAITH.

Mr. FRELINGHUYSEN. Mr. President, the morning newspapers convey the sad news of the accidental death of Col. Frederick W. Galbraith, head of the American Legion. It might not be inappropriate at the present time for some one to say a few words of appreciation of the services of this distinguished soldier.

Col. Frederick W. Galbraith, jr., entered the service as lieutenant colonel of the One hundred and forty-fifth United States Infantry, an Ohio regiment, and commanded his regiment on the other side through all of its activities in the Argonne and Belgium. He was twice wounded in action and was decorated by the United States Government with the distinguished service cross and by the French Government with the croix de guerre. In civil life he was identified with the paper-manufacturing business in Ohio.

As the oldest member of a large family, he started as a sailor on a sailing vessel and worked up to the position of first mate before he became 20 years of age, yet he was only 47 years old at the time of his untimely death. He was chosen last year as the national commander of the American Legion and has since devoted himself earnestly to assisting those who suffered by reason of their services in the war.

In my association with him in matters of legislation pending before the Committee on Military Affairs I have found him at all times a great patriot, a good American, entirely unselfish in the great work he has done for the benefit of our soldiers who served in the great World War.

Mr. WILLIS. Mr. President, it would be difficult, if not impossible, to add to the very fitting tribute to Col. Galbraith that has been spoken by the Senator from New Jersey. As a representative in part of the State of Ohio, I feel it appropriate, however, that I should add just a word and say that in the untimely taking off of this great soldier the people of Ohio feel that they have lost a great citizen. Not only was he a great soldier, but he stood for the things that were the highest and finest in the civic life of his State and his Nation. I have therefore risen to add my word of personal tribute to Col. Galbraith. He was the soldiers' friend; he toiled unceasingly in the cause of the World War veterans.

RELIEF OF DISABLED EX-SERVICE MEN.

Mr. WALSH of Massachusetts. Mr. President, I do not know of any better way to show our respect for the patriotic services rendered by Col. Galbraith than to advance the splendid work for which he stood as the administrative head of the American Legion by taking action on the resolution that has been pending here for several weeks and which seeks to investigate into all agencies and bureaus dealing with the welfare of the veterans of the World War. I therefore ask unanimous consent to call up Senate resolution 59.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of Senate resolution 59, which the Secretary will read for the information of the Senate.

The Assistant Secretary read the resolution (S. Res. 59) submitted by Mr. WALSH of Massachusetts April 28, 1921, and reported by Mr. CALDER from the Committee to Audit and Control the Contingent Expenses of the Senate May 27, 1921, as follows:

Resolved, That a select committee of five Senators, three from the majority party and two from the minority party, be appointed by the President of the Senate to investigate all bureaus and agencies of the Government dealing with the care, treatment, insuring, compensating, rehabilitating, and hospitalizing of the veterans of the World War.

That said committee shall investigate specifically the manner, methods, and scope of the activities of the Bureau of War Risk Insurance, the United States Public Health Service, and the Federal Board for Vocational Education.

That said committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to visit such places and institutions as it may deem necessary, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be held in connection with such investigation, at a cost not exceeding $1.25 per printed page.

That said committee may sit during the sessions and recesses of the Senate, and it shall report its findings and make recommendations for such amendments and changes in existing laws as it may deem necessary for the welfare of ex-service men and their dependents to the Senate at the earliest possible date.

All expenses in connection herewith to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WILLIS. Mr. President, reserving the right to object, I should like to have the Senator from Massachusetts make some statement or give some reason as to how or why he thinks the adoption of the resolution would promote the interests of those in whom we are all interested. I reserve the right to object until I hear the Senator's statement.

Mr. WALSH of Massachusetts. Mr. President, I presume it is generally known to the Members of the Senate that there is a good deal of unrest and complaining upon the part of the veterans of the late war because of the treatment or lack of consideration which their incapacitated comrades have received from the Government. I am surprised that it should be neces-

sary to have explained that there is a general demand on the part of our ex-service men for some action on the part of Congress that will seek to put at rest the discontent and dissatisfaction rampant among the war veterans of this country. My mail—and I think the statement applies to the mail of a good many other Senators with whom I have conversed—contains altogether too many complaints of delays and postponements in obtaining decisions relating to the fixing and paying of reasonable and just compensation to our incapacitated veterans.

The situation in regard to hospitalization was explained at length, so far as I have been able to find out what the conditions are, in a speech made by me on the floor of the Senate on April 27 last. Members of the House of Representatives have discussed this question; posts of the American Legion and other war-veteran organizations have criticized conditions and demanded relief; women's organizations have also pleaded for reform; and I supposed if there was any one fact that is generally conceded to have a sound basis it is that the veterans of the late war are justified in making very serious complaint in regard to the manner in which they have been treated in the matter of insurance, of compensation, and of hospitalization.

This resolution seeks for the first time upon the part of the Senate and, so far as I know, of the House of Representatives to undertake an investigation and inquiry into these complaints. To be sure, the Executive, the President of the United States, has caused to be made an investigation into the hospitalization of our war veterans, and, so far as I know, the results of that investigation have been very helpful and very beneficial; but the representatives of the people, the Congress of the United States, have sat silently by all these months and have apparently shown no interest or no purpose to study the whole ex-soldier problem and to find out what is the reason of the prevailing discontent, what is the reason why our soldiers and their friends and relatives are complaining about the indifferent if not neglectful treatment they have received from their Government.

It seems to me that no better service could be rendered to our country and to these men than for the Congress of the United States to say, "Here is a committee selected and chosen to hear you; to find out what your complaints are; to ascertain the reason why the activities of these governmental bureaus have been unsatisfactory." We should send a committee to the hospitals to talk with the invalids of the late war and take every practicable step necessary to prove conclusively that our Government, or at least its representatives in Congress, are desirous of straightening out the injustices and removing the neglect of which they, with apparent good reason, complain. That is the purpose of the resolution; that is the whole problem, to seek by public inquiry and by remedial legislation to restore confidence and trust in the breasts of the veterans of the late war. I can conceive of nothing that will do more to restore a high morale among our ex-service men.

Anyone who has talked with them knows that they are, as a class, very much dissatisfied with the treatment that has been accorded them. Only a short time ago a veteran at one of the hospitals, where 40 men were housed, told me that they had had a secret ballot to see what action they would take if our country were involved in another war, and the 40 men unanimously voted that they would refuse to enlist in another war.

Of course, that judgment is to be discounted by reason of the fact that those men are invalids, and are more or less pessimistic and dissatisfied; but, Senators, the state of mind of these men is not what it should be. It is a serious matter to let this feeling go on without an earnest effort to check it. The veterans of the World War are to be the future leaders of America and of American public opinion. We want them satisfied and contented; we want them to feel that their Government is doing everything possible to show full appreciation for their splendid services and sacrifices. We want them above everything else to realize that they have not been abandoned nor neglected. They feel and believe—and my investigation leads me to the same conclusion—that they have just complaints. Can there be any question but that a poor fellow suffering with tuberculosis, who is unable to get a decision month after month as to his compensation, his right to receive permanent hospital treatment or to have his insurance restored, has a grievance, and a just grievance, of which Congress ought to take cognizance and into which I think we ought to speedily inquire?

I can not conceive of any better service than to have Senators go to these veterans of the horrors of war service and assure them of our deep and lasting interest in everything that pertains to their care and treatment. Let us say to them, "We are your friends; we are the representatives of the American Government; we representatives of the Senate of the United States want to know what your troubles and difficulties are; and if these bureaus are not treating you right we purpose to see that an immediate change of policy is adopted; we are determined to help you back to health and happiness; we intend that your dependents shall not suffer because of your war disability; we are your friends; America appreciates your service; Congress should reflect by deeds the wishes of the American people." Mr. President, I urge the Senate to enter into the proposed inquiry in a spirit of enthusiasm and earnestness, determined to bring these brave and patriotic ex-service men back to a contented state of mind. We must not delay another day. Their discontent and dissatisfaction must be banished. Sunshine and cheer must take the place of gloom and pessimism.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Utah.

Mr. SMOOT. I think the Senator from Massachusetts ought to state that the fault of which he complains is not with Congress. There are now some 262,000 of these disabled men, and yet I know of no case where a request has been made for money for the soldiers that has not been granted by Congress.

Mr. WALSH of Massachusetts. To whom are these bureaus responsible but to Congress?

Mr. SMOOT. I am not now objecting in any way to what the Senator from Massachusetts has said, but I desire to state that the Congress of the United States is appropriating each month $172 for every one of the 262,000 disabled soldiers. I believe that the Senator from Massachusetts will admit that such an appropriation, if handled properly, is sufficient to take care of every one of our disabled soldiers.

Mr. WALSH of Massachusetts. Yes; and my resolution seeks to try to have it handled properly by trying to find out what the various bureaus and agencies have been doing and why they have failed to hold the confidence, trust, support, and approval of the soldiers and of their friends. That is the very purpose of the resolution—to find out why, with the vast sums of money which we have been appropriating, there still exists this discontent and dissatisfaction; why the delay continues; why these men feel they are treated with suspicion rather than sympathy.

Only a few days ago I had a college man suffering with an acute case of tuberculosis—admitted active—come to me with a letter ordering his discharge from a Government hospital because the Bureau of War Risk Insurance had decided that the young man had not filed sufficient evidence connecting his tubercular condition with his war service. Think of throwing our fine, brave heroes, suffering with disease, out in the highways because they can not furnish affidavits that they had a cough, or spit blood, or got wet feet while in the Army. Where, Senators, did these physically fit boys get their tuberculosis if they did not contract it during the strenuous, unusual, and abnormal life of the war camp? Twenty-five thousand of them! What is the matter with our manhood if the explanation is not clearly and unmistakably that the taking of our youth from their comfortable homes, contented employment, and avocations and suddenly putting them into the open life of the camp and the trench and through the strenuous and fatiguing drills and Army maneuvers, which will in many cases apparently improve them physically while really undermining their constitutions? Is it not well known that worry and mental anxiety is frequently the cause of disease? Who will deny but what many an American boy spends days away from home with hearts breaking with grief and longing for those at home?

I had two unfortunate fellows from Walter Reed Hospital call at my office this very morning and tell me that they were suffering with tuberculosis; that they had been insured and carried their policies for over three years; but while they were waiting for their compensation they did not have any money, and, therefore, could not pay their premiums and their policies lapsed. They tried to have their policies renewed, but they could not have them renewed, because they are now physically unsound and have, therefore, lost their status. Do you think it will help improve the state of mind of a tubercular soldier who is facing death to know that he has been refused the right to take up his lapsed policy, in order that his dependents may have a little insurance money at his death?

I tell you that these cases, and there are hundreds of them, are breeding discontent and creating a very serious situation. Every American Legion post in the country is overwhelmed with the complaints from our disabled soldiers.

If all our Senators could hear these ex-soldiers discuss their troubles, they would begin to appreciate that it is time for action; that it is time for some assurance to be given that the Congress is interested in them.

We are passing resolutions here to investigate strikes; we are passing resolutions to study the highway, the postal, and the farm problem; we are passing resolutions to look into troubles of

various kinds amongst civilians in different parts of the country. Why not the problem of our dying and diseased soldiers? Is there any service that we can render more helpful in the direction of restoring confidence and trust in the United States of America than to show that we are interested in our veterans?

Let me say here that before any other problem of reconstruction I consider that the first problem we should have solved and settled was that which concerned the restoration to health, to strength, and to competency the men who fought the war and brought victory to their country. I place this work of Congress before reconstruction of industrial conditions or taxation or tariff schedules.

The restoration to health of the sick and disabled veterans of the war, the payment of our debt of gratitude to them, are the first obligations of a grateful Government and of a generous people; and the American people are grateful. The fault is with the officials of our Government, if anywhere. It certainly is not with the American people, for they want these men dealt with generously; they want them given the best hospitals and the best of care, regardless of cost; they want them given every assurance of our appreciation and gratitude; and I repeat I think that we can render no better service now than to find out what their grievances are, to ascertain what can be done in the way of amending the laws passed during the war, which were enacted before we knew what the terrible havoc to the health of our soldiers was to be, and to present to the Congress a report which will show that Congress purposes and intends to do everything possible and reasonable for the welfare of the World War veterans. I want this whole question thoroughly surveyed by Congress and settled once for all.

Mr. SMOOT. Mr. President, I did not interrupt the Senator with any idea of criticizing what he has said in any way.

Mr. WALSH of Massachusetts. I understand that.

Mr. SMOOT. I simply felt that if the Senator's statement was going to the country I would not want the inference from what the Senator says to get into the minds of the people that Congress had not appropriated the money.

Mr. WALSH of Massachusetts. I think Congress has been very generous in its appropriations. I think a great deal of the trouble has been due to the lack of proper administration and also to the failure to have a proper afterwar resurvey of the laws which were enacted for the benefit of the soldiers during the war. Now that the war is over, action should be taken to amend existing law or pass new laws which will remedy the evils of which complaint is made. For instance, who would have thought that we would have had the terrible situation of about 10,000 men mentally incapacitated as the result of the war, and of 25,000 tuberculosis patients within two years? Was any law drafted anticipating such a situation, providing how we should care for them, and what should be granted to them in the way of compensation?

Mr. OVERMAN. Such an inquiry as the Senator from Massachusetts proposes might have the effect of cutting a little of the red tape with which so many of these matters are entangled. Soldier patients can not get their cases acted on for weeks and weeks, and in the meantime many of them are dying because they can get no help, when they ought to be able to secure action on their applications at once. I learned yesterday of a case where a man who was ordered to a hospital died before he could get there. If the order had been issued weeks before, his life might have been saved.

Mr. WALSH of Massachusetts. It is a scandal, as the Senator from North Carolina suggests, and the worst feature of it is that in cases of tuberculosis for a patient to have worries and cares on his mind will retard his recovery more than anything else. If Senators had visited hospitals, as I have, and seen these poor fellows as soon as I appeared run to their trunks and bring out their war-risk insurance letters, as if they were the most precious thing in life, setting forth what their Government was going to do or not do for them in the way of compensation, they would appreciate how real this situation is to them. The treatment of our soldiers is, gentlemen of the Senate, a pathetic story—and one that no public man can be proud of. I repeat that for those suffering from the dread disease tuberculosis, worry and discontent accentuates their condition more than anything else. Delay in securing action on their applications for compensation is a prolific cause of worry and discontent, and, as has been indicated, the whole story is one of unnecessary delays and nonsensical red tape.

Mr. NORRIS. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Nebraska.

Mr. NORRIS. I thought the Senator had concluded. I wanted to be recognized in my own right.

Mr. WALSH of Massachusetts. I yield the floor.

Mr. NORRIS. Mr. President, I listened some time ago to the very able and eloquent address delivered by the junior Senator from Massachusetts, who had made a personal investigation of some of the so-called hospitals where our wounded and disabled soldiers are receiving treatment. I confess that I was horrified at the disclosures made by him. It seemed to me that his testimony, given after personal observation and investigation, disclosed a state of facts for which the American people can not stand.

We have before us very important legislation; the Government is greatly in debt; we have all manner of difficult problems to settle, Mr. President, but there is one thing it seems to me must take precedence over everything else, no matter what it may be, and that is that the American Government shall do justice to its soldiers who served in the late war, particularly to its wounded soldiers. I thought before I listened to the Senator from Massachusetts that we had appropriated large sums of money, as the Senator from Utah [Mr. SMOOT] has stated; that we had provided all that had been asked for, and I was dumfounded to learn that notwithstanding that fact such conditions actually existed as were narrated by the Senator from Massachusetts. The fact that we have appropriated all the money that has been asked for, Mr. President, taken in connection with the statement made by the Senator from Massachusetts based on his personal observation and investigation, makes it all the more necessary, it seems to me, that the Senate should ascertain what is wrong. It seems to me that the resolution of the Senator from Massachusetts will accomplish that result.

Evidently the soldiers are not receiving fair treatment. Everybody wants them to get the very best treatment that is possible. They are not getting it. We have been led to believe that we have appropriated money enough to give it to them. If there is something wrong in the handling of the money, and if they have not received this treatment, we ought to know it so as to rectify it. If it takes more money, we ought to know it and to appropriate more; but under no conditions ought we to delay. This committee ought to be at work. The country, and especially the legislative Members, who are responsible for legislation, ought to know, and ought to know without delay, what the difficulty is, and just how to remedy it.

Mr. REED. Mr. President, I simply want to say a word in support of this resolution. I do not want to charge anybody with dereliction of duty or in any manner to overstate the conditions which exist, but statements have been made to me of such a character as to indicate a gross failure to properly organize the work of caring for the soldiers.

I am going to give the Senate a very simple illustration.

I went home the other day and found my wife making a pair of pajamas. I asked her why. She said that word had come to the wives and families of Senators that they did not have a proper change of undergarments at Walter Reed Hospital, and that the women had again taken up the work in which they had been engaged during the war, and that what she was doing others were doing. I do not state that to bring either my wife or these other ladies into prominence, but if it be the case that in the Capital of the Nation men are so destitute of proper bedclothing that the ladies have to take it up it is significant of what must exist in other branches of the hospitals in Washington and in other hospitals more remote from the Capital.

Mr. OVERMAN. Mr. President, will the Senator yield to me a minute?

Mr. REED. Certainly.

Mr. OVERMAN. I have just returned from home myself, and I found some good women there organized, from the information they had, to get cast-off clothing and money to take care of the destitute soldiers in hospitals. They did not have clothes and they had no money to spend and they were absolutely destitute.

Mr. REED. Mr. President, I do not want to criticize, but I say that if the fact to which I have called attention and the fact just brought to our attention by the remarks of the Senator from North Carolina are true—and they must be—if the gentlemen in charge of the hospital service of the United States can not run it any better than that, in God's name let us again call on the women and organize them, and they will take care of these soldiers.

I was not much of a woman-suffrage man, but there is one thing that I know a woman can do better than any man on earth can do it, and that is to take care of people in distress; and while we ought not to impose this burden upon the women, if the gentlemen running this business can not take care of it and do it right, let us call on the women, and they will do it right.

The last time I was in my home city one of the ladies there wanted me to go and visit a hospital. She was doing work in

it. My situation was such that I could not go that day, and the next day I was called out of town, and I have regretted ever since the fact that I did not go. I am going to be home in a few days, and I shall visit that hospital; but the report I got later through her husband as to her particular complaint was of such a character as to astonish me.

You must put some humanity into these hospitals. These soldiers are entitled to a different kind of treatment than would be meted out at some eleemosynary institution. They are entitled to the best medical care the world's science can give them. They are entitled to it promptly. There is no sense in any red tape about it. Every soldier ought to be furnished with papers, if he does not possess them, that identify him and show his standing and his position; and an examination by a physician ought to be possible within a few minutes' time after an application is made.

I do not intend to take time to go into any details, or to hold the Senate here. I know that there is not a Senator in this body who does not feel exactly as I feel. I think the resolution offered by the Senator from Massachusetts [Mr. WALSH] is a good way to get this matter started, and I hope it will be adopted this morning.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none.

The Senate proceeded to consider Senate resolution 59, submitted by Mr. WALSH of Massachusetts on April 28, 1921, which was read, as follows:

Resolved, That a select committee of five Senators, three from the majority party and two from the minority party, be appointed by the President of the Senate to investigate all bureaus and agencies of the Government dealing with the care, treatment, insuring, compensating, rehabilitating, and hospitalizing of the veterans of the World War.

That said committee shall investigate specifically the manner, methods, and scope of the activities of the Bureau of War Risk Insurance, the United States Public Health Service, and the Federal Board for Vocational Education.

That said committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to visit such places and institutions as it may deem necessary, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be held in connection with such investigation at a cost not exceeding $1.25 per printed page.

That said committee may sit during the sessions and recesses of the Senate, and it shall report its findings and make recommendations for such amendments and changes in existing laws as it may deem necessary for the welfare of ex-service men and their dependents to the Senate at the earliest possible date.

All expenses in connection herewith to be paid out of the contingent fund of the Senate.

Mr. TRAMMELL. Mr. President, I have always tried to pursue a policy of not being unreasonable in my expectations of those charged with grave and stupendous responsibilities. Following the war, it was my inclination as far as possible to throw the mantle of charity over the shortcomings and the neglect of those upon whom devolved the duty of caring for our sick and wounded, and those upon whom fell the responsibility of adjusting their compensation claims. Feeling this way, I have refrained heretofore from any public expression, at least, of displeasure and dissatisfaction at the manner in which our sick and wounded have been cared for; but I feel that this resolution at the present time meets a need and a necessity, and that it has become high time that Congress was acting for the purpose of trying to correct the neglect which has been going on.

I have received from time to time communications from soldiers from my State indicating to me and impressing me with the fact that the disposition on the part of those in authority, instead of being that of sympathy, that of a policy of trying to assist in relieving the distressed, to the contrary was a policy of indifference. One of the most recent cases that I have in mind is that of a soldier who has been in the hospital for four or five months trying to get his compensation claim adjusted, having once been upon a grade of probably 100 per cent disability, and then graded down to 10 per cent, although he is still in the hospital, and has been for months; and I have been giving my personal attention to that matter for at least six of eight weeks. My efforts have proven absolutely futile; and instead of getting a reply within a few days, it is two or three weeks or a month, probably, before you can get any information upon a claim and upon affidavits that are presented.

In this particular case it seems to me that the disposition of those having it in charge is unsympathetic; that instead of resolving any doubt in favor of the man who served his country, and served it faithfully, and in this particular instance was at the front for some 18 months, every presumption is resolved against the poor fellow who is upon a stricken bed in a hospital to-day, and has been trying for the last four months to get his compensation adjusted.

There is no reason in the world why the business in regard to handling these compensation claims and in regard to assigning the soldiers to the hospitals should not be expedited and handled promptly and with proper sympathy for these unfortunate men who so faithfully served their country.

I hope the resolution will pass, and that some relief will be afforded.

Mr. REED. Mr. President, I should like to make an inquiry from the Senator from Florida, or from any other Senator, as to whether it is not a fact that in the War Risk Insurance Bureau, where they are already behind with their work, they are now discharging a vast number of employees?

Mr. TRAMMELL. I understand that that is the policy that is being pursued.

Mr. WILLIS. Mr. President, I reserved the right to object to the consideration of this resolution in order to elicit some information as to the nature of the resolution, not having had an opportunity to examine it. I shall not object at all to its consideration and I shall support the resolution.

While I am on my feet I want to say that I think there is no difference of opinion amongst the Members of the Senate as to the desirability of making every proper effort to promote the interests of the service men. I know there is no one on this side but that desires that every action shall be taken that can possibly be taken; but I want to say that my humble experience in a legislative body other than this has not led me to have great confidence in the efficacy of investigations. So far as I am concerned, what I want these departments to do is to function—I think they are functioning pretty well in some directions now, as I shall have occasion to say in a moment—rather than to put in their time answering questions in an inquiry. It has not been my experience that the public business has been particularly promoted by investigations. It may be that in this case it will be. At all events, I shall support the resolution in the hope that it will be productive of good.

The experience I have had with certain of these bureaus and departments that have to do with the soldiers' claims has not been of the character that other Senators seem to have had. For example, in the Bureau of War Risk Insurance there is, in my judgment, very much greater efficiency and activity than formerly. I am having less difficulty in getting a prompt adjustment of claims. I think that ought to be said. I think it ought to be said that in this administration the President and all the executive departments, as every Senator knows, are making active and earnest and honest and energetic efforts to get results along the lines that are desired for the relief of the ex-service men.

Personally, I doubt whether the adoption of this resolution and the investigation which it contemplates will forward that action. However, in the hope that it may do so, I shall support the resolution. But it must be understood that there is not any difference of opinion as to whether the interests of the ex-service men should be advanced. There may be differences of opinion as to the methods that should be adopted to advance those interests.

Mr. TRAMMELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Florida?

Mr. WILLIS. I yield to the Senator from Florida.

Mr. TRAMMELL. I would like to ask the Senator if a great many of the cases which are brought to his attention are not finally brought to his attention because the ex-service men themselves can not get any prompt service or reply from the bureau?

Mr. WILLIS. That possibly is true in some cases; in some cases it is not true. And since the Senator inquires about it and forces me to say it, I say to him that in the little experience I had before the 4th of March, as compared with the experience I have had with those cases since the bureau has been under a different administration, there has been a tremendous improvement, and cases are handled very much more rapidly and efficiently than they were theretofore.

Mr. TRAMMELL. Mr. President, I very much hope that there is improvement; there was great room for improvement, and there is still a great deal of room for improvement. As far as some cases I have been handling for ex-soldiers in my State are concerned, I have not observed any very glaring indications of improvement; but I hope there has been some improvement.

Most of these cases come to the attention of Senators is my experience, because the ex-service man has been unable to get proper attention from the bureau. I think it is a great travesty upon justice, and it is an outrage against the ex-service man, that he has to appeal to a Senator or Representative to get a hearing or to get a reply from a bureau in regard to a matter in which he is vitally interested.

Of course, I know that these bureaus have adopted a policy of giving a good deal more attention to a Senator or Representative; but I take the position, Mr. President, that the ex-service man himself, his relatives, or friends who are interested in him, should have prompt response and prompt attention to matters pending before these bureaus without the necessity of the intervention of a Senator or a Representative.

Somehow or other it seems that more or less of these departments have this idea of a little more folding of hands and a little more doing of nothing and running a month or two behind in everything. I can never understand why Government business should not be expedited and carried along promptly, the same as private business. Who ever heard of a big private corporation adopting a policy of running a month or two behind all the time? That is the trouble, more or less, with the Bureau of War Risk and other Government offices.

Take, for instance, the Pension Bureau. I had a letter this morning in regard to a pension claim which has been pending for about a year. The parties insist that all the proof is there, and when I made inquiry about it I found that it was more customary to pigeonhole a pension application and act upon it later on, when somebody calls it up, than to put it in business channels and go ahead and handle it promptly, as it should be handled.

I think it is high time that Congress should get behind this matter and that Congress should see that the ex-soldiers get what they are entitled to receive and what they merit from the Government.

Mr. WALSH of Massachusetts. Mr. President, I do not want to prolong the discussion, because there does not seem to be any serious opposition to the resolution. This is not a question for party division. Both sides of the Chamber are sympathetic with this movement for a full inquiry. My distinguished colleague [Mr. LODGE], the leader of the majority, as well as the very able leader of the minority [Mr. UNDERWOOD], have both assured me of their sympathy and support of this resolution. I wish, however, before the debate closes, to call the Senate's attention to a very interesting chart or diagram which was printed in the RECORD on May 27, at page 1825. That diagram is being distributed pretty generally throughout the country. It shows that there are about 25,000 veterans in hospitals; that 15,000 of that number are in United States Government hospitals; and that 10,000 are in so-called contract hospitals; and that there are 20,000 more in need of hospital treatment.

The chart further shows that Congress appropriated at the last session $18,000,000 for new hospitals, which will take care of 7,000 of the 20,000 incapacitated veterans now without hospital treatment. The chart further shows that there still will be left uncared for 13,000 incapacitated veterans, and that even after the money we have appropriated has been spent there still will be need to provide accommodations for 13,000 additional incapacitated veterans. The chart also shows that the number of tuberculosis patients is increasing at the rate of 1,500 per month.

I can not vouch for the accuracy of this diagram, but it is being generally distributed, and seems to have been prepared with great care. But the fact alone that the hospitalizing of these men is so inadequately taken care of ought to be a sufficient reason for the inquiry I have proposed. In any event, the whole question should be studied and solved for all time.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

LUMBER INDUSTRY ON PACIFIC COAST.

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Trade Commission transmitting a report analyzing the activities of the trade associations composed of Douglas fir loggers and lumber manufacturers of the Pacific coast, which was referred to the Committee on Interstate Commerce.

ORDER OF BUSINESS.

Mr. LODGE. Mr. President, in order to dispose of certain nominations pending, I move that the Senate proceed to the consideration of executive business.

Mr. HARRISON. Will the Senator withhold the motion?

Mr. LODGE. It will take but a moment.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. LODGE. I have no objection to the Senator offering his resolutions, or whatever he has to present. The morning business has not been concluded. The Senator can put in all his business in five minutes, if he will let the Senate go into executive session and dispose of some nominations.

Mr. HARRISON. It may take longer than the affable Senator from Massachusetts thinks to dispose of the nominations.

Mr. LODGE. Very well, Mr. President; I yield to the Senator to offer his resolutions, or whatever they are.

ADMIRAL SIMS'S STATEMENT ON THE IRISH QUESTION.

Mr. HARRISON. I offer a resolution, Mr. President, and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent, out of order, to submit a resolution. Is there objection?

Mr. LODGE. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 89), as follows:

Whereas Admiral William S. Sims is quoted in newspaper reports as having used the following language in an address before the English Speaking Union in London Tuesday night, June 7, 1921: "There are many in our country who technically are Americans, naturalized and born there, but none of them American at all. They are American when they want money but Sinn Feiners on the platform. They are making war on America to-day. The simple truth of it is that they have the blood of English and American boys on their hands. They are like zebras, either black horses with white stripes or white horses with black stripes. But we know they are not horses; they are asses. But each of these asses has a vote, and there are lots of them": Therefore be it

Resolved, That the Naval Affairs Committee of the Senate is directed to make a thorough investigation of the purported remarks of Admiral Sims and report to the Senate with recommendations.

The PRESIDENT pro tempore. Is there objection to receiving the resolution at this time, on the request of the Senator from Mississippi? The Chair hears none, and the resolution is received.

Mr. HARRISON. I ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Mississippi asks for immediate consideration of the resolution. Is there objection?

Mr. WADSWORTH. Mr. President, may I ask the Senator from Mississippi if it is not a fact that the Secretary of the Navy has taken steps in this matter?

Mr. HARRISON. That is what the papers say; but it seems to me that the charges touching the Senate membership are so grave, and the indictment against certain of our citizens so heinous, and the remarks so indiscreet, that the Senate can not ignore them, notwithstanding that the Secretary of the Navy may have requested information touching the truthfulness of the alleged statement. I might say, Mr. President, in answer to that question, too, that the distinguished Senator from Illinois [Mr. MCCORMICK], one of the leaders on that side of the aisle, is quoted in this morning's Washington Post as follows:

Senator MEDILL MCCORMICK, who sustained the admiral in his controversy with Secretary of the Navy Daniels, was one of the first to take up the admiral's latest speech and immediately visited the White House and the Navy Department, demanding that cognizance be taken of what he terms "grossly improper" remarks.

So I imagine that there can not be any opposition to the proposed resolution for an immediate investigation. It is so outrageous, that the resolution should pass and the Naval Affairs Committee should take it up immediately and make a thorough investigation.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution? The Chair hears none, and the resolution is agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

THE FEDERAL RESERVE SYSTEM.

The PRESIDENT pro tempore. Petitions and memorials are in order.

Mr. SMITH. Mr. President, I wish to take this occasion to call attention to a rather remarkable but very encouraging document that seems not to have received the notice that it is entitled to in view of the distressed condition in which the business of the country finds itself. I wish to read some paragraphs from the document, hoping that Senators, who, like myself, are receiving distress signals from their people, may be enabled from official sources to notify them that the condition is not without hope. The matter contained in the article is rather startling in view of the condition in which business, and particularly the agricultural and stock-raising industry, finds itself.

I am going to read from a statement——

Mr. KENYON. Mr. President, a parliamentary inquiry. I should like to know under what order of morning business we are working?

The PRESIDENT pro tempore. The presentation of petitions and memorials is now in order, and the Senator from South Carolina is presenting a petition or a memorial.

Mr. SMITH. It partakes of the nature of both to some extent. The document is startling in view of the condition known to exist, and I am going to read the article in order that it may appear in the RECORD in full.

The article was released to the press on Monday, June 6, and reads as follows:

Gov. Harding, of the Federal Reserve Board, left Sunday night for a two weeks' trip through the cattle-producing sections of the country. Stopping en route at Des Moines, Iowa, he will visit Cheyenne, Wyo.; Denver, Colo.; Albuquerque, N. Mex.; El Paso, San Angelo, San Antonio, and Dallas, Tex., returning thence direct to Washington.

Before leaving Gov. Harding gave out the following authorized statement from the Federal Reserve Board:

Therefore it is an official statement from the entire board.

It is the opinion of the Federal Reserve Board that the country is approaching a new crop season with underlying conditions far sounder than they were a year ago. While there are still large amounts of staple products being carried over, financed partly in bank credit, the reserves of the 12 Federal reserve banks combined are nearly 40 per cent higher than they were at this time last year, standing at about 57.5 per cent as against 42 per cent. There is no ground for apprehension regarding the ability of the banks to meet the requirements of both agriculture and industry.

The Federal reserve system now holds the largest amount of gold in its history, more than $2,400,000,000, and the inflow from other countries still continues. While the loans and invested assets of the Federal reserve banks have been reduced since the peak on November 5 last by more than $1,000,000,000, most of this liquidation has come about in an orderly and natural way. Liquidation has been most pronounced in financial and industrial centers rather than in agricultural sections, as is evidenced by the fact that while the rediscounts held by the Federal reserve banks are materially less than at this time a year ago, these banks are now carrying more than twice as much agricultural and live-stock paper (maturities from 90 days to 6 months) as they had on hand a year ago.

I would have the Senate bear in mind the particular paragraph which I am about to read. It is as follows:

It should be understood that until there is a broadening of the market for agricultural products many farmers will have to be granted extensions on loans already made them and will in many cases require additional credits pending the making and marketing of the new crops. The Federal Reserve Board is gratified to know that the Federal reserve banks are prepared to extend liberal credits to member banks, and through them to nonmember banks, for these and other productive requirements of their customers, and the board urges all banks to aid in easing along the situation in the agricultural districts until normal and regular processes of production and distribution can be further developed. The board feels that the financial emergency which menaced the country during the year 1920 has definitely passed.

The reason why I call attention to this is the fact that a great many of us have been using our best efforts to see if there could not be given some financial relief to the situation, and here comes a statement from the Federal Reserve Board in the midst of all this trouble, in the midst of all these failures and bankruptcies that are occurring throughout the country, that the Federal reserve system has the greatest gold reserve in its history, and that it is in a position to relieve the situation and begging the member banks and the nonmember banks to avail themselves of the reserve and to relieve the situation.

The article continues:

There is, however, in some sections a situation which affects seriously producers of some highly essential products. In the stock-raising industry particularly additional credit facilities are urgently needed. Live-stock paper running not longer than six months is eligible for rediscount at Federal reserve banks, and loans for the purpose of feeding and fattening cattle are, therefore, more easily obtained than the longer time loans for breeding cattle and young calves. The banks of the country are urged to bear in mind the needs of the live-stock industry and to extend as liberal accommodations to those engaged in the industry as circumstances will permit.

The board does not believe that it would be advisable to amend the law by making one and two year paper eligible for rediscount at the Federal reserve banks, but in view of the emergency which threatens the entire live-stock industry, recommends, with the concurrence of the Secretary of the Treasury, that Congress authorize the Secretary of the Treasury to make available to the War Finance Corporation $50,000,000, and that said corporation be empowered to make advances up to this amount on live-stock paper. These loans could be made through the Federal reserve banks as fiscal agents of the War Finance Corporation rather than as banks of discount. This recommendation is made in order to meet the peculiar emergency existing in the live-stock industry, where the process of production is unusually long and requires longer term credit facilities than can be afforded by means of paper with six months' maturity. The board would suggest, however, that the time for making such loans be limited to three years from the passage of the necessary legislation, with a view of having the funds thus advanced ultimately returned to the Treasury.

This legislation, in the board's opinion, will meet the present emergency and should give ample time for the development of permanent plans for the financing of the live-stock industry. It would also tend to stabilize the credits affecting this industry and serve to demonstrate the value to those desiring short-time investments of cattle paper running longer than six months.

At the proper time I shall take occasion to address the Senate on the condition that existed last year and that exists now and, as far as my investigation goes, I shall undertake to show the responsibility for the condition in the country in view of the startling fact that we have no money panic and have not been in any danger of a money panic; but there has been and is now the most terrific commodity panic that the country has ever seen.

AMENDMENT OF FARM LOAN ACT.

Mr. KENYON. Mr. President, in view of the startling statement of Governor Harding, of the Federal Reserve Board, I think this is an opportune time to move to take up a bill which I believe will not require very much discussion. It was unanimously reported from the Committee on Banking and Currency and it will be helpful to the financial situation, as far as agriculture is concerned.

I move to proceed to the consideration of the bill (S. 1811) to amend the Federal farm loan act as amended.

Mr. FLETCHER. I do not wish to interpose any objection, but I am wondering if we can not get through with morning business first?

Mr. KENYON. Apparently there is no chance of getting through with morning business. We have had speeches on almost every subject this morning.

Mr. FLETCHER. I have a little report from a committee which I am anxious to submit when we reach that order of business.

Mr. KENYON. I should like to get this bill up, and then I shall be glad to yield for routine business.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate proceed to the consideration of Senate bill 1811.

The motion was agreed to.

Mr. LA FOLLETTE. May I ask the Senator from Iowa if he will yield to enable me to introduce a Senate resolution?

Mr. KENYON. I yield for that purpose.

THE SHIPPING BOARD.

Mr. LA FOLLETTE. I submit a resolution, which I ask to have read, and that it then may lie on the table. I shall call it up and submit some remarks upon it at the earliest opportunity.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 90), as follows:

Whereas a controversy exists between the United States Shipping Board and the men employed upon its ships, and between the men and the private owners of American ships, as a result of which hundreds of ships are idle, including those owned by the Government and those privately owned, and many thousands of men are out of employment; and

Whereas the loss to the owners of the ships, including the Government, as a result of the first month of the controversy amounts to many millions of dollars, conservatively estimated at about $30,000,000, and the loss to the men in wages alone amounts to several million dollars monthly; and

Whereas the controversy and the resulting idleness of both ships and men if long continued will disorganize the shipping business of the country and endanger the entire program for the upbuilding and maintenance of a merchant marine, upon which billions of dollars of the people's money have already been expended; and

Whereas the people of this country, who are the real owners of the ships controlled by the United States Shipping Board, have the right to know fully all the facts respecting the controversy which has resulted in the idleness of these ships and the consequent loss and injury not only to the shipping interests but to the entire business interests of the country; and

Whereas the settlements recently made of strikes and controversies between seamen and ship owners and operators in Great Britain and other countries have released the full maritime resources of those countries to compete with the disorganized merchant marine of this country; and

Whereas the continued idleness of our ships and men, which must result in closing foreign markets to our agricultural and other products, except as they may be carried in foreign ships and upon terms dictated by foreign rivals, presents a situation which menaces the interests of all classes of our people; and

Whereas grave charges against the integrity and efficiency of the management by the Shipping Board of the public business and the property committed to its care have been made in the press and in the public debate in the United States Senate: Now, therefore, be it

Resolved, That the Senate Committee on Commerce, or any subcommittee thereof to be appointed by it, is hereby authorized and directed to make a thorough and complete investigation into the controversy above mentioned, and the causes thereof, and into the questions of wages and working conditions involved in said controversy, and into the claims and contentions of the respective parties to said controversy and the merits thereof, and into the conditions existing in the marine service of this country on both publicly and privately owned ships; and that said committee thoroughly investigate the methods and practices of said Shipping Board, and the agreements, understandings, and relations, if any exist, between the shipowners or operators in the United States, including said Shipping Board, and all association of shipowners, among themselves, and with the shipowners or operators or associations thereof in other countries, and any control, or attempt

to control the shipping interests or business of this country, or any portion thereof, or the regulation thereof, by any foreign interests, concerns, or influences whatsoever, and to report its findings and conclusions thereon to the Senate with all convenient speed.

The said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpœna or otherwise, and to require the production of books, papers, and documents, and to employ counsel and other assistance, and stenographers at a cost not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses, sign subpœnas for witnesses, and every person duly summoned as a witness before said committee or any subcommittee thereof, who fails or refuses to obey the process of said committee or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The resolution will lie on the table.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a petition of the pastor and congregation of the Methodist Episcopal Church South, of Chattahoochee, Fla., praying for the calling of an international conference for the purpose of considering the question of disarmament, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the congregation of the First Presbyterian Church of Green Cove Springs, Fla., praying that an international conference be called for the purpose of considering the question of a reduction of armaments, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented resolutions of the First Baptist Church of Springfield; the Church of Middlefield; the First Unitarian Society of Berlin; the Richmond Congregational Church; Norfolk Pomona Grange, of Dedham; the Holliston Congregational Church; the Trinity Congregational Church; the Bethany Congregational Church, of Quincy; the First Baptist Church of North Adams; the Second Congregational Church of Palmer; the First Baptist Church of Adams; the First Congregational Unitarian Society of Sterling; the Methodist Episcopal Church of Hingham; the Emanual Methodist Episcopal Church, of Mansfield; the Methodist Episcopal Church of Hudson; the Central Baptist Church of Middleboro; the Maple Street Congregational Church, of Danvers; the Grace Episcopal Church, of Everett; the Morgan Memorial Church of All Nations, of Boston; the First Presbyterian Church of Waltham; the Pigeon Cove Congregational Church, of Rockport; the South Congregational Society of Boston; the Winslow Congregational Church, of Taunton; the Christ Memorial Church of North Brookfield; the Second Congregational Church of Dorchester; the Central Congregational Church of Boston; St. John's Church, of Arlington; the First Congregational Church of North Adams; the Brayton Methodist Episcopal Church, of Fall River; the Pilgrim Congregational Church of Duxbury; the Epworth Methodist Episcopal Church, of Cambridge; the St. James Methodist Episcopal Church, of Springfield; the Methodist Episcopal Church of Leominster; the Grace Union Church, of North Wilbraham; the Trinitarian Cangregational Church of New Bedford; the First Baptist Church of Framingham Center; the First Congregational Church of Sharon; the First Congregational Church of Whitman; the Park Street Congregational Church, of Boston; the Methodist Episcopal Church of Franklin; the First Parish of West Roxbury; the Old Cambridge Baptist Church, of Cambridge; the Zion Congregational Church, of Haverhill, all in the State of Massachusetts, praying for the calling of an international conference by the President of the United States for the consideration of disarmament, which were referred to the Committee on Foreign Relations.

Mr. KEYES presented a resolution of the Women's Auxiliary to American Legion, Post No. 29, of Claremont, N. H., favoring the enactment of legislation providing adequate relief for disabled ex-service men, which was referred to the Committee on Finance.

Mr. KNOX presented a resolution of the City Council of Connellsville, Pa., favoring the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

He also presented four resolutions of the Felix Building and Loan Association, the Pannonia Beneficial Building and Loan Association, the Ellwood Building Association, and the Lester Building and Loan Association, all of the city of Philadelphia, Pa., favoring the enactment of legislation exempting building and loan associations from income tax where the income derived by a member from savings in shares does not exceed $500, which were referred to the Committee on Finance.

He also presented four resolutions of the Women's Auxiliary, Donald McLeod Post, No. 336, American Legion, of North Wales; Quota Club of Scranton; Kiwanis Club of York; and Harrisburg Post, No. 27, American Legion, of Harrisburg, all in the State of Pennsylvania, favoring the enactment of legislation to provide adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

He also presented 45 petitions of sundry citizens of Pittsburgh, Pa., praying for the enactment of legislation providing for physical education, which were referred to the Committee on Education and Labor.

Mr. WILLIS presented five resolutions of the pastor and congregation of the First Presbyterian Church of Dresden; the pastor and congregation of the Muskingum Presbyterian Church, of Dresden; the pastor and congregation of the Church of the Brethren of Fort McKinley, of Dayton; the pastor and congregation of the Salem Church of the Brethren, of Phillipsburg; and the pastor and congregation of the Church of Christ of Coshocton, all in the State of Ohio, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented two resolutions of sundry citizens of Kansas City, Kans., favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Burdick, Lost Springs, Herington, and Delovan, all in the State of Kansas, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

He also presented five resolutions of the pastor and congregation of the First Congregational Church of Christ of Alma; the pastor and congregation of the Christian Church (Disciples of Christ) of St. Francis; the pastor and sundry members of the Central Congregational Church of Topeka; and resolutions adopted at the monthly meeting of Friends of Haviland, on June 6, and of Bethel Friends at Liberal, on May 27, 1921, all in the State of Kansas, favoring the calling of an international conference for the purpose of furthering disarmament, which were referred to the Committee on Foreign Relations.

Mr. HARRIS presented five resolutions of the Commissioners of Roads and Revenues of Fulton County, Commissioners of Roads and Revenues of Baldwin County, Chamber of Commerce of Dublin and Laurens Counties, Chamber of Commerce and Kiwanis Club of Dawson, and Commissioners of Roads and Revenues of Candler County, all of the State of Georgia, favoring the enactment of legislation to aid the States in the construction of rural post roads, which were referred to the Committee on Post Offices and Post Roads.

He also presented three petitions of the pastor and congregation of the First Christian Church of Atlanta, the Missionary Society of the Methodist Church of Decatur, and W. H. Major, president of the Evangelical Ministers' Association of Atlanta, all in the State of Georgia, praying that an international conference be called for the purpose of considering disarmament, which were referred to the Committee on Foreign Relations.

Mr. BURSUM presented a petition of sundry citizens of Bueyeros, N. Mex., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

Mr. NORBECK presented two concurrent resolutions of the Legislature of South Dakota, which were referred to the Committee on Commerce, as follows:

Hon. C. A. BURKHART,
Secretary of State.

The following concurrent resolution has been adopted by the senate and concurred in by the house of representatives.

A concurrent resolution memorializing the Congress of the United States to cooperate with the Dominion of Canada in the enlarged canalization of St. Lawrence River for the passage of ocean-going vessels into the Great Lakes.

Whereas the Dominion of Canada has provided for the improvement of the Welland Canal connecting Lake Ontario and Lake Erie so that such canal will accommodate ships of 25-foot draft, 800-foot length, and 80-foot width, work on which improvement was suspended during the war and is now again being taken up and will be completed in the near future.

Whereas the St. Lawrence River between Montreal and Lake Ontario can not be used by vessels of over 14-foot draft and 270-foot length; and

Whereas it is deemed to be a matter of great and vital importance to the United States that the St. Lawrence River be so improved that larger vessels may be accommodated and may move between the Great Lakes and the ocean: Now, therefore, be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That we earnestly and urgently petition the Congress of the United States to take such steps as may be deemed best and most expeditious looking to the early improvement of the St. Lawrence River by joint arrangement with the Dominion of Canada.

Resolved further, That a copy of this resolution, duly attested by the signatures of the presiding officers and chief clerk of the two houses, shall be transmitted to the President of the Senate, to the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from this State.

For the senate.

W. H. MCMASTER, *President.*
A. B. BLAKE, *Secretary.*

For the house.

LEWIS BENSON, *Speaker.*
WRIGHT TARBELL, *Chief Clerk.*

Dated at Pierre, S. Dak., this 10th day of February, A. D. 1919.

Filed in the office of secretary of state on the 11th day of February, 1919.

C. A. BURKHART,
Secretary of State.

Certificate.

UNITED STATES OF AMERICA,
STATE OF SOUTH DAKOTA,
Secretary's Office.

I, C. A. Burkhart, secretary of state, do hereby certify that the annexed resolution, to wit, a concurrent resolution relating to national parks and monuments, was duly passed by the seventeenth session of the Legislature of the State of South Dakota.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota at the city of Pierre, May 17, 1921.

[SEAL.]

C. A. BURKHART,
Secretary of State.

House concurrent resolution requesting the Congress of the United States to pass a bill exempting the national parks and monuments from the provisions of the water power act of June 10, 1920, and urging that the Smith irrigation bill (H. R. 12466) be not passed.

Be it resolved by the House of Representatives of the State of South Dakota (the Senate concurring):

Whereas through the fine patriotism of that group of men comprising the Washburn Expedition of 1870 in setting aside their opportunity and right to file upon and profit by the ownership of the lands of the Yellowstone explored by them, it was made possible for the entire American people to have and enjoy, for all time, the marvelous beauty and natural wonders of that territory, and through their untiring efforts a law (section 2474, R. S.) was by Congress enacted in 1872 reserving and withdrawing from settlement, occupancy, or sale, and dedicating and setting apart as a public park or pleasuring ground for the benefit and enjoyment of the people, that territory now included in the Yellowstone National Park; and

Whereas under section 2475 of such law it was, among other things, provided that such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be * * * to provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities or wonders, within the park, and their retention in their natural condition; and

Whereas by the passage of the water power act of June 10, 1920, commission of three members was created, with authority to issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States, or any State thereof, or to any State or municipality, for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient * * * upon any part of the public lands or reservations of the United States, such act specifically defining the term "reservations" and including within its meaning national monuments and national parks; and by such water power act of June 10, 1920, the intent and purpose of the founders of, and the statutes creating, the Yellowstone National Park will be subverted and annulled and the park itself thrown open to commercialization; and

Whereas by the terms of said water power act all national parks are similarly affected and the opportunity for the commercialization thereof thereby created; and it is evident from projects already proposed that the leasing of the water facilities of the national parks will be cumulative and result in their devastation and ultimate destruction; and

Whereas a plea had been made by Stephen T. Mather, director of the National Park Service, against the encroachment on the national parks by corporations seeking to develop water power and irrigation projects, declaring that the Federal water power act permits the invasion of the parks for power purposes, and that such development would destroy many of the scenic beauties within the parks, and urging that immediate action be taken on proposed amendments to the act which will exclude the national parks from the operation of said act; and

Whereas if it was not and is not the intent or purpose of Congress to permit the opening up of the national parks for commercial purposes, there can be no possible objection to the adoption of an amendment to said act, or the passage of a bill, which will exclude all national parks from the operation of said law; and

Whereas the Smith irrigation bill, H. R. 12466, now before Congress, is an added and even more serious menace to the preservation of the national parks: Therefore be it

Resolved, That the Legislature of the State of South Dakota does, therefore, petition the Congress of the United States that such honorable body take prompt action to exempt the national parks and monuments from the provisions of the water power act of June 10, 1920, and that it do not pass the Smith irrigation bill, H. R. 12466; be it further

Resolved, That the secretary of state of the State of South Dakota be instructed to send a copy of this memorial to each of the Representatives from the State of South Dakota in the Congress of the United States.

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
C. O. BERDAHL,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

File No. 65748; Box No. 584: Concurrent resolution (house) relating to national parks and monuments.

Filed in the office of the secretary of state on the 26th day of February, 1921.

C. A. BURKHART,
Secretary of State.
By GEO. F. SAYERS,
Assistant Secretary of State.

Mr. NORBECK also presented 15 resolutions of Bryant Post, No. 37, American Legion, of Bryant; Auxiliary of Robert E. Kelley Post, No. 70, of Flandreau; Groton Post, No. 39, American Legion, of Groton; Leo Stover Post, No. 48, American Legion, of Rosholt; Garrette Harris Post, American Legion, of Mellette; Pedersen Post, No. 144, American Legion, of Belvidere; Women's Auxiliary to American Legion Post of Sisseton; Women's Auxiliary to the American Legion Post of Alpena; Ralph Leui Post, No. 135, American Legion, of Gettysburg; Charles Curry Post, American Legion, of Clear Lake; Hutchinson Post, American Legion, of Gregory; Edwin Hodgeton Post, No. 124, American Legion, of Dupree; Young Men's Booster Association of Sioux Falls; John Fonken Post, No. 113, American Legion, of Willow Lake; and Codington County Post, No. 17, American Legion, of Watertown, all in the State of South Dakota, favoring the enactment of legislation providing adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

He also presented six petitions of sundry citizens of Wolsey, Egan, Sioux Falls, Flandreau, Mellette, Brentford, Millboro, Colome, Firesteel, Isabel, and Jordan, all in the State of South Dakota, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. SHORTRIDGE. Mr. President, I have here a great number of telegrams and a vast number of letters from citizens of California praying that the republic of Ireland be recognized by this Government. I wish to present them and ask that four of them, each of which is brief, be printed in the RECORD, and that the others be noted.

There being no objection, the letters indicated were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

1348 SHATTUCK AVENUE,
Berkeley, Calif., April 16, 1921.

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

"I am charged by Congress to assure you that means will be found to establish your freedom in the fullest and amplest manner." (Benjamin Franklin to the People of Ireland, Oct. 4, 1778.)

The time has arrived for the recognition and redeeming of the foregoing pledge.

JOHN MCDONALD.

OAKLAND, CALIF., *May 25, 1921.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SIR: As a native-born American citizen, who contributed three sons, all I had, to our country's defense, one of whom, Sergt. G. C. Ahern, Company L, Three hundred and sixty-fourth Infantry, was killed at Argonne, as well as putting all the money I had into Liberty bonds, I feel I may say that I am an American of the genuine type, and that my earnest desire should have some weight in shaping the policy of our Government; therefore I wish to express for myself and by proxy for my immediate family and numerous relatives and friends at their request, that you miss no opportunity to recognize the Irish republic as an independent nation and to protest in strongest terms the barbarous treatment by the British Government of the terribly outraged people of Ireland.

As you know, we may find many precedents in our country's history for such procedure, to say nothing of the fact that we were led to believe by our late President as well as by the British Government during the World War that we were fighting for the freedom of small nations. How long would we hesitate if the offender were some other than the British Government? Why can't we be consistent?

Respectfully,

D. J. AHERN,
2019 East Sixteenth Street.

1323 FIFTEENTH STREET,
Santa Monica, Calif., March 12, 1921.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SENATOR SHORTRIDGE: In the name of humanity, in the name of decency, in the name of liberty, and in the name of the sacred memory of our thousands of brave men and women who died for the sake of freedom, I add my petition to that of every other justice-loving American citizen that you do all in your power to see that the Government of these United States recognizes the republic of Ireland.

Ireland is fighting a heroic fight for the freedom that we hold so dear and that we promised her, with all the rest of the small nations. We have kept faith with the other oppressed nations. Why not with Ireland, the most oppressed of all?

We would be insulted if anyone insinuated that we are afraid of England. But if we are not, what are we waiting for? Ireland does not ask us to fight for her. All she asks is that we keep our word to the world, and if we do that we must recognize her right to freedom. She deserves and must have our support; and you, as a representative of the people, are in honor bound to reflect the will of the people and uphold the honor and sacred duty of our country.

Very truly, yours,

ADELL W. FITZPATRICK.

SAN FRANCISCO, *May 13, 1921.*

HON. SAMUEL M. SHORTRIDGE.

DEAR SIR: The United States Government has given recognition and assistance to various European Governments lately. Why discriminate against the struggling government of Ireland? The claim of Ireland is surely equal to that of any State in central Europe.

RICHARD POWER,
752 Lisbon Street.

Mr. SHORTRIDGE also presented petitions, letters, and telegrams from the following-named citizens of the State of California, praying that the republic of Ireland be recognized by the United States, which were referred to the Committee on Foreign Relations:

C. E. Wilson; P. J. McSherry, president Branch 137, American Association, Recognition of Irish Republic; Hugh O'Connor; Myler A. Walsh, secretary Branch 129, American Association, Recognition of Irish Republic; John A. Fitzgerald, secretary American Association, Recognition of Irish Republic; A. Ward; R. M. Tobin, chairman Relief for Ireland; James E. Buckley, Frances Gross, Branch 148, American Association, Recognition of Irish Republic; P. A. Carroll and others, committee, Council 1311, Knights of Columbus; C. D. Daly; Marian Griffin; Madera Branch American Association, Recognition of Irish Republic; Branch 3, American Association, Recognition of Irish Republic; Division 5, Ancient Order of Hibernians; M. Doyle, president Kevin Barry Branch, American Association Recognition of Irish Republic; M. J. Jordan, president Branch 40, American Association, Recognition Irish Republic; J. B. Smith, Branch 31, American Association, Recognition Irish Republic; Declan Hurton, Division 2, Ancient Order of Hibernians; William Doyle; Epiphany Branch, American Association, Recognition of Irish Republic; Patrick McCarthy; M. A. McCullough; P. J. Lennon; Josie Lamb, secretary Plunkett Branch, American Association, Recognition Irish Republic; T. E. Collins, president Fresno Branch, American Association, Recognition Irish Republic; Declan Hurton, past commander Veterans of Foreign Wars of the United States; Nora McCormack; Nurses Branch, No. 67, American Association, Recognition of Irish Republic; H. P. Krohm; Stephen Connolly; Nita Goodwin; Mrs. C. J. Kilmartin; J. H. Carroll; Made De la Cour; Katharine White; Mrs. M. C. Price; Elizabeth Smith; Timothy Daly; Mary A. De Rye; Mrs. F. J. Miller; C. W. Golden; T. F. Corcoran; Agnes H. Downing; Tim Daly; M. J. Keegan; Daniel Deasy; Mrs. Nora Graham; D. McAuliff; Cornelius Reily; A. M. Keely; Catharine White; M. F. Haussler; Mrs. Fannie Mahon; Miss Frances Mahon; A. L. Mahon; William Mahon; M. M. Daly; F. E. Collins and J. T. O'Shea, Fresno Branch, No. 33, American Association, Recognition of Irish Republic, Fresno, Calif.; Margaret A. Shannon; Mary A. Smith; Catharine McManus; F. E. Carroll, Branch No. 32, American Association, Recognition of Irish Republic, San Francisco, Calif.; J. J. Coghlon, American Association, Recognition of Irish Republic, Madera, Calif.; John B. Smith, Branch No. 31, 3021 Buchanan Street, San Francisco, Calif.; Mrs. T. P. Donohue, 982 York Street, San Francisco; Martin J. Ryan; K. White; Mrs. T. J. Miller; Albert J. Riley; Michael McDonough.

Resolution of citizens from Los Angeles, mass meeting of 1,200; John M. Elligott; Celia Coleman; Michael O'Keefe; John F. Connolly; Margaret J. Bailie; Adell W. Fitzpatrick; Andrew J. Gill; James McBride; G. E. D. Higgins and Thomas F. Marshall, president and vice president, American Association, Recognition of Irish Republic, Assembly Hall, Oakland, Calif; M. J. O'Keefe; William Boyle; Patrick Deasy; R. E. Queen; Mrs. Agnes Graham; Mrs. M. McGinnis; T. J. Corcoran; Marie E. Bailie; Thomas Lennon, American Association, Recognition of Irish Republic, 604 Franklin Street, Oakland, Calif.; Maurice J. Conklin; Rev. Daniel J. Kelly; Mrs. K. O'Connor; Anna Haskett McGrath; Margaret McGrath; Sarah U. Metcalf; Mrs. C. Lynch; Mrs. Delia Kirk; Steven Durney; Katharine Dougery; Bernard M. Poer; Martin J. Ryan; James Walsh; T. J. Schultz; A. P. Kean; M. J. Flynn; P. J. Hurley; Matthew Cunningham; Catharine Hassett; Mary Isabelle McAllister; Austin S. Carey; E. J. Matheway; Timothy Sullivan; J. T. Carroll; M. J. Clifford, pastor St. Elizabeth's Church, San Francisco; P. Barnes; Mrs. Margaret Curry; George White; Mary Duffy; Mrs. M. Walsh; Josephine O'Keefe; Ellen Ready; Mrs. Anne E. Healy; Mr. James McGahey; Joseph McCarthy; Peter J. Halpin, St. Ignatius College, San Francisco, Calif.; Margaret E. Olsen; W. H. Fitzgerald; K. White; Julia A. Deasy; Maude Kelly; William I. Shelf; A. L. Barnes; W. E. Kelly; Anna R. Kelly; Ellen M. Gannon; E. Weddle; E. F. McCann; Mary Cronin; J. F. Ferry; Annie E. Ferry; Elizabeth Ferry; Josephine Ferry; William J. Ferry; F. A. Ferry; Arthur M. Murray; D. J. Ryan; Jennie McNamee; John McGarr; Mrs. T. J. Miller; Roby J. McArdle; William F. O'Callaghan; John Norton; Patrick Sullivan; Fred W. Downing; Alice M. Worsley; Francis Buckley; H. J. Corcoran; Daniel J. Sullivan; Mary J. Sullivan; Frank Pargett; T. O. Leasy; Joseph Joyce; P. J. Sullivan; Michael J. Mullin; William T. Bowser, president San Francisco Labor Council, San Francisco; Bridget McNally; Mrs. Mary O'Connor; Carl W. Bold; Mrs. Margaret Tiegler; Miss Annie A. Fennell; M. Daly; M. Maley; C. E. Kieffer; T. J. Tierney; Mrs. F. A. Juarez; John MacDonald; James Decrey; G. E. Berner; joint petition signed by William O'Conner, Mrs. William O'Conner, Patrick O'Brien, Mrs. Mary O'Brien, A. E. Cronin, Lillian Cronin, Mildred Taber, William O'Conner, jr., and Humphrey Feehan; John Doyle; Thomas Breen; J. M. Chubbeck; Patrick W. Casey; Ida J. Ambrose; Emmett F. McCann; P. F. McCarthy; M. B. Ogilivie; Mrs. Agnes Graham; Mary Fitzpatrick; C. J. McCarthy; Margaret Corcoran; Madeline Barnartor; Mrs. Rose Marx; J. B. Foley; Chris C. Bryne; Joseph L. McLaughlin; Martin Power; I. M. Sherman; G. J. Olsen; Mrs. Katharine Tuthill; Helen McCarthy; Mrs. Patrick Furlong; Eugenia C. Ryan; Robert Weiss; J. M. Black; Mrs. Helen Larkin; Mary Gertrude McCabe; John W. Driscoll; Mrs. Mary Murphy; Julia A. Casey; Mrs. M. Quinn; Mr. Thomas Curran; Ellen Kerrigan; F. G. Burns; Mrs. Bridget Lyon; Bridget M. Conroy; John McNamara; Kathryn C. Hammer; R. O. Conovan; Joseph Burns; Mrs. John Barnes; Jane E. Ball; Mrs. Lawrence Reynolds; Agnes Lyons; Mrs. Hannah L. Cronin; Mrs. Ellen A. Crerdan; Mrs. Margaret Brooks; Katharine White; Margaret Sinnott; Rose W. Fleming; Clark C. Snow; Charles F. Regan; Mrs. Mary McDevitt; John J. Regan; A. M. Prendergrast; Mrs. Mary Flynn; John Thomas Flynn; Ellen McCarthy; A. J. Ryan; Margaret L. Thompson; Susan F. Green; L. A. Mulcahy; Mrs. E. Logan; H. J. Conners; Mrs. E. L. Schultz; Patrick Carroll; Mrs. Kate A. Carter; Mrs. Patchett; John Green; E. D. Malone; Mary J. Lynn; Josephine McCahn; Mrs. Kate Power; Michael Gaffey; Mrs. C. J. McCarthy; American-Irish Liberty League, 794 Mission Street, San Francisco; Nora A. Fenley; Catharine Casey; Mr. and Mrs. M. J. Brennan; W. J. Hernwood; Mary Crowley; Elizabeth Leonard; Mrs. M. Foley; John J. Buckley; Thomas F. Callahan; Adam Probst; Mary White; Mrs. F. L. Bellan; Maurice I. Stack; M. Pelkman; Emil A. Rhode; Neil Mulcahy; M. Maley; Richard Gallaher; Ella Delehanty; Andrew McDonough; J. E. Birmingham; Stephen Gannon; William Power; Josephine Diehl; Mrs. E. C. McDonough; W. Mooney; Robert D. Tobin; S. Hartwick; Bridget Curley; Walter Babecky; Edmond L. Casey; Thomas J. McDermott; Louis Morsell; Charles W. Berry; Mrs. Frank Scully; M. J. Toohy; James P. Nolan; E. A. Bliss; T. J. Conroy; P. J. Walsh; Alfred Thomas; R. Tewhig; Mrs. Kate Du Ross; Fred C. Walsh; Mrs. C. A. Fleming; Thomas Callahan; Mrs. Elizabeth Tynan; Claire Kerrigan; Patrick McGuire; Charles Wilson; Jack Smyth; John Bentley; Mrs. Thomas Darcy; M. J. Mulligan; James Butler; Christopher Hickson; Joseph C. McInerney; H. E. Lynch; Michael Harrigan; Mrs. Nellie Thomas; Martin Nolan; Thomas Kirk; John J. Ward; John P. Coyne; Thomas Rockford; John J. O'Connor; Edmond Burke; Elizabeth A. Fleming; Alma Bryne; Joseph C. T. Du Ross; Richard Bryne; Frank Scally; Eileen O'Gorman; Paul Kilroy; Elizabeth Barrett; John Lee; Mrs. T. J. McDermott; John F. Quinn; Joseph McConville; Robert Palmer; Lydia E. Rhode; Ed. Gillespie; Samuel Kurtz; Robert E. McCall; John B. Burlinger; Herbert Guthridge; Max Fernstein; Bartholomew Buckley; Lawrence J. O'Connor; Neil Du Ross; J. F. Vance; Daniel Creedon; Patrick W. Stack; Thomas O'Regan; Michael J. Gannon; Mrs. M. J. Cardiff; G. F. Weinmann; Helen A. Neal, executive secretary Charity Organization of Berkeley; May Concannon; Charles Peters; Frank Silva; Daniel O'Leary; M. J. Cardiff; M. E. Deely; Edward Casey; Mary Creedon; M. O. O'Neil; Margaret T. Bryne; Lydia E. Rhode; Thomas W. Meade; Patrick F. Meade; E. M. Montagas; John Byone; Lydia E. Rhode; Emile A. Rhode; Nellie McPhee; Anne Reilly; M. Sellier; Georgianna Ray; Ellen McCarthy; E. C. Walf; Francis T. Murphy; Thomas Roche; Oscar Sillier; Anna H. Stern; James McCarthy Larmly; Mrs. Martin O'Malley; M. J. Connelly; H. Learned; Henry Morrissy; Louis J. Lamb; James D. Shea; R. F. Pieper; Ambrose Klinkhammer; Paul F. A. Conway; Alban P. Cox; William B. Jewett; Francis B. Murphy; M. Cahill; Elizabeth A. Ferry; Josephine M. Ferry; J. J. Ferry; Anne C. Ferry; F. J. Ferry; Alice Cussen; Margaret Tweed; John Phelan; Lydia C. Rhode; Jeremiah J. Lynch; Mary Vlasshaert; Rev. L. P. Golden; Alfred H. Piper; I. Munroe; Michael J. Cavanagh; Street and Electric Railway Employees, San Francisco, Division 687; James Shea; Anna Stuffler; Horace J. D'Espars; K. O'Sullivan; Jennie I. Scott; Susan C. Henry; Alice Gillispie; Mrs. M. J. Mulligan; Mr. and Mrs. F. B. Hartmann; Jesse E. Duke; Mina E. Ross; Anthony Ward; F. J. Rockscell; J. F. Fitzgerald; W. D. Griffen; Lawrence F. Stuffler; Zita C. Callahan; Mrs. J. M. Guenthard; Edmund J. O'Connor;

J. J. Ramsey; Mary Ramsey; Catharine Dyer; Y. C. Dyer; Al. Feist; A. J. Buck; Louie G. Lugo; Michael F. Campbell; W. Collins; James F. Purcell; Manus Duffy; Michael T. Shankey; John Regan; James Kelly; Ted McMahon; Samuel H. Whitakerm; Michael Fergus; Frank Sullivan; Margaret Scott; Thomas F. Fitzgerald; J. J. Twomey; Nettie Mullins; John A. Hennessey; Francis T. Murphey; Isabell E. Ross; Katharine O'Gorman; H. P. Plow; Mary A. Sullivan; John Cowan; Nina Blackwell; M. A. McPherson; George A. Bill; Owen O'Donnell; John M. Eustace; John Brennan; Florence A. Casey; Martin F. Nolan; Thomas E. Burke; John O'Sullivan; John Farrell; Edward Powers; Edward J. Tynan; Thomas H. Gormley; Mrs. H. B. Twohey, Michael Kieley; Daniel Coughlin; Mary Hennesy; P. S. Dougherty; Nora C. Sullivan; J. W. Dolan; Emmett J. Doyle; Florence T. Connolly; G. T. Robinson; William Cotter; Ignatius B. Clune; James B. Mahoney; Owen Lavelle; John Gaughan; J. S. McElroy; Mrs. Bridget Armstrong; Katharine Connolly; Mrs. Mary Mulligan; Marie S. Connolly; Thomas Rochford; J. J. O'Neil; William McKilvey; John Weldon; Thomas F. Kearney; William Crowley; Fred A. Scott; Auguest Duempe; James W. Dickinson; P. J. Sullivan; W. R. Wran; William Rennick; W. W. Crouch; M. C. Mulligan; L. J. Cronin; Thomas Rice; Anna Nielson; John Weldon; J. P. Cronin; Hans F. Neilson; A. H. Reeves; M. A. Walsh; J. C. Egan; Mary Murphy; Edward Kelly; M. J. O'Keefe; John C. Healy; Charles O'Connor; Catharine Mahoney; Claire Kerrigan; William Donohoe; Patrick Brennan; Mrs. O. P. Hanson; Patrick McCarthy; Richard Power; Mary Lynch; Mrs. H. W. Foster; Father John W. Nicholson, St. Ignatius College; K. White; Walter Fuery; D. J. Ahern; Richard H. Doyle; Mrs. Margaret O'Leary; Edward Kelly; Mrs. I. McMartin; E. B. Kane; Mrs. H. Crowley; Josephine Fitzgerald; James Crusen; John Doherty; D. M. Walsh; A. G. McCarthy; D. F. McCarthy; C. A. McCarthy; Marion E. Robbins; Mary Hickey; D. F. Garvey; B. A. Murray; John E. Reardon; Eileen Eagan; Peter Markey; M. J. Hammett; E. P. Schultz; M. Gearan; Edw. McGrath; W. J. Finn; Andrew O'Donovan; S. D. Finn; J. A. Steuger; D. P. Lynch; J. P. Conroy; P. A. Conroy; Charles A. Davis; I. D. Callahan; J. J. Griffin; P. I. Targar; M. S. Williams; Alice Tabor; M. R. Riley; Daniel O'Connell; Thomas Dowling; T. J. Lee; Mary Bohan; James D. Shea; Annie Power; John I. O'Connell; Ferry James Crusen; John W. Chilcote; Eugene J. Murphy; Basil J. Nettleton; Mary A. Cott; Gerald R. Cott; John E. Matthews; Timothy O'Donnell; Frank Robbins.

He also presented a petition of sundry citizens of Los Angeles, Calif., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream, reported it without amendment and submitted a report (No. 99) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (H. R. 2466) to constitute Fort Worth, in the State of Texas, a port of entry, and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," reported it without amendment and submitted a report (No. 100) thereon.

Mr. McNARY, from the Committee on Commerce, to which was referred the bill (H. R. 3018) granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon, reported it without amendment and submitted a report (No. 101) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2010) authorizing the Postmaster General to investigate and adjust claims for additional compensation arising out of contracts for star route, screen wagon, and other vehicle service entered into prior to June 30, 1919; to the Committee on Post Offices and Post Roads.

By Mr. McCUMBER:

A bill (S. 2011) to provide the manner and method to be followed in discharging persons for the purpose of making reductions in the force of Government employees; to the Committee on Civil Service.

By Mr. HARRIS:

A bill (S. 2012) granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.; to the Committee on Commerce.

By Mr. BURSUM:

A bill (S. 2013) to protect the locators in good faith of oil and gas lands who had not made discovery thereon prior to February 25, 1920, and their successors in interest, and extending the time for making such discovery; and

A bill (S. 2014) to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 2015) for the relief of Harry G. Weaver (with accompanying papers); to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 2016) placing certain positions in the Postal Service in the competitive classified service; to the Committee on Post Offices and Post Roads.

By Mr. SIMMONS:

A bill (S. 2017) for the relief of John H. Gattis (with accompanying papers); and

A bill (S. 2018) for the relief of Josie N. Styron (with an accompanying paper); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 2019) authorizing the Secretary of War to lease to the Bush Terminal Railroad Co. and the Long Island Railroad, for restricted use, the tracks of the Government railroad on the Army supply base at South Brooklyn, N. Y.; and

A bill (S. 2020) authorizing the settlement of claims of civilian employees of the United States who constituted the officers and crews of vessels engaged in the military service of the United States; to the Committee on Military Affairs.

By Mr. McCUMBER:

A joint resolution (S. J. Res. 70) providing for monthly payment of pensions; to the Committee on Pensions.

By Mr. TOWNSEND (by request):

A joint resolution (S. J. Res. 71) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the 'Garabed,' claiming to make possible the utilization of free energy," approved February 8, 1918; to the Committee on Patents.

AMENDMENT OF FARM LOAN ACT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1811) to amend the Federal farm loan act, as amended, which had been reported from the Committee on Banking and Currency with amendments.

The PRESIDENT pro tempore. The Secretary will state the first amendment to the bill reported by the Committee on Banking and Currency.

The ASSISTANT SECRETARY. On page 2, line 3, after the word "amount," it is proposed to insert "and," and in line 4, after the word "terms," to strike out "and interest rate," so as to read:

That the first paragraph of section 20 of the Federal farm loan act, as amended, be, and hereby is, amended to read as follows:

"SEC. 20. That bonds provided for in this act shall be issued in denominations of $40, $100, $500, $1,000, and such larger denominations as the Federal Farm Loan Board may authorize; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after the minimum period specified in the bonds, which shall not be longer than 10 years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal Farm Loan Board."

The amendment was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 2, line 5, at the end of the bill, to insert:

They shall bear a rate of interest not to exceed 5½ per cent per annum.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT and Mr. REED addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SMOOT. Mr. President, I desire to offer an amendment to the committee amendment. On page 2, line 6, after the word "annum," I move to insert the following:

The income from joint-stock land-bank bonds issued after June 30, 1922, shall be subject to all graduated additional income taxes, commonly known as surtaxes, now or hereafter imposed by the United States upon the income of individuals, partnerships, corporations, or associations.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Utah send his proposed amendment to the desk in order that it may be read by the Secretary?

Mr. SMOOT. I will send the amendment to the desk later.

Mr. KENYON. Mr. President, the point of this matter is this: The joint-stock land banks and the Federal farm loan banks have been held up in their operations by the case which was pending in the Supreme Court of the United States for about a year. That case has been determined. The law has been held to be constitutional. The joint-stock land banks are unable to function, are unable to sell their bonds at a 5 per cent rate, in competition with the tremendous number of tax-exempt bonds bearing 5½ per cent, and even in some instances 6 per cent. Our effort in this matter is directed not to help the joint-stock land banks, but purely for the purpose of trying to help the agricultural situation. The profit of the joint-stock land banks now can only be 1 per cent gross, if they can float the bonds at 5 per cent, because, under the act they can not charge more than 6 per cent interest.

It is idle to talk about floating 5 per cent bonds, which are the basis of this system, and securing thereby money to loan to the farmers. It is true the Federal Farm Loan Board have succeeded in making a flotation of the present issue, but that has been due to an intensive campaign which they have carried on.

Mr. President, the farm situation in this country is known, I hope, to every Senator in this Chamber. It is certainly known to those of us who come from agricultural States. Agriculture needs credit in order to tide over the present emergency. We have loaned I do not know how many billion dollars across the sea; we have appropriated money to help those in distress in Europe; but the farmer, with the best credit on earth and the best security on earth, can not get money to finance his operations. That was the situation some years ago when the Federal farm loan act was passed. The mortgage rates the farmers had to pay had grown to a very high point, but he was willing to pay almost anything in order to get money. We enacted the Federal farm loan act for the purpose of allowing the farmer to obtain money on long-time loans. Under the joint-stock land banks the loans run for 32 years, I think, with an amortization program, so that at the end of that period the farmer will have paid the loan. He can not get the money through the Federal farm loan system unless the bonds can be floated. Whenever the joint-stock land banks can float the bonds at a less rate than 5½ per cent, of course, they will do so; it will automatically work itself out, because then the banks will receive more profit.

I realize that the question of tax exemption is a serious one, and I know how opposed the Senator from Utah is to the issuance of any more tax-exempt bonds. We have over $16,000,000,000 of tax-exempt securities in the United States; that undoubtedly involves a serious question; but of that amount of tax-exempt securities all except about $480,000,000 are securities designed to help the cities. If we are going to stop the tax-exempt feature in connection with bond issues—and we may have to do that some of these days—we should not stop it where it is beneficial to agriculture and not stop it where it is beneficial to the city. The benefit derived from the tax exemption of course must be passed on, or is supposed to be passed on, to the agriculturist. He gets the benefit of it; the bank does not get the benefit of it.

There has been a great deal said against the joint-stock land banks as a part of the system; there is much prejudice against them. It has been stated on the floor that they have made enormous sums of money. Some of them have made some money, but I think the highest profit that has been realized is 11 per cent. The Senator from Utah said some months ago that the profits had run up around 21 and 22 per cent as to one bank, but on analysis I think the Senator will find that the figures cover a period of a couple of years. They have made nothing like the percentage of profit which the national banks have made.

Senators talk about this being a privilege. The Senator from Utah did so the other day, and of course it is a privilege; it is a special privilege to agriculture. We have given special privileges to national banks. They have the privilege of issuing circulation on securities held by them; that is a special privilege, and this is in a way a special privilege to agriculture. We have been accused, or some portions of the Republican Party at least have been accused, of standing for a good many special privileges. The tariff has been in the nature of a special privilege; railroad grants have been in the nature of special privileges; and now comes agriculture in the most depressed condition in which it has been in the history of the country, at least since the Civil War, and asks the Congress to have this system for agricultural credit put upon a functioning basis; that is all. The farmer is not asking any gifts, such as we have made to the people across the sea. He is simply asking for more credit, and this is one of the simple and easy ways of getting more credit to him.

If the restriction of 5 per cent is removed and 5½ per cent permitted, the farmer is to get his money at exactly the same rate of interest that he does now. The bank carrying it on cuts its spread from 1 per cent to one-half of 1 per cent, and these men from the Middle West who have interested me in this matter are not in it for the money. They are urging this thing and willing to get along with no profit in order to help the agricultural situation in the Middle West, and it is the same in the South.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. Yes.

Mr. REED. I want to get the matter clear in my mind. The Senator states that if this bill is passed and 5½ per cent permitted, the bank will cut its spread or its profit to one-half of 1 per cent where it now receives 1 per cent. Where is there a provision of that kind in this bill?

Mr. KENYON. The Senator will have to take the old act. The interest is limited to 6 per cent under the rules established under the act. That is all they can charge.

Mr. REED. I understand.

Mr. KENYON. Now, they float their bonds at 5 per cent. That is the money they get to run it, under this system. There is a spread of 1 per cent, and that is a gross profit. They have to take out of that the expenses of running it.

Mr. REED. I was about to raise the question whether this bill ought not to permit 6 or 6½ per cent to be charged instead of 5½, but have the regulatory power placed in the central board; and, if the Senator will pardon me, I will say this: I am in full accord with him on the idea that higher rates of interest must be allowed if money is to be obtained, and that condition will exist until the general financial conditions change; and I am wondering whether 5½ per cent is high enough—not that I want to see the farmer have to pay more than that but because we may not be able to sell these bonds and get the money to loan to the farmer.

I heard of this sort of a case in my State the other day: It was stated to me that a farmer with lands worth even at present figures $40,000 had a loan of $10,000 which he was trying to renew even for a year, and had offered 8½ per cent and a commission, and up to the time I heard of it had not been able to get the money. It is to relieve cases of that kind that I am willing to permit a higher rate of interest, in order that the bonds can be sold and the money procured.

I thank the Senator.

Mr. KENYON. I am much obliged to the Senator for his suggestion.

Mr. President, this system might have functioned all right in normal times at the 5 per cent rate. These, however, are not normal times, and it can not function now. The Federal farm loan banks have some advantages over the joint-stock land banks. Their bonds are sold presumably by the Government. There is a psychological advantage to that. They are cooperative in a way, and there is some advantage to that; so that the joint-stock land banks have really had to pay a higher rate of interest on their bonds than the Federal farm loan banks have had to pay.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. Yes.

Mr. WILLIAMS. I should like to ask the Senator from Iowa whether he is seeking to put the private banks that are lending money to the farmer upon an equal footing with the public banks that are doing the same thing?

Mr. KENYON. Not at all. These banks do no commercial business. They make long-time loans. They do not do commercial business at all.

Mr. WILLIAMS. I understand that perfectly; neither do the Federal loan banks do any commercial business. Now, why do you want to destroy the Federal loan banks by enabling these private loan banks to compete with them upon equal or advantageous terms?

Mr. KENYON. No one is trying to destroy them. Does the Senator mean the farm loan banks?

Mr. WILLIAMS. Yes.

Mr. KENYON. Nobody is trying to destroy them at all. They are in the same act. They are under the same board.

They are the separate parts of a system. One covers loans of not over $10,000, the other covers loans up to $50,000. They are working together. There is no competition along that line.

Mr. WILLIAMS. I asked the question because I had noted, or thought I had noted, that they were not working together.

Mr. KENYON. They are supposed to work together.

Mr. WILLIAMS. The private loan banks have been working against the Federal loan banks for quite a long while.

Mr. KENYON. The joint-stock banks?

Mr. WILLIAMS. Yes; and have been sending literature to Senators, and I suppose to Congressmen, with a view of cutting down the special governmental privileges of the Federal farm loan banks——

Mr. KENYON. I never heard of it before.

Mr. WILLIAMS. The chief of which is, of course, that they are exempt from taxation as a Federal fiscal agency.

Now, I differ a little with the Senator upon one point. I do not think any debtor ought ever to tax his creditor on the note that he has given for the payment of his indebtedness. I do not think that the United States Government or that any fiscal agency of the United States Government ought to fix a tax upon a bond which is floated by them in the name and in the interest of the public, because if the tax exemption is not made there must be some tax come later.

Mr. KENYON. I do not understand what the Senator is driving at.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. FLETCHER. I suggest to the Senator that evidently the Senator from Mississippi has confused the brokers on farm mortgages—farm-mortgage banks—with farm-loan banks. The farm-mortgage banks, which are private institutions making loans on farms, and so forth, in the West, have attacked not only the joint-stock land banks but the whole farm loan act, on the ground that under the farm loan act the bonds are exempt from all taxation. That is a different thing altogether. There is no conflict between the Federal land banks and the joint-stock land banks. They are both provided for under the farm loan act and are part of one system.

Mr. WILLIAMS. But are not these joint-stock banks private institutions?

Mr. FLETCHER. No; they are under the control of the Farm Loan Board.

Mr. WILLIAMS. Oh, I understand that; but are not their bonds subject to Federal taxes and to State taxes?

Mr. FLETCHER. Not at all. They are exempt under the farm loan act.

Mr. WILLIAMS. Then I have been mistaken.

Mr. KENYON. The Senator is confused by the literature that is being sent out by the Farm Mortgage Bankers' Association.

Mr. FLETCHER. Yes.

Mr. KENYON. They are fighting this thing, of course.

Mr. FLETCHER. That is a private concern, attacking both the joint-stock land banks and the whole farm loan system.

Mr. KENYON. They are private brokers who are getting enormous commissions for the loans, and they are fighting the very thing which we are engaged in now, and sending out this literature.

Mr. WILLIAMS. If the joint-stock banks are exempt from taxation under the same law as the Federal loan banks, then, of course, I am mistaken.

Mr. KENYON. The Senator is mistaken. He rarely is, but he is this time.

Mr. FLETCHER. Section 12 of the farm loan act provides that no loan on mortgage shall be made under the act at a rate of interest exceeding 6 per cent per annum, exclusive of amortization payments. That applies to the joint-stock land banks as well as to the Federal land banks. The limitation is there as to these loans; and the other provision of the act, section 20, which is proposed to be amended by the bill advocated by the Senator from Iowa, provides that the bonds issued under the act shall bear a rate of interest not to exceed 5 per cent per annum. The Senator now proposes to make that 5½ per cent, because in that way the bonds could be sold; but he would not by that means at all increase the interest which the borrower would have to pay. That never can exceed 6 per cent; and allowing the bonds to bear interest of 5½ per cent does not mean that the joint-stock land banks can charge the borrower any more than they charge now. They are now allowed to charge the rate of interest which the bond carries, namely, 5 per cent, plus the cost of administration, which runs up to one-half of 1 per cent, as has been the experience heretofore. Now, by allowing them to fix the rate at 5½ per cent in the bonds they can sell the bonds where they can not sell them now, where they specify that the rate shall be only 5 per cent; but they can not charge the borrower any more than they charge now, 6 per cent. That is the limit under the law.

Mr. KENYON. Mr. President, I do not want to take any more time, because I know that other Senators desire to speak, and I wish we might get through with the bill to-day. I only want to say this: The amendment of the Senator from Utah, of course, destroys this bill. It is intended to destroy it. The Senator from Utah is always frank about things, and he is opposed to this joint-stock land bank proposition, and if he can destroy it in that way it is just as well as to have the bill passed which he has introduced, and which was before the Banking and Currency Committee, to repeal the exemption. I am willing to have an amendment adopted to the effect that whenever the exemption ceases on the other securities with which these bonds must compete we will then let it cease on these bonds. That would be fair.

Mr. WILLIAMS. Mr. President, does the Senator think it is square and fair and honest for a great Government to tax its own promissory notes, whether in the shape of bonds or what not?

Mr. KENYON. We have granted the privilege of taxing Liberty bonds.

Mr. WILLIAMS. If I owed the Senator money, and gave him a note——

Mr. KENYON. I wish the Senator did.

Mr. WILLIAMS. Does the Senator think it would be square and right for me to reserve some degree of charge against him because he had extended me the credit of taking my note?

Mr. KENYON. I think the day is coming when we shall have to stop tax-exempt securities. It will take a constitutional amendment, of course, as far as the States are concerned, and that will be difficult; but it is drawing the money of those who have great amounts into these tax-exempt securities. This is not just the same as a bond that the Government is issuing. Does the Senator understand that the Government does not issue these bonds?

Mr. WILLIAMS. I know that; but the Government is behind them, and they are declared by law to be a fiscal agency of the Government as far as the Federal loan banks are concerned.

Mr. KENYON. Yes; the Supreme Court says so.

Mr. WILLIAMS. So that they are on exactly the same footing as a United States bond. Now, the United States Government comes to me and appeals to me to put up $10,000 and is indebted that sum to me, and then after that has passed it comes to me again and wants to tax me 1 or 2 per cent or one-half or one-tenth of 1 per cent, whatever it may be, upon its honest indebtedness to me. That is not honest. Nobody engaged in private business would undertake to do that.

Moreover, Mr. President, if the Government can float at par a 5 per cent bond, and can not float at par a 4½ per cent bond, then the difference of one-half of 1 per cent is what the people are paying for floating the bond; and if the Government can float the bond at par at 5 per cent, then the people escape that taxation of one-half of 1 per cent.

It is not honest, it is not fair, for anybody to borrow money of anybody else, and then afterwards exert a governmental function of taxing the person who has been good enough to lend the money, and lend the money at the time at par, when the man who lent the money knew that the bonds would be at a discount in less than a year.

Mr. SMOOT. Mr. President, the Senator from Mississippi——

Mr. KENYON. Mr. President, I want to get through.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. KENYON. I am not going to refuse to yield if the Senator wants to ask a question; but I would like to get through.

I appreciate what the Senator from Mississippi said; it is a valuable suggestion. But I want to get through, and the Senator can then take the floor if he so desires.

Mr. WILLIAMS. Of course, the constitutional question of the power of the Federal Government to tax a State bond, or of the States to tax a Federal bond, is outside of this discussion. I am merely talking about the honesty of the Federal Government taxing its own bonds.

Mr. SMOOT. It does it right along, in the case of the Liberty bonds.

Mr. KENYON. Of course, we are doing that with the Liberty bonds. I just want to leave the question in this way: These joint-stock land banks have approximately $426,000,000 of tax-exempt securities, out of the $16,000,000,000 in the Nation. Agriculture contributes about 57 per cent of the primary deposits in the national banks, and borrows about 7 per cent. Mercantile and manufacturing interests borrow about 57 per cent, and contribute very much less than agriculture does.

So agriculture, which has great credit and ought to be able to marshal its credit, is unable to do it, and I think the great problem which agriculture in this country has to face is in some way to build up the right to use its own credit, and it is going to do it.

The big banks of New York and Chicago and other places draw from the smaller banks throughout the country and from agriculture to the Federal reserve bank, under their system of apportioning credits. One bank in Chicago has had more credit with the Federal Reserve for rediscounting and borrowing than all the banks of the State of Iowa. That is not a fair situation.

The farmers have gotten into a distressed situation. They want to have the acts passed by the Congress for their relief function, and see if they will not help them. The Curtis bill, passed the other day, is going to help them. They have a right, with all the interests which they have, with their stocks and their crops and their farms, to get some credit from the Government, or some assistance, when, according to the statement made by the Senator from South Carolina, the Governor of the Federal Reserve Board has said that we have $2,000,000,000 in gold reserve in this country.

I could talk a long while on this, and refer to the evidence taken before the different committees. The power which has been fighting this is the Mortgage Bankers' Association of the United States. They are the ones who have been flooding the country with literature. They are the ones who would profit by the defeat of this, because if these laws fail to function they can charge the farmers any rate they want to for mortgages, and they are doing it in many parts of the country.

You can loan money in my State, which is the strongest agricultural State in the Union, on farm mortgages for 7 per cent and a commission besides. Everything the farmer raises has gone to the bottom price, but the things which other people produce have not.

I am earnest about this, because I feel it is one thing that we may be able to do for the farmers, and not for the owners of these banks. They have shown a patriotic spirit in being willing to try to do business on a spread of one-half of 1 per cent, instead of the 1 per cent which they now have.

Mr. SMOOT. Mr. President, I want to ask the Senator from Nebraska whether he intends to go on with the packer bill at 2 o'clock?

Mr. NORRIS. Mr. President, I would like to go on with that bill at 2 o'clock. If the debate on the bill under consideration will not consume very much time, I would have no objection to temporarily laying aside the unfinished business. I would like to accommodate other Senators in that respect as far as I can, without unduly delaying the unfinished business.

Mr. KENYON. I will ask the Senator from Nebraska if he will not be willing at 2 o'clock to lay the unfinished business aside?

Mr. SMOOT. That will take unanimous consent.

Mr. KENYON. I suppose unanimous consent can not be obtained.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McCORMICK in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	McNary	Stanfield
Ball	Jones, N. Mex.	Myers	Stanley
Borah	Jones, Wash.	Nelson	Sterling
Brandegee	Kellogg	Nicholson	Sutherland
Broussard	Kendrick	Norbeck	Swanson
Cameron	Kenyon	Norris	Townsend
Capper	Keyes	Overman	Trammell
Curtis	Knox	Phipps	Underwood
Dial	Ladd	Poindexter	Wadsworth
Dillingham	La Follette	Reed	Walsh, Mass.
Edge	Lenroot	Sheppard	Walsh, Mont.
Fletcher	Lodge	Shortridge	Watson, Ga.
Gooding	McCormick	Simmons	Watson, Ind.
Hale	McCumber	Smith	Williams
Harris	McKinley	Smoot	Wolcott
Heflin	McLean	Spencer	

The PRESIDING OFFICER. Sixty-three Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. I have no desire whatever to prevent action upon this bill to-day, and if the Senator asks that the unfinished business be laid aside temporarily, I shall not object to the consideration of this bill. But I did not want to begin speaking and just get started and then be cut off. So if the Senator from Nebraska desires now, as it is within a few minutes of 2 o'clock, to ask that the unfinished business be laid aside temporarily, I shall not object.

Mr. NORRIS. Before I do that I would like to inquire of the Senator from Utah, or any other Senator, if he can give me any idea as to about how long the consideration of this bill will take. I do not want to lay the unfinished business aside if the whole day is to be taken up with this bill.

Mr. SMOOT. I can not give the Senator any idea as to how long it will take.

Mr. NORRIS. Has the Senator any idea about the length of time that will be consumed, or has the Senator from Iowa any idea?

Mr. KENYON. I do not know of anyone who wants to submit any remarks except the Senator from Utah.

Mr. NORRIS. Of course, I do not expect anyone to give a guaranty.

Mr. KENYON. If the Senator from Utah will indicate how much time he will take, we might be able to indicate how much time the other side will take.

Mr. SMOOT. I will say to the Senator frankly that I do not expect to take very much time.

Mr. NORRIS. I ask the Chair to lay the unfinished business before the Senate.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. NORRIS. I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of discussing the farm loan bill, with the understanding that we shall resume the unfinished business if it develops later that the farm loan bill is going to consume too much time.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to the amendment which I have proposed to the bill. In passing I wish to say that the remarks made by the Senator from Iowa [Mr. KENYON] with reference to the provisions of the bill as reported from the committee apply as stated by him, but my amendment in no way affects the amendments reported from the committee nor the bill as reported to the Senate. I have not asked that any part of the amendments which have been proposed by the committee as reported to the Senate be changed in any way. The amendment which I have offered reads as follows:

The income from joint-stock land bank bonds issued after June 30, 1922, shall be subject to all graduated additional income taxes commonly known as surtaxes now or hereafter imposed by the United States upon the income of individuals, partnerships, corporations, or associations.

The Senator from Iowa was correct when he said that I think the legislation creating the joint-stock land banks and giving them the privileges involved was a mistake, and it will not be many years until every Senator and every farmer in the country will realize it.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. NORRIS. I should like to state to the Senator that I have a great deal of sympathy for the position he is taking. My own idea is that the creation of joint-stock land banks was a mistake. I feel, however, that under the present condition, particularly, of agriculture, it would be another mistake if we repealed it immediately.

Mr. SMOOT. I think so, too.

Mr. NORRIS. I have a great deal of sympathy with the Senator's amendment, but it seems to me that he ought to extend the time.

Mr. SMOOT. I will extend it a year, if the Senator wishes; but I wish to say to the Senate now that every bond that is sold in the market by the joint-stock land banks could just as well be sold by the Federal farm loan banks.

Mr. NORRIS. Will the Senator permit another interruption? I do not desire to take up the time, but since I have said what I have, I think I ought to make my position clear.

Mr. SMOOT. I yield to the Senator.

Mr. NORRIS. Briefly stated, it is that the Federal joint-stock land banks and the regular farm loan banks that are created by the farm loan act are two methods of mortgaging real estate, both of them having their securities or bonds exempted. The difference is that the farm loan banks are operated by actual farmers who live on the land and cultivate the soil that

they own. It was intended to permit renters to become owners of homes and to encourage other people off the farms to move on the farms and buy homes. It has done a great deal of good, and I should like to help in every way I can.

In a general way joint-stock land banks perform an entirely different function. They enable men in town who are not farmers, who are holding land for speculation, to buy more land and increase their land holdings and then mortgage them, so that they come in competition in a way with the other loans; in other words, it enables the man in town who is not a farmer to buy out the farmers and get large tracts of land and the farm owners then become tenants.

The real object of the law was to get men to tilling the soil who owned the soil that they tilled and to make farm homes for them. I think the joint-stock land bank provision of the bill has had the opposite effect. I am not complaining about the man who holds the land for speculation, because that is perfectly legitimate and I am not criticizing it at all, but there is no reason why the Government should come to his relief. He does not live on the land. He is not a farmer. He is enabled to get cheap money by this tax-exemption feature and buy out the poor fellows who are real farmers and who ought to become owners under either provision of the land law, and if we were not in the condition that we are in now and agriculture in such a depressed condition that I would hate to do anything to interfere with it in any way, I would be in favor of repealing at any time that provision of the law.

Mr. SMOOT. I agree with the Senator, and the Senator has stated the differences——

Mr. FLETCHER. Mr. President——

Mr. SMOOT. Let me have just one minute and then I will yield.

Mr. FLETCHER. I just wish to correct a statement of the Senator from Nebraska. He is mistaken entirely when he said the joint-stock land banks can loan for speculative purposes.

Mr. SMOOT. I wish to say they have loaned for speculative purposes and I can prove it.

Mr. FLETCHER. Then they are not following the law.

Mr. SMOOT. Oh, not following the law? There is not a single thing in the law that prevents them from making large loans. They have made at least one loan of $78,000, taking from the money market in the United States money that should have gone direct to the farmer, while the Federal farm loan bank is limited to $10,000 in any one case.

Mr. KENYON. Does the Senator say that under the law a loan of $78,000 can be made?

Mr. SMOOT. I have in my possession a photograph of papers showing that such a loan has been made upon a place to build outhouses, to build sidewalks, to make a grand home. That man has made the loan, not as a loan to the man himself, but a loan to the man and some of his family.

Mr. KENYON. Oh, yes; there may be instances of that kind. There is a limit in the law as to the amount that can be loaned.

Mr. SMOOT. Thirty-seven thousand five hundred dollars, and the Federal farm loan bank can loan $10,000, but the speculating bank owned entirely by individuals, whose bonds are exempt from taxes of all forms, can loan three and three-fourths times that amount.

Mr. KENYON. Of course, there may be instances of that kind, but very few, that enable the Senator to talk very loudly and learnedly about it. There are murders committed in Utah, too.

Mr. SMOOT. Yes; in every State.

Mr. KENYON. But that does not prove that a law against murders should not be enacted.

Mr. SMOOT. No; and the Government of the United States does not say to the man who murders, "We will protect you and exempt you from even paying any expenses whatever in any court by way of defense."

Mr. KENYON. There might be more murders if there were some such provision. There are banks that make mistakes and there are banks that do wrong in commercial banking, but that does not or should not condemn the system.

Mr. SMOOT. I wish to say to the Senator that these very joint-stock land banks advertise to the people of the United States the advantages that they claim to have over the Federal farm loan banks. Here is what they themselves say are the advantages, not only the advantages to which the Senator from Nebraska has referred, but others. Here is what they themselves say:

Advantages possible to borrowers from joint-stock land banks as compared with the borrowers from Federal loan banks are principally these—

These are the principal ones—

That the borrower from the joint-stock land banks is not required to make any subscription to the capital stock of the banks.

The farmer can not make a loan, nor can he receive more than $10,000 from a Federal farm loan bank unless he becomes a subscriber to the stock of the bank. These privileged individuals creating a joint-stock land bank are allowed to put a million dollars of capital stock in such a bank and then lend $15,000,000, and then sell bonds to the amount of $15,000,000 and make 1 per cent upon the transaction. In some cases they have owned lending institutions outside, and the men who wanted to make loans have applied to the joint-stock land bank and have been told perhaps that they could make a loan through So-and-so's institution, and it has developed that instead of 1 per cent, in many cases they have been charged another 1 per cent commission, and the people who have been interested in the other institution could get the loan when the original applicant could not.

Is that all? No. Listen:

That the borrower need not necessarily be engaged in the cultivation of the land on which the loan is sought.

Mr. KENYON. From what is the Senator reading?

Mr. SMOOT. I am reading from the statement that is made through the joint-stock land bank of San Francisco, Calif., to the people of Utah, where they are asking subscriptions to enable them to establish a bank there.

Mr. KENYON. It is some particular bank.

Mr. SMOOT. This applies to every bank in the United States, as far as privileges are concerned. I do not care what joint-stock land bank has been created, under the law the banks owned by individuals have privileges over and above those of banks that are called Federal farm loan banks. The Senator from Nebraska was correct when he said that those loans were made for the very purpose of speculation in many cases, and, in fact, I think more often that is true than otherwise.

The Senator referred to a statement which I made here as to the profit the joint-stock land bank in Chicago had made. I want to say, Mr. President, that every figure which I quoted upon this floor in relation to that bank was furnished me by the Federal Reserve Board. Why should they not make money? Why should not the Senator from Georgia and the Senator from Utah organize a joint-stock land bank? If we put in $100,000 we could lend $1,500,000, and when that was loaned we could pay ourselves a salary of $10,000 and could let the bank clerk take care of the collection of the 1 per cent a year for 33 years. We would not have to look for another loan.

Mr. FLETCHER. The money could not be loaned to the farmers at more than 6 per cent.

Mr. SMOOT. No; but from a list of farmers' loans in all of the Eastern States and in all of the Northern States it appears that the average rate for such loans is less than 6 per cent.

Mr. TOWNSEND. The thing that disturbs me is how a bank with a stock of $100,000 can loan $1,500,000.

Mr. SMOOT. The law provides they may do so. The law gives them a right to sell those bonds in the market free from all taxation—State, school, district, city, and every other kind of taxation equal to fifteen times the capital stock.

Mr. President, the Senator from Iowa was correct when he stated that there were about $16,000,000,000 invested in tax-exempt securities. What is the result? When we passed the revenue law in 1918 imposing higher rates on income we collected from that tax $917,000,000 for the first year's business. On the next year's business we collected a little over $500,000,000. This year we shall collect only about $300,000,000. Why? Because the men who have been paying taxes upon the higher brackets of their income have purchased tax-exempt bonds. Why should they not do so? If a man's yearly income is $100,000 a 5 per cent tax-exempt bond is worth to him over 8 per cent; if his income is $300,000 a year such a bond is worth to him under the taxation laws about 15 per cent; if his income is over half a million dollars it is worth to him over 22 per cent. What is the effect? Instead of income being invested in business in this country it is tied up in tax-exempt bonds, and we are allowing individuals that privilege.

I wish particularly to call attention to the fact that there is a great difference between the Federal farm loan banks and the joint-stock land banks, but I must hasten on, Mr. President. This article further states that—

The borrower makes application for his loan direct, and is not required to become a member of the National Farm Loan Association.

The farmer who makes an application to a Federal farm loan bank must become a member of a Federal Farm Loan Association. Why should he not? He ought to be compelled to do so. Thereby he becomes interested not only in his own loan, but he becomes interested in the success of the whole system, not only in his own State but in every other State in the Union. In the case of the joint-stock land banks there is nothing of the kind. The borrower may make his application direct to the president of the bank; there is no one else to say him yea or nay.

Mr. HITCHCOCK. Mr. President, does the proposed amendment of the Senator from Utah, subjecting bonds of joint-stock land banks to certain classes of taxation, apply only to the proposed 5½ per cent bonds?

Mr. SMOOT. It only applies to bonds that are issued by the joint-stock land banks, I will say to the Senator.

Mr. HITCHCOCK. But that is not my question. Does the amendment apply only to bonds that pay 5½ per cent interest, or does it apply to bonds bearing 5 per cent interest, which have heretofore been issued?

Mr. SMOOT. It will not apply to any of the former issue, nor would it apply to any issue until after June 30, 1922.

Mr. KENYON. It would apply to all of the bonds. It would apply to 5 per cent bonds as well as to the 5½ per cent bonds.

Mr. SMOOT. After it went into effect on June 30, 1922.

Mr. HITCHCOCK. It would apply to all bonds issued hereafter, whether they were 5 per cent or 5½ per cent bonds?

Mr. SMOOT. Yes; it would apply to all bonds issued after that date. If the Senate thinks that the emergency is not going to be over in one year, I am perfectly willing to extend the period to two years.

Mr. McLEAN. Mr. President, I heartily agree with every word that the Senator from Utah has said, but he realizes the situation that exists to-day and the feeling of friendship which exists for the joint-stock land banks. He knows that representatives of these banks stated to the committee that in the present crisis they asked for the privilege of increasing the rate of interest to 5½ per cent in order that they might assist and relieve agricultural conditions. The Senator will see that the effect of this proposed law would be to cut off the profit.

Mr. SMOOT. Yes.

Mr. McLEAN. Without the passage of this bill, if these banks issue 5 per cent bonds they can make a profit of 1 per cent, while under this bill their profit will be cut to one-half of 1 per cent gross.

I wish to say to the Senator from Utah that I hope the pendency of this bill will result in inducing the Members of this body to give their attention to this question. I will say that I think that was one of the major reasons which induced the Committee on Banking and Currency to let the bill be reported to the Senate.

Mr. SMOOT. I am not asking that the 5½ per cent provision be changed.

Mr. McLEAN. The joint-stock land banks, in my opinion, should never have been created; I think they are a menace to the Federal farm loan system. I think, as the Senator from Utah has said, they will compete as soon as they get an opportunity; and the danger is that they will so encroach upon the legitimate field of the Federal farm loan banks as to impair their usefulness. That is my opinion, but it seems to be difficult to impress that view upon those who are interested in this proposed legislation.

I hope the Senators who are present here will give the matter their consideration, because the Federal farm loan system is one that ought to succeed, and I believe it will succeed; I was heartily in favor of it when it was established years ago. We must remember that the industrial crisis growing out of the war is now being suffered by the American people and especially by the agriculturists. For this reason I think that there is a moral obligation on the part of the Government to put the Federal farm loan system upon a basis where it can function, but that does not include the joint-stock land banks.

Mr. SMOOT. Absolutely not.

Mr. McLEAN. The representatives of the banks assured the committee that if they were granted this increase they would sacrifice one-half of their profits for the purpose of assisting in the existing emergency; but, after the emergency is over, I hope that Congress will have the courage to remove the tax-exempt privileges from their securities. From my point of view it is economically wrong, and it will result in destroying its own purposes in the course of time. These are private institutions, organized for the purpose of making money; and I hope, if the Senator from Utah will consent to extend the time of his amendment another year, that the Senator from Iowa will accept his amendment and that the bill may then pass.

Mr. FLETCHER. Mr. President, that suggestion is made now, but why can we not deal with that question later? If we are going to extend the time until 1923, why not wait until 1922 or something like that before attempting to legislate? Why legislate now for 1922?

Mr. McLEAN. For this reason: We have got the camel's nose under the tent now, and if we do not put the halter around him pretty soon it will be impossible to prevent his demolishing the tent.

Mr. FLETCHER. Senators proceed upon the hypothesis that the joint-stock land banks are private institutions. The law places them under the supervision of the Farm Loan Board precisely in the same way as the Federal farm banks.

Mr. SMOOT. Only so far as the law goes.

Mr. FLETCHER. They can not issue bonds to fifteen times the amount of their capital or anything of that sort at their pleasure at all; they can only issue bonds when they are authorized so to do by the Farm Loan Board; when back of them are mortgages to the full amount of the bonds, based upon a valuation of 50 per cent of the farm and 20 per cent of the improvements, all appraised by Government appraisers.

Mr. SMOOT. If the Senator will allow me to proceed, I should like to get through.

Mr. McLEAN. Will the Senator from Utah pardon one suggestion in reply to the Senator from Florida?

Mr. SMOOT. I yield.

Mr. McLEAN. I wish the Senator from Florida would consult the members of the Federal Farm Loan Board in regard to this measure.

Mr. SMOOT. Yes; let the Senator ask them what they think about it.

Mr. McLEAN. I do not want to reveal any confidence, but I wish to say to the Senator that the Federal Farm Loan Board is concerned about the encroachments that may possibly be made by the joint-stock land banks.

Mr. SMOOT. I should like to make a prediction now that if the Congress of the United States does not take away the tax-exempt privilege from the bonds of the joint-stock land banks of the United States, those banks will destroy the Federal farm loan system.

Mr. McLEAN. I merely wish to add, in conclusion, that I welcome the amendment offered by the Senator from Utah. I hope the Senate will have the courage to take the initial step now and put a limit upon the duration of the tax-exempt securities, because if that is not done and done in the immediate future it will be too late.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. SMITH. I should like to ask a question of the Senator from Utah, as he now has the floor. The suggestion has been made by the Senator from Connecticut, and affirmed very impassionedly by the Senator from Utah, that unless we put certain restrictions upon and begin to curb the joint-stock land banks they will absorb or destroy the Federal farm loan system. I should like to ask the Senator if he will not show us how that can be done, if he can do so within the length of time he intends to occupy the floor?

Mr. SMOOT. Mr. President, I should like to have the Senator read the report made by Secretary GLASS and Secretary Houston, of the Treasury Department, upon this very matter. I have recited here a number of particulars in which it is claimed that joint-stock land banks will have a greater privilege than have the Federal farm loan banks, and they will have.

Mr. SMITH. In what particular?

Mr. SMOOT. They can loan $37,500 to one borrower; and in one case I know they have loaned $78,000 on one piece of property. The borrower does not have to subscribe to the stock in making a loan from the joint-stock land bank, but the farmer has to subscribe for stock when he makes a loan from the Federal farm loan bank, and the bonds are sold in the same market under the some authority. The Government of the United States is responsible to the same degree for the payment of the bonds, whether they be issued by the joint-stock land banks or whether they be issued by these individual corporations.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. HITCHCOCK. I want to indorse the suggestion of the chairman of the committee, the Senator from Connecticut [Mr. McLEAN], that a compromise of this matter be made by setting forward to 1923 the date at which this amendment shall take effect.

Mr. SMOOT. I will perfect the amendment and make it 1923.

Mr. HITCHCOCK. In doing that, I want to suggest another amendment in the interest of justice, and that is that when that date arrives these joint-stock land banks be relieved of the restriction upon the rate of interest that they may charge for their loans.

Mr. KENYON. How is that?

Mr. HITCHCOCK. That when that date arrives that their bonds become subject to this taxation, they be relieved from the restriction now existing in the law that they can not lend their money at over 6 per cent. If you take away from them

the Government privilege; then you should take away the Government restriction on the rate of interest that may be charged to the farmer.

Mr. KENYON. The Senator means that they could charge the farmer any rate of interest?

Mr. HITCHCOCK. They could charge a higher rate.

Mr. KENYON. That would destroy the very purpose of the bill.

Mr. SMOOT. I would rather not mix up the two questions at this time.

Mr. HITCHCOCK. I think it ought to be done. I think now is the time to settle this matter, and it ought to be done by a compromise. I want to say to the Senator that, as he well knows, the insertion of the joint land banks into this law was due to the fact that we all had doubts whether the mutual banks would work. We felt that it was pretty doubtful whether the American farmer would go into the mutual-bank system; but the mutual-bank system has worked and is working, and that should now be the chief care of the Government; but having encouraged these joint-stock land banks to be formed, we ought to give them an opportunity and a reasonable time decently and in order to get out of their venture without a financial loss. I approve, at the same time, the Senator's suggestion that they should be in the future subjected to taxation upon their issues; but when that time comes we should relieve them of the restriction that applies to the farm loan banks as to the rate of interest.

Mr. SMOOT. Mr. President, the best way to do that would be this: On June 30, 1923, there should be a law passed providing that no more joint-stock land banks should be organized in the United States, but at the same time we should give every bank that is organized the full privileges of the law as it existed at the time the bank was organized. That is fair; and not only that, Mr. President, but some of them have already loaned fifteen times the amount of their capital stock, as the law authorizes them to do.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. NORRIS. I am impressed with the suggestion made by my colleague. I think, however, as I understand it, that he is not referring to the real difficulty. There is in the pending bill, as I understand, a provision that would prevent them from charging a farmer more than one-half of 1 per cent, instead of 1 per cent.

Mr. SMOOT. That is the effect of the bill.

Mr. NORRIS. Yes. Now, the amendment of the Senator from Utah ought to have added to it, it seems to me, a provision to the effect that when the time arrives that their tax-exempt privileges expire the provisions of the pending bill preventing them from charging more than one-half of 1 per cent additional shall not any longer prevail, and let them operate under the old law.

Mr. SMOOT. Let me tell the Senator what is going to happen. What was this offer made for? Why, I know what it was made for. It was made, first, as they say, because of the emergency existing at the time; but, Mr. President, what these joint-stock land banks want is continued life, and the result will be that in a year or two, if no more legislation is passed by Congress, they will come back and tell Congress that it is impossible to do business on one-half of 1 per cent. Then they are going to remind Congress that they came to Congress with great liberality and because of their love of the farmer, actually asked a reduction in the amount of interest they were allowed to charge over and above the 5 per cent, and for that unselfish liberality they are going to ask us either to take off the one-half of 1 per cent or to add it onto the 6 per cent; and there is no man who can stand in the Senate and deny that the 1 per cent, if it were left, would be about right, particularly where money was a drug upon the market; not under conditions existing to-day. There is not a dollar in the United States but that would command to-day, outside of tax-exempt bonds, 7 or 8 per cent.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Yes; I yield.

Mr. JONES of New Mexico. If this bill is what I understand it to be, I do not believe that it should be opposed by any Senator. The question which is now being discussed by the Senator from Utah involves an entirely different proposition, and one which, it seems to me, is not necessarily brought into the discussion of this particular bill. If I am able to understand this bill, it simply permits these farm loan banks to sell their bonds at a rate of 5½ per cent.

Mr. SMOOT. Joint-stock land banks.

Mr. JONES of New Mexico. Yes. Now, it seems to me there can not be any objection to that if those banks are still required to loan the money to the farmers at the present rate, and the effect of this bill can only be to reduce the margin which the farm loan banks or the joint-stock banks would make in the transaction. This other broad question, it seems to me, if the Senator from Utah will permit the observation, might very well be left to a later date.

Mr. McLEAN. Mr. President, that might be true as affecting existing conditions, but I anticipate that these 5½ per cent bonds, when normal conditions are restored, will go to a large premium, and it will be possible for these companies to issue their bonds at 5 per cent.

Mr. SMOOT. And that is what they will do.

Mr. McLEAN. And they will be enabled to make a large profit, and that they will do this just as soon as this emergency is past if we continue the tax-exempt provision.

Mr. JONES of New Mexico. Mr. President, these banks are still restricted as to the amount of interest that they can charge. They can not loan their money for more than 6 per cent, if I understand the law; and by giving them a right to sell their securities at 5½ per cent we are simply giving them the privilege of reducing their margin of profit by 50 per cent.

Mr. SMOOT. Mr. President, reference has been made so many times to "1 per cent." The law allows these banks to issue bonds to the amount of fifteen times their capital. Why not say it is 15 per cent? They do not put a dollar of money in and loan it, with the exception of the original capital. If that is a million dollars, under the law they can issue bonds for $15,000,000, and make 1 per cent upon the $15,000,000, not upon the $1,000,000 that they have invested.

Mr. JONES of New Mexico. Mr. President, the purpose for which I rose was to see if we could not reach the conclusion that the discussion of the advisability of having these joint-stock land banks should be deferred to some future occasion, because the purpose of this bill is simple; and there is not any doubt that if this bill is passed it will aid in loaning money to the farmers of this country at a reasonable rate of interest. That is the purpose of this bill, and it is the only purpose of the bill; and I submit that there is nothing in this bill to which any objection should be taken. If the Senator from Utah desires to abolish these joint-stock banks, that is another proposition. I am not certain but that he is right about that; but I do say that this is not the time to raise that question. We are simply seeking at this time to raise money so that these farmers can get money at 6 per cent; and whether the person who furnishes it to them pays 5½ or 5 per cent should not bother us at this time if the ultimate result is that the farmer gets the money at 6 per cent.

Mr. SMOOT. If the Senator will allow me, Mr. President, this amendment does not interfere one iota with the rate of interest to be charged the farmer or the rate of interest at which the bonds can be sold. My amendment has nothing to do with that. But, Mr. President, it ought to be announced to the American people just as soon as it can be by the voice of Congress that these institutions, private in character, shall not enjoy the privilege of issuing bonds backed by the Government of the United States, exempt from every form of taxation, and the sooner that notice is given to the American people the better it will be for those men who are being asked to invest their money in that kind of institution.

Mr. KENYON. Mr. President, I would like to get back to the practical question which we had up concerning the Senator's amendment a little while ago. If the amendment of the Senator were adopted, or even a 2-year period were fixed, would not this be the result: Bonds have been issued which are to run for 20 years. Mortgages, to run for 32 years, have been placed upon farms. The system is carried on interchangeably; you must have one or the other. You have a situation of mortgages out and nobody to look after them. The bonds are coming due in 20 years, and the institution which issued them has gone out of business. How could you expect anyone to buy bonds under those circumstances? Let us be frank about that. Would not the amendment absolutely kill the proposition? Nobody would buy the bonds.

Mr. SMOOT. I want to be perfectly frank with the Senator. I have not a thing in the world to cover up in this matter. I am as earnest in the matter as a man can possibly be, because I see what is going to happen to the Federal farm loan banks of this country, and I am in full sympathy and accord with the object of those banks.

Mr. KENYON. The Senator has no more sympathy with them than the rest of us have.

Mr. SMOOT. The bonds are issued, and the 1 per cent amortization takes care of the loan in 33 years, whether it is

the joint-stock land bank or whether it is the Federal farm loan bank.

Mr. KENYON. What is going to happen at the end of 20 years, when the bond comes due, and who is going to look after the mortgage?

Mr. SMOOT. This provision will not interfere at all with any bond that is issued or with any bank which issues it.

Mr. KENYON. It would not interfere with the bonds that have been issued, but it would put the bank out of business.

Mr. SMOOT. No; Mr. President.

Mr. KENYON. Then you have bonds issued and nobody to look after them.

Mr. SMOOT. Oh, no.

Mr. McLEAN. Suppose it did put the bank out of business; the statute provides for the liquidation of these banks. The Senator will remember that at the last session a law was passed which permits any of these banks which are not doing well to go out of business, to liquidate.

Mr. SMOOT. There is not a bank in the United States but what would take those bonds and pay the stockholders the interest as collected.

Mr. McLEAN. In reference to the suggestion made by the Senator from Nebraska [Mr. HITCHCOCK], that at the expiration of the two years we remove all limit in regard to the rate of interest that these joint-stock land banks can charge, I question whether Congress ought to establish private mortgage loan companies, and give them the privilege of loan fifteen times their capital with no limit to the rate of interest they may charge.

Mr. SMOOT. I do not want to see that done.

Mr. McLEAN. I think it ought to be considered very seriously before we make such provision as an amendment to this law. I do not see that there is any practical difficulty in the liquidation of these companies, because it has been done, and I think the Senator will recall that within the last year three of these banks have gone out of business. I have no doubt that there would be no difficulty about that.

Mr. KENYON. Mr. President, if that matter could be arranged so that there would be no question about it, I should not be antagonistic to an amendment providing for a reasonable period of time—two years or three years, something of that kind. But we have passed this law and we have invited people into these things. I am not speaking for the joint-stock land banks; I have been interested in it because of the agricultural phase of it. But you have to be square and honorable with those people who have gone into this and invested their money. If that can be taken care of, it might be that we could work out a compromise to handle this question.

Mr. McLEAN. Congress will take care of any situation of that kind.

Mr. KENYON. It is not fair to just boot these banks out.

Mr. SMOOT. I do not want to do that.

Mr. KENYON. That is what the Senator's amendment would do, it seems to me, clearly.

Mr. SMOOT. No, Mr. President. If I had a suspicion that it would do that, I would not insist on it.

Mr. KENYON. I know the Senator may feel that way, but the rest of us are entitled to some thought about it.

Mr. SMOOT. I will say to the Senator, as president of a bank, that I would like to make the collections on these bonds, at 1 per cent a year, and have the amount collected pass through the bank.

Mr. KENYON. Is the Senator president of a bank?

Mr. SMOOT. Yes; I am president of a small bank in my home town, and I say here and now that I would be delighted to take such business.

Mr. FLETCHER. Mr. President, the proposition now is to increase the rate on these bonds to 5½ per cent, without increasing the limit of 6 per cent to the borrowers, and if the bonds are not selling now, when they draw 5 per cent, with all of the privileges attached to them, does the Senator think they will sell with the extra half per cent, the tax exemptions being removed?

Mr. SMOOT. A 5 per cent bond is being sold by the Federal Farm Loan Board; but I am perfectly willing that that should be 5½ per cent. I know what I am talking about, because I have talked to members of the board about it. But I am perfectly willing, Mr. President, to make this 5½ per cent. I am not asking that any amendment offered by the committee shall be changed, not one. But I want to say to the Senator from Florida that it will not be many years before the holders of the 5½ per cent tax-exempt bonds will be able to realize on those bonds about $110 for every $100.

Mr. FLETCHER. Of course, that is a mere prognostication, and I do not know what it is based on. But what we are talking about now is getting money for the farmers.

Mr. SMOOT. My amendment would not stop that at all.

Mr. FLETCHER. It will stop it to a considerable extent if it puts these joint-stock land banks out of businses. To repeal the tax-exempt feature as to their bonds would do that. But I will meet that when I get to it and have the floor. I am directly and positively and emphatically opposed to eliminating these joint-stock land banks, and especially unless you amend the law so as to allow farm land banks to increase their loans beyond $10,000. They are limited to $10,000. And I am prepared to give the reasons, which I believe will satisfy most people, when I get the opportunity.

Mr. SMOOT. Mr. President, the whole theory of the law was to lend money to the farmers to enable them to cultivate their land. As far as I am concerned, I want every advantage shown to the Federal farm loan bank.

Mr. President, if there is any money made by the Federal farm loan bank in the 1 per cent difference between the value of the bond and what the loan to the farmer is, the farmer gets his part of that gain; the farmer gets his dividend on the amount made over and above actual expenses of that 1 per cent. Why should he not? He is compelled to subscribe to stock, and he is entitled, Mr. President, to that dividend.

But with the joint-stock land banks the profit goes into the pocket of some individual, to whom the Government of the United States says, "You are better than all other individuals in the United States, and you can issue obligations with no power in cities or counties or States, or even in Uncle Sam himself, to impose a dollar of tax upon you."

I know the Senator from Iowa wants to do the right thing in this matter, and why not lay it aside now until we can see if we can not agree upon some proposition?

All I am trying to do is to carry out a policy which I know Congress will have to carry out sooner or later. I am betraying no confidence when I say that the Federal Farm Loan Board first brought this to my attention. I called on the board and saw the statements from these joint-stock land banks. I examined them. I saw what they were going ultimately to do to the Federal farm loan banks, and just as sure as we live, if they are not curbed and checked, and if they are allowed to go on the way they are going now, they will destroy the Federal farm loan system.

Mr. FLETCHER. Mr. President, did not the Federal Farm Loan Board admit that they made an error in that statement?

Mr. SMOOT. Does the Senator refer to the Illinois bank?

Mr. FLETCHER. Regarding the profits made by joint-stock land banks.

Mr. SMOOT. I have never seen a statement from them that they made an error in the Illinois bank statement. I know a statement was made by way of explanation from the officers of the bank, and they came to my office and explained it to me. But, Mr. President, what happened, and what was the cause of the difficulty? Speculation, violation of the law! They wanted to cover it up, and when it was called to the attention of the board, the board made the statement as to the real situation.

Mr. FLETCHER. Mr. President, of course I do not know what the Senator refers to when he talks about speculation and that sort of thing.

Mr. SMOOT. I refer to just exactly what the officials or stockholders of the Illinois bank told me themselves.

Mr. FLETCHER. Was that the bank or the Farm Loan Board?

Mr. SMOOT. Both. It was but a few days after I made the statement upon the floor of the Senate, and read from the letter of the chairman of the Federal Farm Loan Board, that some of the officials of that bank from Chicago were here in Washington to see me.

Mr. FLETCHER. Of course, at the proper time, when we come to consider the relations of the joint-stock land banks to this system, and to show what they have done, and the reason for continuing them, I will be ready and able to go into that. For the present I am simply asking the Senator to yield for this statement, issued by the Farm Loan Board on April 30, 1921. It shows the total amount of business handled by the joint-stock land banks—and I can give the details if desired—but let us just take the consolidated statement of condition of the joint-stock land banks at the close of business April 30, 1921. It shows a total amount of assets, $100,508,489.11, and their undivided profits on all that business, net mortgage loans they made, amounting to $77,897,648.48, is given at $129,205.87.

Mr. SMOOT. Mr. President, such statements as that made to the Senate tend to confuse the minds of Senators. That statement was made when a great many banks had been in business but a short time.

Mr. FLETCHER. The statement is dated April 30, 1921, and is by the Farm Loan Board.

Mr. SMOOT. But it has reference to the situation of the banks as a whole, not of the individual banks. I know there are banks which have been started up in different parts of this country which are not going to make very much money. There are banks, Mr. President, that come in contact with private concerns or organizations within States which can not get 6 per cent.

There is one other reason given here as showing the advantages of the joint-stock land banks over the Federal farm land banks, and it is this:

That the individual borrower may obtain any sum up to $37,500. Borrowers from the Federal farm land banks can not get more than $10,000.

That is true.

The Senator from Iowa has not yet answered as to whether he would like to lay the bill aside to see if we can agree upon an amendment.

Mr. KENYON. I feel this way about it: If Senators desire to kill off the joint-stock land banks, they may as well kill them now. I am convinced the Senator's amendment will do that thing. I wish the Senator would wait until the question can come up after we get through the trouble that we are in now. I have sympathy with many things the Senator is advocating, but it is perfectly apparent that when we put the banks out of business we end any sale of bonds. There is no use arguing that for a moment.

Mr. SMOOT. This does not put any organized bank out of business.

Mr. KENYON. Oh, of course it will.

Mr. SMOOT. It will very likely keep any bank from going into the business hereafter, but every bond that is sold, every obligation that is made to a farmer, will be carried out to the very end. This does not interfere with any bank in that respect.

Mr. KENYON. It seems clear to me that it does, and I am sorry I am so dense that I can not get the viewpoint of the Senator. The Senator is opposed to the whole system, as he has a right to be, and wants to destroy it. I think his amendment will succeed admirably in accomplishing that purpose. I am perfectly content to let the Senate vote on it, and to take the sense of the Senate on it. If they want to destroy it, all well and good.

Mr. SMOOT. I will say no more if we can have a vote upon it at this time.

The PRESIDENT pro tempore. May the Chair suggest to the Senator from Utah that the Secretary has not yet received the amendment offered by him.

Mr. SMOOT. I send it to the desk now. I will say to the Chair that I have changed the year to 1923.

Mr. SMITH. Let the amendment be read as now offered.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Utah.

The ASSISTANT SECRETARY. It is proposed, after the word "annum" on page 2, line 6, to insert:

The income from joint-stock land bank bonds issued after June 30, 1923, shall be subject to all graduated additional income taxes, commonly known as surtaxes, now or hereafter imposed by the United States upon the income of individuals, partnerships, corporations, or associations.

Mr. KENYON. On that I ask for the yeas and nays.

Mr. SIMMONS. Mr. President, I think this is rather too important a measure to be disposed of practically without any real discussion except the remarks of the Senator from Utah [Mr. SMOOT] in support of his own amendment.

In a time of normal conditions I do not know that I would not be in sympathy with the views of the Senator from Utah. If conditions were the same as those which obtained at the time the Federal land-bank proposition became a law, I think probably there would be very great force in the position of the Senator from Utah, but the situation originally calling for the existence of this form of a bank is not now by any means whatsoever what it was at the time of the enactment of the law. Even then it was very difficult for the agricultural classes of the country to obtain adequate accommodations through the commercial banks of the country; the funds of those banks were preempted for use in other industries and in speculation.

The situation with respect to this phase of our banking problem is very much worse now, so far as the farmer is concerned, than it has ever been heretofore. We have the statement from the Federal Reserve Board that there is a superabundance of money in the country just at this time, and that the Federal reserve banks have ample money to accommodate all the requirements of the business in the country. This is not the first time that observation has been made, not so directly, not so emphatically, but made in a way which implied the same thing, by the governor of the Federal reserve system. During all the months when the agricultural classes of the country have been striving for money with which to transact their business to protect their interests we have had the same statement emanating from the same source, that there was an abundance of money in the country. Probably it was true to the extent that there was enough money in the country to supply the people who could get that money, but the farmers have not been able to get it.

Mr. President, it is a matter of common knowledge in the agricultural sections of the country that farmers, without regard to the amount of security they might offer, without regard to their requirements or necessities, have not been able to secure money through the commercial banks. The situation of agriculture in the country at this time is a desperate one, largely because the farmers have not been able to get the money with which to grow their crops or to finance the exportation of their surplus crops. That situation has not grown any better. Business in many lines has improved, no doubt, but the condition of the farmers of the country is as bad to-day as it has been at any time since the armistice. Instead of the situation getting better it is getting worse; and the foundation of the distress which the farmers are experiencing at this time is largely because the commercial banks of the country either are not able or are not willing to assist them with the money necessary to carry on their business properly.

I know the situation which developed in my State early in the beginning of the present year. Farmers were unable to secure the necessary money to meet the mortgages upon their farms. Being pressed for payment and being unable to get money from the banks, they resorted to the insurance companies. There was one insurance company in my State, and I do not say it to its credit either, that had gotten together, I have been reliably told, $3,000,000 worth of Liberty bonds, which it offered to the farmers of the State in return for notes at par secured by mortgages upon their land, the suggestion being made that the Liberty bonds could be used to realize money. That amount was immediately taken by the farmers of my State, their notes and mortgages executed at 6 per cent interest, and they took in return Liberty bonds worth at that time 86 cents on the dollar.

I simply state that to show to what extremities the farmer has been reduced with reference to securing money to save his property from the hammer of the auctioneer and the sheriff. In every agricultural State in the Union I undertake to say the same situation has existed for the past six or eight months, and it is no better to-day along these lines than it was at the beginning of this era of difficulty. The Senator from Georgia [Mr. WATSON] suggests to me, and I believe he expresses the truth, that the situation is worse now.

Yet we are told that the Federal reserve banks in the country to-day control $2,400,000,000 in gold and that in the vaults of those institutions, the member banks of the Federal reserve system of the country, there is an abundance of money to supply all the needs of the country. We are told that in the face of the fact that the farmers in the country to-day to my knowledge are paying not 6 per cent, the maximum amount that joint-stock land banks are permitted to charge, not 7 per cent, not 8 per cent, but nearer 12 per cent; and I have no doubt in the world that the information of Senators from the South, the same section of the country from which I come, and from the Middle West and the Far West will bear me out in this statement.

Mr. President, I do not think there is any other class of business in the country that is in as bad condition. I do not think the manufacturers of the country are having to pay such high rates of interest. I do not think the merchants of the country are having to pay such high rates. I do not think those people who are now borrowing money on time loans, even to speculate, are having to pay such high rates. Why has this condition been brought about? It is because the commercial banks of the country, the member banks of the Federal reserve system, the nonmember banks of the Federal reserve system, especially in the big cities, are using their money for the purpose of supplying the requirements of other industries than those of agriculture at this time.

I do not mean to criticize them. I suppose they are moved by the considerations which ordinarily move bankers. They do not regard farm paper as liquid; they do not regard farm securities as of a character that can be easily converted into money in case of defalcation in payment. They are right in that respect. The farmer is at a disadvantage in competition for money with other industries for the very reason that his paper is not liquid. It is not liquid because his crops are seasonal; he has money only during the season of the year when his crops are ready for the market.

The Federal farm loan bank was instituted by the Congress of the United States in response to a demand that came from one end of this country to the other that some special agency be created by the Government that would minister solely and exclusively to the requirements and the wants of the farmer.

Those of us who supported with zeal that proposition did so because we felt that the facilities of commercial banks were largely monopolized by other interests; that they were not specially adapted to the needs of the farmer with respect to long-term loans; and that it was, therefore, necessary to establish some special financial institution which would be adapted to his requirements and which would so function as to meet his needs. So, Mr. President, we created the farm loan banks.

At the same time we created the joint-stock land banks. The one bank accommodates one condition of the farmer, while the other accommodates another condition of the farmer. Federal farm loan banks can not lend to one borrower in excess of $10,000; but there are many cases in which the loan of $10,000 would be of no help to the farmer. There are many cases where such a loan would be sufficient; but there are more cases where it would be insufficient and worthless to him.

There is another qualification which limits the availability of the Federal farm loan banks to a limited number of farm owners and farm operators. The farmer must reside on his farm and must himself be a farmer in order to get the benefit of a loan from that character of bank; he has got to operate and own the farm.

Mr. President, there are in the southern section of the country—and I think the statement is also true of the Middle West whether or not it is to any extent in the Far West—an immense number of people who indirectly operate farms, who own large tracts of land, and who secure the cultivation of those tracts of land through tenants. Such a farmer, although he may own thousands of acres of land, may not himself operate a single farm nor cultivate a single acre of this land. He cultivates that land through his tenants. That is a bad system, I grant you, and it ought to be stopped, but it is common in the South. Is that man to have no protection through the banking system? He has none, except through the joint-stock land bank, because the terms of the law creating the Federal farm loan banks exclude him from the benefits of those banks. His tenants can not borrow because they do not own the land. So that vast area of land in the South, which is cultivated by tenants rather than by the owners of the land, would be deprived of all benefit under the Federal farm loan act if the joint-stock land banks were destroyed. It was the situation to which I have referred, Mr. President—and I wish to call the attention of the Senator from Iowa to that fact—as I understood it at the time, that suggested the creation of this additional character of bank with power to accommodate farmers who needed more than $10,000, and with power to lend to men who own farms and who operate them not directly but through the tenant system.

The amendment which the Senator from Utah [Mr. SMOOT] proposes will beyond peradventure, Mr. President, according to my judgment, inevitably destroy the joint-stock land bank scheme. The Senator from Utah seems to be amused at that statement. The Senator has great confidence in his opinions; he does not think it will destroy them.

Mr. SMOOT. It will destroy them hereafter; there is no doubt about that.

Mr. SIMMONS. It will destroy them hereafter; and the process of destruction will begin right now, from the date the amendment may be adopted.

Why do the possessors of the vast capital which is invested in the joint-stock land banks consent to have the interest which they may charge as the profit they make upon the investment of their money fixed by the Federal Government and limited to 6 per cent? Why is private capital to-day investing money and ready to invest more money in the joint-stock land banks with the United States saying to them, "You shall charge but 6 per cent interest"? It is for but one reason, and that reason is found in the fact that the Government says, "In consideration of your agreement to put your money into this venture, in consideration of your promise and assurance that you will help the farmers and provide them adequate money with which to cultivate their crops to enable them to feed the world—if you will agree to do that and agree that you will not charge a rate of interest in excess of 6 per cent per annum, we will exempt your bond interest from the income tax and from the excess-profits tax which the Federal Government imposes." That is the reason capitalists invest money in such enterprises. Can Senators conceive of any reason why they should desire to invest in such banks, in view of the limitation on the amount which they may charge as interest, and the fact that they are subjected to all sorts of Federal supervision, unless it be to get the benefit of this exemption? The money was badly needed in order to help the farmers. An institution adapted to the farmers' needs and the farmers' requirements was essential, and so the Government created these banks. It said to those who might invest their capital, "If you will furnish the money and agree to have your interest rate fixed at 5 or 6 per cent, then we will give you this exemption." Of course, if we now take that exemption away from them they will retire from the business.

Mr. President, I am not defending generally the privilege of tax exemption; I think, with the Senator from Utah, that just as soon as conditions will permit, it is the imperative duty of this Government to do what may be done constitutionally—if necessary, to amend the Constitution for that purpose—to put an end to the tax exemption benefit enjoyed by certain securities. Such securities are piling up day after day, month after month, and year after year, assuming all the time a more and more menacing volume. With the movement among the States and among the municipalities of the country to issue bonds for roads and all other kinds of public improvements, for industrial, educational, charitable purposes, all of which bonds are tax exempt under the present law, with the demands upon the Federal Government making it necessary that it shall go into the market from time to time in order to borrow money to carry on the great projects that in the near future it is going to be called on by the people to carry on, either itself or in cooperation with the States, no man can tell, if that movement continues, what enormous amounts of the capital of this country are going to be locked up in tax-exempt securities, thereby casting a heavier burden upon those who do not enjoy the privilege of clipping coupons. But right now I can not see why this one instrumentality, devised and provided by law to help the farmer, and which I have shown if destroyed will leave a certain class of farmers in this country without the help that the Congress intended to extend when it adopted the Federal farm loan banking system, should receive the first blow. Why do we begin this process of reducing the number of tax securities with the farmer as the first objective, the man who is in the most distress, the man who is in the direst need of help, the man who can not stand upon his own legs, the man who is appealing to the Government for help and who has a right to appeal to the Government for help, because his present distressful condition is due very largely to the usurpations of power by an agency of the Government, creating a deflation just at the time when he was about ready to market his crops, and involving him in a loss in six months of $8,000,000,000, thereby reducing him to poverty?

I have no hesitation in saying that the narrow policy of the Federal Reserve Board with respect to agriculture and agricultural loans in the matter of deflation and in the matter of restriction of credit at the wrong time, and going too far in both directions, coupled with the fact of their taking the lid practically off of the interest rate charged by the Federal Reserve Board, is largely responsible for the condition in which the farmer finds himself to-day. Now, when one agency of this Government contributes so powerfully to the farmer's embarrassments and to the predicament in which he finds himself, will you start in this process of destroying these tax-free securities by laying the ax to the tree which alone bears the monetary fruits that he now so badly needs?

Mr. President, I do not want to go into details in the discussion of this question of the farmer and our financial prices and system as they affect him and his interests. It is a big question, and one that I want a little bit later to discuss with some degree of elaboration and after some preparation, and not in the off-hand way in which I am speaking to-day. While under some circumstances I might agree with the Senator from Utah, I should regard the success of his amendment as destroying one arm of the farm loan system at a time when it needs both, cutting off all hope of supply from this direction to at least one-third of the farmers of the South, and I believe I might say one-third of the farmers of the West as well.

Mr. President, I hope the amendment of the Senator from Utah will not prevail.

Mr. SMOOT. Mr. President, the Senator from Iowa [Mr. KENYON] seems to think that my amendment is going in some way to jeopardize the interests of the farmer. I can not see it for the life of me, but I do not want to do anything that will do that. I simply want to give notice now that this question will have to come before Congress. I recognize the fact that we have not time to discuss it thoroughly now. I recognize the fact that we could not get a vote directly upon the question if it is in the form of an amendment to this bill, and therefore I am going to withdraw the amendment.

The PRESIDENT pro tempore. Without objection, the amendment is withdrawn. The question is on agreeing to the amendment proposed by the committee.

The amendment of the committee was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION—CONFERENCE REPORT.

Mr. WARREN. I present the conference report on the second deficiency appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33½, 34, 36, 38, 39, 40, 45, 46, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 72, 73, 74, 78, 91, 93, 98, 102, 103, 104, 109, 110, 111, 112, 115, and 118.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 15, 16, 17, 32, 33, 37, 43, 47, 48, 51, 70, 71, 75, 79, 80, 81, 82, 83, 84, 85, 116, and 120, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "year" and insert in lieu thereof the word "years"; and in line 3, after the numerals "1921," insert "and June 30, 1922"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$550,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"General Land Office: For additional employees during the fiscal year 1922 at annual rates of compensation as follows: Law examiners—4 at $2,000 each, 8 at $1,800 each, 20 at $1,600 each; 8 clerks at $1,400 each; in all, $65,600."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For continuation of the investigation of structural materials, such as stone, clays, cement, etc., including personal services in the District of Columbia and in the field, $50,000: *Provided*, That as much of this sum as necessary shall be used to collect and disseminate such scientific, practical, and statistical information as may be procured, showing or tending to show approved methods in building, planning, and construction, standardization, and adaptability of structural units, including farm buildings, building materials, and codes, economy in the manufacture and utilization of building materials and supplies, and such other matters as may tend to encourage, improve, and cheapen construction and housing."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$336,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"For printing and binding for the Smithsonian Institution, including $26,702.70 for the National Museum, $10,000 for the Bureau of American Ethnology, and $5,000 for the annual reports of the American Historical Association, fiscal years 1921 and 1922, $41,702.70."

And the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "District of Columbia"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Sixty per cent of the sums contained in this section for the District of Columbia shall be paid out of the revenues of the District of Columbia and 40 per cent out of the Treasury of the United States"; and the Senate agree to the same.

The committee of conference have not agreed upon the following amendments of the Senate numbered 1, 19, 21, 41, 42, 49, 67, 68, 69, 76, 86, 88, 89, 92, 94, 95, 96, 97, 99, 100, 101, 105, 106, 107, 108, 113, 114, 117, and 119.

F. E. WARREN,
CHARLES CURTIS,
Managers on the part of the Senate.

JAMES W. GOOD,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WARREN. I move the adoption of the report as read.

Mr. UNDERWOOD. Mr. President, I desire to ask the Senator a question. As I understand, this is a partial report.

Mr. WARREN. I have here several amendments of the House that I shall move to concur in, with another amendment on which I shall ask a further conference.

Mr. UNDERWOOD. But what I mean is that the Senator moves to concur in the report, and it is only a partial report. The Senator wishes to concur in it as far as it goes?

Mr. WARREN. So much of it as has been read.

Mr. UNDERWOOD. Does the report cover the items that were not deficiency items at the end of the bill?

Mr. WARREN. Very largely.

Mr. UNDERWOOD. Can the Senator point them out?

Mr. WARREN. If the Senator will speak of some particular one, I think I can.

Mr. UNDERWOOD. As the report is not published, and I can not follow it, I want to know what we are voting on. What items in the back part of the bill that were for 1922, and not deficiency items, are left in disagreement in the report.

Mr. WARREN. So many of them as were supposed to transgress the lately adopted rule of the House had to go back to the House, not for amendment but for acceptance. Those have been largely accepted, and come back to us here with a list that I will give in a few moments; but very generally, of course, in the matter of these amendments, we agreed. We struck out the $50,000,000 that we had added on this side, and some of the other amendments for 1922; for instance, the hospitals were agreed to on the House side. There was the matter of passport agencies at various points, also agreed to on the House side, and the public schools as a whole were agreed to on the House side as the Senate had inserted them, all of which, of course, are 1922 amendments.

Mr. CURTIS. Mr. President, I understood the Senator to ask about the 1922 items in the House bill, did he not?

Mr. UNDERWOOD. The Senate committee struck out all the 1922 items and put them back at the end of the bill to separate them from the deficiency items. There were a large number of important items there, and I wanted to know what was in the report and what was in disagreement before we came to a vote. I just wanted to know the status.

Mr. WARREN. I may assure the Senator that almost every one of those matters that came over from the House was finally agreed to. I do not recollect one now that was not finally agreed to.

Mr. UNDERWOOD. Then the conference report agrees on all the matters as to which the Senate committee originally took issue with the House?

Mr. WARREN. We have had a full agreement on all of those items.

Mr. UNDERWOOD. The items in dispute are Senate items?

Mr. WARREN. Yes.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The Assistant Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 8, 1921.

Resolved, That the House recedes from its disagreement to the amendments of the Senate numbered 19, 21, 41, 42, 49, 67, 68, 69, 88, 94, 97, 99, 101, 107, 108, and 117 to the bill (H. R. 6300) entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes," and agrees to the same;

That the House recedes from its disagreement to the amendment of the Senate numbered 1, and agrees to the same with an amendment as follows: After the sum "$10,000" in said amendment, insert the following:

": *Provided*, That no part of this appropriation or of the appropriation for the fiscal year 1922 for this bureau shall be available for the payment of any salary at a rate of compensation exceeding the rate paid on July 1, 1920, except the chief of the bureau, whose salary shall not be in excess of the rate of $7,500 per annum."

That the House recedes from its disagreement to the amendment of the Senate numbered 76, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "The Secretary of War is authorized and directed to transfer, without payment therefor, to the Government Printing Office, one motor-propelled passenger-carrying vehicle."

That the House recedes from its disagreement to the amendment of the Senate numbered 86, and agrees to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$75,000."

That the House recedes from its disagreement to the amendment of the Senate numbered 89, and agrees to the same with an amendment as follows: In line 15 of the matter inserted by said amendment, strike out the following: ", $10,000."

That the House recedes from its disagreement to the amendment of the Senate numbered 92, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"INTERDEPARTMENTAL SOCIAL HYGIENE BOARD.

"The duties and powers conferred upon the Interdepartmental Social Hygiene Board by chapter 15 of the Army appropriation act approved July 9, 1918, with respect to the expenditure of the appropriations made therein are extended and made applicable to the appropriations for similar purposes made in this act;

"For expenses of the board, including personal services in the District of Columbia and elsewhere, books of reference and periodicals, printing and binding, traveling, and other necessary expenses, fiscal year 1922, $25,000;

"For assisting the States in protecting the military and naval forces of the United States against venereal diseases, fiscal year 1922, $200,000: *Provided*, That no part of this sum shall be expended in assisting reformatories, detention homes, hospitals, or other similar institutions in the maintenance of venereally infected persons;

"In all, Interdepartmental Social Hygiene Board, $225,000."

That the House recedes from its disagreement to the amendment of the Senate numbered 95, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TREASURY DEPARTMENT.

"OFFICE OF THE SECRETARY.

"Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall receive compensation at the rate of $10,000 per annum and shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease, fiscal year 1922, $10,000.

"Division of Printing and Stationery: Clerks—1 $1,400, 1 $1,200, 1 $1,000, 1 $900; multigraph operators—1 $1,200, 1 $1,000; skilled laborer, $840; 4 laborers, at $720 each; 2 messenger boys, at $480 each; in all, fiscal year 1922, $11,380.

"Division of Mail and Files: Distributing clerk, $1,400; reading and routing clerk, $1,400; assistant file clerk, $1,100; assistant mail messenger, $900; in all, fiscal year 1922, $4,800."

That the House recedes from its disagreement to the amendment of the Senate numbered 96, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"OFFICE OF THE COMPTROLLER OF THE CURRENCY.

"For salaries, fiscal year 1922, at annual rates of compensation as follows: Clerks—4 at $2,000 each, 4 at $1,800 each, 4 at $1,600 each, 5 at $1,400 each; clerk-counters—2 at $1,400 each, 4 at $1,200 each; 2 messengers at $840 each; in all, $37,880.

"The Comptroller of the Currency may designate a national-bank examiner to act as chief of the examining division in his office."

That the House recedes from its disagreement to the amendment of the Senate numbered 100, and agrees to the same with the following amendment:

In lines 7 and 8 of the matter inserted by said amendment strike out the following words: "at a limit of cost not to exceed."

That the House recedes from its disagreement to the amendment of the Senate numbered 105, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"WAR DEPARTMENT.

"Office of the Secretary: For additional amount required for the salary of the Assistant Secretary of War, in accordance with section 5a of the act 'To amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and to establish military justice,' fiscal year 1922, $5,000.

"Water system, Schofield Barracks, Hawaii: For installation of a pipe line to replace the present water main from Koolau Reservoir to Schofield Barracks, fiscal year 1922, $600,000.

"Quartermaster Corps: To complete the acquisition of land required for the Infantry School at Camp Benning, Ga., there may be expended from the appropriation 'General appropriations, Quartermaster Corps,' for the fiscal year 1919 the sum of $400,000, which amount shall be in addition to the sum of $515,252, the expenditure of which for the same purpose was authorized by the act approved February 28, 1920, entitled 'An act to amend the Army appropriation act of 1920, and for the purchase of land and to provide for construction work at certain military posts, and for other purposes.' The said sum of $400,000 herein authorized to be expended shall remain on the books of the Treasury to the credit of the appropriation 'General appropriations, Quartermaster Corps, 1919,' until June 30, 1922."

That the House recedes from its disagreement to the amendment of the Senate numbered 106, and agrees to the same with an amendment as follows:

In line 11 of the matter inserted by said amendment, after the word "and," insert the word "of," and in line 13 strike out the following: "in the District of Columbia and elsewhere."

That the House recedes from its disagreement to the amendment of the Senate numbered 113, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"DEPARTMENT OF COMMERCE.

"BUREAU OF FISHERIES.

"Expenses of advisory committee: For the expenses of an advisory committee of not to exceed two members from the Atlantic coast, two members from the Pacific coast, and four members from the inland waters, Great Lakes, and Alaskan sections of the United States, to be designated from time to time by the Secretary of Commerce, to consist of men prominently identified with the various branches of the fishery industry, qualified in aquatic research, and experienced in fish culture, who shall visit the Bureau of Fisheries at such times as the Secretary of Commerce may deem necessary and report to the Secretary of Commerce on the conditions and needs of the service, the members to serve without compensation, but to be paid the actual expenses incurred in attending the meetings, fiscal year 1922, $2,500."

That the House recedes from its disagreement to the amendment of the Senate numbered 114, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

"Not more than $25,000 of the appropriation for 'Promoting commerce, Department of Commerce, fiscal year 1922,' may be used for personal services in Washington, D. C.

"Commercial attachés: The appropriation for 'Commercial attachés, fiscal year 1922,' shall be available for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $2,500 per annum for each person so employed. And not to exceed two commercial attachés employed under said appropriation may be recalled from their foreign posts and assigned for duty in the Department of Commerce without loss of salary."

That the House recedes from its disagreement to the amendment of the Senate numbered 119, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"GOVERNMENT PRINTING OFFICE.

"In order to keep the expenditures within or under the appropriations for the fiscal year 1922 for printing and binding, the heads of the various executive departments and Government establishments are hereby authorized to discontinue the printing of any annual or special reports under their respective jurisdiction: *Provided*, That where the printing of said reports is discontinued, the original copy thereof shall be kept on file in the offices of the heads of the respective departments or Government establishments for public inspection."

Mr. WARREN. I move that the Senate agree to the amendment of the House to the amendments of the Senate numbered 76, 86, 89, 92, 95, 96, 100, 105, 106, 113, 114, and 119.

The motion was agreed to.

Mr. WARREN. Now I move, Mr. President, that the Senate disagree to the amendment of the House to the amendment of the Senate numbered 1, insist on said Senate amendment, and ask a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS as conferees on the part of the Senate.

THE MEAT-PACKING INDUSTRY.

Mr. NORRIS. I ask that House bill 6320, the unfinished business, may now be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and to insert:

That this act may be cited as the "Federal live stock commissioner act."

TITLE I.—DEFINITIONS.

SEC. 2. When used in this act, unless the context indicates otherwise—

The term "person" includes a partnership, a corporation, or an association of two or more individuals, and the members of a partnership or the directors, officers, receiver, or other person charged with the duty of the management and operation of the business of a corporation, partnership, or association.

The term "commissioner" means the Federal live stock commissioner created by this act.

The term "Secretary" means the Secretary of Agriculture.

The term "commerce" means commerce among the several States or with foreign nations, or in any Territory or possession of the United States or in the District of Columbia, or between any such Territory or possession and any State or foreign nation, or between the District of Columbia and any State, Territory, possession, or foreign nation.

The term "live stock" means live or dead cattle, sheep, and swine.

The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer.

The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens or other inclosures, and their appurtenances, in which live cattle, sheep, and swine are received, held, and sold for shipment or slaughter in commerce.

The term "packer" means any person engaged in the business of slaughtering of live stock or preparing live-stock products for sale in commerce, or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce, and any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

The term "registrant" means any person to whom a certificate of registration has been duly issued under the provisions of section 25 and whose certificate remains in full force and effect.

The term "corporation" includes any public, quasi public, or other corporation or cooperative association, and any agency controlled or operated by any State, Territory, District, or possession of the United States or any political subdivision thereof.

TITLE II.—POWERS AND DUTIES OF THE COMMISSIONER.

SEC. 3. There shall be in the Department of Agriculture a Federal live stock commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $7,500 a year, payable monthly.

The commissioner, under the direction of the Secretary, shall administer and enforce the provisions of this act, and the rules, regulations, and orders issued hereunder.

The commissioner shall not be directly or indirectly interested in the business of any packer or operator. The commissioner may be removed by the President or by concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office.

SEC. 4. The commissioner is authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses, and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by Congress from time to time. All such appointments of officers, employees, and agents shall be made from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil service law.

The principal office of the commissioner shall be in the District of Columbia, but he may exercise all his powers at any other place. The commissioner may prosecute any inquiry necessary in connection with his duties in any part of the United States. The powers and duties conferred or imposed upon the commissioner by this act may be exercised by him through such agency or agencies as he may designate, subject to the approval of the Secretary.

SEC. 5. The commissioner, the courts, and all persons shall have the same powers, rights, remedies, and duties with respect to all persons subject to investigation or regulation under this act, and heretofore subject to the act entitled "An act to create a Federal Trade Commission, to define its duties, and for other purposes," approved September 26, 1914, and such persons heretofore subject to such act shall, except as otherwise provided in this act, have the same obligations, duties, liabilities, and rights as are conferred or imposed by such act on the Federal Trade Commission, the courts, and such persons. All hearings shall be open to the public. Upon the taking effect of this act the jurisdiction of the Federal Trade Commission, in so far as it relates to live stock and live-stock products, in domestic commerce, shall be terminated, except in such cases where the Federal Trade Commission is directed to make an investigation by the President, the Secretary of Agriculture, or either branch of Congress.

SEC. 6. The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations of and the ownership of stockyards. He shall likewise compile and furnish to producers, consumers, or distributors by means of regular and special reports, or by such other methods as he decms most effective, information respecting the condition of the live-stock market and the supply, demand, prices, and other conditions affecting the market.

SEC. 7. The commissioner shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, records, and correspondence relating to any matter under investigation. The commissioner or any examiner designated by him may sign subpœnas, may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses and the production of such books, papers, records, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpœna, the commissioner may invoke the aid of any district court of the United States within the jurisdiction of which such inquiry is carried on to require the attendance and testimony of witnesses and the production of such books, papers, records, and correspondence.

Such court may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring such person to appear before the commissioner, or to produce books, papers, records, and correspondence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 8. The commissioner may order testimony to be taken by deposition in any proceeding or investigation under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commissioner having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose, and to produce books, papers, records, and correspondence in the same manner as witnesses may be compelled to appear and testify and produce such evidence before the commissioner, as hereinbefore provided.

Witnesses summoned before the commissioner, or any examiner, as herein authorized, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like depositions or services in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, records, or correspondence before the commissioner in obedience to the subpœna of the commissioner on the ground or for the reason that the testimony or evidence required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence before the commissioner in obedience to a subpœna issued by him: *Provided*, That no natural person so testifying shall be exempt from prosecution for perjury committed in so testifying.

SEC. 9. Any agent or employee of the commissioner who, without his authority, unless directed by a court of competent jurisdiction, makes public any information obtained by the commissioner shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 10. The commissioner, with the approval of the Secretary, may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government or of any State or political subdivision thereof, or with any person.

SEC. 11. The several departments and agencies of the Government, when directed by the President, shall furnish to the commissioner, upon his request, all records, papers, and information in their possession relating to any person subject to any of the provisions of this act and shall from time to time detail to the commissioner such officers and employees as the President may direct.

TITLE III.—DUTIES OF PACKERS AND OPERATORS.

SEC. 12. It shall be unlawful for any packer to—

(a) Engage in any unfair, or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers, or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce; or

(d) Conspire, combine, agree, or arrange with any other packer to apportion territory for carrying on business, or to apportion purchases or sales of any live stock or live-stock products, or to control prices thereof in commerce; or

(e) Conspire, combine, agree, or arrange with any other packer to engage in any course of business or to do any act for the purpose of preventing any person from carrying on a competitive or similar business in commerce; or

(f) Otherwise act, or conspire, combine, agree, or arrange with any other person to do or abet the doing of any act, contrary to the provisions of this act, or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to refuse, neglect, or fail to act in accordance with the provisions of this act; or

(g) Otherwise act or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to do or aid or abet the doing of any act, or to refuse, neglect, or fail to act contrary to the provisions of this act and the rules, regulations, and orders made hereunder.

SEC. 13. After two years from the date when this act becomes effective, no packer engaged in commerce shall own or control or have any interest in, directly or indirectly, by community of stock ownership or otherwise, any stockyard, unless the commissioner shall determine that such ownership or control or interest is not in violation of the purposes of this act or that such packer has been unable, despite due diligence, to dispose of such ownership or control of or interest in such stockyard, in which case the commissioner may, by order, extend the period during which such ownership, control, or interest may continue.

SEC. 14. No operator shall engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce, or charge, collect, receive, or demand any unreasonable charge or rate for any service in commerce performed in connection with the business of such operator.

The commissioner, with the approval of the Secretary, may after hearing, upon complaint or upon his own initiative, determine and fix, and by rule, regulation or order prescribe, fair and reasonable practices, charges and rates to be observed by operators, and fair and reasonable terms and conditions upon which the services of operators in commerce shall be rendered or performed.

SEC. 15. It shall be the duty of every packer and operator to comply with the provisions of this act, and the rules, regulations, and orders which the commissioner, with the approval of the Secretary, may from time to time prescribe in conformity with this act.

SEC. 16. Every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the commissioner shall require, as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stockholding or otherwise, in such form and at such times as the commissioner shall by order require. The commissioner may, in his discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the commissioner may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

SEC. 17. For the efficient execution of the provisions of this act and in order to provide information for the use of Congress, it shall be the duty of any packer or operator, or any officer, agent, or employee of such packer or operator, when requested by an officer or agent of the Government designated in accordance with the provisions of this act.

to answer correctly to the best of his knowledge, under oath or otherwise, as may be required, all questions touching his knowledge of any matter authorized to be investigated under this act, or to produce any books, papers, records, or correspondence in his possession or under his control relating to such matter. Any packer or operator, or any officer, agent, or employee of such packer or operator, who, within a reasonable time prescribed by the officer or agent making the request, not exceeding 30 days from the date of the receipt of the request, willfully fails or refuses to answer such questions or to produce such books, papers, records, or correspondence, or who willfully gives any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Any information secured under this act, except secret processes or formulas, shall be available for the use of either House of Congress at its request, and the commissioner may cause such information to be published from time to time when deemed necessary.

SEC. 18. Any person who willfully—

(a) Fails or refuses to make full and true entries, or makes any false entry in the accounts or records required to be kept by a packer or operator; or

(b) Alters, mutilates, conceals, or destroys any such account or record; or

(c) Makes any false or fraudulent statement in a return or report required under this act; or

(d) Hinders, obstructs, or resists any duly authorized officer or agent of the Government in the performance of his duties under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court. Each day during any part of which a condition, practice, omission, or course of action punishable under this section is maintained or continued shall constitute a separate violation thereof and shall be punished as a separate offense.

SEC. 19. When construing and enforcing the provisions of this act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any individual, partnership, association, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such individual, partnership, association, or corporation as well as that of the person.

TITLE IV.—PROCEDURE FOR VIOLATIONS.

SEC. 20. Whenever the commissioner believes that any packer or operator is violating any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall cause notice in writing to be served upon such packer or operator, specifying the alleged violations, and requiring such packer or operator to attend and testify at a hearing before him at a time and place designated therein; and at such time and place the commissioner shall afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commissioner, with the approval of the Secretary, may prescribe. If, after such hearing, the commissioner finds that such packer or operator has violated any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on such packer or operator an order requiring such packer or operator to cease and desist from continuing such violations. The testimony taken at the hearing before the commissioner shall be reduced to writing and filed in the records of the Department of Agriculture. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by him.

SEC. 21. An order requiring a packer or operator to cease and desist from violating any provision of this act, or any rule, regulation, or order issued hereunder, shall be final and conclusive unless within 30 days after service the packer or operator appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the commissioner's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer or operator will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the commissioner, and he shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the packer or operator, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the commissioner, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such court may affirm or set aside the order of the commissioner or may direct him to modify his order. No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such packer or operator for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commissioner.

If the court determines that the just and proper disposition of such an appeal requires the taking of additional evidence, the court shall order such additional evidence to be taken before the commissioner in such manner and upon such terms and conditions as the court may deem proper. The commissioner may modify his findings as to the facts, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his original order with the return of such additional evidence. If the circuit court of appeals affirms or modifies the order of the commissioner, its decree shall operate as an injunction to enjoin the packer or operator, and its officers, agents, and employees from further violating the provisions of the order or modified order.

SEC. 22. The United States circuit court of appeals shall have exclusive jurisdiction to review such orders of the commissioner, and may affirm, modify, or set aside any such order of the commissioner; but the decree of such court shall be subject to review by the Supreme Court of the United States upon certiorari, if such writ is duly applied for within 60 days after entry of the judgment or decree complained of, as provided in section 240 of the Judicial Code.

SEC. 23. Any packer or operator, or any of his or its officers, directors, agents, or employees, who fails, neglects, or refuses to obey any order of the commissioner issued under the provisions of section 20, or such order as modified, after such order, or such order as modified, has been sustained by the courts, as provided herein, or in case such order, or such order as modified, has been sustained by the circuit court of appeals, and no writ of certiorari has been applied for within 60 days thereafter, after the expiration of such period, or after the expiration of the time allowed for filing a petition in the circuit court of appeals to set aside such order, in case no such petition has been filed within such time, shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment for not less than six months or more than five years, or by a fine of not less than $500 or more than $10,000, or by both such fine and imprisonment.

SEC. 24. The commissioner shall report any violation of this act or of any rule, regulation, or order made hereunder to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay.

TITLE V.—VOLUNTARY REGISTRATION OF PACKERS AND STOCKYARDS.

SEC 25. (a) The commissioner may, upon application by any individual, partnership, corporation, or municipality, issue to such applicant a certificate of registration to engage in or carry on, under this section the business, whether in interstate or foreign commerce, or both, of conducting or operating stockyards, or slaughtering live stock, or processing, preserving, or storing live-stock products or perishable foodstuffs, provided that—

(1) The location, character, and extent of grounds, buildings, and other facilities provided or to be provided by the applicant are found suitable and adequate for the proper conduct of the business sought to be registered; and

(2) The financial resources, credit, and standing of the applicant are sufficient to assure the safe conduct of the business; and

(3) The applicant agrees as a condition to the granting of the certificate of registration to comply with and abide by the provisions of this section and the rules, regulations, and orders made hereunder. The certificate shall not be assignable, except with the approval of the commissioner, and shall be valid for such period as may be prescribed in rules and regulations made by the commissioner, with the approval of the Secretary.

(b) It shall be the duty of every registrant—

(1) To provide and maintain or secure, when necessary and practicable, adequate railroad connections with its place of business;

(2) To furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for such service and facilities: *Provided*, That it shall set aside such portion of the facilities of its business, as determined by the commissioner, as may reasonably be necessary to accommodate small shippers and local patrons;

(3) To impose only such charges and rates as are reasonable for the service or facility afforded;

(4) To exercise such care of the live stock, live-stock products, perishable foodstuffs handled by it as may be necessary to prevent undue loss in connection therewith;

(5) To maintain sanitary conditions in the conduct of its business;

(6) To refrain from unfairly discriminatory or deceptive practices or devices in the conduct of its business;

(7) To keep complete and accurate accounts and records of its business and to submit reports when called for and in such form as may be prescribed by the commissioner; and

(8) Otherwise to conduct its business in such manner as may be prescribed in rules, regulations, and orders issued under this section by the commissioner, with the approval of the Secretary, to carry out the purposes hereof.

(c) Reports of registrants, when filed with the commissioner, shall be open to public inspection. The commissioner may from time to time cause inspections to be made of the places of business and operations of registrants to determine their compliance with the provisions of this section and the rules, regulations, and orders issued hereunder.

(d) It shall be the duty of the commissioner to:

(1) Furnish to registrants reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail persons experienced in such art to consult and advise with registrants;

(2) Cooperate with registrants in procuring for them adequate services by common carriers, by rail or otherwise, including provision for special cars needed in the proper transportation of live stock, live-stock products, or perishable foodstuffs;

(3) Furnish to registrants all available information as to supplies of foodstuffs handled by such registrants and the location and movement and transportation costs of such foodstuffs; and

(4) As far as practicable, when requested by any such registrant, provide for the inspection by agents of the commissioner of the live stock, live-stock products, or perishable foodstuffs received or distributed by such registrant to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection; and in the conduct of such inspections to cooperate with duly authorized local authorities. Such certificates shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

(e) No registrant shall take title to any products handled by such registrant. The commissioner shall administer and enforce the provisions of this section and of all rules, regulations, and orders which he may issue hereunder.

(f) Any certificate of registration issued under this section may be suspended or revoked by the commissioner for any violation of this section or of any rule, regulation, or order issued hereunder, under such procedure as the commissioner may prescribe. Every person who shall forge, alter, counterfeit, or, without proper authority, use any certificate of registration issued under this section, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

TITLE VI.—GENERAL PROVISIONS.

SEC. 26. Nothing contained in this act, except as otherwise provided herein, shall be construed to prevent or interfere with the enforcement of or the procedure under the provisions of the antitrust acts, the

acts to regulate commerce, the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918, or sections 73 to 77, inclusive, of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved February 27, 1894, as amended by the act entitled "An act to amend section 73 and section 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913, or with any investigation, proceeding, or prosecution begun and pending at the time this act becomes effective, nor shall anything contained in this act be construed to alter, modify, or repeal such acts or any part or parts thereof, except as specifically provided in this act.

SEC. 27. If any provision of this act or the application thereof to any person or circumstances be held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 28. This act shall become effective, except as otherwise provided herein, on and after its passage.

SEC. 29. The sum of $75,000 is hereby appropriated, out of money in the Treasury not otherwise appropriated, available immediately and until expended, for carrying out the provisions of this act, including the compensation of attorneys, special experts, examiners, clerks, and other employees, and expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, stationery, furniture, office equipment, and other supplies and equipment as the commissioner may find necessary.

SEC. 30. None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products.

Mr. NORRIS. I ask unanimous consent that the formal reading of the bill be dispensed with.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the formal reading of the bill be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Mr. President, there is but one amendment, although that amendment is an entire bill. I think probably I ought to explain to the Senate the present parliamentary situation of the bill.

The pending measure is a House bill, and there is pending a committee amendment to strike out all of the House bill after the enacting clause, and insert the bill as passed by the Senate at the former session.

The investigation of the packing industry, which the bill seeks to control, was commenced over two years ago by the Senate Committee on Agriculture. At that time we conducted an investigation which lasted six or eight weeks, the committee sitting morning and afternoon. I think it was the most exhaustive investigation of the subject ever made by a committee of either branch of Congress. It was absolutely unlimited. There was no limit as to the people who were allowed to appear, and no time limit was put upon the testimony of anyone. There were witnesses from all over the United States. The so-called Big Five were all present, and their principal officers testified. They had with them an army of assistants, experts, auditors, and so on, and I think nearly all of them were represented during the entire hearings by attorneys. A large number of so-called small packers also appeared, and commission men from all the commission houses in the United States, practically, were there. They were all permitted to testify without limit, and the investigation closed only after everybody was willing to quit.

At that time, Mr. President, the committee did not have before it the bill now pending. In fact, I do not remember now just what bill or resolution was pending under which the investigation was made, but the committee went into all details of the meat-packing industry, into every ramification. Out of that investigation came the so-called Kenyon bill and the so-called Kendrick bill, introduced some time after the investigation was closed. A great many conferences were held by members of the Committee on Agriculture, between themselves, and also with other people.

In the next Congress those bills were introduced by the Senator from Wyoming [Mr. KENDRICK] and the Senator from Iowa [Mr. KENYON], being practically the same measure, and hearings were again had on those bills. Personally, Mr. President, I did not attend the hearings which were held the second time, but during the first investigation I have mentioned as being exhaustive, I was there practically all the time. In fact, the then chairman of the committee, Senator Gronna, was also a member of the Committee on Appropriations and the Committee on Banking and Currency. He was compelled to be absent a great deal of the time; and for most of the time during that investigation I was acting chairman of the committee.

At the time of which I speak, when the so-called Kenyon bill and the so-called Kendrick bill were pending, quite extensive hearings were again held. The same people, to quite an extent, testified again. After those hearings the bills were reintroduced, several modifications having been made after conferences of various members of the Committee on Agriculture. In most of the conferences I participated, in my weak way.

The outcome of it all, after various changes had been made, was the reporting of the bill by Senator Gronna, the chairman, representing the committee. The bill was taken up during the last session of the last Congress. That was the first action of the Senate after all the investigation had taken place, lasting over two years, and the Senate passed that bill during the last session of Congress, late in the session, however; at least, it was so late that the bill was not finally acted on.

I do not remember now whether it even got into conference. I will ask the Senator from Wyoming if he remembers whether that bill did get into conference?

Mr. KENDRICK. The bill passed by the Senate was reported to the Committee on Agriculture in the House and was considered by that committee to a conclusion, as I understand it, and then it was moved and carried that the bill, or something like the bill which we now have before us, be substituted for the bill which passed the Senate. That action was taken, and the bill as passed upon was reported favorably to the House.

Mr. NORRIS. And the House did not reach the consideration of it?

Mr. KENDRICK. The House did not reach the consideration of the bill in the last Congress.

Mr. NORRIS. So, Mr. President, my statement was correct, that it never got as far as a conference.

Mr. President, at the beginning of the present session of Congress, Senator Gronna, the former chairman of the Committee on Agriculture, having retired from the Senate, I was made chairman of the committee, and as such chairman I reintroduced the bill in this Congress, in April, soon after we convened. I reintroduced it in the exact form in which it passed the Senate during the preceding Congress. My idea was at the time that it would be a formal matter, when the bill was reported to the Senate, and that it would be reported back at once with a recommendation that it pass, and that there probably would be no opposition, because the Senate had debated it very fully at the time the bill was passed. I was not present, on account of illness, during that debate, and was only brought here when the final vote was taken on the bill, but I know, and Senators remember, that the bill was very fully discussed on the floor of the Senate. It was the unfinished business for quite a long time, and the Senate devoted time to it to the exclusion of other business for some days, and finally, as the result of that investigation and all of that debate by the Senate, the bill passed the Senate in the same form in which I reintroduced it at this session of Congress.

When it was reintroduced and referred to the committee, instead of the committee taking the action that I anticipated would be taken, it was referred to a subcommittee. There was some opposition; of course, there always had been some opposition from some members of the committee. But it was thought that by referring it to a subcommittee with a view of suggesting amendments to it the opposition might be allayed, and that we might, by compromising in some way, reach a unanimous conclusion.

So the bill was delayed for some time. The subcommittee reported it and made quite a number of recommendations which were agreed to by the full committee and the bill was reported by me to the Senate and is now on the calendar, being Calendar No. 39, Senate bill 659. After it had been reported to the Senate the House passed a similar bill and it came over to the Senate. That bill was referred to the Committee on Agriculture and Forestry, of course, as a matter of form.

The Senate committee having already reported one bill with several amendments, the House having passed a bill on the same subject, and that having been referred to the Senate committee, the committee decided, as I think everybody will agree they ought to have decided, that the parliamentary situation was then such that they ought to take up the House bill rather than the Senate bill. So I was instructed by the Committee on Agriculture and Forestry to report back the House bill with an amendment striking out all of the House bill after the enacting clause and inserting in lieu thereof the Senate bill as amended by the Committee on Agriculture and Forestry.

That is the condition of the bill that is now before the Senate. I thought I ought to make that much of an explanation because I have received very many inquiries from Senators as to why we are taking up the House bill instead of the Senate bill.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. Certainly.

Mr. KNOX. May I inquire if the bill as passed by the Senate at the last session has received similar treatment in the committee of the House? Was the Senate bill stricken out and the House bill substituted as an amendment?

Mr. NORRIS. Yes; that was done. Of course, the Senator appreciates, as I think we all do, that that was the proper procedure and that the Senate Committee on Agriculture and Forestry would have been subject to criticism had they undertaken now to take up the Senate bill, because we would be in the position then of the House having passed one bill and then afterwards the Senate passing another bill, and there would be no way of getting the two Houses together.

Mr. KENDRICK. Mr. President, I wish to remind the Senator from Nebraska that the Senate bill was considered in detail by the Committee on Agriculture in the House and every amendment offered to the bill was voted down during that consideration.

Mr. NORRIS. During consideration in the committee?

Mr. KENDRICK. Yes; every amendment offered in the committee was voted down, and when the bill had been passed upon to the last stage a vote was taken and the House bill substituted for the Senate bill, and it was so reported to the House.

Mr. NORRIS. We now have before us the House bill, with one committee amendment. That committee amendment is the Senate bill which I have mentioned, Calendar No. 39, Senate bill 659, just as it was printed, with the exception of one committee amendment that was agreed upon by the Senate Committee on Agriculture and Forestry after the Senate bill had been reported to the Senate. It is absolutely correct to say, and is the exact fact, that the amendment proposed by the committee is the Senate bill as amended by the Committee on Agriculture and Forestry.

I think I ought to say now, in answer to a great many inquiries of Senators and to some criticism——

Mr. SIMMONS. Mr. President, I do not know that I quite understood the Senator. Am I correct in understanding that the one amendment which the committee made to the House bill is to substitute the bill which the Senate passed at the last session?

Mr. NORRIS. Yes; as amended by the Committee on Agriculture and Forestry.

Mr. SIMMONS. It is substantially the same bill?

Mr. NORRIS. It is substantially the same, and I will point out the difference.

I was about to say, when the Senator from North Carolina interrupted me, that when the bill was reported by me on behalf of the committee at this session there were a great many requests that came to members of the committee, particularly to the chairman, and also to a great many Members of the Senate, for hearings on the bill. A great many Senators wondered why the committee would not have any hearings. I think the explanation I have made of what the committee had done is a sufficient reason why the committee decided, as it decided unanimously, that they would have no further hearings.

That was agreed to by those who favored the legislation and by those who opposed it. We felt that we had exhausted the subject as far as hearings could exhaust them, and had at least exhausted the members of the committee, although we were flooded with telegrams and requests, and for days I was continually explaining to Senators why the committee was so cruel as not to permit further hearings. I think practically all the great packers wired and wrote to a great many Senators, and a great many small packers and some shippers and some commission men did likewise, demanding that hearings be held.

There is no doubt that the men engaged in the packing business could continue hearings for the next 10 years, and probably we would have been able to get some further useful information, and it is true that some time had elapsed since the last hearings; but the committee without an exception and without any objection decided that they would not hear anyone and that they would proceed with the consideration of the bill without any hearings. Therefore whatever criticism, if any, can be attributed to them for taking this course, can be attributed. I merely desire the facts to be known. The reason why we declined to have hearings was because we felt that we had gone very much further than we could reasonably be expected to go in having hearings.

The various bills, as they were introduced from time to time, varied in some of their administrative features and varied in some of their legal propositions. The committee took the legal advice of a very able lawyer with reference to the legal provisions contained in the bill, when they finally reported the last bill, the one which was passed in the last Congress. We had, sometimes after compromise and conference, changed our ideas as to some of the administrative features. I think it is safe to say that the bill in all its details was perhaps not satisfactory to any one of the persons who were active in putting it together.

There was one time when the Senate bill provided for one method of enforcing the law which was afterwards changed and then changed back again. The bill as it finally passed through the Senate at the last session provided for the administration of it by a commission of three men to be appointed by the President and confirmed by the Senate, each of them drawing a salary of $10,000. It was in that form that it passed the Senate. When it went back to the committee at this session of Congress the committee decided to change that administrative feature and to eliminate the commission and put in a commissioner, one person to be appointed by the President and confirmed by the Senate.

Personally, I think I would have preferred it in the other form, but there was some very strong opposition to it in that form because it created a new commission; and there is a good deal of argument, of course, in these times that can be made logically against such a provision. We reduced the salary to $7,500 a year and provided for a commissioner whose term of office would be five years. It is the theory of those who are favorable to the legislation that the commissioner shall be entirely removed from politics, and they fixed his term of office with that in view in order that he shall become an expert on this question.

Although when we began the discussion I was originally opposed to a commission, I later came to that conclusion, because I believed, after all the consideration we had given to the subject, that it was such a large undertaking, that the packing industry was so extensive and so connected up with the cost of living and with all the people of all kinds and with all communities that it would be desirable to have a permanent commission of men who would eventually become experts on that subject. It was provided that the members of the commission should devote all of their time to the business. It was intended that they should become and keep themselves posted as to the supply of all kinds of stock, when it would be ready for shipment, so as to know in advance and give information as much as they could in advance as to what kind of stock and what quantity of stock would be forced on the market in any given length of time.

One of the reasons for some of the difficulties that existed in the past was because there has been no reliable source of information through which the public could gain a knowledge of just what future conditions were likely to be, how much stock of various kinds was going to be put on the market, how much of other kinds, and when it would be in marketable shape. I believe that that was one of the important features considered in an effort to take away the uncertainty of the market, to stabilize it as much as possible, and to provide a governmental source, an unprejudiced source, of information that would be accessible to everybody. Such a condition has not existed in the past, but I think a thorough study of the subject will convince any unbiased mind that not all the difficulties, of course, but a great many of the uncertainties of the market and the wild fluctuations that have sometimes taken place have in part been caused by false reports as to conditions in the country, or ignorance on the part of the buyer or the shipper as to conditions when looked at from the viewpoint of the entire country. We thought that a commission having nothing else to do, required to devote their entire time to that matter, would in a few years be able to give to the country reports and information upon which everybody would not only rely but would have a right to rely and could rely with perfect safety. These administrative features are still in the bill as the committee has reported it, but to carry them out there is a commissioner provided instead of a commission of three men.

It is realized, Mr. President, that the execution of this proposed law can be made effective, either for good or bad, depending upon the men who administer it. An evil result might be conceived of, and, it is possible, if the commissioner did not do his duty or his position became one of partisan politics and was given to a man for political purposes rather than because of efficiency, the good he might otherwise accomplish would be to a great extent nullified. Not only was it the duty of the commission under the former bill, but it will be now under the provisions of the Senate bill the duty of the commissioner to disseminate the information after he has acquired it; but it was believed that the commission, now the commissioner, would become familiar with all of the difficulties of the packing situation; that he would have access to the packers' books; that he would have general supervision of the business, and would be in a position to ascertain exact conditions, and in that way would be able to submit reports in which the shipper, the consumer, and the packer would all have absolute confidence.

The commissioner is given powers to which some people object; and there are, of course, many arguments, with many of which I have a great deal of sympathy, against officials of the Government interfering in business of this kind; but, Mr. President, the product of the packing industry of this country enters every home; it reaches every individual; it has some thing to do with the cost of living for every citizen; its ramifications extend everywhere; and if we are going to get any information, if we are going to have any supervision of this business which is effective, which can accomplish any good for the people generally, sufficient power must be given, whatever Government instrumentality is used for the purpose, in order that the Government officials who are appointed to execute the law may go into the details of any matter which may be connected with the packing industry. I do not believe, however, that any power is conferred on the commissioner by the Senate bill beyond that which is necessary to fully execute the intent and purpose of the law.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I shall yield in just a moment.

Although undoubtedly a great many powers are given which probably never will be utilized, the necessity of being able at times to exercise them I think will appeal to those who want any regulation of the packing business. Now, I yield to the Senator from Oregon.

Mr. McNARY. The Senator from Nebraska speaks of the powers vested by the bill in the commissioner. I think, properly speaking, the powers are vested in the Secretary of Agriculture, who is the principal, and the commissioner is only the agent and instrumentality through whom the Secretary of Agriculture works.

Mr. NORRIS. Probably I should modify my statement in that way, although I still maintain that there are a great many things which the commissioner may do, and which I think he ought to be permitted to do, which the Secretary of Agriculture can not control.

The House bill, Mr. President, while it differs from the Senate bill very greatly in many respects as to the matter of the regulation of the business, puts the regulatory power in the hands of the Secretary of Agriculture. At first blush to an ordinary person I think that course might appeal as being desirable, and, indeed, it does appear to a great many people after full consideration that that would be desirable. To my mind, however—and I think that is the view of the committee of the Senate—perhaps a good many of the administrative features of the bill would be nullified if the House bill prevailed, even though many of the Senate provisions were retained in the bill.

I hope that what I am about to say concerning the Secretary of Agriculture will by no one be construed to mean that I have reference to any particular Secretary of Agriculture. I do not think there is a Senator in the Senate who has more confidence in the present Secretary of Agriculture than have I; so that I am not speaking of a man, but I am trying to speak in a much broader sense; but, as everybody knows, the Secretary of Agriculture is appointed, as a rule at least, in part from political motives; at any rate, we could not expect the President to appoint a Secretary of Agriculture whose only qualification was his ability to execute the pending bill if it were enacted into law. The Secretary of Agriculture can do but very little personally except to supervise in a general way the administrative features of the law. The Secretary of Agriculture changes with every administration and oftener than otherwise during one administration. So that we should not long have, under the provisions of the House bill, the supervision of any one Secretary of Agriculture who would really ever become personally familiar with the details of the work as we should have if a man should devote his entire time to it and was not considered a political partisan appointee.

There are a good many other features of difference between the two bills; but, speaking in a general way, I think it may be fairly said that the House bill is not so drastic as is the Senate bill. I think it will be found that Senators who are opposed to any legislation on this subject will be advocating the House bill.

Let me say here, Mr. President, that I say that without meaning any disrespect to Senators. I am not finding fault with the Senator who favors the House bill; I am not finding fault with the Senator who opposes any legislation on the subject; I am not questioning any Senator's motives; but I think I ought to say that, as a general proposition, those who are opposed to legislation on this subject or who are opposed to any regulation by the Government of the packing industry will be found fighting in the Senate for the House bill.

There is one feature of the Senate bill which I think I ought to mention now. It is a separate title and has no direct connection with anything in the bill; it could be stricken out of the bill without interfering in any way with any of its other provisions. It is a title that permits what are termed "voluntary slaughterhouses" for meat products. It is an experiment in this country. It provides that a municipality may establish a slaughterhouse to which persons having cattle, sheep, or swine to slaughter may bring them for slaughter without giving up the title to the property, and the meat thus derived may be stored and kept in refrigerators by paying a charge for the work that is done, whatever it may be. We were informed that in some cities in Europe such a system had been very successful, and that a number of cities desiring to go into the business had provided public slaughtering houses. The facilities afforded vary in degree; in some instances they go to the extreme of having all the modern methods on a large scale provided for slaughtering, refrigerating, and curing meats of all kinds. It was stated that such activity on the part of the municipality resulted in bringing into the community from the surrounding country, as well as being shipped in from more distant places, stock of various kinds to be slaughtered and the meat to be cured, the owner paying a commission for the service afforded.

In order to prevent the right being abused, the Senate bill provides that a municipality or corporation or individual entering into this kind of business shall not be allowed to take title to any of the meats derived from the animal which is slaughtered.

Mr. President, there is another quite important difference, I think, between the two bills. The House bill—and there are some things about it I do not understand; some of the definitions I have not yet been able to grasp fully—if passed, as I understand it, will take away from the Federal Trade Commission all of its power and jurisdiction over packing establishments of every kind, whereas, if the Senate bill is passed, it will in part take away such power and jurisdiction. The Senate bill provides that when the act shall become operative—that clause is found in section 5, if Senators care to read it—the jurisdiction of the Federal Trade Commission in domestic commerce in connection with the packing industry shall cease except in any case where the President of the United States, the Secretary of Agriculture, the House of Representatives, or the Senate shall ask that they make an investigation.

Mr. President, unless there is some question desired to be asked, I do not know that I care to go into any further explanation of the bill at this time.

Mr. STANFIELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I yield.

Mr. STANFIELD. I should like to ask the Senator if in the hearings before the committee there appeared any insistent demand upon the part of the producers that legislation of the kind now proposed should be enacted, or whether there was disclosed any particular desire for such legislation?

Mr. NORRIS. In answer to the Senator, while the judgment of different men might not agree, I will say, so far as my judgment goes, there was a very insistent demand from producers, from stockmen, and from consumers for the enactment of the proposed legislation. The Women's Consumers' League made a campaign all over the country a year ago in behalf of legislation of this kind. There were, however, some producers, some of whom testified before the committee, who were satisfied with present conditions, and did not want any legislation enacted on the subject.

Mr. STANFIELD. The reason why I ask the question is because I happen to be a member of some western live-stock associations, and I know that our associations are uniformly opposed to this character of regulation.

Mr. NORRIS. That reminds me of another matter that developed in the investigation. The Senator from Wyoming [Mr. WARREN], who has been a member of live-stock associations all his life, knows more about their operations than I do, but I was impressed in the hearings by the fact that the so-called big packers were always active with the live-stock associations, and very often succeeded in their efforts. We had before us instances of officers of associations who had gone on record once as favoring such a law as is proposed, but who changed their minds after the packers had been working with them. I do not know that I care to go into that, but it is a fact, I think developed in the hearings, that in the case of nearly every live-

stock association throughout the country there was an attempt made, at least, by the packers to control their action.

I say that without any criticism of them. They had a perfect right to do it, but I know I was impressed with the idea that the live-stock associations had been on all sides of this proposition, or at least many of them had.

Mr. STANFIELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska further yield to the Senator from Oregon?

Mr. NORRIS. I yield.

Mr. STANFIELD. I should like to ask by what method the packers controlled the individual live-stock producer or the individual member of an association?

Mr. NORRIS. They had various ways of doing that, and if we go into that it will probably lead to quite a lengthy discussion. I have in mind now some that they controlled by lending them money. I have in mind instances where attorneys who were influential in various quarters, not only with live-stock associations but with legislatures, were put on the pay roll for no other purpose than something of that kind. I remember an instance that came, I think, from Texas, where the editor of a paper bought the paper and borrowed the money from two of the packers, Swift and Armour. He bought a paper that had not been friendly to the packers, and when his note came due and he asked for an extension, I remember the letter which called the attention of the packers from whom he was asking an extension, to the policy of the paper "before taking and after taking."

There are endless ways in which these attempts might be made to influence associations or anybody else. I did not intend to go into that subject, and do not intend to do so in debate here, because it is only a sidelight, I admit, after all.

Mr. SIMMONS. Mr. President, I should like to ask the Senator a question. Have not the big packers established, in different sections of the country, branch establishments?

Mr. NORRIS. Oh, yes.

Mr. SIMMONS. Small local packing houses?

Mr. NORRIS. Yes.

Mr. SIMMONS. The influence of those different branch establishments has also been utilized by them in their fight against this bill, has it not?

Mr. NORRIS. Yes; I think that can be safely said.

Mr. SIMMONS. Does the Senator know to what extent they have established those branch houses?

Mr. NORRIS. I do not know just what the Senator means by "branch houses."

Mr. SIMMONS. The packing houses in South Carolina, for instance. I understand that they have established there one or two local packing establishments that are quite extensive.

Mr. NORRIS. There are not so very many of those. Of course, the larger packers have often established even retail butcher shops in various places through the country, but the packing houses proper are not very numerous.

Now, Mr. President, if there is not anything further, I suppose we must go through the formality of having this amendment read; and I ask that the Secretary may proceed to read it.

Mr. STANFIELD. Mr. President, may I ask the Senator another question?

Mr. NORRIS. Certainly.

Mr. STANFIELD. In your investigation, what developed relative to the profits of the packers? How did you find what the profits were, or was that question gone into?

Mr. NORRIS. Yes; that was gone into very fully. I have here some information on the general development of it. It was very fully brought out; and I thought that during the course of the debate here, if it were called for, I would probably go into it to some extent. I did not intend to take it up to-night. It would take some time if I went into the subject, but I should prefer to let the debate proceed for a while, and I will decide then how far I will have to go into it in answer to questions or suggestions.

Mr. STANFIELD. The question involves a very broad scope.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. In just a moment. Of course, the development of the packing industry is a story by itself. It has been a wonderful development, and the profits as a rule have been great. There is not anything in this bill that attempts to limit the profits or control the capitalization in any way.

Mr. SMOOT. I was going to ask the Senator if it would not be better to read the bill to-morrow, when we will have more Senators present than we have now. It is not very long, and it will not take a great while to read it to-morrow.

Mr. NORRIS. I will say to the Senator that the only reason why I want to have it done to-night is that I think there are about as many Senators here now as we will get at any ordinary time, and it will expedite business. I am not going to move to take a recess; but just as soon as the amendment is read, if it is read, I am going to move to adjourn, and to adjourn until 12 o'clock, and have a morning hour, so that several Senators who have some little matters they want to call up can probably get them up during the morning hour.

Mr. SMOOT. It would save only about 10 minutes. Why not do it to-morrow morning when we begin to discuss the bill? It is not the 10 minutes that I care about.

Mr. NORRIS. We shall have to have the amendment read. Nobody cares anything about the Secretary reading it, but I want him to do it and get it out of the way; that is all.

Mr. SMOOT. If that is the case, why not waive the reading of it?

Mr. NORRIS. I have no objection.

Mr. SMOOT. It is just one amendment.

Mr. NORRIS. Then, Mr. President, I ask unanimous consent that the reading of the bill for amendment be dispensed with.

The PRESIDENT pro tempore. The Senate has already agreed that the formal reading of the bill shall be dispensed with.

Mr. NORRIS. That was only the formal reading. If the Chair holds that that applies to the amendment, I am content.

The PRESIDENT pro tempore. It is in order now to read the proposed amendment of the committee.

Mr. SMOOT. The result will be that some Senator will come into the Chamber and say: "What is the pending amendment?" There is only one amendment, and he will ask that it be read, and it will be read again, and we will lose just that much time. That is all I care about.

Mr. NORRIS. I do not believe that will occur. There will be other amendments offered.

Mr. SMOOT. Then let it be read.

Mr. NORRIS. The Senate committee substitute is subject to amendment as well as the House text, and this is what will happen: We will proceed to take up amendments that may be offered to either bill until they are exhausted, and when we get through with them the vote will come as to whether we will have the House bill or the Senate bill, which is the only amendment of the committee.

Mr. UNDERWOOD. The Senator withdraws his request, I understand.

Mr. NORRIS. Yes; I guess so. As no Senator desires to speak on the subject to-night, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 10, 1921, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 9, 1921.

MEMBERS OF THE UNITED STATES SHIPPING BOARD.

Albert D. Lasker, for a term of six years.
T. V. O'Connor, for a term of five years.
Edward C. Plummer, for a term of three years.
Frederick I. Thompson, for a term of two years.
Meyer Lissner, for a term of one year.
Admiral William S. Benson, for a term of one year.

POST OFFICE DEPARTMENT.

PURCHASING AGENT.

Thomas L. Degnan.

PUBLIC LANDS SERVICE.

RECEIVER OF PUBLIC MONEYS.

Galen C. Pond, at Montrose, Colo.

CONSULAR SERVICE.

CONSULS OF CLASS 4.

Leon Dominian.
Arthur C. Millspaugh.

CONSULS OF CLASS 7.

F. Harold Brown.
Alfred T. Burri.
Egmont C. von Tresckow.
Marshall M. Vance.

COAST AND GEODETIC SURVEY.

HYDROGRAPHIC AND GEODETIC ENGINEER.

Edgar Herbert Bernstein.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 9, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We have heard Thy voice, O God, and we acknowledge Thy sovereignty; but the mystery is too profound and the issues are too far-reaching for us to measure alone. Give us the spirit that urges us upward. We beseech Thee to instruct, direct, and lift us up to a plane of understanding, that we may be qualified for excellency of service. Every life has its pain, every heart has its shadow, and even every prayer may have its doubt. O make us to feel the touch of Thy wisdom and mercy, with the tenderness of a father's love. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ARMY APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to all the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kansas what he expects to do with regard to the $200,000 appropriation placed on this bill by an amendment of the Senate, which is the beginning of a program of expenditure of several million dollars on additional waterworks for the city of Washington?

Mr. ANTHONY. The gentleman refers to the District water-supply project?

Mr. BLANTON. Yes.

Mr. ANTHONY. Or to the Great Falls power project?

Mr. BLANTON. Both. There is an initial appropriation of $200,000 for each one of them put on this bill by a Senate amendment.

Mr. ANTHONY. I will say to the gentleman that both these propositions will have to come back to the House for consideration before they are agreed to.

Mr. BLANTON. I want to know the gentleman's attitude about them.

Mr. ANTHONY. I know nothing about the power project, and will have to go into it very carefully.

Mr. BLANTON. I ask unanimous consent to extend my remarks in the RECORD on these two propositions—the Great Falls project and the District water-supply project.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection?

There was no objection.

Mr. BLANTON. I have sought this permission, Mr. Speaker, to warn my colleagues of this latest proposal for the extravagant expenditure of more millions of the people's money. By amendments the Senate added $54,000,000 increases to the deficiency appropriation bill, $98,000,000 increases to the naval appropriation bill, and $16,000,000 increases to the Army appropriation bill. Of this last $16,000,000 there is a proposal to spend $200,000 as an initial expenditure on a program running ultimately into millions of dollars to provide an additional water supply for the District of Columbia.

The main water conduit that supplies water to this city of 457,000 people was paid for wholly out of the United States Treasury, and wholly by the money of the whole people of the United States, and though the 457,000 people living here have personally reaped the benefit of it through cheap water rates they enjoy, we are continually hearing them clamor for the Government to be made to pay for what water it uses.

No posted person will deny that all during the war we had at least 100,000 people here in Washington more than are here at present, and more than will be here again for a long time. We who have taken the time to investigate know that we now have at least 40,000 surplus employees, civil service and patronage positions, who ought to be separated from the pay roll and sent home. All during the war there was not a day when there was not a great wastage of water in almost every building in Washington, and yet the supply was ample, and no steps whatever were taken to conserve this wasted water by requiring leaky faucets to be repaired. And water is still being wasted here. And I will guarantee that there is not another city in the whole United States where the water rate is as cheap as it is in the District of Columbia.

But now that the war is all over, and the 100,000 transients have all gone home, and we are daily hoping to disconnect the thousands of surplus employees from the Government pay roll and send them home, and when there is no reasonable probability that in 20 years we will ever again have as many people here as were here during the war, all of a sudden we are called upon to embark into an extravagant program to spend millions to provide an additional water supply. And the people of the United States will be required to pay a large per cent of this expenditure. They have had to pay for the entire water conduit, and for 50 per cent of the operating and maintenance expenses in the past, and will have to pay at least 40 per cent of same in the future.

Until lately the 457,000 people living here in Washington had to pay only 1½ per cent taxes on their personal and real property. Now they have to pay only 2 per cent taxes on their personal and real property, and only three-tenths of 1 per cent tax on intangibles, and are allowed an exemption on $1,000 for their libraries, wearing apparel, family portraits, and household belongings. There is not another city in the United States with as low a tax rate. After paying the above small tax, then the whole people of the United States are called upon to pay the balance of the city expenses from the Public Treasury.

No wonder this city has become such a mecca for rich tax dodgers. No wonder that practically all the streets are paved for miles and miles, and it is not a long walk between million-dollar bridges. No wonder that we have the finest lighting system in the Nation. No wonder that it is hard to find a real estate dealer who is not a millionaire, and no wonder the real estate men give inspiring banquets. No wonder that citizen committees are continually hammering at Congress to build this and to construct that, when much of the expense is coming out of the United States Treasury.

But the Senate has placed another amendment on the Army appropriation bill to spend $200,000 in an initial expenditure on a proposed water-power program at Great Falls that is estimated to cost $60,000,000 ultimately.

Read the following from to-day's Washington Times:

$200,000 GIVEN FOR INCREASED SERVICE AND $200,000 FOR GREAT FALLS PLANT.

The project of giving Washington an increased water supply was passed upon favorably by the Senate yesterday in appropriating $200,000 for this purpose and another item of $200,000 with which to begin construction on a hydroelectric power plant at Great Falls. Both items were contained in the Army appropriation bill as it passed the Senate.

Senator KING said that the completion of the Great Falls project as outlined in the report of Maj. Tyler would cost ultimately between $44,000,000 and $60,000,000, and that, he said, was entirely too huge a sum to authorize without first giving it thorough consideration.

We have all heard that certain business men of Washington have this property to sell up at Great Falls and hope to clean up a fortune by getting Congress to embark on this proposed $60,000,000 power project. We hear economy preached from the mouth every day. We hear sermons lip deep daily against extravagance. Yet with few dissenting votes the millions are voted out constantly. Note the following report on this Great Falls project, just given me by Mr. J. Edward Cassidy, one of the leading engineers of our country:

JUNE 8, 1921.

Hon. THOMAS L. BLANTON, M. C.,
House of Representatives, Washington, D. C.

SIR: As a taxpayer and an engineer, I take the liberty of calling your attention to certain features of the water-power project for Great Falls inserted in the Army appropriation bill by the Senate to-day, as per memorandum attached. I wish to say that I have no interest whatever in this matter except as a taxpayer.

Yours, truly, J. EDWARD CASSIDY.

MEMORANDUM ON THE GREAT FALLS POWER PROJECT INSERTED IN THE ARMY APPROPRIATION BILL BY THE SENATE JUNE 8, 1921.

During the consideration of the Army appropriation bill in the Senate, sitting in the Committee of the Whole, an amendment was introduced by Senator NORRIS providing for an appropriation of $200,000 to start the work of construction on a hydroelectric project at Great Falls, near Washington, on a project with which no Senator was familiar and a project which is to involve a total expenditure of from $44,000,000 to $60,000,000. This amendment was adopted on a division of the Senate with but 17 Members present, 9 voting for the amendment and 8 against it. The bill was later passed without a record vote on this plan to commit Congress to an unknown expenditure on an unknown project, it being conceded that the expenditure would be at least $44,000,000. This amendment was never before any committee of the Senate or House for proper consideration, and its introduction was so timed by the War Department as to prevent its consideration by a committee of Congress, as it was not introduced until after the Army bill had been reported out of the committee. A study of the measure from a technical and financial standpoint shows quite clearly that the reasons for the handling of the bill in this manner were that it would not bear investigation. This measure has no place in the Army appropriation bill, but was introduced in the manner indicated above, to prevent any investigation being made and to get Congress committed to the scheme before any investigation was possible. I do not believe that there has been

such an audacious attempt by the War Department to raid the Public Treasury in the past history of the country.

If this measure could bear a searching investigation, it would not have been put through in the bald-faced manner in which it has been presented, but would have been introduced in the proper manner as a legislative matter instead of as a rider on a bill to which it does not belong in any sense.

For the benefit of the House Appropriations Committee I wish to present a few comparisons in a general way to show what the Senate proposes letting the taxpayers of the country in for.

In making the comparisons the power for Great Falls is based on the official records for a 15-year period, the average being used.

COST OF PLANT PER HORSEPOWER AS COMPARED WITH OTHER PROJECTS.

The plant cost per horsepower of the proposed project would be about six times the cost of the proposed plant at Muscle Shoals and about five times the cost of the Keokuk, Iowa, project on the Mississippi River.

AMOUNT OF POWER AS COMPARED WITH MUSCLE SHOALS AND KEOKUK, IOWA.

The possible power production of the Great Falls project as proposed would be about one-sixth that of Muscle Shoals and about one-third of that of the Keokuk project.

FINANCIAL ASPECTS.

As noted above, the output of power of the proposed project would be about one-third that of the Keokuk project and the plant cost per horsepower would be about five times as much. Considering the fact that after about 10 years' operation the Keokuk project has not yet been able to pay dividends on its stock issue, the Great Falls project would be a great financial frost with which to burden the Treasury and the taxpayers of the country. If this project is allowed to go through, there is going to be a lot of explaining to the people who have to pay the taxes, and a project which will not bear the light of investigation before its enactment into law will hardly prove to be an easy matter to explain. Another interesting feature of the plans covering this project is that the plans appear to be arranged so as to be of particular benefit to certain financial interests who are interested in power and light projects as well as traction projects all over the country.

This connection may be accidental, but it is painfully apparent.

COST OF POSSIBLE POWER AS COMPARED WITH THE COST OF STEAM POWER.

The Senator introducing this amendment stated that the power produced would be produced at about half the cost of power by the use of coal. On the contrary, with the excessive cost of the proposed plant and the small amount of power (by comparison) possible, the cost would be much greater than the cost of steam power with coal for fuel. In plain English, it is proposed to construct a plant which can only be a liability to the Public Treasury, and this at a time when the whole country is groaning under enormous taxation, waiting patiently for the party which came into power on March 4, 1921, to redeem its promise to reduce taxation.

Counting in the water-power project referred to and the water-supply project, aggregating more than $50,000,000, the Army and Navy bills as framed and passed by the Senate amount to about $800,000,000 for next year or a figure about two-thirds of the entire expenses of the Government prior to our entry into the war.

Inasmuch as a large percentage of the House of Representatives must go before the people and account for their work during the next three years, it appears to be logical that the House will be somewhat careful in looking after the interests of the taxpayers, and not accept such a proposition as this involves until after a proper investigation has been made by the proper committees and information other than that furnished by the War Department secured.

Those of you who were present will remember that I opposed these projects when they were before the House, and since then I have learned of no reason for changing my mind. It is an unnecessary, wasteful extravagance and ought not to be seriously considered by the House.

If my colleagues think that the people of the United States are not waked up on the question of economy, they are mistaken. And our constituents are going to hold us responsible for our votes on these appropriations.

We are going to have an opportunity to vote on each one of these two propositions, and I hope that the House will not agree to either one of these Senate amendments.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to ask the gentleman from Kansas if the minority Members were aware of the fact that he was going to make this request at this time?

Mr. ANTHONY. I understand the gentleman from Mississippi [Mr. SISSON] is ill and has not been on the floor for some time, and I have not been able to see the gentleman from Virginia [Mr. HARRISON].

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, I think the matter ought to go over until the minority can understand the situation. I do not know what Mr. SISSON may think about this matter or what Mr. HARRISON may think about it; but it does occur to me that before asking unanimous consent to send a bill like this to conference the gentleman from Kansas ought at least to have consulted with the minority Members.

Mr. ANTHONY. Will it be satisfactory to the gentleman if I make the statement that we will not go into conference until Mr. SISSON and Mr. HARRISON are agreeable?

Mr. GARNER. I understand that, but you will already have gotten consent. You can get the consent later this afternoon. Mr. SISSON was on the floor the other day. I saw him last night. I do not know whether he wants to go on the conference or whether he would want some one else to take his place.

Mr. ANTHONY. I would not desire to go into the conference without Mr. SISSON.

Mr. GARNER. Probably the gentleman is right, but he could do that just as well later this afternoon, after Mr. SISSON has been consulted.

Mr. ANTHONY. It is a mere formality.

Mr. BLANTON. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Texas.

Mr. BLANTON. The Senate placed additions of $53,000,000 on the deficiency bill and $98,000,000 on the naval bill. How much additional have they placed on this Army bill?

Mr. ANTHONY. I understand about $14,000,000.

Mr. GARRETT of Tennessee. In view of the fact that the gentleman from Kansas states that he would not want to go into conference without knowing who the minority conferees will be, and in view of Mr. SISSON's physical condition, I hope the gentleman will defer making his request until this afternoon after the committee rises, and in the meantime I will try to get in touch with the gentleman from Mississippi [Mr. SISSON].

Mr. ANTHONY. I will do that.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. WADSWORTH, Mr. SUTHERLAND, Mr. NEW, Mr. FLETCHER, and Mr. MCKELLAR as the conferees on the part of the Senate.

VETERANS' BUREAU.

On motion of Mr. WINSLOW, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, with Mr. ANDERSON in the chair.

The CHAIRMAN. When the committee rose there was pending an amendment by the gentleman from Indiana [Mr. BLAND], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 5, line 10, after the word "exceeding," strike out the word "fifty" and insert in lieu thereof the words "one hundred and forty."

Mr. WINSLOW. Mr. Chairman, is it in order for me to make a motion to limit the time for debate?

The CHAIRMAN. It is.

Mr. WINSLOW. I move, Mr. Chairman, that debate on section 6 and all amendments thereto be terminated in 30 minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that the debate on section 6 and all amendments thereto close in 30 minutes.

Mr. BLAND of Indiana. Mr. Chairman, I move to amend the motion by making the time 45 minutes.

The CHAIRMAN. The gentleman from Indiana moves to amend by making the time 45 minutes.

Mr. FISH. Mr. Chairman, is it in order to offer a substitute?

The CHAIRMAN. It is.

Mr. FISH. I offer a substitute that the time be extended to one hour.

The CHAIRMAN. The gentleman from New York moves a substitute to the amendment of the gentleman from Indiana that the time be extended one hour.

Mr. BLAND of Indiana. I accept that.

Mr. MACGREGOR. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MACGREGOR. I have an amendment that has not yet been read. Will that be included within the limit of time?

The CHAIRMAN. The Chair thinks if the gentleman is recognized within the hour he is entitled to offer his amendment.

Mr. MACGREGOR. Suppose I am not recognized.

The CHAIRMAN. The gentleman would be recognized for the purpose of offering an amendment, but if the time expires the gentleman would not be in order to debate the amendment.

Mr. LAYTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LAYTON. Do I understand that amendments will be in order at any time within the hour?

The CHAIRMAN. The Chair thinks so.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. RAYBURN. I object.

Mr. RANKIN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. I have an amendment to offer to this section, and I would like to know whether or not it would be proper to offer it and submit a statement within that time.

The CHAIRMAN. The gentleman would have the right to offer the amendment to the section, but if the time had expired he would not have the right to debate it.

Mr. RANKIN. Would a substitute for the amendment of the gentleman from New York be in order?

The CHAIRMAN. An amendment to the substitute.

Mr. RANKIN. I offer an amendment to the substitute that the time be extended to two hours.

Mr. FISH. And the gentleman from New York accepts that.

The CHAIRMAN. The gentleman from Mississippi offers a substitute to the amendment of the gentleman from New York that the time for debate on this paragraph and all amendments thereto be limited to two hours.

Mr. BARKLEY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. Does the Chair hold that on a motion to limit debate endless amendments may be offered under the guise of a substitute?

The CHAIRMAN. The Chair holds that all the amendments that are in order have now been offered, and the question, therefore, comes on the amendment to the amendment offered by the gentleman from Indiana [Mr. BLAND] that the time for debate on this paragraph and all amendments thereto be closed in 45 minutes.

Mr. BLAND of Indiana. Mr. Chairman, I ask that I be permitted to withdraw my amendment and substitute the amendment of the gentleman from New York.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw his amendment. Is there objection?

Mr. RANKIN. I object.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana to the motion of the gentleman from Massachusetts.

Mr. STEVENSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENSON. Suppose the amendment of the gentleman from Indiana is adopted, then can we go ahead and vote on the substitute for that amendment after we have adopted it? What becomes of the substitute offered by the gentleman from New York?

The CHAIRMAN. The Chair thinks so.

Mr. BLAND of Indiana. Is not the first question on the proposition for two hours?

The CHAIRMAN. No; the first question is on the amendment offered by the gentleman from Indiana that debate on this section and all amendments thereto close at the end of 45 minutes instead of 30, as proposed by the gentleman from Massachusetts.

Mr. BLAND of Indiana. When will we vote on the amendment offered by the gentleman from Mississippi making it two hours?

The CHAIRMAN. The next question will be on the substitute. The question is on the amendment offered by the gentleman from Indiana.

Mr. FISH. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. If the vote is in the affirmative for the amendment of the gentleman from Indiana for 45 minutes, if that prevails, then can we offer an amendment to extend it to two hours?

The CHAIRMAN. The Chair thinks the next question in order would be a vote on the substitute, which would be the 2-hour proposition.

Mr. FISH. If this prevailed, should those who desire the 2-hour extension of time support the 45-minute amendment?

The CHAIRMAN. The Chair thinks that is not a parliamentary inquiry. The question is on the amendment of the gentleman from Indiana to the motion of the gentleman from Massachusetts, and on that the gentleman from Indiana demands a division.

Mr. BLAND of Indiana. Mr. Chairman, I withdraw the demand for a division.

The CHAIRMAN. The Chair thinks it is too late to withdraw the demand for the division.

The committee divided; and there were—ayes 93, noes 0.

So the amendment of Mr. BLAND of Indiana to the motion of Mr. WINSLOW was agreed to.

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from Mississippi [Mr. RANKIN] to the substitute of the gentleman from New York [Mr. FISH] that the time for debate on this section and all amendments thereto close at the end of two hours.

The question was taken; and on a division (demanded by Mr. CAMPBELL of Kansas) there were—ayes 58, noes 59.

Mr. STEVENSON. Mr. Chairman, on that I demand tellers.

Tellers were ordered; and Mr. WINSLOW and Mr. RANKIN were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 61, noes 74.

So the amendment of Mr. RANKIN to the substitute of Mr. FISH was rejected.

The CHAIRMAN. The question now recurs upon the substitute of the gentleman from New York to the motion of the gentleman from Massachusetts, as amended, to limit the debate to 1 hour instead of 45 minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Massachusetts as amended.

The motion was agreed to.

Mr. CHALMERS. Mr. Chairman, it seems to me that this is the important section of this veterans' bureau bill. The bill as I understand it is to put in operation decentralization, to get the service of this bureau down to the boys who need the service, to carry the service back home to them in their own neighborhood, where they can have it first hand. After some thought on this subject and some investigation my opinion is that that can not be done with 50 suboffices in the United States. Before gentlemen vote for this section as it now stands I suggest that they investigate the condition of affairs in their own districts. When this bill was presented to the House I did not know, first hand, the conditions in my own district, but I have studied them since, and I have found out something about them. I hope that all of you who do not know what this will do to the boys in your own districts will vote against this section as it stands now, at least until you find out what is happening.

I represent the Toledo district, and I find that we have a suboffice in Toledo, Ohio, which would go out if this section, as it stands, is agreed to. We have 442 maimed ex-soldiers in our city, in this district, who are being educated now, to-day, by that suboffice. There are three placement officers, with offices in the Nasby Building, who are out among those boys all of the time, helping them in their school work, helping them to get through training, so that they can go on and do a man's work. They are placing these boys in the factories and in the stores of Toledo. They are placing them in barber shops and are preparing these men so that they can earn an honest living—442 of them in Toledo alone. But that does not tell half the story. There are some 1,300 boys in the Toledo district that these three placement officers keep in contact with from day to day and week to week.

These placement officers in that district and the placement officers in other districts receive a salary of $200 per month, $2,400 a year. They are allowed $5 a day for traveling expenses, and they are allowed also their railroad fare. We have 20 counties in northwestern Ohio in the Toledo district. These placement officers are out among these boys all of the time, keeping in touch with them, placing them in jobs, as soon as they are able to do the work, standing by them until they are able to stand alone and go alone and do a man's work, no matter where they are. Are you going to cut these boys off, are you going to send them 215 miles down to Cincinnati, in order that they may receive service? That is what you are going to do if you vote for this section as it stands. Beyond that, you are going to make it more expensive for the Government. The expense of travel coupled with the loss of time in covering a large district is greater than the expense of maintaining suboffices. I find out from the Director of the Bureau for Vocational Training that the principal element of decentralization is to eliminate travel. That is the key to the whole situation—to eliminate travel, time, and expense. Here we have all told about 2,000 boys in the Toledo district who are being served by this substation that you would cut off permanently from this service. They can not go to Cincinnati. Many of them would die on the way.

There is no charm in the number 50. Why not leave the number as it is now at 140? Why not give the administrative officer some discretion in his executive capacity?

As I understand, it is the intention to make Col. Forbes the Assistant Secretary of the Treasury in charge of the veterans' bureau. In my judgment no more suitable appointment could be made. Since Col. Forbes has been in charge of the War Risk it has made remarkable strides toward efficiency. Then

do not tie his hands. Let him have something to say about service.

A gentleman of the committee says he is not an expert. He does not know just how many offices should be opened. Well, let me say to the gentleman from Indiana, I have asked the opinion of a man who does know—the greatest expert in this country, the man who is chief of industrial relations for the Federal Board for Vocational Education. Yesterday I asked Capt. H. L. Brunson what he would do if the number of suboffices should be reduced from 140 to 50. Mr. Brunson's answer was, "Mr. CHALMERS, God knows!"

I read in my home paper of yesterday of four funerals held in Toledo in one day for World War heroes—John P. McNerney, 23; Arthur Daly, 21; Tony Woblewski, but 17 when he enlisted in the service; and Vernon McCune. We can not bring these martyrs back to life, but we can take care of their comrades who have come back to us maimed and crippled. They do not want to be State charges. All they ask of us is to show them the way to become self-supporting citizens. There are 2,000 of them in the Toledo district, and now, just as they are beginning to rise into the sunshine of hope, by this vicious section you are knocking the crutches out from their support and letting them fall back into dismal despair.

I ask you to vote down this number 50 and leave the number as it stands now—140.

Mr. RAYBURN. Mr. Chairman, before I proceed I ask unanimous consent that the amendment of the gentleman from Indiana [Mr. BLAND] may be again reported.

There being no objection, the Bland amendment was again reported by the Clerk.

Mr. RAYBURN. Mr. Chairman, in five minutes, of course, it is impossible to say much about this situation. I myself have been very doubtful from the beginning whether or not the decentralization of the Bureau of War Risk Insurance is a wise thing. Those in charge of the bureau, those in charge of the rehabilitation division of the Federal Board, those in charge of this part of the Public Health Service, and the American Legion, all believe that some decentralization at Washington is necessary. I finally yielded on the proposition, as did the committee, to give 14 regional offices, the number that the Public Health Service has in the country and the number, I understand, that the Vocational Board has. In the original Wason bureau the regional offices were given no power whatever to pass finally on claims, either for insurance, compensation, or anything, but under the Wason bill the regional offices and suboffices were provided simply to gather information and try to help the service men with his papers before they came here, and prevent delay. This bill provides for further decentralization and that these 14 regional offices shall have the power to make awards in compensation, insurance claims, and so forth. It provides for 50 suboffices as auxiliary to the regional offices. I myself think that is enough suboffices. I believe that the more of these offices you establish the harder it will be at the end of the 5 years or the 10 years, or whatever time we set, to get this system done away with.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. No; I can not yield in five minutes. The situation in Indiana is one of the situations that we want to do away with. We want to get away from giving somebody the power to go out and indiscriminately establish suboffices.

In Indiana they say they have three or four suboffices under some department of the Government which we may do away with. Well, if they had a dozen of them in Indiana or a dozen in Ohio, of course they would be here to-day wanting to raise the number up to a point that would cover all the offices in that State. It matters not whether it is for one proposition covered under this bill or for all propositions covered under this bill. I want to submit what is going to happen. Some men here want all of these little suboffices over the country given power to make final adjudication on claims, insurance compensation, and vocational rehabilitation. I think that would be a serious mistake. Now, in the 14 regional offices they are given the power to pass upon claims finally. Do you know what is going to happen? Every soldier whose papers are filed and whose case is passed upon by a regional office, much less a suboffice, if he is aggrieved, what is he going to do? He is going to appeal that case, he is sending to his Congressman, and ultimately 90 cases out of 100 will come to Washington anyhow. I do not believe the amendment will be of service to the ex-service men, but will bring about more delay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWEET. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The amendment may be read for information.

Mr. SWEET. That is the purpose of it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 24, after the word "training," insert a new paragraph, as follows:

"The regional offices and suboffices, with all authority to establish such offices, shall terminate on June 30, 1926, and upon such termination all records and supplies pertinent thereto shall be delivered to the central office."

Mr. SWEET. Mr. Chairman, after conferring with members of the committee and also some of the Members of the House, it is the general consensus of opinion that this amendment be introduced. The question of vocational training, of hospitalization, and also questions pertaining to the adjustment of compensation, will be practically disposed of by that time, and it is thought that if the House or the Congress makes any mistake in the question of decentralization that at the end of five years, without any further legislation, all the regional offices and suboffices would be abolished and the whole matter again come back to the central office in Washington. I yield back any time I have remaining.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Do we have to wait until the conclusion of the hour's debate before voting on any of these proposed amendments?

The CHAIRMAN. The Chair thinks that is the parliamentary procedure under the practice of the House.

Mr. ARENTZ. Mr. Chairman and fellow members of the committee, your committee having in charge the Sweet bill, H. R. 6611, have attacked the problems presented with full knowledge of the needs of the ex-service men and the absolute necessity of making more workable the departments of our Government having to do with the rehabilitation, payments of insurance, and vocational training of these men—men who want only what is their due.

During the past year the Sweet bill has been discussed wherever ex-service men congregate, in every legion post throughout this broad land of ours. I congratulate your committee for placing before us such a piece of remedial legislation. We are all for it, and I feel sure that any suggested changes or amendments made therein spring from the heart of the Members of the House offering them.

We want the soldiers of the World War taken care of now, at once. We feel that the director of the veterans' bureau should be unhampered in his work throughout the Union for a term of years. It is my opinion that the work of this bureau will reach its peak within a year. It will then show a steady decline. We now have throughout our country approximately 140 stations similar to what are called suboffices in this bill. To permit of a proper functioning of the bureau we should not have a lesser number for a term of years. Many States should have a regional office and two or more suboffices. No State should have less than one suboffice.

If there ever was a time to not only speak but to practice economy, it is now. The care of the ex-service men and economy are not to be spoken of in the same breath. To take care of the ex-service men with 100 per cent efficiency at once is true economy. By practicing this form of economy now we obtain in return love of country and flag; undying devotion to everything making up this glorious country of ours, its tradition, its laws, and institutions, in the hearts of the sons and daughters of ex-service men and their sons and daughters through generation and generation.

True economy does not consist in the retention of offices after they cease to render service. The ex-service man does not now or ever desires to have these regional or suboffices adding to the expense of our Government a single day after they cease to perform the work for which they were created. The law, the purpose, the emergency, giving these offices birth is clear to us all to-day. Years from now these will become very indistinct through the mist of time and political expediency. These offices must never become mere political plums.

For this reason I am in favor of limiting the life of the State branches of the veterans' bureau to five years. It makes little difference to the ex-service man whether the director of the veterans' bureau is an Assistant Secretary of the Treasury or a Cabinet member or what not, just so that he has the needs of the ex-service man at heart, is deeply sincere, and has behind him some real constructive achievement to his credit and a decided punch in his activities—in other words, a real live man on the job. Then and only then will the regional and suboffices function to the everlasting gratitude of the boys who stepped out of the life of peace into the hell of war. [Applause.]

Mr. ROGERS. Mr. Chairman, I desire to offer an amendment and ask that it be read for information.

Mr. RANKIN. Mr. Chairman, I have an amendment which I would like to have read by the Clerk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Page 5, line 14, strike out the sentence beginning on line 14 and ending on line 22, and insert in lieu thereof the following:

"Such regional offices shall, under such rules and regulations as may be prescribed by the director, have the power to hear complaints, to examine, rate, and award compensation claims, to grant medical, surgical, dental, hospital, convalescence care, and necessary and reasonable after care, to make reasonable awards, to grant vocational training, and, if delegated to them by the director, may exercise such other powers as could be performed lawfully under this act by the central office."

Mr. ROGERS. Mr. Chairman, the purpose of this suggested amendment is purely to clarify the language which appears in the bill and which I propose to eliminate and replace by the pending amendment. I think there is no doubt as to the purpose of the committee in reporting this bill and as to the wishes of the House in this matter. What we desire, I think, is to have these 14 regional offices in the possession of final and undisputed power to make awards of compensation, of insurance, and of vocational training.

We want these 14 offices to be independent in their jurisdiction, subject only, of course, to the general control of the director of the veterans' bureau. In my judgment the language reported by the committee does not accomplish that, and I will explain why I think so. If gentlemen will refer to the text of the bill in line 20, on page 5, they will find that the words "delegated to them," meaning the regional offices, "by the director" are employed. Structurally those words "delegated to them by the director" refer to all the specified powers, as well as to the immediately preceding phrase, "and all other matters." What we want is to have the outright power given to each regional office to make awards, to grant hospital care, and the like; and then, as to other powers, meaning powers not enumerated specifically, we want to have those powers exercisable by the regional offices, provided they are delegated to them by the director of the veterans' bureau.

I have conferred with members of the subcommittee, and I think they are in agreement as to the intention of the language, but, frankly, I suspect the effect of the language as drawn is to exclude from the regional offices all the powers except so far as they may be delegated to those offices by the director of the veterans' bureau.

Mr. CONNELL. Will the gentleman yield?

Mr. ROGERS. I yield.

Mr. CONNELL. Do I understand that your amendment will give the 14 regional offices absolute authority to settle claims?

Mr. ROGERS. The 14 regional offices under my amendment—and I think it is the intent of the committee—will have power to make final awards in these enumerated cases, and they will also have the right to exercise other powers if granted to them by the director of the veterans' bureau.

Miss ROBERTSON. Mr. Chairman, I come from the forty-sixth State, only 14 years old now; twenty-first in population; thirteenth in point of wealth; tenth in revenue for the support of the Government; first in the production of oil; second in the production of winter wheat; fourth in the production of cotton; sixteenth in the number of troops sent to the war; eleventh in the number of casualties of those troops. There were over 95,000 men sent from Oklahoma, and now over 100,000 former service men are in the State. There is not one regional office in the State. So far as I know, our boys must be sent outside. Our State is so young that we have no hospital facilities beyond a few beds available at present. Our State had fewer exemptions asked from the draft by our people, and especially our Indian people, the percentage of Indians who asked exemption being 1.26 of 1 per cent, while the general plea for exemption in the United States was, white men, at the rate of 10 per cent and negroes at the rate of 12 per cent. There is no State in the Union that has the patriotic record of Oklahoma. We ought to have it made possible to care for our men at home.

I will not tell you what our boys are going through in Texas hospitals. You know, we said in Oklahoma, where we were a prohibition State, that they really did not need prohibition in Texas, because under the Army ruling liquor could not be sold within 10 miles of an Army or Navy post. The whole State was covered with them. [Laughter.] And so they had many temporary hospitals; we had none. Do not send us to Texas now. We sent our men to war; we paid the expense of many others. We are trying in Oklahoma to rehabilitate men from other States as well as our own. Help us. [Applause.]

Mr. MACGREGOR. Mr. Chairman, I have an amendment pending.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amendment by Mr. MACGREGOR: Page 5, strike out lines 22, 23, and 24 and, after the word "office," line 22, insert: "The suboffices shall have the power to make temporary compensation and to grant temporary vocational training pending final determination by the regional office and shall have such other powers as may be delegated to them by the director."

Mr. MACGREGOR. Mr. Chairman and gentlemen, I assume if this bill goes through in the shape in which it is, so far as the State of New York is concerned, the regional office will be established in the city of New York, and in my experience thus far in handling four or five thousand ex-service men's cases I find if they get tied up in the city of New York they are hopeless. It is very distressing that week after week I keep sending letters to the Bureau of War Risk Insurance, and the answer comes back that a request has been made for a medical report from the Public Health Service in New York City, and there is no report forthcoming. I think that the board or the doctors who examine a man should have some latitude to give relief.

Mr. BARKLEY. Will the gentleman yield?

Mr. MACGREGOR. Very hurriedly.

Mr. BARKLEY. Does the gentleman's amendment provide that the suboffice may grant temporary compensation and award?

Mr. MACGREGOR. Yes.

Mr. BARKLEY. If the suboffice has no funds, how can that be done? Papers have to come to the central office before a check is issued.

Mr. MACGREGOR. I do not know anything about the structure of the rest of the bill. If a man is distressed, there certainly should be some method of giving him relief and not have weeks and months go by before the man can be given relief. That is what I want to cure. I want the suboffices, or whoever is in close touch with the man, given some power to do something rather than to wait for the unwinding of the miles and miles of red tape that we have. If this does not correct it, I hope something will be put in the bill that will correct it.

Mr. BARKLEY. The suboffices can only do that by having funds put in their hands for the purpose. To simply say that they shall make the award, without giving them power to do that, would not bring any result.

Mr. MACGREGOR. Where does the regional office get it from?

Mr. BARKLEY. From the director of the bureau.

Mr. MACGREGOR. Could not that be done in the case of the suboffices?

Mr. BARKLEY. Have you provided that? If the regional office or the suboffice makes an award it has got to be certified by the director before a check can be issued for it. You can not provide any other way unless the funds are put in these offices for the relief of men who are in distress.

Mr. KINDRED. Will the gentleman yield?

Mr. MACGREGOR. I will.

Mr. KINDRED. The gentleman has referred very properly to the misfortune of the ex-service men in that they have to suffer from the bad results of red tape by the medical examining boards. I do not understand that this bill carries with it any machinery that will improve the medical examination of the ex-service men.

Mr. BLAND of Indiana. In each one of these 140 suboffices that exist now the Public Health Service has a doctor—it has not been stated on the floor of this House yet, but that is the truth—and when you do away with the one hundred and forty and odd service stations that are there to take care of the boys now and limit them to fifty, you would do away with the hundred doctors that take care of the men.

Mr. KINDRED. I wanted to bring that point out. It must be made in connection with the present relations of the Public Health Service.

Mr. MACGREGOR. At the present time I find it very inefficient so far as New York is concerned.

Mr. NEWTON of Minnesota. Mr. Chairman, before speaking on some of the amendments that have been offered to section 6 of the bill, I desire to call attention to what has heretofore been done for the disabled service men, some of the mistakes that have been made in administration and the effort of the Committee on Interstate Commerce, of which I have the honor to be a member, to correct these mistakes by the enactment of this bill into law.

There is no more important problem confronting the Nation than the proper and adequate care of the disabled service men.

Congress anticipated the effects of the Great War by several legislative acts in an endeavor to provide for the service men and especially the disabled ones. In October, 1917, Congress passed the war risk compensation act, providing allowances for service men with dependents, compensation for disabled service men or for their dependents in the event of death, and for war-risk insurance up to $10,000. In June, 1918, Congress provided for vocational training for disabled men and for their maintenance while undergoing training. Following the signing of the armistice, in March, 1919, Congress passed a hospitalization measure authorizing the Secretary of the Treasury "to provide immediate additional hospital and sanatorium facilities for the care and treatment of discharged, sick, and disabled soldiers, sailors, and marines." This bill transferred various hospitals with equipment to the Public Health Service, and authorized and directed the Secretary of the Treasury to erect new hospitals and to make the necessary contracts and leases for the taking over of private hospitals. That summer the House of Representatives passed the Sweet bill, improving and greatly liberalizing the beneficiary provisions of the war risk insurance act. This bill passed the Senate in December, 1919, and became a law shortly thereafter. This was followed by provisions improving and liberalizing the soldiers' rehabilitation act.

In these measures Congress has endeavored to provide for the disabled service men.

In addition to this, to carry out the provisions of these acts Congress has appropriated from the time of the enactment of the war risk insurance act in November, 1917, until the present date the sum of $1,414,263,766.96. I have asked our most efficient clerk of the Committee on Appropriations in the House, Mr. Shields, to prepare a table of these various appropriations, and at the suggestion of several Members of the House I am attaching it as an appendix to my remarks.

The Federal Board for Vocational Education informs me that on May 1, 1921, it had in training 80,066 disabled service men. Of this number 72,056 were being provided with maintenance as well as tuition. Three thousand five hundred and sixty-two men have completed their training. The first 2,000 men who were trained, and to that extent rehabilitated, were placed in 153 different kinds of employment at an average annual wage of $1,463.33. The average prewar wage of the same men was $1,072.71. The Federal board is making use of 2,000 schools and 8,000 plants and factories in retraining these men. Up to May 1, 1921, this board has spent $111,619,893.25 since the passage of the soldiers' rehabilitation act in June, 1918. Of this amount $96,992,973.88 has been spent directly in maintenance and tuition, books, supplies, and so forth. The overhead for this, including rent, office equipment and supplies, salaries, printing, travel, and subsistence of employees, and so forth, was approximately 13 per cent. The overhead charges are decreasing, and I am informed that they were only 8 per cent in the month of May.

There are many more men to be provided for, and these provisions should be made quickly, both for the sake of the men and for the sake of the country.

Furthermore, while this training has been going on, much work has been done by the United States Public Health Service and the Bureau of War Risk Insurance. There is much more that these two agencies can do and this should be done immediately.

There have been numerous complaints in reference to lack of necessary hospitals in caring for the disabled service men, and there have been even more complaints in reference to his inability to receive adequate compensation.

The Committee on Interstate and Foreign Commerce in the House, with these complaints in mind, conducted exhaustive hearings in January and February, at which hearings appeared medical officers, war-risk insurance experts, and members and officers of the various ex-service men's organizations. This committee reported the bill to the House just preceding the adjournment of the last Congress. There was insufficient time in which to act upon the report of the committee, and immediately upon the convening of the present Congress the Committee on Interstate and Foreign Commerce of this Congress took up the problem.

They conducted hearings which were supplementary to the hearings of the preceding Congress. The complaints heard were not directed against the lack of legislation but to the methods of administration. The feeling was prevalent among the greater number appearing before the committee that while Congress had provided the necessary legislation and the necessary money, yet for some reason or other the disabled service men were not getting the benefits of that legislation because of too much red tape, a tendency to centralize too much in Washington, and the failure upon the part of the War Risk Bureau, the Federal Board, and the Public Health Service to properly coordinate their work.

This bill therefore is an attempt to cure these evils of administration. In my judgment many of these evils in administration could have been remedied without any additional legislation whatever from Congress. For example, the War Risk Bureau and the Public Health Service are both in the Department of the Treasury. There is no reason whatever why these two activities should not have coordinated their work without legislation from Congress. This is illustrated by the fact that the present Secretary of the Treasury, on the 19th of April, issued his order coordinating these two activities.

It will be observed that this bill has been drawn up broadly, and that it confers broad, general, and great discretionary powers upon the director, who will be in charge of all three activities. We provide for decentralization by authorizing 14 regional offices and 50 suboffices. These regional offices are to have the power of the present central office, subject, of course, to a review by the central office at Washington. The suboffices are to have such power, not including the granting of training, compensation awards or insurance awards, as may be delegated to them by the director.

This leads me to some of these amendments in reference to these suboffices and other provisions. We are all agreed that everything should be done to make the administration of the war risk insurance act and these other laws more helpful and effective in caring for the disabled service men. We disagree only as to a few details.

The original suggestion to the committee, coming from the director of the bureau, as I recall it, called for an unlimited number of suboffices, to be vested with unlimited power, even to the extent of permitting the suboffices to create other suboffices, which other suboffices were also to be vested with unlimited power. This would mean that the suboffices would have the right to grant insurance awards, compensation awards, and to confer all the benefits of vocational training.

Now, as to the question of suboffices and their powers, we have all had our troubles in reference to the awarding of compensations by the War Risk Insurance Bureau. Most of my trouble has arisen out of the fact that there has been filed with the War Risk Bureau in support of the claims for compensation inadequate proof. The affidavits submitted are insufficient. This is not to be wondered at. These boys know nothing about the laws of evidence and of proof. In a great many instances these affidavits are mere conclusions arrived at on the part of some doctor or of some layman that the man is sick and that he ought to be compensated. I have always been of the opinion that we could eliminate much of the delay and annoyance in handling war-risk insurance cases if we could furnish the service men with a conscientious adviser, who would assist them in the gathering of the affidavits and in the submission of the proof. These men should be helped in the drawing up of those affidavits and in the detailing of facts set forth therein. I venture to say that my experience in this connection is not any different than that of many others here.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. McDUFFIE. If that be true, why not have a large number of suboffices to prepare these papers and eliminate a number of regional offices?

Mr. NEWTON of Minnesota. You do not need a large number of suboffices. In the past the agents have not been sent out properly throughout the districts where men make claims and where there is evidence to show that they have a just claim. In such cases men should be sent out into that community. You do not have to establish a suboffice and grant to that suboffice all the powers in creation in order to correct the abuses of administration.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CHALMERS. From the standpoint of efficiency of service, in the gentleman's judgment, which would be the better, the regional or the suboffice?

Mr. NEWTON of Minnesota. My judgment would be that we should have the 14 regional offices established by the bill, with general powers over the administration of the act.

Mr. CHALMERS. Why, then, does the regional office establish a suboffice in the same city, as in Cincinnati, Ohio, for instance?

Mr. NEWTON of Minnesota. I do not know what has been done in particular instances. The action may have been taken for lack of space, or something of that kind.

Mr. BLAND of Indiana. The functions are entirely different.

Mr. NEWTON of Minnesota. Oh, no. You can have a regional office and a suboffice right in the same building, as is the case in my city.

Mr. BLAND of Indiana. Does not the gentleman know that the powers of the suboffice are different from those of the regional office? The boys go there and get that service.

Mr. NEWTON of Minnesota. Yes; I know; but you do not have to have suboffices scattered over every county in order to get that kind of service.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. LAYTON. Why should we not follow in some degree the method followed in taking care of the veterans of the Civil War? In that case they had a very few examining boards composed of surgeons. It was found that that was a great hardship to the soldiers. They had to travel hundreds of miles, and pay hotel bills, and all that sort of thing. But a satisfactory adjustment was made when they established an examining board in every county north of Mason and Dixon's line, and their findings were practically binding upon the Pension Bureau unless the Pension Bureau thought there was ground of fraud.

Mr. NEWTON of Minnesota. Now, what did it result in? In all kinds of fraud. Every State in the Union had cases, all kinds of fraud and scandal, growing out of that very practice. Your committee thought that if we granted to these suboffices the power that the gentleman from New York would take away—if we granted that power to them we would have that very kind of trouble with the suboffices.

Mr. LAYTON. The gentleman is mistaken. There was no scandal in connection with the examining boards. But there were people who were making money out of the pension business, and they would sometimes put up false affidavits, and whatever scandal arose came about in that way.

Mr. NEWTON of Minnesota. The gentleman's recollection of that and mine are greatly different.

Mr. LAYTON. Yes; but mine is better because I am older and I served on a board. [Laughter.]

Mr. NEWTON of Minnesota. That is all right; but the gentleman did not live in the same territory that I lived in.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BEEDY. Mr. Chairman, I offer an amendment, and ask that it be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maine.

The Clerk read as follows:

Amendment offered by Mr. BEEDY: Page 5, line 14, after the word "act," strike out the period, insert a comma, and add the following: "*Provided, however*, That in States having but a single suboffice no such suboffice shall be abolished within five years next following the approval of this act."

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, I submit that protracted argument is unnecessary to justify the wisdom of this amendment to members of the committee. I am doubtful of the wisdom of but one provision in the Sweet bill. I have no fault to find with the number of regional or suboffices which it seeks to fix, nor do I criticize the powers conferred upon such regional and suboffices. I accept the judgment of the committee in those respects.

I desire to call your attention specifically to the nature of those duties performed by the suboffices, and then to direct your attention to the situation which obtains in the State of Maine. Records of the department show that suboffices have served ex-service men in the following respects, among others. They have arranged for loans; have provided temporary medical care; have located relatives; have assisted with affidavits; have visited homes for information; have secured passports, employment, sick leave, reports on family welfare, and so forth. This is the kind of service the ex-soldier boys want. They should not be deprived of all facilities of this nature.

In the State of Maine there is but one suboffice rendering this service to the ex-soldier. I introduce this amendment providing that in the reorganization of the bureau no State which has but a single suboffice shall be deprived of that one office. I do not wish the State of Maine to lose the only office which she now has at the disposal of ex-soldier men. I trust the committee will adopt my amendment, and so make possible the doing that which this bill professes to do, namely, to bring closer to the soldier boys those agencies for service and relief to which they are entitled. [Applause.]

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. RANKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: Page 5, line 9, after the word "Columbia," strike out the words "and not more than 14 regional offices," and in line 14, same page, after the word "act," strike out down to and including the word "office," in line 22.

Mr. RANKIN. Mr. Chairman, the object of this amendment is to cut out entirely these regional bureaus, which you will find in practical application will complicate the service, increase the red tape, embarrass the Congressmen who have to handle these claims, and at the same time put the relief one step further from the ex-soldier. I believe that if you will increase the suboffices so that every man will be within reasonable reach of one, where he may go to be examined and have his case investigated and his papers made out and sent directly to the head bureau in Washington, you will afford far more speedy and complete relief than you will if you attempt to scatter this bureau out under 14 regional heads. In my judgment there is just as much reason for dividing the Supreme Court of the United States into nine divisions and sending a justice of that court to every one of those divisions as there is for thus dividing up this veterans' bureau.

There is another grave objection to this proposition. These boys are going to appeal to you; you will be in Washington, and the papers in connection with their cases will possibly be in New Orleans, Cincinnati, Atlanta, or New York, or wherever the regional bureau for their district happens to be located. They will be just as far removed from you as they would be from the soldier if they were here in Washington. You will write to the regional bureau, and it will take three weeks possibly for you to get an answer, and by that time you will have half a dozen letters from the boy at home inquiring why you do not do something for him, and you never can explain to him why it is that you can not get service in the bureau that you have voted to create.

Another thing I fear is that it is going to cost more than twice as much money to operate under these 14 regional bureaus as it will under one central bureau and a vast number of suboffices. In the first place you are creating berths for at least 14 directors of these regional bureaus, who will draw large salaries, and you are going to have to keep a copy of every publication, every letter, every petition, every bit of testimony in the central bureau. You will have to have it all copied and sent to the head office in Washington in order that you may keep any trace of it at all. It is not going to do the ex-soldier any good in the world to scatter this bureau out under 14 different heads, and in my opinion it will practically double the expense of this work and increase infinitely the red tape about which we are now complaining, and instead of bringing relief to the soldier it is going to remove it one step further from him. [Applause.]

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BEEDY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Maine makes the same request. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Delaware offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 5, line 8, strike out all of section 6 and insert in lieu thereof the following:

"That the director shall establish a central office in Washington, D. C., and not more than 14 regional offices and such suboffices within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the veterans' bureau and to carry out the purposes of this act. Any such regional office or suboffice may exercise such powers, including the establishment of agencies for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, insurance awards, pension awards, and all other matters delegated to these agencies by the director as could be performed lawfully under this act by the central office."

Mr. LAYTON. Mr. Chairman and gentlemen of the House, of course most of you are aware of the fact that this is nothing more nor less than a desire on my part to substitute section 6 of H. R. 3 for section 6 of H. R. 6611. I want to say before I go any further that this section 6 of H. R. 3 does not represent altogether my views upon this question. I am offering it because of the fact that the soldiers of my State of Delaware have requested me to stand for section 6 of H. R. 3. That is their wish. If we are going to pay any attention at all to the soldiers, I, as the Representative of the State of Delaware, feel

bound to introduce this amendment in accordance with their desire. In addition to that the Chamber of Commerce of the city of Wilmington have also advised me that it is their desire, and I am trying to carry out that desire.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. LAYTON. I yield to the gentleman from Indiana.

Mr. BLAND of Indiana. Under the gentleman's amendment the director can establish as many suboffices as he thinks necessary.

Mr. LAYTON. Yes; exactly.

Now, Mr. Chairman, just one word and I shall feel that I have discharged my duty and have placed the matter before the House. I should like to ask the chairman of the committee a question. Did the committee in considering this great and grave subject consider utilizing the machinery of the Civil War that has grown up in such splendid capacity?

Mr. SWEET. The gentleman means the doctors who examine applicants for pensions?

Mr. LAYTON. Yes.

Mr. SWEET. The Public Health Service?

Mr. LAYTON. I do not refer to the Public Health Service.

Mr. SWEET. The gentleman means the doctors who examine applicants for pensions?

Mr. LAYTON. Yes; I mean that north of Mason and Dixon's line—and I do not mean any reflection upon my brethren on the other side of that line, because there do not happen to be so many of them down there—but north of Mason and Dixon's line, as a gradual evolution, as a necessity, for the benefit of the Civil War veterans, they established boards of examining surgeons, three in each board. These boards are already established all over the country, and I am unable to understand why the machinery already at hand was not utilized in providing for the necessities of the veterans of the late war.

Mr. SWEET. No; we did not consider that, because we were dealing with the veterans of the World War.

Mr. LAYTON. What I want to get at is this: You have splendid machinery in this country to-day in these pension boards already existing, covering thousands of men, trained surgeons and physicians. Why were they not utilized in making up this bill? Why was not the splendid structure already built up made by enlargement to serve as the machinery for all the purposes of the soldiers of the late war in view of its record in providing for those of the War of the Rebellion?

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen of the committee, in discussing so many amendments and considering so many amendments as we will have to consider at the end of the debate, it is very important to know the different questions presented. As I gather from the amendments that have been introduced to date, there are going to be two important questions for the committee to consider at the termination of this hour of debate. One of these questions is whether or not we are going to increase the number of suboffices in accordance with the amendment proposed by my colleague [Mr. BLAND]. The other is a proposition embraced in the amendment proposed by the gentleman from Delaware to increase the power of the suboffices. They are two entirely different questions, and I hope the committee in giving them consideration will remember that these are two different questions and that they will weigh each question carefully.

Mr. BARKLEY. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. BARKLEY. I think it also ought to be considered that the gentleman from Delaware confers upon the subagencies the power to create others.

Mr. SANDERS of Indiana. Not only gives a suboffice complete power but delegates the power to other agencies, which would make as many suboffices as it wanted to delegate—it might have 1,000 or 1,500 suboffices.

Gentlemen of the committee, I realize what is responsible for the sentiment in favor of increasing the number of suboffices. It is the desire in the heart of every Member of this House to bring to the soldier these activities, so that the soldier may reach immediate relief that may be given to him. All of us want to do that; but, after all, in every proposition there are two principles involved. You not only have the principle of bringing the activity home to the soldier but you have the principle involved as to whether or not the tribunal created by this legislation shall give effective and just relief to the soldier. I assert that if there are created 140 suboffices, given jurisdiction to deal with all of these questions, and deal finally, that you will jeopardize the rights and the interests of the American soldier, who is supposed to be benefited by this legislation.

Mr. CHALMERS. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CHALMERS. The gentleman does not mean that we want to give the suboffices final jurisdiction?

Mr. SANDERS of Indiana. I hoped to make myself plain. There are two different amendments, one to increase the number and the other to increase the power of the suboffices. Both amendments are for the consideration of the committee, and both might be adopted, and if both are adopted the result would be as I have stated.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. BLAND of Indiana. The gentleman does not mean to say that increasing the suboffices from 50 to 140 would give any power to the suboffices to pass finally on claims?

Mr. SANDERS of Indiana. No; I do not mean to say so; the gentleman's amendment deals only with the number of suboffices.

Mr. McDUFFIE. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. McDUFFIE. Does not the gentleman think that if you want expediency in the relief of these ex-service men, in the event of establishing 140 suboffices, it would be better to cut out the regional bureau?

Mr. SANDERS of Indiana. Well, I have not given such consideration to that kind of organization to be able to express an opinion.

Mr. McDUFFIE. Would not it save time?

Mr. SANDERS of Indiana. I have no pride of opinion in the provision of the bill, and if the committee thinks that we have adopted an unwise provision, of course the committee should amend it, but after mature study on how to give these men effective relief I think you ought not to create 140 suboffices. [Applause.]

Mr. GORMAN. Mr. Chairman, I have no fixed opinion based on experience or investigation as to what the number of suboffices should be, but I have received a telegram which has a very important bearing on the subject. It reads as follows:

CHICAGO, ILL., *June 7, 1921.*

HON. JOHN J. GORMAN,
House of Representatives, Washington, D. C.:

House bill 6611, relating to rehabilitation disabled soldiers, limits local offices to 50, a number altogether too small. The present number of local offices established by the Federal board is not in excess of the need. If present number of local offices is decreased, work now in progress will be seriously handicapped.

WM. J. BOGAN,
Principal Lane Technical School.

My correspondent, Mr. Bogan, is an eminent educator in Illinois. He has given unselfishly of his thought, time, and efforts to the needs of the ex-service men. He has charge of a great institution for the education of the former service men and is constantly studying their requirements, both in the matter of education and relief for them from the afflictions inuring to them in the great World War. I value Mr. Bogan's opinion in the matter, to which I respectfully defer, and for that reason I will support the amendment of the gentleman from Indiana [Mr. BLAND].

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Page 5, line 8, strike out all of section 6 and insert:

"SEC. 6. The director shall establish a central office in the District of Columbia and such suboffices within the territory of the United States not exceeding 140 in number, as he may deem necessary for the best interests of the work committed to the veterans' bureau and to carry out the purposes of this act. Such suboffices shall have such powers as may be delegated to them by the director for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable after care, making insurance awards, granting vocational training, and all other matters delegated to them by the director as could be performed lawfully under this act by the central office.

"*Provided, however,* That an appeal to the central office may be had from the findings of the suboffice by the ex-service man under such rules and regulations as the director may prescribe."

Mr. McDUFFIE. Mr. Chairman and gentlemen, if there is one duty resting upon the American Congress which at this time rises above all others, it is to enact such laws as will properly care for those men and officers of the World War whose bodies were broken and whose health was shattered in fighting for our common country. Any failure on our part to live up to this high responsibility would be unworthy of the representatives of the people of a grateful Nation.

On several occasions I have visited amongst the wounded soldiers at Walter Reed Hospital, and once I had the privilege to speak at one of their gatherings in the Red Cross hut. As I looked upon them, armless and legless, their faces maimed,

their bodies bent and scarred by wounds of battle, I prayed that I might have the privilege and power in some way to render service to them. Then and there I firmly resolved, that so long as I live and so long as I am a Member of Congress, I would never permit an opportunity to pass to use my best efforts in seeing that this Nation discharge its stupendous obligations to them. Many of you have visited Walter Reed, and I know your hearts yearned for some magic power by which you could restore those heroes to all the strength and happiness which was theirs in the fullness of their physical manhood.

We are all of one mind, gentlemen, in our appreciation of the sacrifices of the ex-service men. We are all of one accord in a desire to see the highest measure of justice done unto them. This legislation is worthy of the great Committee on Interstate and Foreign Commerce, whose every member has labored long and faithfully to write such a law as would best care for those who gave their all for the honor and glory of the American flag.

It was the purpose of the committee, I am sure, and it is the purpose of every Member of this Congress, by consolidating all the activities for the ex-service men into one bureau to obviate a great deal of "red tape" and delay in getting final action on their claims.

There has been much delay. There can be no doubt that errors have occurred in the handling of business for 4,000,000 men. The War Risk Bureau was a new venture, and we did not expect it to be perfect, yet in a few cases of my own knowledge it has seemed inexcusable for long delays, which have worked great hardships on the soldiers and their families. I will not cite all the instances, but I do wish to call your attention to one case in which the failure of the War Risk Bureau to answer a letter has resulted in a gross injustice and great loss.

In September, 1919, Mr. George St. J. Tucker, of Mobile, Ala., whose splendid son, William Sikes Tucker, served on the battle line in France, wrote the bureau, asking them to advise him the balance due on the insurance policy of his son. This young man was honorably discharged and sought a position in St. Louis, at the same time asking his father to keep his policy alive. The letter asking what amount was due or necessary to keep up the policy was mailed in Mobile on September 22. After two weeks Mr. Tucker wrote again, and still no answer was received from the bureau. Finally, a third attempt was made to get information from the bureau, and he was answered by the bureau on January 22, the following year, four months after that first letter was written, which was received here at Washington in due course of time. On January 14 this young man died after an operation for a disease undoubtedly brought on by service on the firing line. A week after his death the War Risk Bureau answered his father's letter, but then it was too late. Now, I am told his father can not collect on the policy, which had lapsed, because the bureau can not assume that the father would have paid the premiums and kept the policy alive had he secured the information he so much desired. What sort of business would you term that? The bureau may be right, as a technical proposition of law, but, morally, is not the Government bound to pay this policy? I understand there are only a very few similar cases. This Congress would not set a bad precedent in passing an act to relieve those who have suffered by the negligence of the bureau. Are you gentlemen of the committee not willing to so amend this bill as to take care of cases like this one? As a business proposition, should not the Government be held responsible for the negligence of its agents?

Now, Mr. Chairman, I am very much interested in section 6, for which I have prepared the substitute which the clerk has just read. This, gentlemen, is the very heart of this bill. As I understand it, the chief purpose of this legislation is to expedite the settlement of the claims of World War veterans. In other words, to avoid delay and so much "red tape" in their claims for compensation, treatment, vocational training, and so forth, and to bring the bureau closer to them in its activities. Here you have provided for 14 regional bureaus, in addition to the central office at Washington, and 50 suboffices throughout the country. To the suboffices you have not given the power to finally dispose of anything. I take it that the suboffices will simply furnish the soldier such information as he needs in fixing his papers to be forwarded to the regional offices. I presume you permit him to appeal from the findings of the regional office to the central office in Washington.

I very much fear that the purpose sought for in this section will not be accomplished. If you wish to expedite matters, why not have suboffices, not exceeding 140 in number, with such powers delegated to them as may be designated or prescribed by the director? Why not let these suboffices inform the men, fix up their papers correctly, make recommendations, and forward them to the central office at Washington, where, if necessary, the soldier can get the cooperation of his Congressman, as he now does? Why should you make him take three steps to accomplish that which he can accomplish by taking two?

I fear you are going to have more delay than now obtains if you permit this section to remain as it is. The final word about all the claims will eventually come from the central office at Washington. The check or money will have to be sent out from here; then why have regional bureaus which might result in more expense, more employees, more letters, more examinations, and more "red tape"? The gentleman from Mississippi [Mr. RANKIN], an ex-service man, sounded the keynote when he said that it would be far better to have more suboffices and no regional offices than to have the 14 regional offices and only 50 suboffices. The ex-service men of the country and those of this House believed we should have more suboffices.

I am going to support this bill, for I believe its purpose is good. I believe in the consolidation feature. We can accomplish nothing in decentralizing the power to finally dispose of these claims. The soldiers probably know better than we do just what they wish in the way of legislation, and let us, as nearly as possible, give them what they desire. This committee, which has given so much study to the situation, may know better than I do, yet I have great misgivings about section 6 as it is written in the bill.

There is another vastly important feature of this bill, to which I called the committee's attention a few days ago, and that is the section giving so much power and authority to the director. Doubtless a big man has been selected, and I believe the director is such a man. He should be a big man, for the responsibility he will have under this legislation is immeasurable. The expenditure of a billion dollars is under his supervision and control. You permit him under this bill to appoint thousands of employees and such staff officers and experts as he may deem necessary. You give him use of every governmental agency he may deem necessary, and even permit him to employ such private persons outside of regular Government employment in any number he may prescribe anywhere in the United States. Mark you, he fixes the salaries also. It may be that your committee could not work out a feasible plan otherwise, but let me warn you that it is very dangerous to clothe one man with such powers, it matters not how great a man he may be. I doubt if the director himself cares to have so much authority and responsibility. You are opening the way right here for the building up of a great political machine and permitting the placing of probably thousands of additional employees upon the pay rolls of the Government. If additional bureaus and employees are necessary, I say we must spare no expense in caring for our wounded soldiers, but who is to judge whether or not they are necessary? No one except the director, who will, of course, make his report to Congress each year. You should provide in this bill, my friends, that preference in employment be given to ex-service men in this new bureau whenever and wherever they are eligible. Let them in this way also get the benefit of this legislation.

Let us not in our enthusiasm run amuck in framing this legislation. The soldiers themselves are patriots. They were patriotic enough to save their country in time of war, and I know they are still patriotic enough to have us do the wisest and best thing for them and their country in times of peace. They do not wish you to open the doors of the Treasury for unnecessary employees. They are not asking this Congress to put in this legislation unnecessary burdens upon the masses of this country in our efforts to do justice by them. They know the needs for economy in the expenses of their Government. I believe, if we were to ascertain their views, they would prefer our saving some of the hundreds of millions of dollars you are appropriating for a big Army and Navy and great fighting machines at a time when there is no immediate danger of war and when our people are staggering under the burdens of excessive taxation. None who loves our flag would be stintingly economical when it comes to dealing with the needs of the wounded soldier. Whatever the disabled ex-service men need of the United States Treasury I say give them, but do not forget they are as wise as they are patriotic. They only ask simple justice at the hands of this Government.

We can not measure a man's patriotism in dollars and cents. God pity this Nation should the day ever come when her people measure their duty to the flag in money values. We can not reward these men for their services in terms of money, but it is the solemn duty of this Government to see that proper care is taken of those who were disabled in serving that flag. This our Government has never yet and never will fail to do. Every man who served in the World War will be pensioned or cared

for by the Government whenever he becomes disabled. I repeat, the soldiers are men of sound judgment as well as great patriots and heroes. They do not wish more than is properly due them, but they do ask that, and I know you will give it. Every man in this Congress is earnestly endeavoring to have the Government do its full duty by them. The only question is what is the best course to pursue.

When this bill becomes a law it will be the result of honest effort of the membership of this body. Let us hope that it will bring about the relief sought and add to the comfort and happiness of those ex-service men and their families throughout the Nation whom it is our duty to honor and serve. Let us hope that this legislation will bring some measure of happiness and some little consolation to the loved ones of those who made the supreme sacrifice that we might still enjoy the blessings and hopes of American civilization. The generous heart of America will never fail to respond to the needs of those who baptized with their rich red blood the hoary hills of Europe.

They lived up to the highest traditions of their fathers. These young men turned the tide of battle on the western front, while at Belleau Wood and Chateau-Thierry they added new glory to the flag of their country and gave to the world a brilliant example of the genius, courage, and valor of American soldiery.

Mr. LINEBERGER. Mr. Chairman, I desire to use a portion of the time allotted to me voicing an expression of grief and sorrow concerning the late Col. Frederick W. Galbraith, whose untimely death was announced in the morning's press:

Whereas, Col. Frederick W. Galbraith, national commander of the American Legion, a valiant and distinguished soldier of the American Expeditionary Forces in the World War, met an untimely and tragic death on June 8, 1921. Therefore, the Members of the House of Representatives, reflecting the sentiment of the American people, hereby expresses the sorrow of the Nation at the loss of this courageous soldier and exemplary citizen, whose life, character, and services will be an inspiration to every American patriot and a lasting heritage to the bereaved family.

I am sure that these sentiments are voiced by every Member of this House where the unalloyed Americanism and fine traits of character of the late Col. Galbraith were so well known and thoroughly appreciated.

When Col. Galbraith was elected to the national commandership, the highest position within the gift of his comrades of the American Legion, the following biographical sketch was published in the American Legion Weekly, the official organ of the American Legion:

THE NATIONAL COMMANDER.

On September 29, 1918, Col. Frederick W. Galbraith, jr., commanding the One hundred and forty-seventh Infantry, Thirty-seventh Division, performed the act of heroism which won for him the distinguished service cross.

Two years later to the day—on September 29, 1920—Frederick W. Galbraith, jr., was elected national commander of the American Legion.

Mr. Galbraith enjoys the distinction of having been both soldier and sailor in the course of his career. His early surroundings did not lack for military atmosphere, for he was born in Watertown, Mass., where a large Government arsenal is located, and later attended grammar school in Springfield, Mass., where there is a United States armory and from which city the American Army rifle derives its name.

Mr. Galbraith was graduated from the Nautical Training School at Boston, Mass., in 1893, and served as apprentice coxswain, third mate, and second mate aboard American sailing ships following his graduation. In 1898 he went to Cincinnati, becoming treasurer of the Western Paper Goods Co.

The future national commander was commissioned major in the First Infantry, Ohio National Guard, in 1916, and was promoted to colonel the same year. In 1917 he was assigned to command the One hundred and forty-seventh Infantry and remained at the head of this Thirty-seventh Division unit throughout the war. The regiment was composed principally of the First and Sixth Infantry Regiments, Ohio National Guard. Commander Galbraith won the distinguished service cross and the croix de guerre for heroism in action during the Meuse-Argonne offensive. He also participated in the St. Mihiel attack and served in the Baccarat and Ypres-Lys sectors.

His citation for the distinguished service cross reads:

"For extraordinary heroism in action near Ivoiry, France, September 29, 1918. When an enemy counterattack was imminent he went into the front lines under a violent artillery and machine-gun barrage, and by the coolness and certainty of his orders and the inspiring example of his personal courage reorganized his own command and took command of other units whose officers had been lost or diverted in the confusion of battle. Knocked down by a shell, he refused to be evacuated and continued to carry on the work of reorganizing his position and disposing the troops to a successful conclusion."

At the first State convention of the American Legion held in Ohio, Mr. Galbraith was unanimously elected department commander. When his successor—J. R. McQuigg—was elected at the 1920 convention the title of past department commander was conferred upon Mr. Galbraith, and it was provided that he should be a delegate to all future conventions of the American Legion of Ohio. During the last year Mr. Galbraith, in addition to being Ohio department commander, served as a member of the national executive committee of the legion.

John Thomas Taylor, the vice chairman of the national legislative committee of the American Legion, commenting upon the great loss that the legion has suffered in the untimely death of Col. Galbraith, made the following statement:

From the very moment that Col. Galbraith was elected he assumed active leadership in the fight for the ex-service man. Immediately he went from one end of the country to the other, visiting every hospital in which the disabled were located, and then determined to devote his entire activity during his administration to seeing that the terrible wrongs they had been suffering were righted. He took an active interest in national legislation upon this subject. The bills pertaining to vocational training, hospitalization, war-risk insurance, and the care and treatment of disabled ex-service men became his life work. Notwithstanding the tremendous number of other matters which daily occupied his attention he made it a point to visit Washington and to personally lay the necessities for new legislation before the President and before the Senators and Members of Congress.

Many of the Members of the present Congress came to know him personally and to admire him for his tremendous activity in the cause which he represented. He was honest and fearless in the expression of his convictions, and it was as a result of his personal attention in Washington that the legislation was gotten well under way and reached the point where it now stands on the calendar.

It is to be deeply regretted that he did not live to see the bills at present under discussion for this purpose become laws, for night and day, throughout the country, he worked to that end.

His tremendous personal vitality was used in building up the organization of the legion, both among the people and among the business organizations, and under his guidance it has grown to be the tremendous conservative fighting organization that it is to-day—fighting not only for the welfare of the men and women who belonged to it but fighting for the welfare of the country as well. On every occasion he took advantage of the opportunity to state that the first thought and consideration of the American Legion was the country and that the legion placed it first, and that nothing would be advocated by it not in conformity with the opening words of the preamble to its constitution—"For God and country."

He built up the great Americanism commission of the American Legion, which has been fighting for the past six months to wipe out radicalism in the country and to supplant it with 100 per cent Americanism.

These things had become his life work, and in his death not only the American Legion but the country itself suffers a great loss. He was a great man and a noble character, taken from this life at the very height of his career. He had gone through the war, had been seriously wounded in battle, had returned to this country deeply impressed with what war meant, and had profited by the lessons that he had learned. The country joins with the legion in mourning his loss.

I am sure that this House is profoundly moved by the untimely death of so great and good a man as Frederick W. Galbraith.

I shall call this resolution up when the Speaker resumes the chair. I desire now to have read the amendment which I offer and which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. LINEBERGER: Page 5, lines 23 and 24, after the word "director," strike out "except to make compensation and insurance awards and to grant vocational training."

Mr. LINEBERGER. Mr. Chairman, I want now to read a request which was perhaps the last request made by the national commander regarding soldier legislation, and contained in a letter written to me at his direction on June 4, in which I am asked to offer the amendment which I have offered.

I shall quote the pertinent paragraphs of the letter:

The national commander has directed me to request you to offer an amendment upon the floor of the House to section 6 of H. R. 6611, the amendment to be the striking out of the following words on lines 23 and 24, page 5: "Except to make compensation and insurance awards and to grant vocational training."

This is the same amendment offered and so ably presented yesterday by the gentleman from Kansas [Mr. LITTLE], and he and I agreed that I should make the motion to-day.

Mr. Chairman, the object of this is in order to facilitate the suboffices in carrying out the work which is contemplated by the bill. In the State of California the regional office is located at San Francisco, whereas the office in Los Angeles is a suboffice where perhaps 50 per cent more business is carried on than in the principal regional office located at San Francisco. The director should certainly retain the power to delegate full powers to any suboffice which he may deem advisable.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The Chair can not entertain that request.

Mr. LINEBERGER. Then I ask unanimous consent to insert the letter to which I have referred as a part of my remarks.

The CHAIRMAN. Without objection, the letter will be incorporated in the gentleman's remarks.

There was no objection.

The letter referred to is as follows:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., June 4, 1921.

Hon. WALTER F. LINEBERGER, M. C.,
House Office Building, Washington, D. C.

MY DEAR MR. LINEBERGER: The national commander has directed me to request you to offer an amendment upon the floor of the House to section 6 of H. R. 6611, the amendment to be the striking out of the following words on lines 23 and 24 of page 5, "except to make compensation and insurance awards and to grant vocational training."

The reason for this is perfectly evident. There was considerable discussion on the floor of the House yesterday in response to Col. Galbraith's letter to the Congressmen on this subject which, apparently from the debate, was misunderstood.

The American Legion has always stood for decentralization that actually carried service to the men right out in the field. In order to do this job properly the man's case must be handled and be disposed of

out in the field and not by correspondence, whether such correspondence be with regional offices or with Washington, as heretofore. Correspondence has been the cause of the delay, and we have always advocated the principle of examinations and ratings and the granting of awards in the field where observation can be made of the applicant and where direct contact with him will clean up the case immediately. As the bill was first written, suboffices were given this authority. The subcommittee reported it favorably to the Committee of the Whole, but the Committee of the Whole in reporting the bill to the House took away this authority from the suboffices. This is the principle for which we have been fighting, and unless it is included in the law we feel the legislation will not produce the necessary results.

Col. Galbraith's letter to the Congressmen was perfectly clear upon this, but apparently it was misunderstood.

Will you kindly see that the amendment is introduced?

Sincerely,

JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

Mr. HILL. Mr. Chairman, as our colleague, the lady from Oklahoma [Miss ROBERTSON], said, the only purpose of the present discussion is to develop the best possible means of doing what we are all agreed upon. I wish to speak especially on the Bland, the Sweet, and the Rogers amendments, because in the great number of amendments we are apt to be confused. The Rogers amendment makes more clear the purposes of the committee in the section. The Sweet amendment very properly limits the suboffices to an existence of five years, in order that we may not have permanently fastened upon us these suboffices after the need for their existence has expired. The Bland amendment increases the number of suboffices from 50 to 140. It seems to me that if we have 14 regional offices, with the powers conferred, and 140 suboffices, with the powers conferred by the bill as it stands, subject to the limitation of the Sweet amendment, we will have at least the best system to start with. No one can tell which is the best method yet, but that is the method that the committee has worked out, subject to the extension of the number of offices from 50 to 140. When we have 48 States, 150 suboffices only gives an average of 3 suboffices to each State.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SPEAKS. Mr. Chairman and gentlemen of the committee, I can not understand why there should be so much quibbling concerning the number of suboffices to be established under this section. While I am opposed to creating unnecessary offices and to appropriations not absolutely justifiable, I can not find cause for objection in this instance. First, the entire Nation is demanding that everything that can be legitimately done for deserving and suffering ex-service men should be done now and without delay. The President has recently and frequently expressed himself most forcibly on this subject. Throughout the entire country, in meetings of every character which offer opportunity for touching upon or referring to the subject of relief for disabled ex-service men the people in pronounced manner demand that whatever is just and necessary be done without delay. We are voting millions and millions with merely superficial knowledge of the manner in which they are to be expended. I am simply appalled at the manner in which we are authorizing the expenditure of millions of dollars upon the mere statement of some one that it is necessary. In many instances there has been no adequate or intelligent explanation of what they are to be expended for. For this reason it is difficult to understand just why there should be such firm opposition to the continuance of a few suboffices of a temporary nature and intended solely to serve the interests of disabled ex-service men.

This is purely emergency legislation. It is to cover but two or three years, and intended almost wholly to meet an exigency of such vital character that we can not disregard it and go before the people of the country and justify ourselves.

Mr. Chairman, I ask some member of the committee or any gentleman opposed to the proposed amendment to tell why they are so persistently objecting to retaining the 140 suboffices, in view of the limited powers granted them in most of the amendments. I do not insist that the suboffices should be empowered to do all the things that the regional offices are authorized to do, but when the purpose is merely to facilitate and hasten bringing the disabled men in touch with the assistance which the Government desires to extend them, I can not understand why objection is made.

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. How much more time is there left under the order closing debate?

The CHAIRMAN. Eight minutes.

Mr. FISH. Mr. Chairman, I agree entirely with the statement of the gentleman from Ohio [Mr. SPEAKS]. The committee has failed to advance one single logical reason why they should reduce the number of suboffices from 140 to 50.

This admirable bill has gone a long step forward in decentralization by establishing 14 regional offices, but it has reversed itself completely by doing away with the 140 offices and reducing the number to 50, and unless they can advance some sound reason we should insist on the number of 140 as carried in the amendment of the gentleman from Indiana [Mr. BLAND]. I hope that the amendment of the gentleman from Indiana [Mr. BLAND] and the amendment of the gentleman from Iowa [Mr. SWEET] will prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, I am for the amendment of the gentleman from California to this bill. I had the same amendment prepared and ready to offer, and since he has offered that amendment I withhold mine and support his. It occurs to me that all this talk about 14 regional offices and all this talk about suboffices, and so on, would not amount to much if we are going to do away with the powers of those offices. I am in favor of plenty of suboffices, with authority to make compensation and insurance awards and to grant vocational training. [Applause.] It looks to me like we ought to carry this thing as close to the soldier as we can get it, and if we create the proper number of suboffices with proper power to carry on under this bill, with full authority to transmit the proofs, evidence, and findings directly to the central office in Washington, where it can be looked after by the Congressman and Senator, we know that the ex-service man is going to get speedy relief. But when you go around to the four corners of the United States and send the poor wounded man's papers hither and thither to a lot of different agencies which have to make copies of them, with the record to be attended to, then you know it is going to be a long time before the soldier is going to get relief. I am in favor of this bill just like these soldiers want it, like their leaders drew the bill. If it is a mistake, it is their mistake. We can correct it in the future.

It may be that after trying it out for a year the American Legion will see some errors in this law and will want it changed; then Congress can amend it and remedy all defects.

These soldiers did the fighting, and their views on this legislation for the benefit of ex-service men who were in anywise disabled should receive the most careful consideration of this body. I have stood for their rights all the time and shall continue to fight for them. They are not satisfied with this very section 6 of this bill, and I am in favor of changing it to the original language used in the bill prepared by the officers of the American Legion.

Every Member of this House desires to do what is best for these poor disabled soldiers. Then why not give them this law in the form and language which their leaders request?

Mr. VOLK. Mr. Chairman, I merely rise to ask to have read into the RECORD this telegram.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The telegram referred to is as follows:

NEW YORK, N. Y., *June 7, 1921.*

Capt. EDWIN S. BETTLEHEIM, Jr.,
Chairman National Legislative Committee,
Veterans of Foreign Wars,
319 Metropolitan Bank Building, Washington, D. C.:

We believe lines 9, 10, and 11, page 5, section 6, House bill 6611, should be eliminated or bill be amended to increase branch offices to at least 150. Cutting down number of local offices will hinder rather than help situation. This is consensus of opinion from wires to national headquarters received from various State departments and local posts.

ELTON,
Adjutant General Veterans of Foreign Wars.

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Massachusetts is recognized to close the debate.

Mr. WINSLOW. Mr. Chairman, I would like to ask unanimous consent that all Members have five legislative days in which to extend their remarks on this bill.

The CHAIRMAN. The Chair thinks a general request of that sort is not in order in the committee.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, it has been my duty to follow the development of this bill for many months. I have been intimately connected with its development and the testimony given before the subcommittee during the recent period when this bill was being drawn. I have listened to the debate up to this moment, and it appears very clear to me that there are but two features of it which are attracting any particular attention worthy of considerable

notice. Those features are, first, the question of the number of suboffices. The second question is what authority these suboffices may finally have. The subcommittee which drew this bill and the full committee which canvassed and finally approved it are of one mind in regard to the great importance of the two considerations which I have named. Let us refer to the question of authority. We have here a business proposition, an executive consideration. The working of this bill under the provisions proposed in section 6 is, after all, the one thing we should consider. There is more or less filling in the bill, but the working of it is the real thing. It has been clear to the subcommittee and to the full committee and clear to those who represented the Divisions of Public Health, War Risk Insurance, and Vocational Rehabilitation that a small body of offices in authority would represent the most desirable state of things, and it is natural that all these should come to that conclusion. Anybody who has ever had executive authority and responsibility of direction on anything approaching a large scale knows that the more a single authority is divided the worse the execution. We have provided for a small number of suboffices, which we thought would best do the work. The committee is not hidebound as to 50 offices in contrast with 40, as to 50 in contrast with 60 or 70 or 75, or any other reasonable number.

Mr. CHALMERS rose.

Mr. WINSLOW. No, thank you; I can not give way now, as the time rolls on; later, if you please. We desire to get before the country an organization which will do the work best. We advocate centralized power. The bill is bristling with suggestions of determination to centralize the executive power. The chief director will have tremendous authority, far beyond that ever given, maybe, to any other department head in the United States. Now, to handicap him with an organization which will divide his authority would be only to offer a thousand and one opportunities for differences of opinion, differences in interpretation of regulations, and so forth, and with correspondingly bad results. We ought not to make these offices too many and too near the soldier for this reason, and I speak not sentimentally at all, but from a business point of view: If you should make as many offices as some people would have, with suboffices in every town, in every county, maybe, from the very nature of things the directors of these suboffices, instead of helping wisely, might most naturally be listening to the pleas of their neighbors, of their friends, to the plea of the mother for her boy, to the plea of the girl for her sweetheart, and so on down a long line covering all relationships which might naturally affect men locally. If we were to have too large a number of suboffices it would be unfortunate, in my opinion, and the committee had such thought in their mind. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will report the amendment offered by the gentleman from Indiana [Mr. BLAND].

Mr. GOODYKOONTZ. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Indiana: Page 5, line 10, after the word "exceeding," strike out the word "fifty" and insert in lieu thereof "one hundred and forty."

The CHAIRMAN. Has the gentleman from West Virginia an amendment to the amendment?

Mr. GOODYKOONTZ. I have an original amendment.

The CHAIRMAN. The gentleman will have an opportunity to offer that later. The question is on the amendment of the gentleman from Indiana [Mr. BLAND].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLAND of Indiana. Division, Mr. Chairman.

The committee divided; and there were—ayes 95, noes 77.

Mr. RAYBURN. Mr. Chairman, I demand tellers.

Mr. McDUFFIE. Mr. Chairman, may I state a parliamentary inquiry?

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. McDUFFIE. I was under the impression that the substitute for the section would be voted upon before an amendment to the section.

The CHAIRMAN. The gentleman is in error about that. It is in order at first to perfect the text of the original bill. The question is on taking the vote by tellers.

Tellers were ordered; and Mr. WINSLOW and Mr. BLAND of Indiana took their places as tellers.

The committee again divided; and there were—ayes 83, noes 94.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Page 5, line 24, after the word "training," insert a new paragraph as follows:

"The regional offices and suboffices, with all authority to establish such offices, shall terminate on June 30, 1926, and upon such termination the records and supplies pertaining thereto shall be delivered to the central office."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. MACGREGOR: Page 5, strike out lines 22, 23, and 24 after word "office" and insert: "The suboffices shall have the power to make temporary compensation and to grant temporary vocational training pending final determination by the regional office, and shall have such other powers as may be delegated to them by the director."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MACGREGOR].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 5, line 14, strike out the sentence beginning on line 14 and ending on line 22 and insert in lieu thereof the following:

"Such regional offices shall, under such rules and regulations as may be prescribed by the director, have the power to hear complaints, to examine, rate, and award compensation claims; to grant medical, surgical, dental, hospital, and convalescent care and necessary and reasonable aftercare; to make insurance awards; to grant vocational training; and, if delegated to them by the director, may exercise such other powers as could be performed lawfully under this act by the central office."

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. ROGERS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: Page 5, line 9, after the word "Columbia," strike out the words, "and not more than 14 regional offices"; and in line 14, same page, after the word "act," strike out down to and including the word "office" in line 22.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. RANKIN].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. RANKIN) there were—ayes 21, noes 78.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. BEEDY: Page 5, line 14, after the word "act," strike out the period, insert a colon, and add the following:

"*Provided, however*, That in States now having but a single suboffice no such suboffice shall be abolished within five years next following the approval of this act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine [Mr. BEEDY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BEEDY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 34, noes 84.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. LINEBERGER: Page 5, lines 23 and 24, after the word "director," strike out the words "except to make compensation and insurance awards and to grant vocational training."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. LINEBERGER) there were—ayes 34, noes 82.

So the amendment was rejected.

The CHAIRMAN. Are there further perfecting amendments?

Mr. FISH. Mr. Chairman, I offer to strike out 50 suboffices and insert in lieu thereof 100.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 5, line 10, after the word "exceeding," strike out the word "fifty" and insert the words "one hundred."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that it is not in order, because it is only in order as an

amendment to the Bland amendment or as an amendment to the substitute. That having been voted upon, and the amendment having been defeated, there can not now be offered a separate increase.

Mr. STAFFORD. If the Chair will permit. Following the line of argument advanced by my colleague, the gentleman from Indiana [Mr. SANDERS], this proposal was passed upon by Speaker Clark on a bill reported from the Committee of the Whole House on the state of the Union, in which it was proposed on a motion to recommit to offer a germane amendment broader in scope than the proposition that had previously been voted down. The debate was participated in by the gentleman from Illinois [Mr. MANN] and others, and the matter was of considerable political significance.

The Speaker, after consideration, decided that as the matter had been once under consideration it could not then be subsequently brought to the attention of the House; that the time for voting on it was when it was before the committee.

We have had here pending an amendment to increase these suboffices to 140. That was the amendment. It was at any time within the power of any member of this committee to have offered an amendment to that amendment increasing or reducing the number, so as to obtain the judgment of this committee. No person saw fit to offer such an amendment when it was up for consideration.

The basis of that ruling, I take it, is the proposition that we should expedite the consideration of amendments. If the amendment of the gentleman is now in order to increase the number to 100, and this committee votes that down, then again, right afterwards, some person may offer an amendment to increase the number to 200, and that might be voted down, or to 300, and that might be voted down, and the time of the committee would be taken up continuously without any opportunity to terminate the voting on that amendment.

It would be a means of preventing the consideration of this bill by one person alone offering amendments with different numbers for suboffices that would prevent consideration of the bill. That is the philosophy, I take it, of the ruling of Speaker Clark and other presiding officers against allowing an amendment of the same nature to be considered when it has once been voted upon. If the Chair wants that ruling as referred to in the Manual, I can call it to the attention of the Chair.

The CHAIRMAN. The Chair will be glad to have the citation.

Mr. FISH. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FISH. If this amendment had been offered after we had proceeded from that paragraph to another paragraph, it certainly would not have been in order. But we had been discussing this paragraph under debate limited to one hour, and the Chair held that all amendments were in order under that paragraph, no matter at what time they were introduced, and therefore I contend that this amendment is in order, and properly so.

Mr. STAFFORD. The Chair will recognize that if he can give me a few minutes I shall be able to supply the citation. I have had occasion only a short time ago to look up that decision and read the opinion in the CONGRESSIONAL RECORD at length, and I also called the decision to the attention of the parliamentary clerk, Mr. Fess.

Mr. DOWELL. Mr. Chairman, I think the gentleman from Wisconsin is mistaken as to the ruling of Speaker Clark. I think the ruling was that when an amendment had been agreed to it could not afterwards be changed.

Mr. STAFFORD. Oh, no. I have read that ruling within two weeks.

Mr. DOWELL. It was a ruling where an amendment had been agreed to. But where no amendment has been adopted it seems to me this is clearly in order.

The CHAIRMAN. The Chair thinks it would have been in order when the original proposition was pending to amend that amendment by a further amendment or by a substitute. That was not done. If it had been done, the Chair thinks it would then have been in order to offer a further amendment. But the amendment of the gentleman from Indiana having been voted down, the Chair thinks it is in order to offer another amendment not substantially the same as that already voted on. The Chair therefore overrules the point of order.

Mr. ROGERS. Mr. Chairman, I move to amend by making it 75 instead of 100.

Mr. RANKIN. Mr. Chairman, I move to amend by making it 200—no; I move to strike out "75" and make it "125."

The CHAIRMAN. The gentleman from Mississippi, without objection, modifies his amendment.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment to the substitute as modified.

The Clerk read as follows:

Amendment offered by Mr. RANKIN to the substitute offered by Mr. ROGERS: Strike out "75" and in lieu thereof insert "125."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Mississippi to the substitute of the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RANKIN. Mr. Chairman, I ask for a division.

The CHAIRMAN. Is a division demanded?

Mr. STAFFORD. Mr. Chairman, I offer an amendment to the substitute, to make it 250.

The CHAIRMAN. The gentleman from Wisconsin will have to be recognized first.

Mr. STAFFORD. I ask for recognition, Mr. Chairman.

Mr. SPEAKS. Mr. Chairman, I would like to know if it will be permissible to offer an amendment to line 10, to strike out the word "exceeding" and insert in lieu thereof the words "not less than"?

The CHAIRMAN. The Chair thinks that amendment is not in order at this time.

Mr. STAFFORD. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman will offer his amendment.

Mr. STAFFORD. I wish to amend the substitute by making it "250."

Mr. ARENTZ. Mr. Chairman, may I ask the gentleman from Wisconsin a question?

Mr. McSWAIN. Mr. Chairman, may I ask the gentleman from Wisconsin a question?

Mr. FISH. Mr. Chairman, a point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALSH. It has not been reported, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the substitute: To strike out "75" and insert "250."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. NORTON. Mr. Chairman, I demand tellers.

Mr. STAFFORD. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. FISH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. The gentleman from Wisconsin [Mr. STAFFORD] is delaying purposely without good faith the action of this House. [Applause.]

Mr. BANKHEAD. Mr. Chairman, I make the point of order that the amendment is not in writing and is not in order on that account.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAYBURN. The amendment of the gentleman from New York is not in order, not having been submitted in written form.

The CHAIRMAN. The Chair was in error upon that and withdraws the decision. The question is on the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

The question being taken, the amendment was rejected.

Mr. GOODYKOONTZ. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman from West Virginia offers an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOODYKOONTZ to the substitute offered by Mr. ROGERS: Page 5, line 10, after the word "suboffices," strike out "not exceeding 50 in number."

Mr. ROGERS. I make the point of order that that is not a substitute.

The CHAIRMAN. The Chair sustains the point of order. The question now recurs upon the substitute of the gentleman from Massachusetts [Mr. ROGERS] for the amendment of the gentleman from New York [Mr. FISH].

The question being taken, the substitute was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New York [Mr. FISH].

Mr. BEGG. May we have that reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 5, line 10, after the word "exceeding," strike out "50" and insert in lieu thereof "100."

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New York.

The question being taken, on a division (demanded by Mr. FISH) there were—ayes 77, noes 93.

Mr. FISH. Mr. Chairman, I ask for tellers.

Mr. STAFFORD. The gentleman is "delaying the proceedings of the House." [Laughter.]

Mr. McSWAIN. It is delay, but in good faith.

The CHAIRMAN. The gentleman from New York demands tellers.

Tellers were ordered; and the Chairman appointed Mr. FISH and Mr. ROGERS.

The committee again divided; and the tellers reported—ayes 72, noes 106.

Accordingly the amendment was rejected.

The CHAIRMAN. If there are no further perfecting amendments——

Mr. BANKHEAD. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The gentleman from Alabama offers a perfecting amendment, which the Clerk will report.

Mr. McDUFFIE. Mr. Chairman, there is a substitute pending.

The CHAIRMAN. The Chair thinks that a perfecting amendment has precedence over the substitute.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 5, line 14, after the word "act," strike out the period, add a colon and the following words: "*Provided*, That one of such suboffices shall be located in each of the several States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 44, noes 81.

Accordingly the amendment was rejected.

Mr. BEGG. Mr. Chairman, I desire to offer an amendment, on page 5, to strike out all of line 10 after the word "offices," to strike out all of lines 11, 12, 13, and 14, down to and including the period.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 5, line 10, after the word "offices," strike out all the remainder of line 10 and all of lines 11, 12, and 13, and all of line 14 down to and including the word "act."

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question being taken, the amendment was rejected.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Alabama [Mr. McDUFFIE].

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 5, line 8, strike out all of section 6 and insert:

"SEC. 6. The director shall establish a central office in the District of Columbia and such suboffices within the territory of the United States, not exceeding 140 in number, as he may deem necessary for the best interests of the work committed to the veterans' bureau and to carry out the purposes of this act. Such suboffices shall have such powers as may be delegated to them by the director for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable aftercare, making insurance awards, granting vocational training, and all other matters delegated to them by the director as could be performed lawfully under this act by the central office.

"*Provided, however*, That an appeal to the central office may be had from the findings of the suboffice by the ex-service man under such rules and regulations as the director may prescribe."

The CHAIRMAN. The question is on the substitute of the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. McDUFFIE) there were—ayes 43, noes 88.

Accordingly the substitute was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Delaware [Mr. LAYTON], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAYTON: Page 5, line 8, strike out all of section 6 and insert in lieu thereof the following:

"That the director shall establish a central office in Washington, D. C., and not more than 14 regional offices and such suboffices within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the veterans' bureau and to carry out the purposes of this act. Any such regional office or suboffice may exercise such powers, including the establishment of agencies for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, insurance awards, pension awards, and all other matters delegated to these agencies by the director as could be performed lawfully under this act by the central office."

The CHAIRMAN. The question is on the substitute of the gentleman from Delaware for the section.

The question being taken, the substitute was rejected.

Mr. LINEBERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINEBERGER: Page 5, lines 23 and 24, after the word "director," strike out "except to make compensation and insurance awards and to grant vocational training," and insert in lieu thereof the following: "through the regional office in whose jurisdiction the suboffice is located."

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The question being taken, the amendment was rejected.

Mr. SPEAKS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 10, strike out the word "exceeding" and insert the words "less than."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. SPEAKS. Mr. Chairman, can I not explain my amendment?

The CHAIRMAN. Debate on this section and all amendments thereto has been exhausted.

Mr. SPEAKS. I ask unanimous consent for one minute.

The CHAIRMAN. The Chair thinks that the time having been fixed by the committee, he ought not to entertain requests for unanimous consent. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. The beneficiaries of the Bureau of War Risk Insurance and the Rehabilitation Division of the Federal Board for Vocational Education shall hereafter be the beneficiaries of the veterans' bureau.

Mr. KELLY of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 4, after the word "bureau," strike out the period, insert a comma, and add the following: "and a complete individual record of each beneficiary shall be kept by the veterans' bureau."

Mr. KELLY of Pennsylvania. Mr. Chairman, the amendment I have offered provides that the veterans' bureau shall keep complete individual records of each beneficiary under this law.

That such explicit direction is necessary has been proven by our experience during the past two years.

Congress has appropriated the money to meet every request of the Vocational Educational Board and the amounts have reached the total of $200,000,000.

The money is being expended, but without the attempt to keep individual records. These expenditures are simply totaled in certain classifications, and it is impossible to determine the cost of the training given any individual service man in the United States.

When the estimates were sent to the Appropriation Committee at the last hearing there was a table submitted showing that the estimated cost per trainee is $160. This was reported to be distributed as follows:

	Average.
Administration:	
Salaries	$10.48
Travel expenses	.53
Subsistence	.59
Supplies	1.53
Rent	.51
Communication	.05
Miscellaneous	.04
Total	13.83
Direct expense:	
Training pay	124.94
Tuition	16.57
Supplies	3.72
Transportation	.67
Meals and lodging	.13
Medical	.05
Wage	.09
Total	146.17
Grand total	160.00

Now, I submit that such statistics mean nothing at all. The Nation's gratitude has been earned by the individual, not the group. As in everything else in American life, this question of rehabilitating the maimed soldiers of America comes down to the individual. The plan of lumping all expenditures and averaging training which costs $100 with that which costs $1,000 is unfair to the trainee and to Congress, which appropriates the money.

At present you can not determine the amount of money spent to rehabilitate any trainee. A contract is made with an educational institution for a certain course to be taken by a number of disabled service men at so much per man. The certification comes in from the institution and the check is sent out.

There the record ends, with nothing to show that John Smith was one of the men who received the benefit of such tuition.

Mr. Chairman, the Vocational Board has just closed a 3-year lease on Pocono Pines, a health and pleasure resort in Monroe County, Pa.; $87,000 a year is to be paid, and the equipment used for the hospitalization and training of disabled service men.

Surely it is fundamental business sense to keep individual records of all the expenditures at such governmental institutions, distributing it properly so as to enable Congress to determine whether efficient results are being obtained from the expenditure. It has been well said that we need business in government, and there is nothing better than the motto "Do it now."

Mr. WINSLOW. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. WINSLOW. In entire good faith I want to ask if the gentleman has any idea as to what the cost will be in dividing the accounting up as fine as that would be, and keeping a card of cost for every beneficiary?

Mr. KELLY of Pennsylvania. I am sure the cost would not be prohibitive. The clerks are there, the money is being spent. Surely it would be possible to distribute the cost on an individual basis. In a business college in my district there are 50 different boys taking courses. There is nothing to show the individuals taking that course and its cost. It ought to be a simple matter to distribute it among the trainees, showing one-fiftieth was received by each individual. I am sure the benefit of this provision would be far greater than the cost. [Applause.]

Mr. Chairman, the Nation owes a debt of honor to every disabled soldier capable of rehabilitation to so train and reeducate him that he may resume a self-supporting station in society.

That debt of honor must be paid. There have been blunders, red tape, and inefficiency in the past. These must be remedied and prevented for the future.

This measure, consolidating the work of compensation, hospitalization, and vocational training under one veterans' bureau is necessary. It is the first step in banishing the maze of red tape and ignorance and neglect which has marred the record of America.

Then the new veterans' bureau must understand that the Nation will not tolerate incompetency and neglect in dealing with the needs of those who paid in health and strength for the cause of America in the World War. The men who cashed in the vigor of their manhood on the fighting front are not objects of charity; they have earned everything that a grateful land may do for them. Not one of them must be left neglected—a penniless, jobless cripple. If one such be found in all America after this measure has gone into operation, his condition will be a black scar across the face of the Republic. Congress has provided the money and set up the machinery. Let the veterans' bureau efficiently and thoroughly do its sacred part in redeeming the Nation's promises to its disabled veterans. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 8. All sums heretofore and hereafter appropriated for carrying out the provisions of the war risk insurance act and amendments thereto, and to carry out the provisions of the act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, and amendments thereto, shall, where unexpended, be made available for the veterans' bureau, and may be expended in such manner as the director deems necessary in carrying out the purposes of this act, with the restrictions heretofore imposed as to number of personnel that may be employed at stated salaries.

Mr. BRENNAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BRENNAN: Page 6, at the end of line 17, strike out the period and insert a comma and the following language: "and with the further restriction that no part of said sums heretofore appropriated for medical or hospital services shall be used for the payment of commutation of quarters, subsistence, and laundry or quarters, heat, and light, and longevity to any employees other than the commissioned medical officers provided for by statute, except at such United States Public Health Service hospitals at which, in the judgment of the Secretary of the Treasury, it would be impracticable or uneconomical or not conducive to the proper treatment of patients for whose welfare and care the director is herein made responsible to furnish quarters and subsistence in kind."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that the amendment offered by the gentleman is not germane to the section nor, I think, germane to the bill. I reserve the point of order.

Mr. BRENNAN. Mr. Chairman, one of the chief purposes of this bill is to improve the present inadequate hospital facilities for the war veterans. If this amendment or some provision similar to it is not adopted it is a rather startling fact that, despite the avowed purposes of this legislation, the hospital facilities of the Public Health Service will become on July 1 of this year less adequate and serviceable than they are to-day. On that date it will become illegal to pay nurses, reconstruction aids, and other employees of the Public Health Service commutation of quarters and subsistence. As a result, in some of the hospitals, in order to accommodate the aids and other employees under a Government roof, it will become necessary actually to reduce the number of beds now being occupied by wounded and disabled veterans and convert them for the use of the hospital employees. When the service men and their organizations are begging for additional beds and when we are appropriating millions for the construction of new hospitals, it is unthinkable that we should permit a subtraction from existing facilities.

In the last sundry civil appropriation act a provision, which becomes operative July 1, was inserted in the Senate which absolutely prohibits the payment of commutation to nurses or aids in the Public Health Service hospitals under any circumstances.

It was claimed that there had been some abuses, but instead of restricting the right to pay commutation only to appropriate cases, the Senate provision entirely denies that right. The Public Health Service will be confronted with the perplexing situation of not having suitable quarters within which to house its employees and, at the same time, will be deprived of authority to pay them for quarters in which to live outside. I am informed that it is impossible in almost every city for the Health Service to rent quarters for any reasonable amount. Where quarters are available at all, it would cost two or three times as much to maintain them as is now expended for commutation. The quarters offered, in almost every instance, are unsuitable.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BRENNAN. Yes.

Mr. NEWTON of Minnesota. I received some communications upon this subject which indicated an unwillingness on the part of these nurses and reconstruction aids to live in the quarters provided for them by the Government. They seem to think that the Government ought to furnish them quarters among other nurses, and if they did not like that, then that the Government should furnish them with a private home somewhere.

Mr. BRENNAN. The purpose of this amendment is to permit the reconstruction aids and other employees to live outside only where the Government is unable to furnish them with adequate and decent quarters. At the present time the greater number of nurses are living in Government buildings.

A smaller number, whom the service is unable to accommodate, are living outside. Those nurses now living inside will not be forced outside by the provisions of this amendment, but the amendment merely seeks to take care of those for whom there is not room on the inside. It is so modified and limited as to permit the payment of commutation only at such United States Public Health Service hospitals at which, in the judgment of the Secretary of the Treasury, it would be impracticable or uneconomical or not conducive to the proper treatment of patients to furnish quarters and subsistence in kind.

Mr. NEWTON of Minnesota. So that the gentleman does not believe that where the Government has quarters the nurses and aids should be permitted to live elsewhere and get commutation.

Mr. BRENNAN. No; my amendment merely takes care of hospitals where there are no available quarters. It aims to prevent a grave crisis in those hospitals. A reconstruction aid from Detroit called my attention to the situation which exists in the marine hospital there. They are unable to rent proper quarters anywhere near the hospital. They have been offered one dilapidated house with 11 rooms and one bath. They are actually considering using it to quarter nine women aids, an assistant administrative officer, his wife, and seven children. The probable result is that these aids, who are rendering invaluable service to the disabled veterans, will be forced out of the service.

Mr. KINDRED rose.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BRENNAN. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?
Mr. BRENNAN. Yes.
Mr. KINDRED. Because of the facts that the gentleman has so admirably stated, is it not true that the Public Health Service is, even under present conditions, seriously handicapped in securing the necessary nurses and employees needed for the work, and if the relief is not granted, as suggested by the gentleman from Michigan, will this handicap not seriously increase?
Mr. BRENNAN. I am informed by responsible officials of the Public Health Service that this provision, unless modified, is one of the most serious blows that has been struck at the Public Health Service since its creation. I was surprised, when this matter was brought to my attention by an individual nurse, to go down to Building C and find that the Public Health officials have made a complete survey upon the subject; that they had compiled data which showed that in the case of most of the 72 hospitals throughout the country they are unable to provide sufficient quarters, and that it was going to cost the Government several times in excess of the amount now being paid to take care of the nurses, and that then they would be taken care of in a way to greatly decrease their efficiency. I sincerely hope that the gentleman from Indiana will withdraw the point of order.
Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order.
The CHAIRMAN. What is the point of order?
Mr. SANDERS of Indiana. The point of order is that the amendment is not germane to the section. This section turns over the appropriation made for carrying out the Bureau of War Risk Insurance act and carrying out the act to provide for vocational rehabilitation. If we had not had the provision in lines 16 and 17, I think they would have been carried in the legislation, anyway. Line 16 merely provides that the restrictions heretofore imposed as to the number of the personnel that may be employed at stated salaries shall remain in force. In other words, we turn over the appropriations to this new bureau with the restrictions already provided by law. We make no new restrictions whatever. This proposed amendment adds a restriction to the original bill, whereas the legislation in section 6 adds no restriction whatever. The original section merely provides that the restrictions already there shall remain. We express our desire to leave the restrictions as they are. The amendment proposed by the gentleman adds a new restriction not only not in connection with the personnel but it deals with three or four other matters. It is the same proposition exactly as if we had brought in legislation without any restriction whatever and then the gentleman had endeavored to tack on a restriction.
Mr. BRENNAN. Mr. Chairman, the argument made by the gentleman from Indiana [Mr. SANDERS], I believe, is answered best by referring him to the last sundry civil bill. On page 8 of the bill, which I shall present to the Chairman in a moment, under the heading of the "Bureau of War Risk Insurance," provision is made for an appropriation of $33,000,000 for the beneficiaries of the war-risk insurance for use in connection with hospital and medical services. Section 8 of the bill before us begins by referring to "all sums heretofore and hereafter appropriated for carrying out the provisions of the war risk insurance act." The most recent appropriation for fulfilling the purposes of the war risk insurance act is contained on page 8 of the sundry civil bill, and the restriction, which the gentleman mistakenly says I seek to add to this bill, is found on that same page 8 and applies to the expenditure of the money therein appropriated. On page 8 of the sundry civil bill we find the following language:

For medical, surgical, and hospital services, medical examinations, funeral expenses, etc., for beneficiaries of the war-risk insurance, including costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of insane, $33,000,000: *Provided*, That no part of the money hereby appropriated shall be used for the payment of commutation of quarters, subsistence, etc.

Now, Mr. Chairman, my amendment reenacts the restriction contained in this proviso, and I have merely added to the restriction a qualification which would prevent its application in such particular cases as the Secretary of the Treasury deems it should not apply. In other words, I am not adding a restriction which does not exist in the present law, but I am simply repeating that restriction and then modifying it.
Mr. SANDERS of Indiana. Will the gentleman yield?
Mr. BRENNAN. I will.
Mr. SANDERS of Indiana. The gentleman's amendment is an exact copy of the restriction that is already in the other appropriation?
Mr. BRENNAN. It copies it and then modifies it.
Mr. SANDERS of Indiana. Does it take away some restriction?
Mr. BRENNAN. The provision inserted in the sundry civil bill absolutely prohibits the payment of commutation under any circumstances. This amendment starts out by prohibiting it and then says that, in such cases as the Secretary of the Treasury may deem advisable, the restriction shall be removed. In other words, it modifies the absolute prohibition.
Mr. SANDERS of Indiana. Then the effect of the gentleman's amendment is to release some restriction that is already in an appropriation?
Mr. BRENNAN. That is all. I am not trying to wipe out the entire restriction, but merely aim to modify it in certain cases where otherwise a serious emergency would arise threatening the proper conduct of the hospitals, the accommodation of the nurses, and the treatment and care of the patients.
The CHAIRMAN. The Chair would like to ask the gentleman from Indiana a question. Is it the opinion of the gentleman from Indiana and the gentlemen of the committee that the provision of section 6, transferring this appropriation, carries with the appropriation the restrictions carried in the original appropriation act?
Mr. SANDERS of Indiana. Yes; I think it does.
The CHAIRMAN. The Chair is ready to rule.
Mr. STAFFORD. Except the personnel.
Mr. BARKLEY. If the gentleman from Indiana will permit, in reference to the restriction heretofore imposed upon the number of personnel that may be employed at stated salaries, I think we might assume that is the only restriction that is carried in the proviso that this applied to, otherwise it would not be necessary to mention any restriction at all.
The CHAIRMAN. If the gentleman from Kentucky is correct, the purpose of the gentleman from Michigan is accomplished anyway, because this provision of section 8 has the effect of repealing the provision which he seeks to amend, but if it is a repeal it is carried through that provision of section 8, and the Chair thinks any germane amendment may be offered to it.
Mr. SANDERS of Indiana. Mr. Chairman, I think I inadvertently stated the effect of the amendment. It does quote in substance a restriction that was contained in the appropriation bill, but it seems in addition to carrying the restriction it removes the restriction in the judgment of the Secretary of the Treasury. In other words, the restriction carried in the appropriation bill was an absolute limitation, and the gentleman's proposed amendment would make it a qualified restriction, so that part what I said in reference to the point of order would not be in point. Of course, the question now before the Chair is this: We bring in a bill that provides that a certain absolute restriction shall follow this fund. Now, if this is exclusive and impliedly legislates the other restriction off the appropriation bill, then the gentleman's amendment would probably be in order. On the other hand, if it is not exclusive and is merely surplusage in effect and all the restrictions are carried, I think it would not be in order. In my opinion, Mr. Chairman, the restrictions are carried notwithstanding the specific provision that they should have certain restrictions, and I think lines 16 and 17 are merely legislative surplusage.
The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the effect of section 8, now under consideration, is to transfer the appropriations made under the various appropriation acts for the Bureau of War Risk Insurance and the Bureau of Vocational Training to the new agency created by this act subject to the restrictions which were carried in the original act; and that the effect of section 8, for the purpose of consideration here, is to bring these appropriations with the restrictions upon them into the forum of the House, subject to amendment by any germane provision. The Chair therefore thinks the amendment the gentleman from Michigan has offered is an amendment which is germane to the restriction which section 8 brings into the forum of the House, and therefore the Chair overrules the point of order. The question is on the amendment offered by the gentleman from Michigan [Mr. BRENNAN].
The question was taken, and the Chair announced that the ayes seemed to have it.
Mr. RAYBURN. Division, Mr. Chairman.
The committee divided; and there were—ayes 32, noes 45.
So the amendment was rejected.
Mr. ROGERS. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Iowa [Mr. SWEET] a question. This section specifically transfers the appropriations that have hitherto been made in favor of the War Risk Insurance Bureau and also in favor of the Federal Board for Vocational Education. Is the omission of a transfer of appro-

priation made for the Public Health Service an intentional omission?

Mr. SWEET. It is, because all matters of hospitalization, in the first instance, under the war risk insurance act, went to the Bureau of War Risk Insurance. And whenever the Public Health Service rendered any service for the bureau the money was allotted to the Public Health Service.

Mr. ROGERS. Has there been no specific appropriation made by Congress for the benefit of the Public Health Service that will ultimately be utilized for the veterans' bureau?

Mr. SWEET. Not for hospitalization or anything of that kind.

Mr. ROGERS. Take, for example, a question involving the examination of applicants for compensation, or a question involving the admission to hospitals. Have there not been appropriations in the past to the Public Health Service for those purposes?

Mr. SWEET. The appropriations to which the Public Health Service is entitled by reason of the war-risk insurance were made, in the first instance, to the Bureau of War Risk Insurance. In other words, we appropriated at one time $48,000,000 and at another time $36,000,000, and when there was anything in connection with hospitals for any service being rendered by the Public Health Service that money was allotted to the Public Health Service.

Mr. ROGERS. Was not that a rather recent change in system? Within the last year I am familiar with the method of appropriating, but I thought until, say, 12 months ago, the practice was to appropriate directly for the Public Health Service.

Mr. SWEET. It is for certain matters pertaining to the Public Health Service. That is true. But whenever it pertained to matters in which the Bureau of War Risk Insurance was interested, it was made to the Bureau of War Risk Insurance, and that was allotted to the Public Health for the service rendered the bureau.

Mr. ROGERS. If the gentleman is perfectly satisfied that no further language is needed, I am certainly satisfied; but I am afraid there may have been passed appropriations that would be tied up by the method of transfer described in this section.

Mr. CHINDBLOM. Even if money had been appropriated to the Public Health Service, would that now be carried under section 8, inasmuch as that section provides that sums heretofore or hereafter appropriated for carrying out the provisions of the war insurance act——

Mr. ROGERS. The functions of the Public Health Service are exercised under a separate act of Congress.

Mr. CHINDBLOM. But any money that was appropriated to the Public Health Service for the purpose of carrying out the provisions of the war risk insurance act under this section 8 would be transferred to the veterans' bureau.

Mr. ROGERS. That would be true, if, as the gentleman from Iowa [Mr. SWEET] suggests, it was appropriated to the War Risk Insurance Bureau and was allotted. I am not sure it would be so under all circumstances.

Mr. GOODYKOONTZ. Mr. Chairman——

The CHAIRMAN. The gentleman rises in opposition to the pro forma amendment.

Mr. GOODYKOONTZ. Mr. Chairman, when section 6 was under consideration I tried to get recognition; but the Chairman evidently did not see me or else did not find it consistent to recognize me for the purpose of bringing to your attention a letter dated June 8, 1921, written by Mr. J. Byron Nickerson, department commander of the American Legion, of Wheeling, for the State of West Virginia, and I now ask the Clerk to read the letter within my time.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

WHEELING, W. VA., *June 8, 1921.*

Hon. WELLS GOODYKOONTZ,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The Sweet bill, H. R. 3, will bring relief to the long-suffering disabled veterans only if principle involved in section 6 as originally drawn is carried out. If passed with section 6 as amended by committees, 2-year fight for the disabled ex-service men will have been in vain. On behalf of the American Legion of West Virginia I urge you to support the Sweet bill with section 6 as originally drawn.

With sincere good wishes, I am,

Faithfully, yours,

J. BYRON NICKERSON,
Department Commander.

Mr. GOODYKOONTZ. The original House bill No. 3 contained the section No. 6 as the legion desired it to be passed or enacted into law. It provided for 14 regional reserve officers and such subofficers as the director might deem necessary. Now, I have some doubt as to the wisdom of that provision, but I believe in the consolidation of the different agencies of the Government that undertake to deal with soldiers' affairs, and I believe that the disintegration of the units that are now doing the proper work—and I particularly refer to the War Risk Insurance Bureau—and the dividing up of that work with 14 different departments is going to give us two years more of delay. The departments having in charge this work have just now begun to work smoothly. The wheels of the machinery are revolving, and they seem to be lubricated. By the measure before us it is proposed to create new machinery, and it is going to take two years or more to organize the department and to bring it into proper relation one part with the other. If you are not going to please the soldier, if you are not going to grant what he wants done, then you had best not pass any bill at all. What I desire to say is this: That when the time comes we should either adopt the amendment offered by the gentleman from Delaware [Mr. LAYTON] or else the amendment offered by the gentleman from Indiana [Mr. BLAND], for either one of those amendments would be in harmony with the views of the members of the American Legion. In other words, they have asked for bread and this bill in its present form gives them a stone.

Mr. LAYTON. Will the gentleman yield?

Mr. GOODYKOONTZ. Yes, sir.

Mr. LAYTON. As a matter of fact, with the establishment of 14 independent regional boards it necessarily follows that there will be 14 different standards of compensation?

Mr. GOODYKOONTZ. You are right. And as it is now the soldiers have 435 agents, all Members of the House of Representatives, who, with their secretaries, find it a pleasure to look after their interests, but if regional departments are formed, scattered all over the country, then they will be beyond our reach and jurisdiction.

I believe the main object of the bill—the consolidation of all soldiers' Government activities into one bureau, called in the bill the veterans' bureau, to be desirable and that the principle of the bill is therefore sound.

But is is true, nevertheless, that 14 agents scattered over the country without a large number of subagents would only delay action on soldiers' claims. Speed is the essence of the proposition the soldiers are advancing. They have given the subject much thought. They believe that section 6 as originally written will bring them relief, and so I propose to stand by them to the end.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GOODYKOONTZ. Mr. Chairman, I make the same request.

Mr. WINSLOW. Mr. Chairman, I move that all debate on this section and amendments thereto terminate in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that all debate on this section and amendments thereto close in 10 minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, reserving the right to object, will the gentleman from Massachusetts [Mr. WINSLOW] consent that I offer an amendment and have one minute in which to discuss it?

Mr. WINSLOW. Certainly.

The CHAIRMAN (Mr. WALSH). The question is on agreeing to the motion of the gentleman from Massachusetts.

The motion was agreed to.

The CHAIRMAN. The debate terminates in 10 minutes.

Mr. STEVENSON. Mr. Chairman, while I am in favor of any legislation that will tend to assist in taking care of those soldiers of the war who are disabled, I am hoping to see legislation put into this bill which will enforce the legislation already on the books to take care of them.

There is very material legislation that is now being absolutely ignored, and legislation which the parties charged with the administration of certain departments say they propose to ignore, in so far as the soldier is concerned. The act of July 11, 1919, provides—

that hereafter in making appointments to clerical and other positions in the executive branch of the Government, in the District of Columbia or elsewhere, preference shall be given to honorably discharged soldiers, sailors, and marines, and to wives of injured soldiers, sailors, and marines who themselves are not qualified, but whose wives are qualified to hold such positions.

The Civil Service Commission has laid down the rule that when a soldier stands an examination, if he makes 65 he is put at the head of the list for certification.

Now, the recent order of the President as to the appointment of postmasters provides that they will take one out of the three highest. Now, I am concerned about that, because two postmasters in my district to-day are merely temporary post-

masters, acting postmasters. They were soldiers. They won their appointments in the examination before the Civil Service Commission. They were appointed, but failed of confirmation, and when I go to the Post Office Department I am informed that they have got to stand another examination; and, if they get on the list of the three highest, the Post Office Department declines to say that it will appoint a soldier, but says, "We propose to select the postmaster out of the three highest, regardless of whether he is a soldier or not."

Here is a proposition from which you can not escape. You have a law. It is an executive appointment, and when the certification is made of the three highest, if one of them is a soldier, if you propose to leave it to that law, then you have got to appoint him, regardless of whether you want him or not, and if you do not propose to enforce this law, then what law do you propose to live by?

I hope to see something put into this bill, and will offer an amendment presently that will require them to appoint a soldier wherever he is eligible, where the soldier is certified, and you shall not be allowed to play politics by going down and taking some ward politician or Republican neighborhood rooter and appointing him and leaving the soldier off. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I have an amendment that I wish to offer, on page 6, line 17, to strike out "personnel" and insert "persons."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin: Page 6, line 17, strike out the word "personnel" and insert in lieu thereof the word "persons."

Mr. COOPER of Wisconsin. Mr. Chairman, "personnel," as I understand it, includes the whole body of the persons. Then literally this would be the whole number of persons employed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 41, noes 3.

So the amendment was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 9. The director, subject to the general directions of the Secretary of the Treasury, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care, necessary and reasonable after care, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this act, and for that purpose is hereby authorized to utilize the now existing or future facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Homes for Disabled Volunteer Soldiers, and such other governmental facilities as may be made available for the purposes set forth in this act; and such governmental agencies are hereby authorized and directed to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this act, in addition to such governmental facilities as are hereby made available.

In order to standardize the character of examination, medical care, treatment, hospitalization, dispensary, and convalescent care, nursing, vocational training, and such other services as may be necessary for beneficiaries under this act, the director shall maintain an inspection service, with authority to examine all facilities and services utilized in carrying out the purpose of this act, and for this purpose may utilize such other Government or private agencies as may be deemed practicable and necessary.

When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this act are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of these beneficiaries by other means.

In the event that there is not sufficient Government hospital and other facilities for the proper medical care and treatment of beneficiaries under this act, and it is deemed necessary and advisable to secure additional Government facilities, the director shall make such recommendation to the Secretary of the Treasury as in his opinion is deemed necessary and advisable for the further improvement or extension of existing governmental facilities, or for the acquiring, including construction, of additional facilities; such new property and structures as may be recommended shall become part of the permanent equipment of some one of the now existing agencies of the Government, including the War Department, Navy Department, Interior Department, Treasury Department, the National Homes for Disabled Volunteer Soldiers, in such a way as would best serve the present emergency, taking into consideration the future services to be rendered the veterans of the World War, including the beneficiaries under this act.

In the event Government hospital facilities and other facilities are not thus available or are not sufficient, the director may contract with State, municipal, or private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding 10 years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this act.

Mr. HILL. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 7, line 11, insert the following: "*Provided*, That in the treatment of disabled, sick, or otherwise incapacitated ex-service men and men now in the service, no existing laws or regulations shall be construed to take from the physicians of the United States Public Health Service the officers of the Army Medical Corps, the medical officers of the Navy, and other physicians operating under this act the right to prescribe in such amounts and at such times as they deem in their discretion necessary, and purely for medicinal purposes, beer, wines, and spirituous liquors."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment. Does the gentleman from Maryland desire to be heard on the point of order?

Mr. HILL. The gentleman does.

Mr. Chairman, this is a very essential perfecting amendment to this bill, and I feel sure that, when fully understood, this committee will vote unanimously for it, because I am sure that no member of this committee will desire to have it said that he was against an Army doctor prescribing any medicine for a sick soldier that the Army doctor saw fit to prescribe.

Mr. SANDERS of Indiana. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. The gentleman from Maryland is not confining himself to the point of order. He is discussing the merits of the amendment.

Mr. HILL. I am coming to that. But the merits are so obvious that they need no further discussion.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is too serious a subject upon which to make such a ridiculous amendment. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order.

Mr. HILL. The only ridiculous proposition is that of the gentleman who just spoke. [Laughter.]

Gentlemen, this is not a frivolous proposition, but a serious one. Section 9 of this bill provides—

The director, subject to the general directions of the Secretary of the Treasury, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care, necessary and reasonable after care, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this act.

In other words, under the first part of this section 9 it lies entirely within the province of the director of the veterans' bureau to make such dietetic rules as he desires to make, any rules that he deems necessary; and this amendment is simply offered here in the interest of preventing that onspreading wave of fanaticism that seems to have swept over this country.

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that the point of order is not being discussed by the gentleman.

The CHAIRMAN. The Chair would admonish the gentleman from Maryland on this occasion to discuss the point of order.

Mr. HILL. My contention, Mr. Chairman, is that this amendment is intended to prevent the director of the veterans' bureau from interfering with the proper treatment of a soldier under the orders of the doctors of the Medical Corps.

The CHAIRMAN. Does the gentleman from Indiana [Mr. SANDERS] desire to be heard on the point of order?

Mr. SANDERS of Indiana. The amendment offered by the gentleman provides—

That no existing laws or regulations shall be construed to take from the physicians of the United States Public Health Service, the officers of the Army Medical Corps, the medical officers of the Army, and other physicians operating under this act, the right to prescribe in such amounts and at such times as they deem in their discretion necessary, and purely for medicinal purposes, beer, wines, and spiritous liquors.

Of course, that deals with all laws and is not limited to this law. If it was a limitation upon the effect of this law, it might be in order, but it is clearly not in order when it undertakes to limit the effect of all existing laws relating to intoxicating liquors.

Mr. BLANTON. Mr. Chairman, I call the attention of the Chair to the fact that the amendment as offered by the gentleman from Maryland is in conflict with the provisions of the Constitution of the United States as contained in the eighteenth amendment.

Mr. HILL. If the gentleman will yield, this is not for beverage purposes but for medicinal purposes. The eighteenth amendment does not touch medicinal purposes.

Mr. BLANTON. I am not going to turn around, as the gentleman from Maryland did, and address our colleague or the country up in the gallery. I am going to address only the Chair on a point of order. The eighteenth amendment controls the action of a physician with respect to his right to prescribe intoxicating liquors. The amendment offered by the gentleman from Maryland would let a physician go beyond the Volstead Act, passed to enforce the Constitution, and would permit him to use his individual discretion as to when, how much, and to whom he could prescribe. I submit that the amendment is clearly out of order.

The CHAIRMAN (Mr. WALSH). The gentleman from Indiana [Mr. SANDERS] makes a point of order against the amendment offered by the gentleman from Maryland [Mr. HILL]. The amendment of the gentleman from Maryland is in the form of a proviso, the substance of which is that physicians of the Public Health Service, officers of the Army Medical Corps, and the medical officers of the Government and other physicians operating under the act shall have the right to prescribe, at such times as they deem necessary, and purely for medicinal purposes, beer, wine, and spirituous liquors. That amendment is offered at line 11, page 7, to section 9 of the bill.

In the judgment of the Chair the amendment in the form of a proviso is not germane to the provisions of the section to which it is offered, and the Chair sustains the point of order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I want to read the provisions on page 7, commencing with line 21, down to and including the end of line 2, on page 8, and to ask the chairman of the committee just what that means and what is the purpose of it. It reads as follows:

When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this act are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of these beneficiaries by other means.

What does the committee intend by that language?

Mr. SWEET. Under the provisions of section 9 the veterans' bureau has full charge of the assignment of the beneficiaries of the veterans' bureau to the Public Health Service hospitals or to private hospitals, as the case may be, for the purpose of giving them hospitalization. Now, after having assigned a patient to a hospital and the patient is not receiving treatment and care to which he is entitled, then in that event the new bureau can send that patient to any other hospital, or provide other hospital facilities for him.

Mr. RAKER. Right in that connection, I did not realize that that was what the committee meant. It brings up the question I wanted to propound to the committee. Does the patient have the determination of the question whether he is receiving sufficient care and treatment, or do the director and the doctors in attendance determine that?

Mr. SWEET. Of course, the care that the patient receives is determined by the director of the veterans' bureau.

Mr. RAKER. I have been advised—I will not vouch for it—that men have had as many as 15 changes of hospital; that a man has gone to a hospital, stayed there a few days, has done as he pleased, violated all the rules, left of his own volition, and gone to one hospital after another, as many as fifteen times.

Mr. SWEET. I will say to the gentleman from California that I have heard like statements.

Mr. RAKER. I think this is important, and the committee ought to know about it. Is there any provision in this bill whereby the Government, or the hospital authorities, or the director of the veterans' bureau have any real authority to administer the law and to protect the public and to protect a young man who is desirous of moving from place to place at his own volition?

Mr. SWEET. I call the gentleman's attention to section 11, which will be reached in a few moments, which reads:

The director is hereby authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct on the part of persons who are receiving care or treatment in hospitals, homes, or institutions as patients or beneficiaries of said bureau during their stay in such hospitals, homes, institutions, or training centers.

Mr. RAKER. Does the gentleman believe that provision will cure the present unsatisfactory conditions?

Mr. SWEET. It will have a tendency to cure such unsatisfactory condition.

Mr. RAKER. I think every ex-service man is interested in this. We ought not to allow the service to be broken down by a few or a number of men who desire to use their own volition to go wherever they want to as against the hospital rules and regulations.

Mr. SWEET. That is true.

Mr. RAKER. Is there any means of curbing that?

Mr. SWEET. Yes; section 11 provides for discipline in hospitals.

Mr. RAKER. Does the gentleman believe that the provisions of section 11 are sufficient to cure the present unsatisfactory conditions?

Mr. SWEET. In the opinion of the committee that will be done.

Mr. RAKER. On the statement of the gentleman I withdraw the pro forma amendment.

Mr. WINSLOW. Mr. Chairman, I move that debate on this section and all amendments thereto be closed in 12 minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that all debate on this section and all amendments thereto be closed in 12 minutes.

The motion was agreed to.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the last two words. Mr. Chairman and gentlemen of the House, the work of this committee ordinarily is very satisfactory. I think that this product of their genius is very disappointing to the Members of the House.

Mr. SWEET. The gentleman refers to section 6?

Mr. BLAND of Indiana. Yes; I especially refer to section 6. Anyone who gives section 6 even a casual reading will say that it is not properly framed, not properly drawn, is loosely and carelessly drawn, and drawn, in my judgment, without a proper knowledge of the facts. I am convinced, and so are men who have studied and are familiar with the situation, that the majority of the members of this committee when they framed section 6 had no sufficient knowledge of what was actually being done for the ex-service men under the existing organization. I have talked with members of the committee that did not know that the Public Health Department had men stationed at all the substations over the country to examine these boys. I talked with members of the committee that did not know how many substations they had in the country, and yet they framed this bill, saying you should not have over 50. They did not know what was being done under existing law.

When the clouds broke in the New York newspapers, raising old Cain and demanding an investigation of the Vocational Board, we made an investigation into the terrible conditions that prevailed among the soldiers all over the country who could not get any help. The decision was that the bureau needed decentralization; that it was necessary to bring the helpful activities closer to the boys, and so they went out and established 148 stations where they could bring the boy in, or where the boy could go himself and get in touch with those who were authorized to help him. The substation was never given authority to pass on his case finally. But after a little while we found that the boys could get relief in this way, and they ceased their criticism of Congress. Now, here you want to go back to where you were, as far as going out and reaching the boys are concerned. You are saying that we will centralize again, so that the boys will be wandering over the country asking where they can get relief or get a job which the Government has trained them for.

This is a different proposition than the pension substations system to which the gentleman from Iowa [Mr. GOOD] spoke about the other day. That referred only to pensions and the distribution of pensions. This is a proposition of giving men rehabilitation training and hospitalization and other relief. It is a question of restoring them to health and giving them help which Civil War veterans never received. We did not have these things after the Civil War; we did not give veterans of the Civil War that kind of treatment. I can not understand how you can talk about wanting to help the veterans and yet cut the existing necessary machinery down, and thus destroy a helpful organization for the soldiers' relief. Some say that we want these little places in the States for plunder purposes. Why, God bless you, these are little, small jobs, with small salaries. No high salaries are paid. It is a place where the boy can go and get help to make out his papers, and get all necessary information and assistance. We have 3 of these offices in Indiana, 9 in Texas, 6 in Ohio, 5 in Michigan, 4 in Minnesota, 4 in Oklahoma, 5 in Illinois, and a similar number in other States. I tell you, gentlemen, that the clouds will break again, because the boys can not find the places to get relief if you abandon these suboffices. The records of almost 100 suboffices now operating will be dumped into regional offices upon the passage of this bill.

Mr. WINSLOW. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. WINSLOW. May I ask when the gentleman first discovered the ignorance of the committee?

Mr. BLAND of Indiana. This is a glaring example of it.

Mr. WINSLOW. I asked the gentleman the time when he began to discover the ignorance of the committee.

Mr. BLAND of Indiana. I have been noticing it for quite a while.

Mr. WINSLOW. With the superior information in the gentleman's mind, did he ever appear before the subcommittee or the committee at any time to give the committee the benefit of his information?

Mr. BLAND of Indiana. I will say to the gentleman that I am not in close enough relation with the committee to know when it meets, I have never been invited before the committee, but I have talked with the chairman of the subcommittee and the author of this bill, and I do not believe he is in favor of section 6 as it stands. I do not mean that the gentleman told me that, but I do not believe the man is for it, because I think he thinks too much of the soldiers to be for it.

Mr. LINEBERGER. Mr. Chairman, will the gentleman from Indiana yield to me to ask a question of the chairman of the committee?

Mr. BLAND of Indiana. Yes.

Mr. LINEBERGER. Is it not a fact that the late Col. Galbraith, chairman of the American Legion, national commander, appeared before the committee and made certain recommendations which were not adopted?

Mr. WINSLOW. That is very true; yes.

Mr. BLAND of Indiana. And he told me that he was against the "50" provision in section 6, and you know it, and you know that the people who are enforcing this law, the members of the Vocational Board and the director and the Public Health Department, and everyone who has anything to do now in an official way with taking care of these soldiers, is against the 50 provision of section 6.

Mr. WINSLOW. No. I do not know any such thing.

Mr. BLAND of Indiana. Well, you ought to know it.

Mr. FISH. Mr. Chairman, I move to strike out the last two words for the purpose of supplementing the remarks of the gentleman from Indiana——

Mr. DENISON. Mr. Chairman, I make the point of order that the gentleman is not in order. Unless the gentleman intends to confine his remarks to the section under discussion, I shall object.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word, and, if I may, I should like to ask the gentleman in charge of the bill a question. In answer to questions the other day, on an earlier section, the gentleman from Iowa [Mr. SWEET] explained that the actual management of the hospitals under this bill would be in all respects, as at present, in the hands of the Public Health Service.

Mr. SWEET. Yes; after the patient has been put there.

Mr. ROGERS. After the patient has been examined and assigned to the hospital?

Mr. SWEET. Yes.

Mr. ROGERS. With that thought in mind, I wondered how fair and how practicable it was to provide in this section that the director of the veterans' bureau shall be responsible, among other things, for the medical care, treatment, hospitalization, welfare, and nursing, and so on, of these patients. In other words, it would seem to me that the Surgeon General of the Public Health Service, who has sole responsibility and authority under the previous section, would find it rather awkward if he were told that the director of the veterans' bureau also had the responsibility.

Mr. SWEET. And the gentleman would get into the same difficulty that we are in now. The patient is under the care and treatment, in the first instance, of the veterans' bureau, and the responsibility of furnishing that care is upon the bureau. When the patient goes to the Public Health Service I may say that that in a sense is in the nature of a contract.

Mr. ROGERS. Does the gentleman from Iowa think it is fair, when the Director of the War Risk Bureau assigns a War Risk patient to a hospital under the direct charge and control of the Surgeon General of the Public Health Service, that the director should be held responsible by law for the medical care and treatment, hospitalization, welfare, nursing of that patient?

Mr. SWEET. Why, certainly; because we must locate the responsibility, and then it must be remembered that in this veterans' bureau there will be a medical division. Of course, we do not furnish the hospitalization immediately to the patient in the veterans' bureau, but the responsibility for looking after him and seeing that he gets it is upon the new bureau.

Mr. ROGERS. Is it the thought of the gentleman that the Surgeon General and the director of the veterans' bureau are both responsible?

Mr. SWEET. In a way they are, but as far as the service to be rendered and the responsibility for it is concerned, that is upon the director of the new bureau.

Mr. ROGERS. Can the director of the bureau issue a binding order to the Surgeon General of the Public Health Service in these matters?

Mr. SWEET. I think he can.

Mr. ROGERS. I think that he ought to be able to do so; but I fear as the bill is drawn that you will have two men of coordinate responsibility, with neither able to enforce his mandate on the other.

Mr. SWEET. I think the language is very plain in section 9 that the responsibility for hospitalization and care and treatment and for furnishing these facilities is upon the director of the bureau.

Mr. ROGERS. And the gentleman thinks that would carry with it the thought that the director could issue binding instructions to the Public Health Surgeon General?

Mr. SWEET. There is not any question about that.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. SANDERS of Indiana. I raised the same question at one time in the consideration of this matter in the committee. I think the language at the bottom of page 6 clearly gives that right. It makes the director responsible for all of it and it says that for that purpose he is authorized to utilize it.

Mr. ROGERS. The power to "utilize the facilities" is not quite the same as the power to issue instructions to the Surgeon General.

Mr. BRIGGS. On page 7 of the same section we find this language about the middle of the page:

> And such governmental agencies are hereby authorized and directed to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this act, in addition to such governmental facilities as are hereby made available.

Mr. ROGERS. I am frank to say that if the understanding of the gentleman from Iowa is carried into effect I am perfectly satisfied; but I do not want the poor fellow who is sent to the hospital to fall between the two stools of divided authority.

Mr. BRIGGS. I think there is a provision here which expressly confers upon the director that absolute power which it is expected he should exercise to give the soldiers the treatment that they ought to have, and also places responsibility upon him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent, on page 7, line 3, and on page 8, line 16, to strike out "s" in the word "homes." The official designation of this institution is the National Home for Disabled Volunteer Soldiers.

Mr. SWEET. But there is more than one branch, and this was put in for the purpose——

Mr. ROGERS. I understand that, but Congress has given it the designation of "Home," with various branches.

The Clerk read as follows:

> SEC. 10. For the purpose of this act, the director is authorized to detail from time to time clerks or persons employed in the bureau, to make examinations into the merits of compensation and insurance claims, whether pending or adjudicated, as he may deem proper, and to aid in the preparation, presentation, or examination of such claims; and any such person so detailed shall have power to administer oaths, take affidavits, and certify to the correctness of the papers and documents pertaining to the administration of this act.

Mr. STEVENSON. Mr. Chairman, I offer an amendment which I ask to have reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEVENSON: Page 9, line 13, after the word "act," strike out period and insert colon and add the following: "*Provided*, That in appointing clerks to be detailed for such service, or for any other service under this bill, former soldiers who are eligible shall be preferred, in accordance with the act of July 11, 1919."

Mr. SANDERS of Indiana. Mr. Chairman, I reserve the point of order.

Mr. STEVENSON. Mr. Chairman, following what I said just a moment ago, pursuant to the act of 1919 the Civil Service Commission put in force this rule:

> All competitors rated at 70 or more shall be eligible for appointment and their names shall be placed on the proper register according to their ratings, but the names of persons preferred under the urgent deficiency act of July 11, 1919, rated at 65 or more, shall be placed above all others.

Now, that is the rule adopted to carry out the law of 1919. Until the recent order, the order of May 10, which changed the rule as to the selection of postmasters, an ex-soldier who got 65 or more was put at the top, and under the rule they had to

take him, and under the preference law they had to take him. Under that presidential order of May 10 they can put him at the top. All right, but the selecting power can take the fellow who is at the bottom and leave him perched at the top, and when I called on the First Assistant Postmaster General about this and asked him if it was proposed to give the soldier a preference whenever he was on the certified list, he said he did not propose to do that; that they proposed to make their own selection, and if it appealed to him they would appoint the eligible soldier, and if it did not they would not. I called attention to this. He said that they did get their preference by reason of the fact that they are at the top of the list. Well, but I say if you put them at the top of the list and you reserve the right to take the fellow at the bottom, where does the preference come in? How can you repeal a law that way? It is pure camouflage, that is all. Now, the other answer is this: The department shifted its ground to this position, and that is this, that the first, second, and third class postmasters are not under the classified civil service but are merely under the order of the President. I accept that proposition, but the act of 1919 says all appointments in executive offices—it does not say under the classified civil service or under any other service. You can not get away from it. The order of May 10, if carried out as proposed by the Post Office Department, would close the door in the face of the ex-soldier who has been given preference by act of Congress, and this Congress when it is legislating for the benefit of the ex-soldier owes it to the ex-soldier to see that we do not propose to be hypocritical about it, and we either should make them carry out the law or repeal the law, one or the other, and this is one step, and we ought to make them live up to the law which we enacted.

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that section 10 deals entirely with detailing clerks already in the service. It is a matter of where they shall be sent and what they shall do, while the gentleman's amendment deals with the appointing of clerks and hence is not germane to this section.

Mr. STEVENSON. Mr. Chairman, the general purpose of this bill, as is written all over it, is to take care of the former soldier. The proposition is embraced here to detail certain clerks to do certain things. I have offered an amendment to provide that clerks who are so detailed shall be appointed under the terms of the soldier preference act, and if it is not germane to the purpose of the bill under this section, then we will let it go and we will see about it another time.

The CHAIRMAN. The Chair is ready to rule. The Chair, in the first place, can not concern himself about the merits of this amendment. The Chair does not think that because this bill is in the interest of ex-service men that any amendment which might be proposed in the interest of ex-service men would therefore be in order as an amendment to this bill. The particular section to which this amendment is offered deals solely with the detail of clerks already in the service and its provisions are limited to such details, while the amendment of the gentleman from South Carolina deals with original appointments to the service. The Chair thinks that an amendment dealing with original appointments to the service is not germane to a provision which deals solely with details within the service, and therefore the Chair sustains the point of order.

Mr. WINSLOW. Mr. Chairman, I move that debate on this section and all amendments be closed in 10 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STAFFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, and had agreed to the amendments of the House to the amendments of the Senate numbered 76, 86, 89, 92, 95, 96, 100, 105, 106, 113, 114, and 119, had disagreed to the amendment of the House to the amendment of the Senate numbered 1, had insisted upon said amendment, and had requested a further conference with the House, and had ordered that Mr. WARREN, Mr. CURTIS, and Mr. GLASS be the conferees on the part of the Senate.

VETERANS' BUREAU.

The committee resumed its session.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

I ask the attention of the committee to something that I failed to bring to their attention, because of my misunderstanding of the motion of the chairman of the committee having the bill in charge. I refer to the closing lines of section 9:

In the event Government hospital facilities and other facilities are not thus available or are not sufficient, the director may contract with State, municipal, or private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding 10 years—

That means that he can make 10-year contracts with private hospitals—

for the use of a ward or other hospital unit or on such other basis as may be in the best interests of the beneficiaries under this act.

Private hospitals, some of them, are worthy institutions; but some of them, it is said, are not. They are by some managers treated chiefly as places of business in which to make money. And this provision granting the director power to make contracts for the "use of a ward or other hospital unit or on such other basis," and so forth, would permit him to rent parts of private hospitals or entire private hospitals and to send helpless soldiers to them to be treated. Now under whose auspices are these sick soldiers to be treated in these private hospitals? The bill says nothing about that, but leaves it to the director to make any contract he may desire to make. He would have authority, should this provision become law, to turn the treatment over to the managers of these private institutions and their assistants on such terms as may be in the respective contracts.

Mr. DEMPSEY. Does not the gentleman believe that any contract made with a private hospital would be on the condition of extending proper care, and that the breach of that condition would vitiate the contract?

Mr. COOPER of Wisconsin. The bill does not say so. It makes no such requirement. There is no word about any condition—no attempt at precaution or safeguard. Everything in the contracts is to be left to one man. This is supposed to be a Government of laws, not of men. And when you thus turn over to a director the power to rent private hospitals for 10 years and send soldiers to them for treatment you are conferring such authority as, in my judgment, no man ought to have.

Mr. SANDERS of Indiana. Will the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Yes.

Mr. SANDERS of Indiana. I think that refers to the terms "use of a ward or other hospital unit or on such other basis."

Mr. COOPER of Wisconsin. The words "or on such other basis," following, as they do, the words "a ward or other hospital unit," would, under the ordinary rule of statutory construction, include the whole hospital. That is the ordinary rule. You are referring to dimension when you say "ward" or "other hospital unit," and also, of course, by construction, when you say "other basis." And it all means that the director, in his discretion, can make contracts for the renting of private hospitals.

Mr. SANDERS of Indiana. I think that power was intended to be conferred.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. COOPER] has expired. The gentleman from Iowa [Mr. SWEET] is recognized in opposition to the pro forma amendment.

Mr. SWEET. Mr. Chairman, I will say to the gentleman from Wisconsin [Mr. COOPER] that the hospitalization question for disabled soldiers is one of the most important questions that confronts the country to-day. The question naturally arises whether or not we will embark upon a great hospital building program or whether we will meet the immediate situation. The hospitalization question is an immediate question. For instance, in the Langley bill we appropriate $18,600,000; $12,500,000 is for construction and $6,100,000 for the remodeling of hospitals. Now, it is estimated that it will take five or six years before these hospitals can be constructed and patients can be placed in them. And why? In the first place, it is a question of determining where they shall be located, of obtaining blue prints, and so forth, and then comes the question of construction. It is estimated that in about five or six years we will reach the peak in hospitalization. The hospitalization question is a temporary one, and in the space of some 25 or 30 years it will practically be over. To be sure, it will be necessary to furnish care and treatment to the insane and to those who have tuberculosis or other diseases, but the question of hospitalization will practically be over. At the present time there are about 119,000 that have passed through hospitals. To-day there are some 25,400 in the hospitals. And it has been estimated that those desiring hospitalization are increasing at the rate of about 1,000 per month. Now then, in order to meet that situation, in order that the director may meet it squarely, and that hospitalization may be immediately given to these men, we have

given him authority, in the last paragraph of section 9 of the bill, whereby he can contract with hospitals; whereby he can contract with counties or municipalities to furnish hospitalization. The Members of the House will remember the difficulty we have had with the State of New York, where the treasurer could not sign a contract for a period longer than two years. And so I say to you that, instead of embarking upon a great hospital program and constructing buildings for that purpose, the thing for us to do as sane men, it seems to me, is to meet the proposition immediately [applause], and that is the reason why we have put section 9 in this bill.

Mr. SUMMERS of Washington. Will the gentleman yield for a question?

Mr. SWEET. I will.

Mr. SUMMERS of Washington. There was a bill introduced some time ago, I believe, for the construction of a hospital by the State of New York, to be leased for this purpose at 10 per cent per annum for 10 years. Now, would it be any more expensive for the United States to build a hospital and own it than to pay for it and not own it?

Mr. SWEET. The trouble with the gentleman's position is this, that the hospitalization proposition is immediate, and instead of going on and building hospitals and taking five or six years in which to construct them, it is far better to go out and utilize buildings and facilities that now exist.

Mr. SUMMERS of Washington. You do not say buildings that now exist. That building was not yet erected and is not yet built, and still there was a tentative agreement that the War Risk Insurance Bureau was going to lease it at the rate of 10 per cent per annum for 10 years. In other words, this Government is going to pay for it, and at the end of 10 years somebody else is going to own it. I see nothing in this bill to prevent that sort of thing occurring. If you limit that to buildings already constructed, so that they can be utilized at once, that will be a different proposition.

Mr. SWEET. It is not necessary in the interest of the disabled soldiers to limit it. We should leave it to the sound discretion of the director.

Mr. SUMMERS of Washington. You have limited it in the case of the hospitals already constructed. I should think it ought to be.

The CHAIRMAN. The gentleman's time has expired.

Mr. NORTON. Mr. Chairman, I understand the limit of $18,000,000 has already been fixed, so that it is not available for construction.

Mr. SWEET. It was just recently changed.

Mr. HILL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including therein an editorial from the Baltimore American and one from the Baltimore Sun, a letter from Infantry Post, No. 71, American Legion, and from the Veterans of Foreign Wars.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to insert in the RECORD editorials and letters as indicated. Is there objection?

Mr. BLANTON. Are these liquor advertisements?

Mr. HILL. No; they are not liquor advertisements.

Mr. BLANTON. Are they on the subject of liquors?

Mr. HILL. They are on the subject of the right of the doctors to prescribe.

Mr. BLANTON. If it was on any other subject I would not object, but on this subject I shall object.

The CHAIRMAN. The gentleman from Texas objects. The Clerk will read.

Mr. HILL. Mr. Chairman, I renew my request.

Mr. BANKHEAD. And I renew the objection.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read as follows:

SEC. 11. The director is hereby authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct on the part of persons who are receiving care or treatment in hospitals, homes, or institutions as patients or beneficiaries of said bureau during their stay in such hospitals, homes, institutions, or training centers. Penalties for the breach of such rules and regulations may extend to a forfeiture by the offender of such portion of the compensation payable to him, not exceeding three-fourths of the monthly installment per month for three months, for a breach committed while receiving treatment in such hospital, home, institution, or training center as may be prescribed by such rules and regulations.

Mr. HAYDEN. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Arizona moves to strike out the section.

Mr. HAYDEN. Mr. Chairman, I desire to bring to the attention of the committee a letter and a resolution adopted by a number of ex-service men, most of whom are patients in a large Government hospital in my State, objecting principally to the provisions of section 14 of the original bill, H. R. 3, which is now section 11 of this bill. They state that the enforcement of military discipline in the Public Health Service hospitals is not necessary, because under existing conditions there is now ample authority for all discipline needed to promote good conduct. In their opinion the Public Health Service officials are seeking the authority, in the administration of this law, that an Army officer would have over soldiers under his command. I would like to have some explanation from the gentleman from Iowa, who is in charge of this legislation, as to why this particular section has been inserted in the bill.

Mr. SWEET. I will say to the gentleman from Arizona that this is a matter to which we gave very careful consideration. The Assistant Secretary of the Treasury, Mr. Laporte; Col. Galbraith, the national commander of the American Legion; and others came before us and said that there ought to be something of this kind placed in the law. In other words, at these hospitals it is necessary that there shall be discipline. A man, we will say, is receiving $80 a month as compensation. After receiving that amount of money, in some instances he would leave the hospital, go down town, perhaps get intoxicated, come back to the hospital, and do things that he would not do if he were not intoxicated. Now, then, in order that the hospital may render the most efficient service to the disabled men, it is necessary to have discipline.

Mr. HAYDEN. Is there absolutely no way of enforcing proper discipline now?

Mr. SWEET. Oftentimes when the Public Health Service officials come to enforce discipline they say to them, "You can leave the hospital."

Mr. HAYDEN. Is that all that can be done at the present time, to put the patient out of the hospital?

Mr. SWEET. This hospitalization is furnished to them, and the Government has not any control of ex-service men unless they are in the Military Establishment, but in that case it is because they are in an Army or a Navy hospital. But the man who is receiving hospitalization can leave that hospital any day if he wants to, or he can do almost anything that he has a mind to.

Mr. HAYDEN. Will the regulations to promote good conduct in hospitals amount to what is practically military discipline?

Mr. SWEET. No. There is no such thought; and, besides that, it is placed in the hands of the director, and the director will prescribe the rules and regulations for that discipline.

Mr. HAYDEN. Then it will not be absolutely in the power of the superintendent of each Public Health Service hospital to make his own rules and regulations?

Mr. SWEET. No. "The director is hereby authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct" on the part of the patients.

Mr. HAYDEN. But the director might make a regulation to the effect that whatever rules the superintendent of a particular hospital might see fit to make would apply.

Mr. SWEET. These rules are to be made by the director of this great bureau.

Mr. HAYDEN. It seems to me that it would improve the bill to provide that the director may make general rules and regulations so that the same system of discipline would be in effect in all hospitals.

Mr. NEWTON of Minnesota. The gentleman does not want to restrict the director of the bureau from making specific rules if in the interest of the Government and of the soldiers those rules are necessary?

Mr. HAYDEN. I can not see the necessity for anything except a general set of regulations which would govern all hospitals.

Mr. NEWTON of Minnesota. Can not the gentleman conceive of a case of a large hospital caring for a large group of men under certain circumstances and conditions requiring rules and regulations for that place that may not be applicable to other places?

Mr. HAYDEN. No. In each case they would deal with individual breaches of good conduct.

Mr. NEWTON of Minnesota. These would be general rules applying to that particular institution, of course. Surely there must be the power in the hands of the director to make specific rules.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. DEMPSEY. Suppose a particular abuse crept into a particular institution, an abuse that did not take place in any other institution in the country. Would not that require particular treatment, and would it not impose restraint that would perhaps be unwise on 99 other institutions because it was found that in one institution it was absolutely necessary?

Mr. HAYDEN. The gentleman is imagining a hypothetical case. In each instance some individual would do something that he ought not to do.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HAYDEN. I ask unanimous consent to extend my remarks by inserting in the RECORD the letter and resolutions that I have mentioned, which I have obtained from the files of the Committee on Interstate and Foreign Commerce, to which they were originally referred.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The letter and resolutions are as follows:

BUCKY O'NEIL POST, VETERANS OF FOREIGN WARS,
AND ERNEST A. LOVE POST NO. 6, AMERICAN LEGION,
Prescott, Ariz., May 12, 1921.

Hon. CARL HAYDEN,
House of Representatives, Washington, D. C.

HONORABLE SIR: At a joint meeting of the local posts of the American Legion and the Veterans of Foreign Wars, held May 9, a resolution was passed unanimously protesting against certain features of H. R. No. 3, known as the Sweet bill, which is now under consideration by the Interstate and Foreign Commerce Committee. A copy of this resolution is herewith inclosed. The objectionable portions of this bill are sections 14, 16, and 19.

Section 14 provides, in effect, that the compensation of patients in hospital may be forfeited for infraction of hospital rules up to three-fourths of said compensation. We think that this legislation is entirely too drastic. There are ample ways to enforce discipline in Public Health hospitals without taking away from a disabled soldier his compensation given him for injuries received in the service of his country. Before the war there were at the Army hospital at Fort Bayard, N. Mex., a large number of pensioned ex-soldiers, known as "Beneficiaries of the Soldiers' Home." These men were not soldiers and not subject to Army regulations. They could not be tried by court-martial, neither could their pensions be forfeited or interfered with in any way. Yet no particular difficulty was experienced in controlling these men. We do not think that the control of the disabled men of the late war should offer any greater difficulty.

Section 16 provides that, in certain cases, the hospital authorities may take away from a patient three-fourths of his compensation and hold it as a sort of trust for him until he is discharged from the hospital or until he dies, when the fund would be turned into his estate. We think that this is paternalism rampant. No such control of the pensions granted on account of the Civil War and the Spanish-American War was ever attempted, and we believe that we are just as capable of using our compensation to our best advantage as the pensioners of those wars are to handle their own pensions in the way most suitable to themselves.

Section 19 would grant power to the Bureau of War Risk Insurance to reduce or entirely stop the compensation previously granted in any given case, and this without giving the person interested the right or opportunity to contest such action.

The mere presentation of these sections is sufficient to show the drastic and arbitrary character of the powers proposed to be given to the bureau and the hospital authorities and why they are so objectionable to the disabled soldiers. They are certainly not in accord with the spirit of the platforms adopted by both political parties at the last election, wherein the debt of the country to the disabled soldier was acknowledged and promises were made of the most generous treatment to these men.

We therefore request your active support in obtaining the elimination or modification of the sections of the Sweet bill above referred to. And kindly see that this letter and attached resolution be made a part of the CONGRESSIONAL RECORD.

Respectfully,

M. L. GANEY, *Chairman.*

RESOLUTIONS.

Whereas sections 14, 16, and 19 of bill H. R. 3, recently introduced in Congress, would empower the Public Health Service to fine disabled men a considerable part of their compensation for violations of hospital rules; and

Whereas a provision of this kind is contrary to the spirit and letter of the compensation law, which was meant to be a measure of relief for men disabled in the military service and not subject to attachments of any kind; and

Whereas the application of military discipline in Public Health hospitals would tend to create discontent and irritation among patients, which would in this way retard their recovery, and this is wholly needless to the hospital authorities, for they already have ample power to punish violators of rules; and

Whereas the indiscriminate granting of power in the hands of some men who crave military authority would create an autocratic organization of the Public Health Service: Therefore be it

Resolved, That we, patients of United States Public Health Service Hospital No. 50, members of Veterans of Foreign Wars and the American Legion, in mass meeting assembled, do hereby register our emphatic protest against the sections of the bill as being an oppressive and wholly uncalled-for piece of legislation; and be it further

Resolved, That a copy of this resolution be sent to President Harding, to Senators ASHURST and CAMERON, Congressman CARL HAYDEN, to the chairman House Committee on Interstate and Foreign Commerce, and to the press.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. The director may set forth in regulations to be prescribed by him the conditions and limitations whereby all patients or beneficiaries of the veterans' bureau who are receiving treatment through the bureau as inmates of a hospital may allot any proportion or proportions or any fixed amount or amounts of their monthly compensation for such purposes and for the benefit of such person or persons as they may direct.

In case such inmate has not allotted three-fourths of his monthly compensation, regulations to be made by the director may provide that any unallotted portion of such three-fourths compensation may be deposited to his credit with the Secretary of the Treasury to accumulate at such rate of interest as the Secretary of the Treasury may determine, but at a rate never less than 3½ per cent per annum, payable for no period, however, of less than six months, and when payable shall be paid, principal and interest, to such patient if living; otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the executor or administrator of the estate of such deceased person: *Provided*, That this paragraph shall not be so construed as to prevent payment from the amounts due to the decedent's estate of his funeral expenses, expenses of last illness, board, rent, lodging, or other household expenses for which decedent is liable, provided a claim therefor is presented by the creditors or by the person or persons who actually paid the same before settlement by the veterans' bureau.

The Secretary of the Treasury is hereby authorized to invest and reinvest the said allotments deposited with him, or any part thereof, in interest-bearing obligations of the United States and to sell the obligations for the purposes of said funds.

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill a question in regard to the first part of section 12, wherein it is provided that—

The director may set forth in regulations to be prescribed by him the conditions and limitations whereby all patients or beneficiaries of the veterans' bureau who are receiving treatment through the bureau as inmates of a hospital may allot any proportion or proportions or any fixed amount or amounts of their monthly compensation for such purposes and for the benefit of such person or persons as they may direct.

To whom does this have reference? Is that to the members of his family or dependents, and is it intended that the director may withhold a portion of the monthly compensation and award it to them?

Mr. SWEET. In the first place, the director does not allot anything. That is a matter that is purely voluntary. A patient in a hospital who is a beneficiary of the veterans' bureau can make an allotment to any person. In other words, the compensation that he receives is his own, and he allots it as he sees fit.

Mr. WILLIAMSON. What is the object in having this provision in here at all?

Mr. SWEET. The object is simply this, that when a man goes into a hospital those in charge of the hospital can sit down and talk matters over with him, and he can make an allotment to his wife or his children or to whomsoever may be dependent upon him, and instead of spending the money for things that are unimportant and unnecessary, as many of them do now, and neglect their families, after a man has made this voluntary allotment then the money can be paid to the dependent.

Mr. COOPER of Wisconsin. It is not limited to dependents.

Mr. SWEET. No; he can allot it to anyone.

Mr. WILLIAMSON. In the form in which it is stated in the next paragraph—

In case such inmate has not allotted three-fourths of his monthly compensation, regulations to be made by the director may provide that any unallotted portion of such three-fourths compensation may be deposited to his credit with the Secretary of the Treasury—

And so forth. If the man does not make the allotment, then the director may take out three-fourths of his monthly compensation——

Mr. SWEET. No; not the director. All this is voluntary, but it has to be done under rules and regulations to be prescribed by the director.

Mr. WILLIAMSON. In other words, there is no compulsory process whatever?

Mr. SWEET. None whatever, in no part of section 12.

Mr. McKENZIE. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. McKENZIE. Is it not a fact that, where a soldier in one of these hospitals has a wife dependent upon him, a part of the compensation allotted to him must go to his wife?

Mr. SWEET. Not necessarily. It is paid to him in the first instance. We will say that a man is temporarily totally disabled. If single, he receives $80. If he has a wife, he gets $90. If he has a wife and one child, he gets $95. If he has a wife and two children, he gets $100. Now, that is paid directly to the man.

Mr. McKENZIE. Absolutely; but under the law the wife has a right to a portion of that pay if she wants it.

Mr. SWEET. No; not from the Government.

Mr. McKENZIE. But, however, when she asks for it does not the bureau see that she receives it?

Mr. SWEET. Not necessarily, except in cases where they live apart.

Mr. McKENZIE. That has been my experience.

Mr. SWEET. I hope that is true; but as a legal proposition it is not true. The money is payable to the man, and he has full authority over it.

Mr. BEEDY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the subcommittee a question. I do so in order to get his interpretation for the RECORD. What meaning does the gentleman from Iowa give to the word "may," in line 13, page 12? Does that have the meaning of the word "shall," or is it to be understood as optional with the director?

Mr. SWEET. That is purely optional.

Mr. DENISON. In other words, the section reads now—

In case such inmate has not allotted three-fourths of his monthly compensation, regulations to be made by the director may provide that any unallotted portion of such three-fourths compensation may be deposited to his credit with the Secretary of the Treasury to accumulate at such rate of interest as the Secretary of the Treasury may determine.

Does that mean, as the chairman of the subcommittee understands it, that when the beneficiary fails to allot three-fourths of his compensation, then such portion of that three-fourths of his compensation as has not been allotted by him may be set aside by the director, or shall be set aside by the director?

Mr. SWEET. No; not "shall," but "may." It says "may." It is purely voluntary.

Mr. DENISON. Voluntary on whose part?

Mr. SWEET. On the part of the man whether he allots it or not.

Mr. DENISON. If that was the intention of the gentleman from Iowa, the language of the bill does not carry out that intention, in my judgment. The language used seems to give the director of the bureau the right to place any of the unallotted part of the three-fourths of the beneficiary's compensation in the Treasury of the United States for the beneficiary.

Mr. TOWNER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. TOWNER. Certainly under the provision of that section that right is granted to the director. He may or may not exercise it, but certainly if he determines to exercise it, he has the right to exercise it whether the soldier consents or not.

Mr. DENISON. That is what I was calling to the attention of the gentleman from Iowa, because it seemed to me that we have here given the director the right to do that. Now, if we do not intend to do that, then there should be some slight change in the language we have used.

Mr. SANDERS of Indiana. I call the attention of the gentleman from Iowa [Mr. TOWNER] to line 6, on page 10—

All patients or beneficiaries of the veterans' bureau who are receiving treatment through the bureau as inmates of a hospital may allot any proportion or proportions or any fixed amount or amounts of their monthly compensation for such purposes and for the benefit of such person or persons as they may direct.

That leaves the matter entirely to the soldiers, as the beneficiaries may direct. If they do not make any direction with reference to it, that leaves it to their option.

Mr. TOWNER. That is provided for specifically. "In case such inmate has not allotted"—that is, if he has exercised himself the right he can not be interfered with by the director. If he has not himself allotted, the power is given to the director to exercise it or not as he sees fit. If he does exercise that power, it is not subject to the control of the soldier at all.

Mr. DENISON. That is the way it seemed to me, but I was not sure that the subcommittee intended it.

Mr. DEMPSEY. Will the gentleman yield to me?

Mr. DENISON. Certainly.

Mr. DEMPSEY. I think the gentleman is absolutely right, but I do not think it is of any earthly importance, because the provision is that if the director allots this money and it is put at interest it only draws interest in the event that it remains there for six months. It may be collected by the soldier at any time, but he does not get any interest unless it is in the hands of the Secretary for six months. So the only possible effect is that if he wants to get interest he has to leave it there six months.

Mr. SWEET. Yes; he can withdraw it at any time before or after the six months' period.

Mr. DEMPSEY. Yes; but he does not get any interest unless it remains there for six months.

Mr. BRIGGS. Mr. Chairman, I move to strike out the paragraph. I want to ask the chairman of the committee a question in regard to the proviso beginning on line 23, page 10, which reads as follows:

Provided, That this paragraph shall not be so construed as to prevent payment from the amounts due to the decedent's estate of his funeral expenses, expenses of last illness, board, rent, lodging, or other household expenses for which decedent is liable, provided a claim therefor is presented by the creditors or by the person or persons who actually paid the same before settlement by the veterans' bureau.

As I understand, the bureau now has the power to pay emergency claims—for instance, if funeral expenses are to be guaranteed, the bureau can incur that expense, and this is to preserve that right. But it does not seem to me that it is clear that the payment shall be made by the bureau. It seems to me that the word "bureau" ought to be inserted after the word "payment" in line 24. It provides that in case the soldier dies and leaves no beneficiary the property shall be turned over to the executor or administrator, but it does not say by whom the payment shall be made.

Mr. SWEET. The last sentence makes it plain.

Mr. BRIGGS. The executor might go ahead and pay it without any authority, and I think the word "bureau" ought to be inserted.

Mr. DEMPSEY. The word "bureau" or the word "director."

Mr. BRIGGS. Well, it should be plain that it was to be paid by the veterans' bureau. I do not think it makes any difference whether you use the word "bureau" or "director."

Mr. SWEET. I think the gentleman's suggestion is all right.

Mr. BRIGGS. Then, Mr. Chairman, I offer the amendment that after the word "payment," in line 24, page 10, the words "by the bureau" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 24, after the word "payment," insert the words "by the bureau."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TITLE II.—AMENDMENTS TO THE WAR RISK INSURANCE ACT.

SEC. 15. Section 29 of the war risk insurance act is hereby amended to read as follows:

"SEC. 29. The discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien, conscientious objector, or a deserter, or is guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct shall terminate any insurance granted on the life of such person under the provisions of article 4, and shall bar all rights to any compensation under article 3 or any insurance under article 4: *Provided*, That, as to converted insurance, the cash surrender value thereof, if any, on the date of such discharge or dismissal shall be paid the insured, if living, and, if dead, to the designated beneficiary."

Mr. HICKEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. HICKEY: After the word "beneficiary," page 10, line 25, strike out the period, insert a colon, and add "*Provided further*, That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and whose service was honest and faithful, shall be entitled to the benefit of the war risk insurance act."

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HICKEY. If the gentleman wishes to make a point of order against the amendment, I prefer to have that disposed of now.

Mr. BANKHEAD. I will reserve a point of order. I would like to get a little information as to what the gentleman has in his mind as a reason for the adoption of this amendment.

Mr. HICKEY. Mr. Chairman, my purpose in offering this amendment is to extend the benefits of the war risk insurance act to men who were drafted into the military service of the United States and men who volunteered and served during the World War and whose services were honest and faithful.

Mr. BLANTON. There was not any enemy alien drafted into the service.

Mr. HICKEY. The gentleman from Texas is very much mistaken.

Mr. BLANTON. Under what law?

Mr. HICKEY. The gentleman is mistaken. If the gentleman will wait a moment, I will explain. After the passage of the selective draft act there was considerable confusion with respect to the status of many men enrolled for military service. In my district, in the city of Michigan City, we had a large number of Syrians. Many of these men were drafted into the military service of the United States, and some of them served until after the armistice.

Mr. LAYTON. And served voluntarily.

Mr. HICKEY. Served voluntarily. There were other nationalities called to the colors through the draft boards, placed in class 1, and entered the military service of the United States and served honorably until after the close of the war.

Last summer several of these cases came to my attention. The officers under whom they served issued them certificates, not honorable and not dishonorable discharge certificates, but

wrote into the certificates that the service of the men was honest and faithful and in many instances that the service was excellent. I took these cases up with the War Department and finally submitted them to the then Secretary of War, Mr. Baker. The facts were considered carefully by the War Department, and finally certificates of honorable discharge were issued to the men.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. HICKEY. Yes.

Mr. BARKLEY. This section applies to insurance.

Mr. HICKEY. Yes.

Mr. BARKLEY. Where these enemy aliens entered the Army for any reason and took out insurance, is that not the matter of contract, and is it necessary to have the gentleman's amendment agreed to in order to have the Government perform its part of the transaction?

Mr. HICKEY. It also relates to compensation.

Mr. BARKLEY. Not this.

Mr. HICKEY. The war risk insurance act. If the gentleman will examine the amendment, he will see that it applies to the war risk insurance act, and that it seeks to amend the war risk insurance act so as to confer the benefits of the act upon all service men who rendered honorable service during the World War and upon men who were honorably discharged from the service.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. HICKEY. Yes.

Mr. DENISON. Were these men alien enemies?

Mr. HICKEY. The men I have in mind were born in Syria and came to this country. During the war they were classed by the War Department as alien enemies because they were subjects of the Government of Turkey.

Mr. BARKLEY. But we were never at war with Turkey.

Mr. HICKEY. No; but the War Department classed them as enemy aliens.

Mr. BARKLEY. The law does not so class them.

Mr. HICKEY. But the War Department did, and they have been so classed since that time by different departments of the Government.

Mr. BARKLEY. In the alien enemy property act we define what an alien enemy is.

Mr. DENISON. I may be wrong in my recollection, but I do not think we declared war on Turkey.

Mr. HICKEY. They were subjects of Turkey.

Mr. DENISON. We never declared war on Turkey.

Mr. HICKEY. No; but the War Department placed them in the class of enemy aliens and the Bureau of Naturalization very recently refused citizenship papers to men in this class, because it held that they were enemy aliens. The question is arising frequently and interfering with the rights of these men to be benefited by this amendment should it be accepted by the committee.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HICKEY. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. HICKEY. Yes.

Mr. BARKLEY. Since I interrogated the gentleman a while ago, I recall that the alien enemy property act provides that not only shall the nationals of an enemy but of any ally of the enemy be regarded as an enemy. It may be upon that ground that the War Department held that they were not entitled to the benefits of this act.

Mr. HICKEY. That is the fact.

Mr. RAYBURN. This amendment just covers men who have honorable discharges in the Army?

Mr. HICKEY. It covers men whose service was honest and faithful.

Mr. RAYBURN. How are you going to determine that?

Mr. HICKEY. By the records in the War Department. So far as I know the men in whom I am interested, with the exception of one, have been granted honorable discharges, but it may be that over the country there are other men in this class who have not been granted honorable discharges. I prepared my amendment to help those as well as the men in whom I am interested.

Mr. BLANTON. The gentleman's amendment would embrace men who really had not done service in the Army and who did not have a discharge.

Mr. HICKEY. Oh, no; the gentleman is mistaken.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. WINSLOW. Mr. Chairman, for the purpose of facilitating the work of another committee and for no other purpose, I propose now to move that the committee rise, but with the idea of going back into the committee after a few moments. I trust gentlemen will understand the situation and approve of it. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. STAFFORD having assumed the chair as Speaker pro tempore, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6611, and had come to no resolution thereon.

SECOND DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6300, to insist on the amendment of the House to Senate amendment No. 1, and agree to the further conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 6300, to insist on the amendment of the House to Senate amendment No. 1, and agree to the further conference asked for by the Senate. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COOPER of Wisconsin. May we have stated to the House what that amendment No. 1 is?

Mr. GOOD. Amendment No. 1 was an amendment placed on the bill in the Senate appropriating $10,000 for the Bureau of Efficiency. When we came to look into the matter we found that the director of the bureau had stated to the Committee on Appropriations of the House that there had been no increases of salary during the present year, yet on further investigation we found that his salary had been increased by $4,000, and another salary by $1,000, and another by $500, and so the House has adopted as an amendment to the Senate amendment a proviso that no salary in excess of $7,500 shall be paid during the rest of this year and next year, and that the other salaries shall be those provided for and will be paid at the beginning of the present fiscal year. The Senate has refused to agree to that amendment.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GOOD. I will.

Mr. GARRETT of Tennessee. As I understand, that is the only remaining matter of difference between the two bodies?

Mr. GOOD. That is the only matter.

The SPEAKER pro tempore. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, will the gentleman from Iowa state what the salary of the Chief of the Efficiency Bureau would be?

Mr. GOOD. It was $6,000 at the beginning of the year, but his salary was increased to $10,000, which is an increase of $4,000.

Mr. COOPER of Wisconsin. Ten thousand dollars for chief of that bureau?

Mr. GOOD. Yes; from $6,000.

Mr. COOPER of Wisconsin. I happen to know something about his efficiency. [Laughter.]

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what did the House conferees do in regard to the so-called half-and-half proposition?

Mr. GOOD. That is the provision in regard to the proportion of payments by the District and the Federal Governments?

Mr. BLANTON. Yes.

Mr. GOOD. The District pays 60 per cent and the Federal Treasury 40 per cent.

Mr. BLANTON. Then the Senate accepted the House's action?

Mr. GOOD. Yes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Chair asks authority to appoint conferees. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees.

The Clerk read as follows:

Messrs. GOOD, CANNON, and BYRNS of Tennessee.

VETERANS' BUREAU.

Mr. GARNER. Mr. Speaker, is the gentleman from Massachusetts preparing to move to adjourn?

Mr. WINSLOW. No; I am going to move to go back into the Committee of the Whole House on the state of the Union. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6611.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6611, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6611, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act.

The CHAIRMAN. Does the gentleman from Alabama insist on his point of order?

Mr. BANKHEAD. Mr. Chairman, I would like to know the opinion of the chairman of the committee in reference to this amendment. It seems to me that under the statement made it presents a rather equitable case for relief of these men.

Mr. SWEET. I am of the same opinion, but I am somewhat in doubt, the way the amendment is worded, as to whether it will simply take care of those who were drafted into the Army and afterwards were dismissed because of the fact they were alien enemies. Now, the amendment states that whenever they have "rendered faithful and honest service," and the question naturally rises, who is going to determine that?

Mr. BANKHEAD. The proponent of the amendment said that would be done by the War Department, but, as the gentleman suggests, it is a very indefinite, inaccurate description.

Mr. HUDDLESTON. I was going to suggest that the term "honest and faithful" has a certain technical significance in the War Department. That is to say, a soldier discharged under certain conditions is mentioned as "honest and faithful," and in another discharge is marked "excellent," and in another is marked "fair." The general public does not understand, but it means something definite in the War Department. I do not know the language in which the gentleman's amendment is framed, but if it contains the particular reference to the term "honest and faithful" it will have a particular significance if properly used.

Mr. BANKHEAD. I desire to call to the attention of the gentleman who offered the amendment that the amendment only gives him the benefit of the original war risk insurance act, and if he desires him to get the full benefit he ought to amend it so as to quote the amendments that have been made to the original act. I withdraw the reservation.

Mr. SWEET. I make no objection to the adoption of the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. That it is not germane to the bill.

Mr. SANDERS of Indiana. It seems to me the amendment is clearly germane.

The CHAIRMAN. Section 29 of the pending bill, to which the provision of the gentleman from Indiana is offered as an amendment, deals with the termination of insurance or of compensation under the war risk insurance act by virtue of the discharge or dismissal of any person from the military and naval service, on the ground that he is an enemy alien, conscientious objector, or a deserter, and so forth. The amendment of the gentleman from Indiana provides that—

An enemy alien who volunteered or was drafted into the Army, Navy, or Marine Corps of the United States during the war and whose service was honest and faithful shall be entitled to the benefits of the war risk insurance act.

The Chair thinks the amendment of the gentleman from Indiana is germane to the section under consideration and overrules the point of order.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the amendment. It seems to me before we adopt this particular amendment we ought to carefully consider just what it may lead to.

In discussing this question let us bear in mind that, in general, men of foreign birth and of native origin responded to the call of the declaration of a state of war on the 6th of April, 1917. The battle fields of Europe bear eloquent testimony to the fact that native-born and foreign-born Americans unselfishly paid the last supreme measure of devotion that this country might live. It was my privilege to visit the battle field in and around the Madelaine farm in the Argonne Forest. There were something like 550 graves there, which have since that time been removed to the main cemetery at Romaigne. I counted something like 11 or 12 different nationalities among the names marked upon the white crosses that dotted that small field.

While all of this is true, we should not let this fact blind us to the other fact, namely, that while many declarants completed their citizenship in the service many others refused to do so, and were discharged by virtue of a presidential order. Thousands of aliens who had not yet declared their intention of becoming citizens claimed and received exemption from service before the draft boards. Thousands of others who did not claim exemption upon induction into the service received their discharge after their induction into the service and by reason of their right as aliens. In other words, these latter folks were willing to receive all of the benefits of American citizenship and of American residence, but were willing to perform none of the duties or obligations accompanying them.

The nationals of an alien foreign country can be compelled to render military service under international law, because of the fact that, being residents of that country, they are receiving benefits and are therefore held to certain obligations. There are exceptions to this, where by treaty arrangements exemption from this service is stipulated. An alien enemy can not be forced to do military service, because that would be compelling him to serve against his own country.

The selective draft act of May 18, 1917, called upon "all male citizens or male persons not alien enemies who have declared their intention" of becoming citizens. The courts early held that the burden of proof was upon the draftee to establish his exemption. It was further held that this exemption could, of course, be waived by any alien enemy. During the war there was a total of 3,877,083 aliens who registered for the draft. Of these 1,270,182 were declarants, while 2,606,901 were nondeclarants. Of this total of nearly 4,000,000, 414,389 aliens were placed in class I. Of these, 160,594 were declarants, while nondeclarants numbered 253,795.

The total number of alien enemies registered were 432,909, of which 40,552 were placed in class I. This number was made up of 16,834 declarants and 23,718 nondeclarants. Of the total of alien enemies registered for the draft there were placed in class V–E 334,949. In other words, over 300,000 were placed in the deferred classification as alien enemies by the draft boards. These men made no attempt to get into the Army.

Now, then, of the total number of enemy aliens entering the Army there were discharged by Executive order from the camps in America 5,637.

I have no doubt but that some of the men discharged by reason of the Executive order, and which were included undoubtedly in this total of 5,637, were men who would have preferred to stay, but through misunderstanding neglected or were prevented from stating their desire to continue to serve. In fact, I have in mind a particular case of a man born in Czechoslovakia, then a part of Austria. He had served in the Minnesota National Guard preceding the outbreak of the war. He readily became federalized with his outfit upon our entry into the Great War. Upon the publishing of the Executive order permitting his discharge as an alien enemy, and its attempted application to him, he protested and endeavored to remain in the service. He was prevented from doing so because it was the impression of his officers that his discharge was mandatory. Personally, I feel that provision for a man with a service record of this kind could be cared for by a proper amendment. On the other hand, I do not want to pass an amendment which will confer benefits of the war risk insurance act upon the thousands who took their discharge gladly because they were enemy aliens.

If I understand the amendment of the gentleman from Indiana, in the terms in which it was drawn, he would grant all the privileges of the war risk insurance act to those men who were discharged under this Executive order, notwithstanding they did not protest against the discharge. Its provisions are so broad as to confer the benefits upon those who sought and claimed exemption. And unless his amendment is so modified as to provide that it shall only include those men who were forced out of the service against their will and against their consent I do not see that I can support it.

Mr. ROGERS. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. ROGERS. I recall in the final report of the provost general, Gen. Crowder, a discussion of the effect of this Executive order; that there were thousands of cases of men who were separated from the service as the result of those orders to which the gentleman has alluded. Now, my recollection is very clear that the overwhelming majority of those cases coveted the opportunity to get out.

Mr. NEWTON of Minnesota. There is no question about it.

Mr. ROGERS. They went in against their will and jumped at a chance to get out. If it is true, as the gentleman suggests, that the amendment covers that kind of a case I do not think there is much justification in accepting it.

Mr. NEWTON of Minnesota. I see no reason why, if the gentleman has a particular case where a man was forced out

of the Army against his consent, that his amendment can not be so modified as to include only that class.

Mr. LAYTON. Do you not think that an alien, whether an alien enemy or an alien of any sort, that was taken into the service, whether he went in as a volunteer or as a draftee, and served in the war, ought to be treated the same as anybody else?

Mr. NEWTON of Minnesota. What does the gentleman mean by his having served in the war? Does he mean that he went into a cantonment and served there for two or three months and when the Executive order was issued he gladly got out? Does the gentleman mean he should be granted all these privileges?

Mr. LAYTON. I mean he had absolute service, whether it happened in a camp or across the water.

Mr. NEWTON of Minnesota. The gentleman would include that class along with the worthy ones?

The CHAIRMAN. The gentleman's time has expired.

Mr. WINSLOW. Mr. Chairman, I move that the debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that the debate on this amendment and all amendments thereto close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. ROSSDALE. Mr. Chairman, I ask the unanimous consent of the House that the House publish a list of all those who served in the Army, the Navy, and the Marine Corps, and of those who made the supreme sacrifice in the World War. I ask that this list be published, preferably by States.

Mr. SANDERS of Indiana. Mr. Chairman, I do not think that should be asked in the committee. It has nothing to do with the pending legislation.

The CHAIRMAN. The gentleman may make a request to extend his remarks in the committee if he wishes to do so. It would be in the discretion of the House to grant it or not.

Mr. CAMPBELL of Kansas. The gentleman from New York, Mr. Chairman, did not ask to extend his remarks in the RECORD.

Mr. ROSSDALE. I have no remarks to publish on this subject. I simply ask that this list be published in the RECORD.

The CHAIRMAN. The Chair thinks that it would not be in order.

Mr. FISH. Mr. Chairman, during the period of the war and for some time afterwards there were a great many loose statements made in regard to the number of aliens, including enemy aliens, that dodged the draft, and one would think by reading the newspapers and by hearing the debates in Congress that there were literally hundreds of thousands of those men who dodged the draft. The figures showed that they amounted to only 1,600.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes. Aliens were not entitled to be drafted.

Mr. MADDEN. Enemy aliens were not. Nobody but citizens were entitled to be drafted.

Mr. FISH. I think the law to that effect was amended afterwards.

Mr. MADDEN. The law provided that they should be drafted if they had declared their intention to become citizens; but their respective countries objected to that, and afterwards that was waived.

Mr. NEWTON of Minnesota. The gentleman from New York, I am sure, does not want to make a misstatement.

Mr. FISH. Certainly I do not.

Mr. NEWTON of Minnesota. The gentleman has in mind evidently those who went into court and took corrective action to have their declaration of an intention to become citizens withdrawn or annulled. But there were thousands who did not follow that course and who were included in the draft. The gentleman no doubt has in mind the 1,600 who took affirmative action to annul the papers that had already been started.

Mr. FISH. There were almost 500,000 aliens or alien enemies in the Army, and there were only 1,600 who availed themselves of the opportunity of dodging the draft. It seems to me we should not make any distinction between men who actually served in the armies of the United States. If these men were good enough to be called or drafted into the service and wear the uniform of the United States, they are good enough to be entitled to all the benefits of this act, just as much as an American soldier who may have served for one day or one week and went out for one cause or other.

Mr. BLAND of Indiana. Mr. Chairman, I favor this amendment if it can be safeguarded; but I have in mind an instance where a man claimed he was a citizen of Germany, and on that ground claimed release from service in the Army. He went on through the drill and did all they told him, and he was never court-martialed; but he asked to be discharged under the law, and the law gave him that right, and he was discharged. I maintain that the War Department can not find that his service was not faithful when he served.

The gentleman's amendment appeals to me. If he made the request to get out of the Army because he was an enemy, he could not accept the benefits of the act.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. The gentleman from Indiana [Mr. BLAND] agrees to accept the amendment offered by the gentleman from Indiana [Mr. HICKEY], and therefore, Mr. Chairman, I offer that as an amendment to the pending amendment.

The CHAIRMAN. The gentleman from New York [Mr. FISH] offers an amendment to the pending amendment. Will the gentleman from New York send it up to the Clerk's desk?

Mr. BLAND of Indiana. It should read, "who was not discharged upon his own application by reason of his being an alien."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FISH] to the amendment offered by the gentleman from Indiana [Mr. HICKEY].

The Clerk read as follows:

Amendment offered by Mr. FISH to the amendment offered by Mr. HICKEY: At the end of the amendment strike out the period, insert a comma, and add "who was not discharged from the Army on his own application by reason of his being an alien enemy."

Mr. BLAND of Indiana. "On the ground of his being an alien enemy."

Mr. WINSLOW. Mr. Chairman, there seems to be a great deal of interest in this proposition and considerable uncertainty as to the accuracy of the language. In order that we may discuss the matter fairly and fully, I ask unanimous consent to pass over this amendment with the right to return to it later on.

The CHAIRMAN. The amendment or the section?

Mr. WINSLOW. The amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the amendment be passed over temporarily with the right to return to it at a later time. Is there objection?

Mr. WOOD of Indiana. Reserving the right to object, I understand it applies only to this amendment.

The CHAIRMAN. To the amendment and amendments to the amendment. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I have an amendment that I desire to offer.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 12, line 25, after the word "beneficiaries," strike out the period and insert a colon and add the following: "*Provided further*, That in case any person who has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the President that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, the President may direct and cause to be issued to such person an honorable discharge, and the person receiving such honorable discharge shall be entitled to the compensation and insurance benefits of the war risk insurance act.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on that amendment.

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order.

Mr. WOOD of Indiana. Mr. Chairman, I desire to state to the committee that it strikes me that the justice of this amendment should appeal to every Member of the House. I dare say it would not apply to very many persons; but I have in my own district a case, and I have heard of two other cases, where men were charged with offenses, tried in a hurry by a court-martial, found guilty, and sentenced to the penitentiary. In the case I have in mind it is perfectly apparent, and the record discloses, that at the time the young man was sentenced from overseas to the penitentiary in the United States he was insane. The evidence established beyond peradventure, had the trial been in court, that before this young man entered the Army he had a sick spell that resulted in aberrations of mind and that he was confined in a sanitarium for a number of years. It was thought he had recovered. He was ambitious to get into the Army. He did get in. He committed an offense and was convicted and sentenced to the penitentiary. He was confined there until he

became so insane that they could not treat him there, when he was paroled in order that his friends might place him in an insane asylum, where he now is and where he will probably die. There is no question in the mind of anybody who knows the facts in this case but that at the time the young man committed the offense for which he was tried he was insane. There is not a court in this land that would take away from that man, under those facts, any right of his or that would divest him of his property. When this Congress is attempting to provide all the privileges and benefits possible for the amelioration of the suffering and for the benefit of those who offered and gave their all, it can not afford to make a distinction that would reflect no credit upon us, but that would deny to the unfortunate few who are situated like this young man the rights and privileges of this bill.

Mr. SWEET. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Iowa.

Mr. SWEET. Do I understand the gentleman correctly that he is maintaining the proposition that any young man who was insane and who during the period of that insanity lost certain rights in regard to his insurance, and the like of that, should be entitled to receive the benefits of this bill?

Mr. WOOD of Indiana. That is the purpose of it.

Mr. SWEET. Or in case where such a man was court-martialed?

Mr. WOOD of Indiana. Yes; if insane at the time.

Mr. SWEET. The object of the gentleman's amendment is to take care of just such cases as that?

Mr. WOOD of Indiana. That is the purpose of it exactly, and only where the President is convinced that at the time the offense was committed the man who was court-martialed was insane. If he was insane, he could not commit the offense. There is no chance for abuse of the provision.

Mr. KIRKPATRICK. Will the gentleman from Indiana yield?

Mr. WOOD of Indiana. I yield to the gentleman from Pennsylvania.

Mr. KIRKPATRICK. Would not the effect of the gentleman's amendment be to permit the reopening of practically every case where there was a dishonorable discharge for court-martial, and permit going into the question of insanity over again?

Mr. WOOD of Indiana. No; it would only admit those cases where the War Department is satisfied that the man was insane.

Mr. KIRKPATRICK. But the time has long since elapsed. Any man who wanted to get back his status of an honorable discharge could take the whole thing up again and go into his mental condition at the time the offense was committed.

Mr. WOOD of Indiana. The burden is on the man who demands to do that, or on his friends.

Mr. KIRKPATRICK. That is true; but it would permit him to open up the question in each case where we have had an adjudication by court-martial and where there was an opportunity to raise the question of insanity.

Mr. WOOD of Indiana. Well, take the case that I have in mind: The hardship of the whole thing here was that the man had no mind with which to act; and it takes a man with some mind to act.

Mr. KIRKPATRICK. It may be that the man was poorly defended or that the question was not raised; but there is always a full and free opportunity in every court-martial for a man to be defended.

Mr. WOOD of Indiana. That is the presumption, but sometimes it is a violent one.

Mr. ROGERS. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. ROGERS. I would like to ask whether the gentleman's amendment is limited to cases which occurred between the declaration of war and the armistice?

Mr. WOOD of Indiana. My amendment does not limit it directly, but the language is such that, I think, that would be the construction of it.

Mr. ROGERS. This very bill we are now discussing recognizes the distinction that was made between presumption of soundness in war time and presumption of soundness in peace time in cases of recruits. I think there is a good deal of force in the gentleman's amendment. I reserved a point of order; but if the gentleman would limit it to cases that occurred between the declaration of war and the armistice I would withdraw my reservation of a point of order.

Mr. WOOD of Indiana. That would be perfectly agreeable to me.

Mr. KINDRED. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. KINDRED. Do I understand that the purpose of the gentleman is to give ex-service men suffering from insanity the same legal status that an insane person would have under the criminal and civil law of the respective States?

Mr. WOOD of Indiana. That is it exactly.

Mr. DEMPSEY. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. DEMPSEY. The gentleman's amendment applies to those suffering from insanity at the time the offense was committed?

Mr. WOOD of Indiana. Yes.

Mr. DEMPSEY. How is it possible to prove the sanity or insanity of a man years afterwards; if it is right at the time when the trial was had following the offense the conditions can be easily established. Years after the comrades about him are scattered, nobody knows anything about it, and if you leave it to the Executive instead of the court-martial, if you leave it to the President whether the man tried at a given time was sane or not——

Mr. WOOD of Indiana. That is not the proposition at all. Take the case that I have in mind. The record in the case discloses that the whole thing happened within a few hours; he was arrested, and he had practically no trial at all; he had no defense—it was one of those instances where there was an abuse of the law of court-martial. I can not conceive how anybody could be wronged if the burden is on the person to show that at the time the offense was committed he was insane or of unsound mind.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. I will say that it is perfectly agreeable to me to have the limit put in the amendment.

Mr. ROGERS. If the gentleman will frame an appropriate amendment I will withdraw my reservation of the point of order.

Mr. WOOD of Indiana. I will ask to modify my amendment by inserting the limit.

Mr. PARKER of New Jersey. Mr. Chairman, I make the point of order.

Mr. GARRETT of Tennessee. Will the gentleman from Indiana yield before he modifies his amendment?

Mr. WOOD of Indiana. Yes.

Mr. GARRETT of Tennessee. I do not exactly see just why this amendment should be adopted, but if it is right between the declaration of war and the signing of the armistice why should not it be right after? If it is a right thing to do before the 11th of November why is not it right afterwards?

Mr. PARKER of New Jersey. My point of order, Mr. Chairman, goes to the whole subject.

The CHAIRMAN. The gentleman from New Jersey makes the point of order.

Mr. PARKER of New Jersey. I make the point of order that this bill deals with granting of war-risk insurance relief to persons in a certain status, and it does not deal with the setting aside of courts-martial or giving an honorable discharge. That is a matter of military law and not for this bill.

Mr. WOOD of Indiana. Mr. Chairman, if the gentleman will read the section attempted to be amended by this amendment he will see that it applies to persons who were discharged from the military and naval forces on the ground that they were alien enemies, conscientious objectors, or deserters, or guilty of mutiny, treason, spying, or any offense involving moral turpitude. Suppose a soldier has been tried and convicted by court-martial, resulting in his dishonorable discharge, because of mutiny, because of some offense involving moral turpitude, because of any of the things specified in this section. The amendment is certainly germane because of the fact that the purpose of this bill is to extend under certain circumstances the provisions of this measure. This is attempting to extend it further by extending to those who have been tried and convicted by court-martial and who are found to have been insane at the time the offense of which they were convicted was committed.

Mr. PARKER of New Jersey. Mr. Chairman, this section of the bill provides that certain facts shall terminate the insurance. The gentleman wishes to provide means of getting rid of the proceedings of court-martial, which would have terminated the insurance. He does not have anything to do with the insurance, but simply wants to have an honorable discharge granted to a man who has been court-martialed. That is a mattter of military discipline and not a matter relating to insurance as provided for in this bill.

Mr. WOOD of Indiana. The purpose of this is that he may have the benefits of this act.

The CHAIRMAN. The Chair is ready to rule. The provisions of section 29 do not deal directly with discharges or dismissals from the Army. They rather provide that persons who are discharged or dismissed for certain reasons shall not be entitled to the benefits of compensation or insurance under the provisions of the war risk insurance act. That is to say, the words with reference to discharge and dismissal are descriptive of the persons who are not entitled to the benefits of the war risk insurance act. It might be in order to provide by amendment that a person dishonorably discharged from the military or naval forces as a result of court-martial, who was insane at the time of such trial, might be entitled to the benefits of the war risk insurance act, but this amendment goes further than that. It authorizes the President to direct and cause to be issued to such a person an honorable discharge. The Chair is of opinion that this provision and this bill does not deal with discharges in such a way as to make an amendment which undertakes to authorize the discharge of a soldier from the Army germane to the provisions of the bill. The Chair, therefore, sustains the point of order.

Mr. WOOD of Indiana. Mr. Chairman, in view of the ruling of the Chair, and in order that I may submit an amendment that will meet with it, I shall ask unanimous consent that the proposed amendment which I desire to offer may go over for consideration later, the same as the other amendment went over.

Mr. WINSLOW. Mr. Chairman, the situation in respect to these two amendments is entirely different. One was put over because of a desire to clarify language and the other goes out on a ruling of the Chair.

Mr. DOWELL. Mr. Chairman, there is another phase to this, if I may suggest it. There are a number who entered the service who were in France and who served in many of the engagements, who were under age, and who upon the application of some one here and upon the statement of facts to the department, were taken from the service and released without an honorable discharge. Without any action on their part they are unable to participate in the benefits of this bill, and they also should be joined in this amendment.

Mr. FISH. Mr. Chairman, does the gentleman know of any such case? I am under the impression that the War Department has ruled otherwise.

Mr. DOWELL. I know of one case I took up with the department where a young man served in France——

The CHAIRMAN. All this is out of order.

Mr. WINSLOW. Mr. Chairman, I demand the regular order.

The CHAIRMAN. What is the request of the gentleman?

Mr. WINSLOW. Mr. Chairman, is there any reason why we can not have an objection enforced on a demand for the regular order?

The CHAIRMAN. The Chair would like to submit the request to the House before objection is made.

Mr. WINSLOW. I understood that it had been submitted.

The CHAIRMAN. It has not been.

Mr. WOOD of Indiana. I ask unanimous consent that this matter go over for final consideration and examination with the other amendment which is now proposed to the same provision in order that I may have an opportunity to draw an amendment which will be in order and in no wise conflict with the progress of this bill.

Mr. SANDERS of Indiana. Mr. Chairman, as I understand the request, it is to present a modified amendment.

Mr. WOOD of Indiana. Yes.

Mr. SANDERS of Indiana. I think the gentleman from Massachusetts understood that it was to present the same amendment.

Mr. WINSLOW. I have no particular objection to the request, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he be permitted to offer an amendment to the section under consideration at a later time, although that section has been passed. Is there objection?

Mr. RAYBURN. I think the gentleman can submit his request later as well as now, and I object.

Mr. BLACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK. Was not this section passed for amendment until to-morrow?

The CHAIRMAN. The section was not passed. The request was that the gentleman be permitted to offer an amendment to this particular section at a later day notwithstanding the fact that the section has been passed over. The Chair does not understand the entire section was passed over, but that an amendment could be offered to it later.

Mr. BLACK. Very true; but there is a parliamentary inquiry I want to propound. That amendment will be subject to an amendment, and if the gentleman from Indiana proposes an amendment which is not subject to a point of order, there would be nothing to hinder him offering it.

The CHAIRMAN. So far as the Chair knows now, it would not, but the Chair is not passing upon that question.

Mr. BARKLEY. The only thing passed over was the right to offer an amendment. The whole section was not passed.

Mr. BLACK. But that amendment could be amended by a proper amendment.

Mr. BARKLEY. Yes; by a germane amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Page 12, line 25, after the word "beneficiary," strike out the period and insert a colon and add the following: "*Provided further*, That in case any person has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the President that at the time of the commission of the offense resulting in such court-martial, trial, and discharge, that such person was insane, such person shall be entitled to the compensation and insurance benefits of the war risk insurance act."

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry. Is not that the same amendment offered a moment ago?

Mr. WOOD of Indiana. Oh, no; it is entirely different. It strikes out the phrase "The President may direct and cause to be issued to such person an honorable discharge," and so forth.

Mr. GREENE of Vermont. Will the gentleman permit a question?

Mr. WOOD of Indiana. I will.

Mr. GREENE of Vermont. Now, cases which arise under the general law that are analogous to this present this situation: That whereas some other committee perhaps is charged with the preparation of legislation along the line of pensions or emoluments for service, the question of changing the status of a discharged man so that he can take advantage of this pension law will go to the Committee on Military Affairs. That is the long-standing practice of the House, and, if the gentleman will recall, the proposition is not to change the record, but the proposition that is submitted to the Committee on Military Affairs is that such and such a man shall be in a pensionable status.

Mr. WOOD of Indiana. That is true; but that is under the old pension act, which is very different from the character of legislation we have to do with now.

Mr. GREENE of Vermont. I am getting at the general practice which seems to me ought to underlie all the practices of the House when the cases are analogous. It does not make any difference whether the details of the pension law differ from the details of this law; are not the circumstances identical? The man is discharged from the Army if he served in the Civil War or the War with Spain under conditions that would not permit him to receive the advantages of the pension law, and it is the same thing here. Whereupon we refer his case to the Committee on Military Affairs, and they will have a rehearing and reexamination that may restore his status so that he can take advantage of the pension laws.

Mr. WOOD of Indiana. That would be the only way to treat this, too, and what objection could there possibly be? I apprehend that the President of the United States would require the most positive proof that the person at the time was insane. It would be a great deal easier, no doubt, in a given case to get through a special bill, but it strikes me while we are enacting this character of legislation for the relief of all those who are entitled to it that the character of cases I have mentioned should come within the purview of it.

Mr. GREENE of Vermont. I want to suggest there, because I am in sympathy in a great measure with the gentleman's intention, you are now proposing to enact a general law to get at special cases, which is contrary to good policy in any legislative body anywhere and results always in abuse, because its administration is charged upon the people who administer that general law and who are not prepared always to take care of special equity cases.

Mr. WOOD of Indiana. If you will take this bill from start to finish, you will find that it applies to special cases.

Mr. GREENE of Vermont. Then it is to that extent wrong.

Mr. WOOD of Indiana. I add one more special case to it.

Mr. DEMPSEY. Is not this a further development of the thought of the gentleman from Vermont, that it is turning over to the Executive what is absolutely a legislative matter?

Mr. GREENE of Vermont. Absolutely.

Mr. DEMPSEY. And is not this in line with special pension cases, where you have to get your honorable discharge or the record straightened before the committee will consider it? Is not that legislative and not executive?

Mr. WOOD of Indiana. It would not be considered legislative in any event. If anything, it is judicial. You are referring it to the President for the purposes of determining judicially.

Mr. WINSLOW. Mr. Chairman, it is my purpose to close debate on this.

Mr. BLACK. I would like to have five minutes on this amendment.

Mr. WINSLOW. The chairman of the committee is in rather an unhappy situation. He has in mind that a motion was made by him and carried some considerable time ago, some 40 minutes, that the debate end in 10 minutes, and time was given to the gentleman from New York [Mr. FISH] and the gentleman from Indiana [Mr. WOOD] on this section. We have run on now for about half an hour rather than to disappoint anybody.

Mr. BLACK. The gentleman has not heard any remarks from me at all.

Mr. WINSLOW. And we have thought of enforcing that 10-minute regulation.

The CHAIRMAN. The Chair is not aware that any limit was placed on this section; in that, he is confirmed by everybody now at the desk. If the gentleman desires to make a motion the Chair will entertain it.

Mr. BLACK. The gentleman need not make it on my account.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. WOOD of Indiana) there were—ayes 35, noes 30.

Mr. WINSLOW. Mr. Speaker, I call for tellers.

Tellers were ordered.

Mr. BLACK. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair thinks there is no quorum present.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. STAFFORD having assumed the chair as Speaker pro tempore, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6611, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. WINSLOW. Mr. Speaker, I would like to ask unanimous consent for permission to be given to the Members to extend their remarks for five legislative days on this bill, H. R. 6611.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that all Members have five legislative days in which to extend their remarks on the bill.

Mr. GARNER. Mr. Speaker, will not the gentleman confine it to their own remarks rather than to tables and literature, and things of that kind?

The SPEAKER pro tempore. Does the gentleman from Massachusetts modify his request?

Mr. WINSLOW. I would like to modify my request by adding thereto the request that they be obliged to confine the extension to their own remarks.

The SPEAKER pro tempore. The gentleman modifies his original request by placing the limitation that they shall be confined to their own remarks. Is there objection to the request as modified? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. GARNER. Mr. Speaker, for the information of the gentlemen who may not be here, I want to ask the gentleman from Wyoming a question for the benefit of the RECORD.

The SPEAKER pro tempore. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARNER. I wish the gentleman from Wyoming would make a statement for the RECORD with reference to when we will vote on the peace resolution. There have been a great many inquiries about it, and it is a matter of considerable importance.

Mr. MONDELL. My understanding is that the rule for the consideration of the peace resolution will be presented immediately after the conclusion of the consideration of the bill now before the House. And we hope to have a vote on it Saturday afternoon.

Mr. GARNER. Let me ask the gentleman if his information is not to the effect that the rule will provide that the vote shall occur at 5 o'clock on Saturday afternoon?

Mr. MONDELL. At half-past 4 or 5 on Saturday afternoon.

Mr. GARNER. Then the vote will be, if I understand the gentleman from Wyoming, on Saturday afternoon at 4 or 5 o'clock?

Mr. MONDELL. Yes; and the sooner we reach the peace resolution the more opportunity there will be for debate on that resolution. And if the gentleman from Texas will allow me, I desire to submit a unanimous-consent request.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The gentleman from Wyoming is recognized.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. MONDELL. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a short article from the Manufacturers' Record relative to the financial situation as affecting the manufacturers of the country.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting the article referred to by him. Is there objection?

Mr. WALSH rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. Reserving the right to object, in the confusion I did not hear the mention of the article referred to.

Mr. KING. It is a short article stating the financial condition of the manufacturers of the country.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Following is the article referred to:

[From Manufacturers Record, June 2, 1921.]

On November 14, 1919, a high-powered automobile, containing four people, drove into the town of Pierce, Nebr., and stopped in front of the Cones State Bank. The engine was kept running. Two men, armed with revolvers, got out of the car and entered the institution. As agents of the Federal reserve bank, they presented checks to the aggregate value of $31,900, for which they demanded cash, declining to accept drafts. These checks represented an accumulation of items which had been brought together over a period of more than three weeks. One of these Federal reserve agents stated to the officers of the bank that the other agent "was a United States marshal, hard-boiled and armed; that he had cleaned up the State of Kansas and would get us anyway" unless the Cones State Bank signed an agreement to follow the orders of the Federal reserve bank. These agents also stated that where a State bank declined to obey orders, it was certain to be driven to the wall by the power of the Federal reserve system, which was really the Government of the United States. The case is not an isolated one. It is typical of what was done in hundreds of cases by the gunmen of the Federal reserve bank. The methods of coercion used and threatened were:

"1. The Federal Reserve Board would accumulate checks on a State institution until the gross amount of such checks exceeded the amount of currency said State bank was required to carry in its vaults or was likely to have on hand. It would then send men armed with guns to demand payment. If payment could not be made in cash, the checks were protested and the news spread about town that the bank was being questioned by the Government, the result of which would be to cause a run on the bank. But if the bank, threatened by such disaster, signed an agreement to obey the illegal orders of the Federal reserve bank, then cash for checks was not required, but drafts were accepted at par.

"2. If the first method of coercion failed, the State banks in small towns were notified that a competing national bank would be organized to drive them out of business; that such national bank would be supported with the full power of the Federal reserve bank, against which no small State bank could hope to wage a successful fight.

"3. If both of these methods of coercion failed, the State bank was warned that its correspondents in the cities would be prevented thereafter from extending it any accommodations, would call its loans, and would drive it into bankruptcy."

The above facts are taken from the sworn testimony of witnesses before the Committee on Rules of the House of Representatives, May 4, 5, and 6, 1920. They give a mere inkling of the truth as revealed by the full testimony, copies of which can be procured from the Government Printing Office, under the title "Hearings Before the Committee on Rules on House Resolution 476, Sixty-sixth Congress."

The American Bank & Trust Co. appealed to the courts to prevent the Federal Reserve Bank of Atlanta, Ga., from continuing lawless assaults of the sort outlined above. The case finally reached the Supreme Court of the United States, which had before it much of the evidence which was brought out at the hearing to which we have referred. The opinion of the court was delivered by Mr. Justice Holmes, and never before, perhaps, in the history of that august tribunal has such a scathing denunciation of official lawlessness been delivered as the following:

"The defendants (Federal reserve bank) say that the holder of a check has the right to present it to the bank upon which it was drawn

for payment over the counter, and that however many checks he may hold he has the same right as to all of them and may present them all at once, whatever his motive or intent. They ask whether a mortgagee would be prevented from foreclosing because he acted from disinterested malevolence and not from a desire to get his money. But the word 'right' is one of the most deceptive of pitfalls; it is so easy to slip from a qualified meaning in the premise to an unqualified one in the conclusion. Most rights are qualified. A man has at least as absolute a right to give his own money as he has to demand money from a party that has made no promise to him; yet if he gives it to induce another to steal or murder, the purpose of the act makes it a crime.

"A bank that receives deposits to be drawn upon by check of course authorizes its depositors to draw checks against their accounts and holders of such checks to present them for payment. When we think of the ordinary case the right of the holder is so unimpeded that it seems to us absolute. But looked at from either side it can not be so. The interests of business also are recognized as rights, protected against injury to a greater or less extent, and in case of conflict between the claims of business on the one side and of third persons on the other lines have to be drawn that limit both. A man has a right to give advice, but advice given for the sole purpose of injuring another's business and effective on a large scale might create a cause of action. Banks, as we know them, could not exist if they could not rely upon averages and lend a large part of the money that they receive from their depositors on the assumption that not more than a certain fraction of it will be demanded on any one day. If without a word of falsehood but acting from what we have called disinterested malevolence a man by persuasion should organize and carry into effect a run upon a bank and ruin it, we can not doubt that an action would lie. A similar result, even if less complete in its effect, is to be expected from the course that the defendants are alleged to intend, and to determine whether they are authorized to follow that course it is not enough to refer to the general right of a holder of checks to present them but it is necessary to consider whether the collection of checks and presenting them in a body for the purpose of breaking down the petitioner's business as now conducted is justified by the ulterior purpose in view.

"If this were a case of competition in private business, it would be hard to admit the justification of self-interest, considering the now current opinion as to public policy expressed in statutes and decisions. But this is not private business. The policy of the Federal reserve banks is governed by the policy of the United States with regard to them and to these relatively feeble competitors. We do not need aid from the debates upon the statute under which the reserve banks exist to assume that the United States did not intend by that statute to sanction this sort of warfare upon legitimate creations of the States."

Warfare! Warfare by the Federal Reserve Board against creatures of the State over whom the board had been warned by a definite opinion of the Attorney General of the United States, addressed to the President on March 21, 1918, in response to his request, that the Federal reserve act "does not command or compel these State banks to forego any right they may have under the State laws to make charges in connection with the payment of checks drawn upon them," and it was notorious that CARTER GLASS, in presenting the conference report for the adoption of the act to the House, had definitely explained and promised that the Federal Reserve Board had no control over the operation of nonmember banks unless they "voluntarily" joined the collection system.

When called to the stand a year ago to explain the barbarous operations of his agents, Gov. W. P. G. Harding, as usual, pleaded ignorance in some cases and in some others evaded the issue. He has the reputation of being what professional men call a "clever witness." But he could not quite get away from the persistence of Congressman REAVIS, of Nebraska, who finally forced these admissions:

"Mr. REAVIS. What I want to get into this record is the fact that whenever these nonmember banks will sign the agreement to do that thing, which in law you can not force them to do, you accept exchange from them.

Gov. HARDING. Yes, sir.

Mr. REAVIS. And when they refuse you demand cash and refuse to accept exchange.

Gov. HARDING. It appears in some cases that that has been done.

It was habitually done, not one time but thousands of times. Indeed, so indignant were some gentlemen at the seeming lack of definite knowledge on the part of Gov. Harding that the following day Mr. Alexander Smith, of Atlanta, attorney for the assaulted banks, said: "In view of the statement yesterday by the governor of the Federal Reserve Board that these things were not being done with his knowledge and consent, I wish to introduce an original letter from Mr. E. P. Tyner, assistant cashier of the Federal reserve bank of Kansas City, dated December 3, 1919, containing this paragraph:

"'Our action in adding the entire State of Missouri to the par list was taken at the request and with the approval of the Federal Reserve Board at Washington,'" etc.

Moreover, it was testified by Mr. Claiborne, of the Whitney Central National Bank, of New Orleans:

"You (Congress) then refused to create a central bank in Washington, but what you have to-day is really a central bank in Washington. They are attempting to make out of these local boards, boards which must submit absolutely to what Washington says. Those boards are not permitted to act for themselves; they get their instructions and advices from Washington."

We emphasize this point because Gov. Harding last December professed to be ignorant of the contents of instructions issued by the Federal reserve bank of Richmond demanding drastic restriction of credit and rather sought to make it appear that our publication of these orders in their essential form was misleading and, if not misleading, could not be held to be representative of the policy of the Federal Reserve Board. Each of the 12 regional banks is absolutely dominated by the board in Washington. They have no basic policies except those handed to them from Washington. The evidence all shows most conclusively that Gov. Harding was not only cognizant of what the Richmond bank was doing all last year, but that he was equally cognizant at all times of the at-the-pistol-point methods whereby his agents were attempting to coerce country banks.

At this hearing a year ago Gov. Harding boasted that the lower court had sustained the right of the Federal Reserve Board to accumulate checks and present them in bunches. He emphasized that very point. All he wanted to do, he said, was to carry out the law. But the case got to the Supreme Court of the United States. It, too, reversing the lower court, dwelt at length on just this very point, as is noted above. It went out of its way to discuss this identical alleged "right" of the board to collect checks in such a way as to destroy small banks.

In the face of the decision Gov. Harding at once prepared or had prepared a statement for the press in which he ignored the court's overwhelming condemnation of the Federal Reserve Board's policy and dwelt on the fact that the decision itself related to an issue of pleading, which was true enough technically but not otherwise. He then went on to say:

"The Supreme Court's decision will not interfere with the present check-clearing functions of the Federal reserve banks, and those banks will continue, as heretofore, to collect checks drawn upon those banks which are listed upon the par lists."

If that meant what the public thinks it means—what any but an expert would assume it to mean—Gov. Harding could not remain in office one week. Before the authority of the Supreme Court had been established thoroughly in our system of government, a President, it is true, did feign to ignore its mandates, but there is no man big enough to do so to-day, from the President down, and none, save a bolshevist, would make the attempt. Gov. Harding does not mean to say that he will continue collections by lead-pipe methods. He says he will continue to clear checks upon those banks "which are listed upon the par lists." Of course he will, because that is not the issue at all. What the Supreme Court has said is that he shall not coerce banks not on the "par lists" and force them to get on those lists. And he will not. He will not because the days of his dominance are numbered and the new influence in power in the board would never for one moment permit him, with all his arrogance, to ignore a mandate of the supreme tribunal or spit upon the law and flag. No doubt he would like to do it, but he has been shorn of some of his power by the drastic decision of the Supreme Court. Yesterday it was the new administration that was reversing the whole Gov. Harding policy of ruin and destruction. To-day it is the Supreme Court which denounces him and his former associates as having waged warfare against State banks with ruthlessness beyond the power of words to adequately describe. It is a terrible accusation—more terrible than any the Manufacturers' Record has heretofore made against the Federal Reserve Board. Indeed, in view of the facts that are coming out, we are amazed at our own moderation. We are even more amazed that this conspiracy against the public weal by public officers has been able to remain so long concealed and that even now the press refrains, for some reason or other, from giving proper publicity to the awful blunders which have been made. Has it, too, been coerced and is the Federal Reserve Board, with its gunmen and Apaches, driving the Nation into another Jackson fight to restore the financial liberties of the people?

What is a bolshevist? We know not how many millions or billions Lenin and Trotski have wiped out of existence. We do know that the operation of the Federal Reserve Board last year "wiped off the slate as with a sponge" $25,000,000,000 of the national wealth of the United States. In sheer destructiveness it challenges bolshevism at its worst. And now we have the governor of the Federal Reserve Board, when branded by the Supreme Court with having waged warfare against the State banks and with operation of a generally lawless policy, putting out a statement purporting, except to experts, to mean that he will not cease from that warfare but will continue in arrogant lawlessness. There is the spirit, if not the fact, of bolshevism in the pronouncement. Much power has made the man mad. He has been so long the master he has forgotten he is a servant. "This divine-right thing" testifies a banker, "descends upon people very insidiously. The minute they get the authority they get the idea in their heads that anything they say should be done must be done and anybody who dares to contradict that becomes a criminal." It is even worse than that, for this man has not only overruled the Congress of the United States by forcing on the country a central bank in defiance of orders not to; he has not only set himself up as an arbiter of prices and by deliberate intent broken the markets and pursued a policy which Abraham Lincoln denounced aforetime as dishonest and criminal; he has not only set in motion his desperadoes to destroy the State banking system in the United States in order that all financial authority may reside in himself and he become an absolute dictator of the Nation's credit facilities, but he has, in addition, when his lawlessness has been exposed by the Supreme Court, had the insolence and impertinence to make a public statement which gives the impression that he is going to continue in his ways despite the court or any other authority.

This man can not remain in office. He can not get out of office without an investigation. The thing has gone too far. A Congress that fails to look deep into the whole past conduct of the administration of Gov. Harding will be discredited before the polls are reached in the next election. An administration that kept him in power would be swept into oblivion the first chance the voters got. He must get out. Not until he is out will there be any confidence among business men in the United States. The whole institution of banking is under a cloud while he continues in office. He breathes a poisonous miasma over the entire financial administration in the United States. He exudes distrust and ruin.

They said of the second Adams that the touch of his hand was like ice and he chilled the heart of the Nation. The charge may not have been true, but a hand of ice is responsible for "frozen credits" in this great country to-day, and there will be no warmth again in commerce until the shadow of its owner's body no longer spreads its bolshevistic darkness into the far corners of the land.

Gov. Harding must get out! No man against whose actions the Supreme Court has rendered a decision couched in language probably never before used by that august tribunal can remain at the head of our Nation's banking system.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the bill that we considered to-day.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARNER. On what subject?

Mr. HILL. In connection with the remarks made in opposition to my amendment, including some resolutions.

Mr. GARNER. I object.

The SPEAKER pro tempore. Objection is made.

LEAVE OF ABSENCE.

Mr. DEAL, by unanimous consent, was granted leave of absence for one week, on account of important business.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned, pursuant to the order, until to-morrow, Friday, June 10, 1921, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

158. Under clause 2 of Rule XXIV, a letter from the chairman of the Federal Trade Commission, transmitting report analyzing the activities of the trade associations composed of Douglas fir loggers and lumber manufacturers of the Pacific coast, the chief source of the Nation's reserve lumber supply, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the joint resolution (H. J. Res. 151) to provide that deferred grazing fees received prior to December 31, 1921, shall be considered as receipts of the fiscal year 1921, reported the same without amendment, accompanied by a report (No. 155), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6652) to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla., reported the same without amendment, accompanied by a report (No. 156), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6653) to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla., reported the same with amendments, accompanied by a report (No. 157), which said bill and report were referred to the House Calendar.

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 1317) to authorize the Secretary of War to release the Kansas City & Memphis Railway & Bridge Co. from reconstructing its highway and approaches across its bridge at Memphis, Tenn., reported the same with an amendment, accompanied by a report (No. 158), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bill and petitions, which were referred as follows:

A bill (H. R. 6666) to restore Sally A. Carney, widow of John H. Carney, to the pension roll; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Sundry petitions urging the passage of that section of the naval appropriation bill relating to reduction of naval armament; Committee on Naval Affairs discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McARTHUR: A bill (H. R. 6991) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census; to the Committee on the Census.

By Mr. RIDDICK: A bill (H. R. 6992) to amend an act entitled "An act for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war"; to the Committee on the Public Lands.

By Mr. BEGG: A bill (H. R. 6993) for the relief of retired commissioned and warrant officers of the United States Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. KREIDER: A bill (H. R. 6994) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the acquisition of land near Middletown, Pa., for an Air Service general repair depot and make additional appropriations therefor; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 6995) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEE of Georgia: A bill (H. R. 6996) to direct the Secretary of the Treasury to loan to the Federal Farm Loan Board the sum of $200,000,000, and for other purposes; to the Committee on Banking and Currency.

By Mr. VOLSTEAD: A bill (H. R. 6997) to amend certain sections of the Judicial Code relating to the Court of Claims, to regulate appeals therefrom, and for other purposes; to the Committee on the Judiciary.

By Mr. LONDON: A bill (H. R. 6998) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903; to the Committee on the Judiciary.

By Mr. BUTLER: A bill (H. R. 6999) to authorize certain officers on the retired list of the Navy and Marine Corps to receive pay in accordance with their rank as now shown by the records of the Navy Department; to the Committee on Naval Affairs.

By Mr. VINSON: A bill (H. R. 7000) to pension soldiers and sailors of the War with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 153) permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. EDMONDS: Concurrent resolution (H. Con. Res. 21) providing that legislation dealing with pensions, private claims, distribution of war trophies, etc., be initiated by petition on suitable furnished forms; to the Committee on Rules.

By Mr. PORTER: Resolution (H. Res. 110) for the immediate consideration of Senate joint resolution 16; to the Committee on Rules.

By Mr. RYAN: Resolution (H. Res. 111) for an investigation of the statements made by Rear Admiral William Sims, United States Navy, in his speech before the English Speaking Union in London, England, on June 6, 1921; to the Committee on Rules.

By Mr. A. P. NELSON: Memorial of the Legislature of the State of Wisconsin, requesting Congress not to repeal the excess profits and surtax laws and not to pass the sales tax law; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin, relating to the restoration of package freight boats on the Great Lakes; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 7001) granting a pension to Clara Cloe Ross; to the Committee on Pensions.

By Mr. BIRD: A bill (H. R. 7002) granting an increase of pension to Nancy A. Judson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7003) granting an increase of pension to Fermon L. Botkin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7004) granting a pension to Lucinda Buckles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7005) granting a pension to Benjamin F. Burch; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 7006) granting a pension to Eliza A. Beaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7007) granting a pension to Nancy J. Miller; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 7008) granting a pension to Annie Topper; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 7009) for the relief of Lottie May Bolin; to the Committee on Claims.

Also, a bill (H. R. 7010) for the relief of Southern Transportation Co.; to the Committee on Claims.

Also, a bill (H. R. 7011) for the relief of Northern Transportation Co.; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 7012) authorizing the Secretary of War to donate to the town of Warwick, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 7013) granting a pension to Jane Lewis; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 7014) granting a pension to John S. Freeland; to the Committee on Invalid Pensions.

By Mr. GERNERD: A bill (H. R. 7015) for the relief of the estate of Benjamin Fenton; to the Committee on War Claims.

Also, a bill (H. R. 7016) granting a pension to William H. Trautman; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 7017) authorizing the Secretary of War to donate to the town of Avis, Pa., one captured German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 7018) granting an increase of pension to Emil J. Olsen; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 7019) granting a pension to Flora Turcott; to the Committee on Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 7020) waiving the age limit for transfer to the Regular United States Navy in the case of Lieut. Thomas G. Odell; to the Committee on Naval Affairs.

By Mr. LINTHICUM: A bill (H. R. 7021) granting a pension to Julia Gallagher; to the Committee on Pensions.

Also, a bill (H. R. 7022) granting a pension to Eliza W. Davis; to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 7023) granting an increase of pension to Mary Walden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7024) granting a pension to Bertha A. Beckman; to the Committee on Pensions.

Also, a bill (H. R. 7025) to correct the military record of Samuel D. Jarman; to the Committee on Military Affairs.

By Mr. MILLSPAUGH: A bill (H. R. 7026) granting a pension to Marion B. Rathbun; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 7027) for the relief of Herbert E. Shenton; to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 7028) to authorize the President of the United States to appoint James Dickson Polley, late a captain in the Ordnance Department of the United States Army, a captain in the Quartermaster Corps; to the Committee on Military Affairs.

By Mr. RAMSEYER: A bill (H. R. 7029) granting an increase of pension to Mary Burke; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 7030) granting a pension to Addie M. McKinney; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 7031) for the relief of Lewis M. Haupt; to the Committee on Claims.

Also, a bill (H. R. 7032) for the relief of Lewis M. Haupt; to the Committee on Claims.

By Mr. ANDERSON: Resolution (H. Res. 109) to pay Ernest H. Bradley the sum of $300 for services rendered to the Committee on Appropriations; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1169. By the SPEAKER (by request): Resolution of the Grace Methodist Episcopal Church, Grove City, Pa., urging disarmament; to the Committee on Foreign Affairs.

1170. By Mr. ARENTZ: Petition of residents of Gold Hill, Virginia City, and Goldfield, Nev., requesting Congress to take necessary action to bring about the recognition of the existing and duly elected government of the republic of Ireland; to the Committee on Foreign Affairs.

1171. By Mr. BARBOUR: Resolution at the annual convention of the California Federation of Women's Clubs, urging action by the Government for the preservation of the redwood groves of California; to the Committee on the Public Lands.

1172. Also, resolution adopted at the annual convention of the California Federation of Women's Clubs, urging appropriation for the furnishing of adequate living quarters, clothing, etc., to ex-service men while being reeducated; to the Committee on Interstate and Foreign Commerce.

1173. By Mr. BEEDY: Resolutions from the General Board of L'Union St. Jean-Baptist D'Amerique and from Mercier Court, No. 822, Catholic Order of Foresters, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

1174. By Mr. BRIGGS: Resolution of Texas Chamber of Commerce, urging deep water for Corpus Christi and vicinity; to the Committee on Rivers and Harbors.

1175. Also, resolution of Texas Chamber of Commerce, urging the Government of the United States to recognize the present Government of the Republic of Mexico; to the Committee on Foreign Affairs.

1176. By Mr. COCKRAN: Petition of members of the Chapel of the Incarnation, 249 East Thirty-first Street, New York City, urging the President and Congress to call a conference of the leading nations on reduction of armaments at the earliest possible date; to the Committee on Foreign Affairs.

1177. By Mr. CRAMTON: Resolution of the Michigan Tuberculosis Association, indorsing House bill 6047, especially the appointment of a Cabinet member to head the new department of public welfare; to the Committee on Interstate and Foreign Commerce.

1178. By Mr. DALLINGER: Resolution of the executive committee of the Canadian Club, in opposition to the resolutions introduced in Congress for the recognition of the so-called Irish republic; to the Committee on Foreign Affairs.

1179. Also, memorial adopted by the people of the First Methodist Episcopal Church, Melrose, Mass., favoring the calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1180. Also, resolution adopted by Grace Methodist Episcopal Church, Cambridge, Mass., favoring calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1181. By Mr. DARROW: Resolution of the Palatinate Reformed Church of Philadelphia, Pa., and from E. D. Batis and 65 other citizens of Olney, Pa., favoring disarmament; to the Committee on Foreign Affairs.

1182. By Mr. FENN: Resolutions of the Congregational Church, Unionville; St. James Parish, of Hartford; and Hartford Council of Churches, Hartford, all in the State of Connecticut, seeking disarmament; to the Committee on Foreign Affairs.

1183. By Mr. FROTHINGHAM: Resolutions adopted by the Women's Auxiliary of American Legion Post of Braintree, Mass., and the Women's Auxiliary of Edward J. Beatty Post, No. 24, American Legion of Canton, Mass., urging relief of the disabled soldiers; to the Committee on Interstate and Foreign Commerce.

1184. Also, resolution adopted by Wollaston Congregational Church, Wollaston, Quincy, Mass., urging the President and Congress to invite the leading nations to an international conference on reduction of armaments; to the Committee on Foreign Affairs.

1185. Also, petition of parishioners of First Congregational Church of Sharon, Mass., urging an agreement for the reduction of armaments; to the Committee on Foreign Affairs.

1186. By Mr. GALLIVAN: Petition of Massachusetts State Court, National Order of the Daughters of Isabella (an organization with a membership of over 100,000 women), Mary T. Keohane, of 23 Howell Street, Dorchester, Mass., State secretary, urging the recognition of the republic of Ireland by the United States; to the Committee on Foreign Affairs.

1187. By Mr. GERNERD: Papers in support of House bill 7014, granting a pension to William H. Trautman; to the Committee on Pensions.

1188. By Mr. GOLDSBOROUGH: Petition of the Kent and Queen Annes Rural Letter Carriers' Association, of Maryland, for favorable action on the scale of pay adopted by the National Rural Letter Carriers' Association; to the Committee on the Post Office and Post Roads.

1189. By Mr. HILL: Petition of mass meeting of residents and citizens of Polish descent, of Baltimore, Md., urging that the United States take a friendly interest in the Polish situation generally; to the Committee on Foreign Affairs.

1190. By Mr. KIESS: Petition of the Susquehanna Baptist Union, Warrenville, Pa., for the passage of legislation looking to world disarmament; to the Committee on Foreign Affairs.

1191. By Mr. LINTHICUM: Petition of Commander John T. Williams, favoring minimum pension of $72 per month for all survivors of Civil War; to the Committee on Invalid Pensions.

1192. Also, petition of Charles T. Bagby, Baltimore, Md., favoring House bill 129; to the Committee on Agriculture.

1193. Also, petition of National Enameling & Stamping Co., Baltimore, Md., regarding taxation, transportation, etc.; to the Committee on Interstate and Foreign Commerce.

1194. Also, petition of Women's Christian Temperance Union, Baltimore, Md., favoring disarmament; to the Committee on Foreign Affairs.

1195. Also, petition of Conservation Commission of Maryland, favoring elimination of 10 per cent tax on sporting goods; also petition of Read Drug & Chemical Co., favoring sales tax; to the Committee on Ways and Means.

1196. By Mr. MEAD: Petition of the Washington meeting of the Religious Society of Friends, urging the reduction of armaments; to the Committee on Foreign Affairs.

1197. By Mr. MICHENER: Petition calling attention to conditions in the Near East; to the Committee on Foreign Affairs.

1198. By Mr. MORIN: Petition of Branch 94 of the Glass Blowers' Association, H. S. Humes, secretary, of Sharpsburg, Pa., protesting against the passage of House bill 4981 as unjust to the glass-bottle industry; to the Committee on Agriculture.

1199. By Mr. NORTON: Resolution of the League of Women Voters of Cleveland, Ohio, recommending reduction of arma-

ment and that the United States take the initial step in this movement; to the Committee on Foreign Affairs.

1200. By Mr. RAKER: Assembly joint resolution No. 7, State of California, relative to a direct primary for selection of presidential candidates; to the Committee on the Judiciary. Also, assembly joint resolution No. 31, State of California, relative to revision of the Federal transportation act of 1920; to the Committee on Interstate and Foreign Commerce. Also, assembly joint resolution No. 10, State of California, relative to the naval construction program of the United States; to the Committee on Naval Affairs. Also, assembly joint resolution No. 6, State of California, relative to enemy aliens; to the Committee on Immigration and Naturalization.

1201. Also, petition of Lindley & Co. (Inc.), Sacramento, Calif., indorsing House bill 5632; to the Committee on the Judiciary. Also petition of E. C. Brown and J. F. Baker, of California, indorsing legislation for the relief of star route mail contractors; to the Committee on the Post Office and Post Roads. Also, petition of Lyman L. Pierce, of San Francisco, urging governmental support for the people of the Near East; to the Committee on Foreign Affairs. Also, petition of Private Soldiers and Sailors' Legion of the United States of America, indorsing the Sweet bill and urging defeat of the fivefold bonus bill (H. R. 1); to the Committee on Ways and Means.

1202. By Mr. RANSLEY: Petition signed by the Ukrainian League of South Philadelphia, asking that the United States recognize East Galicia as an independent State; to the Committee on Foreign Affairs.

1203. By Mr. RIORDAN: Petition of Joseph Romano and 14 others, of New York, favoring the enactment of House bill 3208; to the Committee on the Judiciary.

1204. By Mr. ROUSE: Petition of R. H. Ransom, manager Reinhart & Newton Co., of Cincinnati, Ohio, asking for a repeal of excise tax on candy; to the Committee on Ways and Means.

1205. By Mr. SANDERS of New York: Petition of the Genesee County (N. Y.) Fish and Game Protective Association, urging the repeal of the present tax on sporting goods; to the Committee on Ways and Means.

1206. Also, petition of the members of Branch No. 26, Glass Bottle Blowers' Association, of Rochester, N. Y., protesting against the passage of House bill 4981, the so-called slack filled package bill; to the Committee on Agriculture.

1207. Also, petition of Mr. P. O. Kriegelstein, of Warsaw, N. Y., protesting against the imposition of $10 per ton import duty on amorphous graphite; to the Committee on Ways and Means.

1208. Also, petition of the congregation of the First Methodist Episcopal Church, of Bergen, N. Y., urging the invitation by the President to Great Britain and Japan to attend a conference to arrange a limitation of naval armaments; to the Committee on Foreign Affairs.

1209. Also, petition of the congregation of St. James Church, of Batavia, N. Y., urging the United States Government to take immediate steps to arrange for a conference of the leading nations with a view to a disarmament agreement; to the Committee on Foreign Affairs.

1210. Also, petition of the congregation of the Methodist Episcopal Church of Alexander, N. Y., urging the United States to take immediate steps to arrange for a conference of the leading nations with a view to a disarmament agreement; to the Committee on Foreign Affairs.

1211. Also, petition of the congregation of the First Methodist Church, of Livonia, N. Y., urging the United States to take immediate steps to arrange for a conference of the leading nations with a view to a disarmament agreement; to the Committee on Foreign Affairs.

1212. Also, petition of the members and attenders of the Friends Church, of Batavia, N. Y., urging the United States to take immediate steps to arrange for a conference of the leading nations with a view to a disarmament agreement; to the Committee on Foreign Affairs.

1213. By Mr. SNYDER: Petition of residents of the thirty-third congressional district of New York, favoring a conference on the subject of disarmament; to the Committee on Foreign Affairs.

1214. By Mr. VARE: Petition of members of the Pro-Cathedral of St. Mary, of Philadelphia, Pa., relative to disarmament; to the Committee on Foreign Affairs.

1215. By Mr. WATSON: Resolutions by the members of the Mount Pleasant Baptist Church Men's Bible Class; Carmel Presbyterian Church, Edge Hill, Pa.; Roslyn Community Chapel; Abington Monthly Meeting of Friends; Washington meeting of the Religious Society of Friends; Huntington Valley Chapel, Meadowbrook, Pa.; Quakertown Methodist Episcopal Church, Quakertown, Pa.; Friends of Warminster Preparative Meeting, Johnsville, Pa.; Trinity Reformed Church, Norristown, Pa.; members of the Solebury First-Day School; Middletown monthly meeting of Friends, Langhorne, Pa., in favor of calling an international conference for the discussion of disarmament; to the Committee on Foreign Affairs.

1216. By Mr. WOODYARD: Petition of Trinity Church and Protestant Episcopal Church of the Good Shepherd, of Parkersburg, and Fifth Avenue Baptist Church, of Huntington, all in the State of West Virginia, favoring disarmament; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *June 10, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our God and Father, we believe that Thou art, and art the rewarder of all them who diligently seek Thee. Thou art not to us an unknown or an unknowable God, and we bless Thee for the knowledge of this truth. May it take hold of us and bind us with deep and earnest consecration to highest ideals and noblest purposes for our country, for the world at large. We humbly ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House insisted on its amendment to the Senate amendment No. 1 to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes; had agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses, and that Mr. GOOD, Mr. CANNON, and Mr. BYRNS of Tennessee were appointed managers of the conference on the part of the House.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 86) to amend the act approved December 23, 1913, known as the Federal reserve act, and it was thereupon signed by the President pro tempore.

CALL OF THE ROLL.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCormick	Spencer
Ball	Harreld	McCumber	Stanfield
Borah	Harris	McKellar	Stanley
Brandegee	Harrison	McKinley	Sterling
Broussard	Heflin	McLean	Sutherland
Bursum	Hitchcock	McNary	Swanson
Cameron	Johnson	Myers	Townsend
Capper	Jones, N. Mex.	Nicholson	Trammell
Culberson	Jones, Wash.	Norris	Underwood
Cummins	Kellogg	Oddie	Wadsworth
Curtis	Kendrick	Overman	Walsh, Mass.
Dial	Kenyon	Phipps	Warren
Edge	Keyes	Pomerene	Watson, Ga.
Fernald	Knox	Sheppard	Watson, Ind.
Fletcher	Ladd	Shortridge	Williams
Frelinghuysen	La Follette	Simmons	Willis
Gerry	Lenroot	Smith	Wolcott
Glass	Lodge	Smoot	

Mr. BROUSSARD. I wish to announce that my colleague [Mr. RANSDELL] is absent on official business.

Mr. GERRY. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily absent and that the junior Senator from Arkansas [Mr. CARAWAY] is absent on business of the Senate.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a resolution of the Atchison (Kans.) Chamber of Commerce, favoring the enactment of legislation to provide adequate relief for disabled ex-service men, which was referred to the Committee on Finance.

He also presented two resolutions of Brick Grange, No. 1498, of Holton, and Lodge No. 216, Brotherhood of Railway and

Steamship Clerks, Freight Handlers, and Station Employees, of Chanute, both in the State of Kansas, opposing the enactment of a sales tax law and favoring the retention of the excess-profits tax, which were referred to the Committee on Finance.

He also presented resolutions and petitions of the members of the Church of the Brethren, of Navarre; the congregation of the First Methodist Episcopal Church, of Bonner Springs; the pastor and sundry members of the Monthly Meeting of Friends, of Haviland; the pastor and congregation of the Christian Church (Disciples of Christ), of St. Francis; the pastor and congregation of the First Congregational Church of Christ, of Alma; and the pastor and sundry members of the congregation of the Central Congregational Church, of Topeka, all in the State of Kansas, favoring the calling of an international conference for the purpose of considering the reduction of armaments among the nations, which were referred to the Committee on Foreign Relations.

Mr. JONES of New Mexico. Mr. President, I received this morning a letter from Carrizozo, N. Mex., bearing upon a general situation, which, to my mind, represents a sentiment that is quite prevalent throughout the country. I ask that the letter may be read, so that it may appear in the RECORD, together with the names of the writers.

The PRESIDENT pro tempore. Without objection, the communication will be read.

The reading clerk read as follows:

CARRIZOZO, N. MEX., *June 4, 1921.*

HON. A. A. JONES,
Senator from New Mexico, Washington, D. C.

DEAR SIR: We, the undersigned citizens of Carrizozo, N. Mex., beg leave to inform you that it is our conviction and, we believe, practically the unanimous sentiment of our State that increased military preparation by our United States is both unnecessary and unwise. With the other chief powers sick of war and financially embarrassed we have less need to fear than in the past. And in this day of business depression with taxes distressingly burdensome, our people should not be called upon for huge sums for Army and Navy appropriations.

Especially are we opposed to the citizens' military training camps scheduled for the coming summer. This is the first and surest step toward creating in our beloved land that militaristic spirit which was the curse of Germany and the initial cause of the World War. But yesterday our *noble* lads gave themselves by the millions and tens of thousands their lives in a "war to prevent war." How shall we avoid the charge of insincerity, and how shall they sleep in their graves if we begin to train on an unprecedented scale their brothers to fight, to say nothing of the cost of the undertaking?

Of course, we can not disarm while other nations maintain armaments. And we believe that the time is opportune for the Government of the United States to call a congress of nations to devise practical and effective means for reducing fighting forces, stores, and equipment, without which step there can be no hope of enduring world peace. And we respectfully urge you as our Senator to use your influence and efforts in this direction.

Sincerely, yours,

Mrs. W. K. MOORE,	Mrs. W. W. STADTMAN,
Mrs. C. A. HOOPER,	A. W. ADAMS,
Mrs. C. A. BARNHART,	S. SPENCE,
Mrs. W. W. MCLEAN,	W. Z. LYONS,
Mrs. E. T. COLLIER,	C. C. HIGBEE.

The PRESIDENT pro tempore. The communication will be referred to the Committee on Military Affairs.

Mr. KEYES presented a resolution of the pastor and congregation of the Methodist Episcopal Church, of Conway, N. H., favoring the calling of an international conference for the purpose of considering the question of reducing armaments among the nations, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the New Hampshire Academy of Science, favoring the proposed plan to establish a forest experiment station in connection with the White Mountain National Forest, which was referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a resolution of Wallingford Grange, No. 33, Patrons of Husbandry, of Wallingford, Conn., protesting against the enactment of legislation to create a daylight saving law, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry members of the Manufacturers' Association, of Bridgeport, Conn., praying for the enactment of legislation to increase the force and salaries in the Patent Office, so as to remedy the alleged chaotic conditions in that office, which was referred to the Committee on Patents.

He also presented a petition of San Carlino Republican Club, of New Haven, Conn., praying for the enactment of legislation declaring Columbus Day a national holiday, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Chamber of Commerce of New Haven, favoring the enactment of legislation to stabilize the purchasing power of the dollar, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the Manufacturers' Association of Bridgeport, Conn., remonstrating against the enactment of legislation placing a tariff on crude artificial abrasives, which was referred to the Committee on Finance.

He also presented two resolutions of Manufacturers' Association of Bridgeport and Torrington Post, No. 38, American Legion, of Torrington, both in the State of Connecticut, favoring the enactment of legislation to provide adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

He also presented two telegrams, in the nature of memorials, from the Mystic Woolen Mill, of Mystic, and the Fabyan Woolen Co., of Stafford Springs, both in the State of Connecticut, remonstrating against the enactment of the so-called truth in fabric bill, which were referred to the Committee on Interstate Commerce.

He also presented four letters and a telegram, in the nature of petitions, of the Near East Relief, of East Lyme; W. D. Hood, principal, the Gilbert School, of Winsted; Andrew J. George, secretary, Long Hill Chapel Sunday School, of Middletown; the Staff of Davenport Settlement, of New Haven; and Mary R. Hillard, of Middlebury, all in the State of Connecticut, praying that relief be afforded the suffering peoples of the Near East, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the pastor and congregation of the Congregational Church of Kensington; the pastor and congregation of Center Congregational Church of Torrington; the pastor and congregation of Bethany Congregational Church, of Bethany; the pastor and congregation of the Congregational Church of Unionville; the pastor and congregation of the First Methodist Episcopal Church of South Norwalk; the pastor and congregation of St. Paul's Episcopal Church, of Brookfield; the pastor and congregation of Dwight Place Church, of New Haven; the pastor and congregation of the Congregational Church of Naugatuck; the pastor and congregation of the First Universalist Church of Bridgeport; the pastor and congregation of the Methodist Episcopal Church of Winsted; the pastor and congregation of Trinity Episcopal Church, of Waterbury; the pastor and congregation of South Norwalk Baptist Church, of South Norwalk; the pastor and congregation of the Congregational Church of Orange; the League of Women Voters of Stamford; the pastor and congregation of the Methodist Episcopal Church of Bethel; and the pastor and congregation of St. John's parish, of Waterbury, all in the State of Connecticut, favoring the calling of an international conference for the purpose of considering the reduction of armaments, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions of the congregation of the Methodist Church of Cawker City; the congregation of the First Methodist Episcopal Church, of Wichita; sundry citizens of Erie; the pastor and congregation of the First Presbyterian Church, of Iola; sundry citizens of Cawker City; the pastor and congregation of the Goff Associated Church, of Goff; and the pastor and congregation of the First Baptist Church, of Whiting, all in the State of Kansas, favoring the calling of an international conference for the purpose of considering the question of disarmament among the nations, which were referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE. Mr. President, I present a joint resolution adopted by the Legislature of Wisconsin relating to the restoration of package freight boats on the Great Lakes, which I ask may be referred to the Committee on Commerce and printed in the RECORD.

The resolution was referred to the Committee on Commerce, as follows:

Joint resolution relating to the restoration of package freight boats on the Great Lakes.

Whereas during the World War most of the package freight boats then in service on the Great Lakes were taken therefrom and utilized in war work; and

Whereas it is reported that none of such boats have been restored to service on the Great Lakes; and

Whereas it is conceded that one of the chief causes of business depression is the burdensome freight rates charged by railroads; and

Whereas section 8567 of the Federal Statutes prevents progressive and economic cooperation, regulation, and operation by railroads of commerce on the Great Lakes; and

Whereas it is believed that the restoration of package freight boats to service on the Great Lakes would give to the people of Wisconsin a very large measure of relief from present transportation conditions: Therefore, be it

Resolved by the assembly (the senate concurring), That the Congress of the United States be respectfully memorialized to enact all necessary legislation for the immediate restoration of package freight boats on the Great Lakes and to amend said section 8567 so as to permit all railroads to cooperate in the management, control, and operation of reduction in freight rates and the progress of commercial traffic on the Great Lakes; further

Resolved, That the United States Shipping Board be and hereby is requested to place a line of package freight boats in service on the Great Lakes so as to give service from the city of Buffalo, N. Y., and

the Wisconsin cities of Milwaukee, Superior, Ashland, and Green Bay; and be it further

Resolved, That suitable copies of this resolution, attested by the signatures of the presiding officers and chief clerks of both houses, be transmitted to the President of the United States Senate and to the Speaker of the House of Representatives, to each United States Senator and Congressman from this State, and to the president of said Shipping Board at Washington, D. C.

GEO. H. COMINGS,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
RILEY S. YOUNG,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

REDUCTION OF NAVAL ARMAMENTS.

Mr. LA FOLLETTE. Mr. President, I desire to have printed in the RECORD an editorial published in the Public Ledger, of Philadelphia, Thursday morning, June 9. I send it to the desk and ask to have it read. It is very short.

There being no objection, the editorial was read, as follows:

[From the Philadelphia Public Ledger, Thursday morning, June 9, 1921.]

"IT IS OUR MOVE.

"President Harding should, without delay or hesitation, call a conference for halting the building of navies and the creation of armies. Great Britain and Japan should be summoned to the council table.

"The time has come when the three great naval powers—Great Britain, Japan, and America—should sit down and talk over an agreement. Great Britain is ready and Japan will respond. There is no doubt of America's readiness. The world is anxious that such a conference be called and such a move be made. In all of earth's free nations there is a great body of sentiment that would welcome such action on the part of the three great sea powers.

"We are drifting now. We will continue to drift unless some outstanding figure compels the attention of the nations. We are drifting through Yap and Mesopotamia incidents, through recurrent Magdalena Bay and Turtle Bay rumors, through jealousies and prejudices and the stirrings of racial hatreds.

"Steadily the unchecked currents carry us toward misunderstandings and trouble that may flare redly at any time. We drift on toward greater navies, greater burdens on already tax-burdened peoples, as the race for armaments gathers speed and determination.

"We all are drifting as the world drifted before 1914. Great Britain builds super *Hoods* and seaplanes; Japan is busy with her '8-8 program'; America is trying to appropriate $400,000,000 for the world's supernavy.

"Chemists are playing with gases. Superguns are being evolved. Airplanes are to carry the 'breath of death' over battle fields of the next war. The same old secret, watchful, deadly moves are going on just as they did in the generation before 1914. The thunderheads of the next storm are blue on the horizons.

"We have been told over and over again that the next war means the death of civilization. Yet we go on germinating the seeds of death and no Government raises a hand to check or stay us.

"President Harding is one of the world's commanding figures. If he will call Japan and Great Britain, they will respond. It is his duty and it should be his high privilege to summon the men of Japan and of Britain to grave council.

"The call will be heeded. Should Governments hesitate, the force of public opinion will drive them to the council table. Without faltering or delay President Harding should call a conference on armaments."

REMOVAL OF SOLDIER DEAD FROM FRANCE.

Mr. WALSH of Massachusetts. Mr. President, I present and ask to have printed in the RECORD resolutions recently passed by Post No. 605, Veterans of Foreign Wars. This post is located in Paris. I think it is the only post of American soldiers located in a foreign country. All the members of this post have to do with or are employed in the removal of the bodies of soldiers of the late war that are interred in France. The resolutions and statement annexed seek to rebuke what they describe as malicious allegations and falsehoods that have been spread throughout the country to the effect that this work is not being done with due regard to the sacredness of the undertaking.

I ask that the resolutions and accompanying statement be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

POST No. 605, VETERANS OF FOREIGN WARS OF THE UNITED STATES,
8 Avenue d'Iene, Paris, France, May 22, 1921.

The ADJUTANT GENERAL,
Veterans of Foreign Wars of the United States,
32 Union Square, New York City.

DEAR SIR AND COMRADE: The following resolution was passed unanimously at a meeting of this post held Saturday, May 21, 1921, at 27 Boulevard Malesherbes, Paris:

Resolution.

"Whereas the letter written by Owen Wister to the American Legion has been read into the records of the United States Senate, and articles have appeared in the public press of the United States, alleging despoilation and desecration of the remains of our deceased comrades while being exhumed for return to their homeland in accordance with the expressed wishes of next of kin in each case.

"And further alleging that our comrades employed in carrying out this sacred work are individuals who have been recruited from the slums of eastern cities of the United States; who are deserters from their divisions while on their way to the front; who are not qualified for the work they are performing; who have failed to perform this sacred duty in a reverent manner; are leading riotous lives and guilty of gross intoxication: Be it

"*Resolved by Post No. 605, Veterans of Foreign Wars of the United States, in meeting assembled*, That the said articles are maliciously false; that the insults to these comrades are a direct reflection on Post No. 605, Veterans of Foreign Wars of the United States, many members of which are now employed in this sacred duty; be it further

"*Resolved*, That the National Encampment, Veterans of Foreign Wars of the United States, be requested to issue a general refutation of these charges to Congress and the American people through the press of the United States;

"That the editors of the New York Times and the Washington Times be requested to retract the articles which appeared in their respective papers; and that Owen Wister be requested to apologize through the public press for his unwarranted, slanderous, and false reflections on the members of the Veterans of Foreign Wars.

"*Be it further resolved*, That copies of these resolutions be furnished to the Paris representative of the Associated Press for publication in the United States."

This resolution was passed as a result of articles appearing in the American press during the early part of May, and a letter written by Owen Wister attacking the reputation and character of many of our members who are engaged in the sacred work of exhuming the bodies of our deceased comrades for return to the United States.

These press articles have been forwarded through the mails by the friends and relatives of members of this post and almost without exception the comrades receiving them have been requested to explain the real facts concerning these reports. Many protests in the form of telegrams and letters were received by the post adjutant, demanding that the officers of this post take immediate action, and requesting that the attention of national headquarters be brought to these insults and lies being spread broadcast in America. This resulted in a cablegram being sent you Tuesday, May 17, requesting that the report of the Massachusetts committee to investigate conditions of American cemeteries in France and the work of the American Graves Registration Service be called to the attention of Congress and the American public.

The Massachusetts committee is the only one which has been authorized by the chief of the American Graves Registration Service to inspect every phase of the work being performed by that service, which included actual exhumation of the bodies of our departed comrades.

This committee, upon its return to the United States, rendered a report which spoke highly of the work being performed, and of the personnel performing it. It seems that this has not been taken into consideration by the Senate, but instead certain Senators are calling upon a few disgruntled employees of the Graves Registration Service, who were returned to the United States for discharge as being incompetent in their work, and of such character that the retention of their services was not warranted, to testify. These men were tried in every case before a board of officers upon evidence furnished in most cases by the men working with them and members of this post. None of these discharged employees are members of our post, nor were they ever proposed for membership. Their discharge from the

service in which most of us are engaged is a relief to our members, as it will assist in guaranteeing the character of the good work they are performing.

It is realized that every post of the Veterans of Foreign Wars in America is depending upon those engaged in the Graves Registration Service work to see that the sacred remains of their buddies and our buddies receive nothing but the most reverent care and solicitude. We wonder if our brother posts realize, when they receive these remains back in the homeland for burial in their final resting places, that they have been returned by members of Post No. 605? We feel that if they do realize this, they will help us to crush out the malicious lies and insults directed against those members of our post engaged in this work, and that you, the chiefs of our grand organization, will endeavor to make Owen Wister, who is responsible for the greater part of this unjust slander, apologize publicly to the Veterans of Foreign Wars of the United States.

It is of record that Owen Wister visited many of our cemeteries in France before any exhumations were made, and also of record that he tried to gain admission to one of the larger American cemeteries while exhumations were in progress but was refused, as have been all others who were not relatives of our deceased comrades. It is known by all members of Post No. 605 that Owen Wister has never visited an American cemetery in France at the time the exhumations were being made. It is also believed by many members of this post who came in contact with him that he questioned them regarding their work with an intent to make malicious use of the information thus gained, and during his tour of the battle fields of France his presence was resented by every member of Post No. 605 with whom he came in contact.

This post has recorded the names of hundreds of prominent citizens of the United States who have visited the American cemeteries in France, many of whom were relatives of our departed comrades and actually witnessed the exhumation of their relatives. If so desired, this post will gladly forward these names to national headquarters for whatever use it may be deemed advisable to make of them.

The work of the Graves Registration Service will continue, as in the past, with reverence and care, for its employees trust and believe that their "buddies" in America and national headquarters of the organization to which they belong will back them and defend them to the limit in performing the sacred duties assigned to them.

Inclosed with this letter is a copy of an article appearing in the New York Herald, Paris edition, of this date, and a copy of the article published in the Washington Times under date of May 1, 1921, which brought about the action we are taking.

Sincerely and fraternally, yours,

(Signed) H. W. DUNNING,
Commander.

The PRESIDENT pro tempore. The resolutions and accompanying statement will be referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON PUBLIC LANDS AND SURVEYS.

Mr. MYERS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 732) to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation, in the States of North Dakota and Montana, reported it with an amendment and submitted a report (No. 104) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1590) to add certain lands to the Wyoming National Forest, reported it with an amendment and submitted a report (No. 105) thereon.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, reported it with an amendment to the title and submitted a report (No. 106) thereon.

SULPHUR RIVER BRIDGE, TEX.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 1970) granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River, at or near Pettis Bridge on State Highway No. 8, in said counties and State, and I submit a report (No. 103) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Bowie and Cass, State of Texas, to construct, maintain, and operate a bridge and approaches thereto across the Sulphur River at a point suitable to the interests of navigation at or near the location of Pettis Bridge on Texas State Highway No. 8, as located between Douglassville, in Cass County, and the town of Maud, in Bowie County, State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE.

Mr. SHEPPARD. Also from the Committee on Commerce I report back favorably without amendment the bill (S. 1934) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway toll bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio, and I submit a report (No. 102) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Huntington & Ohio Bridge Co., its successors and assigns, to construct, maintain, and operate a highway and street railway toll bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, one end of said bridge being in the city of Huntington, W. Va., and the other end at a point opposite said city of Huntington, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 2021) granting a pension to Dellie M. Wayne (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico; to the Committee on Indian Affairs.

A bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2024) for the relief of Blanche Winters; and

A bill (S. 2025) to pay Urith Hanna Culp, of Beloit, Kans., $395.57, earned by service of her husband (with accompanying papers); to the Committee on Claims.

A bill (S. 2026) granting a pension to Anthony Early (with an accompanying paper);

A bill (S. 2027) granting an increase of pension to Mattie B. Wintrode (with an accompanying paper);

A bill (S. 2028) granting an increase of pension to Maria Love (with accompanying papers);

A bill (S. 2029) granting a pension to David S. Toland (with accompanying papers);

A bill (S. 2030) granting a pension to Lizzie Ann Morrison (with an accompanying paper);

A bill (S. 2031) for the relief of Charles Rayfield (with an accompanying paper); and

A bill (S. 2032) granting a pension to Arthur G. Reed (with an accompanying paper); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2033) to increase the utility of the postal savings bank, to encourage savings among the people, and to secure the largest returns for such savings consistent with adequate security; to the Committee on Post Offices and Post Roads.

By Mr. TRAMMELL:

A bill (S. 2034) for the relief of Ellen Clifford; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 2035) for the relief of William M. Carroll; and

A bill (S. 2036) for the relief of Beresford G. Davis (with accompanying papers); to the Committee on Military Affairs.

By Mr. McKINLEY:

A bill (S. 2037) granting a pension to Leota M. Jones; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 2038) to amend section 38 of chapter 5 of the bankruptcy law of the United States; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 2039) for the relief of Edmund G. Chamberlain; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia; to the Committee on the District of Columbia.

RELIEF OF FLOOD SUFFERERS IN COLORADO.

Mr. PHIPPS. Mr. President, Senators will recall that on the evening of June 7 the Senate passed the joint resolution (S. J. Res. 69) for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries. At the same time the House passed an identical joint resolution (H. J. Res. 148), which was transmitted to the Senate and passed by the Senate on the morning of June 8. The Senate joint resolution should be indefinitely postponed. It is at the Secretary's desk, and I move to reconsider the votes by which it was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. PHIPPS. I move that Senate joint resolution No. 69 be indefinitely postponed.

The motion was agreed to.

SHIPPERS' CLAIMS AGAINST RAILROADS.

Mr. KELLOGG. Mr. President, in view of the fact that I am compelled to leave the city at 1 o'clock this afternoon, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 621. If there shall be any debate on it or any delay in its consideration, I shall withdraw the request. I do not think, however, there will be any objection to the bill.

I will state the purpose of the bill. When the railroad act was passed and the railroads were turned back to private ownership the law provided that any claims by shippers growing out of unjust, unreasonable, or discriminatory rates, or rates which were otherwise in violation of law, were to be presented to the Interstate Commerce Commission within one year from the passage of the act. That would be one year from the 1st of March, 1920. Freight shippers who had been overcharged—that is, charged more than the legal tariff rates—through mistake or in some other way, did not understand that claims for overcharges came within the meaning of the statute, and they presented such claims directly to the Director General of Railroads to have them settled, as Congress had authorized they should be settled, by the agent of the Federal Government, the director general.

The director general, however, ruled that the claims must be presented to the Interstate Commerce Commission, and it being too late to so present them, he transmitted all the claims which had come to him to the Interstate Commerce Commission, and the shippers were left in the lurch. Since that time, it is fair to say, the director general is considering such claims, but it still remains a question of doubt whether they must not be presented to the Interstate Commerce Commission within the year.

The bill simply provides an additional extension of a year to shippers as to claims in respect to overcharges on the tariffs. That is all there is of the bill. The Interstate Commerce Commission and the Director General of Railroads have recommended the bill, and all the shippers' associations have asked that it be passed. The Interstate Commerce Committee of the Senate have reported the bill; it is on the calendar, and I should like to have it passed this morning. I think it is quite important that it should be passed, in order to protect the shippers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 621) to amend section 206 (c) of an act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920, which had been reported from the Committee on Interstate Commerce with amendments.

The first amendment was, on page 1, line 3, after the word "That," to strike out "section 206" and to insert "subdivision"; in the same line, after the word "of," to strike out "an act entitled 'An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes,' approved February 28," and to insert "section 206 of the transportation act"; and on page 2, line 4, after the word "amended," to insert "to read," so as to read:

That subdivision (c) of section 206 of the transportation act, 1920, be, and the same hereby is, amended to read as follows.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the words "be filed," to strike out "shall" and insert "may," so as to read:

SEC. 206. (c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the interstate commerce act, may be filed with the commission.

Mr. LA FOLLETTE. Mr. President, I wish to ask the Senator from Minnesota why that amendment is proposed by the committee?

Mr. KELLOGG. I presume it is proposed for this reason: The shippers are presenting their claims to the director general; he is authorized to settle them in the first instance, and he is settling them now. I do not know why the commission suggested the change of the word "shall" to "may," but I see no objection to that being done.

Mr. LA FOLLETTE. As proposed to be amended the bill would give them the privilege of presenting their claims within a year, while as the bill was originally drawn it requires them to present them within a year.

Mr. KELLOGG. Yes.

Mr. LA FOLLETTE. And it seems to me they should be required to present them within the year; that there should be a time limit absolutely fixed within which they must present their claims. Otherwise such claims would be stringing along indefinitely.

Mr. KELLOGG. I have no objection to the word being changed from "may" to "shall."

Mr. BRANDEGEE. At first glance I had the same idea in mind as expressed by the Senator from Wisconsin [Mr. LA FOLLETTE], but on a little more thought it seems to me that the word "may" is really more in the interest of the Government than the word "shall," because as it is now, if the time has expired, the shippers have no right to file their claims. The word "may" is simply permissive, that they "may" file their claims if they do so within a year. It is not mandatory upon them to do so. If a man does not want to file a claim he should not be compelled to file it. It seems to me that the word "may" is the better word, for, as I have said, it simply permits shippers within a year to file their claims, if they wish to do so. I am not satisfied that in effect there would be any difference at all, no matter which word shall be used, and really I do not intend to insist upon one or the other, but it struck me that the word "may" was better adapted to accomplish the purpose and to permit shippers to file their claims within a year.

Mr. KELLOGG. I have no objection to the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE], if he thinks it is better than the amendment proposed by the committee.

Mr. ASHURST. A number of Senators have bills on the calendar which we are very anxious to have considered and passed at the earliest moment; and I desire to ask, Has unanimous consent been granted for the present consideration of this bill?

The PRESIDENT pro tempore. Unanimous consent has been granted for the consideration of the bill.

Mr. ASHURST. I hope that we may have a call of the calendar regularly, because, I repeat, a number of us are interested in some very important bills, which ought to be considered in their regular order. May I ask, Mr. President, whether in the morning hour speeches are limited to five minutes? I hope so.

The PRESIDENT pro tempore. The Chair thinks they are not.

Mr. LA FOLLETTE. I am unable to find from the letter of the chairman of the Interstate Commerce Commission, Mr. Clark, which is printed in the report of the committee on the pending bill, that the commission recommends that this amendment to the bill be made.

It seems that the existing law requires all claims to be filed within one year; it fixes one year absolutely as the limit within which they shall be filed.

Mr. KELLOGG. I will ask that the amendment be disagreed to.

Mr. LA FOLLETTE. I think that the amendment should be disagreed to.

Mr. KELLOGG. In that event, the word "shall" will remain in the bill instead of the word "may."

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment reported by the committee.

The READING CLERK. On page 2, line 15, after the word "within," it is proposed to insert "one year, or, if so claimed in respect of overcharges above the legal tariff charge, within," so as to read:

SEC. 206 (c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the interstate commerce act, shall be filed with the commission, within one year, or, if so claimed in respect of overcharges above the legal tariff charge, within two years after the termination of Federal control, against the agent designated by the President under subdivision (a).

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. KELLOGG. Mr. President, the Interstate Commerce Commission in a subsequent letter have called my attention to the fact that the heading "Causes of action arising out of Federal control," are already in the law and should not be reenacted in the amendment, and, therefore, the words "Causes of action arising out of Federal control," in the heading, and the next words, "Sec. 206," ought to be eliminated in order to prevent a repetition. I move, accordingly, that the words "Causes of action arising out of Federal control. Sec. 206," be eliminated. The words occur on page 2, lines 5 and 6.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 5, it is proposed to strike out the heading "Causes of action arising out of Federal control"; and, at the beginning of line 6, to strike out "Sec. 206."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend subdivision (c) of section 206 of the transportation act, 1920."

Mr. FLETCHER. Mr. President, before passing from the measure just under consideration I desire to say that the bill was introduced by me. There may be some question whether it is full enough to cover all claims for damages, but, in view of the construction now placed upon the act and in view of the practice of the Interstate Commerce Commission up to this time, I am inclined to think that the bill, as amended by the committee and as recommended by the chairman of the Interstate Commerce Commission, will take care of proper claims that ought to be presented and allowed. Therefore I am agreeable to the amendments, and I believe that under the bill all proper claims may be presented within the period allowed by the bill.

UNLAWFUL CONVEYANCE OF GOODS OR COMMODITIES.

The PRESIDENT pro tempore. The morning business is closed.

Mr. DIAL. I ask unanimous consent for the present consideration of Senate bill 1804.

Mr. ASHURST. Mr. President, I do not wish to object; but so many Senators on this side have urged me to see that we have a calendar call that I fear this may take up the time and we will not get the calendar up. The morning hour will close at 2 o'clock.

Mr. DIAL. I do not think this bill will create any debate.

Mr. ASHURST. Then I withdraw my suggestion.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the immediate consideration of a bill the title of which will be stated by the Secretary.

The READING CLERK. A bill (S. 1804) to protect the interest of innocent third persons in property which is used in the unlawful conveyance of goods or commodities.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to have the bill read first.

The PRESIDENT pro tempore. The Secretary will read the bill.

The reading clerk read the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Mr. President, I should like the Senator from California [Mr. SHORTRIDGE], who reported the bill from the Judiciary Committee, to tell us succinctly just what the changes in the law are.

Mr. SHORTRIDGE. Mr. President, this bill amends a law which was enacted, I think, in 1866. As applied now, the existing law would forfeit an automobile which happened to carry prohibited articles—liquor, to be perfectly frank—even though the automobile had been stolen from the owner and even though the fact that it was stolen as of the time was unknown to him. In other words, it protects the property of innocent persons, which property is used without their knowledge, consent, or connivance in any wise.

Mr. SMOOT. In other words, under the law of 1866, if a chauffeur should secure a case of liquor or a bottle of liquor and convey it in an automobile without the knowledge of the owner of the automobile, the owner of the automobile would have to suffer the loss of his automobile?

Mr. SHORTRIDGE. Precisely; and the court has so held in a recent decision by our Supreme Court, which was attached to, I think, and made a part of the report of the Committee on the Judiciary. It might be further added that the question of knowledge or connivance under the old law was treated as an entirely immaterial factor.

Mr. SMOOT. This bill amends the law of 1866 in what respect?

Mr. SHORTRIDGE. It permits the owner to intervene and set up and prove, if he can, his title and that the instrumentality was used without his knowledge or consent. In other words, it permits an innocent person whose property has been thus used to reclaim his property and not suffer its forfeiture under the old law of 1866.

Mr. BRANDEGEE. Mr. President, the report itself, on page 2, states that the amendment to the existing law consists in the following words added at the end of the first sentence:

but no proceeding under this section for the forfeiture of any vessel, boat, cart, carriage, or other conveyance, or horses or other animals shall destroy the interest in any property of any person who intervenes in any forfeiture proceeding, who had no knowledge or reasonable grounds for knowing of the use or intended use of such property for conveying such goods or commodities.

This amendment, as the Senator from California has stated, was made necessary by a decision of the Supreme Court which is quoted in the report, being the case of J. W. Goldsmith, jr.—Grant Co. against the United States; and in that decision the court stated, as the report says:

The court admits that such interpretation "seems to violate that justice which should be the foundation of the due process of law required by the Constitution," but that "it is too firmly fixed in the punitive and remedial jurisprudence of the country to be now displaced."

The object of this amendment is to change the law so that if a person owns an undivided interest in an automobile, for instance, and it is stolen and used for an illegal purpose, his innocent undivided interest shall not be forfeited, but only that of the wrongdoer. The committee, I think, was unanimous in favor of the bill.

Mr. SMOOT. I think the bill ought to pass. I simply wanted to know why it was proposed.

The PRESIDENT pro tempore. The Chair hears no objection to the present consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1804) to protect the interests of innocent third persons in property which is used in the unlawful conveyance of goods or commodities, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 3450 of the Revised Statutes of the United States be, and the same hereby is, amended to read as follows:

"SEC. 3450. Whenever any goods or commodities for or in respect whereof any tax is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities are removed, or are deposited or concealed in any place, with intent to defraud the United States of such tax, or any part thereof, all such goods and commodities, and all such materials, utensils, and vessels, respectively, shall be forfeited; and in every such case all the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities, respectively, and every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited; but no proceeding under this section for the forfeiture of any vessel, boat, cart, carriage, or other conveyance, or horses or other animals, shall destroy the interest in any property of any person who intervenes in any forfeiture proceeding, who had no knowledge or reasonable grounds for knowing of the use or intended use of such property for conveying such goods or commodities. And every person who removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any tax is or shall be imposed with intent to defraud the United States of such tax or any part thereof shall be liable to a fine or penalty of not more than $500. And all boilers, stills, or other vessels, tools, and implements used in distilling or rectifying and forfeited under any of the provisions of this title and all condemned material,

together with any engine or other machinery connected therewith, and all empty barrels and all grain or other material suitable for distillation, shall, under the direction of the court in which the forfeiture is recovered, be sold at public auction, and the proceeds thereof, after deducting the expenses of sale, shall be disposed of according to law. And all spirits or spirituous liquors which may be forfeited under the provisions of this title, unless herein otherwise provided, shall be disposed of by the Commissioner of Internal Revenue as the Secretary of the Treasury may direct."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HARRISON addressed the Senate. After having spoken for a few minutes,

Mr. DIAL. Will the Senator from Mississippi yield, that the bill which has been under consideration may be put on its passage?

Mr. HARRISON. Very well; I yield for that purpose.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to protect the interest of innocent persons in property which is used in the unlawful conveyance of goods or commodities."

Mr. HARRISON resumed and concluded his speech, which appears entire below.

ADMIRAL SIMS'S STATEMENT AND AMBASSADOR HARVEY'S ADDRESS.

Mr. HARRISON. Mr. President, on yesterday I offered a resolution, which was passed by the Senate, directing the Naval Affairs Committee of the Senate to investigate the alleged utterances of Admiral William S. Sims in London on Tuesday night. I hope that committee will procure from the Secretary of the Navy, who has requested it, an explanation of that speech at the very earliest moment possible.

If the utterances of Admiral Sims, as reported in the papers are admitted to be correct, I hope, in the event the Secretary of the Navy fails to take appropriate action, that the Congress will. Of course, we must rely upon the Committee on Naval Affairs of the Senate to make their recommendations after a full and thorough investigation. I am sure that committee will take the resolution up for immediate consideration.

I understand from a dispatch from London that to-day Admiral Sims said that he was expressing what was in his heart, and that he had nothing to take back. Not content with his outrageous action on Tuesday night, he now utters defiance at those who seek to rebuke him. I will read the dispatch from London, which came over the International News Service wires to-day:

LONDON, *June 10.*

Rear Admiral William S. Sims, United States Navy, to-day defied the American Navy Department "to muzzle" him. The admiral who has been called upon by Secretary of the Navy Denby at Washington to explain his sensational "jackass" speech on Tuesday made another public address at a luncheon this afternoon, at which he announced that he intends to keep on saying what he thinks.

Admiral Sims was the guest of the American Luncheon Club. Wilson Gross, who introduced the outspoken American naval officer, referred to him in these words:

"Every honest-thinking, true, full-blooded American will stand by what Admiral Sims said on Tuesday."

Mr. BORAH. Who was that last quotation from?

Mr. HARRISON. That was from Mr. Wilson Cross, who introduced the admiral as an outspoken American naval officer, and referred to him in these words:

Every honest-thinking, true-blooded American will stand by what Admiral Sims said on Tuesday.

This dispatch continues:

The cheers which greeted the admiral lasted for a minute and a half.

"I have attempted upon all occasions to say what I wanted to say," declared Admiral Sims, in addressing the gathering. "I have always told the truth as I understood it. I am afraid I told what I believe to be the truth the other day.

"What I said the other day is practically the same as has been said repeatedly upon American platforms.

"I intend to keep on doing the same thing. If that is un-American, let them make the best of it."

Mr. President, it seems that the Secretary of the Navy is doing all that he can to obtain an early reply from Admiral Sims, and, unofficially, I presume, this dispatch has gone over the wire. What Admiral Sims said was not only very indiscreet but it was most reprehensible for an officer standing so high to give utterance to such sentiments.

But recently another very distinguished appointee, occupying a very high place, made a speech at a banquet in London in which he not only insulted a part of the American citizens but he insulted all true, red-blooded American citizens.

I speak of the speech of Ambassador George Harvey, delivered at the Pilgrims' dinner recently in London. I shall not burden the Senate by recalling what he said at that time, but I shall just read a part of it, for the purpose of keeping fresh in the minds of the Senate what was really said. Said Ambassador Harvey:

Even to this day at rare intervals an ebullient sophomore seeks applause and wins a smile by shouting that "We won the war!" Far more prevalent until recently was the impression—and this was and still is in a measure sincere—that we went into the war to rescue humanity from all kinds of menacing perils.

Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. This is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that.

We were not too proud to fight—whatever that may mean. We were afraid not to fight. That is the real truth of the matter, and so we came along toward the end and helped you and your allies to shorten the war. That is all we did and all we claim to have done.

Mr. President, that utterance was made by the distinguished ambassador to the Court of St. James on May 19. This speech of Admiral Sims was made Tuesday night. Both are representatives of the present administration. Within less than 24 hours the Secretary of the Navy took cognizance of the Sims speech, asking him by cable whether the speech had been correctly reported in the papers. But in the other instance no official of this Government has raised his voice in protest. So far as we can judge from the papers he has not been called down, so to speak, by the President of the United States, by the Secretary of State, or by anyone else high in the administration.

There is a very splendid editorial in this morning's New York World which very truly expresses what is in the minds of the people of America to-day touching these "Gold Dust Twins" who now represent the Government of the United States in England. This editorial in the World is headed: "Sims and Harvey." I shall not read it all, but just passages from it. The editorial says:

The hysterical excitement of the Harding administration over the indiscretions of Rear Admiral Sims's London speech is in striking contrast with its cynical indifference to the far more glaring indiscretions of Ambassador Harvey's London speech.

When Mr. Harvey insulted all the American people in the name of the President there was not a word of official disapproval. Not a Republican Senator made a protest. No hint of disavowal came from the White House or the State Department. On the contrary, the correspondents were told in effect that the Harvey speech was wholly acceptable to the administration.

I do not know whether it was or not. The distinguished Senator from Massachusetts [Mr. LODGE], the leader on the other side, who now hears me, has not said so, nor has the Secretary of State, Mr. Hughes, said so. We are left in a quandary—in doubt—as to whether the ambassador was really expressing the real views of the administration in his speech of May 19.

This editorial says further:

Yet the Sims speech, however much it may be open to criticism on the ground of fact and good taste, is merely the opinion of an individual. Nobody would dream of interpreting it as an expression of the United States Government's policy or opinion. The Harvey speech, on the other hand, has been accepted everywhere in Europe as the formal expression of President Harding's own views on international affairs.

* * * * * * *

It was all right, so far as the administration was concerned, for Mr. Harvey to describe the American people as a set of poltroons who went to war only because "they were afraid not to fight," but all wrong for Rear Admiral Sims to assail the Sinn Feiners who are engaged in making Irish politics an American issue.

* * * * * * *

That may or may not be the case; but it is plain enough from the developments at Washington that Sims's mistake was in assailing a small faction of American voters. Had he taken the precaution to insult all the American people as Harvey did, had he dragged their ideals and their idealisms into the mud and pictured them as a Nation of war profiteers intent only on defending their swag, he might have counted on the same measure of administration consideration that has been accorded to George Harvey.

Mr. President, there never was a grosser insult offered to the American people, and to the boys who fought and sacrificed and won this war, than those embodied in the speech which the ambassador to the Court of St. James delivered on May 19 at London. They are very different from the views expressed by Mr. Harvey in 1917 as to the purposes of the United States in entering the war. I can not understand the operations of mind of a man who can change on so many questions so quickly as this very distinguished representative of the American Government at London. In 1917 he was loud in his praise of the very admirable speech delivered by President Wilson in his message to Congress setting forth the reasons why we should at last go to war against the German Government.

I read, so that the RECORD will show, how this man has changed his mind again. I do not know whether he was sincere when he made his London speech, and whether he was expressing his true views then and there as to whether or not we just went into the war to save our own skins; or whether he was sincere in his expressions in April and May, 1917, when he spoke as the editor of the North American Review.

Mr. McCORMICK. Is it about Admiral Sims or Col. Harvey the Senator is now speaking?

Mr. HARRISON. This is about the other "Gold Dust Twin." I was just speaking about Sims awhile ago, now of Harvey, one of whom the distinguished Senator from Illinois saw fit, when

he read his utterances over in London, to condemn with all the vehemence and eloquence with which he is gifted. I have never heard the Senator open his mouth in criticism of the other, even though the speech of Col. Harvey made in London was much more reprehensible and more insulting to more people of this country than the one made by Admiral Sims.

But the thing that gave the words of the distinguished Senator from Illinois so much greater weight than if they had been uttered by any other Senator on the other side of the aisle was the fact that he sat on a subcommittee of the Naval Affairs Committee some months ago, when a controversy arose between the then Secretary of the Navy, Mr. Daniels, and Admiral Sims over the question of awarding medals. The distinguished Senator from Illinois heard all the evidence. He was friendly to Admiral Sims.

He sided with him in that controversy; and it shows the bigness of the Senator, it shows that he was correct in what he said, when he gave the expression yesterday to the country that the remarks of Admiral Sims at London were outrageous and an insult to the American people, and when he showed his interest and indignation by going to the Secretary of the Navy and saying to him, "Mr. Secretary, it will not do for the Republican administration to countenance such statements as those being made by the man who stands the highest in the American Navy, and who is now in England making speeches like this," and advising the Secretary of the Navy to send that message to Admiral Sims. Due to his influence, I believe, more than to anything or anyone else, did Secretary of the Navy Denby send the message to Admiral Sims asking for a full account of the speech and the correctness of the reports of what he said.

So I wish that the distinguished Senator from Illinois would display the same energy and power of his influence in trying to persuade his friend the Secretary of State or his other friend, with whom he has great influence, President Harding, to wire to George Harvey, the ambassador at London, and ask him what he meant when he said in his recent outrageous speech that we were fighting to save our own skins.

I hope that the Senator from Illinois will think about that proposition and deliberate on it, and see if he can not get President Harding yet, even at this late date, to cable to his friend Col. George Harvey, at London, and ask him to retract what he said on that subject.

I was going to read, before I was diverted, what Col. George Harvey said in May, 1917, touching the message which President Wilson delivered to Congress. This is headed "The Call to Arms," and was contained in the North American Review for May, 1917. He referred in this to President Wilson's "Call to arms," speaking of his message of April 2, 1917, as—

> The great declaration of Woodrow Wilson, which will live in history as no less striking in substance and in form than that of Thomas Jefferson and quite as far-reaching in consequences to humankind as the pronouncement to King John of the barons of England. That is much to say, but not too much.

Here are some of the passages that were contained in that message of President Wilson, delivered to Congress on April 2, 1917:

> American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. * * * Our motive will not be revenge or the victorious assertion of the physical might of the Nation, but only the vindication of right, of human right, of which we are only a single champion.
>
> While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world, what our motives and our objects are.

Those motives, George Harvey, in the editorial to which I have referred, at that time pronounced as equal to the pronouncement to King John of the barons of England or of Thomas Jefferson's great utterances.

I quote further from President Wilson's message:

> Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-government peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles.
>
> We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included; for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them. * * *
>
> It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts, for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

Mr. President, those are some of the excerpts from the historic message of President Wilson to Congress on April 2, of the year 1917, and the very next day the now ambassador to the high Court of St. James telegraphed to the President of the United States expressing his warm approval of that remarkable message. Here is what the telegram said from the man whom I quoted as recently saying that we did not go to war to help France or England or any other country or humanity but merely to save our own skins. Here is the kind of message he sent. I am sure this is pleasing to the distinguished Senator from Utah [Mr. SMOOT]:

> A great message of patriotism—

Said Harvey—

> evidencing masterful leadership based upon mutual faith of the President in his country and of the country in its President. I was confident as one could be, but, even so, I was not prepared for so splendid a realization. For the Nation it is glorious, for patriots inspiring, for the President noble.

For fear that the Senator from Utah did not catch that, I desire to read it again. Can one imagine that Harvey, the man who spoke as he did on the night of May 19 in London, assailing that for which our boys sacrificed and fought, an insult to all America, should have said that and then penned such a remarkable message to President Wilson following the next day after his address to Congress? I read again:

> A great message of patriotism, evidencing masterful leadership based upon mutual faith of the President in his country and of the country in its President. I was confident as one could be, but, even so, I was not prepared for so splendid a realization. For the Nation—

Said Harvey—

> it is glorious, for patriots inspiring, for the President noble.

Those were the words in the telegram that Harvey sent to President Wilson on the day following the delivery of that great message stating the object for which our boys went to war.

In the article of May, 1917, Col. George Harvey said further:

> The great declaration of Woodrow Wilson, which will live in history as no less striking in form than that of Thomas Jefferson and quite as far-reaching in consequence to humankind as the pronouncement to King John of the barons of England. That is much to say, but not too much.
>
> We ask our readers—

Col. Harvey continues—

> to note the "gentle guiding" of public sentiment into the channel of righteousness and the gradual building up in the common consciousness of a conviction that there was no escape from the performance of a duty essential to the life, liberty, and happiness of all mankind.
>
> Not side by side—

Said the colonel—

> but as a natural and logical sequence of the Declaration of Independence and the Emancipation Proclamation stands the great message of that which we heralded last month as patriotism and now proclaim as democracy * * *
>
> As we enter upon and proceed with the mighty task confronting us we shall do well to keep constantly before our minds these words of justification and inspiration.

Then follows the last part of Wilson's war declaration address, with the following sentences among others:

> We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included; for the rights of nations, great and small, and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy—

He placed those words, "the world must be safe for democracy," in italics, so that everyone, whether they have bad eyes or not, could see them. Then he said:

> We fought one great war to make sure that government of the people, by the people, for the people should not perish from the earth. It will be worth while to fight another, and a greater, to cause government of the people, by the people, for the people to prevail throughout the world.

Yet, in view of these utterances and expressions of George Harvey in May, 1917, with reference to our entry into the war and the causes for which we entered the war, he makes the speech of May 19, 1921, at the Pilgrims' luncheon in London, where he insults every American soldier and all the American people who so proudly sacrificed in that great struggle for right and humanity by saying that we were fighting merely to save our own hides, so to speak.

It seems to me that this administration—I care not whether it is President Harding, Secretary of State Hughes, or any Member of the Senate on the other side of the aisle, because I know there is not a Member over there or anyone else connected with the administration who can possibly agree with Col. Harvey in those utterances—should force Harvey's hand, like Secretary of the Navy Denby is forcing Sims's hand. It ought to be called.

They ought to get rid, if it is possible to get rid, of this man Sims. If the statements attributed to Admiral Sims are admitted to be correct, the Navy should be rid of him. He should not occupy the high place in the Navy that he does, going over the world making such indiscreet and uncalled-for attacks upon the citizenship of America. And certainly the other fellow, who holds a higher place than Admiral Sims and has a strong hold on the affections of the Republican leadership and those who are in the highest councils of the party, should be recalled, and recalled quickly.

I have not said anything about this matter since Col. Harvey made his speech. I fought his confirmation because I thought he would do that which he has done. Those of us who voted against him felt he was an improper person—absolutely unfit—to represent this Government in so important a diplomatic post. We were afraid that he would bring disgrace upon the Government that he represents. But after he made it I remained silent in the hope that the Secretary of State—great, able, true American that he is—would do as Secretary of the Navy Denby has done in the Sims case, and ask him if it were true that he had made such an utterance in such a speech as the papers reported, and if he said that he did, then to tell him that he does not truly represent the spirit of America and recall him. He should be, because if he remains there he will continue to make blunders, and not only will the Republican Party regret it, but it will be to the everlasting disgrace of our country.

THE CALENDAR.

The PRESIDENT pro tempore. The calendar is in order, and the Secretary will report the first bill on the calendar.

Mr. ASHURST. I ask unanimous consent that we commence with the calendar at the particular point where we left off the last time the calendar was before the Senate.

Mr. SMOOT. I ask unanimous consent to proceed with the consideration of bills on the calendar under Rule VIII, beginning with Calendar No. 78, bills to be considered to which there is no objection.

Mr. ASHURST. Will the Senator yield to me for a moment? I was proceeding to ask unanimous consent for something similar to that request. What did the Senator ask?

Mr. SMOOT. To begin with Calendar No. 78.

Mr. ASHURST. That is the point where we left off?

Mr. SMOOT. It is.

Mr. ASHURST. Very well; that is what I was asking.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the call of the calendar begin with Calendar No. 78. Is there objection? The Chair hears none. The Secretary will state No. 78.

The ASSISTANT SECRETARY. A bill (S. 904) fixing the term of service of Elijah C. Putnam during the Civil War.

Mr. KING. Is that a bill for the restoration of rights to a deserter?

Mr. SMOOT. It is a case where 90 days' service was not rendered by the soldier, but he was in the Army for some time before he was regularly mustered into it. I think it had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, was announced as next in order.

The Secretary read the bill.

Mr. SMITH. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 387) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was announced as next in order.

Mr. ASHURST. Mr. President, that is a bill which was introduced by myself. A similar bill has passed the House of Representatives and is now pending before the Committee on Public Lands and Surveys of the Senate. I therefore ask that the bill which has just been announced as next in order on the calendar may be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

SWAN LAND & CATTLE CO.

The bill (S. 488) providing for an exchange of lands between the Swan Land & Cattle Co. and the United States was considered as in Committee of the Whole. It proposes that upon proper execution and delivery by the Swan Land & Cattle Co. (Ltd.), a corporation, of a deed conveying to the United States, its successors and assigns, a good merchantable title in fee, free of encumbrance, to certain lands needed by the United States for construction, operation, and maintenance purposes, in connection with the North Platte irrigation project, Nebraska-Wyoming, to wit: The southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter of section 25, township 25 north, range 63 west, sixth principal meridian, Wyoming; then in exchange for such lands so conveyed a patent shall be issued by the United States to said Swan Land & Cattle Co., its successors and assigns, conveying to the company the northeast quarter of the northeast quarter of section 26 and the northeast quarter of the southwest quarter of section 23, township 25 north, range 63 west, sixth principal meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN WALTERS, OKLA.

The bill (S. 530) to quiet title to certain tracts of land in the city of Walters, State of Oklahoma, was considered as in Committee of the Whole. It proposes to release and quitclaim unto the city of Walters, Okla., whatsoever right, title, or interest the United States may have by reason of escheat or otherwise in and to any of the public reserves shown upon the plat of the town site of Walters, State of Oklahoma, prepared under the direction of Warren H. Brown, probate judge of Comanche County, Okla., and any public reserves designated in the patent of such reserves issued by the Government to that town.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5223) to exempt from cancellation certain desert-land entries in Riverside County, Calif.

The bill was read, as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 18, and 19, in township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1923, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been made. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1923, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years.

Mr. KING. May I inquire of my colleague, the senior Senator from Utah [Mr. SMOOT], who is the chairman of the Committee on Public Lands and Surveys, as to the purpose of this bill, which relates to certain lands in California? I have had no opportunity to read the report, but the bill on its face seems to change the method of obtaining title to desert land.

Mr. SMOOT. The Secretary of the Interior in a letter to the chairman of the Committee on the Public Lands of the House of Representatives, which is embodied in the report of the Senate committee on the bill, after citing the statutes affecting this land, states:

However, in view of the fact that investigations relative to development of the power and irrigation possibilities of the Colorado River have not been completed, of the fact that these lands are probably worthless unless it should be found that it is possible to reclaim them through irrigation, and as no other substantial use can apparently be made of the lands in their present condition, I see no particular objection to the extension proposed in the bill.

I will say to the Senator from Utah that the lands in question, just as the Secretary says, are of no particular value, and if they can be used for the purpose provided in the bill, I am quite sure the Senator from Utah will not object.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF NEW YORK.

The bill (S. 1288) to provide for the appointment of one additional judge of the District Court of the United States for the Southern District of New York was announced as next in order.

Mr. KING. I ask that the bill may be read.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint one additional judge of the District Court of the United States for the Southern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. KING. I should like some explanation in regard to this measure.

Mr. OVERMAN. Mr. President, I did not report the bill, but I was present when it was considered in the Judiciary Committee. The Attorney General of the United States sent a letter to the committee in regard to the bill, recommending the appointment of two additional judges instead of one, and explaining the importance of having more judges in the State of New York. The committee took the matter under consideration, and in view of the amount of business before the court in the district referred to, concluded that some help should be furnished; but instead of allowing two judges, as recommended by the Attorney General, we reported in favor of the appointment of one additional judge. The Attorney General states that there is a great accumulation of business in that district; that the judges are very far behind in its transaction; and that there should be additional judges in order to carry on the business of the court, especially because of the number of blockade cases.

Mr. KING. May I inquire of the Senator whether the business in the district is in arrears?

Mr. OVERMAN. Yes; it is very much so.

Mr. KING. I suppose that grows out of the execution of the Volstead Act and other recent penal Federal laws.

Mr. OVERMAN. It is undoubtedly due in considerable degree to that.

Mr. KING. Some of which cover matters and enter fields properly cognizable by the States. Many Federal statutes are being enacted dealing with misdemeanors and small matters which the States in the exercise of their undoubted powers should and do deal with.

Mr. OVERMAN. The Attorney General stated that there were many cases which the present judges were unable to try.

Mr. WATSON of Georgia. Mr. President, I suggest to the Senator from North Carolina that this is a kind of a pilot bill, to be followed up by various bills indefinitely increasing the number of life-term United States judges. On the way to the committee of which he is a member, if not already before the committee, is a bill to do the same thing for the State of Georgia. The dockets of the courts are being loaded up with misdemeanor cases that have no proper place at all before men of such eminent qualifications as those who should preside and who generally do preside over United States courts. In my judgment it would be better if the powers of United States commissioners were enlarged and they were authorized to hold hearings and themselves to try such cases, and thus relieve the docket.

Mr. OVERMAN. The Senator's idea is that United States commissioners ought to try cases of misdemeanor?

Mr. WATSON of Georgia. I think that such an officer might well discharge some of the functions imposed upon a county court judge or a city judge.

Mr. KING. Mr. President, representatives of the Bar Association of the United States, as I understand, recently met in this city, and during the evening this question of additional judges was discussed, and also the matter of relieving the congestion existing in some of the judicial districts. At that meeting there were representatives from every State. Reference was made to the thousands of misdemeanor cases that were before the Federal judges growing out of the narcotic law, the Volstead Act, and other penal statutes. I think it was the view of some who were present that some of the work now being performed by the Federal judges of the character described by the Senator from Georgia might with propriety be delegated to some other tribunal or instrumentality to be created by law. It was suggested that a commissioner might be appointed who would have certain judicial powers and be authorized to deal with many of the minor matters and misdemeanors which now occupy the time of the judges.

Mr. OVERMAN. The contention has been made that we should provide a lot of little judges in every State in the Union to try these special cases. To that I am utterly opposed. If we are going to appoint judges, let us have judges who can try all character of cases.

Mr. KING. The Senator may be right, but there is much in what the Senator from Georgia has said. I express no opinion as to what should be done to meet the conditions, which undoubtedly call for some action by Congress.

Mr. OVERMAN. I agree that if we have the constitutional power to confer on the United States commissioners the power to try small cases, such as misdemeanors, that might be advisable, and I might not object to that.

Mr. WATSON of Georgia. If the Senator will permit me——

Mr. KING. I am going to object to the present consideration of the bill, I will say to the Senator, only because I feel that the situation is such that some general legislation is needed, and the question should not be attacked in a piecemeal way.

Mr. OVERMAN. Very well.

Mr. WATSON of Georgia. I will say that the two judges now presiding in the State of Georgia——

The VICE PRESIDENT. Under objection of the Senator from Utah the bill will go over.

Mr. WATSON of Georgia. I ask the Senator from North Carolina to yield to me; and if I may have the consent of the Senate, I desire to say a few words further.

The VICE PRESIDENT. The Senator from Georgia will proceed.

Mr. WATSON of Georgia. The two judges now presiding over the two United States district courts in the State of Georgia are personal friends of mine; I practiced law with them. The judge of the northern district is perhaps the best lawyer in the State of Georgia, especially on the civil side of the court. The judge of the southern district was a judge of the supreme court of the State of Georgia and was considered the best judge on that bench; as an all-around laywer he has no superior in the South, in my judgment. It seems somewhat a waste of talent, knowledge, and of dignity for these two eminent lawyers to be trying little misdemeanor cases, where there is nothing in the world involved but a question of fact, and hardly ever a question of law. They might very well be relieved by providing that such questions of fact shall be tried by some lower tribunal and a jury drawn when demand for a jury trial is made.

It is not desired indefinitely to increase the number of life-term offices. The Members of the Senate do not hold life terms; the President does not hold a life term; it is phenomenal in our system that anybody should hold a life term; and it is not desired anywhere, so far as I can learn, that there should be an indefinite increase in the number of life-term judges. Therefore, I suggest to my friend from North Carolina that the passage of the pending bill will set a precedent which will be followed in State after State until we shall have an unlimited number of life-term judges.

Mr. OVERMAN. There is a great deal in what the Senator has said, but in the Senate during the present session we have passed three or four bills providing for the appointment of additional United States judges. There was one such judge provided for in the State of Montana, as well as in two or three other States. I did not report this bill and I am not in charge of it, but I am just giving the facts which appeared before the committee. The Attorney General says it is impossible for the judges in the district of New York to transact the business which comes before them in great volume; it has accumulated so that they can not get along at all. He asked that provision be made for the appointment of two additional judges, but the committee has recommended only one.

Mr. WADSWORTH. Mr. President, is there an insistence that this bill go over?

Mr. KING. Mr. President, I feel that it should go over at this time. Of course, there must be some action taken soon, and if the Judiciary Committee does not take the matter up immediately, I shall not oppose the bill.

The VICE PRESIDENT. The Senator from Utah has asked that the bill go over.

Mr. WADSWORTH. I desire to make a statement in connection with it at this time. Will the Senator withdraw his objection for just a moment?

Mr. KING. I will withdraw it for the purpose of allowing the Senator to make his statement.

Mr. WADSWORTH. I desire to put some things in the RECORD, if the Senator will allow me to do so.

Mr. President, the Attorney General has had a special investigation made of the condition of the calendars of the Federal courts in the southern district of New York. The report of the committee which reported this bill contains the report of this investigation. It portrays a desperate state of affairs. There can be no question whatsoever that the business of the Federal district courts in the southern district of New York is falling hopelessly behind. The Attorney General asks and urges that two additional district judges be assigned to that district, and I am prepared to prove to the Senate that that will save money to the Treasury of the United States.

The situation to-day in the southern district is such that constantly Federal district judges from other districts are brought in to try to help out the judges who belong in the district. When the other judges from outside are brought there they not only continue to draw their salaries of $7,500 per year but they are paid $10 a day in addition. I have here a list of the district judges who have been brought into that district to assist in the work and the amounts of money paid to them during a two-year period, from October 1, 1918, to September 30, 1920. I shall not recite them all. There are about 20 or 25 of these outside judges who were brought in at one time or another.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. WADSWORTH. Yes.

Mr. KING. That is very enlightening, and I shall be glad to have it in the RECORD; but I will say to the Senator that I shall feel constrained to object to the passage of the bill at this time.

A committee of able lawyers, one of whom is former Senator Hoke Smith, of Georgia, is now considering the question of providing additional judges or some suitable plan of meeting the congested conditions found in some of the Federal courts. This committee is seeking the appointment of a joint committee from the Senate and the House which will cooperate with this committee. It is hoped that this question and others relating to procedure, as well as substantive law, will be comprehensively dealt with by these committees of Congress and the bar association. If no action is taken and no plan proposed to meet this situation of which the Senator complains, I shall withdraw objection to the consideration of this bill; but, in view of the fact that this matter is receiving attention, and other districts will soon be under other judges appointed, if some plan is not provided to relieve the congestion in many of the United States courts, I feel that it is proper to wait for a short time before acting on the measure championed by the Senator from New York.

Mr. WADSWORTH. Will the Senator state what committee is doing that?

Mr. KING. I stated—perhaps the Senator was out——

Mr. WADSWORTH. I was absent.

Mr. KING. Recently a conference was held in this city at which representative lawyers from every State in the Union were present. I understood that it was either a part of the American Bar Association, or was held under its auspices. As to that, however, I am not certain; but there were present lawyers of ability and standing from all parts of the United States, as well as a number of Federal judges. Various matters were considered, among them being that of creating additional districts or securing more Federal judges; also the question as to the authority of Congress to create subordinate tribunals to handle misdemeanors and minor matters which engage so much of the attention of the Federal judges. The question of amending the procedure in the Federal courts and simplifying the same was also a matter of serious consideration at the conference. As I am advised, this conference held sessions for a number of days. A committee was appointed from the body of the conference to consider what legislation was required and to confer with Members of the House and the Senate with a view to securing needed legislation. As I understand, the committee which was appointed met with members of the Judiciary Committee of the House and discussed questions which came before the conference. As stated, one of the important questions was the formulation of some plan to relieve the judges of much of the work now performed by them.

The Senator realizes that under the Volstead Act, the narcotic law, and in view of many of the Federal regulations relating to health and sanitary matters, there are many penal offenses which are brought into the Federal courts. Many Federal agencies are authorized to promulgate regulations, and violations of these regulations constitute offenses.

There are a large number of statutes and regulations which provide limited punishment, and it is felt by many lawyers, as well as those who have given the matter consideration, that some inferior tribunal or commission could be created to care for these lesser matters. It goes without saying that if the Federal courts could be relieved of these matters an entirely different situation would exist. I am told that there are thousands of these misdemeanors and minor criminal matters that fill the dockets and prevent the consideration of more important matters. Of course, relief must speedily be granted, and if some suitable plan is not devised then more Federal judges must be appointed and arrangements made for additional judicial districts and additional court facilities.

Mr. OVERMAN. I want to state, if the Senator will permit, that it was stated in the Judiciary Committee at our last meeting that this committee did not want to report or did not want to consider any bill that was referred to it until after next October.

Mr. WADSWORTH. And may I say that this is not a committee of the Congress to which the Senator refers; it is a committee of an outside body.

Mr. LODGE. Mr. President, what is it a committee of? A committee of the American Bar Association?

Mr. KING. The committee to which I refer is a committee of the Bar Association.

Mr. LODGE. Which bar association—the American Bar Association?

Mr. KING. Yes.

Mr. LODGE. Is it, really?

Mr. KING. That is my understanding.

Mr. KENYON. Mr. President, is it not just a committee of the District Bar Association, not the American Bar Association?

Mr. OVERMAN. Yes, Mr. President.

Mr. KING. I was invited to one of the meetings of this committee or conference which was held here about two weeks ago, and at that meeting there were distinguished attorneys from all parts of the United States, as well as a number of Federal judges. It was said that every State was represented; and I recalled the impression that the conference was held pursuant to some action of the American Bar Association, and for the purpose of considering what amendments might be suggested to Federal procedure and to Federal statutes and what legislation might be enacted that would relieve this congested situation existing in a number of the districts. I may be in error as to the relation of the conference to the American Bar Association.

Mr. OVERMAN. I do not think it was a committee of the American Bar Association.

Mr. KING. Be that as it may, there were eminent lawyers and judges present and a committee was appointed to confer with Congress for the purpose of securing needed legislation in behalf of the courts and court procedure. A number of Congressmen and Senators were present at one meeting, among them being Representative LITTLE from Kansas, who is engaged in the codification of the Federal statutes. A committee was appointed by the conference to confer with Members of the House and Senate in relation to the matters to which I have referred.

Mr. OVERMAN. I was invited to that banquet. I think the Judiciary Committee——

Mr. KING. Oh, let the Senator say that the conference was in session for two or three days.

Mr. OVERMAN. I understand it was a sort of a jumped-up committee.

Mr. KING. The Senator may call it whatever he pleases. It succeeded in bringing to Washington able lawyers from every State in this Union, as well as a number of Federal judges.

Mr. OVERMAN. It does not represent the American Bar Association, as I understand.

Mr. FLETCHER. Mr. President, I think the committee was a committee of the American Bar Association for the purpose of arriving at a basis of increasing the pay of Federal court judges.

Mr. OVERMAN. There was a committee appointed to ask Congress to increase the pay of the judges, I know, but so far as this legislation was concerned, or any other legislation, I do not think the American Bar Association have appointed any committee.

Mr. LODGE. I did not think they had, either. I wanted to define this nebulous committee.

Mr. KING. I know that a conference has been held and a committee appointed to confer with Congress. I know that former Senator Hoke Smith attended the conference and is a member of the committee. One of the circuit judges from the State of New York attended and delivered an address and called attention to the congested condition of the docket, and the question was discussed of affording relief from the serious situation in several judicial districts.

Mr. WADSWORTH. Here is the legislation.

Mr. KING. Oh, no; of a different nature from this.

Mr. LODGE. There are lots of people who are suggesting legislation to Congress; but, after all, our responsibility here is our own. I think that the two Houses of Congress are competent to decide whether or not there shall be an additional judge in this district—quite as competent as an undefined committee which has been having a dinner in Washington.

Mr. KING. Oh, Mr. President, the observations of the Senator from Massachusetts are entirely unworthy of him.

Mr. LODGE. I am sorry to think so. The remarks of the Senator from Utah are certainly unworthy of him.

Mr. KING. I do not yield to the Senator. He criticizes distinguished lawyers and eminent judges——

Mr. LODGE. Who are these eminent judges and lawyers——

Mr. KING. I mentioned one of them.

Mr. LODGE (continuing). Who are taking over the work of the United States Congress?

Mr. KING. Oh, well, Mr. President, that is an absurd remark of the Senator from Massachusetts.

Mr. LODGE. Mr. President——

Mr. KING. I do not yield to the Senator.

Mr. LODGE. Being abusive is of no use.

Mr. KING. The Senator is abusive and insulting to the committee.

Mr. LODGE. I am not abusive. I am asking who these great lawyers are, and the Senator can tell me only one.

Mr. KING. Oh, well, I can tell the Senator a number of them.

Mr. LODGE. Well, tell them.

Mr. KING. If the Senator will possess himself in patience, when the Senator from New York gets through, and the Senator from Massachusetts discontinues his cynical and discourteous remarks, I shall be glad to reply.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I am going to move to proceed with the consideration of this bill.

Mr. SMOOT. Under the unanimous-consent agreement, that can not be done.

Mr. WADSWORTH. I hope the Senator from Utah will not persist in his objection to this bill having consideration to-day. It is very seldom that we reach the calendar.

Mr. WATSON of Georgia. Mr. President, I should like to ask the Senator from New York a question. Is he not dealing with a temporary accumulation of business by appointing life-time officers?

Mr. WADSWORTH. No; the business is steadily increasing. It shows no signs of decreasing. It is increasing all the time.

Mr. WATSON of Georgia. I thought it was due to this new legislation, and that that condition would soon cease to exist.

Mr. WADSWORTH. No; the figures presented in the report of the Attorney General's investigator indicate very clearly that exclusive of Volstead Act cases, and exclusive of selective service law cases, the normal business of the court is growing by leaps and bounds. Now, just let me state what happened.

In the fiscal year 1920 there were commenced in the southern district of New York 5,708 cases. There were terminated of that number 3,833 cases. There were pending at the close of the fiscal year on June 30, 1920, 14,250 cases.

Mr. KENYON. Mr. President, I want to urge the Senator from Utah not to make this objection. My attention was called to the situation in New York at least eight years ago, when I was connected with the Attorney General's office, and it has been growing worse ever since. It amounts to a practical denial of justice to many people; and it is unfortunate for the Government, because it arouses criticism that the Government's cases are not carried on. There are other places in the country, too, where the same condition prevails; I think Chicago is getting in very bad condition; and it seems to me that we ought not to wait for some committee, however eminent it may be, to make suggestions to the Congress. Here is a condition. The New York condition is worse than that in any other place in the country; and I hope the Senator will not insist upon his objection.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from New York tell us how many judges are provided for that district under the present law?

Mr. WADSWORTH. There are four judges of the district court to-day.

Now, I want to read—it will take only a second—the list of judges who have been summoned there from outside to help out:

Judge Clayton, of Montgomery, Ala.; Judge Sheppard, of Pensacola, Fla.; Judge Cushman, of Tacoma, Wash.; Judge Hutcheson, of Houston, Tex.; Judge Woodrough, of Omaha, Nebr.; Judge Anderson, of Indianapolis, Ind.; Judge Dietrich, of Boise, Idaho; Judge Neterer, of Seattle, Wash.; Judge Grubb, of Birmingham, Ala.; Judge Smith, of El Paso, Tex.; Judge Foster, of New Orleans, La.; Judge Wilson, of Fort Worth, Tex.; Judge Jack, of Shreveport, La.; Judge Ervin, of Mobile, Ala.; Judge Rose, of Baltimore, Md.; Judge Howe, of Burlington, Vt.; Judge Hazel, of Buffalo, N. Y.; Judge Sanborn, of Madison, Wis.; Judge Holmes, of Yazoo City, Miss.; and Judge Sibley, of Atlanta, Ga.

Those are the judges who in that period have been summoned there from outside to help. That is a 2-year period. They get $10 a day for every day they are there. The amount paid to each of these judges upon each of his temporary assignments is contained in this table. I have not tabulated it. I was told by a prominent attorney of New York City—who, incidentally, is a member of the lower house—that the amount paid in the aggregate was $27,000.

Now, the salary of a Federal judge is only $7,500. Two judges, which the Attorney General wants, would amount to only $15,000 a year. We are paying a great deal more than that in these temporary assignments, and the business of the court is falling hopelessly behind. If this bill can receive consideration to-day, I say very frankly that, in entire agreement with the Attorney General, I was going to move to amend the bill so as to provide for two additional judges.

Mr. KING. Mr. President, I am sorry that I can not comply with the request of my friend from New York. I can assure him that I shall attempt to secure action upon this matter at an early date. If no comprehensive plan is proposed, then I shall join with him in asking for the speedy passage of the bill now before us. I feel sure the committee referred to will seek early action. At the one meeting which I attended great interest was manifested in this matter and all felt the necessity of early legislation. There were three United States Senators present at this meeting; also a number of Congressmen, two Federal judges from the State of New York, as well as many lawyers, who were deeply interested in improving our judicial system.

Mr. KENYON. Mr. President, may I ask the Senator a question? Did this committee or this meeting resolve against giving these additional judges to New York?

Mr. KING. No.

Mr. KENYON. They are in favor of it, are they not?

Mr. KING. I do not recall that that question was discussed, although it was repeatedly stated that unless some plan was devised to relieve the courts many more judges would be required.

Mr. KENYON. When will the committee meet again?

Mr. KING. It was suggested that in a number of districts there was great congestion because of the work involved in the trial of misdemeanors, and the question was discussed as to whether some inferior tribunal or commissioner could not be authorized to try misdemeanors and minor matters, including the passing upon naturalization applications.

Mr. KENYON. Mr. President, here is the practical question. I do not want to keep arguing with the Senator. That committee will not meet again for a long while, probably. They meet at a dinner at the Shoreham Hotel, and have a pleasant time, and try to work out these things. It is fine to assist the Congress; but they will not meet for a long time, and the Federal judiciary in many parts of this country are breaking down. They can not do the work. Judges are summoned in from other places to assist in New York.

Mr. KING. Let me say to the Senator that I am not opposing the appointment of all necessary judges. My position is that unless some plan is devised to care for small matters and misdemeanors, it will be necessary, in view of the great increase of litigation in the Federal courts, to create additional districts and appoint many more Federal judges.

I favor dealing with the entire question now, so that we will not be called upon every few months to provide additional judges.

Mr. KENYON. Have we got to wait for this committee to have another dinner and decide what can be done?

Mr. KING. I did not suggest that at all. Let this pressure be brought to the attention of Congress and there will be some action. I think it is a good thing that there should be some pressure, and then Congress will consider this question.

The VICE PRESIDENT. On objection, the bill will be passed over.

ASHLEY NATIONAL FOREST.

The bill (S. 671) to add certain lands to the Ashley National Forest was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the following-described lands in Wyoming are hereby added to the Ashley National Forest and made subject to all laws affecting national forests, but the addition of these lands shall not affect adversely any valid existing settlement or entry made prior to the passage of this act:

Section 14, township 12 north, range 117 west, and section 20, township 12 north, range 116 west, sixth principal meridian, and also the following-described tract:

Beginning at the east quarter corner of section 20, township 12 north, range 114 west, sixth principal meridian; thence east to the center of section 21; thence north to the north quarter corner of section 21; thence east to the northeast corner of section 21; thence north to the northeast corner of section 28, township 13 north, range 114 west; thence west to the southeast corner of section 19, same township and range; thence north to the east quarter corner of said section 19; thence west to the east quarter corner of section 22, township 13 north, range 115 west; thence south to the southeast corner of said section 22; thence west to the south quarter corner of said section 22; thence south to the center of section 27, same township and range; thence west to the center of section 25, township 13 north, range 116 west; thence south to the south quarter corner of said section 25; thence west to the south quarter corner of section 26, same township and range; thence south to the center of section 35, same township and range; thence west to the west quarter corner of section 33, same township and range; thence north to the northeast corner of section 29; thence west to the southwest corner of section 19, same township and range; thence south to the southwest corner of section 7, township 12 north, range 116 west; thence east to the southeast corner of section 12, same township and range; thence south along the range line between ranges 115 and 116 west to the boundary line between the States of Wyoming and Utah; thence east along said State boundary

line to the section line between sections 27 and 28 of township 12 north, range 115 west, the boundary of the Ashley National Forest.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, to add at the end of the bill the following:

Thence north to the northwest corner of section 22; thence east to the northeast corner of said section 22; thence north to the southwest corner of section 11, all in said township 12 north, range 115 west; thence east to the southwest corner of section 8, township 12 north, range 114 west; thence south to the east quarter corner of section 20, township 12 north, range 114 west which is the place of beginning.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK IN CONVERSE COUNTY, WYO.

The bill (H. R. 2428) granting certain lands to Converse County, Wyo., for a public park was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the public lands within the areas hereinafter described be, and the same are hereby, granted and conveyed to Converse County, Wyo., in trust, for the purposes of a public park, reserving, however, to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, to wit: Lots 12 to 19, inclusive, in section 6; lots 1 to 16, inclusive, in section 7; lots 2, 3, 4, 7, 9, 10, 11, and 12, in section 18; the northeast quarter northwest quarter of section 19, township 32 north, range 74 west; lots 5, 6, and 7, the south half northwest quarter, northwest quarter southeast quarter, and southwest quarter of section 1; lots 1 to 15, inclusive, and the west half northwest quarter of section 12; lots 1 to 19, inclusive, of section 13; lots 1 to 8, inclusive, lots 11 to 15, inclusive, and lots 17 to 20, inclusive, of section 24, township 32 north, range 75 west, sixth principal meridian, containing approximately 3,088.26 acres; but nothing herein contained shall in anywise affect any claim of title heretofore acquired or asserted to any of the lands herein described.

SEC. 2. That the grant herein is made upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the county clerk shall submit to the said Secretary of the Interior a report as to the use made of the land herein granted the county during the preceding period named in such request, showing compliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been complied with, the grant shall be held to be forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIVISION OF CONSTRUCTION AND HOUSING.

The bill (S. 1890) authorizing the Secretary of Commerce to establish in the National Bureau of Standards a division to be known as the division of construction and housing was announced as next in order.

Mr. JONES of Washington. The aim and purpose of that bill have been substantially cared for in the deficiency appropriation bill we have just passed, so I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. KENYON. That can go over.

The VICE PRESIDENT. The resolution will be passed over.

COMMITTEE ON INTEROCEANIC CANALS.

The resolution (S. Res. 71) was read and agreed to, as follows:

Resolved, That the Committee on Interoceanic Canals, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1.25 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

MARTHA THOMAS.

The resolution (S. Res. 79) was read and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Martha Thomas, widow of George W. Thomas, late an employee of the Senate in the Senate garage, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

MINING TROUBLES IN WEST VIRGINIA.

The resolution (S. Res. 80) directing the Committee on Education and Labor to investigate the recent acts of violence in the coal fields of West Virginia and adjacent territory and the causes which led to the conditions which now exist in said territory was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

DEPARTMENT OF AGRICULTURE MEMORIAL.

The joint resolution (S. J. Res. 52) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany was announced as next in order.

Mr. SMOOT. I wish to ask the Senator from Maine [Mr. FERNALD] a number of questions about the joint resolution. It may be all right, but I ask that it may go over at this time.

The VICE PRESIDENT. The joint resolution will be passed over.

BUILDINGS AT CAMP FUNSTON, KANS.

The bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 7, after the word "Kansas," to strike out the period and the word "The" and to insert a comma and the word "the"; and, on page 2, after line 2, to strike out the remainder of the bill, in the following words:

Provided, That if the amount which the Secretary of War agrees to pay to any lessee is unsatisfactory to the lessee entitled to receive the same, said lessee shall be paid 75 per cent of the amount so determined by the Secretary of War, and shall be entitled to sue the United States, in the United States District Court for the District of Kansas, to recover such further sum as added to said 75 per cent will make up such amount as will be just and a fair settlement therefor.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to make such settlement as he thinks just and proper, with the several lessees who erected buildings under a five-year lease, with renewal clauses, on the zone of Camp Funston activities and amusements, at Camp Funston, Kans., the buildings having been erected under the authority of the War Department and at the invitation of the department of camp activities, under leases which were properly approved, but which have been canceled before the expiration of any of said leases, and over the protest of the holders.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE IN MICHIGAN.

The bill (S. 1254) providing for the appointment of an additional district judge in and for the eastern district of Michigan was announced as next in order.

Mr. TOWNSEND. Mr. President, the junior Senator from Utah [Mr. KING] has asked that this measure may go over until next Monday. I am very sorry that the request has been made, because I am very certain that he could not have looked into the situation at Detroit or he would not have asked that that be done at this time. I do not care, however, to occupy the time of the Senate in discussing the merits of the bill if it is to be objected to, and I am informed that the Senator from Utah will object to it, but will consent that it may go over until Monday, when he hopes to have further information in reference to this whole subject.

I can not imagine a condition more deplorable than that which exists in the eastern district of Michigan at the present time, and which has existed, and which is getting more acute every day. I am positive that there is not a Senator in this body who, if he reads the record and understands the situation, will not agree with me in this statement. But, as I said, I realize how futile it is to make an argument in reference to the matter now, and therefore I am obliged to consent that the bill shall go over.

Mr. ASHURST. Mr. President, the Senator from Utah [Mr. KING] has taken some interest in this matter of creating new additional judgeships. The Senator was a member, and a valued member, of the Committee on the Judiciary, and the committee and the country lost the services of a valuable man when he gave up membership on that committee. It may be that, having severed his connection with that committee, he is oblivious to certain facts that are before the committee. The situation with reference to my own State was such that the Federal judge there has not had a vacation, except for three weeks, in six years; he is trying cases all the time.

I advert to the case of the southern district of New York. Think of a situation where a judge has 12,000 cases pending and is working all the time. Think of a situation where citizens

of the United States, who are guaranteed under the Constitution the right to a speedy trial, wait for years for a trial.

Think of the situation obtaining in the eastern district of Michigan, where citizens of the United States, who have a right to a speedy trial, in some cases wait years for a trial, through no fault of the judge or no fault of themselves—not especially criminal cases but civil cases.

We ought to meet this situation squarely and fairly. There are 8 or 10 districts in the United States where additional judgeships should be created. I assume, of course, that the appointees will not belong to the party to which I give allegiance. But that does not change the situation. These judges are to be Republicans; I presume they should be; but we can not, because of that, close our eyes to a situation such as obtains in the southern district of New York and the eastern district of Michigan.

I ask my very able friend from Utah to read the report which accompanies the bill which I reported to the Senate from the Judiciary Committee on the Arizona case. It sets out the number of cases pending before every judge in the United States. It sets out the number of cases each one disposed of in the year ending June 30, 1919. I am sure that after the Senator from Utah has read that report and has familiarized himself with the situation, he will not object to the creation of these additional judgeships, but will lend his great ability toward relieving the situation by creating these judgeships where they are so terribly needed.

Mr. KING. Mr. President, let me assure my friend from Arizona that I have read the report, and I joined with him two years or more ago and persisted in my efforts to secure an additional judge for the State of Arizona. I have no doubt that additional judges are needed in New York and in many other places. I am not objecting to the amendation of the law and the creation of new judgeships, provided we can not devise some other method that will cure the evils of which complaint is made. It is apparent that one additional judge in New York will be inadequate. It is known that in many districts where the congestion is so great, in view of the multitudinous criminal statutes which Congress is passing, it will require not one but several additional judges. If Congress, in the light of this pressure, can devise some means by which Federal judges may be relieved of these small cases, these misdemeanors, which occupy months of the year, then it seems to me we will be accomplishing something that will be beneficial to the country.

My objection, I repeat, is not to these specific cases, but I want the acute condition to be so appealing that Congress will be compelled to deal with the question in a broad and comprehensive manner. If we give one judge to New York we will not have solved the situation. The Senator from New York stated that he would move to amend the measure to provide for two judges. I believe some plan can be devised by which the Federal judiciary will be relieved of thousands of these little inconsequential cases which now occupy their time and preclude the consideration of more important matters. I sincerely hope that the Judiciary Committee will give this matter attention and devise some plan to meet it; and if not, of course, we will have to go on and create additional judicial districts and appoint additional judges and increase the expenditures of the Federal Government.

The VICE PRESIDENT. On objection, the bill will be passed over.

THE MEAT-PACKING INDUSTRY.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. SMOOT. Will it be asking too much of the Senator from Nebraska [Mr. NORRIS] to request him to lay aside temporarily the unfinished business until we can finish the calendar under Rule VIII and under the same order by which we have been proceeding?

Mr. NORRIS. If the call of the calendar is not to proceed any more rapidly than it has in the last hour——

Mr. SMOOT. There are only a few more bills remaining on this call of the calendar. I think it will be well enough to go through the calendar once, anyhow. There is only about a page more of bills and some of those will be objected to.

Mr. NORRIS. With the understanding that if the calendar remaining consumes an unreasonable time I may call up the unfinished business, I will ask that it be temporarily laid aside.

Mr. SMOOT. If it is to take more than half an hour, I shall not insist on going through with it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska to lay aside temporarily the unfinished business? The Chair hears none. The Secretary will proceed with the call of the calendar.

BILLS PASSED OVER.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. ASHURST and Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 1838) to amend section 4887 of the Revised Statutes, relating to patents, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The bill (S. 1033) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, in line 8, page 1, after the word "such," to insert the word "bank," so as to make the bill read:

Be it enacted, etc., That any person within the District of Columbia who, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft, or order in full upon its presentation, shall be imprisoned for not more than one year, or be fined not more than $1,000, or both. As against the maker or drawer thereof the making, drawing, uttering, or delivering by such maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in its possession or control, shall be prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the holder thereof, upon demand, in person or in writing, the amount of said check, draft, or order, together with the amount of protest fees, if any. The word "credit," as used herein, shall be construed to mean arrangement or understanding, express or implied, with the bank or other depository for the payment of such check, draft, or order.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESTER A. ROCKWELL.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. SMOOT. By request I ask that this bill may go over.

The VICE PRESIDENT. On objection the bill goes over.

LANDS IN NORTH AND SOUTH DAKOTA.

The bill (S. 252) to amend an act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 10, to strike out the words "sold or," and in the same line, after the word "leased," to insert the words "for a period not longer than 20 years," so as to make the bill read:

Be it enacted, etc., That section 11 of the act entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22, 1889, be, and the same hereby is, amended by adding the following: *Provided, however*, That the State may, upon such terms as it may prescribe, grant such easements or rights in such lands as may be acquired in, to, or over the lands of private properties through proceedings in eminent domain: *And provided further*, That any of such granted lands found, after title thereto has vested in the State, to be mineral in character, may be leased for a period not longer than 20 years upon such terms and conditions as the legislature may prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF JUDICIAL CODE.

The bill (S. 745) to amend section 24 and section 256 of the Judicial Code was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment on page 1, line 12, after the words "United States" to insert "which rights and remedies when

conferred by such law shall be exclusive," so as to make the bill read:

Be it enacted, etc., That clause 3 of section 24 of the Judicial Code is hereby amended to read as follows:

"Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States, which rights and remedies when conferred by such law shall be exclusive; of all seizures on land or waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize: *Provided*, That the jurisdiction of the district courts shall not extend to causes arising out of injuries to or death of persons other than the master or members of the crew, for which compensation is provided by the workmen's compensation law of any State, District, Territory, or possession of the United States."

SEC. 2. That clause 3 of section 256 of the Judicial Code is hereby amended to read as follows:

"Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel, their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA FROW.

The bill (S. 982) for the relief of Louisa Frow was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 8, to strike out "$10,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louisa Frow, widow of John Frow, who was killed as the result of an accident caused by a United States Navy seaplane, the sum of $1,200.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT COMMISSION OF AGRICULTURAL INQUIRY.

The VICE PRESIDENT. As members of the joint commission known as the Joint Commission of Agricultural Inquiry the Chair appoints the Senator from Wisconsin [Mr. LENROOT], the Senator from Kansas [Mr. CAPPER], the Senator from Oregon [Mr. MCNARY], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Mississippi [Mr. HARRISON].

RELIEF OF DISABLED EX-SERVICE MEN.

The VICE PRESIDENT. Under the resolution to investigate all bureaus and agencies of the Government dealing with the welfare of veterans of the World War, the Chair appoints as a select committee the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New York [Mr. CALDER], the Senator from Maryland [Mr. WELLER], the Senator from Massachusetts [Mr. WALSH], and the Senator from Ohio [Mr. POMERENE].

THE MEAT-PACKING INDUSTRY.

The bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry products, and eggs, and for other purposes, was announced as next in order on the calendar.

Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. It will go over.

PROHIBITION ENFORCEMENT IN HAWAII.

The bill (S. 1675) to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, in line 7, to strike out the word "enforcement," and in line 8, after the word "act," to insert "and all acts amendatory thereof," so as to make the bill read:

Be it enacted, etc., That there be conferred upon the Territorial magistrates and courts of the Territory of Hawaii jurisdiction, concurrent with the commissioners and courts of the United States for said Territory, of all offenses under the act of October 28, 1919, known as the national prohibition act, and all acts amendatory thereof, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction.

SEC. 2. That this act shall take effect and be in force from and after its passage and approval.

The amendment was agreed to.

Mr. SHEPPARD. At this point I should like to have permission to insert in the RECORD letters from the attorney general of Hawaii and the Attorney General of the United States, showing the necessity for this legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Hon. A. MITCHELL PALMER,

United States Attorney General, Washington, D. C.

DEAR SIR: Pursuant to your request following this morning's conversation with the governor of Hawaii and myself relative to the adequate enforcement in Hawaii of the national prohibition act, I submit the following statement:

Shortly after the passage of the Sheppard bill, which prohibited the importation, exportation, sale, and gift of alcoholic liquors in Hawaii, I took up with Mr. Huber, the United States attorney, the question of having this law amended so as to give the Territorial courts concurrent jurisdiction with the Federal district courts over any violation of the provisions of that act. Mr. Huber corresponded with Senator Sheppard relative to the matter, and the Senator expressed his willingness to have the act amended along those lines. Definite action, however, was not had in Congress, and further discussion of the amendment of the Sheppard bill is now rendered unnecessary by reason of the enactment of the national prohibition law, which, in effect, repeals the Sheppard bill. The argument that supports the proposed amendment to the Sheppard bill is of equal force when applied to the proposal to amend the national prohibition law so far as it relates to the Territory of Hawaii along the same lines.

The Territory of Hawaii consists of eight inhabited islands, extending from approximately 19° to 22° north latitude and from 154° to 160° west longitude. Many parts of these islands are isolated and lend themselves to the illicit manufacture and sale of alcoholic liquors. The Federal Government maintains in Hawaii such a small force that it is practically impossible for the Federal inspectors to properly police the Territory to adequately enforce the law.

On the other hand, each island of the Territory is divided into judicial districts, each of which has a local police court, known as the district court and presided over by a district magistrate and from which an appeal lies to the circuit courts. Each of these districts has a deputy sheriff and a local police force, all of whom would have a direct official interest in the enforcement of the national prohibition law if the Territorial courts were given concurrent jurisdiction with the Federal courts. The local district courts have jurisdiction over all misdemeanors. These local deputies and police officers are in a position to discover and apprehend violators of the law and undoubtedly would do so in any event were it not for the fact that under the present law, if any of them should furnish information to the Federal authorities leading to the arrest of an offender, it would then become necessary for such deputy sheriff or police officer to go to Honolulu as a witness on behalf of the prosecution.

The fees paid by the Federal Government are not sufficient to cover the actual expenses of the witness while absent from his home. The result is that many of these officials have actual knowledge of violations of the law, but do not file any information with the Federal authorities because they do not feel that they can very well pay from their own funds any part of the expense of the prosecution. It must be remembered that under the law as it now stands the local police officers are not charged directly with any duty to enforce the national prohibition law. As an example of the way this works out, I know that the chief of detectives in the city of Hilo formerly took a very active part in the enforcement of the Sheppard bill. He was very active in reporting offenses and was very diligent in patroling his district and investigating all cases which indicated any violation of the law. After a few experiences, however, he found that his efforts along these lines were costing him a considerable sum of money every month, and under those circumstances it was but natural for him to desist from this activity, with the result that the illicit manufacture and sale of liquors went on in his district practically unchecked. This is not to be understood as a criticism of the Federal officials. They are doing all that is possible, but to adequately enforce the national prohibition law in Hawaii, under the law as it now stands, would require a much larger force of Federal deputies than would probably be allotted to Hawaii. I believe that the deputy sheriff of a district, with his small force of policemen, by reason of his intimate knowledge of everything that goes on in his district, can do more to effectively enforce the national prohibition law than a much larger force of Federal officers, who, from the very nature of things, are not intimately acquainted with the activity of that district.

The various district magistrates will also, if this amendment goes through, take a personal interest in the enforcement of the law. The amount of fines and costs collected in these district courts determine to some extent the amount of the salary paid to the district magistrates. While this is not the highest and best motive which should influence their activities, yet it would, in my opinion, result in an active enforcement of the law.

I do not believe that under the present state of the national prohibition law we can expect its active and effective enforcement. On the other hand, I am convinced from my knowledge of Hawaiian conditions acquired from 20 years' experience there, that if the local courts should be given jurisdiction concurrently with the Federal courts, it will bring about a spirit of cooperation between the local and Federal officials and go far toward the accomplishing in Hawaii of the purposes of the national prohibition act.

The governor of Hawaii authorized me to say for him that this statement meets with his approval and indorsement. The United States attorney in Hawaii, Mr. Huber, also heartily indorses the purpose of the amendment. If I can be of any service or assistance to any official here who may be interested in this question, I will be very glad to furnish any additional information that may be required. I expect to be at the Shoreham until about March 1.

I am, yours, respectfully,

HARRY IRWIN,
Attorney General of Hawaii.

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DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 2, 1921.

HON. KNUTE NELSON,
Chairman Senate Judiciary Committee, Washington, D. C.

MY DEAR MR. SENATOR: Since the passage of the national prohibition act the Territorial officials of Hawaii have been insistent that that act be amended so as to give the Territorial courts concurrent jurisdiction with the courts of the United States of offenses arising under that act. On April 21, 1920, the Attorney General wrote the then chairman of the Senate Judiciary Committee inclosing a copy of a letter from the governor of Hawaii setting forth at length the necessity for such an amendment. I am attaching herewith a copy of that letter. The department is now in receipt of a letter from Mr. Huber, United States attorney for the district of Hawaii, again urging such an amendment. A copy of that letter is also attached.

The Sixty-sixth Congress, second session, on May 28, 1920, adopted such an amendment (S. 4296). This amendment then went to the House, but died in committee upon the adjournment of Congress.

The department agrees with the Territorial officials that such an amendment is highly desirable to relieve the congestion of the docket of the United States courts in Hawaii and to more expeditiously handle such cases in the outlying islands of the Territory. If you agree with this view, the department would be glad to see the amendment, designated in last Congress as S. 4296, reintroduced.

Respectfully, H. M. DAUGHERTY,
Attorney General.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition act."

WAR-MINERALS RELIEF.

The bill (S. 843) to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," was announced as next in order.

Mr. KING. Let that go over.

Mr. ASHURST. I hope the Senator will withdraw his objection. I am sure that if he would go into the subject he would withdraw his objection for this reason: Certain funds, to wit, $9,500,000, were appropriated in the Sixty-fifth Congress to pay those men who went into the hills, laborers who went out and struck solid granite with pick and shovel and brought in minerals for the relief of our Government during the war.

A construction was put upon the act which many believed to be narrow; the excellent legal talent of my friend from Utah will perceive that the construction was narrow, for it amounted to this, that a man who went to town and read in the paper that the Government needed manganese could be paid, but when he went to the hills and communicated this information to his fellow miners, and they did not read the notice, they could not be paid.

The appropriation is already made. It is limited to the payment only of those men who actually furnished the materials in good faith, and also to those who have heretofore—over a year ago, I will say—filed their claims. The junior Senator from California [Mr. SHORTRIDGE], who introduced the bill, I believe, could in three minutes make a statement that would convince and satisfy any Senator that this bill ought to pass.

Mr. KING. May I inquire of the Senator if the amendment to the bill which was offered by the senior Senator from Arkansas [Mr. ROBINSON] did not cure some of the narrowness of which the Senator has spoken?

Mr. ASHURST. Yes; but it failed in the Sixty-fifth Congress. It did not pass the House. It passed the Senate in the Sixty-sixth Congress, but it did not pass the House. The bill which is now pending is practically the same except that the interests of the Government are even more carefully—if that could be—guarded than in the bill passed by the Senate in the Sixty-sixth Congress.

Mr. KING. May I say to the Senator that with the original bill I was very much in sympathy and aided in its preparation. I believed that those who made contracts, express or implied, with the Government, and thereupon expended time and money in the production of minerals needed by the Government should be paid; but I feel that great care must be exercised in amending the original act, lest the bars be let down and the Government subjected to enormous demands and vexatious claims. I feel sure there is a clear distinction between cases falling within the original act and those claims, if any should be preferred, arising out of losses for shrinkage in the value of farm products and the loss of markets for manufactured goods produced so abundantly during the war.

But no legislation must be enacted that would be regarded as an acknowledgment that the United States is liable for losses sustained by reason of falling prices, or the production of surplus commodities produced during the war, and in many cases by reason of the stimulating efforts of governmental officials.

I hope that this bill does not open the door for relief to all persons who may have sustained losses in their mining operations. There must be no discrimination in favor of any class. If the losses of mining operators are chargeable against the Government, then the losses of farmers and all other classes must be likewise recognized if the conditions are the same in principle or in fact.

Does the Senator feel that this bill will afford no precedent to justify those who sustained losses upon the farm or in the factory from demanding compensation?

Mr. ASHURST. In reply to the Senator I am going to read the proposed law, which provides—and I ask the Senator from Utah to listen to the language—as follows:

That all claimants who, in response to any personal, written, or published request or demand from any of the Government agencies mentioned in said act, in good faith expended money in producing or preparing to produce any of the ores or minerals named therein and have heretofore filed their claims within the time and in the manner prescribed by said act shall be reimbursed such net losses as they may have been found to have incurred and are in justice and equity entitled to from the appropriation in said act, and that the unexpended portion of the appropriation carried in said act be continued available for the purposes named above until all claims in said act shall be finally settled or disposed of.

Mr. President, if any farmer or any citizen in response to a request or a demand furnishes anything to this Government, he should be paid. The words "request, demand" constitute the only amendment made and the only change or difference between this bill and the bill which passed the Senate in the Sixty-sixth Congress.

Mr. KING. I am in favor of the Government giving relief to those who in good faith, acting upon the requests of the United States, procured minerals which were needed in the prosecution of the war. When contracts have been entered into they should be carried out, and in those cases where agents of the Government induced individuals to open up tungsten and chrome and other mineral deposits in order that the imperative needs of the United States might be satisfied compensation should be paid as contemplated in the act first passed and of which the measure before us is amendatory.

I want justice done to those persons who heeded the call of the Government. But I am desirous of protecting the Government against any unfounded claim and against the establishment of any precedent that might be regarded as a basis for preferring claims for losses sustained by thousands of Amer-

ican citizens under circumstances which created no liability, moral or legal, against the United States.

Senators will recall that agencies of the Government urged the farmers, manufacturers, and indeed all classes to produce to the maximum. I recall that the War Trade Board and the Department of Agriculture urged the farmers to produce potatoes and the planters to grow cotton. Responding to those appeals immense agricultural crops were produced. Losses were sustained in many cases.

In Arizona, I am told, the farmers who produced large quantities of long-staple cotton lost heavily.

Let me ask the Senator whether he considers the Government liable for the losses sustained by the farmers of Arizona, who found no market for their cotton and other agricultural crops?

Mr. ASHURST. I am so anxious about this particular bill that I do not want to be led off into some unreturning parabola, but I can not dodge the question. I can not evade it, and therefore I have to answer it.

As to long-staple cotton, I have vexed the ears of the Senate too often urging relief to growers of long-staple cotton. When I say "long-staple cotton" I mean Egyptian, Sakellaridis, or Pima cotton. It is grown only in Egypt, in California, and in Arizona. It has great tensile strength. It was used for the wings of airplanes and for balloon fabrics. The Government urged and encouraged the growers of long-staple or Egyptian cotton to plant more cotton in the States of Arizona and California. So strong was their case and so much did it appeal to me in equity, in justice, and in conscience, that I had no hesitation in voting for a tariff on the importations of Egyptian cotton, because the growers of cotton in Arizona and California had, at the request, at the instance, and the demand of the Government, produced this cotton for airplane wings. I have been led away from the bill under discussion because I felt that I ought to answer that question, but the two cases are practically on a parity. The growers of long-staple cotton, however, are making no claim against the Government; they are pocketing their losses, though some of them are ruined men.

Mr. KING. I desire to say to the Senator that I will not make objection to the consideration of the bill.

Mr. ASHURST. I thank the Senator.

Mr. KING. But I think that the Senate should consider the bill fairly, and do justice to all to whom the Government is under obligation. I come from a mining State, and probably have constituents who will be benefited by the passage of this bill. Mr. President, that would not deter me from challenging the attention of the Senate to dangers which might flow from the enactment of this measure. The bill should be so guarded as not to constitute a precedent that might entail serious burdens upon the Government growing out of claims made by persons for losses which neither in law nor in words should be chargeable to the United States.

Mr. ASHURST. I will ask the Senator from Utah to remember that a bill similar to this passed the Sixty-sixth Congress. I will ask at this point to include in the RECORD the report on the bill which I have made from the Committee on Mines and Mining. This report is able; it is illuminating; but I did not write it. It was written by the scholarly junior Senator from California [Mr. SHORTRIDGE], and I have practically adopted his entire report. Those who read it, I am sure, will be convinced that this bill should pass. I therefore ask permission to include in the RECORD that report.

The VICE PRESIDENT. Without objection, the report will be printed in the RECORD.

The report (No. 98) submitted by Mr. ASHURST on June 8 is as follows:

The Committee on Mines and Mining, to whom was referred the bill (S. 843) to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," having considered the same, report favorably thereon with the recommendation that the bill do pass.

This bill is almost identically the same bill which, as S. 4900, was on February 24, 1921, passed by the Senate of the Sixty-sixth Congress during its last session, but which was not presented to the House in time for action before adjournment of that Congress, on March 4, 1921. The bill proposes to amend the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919. Section 5 of that act reads:

"That the Secretary of the Interior be, and he hereby is, authorized to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation by reason of producing or preparing to produce either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war."

As this act has been administered, due to the strict and narrow construction given to the words "request or demand" found in said section, grave injustice has been done to many loyal citizens who responded to the call of their country and produced or prepared to produce these much-needed minerals, namely, manganese, chrome, pyrites, and tungsten.

When later, pursuant to the statute, bona fide claims for losses suffered by reason of producing or preparing to produce these minerals were filed with the Secretary of the Interior, it was ruled that the words "request or demand" meant and required a specific request or demand communicated personally to the claimant, who, in consequence produced or prepared to produce one or more of the minerals mentioned.

Whether this construction of the statute was correct or erroneous need not now be consideed; the deplorable result was that many claims, filed in time and in due form, were wholly rejected and disallowed, and the purpose and intent of the Congress to grant relief to legitimate claimants was frustrated and defeated.

The amount of the war minerals relief appropriation by the act of March 2, 1919, was $8,500,000.

There were 1,207 claims filed in due time. Of these claims 572 were rejected under the above construction of the statute, it being held that no specific request or demand had been communicated personally to the claimant. These rejected claims amounted to $3,464,023.05. Deducting the amount of the allowed claims and the expenses of the relief commission, there remains of the $8,500,000 appropriation approximately $4,974,746.01 unused.

If these rejected claims should be allowed and paid in full, there would still remain of the appropriation $1,510,772.96 unused.

If these rejected claims should be allowed and paid at the prevailing rate, there would remain of the appropriation $3,897,434.56. It therefore appears that no additional appropriation is necessary or sought by the proposed amendment.

It will further be observed that except to more clearly define the nature or character of the communications issued by the five Government bureaus during the war to induce the domestic production of the foregoing war minerals, the proposed amendment neither affects the text nor any other provision of the original act of March 2, 1919. Moreover, the proposed amendment restricts its scope and action to those claimants only who filed their claims within the time and the manner prescribed by the original act.

It will be noted also that the proposed amendment specifically provides that relief is to be granted to those only who in good faith expended money in producing or preparing to produce any of said minerals and who are in justice and equity entitled to be reimbursed for their net losses.

No additional appropriation is necessary or sought by this proposed amendment to the act March 2, 1919.

Mr. KING. Mr. President, if this bill is intended to compensate all persons for the losses sustained by them in their efforts to produce tungsten, chrome, manganese, and certain other minerals, regardless of the question of contract, or orders and directions from competent governmental authority, then it may prove to be a serious matter to the Government, because if any general statement made during the war by executive agencies, urging the people to greater production of field and farm and mine and factory and mill, is to be regarded as creating an obligation upon the part of the United States to buy the products, or meet any losses incurred in their production, it will be readily perceived that claims amounting to hundreds of millions might be presented.

Mr. ASHURST. The bill does not mean that. We had practically none of these metals for war purposes. We did not have manganese or tungsten in quantities sufficient to enable us properly to carry on the activities of war.

Mr. SMITH. May I ask the Senator a question? In reading over this report I gather that these were particular articles which the country was not in possession of and not producing.

Mr. ASHURST. Quite so.

Mr. SMITH. And that a request, and in some instances a demand, went out from the Government to individuals to produce sufficient quantities of these metals to meet the requirements of the Government, which was then engaged in war?

Mr. ASHURST. What the Senator from South Carolina says is quite true. Mr. President, so pressing was our need for these metals that we sent the *Cyclops*—a ship that has never returned—to Brazil. Laden with manganese to the extent of some ten or fifteen thousand tons on the 4th of March, 1918, she left port, but that unfortunate ship is still missing, and of course will never be heard from. So desperately was our Government pressed that we were urging our importers to bring manganese in from other countries and we were urging our miners to go out and extract manganese, pyrites, and tungsten because there was a lack of those metals, and they were absolutely necessary to prosecute the war at that time.

Mr. NORRIS. Mr. President, I understand the Senators are discussing a bill that is not objected to.

Mr. ASHURST. The Senator from Utah [Mr. KING] objected.

Mr. NORRIS. I understood the Senator from Utah to withdraw his objection.

Mr. ASHURST. Then I will forego any further remarks.

Mr. JONES of Washington. Mr. President, it seems to me this bill is a bill of too much importance to be passed by unanimous consent without giving it any especial consideration. The suggestion of the Senator from Utah, it seems to me, warrants very careful study of the language of this bill to see whether or not it goes as far as he contends. I know there are some people

in my State who are interested in this measure; I think something ought to be done along these lines; but in our anxiety to take care of just claims we ought not to go so far in the language of the proposed legislation as to cover all sorts of claims which might be made against the Government. While I have no opposition to the general purpose named in the bill, yet, in order that opportunity may be afforded for discussion and possibly amendment, if the Senate deems wise to amend it, I object to the consideration of the bill at this time.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senator from Washington objects, and the bill will go over.

LAKE GEORGE, YAZOO COUNTY, MISS.

The bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be an unnavigable stream was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That Lake George, in Yazoo County, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said lake is hereby declared to be vested in the State of Mississippi.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. Mr. President, I desire to have inserted in the RECORD a copy of the report of the committee accompanying the bill to show why the committee took this action. The War Department is quite strongly opposed to the bill, but the two Senators from Mississippi are strongly in favor of it. One of the Senators lives in the immediate vicinity of the stream, and the committee felt disposed to act upon the desires of the two Senators from the State, notwithstanding the adverse report of the War Department. I ask to have the report printed in the RECORD so as to show clearly the facts in connection with its passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 99) submitted by Mr. FLETCHER on the 9th instant is as follows:

The Committee on Commerce, to whom was referred the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream, having considered the same, report favorably thereon, and recommend that the bill do pass without amendment.

Both Mississippi Senators insist that Sunflower River is not navigable and the entrance to the lake and the outlet are not navigable, in fact, except in excessive high-water periods, and that Lake George can not be regarded as a navigable waterway of the United States. Evidence to that effect was submitted to the committee. The report of the War Department is attached.

The committee decided to report the bill favorably without amendment.

WAR DEPARTMENT, *May 6, 1921.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The accompanying bill, S. 1162, current session, to declare Lake George, Yazoo County, Miss., a nonnavigable stream, is identical with a bill introduced in the last session of Congress (S. 5025), which was reported upon under date of February 28, 1921, as follows:

"Lake George rises in Yazoo County, Miss., and flows in a northwesterly direction to a junction with the Big Sunflower River at a point about 18 miles above the mouth of the latter stream. The total length of the lake is approximately 17 miles.

"On December 31, 1920, the lake was examined by the Engineer Department from the mouth to the 10-mile point. The open-water width was 600 to 700 feet in general, but reduced to 100 feet and less in several places by bushy growth on the lake bed. A number of sections were sounded, disclosing a maximum channel depth at 18.7 feet and a minimum depth of 15.3 feet. The water stage at the time was 18.4 feet above low water in the Big Sunflower River at the mouth of the lake.

"In the fall of 1920 a bridge was constructed across the mouth of the lake by the supervisors of Yazoo County, Miss. The plans of the structure were not submitted to and approved by the Chief of Engineers and the Secretary of War before construction was commenced, as required by section 9 of the river and harbor act of March 3, 1899.

"It is learned, however, that the work was undertaken by the county officials on the presumption that the lake was not a navigable waterway of the United States within the purview of the Federal statutes.

"The bridge is a pile trestle about 644 feet long, with bents spaced at 11⅓ to 16⅔ foot centers, and with a 24½-foot log pass at the deepest part of the crossing, but so constructed as to render prompt opening impracticable and with the bottom of the stringers slightly lower than the high-water level of the last six years.

"Complaint has been made against the structure by a local mill concern, whose mill is cut off from about 1,000,000 feet of timber in the vicinity, due to insufficient clearances for navigation. The complaint was made the subject of a public hearing by the local district engineer on the 24th instant. His report has been forwarded, but has not yet been received. By telegram of the 27th instant, however, he states that the hearing developed that 15 miles of the lake is navigable half of the year; that the annual commerce is valued at about $32,000, and that the bridge is an unreasonable obstruction to navigation. He recommends that the bridge be altered to provide in the channel space an opening 60 feet wide in the clear and a vertical clearance of 10 feet above ordinary high water.

"The information before this department therefore indicates that while Lake George is used commercially only to a limited extent, it appears nevertheless to be of sufficient importance from the standpoint of navigation interests to require its protection and preservation under existing Federal laws. I am therefore led to the conclusion that the bill S. 5025, herewith, should not be favorably considered by Congress, and I so recommend."

Since that report was made, the report (referred to in the next to the last paragraph of the foregoing extract) concerning the public hearing held by the local district engineer on February 24, 1921, regarding the alteration of the bridge at the mouth of the waterway, has been received and fully considered by the Chief of Engineers. In the light of the facts therein presented and of circumstances later disclosed, he is of the opinion that present navigation on Lake George does not warrant the War Department requiring the alteration of the bridge.

So far as this department is aware, the only reason for the proposed legislation is the desire of the supervisors of Yazoo County to be relieved of possible liability under Federal laws for constructing the bridge at the mouth of the lake without obtaining approval of the plans as required by section 9 of the river and harbor act of March 3, 1899. As indicated, however, by the statements above, no action either against them or to require removal or alteration of the bridge appears necessary or justifiable. Even if future developments should indicate a probability that the bridge should be altered in the interests of navigation, the department would proceed in the matter in accordance with the provisions of section 18 of the river and harbor act of March 3, 1899, which requires that interested parties be given a reasonable opportunity to be heard before changes are ordered. It is not the policy of the department to institute prosecution in the absence of a willful defiance of law, nor to require removal of nor changes in bridges, unless there are good grounds therefor.

The supervisors need fear no apprehension therefore of arbitrary action against them, and as the waterway in question is evidently a navigable water of the United States which may at some future day usefully serve commerce, it is my view that the proposed legislation is unnecessary and that, from the standpoint of public interests, the passage of the bill for such a purpose and under such circumstances would be a harmful precedent and should be opposed.

J. M. WAINWRIGHT,
Assistant Secretary of War.

PORT OF ENTRY AT FORT WORTH, TEX.

The bill (H. R. 2466) to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," was considered as in Committee of the Whole. It proposes to constitute Fort Worth, in the State of Texas, a port of entry in the customs collection district of San Antonio, Tex., and provides that the privileges of section 7 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended, governing the immediate transportation of dutiable merchandise without appraisement, shall be extended to the port of Fort Worth, in the State of Texas.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. McCORMICK. Mr. President, I inquire what is the regular order?

The PRESIDING OFFICER. The call of the calendar, the packers bill having been temporarily laid aside in order that the calendar might be called.

Mr. BRANDEGEE. We are proceeding by unanimous consent.

Mr. McCORMICK. I was wondering if it was the purpose of the Senator from Nebraska [Mr. NORRIS] to allow the so-called packers bill interminably to be put aside.

Mr. BRANDEGEE. The Senator from Nebraska yielded for a half hour, and that period will be up in three minutes.

Mr. McCORMICK. Yesterday the bill was laid aside for three hours.

Mr. SMOOT. It was not at the instance of the Senator from Nebraska at all that the Senate proceeded with the consideration of the calendar. The Senator from Nebraska was appealed to to allow a half hour so that we might complete the consideration of the calendar.

Mr. NORRIS. Mr. President, it required unanimous consent. I want to be courteous to Senators, but in trying to be courteous to some I find that other Senators who were not here and who, had they been here, would have had the right to object, if they had it in mind to do so, come in later and complain.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

The bill was passed.

Mr. SHEPPARD. I ask unanimous consent to have printed in the RECORD at this point the report of the committee, so as to show the necessity for the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 100) submitted by Mr. SHEPPARD on the 9th instant is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 2466) to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to

immediate transportation of dutiable goods, and for other purposes," having considered the same, report favorably thereon, and recommend that the bill do pass without amendment.

The bill has the approval of the Treasury Department, as will appear by the annexed communication.

TREASURY DEPARTMENT,
Washington, May 13, 1921.

Hon. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

SIR: The department is in receipt of your letter of the 23d ultimo, inclosing a copy of a bill (H. R. 2466) providing for the establishment of Fort Worth, Tex., as a port of entry and a port to which merchandise may be transported under section 7 of the act of June 10, 1880, without appraisement at the port of entry.

An investigation has been made to determine the necessity of this action, and the investigating officer reports that, in his opinion, enough merchandise is imported for Fort Worth to justify the creation of that place as a customs port of entry. The investigating officer further reports that, after conferences with various business concerns in Fort Worth, he is of the opinion that sufficient merchandise would be forwarded to Fort Worth in bond from frontier ports under the immediate transportation act to justify the creation of Fort Worth as an immediate transportation port of entry.

In view of the foregoing, I am of the opinion that a commercial necessity exists which warrants the establishment of Fort Worth as a port of entry and a port to which imported merchandise may be forwarded in bond under the provisions of section 7 of the act of June 10, 1880. I therefore recommend the passage of the bill H. R. 2466.

Respectfully,

A. W. MELLON, *Secretary.*

MUD SLOUGH DIKE, ISTHMUS INLET, OREG.

The bill (H. R. 3018) granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to H. H. Haynes and his legal representatives and assigns, to construct and maintain a dike and approaches thereto across the Mud Slough on Isthmus Inlet at or near its mouth in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon, in the county of Coos, in the State of Oregon: *Provided*, That the work shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That no dam or dike constructed under the consent hereby granted shall be used to develop water power nor to generate electricity.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MEAT PACKING INDUSTRY.

The PRESIDING OFFICER. The calendar is completed. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. SMOOT. I suggest the absence of a quorum. I was asked to call for a quorum when the calendar was completed.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McKellar	Stanfield
Borah	Harris	McKinley	Sterling
Brandegee	Heflin	McNary	Sutherland
Broussard	Johnson	Myers	Swanson
Bursum	Jones, Wash.	Nicholson	Trammell
Capper	Kendrick	Norris	Underwood
Cummins	Kenyon	Oddie	Wadsworth
Curtis	Keyes	Phipps	Walsh, Mass.
Dial	King	Pomerene	Walsh, Mont.
Dillingham	Knox	Reed	Warren
Edge	Ladd	Sheppard	Watson, Ga.
Elkins	La Follette	Shortridge	Watson, Ind.
Fernald	Lenroot	Simmons	Weller
Frelinghuysen	Lodge	Smith	Williams
Gerry	McCormick	Smoot	Willis
Glass	McCumber	Spencer	Wolcott

The PRESIDING OFFICER. Sixty-four Senators have responded to their names. A quorum is present. The question is upon the amendment proposed by the committee.

Mr. McCORMICK. Mr. President, let me ask if the Senator from Nebraska does not intend to explain more fully the differences between the two bills; notably the differences in principle, if any, between section 204 of the House bill and sections 20 and 21 of the Senate bill, more especially in relation to sections 10 and 12 of that bill?

Mr. NORRIS. Mr. President, I have assumed, and I think the committee has, that the bill which the Senate Committee on Agriculture and Forestry proposes as a substitute for the House bill was as fully discussed and debated as anybody wanted to hear it debated. I outlined it just briefly yesterday; and I assumed, for the same reasons that the committee, after having spent so much time on hearings before, declined to hear any further evidence, that the Senate would not care to go over again the debate that was fully gone into just at the close of the last session.

I am not the sponsor of the House bill. I am opposed to the House bill. The Senator from Illinois is in favor of it. It would probably be fairer to have the House bill expounded by him if he thinks it requires any explanation. I have felt that I did not want to take up the time of the Senate in debating something that has so recently been very fully discussed and debated in all its details. For that reason, so far as I am concerned, I am ready to vote, and I have assumed that the Senate was.

Mr. McCORMICK. Is it not true that there are some members of the Committee on Agriculture and Forestry who have given it as their opinion that the House bill has certain features at least which commend themselves to those members of the committee? I thought perhaps the Senator from Nebraska, since the House has passed a bill, might care to explain to the Senate why the Senate committee summarily decided against the House bill, not in part but in toto.

Mr NORRIS. Was the Senator in the Chamber yesterday?

Mr. McCORMICK. A good part of the time.

Mr. NORRIS. Did the Senator hear what I said about it?

Mr. McCORMICK. Yes; not only that, but I have read today carefully all that was said yesterday.

Mr. NORRIS. The Committee on Agriculture and Forestry had spent many, many weeks on hearings. Had we gone into it again we would have had another two-year session, or, at least, we felt that it was absolutely endless. There was not a member of the Committee on Agriculture and Forestry, so far as I know, who wanted to go into hearings; and the reporting back of the House bill with the Senate bill attached as an amendment was, as a matter of fact, more of a formality than anything else. I think the Senator appreciates that. Perhaps that is not the right way to do; but whatever wrong there is in it, if that is not right, we must suffer the consequences.

Mr. McCORMICK. Who must suffer the consequences?

Mr. NORRIS. The Committee on Agriculture and Forestry.

Mr. McCORMICK. Oh! I thought possibly that the livestock men and the packers might suffer the consequences.

Now, let me make myself clear, if I may. I seek to have the Senator, if he will, give the Senate the reasons, not for the report of the original bill to the Senate at the last session, but for the summary decision of the committee to reject the House bill in toto; to explain why it was that the committee found no merit in any provision of the House bill; and, as I said a moment ago, I seek especially to have the Senator, if he will, give us the opinion of the committee or of the majority of the committee on the relative merits of those provisions of the two bills to which I have referred—those provisions which relate to rules and regulations to be issued in the one instance by the commissioner and in the other by the Secretary of Agriculture, and to appeals therefrom to the courts.

I do not doubt that Senators who are lawyers by profession very readily grasp the distinction between the two bills, but there are other Senators who are not lawyers and who, like myself, have read those provisions and only by close study and by conference with their colleagues who are lawyers have been able to understand the difference between them.

If the Senator from Nebraska will turn to the RECORD of yesterday, page 2324, in the first column, he will find two considerable paragraphs containing his own remarks. I call his attention now not to what he said of the feature of the bill under which municipalities are to establish abattoirs, but to the other paragraph, in which he says:

> The House bill—and there are some things about it I do not understand; some of the definitions I have not yet been able to grasp fully—

And so on. Now, if the committee has not considered the House bill long enough for its members to understand it, I think it is due the Senate that the members of the committee should at least give to Senators, so far as their studies will permit, some explanation of the differences between the two bills, and especially in the matter of rules and appeal therefrom. Does not the Senator from Nebraska think that fair?

Mr. NORRIS. I am not questioning the fairness of it, I will say to the Senator, Mr. President, but, as I explained to the Senator before, I had no reason whatever to disguise what the facts were. After the Senate committee had prepared the bill, had once passed it through the Senate, reported it again to the Senate, and the bill as it passed the House came over, it was more a matter of form probably than anything else, and to put the matter in such parliamentary situation in the Senate that we could get the most expeditious result we took the

Senate committee bill rather than the bill as it passed the House. We had no hearings upon the bill as it passed the House. It is more a matter of form than anything else. We had prepared our bill; we had reported it. It had once been passed by the Senate in practically the same form in which we reported it.

Mr. KENYON. Mr. President, it is clear, is it not, that the bill reported by the Senate committee had been reported to the Senate before the House passed this bill? There is no question about that?

Mr. NORRIS. No; there is no question about that.

Mr. KENYON. And the Senate committee bill was nearly the same as the bill that was passed by the Senate at the last session. There was a change in the commission of several members being eliminated and the regulation being put under the Secretary of Agriculture.

Mr. REED. The conversation on this side of the aisle has been so much louder than the addresses on the other side that I could not hear what was said over there. I can hear what is said over here very well.

Mr. KENYON. We did not want to disturb the conversation over there.

Mr. REED. I do not want to disturb it, either, but I would like to hear this colloquy, because I am interested in it.

Mr. NORRIS. Perhaps I have not answered fully the query of the Senator from Illinois. I was about to add that when the bill as it passed the House came to the Committee on Agriculture, in order to put the whole thing before the Senate, we reported it back at once, as a matter of form, and substituted the bill we had before reported, and which was on the calendar of the Senate. I do not think there was anything wrong about that action.

Mr. McCORMICK. I have not suggested that.

Mr. NORRIS. The Senator's argument rather intimated that we did not consider the bill as it passed the House. We did not, any more than I have suggested, and I think any committee of the Senate would have taken the course we did. Otherwise they would never get through with anything.

I have told the Senator just what we did. The committee has not anything to cover up or conceal. If that course was wrong, as I said before, and the committee deserves condemnation or criticism for it, then we will have to suffer the consequences. If the Senator thinks that is not right, and that we ought to have at once started in on hearings on the bill as it passed the House, how long does he think we should go on with them? The Senator shakes his head, intimating that he does not think we ought to have had hearings, but that we ought to have done something more about it.

Mr. McCORMICK. I have suggested to the chairman of the committee not that they ought to have had hearings, but that, in my judgment, it is incumbent upon the committee to give to the Senate its reasons for the prompt decision which it reached and to expose to the Senate the differences between the two bills. Since the committee itself has not weighed the two bills, and for reasons which were good to the committee and which I do not now challenge, the Senate must weigh the differences between the two bills.

Who, Mr. President, since they have been with the problem for two years or more, is better able than the members of the committee, if they will, to explain the differences between the two bills and the reasons why they prefer certain outstanding features of the Senate committee bill?

A moment ago I quoted from the Senator from Nebraska. If my memory be correct, I think he also said yesterday that the bills were very much alike. If they are very much alike, then their differences can not be numerous, and the Senator and his colleagues ought to be all the more ready to explain them.

Mr. KENYON. Mr. President, what is it that the Senator wants the chairman or the committee members to do? Has the Senator read the bill as it passed the House?

Mr. McCORMICK. The Senator has read both bills.

Mr. KENYON. Then does not the Senator know the differences between the bills?

Mr. McCORMICK. The Senator would like light from the gentlemen on the committee, who are lawyers, as to why they prefer certain provisions of the Senate committee bill to certain provisions of the bill as it passed the House; and I have referred to the sections on which I would like to have light.

Mr. KENYON. Mr. President, I would be perfectly willing, as a member of the committee, to explain the differences between the two bills, or the chairman of the committee would be perfectly willing to do that, but I should think a man who could read them could see the differences.

Mr. McCORMICK. If the position taken by the Senator from Iowa be sound, he takes the position which some of the brethren in the legislature took when I was a member of it—that it was enough to say of a bill that "This is a good little bill and had ought to pass."

There are differences between the two bills, if I understand them, especially in the sections to which I have referred. I can see that the language of the two bills is different. I am able to do that. If I do not know the law, I know English. But if the members of the committee who are supporting the Norris bill are both willing and able, I would like to have them present to the Senate the reasons why they prefer the provisions of the Senate committee bill, as contained in sections 20 and 21, as distinguished from the provisions of the House bill, found in section 204, dealing with the matter of appeal. I refer, of course, to the sections in the respective bills which have to do with the regulations and rules to be issued by the commissioner or the Secretary of Agriculture and appeals therefrom.

If no member of the committee is willing or able to explain the provisions to which I have referred, I hope that the Senator from New York will offer the amendments he has prepared, and I shall try in the meantime to analyze those provisions, relying only on my knowledge of English, and despite my ignorance of the law, in order to present to the Senate the differences between the two bills.

Mr. KENYON. Mr. President, I am perfectly willing to go ahead and present the differences between these two bills as I understand them. But the Senator has suggested them. Why does he not argue against the Senate committee bill, or against the bill as it passed the House, because of its provisions?

Mr. McCORMICK. The Senator is seeking light, naturally, from the Senators who have studied this subject for two years, or maybe three.

Mr. KENYON. We had this before the Senate for two years. It was discussed at the last session for weeks. I do not know whether the Senator was here or not; perhaps he was not. I myself talked on it a couple of days. Nobody listened to the discussion at the last session. Men had their minds practically made up, and perhaps have now, as to the issue between the Senate committee bill and the bill as it passed the House. There was not any real effort to discuss it.

I do not mean to question the Senator's remark that he is seeking light, but he has studied it and evidently believes the House provisions are better than the Senate provisions. The bill as it passed the House does not differ from the Senate committee bill in many respects. The Senator will find that the language of some of the sections is identical. We passed the bill at the last session, and we took that bill at this session as the basis of our operations. We changed from a commission to one member. The House have abolished the commission entirely. That is one of the fundamental differences. They put the entire matter under the Secretary of Agriculture, and the Senator from Nebraska explained that yesterday.

In the bill as it passed the House there is a difference in the process as to remedy. It may be a matter of fair dispute in men's minds as to which is the best, granting that anything should be done. The regulatory order under the bill as it passed the House is not made until the end of a hearing after complaint. Under the Senate committee bill the order is made, and a violation of it never becomes criminal until after it has gone to the court and been sustained by the court.

Mr. KNOX. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. McCORMICK. Certainly.

Mr. KNOX. In the Senate bill it is proposed that the commissioner can make an order without complaint. Can he act upon his own initiative?

Mr. KENYON. I am under the impression that the commissioner can instigate proceedings and then have a hearing.

Mr. KNOX. Can he make an order without a hearing?

Mr. KENYON. Not without hearing; no.

Mr. KNOX. Under the Senate committee bill?

Mr. KENYON. Oh, no. There must be hearings, and then the order is made. There is an appeal from that order and a violation of that order does not become a criminal offense until it is sustained by the court.

Mr. REED. Let me ask the Senator a question on that point. The Senator says there is an appeal from an order. I have not given this bill study yet, but is it not true that when the appeal from the order is taken every fact found by the commissioner is binding upon the court?

Mr. KENYON. No; I do not understand it that way at all.

Mr. REED. That if there is any evidence whatsoever to sustain the commissioner he must be sustained?

Mr. KENYON. That was changed in the bill at the last session, as the Senator will remember. An amendment was offered on the floor by the Senator from Georgia which changed that very language.

Mr. NORRIS. Will the Senator from Iowa permit an interruption there?

Mr. KENYON. Certainly.

Mr. NORRIS. I just want to suggest on the particular point to which the Senator from Missouri has referred that I think both the bill as it passed the House and the Senate committee bill are exactly the same in that respect, about the weight of evidence that shall be necessary.

Mr. REED. That would not cure the evil if it exists.

Mr. NORRIS. Oh, no; I do not claim there is an evil existing that that will cure.

Mr. KENYON. That was in the original bill. That provision has been sustained by the courts. But an amendment was offered in the Senate, I remember, near the close of the discussion, in which I think the Senator from Missouri participated, and that amendment was adopted.

Mr. McCORMICK. Perhaps if I read section 10 of the Senate committee bill first, under Title II, it would direct the attention of the Senator from Missouri to the point I am making. That section reads:

> The commissioner, with the approval of the Secretary, may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government or of any State or political subdivision thereof or with any person.

There is nothing there about hearings.

Mr. KENYON. That is merely descriptive.

Mr. McCORMICK. Where is the provision for hearings? But before we turn to that will the Senator turn, then, to section 21?

Mr. KENYON. The copy of the bill I have seems to be cut through, and it seems to be pretty difficult to follow the Senator.

Mr. McCORMICK. I refer to page 36, section 10, which I just read.

Mr. KENYON. From which bill is the Senator reading?

Mr. McCORMICK. I am reading from the amended House bill.

Mr. KENYON. That is the Senate substitute.

Mr. McCORMICK. Yes; which is in italic print.

Mr. KENYON. I have it now.

Mr. McCORMICK. The Senator has it before him now?

Mr. KENYON. Yes.

Mr. McCORMICK. In that connection will the Senator permit me to read section 21, at page 44, line 22?—

> No such order of the commission shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or the operator that the order is—
>
> First—
>
> unsupported by the weight of the evidence, or—
>
> Second—
>
> was issued without due notice and a reasonable opportunity having been afforded to such packer or operator for a hearing, or—
>
> Third—
>
> infringes the Constitution of the United States, or—
>
> Fourth—
>
> is beyond the jurisdiction of the commissioner.

Mr. KENYON. Go ahead with the reading.

Mr. McCORMICK. I do not think it is necessary at this juncture to go ahead with the reading, because the limitation upon the court in its review of the rules which may be issued under section 10 is explicit in that part of section 21 which I have read.

Mr. KENYON. But follow it a little further:

> The testimony and evidence taken or submitted before the commissioner, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case.

Then, there must be some kind of a hearing in order to have any testimony or evidence taken. That is found on line 15, page 44.

Mr. NORRIS. If the Senator will read section 20, he will see that it provides what the hearings shall be. The Senator from Illinois asked a question in regard to the provision of the bill which provides for a hearing.

Mr. KENYON. It provides for testimony being taken before the commission and reduced to writing. That is a hearing. Then that testimony goes on up to the upper court. The court does not have to accept it. The court can reverse it and set it aside and call for a further hearing, and in any event that order, supported by the evidence, never could become a criminal offense until after the time the upper court had sustained it.

The House provision is different in that it provides for complaint being filed and a hearing had before any final order can be made. This order, as I take it, does not become final and effective until after the court has passed on it. There is a difference in the route traveled.

Mr. SMITH. Table IV, "Procedure for Violations," section 20, beginning with line 20 and going down to and including line 5 on the next page, sets out explicitly the manner in which the commission shall operate.

Mr. KENYON. The Senator will notice that there must be a notice in writing served specifying the violation and requiring the packer or operator to attend and testify at a hearing before the commissioner at the time and place designated therein, and with reasonable opportunity to be heard in person or by counsel and through witnesses. That is a hearing, and a complete hearing; but the Senator is right in saying that there is a difference in the method of arriving at results. The mere fact that section 10 provides that rules and regulations can be made must be taken into account in considering what follows, as to how that can be carried out.

Mr. McCORMICK. I can see that if this discussion has any value it is to appraise the differences between the bills.

Mr. KENYON. I was trying to point out the other differences. If the Senator will allow me to go on, I shall be glad.

Mr. McCORMICK. I shall be glad to have the Senator continue.

Mr. KENYON. I did not intend to discuss the bill, and I am simply trying to help the Senator by pointing out the differences. We concede there is a different procedure. I think in what was called the Haugen bill there is no obligatory publicity section, as in section 16 of the Senate committee substitute. That is one of the most important things, that there be publicity of operations. That is a very distinct and vital difference between the two bills.

Mr. SMITH. In what section does that occur?

Mr. KENYON. Section 16. I do not find that in the House bill. In the bill as it passed the House the power of the Secretary to require reports from packing companies is not at all clear. If the Senate should adopt the House provision there should be amendment to make that perfectly clear, because that is one of the main points, to require reports from packing companies.

Mr. SMITH. What section is that?

Mr. KENYON. I think it is not in the House bill, so I can not point to the section; but the Senate committee bill thoroughly covers it. If the Secretary, under the provisions of the bill as it passed the House, does not have reason to believe that the prohibitions of the bill are being violated and no complaint is pending, there is no way open for him whereby he can compel reports, however desirable he may consider them to be. The power of the Secretary to initiate inquiries is not as clear in the House bill as it is in the Senate committee bill.

Mr. McCORMICK. Will the Senator turn to section 20 of the Senate committee substitute?

Mr. KENYON. I should like to have this statement in consecutive order. Will the Senator let me finish that first?

Mr. McCORMICK. Certainly.

Mr. KENYON. The House bill provides that accounts shall be kept so as to disclose all transactions, but there is no provision under which uniform accounting can be required. We have thought that that is one of the real necessary things. I think if any legislation is to take effect, the two things necessary—and hardly anybody disagrees—are something that will require uniform accounting and something to make it possible to secure the greatest publicity. I think those two things are not covered in the provisions of the House bill.

Another thing that we believe is omitted is that it does not provide for regulation of the commission men, as the Senate committee substitute does. That is one of the most vital things in correcting the abuses that are claimed now to exist.

I have tried to point out fairly to the Senator from Illinois, as I understand them, the differences between the provisions of the bill as it passed the House and the proposed Senate committee substitute. We reported the bill almost in the form in which it was passed by the Senate, as I have said, changing "commission" to "a commissioner." I have already referred to that. There is no commissioner provided under the House bill. It is entirely under the Secretary of Agriculture. We did that because we had had a year of hearings on the Senate side and nearly that much of hearings on the House side. There are volumes of evidence that has been taken. We thought it was ridiculous to go on with further hearings. Senators will be advised, if they will look at those hearings, what they want to do and what is taking place in this industry. If they do not want to do anything, Senators may simply vote it down, without long arguments, so far as the committee is concerned.

I hope I have kept faith with the Senator, at least in telling him what I understand the differences are.

Mr. EDGE. Mr. President, there seems to be some hesitation as to discussing the respective merits of the two bills. The little I am going to say on the subject I think will apply equally to either. I do not propose to discuss the details of the bill as it passed the House or of the proposed Senate committee substitute. To be very frank about it, I have not studied it sufficiently to be able to discuss the details, but I am absolutely convinced that the general policy as written through both is fundamentally unsound; that the principle is wrong; and that it will be a grave error, particularly in these days, to enact such regulatory legislation.

It seems to me that we have had almost enough experience in the last few years in what appears to be well described by the President as too much government in business and too little business in government, through actual happenings in connection with governmental administration of what should be private interests, to make us hesitate. Some of these experiments were made necessary, I think we would all agree, because of the exigencies of the war, but now that that is behind us and we have been struggling for two and a half years to get back to a somewhat normal condition, then again to try to impose what I believe to be an entirely impractical supervision or control over business appeals to me very strongly as an entirely wrong policy.

I have full sympathy with the tremendous problems that agriculturists, cattle raisers, and others have had during recent months in different parts of the country. I have not agreed, however, with various so-called emergency measures which promised but do not give relief. These efforts to temporarily help such situations, in my judgment, have not and will not bring about such results. The bill proposed by the Senate committee, however, goes much further than an emergency proposition. Either of the bills, but speaking particularly of the Senate committee substitute now before us, is designed to control a large industry in such a manner as would appear to me not to serve the best interests of a large majority of the consuming public, but perhaps might be of some direct benefit to the cattle raisers and those directly engaged in that business, and yet I question that.

I was very much impressed with a resolution presented to the Senate yesterday by the Senator from Montana [Mr. MYERS] emanating from a State the representatives of which in the legislature should know, and undoubtedly do know, very much more about the cattle-raising business and its many ramifications than I could ever hope to know under past environments.

That resolution, which was presented to the Senate and is very short, was passed unanimously by both the house and the senate of the Legislature of Montana. It reads, in part, as follows:

> Whereas there is pending before Congress Senate bill 3944 by Gronna, Senate bills by KENDRICK and KENYON, and House bill by ANDERSON, which we consider to be detrimental to our industry, we believe the remedy for abuses of power and inefficient service by large concerns lies in strict and broad-minded supervision and not in curtailment of production that might result from the delegating of a commission with arbitrary power.

I was greatly impressed with a memorial of that character which had been unanimously passed by the Legislature of Montana, in the very center of the cattle-raising section of our country. I am afraid in the final analysis this bill will have as a result the general raising of prices of meat products—which in some cases, undoubtedly, where they have gone too low, should be raised, in order to permit a reasonable profit to those engaged in the business—but as is inferred in the resolution, will it not also result in the curtailment or control of actual output to such an extent that the general consuming public will be affected thereby in the way of higher prices? It can, in my judgment, have no other effect. Some regulation may be necessary, but do not let us take charge of transportation. We do not know how.

Being a member of a subcommittee, I have taken considerable interest in the question of trying to ascertain the reasons for the continued high price of another commodity of general use, namely, anthracite coal. It could well be asked of me, "If you feel, as you apparently have demonstrated by public utterances, that there is something wrong in the coal industry, that the prices are too high, and that that industry should be regulated or certain publicity provided through legislative enactment, then why does not the same rule apply to the cattle-raising industry?" That would be a very pertinent question. My answer, however, to that question would be this: It is a well-known fact, so far as we are able to ascertain from the reports which have been handed down to us by the departments of the Government, that anthracite coal—I think I am correct in the statement, as I recall the information—is practically the only staple product of large and general consumption to-day that has continually gone up in price since the World War and has shown absolutely no response to the general deflation throughout the country. But in my opinion even that condition would not be helped by nationalization. In the case of live-stock products and cattle the condition as to prices is certainly the opposite. The prices of meat have gone gradually down, and, as I stated awhile ago, perhaps too far in some instances, in consideration of the great costs of maintaining the ranges and the herds of cattle and all matters connected therewith. I do not believe, however, in order to bring about a proper correction, that there is any rule that will finally apply and apply correctly but the common-sense rule of supply and demand. Until we take off this curb of business control and business overregulation by the Government, we are, in my judgment, simply going to occupy continually a position which is unscientific, involving additional expense to and not finally conserving the best interests of the large consuming public of the country.

Mr. STANFIELD. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Oregon?

Mr. EDGE. I gladly yield to the Senator.

Mr. STANFIELD. Has the Senator from New Jersey found anything in the pending bill which leads him to believe that it is going to enhance the value of live stock, so far as the producer is concerned?

Mr. EDGE. No; I can not say that I have. I gathered that thought almost entirely from the expression of the memorial of the Legislature of Montana.

Mr. STANFIELD. I am inclined to think that there is nothing in the bill that will increase the value of live stock so far as the producer is concerned, but I believe that the Senator is right when he says that it will increase the cost to the consumer, and that will follow because of the additional cost in the distribution and handling of the product.

Mr. EDGE. I am very glad to have the Senator's suggestion, because it simply leads me to the development of a point I had overlooked.

Any governmental administration of distribution, transportation, or whatever it may be termed, is necessarily more expensive than private control of the same necessary distribution and transportation. All history records and demonstrates that fact, and our experience certainly should demonstrate it to the satisfaction of everyone here. When we tried to run the railroads we know what happened. With our merchant marine to-day managed by the Government, the terrific overhead expense, as disclosed by the Senator from Iowa, who is one of the sponsors of this bill, is, perhaps, without any defense at all. If the Government is going to take charge of the distribution and transportation of meat products, then, of course, I entirely agree with the Senator from Oregon that it is going to cost the consumer that much more money without the commensurate benefit to the actual raiser of the cattle.

It is the same old question of lost motion from the poor producer—who seldom gets a proper profit and frequently does not get that—through the various avenues and channels, down to the table. Then, of course, the consumer pays the freight. Therefore, with all respect for the desire and hope of Senators who have sponsored this and similar measures that it will actually help the producer, I believe they are absolutely mistaken in that conclusion.

There is, generally speaking, only one thing, in my judgment, that is going to help the producer in this country, and that is to inspire generally a feeling of confidence; that the people are going to be permitted to run their own business for a while; a feeling that the legislatures, the Congress of the country, does not believe that everybody is dishonest; that they will not be overregulated and over taken care of and over taken charge of until, one on top of the other, we pile up extravagant expenses. Of course, in the final analysis, the consumer always pays. I am convinced that all this character of legislation, especially at the present time, is absolutely unnecessary and unwise. We must have confidence if the country is to go to work again.

A few years ago—we all admit it, there is no question about it—business, because it had, perhaps, been allowed to run along without any restraint in many directions, went too far. Some business combinations were making abnormal profits, and the general public paid the bill. That was not entirely general, however, though it was found in specific instances. Then this era of regulation started in the State legislatures and in Congress. It seems to me it has gone so far that we have reached a position where there is absolutely no confidence in anybody.

We know perfectly well the economic condition of the country; that there is little development; that there is to-day little spending of money in futures or the enterprise of a few years ago. There must be some reason for that condition. In my judgment the reason is the continued feeling that whatever a man or combination of men in a perfectly legitimate way propose to do is under unnecessary suspicion; they wonder what Congress is going to do the next week or two to hold them down to a position that does not permit them to go out and really reap a proper advantage for their energy, their enterprise, their will power, and their determination, not to speak of the risk they take.

In my opinion the time has come when we should back up a little. Let us again trust the people of the country for a little while, at least, and see if they go too far in the direction of profiteering and overprofit. Do not let us regulate them out of business and strangle them until they reach such a position that we know there will be absolutely no effort or attempt to go ahead and do those necessary things which have made the country great in the days that are past.

I am prepared, as a Senator of the United States, to take that position and to take it very emphatically—to give the people a chance again to develop their own business and, to repeat the expression, to put just a little more business in government and a little less government in private business.

Mr. STANFIELD. Mr. President, I agree in part with the Senator from New Jersey [Mr. EDGE]. I agree with him that this bill, in effect, will increase the cost of meat products to the consumer; but I am inclined to think that he is mistaken in the inference that may be drawn from his remarks that it would be of benefit to the producers. I do not believe that there is anything in this bill that in any way is going to aid the producer. It is merely going to add a greater cost to the packer in the distribution of the meat supply, which will in turn be passed to the consumer.

I hold no brief for the packers, nor do I speak for any man or any concern that is engaged wrongfully or dishonestly in business or is hiding and covering up something which is detrimental to the public interest. I am in favor of such legislation as will penalize the dishonest man and make an example of his dishonesty, but I am opposed to the character of legislation proposed by the pending bill. In my estimation, it has been conceived without taking into account or regard the possible harm that may be done.

Over a period of some 50 years there has grown up in America the greatest economically efficient institution in the world, namely, our American packing business. It is an institution to which we may justly point with pride. We are often inclined when we hear the term "packer" to think of some individual who has control of one of the essentials of life and who controls it as a monopoly to the detriment of all of the people. The term "packer," however, should include thousands and tens of thousands of people who have aggregated their money for the purpose of conducting a necessary business, for that is what it is.

The pending bill proposes, without any showing that I have been able to discover or believe to exist, to regulate these organizations composed of tens of thousands of people. To my mind it is the injection of government into business where it is not needed.

Mr. President, I am opposed to this legislation as a principle. It is socialistic and tends strongly to nationalization of industries. Most unfortunately the adherents and proponents of this legislation have taken what I believe to be the greatest and most perfect of all our essential industries for their experiment. The general public, as I have said, seems inclined to think of the "packer" as a monopolistic concern, owned, dominated, and controlled by some one individual, while in the main the facts are that the packers are owned by thousands of stockholders, who have aggregated their capital for the upbuilding of their great industrial organizations, and they have in turn perfected the best system in the world of supplying our principal food—meat products—under individual control and ownership.

Development of efficiency and economy is characteristic of individual ownership and control, whereas the Government ownership and Government control of industries has in most instances proven quite the opposite. The price of Government ownership and unnecessary interference in orderly and well-organized business is inefficiency and waste, while it has been demonstrated, as in the case of the packer, that the greatest industrial organizations and the greatest economical efficiency are developed under private ownership and personal direction.

The Haugen or House bill for which is proposed the substitution by amendment of the Norris bill, while not without objection, is the lesser of two evils; and, backed as it is by the Farm Bureau Federation, the grange, and the unanimous report of the House committee, it seems to me better to accept the House bill than the proposed amendment, as it injects Government control into private business to a less extent than does the bill which has been reported to the Senate.

Now, as to the packing industry: First, the definition of "packer" in this bill limits the jurisdiction and activities of those engaged in the slaughter of live stock and the preparation of meats for market, but does not include the activities of concerns that produce or manufacture products derived from live stock and who are not engaged in the slaughtering business or in the preparation of meats for market, as does the proposed Senate committee amendment. Apparently there has been a distinction made, for concerns which happen to be engaged in slaughtering live stock are controlled and regulated in their activities, while other concerns doing practically the same thing, except that they do not slaughter live stock, are not regulated or controlled.

In other words, under this bill packers who are engaged in manufacturing fertilizer, leather, and other by-products derived from live stock are included under the House bill as well as the proposed Senate committee amendment; but tanners, fertilizer manufacturers, glue manufacturers, leather manufacturers, and others dealing with raw materials derived from live stock who are not at the same time engaged in slaughtering live stock or preparing meats for consumption are not included within the House bill, although they are covered by the proposed amendment.

Mr. WADSWORTH. May I say to the Senator that that will be the next step some day.

Mr. STANFIELD. Yes; I quite agree with the Senator, and, further than that, I should like to say to the Senator from New York that the Senate bill would not only include these kindred industries, but if we are to take this step we will advance until we will finally come to do what is being done in Russia; we will nationalize all industry. That would be the further step, in my estimation.

Second, this bill gives the Secretary of Agriculture as full inquisitorial and visitorial powers as the proposed amendment gives the live-stock commissioner, but this bill does not provide that the Secretary of Agriculture may enact rules and regulations without consulting the industry which shall have the effect of law and reasonableness which can not be reviewed in the courts as is given the commissioner in the proposed amendment. The court review in the proposed amendment is limited to the question of whether the order of the commission to cease and desist is supported by the weight of the evidence, and the court is given no authority to review the question of whether the original rule is in itself reasonable. It would seem, under the decision of the United States Supreme Court in the St. Louis Independent Packing Co. *v.* Houston (249 U. S., 479), that the court will not review the justness, fairness, or reasonableness of the regulation itself.

Third, this bill does not require any license or registration for private business, while the proposed amendment provides for voluntary registration which purports to give certain advantages to registrants. It seems to me that no law should make the remedies it provides dependent upon the voluntary submission to the law of the supposed wrongdoer. In the bill and the proposed amendment stockyards are treated as public utilities, and in both registration is required as to stockyard owners, commission men and buyers, including the packing-house buyers. This bill is only effective as the proposed amendment in the regulation of stockyards. If unfair practices or unreasonable rates exist at the stockyards, the Secretary of Agriculture is given full power to fix the same. In my opinion this bill is a better bill than the proposed amendment in that, first, it narrows the definition of the packers to those engaged in the slaughtering of live stock or the production of meat products and their activities in manufacturing processes and by-products.

Second, it places the jurisdiction over the packing business as well as over the stockyards in the Secretary of Agriculture, and does not create a new and additional commission or commissioner or give him power without hearing to enact rules and regulations which have the effect of law and the reasonableness of which may not be reviewed in court. It requires no registration, either compulsory or voluntary, for the packing business, but it gives the Secretary of Agriculture as full powers to investigate, require reports, compel the production of books and papers and the presence of witnesses to secure testimony under oath as does the proposed amendment.

Mr. President, as I previously stated, I am opposed to this kind of legislation because there is no necessity or particular demand for it. The time is inopportune for unneeded reform and experimental legislation. It will only tend to add to the chaotic, disorderly condition of business which to-day is de-

veloping the largest army of unemployed labor we have ever known and is precipitating untold and immeasurable suffering on the American people.

Mr. President, I want to say to you that the American people are looking to this Congress for sane and constructive legislation. They are in no humor to experiment. The President of the United States has stated, and the people have concurred with him, that it is a time for more business in Government and less Government in business.

Mr. President, there will be no legislation during this session of Congress that will so cheer American business and industry and restore confidence in government so much as to witness the sound conservatism of Congress defeating this legislation. I believe that this will be the greatest opportunity during the life of this Congress to demonstrate to the American people that the confidence which they displayed last November at the polls was not misplaced, and to-morrow, when they read in the press reports that the United States Senate has refused to legislate unneeded and revolutionary interference with well-organized, orderly, and properly directed business activities, there will be a thrill of confidence that will inspire industry and within a short time we will be back to normal business activity.

Now, I want to propose to you, Senators, that you refuse to substitute the Senate amendment for this bill.

Mr. President, I do not think the packer should go free of restrictions, nor that he should be permitted to slight a duty; but, on the other hand, I do not think that the good work he has done should be interfered with. I do not think his activities should be limited, but I believe that the packing industry has become such an essential industry to our American life that we should compel the packer to go all the way from the producer to the consumer. The packer is not looking for an opportunity to go into the retail business, if you please. He is not doing it because he does not care to have the opposition that would arise among people who are engaged in the expensive distribution of meat products. I understand that in the city of Washington there are some 800 distributing agencies, or retail butcher shops, whereas there should, perhaps, only be 40 or 50. The producer on the one end is paying for that and the consumer on the other end is paying for that duplication of effort that results in distribution under the present system. If the packer were compelled to go into the market and sell his product at a reasonable price, he would do so at a reasonable cost of distribution, and other concerns could not compete with him unless they adopted the most economical system for the conduct of their business. To that extent I think the packer should be regulated if he refuses to function and perform; but I do not believe that we should legislate to restrict his functioning and performing the duties as he has done in the past.

I will refer Senators, beginning on line 17, page 37, of the proposed committee amendment, under "Duties of packers and operators," to subdivision (c) of section 12. It says:

> (c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

All through this measure we find this trend of thought, and I am going to suggest to you this: If the packer does anything to substantially lessen competition, he has committed a wrong within the proposed law. In other words, if he is by his efficiency able to sell to the consuming public at a lower price—which, if the Senators will bear with me, will lessen competition—he has violated this law.

Mr. McCORMICK. Mr. President, in that connection perhaps the Senator, who knows more of the business than I do, might refer to some of the medical products which once were expensive, but which, of course, now are relatively cheap by reason of wholesale production.

Mr. STANFIELD. The Senator from Illinois is quite right. So far as the packer is concerned, we know by the investigations of the Federal Trade Commission that his profits are not abnormal. I believe—and I am speaking without the record—the Federal Trade Commission said that during the war the packer's profit should be limited to 9 per cent on turnover, and I believe that the investigation that was conducted of the large packing concerns showed that without exception they were all under 2 per cent on the turnover; or, in other words, the Federal Trade Commission granted that they were entitled to 7 per cent more than they were making.

Mr. NORRIS. Mr. President, may I ask the Senator if he regards the percentage of profit on the turnover as any indication of the profit of the business, or the percentage of profit on the invested capital?

Mr. STANFIELD. It is absolutely an indication of the profit of the business. Of course, the total aggregate profit would depend upon the volume of business that they did. However, I think the Senator will agree with me that there are no other businesses, or at least very few, where they can exist with a profit of only 2 per cent on their turnover. I think that is a very, very small profit.

Mr. NORRIS. May I interrupt the Senator again? The Senator referred to the turnover made during the war by the packers, and he gave the Federal Trade Commission as his authority.

Mr. STANFIELD. I said that I was speaking from memory, without the record.

Mr. NORRIS. Does the Senator know that that same authority, speaking of Swift & Co., I think, said that in one of those very years, 1917, they made a profit of 33 per cent on their net worth?

Mr. STANFIELD. But I am speaking of the profit on their turnover.

Mr. NORRIS. Yes; I understand. Quite likely that is correct, that they did make the large profit on the aggregate of all their business, which was made possible by the great efficiency of their organization.

Mr. WADSWORTH. Mr. President, it is fair to say that the statement of the Federal Trade Commission is stoutly denied. For myself, I do not think there is a word of truth in it. The Federal Trade Commission made a calculation as to the profits made; but the assumptions upon which that calculation is based are not the assumptions which are pursued by any business concern. They insisted upon leaving out of the calculation the standing indebtedness of the concern.

Mr. STANFIELD. That is true; they did.

Mr. NORRIS. May I interrupt the Senator again?

Mr. STANFIELD. Certainly.

Mr. NORRIS. I do not want to enter into a controversy now about the correctness of the Federal Trade Commission's reports, except to say that I believe they were properly made, based on facts, and are true. I cited this report, however, only as coming from the same authority that the Senator himself used as the basis of his remark that they only made a turnover profit of 2 per cent to show that while they were doing that, if you take the same authority in each case, they made 33 per cent as a matter of real profit for the year.

Mr. STANFIELD. I should like to call the Senator's attention also to the fact that I said that as I recall the Federal Trade Commission said that a reasonable profit would be 9 per cent on the turnover—a difference of 7 per cent, which was to the advantage of the consumer. I am inclined to doubt the report of the Trade Commission as to the aggregate profit; but, however that may be, if it is so, it is no reason why the packer should be penalized because through his great efficiency he made that profit, so long as he gave a service to the people that a disorganized business could not give; and that is the point I want to make to you, Senators—that a disorganized packing industry could not give the service to the people, and that the consumers will pay a much larger price for their meat if these concerns are disorganized than they are paying under the present system.

Mr. EDGE. Mr. President, may I ask the Senator a question?

Mr. STANFIELD. Certainly.

Mr. EDGE. In which case does the general consumer fare the better—in buying his supplies from a concern that shows a 2 per cent profit on the turnover or in buying his supplies from perhaps smaller concerns that must show a 15 or 20 per cent profit on the turnover in order even to maintain sufficient profits to do business?

Mr. STANFIELD. That is the point exactly. That is the advantage of this large aggregation of capital—that by reason of their combination of capital, stock ownership, association of capital, if you please, they are able to render a service to the consumer that could not be rendered if this capital were wholly disorganized.

As to the matter of competition in the packing industry, one might think by reason of the proposed legislation that all these packers were combined, combined for the purpose of restraint of trade and the manipulation of prices. Such is not the case. We find the keenest competition existing between packing concerns. In fact, in those cases that have come personally under my observation I never have seen any packing concern where I did not believe there was the keenest of competition. From the grower's standpoint, he has become prejudiced against the packer because of a radical fluctuation in market prices. Now, I wish to explain that to the Senators; and when I am explaining this I am explaining it to you from the viewpoint of one who

patronizes the markets and has had considerable experience in that direction.

There is no method of controlling the supply of the markets excepting the natural, the inexorable, law of supply and demand, which operates through the price. When the receipts are heavy in the market, the price goes down, and the packer buys his stuff cheaply. Unfortunately the day that the receipts are heavy is the time when most farmers have brought their stuff to market. That is inevitable, because if such were not the case that day the receipts would not be the heaviest. The days when few farmers come to market, and the receipts are light, the market goes up. That is a natural operation, and is as it should be.

If there were a further regulation, or an arrangement between the live-stock producers that did not infringe on the rights and privileges of the packers whereby they could control their supply so that it would maintain an even and regular supply to the market there would be an even and regular market without those fluctuations, it would be beneficial.

But this proposed law is not to aid in obtaining that benefit. It is to penalize and take governmental interference into a well-organized and orderly business, because of the prejudice that exists against that business, by reason of a condition over which they, the packers, have no control. Mr. President, that is exactly what I think this bill does. I say this bill. In my opinion both the bill as it passed the House and the proposed amendment are wrong; but, for the reasons which I have stated, I believe the lesser of the two evils is the Haugen bill, or the House bill, and for that reason I intend to vote against the substitution of the Senate committee bill for the bill as it passed the House. I am against the amendment.

Mr. HITCHCOCK. Mr. President, I am not qualified, because I am not a member of the committee, to discuss the particular merits of this bill, and I am anxious to hear from members of the committee on some points as we proceed. But I do want to say a word in reply to the Senator from New Jersey [Mr. EDGE] particularly, also somewhat in answer to the last address in favor of Government regulation.

It is becoming a little fashionable to decry the regulation of business by Government. I think it is too late to do so. If one thing has been demonstrated in the political and economic history of the United States it is that there are certain kinds of business which ought to have Government regulation, and people who criticize this regulation, in my opinion, forget the enormous benefits that the American Nation enjoys now and which the American people have been enjoying for a number of years as the result of bold and effective assertion of the Government right to regulate certain branches of business.

Where would this country be to-day if the Government had not taken into its hands the regulation of the business of banking, a regulation which was first asserted about the middle of the last century effectively? Up to that time we had the most miserable currency that ever afflicted any people, enormous losses, nothing but uncertainty.

Mr. LODGE. The regulation of banking goes back of that.

Mr. HITCHCOCK. It did not become effective in the United States until legislation was passed which did away with hundreds, perhaps thousands, of wildcat banks of issue.

Mr. LODGE. State banks; that is true.

Mr. HITCHCOCK. They were a curse to the country, and the regulation of the banking business, which did away with those bank currencies which afflicted the country, was one of the greatest boons that ever came to the United States, and regulation of banking has proceeded further than that, giving safety to the depositor and an abundance of credit to the man compelled to borrow.

Mr. STANFIELD. Wherein is banking comparable with the packing industry?

Mr. HITCHCOCK. If the Senator will permit me to follow my line, I am just protesting this growing tendency to condemn the regulation of certain lines of business by the Government.

I say, in the first place, that the regulation of banking by Government proved to be one of the greatest boons to the country, and yet it was resisted and protested against by the hundreds of banks which were issuing their questionable currency at the time. When it came to legislation for the protection of the depositors, there was more resistance.

Then, when the great work was undertaken of regulating the common carriers of the United States, the railroads, it met with an enormous protest all over the country. I expect people who complain about railroad regulation, and some of its mistakes in later years, have forgotten the fact that there was a time not so many years ago when railroads were treated as private concerns, when a few men who dominated the railroad world controlled the highways of commerce, gave favors to this man and penalized that man, when there was no justice and no equality in the rights of the business of the United States upon the highways.

Railroad regulation was enforced; it at least brought justice between communities and between individuals. It resulted in a reduction of rates. It brought in a degree of competition, and it has given the United States, in my opinion, the finest railroad system in the world. With all the mistakes that have been made, we have the best railroad system in the world, with comparatively the lowest rates for passengers and for freight.

When the Government undertook railroad regulation, it had a serious problem to deal with. It had an enormously inflated capitalization; it had a great interest which resisted it. But nobody wants to go back to the time before railroads were regulated by the hand of the Government.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. I yield.

Mr. WATSON of Georgia. Can the Senator tell us whether or not the railroad commissions which were created to control railroads are not now being regulated by the railroads? And does the Senator think our freight rates are now just and equitable?

Mr. HITCHCOCK. I think the inference of the Senator is too strong. I am not denying the fact that there are difficulties and irregularities and evils in our present system. I ask the Senator from Georgia, however, to go back in his mind, with his splendid recollection of history, to the time before railroads were regulated, and I am sure he will concede that there has been an enormous improvement since that time as the result of regulation, imperfect though it has been.

Mr. WATSON of Georgia. Mr. President, I would remind the Senator from Nebraska that with unregulated railroads we never had such a condition as this, for instance, to use a homely illustration, which brings us squarely to the facts of to-day: The president of the Farmers' Union, the largest organization of farmers in this country or any other country, the largest the world has known, told me day before yesterday that he was giving away the potatoes on his farm in Florida because the freight rate was so prohibitive he could not send them to market; and yet all of us who take our meals in the Senate restaurant below know that a dish of potatoes will cost at a rate which, if you apply it to a bushel of potatoes and count the potatoes, makes us pay from five to fifteen dollars a bushel for those potatoes.

Mr. HITCHCOCK. The Senator speaks of a temporary evil which exists at this time, which may be due to the fact that railroad rates are here and there too high; but it is more largely due to the fact that the whole world is out of joint at this time, because we have not had the benefits of the peace which should have resulted by the reorganization of the world for peace.

Mr. WATSON of Georgia. "Still harping on my daughter."

Mr. HITCHCOCK. I hope the Senator will not divert me from my line of thought.

I want to refer to another great interest which the Governments, both State and National, have taken hold of for the purpose of regulating and which no one would think of permitting to go without regulation to-day. I speak of the insurance business of the United States. Who would go back to the time before the insurance investigations? Who would go back to the time when wildcat insurance companies, and all sorts of insurance companies, were permitted to run practically without regulation?

Mr. President, I could enlarge this list; but I am only citing these instances as a foundation for my protest against this clamor of the present day against regulation. You can not have civilized life with all of its great developments in the business world; you can not have successful civilized life in the United States without having the Government regulate these great monsters and these great interests that have come into existence.

Mr. WATSON of Georgia. Allow me, in justice to myself, to say that I do not antagonize the Senator's view on the line he is taking. But I would remind the Senator that I am and have been for many years in favor of governmental ownership of railroads.

Mr. HITCHCOCK. I know the Senator's position very well; and I am in favor of regulation of them.

Mr. REED. May I ask the Senator where he finds any parallel between the laws which require insurance companies to keep certain deposits with State authorities, which can merely examine them as to their solvency, and this bill, which gives a single individual the right to make rules and regulations to suit himself, without a single limitation whatsoever upon his authority; with the added provision that if anyone violates

those rules he can be sent to the penitentiary? Does the Senator see any parallel between the two?

Mr. HITCHCOCK. Mr. President, I do not want to be diverted from my purpose. I am not standing here defending the provisions of the bill. I am studying them. I am going to ask the members of the committee to explain them, and if anyone objects to the provisions of the bill they can be amended here upon the floor of the Senate, I doubt not. What I am asserting is that it is in the direction of a backward step in civilization for the Congress of the United States to adopt the theory proposed by the Senator from New Jersey [Mr. EDGE] that we shall abandon regulation of those concerns which have become so great that they can not be controlled by the ordinary laws of business and competition.

Mr. WATSON of Georgia. Mr. President, will the Senator allow me another question?

Mr. HITCHCOCK. Certainly.

Mr. WATSON of Georgia. Does the Senator believe that a business owned by one person can be regulated by another?

Mr. HITCHCOCK. I believe that when, in the development of the complicated affairs of highly civilized communities the common wagon highway becomes a great railroad company, it is proper to bring in advanced ideas of regulation which would not ordinarily be applied to the highway where every man drives his own wagon or his own coach. So I say that when the business of packing, and when the marketing of live stock have passed away from the village proportions and small local management, and becomes organized on a national basis, with a few great national markets and a few great national packers, who do their business not only all over the United States but all over the world, in close touch with each other, evidently cooperating with each other, and who have often been under the suspicion of agreeing with each other for the control of the business, that then such an occasion may arise as arose when railroads were organized and took the place of the wagon highway.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. HITCHCOCK. I yield.

Mr. EDGE. As the Senator has been apparently directing his remarks mostly to the remarks I made heretofore, I would just like to propound a question to the Senator. Does the Senator recognize at all any difference in the standards of regulation, what might be termed regulation and overregulation? The general policy of regulating from a governmental standpoint I think is universally accepted, but it should be determined absolutely, as I view it, on the merits of the proposition before us.

The regulation of the purity of food products and all such regulation by the Government are unquestionably logical and sound, but I am speaking of regulations and proposals to take over the management and control, increasing the overhead, the transportation, and the distribution expenses. The Senator must argue these questions from the standpoint of the actual facts before him, and not in a general way.

Mr. HITCHCOCK. That is exactly what I was attempting in animadverting to the Senator's speech. He attacks the bill because it involves Government regulation. He proclaims that we now ought to stop Government regulation——

Mr. EDGE. I attempted to emphasize the reasons because of the increase of the cost of distribution transportation, which means an increase in the cost to the consumer. I directed my remarks to a specific fact.

Mr. HITCHCOCK. Every one of these reforms, every one of these developments of civilized government in the direction of regulation for the protection of the consumer, has been fought just as this bill is being fought by the interests affected. The Senator speaks of pure-food regulation for the protection of the people. That was fought by those interested. The packers fought the development by Congress of those laws for the protection of the health of the people in the goods manufactured in the packing houses, but to-day the Government maintains its inspectors in those packing houses and inspects that food. That was fought by the packers at the time, but in the interest of the health of the people; yes, in the interest of the trade of the United States with foreign countries, that food is now under Government inspection, and I imagine even the packers themselves would not think of opposing it now. However, every one of these advances for the protection of the consumer has been fought by those interests.

I am anxious to hear from the members of the committee, who have carefully studied the bill, the defense for the specific provisions that are in there, and I should like to hear from Senators who attack the bill specifically what provisions they attack. I hope there will not be any further talk against the bill on the general ground that the Government has been regulating things too much, because I think one of the great advances of the age is due to the fact that the Government has taken in hand these great concerns and has proceeded to regulate them.

Mr. REED. Mr. President, I rise to say anything on the pending bill with very great reluctance. I know how dear it is to the hearts of some Senators, some of my best friends, and I am willing that a bill shall be passed if it be drawn so that it does not impinge upon certain great fundamentals and if in its efforts to relieve against an evil or an alleged evil limited in its character it does not fasten upon us an evil a thousand times greater.

The first thing with which we are confronted in the consideration of the measure is the fact that it was not considered by the committee. The House of Representatives passed a bill, with how much consideration I do not know, and sent it to the Senate. The Senate committee does not pretend to have given that bill any consideration whatsoever or to have allowed any hearings upon the bill.

Mr. KENYON. Mr. President, the latter part of the suggestion is correct, but not the first. The committee did not have hearings, but the committee considered the bill.

Mr. REED. How long?

Mr. KENYON. Well, a couple of days.

Mr. REED. How long?

Mr. KENYON. At a couple of meetings of the committee.

Mr. REED. That means about an hour or an hour and a half at a meeting.

Mr. KENYON. I do not care to get into a controversy with the Senator, but merely to get the facts as they are. The Senator must bear in mind that the committee had reported this bill long before the House passed its bill, and when the House bill came over we simply then had practically no consideration, but reported it out.

Mr. REED. There were no hearings upon the bill.

Mr. KENYON. No; but the Senator knows there were hearings upon the former bill.

Mr. REED. There was no consideration of the bill because the Senate bill had been reported before the House bill came over, and then it seems that the committee read over the House bill at a couple sessions and then stood upon their own bill.

My experience in this body has led me to the conclusion that a failure to grant hearings upon any bill whatsoever, when hearings are desired, is the greatest of mistakes. Nearly the first great contention I had in the Senate was whether hearings should be granted upon the banking and currency bill. The Senator from Nebraska [Mr. HITCHCOCK] was actively concerned in that controversy, and we stood side by side in it, and I have thought ever since that that was once when the Senator from Nebraska was right.

The result of those hearings was that light was thrown upon the bill. It came to us from the House of Representatives, the splendid framework of a bill, but it required many changes, in our judgment, and ultimately was changed, the total of the amendments made to the bill from the time it was introduced being, I think, 510. It was changed in many of its fundamentals, and before the discussion had ended in the Senate the Secretary of the Treasury, who had originally been opposed to hearings, was sending over amendment after amendment, asking that they be adopted.

Mr. GLASS. Mr. President——

Mr. REED. I yield to the Senator from Virginia.

Mr. GLASS. Having had something to do with the banking and currency bill, I desire to assert that there was not a single, solitary hearing had before the Senate committee that was not practically a duplicate of hearings already had by the House on the larger problem of a reform of the banking and currency laws, of the currency, or that was not duplicated by a carefully prepared thesis in the file of the Banking and Currency Committee of the House.

The Senator suggests that the bill was altered in 500 particulars. So it was, mostly in punctuation points that I do not think ever should have been altered. He said it was altered in many fundamental particulars. I would be greatly obliged to him if he would name one single fundamental particular in which the bill was altered by the Senate that was not changed in conference by the House conferees.

Mr. REED. Has the Senator concluded?

Mr. GLASS. Yes.

Mr. REED. Mr. President, I do not intend to be diverted from this question to discuss the making of the banking and currency bill. I made an assertion so plainly within the facts that I did not suppose any living human being would have the

temerity to challenge that statement. I know that the Senator regards that bill as the child of his brain, and he is unwilling to admit that anybody did anything to improve its condition, either before or after birth.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED. I yield.

Mr. GLASS. The Senator does not know that, because it is not the fact.

Mr. REED. Well, Mr. President, if the Senator rises to make that sort of statement to me, he can not further interrupt me.

Mr. GLASS. That is the truth.

Mr. REED. That sort of statement is mere insolence, the insolence of incapacity and defenselessness, and I insist that I shall not be interrupted any more by the Senator from Virginia on this or any other occasion while I am in the Senate.

Mr. GLASS. I shall respond to the Senator at the proper time.

Mr. REED. Oh, certainly.

Mr. GLASS. Before the Senator proceeds——

Mr. REED. I refuse to yield any further to the gentleman.

The VICE PRESIDENT. The Senator from Missouri has the floor and declines to yield.

Mr. REED. I decline now or at any other time to yield to the Senator.

The banking and currency bill came to the Senate with a certain gold reserve named in it. It was changed and materially changed. It came to the Senate with a doubtful division of power of control. By several amendments the bill was so changed that the complete control of the system was unquestionably vested in the Federal Reserve Board. Those two changes alone changed the character of the bill. I could name many more, but I do not propose to discuss it. I used an illustration so plainly within the facts that I thought no one would dispute it.

The evidence given before the Senate committee may have been all within the wonderful store of knowledge possessed by the House of Representatives, but whether it was or not the hearings were beneficial to the committee and to the Senate, and ultimately had much to do with changing the character of the bill.

Now, I do not intend to be led aside from the course of my remarks to discuss a mere illustration of a remark, however it might please or displease anyone's sensibilities.

I have heard many other bills discussed by men who are interested, and I have never heard discussions without learning something and without finding that good generally resulted. I have never heard a debate upon the floor of the Senate that has not had its effect in the formation of any bill or the changing of any bill, provided the bill was one upon which minds honestly differed. So that I say it is unfortunate that hearings were not given upon the pending bill to men who wanted to be heard, and I think the bill ought to go to the committee, that parties who are interested and concerned with it might be given an opportunity to be heard with reference to it.

Mr. KENYON. Mr. President, the Senator from Missouri knows, does he not, that we had hearings at the last session for months and months, and so did the committee of the other House? Everybody on earth who wanted to be heard had a chance to be heard. There was plainly an effort to delay the entire matter in those hearings, and delay would have resulted had hearings been granted on the bill by the Senate committee at this session. Certainly the Senator knows that evidence of all kinds has been taken and that the matter has been debated so long that Senators ought to know whether to vote the bill up or to vote it down.

Mr. REED. Mr. President, I do not agree with the Senator in all respects. I always like to agree with the Senator, because I like him so well personally.

Mr. KENYON. I like the Senator from Missouri just as well even when he does not agree with me. That does not affect my feelings toward him.

Mr. REED. The bill is not the same as that which was previously passed. I think it differs materially from the former bill.

As to the question of the bill being delayed until it could not be passed, that is a matter which is within the control of the committee. The committee can limit its hearings so as to fully protect itself against the disadvantage that the Senator suggests might come from holding hearings.

I have not had the opportunity, and I question whether there are many other Senators who have had the opportunity, to lay the House bill and the Senate bill side by side and analyze them, simply because we have been driving on here from day to day in the discussion of measure after measure. Every Senator has had his time occupied in serving upon committees, and frequently those committees have been in session while the Senate was in session. Without criticizing anybody—I desire to make no criticism—I wish to say that we have been going at such a rate that it has been impossible to give the attention which it deserves to a bill of this kind. I wish to call attention to two or three fundamental principles involved in the measure, but I shall not attempt now to discuss the bill except in the most general way.

We have heard two very illuminating speeches upon the question of regulation. Mr. President, every law is a regulation; it is a rule of conduct. In our lives we are regulated; in our business we are regulated; in everything we do we are regulated. How? By a rule of law which proscribes certain acts and correspondingly admits the doing of certain other acts. Examining that law, the Anglo-Saxon citizen can tell what his rights are. Through his representatives he participates in the enactment of the law. Having that rule laid down, which is of universal application to all who are alike situated, he proceeds to regulate the course of his business and of his life. That, sir, is free government.

When, however, it is provided that an individual may go into the privacy of his office and write out a rule that affects the business or the life of the citizen, and any violation of that rule becomes a crime punishable by imprisonment in the penitentiary, then, instead of having government by law we have a government by the decree of an individual; and instead of the citizen being regulated by a general rule of conduct, passed in the form of a statute, he is regulated by the caprice, the whim, the will of an individual man.

Is there no difference between those two kinds of regulations? There is, sir, the difference that exists between the ukase of a czar and a statute passed by a sovereign State of this Union or a law enacted by the Congress of the United States. It is the difference between despotism and freedom, between living under a general rule of conduct that you yourself help to enact and existing under the decree, the mandate, the will of an individual. It is the difference between liberty and slavery, between the free and the bound. So, when we come to discuss the question of regulation let us understand what kind of regulation we are dealing with.

If this bill were drawn along the line of prescribing the conditions under which a business could exist and laid down those conditions, if it were drawn so as to denounce certain acts and practices as illegal and to punish the violation of the statute in that respect, then, provided its terms were reasonable and just, I would be willing to give to it all the sanction that my poor voice and vote would constitute. But if this bill proposes to establish, not a government of law but a government by an individual mind, that can be changed overnight—if that is the kind of regulation this bill prescribes, then the question is presented to us whether or not it ought to be enacted into law. That, I undertake to say, is the very keystone of this question. If such provisions are in this bill as give the right to an individual to control by his will and not by a law, then I shall be compelled to oppose the bill with whatever strength I may possess.

Let me a moment further advert to the question of regulation. The Senator from Nebraska, whom I most highly esteem and whose patriotism and desire to serve his country nobody challenges, cites as an illustration of regulation the law concerning railroads. To begin with, the railroads have always been in a class by themselves, or in a class in which they themselves and other concerns engaged in a similar business have been. They have always been subject to Government control; they have always been subject to regulation of their tariffs and their tolls. That has been true in its fundamental principles since the days when the Pharoahs built the highways of Egypt. It was true in every hour of British history. I say "railroads," but of course I am speaking of communication. It was true of the highways. The railroad was held to be a public highway and in its nature a monopoly and therefore a governmental function. Because it was a governmental function and an arm of the Government itself, the Government exercised in its behalf the power of eminent domain, under which it could be constructed across the private property of the citizen.

It has always been, in fact, a part of the Government. There were times when it was disputed that the Government could do this or that with it, but it was never disputed, I think, by sound lawyers. The time came when we passed some statutes with reference to it. I do not want to stop to criticize the Interstate Commerce Commission, and I shall not do so, but I say that the real good that came to us in the matter of the control of railroads came principally through the enactment

of statutes which proscribed the doing of certain things and which made clear the duty of the railroads to do certain other things.

In this connection I may speak of insurance. What has been the character of the regulation of insurance? The regulation in almost every case has been limited to States; and the States have simply provided certain legal rules by which the company must give assurance to its patrons of the ultimate payment of its obligations. Accordingly insurance companies have been required to deposit with certain public functionaries a portion of their premiums, and have been compelled to submit to an examination, so that it could be determined whether or not they were, in fact, fraudulent concerns taking the people's money without ability, and possibly without the intent, of ever repaying those moneys. In that kind of regulation everybody believes and nobody opposes it.

However, suppose it were proposed to provide that the Federal Government should take charge and that the insurance companies should do anything and everything that some one man located in the city of Washington should say they should do, without any limitation as to his power of control. Who would say that would not injure the insurance business, and in injuring the insurance business injure that vast multitude of men and women who find in insurance security against the hazards of fire and the inevitable consequences of death?

Hence I make this distinction, and I press it home upon Senators who propose to consider this bill: We are not about to submit the business of the country or a part of the business of the country to the whims, the caprices, the judgment of a man, instead of to rules of law duly enacted in accordance with the Constitution of the United States.

Now, I wish to demonstrate something to the friends of this bill which I hope they will consider. When you adopt a law, you know what the law means, or you think you know; you exercise your judgment; but when you lodge in an individual the power to make rules and regulations, without even prescribing a limitation to those he shall make, you have put into that man's hands a power that can be exercised foolishly, unwisely, or unjustly, just as you have put into his hands the power to exercise his prerogatives rightly. The power to do the right thing always implies the power to do the wrong thing, if it is vested in the discretion of a man. If you give the power to provide a rule of conduct for a business, believing in your heart that it will be exercised as you think it ought to be exercised, you have conferred upon the individual in whom you repose this authority the power to do wrong, or that which you think is wrong. There is the distinction again between this class of legislation, I fear, and the class of legislation to which I have adverted. When the law is written, it is drawn to have a certain effect, and you can judge as to its effect; but when you give me or any other individual the power to say what is legal and what is illegal, what is a crime and what is not a crime, then I may say that is a crime which possesses none of the elements of a crime. I may, on the other hand, say that is not a crime which possesses every element of destructiveness and of moral turpitude.

That is the distinction I press home upon the conscience and judgment of this body. Mr. President, I am led to this line of thought, and I shall advert to this bill only for a moment, because I presume it is not intended to force it to passage to-day. That line of thought is suggested to me by language which I find in this bill from a very hasty consideration.

There are in the bill, let me say by the way of preliminary, in Title III a large number of legal provisions aimed at bad practices of packers. Now, I have not examined that in detail, but as to that method of procedure I make no objection.

So far as I have examined these rules of positive law which it is proposed to enact, I have not yet discovered any objection to them, because they are rules of law that the packer can read, that his customer can read, that courts can read, that we can read, and that everybody can at least in a moderate sense understand. But let us see what else there is in this bill. I refer you to section 15:

It shall be the duty of every packer and operator to comply with the provisions of this act—

That is all right—

and the rules, regulations, and orders which the commissioner, with the approval of the Secretary, may from time to time prescribe in conformity with this act.

There is no limitation there. The commissioner is granted the broad, general, sweeping authority to prescribe rules and regulations and to make orders "in conformity with this act"; and this act does not grant a single right to anybody. It is restrictive as far as its specific powers are concerned.

SEC. 16. Every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the commissioner shall require as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stockholding or otherwise, in such form and at such times as the commissioner shall by order require.

I have no objection to a law that will require them to make reports, and make them in a certain form, and at a certain time; but this is not a law which it is proposed to enact. This bill proposes to give to the commissioner the right to say what kind of reports shall be made, when they shall be made, and how they shall be made.

But that is not the more serious objection:

The commissioner may, in his discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators.

I know it will be argued that that is necessary; but it puts into the hands of one man the power to prescribe any kind of a system of accounts he may think proper. The Secretary of Agriculture is authorized now to prescribe the whole system of accounting, and from his decision in the very nature of things there can be no appeal.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. On the question of delegating to a commission authority to make regulations the breach of which is characterized as a crime, did not the Supreme Court in the very recent case in which it decided the food control act, if that was the act, unconstitutional, decide it unconstitutional on that very ground, that a man was entitled to know in advance by a statute of Congress what constituted a crime? Did they not declare that to be the law?

Mr. REED. Mr. President, I am sorry to say that while I have had that decision on my desk for weeks, I have never found the time to read it and analyze it.

Mr. BRANDEGEE. I will say to the Senator that I am not at all clear that I have the correct case; but certainly in one of the very recent decisions of the court, if the newspaper account of its decision was correct, it decided some such thing.

Mr. DIAL. In declaring the Lever Act unconstitutional.

Mr. BRANDEGEE. It was the Lever Act, if I am not mistaken. The court said that the provisions of the act, in substance, allowed a discretion as wide as the human imagination. I think that was the language of Chief Justice White.

Mr. REED. Yes. The courts have gone quite as far as they should in sustaining the right to prescribe rules and regulations by individuals. Just what limitation was placed upon the doctrine in this particular opinion I am unable to state with accuracy.

The commissioner may, in his discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the commissioner may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

Mr. President, it is barely possible that such a power as that should be lodged in one man, but I do not think so. I believe that before searches and seizures can be indulged in the judgment of a court should be invoked, and the limitations which justice, right, and law put upon search and seizure should be protected by that court.

Now, let us see how it works out. Understand, I am not claiming that the Government should not possess the right to examine into the books of any concern against which a charge is laid, always provided they proceed in accordance with the settled principles of law to get the evidence; but let us pause a moment and see what we are asked to do. We are asked to give the commissioner the authority to send a man, a clerk, anybody he pleases, down to these business institutions to demand the last scrap of paper in their files, every letter they have written, without any right of protection by any court or by any tribunal. This one man enters the place of business and practically does as he pleases. Is that in accordance with the old principles of the law under which we were reared, which is so dear to the descendants of the Anglo-Saxon race?

Now, let us read a little further:

SEC. 17. For the efficient execution of the provisions of this act and in order to provide information for the use of Congress, it shall be the duty of any packer or operator, or any officer, agent, or employee of such packer or operator, when requested by an officer or agent of the Government designated in accordance with the provisions of this act—

"For the use of Congress!" Do you know why that is put in there? Because the authority to accomplish the desired end was doubled. Therefore it was so worded to give the Secretary of Agriculture the authority, through one of his clerks, to go out and get information that might be of use to Congress, because Congress does have the authority to investigate business institutions. I confess that I do not like the exercise of a power upon a false pretext, and that is all this is.

Now, I challenge attention to this:

When requested by an officer or agent of the Government designated in accordance with the provisions of this act to answer correctly to the best of his knowledge, under oath or otherwise, as may be required, all questions touching his knowledge of any matter authorized to be investigated under this act, or to produce any books, papers, records, or correspondence in his possession or under his control relating to such matter.

Let us see how that will work. A gentleman who can not make a living at home, for that reason will come to Washington, and under this administration I assume he will have voted the Republican ticket, or will say he did, though under the next administration his political qualification will have to be otherwise. This gentleman gets a job under the Secretary of Agriculture or under this commission, and the commissioner having appointed him, he has in turn a roving commission to go out and investigate these matters. He walks into a man's place of business. Whether this man is one of the terrible five great packers or whether he is a small packer, he comes within the purview of this bill. He says to that man: "Hold up your hand and be sworn; answer every question I ask you; bring me every book and paper you have; I want to see them."

Is that consistent with the old ideas of the law, or is it abhorrent to every principle of law we inherited from our fathers? No charge is filed. This man or this institution is not indicted; no bill in equity is filed against it; it is simply engaged in the business of killing pigs, a very necessary avocation. Nevertheless, the power is put into an individual to walk in and demand every single scrap of paper and demand to know the ins and outs of every transaction; to ascertain the exact price paid for every article purchased, the price at which it was sold, and to whom; to obtain all trade secrets and all the details of the business. How does that contrast with our ideas of the law?

Sir, under the old ideas of law, before any man could investigate the business of another it was necessary that there should be lodged in a court a complaint, and that the information sought should be pertinent to that complaint. When the citizen was summoned to appear in a tribunal, he came before a judge learned in the law, and under the protection of the law and the Constitution he delivered that which he under the law should deliver, and he was protected in all other matters.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED. I yield.

Mr. WADSWORTH. May I call the Senator's attention to a matter in this bill which illuminates the assertion just made by the Senator from Missouri? The Senator will note that the language which he has just read says that this packer or operator—and may I remind the Senator that the term "operator" will include thousands upon thousands of men who buy and sell cattle, not only on a commission basis, but who buy or sell them for themselves—shall—

answer correctly, to the best of his knowledge, under oath or otherwise, as may be required, all questions touching his knowledge of any matter authorized to be investigated under this act.

Now, let us turn to that part of the bill which sets out the matters which are authorized to be investigated under this act, in order that we may have a bird's-eye view of the extent of this thing. On page 33, let me say to the Senator, under section 6, he will find stated the matters authorized to be investigated under this act, and I invite him to read them.

Mr. REED. Mr. President, I thank the Senator; I am coming to that a little later.

We have reached the point where our friend who walked into Washington on his uppers and who obtained a commission, swaggered into the office of some men engaged in the live-stock business and demanded, "Hold up your hand and be sworn. Bring me hither all your books and all your papers; I want to know what you have been doing. Tell me everything."

Let us see what the result is. This free-born American citizen, in whose veins there may run the lineage of all the heroes of this and other ages, whose ancestors stood and fought for their right of castle, their rights as citizens always to their day in court, is now confronted by this newly appointed gentleman with the roving commission.

"Hold up your hand and be sworn," says this autocrat, who may require him to answer all questions touching his knowledge of any matter authorized to be investigated by this act, or to produce any book, paper, record, or correspondence in his possion or under his control relating to such matter.

Now, notice this language:

Any packer or operator, or any officer, agent, or employee of such packer or operator, who, within a reasonable time prescribed by the officer or agent making the request, not exceeding 30 days from the date of the receipt of the request, willfully fails or refuses to answer such questions or to produce such books, papers, records, or correspondence, or who willfully gives any answer that is false or misleading shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Hold up your hand and be sworn. Bring me every paper you have," says this agent. "If you do not do it, I will have you fined a thousand dollars, and I will have you sent to the penitentiary." Under this bill, the failure to obey is a complete crime in itself. This is not limited to the five great packers; this is not limited to a concern that has risen to the proportions of a trust. This bill is so drawn, as has been suggested by the Senator from New York, that it embraces practically every man engaged in the meat business.

I now read some of the definitions provided in the bill:

The term "live stock" means live or dead cattle, sheep, and swine.

The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer.

The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens or other inclosures, and their appurtenances, in which live cattle, sheep, and swine are received, held, and sold for shipment or slaughter in commerce.

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce, or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce.

You can get every village butcher under that, because he is engaged in slaughtering and in commerce. If he sells somebody a chunk of meat that was to be carried across the State line, or if he buys a pig that is hauled to him across the State line, then he is engaged in interstate commerce.

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce, and any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

I say that language is broad enough to get the breeder who raises a dozen calves, and follows them to the stockyards and sells them.

What can be done to him?

I read now from paragraph (d), page 42:

Any person who * * * hinders, obstructs, or resists any duly authorized officer or agent of the Government in the performance of his duties under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

What is obstruction? He is given the authority to demand these papers, and it is asserted that they must be delivered to him. Would the failure to deliver them be regarded as an obstruction? Suppose this man turns himself loose in your office and starts to take down papers to suit himself and you protest, are you guilty of this crime provided that somewhere, somehow in some of those papers there is a document that might be competent while there might be hundreds of other documents utterly incompetent?

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED. Certainly.

Mr. STANLEY. By what right does the Congress of the United States provide for an imprisonment of this character? It is not a contempt of court. Can it be done without the intervention of a jury?

Mr. REED. Yes; this makes it a crime, and then they file charges against you and indict you and you are tried, and if it is proven in court that you obstructed this one gentleman, then the jury would be in duty bound to convict you and the judge to sentence you.

Mr. STANLEY. Does the Senator read into this language the intervention of a jury?

Mr. REED. My idea is that it would be construed as to this particular matter that the crime is complete, but there would be necessarily a trial by a court to determine that fact.

Mr. WALSH of Montana. Mr. President——

Mr. REED. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator was discussing a few moments ago the question of the production of books and papers. Can the Senator tell us how the powers thus conferred upon the live-stock commission differ from the powers of like nature conferred upon the Federal Trade Commission?

Mr. REED. I would not wish to answer that question offhand and tell the Senator the exact difference.

Mr. WALSH of Montana. Is there any difference?

Mr. REED. I can not answer offhand. I think there is, however.

Mr. WALSH of Montana. Let us go back to the creation originally of the Bureau of Corporations, dating, as my recollection is, from something like 1904.

Mr. REED. Allow me to say that I am not now discussing the question whether Congress has the power to do this.

Mr. WALSH of Montana. Oh, I understand.

Mr. REED. I am discussing the question whether Congress ought to do this.

Mr. WALSH of Montana. And in doing it and in considering the question whether Congress ought to or not, I suppose we would be governed by such experience as we have had in the conferring of similar powers upon other commissions and officers. The Senator has painted in very glowing terms the evils that may result from the conferring of any such power, not that we have not the right to do it or the authority to do it under the Constitution, but the Senator argues that the public evils flowing from it would be very vast. I call his attention to the fact that as much as 10 or 12 years ago—yes, 14 years ago—we conferred exactly the same powers upon the Bureau of Corporations, and nobody seems to have suffered severely from it.

In 1914, seven years ago, we conferred exactly the same powers upon the Federal Trade Commission, and while considerable criticism has been directed against the Federal Trade Commission, I have not yet observed that any person has gone into court complaining about any action of the Federal Trade Commission under that specific provision of the act.

Mr. STANLEY. Mr. President——

Mr. REED. Does the Senator wish to reply to the question of the Senator from Montana?

Mr. STANLEY. I wish to ask the Senator a question along that line. During the time when a similar bill was before the Senate on a previous occasion I had opportunity to examine the various provisions of it, and I found that almost every provision was a duplication of existing law. I am speaking now from memory, but I do not recall to have found section (d) as it is now written duplicated in existing law, authorizing either the Federal Trade Commission or the Bureau of Corporations or anybody else to punish for failure to obey or to produce books and papers. But the Senator from Montana has the book before him, and it may be that provision is duplicated. However, it strikes me that this is not the language of existing law.

Mr. WALSH of Montana. I have before me the Federal Trade Commission act, and, although the language is not exactly the same, the operation is identical. The Federal Trade Commission is given authority to demand books and papers of any corporation it investigates relating to the subject under investigation, and if it fails to produce them then the Federal Trade Commission may apply to a court for an order, just as the Interstate Commerce Commission or the Bureau of Corporations may apply for an order to produce papers.

Mr. STANLEY. But I do not see, in reading section (d) of this act, there is anything of that kind in section (d).

Mr. WALSH of Montana. It is not possible to confer upon a commission power to punish for contempt.

Mr. REED. Has the Senator the acts referred to?

Mr. WALSH of Montana. Yes.

Mr. REED. I do not wish to stop to analyze other acts at this time. It would be a very proper matter for separate discussion. I had not understood it to be the law that the Federal Trade Commission could send an agent into the office of a business concern, and if that concern refused to answer every question he asked them such refusal in itself constituted a crime. Does the Senator understand that to be the situation?

Mr. WALSH of Montana. I understand the language to be practically the same in both cases. I have both of the acts before me. I would be very glad to read them into the RECORD. The Senator said "answer any question." Of course, no law would require him to answer any question. The materiality of the question is always addressed to the court upon an application to punish for contempt.

Mr. REED. I understand that.

Mr. WALSH of Montana. Of course, if the question is entirely irrelevant and impertinent, there would be no punishment for contempt for refusing to answer. So if a book or paper that is demanded has no relevancy to the subject to be investigated, the party may refuse to produce it, and then it becomes a question, upon application to punish for contempt, as to whether it is or is not relevant.

Mr. REED. This is not, however, a matter of punishment for contempt. The failure to produce the paper is in itself a substantive crime.

Mr. WALSH of Montana. Let me say to the Senator that exactly the same proposition is applicable to investigations by committees of this body. A person called before a committee of the Senate and interrogated concerning any matter falling within the jurisdiction of the committee and who declines to answer makes himself criminally responsible.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from Kentucky?

Mr. REED. I yield.

Mr. STANLEY. There is a vast difference between contumacy of a witness, which is a substantive fact, or a failure to produce a book or paper, which is a substantive fact, and the conclusion of an employee, however humble or autocratic he may be, that he is being in some way hindered or obstructed. That is where the bill is broader, as I recall, than acts usually are which provide for the production of books or papers or against contumacy on the part of anyone.

Mr. REED. It is utterly useless to discuss, without the acts before me, what has been done previously, and whether we have passed laws of this drastic nature. I am not addressing myself to the question of power, but to the question of right. What ought we to do? What is wise and what is unwise for us to do?

As to the other question, speaking now offhand, without an examination, it is my notion that the bill goes further than any law that we ever enacted, and I think that will be found upon examination to be true.

Whether that is true or not true, the question now is whether we are going to permit an individual against whom no charge has been filed to be haled before another individual and compelled to disclose his entire business, and, if he fails in any respect, to send him to the penitentiary.

Mr. BRANDEGEE. I was tempted to ask the Senator a question because of his assertion that the provisions of the bill go further than any other act. I notice that the bill on page 39 provides that the commissioners may fix the charges and rates to be observed by operators. I wish to ask the Senator in charge of the bill whether there is going to be any attempt to assert the right to fix the price of live stock that is sold. They fix the price for the services of the operator, who is defined to be the man who keeps the stockyards or the commission merchant. That definition appears at the foot of page 30. That goes the limit, as it seems to me. A farmer brings his stock to the stockyards, and there he sells it, and the next day the purchaser ships it on a train to some other State. The commissioner fixes the price of everything done in connection with the cattle by the operator, the stockyards, or the commission man connected with the service.

If we have the right to fix the commissions and the price that the stockyards keeper shall charge for keeping the cattle overnight and for feeding them, is it intended that the commissioner shall fix the price of beef or cattle? I am induced to refer to this by reason of the Senator saying that the bill goes further than any legislation we have ever enacted.

Mr. REED. I was speaking with reference to the right of invasion. The question the Senator asks is a pertinent one, and may possibly be answered later on, when the committee concludes to enlighten us.

Mr. KENYON. Does the Senator think the bill provides for any such thing? There was certainly no such intention.

Mr. REED. I have not examined that phase of it.

I call attention again to the language which I was discussing and the language which follows. It declares that a number of things shall be illegal—if any person fails or refuses to make full and true entries, alters, mutilates, conceals, or destroys any account or record, makes any false or fraudulent statements, and then—

(d) Hinders, obstructs, or resists any duly authorized officer or agent of the Government in the performance of his duties under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court. Each day during any part of which a condition, practice, omission, or course of action punishable under this section is maintained or continued shall constitute a separate violation thereof and shall be punished as a separate offense.

A man might easily be sent to the penitentiary for 100 years if some practice, afterwards declared to be wrong or in violation of the mandate of this demigod whom it is proposed to put in charge of the business, should happen to have run along for a hundred days.

Mr. BRANDEGEE. Demigod or demagogue?

Mr. REED. Well, I think, perhaps, he will be a demagogue, and I accept the amendment suggested by the Senator from Connecticut. But notice the next section:

SEC. 19. When construing and enforcing the provisions of this act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any individual, partnership, association, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such individual, partnership, association, or corporation as well as that of the person.

There was not written into the code of Draco any more abominable provision than that. Under that provision, should it be sustained by the courts as written, if this commissioner came to a clerk who operated a butcher shop for a proprietor 100 miles away and said to this clerk, "I represent this great man at Washington, and I propose to examine the books," and the agent said, "You can not examine them," not only could the agent be sent to the penitentiary, but the proprietor as well. There is no requirement in the bill that the thing done shall be done with the knowledge or consent or with the guilty sanction and purpose of the proprietor. All that is necessary—and the language does not admit of any other construction—is that there shall be an—

omission or failure of any agent, officer, or other person acting for or employed by any individual, partnership, association, or corporation within the scope of his employment or office—

Of course, that means in the business in which he is engaged. Such omission or failure—

shall in every case also be deemed to be the act, omission, or failure of such individual, partnership, association, or corporation, as well as that of the person.

Can we afford to pass a law like that? I undertake to say that its parallel can not be found in the decrees or laws, by whatever name they may be designated, of Turkey. It is not said, "*Provided, however*, That the employer or the partner shall have aided, abetted, or had guilty knowledge of the act." All that is necessary is that he shall have hired a man and that that man has done a particular thing.

I suppose it will be argued that the courts would intervene there and would say that he who has no knowledge and no intent, under the Constitution of the United States can not be held, but I am dealing now with the language of the proposed act, and I am not quite willing to expect courts alone to write the humanities into the act, which ought to be put there by Congress itself.

Some recent observations have led me to believe that the courts are entirely too likely to sustain whatever is done here.

I now call attention to another provision which shifts the burden of proof in criminal cases, and annihilates a principle of law that has stood for 500 years. The rule in every criminal case is that the defendant is presumed to be innocent and that that presumption accompanies him throughout the trial and entitles him to acquittal unless the jury is convinced beyond a reasonable doubt of his guilt. There is no jury provided in the civil phases of the bill. I am not prepared to say at this moment what kind of procedure the bill outlines in the case of criminal acts, but I assume there would have to be an indictment. The rule of evidence has always been as to the plaintiff and defendant that upon the plaintiff rests the burden of proof and that the proof must be great enough to offset the balance that exists between the evidence and create a genuine preponderance. It is provided here that the hearings shall be had before the commissioner. Then the case may be taken to the courts; but section 21 provides that—

No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight of the evidence.

In other words, whereas the rule in civil cases, which has application here instead of the rule in criminal cases to which I adverted, has always been that the burden was upon the person making the charge, filing the bill, or bringing the complaint; the burden is here shifted from him to the defendant in the case, so that the defendant must prove himself to be free from the fault, though under the law as it has always stood the burden is upon him who charges the fact. We are, therefore, relegating ourselves to the French rule in criminal cases, that the defendant must prove himself innocent by a preponderance of the evidence. Here in civil cases we are holding that if there is any kind of evidence at all produced against a man that that man must disprove that evidence, and then bring enough proof to constitute the burden and weight of the proof in his behalf before he can go acquitted of the charge.

How will it be sought to avoid that? It will be said he has had his hearing. Where? Before a court of justice? He had his hearing before a commissioner, who is not a court, who is not an officer of a court, and probably learned neither in law nor in equity. The commissioner takes the evidence—and Heaven knows how he will take it—and having taken the evidence and having made a decision, the burden is then shifted upon the individual, upon his appeal, not only to balance that evidence but to prove that the evidence is untrue by creating a preponderance.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. The Senator from Missouri is a very able lawyer of very wide experience, but he can not contend seriously that this is a departure from existing practice. The commissioner hears the case and makes his order; there is a proceeding in the nature of an appeal to the court of appeals. Of course, upon the appeal the burden is upon the appellant to show that the decision below was wrong. That is the rule everywhere; that is the rule that obtains in all proceedings for the review of the orders of State commissions. A State railroad commission prescribes a certain rate for the transportation of freight or passengers; a provision is made in the law for a review of that decision in the court, and it is inevitably the case—almost invariably at least—that in the case of such an appeal, as in the case of an appeal in an equity case, the burden is upon the man who appeals and declares the decision was wrong to show that it is wrong.

Mr. REED. That is not true in equity cases.

Mr. WALSH of Montana. Yes, indeed; it is true in equity cases.

Mr. REED. It is not in any court in which I ever practiced.

Mr. WALSH of Montana. If the Senator challenges the statement, I will be very glad to produce repeated decisions of the Supreme Court of the United States that upon appeal the court will presume the judgment of the lower court to be correct, and that the appellant must show that it is wrong.

Mr. REED. Mr. President, we are discussing questions outside of this, and again the Senator undertakes to justify this rule by saying something like it has been done before.

Mr. STANLEY. Mr. President——

Mr. REED. Let me conclude, and I will yield to the Senator in a few moments. The rule in many equity courts is that the case can be tried de novo upon the evidence adduced. The rule in some equity courts is that the court entertains a bare presumption that the case was decided correctly, and in that light examines the evidence. But let me point to the difference. Speaking now of courts, in both of the cases to which I have referred, the man had his day in court before a judge.

Mr. WALSH of Montana. Let us take the Interstate Commerce Commission, for instance.

Mr. REED. Just a moment. Now we come to the question of commissions. It is true that certain States have provided—and I think even Congress has provided—that a decision by a board of railroad commissioners or a public-service commission is presumptively correct. Some States have gone far enough to try to write into the law—and it was in this bill when it was here before—that if there was any evidence to sustain the decision, it could not be interfered with.

This provision is an improvement over that. Nevertheless, when a man has had no day in court, no opportunity to be heard, I want to know whether the Senate of the United States is prepared to say that because a commissioner may have found against him thereupon he must go into a higher court and show that he has an actual preponderance of the evidence in his favor. I protest against it, not upon the ground that we may not have the power to do it but upon the ground that we ought not to do it.

Now I yield to the Senator from Kentucky.

Mr. STANLEY. Is there any provision in this bill giving the accused the right to cross-examine the witnesses who appear against him before this commission?

Mr. REED. I have read it very hurriedly. I think there is a provision of that kind.

Mr. STANLEY. I understand that there is not.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me, I should like to read into the RECORD at this time the Federal statute to which I referred a few moments ago. It dates away back to 1857, and is as follows—section 102 of the Revised Statutes:

Every person who, having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than 1 month nor more than 12 months.

Mr. REED. Mr. President, why does the Senator read that? That is a case where the two great lawmaking bodies of the greatest country in the world have passed a law providing that they, through their committees, can obtain certain facts and can compel witnesses to testify; and when the witness comes here he comes before bodies that at least in presumption of law and under our theory of government represent and are the custodians of the very liberties of the people. Is there any parallel between that and the instance of an individual who walked in here or rode in here from Kansas City or from Montana, who never read a law book through in his life, who is governed by no rules of procedure, who goes into a man's private business office and demands his correspondence, his books, and his papers? Is there any parallel between the two? I can not see it.

Mr. President, I am appealing to the sponsors of this bill, I am appealing to every Senator here to take out of this bill these arbitrary powers; to write into the bill every provision which will tend to make combinations, unjust and illegal practices, corrupt and wrongful dealings illegal under the law, and in the passage of a bill of that character I will concur. I protest against any more bureaucratic government over the people of the United States. If you can do this thing not only to the great packing houses that may constitute trusts, or come within the general meaning of that term, but to every man engaged in the line of business of butchering or dealing in live stock, and if you can vest in one man in Washington the power of absolute control, the power to make rules which constitute laws—for their violation brings the same penalty as the violation of law—if you can do that in reference to all the branches of this business, then where does the Senate of the United States intend to stop?

I draw the distinction with whatever force I am capable of expressing between regulation of a thing that is a natural monopoly always subject to governmental control as railroads; I even draw a distinction between a regulation of packing houses that may have grown to such huge proportions that some people think they control markets and a bill that proposes to lay its hand upon the small dealer as well as the great. I draw a distinction between a law which pronounces its anathemas against evil practices and specifies and defines those practices and a law which vests in an individual the right in substance and effect to pass laws and to change them from day to day according to his whim, his caprice, his desire.

And now, I ask, where will we stop? If you can take over this power, not with reference to concerns that are charged with being trusts but with reference to the small as well as the great, simply because they are dealing in meat products, then, I ask, what is the limitation? The same line and course of conduct could be properly pursued with reference to coal, with reference to iron, with reference to steel, with reference to lead and zinc, with reference to wheat and corn and oats, with reference to the shoes we wear on our feet, to the clothing upon our backs, to the implements of husbandry, to household utensils, to everything that constitutes a necessity of life. Thus, we might appoint a half dozen or more men in Washington with power to control the business and lay down the rules and regulations governing all the affairs of our people, to indulge in every kind of espionage, to invade their homes, to demand the production of their books and their papers, and finally to centralize here in Washington huge machines that would in substance and effect be a socialistic oligarchy controlled by a few individuals.

When you do that, Senators, no matter what your purpose may be at the time, the ultimate effect is bound to be that men will fear to embark in business; that every institution will feel that it is governed not by law but by the will of some man or set of men in Washington. The control of business will no longer be in the laws of States but will be centered here in the minds of three or four or perhaps a dozen men. These men may be utterly unacquainted with the business they undertake to manage. A good illustration is found in the fact that the Secretary of Agriculture is made supreme in this matter. Without definite knowledge, I question whether he has ever had any practical experience in agriculture outside of writing articles, and certainly none in the matter of packing meats, unless he put up hams at home on the farm, if he ever lived there. Continue this process and you will have created such a condition that men will fear to embark in business. Just in proportion as they fear to embark in business you will hinder the growth and development of this country.

Let no man say that I am opposing laws that will limit and punish the power of monopoly. I will subscribe to any law that singles out evil practices and proposes to penalize them. That is a government of law, a government of laws that can be enforced in the courts of the land, all of them subject to the provisions of the Constitution.

It is proposed here to set up what in the end is bound to be, if we continue, a socialistic oligarchy that will bring, if not ruin, great distress upon our country, and in the end what?

Paradoxical as it may seem, I nevertheless assert that finally and in all human probability these instrumentalities you set up will be controlled by the interests themselves. It will not happen at first. It is very likely to happen in the end. There is nothing in our experimentation that leads me to believe that we can expect fortuitous results in an enterprise of this kind. I do not want to go into that, but it affords a very interesting question of study. For the present, I protest against the provisions of this bill giving these large and drastic powers to a single individual in Washington over a vast business. Is there any limitation upon his agencies, upon the number of employees he shall have? If so, I shall be glad to have my attention called to it.

I notice, in section 4—

> The commissioner is authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses, and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by Congress from time to time.

What does Congress do?

It appropriates money, and these institutions grow. We started the Interstate Commerce Commission with 11 employees; I do not undertake to say how many they have now. We started the Federal Trade Commission with a few employees; it now has an army of men. If it has ever done any good, I have never discovered it. But that again is another chapter.

My engagements, Mr. President, take me from the city, and I shall probably not be here to vote on this bill, and therefore I have imposed myself upon the Senate under these circumstances. I do not know whether anything I have said, or anything any man can say, will halt these processes, but I venture the statement that if you continue the concenfration of power in this Government at Washington, fulfill the processes which have been going on, it will not be long before the liberties of the American people will be very seriously impaired.

I hope this bill will go back to the committee. I hope they will bring forward another bill. I care not much how drastic it may be if they will write into it the provisions of law which prohibit illegal practices and declare illegal practices which are unjust. But against a bill giving to one individual the right to control the business of thousands and tens of thousands of men, and to make arbitrary rules for their government and control, I protest with all the power that I can put into a protest.

Mr. GLASS. Mr. President, it is not my purpose to discuss the provisions of the pending bill at this time. I very much regret that I do not find myself in a position to discuss the details of the bill with any degree of familiarity or force or understanding.

I was in my seat to hear the measure expounded by others when the Senator who has just taken his seat stated, in the course of argument, that the bill had not been considered in committee, and that no hearings upon it were had. I rather marveled at the statement and wondered whether it was really so; that is, I wondered whether the objection was technical or real, because I recalled that when the Congress had under consideration Federal reserve legislation the same sort of objection had been voiced by the Senator from Missouri against the bill as it came over to the Senate from the House, and it seemed to me then that the objection was not real but technical.

When, a little later, the Senator made occasion to refer to the fact that after the Federal reserve bill came over from the House there were some 500 alterations in its structure, and implied that there had not been a due consideration of the bill, either in the House committee or in the House, I ventured to interrupt the Senator, in no captious mood, certainly in no spirit of discourtesy, to say that the hearings at the other end of the Capitol upon the broad problem of banking and currency reform had been most exhaustive; and I said that no hearing had before the Senate committee had adduced any evidence which was not familiar to the House committee and to the House.

I ventured to make the specific declaration—and the Senate hearings will bear out the assertion—that everything said before the Senate committee had substantively been said before the House committee, or otherwise was in the files of the House

committee in the nature of written statements and theses bearing upon the question.

I did not feel disposed to permit to go into the RECORD, without dissent, the statement that the legislation in the House committee and in the House with which I had something to do had been thrown together in haphazard fashion, to such an extent, indeed, that the Senate felt obliged to alter it radically in its fundamental provisions and to change it in 500 respects. Hence, I thought it was pertinent and in order to intervene courteously and to say what I did on the subject.

I was perfectly well aware, Mr. President, from my very brief observation in the Senate, that an interruption of the Senator from Missouri, even to correct a misstatement of fact, practically amounted to inviting offense. I had observed that the Senator was intolerant of differences of viewpoint and of opinion and quick to retort sharply upon any other Senator who might presume to bring in question his infallibility of judgment or his accuracy of statement. But I conceive that a Senator should not be deterred by things of that sort.

I have never, in my 20 years of service in the Congress, been at all willing to seek the shelter of constitutional immunity to offend any man, whether a colleague or some one outside of the Congress. I do not think it is an evidence of courage any more than it is an evidence of civility.

It was a pertinent question of fact, easily determinable by reference to the RECORD, whether or not the Federal reserve bill as it came from the House was radically altered by the Senate. But when the Senator from Missouri undertook to impute to me a quality and degree of self-assumption and personal vanity by saying that he knew that I arrogated to myself the exclusive paternity of Federal reserve legislation, his assertion invited a remonstrance on my part. It was ascribing to me a thought that I had never entertained and never anywhere asserted. Hence I ventured to incur further the wrath of the Senator from Missouri by saying that it was not a fact.

That, as the RECORD will show, elicited a vituperative and offensive retort from the Senator and an exhibition of pantomime not becoming in a body of this character, in my view. But the facts in the case are not to be affected by that sort of performance, and the Senator will understand that I am not to be deterred here in the Senate by childish and contemptuous gestures.

The Senator undertook to confirm his statement with respect to the radical alterations by the Senate of the fundamental provisions of the Federal reserve act by saying this body, presumptively as the result of hearings, had radically changed the gold reserve feature of the Federal reserve bill. If I may give another exhibition of temerity I venture to assert that this is not a fact. Of course, I say that in no spirit of discourtesy or offensiveness to the distinguished Senator from Missouri. Either his statement is true or my denial of it is at fault.

The simple fact is that there was no alteration in the fundamental provision of the House bill relating to reserve. The House bill, as I recall, provided a gold reserve of 35 per cent and a commercial paper reserve of 100 per cent behind the Federal reserve notes and credits. The Senate altered the provision in some detail and made the gold reserve 40 per cent. If it is the judgment of the Senator from Missouri that this was a fundamental alteration of the bill, he is quite entitled to that view. I say it is not a fundamental alteration of the bill. It is a mere change of detail. It is not fundamental, as evidenced by the fact that, in the administration of the act, although nearly every Federal reserve bank in the system in these times of stress has gone below its lawful reserve, there has been no application of the penalty. It required no great wisdom, certainly not months of repetition in hearings, to change the gold reserve from 35 to 40 per cent.

The Senator alleged one other thing to sustain his contention that as a result of the hearings the Senate had radically altered the fundamental provisions of the Federal reserve bill as it came from the House. He said it had radically changed the system of control, meaning, I assume, the administration of the act by the Federal Reserve Board. I am sure that upon reflection the Senator himself will not want his statement to stand in the RECORD undisputed. In what respect, I ask, was the control feature of the bill altered by the Senate? In one particular of no earthly consequence to the administration of the act: The House bill made the Secretary of Agriculture an ex officio member of the Federal Reserve Board. The Senate struck off the name of the Secretary of Agriculture, leaving only two ex officio members of the board and increasing the number of presidential appointees from four to five. Was that a fundamental alteration of the bill? If the Senator from Missouri is of that mind, very well; but I think it was an utterly inconsequential and trivial alteration of the bill. Whether or not it should have been made I am not yet quite certain.

The hearings on the other side of the Capitol were participated in by every great interest in the country and by every great group. We had professors of political economy like Kemmerer, of Princeton, and Fisher, of Yale. We had great bankers like Warburg and Hepburn, of the East, and Forgan and Reynolds of the West. We had central reserve bankers and reserve city and country bankers. We had representatives of the American Federation of Labor speaking for that group of men. We had representatives of the great farmers' organizations of the country speaking for that interest. We had representatives of the credit men's association of the United States and of the chambers of commerce. We had before us the considered judgment, expressed without reserve or qualification, of every business interest in the United States.

The Senate committee heard the same bankers whom we had heard and a few more bankers. It had not a representative of the farming industry before it. It had not a representative of the great laboring masses of the country before it. It had nothing but those bankers hammering over old brass and, as I said on another occasion, one of the "most pestiferous currency cranks" that ever disturbed the peace of mind of a congressional committee. Yet the Senator in the course of his remarks upon the packers' bill undertook to imply that those of us on the other side of the Capitol had flung together in haphazard fashion a bill that had to be radically altered here.

I have said in other forums, before the American Bankers' Association and other informed bodies—once in the presence of the Senator from Missouri—that I challenged any man to show wherein the fundamental provisions of the House currency bill had been altered by the Senate; altered, it is true, but when we went into conference the two conferees on the part of the House restored the bill to its original integrity.

It was unkind—well, I will not say unkind, because the Senator from Missouri has no special reason to be kind to me—it was rather an offensive suggestion, unwarranted by anything that I had said, for the Senator from Missouri to assert that I appropriated to myself the exclusive paternity of the Federal reserve legislation.

Federal reserve legislation is the product of no single mind. It is the fruit of common counsel by men of observation and experience and of patriotic desire to serve the country by remedying a situation that had for nearly 50 years periodically caused intense distress. Never on any occasion anywhere have I sought to appropriate exclusive credit or any credit whatsoever to myself. I have very frequently repelled the suggestion that I had anything more than a modest and honest part in the construction of that legislation.

Oh, Mr. President, I might say other things, but I think this is not the place to give utterance to a man's resentment, but rather his deliberate judgment. I conclude by again putting the Senator from Missouri upon notice that whenever he makes a statement concerning me personally he will not avoid a proper answer by such a puerile performance as he ventured upon this afternoon.

Mr. REED. Mr. President, we are, in my opinion, pursuing a rather small subject at some length. Now, let us see what is the head and front of my offending. Discussing the pending bill, I made the remark that there were no hearings upon the pending bill. I believe I said originally that there had been no consideration in the committee, an inadvertent statement which was corrected the moment my attention was called to it.

Now, I am going to say to the Senator from Virginia that he may have misunderstood what I said. He clearly did misunderstand it, from his remarks. I took no offense at anything he said until he bluntly said that what I said was not true.

Mr. GLASS. If I may venture to interrupt the Senator, I desire to ask him in this connection to state just what he said.

Mr. REED. I will do so. I have the record. I have not even read it, having just sent for it. I was speaking of the hearings on the banking and currency bill, and I said:

> My experience in this body has led me to the conclusion that a failure to grant hearings upon any bill whatsoever, when hearings are desired, is the greatest of mistakes. Nearly the first great contention I had in the Senate was whether hearings should be granted upon the banking and currency bill.

Of course, I was speaking about the Senate, not the House. I could not have had any connection about the hearings in the House. I continue reading:

> The Senator from Nebraska [Mr. HITCHCOCK] was actively concerned in that controversy, and we stood side by side in it, and I have thought ever since that that was once when the Senator from Nebraska was right.

Of course, I was jesting with my friend from Nebraska.

The result of those hearings was that light was thrown upon the bill.

I was speaking about hearings in the Senate and not in the House. I never said this bill did not have hearings in the House.

The result of those hearings was that light was thrown upon the bill—

So far as we were concerned.

It came to us from the House of Representatives, the splendid framework of a bill; but it required many changes, in our judgment, and ultimately was changed, the total of the amendments made to the bill from the time it was introduced being, I think, 510. It was changed in many of its fundamentals, and before the discussion had ended in the Senate the Secretary of the Treasury, who had originally been opposed to hearings—

That is, hearings in the Senate. Of course, I was speaking about the Senate—

was sending over amendment after amendment, asking that they be adopted.

Now, what was there offensive in that? What reflection was there upon the House of Representatives?

I merely said that in the Senate we had insisted upon hearings and had gotten them; that the bill was a splendid structure when it came over here; and that we had made changes. The Senator from Virginia took offense at that.

Mr. GLASS. If the Senator will permit me—and I will promise hereafter to observe his suggestion——

Mr. REED. It is all right, sir.

Mr. GLASS. That he will not submit to interruption by me in the course of debate—I took no offense at what the Senator has read, as I took no offense at what he originally said. I ventured in response—and it was a venture—to give my view of the matter. I did not flatly, certainly not offensively, contradict the Senator, but I injected into the Senator's remarks a statement which he has not read at all.

Mr. REED. The Senator has been discussing the question of hearings. I think I have very clearly shown by the RECORD that when I was speaking about hearings it was the hearings in the Senate. I made no reference to the hearings in the House. I did not charge that the House held no hearings; I had nothing to do with that; and yet the Senator spent some time on that.

Then the Senator interrupted with this:

Mr. GLASS. Mr. President——

Mr. REED. I yield to the Senator from Virginia.

Mr. GLASS. Having had something to do with the banking and currency bill, I desire to assert that there was not a single, solitary hearing had before the Senate committee that was not practically a duplicate of hearings already had by the House on the larger problem of a reform of the banking and currency laws, of the currency, or that was not duplicated by a carefully prepared thesis in the file of the Banking and Currency Committee of the House.

The Senator suggests that the bill was altered in 500 particulars. So it was, mostly in punctuation points that I do not think ever should have been altered. He said it was altered in many fundamental particulars. I would be greatly obliged to him if he would name one single fundamental particular in which the bill was altered by the Senate that was not changed in conference by the House conferees.

Mr. REED. Has the Senator concluded?

Mr. GLASS. Yes.

Mr. REED. Mr. President, I do not intend to be diverted from this question to discuss the making of the banking and currency bill. I made an assertion so plainly within the facts that I did not suppose any living human being would have the temerity to challenge that statement. I know that the Senator regards that bill as the child of his brain, and he is unwilling to admit that anybody did anything to improve its condition, either before or after birth.

I intended that merely as a bit of good-natured ribaldry, if you please, nothing else. The Senator further said:

Mr. President——

And again I yielded.

The Senator does not know that, because it is not the fact.

It was a direct challenge of my veracity. I so took it and I so treated it.

Now, what is all this tempest about? I said that I had insisted on hearings on a banking and currency bill in the Senate, and we got those hearings. I say they had given us much light.

I reflected in no way on the House; I complimented it. I did reply, in what I thought would be taken as a jest, in the manner I did. The Senator replied to me in a manner that gentlemen do not regard as quite within the amenities of life, and I made my retort.

The Senator insists that the bill was not changed in the matter of substance. In the course of this debate I mentioned two particulars in which it had been changed. He challenged the correctness of my statement, which he has a right to do. I can not do it to-morrow, because I am leaving town, but I shall take very great pleasure in furnishing a collation of changes that were substantive. The Senator may not think they are; I think they are. So much for that.

As to the personal phase, the Senator says I have no occasion to love him. That is very true; I have not; I do not; but I do not intend to let personal differences control my conduct in the Senate. Any Senator may interrupt me at any time that he wants to, if he will do so, as I will with him.

I am sorry that the time of the Senate has been taken up in this way. I am not concerned about who wrote the banking and currency bill. I am not concerned in how many hearings were had on it. I know that the hearings before the Senate committee brought about many amendments, which were adopted by the Senate after full debate and after we were through with the hearings, and the debate in the Senate also brought many changes. However, all there is to this controversy is that I used that fact as an illustration. On the personal side I care nothing.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. NORRIS. I am not asking the Senator to yield; I thought he had yielded the floor.

Mr. REED. I have yielded the floor.

Mr. NORRIS. Mr. President, I ask unanimous consent that there may be a reprint of the pending unfinished business, so as to show in parallel columns the House and the Senate bills. I think it will be very interesting to compare the two, some comparisons having been made which have no foundation whatever.

The VICE PRESIDENT. Without objection, the reprint in parallel columns as requested by the Senator from Nebraska will be made.

ADJOURNMENT TO MONDAY.

Mr. NORRIS. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, June 13, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 10, 1921.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, let Thy holy spirit, so vivid, so wondrous, so full of truth, inspire us in the faith that right makes might. So lead us that our aim shall not be to succeed in life but to succeed in living. For this high purpose we beseech Thee take Thy rightful place in our thought and practice. Come to all of our homes and keep them in tune with things divinely beautiful. Where there is grief, where the heart is sore, where the head is sick, give faith and confidence in that power that gives to earth the riches of mother love. Then shall they turn away like happy children playing among the flowers, for they hold a living, glowing truth that shall never fade away. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

VETERANS' BUREAU.

On motion of Mr. WINSLOW, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, with Mr. ANDERSON in the chair.

The CHAIRMAN. When the committee rose yesterday there was pending an amendment to section 17, which, without objection, the Clerk will again report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 12, line 25, after the word "beneficiaries," strike out the period and insert a colon and add the following: "*Provided further*, That in case any person who has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the President that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, the President may direct and cause to be issued to such person an honorable discharge, and the person receiving such honorable discharge shall be entitled to the compensation and insurance benefits of the war risk insurance act.

Mr. BLANTON. Mr. Chairman, I ask recognition on the amendment.

The CHAIRMAN. The time for debate on this amendment and all amendments thereto has expired.

Mr. BLANTON. I move to strike out the last word.

The CHAIRMAN. That motion is not in order, the time for debate having been fixed and having expired.

Mr. BLANTON. I offer a substitute for the amendment offered by the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The Chair thinks it is too late, a vote having been taken on the amendment yesterday, when the point of no quorum was made. The question now is on the amendment of the gentleman from Indiana [Mr. WOOD].

The question being taken; on a division (demanded by Mr. BLAND of Indiana) there were—ayes 10, noes 15.

Mr. BLAND of Indiana. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Indiana makes the point of order that no quorum is present.

Mr. BLAND of Indiana. I demand tellers.

Mr. WALSH. Does the gentleman withdraw his point of no quorum?

Mr. BLAND of Indiana. I withdraw the point of no quorum present.

The CHAIRMAN. The gentleman from Indiana withdraws the point of order that no quorum is present and demands tellers.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry. What will be the effect of the point of no quorum now if I make it?

The CHAIRMAN. The only effect will be to compel a call of the House.

Mr. LONDON. Will the vote by tellers be taken after the quorum is developed?

The CHAIRMAN. A vote by tellers can be had if ordered by the committee.

Mr. LONDON. Then I make the point of order that there is no quorum present.

Mr. BLANTON. I suggest to the gentleman from New York that we take the vote by tellers first.

Mr. LONDON. I withdraw the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York withdraws the point of order, and tellers are demanded.

Tellers were ordered; and the Chairman appointed Mr. WINSLOW and Mr. BLAND of Indiana.

The committee again divided; and the tellers reported—ayes 30, noes 14.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 16. Section 31 of the war risk insurance act is hereby amended by adding thereto a subsection to be known as subsection (a) and to read as follows:

"(a) Any person who between the 6th day of April, 1917, and the 11th day of November, 1918, applied for enlistment or enrollment in the military or naval forces, and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into such service, shall be considered to be in active service during the period while such person was complying with such order or direction, and during such compliance, and until his final acceptance or rejection for enlistment or enrollment into the military or naval forces, and shall be entitled to the compensation and insurance benefits of the war risk insurance act."

Mr. BLANTON. Mr. Chairman, I offer an amendment on page 13, beginning in line 13, to strike out the words "and shall be entitled to the compensation and insurance benefits."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 13, line 13, after the word "forces," strike out "and shall be entitled to the compensation and insurance benefits."

Mr. BLANTON. Mr. Chairman, I make this motion merely pro forma, to call attention to the fact that it will hardly aid the ex-service men in any way to pass a law entitling them to rehabilitation, compensation, and insurance benefits unless after the law is passed it is carried out and they are given those benefits to which they are entitled under the law.

Let me call your attention to a sample of the letters I am getting all the time. I am sure you are getting similar letters. I received this one this morning. It is from Claud E. Smith, who is now in Ward 27–A, Hospital 25, Camp Logan, Houston, Tex., and is dated June 7, 1921. He says that he has been in this hospital nearly six months, suffering from bronchitic pleurisy incurred in the line of duty, that the number of his claim for compensation is C–533914, and he begs me to help him get a hearing on it.

We are receiving letters of this character all the time. Here is a man who claims he has been in the hospital for six months and has made application for the compensation due him and can not hear from it. He can not get a reply until he appeals to a Member of Congress to go down here personally and look after the matter.

The ex-service men, as stated yesterday by my colleague Mr. BLAND of Indiana so forcefully, prepared certain legislation they thought was absolutely necessary in order for these men to get attention and presented such recommendations to this committee. They have not been able to get attention under the present law. It is evident that additional provision must be granted for them to get proper attention. The American Legion, therefore, has made certain suggestions, and has indicated to us that they had confidence in the committee to see that these suggestions would be carried out whereby needed relief would be granted to disabled men. And yet, as was called attention to yesterday by the gentleman from Indiana [Mr. BLAND], and was attempted to be called to our attention by our colleague, Mr. FISH, when he was stopped by a point of order, all their recommendations practically were disregarded, and section 6 as proposed was chopped up. Of course, if we do not expect to pay any attention to their recommendations, well and good, but I am one man who believes if they are not getting the attention to which they are entitled, and men in the service who have made careful investigation and consideration of this subject come before us with proper recommendations, it does occur to me in the line of argument of the gentleman from Indiana that we ought to pay some attention to their recommendations and incorporate same in this bill. If the distinguished gentleman from Indiana [Mr. BLAND], or the distinguished colleague from New York [Mr. FISH] or our colleague from California [Mr. LINEBERGER]—if any one of them will offer a motion to recommit embracing a proper amendment which will carry out the program of the American Legion, as proposed by the late Col. Galbraith, whose sudden death is a great loss to the American Legion and to the country—I am willing as one Member of Congress to vote to carry out that program and will support a proper motion to recommit.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. SANDERS of Indiana. The suggestion was that we should not limit the number of suboffices, not limit the jurisdiction, that they should have final power in all matters. Is the gentleman in favor of such a provision in this bill?

Mr. BLANTON. I do not know what would be best.

Mr. SANDERS of Indiana. That is what I thought.

Mr. BLANTON. But I do know that the disabled men have not been given proper attention. I do not believe that the gentleman from Indiana [Mr. SANDERS], who just said that, knows any more about it than I do. I do know that Col. Galbraith, as national commander of the American Legion, in behalf of the disabled soldiers, has been giving his time and attention to the subject, has been studying it from every angle, and giving his whole time to it when the time of the gentleman from Indiana has been devoted to many subjects. I do know that when the distinguished commander of the American Legion comes before us with proper suggestions, I am one who believes that we should pay more attention to them and try to carry out his proper recommendations.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. I desire to inquire what is the purpose of this extensive new amendment. As I take it from a reading of the amendment these men who were provisionally accepted, and subsequently rejected, were not entitled to the provisions of the war risk insurance act. What is the purpose to be accomplished by this provision—to give them standing as if they really had war service?

Mr. SWEET. This section is placed in the bill for the purpose of taking care of men who voluntarily enlisted in the Army or the Navy.

Mr. STAFFORD. The gentleman means who attempted to enlist.

Mr. SWEET. Who attempted to enlist, and enlisted provisionally, as the section says.

Mr. STAFFORD. No; who were accepted provisionally, as the section says.

Mr. SWEET. Accepted provisionally. Under section 31 of the act which passed Congress the 24th of December, 1919, we made provision for those who were drafted.

Mr. STAFFORD. Between certain dates.

Mr. SWEET. The language of the law at the present time is as follows:

SEC. 31. That if after induction by the local draft board, but before being accepted and enrolled for active service, the person died or became disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct involving moral turpitude, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct involving moral turpitude, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under Article III: *Provided*, That any insurance application made by a person after induction by the local draft board but before being accepted and enrolled for active service shall be deemed valid.

Again, in another part of the act, section 12 of that law, we use the following language:

and any person inducted into the service by a local draft board after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, and before being accepted and enrolled for active military or naval service, becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each.

That takes care of the men that were drafted.

Mr. STAFFORD. And who received permanent injury while in the service of the Government.

Mr. SWEET. While provisionally in the service of the Government, and it is the intention of this section to place the men who volunteered on the same basis.

Mr. STAFFORD. Whether he received any permanent injury in the service of the United States or not, but was rejected, and for that reason the Government intends to give him the full benefit of the compensation act.

Mr. SWEET. Not at all.

Mr. STAFFORD. Well, if I am mistaken I wish to be corrected.

Mr. SWEET. A careful reading of the section will disclose that we have taken care of the matter——

Mr. STAFFORD. Will the gentleman be kind enough to point that out? I have read this quite carefully. The provision under consideration provides that any person who between the 6th day of April, 1917, and the 11th day of November, 1918, applied for enlistment or enrollment in the military or naval forces, and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into the service, shall be considered to be in active service and entitled to the compensation and insurance benefits of the war risk insurance act. My point is this: Take the concrete case of some person being accepted provisionally who has an inherent physical defect; for instance, tubercular trouble. The examining surgeon at that post, we will say, rejected him for service, yet he will, by reason of some disease or disability contracted before his enlistment, receive the full benefits of the compensation law under this provision as I construe it. If it is the purpose to do that, that is one thing; and if it is not, it is another thing.

Mr. SWEET. Let me read the section carefully to the gentleman:

(a) Any person who between the 6th day of April, 1917, and the 11th day of November, 1918, applied for enlistment or enrollment in the military or naval forces, and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into such service, shall be considered to be in active service during the period while such person was complying with such order or direction, and during such compliance, and until his final acceptance or rejection for enlistment or enrollment into the military or naval forces, and shall be entitled to the compensation and insurance benefits of the war risk insurance act.

That whole paragraph turns upon the proposition—

while such person was complying with such order or direction.

If he is doing anything else, if he is not complying with orders, then in that event he is not entitled to the benefit. Whatever injury may come to him, whatever disability may come to him must come to him during the period when he is complying with the orders.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. In case a recruiting officer should go into a town getting recruits and should recruit men among whom there might be a young man affected with tuberculosis the recruit would sign the recruiting roll and he would be afterwards ordered to a military post for examination which would follow. The point I would have the gentleman make very plain is this: Is this intended only to cover injuries resulting from carrying out the order issued by the recruiting officer to get this man inducted into the service, or would it cover a case where a man was affected with tuberculosis, which fact was not discovered by the recruiting officer, but was afterwards discovered by the Army surgeon when he was to be mustered into the service permanently?

Mr. SWEET. This covers only the period while the man is carrying out the order—for the disability that he received while carrying out the order.

Mr. STAFFORD. Where is the statement that it is only for disability incurred while carrying out the order?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ROGERS. Suppose a man during this period specified in the section should lose both legs as the result of falling under a train while drunk, the injury being received clearly outside of the line of duty and not of service origin. My theory about the section is what is contained in the last few lines, to the effect that such a man shall, without qualification, be entitled to compensation and insurance benefits of the war risk insurance act. I wondered if the gentleman from Iowa would approve of the insertion after the word "and" of the words "if otherwise eligible"? That would require that the injury should be of service origin, and that the provisions of the law in general should be complied with before the man should receive compensation or insurance.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HOCH. When it provides that the man shall be entitled to compensation and insurance benefits of the war risk insurance act, certainly that does not mean that he shall have those benefits regardless of the conditions of the act, but he comes in under the terms of the act as anyone else would.

Mr. STAFFORD. But there is another provision in the act which holds that when a man enters the service he is to be presumed to be in good health, and, regardless of his rejection by reason of physical disability prior to his entrance into the service, he is entitled to the benefits of the compensation act under the language of the provision.

Mr. HOCH. This simply applies to the war risk insurance act. I do not see how this applies in any sense other than under the general provisions of the war risk insurance act.

Mr. STAFFORD. No. It brings him under the general provisions of the act, and one of those provisions is that when he is accepted into the service he shall be considered as being physically sound, even though rejected later.

Mr. HOCH. Oh, no.

Mr. STAFFORD. There is another provision of the act that provides that.

Mr. HOCH. It says that he shall be entitled to compensation and insurance benefits of the act. Whatever the limitations or the conditions of the act are, they apply to this man.

Mr. WALSH. I suggest that the language should be "under the act."

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RAYBURN. This section was very thoroughly discussed by the committee, and I think I can tell the gentleman exactly what he asks. The section provides that a man shall be considered to be in actual service, and so forth, and we followed that up by this sort of a case. Some young gentlemen volunteered to join the Navy. They were examined and enrolled for service, but they were not yet ready to call them to the camps. They were told to go back home. The train on which they were traveling was wrecked as they were going back home under the orders of the enrolling officer. This would exactly cover a case like that, and this provides that those men were killed or injured in line of duty while acting under the order of the enrolling officer.

Mr. STAFFORD. I am in hearty sympathy with the idea of making provision for that kind of a case, but I fear the phraseology here is so broad that it will cover other cases.

Mr. RAYBURN. Just what?

Mr. STAFFORD. Such a case as that suggested by the gentleman from Illinois [Mr. McKENZIE] of a man enlisting who is suffering from tubercular trouble, who is rejected after examination by the medical officer of the post. He would be entitled to all of the benefits of the war risk insurance act under the wording of this provision.

Mr. RAYBURN. During the time that this man is acting under the orders of the enrollment officer, if it be one day or two days or a week, he will be considered in active service.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McKENZIE. I will ask the gentleman from Texas [Mr. RAYBURN] if it was not the purpose of the committee to require a man enlisted provisionally to prove conclusively that the injury under which he would get this compensation was the result of some order or of his service while in such provisional capacity.

Mr. RAYBURN. I think so.

Mr. McKENZIE. And that if he could not establish that fact he could not come under the provisions of this act?

Mr. RAYBURN. I think that is true.

Mr. McKENZIE. It is pretty broad, however, I think.

Mr. WALSH. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. I will yield.

Mr. WALSH. Does not the gentleman think that if the word "of," the last word in line 14, were changed to the word "under," it would remove the doubt which the gentleman has in his mind?

Mr. STAFFORD. It would go a long ways to remove it, and I think either that or the amendment suggested by the gentleman's colleague [Mr. ROGERS] would cure the objection I have.

Mr. WALSH. That word implies that it must come within all the requirements of the act rather than just be entitled to certain benefits of the act.

Mr. RAYBURN. As far as I am concerned, that amendment would not be disagreeable to me.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment and offer a preferential amendment.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

Mr. WALSH. I object; it is not a pro forma amendment.

Mr. BLANTON. It was offered merely as a pro forma amendment.

Mr. WALSH. The gentleman can not do that.

Mr. FISH. Mr. Chairman, the gentleman from Wisconsin still has the floor?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Texas.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I move to strike out, in line 14, the word "of" and insert the word "under."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 14, after the word "benefits," strike out the word "of" and insert in lieu thereof the word "under."

Mr. SWEET. Mr. Chairman, I make no objection to that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. WINSLOW. Mr. Chairman, I move that all debate on this section and amendments thereto be closed in three minutes.

The question was taken, and the motion was agreed to.

Mr. RAMSEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. I have an amendment to offer as a new section following this. The motion would not cover the new section?

Mr. WALSH. Oh, yes; it would.

Mr. RAMSEYER. It is wholly a new section.

Mr. WINSLOW. It is no part of this section.

Mr. RAMSEYER. It is not part of this section, but it comes in as an entirely new section, and my parliamentary inquiry is—I have an amendment as a new section following this section—Would the motion of the gentleman from Massachusetts cover such an amendment? I do not think it would.

The CHAIRMAN. The Chair thinks the precedents heretofore are to the effect that a motion to close debate upon a section of the bill would also close debate upon a new section as an amendment to that section.

Mr. BLAND of Indiana. It would not necessarily be an amendment.

Mr. WINSLOW. I do not understand the gentleman proposes to amend this section, but he has a new one and matter altogether different.

The CHAIRMAN. The Chair was about to say that while the precedents were as he stated, the Chair thinks the precedent is not logical, and the Chair would not hold in accordance with the precedent if the amendment were offered. The question is on the motion of the gentleman from Massachusetts that debate on this section and all amendments thereto close in three minutes.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move to amend, in line 13, after the word "and," by inserting the words "if otherwise eligible."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 13, line 13, after the word "and," insert "if otherwise eligible."

Mr. ROGERS. Mr. Chairman——

Mr. SANDERS of Indiana. Would it not be preferable to say "otherwise entitled to the benefits of the act"? The word "eligible" hardly expresses what the gentleman has in his mind.

Mr. ROGERS. I am not scrupulous about the language, but I think "if otherwise eligible" conveys the idea that the man must be eligible under the law. I do not see what else it can mean. My point is simply to make sure that a man provisionally accepted shall not have higher rights under the war risk insurance law than a man who fought all through the war and who is injured in line of duty. A man who gets drunk and is injured, not in line of duty, might under this language as it stands in the bill be construed to have the benefits of compensation and insurance. I think there can not be any objection to making it perfectly clear that the man must be otherwise eligible in order to get these benefits. Therefore I hope these words may be added.

Mr. SWEET. I have no objection.

The question was taken, and the amendment was agreed to.

Mr. RAMSEYER. Mr. Chairman, I have an amendment at the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, after line 15, insert a new section, as follows: That that part of the second sentence of section 401 of the war risk insurance act as amended in section 12 of "An act to amend and modify the war risk insurance act," approved December 24, 1919, which reads as follows:

"Any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, and before the expiration of 120 days after October 15, 1917, or 120 days after entrance into or employment in the active service, becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each," is hereby amended to read as follows:

"Any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each."

Mr. MAPES. Mr. Chairman, I make a point of order that the proposed amendment is not germane to this section, that it is not in order as an amendment to this part of the bill. This part of the bill pertains to Title II of the war risk insurance act, and the amendment proposes to amend a section pertaining to Title IV, which is taken up in this bill several pages subsequent to this.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. RAMSEYER. Yes, sir. Mr. Chairman, I claim that my amendment, which refers to automatic insurance and extends the scope of automatic insurance, as does the section we have just read, when offered at this place is germane to the subject matter of the section under consideration. Secondly, I claim that it is germane to all of Title II of the bill, because there are something like seven or eight amendments under this title that deal with war risk insurance, and the Chair is well acquainted with the rule that, for instance, a bill granting relief to two or more persons, an amendment to extend relief to others is in order, or in a bill for the admission of more than one State amendments admitting a State or States other than named in the bill are in order. In the third place, Mr. Chairman, I lay down the broad proposition here that as Title II contains numerous amendments to the war risk insurance act, that any amendment to any section of the war risk insurance act pertaining to relief to soldiers is in order under this Title II of the bill under consideration.

Mr. SANDERS of Indiana. Will the gentleman from Iowa yield?

Mr. RAMSEYER. I can not yield now. Let me cite to the Chair a few authorities along that line, if the Chair will indulge me for just a few minutes. I call the Chair's attention to the rulings in Volume V, Hinds' Precedents, sections 5823 and 5824. Under section 5823 there was a bill before the House for the codification of postal laws. It was considered in the Committee of the Whole. There was under consideration a section authorizing positions and salaries for a superintendent of the Railway Mail Service, a chief clerk, and certain division superintendents and assistant division superintendents in the same service.

To this Mr. James A. Tawney, of Minnesota, offered an amendment striking out the section as read and inserting a comprehensive scheme of classification for the Railway Mail Service, dealing not only with the superintendent and his assistants but with all the personnel of the service.

Mr. Eugene F. Loud, of California, made the point of order that the amendment was not germane to the section under consideration, although he admitted that it was germane to the bill.

Here is the opinion of Maj. Lacey, of Iowa, who was in the chair at the time:

This is one of the embarrassments in the consideration of a codification bill. It covers very much territory. It is germane to the bill and in some degree germane to the section also, as well as to other sections of the bill.

As it is in this case, because the section which we just passed extends the scope of automatic insurance and the new section that I offer extends the scope of automatic insurance. The section we have just passed extends the scope of automatic insurance so as to include those who were provisionally accepted, and if between the time of their provisional acceptance and the time when they were probably notified they could not be taken something happened to them, they come within the scope of this section. The amendment I offer extends the scope of automatic insurance, so that all persons who either died or were permanently and totally disabled between February 12, 1918, and November 11, 1918, and who were not covered by contract insurance, get the benefits of automatic insurance.

As well as to other sections of the bill—

Now, there are seven or eight sections of this bill dealing with insurance.

Reading again from Mr. Lacey's ruling:

The gentleman offering the amendment, the Chair thinks, would have the privilege of attaching it to any one of the particular sections to which it is in part germane, and would then have an opportunity—

And so forth.

Now, then, I call the Chair's attention to 5824. I do not remember that this ruling referred to in this precedent has ever been argued during the time I have been in Congress, the last six years. In section 5824 the subject matter was a bill before the House of Representatives amending certain sections of the bankruptcy act. It says:

On June 17, 1902, the House was considering the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, when Mr. David A. De Armond, of Missouri, offered the following amendment:

The amendment offered was to repeal every section of the bankruptcy act. That was the substance of it. I shall not read the amendment.

Mr. George W. Ray, of New York, made the point of order that the amendment was not germane.

After debate the Speaker pro tempore ruled:

The bill before the House is a bill "to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898."

The bill before the House now is an act to amend the war risk insurance law.

To that bill the gentleman from Missouri offers an amendment. * * * To this proposed amendment the point is made that it is not germane.

I shall not read the entire opinion. The Speaker pro tempore goes on to say, in the paragraph succeeding, that the proposition is a new one.

It is apparent from even a casual examination of the bill that it is a general amendatory bill.

As this is.

Section 1 relates to clause 15 of section 1.

And it goes on and refers to different sections of the bill before the House.

In this bill which is now before the House there are 15 amendments to the war risk insurance act. I jump a few paragraphs:

Substantially the same principle was recognized by Speaker Henderson in a case where amendments were offered of a general character to the Senate joint resolution providing for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 24, 1900.

Then he calls attention to the rule that provides that where there is a bill to amend a specific portion of an act, amendments to other portions of the act are not in order; that where the bill before the House is for the relief of one individual, an amendment can not be offered including other individuals, or in bills to admit one State into the Union there can not be offered amendments to admit others. But if the bill before the House is for granting relief to two or more individuals it can be amended by adding others; and the same way about a bill admitting two or more States into the Union, an amendment admitting another State or other States is in order.

It needs no argument to show that it would be competent to amend the pending bill, disposing of it section by section. For example, section 1 may be amended by striking out the words "amended so as to read as follows," and by substituting the word "repealed," so that the section would read: "That clause 15 of section 1 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, be, and the same is hereby repealed."

The same method may be followed in the case of each and all of the sections of the bill in their order. And this process, in the opinion of the Chair, may be made to reach to other paragraphs of the bankruptcy law than those specifically referred to in the pending amendatory bill, because all the sections of the bankruptcy law are germane to each other.

I want the Chair to get that sentence, and I repeat it:

And this process, in the opinion of the Chair, may be made to reach to other paragraphs of the bankruptcy law than those specifically referred to in the pending amendatory bill, because all the sections of the bankruptcy law are germane to each other.

For example, it would be in order to amend the bill by adding additional sections amendatory of sections of the bankruptcy law not referred to in the bill.

If this be so, then it would be equally in order to amend the bill by adding additional sections repealing sections of the bankruptcy law not referred to in this bill. If this process of reasoning be correct, then it is clear that by resort to the methods suggested the entire bankruptcy law may be repealed by indirection. As it is, one of the purposes of parliamentary rules is to provide for the most direct method of disposing of legislation, and as by the process described the effect intended by this amendment can be reached, the Chair is of the opinion that the amendment must be germane, and therefore overrules the point of order.

This is the end of the ruling. I claim these rulings are clearly in point and sustain my contention. Mr. Chairman, that is all I care to say on the point of order, and now I yield to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. I will wait until the gentleman yields the floor.

Mr. RAMSEYER. Then I will yield the floor.

Mr. SANDERS of Indiana. I want to speak but about two minutes on the point of order. It seems to me that the gentleman from Michigan [Mr. MAPES] is clearly right in his point of order, which was that this amendment is not germane as a new section at this place in the bill. The rule is laid down in Hinds' 5822. It is a very familiar rule, that an amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

The Bureau of War Risk law is divided into a number of titles. The first title is numbered up to 100. The second title begins with 200 and runs to 300. The third title begins with 300 and runs to 400. Title IV begins with 400 and deals with insurance and insurance alone. You can always tell where it is located, because the number will be four hundred and something. The gentleman's amendment amends section 401. I do not care to discuss the question whether his amendment would be germane when we reach that portion of the bill where the bill amends sections under Title IV.

The CHAIRMAN. It is true that the war risk insurance act is divided into several items. The first of these items, however, relates to general definitions applicable to the entire bill. They are not confined to either allotments, compensation, or insurance; as, for instance, paragraph 31, to which the section of the bill under consideration is proposed to be added as a subsection, contains a proviso in this language:

Provided, That any insurance application made by a person after induction by the local draft board, but before being accepted and enrolled for active service, shall be deemed valid.

That proviso in the very section which this section proposed by the committee seeks to amend deals directly with insurance. Does the gentleman contend that this provision is not germane to the provision in the act?

Mr. SANDERS of Indiana. Yes; and I do for this reason, and I hope the Chair will notice the provisions of the amendment specifically in connection with this point: If the amendment proposed by the gentleman were in general language, dealing with that subject, it might be in order. But the gentleman's amendment is a specific amendment to the second sentence of section 401 of the original act.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. BARKLEY. And if that should be adopted, then an amendment to section 401 would constitute part of section 31, which is incorporated in the second paragraph?

Mr. SANDERS of Indiana. Yes. The reason for the rule, if the Chair please, grows out of the rule of orderly procedure in legislation. This amendment is a specific amendment to the second sentence in section 401, and if the gentleman will wait until we deal with that—and we do in this bill, commencing with section 22, where we commence dealing with the fourth title of the bill—if the gentleman will wait until we reach that section and offer his amendment there, certainly there will be no technical objection to its being offered at that place. Otherwise the Chair will note what would happen to the bill. We would have this amendment to section 401 put back in the first title. Then we would have section 401 put in the other

title. The sole purpose of the rule, if the Chair please, is to have orderly arrangement of legislation.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield now?

Mr. SANDERS of Indiana. I yield.

Mr. RAMSEYER. The gentleman's argument is that the gentleman's amendment is not germane at this place. Does he admit that it would be germane after we get over to the sections following 400?

Mr. SANDERS of Indiana. I do not admit that it would be germane. We have not reached that point, and I do not know what might be presented by some other gentleman on the subject that would change my mind. I am inclined personally to think that when we reach the fourth title of this bill, because we bring in many sections by amendment, and these amendments are to sections which deal with the substance of the subject matter of the bill, the gentleman's amendment would be germane to the other sections. If we deal with only one section of the title, I do not think it would be.

The CHAIRMAN. The war risk insurance act, as the Chair has already stated, is divided into four titles. The first of those titles deals with provisions that are more or less general to the entire act, definitions and general provisions of that sort. The second title relates to allotments. The third title relates to compensation, and the fourth relates to insurance. The general rule applicable to amendments provides that an amendment must be germane not only to the bill but to the section. If it is offered to a section, or, if offered as a new section, it must be germane in the place where it is offered.

The provision under consideration amends but one section of the first title of the war risk insurance act. It amends no other section of that title. The Chair feels that the purpose of the rule requiring that an amendment shall be germane at the place in which it is offered is to preserve the proper order of the legislation, and that to permit the introduction of an amendment to a portion of the bill under Title IV as an amendment to a section in Title I, for instance, of this bill, would be to destroy the orderly sequence of the legislation. The Chair is not now holding that the amendment proposed by the gentleman from Iowa is not germane to the bill, but under the rules of the House the Chair does not think the amendment proposed by the gentleman from Iowa is germane to the section to which it is offered as an amendment, or as a new section in the place in which it is offered, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 17. Section 210 of the war risk insurance act as amended is hereby amended to read as follows:

"SEC. 210. Upon receipt of any application for family allowance, the director shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. Whenever the director shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. The amount of each monthly allotment and allowance shall be determined according to the family conditions existing on the first day of the month: *Provided*, That whenever an award of allotment or allowance, or both, covering any period has been paid to, or on behalf of, a person designated by the enlisted man as beneficiary of his allotment, no recovery of the allotments paid in such cases shall hereafter be made for any reason whatsoever; and no recovery of the allowances paid in such cases shall hereafter be made for any reason whatsoever except where it is shown that the person receiving the allowance does not bear the relationship to the enlisted man which is required by the war risk insurance act, and except, also, in cases of manifest fraud."

Mr. BLACK. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 14, after the word "fraud" on line 14, strike out the period, insert a colon and add the following: "*Provided further*, That whenever an application for family allowance has been, or shall hereafter be, presented to the Bureau of War Risk Insurance by or on behalf of any person within class A, and it shall after due investigation be determined that the necessary relationship existed between such person and an enlisted man in the active military or naval service at the time when the application was made, and that compulsory allotment has not been waived or exemption therefrom granted, a family allowance shall be awarded and paid for the full period defined in section 204 hereof or for such part of said period as it shall be shown that the relationship existed, notwithstanding the fact that no deductions from the pay of the enlisted man for compulsory allotment in favor of such person have been made, and notwithstanding the further fact that the enlisted man has been discharged from the military or naval forces of the United States. Any awards heretofore made which are inconsistent with the provisions of this section may upon application be reopened and made to conform herewith."

Mr. PARKER of New Jersey. Mr. Chairman, I desire to make a point of order against the amendment.

Mr. BLACK. I do not think the amendment is subject to a point of order.

The CHAIRMAN. The gentleman from New Jersey will state his point of order.

Mr. PARKER of New Jersey. This is my point of order: This particular section is an amendment. It is governed by the rules which govern other amendments, and an amendment to an amendment must be germane to the amendment. I desire to point out that this particular amendment is not the substitution of a new section for an old one. It does not say that the old section is repealed and another one put in its place. It says that section 210 as amended is amended to read as follows. And when you look at the old law you will see that it is only amended by the addition of the proviso that there shall be no recovery of moneys already paid under an award. That is the only amendment in it, and it might just as well be expressed in the following words:

Be it enacted that section 210 of the war risk insurance act as amended is hereby amended by adding a proviso so as to read as follows.

And the proviso is the only thing that is put in. Now, when we amend that amendment we must stick to the amendment that is made. We can not put another amendment on top of it. It must come afterward if at all, and it seems to me that the gentleman's amendment which has been read relates entirely to the investigations and the awards, and to the first part or old section and not to the last part. The amendment before the House is the amendment to that particular section by adding a proviso to it which presents the return of certain moneys, and that has to be carried as a separate thing from provisions as to the awards, which have nothing to do with this proviso.

Mr. BLACK. Mr. Chairman, of course the Chair is familiar with clause 7 of Rule XVI, which limits the right to amend a section in the pending bill by offering an amendment which is germane to the subject matter. Now, what is the subject matter of section 210 in the bill? It relates to the payment of family allotments and allowances, and first authorizes the director to make investigation in cases where the soldier has made an allotment and after such investigation to make an award of a Government allowance. That is the first thing it does.

The second thing it does is to authorize the director to investigate and reinvestigate allowances which have been made, and upon the facts ascertained by such investigation or reinvestigation to change, modify, or altogether annul the award that has been made. The proviso which is added to section 210 limits the right of the director to collect back for the benefit of the Government allotments which have been paid to certain designated beneficiaries. It says that where such allotments have been paid to the beneficiary designated by the soldier the allotments shall not be collected back, and also that the allowances shall only be collected back in cases where the relationship was misstated or fraud was practiced upon the Government. The purpose of my amendment is to cover an additional class of cases. There are some cases where through neglect of the husband or on account of the neglect of the Government or on account of the neglect of both no checkage was ever made against the pay of the soldier, and therefore no allowance was paid to the wife or the children, although it was the compulsory duty of the Government to do so. There were a number of these cases, perhaps not very numerous, where the soldier remained in the service several months, in some cases as long as a year, and was discharged without any allotment having been checked against his pay, and as a result of that neglect the wife and children received no allowance whatever.

The director of the bureau was unable to pay any allowance after the soldier was dismissed from the service, although he recognized the full extent of the equity of the wife and children to receive it for the length of term the soldier was in the Army. The purpose of this amendment is to authorize the director to reopen these cases and to pay the Government allowance, notwithstanding there was no checkage against the soldier's pay. Of course, in cases where there had been a waiver of the allotment, or where there had been an exemption granted, the director would not have to pay such allowance. I submit that inasmuch as the general subject of section 210 relating to allotments and allowances is the question under consideration the amendment would not be subject to a point of order because it relates to the same subject matter and in a proper way under the rules of the House.

Mr. PARKER of New Jersey. Mr. Chairman, I understand that many Members did not hear my point of order on account of the confusion. The point I make is that this section of this bill is itself an amendment. All that it does is to add a proviso to the original section. It is an amendment which says that the original section shall be amended by adding such a proviso, and, therefore, any amendment before the adoption of

this amendment must be germane to that amendment—that is, to the proviso. An amendment can not be offered to the section itself. It is not amended except by adding a proviso.

The CHAIRMAN. The Chair is quite willing to confess that he has had a good deal of difficulty in arriving at a general conclusion with respect to the extent to which the proposed bill opens up the war risk insurance act for amendment offered from the floor. The section under consideration amends section 210 of the war risk act, which section deals with the administration of family allowances. The Chair thinks it would be rather an arbitrary ruling to hold that where the committee has reported an amendment to a section in a law no amendment can be considered to that section except an amendment to the amendment proposed by the committee. The Chair is of the opinion that where the committee proposes an amendment to a section of the law in the nature of a substitute an amendment which is germane to that section of the law and the amendment of the committee is in order. The Chair thinks that the amendment offered by the gentleman from Texas is germane to the section of the law under consideration and the amendment proposed by the committee, and the Chair therefore overrules the point of order.

Mr. BLACK. Mr. Chairman, I really do not think that when Members stop to consider the provisions of the amendment which I have offered there will be any objection to it, because the identical provision has passed the House twice. It was enacted in the original Sweet bill, passed in 1919, but was omitted when the bill was reported by the Senate, and in the conference between the two Houses it was not agreed to, and so did not become a law. The same provision was reenacted in what is known as the Wason bill at the last session of Congress, but, as we all recall, the Wason bill did not become a law.

Now, what is the situation covered by my amendment? There were two classes of allotment—one was class A, which was compulsory, and the other was class B, which was voluntary. In class A allotments the Government was also compelled to make Government allowance, unless there was a waiver or an exemption was granted. The class A allotments were those paid to soldiers' wives and children. Class B allotments were those paid to parents or other dependents and were voluntary.

Now, there were some cases which resulted in this way: The soldier neglected, either willfully or inadvertently, to make any statement as to his married status, and there were other cases where he did make it, but the Government through oversight or neglect failed to make any checkage against his pay. The Government allotment and allowances were never paid to the wife and children. One such case in my own district was brought to my attention. The soldier was drafted into the service in July, 1918. At that time he was an unmarried man, and so stated on his enlistment blank. In August, 1918, a month later, he was married, and soon after was sent to France. Before going to France he did make an application for an allotment or allowance for his wife, so he claims. His wife waited two or three months, and not receiving any pay from the Government, in December, 1918, she called the matter to my attention by letter. I procured the proper blanks to enable the wife to make application for allotment and allowance and sent them to her. She executed the blanks, furnished the marriage certificate, and I filed them with the Director of the War Risk Insurance Bureau. The director immediately started a line of correspondence with the military authorities in France in an attempt to get a checkage against the man's pay. The correspondence went on from time to time, but somehow the soldier was never located until finally, in May, 1919, he was discharged from the service without any checkage ever having been made against his pay.

Therefore, for the whole 10 months his wife received no Government allowance, although she was just as equitably entitled to it as any case I can think of. Her circumstances were poor, and the failure to receive this allotment and allowance worked a real hardship.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BEGG. Did the soldier himself order any part of his pay sent to his wife as an allotment?

Mr. BLACK. That was the claim he made to his wife.

Mr. BEGG. Do his pay vouchers show that it was so made?

Mr. BLACK. There was no deduction made. If he did in fact make an allotment, it was lost somewhere in the shuffle. No deduction was ever made. He was discharged without its having been made, and as a result his wife never did collect a cent allowance, although she made application for it five months prior to the soldier's discharge from the service. I shall refer to another class of cases which present just as meritorious a claim. The gentleman from Massachusetts [Mr. TREADWAY] had a case in his district where the husband had a quarrel with his wife before he went into the service. He left a wife and four children at home. He failed to disclose the relationship. He was sent across the sea. The wife filed her application for the allotment and allowance for herself and children, as she had a right to do, as it was her duty to do. The matter was pending, just like the case I mentioned, for several months. The director endeavored to get in touch with the military authorities, and finally the soldier was discharged without any checkage having been made against his pay, and the wife and four children received no allowance whatever from the Government. Can any gentleman point out to me any reason whatever why in either one of these cases the wife should not be paid this Government allowance? When the amendment was originally offered by the gentleman from Massachusetts [Mr. TREADWAY] it covered the payment of the soldier's allotment, as well as the allowance. At that time I offered an amendment to strike out the allotment part of it, because I did not believe the Government ought to have to pay the allotment which the soldier had already collected. My amendment was adopted at the time it was proposed. The Secretary of the Treasury made a favorable recommendation on this when it was before the House in the original Sweet bill.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. BLACK. In a moment. With your permission, I shall read the letter from Mr. GLASS, which was addressed to Mr. TREADWAY:

> As to general amendment to the war risk insurance act to cover Beaudry and similar cases.
>
> Responding to your request, by telephone, that I inform you respecting my views as to the advisability of an amendment to the war risk insurance act which would give relief in all cases similar to that above noted, allow me to say:
>
> 1. That in my judgment such an amendment would afford relief to many worthy persons whose claims to allotment and allowance lack merit in law only and not in fact, and hence is desirable as a matter of justice.
>
> 2. That while H. R. 8074 is appropriate in a measure to accomplish the result above indicated as being desirable, yet it is not entirely so, nor in some respects is it aptly worded; and that if you so desire I shall take pleasure in having drawn and in submitting to you an amendment, such as in my judgment would more adequately and appropriately meet the situation.

The amendment which the Secretary did draw was the Treadway amendment, which I have just referred to. We amended that amendment when it was before the House the other time by striking out the obligation on the part of the Government to pay the allotment and left only the allowance to be paid.

Mr. BOWLING. Mr. Chairman, will the gentleman yield?

Mr. BLACK. In a moment. I can see where there could be a valid objection to paying the wife and children the $15 a month that was not checked against the soldier's pay and so I offered an amendment to strike that out. What I claim we ought to pay is the Government monthly allowance to which the wife and children were justly entitled. I yield to the gentleman.

Mr. BOWLING. I wanted to ask the gentleman if his proposed amendment furnishes any safeguard to the Government against fraudulent claims that might be made to reach the end that he has in view—the payment of this compensation?

Mr. BLACK. It specifically provides that where the soldier has been granted an exemption from the payment of this allotment that no allowance shall be paid.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. I want to finish answering the inquiry. The amendment also provides that where a waiver has been executed no allowance can be paid. It covers only those cases where either through the soldier's willful neglect or inadvertence he failed to disclose the relationship, or in cases where he did disclose it and the Government through neglect never paid the allowance.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. GOODYKOONTZ. Could the gentleman inform us what probable number of cases his amendment would cover, and give

us an estimate as to the cost to the Government if it should become a law?

Mr. BLACK. I can only read the letter from the Treasury Department to the gentleman from Massachusetts [Mr. TREADWAY], and that does not give the exact number. I should not think it would be very considerable, although there are quite a few cases of that sort. I read the letter of Mr. Hallett, acting director at that time.

MY DEAR MR. TREADWAY: I am forwarding to you herewith a draft of a proposed amendment to H. R. 8778 to take the place of a typewritten amendment which, I understand, was drafted by Mr. SWEET and submitted to the Treasury Department this morning. The draft submitted is intended to accomplish the same purpose but is believed to meet the situation more adequately and definitely. It is very broad in its terms and imposes a liability upon the United States which is much broader than that imposed by the war risk insurance act as it has been interpreted in the past by the bureau. It is not broader than it should be in order to do justice in such cases as the Beaudry case and others of a similar nature.

Very truly, yours, R. H. HALLETT.

I was under the impression that Mr. Hallett stated something about the number of cases in that letter, but I find that he does not. In my discussion with the War Risk Insurance Bureau I found there are quite a number of such cases.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I realize that there are many cases, specific and special cases, growing out of the war that are probably needing attention, but from a hasty reading of this amendment and after listening to it as carefully as I could, it seems to me that we are taking a long chance to help one or two specific cases in opening an avenue that can be abused.

Mr. BLACK. Mr. Chairman, will the gentleman state how it can be abused?

Mr. BEGG. I shall try to before I get through. I certainly am not one who would deprive the wife and children of any soldier of whatever allowance they were entitled to during the service of the soldier. On the other hand, if the soldier himself, if the husband, was negligent to the point that he did not see to it that a part of his salary was taken out, it shows on the face of it, at least, that he was willing to get more for his monthly pay than that to which he was justly entitled.

Mr. BLACK. Will the gentleman yield?

Mr. BEGG. I only have five minutes, and I would rather not yield at this time. I will probably yield to the gentleman in just a minute. Now, if this soldier or this class of men who are affected by this amendment had called the officers' attention to the fact that there was no deduction out of their pay for this month or any other month, and that they had made an allotment to their families, then I would say that that soldier would have a just right to come in and make a claim at this time against the Government for an allotment to his family. I will say to the committee we found a number of them last year in the committee investigating the War Risk Bureau. We found a great number of cases where they were claiming an allotment should have been made to a family, yet they were perfectly willing to continue drawing their full month's pay in face of the fact they knew they had made a partial allotment to the members of their immediate family.

Mr. PARRISH. Will the gentleman yield?

Mr. BEGG. I want to be fair with every soldier, but I do not want to give them an opportunity to take advantage of an amendment that will open up the doors. I yield to the gentleman.

Mr. PARRISH. I see some merit in the suggestion of the gentleman, but I do not agree with his conclusion. What would it be in the case the husband did not want to make an allotment and did not protect his wife and children?

Mr. BEGG. Well, in reply to that, I will say we have had a number make their application through the regular channels, and if it were shown they were entitled to the allotment they would get the pay.

Mr. PARRISH. But without this amendment they could not get it.

Mr. BEGG. But I want to call attention on this proposition: You are legislating a piece of general legislation that calls for a specific instance; there may be one, two, or three, or a half dozen, but you are writing a provision in here which may open up the avenue to thousands of men who never had any intention of making an allotment—you are writing a piece of general legislation in here without thorough committee consideration, and you are asking this committee to pass upon this great long amendment, and I know no man can analyze and realize what is in it by reading and discussing it a minute or two.

Mr. BLACK. Will the gentleman yield?

Mr. BEGG. I will.

Mr. BLACK. I want to ask the gentleman what his views are in this case: The case where a soldier did not execute his allotment but the wife executed an application for it, which she had the right to do under the war risk insurance act, and through neglect of the Government in Washington it was never checked against the man's pay, and therefore she never did receive any allowance?

Mr. BEGG. I want to ask the gentleman, has he been able in this specific case to establish beyond question of doubt that the wife did do that?

Mr. BLACK. Oh, yes; I filed her application here in Washington.

Mr. BEGG. Why was there no checkage?

Mr. BLACK. Because the soldier was overseas and drew his pay, and they had correspondence going all over France, unable to find him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. I ask for one minute to reply to this. So far as I am concerned, and I will say again time does not allow a study of the proposition, there are other laws which provide a medium through which they could get the allotment.

Mr. BLACK. But they do not get it.

Mr. BEGG. In this specific case the gentleman has in mind, complying with the law he could make application and it does not need legislation to get the allotment, because she was justly entitled to it.

Mr. BLACK. No; there is a decision of the comptroller to the effect that where the soldier has been discharged from the service then he can not pay a cent of Government allowance.

Mr. BEGG. In other words, can not pay what is due?

Mr. BLACK. Not a cent of it.

Mr. SWEET. Mr. Chairman, I shall make a brief explanation relative to the amendment proposed by the gentleman from Texas. The amendment that the gentleman proposes, as stated by him, was in what is known as the Sweet bill, which passed the House on the 13th of September, 1919. It was stricken out in the Senate. This same amendment was placed in what was known as the Wason bill, and passed both the House and the Senate; and, as we all know, the President failed to sign the bill. This amendment is proposed for the purpose of taking care of a case where a young man went into the service, and at the time he entered the service he stated he was a single man when, in fact, he was married. During the time that he was in the service he drew his full pay. He made no allotment. Afterwards the wife made application for allotment and allowance. In many instances it took considerable time to pass upon her application. In many instances the young man was out of the service before it was determined. This amendment proposes to allow these cases to be opened up, and that the Government pay the amount of the allowance that the wife would be entitled to from the date of her application until the young man went out of the service. It has no reference whatever to the question of allotment. It is simply a payment of the allowance to which she would have been entitled if the truth had been stated from the inception of the young man's going into the service. Now, the Allotment and Allowance Division of the War Risk Insurance Bureau will soon come to an end. Under a resolution passed by the Congress at the last session the Allotment and Allowance Division will technically come to an end on the 3d day of July, but according to a construction placed upon the war risk insurance act it has been decided that it will end on the 31st day of July. Now, the question naturally arises, If we allow this amendment to be adopted, will it delay the settlement of all matters in connection with allowances and allotments?

I must say to the House that the equities of this amendment appeal to me and I believe to many Members of the House, that the wife should really be entitled to the allowance she would have received if the young man had made proper representations to the Government when he entered the service.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. SWEET] has expired.

Mr. SWEET. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. SWEET. I yield to the gentleman from Maine.

Mr. WHITE of Maine. This proviso relates to the recovery of allotments and allowances?

Mr. SWEET. It relates to the recovery of allowances.

Mr. WHITE of Maine. I want to ask if either this proviso or the amendment of the gentleman from Texas [Mr. BLACK] would have any application to such cases as these? For instance, there were men in the service who made allotments; they were killed overseas or otherwise separated from the

service, but because of some defect in the records here in the War Department the Bureau of War Risk Insurance was not notified of the separation of the men from the service and went on paying to a mother or to a wife the original allotment and allowances based on it. Later, when it learned the fact that a man had been separated from the service, it has sought to recover from the beneficiary the amounts paid subsequent to the date of the separation of the man from the service. Now, in most of those cases—take the case of the mother, for instance, and she has accepted that money in good faith, she has spent it, and she is unable to meet the demands of the Government for reimbursement. Now, does this proviso or this amendment affect those cases in any way?

Mr. SWEET. The amendment does not affect those cases in any way, but a provision in the bill takes care of them.

Mr. WHITE of Maine. Now, the only thing that bothers me about it is this: It refers to allotments. I take it that an allotment is a portion of a man's legal pay diverted from him to another person. Now, when that man was separated from the service there was no pay due him, and there could not be technically an allotment from pay that was not due him. I want to know if you have technically met the situation? Is this designed to do that?

Mr. SWEET. This section is a general clean-up section, so that the Division of Allotments and Allowances can be wound up and ended.

Mr. WHITE of Maine. Of course, technically, when there was no pay due a man there could not be said to be any allotments from that pay, and yet they went on paying to the mother and the widow, as I have mentioned, unauthorized amounts of money.

Mr. SWEET. That is true.

Mr. WHITE of Maine. Does this prevent a recovery in those cases, or may the department go on and recover?

Mr. SWEET. As I view it, it prevents a recovery.

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, there is at the present time in the gallery of this House a young American soldier who was commissioned as captain prior to the time that he retired to civil life. This young man is Oklahoma's only flying ace. He had the distinction of bringing down seven German airplanes during the war. I think while we are considering a bill that has for its purpose the bringing about of certain relief to the soldiers it is proper to call the attention of this House to one of the most trying experiences that ever confronted any person in the Air Service.

This young soldier one morning was called out to act as a patrol for the photographers and map makers. After the work had been completed he found he had a sufficient amount of gas to keep him in the air for an hour, and so he decided to do a little reconnoitering on his own hook. He began to climb, and after he had reached a high altitude over the German lines suddenly he saw an allied plane being closely pursued by 13 German airplanes in flying formation. He darted down out of the clouds and attacked the leader, and in a few minutes that leader and his machine were sent hurling to the ground; then the 12 remaining German planes turned their fire on him. Singlehanded he fought those 12 German airplanes until his machine was completely riddled with bullets; until his ammunition was exhausted; and then realizing that unless some extraordinary move was made he would be brought face to face with sudden death he turned his airplane into a tail spin and fell 2½ miles, creating the impression that he had been shot down; but just before he reached the top of the trees he glided into safety back of the American line, thereby saving the allied flyer and himself. [Applause.]

This young flyer has been given four croix de guerre medals; he has the distinguished service cross medal; he has the French shoulder-brace cord, known as the fouragere decoration; and the Lafayette medal. He comes from the farm. He is one of the few men who have reached maturity who can truthfully say he was born in the State of Oklahoma.

I say I think it is very fitting that his most remarkable record should be brought to the attention of the House. And so I wish to call attention to the fact that there, sitting in the front seat of the gallery, is Capt. Will Ponder, of Mangum, Okla., who nobly did his duty for his country. [Loud applause, the Members rising.]

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLACK. Division, Mr. Chairman.

The committee divided; and there were—ayes 35, noes 63.

Mr. BLACK. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas demands tellers.

Tellers were ordered; and the Chairman appointed Mr. BLACK and Mr. SANDERS of Indiana to act as tellers.

The committee again divided; and the tellers reported—ayes 55, noes 70.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. Section 300 of the war risk insurance act is hereby amended to read as follows:

"SEC. 300. For death or disability resulting from personal injury suffered or disease contracted in the line of duty on or after April 6, 1917, or for an aggravation of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered and contracted in the line of duty on or after April 6, 1917, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, or aggravation has been cause by his own willful misconduct: *Provided*, That every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, heretofore discharged or resigned, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, and hereafter discharged or resigned under conditions entitling him to compensation, shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service."

Mr. MAGEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAGEE: On page 15, after line 18, insert as a separate section the following:

"SEC. —. Paragraph 5 of section 302 of the war risk insurance act is hereby amended to read as follows:

"'5. If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable.'"

Mr. SANDERS of Indiana. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. When will it be in order to offer an amendment to the pending amendment?

The CHAIRMAN. Does the gentleman from New York desire to offer an amendment to the language in the bill?

Mr. FISH. To the language in the bill covering the same proposition as is covered by the amendment offered by the gentleman from New York [Mr. MAGEE].

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from New York.

The CHAIRMAN. As the Chair understands the situation, it is this: The amendment of the gentleman from New York is offered as a new section at the end of the section just read. If that section is put and carried, no further debate or amendment would be in order upon the section just read. The Chair will therefore recognize any gentleman who desires to make a perfecting amendment to the section which has just been read.

Mr. TOWNER. Mr. Chairman, I did not so understand the gentleman from New York. I understood the gentleman from New York was offering an amendment to the original provision, which is not contained in this present bill.

Mr. FISH. The amendment which I seek to offer comes under section 302, paragraph 3, of the war risk insurance act.

Mr. TOWNER. So that the Chair will perceive that that would not be in order at this time.

The CHAIRMAN. The Chair thinks that an amendment to the amendment just read would be in order.

Mr. TOWNER. The Chair is correct in that, but this is an amendment to section 302, and that is the section sought to be amended by the amendment of the gentleman from New York.

Mr. MERRITT rose.

The CHAIRMAN. The Chair will recognize the gentleman from Connecticut.

Mr. MERRITT. Mr. Chairman, I have a perfecting amendment to section 300.

The CHAIRMAN. The gentleman will offer it as a preferential amendment?

Mr. MERRITT. Would I not have preference?

The CHAIRMAN. The Chair thinks that would have preference over the amendment offered by the gentleman from New York.

Mr. MERRITT. My amendment is this: On page 14, line 24, after the word "(female)" insert the words "student nurses (female) and reconstruction aids." Also, on line 25, after the word "(female)," insert the same words, and after the word "(female)," on lines 3 and 4, on page 15, insert the same words.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Connecticut.

The Clerk read as follows:

Amendment offered by Mr. MERRITT: Page 14, line 24, after the word "(female)," insert "and student nurses (female) and reconstruction aids." In line 25, after the word "(female)," insert "and student nurses (female) and reconstruction aids." Page 15, line 3, after the word "(female)," insert "and student nurses (female) and reconstruction aids." On page 15, line 14, after the word "(female)," insert "and student nurses (female) and reconstruction aids."

Mr. MERRITT. Mr. Chairman, this amendment is to take care of a considerable number—I do not know how many—of deserving cases where women, at the request of the Government, when the Army nurses were not sufficient to take care of the men, volunteered and went into the hospitals, some of them overseas and some of them here, at very small compensation, under the orders of the War Department, in every way subject to the orders of the Army as much as the regular nurses. Some of them suffered from wounds. It seems to me that merely because they are called "student nurses" instead of "Army nurses" is no reason why they should not receive the same treatment. This is true also of reconstruction aids, although, I think, their service was mostly in this country. And I think the amendment will appeal to the members of this committee without extended argument.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. WALSH. Would this include female members of the Salvation Army who may have been injured while serving doughnuts to the men in the trenches abroad?

Mr. MERRITT. It does not.

Mr. WALSH. Was there any provision to take care of them when killed or injured under fire?

Mr. MERRITT. Not in my amendment.

Mr. WALSH. Then you are forgetting somebody in this bill.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. WHITE of Maine. As I understand it, these women were subject at all times to War Department orders and served in hospitals and in the field and performed identically the same kind of service as that rendered by the Regular Army nurses, and they are precluded from the benefits of this act by technical regulations of the War Department.

Mr. MERRITT. I think the exclusion is technical.

Mr. WALSH. It is not technical at all. It was never intended to take care of them.

Mr. RAYBURN. There has been no contention that these people were in active service, has there? Surely the gentleman does not contend that, does he?

Mr. MERRITT. A great many of them were. I think a great many of them went overseas.

Mr. SWEET. Mr. Chairman, I will say to the Members of the House that the amendment of the gentleman from Connecticut [Mr. MERRITT] was presented to the committee, and after careful consideration we concluded not to place it in the bill. Under section 300 we take care of all commissioned officers, enlisted men, members of the Army Nurse Corps (female), and members of the Navy Nurse Corps (female), when employed in active service in the War and Navy Departments, and that is limited to the dates between April 6, 1917, and November 11, 1918.

It is not believed to be wise to open up this matter to take care of student nurses or others who may have had an indefinite service connected with the Army or the Navy. It would be impossible for us to determine where to stop. We are taking care of those who were definitely connected with the service. I do not believe that this amendment should be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut [Mr. MERRITT].

The question being taken, the amendment was rejected.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer an amendment on page 15, line 8, after the word "misconduct," to add the words "if involving moral turpitude."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 15, line 8, after the word "misconduct," insert "if involving moral turpitude."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer this amendment in order to make this a more liberal and more just provision. It happened a great many times that men received injuries while acting in disobedience of orders, or at least while acting not strictly in compliance with orders. In the last Congress when a similar measure was under consideration an amendment of this kind was offered and adopted, and during its consideration instances were given where soldiers, contrary to orders, attempted to get on railroad trains to join their comrades after the trains had started and were injured. Instances were given in which there was evidence of some carelessness, perhaps overzeal, overanxiety of the soldier to perform service, to do his duty as he saw it, but contrary to orders, and injury resulted to him under such circumstances that those in command and those considering the proposition later found that he had received the injury as a result of his willful misconduct, as they termed it. Now, it would seem to me to be fair, right, and just to adopt this amendment to take care of cases of that kind. As I say, the House has considered the very same proposition before in the same connection and took the action that I now suggest to be taken.

Mr. REED of New York. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from New York.

Mr. REED of New York. There were many instances where aviators had gone beyond the bounds prescribed by the Army, and technically they would be unable to get compensation or any relief under this bill, and this will protect men under such circumstances.

Mr. RAYBURN. The gentleman would not call a thing of that kind willful misconduct, would he?

Mr. REED of New York. It was so construed, and that is why these words were put in the amendment the last time. It was so construed and brought to my attention by one of the departments.

Mr. ROGERS. Will the gentleman permit a question?

Mr. REED of New York. Yes.

Mr. ROGERS. I remember it was on the gentleman's motion that these words "moral turpitude" were inserted in the original Sweet bill.

Mr. REED of New York. Yes.

Mr. ROGERS. They were inserted, I think, in two places.

Mr. REED of New York. Yes.

Mr. ROGERS. Can the gentleman suggest why they were not inserted in this place?

Mr. SWEET. Because section 300 relates purely to compensation, and where the words "willful misconduct involving moral turpitude" were inserted in section 31 in what is known as the Sweet bill, they were inserted as relating to men who had been passed upon by the draft board. It related to their conduct between the time they were passed upon by the draft board and the time of their enrollment in the active service. That was an uncertain period, and I remember very well that the gentleman's amendment was put in there, and I have before me section 7 of the bill where those words were inserted, but they were not inserted in section 300, which was amended and passed upon at that time.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. McLAUGHLIN] has expired.

Mr. McLAUGHLIN of Michigan. I ask for three minutes additional.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. The gentleman from Massachusetts [Mr. ROGERS] asks why these words were not inserted in another place also. In my judgment they ought to be inserted in all the places where the other words occur, to cover any case where a soldier on account of overzeal or anxiety to perform service exceeded his orders, violated instructions, and under the strict military law was guilty of willful misconduct. The fact that the words should be inserted in some other place also is not an argument or an excuse against this amendment which I offer.

Mr. ROGERS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman.

Mr. ROGERS. Has the gentleman made any inquiries of the War Risk Bureau which enable him to state how many applications for compensation have been rejected because of the language now in the law, which applications would have been granted had the gentleman's amendment been in the law?

Mr. McLAUGHLIN of Michigan. I have made no inquiry myself, so have no first-hand information, but I have heard Members and others say that they know of instances where claims were not allowed because of willful misconduct under just such circumstances as I have stated, such strict construction of military rules and orders as to work hardship and, I believe, injustice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. LAYTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 19, after the figures "1917," insert "or for a disability existing prior to examination, acceptance, and enrollment for service."

Mr. LAYTON. Mr. Chairman, I have introduced this amendment more for the purpose of asking the chairman of the committee whether he considers that lines 16, 17, and 18, on page 15, are sufficient to secure to every draftee the position that these words seem to imply, but which the words on page 14 seem to restrict. In other words, Mr. Chairman, what I am trying to get at is to definitely fix the time of the physical status. I have had within a week two cases under my personal observation. One was where a man suffered from trouble with his eyes in the form of blindness, and the director said that under section 300 he construed the law in such a way as to give the man insurance, although the insurance bureau thought that the trouble with his eyes existed before the man was enrolled into the service. In another case the bureau took exactly the opposite view and claimed that the man was unfit for service when examined by the draft board and when examined by the Army board, refusing the draftee compensation. He had two official examinations on the part of the Government and they refused his claim. As a matter of fact when he was examined it was known to the community, or it was believed by them that he was unfit—that he was defective. He had had two examinations. Now, what I want to know is, Does the government want a back door out of which to crawl in certain case and set up its judgment arbitrarily that a man was unfit and defective before his examination and enrollment into the service, or is the law such that if one is admitted into the service and enrolled he shall be regarded and held to be in a sound condition.

Mr. BARKLEY. Will the gentleman over on that side let us in on this conversation.

Mr. LAYTON. I will let the gentleman in as far as I am concerned. There is no secret about what I am trying to do. I think there should be a different determination as to the status of every draftee. It is my judgment that a man having been drafted and appears before a board duly constituted by the Government for examination and then goes to the encampment, is passed by the encampment surgeon, who states he is qualified and fit for the service, is then enrolled into the service, that that should stop all question as to his physical disability antecedent to his enrollment.

Mr. BRIGGS. Is not that the law now?

Mr. LAYTON. Well, I can not get a statement to that effect from the chairman of the committee.

Mr. BRIGGS. For those between April 6, 1917, and the armistice.

Mr. SWEET. The gentleman has not yet given me a chance to answer. Section 300 as amended contains, in addition to the language of the original section 300 of the war risk act, the following:

Or after April 6, 1917, or for an aggravation of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered and contracted in the line of duty on or after April 6, 1917.

That provision takes care of the aggravation of an injury that existed at the time the man entered the service.

Mr. LAYTON. That is for an aggravation of a physical condition existing prior to the enlistment.

Mr. SWEET. That is true.

Mr. LAYTON. How about a case where there is no claim for aggravation?

Mr. SWEET. In the latter part of the section we use this language:

And hereafter discharged or resigned under conditions entitling him to compensation, shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service.

Mr. LAYTON. Now, I have one more short question. Mr. Chairman, is it your belief and your opinion as chairman of this committee and the author of this bill that every draftee stands or falls for compensation and for all other claims from the time he was enlisted into the service?

Mr. SWEET. Yes.

Mr. LAYTON. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I desire to offer a perfecting amendment to the amendment offered by the gentleman from New York.

The CHAIRMAN. The amendment of the gentleman from New York will first be reported.

The Clerk read as follows:

Amendment offered by Mr. MAGEE: Page 15, line 18, insert as a separate section the following: "Paragraph 5, section 302 of the war risk insurance act is hereby amended to read as follows: '5. If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, not exceeding $50 a month, as the director may deem reasonable.'"

Mr. SWEET. Mr. Chairman, I reserve a point of order.

Mr. FISH. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. When will it be in order to offer an amendment to the amendment?

The CHAIRMAN. When the gentleman from New York has concluded the remarks on his amendment.

Mr. MAGEE. Mr. Chairman, it must be conceded that an allowance of $20 per month for an attendant for a totally disabled person is wholly inadequate. It is estimated that the number of ex-service men allowed such amount by the director is from 2,000 to 2,500. It is further estimated that approximately 47 per cent of that number carried insurance issued by the Bureau of War Risk at the time of receiving disability. They have been paid and will continue to be paid monthly payments upon their policies. The maximum policy is $10,000, which carries a monthly payment of $57.50. The policies run from such maximum down to $1,000. The only objection that I have heard to increasing the allowance is the existence of these policies of insurance and the monthly payments thereon.

My contention is that such insurance taken out by a person has no connection whatever with the compensation to be paid to him by the Government by reason of disabilities received in the service. The policy of insurance is based upon a voluntary contract. The compensation for disability is based upon injuries received in service required by the Government. There is no reason why a soldier drafted into the service should be penalized because he did not voluntarily enter into a contract with the Government for insurance. The lack of foresight in not taking out a policy of insurance can not in any sense lessen the obligation of the Government to provide reasonably for the care and support of those totally disabled in war. If our foresight were as good as our hindsight, what wonderful beings we would be.

Therefore, the only question involved in this amendment is what will be an adequate allowance for the purposes contemplated by the Congress. I have proposed $50 per month, which appears to me to be an irreducible minimum. The men who get the allowance are young and you can not confine them between four walls. If the man has lost both eyes, yet he wants to go to the theater and other places of amusement and hear music and song just as much as you or I. If the man has lost both legs or both arms, he enjoys a ride in the country or a ball game just as much as anybody. They are simply human, and the Nation is obligated to provide reasonably for their care and safety.

In one of the Liberty bond drives I had the honor to sit upon the same platform with one of these heroes and to hear him speak. He told the people how he had both eyes shot out by a German machine-gun bullet at Chateau-Thierry, when he, as an expert rifleman, was picking off German machine gunners. I can see him as if it were only yesterday urging everybody to stand by their Government, the best Government on earth. And then knocking his cane on the platform he moved toward the front and said:

If this Nation should ever again become involved in war, I would gladly volunteer to serve my country in any available capacity.

[Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAGEE. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. MAGEE. In a moment.

Mr. RAYBURN. The gentleman is offering an amendment to increase the compensation of a man who was totally permanently disabled to $150 a month. Is he going to offer an amendment, if his present amendment be adopted, to increase the compensation of a man having double total disability to $300 a month?

Mr. MAGEE. That is not my amendment. My amendment is to increase the allowance the director may allow from $20 to $50 per month.

Talk about patriotism. Here is a boy who has lost his vision in war; who can never see God's sunlight again; who can never see again the trees, the grass, the flowers—any of the beautiful things in this world; who can never again look upon the face

of his wife or sit enraptured over the playful smile of his baby girl. I must confess that I feel unfit to plead the cause of such a hero, of such a patriot.

I appreciate that if we could have a yea-and-nay vote upon this amendment, there would probably not be a vote cast against it in the House. But no one can tell what may be done in Committee of the Whole, where the record tells no tales; therefore I trust that Members of the House who feel as I do will rise in their seats and say a word in favor of this amendment, placing themselves on record in perpetuity in favor thereof. I am curious to know whether any Member of the House will have the nerve to rise in his seat and oppose this amendment. If so, let him also go down in the record in perpetuity in opposition to granting this relief for these totally disabled heroes. But when he has done that, let him forever afterwards hold his peace and stop telling the American people what he is willing to do for the man who lost both legs, or both arms, or both eyes upon the field of battle, at the happy dawn of manhood, in the service of his country. [Applause.]

Mr. TOWNER. Mr. Chairman, I desire to offer an amendment.

Mr. FISH. Mr. Chairman, I have an amendment which I desire to offer.

Mr. SANDERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana.

Mr. TOWNER. Mr. Chairman, it occurs to me that a perfecting amendment ought to be presented before the argument is concluded upon this amendment.

The CHAIRMAN. The Chair thinks it would be in order to debate a perfecting amendment when it is offered, both for and against. The Chair would state that there is a reservation of a point of order pending which will have to be disposed of before an amendment to the amendment would be in order. The Chair recognizes the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman, I always listen with interest to an argument made by the gentleman from New York [Mr. MAGEE]. I do not think there is a Member of this House who is able to present any matter with more force or logic or with more eloquence than my friend from New York, and I know of no subject which can be treated so eloquently as the question of giving compensation to the American soldier, particularly to the American soldier who has been severely wounded in the defense of his country. The soldier has always been the universal hero. He has been the theme of the poet; his has been the form for the sculptor and the painter. Singers of all time have voiced his praise in song and around and about him the world's history has been written. We are now dealing with legislation by which the American Congress undertakes to compensate the American soldier for injuries which he received. If a bill were to be brought here to pay $2,000 a month to the American soldier who on the field of battle lost both his hands or was blinded forever, every man on the floor of the House knows that the $2,000 per month would not compensate him, because there is no way of compensating the man who has been blinded on the field of battle. He could only be compensated in the knowledge of the fact that the American people who live under the flag that he served so well, who will receive the benefits which he has wrought by his devotion to the country, will always in their hearts remember him as an American hero. I do not think it well becomes a man in a legislative body to challenge anyone to go on record as opposed to an amendment which would increase their compensation upon the ground that such Member thereby fails to appreciate that heroic sacrifice.

We pay the man who has been blinded $200 per month. If the gentleman's logic must be followed, then we should increase it to $1,000 or $10,000 per month, because we can not pay him too much. But we have had the Civil War, we have had the War of 1812, we have had the Spanish-American War, where men have been wounded and men have suffered. We have pensioned them, and by the provisions of the bill under consideration we pay two or three times the amount that has been heretofore recognized in all history as being the proper compensation to pay. Therefore I have no hesitation in opposing the amendment of the gentleman from New York, which proposes when there is a total disability, where we pay $20 a month all told in cases of helplessness, to increase that amount by $30. I have no hesitation in opposing it, and I have no apology to make for opposing it. And I do not feel in opposing it that I am minimizing the respect, admiration, and devotion which all America has for the American soldier. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired. Does the gentleman from Iowa insist upon his point of order?

Mr. SWEET. I withdraw the point of order.

Mr. TOWNER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York to strike out the figures "$50" and insert the figures "$100."

The CHAIRMAN. The gentleman from Iowa offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TOWNER to the amendment offered by Mr. MAGEE: Strike out the figures "$50" and insert in lieu thereof the figures "$100."

Mr. TOWNER. Mr. Chairman, I think that the members of the committee can readily see the reason why this committee, which has acted so generously, so fairly with regard to so many of the provisions of the bill, have, as I believe, not done exact justice to the requirements in this particular case. It lies in this fact: This appears as additional compensation to the liberal allowance which I grant has been given to cases of total disability. But this provision is not an additional compensation to the soldier. It is for help and expert care when needed.

The provisions of the original act were as follows:

If the disabled soldier is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $20 per month, as to the director may seem reasonable.

The gentleman from New York has offered this amendment to $50, and I am offering an amendment to increase it to $100. I am doing so upon this ground, very briefly stated: I am not going to appeal to your sympathies. I am going to place this as a strict proposition of experience and knowledge, as the result of actual experience in the operation of the law and this provision of it. This amendment was called to my attention by the gentleman from Michigan [Mr. WOODRUFF], who obtained considerable information regarding the operation of the law, and I am very sorry, indeed, that he is not here to present the matter himself, because he could do it very much better than I. This is the condition: You can not hire a nurse for $20 a month. This is a proposition involved in cases of total disability, in cases where men are absolutely in need, as the provision of the law is, of the care of a nurse. What are you going to pay for the nurse? Can you obtain a nurse for $20 a month? Everyone knows that is impossible. Everyone knows that the $20 a month can not obtain a nurse for the purpose of assisting in cases of this kind.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. In just a moment. There are now 500 cases as reported by the Director of the War Risk Bureau, where men have made application for this $20 a month. Two hundred of those cases are cases of total blindness. The conditions are such as warrant in cases of this kind the adoption of my amendment. They are not very numerous, fortunately for us. I presume most of them have now made their applications. As I stated, there are 500 cases of total disability because of the loss of both arms or both legs or of total blindness. In these cases where they need the services of an attendant nurse, how are you going to provide the nurse? For $20 a month? Certainly not. I can imagine cases where $20 a month might be all that would be needed. I can imagine a case where a blind man could secure, perhaps, some one to lead him around for $20 a month, but that would be an exceptional case, if any such exists. It is in a case where a qualified nurse is needed, and for which this House ought to provide. There are many cases which are particularly distressing, where soldiers are not only totally disabled but in such a condition of body and mind as to require the constant need of a skilled nurse, and that you can not possibly obtain for less than $100 a month. Gentlemen should remember this. It is not a case where it goes to a soldier merely as additional compensation. It can be given only by the approval of the Director of the War Risk Insurance Bureau, and only when he shall approve it is the allowance to be made; and as individual cases may require he may allow compensation for the nurse in the sum of $10, $20, $40, $50, $75, or $100, if required. If the service of the nurse shall be required, we ought to so provide up to the limit of $100.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I ask unanimous consent to proceed for two minutes.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. TOWNER. I do.

Mr. SANDERS of Indiana. I would like to inquire of the gentleman what amount is paid under the Spanish-American

War veteran and Civil War veteran acts, described by the gentleman?

Mr. TOWNER. I will say to my friend from Indiana, whatever may be the allowance in such cases, we have a duty upon us to give what is needed. We have 500 cases of total disability. That is what we are legislating for now. I would meet any case for a Spanish War veteran or anybody else who has so served his country in a condition such as this. We are met with these awful conditions, of 500 living men who are totally disabled, and in this case where a nurse is required we are called upon to limit the pay of the nurse to $20 a month. Can any gentleman defend that proposition?

Mr. DENISON. I want to say to the gentleman from Iowa that we have a great many more than 500 cases of old veterans of the Civil War who are paralytic, some of them who can not move their hands or feet, and we give them $72 a month.

Mr. TOWNER. Does the gentleman from Illinois think that is justified?

Mr. DENISON. I think before we go to increasing these amounts too much we had better even it up.

Mr. TOWNER. I am perfectly willing to go as far as the gentleman is in any case of this kind and character, and we have conditions now that we ought to meet.

Mr. BLAND of Indiana. I desire to say the gentleman from Illinois is in error in saying they are only getting $72 a month in case of total permanent disability. The law gives much more than $72; it goes to $100 now.

Mr. FISH. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The Chair does not think that that is in order.

Mr. FISH. As a substitute.

The CHAIRMAN. The Clerk will report the substitute to the amendment.

The Clerk read as follows:

Substitute offered by Mr. FISH to the amendment offered by Mr. TOWNER——

The CHAIRMAN. Is it offered as a substitute to the amendment offered by the gentleman from Iowa [Mr. TOWNER], or as a substitute for the original amendment?

Mr. FISH. It can not be both.

The CHAIRMAN. That is the reason the Chair asks.

Mr. FISH. It is a substitute for the last amendment.

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. Is it not proper to vote upon a perfecting amendment at this time before a substitute is offered?

The CHAIRMAN. The Chair thinks it is in order to offer a substitute for the original amendment before a vote is taken upon a perfecting amendment, and when the vote is finally taken the vote will come first upon the perfecting amendment.

Mr. TOWNER. Let me suggest to the Chair that it can not be determined as to how the substitute will operate until the perfecting amendment has been determined. If the perfecting amendment shall increase the amount to $100, then it would be whether the substitute operates upon that proposition.

The CHAIRMAN. The Chair thinks it is in order to offer a substitute for the original amendment. The Chair will direct the Clerk to report the substitute for the original amendment and it can then be determined whether it is properly a substitute or not.

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. It seems to the Chair that the gentleman is too late. The Chair had already recognized the gentleman from New York.

Mr. KNUTSON. I have no desire to take precedence, but I desire to be recognized later if I may.

The CHAIRMAN. The Chair will recognize the gentleman at the proper time. The Clerk will report the substitute for the original amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. FISH, as a substitute for the amendment offered by Mr. MAGEE: After section 302, paragraph 3, of the war risk insurance act insert:

"If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however,* That the loss of both feet or both hands or the sight of both eyes shall be deemed to be double, total, permanent disability: *Provided further,* That no rating shall be changed at any time without a medical examination at the time of rerating, which must show a change of condition to warrant the rerating: *Provided further,* That for double, total, permanent disability the rate of compensation shall be $200 per month."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry. Is that amendment offered to line 19, page 15, under section 19? We have not read that yet.

The CHAIRMAN. The amendment is offered as an amendment to paragraph 3, section 19.

Mr. FISH. I will offer it as an amendment to the substitute without reference to the line.

The CHAIRMAN. The gentleman from New York now states that he offers it as a substitute for the amendment of the gentleman from New York [Mr. MAGEE], without reference to the lines to which it is offered. Is there objection to the proposal of the gentleman from New York as indicated? [After a pause.] The Chair hears none.

The gentleman from Wisconsin [Mr. STAFFORD] reserves a point of order against the substitute. The gentleman from New York [Mr. FISH] is recognized.

Mr. FISH. Mr. Chairman, this amendment provides for double permanent compensation for three classes of men—the blinded, the men without two arms, and men without two legs. Now, when the gentleman from Michigan [Mr. WOODRUFF] had the amendment, which was just offered here by the gentleman from Iowa, I agreed to support his amendment when he came to me about it, although I had this particular one in view. But since then, in speaking before an American Legion post in the city of Washington, I submitted the amendment of Mr. WOODRUFF in order to get their views, saying that I was in sympathy with it, but the entire post after discussing it thought it would be preferable to have the compensation go direct to the soldier rather than making the $100 go direct to the attendant. For that reason I am offering this amendment, because it seems preferable that the $100 should go direct to the soldier rather than to the attendant, thereby giving the soldier the complete control of the money.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. FISH. For a brief question.

Mr. HARDY of Texas. Is it not more than likely that most of these soldiers without two eyes would live with their families, and that their total expenses of living would not amount to $100?

Mr. FISH. I will get to that in a minute. Unfortunately the gentleman from Indiana made the erroneous statement that the blinded men now come under the double permanent compensation, which is not a fact. They receive, instead of $200, as stated by the gentleman, $100, the same as those men who are to-day receiving benefits from vocational training.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. FISH. I will.

Mr. SANDERS of Indiana. It was not Mr. BLAND but myself that made that statement. But I said that both blind and crippled received $200. They must be both blind and crippled.

Mr. FISH. There are just two such cases in the country.

Now, let us consider this fact impartially. One amendment provides for giving the men increased compensation of $100 to go to the attendant; mine provides for giving these three classifications $100, to go to themselves. I have left out purposely the bedridden who are in the hospitals. They can not make any use of this increase of $100.

In answer to the question of the gentleman from that side, it is perfectly obvious that the extra $100 going to the blinded man or the man without two arms or two legs, who can not get any benefits from vocational training, will help that man to live comfortably at home and make it possible for him to receive at home not only the necessities but the comforts of life.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FISH. It seems to me that we want to take care of these men to the best of our ability and not to go beyond anything that is reasonable, but we should give them enough to live comfortably for the rest of their lives. The war will never be at an end for these men until they pass from this earth, and while they are here it seems to me that $200 is little enough to provide for proper and adequate care and treatment of these 200 men who gave the best part of their lives to their country. And I hope in judging between these amendments you will be very careful to distinguish between them and see that the money goes to the soldier rather than to the attendant.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the bill (S. 1811) to amend the Federal farm loan act as amended, in which the concurrence of the House of Representatives was requested.

VETERANS' BUREAU.

The committee resumed its session.

Mr. RAYBURN and Mr. McSWAIN rose.

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] is recognized.

Mr. RAYBURN. Mr. Chairman, since 1917 I have been on this floor and in committees laboring to try to do justice to the ex-service men. And I think I have about as good a right to speak for them as some other gentlemen who appear upon this floor periodically without information, and who seek to lecture other people about what their duty is. I have never yet boasted of my political courage, and I doubt the political courage of any man who doubts the political courage of everybody else. [Applause.]

I have been here since the war risk insurance act was passed first, working at this matter. I do not walk in here about once every 12 months and read a sloppy speech about the soldier in order to mail it out. I am of the opinion that the courageous men who fought this war will have more respect for the man who is willing to do his duty only than for the one who is trying to appear that he is the only friend they have got in all the great American Congress. [Applause.]

You may adopt the amendment of the gentleman from New York [Mr. FISH] if you desire. When you adopt that amendment, then every man who votes for it ought to vote to give the soldier who has double total disability $400 a month. That is the only answer. What have we done? We give to the man who is totally disabled $100 a month. If he had insurance at the rate of $10,000, he gets $57.50 and $20 for a nurse. That is $177.50 a month that you are not paying to the soldier, but that you are paying to somebody to take care of him.

Mr. SWING. May I ask a question?

Mr. RAYBURN. I can not yield.

Mr. SWING. Referring to the question of insurance, does it make any difference whether it is Government insurance or private insurance? If he got it from the Government, he paid it.

Mr. RAYBURN. I am talking about what he is getting.

Mr. FISH. What is the difference the gentleman makes between the man who is blinded or the man without two legs and two arms, and totally disabled, there being two such cases in the country?

Mr. RAYBURN. We have said in the act that a man who is totally blind is totally disabled. If a man has two hands off he is totally disabled, and a man who has two feet off is totally disabled, and a man who has two eyes out and two legs off is doubly disabled.

Mr. FISH. Can the gentleman tell me the distinction between a man without two legs and two arms and two eyes and men in this country who are permanently disabled?

Mr. RAYBURN. If the gentleman can not see the difference in the condition of a man with both eyes out and a man with both of his hands off and both of his eyes out, it appears to me he is pretty hard to argue with.

A man appeared before our committee who had both eyes out and both hands off, and for that reason we drew the provision that such a man was doubly totally disabled. There is nothing under the sun that that man can do for himself; not a thing.

Now, you take these men who are bedridden. A man who is bedridden can not spend money. A man who is bedridden is being taken care of by somebody, and we are giving that somebody $120 to do it. That man is either at home or in a hospital somewhere. That is all there is about it.

Now, following up what the gentleman from Indiana said, you could not compensate that man for losing both eyes if you paid him a million dollars a day.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. But we can appropriate money that will make him reasonably comfortable.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I will.

Mr. BLAND of Indiana. In making up your mind on that subject have you considered the fact that in 1889 the general pension bill was passed for Civil War soldiers, giving one who had lost his eyesight $100 a month? Do you not think that $100 a month then, or $100 a month during most of the time since then, has been worth more to that soldier than $200 a month now?

Mr. RAYBURN. Is the gentleman going to vote to give a man doubly totally disabled $400 a month?

Mr. BLAND of Indiana. I am going to vote to give him the additional.

Mr. RAYBURN. I ask, are you going to vote to give a man doubly totally disabled $400 a month?

Mr. BLAND of Indiana. I frankly feel that you are getting up to figures where it is not necessary to take care of him, but I do not think $150 a month is too much for a man that is totally blind.

Mr. RAYBURN. These gentlemen may halt a little at $400, but there are lots of gentlemen here who, if they had the slightest suspicion that the soldier would not understand them, would vote for the $400.

I want to tell the men who come in here and shake their locks at us who have striven to do the best we could, having in mind to some extent the fitness of things—the men who want to hold us up as men who are trying to stifle matters in Committee of the Whole because we are afraid to go on record in the House of Representatives—that I have never voted here as yet in Committee of the Whole in any way otherwise than as I would go on record in the House, and I think that 99 per cent of the Members of the House do the same thing. But we must stop somewhere. We must reach the point that we believe is justice, and we must not offer amendments for the RECORD only, and in order to make speeches, so that we may try to create the impression that we are the only men in the land who love the soldier, when there is not a man in this Congress or in this land, in my opinion, worthy of the name of an American citizen who does not honor every soldier who was called to the defense of the flag during the war, whether he be wounded or not, and there is not a man on this floor with his own conscience as his guide who is not willing to do all that is necessary in order that a grateful Government may appear generous to these men who gave so much that its flag may be glorified. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. McSWAIN. Mr. Chairman and gentlemen, I do not propose just now to make any suggestion as to how the soldier should be cared for. I am going to leave that to others. I want to use the little time that has been allotted to me to put in the RECORD the names of two men of my intimate acquaintance who are genuinely heroes.

When I said good-by to Capt. C. L. McNabb, of Cleveland, Ohio, on the other side of the water he seemed to be in as good health as ever a man was, and imagine my surprise when I saw him a few weeks ago in Walter Reed Hospital, after I had received a note from him, and found that he is totally paralyzed from the waist down.

I want to suggest that in connection with the proposition of the loss of both legs and both arms that there be inserted as an amendment a provision "for the loss of the use of both legs or both arms," because a man who has his legs and can not use them is equally as bad if not worse off than if he has lost his legs, because the legs are in his way.

Capt. McNabb was one of five men who volunteered——

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. SWEET. I really do not see the need of the gentleman's suggestion as to the amendment of the law in that respect, because section 302, subdivision 2, provides that—

A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as 100 per cent.

That answers your question.

Mr. McSWAIN. It does. I hope that interruption will not come out of my time, Mr. Chairman.

I want to tell you about C. L. McNabb. He was one of five men who volunteered to take a treatment of serum to see if the effect of influenza might not be alleviated thereby. They injected it into five men, into their spinal cords. In less than 30 days two of the five were dead and the other three are permanently paralyzed, and McNabb from his waist down is paralyzed. Yet to-day he is as cheerful and as true and as genuine an American as ever lived. He looks confidently—not complainingly, but confidently—to his countrymen in Congress.

The other soldier whose name I desire to read into the RECORD is Claude Garrett, of Laurens County, S. C. He was in the senior class of Clemson College and due to graduate in a few weeks when this country declared war. He immediately volunteered, entered the first training camp at Fort Oglethorpe, Ga., and in the course of time this green civilian who now speaks to you became his corporal and slept by him; his cot was next to mine. This precious boy was a comfort and a cheer to every man in the squad.

He chose the Air Service, went to ground school at Toronto, Canada, was amongst the very first who went to the other side, and in combat his plane was shot by a German plane. It caught on fire. In the effort to escape with his life he climbed out on the wings and was there suspended as the fire from the gasoline tank followed him out. Finally the plane overtopped and they crashed to the ground together. When the body of Claude Garrett was discovered it was found that the fingers of his hands had been charred by the fire.

I hope that the House will excuse me for taking these minutes in order that the RECORD may show to his widowed mother in Laurens, S. C., that his fellow countrymen honor his memory. [Applause.]

Mr. WINSLOW. I move that all debate on this section and amendments thereto close in five minutes.

Mr. HUDDLESTON. Will not the gentleman make that 10 minutes? I would like 5 minutes.

Mr. KNUTSON. I do not want to delay the consideration of the bill, but I would like a few minutes.

Mr. WALSH. Mr. Chairman, has not debate been exhausted on all these pending amendments?

The CHAIRMAN. The Chair thinks that it is still in order to make one speech in opposition to the substitute offered by the gentleman from New York.

Mr. SANDERS of Indiana. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. A motion to limit debate does not affect the rules of debate. If the time had expired on all amendments, the time would be exhausted under the other rule.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts [Mr. WINSLOW] that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. KNUTSON and Mr. SWEET rose.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. SWEET], a member of the committee.

Mr. SWEET. Mr. Chairman, in my judgment the amendments proposed should not be adopted. Under division 3 of section 302, referring to the amendment of the gentleman from New York, it is provided that if disability is rated as total and permanent, the rate of compensation shall be $100. Then the following provision is made:

Provided, however, That the loss of both feet, or both hands, or the sight of both eyes, or the loss of one foot and one hand, or one foot and the sight of one eye, or one hand and the sight of one eye, or becoming helpless and permanently bedridden, shall be deemed to be total, permanent disability.

And then this provision is made:

Provided further, That for double total permanent disability the rate of compensation shall be $200 per month.

In addition to that, under section 5, to which all the other amendments are directed, $20 per month is to be paid for a nurse or attendant, in the discretion of the director. In other words, when a person is totally and permanently disabled, he receives $100 a month and in addition to that $20; and as the gentleman from Texas [Mr. RAYBURN] has well said, if he has $10,000 insurance, there would be in addition to that $57.50, or a total of $177.50, and that amount is drawn by that man as long as he is totally and permanently disabled.

There has been considerable argument as to men who have lost both eyes; but it seems to me that where a man receives $177.50 during the remainder of his life he is receiving an equitable amount.

Mr. BLAND of Indiana. Suppose a soldier has no relatives, and has to hire a nurse at the prevailing rate, and does not have any insurance. How does the gentleman think he could live on $120 a month?

Mr. SWEET. The hospital will take care of that.

Mr. BLAND of Indiana. He is not eligible to a hospital. If he has lost both arms or legs, he would not be admissible to a hospital. Yet he is totally and permanently disabled.

Mr. SWEET. When he has no dependents, $120 a month will take care of him.

Mr. FESS. Under that total disability he can make application for rehabilitation and receive training at the expense of the Government.

Mr. BLAND of Indiana. If he is totally disabled, he can not be trained much.

Mr. FESS. Total disability would be the loss of both feet, or both hands, or the sight of both eyes, or the loss of one foot and one hand, or one foot and the sight of one eye, or one hand and the sight of one eye.

Mr. BLAND of Indiana. If he is able to take training, he is not totally disabled.

Mr. FESS. The loss of both feet or both hands, or the sight of both eyes, or the loss of one foot and one hand, or one foot and the sight of one eye, or one hand and the sight of one eye, is defined by the law as total disability.

Mr. SWEET. That is true.

Mr. FESS. A man who is totally disabled is eligible to take training, and get the assistance of the Government in that way.

Mr. SWEET. Yes.

Mr. YATES. Suppose instead of having $10,000 insurance he has only $1,000 insurance. Then he would get only $5.75 a month would he not?

Mr. SWEET. That is true. That would give him $125.75.

Mr. YATES. That is not enough.

Mr. SWEET. While we were considering these provisions a young man by the name of Henry Bitter, from my own district, appeared before our committee. He had lost both eyes and both hands; and we said, "What is a reasonable sum for a man in that condition, taking into consideration all the equities in the case?" And we finally determined that he should receive $200 per month, and so we placed in the bill the provision for double total permanent disability. In addition to that Henry Bitter has $10,000 insurance, and so to-day he is receiving $257.50 a month.

Now, if we put the matter on that basis—and as suggested by the gentleman from Illinois [Mr. MADDEN], there is an additional $20, which makes it $277.50—I say, gentlemen of the House, that if we endeavor to place these men back where they were when they entered the service, money can not do it, but the question is how to deal equitably with the man and deal equitably with the Government.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Debate has been closed by order of the committee, and the Chair does not think he ought to entertain a request for unanimous consent.

Mr. KNUTSON. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KNUTSON. Is it not proper under the rules of the House to ask for unanimous consent? It seems to me the House does not wish to bind itself so that we can not ask unanimous consent for a proposition.

The CHAIRMAN. The Chair is a Member of the House. The Chair thinks that where the House has by a vote fixed the limit of debate upon an amendment, the Chair ought to enforce the decision of the committee with respect to debate, and to refuse the request of a Member of the House for unanimous consent to enlarge it.

Mr. KNUTSON. When the motion was made to limit debate the gentleman from Minnesota withheld objection under the impression that he would get a portion of the five minutes.

The CHAIRMAN. The Chair regrets the gentleman from Minnesota was under a misapprehension. It is not within the power of the Chair to correct that misapprehension. The question now is on the amendment of the gentleman from Iowa [Mr. TOWNER] to the amendment of the gentleman from New York [Mr. MAGEE], and the Clerk will report the amendment offered by the gentleman from New York [Mr. MAGEE].

The Clerk read as follows:

On page 15, after line 18, insert as a separate section the following: "SEC. —. Paragraph (5) of section 302 of the war risk insurance act is hereby amended to read as follows:

"'(5) If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable.'"

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The Clerk read as follows:

Amendment offered by Mr. TOWNER to the amendment offered by Mr. MAGEE: Strike out the figures "$50" and insert "$100."

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa to the amendment of the gentleman from New York [Mr. MAGEE].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from New York [Mr. FISH] to the amendment of the gentleman from New York [Mr. MAGEE]. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. FISH for the amendment offered by Mr. MAGEE: "If and while the disability is rated as total and permanent the rate of compensation shall be $100 per month: *Provided, however,* That the loss of both feet or both hands or the sight of both eyes shall be deemed to be double total permanent disability: *Provided further,* That no rating shall be changed at any time without a medical examination at the time of rerating, which must show a change of conditions to warrant the rerating: *Provided further,* That for double total permanent disability the rate of compensation shall be $200 per month."

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FISH) there were 23 ayes and 71 noes.

So the substitute was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. MAGEE].

The question was taken; and on a division (demanded by Mr. YATES) there were 37 ayes and 66 noes.

Mr. YATES. Mr. Chairman, I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Fifteen gentlemen have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

SEC. 19. Section 305 of the war risk insurance act is hereby amended to read as follows:

"SEC. 305. Upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation is increased, or, if compensation has been refused or discontinued, may award compensation in proportion to the degree of disability sustained as of the date such degree of disability began."

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, line 25, and page 16, line 1, strike out all of line 25 and the four words of line 1, page 16, and insert the word "and."

Mr. ROGERS. Mr. Chairman, the section as amended will read as follows:

SEC. 305. Upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, and may award compensation in proportion to the degree of disability sustained as of the date such degree of disability began.

I assume that the purpose of the revision of section 305 is to take care of this kind of a case: A man is in receipt of total temporary disability which of course carries a rate of 100 per cent. Then wrongfully and without reason, as the facts later develop, that man is reduced in compensation by the War Risk Bureau to 50 per cent. I have had many such cases in my own congressional experience. The purpose of the committee amendment, at least in part, is to enable the bureau to rerate at the higher percentage as of the date the wrongful ruling was handed down. But if the committee will look into the language it will see that it does not accomplish that result. It provides that if the compensation is increased, or if the compensation has been refused or discontinued, then it may be possible to date back the rerating

But if, as in the case put, compensation has been reduced, there is no provision for dating back the rerating which restores the previous higher figure. In my own experience the usual case where an injustice has been done by the War Risk Bureau, is in case of a reduction of the compensation award. As I read the section as it stands, it does not enable rerating to date back in such case.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BARKLEY. The language which the gentleman seeks to strike out is intended to cover cases where there is a rerating, and in the event that there is an increase based on that new claim, the increase will take effect on the previous date; or, if there has been a refusal heretofore to make an award at all, and the director shall decide under a reexamination that there ought to be an award, the award shall take effect from the previous date. If the gentleman strikes that language out, it would be left in doubt whether upon a new award or upon reconsideration or refusal to make award the director could date the award back.

Mr. ROGERS. If the gentleman will notice, I am simply striking out the "if" clauses so as to enable the bureau to rerate retroactively in all cases, when the review has been completed.

Mr. BARKLEY. If you strike that language out, you undergo the danger of limiting it to awards already in existence, and ignoring cases where they have refused to make an award but desire to reconsider and make one.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. SWEET. Take, for instance, the illustration given by the gentleman himself. A man has been rated as having a total temporary disability, and then upon a further examination it is found that he should not have that rating but that it should be reduced, and if that new rating goes back as of the date when the degree of disability began it raises the question of a refund between that man and the Government, and consequently the soldier would have an obligation to pay the Government and would have to wait before his compensation would be continued. That language is put in there deliberately and carefully to meet that situation.

Mr. ROGERS. I think the gentleman does not quite understand my illustration. I am assuming a case where a claimant first receives an award of total temporary disability and then later the bureau, without just cause, reduces that rating to 50 per cent. Then the Congressman has the case brought to his attention and asks for a review. As a result the bureau finds that the reduction was without warrant and orders that 100 per cent disability be restored to the claimant.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS. If the language as it is now carried in the bill is retained, it would seem to me that the War Risk Bureau would have no right to date back the resumption of the total disability award, because the language of the bill is that—

If compensation is increased, or if compensation has been refused or discontinued—

then the award may date back; but if the compensation has been reduced there is no provision for its dating back.

Mr. BARKLEY. Mr. Chairman, I think the gentleman is mistaken about that, because this might happen: If there had been a previous reduction of award and upon reconsideration there was an increase, then that would come in under the language in the bill and would date back just as if the reduction had never been made. That language applies to the action of the bureau at the present time in making a change in the award, and it has no relation to any reduction that may have occurred theretofore.

Mr. ROGERS. Does the gentleman think that it might be desirable to replace my amendment so as to leave the language in the bill as it now stands, with the addition of the use of the word "reduced," after the word "refused," in line 1 of page 16?

Mr. DEMPSEY. That is a suggestion which I was about to make.

Mr. BARKLEY. I do not think that is necessary, but I would defer to the chairman of the subcommittee.

Mr. ROGERS. It had not occurred to me, I confess, that these "if" clauses had any particular value, but the gentleman thinks they have. Mr. Chairman, in view of the suggestions that have been made, I ask unanimous consent to withdraw my amendment and to offer a new amendment, inserting the word "reduced," after the word "refused," in line 1.

The CHAIRMAN. The Chair will put the first proposition of the gentleman. The gentleman from Massachusetts asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to amend by inserting the word "reduced" after the word "refused," in line 1 on page 16, and to insert a comma after the word "refused."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 16, line 1, after the word "refused," insert a comma and the word "reduced."

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. STEVENSON. I want to know if the gentleman can thereby cure a case which occurred to a constituent of mine a day or two ago on this very question. He was getting $20 a month, and they rerated him and sent him a letter on the 26th day of May saying that his compensation had been reduced to $12.50 from $80 a month, which he never had been getting. On the same day they wrote him another letter, saying that his compensation of $12 a month has been discontinued, and that he was

determined to be below the compensation condition. Can the gentleman fix that kind of a case. Both of those letters were written on the same day.

Mr. ROGERS. I think that this section is a salutary one to make clear the right of the War Risk Bureau to date back an award so as to remedy any injustice.

Mr. STEVENSON. I have another instance, where a gentleman, a minister, a very distinguished one, was rated total temporary. He had an examination over at Johns Hopkins Hospital, and the doctors said that he was probably permanently totally disabled.

Then on the strength of that they reduced him to 75 per cent, and he wrote here protesting, and they answered his letter by saying, "Your letter is received and on the consideration thereof we have reduced you to 50 per cent." Is there any way of curing that kind of thing?

Mr. YATES. Is not that a very fine system, very much like what it has been during the last four years?

Mr. ROGERS. The gentleman will get that situation corrected and then the War Risk Bureau will be able under this section to cure the situation when a state of injustice arises.

Mr. STEVENSON. I hope the gentleman's amendment then will prevail.

Mr. ROGERS. I think the word "reduced" or its equivalent is necessary in order to cover every kind of case that may be presented.

Mr. SWEET. Mr. Chairman, I really do not believe that the gentleman's amendment changes the import of the section. I do not believe it will hurt anything, and therefore I agree to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. MACGREGOR. Mr. Chairman, I have an amendment pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MACGREGOR: Page 16, line 3, after the word "began," insert "In the event of the discontinuance or diminution of compensation notice thereof shall be transmitted to the beneficiary 30 days prior to the time such discontinuance or diminution shall take effect."

Mr. MACGREGOR. Mr. Chairman and gentlemen, I have talked to the chairman of the subcommittee with reference to this matter of the giving of notice to the beneficiaries of a reduction of compensation. I have also a letter from the lamented Col. Galbraith upon the same proposition. Both of them agree that it should be made a departmental regulation, but I do not believe in leaving very much to departmental regulation. My experience has been we had better do it here ourselves. A man who is awarded compensation and who is dependent upon that compensation should have some preliminary notice as to its reduction. For instance, a few weeks ago I had a man who was receiving compensation of $90 a month. Without any warning whatsoever his compensation was reduced to $9 a month. Probably most of you have had similar instances. It has occurred in many, many cases which have come under my observation. Any man here who ever received a salary planned his scale of living upon that basis, and if it was suddenly chopped off he was left up in the air. How much more would it be in the case of these disabled men who are compelled to come to our Government for assistance and who are awarded compensation and base their living upon that amount, and then suddenly they are left up in the air simply by some letter from the department saying they had been cut down to a very small sum.

Mr. RANKIN. Will the gentleman yield?

Mr. MACGREGOR. I will.

Mr. RANKIN. Does the gentleman's amendment contemplate giving these men an opportunity to make a showing as to their condition after these notices are given? Is that the idea of the amendment?

Mr. MACGREGOR. One object is that, of course, in giving them this notice.

Mr. RANKIN. Would it not be better to insert that in the amendment to be sure they will not be deprived of that right?

Mr. MACGREGOR. The gentleman means making their application for awards?

Mr. RANKIN. To make a showing of his condition within the 30 days.

Mr. MACGREGOR. As I would take it, under the provisions of the wording of this section he would have the right to make application for a revision of the award.

Mr. RANKIN. I understand, but it seems to me if he makes a showing before the reduction is made he would stand a much better chance of holding on to what he is getting.

Mr. MACGREGOR. It is perhaps so; but I am not going the whole way. I am only going part of the way, perhaps.

Mr. LAYTON. Does not the gentleman think he ought to add to his amendment the 30 days' notice within which time they can take an appeal, and it would serve both purposes?

Mr. MACGREGOR. As to the notice of reduction and also the taking of appeal?

Mr. LAYTON. Exactly.

Mr. MACGREGOR. Well, I do not know. I am afraid of that. I simply make this appeal. I think you gentlemen are all familiar with the situation. Time and time again I have protested against these reductions of awards and then go down and fight the department, and then they come back and make an award equal to or larger than the original award, although they stated in their original communication that the compensation was reduced. I do not think we should leave this to a departmental regulation. I think we ought to state here that these departments down here shall not diminish the compensation until the man has had some notice so that he shall have an opportunity to adjust himself and also an opportunity to protest against such reduction of award.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I rise to oppose the amendment. I do not think we ought to put too many minute and detailed regulations of this kind into a fundamental statute. Now, the amendment offered by the gentleman from New York does not go into any detail as to how the notice should be given. It does not specify what the notice shall consist of, and if that is put into the law I should be afraid of this result following: The men to whom notices are addressed may not receive them, and they might make claim that they were not notified, and therefore their compensation or reduction of compensation could not take effect until they are given notice, which would lead to disputes between the beneficiaries and the bureau, that, in my judgment, will result in a great deal of trouble, a great deal of additional bookkeeping, and so forth. I think that the position of the gentleman from New York might well appeal to the bureau as a reason for establishing a regulation of the bureau to that effect, and I think the bureau might well have a regulation of that kind.

But it should be purely a matter of regulation and ought not to be a matter of law, because it will lead to disputes and differences and disagreements between the beneficiaries and the bureau, and I think we all know we have enough of those already.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. MACGREGOR].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. Section 306 of the war risk insurance act is hereby amended to read as follows:

"SEC. 306. No compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, a certificate has been obtained from the director at the time of discharge or resignation from the service, or within one year thereafter, or within one year after the passage of this act, whichever is the later, to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability whenever occurring, proximately resulting from such injury."

Mr. REED of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. REED] is recognized for five minutes.

Mr. REED of New York. Mr. Chairman, I have been away from here for two or three days and therefore have had a chance to find out something about the sentiment of the people outside of the city of Washington. In the State of New York we furnished 367,864 soldiers for this war, almost 10 per cent of the total number in the American Army. As a result, we have a large number of injured men in our State. The people along the streets in the various towns are asking why we have not adequate hospital facilities. I venture to say that when this subject comes up in this House there are a great many men on this floor who do not know what our hospital facilities are. I also have before me a letter, which is significant. It is from a member of the American Legion, and I have received stacks of them. It says:

JAMESTOWN, N. Y., *June 1, 1921.*

Hon. DANIEL A. REED,
Representative in Congress forty-third district, New York,
Washington, D. C.

DEAR MR. CONGRESSMAN: As a member of the American Legion, I am writing to urge upon you and the other members of the New York delegation in Congress to use your personal influence to see to it that the remedial legislation proposed by the Dawes committee and by the

investigating committee of New York looking to improvement in the welfare of sick, wounded, and disabled veterans should be hastened through Congress.

The inquiry conducted by our State investigating committee has disclosed a shocking state of affairs in connection with the treatment given to these men who should be the first care of the Nation. Lack of hospitals and proper medical care is causing great suffering, particularly among the tubercular and insane, and many deaths.

———.

Now, in this connection I anticipated the request of the legion by just about one month, for on May 1 I wrote to the Treasury Department and asked for certain specific information. And I think you gentlemen will be interested to know the line of inquiry I made. I wrote this letter to the Assistant Secretary of the Treasury:

MAY 6, 1921.

Col. EDWARD CLIFFORD,
Assistant Secretary of the Treasury,
Washington, D. C.

MY DEAR COL. CLIFFORD: There is certain information which I am very anxious to obtain. Although there have been many hearings before the Public Buildings and Grounds Committee, the information that I desire, so far as I can ascertain, has not been fully developed. I trust, therefore, that you will pardon me for turning to you for specific and authentic information with reference to the hospital situation.

In order to save time and space I will put my request in the form of a questionnaire.

ARMY HOSPITALS.

1. Please state number of Army hospitals fully constructed and ready for use, location, city, and State.
Beds now available; beds occupied.
2. Please state the number of Army hospitals now under construction.
3. Are the Army hospitals now fully constructed available for use of the injured veterans of the late war?

NAVY HOSPITALS.

1. Please state number of Navy hospitals fully constructed and ready for use, location, city, and State.
Beds now available; beds occupied.
2. Please state the number of Navy hospitals now under construction.
3. Are the Navy hospitals now fully constructed available for use of the injured veterans of the late war?

UNITED STATES PUBLIC HEALTH SERVICE HOSPITALS.

1. Please state number of Public Health hospitals fully constructed and ready for use, location, city, and State.
Beds now available; beds occupied.
2. Please state the number of Public Health hospitals now under construction.
3. Are the Public Health hospitals now fully constructed available for use of the injured veterans of the late war?

In this report I would like to have you let me know how many patients—veterans of the late war—are now undergoing hospitalization; the number who are unable to obtain hospitalization because of the lack of facilities.

So far as possible I would like to know what classes of injuries or ailments require special hospitals in order to properly treat the cases.

In the event that you have the facts available or can obtain them, I would like to know the number of hospitals in New York State taking care of soldiers, sailors, and marines of the late war; the number of patients being cared for by each; the location of each hospital; and the number of applicants for hospitalization who are unable to receive treatment because of the lack of hospital facilities.

This information will be deeply appreciated, and I am asking it for the sole purpose of preparing myself to cooperate in the very worthy work in which you and all of us are interested at the present time.

Yours, sincerely,

———.

TREASURY DEPARTMENT,
BUREAU OF WAR RISK INSURANCE,
Washington, May 13, 1921.

From: Chief, statistical section, Medical Division.
To: Consultants on hospitalization (through the medical adviser).
Subject: Data requested May 12, 1921.

1. In response to your request dated May 12, 1921, for data concerning Federal hospitals, you are advised that it has been necessary to confine this statement in respect to hospitals of the United States Army and Navy to just those facilities which have been made available by those services to the Bureau of War Risk Insurance. However, these data may be obtained, it is believed, from the offices of the Surgeons General of the Army and Navy by formal application.

ARMY HOSPITALS.

2. The Army general hospitals fully constructed and available for use to beneficiaries of the Bureau of War Risk Insurance are as follows:
Walter Reed General Hospital, Tacoma Park, Washington, D. C.
Fitzsimons General Hospital, Denver, Colo.
Letterman General Hospital, San Francisco, Calif.
The Army and Navy General Hospital, Hot Springs, Ark.
The Post Hospital, Fort Sam Houston, Tex.
The total number of beds made available to the Bureau of War Risk Insurance by these hospitals was on May 5, 1,225, of which number 697 were used. Four Army hospitals not included in the above have been taken over by the United States Public Health Service for operation. These four hospitals are included under the paragraph devoted to the United States Public Health Service.

UNITED STATES NAVY.

3. The number of naval hospitals made available to the Bureau of War Risk Insurance was, on May 5, 1921, 13, located as follows:
United States Naval Hospital, Chelsea, Mass.
United States Naval Hospital, New York, N. Y.
United States Naval Hospital, League Island, Pa.
United States Naval Hospital, Washington, D. C.
United States Naval Hospital, Norfolk, Va.
United States Naval Hospital, Charleston, S. C.
United States Naval Hospital, Key West, Fla.
United States Naval Hospital, Pensacola, Fla.
United States Naval Hospital, Gulfport, Miss.
United States Naval Hospital, New Orleans, La.
United States Naval Hospital, Great Lakes, Ill.
United States Naval Hospital, Fort Lyons, Colo.
United States Naval Hospital, San Diego, Calif.
There were made available by these hospitals 1,135 beds, of which number 327 were used on May 5, 1921.

4. The Public Health Service has made available to the Bureau of War Risk Insurance 61 hospitals, which are fully constructed and used. These hospitals are located as follows:
United States Public Health Service Hospital No. 2, Boston, Mass.
United States Public Health Service Hospital No. 3, Buffalo, N. Y.
United States Public Health Service Hospital No. 5, Chicago, Ill.
United States Public Health Service Hospital No. 6, Cleveland, Ohio.
United States Public Health Service Hospital No. 7, Detroit, Mich.
United States Public Health Service Hospital No. 8, Evansville, Ind.
United States Public Health Service Hospital No. 9, Fort Stanton, N. Mex.
United States Public Health Service Hospital No. 10, Key West, Fla.
United States Public Health Service Hospital No. 11, Louisville, Ky.
United States Public Health Service Hospital No. 12, Memphis, Tenn.
United States Public Health Service Hospital No. 13, Mobile, Ala.
United States Public Health Service Hospital No. 14, New Orleans, La.
United States Public Health Service Hospital No. 15, Pittsburgh, Pa.
United States Public Health Service Hospital No. 16, Portland, Me.
United States Public Health Service Hospital No. 17, Port Townsend, Wash.
United States Public Health Service Hospital No. 18, St. Louis, Mo.
United States Public Health Service Hospital No. 19, San Francisco, Calif.
United States Public Health Service Hospital No. 20, Savannah, Ga.
United States Public Health Service Hospital No. 21, Stapleton, N. Y.
United States Public Health Service Hospital No. 22, Vineyard Haven, Mass.
United States Public Health Service Hospital No. 24, Palo Alto, Calif.
United States Public Health Service Hospital No. 25, Houston, Tex.
United States Public Health Service Hospital No. 26, Greenville, S. C.
United States Public Health Service Hospital No. 27, Alexandria, La.
United States Public Health Service Hospital No. 29, Norfolk, Va.
United States Public Health Service Hospital No. 30, Chicago, Ill.
United States Public Health Service Hospital No. 32, Washington, D. C.
United States Public Health Service Hospital No. 34, East Norfolk, Mass.
United States Public Health Service Hospital No. 35, St. Louis, Mo.
United States Public Health Service Hospital No. 36, Boston, Mass.
United States Public Health Service Hospital No. 37, Waukesha, Wis.
United States Public Health Service Hospital No. 38, New York, N. Y.
United States Public Health Service Hospital No. 41, New Haven, Conn.
United States Public Health Service Hospital No. 42, Perryville, Md.
United States Public Health Service Hospital No. 43, Ellis Island, N. Y.
United States Public Health Service Hospital No. 44, West Roxbury, Mass.
United States Public Health Service Hospital No. 45, Biltmore, N. C.
United States Public Health Service Hospital No. 48, Atlanta, Ga.
United States Public Health Service Hospital No. 49, Philadelphia, Pa.
United States Public Health Service Hospital No. 50, Prescott, Ariz.
United States Public Health Service Hospital No. 51, Tucson, Ariz.
United States Public Health Service Hospital No. 52, Boise, Idaho.
United States Public Health Service Hospital No. 53, Dwight, Ill.
United States Public Health Service Hospital No. 54, Arrowhead Springs, Calif.
United States Public Health Service Hospital No. 55, Fort Bayard, N. Mex.
United States Public Health Service Hospital No. 56, Baltimore, Md.
United States Public Health Service Hospital No. 57, Knoxville, Iowa.
United States Public Health Service Hospital No. 58, New Orleans, La.
United States Public Health Service Hospital No. 59, Tacoma, Wash.
United States Public Health Service Hospital No. 60, Oteen, N. C.
United States Public Health Service Hospital No. 61, Staten Island, N. Y.
United States Public Health Service Hospital No. 62, Augusta, Ga.
United States Public Health Service Hospital No. 63, Lake City, Fla.
United States Public Health Service Hospital No. 64, Camp Kearny, Calif.
United States Public Health Service Hospital No. 65, St. Paul, Minn.
United States Public Health Service Hospital No. 66, Carville, La.
United States Public Health Service Hospital No. 67, Kansas City, Mo.
United States Public Health Service Hospital No. 68, Minneapolis, Minn.
United States Public Health Service Hospital No. 69, Fort Thomas, Ky.
United States Public Health Service Hospital No. 70, New York, N. Y.
United States Public Health Service Hospital No. 71, Sterling Junction, Mass.

5. The total number of beds made available by these hospitals was, on May 1, 1921, 18,416. Of this number 15,599 were made available to the Bureau of War Risk Insurance, of which number 13,079 were being used by the Bureau of War Risk Insurance on May 5, 1921.

6. The United States Public Health Service has at the present time under construction two new hospitals, one at Maywood, Ill., which is planned to accommodate 850 patients; the other at Dawsonsprings, Ky., which is planned to accommodate 500 patients. It is anticipated that these hospitals will be placed in operation during the present calendar year.

7. The United States Public Health Service has also taken over recently four hospitals from the United States Army, which it intends to place in operation within the near future. These hospitals and their approximate proposed bed capacity are as follows:
Fort Walla Walla, Wash., 250 beds (tuberculosis).
Fort Logan H. Root, Ark., 250 beds (tuberculosis).
Fort McKenzie, Wyo., 250 beds (neuropsychiatric).
Fort William Henry Harrison, Helena, Mont., 400 to 600 beds.

8. The United States Public Health Service is at the present time planning to take over and place in operation several private hospitals. Complete data can not be given relative to such proposals until the

plans have been perfected. However, it can be stated, the first one of these private hospitals to be placed in operation will be a hospital at Colfax, Iowa, with a capacity of approximately 200 beds.

NATIONAL HOMES FOR DISABLED VOLUNTEER SOLDIERS.

9. The National Homes for Disabled Volunteer Soldiers have made available to the Bureau of War Risk Insurance nine soldiers' homes, two of which have been made entirely available and the remaining seven have been made in part available. These national soldiers' homes are located as follows:

Eastern Branch, Togus, Me.
Mountain Branch, Johnson City, Tenn.
Marion Branch, Marion, Ind.
Central Branch, Dayton, Ohio.
Danville Branch, Danville, Ill.
Northwestern Branch, Milwaukee, Wis.
Western Branch, Leavenworth, Kans.
Battle Mountain Sanitarium Branch, Hot Springs, S. Dak.
Pacific Branch, Los Angeles, Calif.

10. The total number of beds made available by these National Soldiers' Homes on May 5, 1921, numbered 2,618 beds, of which number 1,901 beds were being used.

11. On May 5, 1921, there were being hospitalized in all hospitals of the United States, including contract hospitals, 26,092 patients in the Bureau of War Risk Insurance, classified as follows:

Tuberculosis	10,266
Neuropsychiatric	7,349
General medical and surgical	8,477

Of the total number hospitalized, 16,764 are being treated in Federal hospitals.

12. There is no information at the central office or district offices of the Bureau of War Risk Insurance that any claimant of this bureau, entitled to medical care and treatment for whom hospitalization has been advised or recommended, has failed to receive hospital care under the Bureau of War Risk Insurance.

13. There is no record in the Bureau of War Risk Insurance of the number who are entitled to care and treatment under the war risk insurance act, but who have either not made claim or applied for medical treatment, or have declined such facilities as the Government has been able to offer in its own or contract hospitals.

14. It has been estimated that a third more than have been hospitalized for mental and nervous diseases would have accepted hospital care if the facilities offered had not in so many instances been in hospitals for paupers, indigents, criminal insane, etc.

15. Similarly patients who are entitled to hospital care or for whom hospital care has been urged by the medical examiners of this bureau for pulmonary tuberculosis have preferred to provide care at their own homes or in boarding houses, or at their own expense rather than to enter sanatoria such as have been available in some districts, or to submit to the necessary restraint of responsible medical hospital control.

16. There is attached hereto a list showing by name of hospital and location the contract hospitals now being used in the State of New York for the hospitalization of patients in the Bureau of War Risk Insurance and the number of war-risk insurance patients reported in each hospital. There is also attached a statement of the number of patients of the Bureau of War Risk Insurance being hospitalized at the present time in Federal hospitals in the State of New York. In considering the number of patients in contract hospitals as reported in this memorandum, it should be borne in mind that this report is based on the card records on file in the statistical section of the medical division of this bureau, and that due to the time necessary in preparing these forms in the hospitals and transmitting them to this bureau by mail through the offices of the district supervisors there is often a considerable lapse of time between the actual admission or discharge of a patient and its being recorded in this bureau. Therefore these records should not be considered current records, but, nevertheless, it is believed that they substantially represent the hospital situation and form a reasonable basis for consideration.

A. D. HILLER,
Chief Statistical Section, Medical Division.

Number of claimants in private hospitals in New York State.

	General medical and surgical.	Neuropsychiatric.	Tuberculosis.	Total.
J. N. Adams Memorial Hospital, Perrysburg	2		23	25
Albany Hospital, Albany	17	5	2	24
Auburn City Hospital, Auburn	1			1
Albert Lindley Lee Memorial Hospital, Fulton	1		1	2
American Red Cross, Brooklyn	23	1		24
American Red Cross, New York City		1		1
American Red Cross, W. Falk, Ellenville		1		1
Annis Cottage, Liberty			1	1
C. H. Armstrong Hospital, Woodburne	1	1	5	7
Bellevue Hospital, New York City	1	2		3
Bedford Hills, Sanitarium, Bedford Hills			1	1
Binghamton State Hospital, Binghamton		15		15
Belle Cottage, Liberty			1	1
Benedictine Sanitarium, Kingston	1		1	2
Bloomingdale Hospital, White Plains		4		4
Sam W. Browne Memorial Hospital, Poughkeepsie	1		2	3
Mrs. A. E. Blinn, convalescents' care, Chili Station	2			2
Mrs. William Breiner, Livingston Manor			2	2
Brooklyn Home for Consumptives, Brooklyn			2	2
Brooklyn State Hospital, Brooklyn		9		9
Brook's Memorial Hospital, Dunkirk	1		1	2
Buckley House, Liberty			24	24
Burns's Convalescence Cottage, South Hampton	1			1
Buffalo City Hospital, Buffalo			2	2
Buffalo State Hospital, Buffalo	1	36		37
Mrs. I. L. Weldon, convalescents' care, West Berne	1	1	1	1

Number of claimants in private hospitals in New York State—Continued.

	General medical and surgical.	Neuropsychiatric.	Tuberculosis.	Total.
Champion Valley Hospital, Plattsburg	2			2
Convalescents' care, Marie Russo, Rochester			1	1
Central Islip State Hospital, Long Island		80		80
Corning Hospital, Corning			1	1
Clinic for Functioning Re-education, New York City	20	4		24
County Hospital, Rome			1	1
Convalescents' Home for Soldiers and Sailors, Brooklyn	6	2		8
Crouse Irving Hospital, Syracuse	22	5	2	29
Dr. Combs's Sanitarium, New York City		5		5
Cohoes City Hospital, Cohoes	7			7
Cornell Infirmary, Ithaca	1			1
Charles Croft Hospital, Livingston Manor	1			1
Delaware House Convalescents' Care, Stamford	1			1
Deveraux Sanitarium, Saranac Lake			2	2
Delaney Sanitarium, Saranac Lake			3	3
Dolan Sanitarium, Saranac Lake			7	7
Mrs. Anna Desbrow, Sea Breeze	1			1
Dr. Downer's Sanitarium, Woodstock			1	1
Ellis Hospital, Schenectady	4	1		5
W. E. Wigkeit, Ellenville	1			1
Elkin Sanitarium, Saranac Lake			3	3
William F. Falk, Ellenville	5	1		6
Farley Cottage, Liberty			3	3
Mrs. C. C. Farrell, convalescents' care, Berne	8			8
Fiesel Cottage, Liberty	1		7	8
Miss M. D. Foster, Sayville, L. I		1		1
Gabriels Sanitarium, Gabriels			4	4
Glenridge Sanitarium, Schenectady			2	2
Glen Falls Hospital, Glen Falls	6	1	1	8
Good Shepherd Hospital, Syracuse	11			11
Gray Cottage, Liberty			3	3
Gowanda State Homeopathic Hospital, Collins		18		18
Haggerty Cottage, Liberty			1	1
A. B. Hepburn Hospital, Ogdensburg	1			1
W. A. Hessedox Hospital, Livingston Manor	1			1
W. L. Hasdner, Livingston Manor	9	1	1	11
R. B. Hastie, Ellenville	4	1		5
Home Sanitarium, Syracuse			11	11
Forest View House, Ellenville	1			1
Mrs. M. D. Foster, Sayville, L. I	1			1
S. Friedheim, Ellenville	3			3
Home Sanitarium, Saranac Lake	1			1
Mrs. B. Helmer, Moosehead, Old Forge	1			1
Homestead Sanitarium, Saratoga County (tuberculosis), Middle Grove			1	1
Hudson River State Hospital, Poughkeepsie		31		31
House of the Good Samaritan, Watertown	1		1	2
Ilion Hospital, Ilion	1			1
Johnson City Hospital, Johnson City	2			2
Jefferson County Tuberculosis Sanitarium, Watertown			1	1
Kings County Hospital, Brooklyn		1		1
Kings Park State Hospital, Kings Park, Long Island		118		118
Mrs. Sheldon Lasher, Bearsville	4	1	1	6
Leggett Sanatorium, Saranac Lake			8	8
Lynn Cottage, Liberty			5	5
Loomis Sanatorium, Loomis	1		16	17
Manhattan State Hospital, Wards Island	1	207		208
McCaffrey Nursing Sanitarium, Saranac Lake			3	3
Mrs. McDaniels Hospital, Bearsville, Ulster County	1			1
McCloskey Cottage, Liberty			15	15
Marshall Infirmary, Troy		1		1
Marshall Sanatorium, Troy	3			3
Memorial Hospital, New York City	1			1
Mercy Hospital, Auburn	2			2
I. Metzner Hospital, Ellenville	1			1
Midos Cottage, Saranac Lake			1	1
Middletown State Homeopathic Hospital, Middletown		4		4
Monroe County Tuberculosis Sanitarium, Rochester			9	9
Montefore Home County Sanitarium, Bedford Hills			2	2
Municipal Sanatorium, Otisville		1	15	16
Moosehead Hotel Hospital, Old Forge	3			3
Nassau County Tuberculosis Sanitarium, Hicksville			3	3
Neurological Institute, New York City		1		1
New York State Hospital for Incipient Tuberculosis, Ray Brook			6	6
Newton Memorial Hospital, Cassadaga			3	3
Niagara Sanitarium, Lockport			6	6
Nurses' Home, Bay Shore, L. I	4	1		5
Oak Mount Sanitarium, East Bloomfield			1	1
O'Donnell Cottage, Liberty			13	13
Olean General Hospital, Olean	7		2	9
Onondaga Sanitarium, Syracuse			6	6
Oswego County Sanitarium, Richland			20	20
Oswego Hospital, Oswego	1			1
Otsego County Hospital, Mount Vision			1	1
Mrs. John Owens's boarding house, Prospect	1			1
Pawling Sanitarium, Wyantskill			22	22
Pershing Convalescent Home, New York City	5	2		7

Number of claimants in private hospitals in New York State—Continued.

	General medical and surgical.	Neuro-psychiatric.	Tuberculosis.	Total.
Presbyterian Hospital, New York City	1			1
Pine Crest Sanitarium, Sailsburg Center			1	1
Physicians Hospital, Plattsburg		1		1
Perkins House, Emma D. Nuttal, Prospect	1			1
Pleasant Valley Sanitarium, Bath			2	2
Mrs. Elizabeth Pendleton, 233 West One hundred and forty-third Street	1			1
Rainbow Lake Sanitarium, Rainbow Lake	1		8	9
Rome Infirmary, Rome	4			4
Rattners Cottage, Liberty			18	18
Reconstruction, New York City	3			3
Riddle Sanitarium, Saranac Lake			2	2
Rochester State Hospital, Rochester		15		15
Rocky Crest Sanitarium, Olean			6	6
Rochester General Hospital, Rochester	10	1		11
Rose Mount Villa, Saranac Lake			1	1
River Crest Sanitarium, Astoria, L. I.		1		1
Russell House, Saranac Lake			2	2
Royal Quick Hospital, Willow	2			2
Seaview Hospital, Staten Island	1		5	6
Selie Cottage, Liberty			1	1
Seaton Hospital, Spuyten Duyvil			43	43
Mrs. Gordon Sickler, Lake Hill			1	1
Smith Sanitarium, Saranac Lake	1		17	18
St. Anthony's Hospital, Woodhaven			4	4
St. Elizabeth's Hospital, Dansville		1		1
St. Joseph's Hospital, New York City			1	1
St. Francis's Hospital, Poughkeepsie	2			2
St. Joseph's Hospital, Elmira			1	1
St. John's Riverside Hospital, Yonkers	1			1
St. Lawrence State Hospital, Ogdensburg	1	19		20
St. Luke's Hospital, New York City	2			2
St. Mary's Tuberculosis Hospital, Saranac Lake			2	2
St. Peter's Hospital, Albany		1		1
St. Vincent's Hospital, New York City	1			1
Stony Wold Hospital, Lake Rushaqua			3	3
Mrs. J. Sickler Convalescent Home, Lake Hill	1	1		2
Summit View Sanitarium, Gloversville	1			1
Syracuse Memorial Hospital, Syracuse	3			3
Sunny Crest Sanitarium, Auburn			1	1
Springhill Sanitarium, Hastings		1		1
Troy Hospital, Troy	18	1	2	21
Trudeau Sanitarium, Trudeau			26	26
Tuberculosis Hospital (Broome County Hospital), Chenango Bridge			8	8
Tully Sanitarium, Saranac Lake			12	12
Sarah Thomann Hospital, Rochester	1			1
Utica State Hospital, Utica		24		24
W. J. Unkenholz Hospital, Livingston Manor	4			4
Willard State Hospital, Willard		27		27
Willard Parker Hospital, New York City	1			1
Mrs. Fred Willsey, Berne		1		1
Frank Wagner's Conv. Care, Berne	1			1
Mrs. W. G. Wright Conv. Care (box 49 Nine-Mill Point), Webster	1			1

Patients of the Bureau of War Risk Insurance in Federal hospitals, State of New York.

	May 5, 1921.			
	General medical and surgical.	Neuro-psychiatric.	Tuberculosis.	Total.
United States Public Health Service Hospital No. 3, Buffalo, N. Y.	22		1	23
United States Public Health Service Hospital No. 21, Stapleton, Long Island	10	32	1	43
United States Public Health Service Hospital No. 38, New York City	210		2	212
United States Public Health Service Hospital No. 43, Ellis Island, N. Y.	1		1	2
United States Public Health Service Hospital No. 61, Fox Hills, Staten Island, N. Y.	439	108	195	742
United States Public Health Service Hospital No. 70, New York City	21			21
United States Naval Hospital, New York City	29			29

MAY 12, 1921.

Mr. A. D. HILLER,
Chief Statistical Section, Medical Division,
Room 895, Bureau of War Risk Insurance:

The following is the information desired, about which I telephoned you this a. m. Your prompt replies to the questions will be very kindly appreciated.

ARMY HOSPITALS.

1. Please state number of Army hospitals fully constructed and ready for use, location, city and State.
Beds now available; beds occupied.
2. Please state the number of Army hospitals now under construction.
3. Are the Army hospitals now fully constructed available for use of the injured veterans of the late war?

NAVY HOSPITALS.

1. Please state number of Navy hospitals fully constructed and ready for use, location, city and State.
Beds now available; beds occupied.
2. Please state the number of Navy hospitals now under construction.
3. Are the Navy hospitals now fully constructed available for use of the injured veterans of the late war?

UNITED STATES PUBLIC HEALTH SERVICE HOSPITALS.

1. Please state number of Public Health hospitals fully constructed and ready for use, location, city and State.
Beds now available; beds occupied.
2. Please state the number of Public Health hospitals now under construction.
3. Are the Public Health hospitals fully constructed and ready for use of the injured veterans of the late war?

In this report I would like to have you let me know how many patients—veterans of the late war—are now undergoing hospitalization, the number who are unable to obtain hospitalization because of the lack of facilities.

So far as possible, I would like to know what classes of injuries or ailments require special hospitals in order to properly treat the cases.

In the event that you have the facts available or can obtain them, I would like to know the number of hospitals in New York State taking care of soldiers, sailors, and marines of the late war; the number of patients being cared for by each; the location of each hospital; and the number of applicants for hospitalization who are unable to receive treatment because of the lack of hospital facilities.

* * * * * * *

Mr. Hiller, if you are unable to supply any of the above information, and can advise through what channels we may obtain it, your cooperation will be greatly appreciated.

CONSULTANTS ON HOSPITALIZATION.
By ——— ———.

Now, then, I have that information——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, the gentleman has very valuable information. I ask unanimous consent that he be given five minutes additional.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from New York be permitted an additional five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REED of New York. It is not my wish, gentlemen, to take up the time of this House. I realize that you wish to expedite this bill that is under consideration. I am going to ask for an extension of my remarks in just a moment, in which extension I am going to include all of this tabulated information. I think the disclosures will be quite surprising to the Members. It will be interesting for you to know, while we are considering this splendid measure before the House, that it required one month for the Treasury Department, which had jurisdiction of this matter, to get this highly valuable information. They were obliged to send a questionnaire to all of these various departments, and it took it one whole month to secure the information. And yet we are asked to appropriate millions of dollars without knowing what the facts may be with respect to hospitals and hospital facilities. And when we get a report from the committee of the legion, such as I have received, it simply confirms the tragic conditions that confront our soldiers who may be in need of hospitalization, especially in New York State.

The other day I had a boy come down here to see me from a not far distant hospital. He had been unable to get compensation. You men have had similar cases. This man came into the office shaking from shell shock. He looked tired and weak. I asked him if he had had his breakfast, and he said he had not. And when I asked him why, he informed me that he had just money enough to pay his way down and back. When I insisted that he tell me the facts about his financial needs he said, "I want to be honest with you. I had to make two bead necklaces and sell them, and it took me six weeks, before I could come down and present my case." I went down to the department and established the fact that the boy had a case and got his compensation of $90 a month. Now, this boy had been trying for weeks and weeks and weeks to get those results, and yet he had the proof if it had been properly prepared and presented, and his case should have received attention. Now, what has happened?

In our hospitals are hundreds of boys who have no friends to whom they can go. They are lying there bedridden, many of them, with no one to take up their cases and prepare their proof. They send in their claims; yes. The War Risk Bureau comes back with a form letter to the effect that there is not sufficient proof to connect up their injury with the service. The boy goes back to the community with a request for more affidavits, and another set of affidavits are sent on and turned down. They get discouraged. What they need is special serv-

ice in our hospitals, competent men who represent the boys. It is time we found out the facts with reference to these boys. There are literally hundreds of them in our State who need hospitalization. You will recall that the State of New York voted $3,000,000 and agreed to build a hospital within a year and have it ready for our soldiers, but Congress did not see fit to authorize the Government to rent that hospital in order to take care of these boys.

Mr. DENISON. I was going to say that this bill does that very thing.

Mr. REED of New York. Exactly. I am not criticizing this bill, but I am bringing out these facts to show the necessity for acting upon the situation and knowing the conditions in this country with reference to the soldiers and acting promptly. And this information that has been secured here shows the necessity for a bill of this kind, coordinating the various departments and coordinating the work under the bill.

I am not going any further with this proposition, and I am not going to read all of this correspondence, but I am going to ask unanimous consent to insert the information that I have obtained in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the information referred to:

NAVY DEPARTMENT,
CONSULTANTS ON HOSPITALIZATION,
Room 1023, Arlington Building, May 17, 1921.

To the SURGEON GENERAL, NAVY DEPARTMENT,
Washington, D. C.

MY DEAR SIR: Will you kindly supply, in so far as possible, the information which you may have pertaining to the following:

1. Please state number of Navy hospitals fully constructed and ready for use; location, city and State; beds now available; beds occupied.
2. Please state the number of Navy hospitals now under construction.
3. Are the Navy hospitals now fully constructed available for use of the injured veterans of the late war?
4. How many patients—veterans of the late war—are now undergoing hospitalization; the number who are unable to obtain hospitalization because of the lack of facilities?
5. What classes of injuries or ailments require special hospitals in order to properly treat the cases?
6. Number of hospitals in New York State taking care of sailors (and marines, if under your jurisdiction) of the late war; number of patients being cared for by each; location of each hospital; number of applicants for hospitalization who are unable to receive treatment because of the lack of hospital facilities.

Your prompt replies to the foregoing will be much appreciated.

Very truly, yours,

CONSULTANTS ON HOSPITALIZATION,
———— ————, *Secretary.*

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DEPARTMENT OF THE NAVY,
BUREAU OF MEDICINE AND SURGERY,
Washington, D. C., May 19, 1921.

GENTLEMEN: With reference to your letter of May 17, 1921, I beg leave to inform you, replying to paragraph (1), that the following information was transmitted April 1, 1921, for the information of the committee of which Gen. Charles G. Dawes was chairman, and also to your committee:

	Bed capacity.	Prewar (permanent).	New construction.	Beds vacant.
Annapolis, Md	240	94	146	121
Charleston, S. C	520	.....	520	336
Chelsea, Mass	970	180	790	784
Fort Lyon, Colo	735	283	435	284
Great Lakes, Ill	1,222	126	1,096	786
Hampton Roads, Va.[1]	682	.....	682	191
Key West, Fla	58	.....	58	49
League Island, Pa	610	.....	610	314
Mare Island, Calif	1,081	341	740	154
New Orleans, La	212	.....	212	174
Newport, R. I	635	144	491	514
New York, N. Y	788	430	358	295
Norfolk, Va	312	460	.....	149
Parris Island, S. C	151	40	111	89
Pensacola, Fla	133	.....	133	98
Portsmouth, N. H	396	120	276	353
Puget Sound, Wash	195	121	74	112
San Diego, Calif	500	.....	500	131
Washington, D. C	466	223	243	339
Total	10,406	2,488	7,469	5,533

[1] Gulfport, Miss., is not included.

The above information shows all the naval hospitals now in commission, but does not show the structures which have been converted or torn down since the armistice. The naval hospital at Wards Island, of 800 beds, was turned over to the Metropolitan State Hospital authorities and it is understood is now being used, in part, for the care of beneficiaries of the Bureau of War Risk Insurance. The naval hospital, Greys Ferry Road, Philadelphia, Pa., of 900 beds, and Cape May, N. J., of 220 beds, were turned over, completely equipped, to the United States Public Health Service and, it is understood, are now in operation by that bureau for the care of War Risk patients. The naval hospital and training station at Gulfport, Miss., with 170 beds in the hospital and approximately 900 beds in the camp, has been recently turned over to the Public Health Service, completely equipped for operation by that bureau.

The beds reported vacant in the above table represent returns for the week ending March, 1921. During the year 1920 the number of Navy and Marine Corps patients has been as high as 7,576, so that there were then but 3,000 beds vacant, including those not available for general cases in contagious wards and not allowing for necessary administration leeway. It is necessary also in considering vacant beds in the Navy to provide for an excess at coastal locations, to take care of the sick of the fleet as the ships move from place to place.

At the present time the vacant beds that might be available, should sufficient Navy personnel be on hand to administer the institution, are not actually available at the southern naval hospitals owing to the white and black segregation question which has been brought up.

The naval hospitals on the west coast should not be considered as available for War Risk patients, as the small number of vacant beds must be reserved for Navy and Marine Corps personnel.

The naval hospitals at the present time have not their usual quota of sick, due largely to the recent absence of the Atlantic Fleet in southern waters, the cessation of recruiting for some months, rapid discharge of enlisted personnel to reduce the Navy to 100,000 strength, mild winter season, and early spring.

2. In reply to paragraph (2) of your letter, I am pleased to inform you that but one naval hospital is now under construction at San Diego, Calif., to replace the existing temporary institution in the San Diego exposition grounds.

3. In reply to paragraph (3), I wish to advise you that weekly reports are made to the Director of the Bureau of War Risk Insurance, indicating the availability of each naval hospital for the care and treatment of beneficiaries of that bureau. This report is based on the number of vacant beds at each hospital not needed for Navy and Marine Corps patients and on the ability of the personnel available at each place and within the medical department in general to properly care for these patients. The report of May 12, 1921, indicated 67 tuberculosis patients under treatment and 33 beds available and 324 general patients under treatment and 598 beds available.

4. In reply to paragraph (4), this question is partly answered in the preceding paragraph. The bureau is not cognizant of the number of patients undergoing hospitalization, this being a matter entirely outside its province.

5. In reply to paragraph (5), I wish to advise you that the naval hospitals admit all medical or surgical cases requiring hospital treatment, also neurological cases and psychoneurosis cases without frank mental symptoms and not requiring restraint. Such psychoneurosis cases and cases of suspected tuberculosis are only admitted for diagnosis. When diagnosed, it is expected that the patient would be removed to hospitals specializing in the treatment of such cases. All naval hospitals are general hospitals, and, while fully equipped, they are not designed to take care of psychoneurosis cases or tuberculosis cases except the naval hospital, Fort Lyon, Colo., which only takes tuberculosis cases. It is understood that the Director of the Bureau of War Risk Insurance, through the United States Public Health Service, is utilizing certain civilian, State, and Government institutions for the treatment of cases requiring special care.

6. In reply to paragraph (6), I regret that I am unable to furnish you this information, as the questions asked therein are outside my cognizance and beyond the province of the bureau. The naval hospital, Brooklyn, N. Y., reports 35 general patients undergoing treatment and 65 beds available. No applications for treatment are made direct to the commanding officer of naval hospitals. War Risk patients who are received in the naval hospitals are directed to report for treatment by the local supervisor representing the Bureau of War Risk Insurance, to whom, it is understood, all applications for hospitalization are made or forwarded.

Trusting that the above may give you the information that you are seeking from the naval medical department, I remain,

Very truly, yours,

———— ————,
Surgeon General, United States Navy.

COMMITTEE OF CONSULTANTS ON HOSPITALIZATION,
Arlington Building, City.

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WAR DEPARTMENT,
CONSULTANTS ON HOSPITALIZATION,
Room 1023, Arlington Building, May 17, 1921.

To the SURGEON GENERAL, WAR DEPARTMENT,
Washington, D. C.

MY DEAR SIR: Will you kindly supply, in so far as possible, the information which you may have pertaining to the following:

1. Please state number of Army hospitals fully constructed and ready for use, location, city and State. Beds now available; beds occupied.
2. Please state number of Army hospitals now under construction.
3. Are the Army hospitals now fully constructed available for use of injured veterans of the late war?
4. How many veterans of the late war are now undergoing hospitalization; the number who are unable to obtain hospitalization because of the lack of facilities.
5. What classes of injuries or ailments require special hospitals in order to properly treat the cases?
6. How many hospitals in New York State are taking care of soldiers, also marines (if this comes under your jurisdiction); number of patients cared for by each; location of each hospital; number of applicants for hospitalization who are unable to receive treatment because of lack of hospital facilities.

Your prompt reply to the foregoing will be much appreciated.

Very truly, yours,

CONSULTANTS ON HOSPITALIZATION,
———— ————, *Secretary.*

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WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, May 24, 1921.

Mr. N. N. HEFFNER,
Secretary Consultants on Hospitalization,
Room 1023, Arlington Building, Washington, D. C.

DEAR SIR: In reply to your inquiry of May 17, the following information is given. The paragraph numbers are yours:

	Beds now held for use for Bureau War Risk cases.	Bureau War Risk cases now using these beds.	Bureau War Risk beds now empty and therefore available to that bureau.	Total number of beds which will be available to Bureau War Risk by Oct. 1 if this office is notified in time to send personnel and make preparation.
Fitzsimons General Hospital, Denver, Colo	500	448	52	1,200
Walter Reed General Hospital, Washington, D. C.	300	69	231	750
Letterman General Hospital, San Francisco, Calif.	250	66	184	600
Service Hospital, Fort Sam Houston, San Antonio, Tex.	250	110	140	600
Service Hospital, Fort Riley, Kans.[1]				300
Army and Navy General Hospital, Hot Springs, Ark.	150	41	109	150
Service Hospital, Fort Leavenworth, Leavenworth, Kans.[1]				100
Service Hospital, Fort Sheridan, Ill.[2]				100
Service Hospital, Fort McPherson, Atlanta, Ga.[2]				100
Service Hospital, Fort Russell, Wyo.[2]				100

[1] No beds available now or until additional personnel is sent to this hospital.
[2] Only 25 beds available at present.

2. William Beaumont General Hospital, El Paso, Tex. After July 1 this hospital will be completed. By October 1 we may be able to care for 100 Bureau of War Risk Insurance cases at this hospital, and a smaller number may be admitted July 1.

3. To the extent as shown in 1 and 2.

4. Only our general hospitals report the numbers to this office. They report 734 under treatment May 13. However, a small additional number are under treatment.

NOTE.—The Bureau of War Risk Insurance should be able to give the exact total number.

This office is unable to answer the last portion of No. 4. The Bureau of War Risk Insurance should have some data on that phase of the matter.

5. Maxillo-facial, tuberculosis, mental diseases, etc. In this connection you are advised that 10 more maxillo-facial (special) cases can be cared for at the station hospital, Jefferson Barracks, St. Louis, Mo., and at the station hospital, Columbus Barracks, Columbus, Ohio.

The Walter Reed General Hospital is the only other military hospital prepared to treat such cases.

6. No Army hospitals in New York State caring for Bureau of War Risk Insurance cases and none of sufficient size to afford available space for such work in addition to the active military sick in them.

REMARKS.

Of the maximum number of beds which will be available at station hospital, Fort Sam Houston, if you call upon us for them, 250 may be occupied by pulmonary tuberculosis if you so desire.

Of the maximum number of beds which will be available at the Walter Reed General Hospital, the Letterman General Hospital, and the station hospital, Fort Sam Houston, if you call upon us for them, 200 beds at each place may be occupied by selected (not disturbed) neuropsychiatric cases.

Very truly, yours,

FLOYD KRAMER,
Major, Medical Corps, United States Army.

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PUBLIC HEALTH,
ROOM 1023, ARLINGTON BUILDING,
May 18, 1921.

SURGEON GENERAL, UNITED STATES PUBLIC HEALTH SERVICE,
Washington, D. C.

MY DEAR SIR: Will you kindly supply, in so far as possible, the information which you may have pertaining to the following:

1. Please state number of Public Health hospitals fully constructed and ready for use, location, city, and State.

Beds now available; beds occupied.

2. Please state the number of Public Health hospitals now under construction.

3. Are the Public Health hospitals now fully constructed available for use of the injured veterans of the late war?

4. How many veterans of the late war are now undergoing hospitalization; the number who are unable to obtain hospitalization because of the lack of facilities?

5. What classes of injuries or ailments require special hospitals in order to properly treat the cases?

6. How many hospitals in New York State are taking care of soldiers, sailors, and marines of the late war? How many patients being cared for by each? Location of each hospital, number of applications for hospitalization who are unable to receive treatment because of the lack of hospital facilities.

Your prompt reply to the foregoing will be much appreciated.

Very truly, yours,

CONSULTANTS ON HOSPITALIZATION,
———— ————, *Secretary.*

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TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, May 25, 1921.

Miss M. M. HEFFNER,
Secretary Consultants on Hospitalization,
Room 1023 Arlington Building, Washington, D. C.

MADAM: Acknowledgment is made of your letter of May 18, 1921, making inquiry in regard to the hospital facilities of the Public Health Service available for veterans of the late World War, and in addition thereto requesting information as to the number of patients in Public Health Service hospitals, the number of hospitals, hospitals under construction, and data of a similar nature.

There are inclosed herewith a copy of bureau weekly census report of the Public Health Service hospitals for the week ending May 14, 1921, and supplement sheet thereto, which contain the information you have requested as to the number and location of Public Health Service hospitals, together with the number of beds occupied and those available in every service hospital functioning at the present time.

In reply to your second question regarding Public Health Service hospitals under construction, it is presumed that you desire information regarding those hospitals now being erected by this service, not those existing properties acquired by this service by lease or transfer which are undergoing alterations and repairs preparatory to being opened as Public Health Service institutions. There are being erected two such hospitals, one at Dawson Springs, Ky., and one at Chicago, Ill., which institutions will have bed capacities for, approximately, 500 and 850 patients, respectively.

There are, however, a number of other hospital properties which have been acquired by lease or transfer, which have not as yet been opened. These are listed below:

Colfax Hotel, Colfax, Iowa (general): Approximately 200 beds when the necessary alterations are made, for which at the present no funds are available.

Fort William Henry Harrison, Helena, Mont. (general): At the present time just being opened, with approximately 100 beds. Can be extended to more than double this capacity when funds are available and demand indicates the necessity for additional beds.

Excelsior Springs, Mo. (probably tuberculosis): An undeveloped property which could ultimately be developed to 200 or more beds when funds are available.

Hahnemann Hospital, Portland, Oreg. (general): Approximately 170 beds; expected to be ready for occupancy within the next two months.

Fort Walla Walla, Wash. (tuberculosis): Approximately 240 beds when developed. Certain amount of money available.

Fort Mackenzie, Sheridan, Wyo. (neuro-psychiatric): Approximately 400 beds; a certain amount of money available.

Fort Logan H. Roots, Little Rock, Ark. (neuro-psychiatric): Approximately 240 beds when alterations are completed.

The Public Health Service has also taken over the naval training camp at Gulfport, Miss., but is not attempting to open the same. The development of this place depends on certain decision as to whether it is to be used by the Public Health Service or as a national home for disabled soldiers; also, what class of patients are to be placed in this institution. Some difficulty has been had in the transfer of this property, and the matter is still unsettled.

In answer to your question, "Are the Public Health Service hospitals now fully constructed available for use of the injured veterans of the late war?" you are answered affirmatively.

With regard to your fourth question, by referring to the inclosed census report sheet you will be able to ascertain the number of cases hospitalized by the Public Health Service. So far as the Public Health Service is concerned, it is believed to be more or less accurate to say that no discharged soldier has applied for treatment to the Public Health Service who has not been offered such facilities as exist. Many have been unwilling to accept these facilities, and for this reason remain unhospitalized. The number of these is problematical. It is suggested that further information relative to this matter could probably be obtained from the Bureau of War Risk Insurance.

With reference to the question as to what classes require special hospitals for their care and treatment, the Public Health Service in general operates three classes of hospitals—tuberculosis, neuro-psychiatric, and general. Certain hospitals have been designated to receive patients with surgical tuberculosis, special personnel and equipment being supplied. The same arrangement applies to chronic bronchitis, asthma, cardiovascular conditions, and nephropathies; also orthopedic, nerve, and other branches of surgery.

Certain cases of neuro-psychiatric patients likewise require certain classes of hospitals. We are operating one hospital for the care of epileptics and two hospitals for neuropsychoses and other hospitals for insane. It is almost impossible to indicate more clearly in a letter the care given in many of these cases.

With regard to your question as to the number of hospitals in New York State treating and caring for soldiers, sailors, and marines of the late war, you are advised that there are six Public Health Service hospitals now operating in the State of New York. (See attached census report sheet.) The number of private hospitals with which the Government has contracted to care for ex-service men is 203; additional information concerning contract hospitals could best be secured from the Bureau of War Risk Insurance, room No. 1007.

For the Surgeon General:
Respectfully,

J. D. LONG, *Surgeon,*
Executive Officer.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 21. Section 313 of the war risk insurance act as amended is hereby amended by adding thereto, immediately following subsection (2) thereof, a new subsection to be known as subsection (2a) and to read as follows:

"(2a) The veterans' bureau is hereby authorized to pay the beneficiary or other person or persons in whose name an action may have been commenced or prosecuted, and to all witnesses in such action, fees and mileage, the same as is now paid and allowed to witnesses in the United States courts, in going to, remaining at, and returning from place of trial, and without any regard to whether the action, if any, is brought or prosecuted in a court of the United States or some other court.

"In all cases of assignment of causes of action under this section, whether the assignment be heretofore or hereafter made, where it shall appear to the director to be to the best interests of the beneficiary so to do, the director, acting for and in the name of the United States, may assign the cause of action back to the beneficiary or to his personal representatives."

Mr. CABLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 17, line 13, insert as a new section:

"SEC. 21½. That section 401 of the war risk insurance act is hereby amended by adding thereto the following: '*Provided further*, That John I. Eopolucci, an enlisted sailor and member of the armed guard crew of the steamship *Aztec*, shall be deemed to have been granted insurance in the sum of $5,000 permitted under the war risk insurance act.'"

Mr. BARKLEY. Mr. Chairman, I make a point of order against that paragraph.

The CHAIRMAN. The Chair will state that an amendment of that character would not be in order at this time when amendments perfecting the text are being considered.

Mr. ROGERS. I have an amendment to offer as a new section.

The CHAIRMAN. Do any other gentlemen desire to offer amendments to perfect the text? If not, the gentleman from Ohio may offer his amendment.

Mr. CABLE. Mr. Chairman, I rise to honor the first member of the United States Navy to lose his life during the World War. The amendment seeks to carry out the intent of the American people by giving to his widowed mother, who is a resident of the District of Columbia, a policy of insurance.

By section 401 of the war risk insurance act, every sailor, soldier, and marine in the service of his country on the 6th day of April, 1917, or thereafter, who did not have an opportunity to apply for and receive a policy of insurance and who dies in active service, shall be deemed to have applied for and to have been granted insurance.

John I. Eopolucci served his country faithfully and well, enlisting in the United States Navy in 1907 as an apprentice seaman. He was advanced and promoted from time to time by personal merit to the office of boatswain's mate, first class, on the U. S. S. *Dolphin*, the boat used exclusively for the Secretary of the Navy. Just prior to the declaration of war, by an order of the Secretary of the Navy and at the direction of the President of the United States, John I. Eopolucci was transferred from the *Dolphin* to a merchant ship known as the *Aztec*. He with 11 other United States sailors acted as an armed guard crew to that vessel, under Commander Gresham of the United States Navy.

On April 1, 1917, when the *Aztec* was off the coast of France, it was torpedoed or mined. Commander Gresham was the last man to leave the *Aztec* and he saw Eopolucci seeking to assist the sailors of the *Aztec* into a lifeboat, pulling safely away from the ship. Commander Gresham, with all of the other members of the armed guard crew, left in another lifeboat and were picked up about 2.30 a. m., April 2, 1917. In Eopolucci's lifeboat there were emergency rations and water, and so far as evidence is concerned no exact date of death can be ascertained, but the records at the Navy Department show the date to be April 1, 1917. The war risk insurance act was effective April 6, 1917, the day war was declared against the German Government. Therefore, Eopolucci's widowed mother can not file her application and obtain the benefit of the war risk insurance act and become a beneficiary, as the record shows her son John died April 1. John was her main support and he had contributed from each pay he received as a sailor to aid her in the maintenance of life. He is the only sailor of the Navy who never had a chance to apply for or under the act is deemed to have applied for insurance.

The real intent of the American people and of Congress, when the war risk insurance act went into effect, was to aid and care for the dependents of those who lost their lives in the service during the World War. It is for that purpose I rise to-day and offer this amendment. A precedent for this amendment was established when a preceding Congress determined that each officer and enlisted man attached to the U. S. S. *Cyclops* on the 4th day of March, 1918, and every officer and enlisted man who on said date was a passenger on said vessel, shall be deemed to have been granted insurance in the sum of $5,000, permitted under the war risk insurance act. The *Cyclops*, as you all may know, has never been accounted for, nor has any reason, so far as I know, been determined for her disappearance. There are no records to show how the men on that vessel lost their lives, but Congress did grant to their dependents policies of insurance.

Eopolucci's record is one of the best in the Navy. His physical condition was good, and the fact that he had been advanced so often shows that he was serving the Nation courageously and well. These men are entitled to the highest consideration that it is possible to give them by an act of Congress. So also should the widowed mother of this man receive some compensation for the loss of her son and the support he was giving her. As the facts stand to-day she has lost her son in the great cause and is receiving no compensation for her sacrifice.

By the adoption of this amendment, the Members of Congress can indicate their appreciation for the sacrifice this sailor made, honor his memory, and grant to the one who mourns his loss some slight reward that she is justly entitled to. There is no actual proof that John I. Eopolucci did not survive until April 6, 1917.

I therefore respectfully submit that the spirit of fair play that lies in the hearts of all American people, the desire and intent to right all wrong, and the wish to heal the wounds of the war should cause the Members to-day to adopt the amendment.

Mr. CHINDBLOM. Did this accident or this death occur on April 1, 1917?

Mr. CABLE. I am glad the gentleman asked the question. No one knows when the death occurred. This man was last seen in a lifeboat pulling away from the *Aztec* on April 1, 1917, about 11 o'clock at night. Nothing was ever seen of the man afterwards. In that lifeboat there were emergency rations and a supply of water. Nothing has been known of it since. But the man was last seen on April 1.

If the Chair please, there is no more important question before this House to-day than the taking care of a man who gave his life for his country, particularly a man who never had any chance to take out insurance, and who has a widowed mother in the District of Columbia who needs that help.

Mr. RAMSEYER. Will the Chair hear me? The Chair made a statement that would absolutely preclude the offering of amendments to section 401, because the next section of this bill to which there is an amendment is section 402. This morning——

The CHAIRMAN. The Chair will cross that bridge when he comes to it.

Mr. ROGERS. Will the Chair permit an inquiry?

The CHAIRMAN. Yes.

Mr. ROGERS. I have an amendment, and I think the gentleman from Iowa has another amendment to section 401. The prior section has been read and passed. The next section about to be read is 402. In the interest of orderly procedure and in the interest of having this bill arranged in its proper chronological order, is it not, in the view of the Chair, proper to offer an amendment to section 401, provided that the amendment offered is germane and otherwise in order?

Mr. RAMSEYER. Germane to the bill.

Mr. ROGERS. If section 402 should be read, which it would be if the Chair did not allow an amendment to section 401 to be offered at this time, the point of order which was made this morning against the gentleman from Iowa [Mr. RAMSEYER] would hold. The Chair would very naturally say that the proper place for the insertion of an amendment to 401 had been passed, and therefore he would be bound to sustain that point of order. I submit that if section 401 is to be susceptible of amendment at all, it ought to be amended at this point and at no other.

Mr. STAFFORD. Mr. Chairman, I should like to submit to the Chair an argument against the propriety of considering amendments to other sections of the war risk insurance act than those that are not included in the bill under consideration. I question very seriously whether under the rules of the House it is in order on a bill such as this, even though it presents amendments to various sections of the war risk insurance act, to present amendments like the one offered this morning by the gentleman from Iowa [Mr. RAMSEYER] or like the one now proposed by the gentleman from Ohio [Mr. CABLE] to this bill when such sections are not under consideration in the bill as reported. This is a large question that I do not believe has been passed upon except once, to my recollection, in the House. The question is, when a bill is presented like this one, amending, say, two, three, or four specific sections of a certain measure which contains perhaps a dozen sections, whether it is in order for any Member to offer an amendment to a section that has not been included for change. I take it that the reason for the rule of the House based on the relation of germaneness to the subject matter under consideration by the House is that it is founded on the idea that it is intended to dispatch the legislation under consideration, and for the further reason of protecting the House in the consideration of the proposed legislation by having the proposed legislation given consideration first by a committee as to whether it should be considered by the House at all. Otherwise there would be no logic in the rule which has been followed that when a Senate bill is presented to the House and referred to a committee for consideration, even that committee has no power to report any amendment except one that is germane to the bill, even though it may have authority to report legislation of a different character.

Mr. ROGERS. Will the gentleman yield?

Mr. STAFFORD. Not now. I call the attention of the Chairman to a specific ruling by Speaker Clark when this very question was up for consideration, in which the Speaker upheld the contention of those protesting against the innovation attempted here. The point was contested by Messrs. Sherley, Fitzger-

ald, and myself, and also on the other side in support by Mr. CRISP. The bill under consideration then was a Post Office appropriation bill in which the Committee on the Post Office and Post Roads had brought into the House substantive legislation amending three sections of the Criminal Code. When the bill came back into the House the gentleman from California, Mr. Randall, offered a motion to recommit that had relation to other sections of the Criminal Code but did not have any direct relation to the provision on which he sought to hang his amendment.

The section of the Criminal Code that was amended and a part of the bill under consideration was section 215. That related exclusively to preventing the use of the mails for fraud. Mr. Randall offered an amendment to forbid the use of the mails in the sending of literature relating to liquor of any kind or any kind of advertisement relating to the sale of liquor. Although that amendment would have been in order to another section of the Criminal Code, but which, however, was not attempted to be reviewed and was not under consideration by the House in the amendments reported by the Committee on the Post Office and Post Roads, after elaborate argument by Messrs. Fitzgerald, Sherley, CRISP, and myself the Speaker held that it was not germane to the subject matter under consideration.

Mr. Chairman, if we are going to indulge in this practice that when the committee brings in a bill amending, say, two sections of a law that comprises 20 or 30 sections, that because there is an amendment of two sections it opens up for consideration every section in the original law, amendments to other sections which have no relation to the section attempted to be amended by the bill presented by the committee, then we put behind us that safeguard and protection which is necessary in legislation—that before legislation is considered in the Committee of the Whole House on the state of the Union it must first be considered by a committee of the House.

Mr. RAMSEYER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. RAMSEYER. On the question of germaneness, there are seven or eight specific sections in title 2 relating to insurance. There are amendments sought to be offered here at this place relating to insurance.

The CHAIRMAN. The Chair is ready to rule. The Chair will not pass on the question whether the amendment to section 401 if germane otherwise would be in order. The amendment of the gentleman from Ohio proposes to amend a general provision of the law by the addition of a specific provision relating to one person apparently within the excluded class. The Chair thinks that such an amendment is not in order, and therefore sustains the point of order.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 13, insert the following as a new section:

"SEC. 21½. Section 401 of the war risk insurance act, as amended, is hereby further amended by adding at the end of said section the following language:

"'*Provided further*, That any person in the active service who while in such service subsequent to the 6th day of April, 1917, and prior to the 6th day of October, 1917, became totally and permanently disabled without having applied for insurance shall be deemed to have been granted insurance in the sum of $10,000, payments thereafter to be made in accordance with existing laws and regulations.'"

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order against the amendment that the proposed amendment is not germane to Title II of the bill, because of the fact that Title II of the bill amends certain sections of Title IV of the original Bureau of War Risk Insurance, and this goes outside of those sections and makes a new section. I make that point of order on the ground stated by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. BARKLEY. Mr. Chairman, I make the further point of order that it is not germane to the section we have under consideration.

Mr. ROGERS. Mr. Chairman, dealing first with the point of order made by the gentleman from Indiana, which the Chair in his last ruling expressly left undetermined, I desire to call the Chair's attention to the rather extraordinary breadth of the amendments carried in Title II of the bill before the House. There are 15 different sections in Title II, each comprising a separate amendment to the existing war risk laws. The existing war risk laws are in four parts. Part 1 deals with one phase of the war risk activities, part 2 with another, part 3 with another, and part 4 with another. Every one of these four parts of the war risk laws is amended by the pending Sweet bill. Section 15 amends section 29; section 16 amends section 31—both in the first part of the war risk law. Section 17 amends a section in the second part. Sections 18 to 21, inclusive, amend the third part. Then we come to section 22, which amends section 402 of the war risk act.

The last eight sections of the bill all amend part 4 of the war risk insurance law. Part 4 of the war risk insurance law relates to insurance. While the bill before the House has gone very far in amending other parts of the existing law, part 4 of the war risk law is amended with particular freedom as shown by the fact that out of the 15 sections carried in title 2 of the pending bill, 8 relate to insurance operations of the war risk law and amendments.

I shall not attempt to describe in detail to the Chair, because he is familiar with them, what those sections provide or the extent to which these last sections to the pending bill vitally affect existing war risk insurance legislation. They cover many fields and phases of existing law. To me it would be an absurdity and an anomaly if it rested solely with the Committee on Interstate and Foreign Commerce of this House to decide what amendments should be introduced, what portions of the war risk insurance act could be dealt with, and not allow the House to consider other equally vital and important phases of the law. Of course, I am familiar with the rule that where a committee proposes a single change in a law under color of amendment, there can not be proposed a change in another portion of the law. But here we have a case where the Committee on Interstate and Foreign Commerce proposes a bill which changes the war risk laws in a great many respects.

The bill adds new sections of an entirely irrelevant character, adding subject matter which had not before been contemplated in the war risk law. My amendment is germane at this point, because it is the only point in the bill where it could be offered. It is germane as an amendment to another section because surely the power of the House must extend to a sixteenth section when the proposal is made to amend 15 sections. It is germane as to subject matter, because it is precisely in line with the substance of section 401.

Mr. SANDERS of Indiana. Mr. Chairman, the amendment proposed by the gentleman from Massachusetts [Mr. ROGERS] is a new section to the Bureau of War Risk bill. It presents a different question than would be presented——

Mr. ROGERS. Oh, my amendment is a proviso to an existing section of the war risk bill.

Mr. SANDERS of Indiana. Does the gentleman number it 401½?

Mr. ROGERS. No. I provide——

Section 401 of the war risk insurance act as modified by section 12 of the act entitled an act to amend, etc., is hereby further amended, by adding at the end of said section the following language: *Provided further*—

And so forth.

Mr. SANDERS of Indiana. Mr. Chairman, the amendment offered by the gentleman from Massachusetts presents clearly the question of whether it shall be germane to leave the sections that are proposed to be amended, bring in an entirely new section of the bill, and bring it in by way of amendment. I have not been able to turn to them, but there have been certain rulings holding that when a number of sections are amended in the bill, then you can on the floor of the House, or in committee, offer an amendment to repeal the entire law. It is an analogy to that ruling that it has sometimes been contended that whenever more than one section is dealt with you can, therefore, amend any other section. That is not at all an absolute rule, and it has been qualified by a number of decisions and those decisions hold that when the sections that are proposed to be amended deal with the entire substance, so that the heart of the legislation is being considered, then it does open up the entire matter. But it can not be contended that if the sections of the Civil Code, for instance, were to be amended, that thereby it would open up the entire Civil Code for amendment. It seems to me it would be a bad precedent to hold that merely because there were more than two sections being dealt with, therefore it opens up the entire field covered by the war risk act.

The CHAIRMAN. It is always difficult to lay down a general rule with respect to admissibility of amendments which can be applied in every instance without question of doubt or without exception. The Chair is of opinion that, generally, it has been held that an amendment offered as a new section must be germane to the preceding section, but the Chair thinks that the rule is better stated by saying that the new section must be germane to the bill at the place at which it is offered. The Chair thinks that if the amendment of the gentleman from Massachusetts is in order at all, it is in order at the place at which he offered it.

The next question that arises is whether or not any amendment to section 401 of the war risk insurance act, which is not

amended by the bill, as reported by the committee, is in order. The Chair confesses to having a considerable degree of difficulty with that question. The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee, nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case.

In the particular case under consideration it appears that the committee has reported a bill which amends several sections of Title IV of the bill in various particulars. The Chair does not feel that he can hold that no amendment to a section not dealt with by the committee is in order. The question, therefore, comes down to whether or not the particular amendment proposed by the gentleman from Massachusetts is germane to section 401, if any amendment to that section is permitted.

The Chair thinks that the amendment proposed is clearly germane to that section, and the Chair thinks that the general character of the amendments proposed by the committee to various sections of Title IV is such that it is in order to amend section 401 in a germane way, even though that particular section is not dealt with by the committee or by the bill. The Chair, therefore, overrules the point of order.

Mr. ROGERS. Mr. Chairman, my amendment is extremely simple, and it may perhaps be said to be rather limited in its application. Gentlemen will recall that we declared war on the 6th day of April, 1917. The first war-risk law was enacted on the 6th day of October, 1917. Consequently there was an interval between those two dates of exactly six months. During that time we raised an Army. We sent divisions overseas. Our men were engaged in training in this country and, to a limited extent, in conflict across the ocean. Thirty-nine men were totally and permanently disabled during those six months. Just 39 men out of the millions of men whom we sent forth were totally and permanently disabled before October 6, 1917. Of course, they had had no opportunity to take out war-risk insurance, because the war-risk insurance law had not been passed when they were wounded. After it had been passed they were by hypothesis totally and permanently disabled, so that they were not entitled to take out insurance. Congress has recognized that those men who went early and saw their duty before the rest are entitled to special treatment and, if you like, special favor. Congress has bestowed upon those men what is called automatic insurance of $25 a month. That represents a $4,000 insurance policy. My amendment does this, and this only: It provides that as to those 39 men who are totally and permanently disabled to-day as a result of their war service, men who could not have taken out insurance because they never had the opportunity, we shall give them a $10,000 insurance policy instead of a $4,000 insurance policy.

That is all that it does. Now, why should we do this? Why should we go further than we have?

Mr. CHINDBLOM. Before the gentleman leaves the facts, were any killed between that period?

Mr. ROGERS. There was a considerable number killed.

Mr. CHINDBLOM. And their dependents would also get insurance?

Mr. ROGERS. No; my amendment is limited to those who became totally and permanently disabled.

Mr. CHINDBLOM. I did not observe the reading.

Mr. NEWTON of Minnesota. If the gentleman will yield, of course quite a number died from this cause or that cause during the six months.

Mr. ROGERS. That is exactly the question which the gentleman from Illinois has put.

Mr. NEWTON of Minnesota. I thought he only asked with reference to those killed, and I referred to those who died from diseases.

Mr. ROGERS. That is true.

Mr. NEWTON of Minnesota. It is involved and involved equitably with the question not only of taking care of those totally and permanently disabled, but also taking care of the dependents of those who died from disease or who were killed.

Mr. ROGERS. I am not quite so sure of the equity. Insurance is primarily contractual. These men are wrecks of their old selves. They are totally and permanently disabled. I am not quite sure whether the same kind of equity is carried on to the families of men who died before they had a chance to take out this insurance. The question comes, of course, in this case what these 39 men would have done if they had had a chance to take out the insurance.

Mr. CHINDBLOM. If the gentleman will yield, because I think it is important to discuss it, what about the men who were disabled within say 120 days, the period used in the law after October 6, who knew nothing about any insurance at all? Are they on a different plane?

Mr. ROGERS. I personally should like to take care of those men also; but we will have to draw the line somewhere, and it was suggested to me in the preparation of this amendment that the date when the war risk insurance law was enacted was as good an arbitrary date as we could select.

Mr. CHINDBLOM. But that is no good to the man who did not know.

Mr. ROGERS. That is true, and personally I have no objection to carrying it further——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask for two minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. ROGERS. I want to suggest to the committee why, in my judgment, this gratuity, if you want to call it that, is just. We had about four and three-quarter millions of men in the military and naval services during the war. All but about 100,000 of those men actually took out insurance—99 per cent of all the men who had the opportunity to take out insurance unquestionably did so. Ninety-seven per cent of the total enrollment actually did take out insurance. The presumption is, of course, that these 39 would have taken out insurance if they had had an opportunity, and if they were denied the chance it was not their fault. Shall we penalize them because they saw their duty early? Surely now, when they have become maimed and crippled for life they ought to have the protection of insurance.

Mr. MILLS. What was the average insurance?

Mr. ROGERS. The average insurance was just about $9,000, which is another reason, as I see it, why the present automatic insurance of $4,000 is clearly inadequate.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. ROGERS) there were—ayes 46, noes 57.

Mr. ROGERS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Sixteen gentlemen have arisen, not a sufficient number.

Mr. RAMSEYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 17, after line 13, insert a new section, as follows:

"That that part of the second sentence of section 401 of the war risk insurance act as amended in section 12 of 'An act to amend and modify the war risk insurance act,' approved December 24, 1919, which reads as follows:

"'Any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, and before the expiration of 120 days after October 15, 1917, or 120 days after entrance into or employment in the active service, becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life to monthly installments of $25 each,'" is hereby amended to read as follows:

"'Any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who, while in such service, has become totally and permanently disabled, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each.'"

Mr. RAMSEYER. Mr. Chairman, I want to take up a few minutes of the time of this body to explain the effect of the amendment I just offered. If I may have the attention of members of the committee in charge of this bill, and if they can get themselves in a frame of mind to forget for a few minutes the pride that most committees have in putting through their bills without amendments, I believe I can convince them of the justness of my amendment, and they will probably accept it.

Before I proceed further I wish to state to the members of the committee having charge of this bill that if I make a misstatement, either of fact or of law, I ask that some gentleman on the committee correct me. Congress declared war April 6, 1917. The first war risk insurance act for the benefit of the service men was passed October 6, 1917. Six months intervened between the passage of the war declaration and this war risk insurance act. The war risk insurance act, which became a law on October 6, 1917, provided for two kinds of insurance.

One was contract insurance, which had to be applied for and signed up for, and could be taken out to the extent of $10,000. As I understand it, nearly every soldier and sailor who took out any contract insurance took the maximum amount of $10,000.

The other kind of insurance that was provided for in this act was automatic insurance. Automatic insurance provided for in the act of October 6, 1917, covered all persons in the service from the date of the declaration of war on April 6, 1917, until 120 days after October 15, 1917, which protected all persons in the service up to February 12, 1918. On February 12, 1918, the doors to automatic insurance were closed, figuratively speaking, and they were not opened again until over a year after the armistice, to wit, December 24, 1919. The effect of this was that between February 12, 1918, to November 11, 1918, the date of the armistice, all persons who died or became permanently and totally disabled in the service and who did not have contract insurance had no insurance whatever.

On December 24, 1919, what is commonly known as the Sweet bill was enacted into law. This act, by retroactive legislation, went back and opened the doors to automatic insurance to certain classes of men. Prior to this act, as I have stated before, the doors to automatic insurance were closed on February 12, 1918, and after that date no person in the service was protected by automatic insurance during the rest of the time that the war continued. The Sweet bill, which became a law December 24, 1919, by retroactive legislation, gave the benefits of automatic insurance to all men for 120 days after they came into the service. The effect of this was that persons who entered the service on or after February 12, 1918, were given 120 days' protection by automatic insurance, a protection which they did not have while they were actually in the service. Another class of men were covered by automatic insurance, by retroactive legislation, in the Sweet bill. During the war the men had no protection between the time they were ordered by the local draft board to report and the time they were accepted at the mobilization camp. If something happened to these men between the place they reported to the local draft board and the mobilization camp and final acceptance, they were covered by this retroactive legislation passed over a year after the war closed. And to-day, in the second section of title 2 of this bill, you give the benefits of automatic insurance to still another class of men—that is, men who tried to enlist, usually in some special service in the War or Navy Department. These men would go to an enlisting officer and apply for some special service. They were told by the enlisting officer that the place they wanted was not then available. They were provisionally accepted and directed to go home and wait until called. If something happened to these men while they were at home or elsewhere awaiting orders, you give them automatic insurance, and you do more than that——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. RAMSEYER. I may not take up the five minutes, but I do want to make plain to the gentlemen who are here in the House the effects of my amendment, and I want to help the committee perfect this bill. I want to be fair and just to all the men who were in the service. The men that would be covered and protected by automatic insurance by my amendment are just as worthy as the men that have been given the benefits of automatic insurance by retroactive legislation passed as amendments after the close of the war to the war risk insurance act. They are just as worthy as the men who were taken care of by extending the automatic insurance for 120 days in the first Sweet bill, or the men who were taken from the local boards to the mobilization camps—and while that was going on something happened to them—or the men referred to in the second amendment of Title 2 in this bill, which was allowed to pass without objection, men who applied for special service in the Navy or the Army, and while they were waiting to be called something happened to them. You here to-day not only gave them the benefits of automatic insurance but if, pending that time they were waiting to be called, they applied for contract insurance, you validate those policies. You also provide in that section that those men who were provisionally accepted shall be considered in the active service. There is a question in my mind whether that section does not entitle them to an honorable discharge, even though they were never finally accepted, and thus possibly entitle them also to membership in organizations of ex-service men. But I am getting off the main purpose of my amendment. I am simply attempting to show by contrast the merit of the class of cases which will be benefited by my amendment—that is, the men who died or were permanently disabled in the service between February 12, 1918, and November 11, 1918, and who, through no fault of their own, did not have contract insurance.

Mr. SWEET. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. SWEET. In order that we may get the full scope of the gentleman's amendment, I would like to ask this question: Now, is it the purpose of the amendment to extend automatic insurance to all persons who were a part of the Army between April 6, 1917, and November 11, 1918?

Mr. RAMSEYER. Wait right there. All persons in the service were covered by automatic insurance between April 6, 1917, and February 12, 1918, by the act of October 6, 1917, so that my amendment would simply extend the benefits of automatic insurance to all men in the service from February 12, 1918, to November 11, 1918.

Mr. SWEET. But that would give automatic insurance to all men who died or were totally disabled between those dates who had not contract insurance. Is that true?

Mr. RAMSEYER. Yes, sir.

Mr. SWEET. What would that cost the Government?

Mr. RAMSEYER. Well, I will tell you this. The more men that there were who died or were permanently disabled between those two dates and who had no contract insurance, the more it would cost the Government. The more of such men that there are the more Members in this House that would be for my amendment. Up to this moment, since this bill has been under consideration, I am the only Member who has gotten up to plead the cause of the men who, without contract insurance, died or became totally disabled between February 12, 1918, and November 11, 1918. If there were 20 Members here on the floor of this House having such cases in their districts there would be no question about my amendment being adopted. But I will tell you, gentlemen, frankly, that I have tried to get the figures from the War Risk Insurance Bureau, and they tell me they can not get them. In a letter to me the director of that bureau states that the total number of automatic insurance awards granted for death and total disability between February 12, 1918, and November 11, 1918, is only 106. I do not think that there are a great many cases that would be covered by my amendment. If there were many such cases there would be a great demand for this legislation. I am not asking for this legislation because there are many or few persons to be benefited thereby. I am asking for this legislation because I think it is just, and more just, if I may use that comparison, than the cases heretofore taken care of by retroactive legislation, and further, because, so far as my information goes, this amendment would only take care of the cases of men who died upon the battle fields of France or became totally disabled over there, and who were in the service before the first war risk insurance act was passed on October 6, 1917, and so far as the records of the War and Navy Departments show they never refused contract insurance, nor had it presented to them.

Mr. SWEET. It grants every man insurance during that period automatically?

Mr. RAMSEYER. Yes; and it ought to.

Mr. SWEET. Every man who did not take out contract insurance?

Mr. RAMSEYER. Yes; that is the effect of my amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, under leave granted all Members to extend their remarks in the RECORD on this bill for five legislative days, I submit for printing in the RECORD a letter addressed by me to the Director of the War Risk Insurance Bureau and the answer thereto, both of which are self-explanatory:

APRIL 13, 1921.

Director R. G. CHOLMELEY-JONES,
Bureau of War Risk Insurance, Washington, D. C.

DEAR SIR: A little over a year ago I called upon your bureau to give me information relative to the number of men who died or were permanently disabled in the service between the dates of February 12, 1918, and November 11, 1918, and who had no insurance, either contract or automatic. You ought to have this information by this time and I am very anxious to secure it.

Awaiting an early answer, I am,

Very truly, yours,

C. W. RAMSEYER.

TREASURY DEPARTMENT,
Washington, May 4, 1921.

Hon. C. W. RAMSEYER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your letter of April 13, it is impossible to give the number of men who died or were permanently disabled in the service between the dates of February 12 and November

11, 1918, and who carried no insurance. The best information available is contained in the following statements:

The total number of deaths in all branches of the service between Feb. 12 and Nov. 11, 1918 93,782

The total number of men discharged with disability between Feb. 12 and Nov. 11, 1918 129,494

These figures were obtained from the War and Navy Departments and it is impossible to tell the degree of disability without a tabulation of each individual case.

The total number of insurance death awards granted by the bureau from February, 1918, to November, 1918 100,304

Of this number 99,270 were for contract insurance and 103 for automatic insurance.

The total number of insurance awards granted by the bureau for permanent total disability from February, 1918, to November, 1918 260

Of this number, 257 were for contract and 3 for automatic insurance.

Assuring you that it is a pleasure to furnish you with the foregoing information, I am,

Very sincerely,

C. R. FORBES, *Director.*

Mr. WINSLOW. Mr. Chairman, I move that all debate on the pending section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. FISH. Mr. Chairman, I am afraid that the temper of the House is such that this amendment may not get the consideration it deserves, so I am going to ask as a special favor of the House that Members give this matter some consideration. I do it because I know of instances in my own company where men were killed in action and their widows or their dependent mothers have not received one cent from the Government. Now, is not that fact worthy at least of some consideration, even if the temper of the House is such that gentlemen do not want to consider these amendments?

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. FISH. I regret I can not; I have only five minutes.

Mr. DENISON. Did they not receive compensation in those cases?

Mr. FISH. They received no insurance whatsoever. Let me finish my statement. The question has been asked, How many does this apply to? You can answer approximately how many it will apply to. Ninety-five per cent in the Army took out insurance; 95 per cent of 4,800,000. Five per cent did not take it out; somewhere around 240,000. Three per cent of those were casualties, about 7,200, and of those, 3,600—probably not half—had dependents.

Now, going back to this particular case, our regiment started to go over in October, 1917, before this insurance feature went into effect. The officers knew practically nothing about it, and the men knew less than nothing. When the regiment went over there, they were attached to the French Army, where they had no opportunity to get any information in regard to insurance. A number of the men, three alone in my own company, were killed without carrying any insurance.

Now, are you going to penalize the dependent mothers or the dependent wives of these soldiers because they did not take out insurance for one cause or another? Are you going to penalize them because when alive they did not take out insurance? Are you going to penalize the wives or the widows of the men who were killed on the front line of battle? That is why I ask your indulgence to consider this amendment.

Now, inasmuch as I have got but a few moments left, I shall point out another fact, and that is that no other Government in the world compelled its soldiers to deduct money from their pay to carry insurance that only went into effect when they were killed or were totally disabled. I hope if there is ever another war we will not do such a thing again. It is almost impossible for the clerk of a company to keep the books properly, deducting each month from the pay of the men to carry insurance in favor of their families if they should die in the service of their country. I hope we shall never do it again, but, if necessary, that the Government will provide liberally for the dependent wives and mothers of those men who paid the supreme sacrifice. Now, I am pleading for these 3,600 men, and asking that their dependent wife or mother be given automatic insurance amounting to $4,000 each; not the full amount of $10,000 which they should have taken out, but $4,000, which would include them under the automatic feature which included all the rest for 120 days.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. MADDEN. How much was the pay of the English, French, or Italian soldier, and how much could be deducted from the pay?

Mr. FISH. I will answer that. The English Government and the French Government and the Italian Government provided for the dependent mother and the dependent wife in every instance, and the English Government provided much more liberally, you may be surprised to know, than we did in this country, even with the insurance.

Mr. MADDEN. The gentleman has not answered my question.

Mr. FISH. The purpose of this amendment is to give Congress an opportunity to do something in behalf of these sorrowing dependents of the men who were killed or died in service who did not carry insurance, whether from lack of opportunity or any other reason.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. RAMSEYER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RAMSEYER. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 56, noes 59.

Mr. RAMSEYER. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. RAMSEYER and Mr. NEWTON of Minnesota to act as tellers.

The committee again divided; and the tellers reported—ayes 61, noes 81.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STAFFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park;

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes";

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon; and

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.

VETERANS' BUREAU.

The committee resumed its session.

The Clerk read as follows:

SEC. 23. Section 404 of the war risk insurance act is hereby amended to read as follows:

"SEC. 404. During the period of the war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, and into other usual forms of insurance, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the five-year period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided."

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

Gentlemen of the committee, we are nearing the end of this bill. I feel that the thanks of the Committee of the Whole are due to the committee in charge of this legislation. It is a great constructive and remedial measure. The distinguished gentleman from my own State [Mr. RAYBURN] had charge of the first legislation along this line that was adopted by this Congress, the bill creating the War Risk Bureau, and of the amendments to the original bill while my party was in control here. He and his colleagues on this committee have worked with great earnestness and ability for the soldiers of the late war. The gentleman in charge of this bill [Mr. SWEET] and the chairman of the committee reporting the bill [Mr. WINSLOW] are due the gratitude of the disabled soldiers of the country.

There is only one point at which I have not been able to agree with or yield to the committee, and that is with reference to section 6 of the bill. It is the desire of those who have not

been in agreement with the committee to have a straight vote on the proposition as to whether or not the figures "140" shall be substituted for the figures "50" on page 5, section 6, of the bill.

I submit to the judgment of the Committee of the Whole that the figures "140" ought to be substituted for the figures "50" as they appear in the bill. I hesitate to make the suggestion against the judgment of the committee having the bill in charge. I make it a rule whenever I possibly can do so to follow the committee, especially a committee as able as this one and that has manifested the interest in the soldiers which the members of this committee have manifested. What the soldiers have received has come from this committee. The committee are entitled to great credit for the manner in which they have undertaken to deal with the first duty which this Government owes to the men who have been in the service—the duty to the disabled. The men who returned to this country strong and vigorous after the war have earned the lasting gratitude of the country and are entitled to whatever it can do for them, but the men who deserve most and who deserve first at the hands of their country are the men whose hopes have been wiped out in the service which they rendered to the country.

This great Nation ought to do every single thing within its power for the boys who left our shores in all the vigor of their manhood and who came back here broken and ruined from the effects of their service.

Now, coming right down to the point, we all understand that the great difficulty about the situation of the disabled soldiers arises out of the fact that some of the crippled, disabled men have not been able to get in touch with the machinery which a grateful Government has established for their protection, rehabilitation, and maintenance. That is the theory, as I understand, upon which the 50 suboffices are to be established. But we are dealing with men who are not in full vigor and strength, that they are invalids, crippled men, and incapacitated men, and if there be need for any I do not believe 50 will be enough. Here is the weak spot, as I understand it, in everything that the Government has undertaken to do for its disabled soldiers. The poor fellow is often unable to reach the hand which the Government is extending toward him. That is why we should give him especial consideration and put it within the discretion of the director to establish more than 50 of these suboffices, if necessary, in order that one may be not too far from the disabled soldiers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the clerk will report.

The clerk read as follows:

Amendment offered by Mr. RHODES. Page 19, line 3, after the period insert the following: "No insurance shall be held to have lapsed during such time as any war-service bonus may have been due and unpaid the insured by the United States, under section 1406 of the act approved February 24, 1919 (40 Stats. L., p. 1151), in any sum equal to or in excess of the amount of premium or premiums due and unpaid by the insured, unless the insured otherwise elects in writing; *Provided further*, that this paragraph shall be deemed to become effective as of February 24, 1919, but shall be effective in no case where the insured has been paid such war-service bonus."

Mr. ROACH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROACH. I desire to offer an amendment to the amendment offered by the gentleman from Missouri, and I should like to inquire whether it is proper to offer it at this point.

The CHAIRMAN. The Chair thinks the gentleman from Missouri [Mr. RHODES] is entitled to debate his amendment for five minutes before the amendment to the amendment is in order.

Mr. RHODES. Mr. Chairman and gentlemen of the committee, on last Friday I gave the House notice that when this section in the bill was reached under the 5-minute rule, I should offer an amendment in order to meet a situation which I detailed at that time.

During the reading of the bill under the 5-minute rule we have heard much said with regard to the various provisions of this splendid piece of legislation. Every conceivable phase of the proposition has been touched upon at some angle or another. The question this amendment seeks to reach is this. This is a very meritorious and exceptional class of cases. Walter Warren Parsons, an honorably discharged soldier in my district, carried $10,000 insurance at the time of his discharge. Within four months of the date of his discharge he died. During that period of four months he failed to pay his insurance premium, but he had never received his $60 bonus. Therefore the father, James Parsons, the beneficiary under the policy, was denied the insurance by the Bureau of War Risk Insurance upon the ground that the $60 bonus money could not be applied toward the payment of the premium due, which amounted to about $28.

Mr. Chairman, I inquired at the Bureau of War Risk Insurance, and was informed on the 3d day of this month that there were about 60 known cases in the United States in which at the time of the death of the soldier the bonus money had not been paid, and has never been paid. Therefore at the time of the death of this soldier the Government of the United States owed him more money than he owed the Government on account of the arrearage of insurance premium. He owed the Government $28, and the Government owed him $60.

The amendment which I propose and which is offered to section 404 of the original war risk insurance act has for its object the accomplishment of but one purpose, namely, to apply the unpaid bonus money toward the payment of premiums due and unpaid at the time of the death of the soldier. I will say, Mr. Chairman, that during all the history of war risk insurance legislation this section 404 has never been amended up to the present time. It is a further fact, Mr. Chairman, that between the effective date of the soldiers' bonus act, which was February 24, 1919, and September 14, 1920, the date the Comptroller of the Treasury rendered the opinion in which he held that the bonus could not be applied to the payment of premiums, the $60 bonus money was so applied. In other words, for 17 months the $60 bonus money was applied toward the payment of unpaid premiums in such cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to speak for three minutes. Is there objection?

There was no objection.

Mr. RHODES. I would like to have the chairman of the committee hear me on this point. If this amendment prevails it does nothing more than to restore the principle which was in effect between the date of the bonus act and the date of the rendering of the decision of the Comptroller of the Treasury. I submit that if it was right to have the $60 bonus money applied as a payment to the discharge of the premium between those dates, it is right to so apply it now. This is a class of cases that does not deal with soldiers who have lost arms or limbs, that we have been told about, or the soldier who may have lost both eyes. Gentlemen, this amendment applies to the beneficiary, who is the wife, the child, the father, or the mother, the individuals who made a contribution to the war in flesh and blood.

In the particular case I have in mind, this boy was the son of a poor laboring man. He did not have the money with which to pay the insurance premium. The father is now an old man in feeble health, and if the same principle should be applied from this time forward which was applied during the 17 months that passed between February 24, 1919, and September 19, 1920, this old man would be entitled to the benefits of this insurance. This amendment reaches a most meritorious class of cases, and inasmuch as the object of the pending bill seems to be to make existing law more generous and more just, I want to appeal to you gentlemen to support my amendment in order that the bill may be more complete, a better, and a more perfect piece of legislation. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the amendment. The distinguished gentleman from Missouri has most effectively and eloquently set forth what he believes to be the needs of this particular case. He informs the House that, as far as he has been able to ascertain, there are something like 69 cases throughout the country. Gentlemen of the House, if this amendment is adopted it will mean that the Government will pay out in insurance the sum of $690,000, and it will pay it out notwithstanding the fact that the holders of these insurance policies for some reason or other did not choose to continue them.

Here is a case where a man permits his Government insurance policy to lapse by nonpayment of premiums. So far as we know, he does this for reasons that seem perfectly good to him. Later he dies. His beneficiaries, of course, want the insurance reinstated. It means much to them. They, however, should have interested themselves in keeping the policy alive. Why should this be done? The gentleman says because the insured had a $60 bonus claim against the Government which was unpaid at the time when the insurance lapsed and which remained unpaid at the time of the ex-soldier's death.

There is no claim here that this man, or any one of them, at any time requested the Government to apply the bonus in payment of insurance premiums, or that they even indicated to the Government that if the bonus was paid to them they would use the amount to keep up their insurance. If death had not intervened, there would have been no attempt by this man, or any

one of them, to apply the bonus to the payment of insurance premiums and thereby reinstate the policy.

If we adopt this amendment, we adopt the principle of involuntary insurance. We compel a man to keep up and maintain his insurance.

This bonus money was the soldier's property. It belonged to him by act of Congress. It rests in the power of no one to take it away from him without his consent. During his lifetime certainly neither the Government nor anyone else besides the service man could have applied the bonus for the payment of insurance premiums or for any other purpose. If the soldier had not died, no one would have been advocating legislation of this kind.

Mr. RHODES. It would not be necessary.

Mr. NEWTON of Minnesota. We would not think of advocating the proposition that a soldier permitting his insurance to lapse and having money coming to him from the Government should have that money belonging to him applied by the Government to the payment of insurance premiums without his expressed wish and consent. Any proposition of that kind would be practically unanimously voted down, but the very moment there is a death where the deceased has permitted his insurance policy to lapse and it is discovered that he had bonus money coming, then the proposition is made that this bonus money should be applied for the reinstatement of the lapsed insurance. Such a policy would reward the beneficiaries of those who lacked diligence equally with those who, because of regard for members of their family, may have sacrificed greatly for the purpose of maintaining this insurance.

Mr. Chairman, there is no end of legislation of this kind if the committee decides to embark upon it and enact this amendment.

APPENDIX.

Statement (as of June 1, 1921) showing appropriations made for allowances and benefits on account of soldiers and sailors who participated in war with Germany.

Acts.	Military and naval family allowances.	Military and naval compensation.	Insurance.	Administration.	Hospitalization.	Hospital construction.	6 months' pay to beneficiaries of officers and men of the Army.	1 year's pay to beneficiaries of officers and men of the Army, aviation.	Vocational training.	Disposition of remains.	Bonus allowance.
Public No. 90, Oct. 6, 1917	$141,000,000	$12,150,000	$23,000,000	$100,000							
Deficiency act, Oct. 6, 1917							$10,000,000	$495,000			
Deficiency act, Mar. 28, 1918				1,537,800							
Public No. 178, June 27, 1918									$2,000,000		
Legislative, executive, and judicial act, July 3, 1918				3,591,000							
Deficiency act, Nov. 4, 1918	70,000,000			7,680,000							
Public No. 254, Feb. 24, 1919											[1] $249,967,286.28
Public No. 254, Feb. 25, 1919										$2,473,782.68	
Legislative, executive, and judicial act, Mar. 1, 1919				10,989,630							
Public No. 326, Mar. 3, 1919					$785,333	$9,050,000					
Deficiency act, June 5, 1919	39,615,000			2,429,500							
Naval act, July 11, 1919					1,000,000						
Deficiency act, July 11, 1919					4,500,000						
Public No. 11, July 11, 1919									6,000,000		
Sundry civil act, July 19, 1919	48,000,000	50,000,000		10,000	4,000,000				8,000,000	8,451,000.00	
Deficiency act, Nov. 4, 1919				4,863,176					5,000,000		
Deficiency act Dec. 24, 1919		30,000,000			2,000,000						
Deficiency act Mar. 6, 1920		55,000,000			3,500,000	500,000			11,000,000		
Deficiency act May 8, 1920					7,666,187						
Legislative, executive, and judicial act, May 29, 1920				10,324,400							
Naval act, June 4, 1920					100,000						
Sundry civil act, June 5, 1920		125,000,000			46,000,000				90,000,000	21,549,000.00	
Deficiency act, June 5, 1920					2,530,000				7,000,000		
Deficiency act, Mar. 1, 1921					1,000,000	400,000					
Legislative, executive, and judicial act, Mar. 3, 1921				7,400,400							
Sundry civil act, Mar. 4, 1921		125,000,000			33,000,000	295,000			65,000,000	1,000,000.00	
Public No. 384, Mar. 4, 1921						18,600,000					
Second deficiency act, 1921 (pending)					8,710,272				15,000,000		
Total	298,615,000	397,150,000	23,000,000	[2] 48,925,906	114,791,792	28,845,000	10,000,000	495,000	209,000,000	33,473,782.68	249,967,286.28

[1] Approximate and made up as follows: War Department, $220,620,000; Navy Department, $28,876,200; Marine Corps, $471,086.28. Figures supplied by those services and include estimated expenditures up to July 1, 1922.

[2] Does not include allotments from President's National Defense Fund, as follows: 1918, $1,400,000; 1919, $2,868,000.

RECAPITULATION.

Military and naval family allowances	$298,615,000.00
Military and naval compensation	397,150,000.00
Insurance	23,000,000.00
Administration	48,925,906.00
Hospitalization	114,791,792.00
Hospital construction	28,845,000.00
Six months' pay to beneficiaries of officers and men of Army	10,000,000.00
One year's pay to beneficiaries of officers and men of the Army connected with aviation	495,000.00
Vocational training	209,000,000.00
Disposition of remains of officers and men	33,473,782.68
Bonus allowance ($60)	249,967,286.28
Total	1,414,263,766.96

NOTE.—The Bureau of War Risk Insurance has received from insurance premiums approximately $388,557,651 up to May 31, 1921, and has disbursed on insurance claims up to May 21, 1921, $215,716,159.77.

Mr. ROACH. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Missouri [Mr. RHODES], and before I send it up I want to call attention to the fact that the only change in the amendment offered by the gentleman from Missouri is these words are added, "or back pay, travel, and allowance."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to amendment offered by Mr. ROACH: Page 19, line 3, after the period insert the following: "No war-risk insurance shall be held to have lapsed during such time as any war-service bonus may have been due and unpaid the insured by the United States, under section 1406 of the act approved February 24, 1919 (40 Stats. L., p. 1151), or back pay or travel allowance, in any sum equal to or in excess of the amount of premium or premiums due and unpaid by the insured, unless the insured otherwise elects in writing: *Provided further*, That this paragraph shall be deemed to become effective as of February 24, 1919, but shall be effective in no case where the insured has been paid such war-service bonus, back pay, and travel allowance."

Mr. WINSLOW. Mr. Chairman, I move that all debate on this section and amendments thereto close in three minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that all debate on this section and amendments thereto close in three minutes.

The motion was agreed to.

Mr. ROACH. Mr. Chairman, it will be noted that the only change in the proposed amendment to the amendment offered by the gentleman from Missouri [Mr. RHODES] is that it includes back pay and transportation allowances in connection with the bonus feature advanced by the gentleman from Missouri [Mr. RHODES]. As I recollect, a day or so ago when the gentleman from Missouri called the attention of the House to the fact that he proposed to offer this amendment, the only objection that was suggested to the amendment at that time was that it might operate to cause involuntary insurance, as was mentioned by the gentleman who preceded me on the floor. Evidently he overlooked the provision which provides that the insured shall have the right and privilege to otherwise elect in writing if he so desires. That has the effect to destroy the argument advanced that it compels insurance, whether the insured desires it or not. Further answering the proposition of the gentleman who preceded me that it would cost the Government $690,000, I say that is no argument against this provision, for this reason:

I have in mind this proposition that the Government did for a time rule that this bonus could be applied to the insurance premium, and so applied it, thus leading the insured into a false sense of security that the Government would continue that policy; and, therefore, it is only equitable and fair to the insured that where the insured was thus misled that his policy should not be permitted to lapse. In one case in my district, that of Cecil Alva White, the insured had authorized the Government to so apply any moneys due him to the payment of his premiums. In justice to his dependents, this amendment should be adopted.

They established this practice and carried it on to the extent that they lulled the insured into a sense of belief that that practice was going to be continued, and they thereby were led to believe that the Government was going to protect their policy in that manner. Consequently they did that very thing. Not only that, but I have an instance in my own district in the case of Cecil White, where the Government had been authorized by him to deduct from his bonus and deduct from $19.50 salary owing to him and to deduct from $35 allowance charge, all owing to him by the Government, his premiums. Yet it was not done. This boy was discharged in Washington, and called at the department in person and further authorized them to do that. He returned to his home at Sedalia and died, but his policy lapsed, and the beneficiaries of his policy now are being denied the privilege of that insurance. That is a gross injustice. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. ROACH] to the amendment of the gentleman from Missouri [Mr. RHODES].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Missouri [Mr. RHODES].

The question was taken; and on a division (demanded by Mr. RHODES) there were—ayes 29, noes 60.

So the amendment was rejected.

The Clerk read as follows:

SEC. 24. A new section is hereby added to Article IV of the war risk insurance act to be known as section 406, and to read as follows: "SEC. 406. Whenever a claim under United States Government life insurance (converted insurance) is to be paid because of the total permanent disability of the insured, or because of the death of the insured as the result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the director, payment shall be made out of the military and naval insurance appropriation. The United States Government life insurance fund shall be reimbursed out of the military and naval insurance appropriation for any payments made out of such fund prior to the passage of this act, on account of claims because of the total permanent disability of the insured or on account of the death of the insured as the result of disease or injury traceable to the hazard of the military or naval service; and the United States Government life insurance fund shall be reimbursed out of the military and naval insurance appropriation for any premiums from the payment of which the insured has been heretofore relieved because of total permanent disability."

Mr. SWING. Mr. Chairman, I move to strike out the last word. I have just received a letter from the Director of the War Risk Insurance Bureau, which I shall ask the Clerk to read in my time.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

TREASURY DEPARTMENT,
BUREAU OF WAR RISK INSURANCE,
Washington, June 10, 1921.

Hon. PHIL D. SWING,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your verbal request for my opinion as to the suboffices needed if House bill 6611 receives favorable consideration at the hands of the Congress, I beg to advise you that in my opinion it is imperative that there should be 140 suboffices authorized.

If sufficient suboffices are not authorized I believe that it will be practically impossible for the Government to carry out its established obligation to ex-service men and women.

The suboffices so authorized will not entail a large clerical personnel, nor will they require an additional increase in personnel to those now employed by the rehabilitation agencies of the Government, which will be consolidated and correlated by the provisions of House bill 6611.

Very truly, yours,

C. R. FORBES, *Director.*

Mr. SWING. Mr. Chairman, I want to say just a word of praise for the new director, Mr. C. R. Forbes. Although he has been in office only a short time, he has already made a remarkable record of clearing up the congestion of cases that you and I have had called to our attention for a good many months past. He says that he needs this equipment to carry on the work effectively. I believe he is efficient and is desirous of doing what you and the American people want done, which is to get justice carried to the ex-service man as soon as possible. Yesterday you limited the duration of these suboffices to a period of five years. It is provided that he is to use only such number as he finds to be absolutely necessary in order to clear up the congestion. I believe he is not a man who desires to pile up employees. He has already reduced his personnel, and the newspapers the other day carried the announcement that he intended to reduce it further on July 1 by 900 more. I believe he can be intrusted to use not a single additional suboffice more than is necessary to get the result you and I want him to get. We hold him responsible for the administration of this law. Let us do our part by furnishing him with the necessary equipment. These suboffices have no power to pay out money or make any award or decision, as was determined yesterday, but they are the investigators, they are the eyes and the ears and the hands of the department. They are essential to the proper administration of the duties of that office. I hope that when the proper time comes the motion to recommit with instructions to increase the number of these suboffices to 140 will be agreed to.

Mr. WINSLOW. Mr. Chairman, I desire the attention of the committee for a moment. The gentleman from California [Mr. SWING], who has just taken his seat, was clearly out of order in speaking to the question to which he did speak. As a matter of courtesy, it was a pleasure to let him go on, but time is running on very rapidly, and hereafter if anyone speaks out of order I shall feel obliged, however reluctantly, to make the point of order.

Mr. BLACK. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question with reference to section 24. If I understand the reading of this section, it would relieve the War Risk Insurance Bureau from the burden of having to pay claims under converted insurance in total disability cases or death cases out of the funds collected in premiums from the soldiers. I can readily appreciate that a risk growing out of the hazards of war ought not to be paid out of that fund; but if I understand the language in the bill, it means when hereafter any policyholder becomes permanently disabled, whether the disability is the result of his service in war or not, the loss in such case will not be paid out of the war risk insurance fund, but will come out of the Public Treasury. Is my understanding of that provision correct?

Mr. SWEET. That is correct. In order to keep the insurance upon a safe insurance basis.

Mr. BLACK. Why should not the soldiers' premiums take care of permanent disability cases which do not relate to war service?

Mr. SWEET. In the first instance, of course, converted insurance is old-line insurance.

Mr. BLACK. I understand that.

Mr. SWEET. And it would not do to pay it out of that fund.

Mr. BLACK. Why not?

Mr. SWEET. Only in so far as they relate to converted insurance.

Mr. BLACK. If I understand the reading of this, as to such converted policies, whenever the soldier becomes permanently disabled, the Treasury of the United States will pay the liability of the policy rather than pay it out of the war risk insurance premium funds.

I can see why that where the death of a soldier has resulted from the hazards of war and in relation to his military service that it ought to come out of the Treasury of the United States rather than the war risk insurance fund, because it is one of those extra hazards that was not considered in fixing the payment of these premiums. But I do not see any reason why, if a soldier became permanently disabled and the disability does not relate to his services in the war, that his policy should not be paid out of the war risk insurance fund, rather than out of war and Navy insurance funds.

Mr. SWEET. This section, if I read it correctly, says that in case of total permanent disability of the insured or in case of the death of the insured as the result of disease or injury traceable to the extra hazard of the military or naval service——

Mr. BLACK. Exactly; but as I understand the reading of the language of that clause which says "as the result of disease or injury traceable to the extra hazard of the military or naval services" it will only relate to cases of death, and will not relate to permanent disability cases, and for that reason I believe an amendment should be added. I believe it was the intention to relate both classes of cases to extra war hazards, but the language of the bill, as I read it, does not do so.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 26. A new section is hereby added to Article IV of the war risk insurance act, to be known as section 408, and to read as follows:

"SEC. 408. In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with, an application for reinstatement of lapsed or canceled yearly renewable term insurance or application for United States Government life insurance (converted insurance) hereafter made may be approved: *Provided*, That the applicant's disability is the result of an injury or disease or of an aggravation thereof suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing the service origin of the disability or aggravation thereof and that the applicant is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 3½ per cent per annum on each premium from the date said premium is due by the terms of the policy."

Mr. ELLIOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 16, after the word "Policy," strike out the period, insert a semicolon, and the following: "*Provided further*, That where any soldier has heretofore allowed his insurance to lapse, while suffering from wounds or disease, suffered or contracted in line of service, and was at the time he allowed his said policy to lapse entitled to compensation on account thereof in a sum equal to or in excess of the amount due from him in premiums on his said insurance, and has since died from said wounds or disease, without collecting or making claim for said compensation, or being allowed to reinstate his said policy on account of his physical condition, then and in that event said policy shall not be considered as lapsed, and the veterans' bureau is hereby authorized and directed to pay to the beneficiaries of said soldier under said policy the amount of said insurance in installments as provided by law."

Mr. ELLIOTT. Mr. Chairman and gentlemen of the committee, this section of the bill deals with the proposition of reinstating lapsed insurance of men who are now living and allows them to do it regardless of the condition of their health provided their health was injured by their services in the war. Under the law as it now stands if a man allows his policy of insurance to lapse he is not allowed to reinstate it by offering to pay up the back premiums, notwithstanding the fact that all of his troubles with his health may be due entirely to his war service. Under the law as it now stands if a man at the time he allows his policy to lapse is what they call totally and permanently disabled, then under the law his policy of insurance will not lapse. The cases that I have were two cases of men who contracted tuberculosis in the war. One of them died from tuberculosis 1 year and 14 or 15 days after his discharge. He was discharged from the Army on the 12th of March, 1919, and was suffering from tuberculosis at that time. In July of that year his policy was allowed to lapse. If he had been lying on the flat of his back in some hospital, although he might not have died for more than two years after that time, his policy of insurance would have been kept alive, and notwithstanding the fact that he was suffering from an incurable disease and one that killed him about a year and a half month after his discharge he does not get the benefit of the law passed by the Congress. This amendment of mine does this, that where a soldier has heretofore allowed his insurance to lapse, while suffering from wounds or disease suffered or contracted in line of service, and was at the time he allowed his said policy to lapse, entitled to said compensation on account thereof—that is, on account of the disease or wound that he contracted in line of service—in a sum equal to or in excess of the amount due from him in premiums on his said insurance, and has since died from said wounds or disease without collecting or making claim for said compensation or being allowed to reinstate his said policy on account of his physical condition, then in that event said policy shall not be considered to lapse. I am simply asking you gentlemen to give these men the same standing that you give to the men who had the same disease who were considered as totally permanently disabled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. ELLIOTT. Gentlemen of the committee, I do not like to take up your time on this amendment. Neither do I want to bother you with a speech. However, you will have to admit that I for one have not in the past bothered this House with useless speeches, nor have I ever stood here on the floor for the mere purpose of getting into the RECORD. I am bringing this case before you, gentlemen, knowing that you want to do what is just by those boys who gave their lives to their country. I am asking you to give this matter careful consideration and thereby afford them the same consideration that their brothers received whose dread diseases or wounds happened to be further advanced at the time they allowed their policies to lapse.

I thank you. [Applause.]

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

I feel that the amendment offered by the gentleman from Indiana [Mr. ELLIOTT] is a most meritorious one and should be adopted by the House. It merely provides that in case an insurance policy has lapsed where a soldier has died who was entitled to draw compensation from the Government, and where he has not drawn that compensation, and has not claimed it, that that compensation shall be applied upon the insurance policy and the insurance policy shall be reinstated. It will inure to the benefit of the mother or the wife of the soldier.

We should be guided in these measures not by the failure or the default of the soldier to take advantage of the technicalities of the law, but we should be guided by our duty and by our moral obligation to the soldier's mother, to the soldier's widow—a soldier who, forsooth, through ignorance or inadvertence, has permitted his policy to lapse.

I have the case of a soldier who was discharged in February of 1919—Harold J. Taylor, of Lakeview, Oreg. He died in December, 1919, of tuberculosis. He was found by the Bureau of War Risk Insurance to have been a temporary total disability from the time of his discharge. A month after he was discharged he endeavored to work, but immediately fainted. He was sent to the hospital in San Francisco, and died in December, 1919. Every doctor who considered his case found that the tuberculosis was of service origin; that from the day of his discharge he was unable to work. He did not even put in an application for his compensation. Had he done so, he would have been entitled to $90 a month from the date of his discharge. Yet he defaulted on that and defaulted upon his insurance, allowed it to lapse, either through ignorance or through some inadvertence. And now his wife is denied the insurance that the others receive. It seems to me that the gentleman's amendment is a most meritorious one.

Oh, the bravest battle that ever was fought;
Shall I tell you where and when?
On the map of the world you will find it not;
'Twas fought by the mothers of men.
'Twas not with cannon or battle shot,
With sword or noble pen;
'Twas not with eloquent word or thought,
From lips of wonderful men;
But deep in a welled-up woman's heart;
A woman who would not yield,
But bravely, silently bore her part—
Lo! there is that battle field.

It is for that woman, that mother, that wife, bravely, silently bearing her part, that I am appealing. I hope this amendment will give them some little benefit, the same benefit that the mothers and wives of the other boys are getting. I do not think this boy's mother or his wife should be penalized—a boy who was a total disability—merely because his insurance policy, through his ignorance or inadvertence, had lapsed. I sincerely hope that this House will give to that mother and to that wife an opportunity to reinstate that policy. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Indiana [Mr. ELLIOTT].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ELLIOTT. Division, Mr. Chairman.

The committee divided; and there were—ayes 69, noes 52.

Mr. DENISON. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. ELLIOTT and Mr. DENISON took their places as tellers.

The committee again divided; and the tellers reported—ayes 70, noes 70.

The CHAIRMAN. On this vote the tellers report the ayes are 70 and the noes are 70.

Mr. ELLIOTT. I do not agree that there were 70 in the negative. I think there were 69. I ask for a recount.

The CHAIRMAN. The Chair will order the vote to be retaken. The gentleman from Illinois [Mr. DENISON] and the gentleman from Indiana [Mr. ELLIOTT] will take their places as tellers.

The committee again divided; and there were—ayes 79, noes 78.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 27. A new section is hereby added to Article IV of the war risk insurance act, to be known as section 409 and to read as follows:

"SEC. 409. The Veterans' Bureau is authorized to make provision in accordance with regulations whereby the premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) may be waived and the insurance may be deemed not to lapse in the cases of the following persons, to wit: (a) Those who are confined in a hospital under said bureau for a compensable disability during the period while they are so confined; (b) those who are rated as temporarily totally disabled by reason of an injury or disease entitling them to compensation during the period of such total disability and while they are so rated: *Provided*, That such relief from payment of premiums on renewable term insurance shall be for full calendar months, beginning with the month in which said confinement to hospital or temporary total disability rating begins and ending with that month during the half or major fraction of which the person is confined in hospital or is rated as temporarily totally disabled."

Mr. BRIGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Page 22, line 12, after the word "disabled," add the following: "This section shall be regarded as in effect as of date April 6, 1917."

Mr. BRIGGS. Mr. Chairman, the amendment offered here gives all those for whom the benefits of the war risk insurance act were provided the benefits of this provision. In other words, it is made retroactive instead of operating simply with reference to the cases of those who would be entitled to the benefits of the act from now on. There are cases that certainly are just as deserving, cases of ex-service men, who have not had and can not now secure the benefits of this provision—benefits which will only apply to cases in the future, and it occurs to me that it is highly equitable that the amendment offered by me should be adopted.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. Certainly.

Mr. SWEET. The purpose of the gentleman's amendment is to make it retroactive?

Mr. BRIGGS. The purpose is to make it retroactive and give the others the benefit from the period back, just as is done in many other provisions of the war risk insurance act, and as was done in your bill passed in December, 1919.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield for a question?

Mr. BRIGGS. Yes.

Mr. BANKHEAD. Does this cover all men in the service, regardless of their diligence or lack of diligence in reference to insurance matters?

Mr. BRIGGS. This new section, irrespective of that, says:

The veterans' bureau is authorized to make provision, in accordance with regulations, whereby the premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) may be waived and the insurance may be deemed not to lapse in the cases of the following persons, to wit: (a) Those who are confined in a hospital under said bureau for a compensable disability during the period while they are so confined; (b) those who are rated as temporarily totally disabled by reason of an injury or disease entitling them to compensation during the period of such total disability and while they are so rated.

Mr. BANKHEAD. Does the gentleman see no distinction between the cases excepted there and a blanket provision making it all retroactive?

Mr. BRIGGS. I do not see why any distinction between giving those from now on the benefit and those——

Mr. BANKHEAD. Even if they are in good health?

Mr. BRIGGS. This affects only the time from which the new section is to be operative as to ex-service men.

Mr. BANKHEAD. Without any regard to their diligence?

Mr. BRIGGS. This is based on the inability of these parties to pay these premiums.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 28. A new section is hereby added to Article IV of the war risk insurance act, to be known as section 410, and to read as follows:

"SEC. 410. Under such rules and regulations as the Secretary of the Treasury and the Postmaster General may prescribe, the Postmaster General is hereby authorized to receive the premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) and to act for and turn over to the Secretary of the Treasury the money so received, and he also is authorized to receive and transmit to the veterans' bureau applications for reinstatement of lapsed insurance and applications for conversion of yearly renewable term insurance."

Mr. SWEET. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWEET: After the word "received," in line 22, page 22, insert "and if the money-order system is used as an agency for the transmission of such money, the Postmaster General may adopt a specially designed money-order form for such purpose."

Mr. SWEET. Mr. Chairman, I will say that this is an amendment to perfect this section and make it entirely workable, and the suggestion comes from the Postmaster General.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 29. A new section is hereby added to Article IV of the war risk insurance act to be known as section 411, and to read as follows:

"SEC. 411. Subject to the provisions of section 29 of the war risk insurance act and amendments thereto policies of insurance heretofore or hereafter issued in accordance with Article IV of the war risk insurance act shall be incontestable after six months from date of issuance, or reinstatement, except for fraud or nonpayment of premiums."

Mr. PRINGEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. PRINGEY. Mr. Chairman and gentlemen of the committee, just briefly I want to congratulate the distinguished gentleman from Iowa [Mr. SWEET], who has had this bill in charge, and also those of the committee who have cooperated with him, and especially I want to congratulate this body, the Committee of the Whole House on the state of the Union, for the favorable consideration that this important measure has had. This bill, when understood, will be the voice of the American people.

Mr. WINSLOW. Mr. Chairman, I shall have to ask that the gentleman confine himself to the provisions of the bill.

Mr. PRINGEY. Just briefly. I shall not hurt you. [Laughter.]

Mr. WINSLOW. I will say that the gentleman is trying the patience of myself and the House.

Mr. PRINGEY. This is the first time I have annoyed the gentleman. We have been elected on a platform of economy, but, thank God, this body of men is not going to economize over the graves of over 70,000 of our boys who sleep on the vine-clad hills of France. They are not going to economize, through the provisions of this bill, over the fevered pillows of over 120,000 mothers of America. I am proud of that. God bless the boys who participated in the World War!

The brotherhood of the American Legion will grow and sink deeper into the affections of the American people as the years go by. The cost of this war, though great it be, is a good investment, not being 2 per cent on the civilization that it saved.

Generations yet unborn as they turn to view the course of the human race, will see the heroes of his war towering above the masses, carrying torchlights of civilization.

As they open the pages of universal history they will see their fair brows shining with splendor, their bright eyes beaming with radiance divine, and their names indelibly enrolled there, written by the hand of ages on pages of silver in letters of gold.

Their conduct on the Rhine when they said: "By the gods, they shall not pass"! stands not alone by the way. From Yorktown, Appomattox, and Manila Bay came the same clarion cry. Do not talk to me! When Germany sank our merchant vessels, if we had said, "In six months we will put 2,000,000 men on the Rhine, 2,000,000 men more ready to send"; there would not have been any war.

Amid all the shadows, gloom, and sadness caused in the hearts of 120,000 American mothers, there never has been a time when we had a greater right to be proud of our Government than to-day. A Government that is able to loan $10,000,000,000 to the Allies, put 4,000,000 men in arms, as noble specimens of manhood as the world ever beheld, contracted a debt upon her own shoulders of $30,000,000,000—this in the eyes of the world is not only the greatest guaranty of our ability,

but the greatest guaranty of world peace, so far as America is concerned. [Applause.]

The nations of the earth, as never before, understand the language of that old flag. Let us teach every bolshevik within our borders that he must take the oath of allegiance, and when he violates that obligation, let us make him kiss the old flag, and toss him into the sea a cable length from shore where the tide ebbs and flows twice in 24 hours. [Applause.]

Let us teach our children's children the language of that old flag. It is no mere piece of silk or bunting; it is no mere fine cloth woven by human hands. It is a living thing, throbbing the pulsing ardor of humanity. [Applause.] It is a song of upward-looking men; it is a garden where grew the greatest Nation under the sun, watered by the dews of heaven and the tears of our forefathers; it is an altar made fragrant by sacrifices. [Applause.]

In that flag we see the heroism of Lexington; we see the farmers at Concord bridge; we see John Paul Jones riding the crest of the waves; we hear the clarion death call above the ruined Alamo; we can hear the prayers of Washington at Valley Forge; we can hear the sobbings of Lincoln as he walked the floor those midnight hours; over and above all, my friends, we can see the wind-swept faces of 70,000 of our boys who died on the thunder-smitten hills of France for that flag. [Applause.]

True men will always gladly die and the living will always proudly live, and it will wave so long as loving hope shall swell within the breast of man. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINGEY. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. HERRICK. I object. The gentleman has been making that speech ever since the Civil War. [Laughter.]

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 23, at the end of line 9, add a new section, as follows:

"SEC. 30. That a new section is hereby added to Article II of the war risk insurance act as amended, to be known as section 212, and to read as follows:

"'SEC. 212. The family allowance shall be awarded and paid to any person or persons within class A for the full period defined in section 204 hereof, or for such part of said period as it shall be shown that the necessary relationship existed between such person and an enlisted man in the active military or naval service, in cases where deductions from the pay of the enlisted man for compulsory allotment have not been made but the family allowance was applied for during the service of the enlisted man, notwithstanding the fact that such enlisted man has died in or been discharged from the service: *Provided*, That compulsory allotment has not been waived or that exemption therefrom has not been heretofore or shall not be hereafter granted.'"

Mr. MAPES. Mr. Chairman, I make a point of order against the amendment, that this is not the proper place for it. It purports to amend Article II of the war risk insurance act, a title that was dealt with in this bill several pages back. We are now on Article IV of the bill.

Mr. BLACK. Mr. Chairman, Article II of the war risk insurance act is not specifically mentioned in the bill. It is true that section 210 of Article II is amended and reenacted in the bill, but the section which I have offered is offered as a new section, and in the exact language in which it was contained in the Wason bill which passed during the last session. It is true that the amendment I have offered covers very much the same subject matter as the one I offered this morning, but there is this difference: The amendment that I offered this morning was taken from what is known as the Sweet bill which passed in 1919, and that amendment provided that these allowances should be paid in all cases where an application had been made or should hereafter be made. The amendment which I am now offering, which is taken from the Wason bill, provides that such allowance shall only be paid in cases where application was made during the term of the service of the soldier, which I think is a very different proposition, and one that would be in order as a separate section of the bill. It certainly is germane to the general scope and purpose of the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair has often held that the rule which requires that an amendment shall not only be germane to the bill but germane to the section, requires that an amendment, to be in order, shall be offered at the place in the bill where it normally would come in the regular sequence of the legislation. The Chair thinks it would not be in order to offer an amendment to the pending section of the bill which in effect and in reality is an amendment to a section that properly belongs in Article II of the bill. Therefore the Chair sustains the point of order.

Mr. BRIGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Page 23, after line 9, add a new section, as follows:

"The provisions of this act, as well as those of the war risk act as amended, shall be liberally construed in favor of claimants within the class of beneficiaries entitled to relief under the provisions of this act."

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to put in the word "insurance" after the words "war risk."

The CHAIRMAN. The gentleman from Texas asks to modify his amendment in the manner specified. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 23, line 9, add a new section, as follows:

"The provisions of this act, as well as those of the war risk insurance act as amended, shall be liberally construed in favor of the claimant within the class of beneficiaries entitled to relief under the provisions of this act."

Mr. SANDERS of Indiana. Mr. Chairman, I make a point of order that the amendment is not germane.

Mr. BRIGGS. Mr. Chairman, I would like to be heard on the point of order. Certainly the rule that I have made applicable is the rule of law that obtains in the construction of insurance policies in the courts and has obtained for many years. It pertains to the provisions of this act and interprets every provision of the act, and certainly can not be held to be out of order. We all know that it is getting to be more and more difficult now for the men to prove up, particularly in cases of disease with which they are afflicted, such as tuberculosis, and it is getting more difficult as time goes on to make rigid proof, and the provisions are being more rigidly construed by the bureau. This amendment does nothing more than to make applicable to the interpretation and construction of the act by the director of the principle which the courts recognize that the act shall be liberally construed in favor of the ex-service men and shall not be construed strictly against them.

Mr. BLANTON. Mr. Chairman, I would like to be heard against the point of order. I think the amendment is clearly in order. It is a specific direction to the officer of the Government who is to execute this law that Congress is to pass to construe same liberally in behalf of our disabled soldiers, sailors, and marines. Without this instruction to the director he would continue to construe the law strictly against the ex-service men. Clearly it is germane to the intent and purposes of the bill. The whole purpose of the measure is to confer additional benefits upon disabled ex-service men. It is to enlarge their opportunities to obtain these benefits. It is to make the present laws more elastic. By this amendment we would say to the director, "Mr. Officer, when you go to execute this law you must construe all of its provisions liberally in favor of the beneficiaries, whom it is designed to benefit. The Government is their friend and not their enemy, and you must not look upon them with suspicion as soon as they file an application for relief. But your inspection of their claims must be a friendly inspection and not an antagonistic one."

The CHAIRMAN. The amendment of the gentleman from Texas provides that the provisions of this act, as well as the war risk insurance act as amended, shall be liberally construed in favor of the claimant, and so forth. The provision offered by the gentleman from Texas undertakes to interpret not only the sections of the war risk insurance act as amended but many sections of the war risk insurance act which are not before the House now for amendment. The Chair thinks it is not in order on this bill to amend sections or interpret sections of the war risk act which are not before the House for amendment or interpretation. Therefore the Chair sustains the point of order.

Mr. BRIGGS. Mr. Chairman, I ask to reoffer the amendment with the portion relating to the war risk insurance act stricken out.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 23, after line 9, add a new section, as follows:

"The provisions of this act shall be liberally construed in favor of claimants within the class of beneficiaries entitled to relief under the provisions of this act."

Mr. BRIGGS. Now, Mr. Chairman, I want to say that it is becoming increasingly apparent that men who are entitled to the benefits of the act are having the utmost difficulty in establishing that fact. The evidence is becoming increasingly difficult to obtain because of the lapse of time and scattering of the witnesses all over the country. The bureau also is becoming more rigid in the interpretation of the law. It is not doing it as liberally as it used to do. It is, for instance, saying to ex-service men that the evidence is not sufficient to connect up the disability with service origin. They suggest that the men get affi-

davits from their comrades in order to prove that they were so disabled. The great difficulty is their comrades are extremely difficult to locate. They do not know where to turn to get them. They do get affidavits of physicians and those who knew them at home. Naturally, many of these men can not say specifically that the man had that injury or was disabled in the service, although they can state that when he went into the service he was apparently a healthy man, and that he came out of it with a complaint or disease of some kind.

Mr. SWEET. Will the gentleman yield?

Mr. BRIGGS. Certainly.

Mr. SWEET. Did the gentleman ever know of a provision of this kind being placed in a law? In other words, this is an instruction to those administering the law and indirectly to the court that may be required to pass upon it, and the instruction is to the effect that the law must be construed and administered liberally.

Mr. BRIGGS. No; we are delegating a trustee to act for the Government in this case. It is not intended to make the soldier go into court in order to sustain his claim.

Mr. SWEET. I am not disagreeing with the gentleman as to the construction of the law, but you want to put it into the law that it shall be construed liberally. Who is to determine the liberality?

Mr. BRIGGS. Mr. Chairman, in answer to the gentleman's question I want to say this, that the director of the veterans' bureau is the one who is the trustee to execute this law for the people of the United States. He is the one to know and conclude whether the people of the United States want him to construe the act liberally for the benefit of the ex-service man or strictly against him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BRIGGS) there were—ayes 29, noes 114.

So the amendment was rejected.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I shall not take up the time of the committee any more than to ask unanimous consent to place in the RECORD a statement of the work on rehabilitation of Great Britain. They were in the war much longer than we, had many more soldiers wounded. Their service of rehabilitation is very much longer in time than ours and yet our work compares most favorably with the work of Great Britain. I have looked into the work that is done in Canada. Canada had about the same number of soldiers wounded as we had, and they have a few more trained, but not as many in training as we have. I ask unanimous consent to insert in the RECORD a tabulated statement of this work by Great Britain.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the statement to which he has referred. Is there objection?

Mr. COOPER of Wisconsin. Mr. Chairman, reserving the right to object, who makes the statement? What is the authority?

Mr. FESS. The statement comes from the authorities of Great Britain. I think through the State Department. It is official.

The CHAIRMAN. Is there objection?

There was no objection.

The statement referred to is as follows:

UNITED KINGDOM (GREAT BRITAIN AND IRELAND) SOLDIER AND SAILOR REHABILITATION.

Number of British disabled officers and men trained to date, Feb. 22, 1921, number in training on that date, and estimated number to be trained, with estimated cost of training to date, Jan. 31, 1921, and total cost to completion of work.

Training agency and class of disabled men.	Number of disabled.				Estimated cost of training.			
					In pounds sterling.		In dollars.[1]	
	Total trained, in training, and estimated to be trained.	Trained to date, Feb. 22, 1921.	In training Feb. 22, 1921.	Estimated to be trained.	To date, Jan. 31, 1921.	Total to completion of work.	To date, Jan. 31, 1921.	Total to completion of work.
All agencies:					*Pounds.*	*Pounds.*	*Dollars.*	*Dollars.*
Total	163,972	41,009	30,463	92,500	[2] 7,593,500	24,615,000	30,374,000	98,460,000
Officers	[3] 13,206	2,471	4,235	6,500	771,000	1,615,000	3,084,000	6,460,000
Men	144,766	38,538	26,228	80,000	6,212,500	22,000,000	24,850,000	88,000,000
Not classified	6,000	.....	.....	6,000	610,000	1,000,000	2,440,000	4,000,000
Ministry of pensions:								
Total	[3] 11,000	11,000	.....	.....	[4]	.....	[4]	.....
Officers	.....	[5]	.....	.....	[4]	.....	[4]	.....
Men	11,000	11,000	.....	.....	[4]	.....	[4]	.....
Ministry of labor:								
Total	133,848	26,114	25,134	82,600	6,375,500	22,400,000	25,502,000	89,600,000
Officers	4,848	1,114	1,134	2,600	163,000	400,000	652,000	1,600,000
Men	129,000	25,000	24,000	80,000	6,212,500	22,000,000	24,850,000	88,000,000
Board of education:								
Total	7,532	1,068	2,564	3,900	608,000	1,215,000	2,432,000	4,860,000
Officers	7,532	1,068	2,564	3,900	608,000	1,215,000	2,432,000	4,860,000
Men	.....	.....	.....	.....	.....	.....	.....	.....
Ministry of agriculture:								
Total	11,592	2,827	2,765	6,000	610,000	1,000,000	2,440,000	4,000,000
Officers	826	289	537	.....	.....	.....	.....	.....
Men	4,766	2,538	2,228	.....	.....	.....	.....	.....
Not classified	6,000	.....	.....	6,000	610,000	.....	.....	.....

[1] Figuring the value of the pound sterling at $4; its value May 30, 1921, was $3.99 and a fraction. During the period covered by expenditures shown, the value of the pound sterling has fluctuated from below $3.40 to present value.
[2] Does not include cost of training under the ministry of pensions while training was being given by this agency.
[3] Does not include officers trained by ministry of pensions, which is "not known."
[4] Data not available at ministry of labor.
[5] Not known.

The CHAIRMAN. The committee will now return to page 12, section 15, for the consideration of an amendment which was passed over by unanimous consent. The Clerk will report the amendment.

Mr. HICKEY. Mr. Chairman, there were certain objections urged to the amendment that was offered yesterday, and since that time the gentleman from Minnesota [Mr. NEWTON] and myself, he being a member of the committee, have gone over the matter quite carefully, and I have a substitute which I desire to offer instead of the one now pending. I ask unanimous consent to withdraw the amendment now pending and to offer in its place a substitute.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw the pending amendment and to offer instead a substitute. Is there objection?

There was no objection.

Mr. HICKEY. Mr. Chairman, I now offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HICKEY: Page 12, line 25, after the word "beneficiary," strike out the period, insert a colon, and add: "*Provided further*, That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and who was not discharged from the service on his own application or solicitation by reason of his being an enemy alien, and whose service was honest and faithful, shall be entitled to the benefits of the war risk insurance act and all amendments thereto."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. WINSLOW. Mr. Chairman, a number of Members of the House, who represent interests not to be regarded lightly, have asked the committee having charge of this bill if, out of order, it would be willing to permit a representative of themselves an opportunity to say something with reference to one phase of this bill. The committee is not disposed, on its own motion, to object. The subject matter is of importance. I therefore ask unanimous consent that the gentleman from New York [Mr. FISH] may be allowed to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from New York [Mr. FISH] be allowed to speak for five minutes out of order. Is there objection?

Mr. RAYBURN. About what?

Mr. WINSLOW. The gentleman desires, as I understand it, to speak to a portion of section 6 of this bill, respecting the suboffices.

Mr. RAYBURN. Mr. Chairman, I object.

Mr. FISH. Mr. Chairman, will the gentleman reserve his objection for a moment?

Mr. RAYBURN. Yes.

Mr. FISH. I have refrained from trying to get an opportunity to speak on the number of suboffices because I understood the committee would get me this opportunity. I think it is too important a question——

Mr. RAYBURN. Mr. Chairman, I did not speak on that matter either. I object.

The CHAIRMAN. Objection is made.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. STAFFORD having assumed the chair as Speaker pro tempore, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau, and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WINSLOW. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

Mr. BLAND of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLAND of Indiana. At what time would a motion to recommit be proper?

The SPEAKER pro tempore. Immediately after the third reading of the bill. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. RAYBURN. If nobody else demands a separate vote on the Elliott amendment, I demand one.

The SPEAKER pro tempore. The question is on the other amendments reported by the Chairman.

The question was taken, and the other amendments were agreed to.

The SPEAKER pro tempore. The Clerk will now report the Elliott amendment.

The Clerk read as follows:

Amendment offered by Mr. ELLIOTT: Page 21, line 16, after the word "policy," strike out the period, insert a semicolon and the following: "*Provided further*, That where any soldier has heretofore allowed his insurance to lapse while suffering from wounds or disease suffered or contracted in line of service, and was at the time he allowed his said policy to lapse entitled to compensation on account thereof in a sum equal to or in excess of the amount due from him in premiums on his said insurance, and has since died from said wounds or disease without collecting or making claim for said compensation or being allowed to reinstate his said policy on account of his physical condition, then and in that event said policy shall not be considered as lapsed; and the veterans' bureau is hereby authorized and directed to pay to the beneficiaries of said soldier under said policy the amount of said insurance in installments as provided by law."

The SPEAKER pro tempore. Without objection, the amendment will be modified to conform to a suggestion of the enrolling clerk to have a colon inserted in place of a semicolon as suggested in the amendment. Is there objection? [After a pause.] The Chair hears none. The question is on the adoption of the Elliott amendment.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

On a division (demanded by Mr. RAYBURN) there were—ayes 108, noes 60.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. BLAND of Indiana and Mr. DENISON rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. DENISON. To move to recommit.

Mr. BLAND of Indiana. Mr. Speaker, I also desire to move to recommit.

The SPEAKER pro tempore. Is the gentleman from Illinois opposed to the bill?

Mr. DENISON. No, sir.

The SPEAKER pro tempore. Is the gentleman from Indiana opposed to the bill?

Mr. BLAND of Indiana. I will not support the bill in its present form; I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Indiana to make a motion to recommit. The Clerk will report the motion.

The Clerk read as follows:

Mr. BLAND of Indiana moves to recommit the bill (H. R. 6611) to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with an amendment as follows: "Strike out the word 'fifty' in line 10 on page 5 and insert in lieu thereof the words 'one hundred and forty.'"

Mr. WINSLOW. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. SWING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SWING. If this motion to recommit carries, I want to know if it will operate as an automatic amendment. I want to know whether there will be a long delay or any delay in the passage of the bill.

The SPEAKER pro tempore. Under the practice of the House when a motion to recommit is carried it is automatically reported back with the amendment incorporated for vote on the final passage of the bill. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BLAND of Indiana. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. Forty-four Members have arisen, not a sufficient number.

Mr. BLANTON. Mr. Speaker, I ask for the other side. I submit that that is more than one-fifth of the Members present, and I ask that the Chair count the other side.

SEVERAL MEMBERS. There is no other side.

The SPEAKER pro tempore. The Chair will count the Members present to determine whether the number demanding the yeas and nays are a sufficient number as prescribed by the Constitution.

Mr. RAYBURN. I suggest that the Chair notice the Members going out of the door over there.

The SPEAKER pro tempore (after counting). Two hundred and four Members are present, a sufficient number, and the Clerk will call the roll.

Mr. RAYBURN. Did the Chair note the gentlemen standing in the doors?

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. Under the precedents the House is not considered as limited merely to the Hall of the House, but also includes the cloak rooms and the lobby adjacent to the Chamber. The Chair included in his count 193 Members on the floor of the Chamber, 11 who had left the Chamber after the demand for the other side had been made. [Laughter and applause.] A sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 224, nays 113, not voting 94, as follows:

YEAS—224.

Ackerman	Atkeson	Bird	Brinson
Almon	Barbour	Bland, Ind.	Brooks, Ill.
Anderson	Beck	Bland, Va.	Brooks, Pa.
Ansorge	Beedy	Blanton	Brown, Tenn.
Arentz	Benham	Briggs	Burke

Burtness	Goodykoontz	McDuffie	Robsion
Burton	Gorman	McLaughlin, Pa.	Rodenberg
Cable	Greene, Mass.	McPherson	Rogers
Campbell, Pa.	Greene, Vt.	MacGregor	Rose
Carew	Griffin	Magee	Rosenbloom
Chalmers	Hadley	Maloney	Ryan
Chandler, Okla.	Hardy, Colo.	Mansfield	Sanders, N. Y.
Clague	Haugen	Martin	Sanders, Tex.
Classon	Hawley	Mead	Sandlin
Clouse	Hayden	Michener	Scott, Mich.
Cockran	Hays	Miller	Scott, Tenn.
Cole	Herrick	Mills	Shaw
Collins	Hickey	Millspaugh	Shreve
Connell	Hogan	Montoya	Sinnott
Connolly, Pa.	Houghton	Moore, Ill.	Smith
Cooper, Wis.	Hull	Moore, Ohio	Speaks
Coughlin	James, Mich.	Moores, Ind.	Stephens
Cramton	Johnson, Miss.	Morgan	Strong, Kans.
Crowther	Johnson, Wash.	Morin	Summers, Wash.
Cullen	Jones, Tex.	Mott	Sumners, Tex.
Curry	Kearns	Mudd	Swank
Dale	Keller	Murphy	Swing
Dallinger	Kendall	Nelson, A. P.	Tague
Darrow	Kennedy	Newton, Mo.	Taylor, Tenn.
Davis, Minn.	Kiess	Nolan	Temple
Dempsey	Kincheloe	Norton	Ten Eyck
Dowell	King	O'Brien	Thomas
Driver	Kinkaid	Olpp	Thompson
Dunbar	Kirkpatrick	Osborne	Tilson
Dunn	Kissel	Parks, Ark.	Timberlake
Dyer	Kleczka	Parrish	Tincher
Edmonds	Kline, Pa.	Patterson, Mo.	Tinkham
Elliott	Knutson	Petersen	Towner
Ellis	Kopp	Porter	Treadway
Favrot	Kraus	Pou	Underhill
Fenn	Lampert	Pringey	Vare
Fess	Lanham	Purnell	Vestal
Fish	Lankford	Quin	Voigt
Focht	Larson, Minn.	Raker	Volstead
Foster	Lawrence	Ramseyer	Walters
Frear	Lazaro	Rankin	Wason
Free	Leatherwood	Ransley	White, Kans.
Freeman	Lee, N. Y.	Reavis	Williams
French	Lineberger	Reece	Wingo
Frothingham	Linthicum	Reed, N. Y.	Wood, Ind.
Fuller	Little	Rhodes	Woodyard
Gallivan	London	Ricketts	Wurzbach
Garrett, Tex.	Lowrey	Riddick	Wyant
Gensman	Luhring	Riordan	Yates
Gernerd	McArthur	Roach	Young
Glynn	McCormick	Robertson	Zihlman

NAYS—113.

Andrews	Dominick	Kunz	Reber
Anthony	Doughton	Larsen, Ga.	Rouse
Aswell	Drane	Lee, Ga.	Rucker
Bankhead	Drewry	Lehlbach	Sanders, Ind.
Barkley	Echols	Logan	Smithwick
Begg	Faust	Longworth	Snell
Bell	Fisher	Luce	Stafford
Black	Flood	Lyon	Steagall
Boies	Fulmer	McClintic	Stedman
Bowling	Garrett, Tenn.	McKenzie	Stevenson
Box	Gilbert	McLaughlin, Mich.	Sweet
Britten	Good	McLaughlin, Nebr.	Taylor, Ark.
Buchanan	Green, Iowa	McSwain	Tillman
Bulwinkle	Griest	Madden	Tyson
Burroughs	Hammer	Mapes	Vinson
Byrnes, S. C.	Hardy, Tex.	Merritt	Walsh
Byrns, Tenn.	Harrison	Mondell	Ward, N. C.
Campbell, Kans.	Hawes	Montague	Watson
Carter	Hicks	Nelson, J. M.	Weaver
Chindblom	Hoch	Newton, Minn.	Webster
Christopherson	Huddleston	Oldfield	Wheeler
Clarke, N. Y.	Hukriede	Oliver	White, Me.
Collier	Humphreys	Overstreet	Williamson
Connally, Tex.	Hutchinson	Padgett	Wilson
Cooper, Ohio	Jacoway	Parker, N. J.	Winslow
Crisp	Jefferis	Parker, N. Y.	Woods, Va.
Davis, Tenn.	Johnson, Ky.	Perkins	
Denison	Kelley, Mich.	Radcliffe	
Dickinson	Ketcham	Rayburn	

NOT VOTING—94.

Appleby	Fields	Knight	Sears
Bacharach	Fitzgerald	Kreider	Shelton
Bixler	Fordney	Langley	Siegel
Blakeney	Funk	Layton	Sinclair
Bond	Gahn	Lea, Calif.	Sisson
Bowers	Garner	Lufkin	Slemp
Brand	Goldsborough	McFadden	Snyder
Brennan	Gould	Mann	Sproul
Browne, Wis.	Graham, Ill.	Mason	Steenerson
Burdick	Graham, Pa.	Michaelson	Stiness
Butler	Hersey	Moore, Va.	Stoll
Cannon	Hill	O'Connor	Strong, Pa.
Cantrill	Himes	Ogden	Sullivan
Chandler, N. Y.	Hudspeth	Paige	Taylor, Colo.
Clark, Fla.	Husted	Park, Ga.	Taylor, N. J.
Codd	Ireland	Patterson, N. J.	Upshaw
Colton	James, Va.	Perlman	Vaile
Copley	Johnson, S. Dak.	Peters	Volk
Deal	Jones, Pa.	Rainey, Ala.	Ward, N. Y.
Dupré	Kahn	Rainey, Ill.	Wise
Elston	Kelly, Pa.	Reed, W. Va.	Woodruff
Evans	Kindred	Rossdale	Wright
Fairchild	Kitchin	Sabath	
Fairfield	Kline, N. Y.	Schall	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. LAYTON with Mr. KINDRED.

Mr. PATTERSON of New Jersey with Mr. SEARS.

Mr. GRAHAM of Illinois with Mr. CANTRILL.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. WOODRUFF with Mr. MOORE of Virginia.

Mr. IRELAND with Mr. SULLIVAN.

Mr. SHELTON with Mr. PARK of Georgia.

Mr. EVANS with Mr. HUDSPETH.

Mr. BUTLER with Mr. DUPRÉ.

Mr. BACHARACH with Mr. WRIGHT.

Mr. CANNON with Mr. GARNER.

Mr. BROWNE of Wisconsin with Mr. DEAL.

Mr. FUNK with Mr. SABATH.

Mr. VOLK with Mr. GOLDSBOROUGH.

Mr. SIEGEL with Mr. RAINEY of Illinois.

Mr. KREIDER with Mr. BRAND.

Mr. HUSTED with Mr. STOLL.

Mr. PETERS with Mr. O'CONNOR.

Mr. LUFKIN with Mr. JAMES of Virginia.

Mr. SNYDER with Mr. LEA of California.

Mr. PAIGE with Mr. UPSHAW.

Mr. BLAKENEY with Mr. RAINEY of Alabama.

Mr. JONES of Pennsylvania with Mr. WISE.

Mr. PERLMAN with Mr. TAYLOR of Colorado.

Mr. APPLEBY with Mr. SISSON.

Mr. TAYLOR of New Jersey with Mr. FIELDS.

The result of the vote was announced as above recorded.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1811. An act to amend the Federal farm loan act as amended; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 86. An act to amend the act approved December 23, 1913, known as the Federal reserve act.

HOUR OF MEETING TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns this evening it adjourn to meet at 11 o'clock to-morrow.

I do this because of the fact that the peace resolution will be presented to the House, but prior to the presentation of the rule on the peace resolution the conference report on the deficiency bill will be called up. It may take an hour to dispose of that conference report and other matters that may come before the House before we can take up the rule on the peace resolution.

The SPEAKER. Is there objection to the gentleman's request?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I would venture to suggest to the gentleman from Wyoming that he indicate to the House that it would be highly desirable to have a quorum present at 11 o'clock when the House convenes. Otherwise, from my knowledge of the conduct of business, I should think a roll would be called for, probably, which will consume some time.

Mr. MONDELL. Mr. Speaker, we shall have before the House important and interesting questions and matters for discussion on the convening of the House at 11 o'clock, and I hope all the Members will be here.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Reserving the right to object, Mr. Speaker, I would like to ask the majority leader to indicate the time that will probably be given to the consideration of the peace resolution in general debate.

Mr. MONDELL. I understand that the chairman of the Committee on Rules proposes to offer an amendment to the rule that has been voted, fixing an hour on Monday when the final vote shall come on the peace resolution.

The SPEAKER. Is there objection?

There was no objection.

VETERANS' BUREAU.

Mr. WINSLOW. Mr. Speaker, acting under the instructions of the House and in behalf of the Committee on Interstate and Foreign Commerce, I report back to the House the bill H. R. 6611 with an amendment.

The SPEAKER. According to the instructions of the House, the gentleman from Massachusetts reports the bill, which the Clerk will report.

The Clerk read as follows:

Mr. WINSLOW, on behalf of the Committee on Interstate and Foreign Commerce, reports the following amendment: Strike out the word "fifty," in line 10, page 5, and insert in lieu thereof the words "one hundred and forty."

Mr. MADDEN. Mr. Speaker, I understand it is put back as amended.

The SPEAKER. This is on the amendment.

Mr. WALSH. The bill has been recommitted and must be reported again.

Mr. BARKLEY. The bill must be reported back to the House by the committee with that amendment.

The SPEAKER. The Chair does not think it is necessary to report the entire bill.

Mr. BARKLEY. I understand that; but the gentleman from Massachusetts can report the bill, with the amendment agreed on, without reading the entire bill. The bill having been recommitted to the committee, it must be reported back to the House.

The SPEAKER. The Chair understands that.

Mr. WALSH. That has not been done. The bill has not been reported with the amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, reports back to the House the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, with the following amendment.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Speaker, I make the point of order that the amendment has already been agreed to, and that the bill is now on passage with the amendment.

The SPEAKER. The Chair does not so understand it. The bill has been reported back. The House has now again to adopt the amendment. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WINSLOW. On that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the passage of the bill. Those in favor of the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 335, nays 0, not voting 96, as follows:

YEAS—335.

Ackerman	Clague	Foster	Johnson, Miss.
Almon	Clarke, N. Y.	Frear	Johnson, Wash.
Anderson	Classon	Free	Jones, Tex.
Andrews	Clouse	Freeman	Kearns
Ansorge	Cockran	French	Keller
Anthony	Cole	Frothingham	Kelley, Mich.
Arentz	Collier	Fuller	Kendall
Aswell	Collins	Fulmer	Kennedy
Atkeson	Connally, Tex.	Gallivan	Ketcham
Bankhead	Connell	Garrett, Tenn.	Kiess
Barbour	Connolly, Pa.	Garrett, Tex.	Kincheloe
Barkley	Cooper, Ohio	Gensman	Kindred
Beck	Cooper, Wis.	Gernerd	King
Beedy	Coughlin	Gilbert	Kinkaid
Begg	Cramton	Glynn	Kirkpatrick
Bell	Crisp	Good	Kissel
Benham	Crowther	Goodykoontz	Kleczka
Bird	Cullen	Gorman	Kline, Pa.
Black	Curry	Green, Iowa	Knutson
Bland, Ind.	Dale	Greene, Mass.	Kopp
Bland, Va.	Dallinger	Greene, Vt.	Kraus
Blanton	Darrow	Griest	Kunz
Boies	Davis, Minn.	Griffin	Lampert
Bowling	Davis, Tenn.	Hadley	Lanham
Box	Dempsey	Hammer	Lankford
Briggs	Denison	Hardy, Colo.	Larsen, Ga.
Brinson	Dickinson	Hardy, Tex.	Larson, Minn.
Britten	Dominick	Harrison	Lawrence
Brooks, Ill.	Doughton	Haugen	Lazaro
Brooks, Pa.	Dowell	Hawes	Leatherwood
Brown, Tenn.	Drane	Hawley	Lee, Ga.
Buchanan	Drewry	Hayden	Lee, N. Y.
Bulwinkle	Driver	Hays	Lehlbach
Burke	Dunbar	Herrick	Lineberger
Burroughs	Dunn	Hickey	Linthicum
Burtness	Dyer	Hicks	Little
Burton	Echols	Hoch	Logan
Byrnes, S. C.	Edmonds	Hogan	London
Byrns, Tenn.	Elliott	Houghton	Longworth
Cable	Ellis	Huddleston	Lowrey
Campbell, Kans.	Faust	Hukriede	Luce
Campbell, Pa.	Favrot	Hull	Luhring
Carew	Fenn	Humphreys	Lyon
Carter	Fess	Hutchinson	McArthur
Chalmers	Fish	Jacoway	McClintic
Chandler, Okla.	Fisher	James, Mich.	McCormick
Chindblom	Flood	Jefferis	McDuffie
Christopherson	Focht	Johnson, Ky.	McKenzie
McLaughlin, Mich.	Oldfield	Rose	Tilson
McLaughlin, Nebr.	Oliver	Rosenbloom	Timberlake
McLaughlin, Pa.	Olpp	Rouse	Tincher
McPherson	Osborne	Ryan	Tinkham
McSwain	Overstreet	Sanders, Ind.	Towner
MacGregor	Padgett	Sanders, Tex.	Treadway
Madden	Parker, N. J.	Sandlin	Tyson
Magee	Parker, N. Y.	Scott, Mich.	Underhill
Maloney	Parks, Ark.	Scott, Tenn.	Vare
Mansfield	Parrish	Shaw	Vestal
Mapes	Patterson, Mo.	Shreve	Vinson
Martin	Perkins	Sinnott	Voigt
Mead	Petersen	Smith	Volstead
Merritt	Porter	Smithwick	Walsh
Michener	Pou	Snell	Walters
Miller	Pringey	Speaks	Ward, N. C.
Mills	Purnell	Stafford	Wason
Millspaugh	Quin	Steagall	Watson
Mondell	Radcliffe	Stedman	Weaver
Montague	Raker	Stephens	Webster
Montoya	Ramseyer	Stevenson	White, Kans.
Moore, Ill.	Rankin	Strong, Kans.	White, Me.
Moore, Ohio	Ransley	Strong, Pa.	Williams
Moores, Ind.	Rayburn	Summers, Wash.	Williamson
Morgan	Reavis	Sumners, Tex.	Wilson
Morin	Reber	Swank	Wingo
Mott	Reece	Sweet	Winslow
Mudd	Reed, N. Y.	Swing	Wood, Ind.
Murphy	Rhodes	Tague	Woods, Va.
Nelson, A. P.	Ricketts	Taylor, Ark.	Woodyard
Nelson, J. M.	Riddick	Taylor, Tenn.	Wurzbach
Newton, Minn.	Roach	Temple	Wyant
Newton, Mo.	Robertson	Ten Eyck	Yates
Nolan	Robsion	Thomas	Young
Norton	Rodenberg	Thompson	Zihlman
O'Brien	Rogers	Tillman	

NAYS—0.

NOT VOTING—96.

Appleby	Fields	Kreider	Sanders, N. Y.
Bacharach	Fitzgerald	Langley	Schall
Bixler	Fordney	Layton	Sears
Blakeney	Funk	Lea, Calif.	Shelton
Bond	Gahn	Lufkin	Siegel
Bowers	Garner	McFadden	Sinclair
Brand	Goldsborough	Mann	Sisson
Brennan	Gould	Mason	Slemp
Browne, Wis.	Graham, Ill.	Michaelson	Snyder
Burdick	Graham, Pa.	Moore, Va.	Sproul
Butler	Hersey	O'Connor	Steenerson
Cannon	Hill	Ogden	Stiness
Cantrill	Himes	Paige	Stoll
Chandler, N. Y.	Hudspeth	Park, Ga.	Sullivan
Clark, Fla.	Husted	Patterson, N. J.	Taylor, Colo.
Codd	Ireland	Perlman	Taylor, N. J.
Colton	James, Va.	Peters	Upshaw
Copley	Johnson, S. Dak.	Rainey, Ala.	Vaile
Deal	Jones, Pa.	Rainey, Ill.	Volk
Dupré	Kahn	Reed, W. Va.	Ward, N. Y.
Elston	Kelly, Pa.	Riordan	Wheeler
Evans	Kitchin	Rossdale	Wise
Fairchild	Kline, N. Y.	Rucker	Woodruff
Fairfield	Knight	Sabath	Wright

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TAYLOR of New Jersey with Mr. FIELDS.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. VAILE with Mr. RUCKER.

The vote was announced as above recorded.

On motion of Mr. WINSLOW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. WHITE of Maine. Mr. Speaker, I desire to announce that my colleague, Mr. PETERS, is unavoidably absent. If he were here, he would support this legislation.

Mr. HICKS. Mr. Speaker, I make the same announcement with reference to the gentleman from Pennsylvania, Mr. BUTLER, who is unavoidably absent.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the same announcement with reference to the gentleman from Illinois, Mr. RAINEY.

Mr. RANKIN. Mr. Speaker, I make the same announcement with reference to the gentleman from Mississippi, Mr. SISSON.

EXTENSION OF REMARKS.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the late Col. Galbraith.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SWEET. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I submit the following tribute to Col. Frederick W. Galbraith, jr.:

When we began the consideration of this legislation on the 2d day of June there was a man in the full bloom of life, in the prime of his manhood, at the head of the American Legion. Today he sleeps in the cold embrace of death. The flag that he defended upon the fields of France is flying at half-mast from every Legion post in America in memory of their comrade and friend.

This is a splendid manifestation of their respect and confidence.

Col. Frederick W. Galbraith, jr., was killed in an automobile accident on the 8th day of June. His death, I am told, was instantaneous.

He was well and favorably known by a large number of the Members of the House and Senate. He had taken an active and enthusiastic part in the framing of this legislation.

He was a man of deeds and few words. He had the interests of the disabled ex-service men at heart. He devoted his whole time in the performance of the duties of his great office. He traveled from one end of the country to the other, addressing audiences almost daily, discussing and setting forth the needs of his comrades.

Is it any wonder that they are grateful to him and that the mourners are many and sincere? Some one has said that "gratitude is the fairest flower that sheds its perfume in the heart."

He was a commanding figure in American life. He was at the head of a mighty organization of over 2,000,000 men scattered all over this great land of ours.

Col. Galbraith took an active part in the World War on the field of battle. He was one of the few officers of his rank to win the distinguished service cross for heroism in action.

He was a man of courage, ability, and integrity. He was a natural leader of men. He stood for that which is best and noblest in our national life. Intellectually he was keen and alert. He possessed a wonderful personality.

He was honest, sincere, and kind. He was a faithful friend. He was a genuine American.

These words alone build a monument of glory above the grave of any man who is worthy of them. In the prime of his manhood he reached his journey's end. "Night has fallen upon noon."

He was a friend of man. He was my friend.

ARMY APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5010, the Army appropriation bill, disagree to the Senate amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and agree to the conference asked for. Is there objection?

Mr. HARRISON. Reserving the right to object, I understand it is agreed on the part of the chairman of the committee that the Senate amendment raising the appropriation for enlisted men will be brought back to the House for a separate vote.

Mr. ANTHONY. There is no formal understanding, although I think I did express myself by saying that, as far as I knew, neither myself nor any other member of the conferees would be disposed to make any radical concession in regard to the matter without consulting the House.

Mr. GARRETT of Tennessee. Reserving the right to object, I understand the gentleman has conferred with Mr. SISSON, who will probably be one of the conferees on the matter. Mr. SISSON indicated to me in a conversation that there were some matters that he would want a separate vote upon before yielding.

Mr. ANTHONY. I should be disposed if my colleagues insist on a separate vote to yield to it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. ANTHONY, Mr. CRAMTON, Mr. SLEMP, Mr. SISSON, and Mr. HARRISON.

LEAVE OF ABSENCE.

Mr. STRONG of Pennsylvania, by unanimous consent, was given indefinite leave of absence on account of the serious illness of his wife.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 47 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, June 11, 1921, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

159. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Buffalo Bayou, Tex. (H. Doc. No. 93); to the Committee on Rivers and Harbors and ordered to be printed.

160. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou Lacassine, La.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MOORES of Indiana, from the Joint Select Committee on the Disposition of Useless Executive Papers, submitted a report (No. 159) concerning the disposition of useless papers in the Treasury Department, which said report was ordered to be printed.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6993) for the relief of retired commissioned and warrant officers of the United States Navy and Marine Corps, reported the same without amendment, accompanied by a report (No. 161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION, from the Committee on Roads, to which was referred the bill (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported the same with an amendment, accompanied by a report (No. 162), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROOKS of Pennsylvania, from the Committee on the Territories, to which was referred the bill (H. R. 6673) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii, reported the same with amendments, accompanied by a report (No. 163), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEA of California, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 2614) for the relief of Luke Ratigan, reported the same with an amendment, accompanied by a report (No. 160), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 7033) further extending the time for the repayment of certain Spanish War revenue taxes erroneously collected; to the Committee on Claims.

By Mr. BARKLEY: A bill (H. R. 7034) to amend section 32 of the act approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Miss ROBERTSON (by request): A bill (H. R. 7035) granting a pension to the regularly commissioned United States deputy marshals for the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and children under 16 years of age; to the Committee on the Judiciary.

By Mr. CONNELL: A bill (H. R. 7036) to amend section 4a of the act of Congress approved June 4, 1920; to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 7037) granting annuities to all native or naturalized American citizens 65 years of age and over who have been residents of the country for 20 years and whose income is less than $300 per year; to the Committee on the Judiciary.

Also, a bill (H. R. 7038) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes within the District of Columbia; to the Committee on the District of Columbia.

By Mr. UPSHAW: A bill (H. R. 7039) to stimulate patriotism and perpetuate the memory of Theodore Roosevelt, former President of the United States; to the Committee on the Library.

By Mr. KINCHELOE: A bill (H. R. 7040) for the purchase of a site for and the erection of a post-office building at Morganfield, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. KINDRED: Resolution (H. Res. 112) directing the Speaker of the House to appoint a committee to make investigation of the purported remarks of Admiral Sims before the English Speaking Union in London June 7, 1921; to the Committee on Rules.

By Mr. GALLIVAN: Joint resolution (H. J. Res. 154) forbidding the readmittance of William Snowden Sims to any port of entry in this country; to the Committee on Immigration and Naturalization.

By Mr. LONDON: Joint resolution (H. J. Res. 155) calling upon the President of the United States to establish friendly relations with the Government and the people of Russia; to the Committee on Foreign Affairs.

By Mr. KAHN: Memorial of the Legislature of the State of California, relative to the cooperation of the National Government in securing for the American petroleum industry foreign sources of supply; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARKLEY: A bill (H. R. 7041) to carry out the findings of the Court of Claims in the case of Benjamin R. Waller; to the Committee on War Claims.

Also, a bill (H. R. 7042) granting a pension to Tennie Helm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7043) granting a pension to James T. Lanman; to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 7044) authorizing the Secretary of War to donate to the city of Towson, Baltimore County, State of Maryland, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7045) authorizing the Secretary of War to donate to the city of Bel Air, Harford County, State of Maryland, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 7046) granting a pension to Emma Phipps; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 7047) authorizing the Secretary of War to donate to the village of Cleveland, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DRANE: A bill (H. R. 7048) to extend the provisions of the retirement law for the Lighthouse Service to include Hiram L. Curry, a former employee of the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7049) granting an increase of pension to Elizabeth Whitehurst; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 7050) granting a pension to George C. Brown; to the Committee on Pensions.

Also, a bill (H. R. 7051) to authorize the Secretary of the Interior to execute deeds of reconveyance for certain lands in the city of Mount Pleasant, Isabella County, Mich; to the Committee on Indian Affairs.

By Mr. FULMER: A bill (H. R. 7052) for the relief of G. C. Caldwell; to the Committee on Claims.

By Mr. HARDY of Colorado: A bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 7054) for the relief of Sherman M. Fairchild; to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 7055) to correct the military record of Levi Mott; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 7056) for the relief of Abram Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 7057) granting a pension to Anna L. Cowen; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 7058) granting an increase of pension to Andrew Hammond; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 7059) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, and to render judgment therefor; to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 7060) granting a pension to Elmira Biggs; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 7061) granting an increase of pension to Sallie Blevins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7062) granting an increase of pension to Ulysses Drinnon; to the Committee on Pensions.

Also, a bill (H. R. 7063) granting a pension to Sallie A. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7064) granting a pension to Roderick S. B. Nave; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 7065) granting an increase of pension to Sallie Perdue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7066) granting a pension to James M. Howard; to the Committee on Pensions.

Also, a bill (H. R. 7067) granting an increase of pension to Lucresy Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7068) granting an increase of pension to Susan Hall; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 7069) authorizing the Secretary of War to donate to the village of Gully, Polk County, State of Minnesota, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7070) granting a pension to Charles F. Carver; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 7071) to carry out the findings of the Court of Claims in the case of Joseph B. Harris; to the Committee on War Claims.

By Mr. TINKHAM: A bill (H. R. 7072) for the relief of Thomas Madden; to the Committee on Claims.

By Mr. WOODYARD: A bill (H. R. 7073) granting an increase of pension to William M. Cheuvront; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1217. By the SPEAKER (by request): Cablegram from the Ponce (P. R.) Rotary Club, unanimously indorsing the Smith-Towner education bill; to the Committee on Education.

1218. By Mr. BROOKS of Pennsylvania: Petition of Christ Lutheran Church, Gettysburg, Pa., favoring reduction of armaments; to the Committee on Foreign Affairs.

1219. By Mr. CAREW: Resolution of the congregation of Good Shepherd Church, New York, urging a reduction of armaments; to the Committee on Foreign Affairs.

1220. Also, resolution from the National Lutheran Council, of New York, proposing to amend the Constitution of the United States to authorize uniform laws on the subject of marriage and divorce, and to provide penalties for enforcement (H. J. Res. 31); to the Committee on the Judiciary.

1221. Also, memorial of Edwin H. Woarms, of No. 1 West Ninety-second Street, New York City, urging the early passage of House bill 285; to the Committee on Military Affairs.

1222. Also, resolution of Caduceus Post, No. 818, American Legion, urging relief for disabled soldiers of the World War; to the Committee on Interstate and Foreign Commerce.

1223. Also, memorial of the Metal Trades Council of New York City and vicinity, urging the passage of House bill 5351; to the Committee on Labor.

1224. Also, petition of the Robbins-Ripley Co., of New York, urging support of House bill 6678; to the Committee on Claims.

1225. By Mr. DALLINGER: Petition of members of St. Peter's Church, of Cambridge, Mass., favoring the calling of an international conference for the promotion of disarmament; to the Committee on Foreign Affairs.

1226. By Mr. ELSTON: Petition of Everyman's Club and many citizens of Oakland, Calif., for rehabilitation of the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

1227. By Mr. JAMES of Michigan: Resolution adopted by Congregational Church of Lake Linden, Mich., in favor of limitation of armament; to the Committee on Foreign Affairs.

1228. By Mr. KIESS: Petition of the St. James Episcopal Church of Muncy, Pa., favoring international disarmament; to the Committee on Foreign Affairs.

1229. By Mr. KINDRED: Petition of Walter T. Hamilton, of New York, relative to the wounded and disabled veterans; to the Committee on Interstate and Foreign Commerce.

1230. Also, petition of the National Lutheran Council, of New York City, urging the passage of joint resolution 31, regarding marriage and divorce; to the Committee on the Judiciary.

1231. Also, petition of members of the St. Stephen's Protestant Episcopal Church, of Jamaica, N. Y., regarding disarmament; to the Committee on Foreign Affairs.

1232. By Mr. KISSEL: Petition of D. T. Burke, Mrs. S. Gallagher, H. Harkins, and T. L. Rohan, all of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1233. By Mr. MORIN: Petition of the congregation of the Second Methodist Protestant Church of Pittsburgh, Pa., Rev. A. W. Kauffman, pastor, urging the President and Congress to invite the leading nations to an international conference on reduction of armaments; to the Committee on Foreign Affairs.

1234. By Mr. RAKER: Telegram from the California Automobile Association, indorsing Senator PHIPPS's bill for road development in the Western States; to the Committee on Roads.

1235. By Mr. REBER: Protest of the surgeon in chief and superintendent of the State Hospital, Ashland, Pa., against increase in tariff on surgical instruments; to the Committee on Ways and Means.

1236. Petition of Walter F. Meck, of Schuylkill Haven, Pa., for action by Congress looking to relief and protection for the imperiled peoples in the Near East; to the Committee on Foreign Affairs.

1237. By Mr. ROUSE: Resolution signed by Rev. P. J. Ross, Rev. C. O. Stewart, Rev. H. G. Haney, W. G. Yeager, Judge W. R. Payne, Huschel G. Haney, and Mrs. Alice Payne, asking for legislation seeking disarmament of the five leading nations of the world; to the Committee on Foreign Affairs.

1238. By Mr. SNYDER: Petition of the congregations of Trinity Church, Fairfield, N. Y., and the Church of the Memorial, Middleville, N. Y., for the disarmament of nations; to the Committee on Foreign Affairs.

1239. By Mr. THOMPSON: Petition of the congregation of the First Presbyterian Church, of Hicksville, Ohio, urging the passage of the Borah resolution, already passed by the Senate, or some equivalent resolution providing for a conference of the Governments of Great Britain, Japan, and the United States for the purpose of reducing naval armaments during the next five years; to the Committee on Foreign Affairs.

1240. By Mr. TINKHAM: Resolution of the Boston branch of the American and British Federation, protesting against the Mason, La Follette, and Norris resolutions now pending in Congress for the recognition of the so-called Irish republic; to the Committee on Foreign Affairs.

1241. Also, resolution of the First Free Baptist Church, of Boston, urging the Government to take the initiative in calling a conference of the nations to consider general reduction of armaments; to the Committee on Foreign Affairs.

1242. By Mr. TREADWAY: Resolutions of the congregation of Unity Church, of Pittsfield, Mass., and the church and congregation of the First Methodist Church, of North Adams, Mass., in favor of the calling of a conference of the leading nations to consider the question of disarmament; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 11, 1921.*

The House met at 11 o'clock a. m.

Rev. Henry N. Couden, D. D., Chaplain Emeritus, offered the following prayer:

Help us, O Lord God, our heavenly Father, to eliminate all of the evils that we have allowed to creep into our being, that we may present ourselves to Thee pure, noble, true men. We realize that this is the day of salvation, and that if we live right to-day we shall be in a better condition to get closer to Thee on the morrow. So, if we conduct our lives now in accordance with the great principles which Thy Son didst reveal to us, we shall have no fear for the future. It is now that we are concerned; then we shall be in Thy holy presence, guided ever more unto the right. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SECOND DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I present a conference report upon the bill H. R. 6300, making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and for prior fiscal years, and for other purposes, which I send to the desk and ask to have read, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Iowa presents a conference report upon the bill H. R. 6300, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 1 insert the following:

"*Provided*, That no person shall be employed from the appropriation for the Bureau of Efficiency for the fiscal year 1922 at a rate of compensation exceeding $1,800 per annum except the following: One at $7,500, one at $6,000, one at $4,250, six at $4,000 each, three at $3,600 each, one at $3,500, two at $3,250 each, five at $3,000 each, two at $2,750 each, three at $2,400 each, and five at $2,000 each.

And the House agree to the same.

JAMES W. GOOD,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.
F. E. WARREN,
CHARLES CURTIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment No. 1 of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report:

The Senate amendment proposed an appropriation of $10,000 additional for the remainder of the current fiscal year for the Bureau of Efficiency. The House concurred in the Senate amendment with an amendment agreeing to the appropriation and placing a salary limitation of $7,500 on the chief of the bureau and a limitation on other salaries of the rates in effect on July 1, 1920. The amendment agreed upon in the accompanying report carries the same salary limitation upon the chief of the bureau and specifically enumerates the number of persons who may be employed and the rates of compensation which may be paid during the fiscal year 1922 in excess of the rate of $1,800 per annum.

JAMES W. GOOD,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

The SPEAKER. Is there objection to the present consideration of the conference report?

There was no objection.

Mr. GOOD. Mr. Speaker, the provision contained in the House amendment was general, and the only increase granted by the conference report which was not recognized in the amendment of the House is one position, that of the assistant in the office who would receive $6,500. Under this provision he would receive $6,000 in lieu of $6,500, which he now receives. It reduces his salary by $500.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. I would like to have the opinion of the gentleman from Iowa, before he leaves Congress, as to the wisdom of the expenditure of this money through the Bureau of Efficiency.

Mr. GOOD. As I view it, there is no place now for the Bureau of Efficiency. The Bureau of Efficiency ought to be taken over by the President and turned over to his budget staff, and whatever force he has there that he feels it is desirable to retain ought to be turned over to the Bureau of the Budget and the money spent there.

Mr. GARNER. Let me suggest to the gentleman that I hope the Committee on Appropriations, or some committee of the House, when they are considering the question of the President's budget and it gets into working order next winter,

will remember the gentleman's remarks and undertake to save to the Treasury the balance that may be there at that time.

Mr. GOOD. I think there will be a duplication for next year unless the President by some order in creating his budget bureau takes this office into consideration, which for the next year will have $125,000.

Mr. GARNER. Has the President under the present law power to save the Government this duplication?

Mr. GOOD. I think so, because he creates the entire bureau of the budget, and in creating that can ask that these duties be transferred, and this Bureau of Efficiency will transact only such duties as the President may direct. The trouble with the Bureau of Efficiency has been that it has been doing work at the request of certain Members of Congress, when it is in fact a bureau of efficiency and an organ of the President and not of Congress at all.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BANKHEAD. Does not the gentleman think that the personnel of this bureau, with the experience they have had along the line of their work, could be very well assigned to the duties involved under the new budget system.

Mr. GOOD. Oh, I think so. I think they have had a very great experience, and I know they have some very good men connected with the Bureau of Efficiency. That bureau ought to be taken over by the President unquestionably.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. McKENZIE. Can the gentleman tell us whether or not Congress has ever followed the recommendation of this Bureau of Efficiency in cutting down the needless and useless employees in the Government service?

Mr. GOOD. Yes; the Bureau of Efficiency has on a great many occasions stepped into the departments of the Government and brought about a very great reduction in the number of offices. They did that in the Treasury Department, in the Post Office Department, in The Adjutant General's office, and also did some work, as I recall, in the Bureau of War Risk Insurance. They have done some very good work, but what I have said with regard to increasing their salaries I would not wish to be taken as a reflection upon the character of the service which many of the men have performed.

Mr. McKENZIE. I have no intention of reflecting on this bureau. I think the bureau has done good work. The trouble has been that Congress has not followed its recommendations in respect to these needless employees. Some of us would follow the recommendations of the bureau when the bill was originally before the House, but after it had gone to the Senate and come back and then gone into conference, and was finally adopted, we would find that the recommendations of the Bureau of Efficiency had been practically ignored.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. SNELL. Did I understand that when they make up this new budget organization they will do it largely from the present employees of the Treasury Department, the expert men along this line?

Mr. GOOD. This bureau is not a bureau in the Treasury Department. It is the President's bureau.

Mr. SNELL. I know that.

Mr. GOOD. The President is left free to select his budget staff.

Mr. SNELL. It is not intended necessarily to take them from the present employees.

Mr. GOOD. Not at all; but if there is no need for this organization in the future, as there will be no need for it now that the President has approved of the budget bill, the Bureau of Efficiency, so far as it will fit in with the work of the bureau of the budget, and it is all of the same class of work, could be taken over and ought to be taken over.

Mr. SNELL. That is the point that I am getting at. It ought to be taken over.

Mr. GOOD. I think there is no question about that.

Mr. SNELL. They will practically make up the entire budget organization?

Mr. GOOD. Yes.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. Has not the trouble in the past been that every time Mr. Herbert D. Brown, who is at the head of this Efficiency Bureau, has made recommendations to bring about more efficiency those recommendations have been turned down by bureau chiefs, and that immediately a fight is made on him with respect to his recommendations? Has not that been the trouble in the past?

Mr. GOOD. Well, I do not believe there has been very much difficulty along that line.

Mr. BLANTON. Let me be specific. The distinguished gentleman from Iowa will remember, because he keeps up with these things, the specific recommendation made by Mr. Herbert D. Brown, a copy of which I placed in the CONGRESSIONAL RECORD, so that the Members would be acquainted with it, to the effect that we would never get efficiency in any department from any of the Government employees until Congress did that same thing for all employees that we did to the firemen and policement of the District—separate them from their affiliation with the American Federation of Labor. The gentleman will remember that specific recommendation, and immediately a fight was made upon Mr. Herbert D. Brown, trying to put him out of office, and the fight has been on him ever since.

Mr. GOOD. Well, Mr. Speaker, with these amendments, the situation, as compared with the present force will be as follows: At present the director receives $10,000. Under the conference report he will receive $7,500. The assistant receives $6,500, and for next year he will receive but $6,000. There is one now at $4,500. There will be none at $4,500 next year. There are three at $4,250; there will be one next year at $4,250. There are six at $4,000 now. There will be six at $4,000 next year. There is one at $3,750, and for next year there will be three at $3,600. There is one at $3,500, and next year there will be one at $3,500. There is one at $3,250 for this year, and next year there will be two at $3,250. Now there are seven at $3,000, and next year there will be five at $3,000. There are none at $2,750 now, and next year there will be two at $2,750. This reduces two employees' salaries from $3,000 to $2,750. There are three at $2,500, and next year there will be none. There is one at $2,400 now, and next year there will be three at $2,400. There are two at $2,250 now, and there will be none at that figure next year. There are two at $2,000 now, and next year there will be five at $2,000.

Mr. SMITH. Will the gentleman yield?

Mr. GOOD. I will.

Mr. SMITH. Are the employees of the Efficiency Bureau in the classified service?

Mr. GOOD. That is my recollection.

Mr. SMITH. Were they appointed through competitive examination or detailed from other departments?

Mr. GOOD. Some of these chief investigators may not be under the classified service, but I will have to look that up.

Mr. SMITH. I understand the amendment suggested by the gentleman is to limit the salaries of these employees to prevent them increasing their own salaries at their own pleasure.

Mr. GOOD. Yes; absolutely. Mr. Speaker, I ask for a vote.

Mr. PARKER of New Jersey. Will the gentleman state the total?

Mr. GOOD. The total amount is not changed for next year. This amendment just deals with next year as a limitation upon the amount and comes within the limitation carried in the act. The act simply carries a provision that not more than 15 persons shall be employed at rates of pay in excess of $3,000, and it allows the director the right to fix the rates of pay of those 15 persons. The total is $125,000 for next year.

The SPEAKER. The question is on the conference report.

The question was taken, and the conference report was agreed to.

The SPEAKER. The Chair lays before the House the following communications.

The Clerk read as follows:

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 10, 1921.

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Appropriations and as chairman of that committee.

Sincerely yours,

JAMES W. GOOD.

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON THE BUDGET,
Washington, D. C., June 10, 1921.

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as chairman of the Select Committee on the Budget.

Sincerely yours,

JAMES W. GOOD.

The SPEAKER. Without objection the resignations are accepted.

There was no objection.

Mr. MONDELL. Mr. Speaker, there is not a Member of this House who has not heard with very great regret the resignation of the gentleman from Iowa [Mr. GOOD] just presented.

We have known for some time that the gentleman from Iowa contemplated retiring to private life. While we have known this perhaps we have none of us realized up to this time just how much his separation from the public service means to the House. It is impossible to measure in money the value of the public service that a man with the courage, the capacity, and the good judgment possessed by the gentleman from Iowa renders when these splendid qualities are exercised at the head of a great committee of the House. [Applause]. To say that the value of those services run into the millions is not to use the language of exaggeration, and yet great as the loss is to the public service we can not chide our friend for his decision, for after all a man's first duty is to his family. We know that the service here to a man who has not accumulated a fortune is a continuous sacrifice. We know that there are many Members of the House who are constantly reminded that every day of service here on the salary they receive and with the obligations they have upon them render their financial situation more and more trying. Realizing this, much as we regret the going of our friend, we can not and we would not criticise him for his decision. While the service he could perform, the service he has performed, here can not be measured in dollars, there are opportunities for splendid service in private life, and knowing the gentleman from Iowa as we do we know that wherever he may be, whatever his occupation may be, whatever activity may engage his attention, he will always be working in the public interest. [Applause.] The resignation of the gentleman from Iowa adds one more to the line of distinguished ex-chairman of the Committee on Appropriations.

The House has been most fortunate in the men who have been selected for that important position. It is not essential to the fame of the gentleman from Iowa to say that he has been the greatest chairman that committee has ever had; it is sufficient for any man's fame or standing in this House, or wherever the work of the Congress is known and appreciated, to say that no man ever presided over this committee or presented its bills to the House with better manners, with sounder judgment, with finer courage, with greater success than the gentleman from Iowa. [Applause.] He will be remembered as an earnest, faithful chairman of the committee, always anxious to keep the appropriations within the proper limits, and successful in a large measure in doing so at a time most trying and difficult. But he will also be remembered, and perhaps longer than, as chairman of the committee, for the work he has performed in connection with the establishment of a budget system. This great measure of reform, from which we expect so much, will always be linked and associated with his name.

And so he goes from us to private life leaving behind him a splendid example of devotion to the public service. He will be remembered as a man possessing abundantly the highest and best qualities, as one who devoted these qualities unselfishly and faithfully to his country. In the history of public affairs he will be especially remembered as the man who had much to do with bringing about the great and much-needed reform of the budget.

Our good will goes with him. We extend to him our thanks and appreciation for his good service and kindly companionship here. We wish him Godspeed and success, health, and happiness, not only for himself but for all his family, wherever their lot may be cast in the future. [Loud applause, the Members rising.]

Mr. MADDEN rose.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Speaker, to be fortified with the consciousness of one's own rectitude should be the highest aim of men in public office. That is the compensation to which we should aspire for the work we do. If fidelity to duty is the measure by which men are to be gauged, JAMES W. GOOD should receive the plaudits of the American people. [Applause.] He is a great lawyer, but he has had no client except the Nation during his membership in the House. [Applause.] He has had no interest except the people's interest. He has been devoted unselfishly to the public service. He has been patriotic during a period in which men's courage was sorely tried. There has been no work too hard, no day too long, for him. He has possessed system, industry, devotion, patriotism, fidelity as great as that of any other man I have ever known. He leaves us with the affectionate regard of every Member of the House. He goes back into the ranks of the masters of the membership of the House, and henceforth we will look to him for advice and guidance in the duties we may have to perform here as servants of the American people.

JAMES W. GOOD has been in every sense a true public servant. [Applause.] No higher commendation could be given to any man than to say that he has had no personal interest in the work he has been called upon to do in his public office—truthful, with a patriotism as great as that of any man I have ever known, with a courage that no man could put down, he has been devoted to economy in the Government service, to integrity in the administration of national affairs, to the accomplishment of everything which had for its purpose the amelioration of conditions among the people.

I regret to see him go. I have had great pleasure in associating with him as a member of the Budget and Appropriation Committees. I have marveled at his industry, at his vision, at his courage, at his success. He more than any other man that I ever knew was able to harmonize all the elements among the men who associated with him and have them work as a single man. The accomplishments which he as a Member of Congress has achieved will be with him as a heritage for the future. I predict for him the greatest success in his new field of endeavor. He goes to the second city on the American continent, there to compete with men who do things. And he starts with an assurance of a hearty reception by every citizen of Chicago and every other citizen of the State of Illinois. And he has the confidence of the entire American public. I bid him Godspeed and success, good health and prosperity. [Loud applause.]

Mr. BYRNS of Tennessee rose.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] is recognized.

Mr. BYRNS of Tennessee. Mr. Speaker, I am sure there is universal regret that the gentleman from Iowa [Mr. GOOD] has felt it to be his duty to resign from Congress and to retire to private life. His retirement will be a distinct loss to the country and to the Congress.

Personal popularity may be acquired in many ways, but I think it is safe to say that one can only permanently retain the regard and the esteem of the entire membership of the House by hard and earnest work and a faithful devotion to public duty. The gentleman from Iowa as he retires to-day from public life will carry with him into private life the genuine regard and esteem of the entire membership of the Congress. [Applause.]

I may be pardoned for saying that his retirement, to me, is in the deepest sense a personal loss, for I have been closely associated with him personally and officially throughout practically all of my service in Congress. JIM GOOD is my warm personal friend. We entered Congress together, he a strong and partisan Republican from the State of Iowa and I a partisan Democrat from the State of Tennessee. He served during his first term, as I recall, on the Committee on Territories and possibly on other committees. I served on the Committee on Indian Affairs. But at the end of two years we were placed on the Committee on Appropriations, and by a peculiar coincidence, possibly, we have served together during that time upon the same subcommittees. When the Democratic Party was in control he served as a member of subcommittees of which I was chairman, and since the Republican Party came into control I have had the privilege of serving as a member of subcommittees of which he has been the chairman. As a result I have come into the closest contact with him personally and officially.

We have had our differences, many of them, and some of them very sharp differences, but I can truly say that in all of these differences I have never had the least reason to suspect that he was actuated by any other motive save that of the highest sense of public duty. [Applause.]

I have served under three chairmen of the Committee on Appropriations—Mr. Fitzgerald, of the State of New York; Mr. Sherley, of Kentucky; and our friend, the gentleman from Iowa [Mr. GOOD], who is now about to retire. It has always been a very proud tradition of the Committee on Appropriations that all of its chairmen throughout its entire history have been men of great ability and energy—zealous and faithful in the discharge of their duty, and fearless and untiring in their efforts to bring about economy in public expenditures. The gentleman from Wyoming [Mr. MONDELL] has made passing reference to this fact. Among them was the distinguished gentleman from Illinois [Mr. CANNON], whom everyone on both sides of the House, without regard to party, dearly loves. [Applause.] Mr. Randall, of Pennsylvania, and many others, all of whom measured up to this splendid standard.

The gentleman from Iowa during his service as chairman of that committee has fully measured up to the standard set by his able predecessors, and will be known in the future on account of his service as one of the great chairmen of that great committee. Valuable, Mr. Speaker, as his service has been as

a Member of the House, and as a member and chairman of the Committee on Appropriations, I believe that one of the greatest services he has rendered to his country has been the work he has done toward bringing about the enactment and establishment of a budget system, which became a law on the day before yesterday. Many distinguished statesmen, including Presidents and ex-Presidents, both in Congress and in the press of the country, have advocated the establishment of the budget system for many years in the past. Writers on economic subjects have impressed upon the country the importance of a better and more efficient method of handling our appropriations and making public expenditures. But it remained for the gentleman from Iowa, by his leadership, to put the machinery into operation and to bring about the actual enactment and establishment of a budget system. [Applause.] No law, however wisely conceived, will prove a success unless it is faithfully and honestly administered. If the right sort of officials are appointed to administer this law, and if the President and those who shall come after him in that high office avail themselves of the opportunity to acquire the most complete and accurate knowledge of the financial needs of the Government, and to compel economy in expenditures, it will prove to be one of the greatest constructive measures passed in many years, promoting not only economy but also bringing about coordination and a higher state of efficiency in all the departments of the Government.

And let me say that in the years to come this great service that JAMES W. GOOD has rendered will prove one of the crowning achievements of his otherwise highly useful and splendid legislative career. [Applause.]

Let me say again that we all, without regard to party, regret that he has felt it to be his duty to his family to retire from the public service. We wish for him the greatest success possible in the practice of his profession in the city of Chicago, the great metropolis of the West, where he will make his home in the future, and the greatest abundance of happiness and pleasure for him and his during many, many years to come. [Prolonged applause.]

Mr. WOOD of Indiana. Mr. Speaker, I feel that I can not let this opportunity pass without embracing it by expressing my appreciation of Mr. GOOD as a man and as a public servant.

His going from us will result in his distinctive gain; it will result in a corresponding loss to the United States. In these days, when the whole world is in turmoil, when our own beloved country is in distress, it takes men of character and courage to help to bring back that normalcy which we all so much desire. Mr. GOOD has demonstrated not only by word, but also by act, where it took courage to act, that he has been giving the best that he possessed to bring about that happy purpose.

I happened to be fortunate in having gone West during last summer with some members of the Committee on Appropriations to inspect the great irrigation reclamation projects in the western part of this country. We were received everywhere by those who were interested with every courtesy that they could extend to us. It was natural for those in our party to extend to them every possible encouragement. We found that they were doing a wonderful work and reclaiming what has ever been looked upon as a purely arid region. It was demonstrated that it would take millions, untold millions, of dollars to make that section of the country the garden spot that some time or other it is destined to be. Those immediately in charge, of course, were desirous of having immediate appropriations to bring about that happy result. While we gave them every word of encouragement possible, yet through our chairman, Mr. GOOD, no false hope was held out to them. In each individual instance he tried to minimize the possibilities of Government participation in order that they might not be led to believe that the Government would be able to do for them something that it could not do.

It requires courage and character to do that. And so through all Mr. GOOD's career he has occupied that frank position, and we have heard him speak here upon this floor when it took courage to speak against the popular clamor with reference to appropriations that were being demanded, and we have all honored him and respected him for his unswerving stand.

Now that he is going from us we know that it is pleasant for him to hear these words of commendation, gratifying indeed to know that he is leaving behind a favorable memory that will last with all those who are here, and which will be handed down by those who are to come. But I think the greatest satisfaction that the future can afford for Mr. GOOD will be to see that policies which he has striven so well to carry out will be carried out by those of us who are left behind. [Applause.]

Mr. Speaker, I will append to my remarks a timely editorial from the New York Tribune of this morning, expressing a very accurate appreciation of Mr. GOOD's service in this House, which reads as follows:

[Editorial from New York Tribune of June 11, 1921.]

A WORTHY PUBLIC SERVANT.

JAMES W. GOOD, of Iowa, who resigned yesterday from the House of Representatives, will be counted among the notable Members of that body. He had served for a little more than 12 years and been for a little more than 2 years the chairman of the Appropriations Committee. But he was the first chairman of the committee after its enlargement to conform with the requirements of a genuine budget régime and its recovery of the powers of which it had been stripped in the revolt against Samuel J. Randall's centralized powers.

In his brief term he accomplished prodigies in the way of reducing inflated department estimates of which Randall, CANNON, Holman, and other earlier "watchdogs of the Treasury" never dreamed. They snipped off tens of thousands here and hundreds of thousands there. Sometimes they slashed in millions. But, as Mr. GOOD said in a speech he made in the House on March 4 last, reviewing the appropriations: "In the three sessions of this Republican Congress we have reduced the estimates of President Wilson and his Cabinet by more than $4,163,000,000. Certainly a wonderful record."

Up to 1919 the Appropriations Committee had been relaxing more and more its grasp on expenditures. Randall dominated the House when he was chairman. Because he remained a protectionist rather than because he counted the pennies, the southern free trade element decided to discipline him. They took control of appropriations for the Army, the Navy, post offices and post roads, and other services out of his hands and vested it in rival committees. Multiple responsibility led to laxity and extravagance. The outside committees formed alliances with the departments and abandoned the critical attitude which the old Appropriations Committee had always shown. The House ceased to exercise its true function as an accountant and auditor. Only the vast expansion of Government outlay in war time made it realize the necessity of going back to unified control.

Mr. GOOD believed that the House should be an agent to restrain expenditure, not to stimulate it. He practiced what he preached. He contributed largely to persuading his associates to return to budgetary first principles. He made the enlarged Appropriations Committee a true budget agency, although a budget act was kept off the statute book by President Wilson's veto. He was a reforming chairman, vigilant, conscientious, and courageous. He cut the estimates much deeper in 2 years than they had been cut in all the 20 or 30 years preceding. He retires with a record of brilliant achievement and the gratitude of the public which he so faithfully served.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, in every community of any size or importance in this country there is a chamber of commerce, and in that chamber of commerce is a secretary. The success of that secretary is dependent upon his increasing the amount of money expended in that community. If there is a Government activity there, he must endeavor to have it enlarged. If there is no Government activity, he must endeavor to have one located there. He is not specially charged with the duty of defending the Treasury of the United States. When he endeavors to have the department in charge of a particular activity recommend the creation or the enlargement of an activity, it is not difficult for him to succeed, because that official is anxious to have the particular department over which he presides enlarged. When the estimate for funds is once presented to Congress, it is not difficult for the chamber of commerce secretary, appealing through the friends of the Congressman, to convince the Congressman that the activity is meritorious, and that he should appeal to the chairman of the Committee on Appropriations for the appropriations desired. If 50 per cent of the proposals thus presented to the chairman of the Committee on Appropriations were approved of by him and his committee, Government bankruptcy would result. If the appeals of Members are denied by him, he is certainly in danger of antagonizing most of the membership of the House.

That JIM GOOD, under such circumstances, could serve for two years as chairman of the Committee on Appropriations and defend the Public Treasury, as he has done, and at the expiration of that time retain even a measure of popularity, is a tribute to the genius of the man and a tribute to the fair-mindedness of the House. [Applause.]

When opportunity came to him he brought to the discharge of the duties of chairman of this great committee not only wonderful energy and great intelligence, but, gentlemen of the House, he brought to it that which the gentleman who preceded me [Mr. WOOD of Indiana] referred to, an unexampled courage. Having served with him for two years, and serving on the same subcommittee with him for a great part of that time, I had opportunity to watch him under the most trying circumstances. Immediately after the war there was a natural desire on the part of those gentlemen who were engaged in purely war activities to have those war activities continued, so that they might continue in the service of the Government. Every effort that was made to discontinue those activities met with opposition on the floor of this House, as well as in the executive departments.

I have watched the chairman of the committee [Mr. GOOD] when I knew that organized efforts were being made to start back-fires upon him from his own district to appeal to him to

change his position in order to save his party and to save himself, and never has it been my pleasure to serve with a man who has displayed greater courage than has Mr. GOOD. [Applause.] Time after time have I seen him take positions, conscious as he was of the unpopularity of his attitude, solely because he was convinced that the position he took was for the best interest of his country.

While listening to the pleas of those who have appealed for appropriations it has always impressed me that he sincerely had in mind the millions and millions who never appear before Congress, who never will appear before Congress, and whose only salvation in this Republic must depend upon the honesty and the courage of the chairman of the Appropriations Committee. [Applause.]

He and I have had some warm contests upon this floor. We did not attend the same school or study the same arithmetic, and we never could figure alike; but differing as we have, I can truthfully say that never once did he fail to insure to the minority members of the committee every right to which they were entitled. Never once has he taken advantage of me or of any other member of the committee. Never once has he failed to give us a square deal. [Applause.] He is a hard fighter, but I love a hard fighter when he is a fair fighter, and JIM GOOD is a fair fighter. [Applause.] I regret his leaving, because I believe, first, that it is a public misfortune when a man of his type leaves the public service. I regret it, too, because of my personal loss, for outside of our service on the committee he has been my personal friend. I value his friendship, and while the Government loses a faithful public servant, I am separated—I hope only temporarily—from my personal friend. Wherever he goes I know that he will carry with him the esteem and affection of every Member of this House, all of us feeling confident that the same qualifications that have won for him success in this House will win for him success in the profession to which he will now devote himself. [Applause.]

Mr. FRENCH. Mr. Speaker and gentlemen, I join with those who have preceded me in the estimate they have pronounced upon the distinguished chairman of the Appropriations Committee and our colleague, Hon. JAMES W. GOOD, as he retires from this body and from the chairmanship of that great committee. Our leader [Mr. MONDELL] said that it was impossible to measure the services of such a man, and so it is; and yet during the last three or four years we have heard a good deal of cost-plus contracts and of profits awarded to those who have performed service for their country upon the basis of 6 per cent, 8 per cent, or 10 per cent upon the work performed. We can not measure the public services of a man in this body upon any such basis. And yet if from all his services we were to take the sum that Chairman GOOD has been responsible in largest measure in saving to this country and allow him a percentage for his work, what an income it would be! If we were to take the more than $4,000,000,000 saved during the period of his chairmanship and allow him not 10 or 8 or 6 per cent but merely 1 per cent as his share in the way of a profit upon this vast sum saved to the American people, then as he walked from us to-day he would carry with him in his pocket a neat little check signed by Uncle Sam in the amount of more than $40,000,000 to be deposited to his credit as he opens his bank account in Chicago. [Laughter and applause.]

Mr. Speaker, I approve most heartily of what has been said touching the industry and fidelity of our distinguished colleague. There is another thought, however, that I want to underscore and that has relation to his ability, referred to by my predecessor, to say "no" to a friend. Upon this floor friendship looms large. Members learn to know the worth of their fellows and to hold them in highest esteem. Members of this House are fond of JIM GOOD. He knows it. He realizes it. There is no Member of this body whose services are worth the paper upon which his certificate of election is written who is not proud of his own district, who does not somehow feel that his own State is, maybe, a little better than any other State, and his own part of the country blessed by Heaven a little above the other parts of the United States. He does not see the whole mosaic. He sees merely one little stone that enters into that mosaic. He goes to the chairman of the committee and he importunes him for appropriations and for consideration that can not be given to all the Members of this House, to all the districts, and to all the States. And Chairman GOOD, during the time he has been chairman, has had the responsibility of looking at the mosaic as a whole, at our country as a whole. He has time and time again been compelled to summon his courage and act in line with his sense of duty and say "no" to the best friend he had when "yes" did not measure up with the course that meant for highest patriotism and good faith toward the people of our Nation. To do this our chairman had to begin with the committee and with the organization within the committee.

Let me give one illustration: A little over a year ago you gave to the Appropriations Committee greater work in the matter of appropriations. You also gave to the committee an assistant clerk. Mr. GOOD went to the very efficient clerk of the committee, Mr. Sheild, and asked him to help hunt out the man to be assistant clerk. Mr. Sheild said, "What suggestion have you to make?" Mr. GOOD replied, "I have no suggestions," and then he turned and said, "Yes; the suggestions I have to make are these: As you hunt out the man I do not want you to choose anyone who by reason of his residence or by reason of any sort of personal attachment will have cause to think that I can look with favor upon any lack of efficiency or any course on his part that is not for the public good." Those of you who have seen the result know how carefully and well the mission was performed by Mr. Sheild in selecting the assistant clerk and how faithfully that charge was carried out. [Applause.]

Gentlemen, if every public official charged with responsibility of employing help were to take this course of conduct as a pattern, we could abolish our civil service, and there would be ushered into our administration of affairs such an era of efficiency as would challenge the admiration and the pride of every citizen of our Republic.

Mr. Speaker, there is much that I could add that would stress the value of the public services of this man. He goes from us to assume other responsibilities. I join with those who have spoken and the entire membership of this body in regret that he is leaving the public service of our country, and join, too, with my colleagues in the thought that we wish him the greatest good fortune in the new field of his endeavor. [Applause.]

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, an hour like this makes us better men. It is a beautiful commentary on that regnant manhood which is always at a premium in this House that across the political lines that divide us we shake hands in golden fellowship and agree to put emphasis not on the things that divide us but on the things that unite us. Personally grateful for courtesies from the chairman of the Appropriations Committee, and more than this, tremendously convinced that the Government is losing the personal services of a very faithful man and an able statesman, I felt that I would be recreant to a sacred and a grateful impulse if I let this hour pass without expressing my own brief word of appreciation.

Reference has been made to the gentle and yet definite manner in which Mr. GOOD has turned down his friends on appropriations so passionately desired, and I was thinking that if every man on the floor of this House whom he has turned down for patriotic reasons were to weep in his path to-day, he would float out of office on an ocean of tears. But, on the other hand, if every man to whom he has been courteous and to whose constituents he has been helpful were to scatter flowers in his path, he would walk in a bower of roses from Washington to his Iowa home. [Applause.] God bless JIM GOOD, and give him a "good" time as a God-fearing, useful man from now till the judgment day. [Applause.]

Mr. DAVIS of Minnesota. Mr. Speaker and gentlemen of the House, I shall occupy but a very few minutes on a subject that a man who is as familiar with the details as I am could talk for an hour or more. I have been in this Congress nine full terms and starting in on the tenth, and all the time since Mr. GOOD has been in Congress I have been associated with him. Nearly all these years I have been on the Appropriation Committee with him. I may say something commendatory of him before I get through, and not only may but will. I can not help but say so if I told the truth. I want to relate a little incident which will express my opinion of Mr. GOOD.

A few years ago, when I was in political life, a friend of mine in Minnesota came up for office, one of the highest offices in this country barring the Presidency. He had never been engaged in politics before. He came to my home city to address a county fair in which there were about 5,000 farmers present. He asked me, owing to my familiarity, to go down and introduce him to the audience. He was unknown to them politically. I did so. I advised him a little bit as to the kind of an argument I thought he ought to make. He was a lawyer by profession and had known nothing of farming, and still he was about to address 5,000 intelligent farmers. I said to him on the way down, "Now, sir, you are a great lawyer, but you know nothing about farming and this is a farm audience. You know much about transportation and all the men present are anxious to hear about it. Address yourself to that subject if you want to talk about something which they are interested in. You

can not teach them farming, but you can tell them something about the transportation of their products."

He did so. It was the first forcible expression on this subject the audience had had. In conclusion I addressed 5,000 of my old friends. I said, "My fellow citizens, the little gentleman who has just addressed you, whose hair has grown gray in the practice of the law, came up and went into a law office in St. Paul a number of years ago unknown, but by constant hard work what is the result? Recently the great American Bar Association elected him as chairman of the Bar Association of the United States. That is what he attained, and now we are going to send him to the United States Senate. I do not say that he will become a Daniel Webster or a Henry Clay on the floor, but I do say that if you keep him there, as he succeeded at the bar by going to the top, he will certainly in a few years go to the top of the United States Senate."

Now, my friends, I was not familiar with my friend GOOD before he came to Congress, but I had heard of him as a lawyer, and when I met him here and became associated with him I said to myself it will not be very long before JAMES W. GOOD goes to the top. [Applause.]

He certainly has, not only to the top as regards the affection of this House, not only in consequence of his ability, but his modesty and integrity, and the whole American people at this time honor and revere the name of JAMES W. GOOD. [Applause.]

I did say at a little gathering a while ago in which Mr. GOOD participated that I was sorry, very sorry, that he was going to resign. I rather put it then on the fact that Congress had honored him and that he had honored Congress and that the Nation needed and demanded his services here. I was somewhat criticized for making that statement. Why? Because they told me then—and I know it now and believe it to be true—that a man's first duty is to his family; that, therefore, if any excuse is to be offered for deserting or quitting the great position he occupies in Congress, it is because he deems it his duty to take care of his family better than a man can who lives on his salary in Congress. God bless him when he goes to Chicago. As my friend MADDEN just said, he will have to compete with the best lawyers in the best city of the United States, but I will guarantee that JAMES W. GOOD in a very few years will go to the top of that bar and that you can not stop him. [Applause.] His reputation as chairman of this great committee will live many years. I have served with John J. Fitzgerald, a fine chairman of the Appropriations Committee, and with Mr. Sherley after that, and then with JAMES W. GOOD. Mr. GOOD is the equal and in many respects the superior of either of them. They were grand men, and I loved Fitzgerald and I loved Sherley, but I have never met a man in all my public career, and I have known many of them, that devoted his energy and talent more faithfully, more honestly, more patriotically to the duties than JAMES W. GOOD. God bless him! I hope to see him go to the top financially and otherwise in the near future. [Applause.]

Mr. JEFFERIS. Mr. Speaker and gentlemen of the House, I can not let this moment pass without saying a few words. Thirty years ago JAMES GOOD and I were students at the University of Michigan. We became members of the same class, members of the same section of the class, and graduated together in 1893. All that has been said of him here to-day was displayed there then, only in a different field of activity. He was at all times active, possessed of the great energy that has carried him through these years to such success. He was a "boomer-lacker." That was our class yell. He could yell it with the rest of us, with all the vim and enthusiasm that he possessed.

Boomer-lacker, boomer-lacker,
Boom, boom, baw,
Michigan, Michigan,
'93-law!

When we separated 28 years ago, going out into the world, every member of the 321 young lawyers felt assured that we would hear from JIM GOOD, and I know that members of the class have the greatest pride and admiration for the sacrifice that he has made for 12 years of his life for his country's good, for the advancement of the cause of this great Nation, and they, like all loyal, true Americans of the Nation, join in wishing JAMES W. GOOD, for the balance of his life, all the happiness that it is possible for human kind to obtain on this terrestrial globe. [Applause.]

RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess, subject to the call of the Speaker.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House stand in recess, subject to the call of the Speaker. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 7 minutes p. m.) the House stood in recess.

PROCEEDINGS DURING RECESS.

PRESENTATION OF SILVER SERVICE TO REPRESENTATIVE JAMES W. GOOD.

Mr. MONDELL. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker, my distinguished and retiring colleague, Mr. GOOD, and Members of the House, a few days ago, when I was requested to assume the responsibilities of seeing to it that a material evidence of our appreciation of our retiring colleague was realized, I did so with some reluctance and hesitation. I feared that it would entail endless hours of hard work, and that I might, perchance, encounter caustic criticism and unkind comment; but I want to say to you, Mr. GOOD, that the endless hours of hard work which I feared were converted into a few short hours of my greatest pleasure, made possible in large measure by the willing cooperation of my colleagues, Mr. DARROW, of Pennsylvania, and Mr. GARRETT, of Tennessee, assisted by a representative of every State delegation of the House membership. Instead of encountering unkind criticism and comment, I say to you again, not a single one of your colleagues had anything but eulogies and regretful expressions to make at your departure. Had I the forethought to have kept in a memory book the many, many kind things that were said to me regarding you and your service, and were I this day and this hour to hand that to you, I would be giving to you a thing of value not purchasable by the aggregate wealth represented in this House.

A very ordinary man is sometimes called upon to endure hardships and distress to such a degree as to excite the admiration and respect of his fellow men, but I say, sirs, that it requires an extraordinary man to meet honor, success, and position, and still hold that same respect. But JIM GOOD—and I make bold to call you "JIM," not out of any spirit of familiarity but rather prompted by that kind, loving feeling that every man has in knowing you as a friend—I say to you, you are that extraordinary man, because you have met success, you have obtained position, you have received honor, and yet you have held the deepest respect and the warmest feeling of all your colleagues.

I am but the mouthpiece of the membership in the House, and as such I say to you on your retirement, Godspeed, and I now take pleasure in presenting to you this beautiful service as emblematic of all that I have said. In order that you may the longer remember your colleagues and the greater appreciate their friendships, we have chosen for you a gift usable only by the best of women, "your wife." [Applause.]

Mr. GARRETT of Tennessee. Gentlemen, I suppose so long as our form of government remains as it is we shall have two major political bodies contesting for supremacy. At one time one will be in the majority and at another the other. I think all philosophic students of our form of government are agreed that two parties at least are necessary—a majority and a minority party. Of course I violate no confidence, Mr. Speaker, in telling the Members of the House that the people of the country are very rapidly coming to the conclusion that they made a great mistake in determining which should be the majority party last November. [Laughter.] I know many distinguished Republicans who have visited in the city of Washington since the 4th of March and who have recently returned to their homes who are very firmly of that opinion. There are others who still linger with us whose convictions on that subject are trembling in the balance. [Laughter.]

The gentleman from Iowa [Mr. GOOD] is the most unique Republican in America to-day, and to many the most mysterious. He is voluntarily retiring from high official position. [Laughter.]

It has been my pleasure in cooperation with the gentleman from Ohio [Mr. BEGG] and the gentleman from Pennsylvania [Mr. DARROW] to serve as a committee in securing and presenting to our colleague a symbol of the regard and respect which his colleagues entertain for him. This gift, which has been so well presented by the gentleman from Ohio, represents a personal tribute on the part of Mr. GOOD's colleagues, without regard to political affiliation, and expresses their appreciation of the service which in a highly responsible position in this great Government he has for the last three years so well performed. It goes to him with good wishes, with good will, for him and for his. It is hoped that it is of a character that will be appreciated not only by him but by those who are

near and dear to him, and that it can properly be handed down to those who are to come after him in the line of his blood as a memento of the regard and respect which was entertained for him during his period of great service at a great era by the Members of this great body. [Applause.]

Mr. GOOD. My colleagues, I would be less than human if I failed to appreciate and comprehend the full meaning of your action to-day. The generous expression of the value of my services, the presentation of this beautiful gift, fill my heart with emotions that no words can express. To learn from you that I have accomplished something worth while for the House makes me glad. To learn from you, too, that I have accomplished something as a legislator that will live makes me happy. I should like to think that I deserve the commendation you have bestowed on me, for there could be no greater reward for public service than the knowledge of valuable work done, generously appreciated by men who themselves contributed much to its accomplishment.

It is not an easy thing to lay down and return to you the commission as chairman of the great Committee on Appropriations; it is not an easy thing to resign a commission given by a loyal constituency which has on seven different occasions, with increasing majority, and on the last election by a unanimous vote, returned me as their Representative to this House. If I consulted my own wishes alone, I would prefer to serve here in this forum rather than to give service in any other place in all the world.

If I have accomplished anything as chairman of the Committee on Appropriations, it has been because of the loyal support, of the hard work, of the great industry of the clerks of that committee and of every member upon that committee. [Applause.] Much of the success, whatever it has been, of that committee is due not to the chairman but to the devotion and cooperation of every member of the committee, whether he sits on one side of the aisle or on the other, and for the industry and the cooperation of the committee I want to express my very great appreciation and sincere thanks.

I shall miss working with men like JOE BYRNS of Tennessee, with whom I have worked for 10 years. I sincerely hope that in the future the old historic policy of leaving all politics out of appropriations will be maintained and followed, and if the advice of my distinguished friend from Tennessee [Mr. BYRNS] is followed, that policy will be strictly adhered to.

Some few months ago I contemplated taking this action. It was not possible for me to do so then, and it is only possible now because certain things have been accomplished which were then incomplete. I had been requested by the majority leader and the Speaker to remain in Congress until the budget bill should become a law and until the deficiency bill should be enacted into law, which two things are now behind us. On this occasion I want to say to the membership of this House, as I go out into private life, that I shall take with me not only the great appreciation of what you have said, of your cooperation and help while I have been chairman of this great committee, but I shall leave with you the thanks of myself and of Mrs. Good for the handsome gift which you have presented to us.

As I go out I shall take with me a high appreciation of the membership of this the House of Representatives. [Applause.] I shall often think, of course, of my service here, my service with men who are mental giants, and who are doing the very best within the power of man to write upon the statute books of the Nation those laws that will bring about a more normal condition and that will more steadily advance the interests of their countrymen, and whenever opportunity shall be given to me I shall not fail to testify to the devotion to duty, the loyalty to our country, of the 435 Members of this House, and their desire and determination to do the right thing. [Applause.] In leaving I realize that I am leaving the greatest legislative body in all the world. I am leaving a body which has grown to be the conservative branch of Congress. The founders of the Republic in creating the House of Representatives thought that this would be the aggressive and may be the wasteful branch of the Congress, and that the Senate would be the conservative branch, but the demonstration of the last two years shows changes wrought by time; to-day you are the guardians of the Treasury of the United States. [Applause.] And while two appropriation bills remain unacted upon for the next year I leave without hesitation, because I know that the gentleman from Kansas [Mr. ANTHONY], in charge of the Army bill, and the gentleman from Michigan [Mr. KELLEY], in charge of the naval bill, intend to see to it that that degree of economy written in the bills by this House shall remain the measure of economy when those bills are signed by the President. [Applause.] And I warn those gentlemen now that if they bring those bills back with increased appropriations they will be in difficulty, or if they come before this House and ask for continuing resolutions without decreasing the amount carried in the pending bills in all likelihood they will have trouble in passing such continuing resolutions. Therefore, my friends and colleagues, in taking leave of you I want to say I shall often think of you, of the great duty that you are to perform, for there never were greater obligations placed upon a legislative body than are placed upon the Congress of the United States, and for that work you have my prayers. I thank you. [Great applause, the Members rising.]

AFTER THE RECESS.

The SPEAKER (at 12 o'clock and 29 minutes). The House will resume its session.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the record of the proceedings during the recess may be inserted in the RECORD.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the proceedings during the recess shall be inserted in the RECORD. Is there objection? [After a pause.] The Chair hears none.

TERMINATION OF WAR.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 110.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider in the House S. J. Res. 16, as amended by the House Committee on Foreign Affairs, "terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America." The amendment reported by the House Committee on Foreign Affairs as a substitute for S. J. Res. 16 shall be read in extenso. General debate shall continue on the said resolution as amended until 5 o'clock p. m. on Saturday, June 11, 1921, the time to be controlled, one-half by the gentleman from Pennsylvania, Mr. PORTER, and one-half by the gentleman from Virginia, Mr. FLOOD. At the conclusion of the general debate the previous question shall be considered as ordered on S. J. Res. 16 and on the amendment as reported by the House Committee on Foreign Affairs to final passage without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire at this time, so as not to cause any discussion or anxiety, to move to amend the resolution by fixing the hour at 4.30 p. m. on Monday next, instead of 5 o'clock to-day, for a vote upon the resolution.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 12, strike out the words "Saturday, June 11, 1921," and insert in lieu thereof "Monday, June 13, 1921," and in line 11 strike out "5" and insert in lieu thereof "4.30."

The question was taken, and the amendment was agreed to.

Mr. CAMPBELL of Kansas. May I ask the gentleman from North Carolina about the time he desires for debate on the resolution or the adoption of the rule?

Mr. POU. I hope very much the gentleman from Kansas will ask for an hour on a side. There is to be a contest against the rule, and demands on this side have been such that I do not see how we can get along with less than an hour on a side.

Mr. CAMPBELL of Kansas. Well, I take it that the discussion will turn largely on the peace resolution rather than upon the rule during the time that is allotted to the gentleman from North Carolina and myself.

Mr. POU. They are both so intimately related that the discussion will necessarily apply to both, but I think, in view of the fact that there is to be two days' debate, an hour on a side for the discussion of the rule is quite reasonable.

Mr. CAMPBELL of Kansas. I ask unanimous consent——

Mr. COCKRAN. Will the gentleman allow me to make a suggestion? There are Members on this side—I know of one and I take it there are several—who are in favor of this peace resolution so far as the declaration of the ending of the state of war is concerned, but who are opposed to the conditions or reservations, whatever they may be called, which they regard as an invasion of the treaty-making power. Now, it seems to me that on this rule gentlemen who hold that view ought to be allowed at least a few minutes in opposition to the rule. I would ask for 15 minutes for myself, because I am one of those who believe that this resolution should pass except as to those amendments, and I should like to present to this House reasons why this rule should not be adopted in such a form as to exclude from the House the power to amend it. I do not see how I can ask either side for the time, and I must ask it from the House.

Mr. POU. If I yield the gentleman from New York 15 minutes and the gentleman from Kansas would do the same, would that be satisfactory?

Mr. COCKRAN. Oh, entirely so.

Mr. CAMPBELL of Kansas. The gentleman from New York only asks for 15 minutes.

Mr. POU. The gentleman desires 30 minutes.

Mr. COCKRAN. I have one foot on land and one foot on sea; I have one foot on that side of the aisle and one foot on this, and the suggestion of the gentleman from North Carolina is that the gentleman from Kansas yield me 15 minutes also.

Mr. CAMPBELL of Kansas. I hope the gentleman from New York will not intimate that he is between the devil and the deep sea.

Mr. COCKRAN. I have never associated with the gentleman, the devil. I prefer to regard the gentleman from Kansas himself as my angel.

Mr. CAMPBELL of Kansas. I shall be glad to yield to the gentleman 15 minutes out of my time.

Mr. Speaker, I ask unanimous consent that debate on the rule be limited to two hours, one-half to be controlled by the gentleman from North Carolina [Mr. POU] and one-half by myself, and that at the conclusion of the debate on the rule the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that there shall be two hours of debate on the rule, half to be controlled by himself and half by the gentleman from North Carolina [Mr. POU], and that at the end of that time the previous question shall be considered as ordered on the rule. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, I have only this to say about the rule itself: It gives two legislative days to the consideration of a resolution declaring a state of war between Germany and the United States and Austria and the United States at an end. I doubt if many citizens of the Republic think there should be anything like that much debate upon the question. Very few people feel that it is a debatable question at all. But the Committee on Rules, in providing the machinery for the consideration of the question, thought we could devote two legislative days to a discussion of it on account of its importance.

That there should be peace between the Governments with which we have been at war and the United States there is no question. That our diplomatic and consular agents should be at the capitals and in the commercial centers of the countries with which we are now practically at peace but technically at war there is no question. We should resume the same relations with these our former enemies that those who were associated with us in this war have long since resumed with them.

Now, the controverted question, so far as the rule is concerned, is upon the question of whether or not the resolution declaring war at an end should be open for amendment. The resolution declaring that the state of war is at an end has been carefully prepared in the Committee on Foreign Affairs, with particular emphasis placed by the members of that committee upon the importance of the phraseology they have adopted in the resolution. Every right, every interest, and every concern of the country has been in the minds of those who have prepared the phraseology of the resolution. And I doubt if upon the floor a single word could be changed that would advance the interests of the country or the welfare of the Republic. These are the reasons why we have provided that at the conclusion of the debate upon this resolution it should be voted upon as prepared by the Committee on Foreign Affairs, which committee has devoted their energy and their best judgment to the phraseology and the terms of the resolution.

Mr. Speaker, I reserve the remainder of my time.

Mr. POU. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. COCKRAN].

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman from New York 15 minutes also.

Mr. COCKRAN. Mr. Speaker, the gentleman from Kansas has stated the proposition before the House so clearly that it relieves me from the necessity of occupying any time in further defining it. He tells us with engaging though somewhat cynical frankness that the Committee on Rules and the Committee on Foreign Affairs have agreed among themselves that this resolution as it is now framed can not be improved, and therefore that the House should have no opportunity to attempt improvement of it by adopting or even considering any amendment whatever.

Mr. Speaker, Walter Bagehot in that one of his numerous works which deals with the English House of Commons as it existed 30 years ago, after describing it as the most extraordinarily successful political body that ever existed, attributed in large degree its steady growth in power and consequence from very humble beginnings to supreme power in the British political sphere to the very general belief in Parliament and out of it that the house is always wiser than any of its members. The gentleman from Kansas has given us abundant reason for applying that conception to this body. I have no doubt that he believes this resolution, as it comes from the Committee on Foreign Affairs, embodies all the wisdom that can be expressed on paper.

But while I am willing to concede that the gentleman from Kansas is wiser than anybody in this House, I can not concede that he is wiser than everybody in this House. The Committee on Rules and the Committee on Foreign Affairs may embody the highest capacity ever possessed by committees. But, taken together, these gentlemen constitute but a small part of our membership, and I am unwilling to admit that so small a fraction of the House outweighs in wisdom and discretion the whole House. I think it safe to say that the rule now proposed, as its scope and purpose were explained by the gentleman from Kansas [Mr. CAMPBELL], constitutes a gross affront to the dignity of the House and a wanton libel upon its intelligence. For if what the gentleman says be true, and we have here in this proposal as it is submitted to us the embodiment, concentration, and expression of all wisdom, what kind of a House would it be if we failed to recognize that fact? And, of course, recognition of its excellence must impel us to vote down every attempt to change it by amendment. When the gentleman comes in here and declares that this resolution must be passed in these precise terms in order that the House will be prevented from even considering, much less deciding, for itself the conditions under which it will dispose of a matter so important as this resolution—ending a state of war—in my judgment he discloses the reason for that decline in the importance of this House which for several years has been noticed by all Americans and lamented by many of them.

Mr. Speaker, what are we asked to do by adopting this rule? We are invited to write ourselves down incapable of discharging the functions imposed upon us by the Constitution. It may be that this Porter joint resolution is the highest expression of wisdom ever framed by mortal man, and therefore that it is incapable of improvement, as the gentleman from Kansas asserts. But it is for us to make that decision, not for him. Under our system of government we are not merely authorized—we are required to take control of all our proceedings, and we are responsible to the people for everything done by this body, whether it be done under restraint of a rule such as this or by the free action of the House. What you are asked to do, Members of the House, by the adoption of this rule is to declare formally and deliberately that you are unfit to deal with the most important question that can come before you this session, unless you are first manacled by a rule restraining you from freely and fully exercising powers which the Constitution confers on you. I should not say "manacled," because manacles involve restraint of energies that might be formidable to others. Rather we are asked to write ourselves down fit subjects for the strait-jacket, by which lunatics and imbeciles are prevented from doing damage to themselves. [Laughter.]

Was ever proposal so outrageous submitted to a representative body in the whole range of parliamentary history? I can not believe the House will receive it favorably or even patiently.

Mr. Speaker, I have said that I think this course of procedure now proposed explains largely the decline in the importance of this House. I do not think anybody will dispute that it has declined seriously and with ever-growing rapidity during the last 20 years.

These events which have occurred here to-day are a striking illustration of it. One of our most distinguished Members—at least a man who was of our membership until just a few moments ago—quits this body amid universal regret, and I am inclined to believe that he quits it not solely for the additional emoluments which he can obtain in professional life. I believe he is also governed by an idea that he can obtain higher consequence politically as well as financially outside the House than in it.

And I think that idea is entirely reasonable, yet it was not always so. My recollection of this House extends over a span longer than a quarter of its entire existence. I have known it since the Fiftieth Congress. And when I saw Mr. GOOD leave here, amid the plaudits of this gathering—and, I rather suspect, with a feeling on the part of most of us that he was doing better for himself by quitting this floor than by remaining on it—my memory went back to that Fiftieth Congress, when men in every walk of life, the most conspicuous and successful, were eager to exchange the most flattering prospects of profit for the honor of participation in congressional life.

In those days Roswell P. Flower, one of the most promising bankers in New York; John K. Cowen, of Baltimore, one of the most conspicuous lawyers in the country; Isidor Straus, of the firm of R. H. Macey & Co., among the largest retail merchants in the world, and countless others of the highest distinction in

the various fields of commerce and the learned professions, were glad to renounce pursuit of profit in order to enjoy the distinction of membership in this body. And not merely men renowned in the professions and men high in financial circles, but journalists, the most conspicuous of their order, notwithstanding that they enjoyed access to vast audiences through the columns of their papers, were glad to abandon the editorial chair for a seat on this floor. I will not undertake to weary you with long lists of names. I will just remind you that Joseph Pulitzer, who acquired the New York World when it was a mere circular of doubtful manners and made it one of the most valuable newspapers in the world; Henry Watterson, the knightliest figure that ever entered the lists of journalistic controversy [applause]; Henry J. Raymond, if not the founder of the New York Times, at least the architect of its fortune, are among the names upon our rolls. And well might these men sacrifice profits, however extensive, for the association which election to this House in those days conferred upon them.

To go back no further than the Fiftieth Congress, I myself remember that the names of the men who led both sides were familiar everywhere as household words. How many names of Members of this House are known to-day outside their own districts?

Mr. Chairman, when I came to this House in the Fiftieth Congress reports and descriptions of our proceedings occupied the front page of every newspaper in America. When I returned to the Fifty-eighth Congress, after an absence of 8 years, I found that the space allotted to us in the newspapers had shrunk to about a column. I return now, after an absence of 12 years, and find we have no place at all. [Laughter.] Accounts of our proceedings are not accorded in the newspapers to-day as much space as a ball given by a fashionable woman.

Recall to mind, Mr. Speaker, the names of a few among the men who were conspicuous in the Fiftieth Congress, and who would not, I believe, have exchanged their prominence here for any other place in the whole world: John G. Carlisle, Roger Q. Mills, the two Breckinridges, William L. Wilson, Benton McMillin—on this side. On that side Thomas B. Reed. [Applause.]

Well may you cheer. I love to hear his name cheered on both sides, for not merely was he the most conspicuous figure of this House, which his genius adorned, his wit delighted, and his philosophy instructed, but he was a glorious ornament to the public life of this country and a shining intellectual light to all nations of the world. I may mention also William McKinley. [Applause.] And I could run through a long list of names famous in our history. But it would be superfluous. They are familiar to all of you.

How many of the Members around me now are known to the country at large? I repeat this question with mournful realization that the answer can not inspire us with pride in our situation.

Why has this House shrunk so low in public esteem? Why are our proceedings no longer important enough to obtain even mention in the newspapers? Why are gentlemen, as soon as they reach a conspicuous place here, ready to give up that which formerly was the dearest aspiration of genius and patriotism in order to seek elsewhere success which they consider more valuable and more creditable? I will tell you. It is because by rules and procedure such as this you have so hampered the House that it has sunk into incapacity and therefore has ceased to be regarded seriously by the people. The gentleman from Iowa [Mr. GOOD], who has just left us, said truly that under the Constitution as planned by the framers it was intended that this House would be the controlling force of our Republic, and it was the dominant feature until within the last 20 years.

It was upon this floor and in this House that the reputations were established of the greatest political leaders in our history. Not one was ever established in the Senate. Not in the Senate but in the House did Henry Clay win the renown on which his authority rested. Here also did James G. Blaine acquire the popularity which made mention of his name in any Republican gathering an occasion for demonstration of affections that was absolutely rapturous. Neither Blaine nor Clay ever succeeded in reaching the Presidency, but they remained, while they lived, the idols, objects of adoration to their respective parties, embracing nearly one-half of the people. I myself saw and heard William J. Bryan emerge by a single speech on the floor from the position of a new and unknown Member to a degree of prominence which led to his nomination three times for the Presidency and to domination of his party for 20 years.

Why are no successors to these giants produced by our proceedings now? What is it that has atrophied this House—reduced it to such sterility? I have heard it said that the reason for this decline of the House in importance is a decline in the ability of its Members. Nothing, in my judgment, could be further from the truth. I have known the House for 34 years, and now on my return, after an absence of 12 years, I have been profoundly impressed and immensely cheered by the high order of ability displayed in debate on this floor.

On this very day we heard speeches, impromptu, extemporaneous, delivered from both sides, that were models of lucid composition and forceful expression. And it has been from the younger men in this House that I have heard the best forensic displays since my return.

There should be open to every one of you here the same opportunity that came to Blaine, that came to Bryan, that came in the early days to Henry Clay. Abilities just as shining are possessions not of a few but of many among you. Especially the younger men. What you lack is a theater for exercising them equally favorable. Of this you are deprived by rules and procedures which have emasculated the House.

In the early years of this Republic the Senate was a club, in which courtesy was carried to perfection. This House was the popular forum where public opinion was expressed and largely formed. To-day these conditions are reversed. The Senate has become all powerful. The House has declined till it is a negligible quantity. Is this an exaggeration? What effect have you on public opinion to-day? These speeches which are of the highest excellence—which in other days would have been widely read—are nowhere reported. Not even the fact that they were delivered is mentioned in the newspaper press.

And why should it be otherwise under existing conditions—conditions of your own creation—for which you yourselves are responsible? By rules and by procedure which you have sanctioned you have renounced and thrown away the powers which the Constitution conferred upon you and upon which your consequence depended. The powers thrown away by this body did not go into the air waiting perhaps for us to rejoin them in heaven. They have been seized by another body. The powers of government are inherent. They can not be abolished while the Government survives. They can not even be suspended. Where they are not exercised by one agency they are always exercised by another; and we, who have thrown away our own powers by a succession of rules conceived in distrust of our own capacity, find them seized and exercised by the Senate. The abasement to which this House has sunk by comparison with the other House was strikingly illustrated in the recent debate on the emergency tariff bill, when the chairman of the Ways and Means Committee actually proclaimed here on this floor that the revenue measure we were then considering must not be amended in any way, because the Senate had forbidden this House to change a single word of the draft which it had been pleased to sanction in advance of its submission to us. [Applause.] Mr. Speaker, how could this House retain any consequence in the body politic when its own Members not merely fail to defend its powers but actually throw them under the feet of another body which has not hesitated to seize them and exercise them?

Mr. HERRICK. Will the gentleman yield?

Mr. COCKRAN. Yes; with great pleasure.

Mr. HERRICK. I should like to ask the gentleman whether he thinks his method of biting the hand that feeds him is a proper method of showing his appreciation and gratitude therefor?

Mr. COCKRAN. When the gentleman's meaning becomes clear to the average intellect I will undertake to answer his question. [Laughter.]

Mr. HERRICK. I should like to ask the gentleman——

Mr. COCKRAN. Mr. Speaker, I can indulge the gentleman in one exhibition, but two would become tiresome or worse. [Laughter.]

Mr. Speaker, the powers of every representative body and therefore the degree of its importance in any political system always depends upon its control of the purse. The original purpose of representative bodies was not legislation. Legislation was not even a part of their powers. Representative bodies were assembled originally for the sole purpose of levying taxes to provide revenue for support of the king. It was by imposition of conditions upon those grants of revenue or supply that the power of legislation was acquired by representative bodies. When the framers of our Constitution, with the history of parliamentary evolution before them, gave to this House of Representatives control of the purse they gave it everything essen-

tial to maintain it as the dominant feature of this Government. But no grant of power can be effective unless the body on which it is conferred exercises it. The power conferred on us we have thrown away.

We have thrown it away by a series of ill-considered rules. The culmination of them is this proposal now pending here, in which we are asked not indeed to allow aggression from outside but actually to write ourselves down with our own hands—that is to say, by our votes—as incapable of exercising the powers, performing the duties, and discharging the functions which the Constitution imposes on us. Who would care to retain membership in a House that could deliberately, solemnly record such a judgment of itself? At present this proposal of the Committee on Rules may be considered a libel on the House. I believe it is a gross libel. If you reject this resolution, it will always remain a libel. If you adopt this rule, it becomes a description, the accuracy of which can not be disputed, because you yourselves will have accepted it. If there be any justification for the existence of such a House as this one will declare itself to be by adopting this rule, it must be for the amusement of the thoughtless. It can not be for edification of the patriotic. [Laughter.] Mr. Speaker, I appeal to the House, to the whole House, to all its Members, not to put this crowning stigma upon itself. Here is a measure, the most important that has ever come before the House, as I have said. The minority members of the Foreign Affairs Committee have filed a report stating that there is no power in Congress to declare peace.

A large number of the minority, however, believe that power does exist, but they are opposed to its exercise at this time. Others—I myself among them—believe that the power does exist and that it should be exercised, but we believe also that these reservations, conditions, stipulations, whatever they may be called—I never knew any two gentlemen on the other side to agree on a description of them—in fact, amount to a treaty or an attempt to prescribe conditions for a treaty, and this Congress has no power to do. Those of us who hold that view believe that any condition imposed upon a declaration of peace, any agreement, whatever it may be called, or any proposal for an agreement between two countries, looking to action of any kind by either or both of them is, in the very nature of things, a treaty and can not be anything else. Some gentlemen contend that these reservations or stipulations embodied in the Parker resolution would not be a treaty. If they are not a treaty or a proposal for a treaty, they are nothing. If they have any significance at all, they are proposals for an agreement between this country and Germany, and in that case I believe they amount to an invasion of the treaty-making power, which we have no right to attempt. If they mean nothing, they are a blemish, an excrescence upon the resolution, which for lucidity of expression and propriety of conduct should be expunged from it at once.

Now, we would like to present that view to the House and discuss it. I, for one, am eager to vote for a resolution declaring the war at an end. But while I want to do it, I do not want to be placed in a position by the Committee on Rules where I must choose between voting to exercise a power which the Constitution has imposed on us and voting to invade a dominion which the Constitution forbids us to enter. Under this proposed rule I am not allowed to obey the Constitution according to my conception of its directions, injunctions, and prohibitions. I may be wrong in this. I am perfectly willing to take the judgment of the House as the Constitution directs us to do. I am not one of those who believe that a Member is justified in evading a duty by reason of a constitutional scruple. I am perfectly willing to submit this objection to the judgment of the House. But by the rule now proposed you do not allow us to invoke the judgment of the House. This resolution is framed to prevent the House from deciding this question. The gentleman from Kansas [Mr. CAMPBELL] says so himself. He says you are not fit to decide it. You can not be allowed to review the judgment of the Committee on Foreign Affairs and of the gentleman from Kansas. They have exhausted wisdom, and anything in the way of sound judgment you might possess must be an overflow or remnant of their superabundance that would not be worth invoking. [Laughter.]

Mr. Speaker, I repeat, is it any wonder that the House, to which such a proposal as this has been submitted, should have sunk in consequence? Is it any wonder that gentlemen who have achieved distinction in it are willing to leave it? Is it any wonder that men eminent in finance, commerce, and the professions, men of the class who were struggling and competing for admission to this House 35 years ago, would not consider for a moment accepting an election to it now? You all know this to be true. Yet I see here a higher degree of ability than I think the House ever possessed before. I am not speaking alone of the proceedings to-day. I am profoundly impressed and greatly heartened by the ability displayed by the younger Members in every debate. I say in perfect frankness that I have not heard a stupid speech since I came here this time. When I was here before I heard few that were not stupid. [Laughter.] The House has wonderfully changed its character, and for the better, not alone in the merit of its debates but in its methods of conducting business. In those old days when the desks were here men sat scattered all over the Hall at immense distances from the Speaker, lured by those desks to correspondence and other activities, distracting their attention from the business under consideration. A man who undertook to deliver a speech generally read it. Practically all the others took refuge in flight from the dreariness of his periods. Members did not pretend to address their colleagues. Their speeches were directed to their constituents, and the House acted in accordance with that condition. The House was polite. It always is. It gave the man who took the floor the attendance of the Speaker, of the Clerk, of the official reporters; it gave him everything but attention. That it reserved for its favorites. [Laughter.] To-day I find the daily attendance largely increased, Members gathered together within range of the man's voice who is speaking, and the speakers have risen to the opportunity afforded by this closer attention.

It has been said that we do not have now the tremendously important speeches that were formerly delivered. I think we have just as many good ones, and I know the average is better than ever. But the Member delivering a meritorious speech no longer receives the same degree of credit; no longer accomplishes equal progress on the road to fame. Who cares about a speech delivered here upon any question while the House itself by resolution solemnly declares that it is not fit to discuss matters of great importance? Who will pay attention to any speech delivered in such a body? The importance of a speech does not depend wholly on the words that compose it, but largely upon the effect it produces or can produce. What weight, consideration, or value can attach to a speech however excellent its composition or delivery when the body to which it is addressed is incapable of acting on it? This House, under the rule now proposed, can not decide the question of meritorious importance—whether the reservations embodied in the Porter joint resolution are or are not invasions of the treaty-making power. All that is safely attended to by the gentleman from Kansas. This House is securely guarded from going wrong by denying it the right to go anywhere. [Laughter.] I implore Members on both sides, especially the young Members, to consider what they are asked to do, and pause before they adopt this resolution.

It may be said that reason of convenience justify this proposed rule; that without it proceedings will be unduly delayed. This House has never been left free to dispose of a measure that it did not do so rapidly and intelligently. When the illustrious gentleman from Illinois [Mr. CANNON] was Speaker of the House in the Sixtieth Congress, the most important measure of that session was the Hepburn rate bill. The gentleman from Illinois [Mr. MANN] was in charge of it, and he declined to accept any shackles for the House. That bill was a comprehensive measure, a complex one, a difficult one, yet in the course of a few days it passed this body and was over in the Senate. Many amendments—probably 50—had been proposed to it. They were all fully considered, and, as I recollect it, not one was adopted. Can not the House be trusted now on this measure of greater importance to act with equal wisdom, moderation, and expedition? To you younger Members of the House I want to address a final appeal. Many of you have shown possession of sufficient ability to warrant expectation that you might match the career of any Clay or Blaine who has ever won fame and leadership in this House. But the House, held up by rules which abase its credit and consequence, does not afford you the same opportunity to show your qualities, to exercise them for the benefit of your country.

It is well, not merely for you but for the country, that this proposal be voted down now and that a beginning be made of ending the system of preventing the House from exercising its own full, free, unfettered judgment on every matter of importance with which it is authorized or required by the Constitution to deal. You are the House; you are the majority. Do not think that your youth is any disqualification for assuming leadership. I think it entirely safe to say that this is the age and the opportunity for the young man. The world is passing through a crisis which has never had a parallel. The events before us can not be measured or judged by any that are behind us. In ordinary times old men are best fitted for counsel. When the world is at peace and it is reasonably certain that the future will be a repetition of the past, that to-morrow will be

like yesterday, those old men who can recall the events of many yesterdays are best fitted to advise.

But in these days when no man can foresee the future, and all we can realize is that whatever is about to occur will be different from anything that has ever occurred before, then is the occasion for young men, instinct with the life of their generation, who if they can not quite discern conditions that are approaching can at least sense them to some extent through that sympathy and understanding with the aspirations, the ideals, the virility of their time, which is the characteristic of youth to come forward and give direction to troubled, staggering, grievously perplexed social order. They should at least be heard on measures of this transcendent importance with as much weight as their elders. [Applause.]

I appeal, Mr. Speaker, not alone to the younger of my colleagues, but to every Member of this House, for cooperation in saving its dignity from this affront; its efficiency from this attempt to impair it. I invoke in its behalf the memory of the mighty dead whose fame was established on this floor. I appeal most earnestly to you of my own generation which is passing, as well as to this young generation which is approaching, to restore the privileges of the House which have been imperiled and its powers which have been in great measure thrown away. And as a first step in that direction I urge you to vote down this proposal, defeat of which will go a long way toward ending this intolerable system.

You have had a forum where great reputations can be made and brilliant careers initiated, where also the highest interests of the country can be most effectively served. It rests with you to make this body what it should be. All you need do to restore its dignity is to take it from the abasement into which these shortsighted rules have thrust it and raise it to the eminence which the Constitution intended for it. [Applause.] The power is there. It needs but determination on your part to use it in order that this House may once more be the finest, the most valuable, the most splendid feature of the political system which is embodied in the flag that floats over our heads. By restoring the dignity of this House you will advance the highest interests of the country, and at the same time you will advance your own prospects of achieving creditable careers by rendering this service of immeasurable value to the Nation, whose commission you hold, and whose citizenship you adorn. [Prolonged applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker and Members of the House, one of the famous utterances of Gladstone was his comment upon his own energy as a member of the House of Commons in discussing questions that came before that body. That comment was frequently repeated by other members. It was to the effect that it mattered not how little of importance any measure was, if he were called upon to discuss it he always threw all the force that he had into it. I can not help thinking that the comment made by the famous English statesman is splendidly exemplified by the distinguished gentleman from New York [Mr. COCKRAN]. I am just thinking how fortunate it was that the Committee on Rules omitted to say anything about tieing up the House, as was suggested by the gentleman from New York. It was not there considered to be sufficiently important to even be mentioned, and think of it! Had it not been that this matter has come from the Committee on Rules without any such objection we never would have had this wonderful bit of oratory to which we have listened, from the gentleman from New York.

Mr. CANTRILL. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. CANTRILL. The gentleman does not mean to make the statement that this rule was reported from the Rules Committee without objection?

Mr. FESS. No.

Mr. CANTRILL. I would put that construction on the remarks of the gentleman.

Mr. FESS. The gentleman does not mean that the Democratic Members supported the rule. They did not.

Mr. CANTRILL. I wanted to have that clear.

Mr. FESS. The gentleman means that the question raised by the gentleman from New York [Mr. COCKRAN] was not even mentioned in the Rules Committee. That is what the gentleman means. Our Democratic friends were there and voted, of course.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. GARRETT of Tennessee. I dislike to take issue with my friend, but I have a very distinct recollection of very specific attention being called to that matter in the Committee on Rules.

Mr. FESS. Well, I am rather of the opinion that it is not worth while for me as a member of the Committee on Rules to prolong a controversy of that sort on the floor of the House, simply because the conduct of the committee affairs had probably better not be mentioned on the floor of the House; but if my friends on the Democratic side want to leave the impression by these interruptions they have made to me that they made any opposition to this rule on the point that it does not admit of an amendment, my memory is very short. The truth about the matter is that we wanted to remedy an intolerable situation, a technical continuance of war two and one-half years after actual war had ended. The Rules Committee was called upon to make that possible. The last Congress passed such a resolution, only to be defeated by presidential veto. The Senate has again acted upon a resolution. It came to the House, and the House committee saw fit to amend the Senate resolution, and this amended resolution came before the Committee on Rules after the Foreign Affairs Committee reported the resolution with a single amendment. We were asked to make the Senate resolution with House amendment in order for the House. That is the purpose of the rule now before us. There was no contention as to the details of it. While I rose to discuss the rule under proper consideration, I would like now to call attention to what the gentleman from New York has said. We all are edified whenever he speaks. I myself have been a reader of the eloquence of this distinguished New York statesman for 30 years, and I very well remember one of the most historic debates that probably has taken place in the metropolis of the Middle West from a sound-money basis, where he was in a contest with the distinguished leader whose name he mentioned with so much eulogy a few moments ago. It was the days when Mr. Bryan was at the apex of his surprising popularity. Mr. COCKRAN's speech was one of the most powerful presentations of what I regard as sound finance I have ever read at any time. I mention this to indicate to you that the membership of the House listens with much respect and great delight whenever he addresses the House, but I do not believe that he is accurate when he alleges that the House of Representatives has essentially deteriorated to the point that its proceedings are not being reported by the press of the country. I might confess that speeches delivered here are not generally reported by the press, but it is not because the speeches were not important to the speaker who uttered them, nor especially the weakness of the speaker, but I think all will agree that under general debate we are too frequently speaking simply upon measures of interest to our own local communities, rather than to the United States at large, where we localize rather than nationalize our utterances here on the floor. Members will admit that general debate in a sense has deteriorated on that ground, and for that reason. It explains the lack of interest of our colleagues in the Chamber and also the failure to secure recognition by the press, for no one should find complaint that the utterances that are purely local do not find space in the press of the country.

When the gentleman says that we are bending to the Senate, and are therefore deteriorating as a body, it strikes me that this very resolution is a most distinct denial conclusive of that statement. [Applause on the Republican side.] While I agree with him, and to this the membership of the House will agree in the main, that the treaty-making function is with the President and the Senate, it will not be overlooked that this resolution is not a treaty, and there is no pretension of such. The House of Representatives has not entered upon treaty making, but it does have some interest in the financial obligations entailed by treaties. That right arises when the treaty entails upon the country an expenditure of money, since all bills for raising revenues must originate in the House. If a bill to raise the money must originate in the House, the House does have a constitutional right to say whether or no the money to satisfy the claim of the treaty shall be allowed or not. [Applause on the Republican side.] I know it is true that we have always done that in the past, although the question has often been discussed. If we take it from what we have done probably Members will say we have no choice, but the fact is that because we always do appropriate the money called for by the treaty which is entered into is not a conclusive evidence that we have no choice as to whether we shall appropriate the specified amount of money or not. In that sense the House has something to do with the matter of treaty enforcement, because the money that comes from the people to satisfy the terms of the treaty must come originally from action in this House.

Mr. MONTAGUE. Will the gentleman yield?

Mr. FESS. I will.

Mr. MONTAGUE. Does the gentleman contend that the House and the House exclusively originates appropriation bills?

Mr. FESS. The House originates appropriation bills or all bills for raising revenue.

Mr. MONTAGUE. But does not the gentleman see a marked distinction between a revenue bill and an appropriation of that revenue?

Mr. FESS. Technically there is a difference, but the House is the body that raises the revenue, and thereby ought to be the House that shall initiate the appropriation bills.

Mr. MONTAGUE. I thought that the gentleman did not wish to be misunderstood. My understanding is that the Constitution prescribes that the House shall exclusively originate all revenue bills, but the Constitution does not require the House exclusively to originate appropriation bills.

Mr. FESS. The gentleman is absolutely correct in his statement and he is not instructing the gentleman on the floor, who understands the constitutional provision to which he alludes.

Mr. MONTAGUE. I did not mean to instruct the gentleman, but I thought the gentleman's language was not very clear; he said the House exclusively originated appropriation bills.

Mr. FESS. Well, it does in practice.

Mr. MONTAGUE. I take issue with the gentleman.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FESS. I shall yield myself five additional minutes. The gentleman who now has the floor does not want to be misunderstood. The practice is that the appropriation bills come from the body whose constitutional function it is to originate the revenue bills. Now, that does not mean that a revenue bill the House sends to the Senate can not be amended by that body. Whatever may be the purpose of the founders as to that power that is not the practice, and therefore when the Senate does amend revenue bills it is acting within its function, and is not usurping our powers, although in practice we think it goes beyond the range of the original purpose of our Constitution makers. The point I wanted to call attention to was that the House of Representatives is not lending its judgment to the Senate, except where the House clearly concedes the superior contention of that body on items of legislation. When the gentleman, the chairman of the Ways and Means Committee, made the statement some time ago on the emergency tariff bill to which the gentleman from New York alluded, it referred to a gentlemen's agreement. Probably that statement made in the open was unfortunate, because it was misinterpreted, and Members for the sake of argument took advantage of it. But the actual fact about that legislation proved that the House did not in that case submit to the Senate. They submitted in conference to an item or two, but the bill was finally enacted as it went from the House. The same thing will be shown in the Army bill, I believe, when we reach a final vote upon it. The same thing will also be shown in the Navy bill. The House of Representatives is charged by a stupendous vote of confidence with protection against extravagance, and it will perform its functions without régard to any domination of any other branch of the Government.

Now, gentlemen of the House, we promised, through the man who now presides over the United States, that a peace resolution would be signed as quickly as the Congress could pass it. That pledge was made in good faith, since it was our only alternative to the Wilson surrender. Our efforts to end the war last session were defeated. We told the country we would end this intolerable situation as soon as possible after we came into power.

We came into power on the 4th of March. This is the 11th of June. The country expects us to keep the pledge, and many are impatient because of delay. Mr. Speaker, Europe was in a caldron that was burning. At an early stage the Senate took up the question and acted upon the peace resolution; it came over to the House. There had been for some time much concern over the European situation, the tardiness in finally and definitely fixing the indemnity Germany was to pay as fixed by the Allies and accepted by Germany. Everybody must recognize that we, associated with the Allies, did not want to take any step that could give the Central Powers any hope that we would be willing to relieve them of their obligations or that we would in any way embarrass the European situation that was not yet settled. And for that as one reason there was some question as to expediency of speedy action. But the indemnity is settled. We have actual peace, but technical war, which shuts out the fruits of peace. The country is impatient; the Congress is impatient. Democrat and Republican alike want to end this intolerable situation of a war continuing nearly three years after it is over. Republicans, now responsible, want to end it, not alone because it was promised and the country expects that promise to be kept, but because in addition to that we are in the intolerable condition of not having diplomatic and trade relations with the Governments with which we are actually at peace and technically at war, while Europe, technically at peace and actually in war in many places is reaping the benefits of peace to our great disadvantage. This unsettled situation, working untold harm to our own country, is an additional reason why there must be action taken.

Our Democratic friends say it would have been done if the Versailles treaty had been ratified. That answer does not go now. It was shot to death in the battle of ballots by 7,000,000 majority only last November, and that ended it. [Applause on the Republican side.] It requires a rare kind of courage to refer to the League of Nations treaty as a proper remedy. There is no use of talking about that particular phase of it. Our former Chief Executive had the treaty so tied up that in order to safeguard American rights by the usual treaty stipulations we were not only requested but commanded to surrender American sovereignty. He made it plain that his covenant must be accepted or else there would be no peace. We propose not to surrender American sovereignty. That decision was decisive and final. Neither do we propose to accept the other alternative, continue a state of war. But we are going to end this war, maintain American rights in the premises, and at the same time preserve both our sovereignty and independence as a Nation. [Applause on the Republican side.] We can not now ratify the treaty under the condition that was required by Mr. Wilson at the price he demanded, whatever might have been our freedom before the election; that would be clearly impossible now, since the country has delivered its verdict. The Nation has had ample opportunity since that day to note the dangers from which it escaped when it refused to enter that caldron. This resolution merely makes the law conform with the actual facts of peace. It removes the technical obstructions in the way of resuming our diplomatic and trade relations which thus far are blocked, while all other Governments are taking advantage of us by extending their commerce with these recent enemies.

Our simple duty is first to end the war. It must be done in such a way that we will preserve all the rights that are still with us; rights that we had before the war. It must be done in such a way as to secure all the rights that came to us as the result of the war. It must preserve the rights to which we are entitled as an associate power in the war. It must cover our rights arising out of acts of Congress. In fact, the resolution preserves our rights from whatever source. We will not surrender any. And while we so propose to preserve these rights by resolutions, we obviate the dangers of the Wilson covenant by preserving American sovereignty and independence.

Mr. Speaker, this rule opens the way to end the war and secure every right against any conflict that may come in the entanglement of diplomatic relations. It is a simple duty we are called upon to perform, and no criticism should have weight when placed upon the ground that we are refusing to allow an amendment. The rule ought to be and will be passed as it is reported. [Applause.]

Mr. FLOOD. Mr. Speaker, the House should not be denied the right of amending a proposition as important to thousands of American people as the pending resolution, especially as this resolution has been brought before the House by the Committee on Foreign Affairs without any hearings at all.

The power of legislating in this House has passed into the hands of an invisible governing body—the Republican steering committee—which has more autocratic power and which exercises that power in a more despotic manner than was exercised in the days of the Cannon régime by the courtesy of gentlemen who then controlled the House.

The intelligence of no man, the patriotism of no man, is worth anything upon this floor except so far as it may serve by the speeches he may make to arouse the conscience of the country.

Under the system of special rules, which are brought in by the Committee on Rules, by the direction of the steering committee, this House has become a mere moot court, in which the only privilege left to a vast majority of its Members, Republicans as well as Democrats, is to make a speech for or against some legislation which is a foregone conclusion.

Every bill which brings forth the poor pretense of a debate is predestined and its fate determined by the steering committee, into whose hands the Republican majority of the House have abdicated our powers and functions.

When Oliver Cromwell cleared out the Parliament House with a file of soldiers it was no whit more tyrannical, no whit more subversive of the fundamental principles of representative government, than an assumption upon the part of the steering

committee of a power which should only be exercised by a majority of the House, namely, the power to legislate.

This spirit of usurpation has spread to the committees of the House. The majority members of the Foreign Affairs Committee displayed it in a most reactionary way in drafting and bringing before the House the so-called peace resolution. Star chamber meetings of the majority Members were called, and without giving hearings to any of the many citizens of this country who were interested in the questions involved in the proposed legislation and without letting the minority members of the committee know what was in progress, prepared the substance and the style of the resolution, including the punctuation, and only invited the minority in after all this was completed. Then the minority had the privilege of sitting by and seeing the resolution reported out just as it came from the star chamber meeting. As far as I know, this is the first time an important question bearing upon our foreign relations has been made a party question by the Foreign Affairs Committee of the House of Representatives. [Applause on the Democratic side.]

The Knox resolution, which was better in many particulars and worse in others than the Porter resolution—assuming that there was any value in either of them—was totally rejected and the good and bad features of it were all thrown out.

The worst feature of the Knox resolution was that part of it which repealed our resolutions declaring that a state of war existed with the Governments of Germany and Austria-Hungary.

The majority report of the Foreign Affairs Committee says that such a repeal might raise the inference that we have disavowed or repudiated the war; that it might be construed as an apology to Germany for our participation in the war. If the majority had expressed their true feeling they would have made this statement much stronger. They would have said that that part of the Knox resolution did disavow and repudiate the war and that it was an apology to Germany for our participation therein. [Applause on the Democratic side.]

If the majority had given expression to their real views, they would have denounced every Republican Senator who voted for the Knox resolution when it passed the Senate on April 29 as having voted to repudiate the war and to apologize to Germany for our participation in it, and what they did say comes very near doing this.

I do not know how the Republicans of the Senate feel about this denunciation on the part of the majority members of the House Foreign Affairs Committee, which will on next Monday be indorsed by the House; but I believe that the great majority of the American people feel that it is a just and deserved rebuke of the Senators who voted for the Knox resolution. [Applause on the Democratic side.]

I also feel that it is a just and well-deserved rebuke administered by the Foreign Affairs Committee to members of that committee and most of the Republican membership of this House in the Sixty-sixth Congress who voted on May 21, 1920, and on May 28, 1920, for a resolution in the exact words of that part of the Knox resolution repealing our resolutions declaring that a state of war existed with the Governments of the enemy countries.

The only reason the Senate Republicans are more entitled to rebuke than the House Republicans is that in the Senate they voted for this repealing resolution three times and in the House up to this time they have only voted for it twice.

This is only a difference in degree, for a vote once to repudiate the war and apologize to Germany for our participation in it leaves a blot upon the records of the party or person so voting that can never be erased. [Applause on the Democratic side.]

The only results it has been claimed that this resolution would accomplish are, first, that it will restore peace; and second, that it will help our trade with Germany. A great many gentlemen will vote for this resolution because they say that the people want peace. The people do want peace, and I suppose every Member of this House wants peaceful relations restored between this country and Germany and Austria-Hungary, but this resolution is not needed to restore peace, because we are already at actual peace with these countries, and we have been for nearly three years.

It will restore a status of peace, so far as we are concerned, which does not now exist, and which should not exist until the questions in dispute between this country and the enemy countries arising out of the war are settled by negotiation or agreements imposed upon them by us.

As for advancing our trade with Germany, that is going forward as rapidly as German financial conditions and credit will permit and has been increasing ever since the embargo was lifted in 1919. This year—that is, the year ending June 30, 1921—our export trade with Germany will be larger than it ever has been in the history of our trade relations with that country—about $400,000,000, as against $352,000,000 in 1913, the previous high-water mark of that trade.

It is said that our trade would be larger if Germany had more credit in this country. This is a misleading statement. She has to-day just as much credit as she would have if the technical status of war between her and this country did not exist.

The Porter resolution can not possibly do any good, and it may do much harm. It will not benefit a single American citizen, institution, or interest, and will place this country at a decided disadvantage in settling the issues growing out of the war with the countries against which we contended. What is more, it will sacrifice the interests of thousands of our citizens and cost this country and its nationals millions of dollars. It will ruin many of the people who bought the enemy alien property in this country, which was sold under authority of an act of Congress. It may cause us to lose title to the German patents which we seized during the war. There are a great number of losses that it may cause to America and her nationals.

That it is not needed for the purposes of peace or commerce was shown in the speech made by President Harding when he was a Senator, a little more than a year ago, on May 15, 1920, in which he said:

> I do not regard a pronouncement of formal peace as tremendously essential to the welfare of the United States or to the promotion of our trade relationships with the other nations of the world. I do not think a formal declaration of peace is essential to continued freedom from hostilities; I do not think it possible that Germany is likely to resume armed warfare against this Republic in two generations to come; nor does it seem to me necessary to have this formal declaration, particularly in this form, in order to resume our commercial relations with Germany, for they are already more or less resumed, and, in the very nature of things, trade relations with Germany will be developed according to the needs of that people and our own inclination to trade. * * *
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> So the peace resolution is not seriously involved in a continuation of peaceful relationships.
>
> I think the significance of the passage of this resolution lies in its reestablishment of the constitutional powers of the American Congress. It not only reestablishes the powers of Congress, but it particularly emphasizes the powers of the Senate as a coordinate body in the making of treaties. I like to think that the so-called Knox resolution is going to do for America what the World War did for the autocrat of Germany. The World War demonstrated that no one man and no one power can rule the world, and the Knox resolution is going to be a formal demonstration that no one man can run the United States of America.

These were the President's views a year ago. They could hardly have changed, or he would not have permitted the House to wait two months after it had assembled before taking this matter up. He would not have allowed these distinguished gentlemen who are members of the Foreign Affairs Committee to dawdle away a month and a half after the resolution had passed the Senate before reporting it to the House.

The only conclusion we can reach from the action of the President and the Republican leaders in this House is that the President entertains the same views to-day that he did when he delivered his speech a year ago, that in his opinion this resolution is not needed for peace with the enemy countries or for the purpose of increasing our trade with Germany.

The speech of the President is a full and complete answer to every argument made for this resolution.

There is, then, no argument that can be made for this resolution except that it keeps an unwise campaign promise made by the President when a candidate that he would sign a declaration of peace as soon as a Republican Congress could pass it and a Republican President could sign it. He made that promise, and now, three months after his inauguration, the Republicans would put through this resolution in order that the promise may be kept.

The only other purpose it can serve is an attempt to fool the American people into the belief that the Republican majority in Congress is doing something for peace and something to improve the distressed financial and business conditions of this country. But you can not fool the people long. [Applause on the Democratic side.] This rule should not be adopted. I hope every Democrat in this House will vote against this rule. The Democrats went down in defeat last November, but they upheld the honor and integrity of America. [Applause on the Democratic side.] They kept the faith, and they face the future with undimmed courage and a supreme confidence in the verdict of history. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman from North Carolina use the remainder of his time?

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LONDON].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LONDON. Mr. Speaker, I shall confine my remarks solely to the adoption of the rule, and if I get time I shall speak on the peace resolution itself.

The Republican majority in the House is suffering from obesity. [Laughter.] The elephant is afflicted with elephantiasis. [Laughter.] There is no reason and no justification for this rule. You allow two days of general debate, and then you prohibit amendments, suggestions, changes, which debates usually are conducted for. What will you do during these two days of general debate, when no suggestion can be made that can be adopted under the rule, when no amendment can be offered that can be incorporated under the rule? It will be a strange debate on a peace resolution, which, in the very nature of things, is of the gravest international importance.

This resolution will of necessity partake of the character of a treaty.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield for just one question?

Mr. LONDON. Yes.

Mr. HARDY of Texas. Is it not strange that no amendment can be offered to this resolution, and yet the Republican Party themselves have offered three different resolutions, peace resolutions, of different kinds?

Mr. LONDON. Yes. That is what I was coming to. The Committee on Foreign Affairs of the House must credit the Senate with some intelligence. Yet they repudiate the resolution adopted by the Senate, and while they have the courage to repudiate the resolution adopted by the Senate, they say to the House, "The resolution which we have now suggested to you is so wise, so incontrovertible, and so invulnerable that no suggestion dare be made by any Member of the House." [Laughter.]

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield again?

Mr. LONDON. Yes.

Mr. HARDY of Texas. The first resolution was the Porter resolution of last year. The Senate changed that. Now the Senate adopts a resolution different from that, and the House refuses to adopt that, and the present resolution is not the same as any of the other three.

Mr. LONDON. Of course, the majority has its rights, and the theory prevails that anything that a majority does represents the voice of the people. But majorities must be tolerant. There must be some opportunity given to the representatives of the millions of people who are in the minority.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BRITTEN. As a matter of frankness and fairness in the premises, does not the gentleman know that this rule is identical, practically, with those presented in the last two years by the Democratic side of the House?

Mr. LONDON. If I am not frank, who will be? Of course you are paying the Democrats back in their own coin. I remember the McLemore resolution. I remember when the Members of this House were asked to stultify themselves. I was one of those that refused to do so. And I now refuse to go through the same silly performance under the Republican régime. Why should you? You have tremendous power now, and with power should come responsibility, and with responsibility should come the exercise of tolerance, discretion, and indulgence of opportunity to the minority.

Mr. BRITTEN. Just at that point will the gentleman yield again?

Mr. LONDON. I will.

Mr. BRITTEN. Does not this rule apply responsibility to this side of the House, and is not that what this side of the House desires?

Mr. LONDON. The Republican side of the House prevents the adoption of any suggestions or amendments to a peace resolution, the most important step that Congress has taken since the Civil War. Do not make any mistake about it. Any fool can enter war. It is hard to make peace. It is hard to lay the foundations for peace. Why should not the Members on the floor of the House be allowed to suggest either the adoption of the Versailles treaty or amendments to the Versailles treaty, or amendments providing for the scrapping of the Versailles treaty and for an association of nations?

Mr. CAMPBELL of Kansas. The gentleman can do just that thing on this resolution.

Mr. LONDON. But it can not be adopted.

Mr. CAMPBELL of Kansas. That is up to the House.

Mr. LONDON. No; under the rule you prevent the adoption of any amendment.

Mr. CAMPBELL of Kansas. You can embody that in a motion to recommit. You can put the whole Versailles treaty in a motion to recommit.

Mr. LONDON. No; the motion to recommit means only one motion. The gentleman should not try to confuse the House. He knows that the motion to recommit means only one motion by one Member. That means that only one Member of the House can make a suggestion for a change.

Mr. BANKHEAD. And no debate will be permitted on the motion to recommit.

Mr. LONDON. That is so. No debate can be had on the motion to recommit. To give two days for general debate and to deny the right to amend or change is certainly a denial of every principle of fair discussion. The individual Member of the House feels that he counts for nothing, that he is a mere tool, a mere cog in the wheel; that the machine, the majority, in this case the committee, tell him what to do, tell him how to vote, and put him in an absurd position. The entire procedure is indefensible, particularly in view of the fact that you have an overwhelming majority that can always assert its will. The rule should be defeated. [Applause.]

Mr. POU. I yield five minutes to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY. Mr. Speaker, it is most improbable that anything I can say will change the proposed intention of the majority to pass this resolution, yet I feel that my protest should be entered of record to this method of ending the war with Germany.

I realize that the Government of this country is a government by parties, but there are many things affecting vitally our whole country that should not be the plaything of politics. This is one of them. Yet we find a rule brought in by the majority which contemplates deciding the foreign policy of this country in less time than the House takes to decide whether there shall be one hospital or fifty for wounded soldiers, and far less time than is given to whether our citizens shall drink water or wine. Why, I ask my Republican friends, this unseemly haste on such an important matter? But the issue has been presented in this resolution and it is a vain thing to kick against the Republican majority. There was another resolution sent over to the House from the other branch of this great assembly. What has become of that, I ask my Republican friends? I am new to these proceedings but the information I seek is not forthcoming. The Senate resolution repealed the declaration of war; this resolution declares that the war is terminated. Frankly, I would not have voted for a resolution to repeal the declaration of war, but it seems to me that it was a much more logical proceeding than this one. But why should either resolution have been introduced when our Constitution provides an orderly proceeding, and one that would safeguard our rights without any question? I know there seems to be some dissatisfaction with our Constitution, but it is the anchor provided by the founders of this Government to prevent the ship they were launching from being carried away from its moorings when the weather changed, and no party in this country can afford to recognize it as merely a "scrap of paper."

Article I, section 8, of the Constitution says that Congress shall have power "to declare war," and Article II, section 2, recites that "the President shall be Commander in Chief of the Army and Navy," and shall have power, by and with the consent of the Senate, "to make treaties." This surely includes the power to conclude a treaty of peace. The President of these United States should follow the method laid down in the Constitution and enter into negotiations with the German Government toward concluding a treaty of peace, thus determining finally the war status.

It has been contended by some, however, that the power to declare war carries with it the power to declare peace, and that Congress has the implied right. This is not so. A brief study of the authorities would convince you that there is no such implication. Chief Justice Marshall, in Brown against United States, says that "the power to declare war, in my opinion, includes all the powers incident to war and necessary to carry it into effect." He is followed by Justices Story, Swayne, and Bradley, and in the cases I have read not one of them mentions any such implied power. It was so absolutely apparent that the founders of the Government considered the Commander in Chief the proper authority to initiate a peace status and provide for the final treaty, by and with the advice and consent of the Senate, that it never crossed the minds of any of these great lawyers that any other thing might be contemplated. This is the first time in the history of the Nation, so far as I know, that such action has ever been considered. Why consider it when there is a safe, orderly, usual proceeding

already followed in other cases that will serve as a precedent and will preserve our rights?

But take for granted that Congress has the authority to declare peace. Does a mere declaration of peace on the part of one combatant constitute peace? We know it does not. In the case of individuals, one party may cry "peace, peace" and yet there be no peace. There must be an agreement to constitute a state of peace, and a mere declaration by one party that he is at peace is useless without the consent of the opponent. Such a declaration is futile and useless. Why, then, in the name of heaven do our Republican friends want to pass such a piece of legislation?

There are certain reasons intimated for it being done in this way. I would not for one moment assail the patriotism of a single Member on this floor. I believe that all of us are sincerely trying to get at what is best for the country, but the issue is too great, the policy established by this precedent too momentous, to let a shrinking from what may be construed as a criticism of my colleagues cause a glossing over of these reasons.

I believe it is a mistake to let anything influence our decision in this matter except the purely abstract question of what should be our foreign policy.

Some believe that this resolution should pass without delay in order that our commerce with Germany should be reestablished. It is contended by them that the prosperity of our country depends in large measure in getting the relations of commerce renewed. I know that this country is in financial stress. I know there is a lack of prosperity, but I can not believe that the prosperity of America is dependent upon Germany. God save us if our future prosperity is tied up with German commerce. As far as I am concerned, and I believe I speak for the people I represent, I would rather, far rather, never ship her another piece of merchandise than have Germany escape the consequences of her wrongdoing. If the United States can not have prosperity without Germany, then let us remain in poverty.

But even this reason—mistaken theory that it is—falls to the ground when we examine the exports. We have already been informed from reliable sources that it does not need this declaration to establish commercial relations, for already we are dealing with Germany to a very large extent, just as large an extent, in fact, as she can take care of.

It has been also intimated that the passage of this resolution would be acceptable to those of German descent, who, though living in America, look back with longing to their fatherland and desire her peace status restored. I am not attributing any immoral or unpatriotic motives to these citizens, but I do say such citizens should recognize that Germany has forfeited her rights to be treated with sympathy, and they should be the last ones to try to secure any sympathy for her. If they are truly Americanized, then they must recognize that Germany is being punished for her sins, and we have not yet heard that Germany even went through a deathbed repentance. Much less should any political capital be made out of this in any way. It lies too near the heart of the Nation for political experiments to be tried with it.

But there is a most important reason why this resolution should not pass. That is the unfavorable position it would place us in in reference to reparations and indemnities. Two results flow at once from this declaration. The first is our troops must be withdrawn; it is inconceivable that we keep our troops on the soil of a country with whom we are at peace. If we do withdraw our troops, then we are no longer supporting our allies, and it would deal a heavy blow to our present favorable position with them. Is it conceivable that those boys who fought the Hun at Belleau Wood and Chateau-Thierry, shoulder to shoulder with the boys of England and France, will support a resolution that carries such consequence with it?

And what assurance have we that Germany will not come to the conclusion, should we make peace, that she can whip poor, bleeding France? We know her arrogance of old. Your proposed action, my friends, instead of tending to the peace of the world, may be simply a reopening of the old quarrel.

Then there is another reason why the resolution should not pass. It opens up the question of what Germany should pay as indemnity for her acts. There is no precedent for this. Why could not Germany say, "We are at peace. You said so yourself without waiting to find out what I was willing to pay you for the damage I did. Now I will not pay you anything." There is no court in which to collect her debt to us. We could do nothing except make a show of force, and that is out of all question, of course. Do you believe she would do it? I do, and you do, too. Before that crazy lad drew back his arm and hurled a bomb at a strutting prince of Europe at Sarayevo I thought and the world thought in the highest terms of German culture and civilization. You did not believe, nor did I, that she would have sunk the *Lusitania*. But she did; and not one regret has passed her lips nor one tear at the suffering of those women and children drowning in the icy waters of the Atlantic. I distrust her, or, rather, I *know* now that she will take any advantage she can, regardless of its morality or its justice. Grotius says that "after a peace no action lies for damages done in the war." I am no authority on international law, but the man in the backwoods knows that Germany will not pay unless she is made to settle her obligations.

Far be it from us to follow the bad example set us by Germany and sing a hymn of hate, but demanding justice is not the German attitude. Germany insulted our flag, she sunk our ships, she murdered our innocent women and children, and she violated all the laws of God and man, and I do not want to see her go unwhipped of justice. I for one am not willing to take the chance of Germany's escape from her obligations, as I fear will be the result of the passage of this resolution. [Applause.]

Mr. POU. Mr. Speaker, on the morning of Good Friday, 1917, after a series of outrages on the part of Germany, this Congress, by resolution, declared that a state of war had been thrust upon America. The day was the anniversary of supreme sacrifice in the world's history. It seemed fitting that America should offer herself upon the altar of liberty upon that day.

Before proceeding with the discussion of the resolution presented by the Committee on Foreign Affairs, I shall say a word with respect to this rule. I wish to say that, if the gentleman from Ohio [Mr. FESS] intended to intimate that the minority was not opposed to it, he certainly misunderstood our attitude. We were having a hearing on another matter.

Mr. FESS. Will the gentleman yield?

Mr. POU. Yes.

Mr. FESS. I think the gentleman is under a misapprehension. I did not mean to intimate that the Democratic Members favored the rule.

Mr. POU. I understood from the gentleman from Ohio that he made the point that there was practically no opposition to the rule.

Mr. FESS. My point was that the question of not opening it to amendment had not been mentioned.

Mr. POU. Oh, yes, Mr. Speaker, everybody present knew that it was not worth while to attempt to do so, because we were notified that this was the thing that was going to be put through. What is the use of indulging in any child's play? I know the gentleman from Ohio wants to be fair and I want to be fair, and he will not rise in his place now and deny that the understanding at that meeting of the Rules Committee was that this rule was to be reported just as it is. What is the use to quibble about it? They sent for us, we were notified that this was the thing that was going to be done, and it was done; and when you did it you reported a resolution not worthy the spirit of America. [Applause on the Democratic side.]

Now, Mr. Speaker, stop and think of it. Here is this House of Representatives establishing a so-called status of peace with Germany in the old-fashioned, discredited, hog-tied manner of putting things through without giving to the House opportunity to amend. I would drop dead in my tracks before I would vote for such a proposition as this, and I believe there are men on that side who in their heart of hearts are utterly opposed to such procedure. It thoroughly misrepresents the attitude of America in this great World War.

More than this, the majority has indicated that they feel that there is something wrong about it. If you were so sure that this was the thing to do, why under heaven did you not do it on the first day you got here? No; you are not sure of yourself; you have been feeling your way along.

Why wait three months to do a thing which you say everybody in America demands? I do not know how it is with other gentlemen, but so far as I am concerned I pledge you my word that I have not had one single line from any source asking me to vote for such a resolution as this rule puts before the House. Talk about the people wanting it. If the people had been clamoring for peace—such a peace as this—you would have heard of meetings all over the country; you would have had resolutions adopted, and you would have had a nation-wide demand on Congress for instant action, but there has been nothing of the kind. Everybody feels there is something fishy about this thing, and there is. It brings us down from the high and noble position we occupied with our associates in the war and lines us up with Germany. That is what it does. The Kaiser in all probability would have written just such a resolution as this. Mr. Bergdoll will probably hail the passage of this resolution with supreme delight. [Laughter and applause on the Demo-

cratic side.] The heart of every slacker and German sympathizer throughout the war will beat with exultation when you do this thing. Every traitor to the flag will feel that you have vindicated his stand.

My God, men! In the supreme days of the war, yes, even when the armistice was declared, you could not find a man under the American flag who would dare to come out and admit that he would stand for such a peace as is here proposed. I do not believe the Speaker was for it, I do not believe Dr. FESS was for it, I do not believe PHIL. CAMPBELL was for it. Then, why are you doing it? You might as well call a spade a spade; you are playing politics, that is all. It may be that you will nail down the German vote; I do not know, you may not. Thank God you will not nail down the American vote by making a peace with Germany for which apology may be necessary. [Applause on the Democratic side.]

Just why that genial, kindly, gentleman who occupies the presidential chair wanted to make such a promise during his campaign I do not know. I do not understand that he agreed to ratify any such a resolution as this. However, there is one thing in this business that does fill me with pride. I thank God that we had one man on the Committee on Foreign Affairs, and I think I know who he is, who had the courage to say that the repeal of the resolution declaring war might be construed as an apology for the action we took on that memorable Good Friday.

I thank you, Mr. PORTER, for that expression in your minority report. It is worthy of you and your Americanism, and your constituents ought to be proud of you; but this thing that you substitute is a confounded little better, but [laughter and applause on the Democratic side] let me beg you never to agree to the Senate resolution. We ought to turn away from both. Why is it that the President of the United States, if he wanted to make peace with Germany, couldn't do it in the regular way? If we felt that we ought to break away from the position we occupied with our allies, a position maintained all during the war, a position for which many of our boys sacrificed their young lives—if we wanted to do that, why did not the President send a peace commission to Germany and invite Germany to get together and write a treaty and take care of the American interests before the treaty was sent to the Senate to be ratified?

Instead of that you put the cart before the horse. You have done the assinine thing of making peace, and then saying that all American rights shall be thereafter safeguarded and protected. Will they? I do not know, and you do not know. Suppose Germany says no; what are you going to do about it; are you going to fight? That is your only remedy. Remember this, Germany has never complied with any demand of the Allies until she felt she must do so. I do not believe that anybody will stand up and say seriously that these reservations and stipulations are worth the paper on which they are written. I am not much of a lawyer, but such a lawyer as I am I will stake my reputation that they are not worth the paper on which they are written. But if you were determined to make a separate peace, why in the world did not you provide in your resolution that peace should not be effective until Germany had agreed to all these things? Why make peace and then say that we reserve all these things? I reserve the right to call on you, Mr. Speaker, for $10,000, and there is just as much sense in declaring such a reservation as that as there is in the reservations set forth in your so-called peace resolution.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. POU. Yes.

Mr. HARDY of Texas. The first Porter resolution provided that if Germany did not agree to all these things an embargo should exist.

Mr. POU. The gentleman is right, and why in the world the majorty of the Foreign Affairs Committee wanted to tie America hand and foot and place her in the power of Germany is a thing I can not understand.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. POU. I do.

Mr. BANKHEAD. In the event that this resolution should pass, and it is likely that it will, declaring a state of peace with Germany, suppose the present Government of Germany should refuse to negotiate any additional treaty with the United States, what attitude would that put our Government in?

Mr. POU. I will say to my friend I would not venture to answer that question in the short space that I have allotted to me. I simply say this, that when we pass this resolution and it is ratified by the President, you open Pandora's box for all manner of trouble. What the law would be under the conditions stated I would not undertake to say. No man ought to undertake to say what it would be except after much serious study and investigation; but I do know this, the only party bound by this resolution is the land of the Stars and Stripes, which was victor in the war. I know you bind us, but you do not bind Germany, and any man who would have proposed such a peace as this immediately after the armistice was signed would have been laughed at. That would have been the mildest sort of treatment he would have received, and he might have received something much worse.

Now, Mr. Speaker, I submit this proposition: This House has no power in the premises. Making peace and declaring war are utterly different. The House of Representatives has no jurisdiction to make peace. It must concur in declaring war. If President Harding had appointed his peace commissioner and had negotiated a treaty with Germany, the Senate would have ratified it and it would have been law. The House would not have been asked to agree. Peace in this instance is a fact. It came by the cessation of war. It does not come by legislative enactment. War can come in that way, but you do not bring peace in that way. Actual peace came with the signing of the armistice. You now propose to resolve that war with Germany has ended. It has ended. Everybody knows it, and you are not fooling anybody about it. Everyone knows that this is the end of the march downward from that high, noble position attained by America under the masterful leadership of Woodrow Wilson in the great fight for the liberty and freedom of the world. [Applause on the Democratic side.]

It is unworthy of the Americanism of any Member of this House. I have been here too long to impugn any man's motives, and I shall not do so now. I simply say, speaking from the heart, that I can not understand how any man who loves his country, who is devoted to its flag, who believes in the righteousness and justice of the war, can lend his assent to such an unworthy piece of business as this. I can not rid myself of a feeling of mortification. Such action as you propose does not truly represent the spirit of America.

Mr. Speaker, I can do no more than protest. I can not hope to stay the hand of those in power. There is a band of Members, even though it may be small in number, which would stay your hand if they could. For myself I could not be content if the record of this hour did not contain my protest. I protest in the name of the splendid people whom I represent—a district which had no slackers, no traitors, whose every home, from the cabin to the most palatial home, was loyal, patriotic, and true all during the war. In the name of that district I protest against the action you are about to take, in the name of the living I protest, and, Mr. Speaker, in the name of some of the dead, whose sentiments I knew, I protest. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. I was very deeply impressed with the last statement of the gentleman from North Carolina [Mr. POU]. The war, so far as one near and dear to him is concerned, was ended in noble heroism on the field that is the final arbiter. The gentleman from North Carolina has, therefore, unusual personal right to protest, but so far as his protests affect the people of his district I doubt very much if they are concerned about the phraseology of this resolution. The purpose of the resolution is to declare what the fact is, to let the formality agree with the reality, to let it be formally declared to the world that the war between Germany and the United States and Austria-Hungary and the United States is at an end, so that we may resume diplomatic relations with both countries and send our consular representatives to them. That is the purpose of this resolution.

Before discussing that phase of the matter further, I want to give some attention to the eloquent and interesting speech of the gentleman from New York [Mr. COCKRAN]. It is always a delight to listen to the euphonious sentences and the perfectly vibrant voice of the eloquent, the magnetic gentleman from New York. He can be eloquent upon any subject. He can be forceful upon any phase of any subject. Whether for it or against it, whether upon one side or the other, he can make himself most interesting. He took occasion this morning to speak of the decadence of the House of Representatives and took as his cue the resignation of the gentleman from Iowa [Mr. GOOD]. He then turned to this side of the House and made an especial appeal to the new Members, stating that the reason for Mr. GOOD's resignation was because of a succession of rules similar to the one that the House was about to vote upon. He asked the Members to recall the names of the great men who have been the products of this House in the past, and he named Clay and Blaine and Reed. Then there was applause. He would lead us to believe that in the palmy days of the House of Representatives there were no limitations upon the rights of Members, and that it was then producing Blaines and Clays and Reeds because of the freedom that they had. He proceeded then to call attention to the men who had quit profitable business to come here in those palmy days and enumerated them. I wonder

if it was only inadvertence that made him fail to tell you that Tom Reed did exactly the same thing that JIM GOOD has done—resigned from the House of Representatives in order to practice law, so that he could make a little money for his family, to leave them something after he had gone. Men have been doing the same thing in the House of Representatives from the days of Henry Clay down to the present time. Men develop here because of their capacity for work, because of their ability, or because of their industry and ambition, and the same opportunities that were open to those noted names in the past are open to gentlemen here to-day and will be open to men in this House in future years.

The gentleman from New York [Mr. COCKRAN] would lead you to believe that we are doing a most outrageous and unusual thing in presenting a rule which provides for the consideration of a solemn question in a formal way. This matter deals with a diplomatic question, and we must use diplomatic language. It is provided, therefore, that the House should have an opportunity to vote on that question without amendment. This is the cause of the gentleman's criticism. Let me call the attention of the gentleman from New York to this fact: The gentleman from New York may embody every amendment that may be germane to this resolution in a well-prepared motion to recommit the resolution and get a vote upon it, so he is denied nothing which is germane to the resolution. The rule which provided for the declaration of war was a solemn rule couched in the same language. It did not offer opportunity for amendment, sane or otherwise, embarrassing or otherwise. That was not a moment for frivolity, it was not a time for the consideration of partisan or political questions, so that a dignified resolution declaring the existence of a state of war was voted upon under a rule, without amendment. We have approached the time for a declaration of a state of peace between the United States and Germany. That declaration should be made with the same solemnity and with the same dignity as the declaration of war.

Mr. DENISON. If the gentleman will permit, I was going to recall to the gentleman from Kansas the fact that the so-called McLemore resolution, which excited so much interest, was brought in and put through the House under the same conditions and no one had an opportunity to offer any amendment whatever.

Mr. CAMPBELL of Kansas. That is true. That has been done on resolutions of this kind and on matters of this kind for many years. Throughout the history of the Congress it has been the custom to consider matters in such a way as to lend the greatest dignity to their consideration. The gentleman from North Carolina [Mr. POU] was disturbed because in the other body a resolution was passed repealing the declaration of war with Germany. I wonder if my friend from North Carolina knew that there were propagandists from his side of the House circulating around here on this side of the House saying, "Why, if you vote for the rule you can not have an opportunity to vote for the Knox resolution."

Mr. FLOOD. Who are the propagandists?

Mr. CAMPBELL of Kansas. Oh, they have been around here and they have made these suggestions to many on this side of the House.

Mr. FLOOD. The gentleman ought to name them.

Mr. CAMPBELL of Kansas. The gentleman from Virginia refers to the Knox resolution as one of the crimes of the century. The gentleman from North Carolina is a little less forceful in his criticism, and yet gentlemen over here are told that if they vote for this rule they will not have an opportunity to vote for the Knox resolution. I agree with the Committee on Foreign Affairs that it is far more dignified and far more compatible with the conditions that now exist to declare that the war between the United States and Germany is at an end than to pass a resolution repealing the declaration declaring the existence of a state of war. Further, the gentleman from North Carolina places great emphasis upon the fact that this would do nothing, that it would accomplish nothing, that it was a vain thing, that peace already existed. Well, hostilities have ended, but the formal declaration that the war is at an end has not been made. The gentleman says that should be done by the President of the United States through a commission. He says that immediately following the armistice that no man here would have dared to make such a suggestion as is made by the Committee on Foreign Affairs at this time. I think that is true. There was no occasion for it then. Up to that time there had been no failure on the part of the Executive to negotiate a proper treaty of peace. There has been a dismal, humiliating failure upon the part of the Executive to negotiate a treaty of peace and so declared by a majority of 7,000,000 of the American people. [Applause on the Republican side.] Time has brought about many conditions that make this resolution desirable at this time.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. GARRETT of Tennessee. What about the failure since the people spoke last November; what about the failure for the last two months; the last three months? Has that been a humiliating and dismal failure? [Laughter on the Democratic side.]

Mr. CAMPBELL of Kansas. No; I would not think so. We have been pretty busy here, as the gentleman from Tennessee will testify, I think.

Mr. FLOOD. Busy doing nothing.

Mr. CAMPBELL of Kansas. I do not think that the country will say that we have been doing nothing. We have been doing a great deal. We have been cleaning up the most scandalously wasteful mess that has ever been left to this Republican Party by any Democratic administration, and they always leave things in a mess. [Applause on the Republican side.] We have been endeavoring to bring some sort of order out of a chaotic condition that was unparalleled.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. CAMPBELL of Kansas. I will.

Mr. BANKHEAD. Can the gentleman give any assurance that it is the purpose or the intention of the Executive to begin negotiations with Germany for a treaty immediately or soon after the passage of this resolution?

Mr. CAMPBELL of Kansas. The present Executive will do his full duty in that respect, I am sure, as soon as this resolution is passed. I have no authority to speak for him; I have no letter in my pocket from him on the subject. [Laughter on the Republican side.]

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield.

Mr. GARRETT of Tennessee. If this resolution means what gentlemen upon that side say it means, what is there for the Executive to do after it passes?

Mr. CAMPBELL of Kansas. I suppose, agree to a commercial treaty with Germany and Austria. But the gentleman knows that the treaty of Versailles gave us nothing. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. If the gentleman will yield again, then why are you reserving rights under the treaty of Versailles? [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Well, I do not think we are reserving very much. I do not think that the reservations hurt the revolving part of the resolution.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I do.

Mr. FESS. Is it not true that while we are technically at war we are actually at peace without any of the fruits of peace, while Europe is taking advantage of peace and while being technically at peace is actually at war?

Mr. CAMPBELL of Kansas. I was just approaching that phase of the question. Our allies in the war have had their diplomatic and consular representatives in Germany and in Austria for two years now. The only reason we have no representatives there is because we have not formally declared the fact that a state of war no longer exists.

Mr. BARKLEY. Will the gentleman yield for a question purely for information?

Mr. CAMPBELL of Kansas. If I can give it.

Mr. BARKLEY. Does the gentleman contend that the passage of this resolution will result in an exchange of ambassadors between Germany and the United States?

Mr. CAMPBELL of Kansas. Just as soon as peace has been declared formally, then the question of sending ambassadors will be taken up by the Executives of the two countries, in my judgment.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will yield.

Mr. CHINDBLOM. Is it not a fact that the reason the United States has stood aloof since the treaty of Versailles was agreed upon, while the Governments of Europe have been allowed to go ahead under the treaty of Versailles, was because our own Executive agreed that that treaty should go into effect without our consent?

Mr. CAMPBELL of Kansas. Yes; that is true. Now, Mr. Speaker, there has been the usual criticism made of this resolution. It is the office of the minority to find fault with what the majority is doing. It is the office of the minority to make inroads upon the majority if they can, and with my aid and assistance this morning the minority put their largest gun into

action. And I submit to you that after the thunders of his oratory are over and you make an examination of the havoc he created, you will find it was not so serious after all. He talked well, as usual. I would be glad to hear him again to-morrow. I am delighted that he is in the House of Representatives. He adds very much to the gaiety of the House as well as to that of the Nation every time he speaks. But when he says that the House of Representatives is in a decadent condition he overlooks the present growth of the House of Representatives to a condition of virility and power. The House of Representatives was never more representative of the people of the country than it is to-day. It never was more dignified and it never was more virile or more powerful; it never was more assertive of its rights, and they are being accorded by the other end of the Capitol as well as by the other end of the Avenue, and the country is glad.

Mr. Speaker, I reserve the remainder of my time. [Applause.]

Mr. POU. Mr. Speaker, I yield six minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, as a matter of fact the Democratic members in the Committee on Rules voted unanimously against reporting this rule to the House of Representatives, and I sincerely hope and believe that those who have read the minority report of the members of the Committee on Foreign Affairs will vote against the adoption of the rule. It is a great thing, however, for the country and for the Congress that this rule was reported to the House, because it served as a basis for one of the greatest speeches that has been delivered in this House in a decade, the speech of the gentleman from New York [Mr. COCKRAN]. [Applause on the Democratic side.] And I was amazed when he took his seat to see the absolute unanimity with which the Republican side of the House applauded his statements, which means, of course, that whereas they demonstrated by their applause that they indorse and agree with everything that the gentleman from New York said, yet, as a matter of political expediency, I take it for granted that they will vote for the rule when it is put upon its passage.

Now, gentlemen, I have carefully read the two reports—the majority and the minority reports—that have come from the Committee on Foreign Affairs. The minority report goes into detail and points out one strong argument after another why this House should vote against the adoption of this rule and the resolution. I defy gentlemen on that side of the House to point out a single argument that is presented in the majority report asking for the passage of this resolution through the House. My distinguished friend from Ohio [Mr. FESS], the chairman of the Republican congressional committee, laid great stress on the fact that the country last year by an unprecedented majority voted the Democratic Party out of power. Of course, that is true; but I say to the gentleman from Ohio, and I believe I speak the truth, that half of the votes that the Republican Party got last year they got under false pretenses, when Secretary Hughes, Secretary Hoover, and ex-President Taft stood sponsor to the American people to the effect that the only way to get a league of nations was by the election of President Harding. [Applause on the Democratic side.] Those distinguished gentlemen, one of whom I hope will soon have a place as Chief Justice of the United States, a place for which he is eminently fitted, stood sponsor for the League of Nations; and that is why, with those false pretenses held up before the American people, you got the majority that you did. But I say to the gentleman from Ohio [Mr. FESS] that even with that defeat last fall it was not as bad as in 1912, when your party carried only the two little States of Vermont and Utah. [Applause on the Democratic side.] And I believe, speaking my own sentiments and speaking for those people who believe in the League of Nations, I want to see my party stand now and for years to come, until we take our rightful place, for the League of Nations; and I believe that in due time this great American Republic will take its proper place among the civilized nations of the earth as a member of such League of Nations. [Applause on the Democratic side.]

Ah, gentlemen, I have your Republican platform here, by which you are supposed to be guided. That platform says that you are for making and preserving peace by an association of nations. It does not say that you are for making peace and preserving peace by a resolution of Congress. You are pledged to an association of nations, and that is what you promised the American people. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, is this on the passage?

The SPEAKER. On the passage.

Mr. GARRETT of Tennessee. I make the point of no quorum.

The SPEAKER. The Chair thinks there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members. Those in favor of agreeing to the resolution will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 212, nays 105, answered "present" 1, not voting 113, as follows:

YEAS—212.

Ackerman	Faust	Larson, Minn.	Reber
Anderson	Favrot	Lawrence	Reece
Andrews	Fess	Lazaro	Reed, N. Y.
Ansorge	Fish	Leatherwood	Rhodes
Anthony	Fitzgerald	Lehlbach	Ricketts
Atkeson	Focht	Lineberger	Riddick
Bacharach	Fordney	Little	Roach
Barbour	Foster	Longworth	Robertson
Beedy	Free	Luce	Robsion
Begg	Freeman	Luhring	Rodenberg
Benham	French	McArthur	Rogers
Bird	Frothingham	McCormick	Rose
Bixler	Fuller	McFadden	Ryan
Bland, Ind.	Gensman	McKenzie	Sanders, Ind.
Boies	Glynn	McLaughlin, Mich.	Sanders, N. Y.
Brennan	Goodykoontz	McLaughlin, Nebr.	Schall
Britten	Gorman	McLaughlin, Pa.	Scott, Tenn.
Brooks, Ill.	Greene, Mass.	McPherson	Shaw
Brooks, Pa.	Greene, Vt.	MacGregor	Sinclair
Brown, Tenn.	Griest	Madden	Sinnott
Burroughs	Hadley	Magee	Smith
Burtness	Hardy, Colo.	Mapes	Snell
Burton	Haugen	Martin	Speaks
Butler	Hawley	Michener	Stafford
Cable	Hays	Miller	Stephens
Campbell, Kans.	Herrick	Millspaugh	Strong, Kans.
Cannon	Hersey	Mondell	Summers, Wash.
Chalmers	Hickey	Montoya	Sweet
Chindblom	Hill	Moore, Ill.	Swing
Clague	Hoch	Moore, Ohio	Taylor, N. J.
Clarke, N. Y.	Hogan	Moores, Ind.	Taylor, Tenn.
Classon	Houghton	Morgan	Temple
Clouse	Hukriede	Mott	Thompson
Cole	Hull	Murphy	Tilson
Colton	James, Mich.	Nelson, A. P.	Timberlake
Connell	Jefferis	Newton, Minn.	Tincher
Connolly, Pa.	Kearns	Newton, Mo.	Tinkham
Cooper, Ohio	Keller	Nolan	Towner
Cooper, Wis.	Kelley, Mich.	Norton	Vestal
Coughlin	Kelly, Pa.	Olpp	Voigt
Cramton	Kendall	Osborne	Volstead
Crowther	Kennedy	Parker, N. J.	Walsh
Curry	Ketcham	Parker, N. Y.	Wason
Dale	King	Patterson, Mo.	Webster
Dallinger	Kinkaid	Perkins	White, Kans.
Darrow	Kissel	Petersen	Williamson
Davis, Minn.	Kleczka	Porter	Winslow
Dempsey	Kline, Pa.	Pringey	Wood, Ind.
Denison	Knutson	Purnell	Woodyard
Dowell	Kopp	Radcliffe	Wurzbach
Elliott	Kraus	Ramseyer	Wyant
Ellis	Lampert	Ransley	Young
Fairchild	Lankford	Reavis	Zihlman

NAYS—105.

Almon	Dominick	Kunz	Rainey, Ala.
Aswell	Doughton	Lanham	Raker
Bankhead	Drane	Larsen, Ga.	Rankin
Barkley	Drewry	Lea, Calif.	Rayburn
Beck	Driver	Lee, Ga.	Rouse
Bell	Dupré	Linthicum	Sanders, Tex.
Black	Fisher	Logan	Sandlin
Bland, Va.	Flood	London	Steagall
Blanton	Fulmer	Lowrey	Stedman
Bowling	Garner	Lyon	Stevenson
Box	Garrett, Tenn.	McClintic	Sumners, Tex.
Briggs	Garrett, Tex.	McDuffie	Swank
Brinson	Gilbert	McSwain	Tague
Buchanan	Griffin	Mead	Ten Eyck
Bulwinkle	Hammer	Montague	Tillman
Byrnes, S. C.	Hardy, Tex.	Nelson, J. M.	Tyson
Byrns, Tenn.	Harrison	O'Brien	Upshaw
Campbell, Pa.	Hawes	O'Connor	Vinson
Cantrill	Hayden	Oldfield	Ward, N. C.
Carew	Huddleston	Oliver	Weaver
Carter	Humphreys	Overstreet	Wilson
Clark, Fla.	Jacoway	Padgett	Wingo
Cockran	Johnson, Ky.	Park, Ga.	Woods, Va.
Collins	Johnson, Miss.	Parks, Ark.	Wright
Connally, Tex.	Jones, Tex.	Parrish	
Crisp	Kincheloe	Pou	
Davis, Tenn.	Kindred	Quin	

ANSWERED "PRESENT"—1.

Collier

NOT VOTING—113.

Appleby	Gahn	Lufkin	Slemp
Arentz	Gallivan	Maloney	Smithwick
Blakeney	Gernerd	Mann	Snyder
Bond	Goldsborough	Mansfield	Sproul
Bowers	Good	Mason	Steenerson
Brand	Gould	Merritt	Stiness
Browne, Wis.	Graham, Ill.	Michaelson	Stoll
Burdick	Graham, Pa.	Mills	Strong, Pa.
Burke	Green, Iowa	Moore, Va.	Sullivan
Chandler, N.Y.	Hicks	Morin	Taylor, Ark.
Chandler, Okla.	Himes	Mudd	Taylor, Colo.
Christopherson	Hudspeth	Ogden	Thomas
Codd	Husted	Paige	Treadway
Copley	Hutchinson	Patterson, N. J.	Underhill
Cullen	Ireland	Perlman	Vaile
Deal	James, Va.	Peters	Vare
Dickinson	Johnson, S. Dak.	Rainey, Ill.	Volk
Dunbar	Johnson, Wash.	Reed, W. Va.	Walters
Dunn	Jones, Pa.	Riordan	Ward, N. Y.
Dyer	Kahn	Rosenbloom	Watson
Echols	Kiess	Rossdale	Wheeler
Edmonds	Kirkpatrick	Rucker	White, Me.
Elston	Kitchin	Sabath	Williams
Evans	Kline, N. Y.	Scott, Mich.	Wise
Fairfield	Knight	Sears	Woodruff
Fenn	Kreider	Shelton	Yates
Fields	Langley	Shreve	
Frear	Layton	Siegel	
Funk	Lee, N. Y.	Sisson	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. GALLIVAN (for) with Mr. STOLL (against).

Mr. GRAHAM of Illinois (for) with Mr. RIORDAN (against).

Mr. JOHNSON of South Dakota (for) with Mr. KITCHIN (against).

Mr. WATSON (for) with Mr. GOLDSBOROUGH (against).

Mr. EDMONDS (for) with Mr. JAMES of Virginia (against).

Mr. TREADWAY (for) with Mr. COLLIER (against).

Mr. JOHNSON of Washington (for) with Mr. TAYLOR of Arkansas (against).

Mr. BROWNE of Wisconsin (for) with Mr. SISSON (against).

Mr. LUFKIN (for) with Mr. THOMAS (against).

Mr. PERLMAN (for) with Mr. MANSFIELD (against).

Mr. KIESS (for) with Mr. RUCKER (against).

Until further notice:

Mr. SNYDER with Mr. CULLEN.

Mr. WOODRUFF with Mr. RAINEY of Illinois.

Mr. JONES of Pennsylvania with Mr. BRAND.

Mr. VOLK with Mr. SABATH.

Mr. LAYTON with Mr. FIELDS.

Mr. KREIDER with Mr. SULLIVAN.

Mr. STRONG of Pennsylvania with Mr. WISE.

Mr. MERRITT with Mr. HUDSPETH.

Mr. WALTERS with Mr. SEARS.

Mr. VAILE with Mr. MOORE of Virginia.

Mr. FUNK with Mr. DEAL.

Mr. KNIGHT with Mr. SMITHWICK.

Mr. SIEGEL with Mr. TAYLOR of Colorado.

Mr. COLLIER. Mr. Speaker, I understand that the gentleman from Massachusetts, Mr. TREADWAY, did not vote. I have a pair with him. I voted "no." I want to change that vote to "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes.

Resolved, etc., That the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government and people of the United States of America, and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

That all property of the Imperial German Government or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of the Government of the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by Congress, until such time as the German Government has, by treaty with the United States of America, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of German Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also provisions granting to persons owing permanent allegiance to the United States of America most favored nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the German Government or German nationals, and waiving any and all pecuniary claims based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States of America and Germany to the contrary notwithstanding.

That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States of America, although it has not ratified the treaty of Versailles, reserves for itself and its nationals all of the rights, powers, claims, privileges, indemnities, reparations, or advantages to which it and its nationals are or may become entitled, together with the right to enforce the same, under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof or otherwise, or which under the treaty of Versailles have been stipulated for its benefit, or for the benefit of its nationals, with the same force and effect as if said treaty of Versailles had been ratified by the United States of America, or to which the United States of America is or may become entitled as one of the principal allied and associated powers.

That the joint resolution of Congress approved December 7, 1917, declaring that "a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States of America and making provisions to prosecute the same," be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

That all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all nationals of the Austrian Empire or the Kingdom of Hungary which was, on April 6, 1917, in or has since that date come into the possession or under the control of the Government of the United States of America or of any of its officers, agents, or employees from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by Congress, until such time as the Austrian Government has by treaty with the United States of America, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the Austrian Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America, and who have suffered through the acts of the Austrian Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in Austrian, American, or other corporations, or in consequence of hostilities or of any operations of war or otherwise, and also provisions granting to persons owing permanent allegiance to the United States of America most favored nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Austrian Government or nationals of the Austrian Empire, and waiving any and all pecuniary claims based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States of America and Austria to the contrary notwithstanding.

That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States of America, although it has not ratified the treaty of Saint Germain or the treaty of Trianon, reserves for itself and its nationals all of the rights, powers, claims, privileges, indemnities, reparations, or advantages to which it and its nationals are or may become entitled, together with the right to enforce the same under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof, or otherwise, or which under the treaty of Saint Germain or the treaty of Trianon have been stipulated for its benefits or for the benefit of its nationals with the same force and effect as if said treaty of Saint Germain and the treaty of Trianon had been ratified by the United States of America, or to which the United States of America is or may become entitled as one of the principal allied and associated powers.

With the following House amendment: Strike out all after the enacting clause and insert the following:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise.

SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Saint Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress; or otherwise.

Mr. PORTER. Mr. Speaker and gentlemen of the House, it is frequently asserted that by officially declaring the state of war at an end we are abandoning the Allies and our associates in the late war. This is a gross misstatement of fact. All the nations that signed the treaty of Versailles did so with full knowledge that it was not effective, so far as the United States was concerned, until ratified by the Senate; yet notwithstanding this knowledge, unmindful of their rescue by this country from defeat and possible vassalage, and with a total disregard for our rights in case the United States Senate failed to ratify the treaty, they made the following a part of the treaty:

A first procès verbal of the deposit of ratification will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers, on the other hand. From the date of this procès verbal the treaty will come into force between the high contracting parties who have ratified it. * * *

Under this provision any three of the principal allied and associated powers could make a separate peace with Germany and leave all the other nations in a state of war. They availed themselves of this privilege. The German National Assembly ratified the treaty on July 10, 1919; Great Britain on July 31, 1919; Italy on October 7, 1919; the Republic of France on October 13, 1919; the Empire of Japan on October 27, 1919; and the procès verbal was promulgated on the 10th of December, 1919. On that date all matters in dispute between Germany, Great Britain, France, Italy, and Japan were adjusted and settled and a state of peace created among themselves, while the United States, not having ratified the treaty, was allowed to shift for itself. The abandonment, if any, has been of the United States, as we are still at war, while the Allies have been enjoying the advantages of peace since December 10, 1919. If we had made treaties of peace with the Central Powers before the Allies and our associates did, there would be justification of the charge that we had abandoned them, but the undisputed fact is that we are the only nation which engaged in the World War that has not made peace. When the procès verbal was inserted in the treaty it had but one object, and that was to enable the Allies to make a separate peace with the Central Powers, regardless of the action of the United States, and we have had an undoubted right since the promulgation of the procès verbal on the 10th of December, 1919, to make a treaty of peace with our late enemies; but in this, so far, we have been unsuccessful on account of the persistent efforts of the Allies and others to force our Republic into the discredited League of Nations. Assuming that Germany should refuse to concede our extremely modest demands, we could not call upon the Allies to help us to enforce them, as they are at peace with that country, and we would be left to act alone. Fortunately, we are such a great Nation that this situation will not arise; but what would be our condition if we were one of the weaker powers? The Allies deliberately made an agreement under the terms of which they entered into a separate peace, which took effect on December 10, 1919, and, I repeat, that if there has been any abandonment, it has been of the United States by the Allies. It may not be out of place to call attention to the fact that when the peace resolution reached the House the Allies had invaded Germany for the enforcement of the adjustment of the reparations, and action was postponed until Germany had conceded the demands of the Allies and had shown her good faith by payment of the earnest money in the form of the first installment of the indemnity. We have given the Allies the traditional American "square deal" and now intend to put our own house in order. The partisan assertion that we are abandoning our companions in arms in the late war should here end forever.

The Senate resolution repeals the declaration of a state of war, and the debate does not disclose a satisfactory reason why such action was taken. When Congress met on the eventful 6th of April, 1917, it had before it evidence of the sinking of the *Lusitania* and other vessels, resulting in the murder of hundreds of American citizens. Some of these crimes were condoned under the express promise of Germany that such wanton acts should not occur again. Later she repudiated this solemn agreement and insolently proclaimed that she intended to renew her ruthless and barbarous submarine warfare, thus proving beyond a reasonable doubt that the Imperial German Government was making war upon the people of the United States. Congress had no alternative except to declare a state of war, which Germany had thrust upon us, and to authorize the President to marshal all the resources of the Nation to bring the conflict to a successful termination. The "finding of fact" that a state of war existed is now a matter of history. It is an eternal record of fact beyond the power of Congress to repeal, modify, or limit. The resolution has been executed and its repeal would be as ineffectual and futile as a repeal of the appropriation for the building of the Panama Canal or the Capitol of the Republic. There is no precedent in the history of the Republic for such action; in fact, I doubt if there is a precedent in world history where a victorious nation repealed a declaration of war or a declaration of a state of war. The power to repeal is only exercised as to laws that have a continuing application. It is never used where a law has been executed. Again, the inquiry arises in the mind as to the legal force and effect of repealing the foundation on which all the war legislation rests. How far would it affect rights which have vested by virtue of such legislation? What effect would it have upon the right of the Government to prosecute the people charged with desertion and other offenses against the Government? We are without precedent to guide us and it would be a rash mind, indeed, that would attempt to foresee its results. Moreover, a repeal of the declaration of a state of war would raise an inference that we had disavowed our justification for entering the war, and the annulment of it might be construed as a mild apology for our participation therein. We should do nothing that would cast even a scintilla of doubt on the righteousness and justice of our cause.

The President in his message on April 12, 1921, said:

To establish a state of technical peace without further delay I should approve a declaratory resolution of Congress to that effect with the qualifications essential to protect all our rights. * * * Such a resolution should undertake to do no more than thus declare the state of peace which all America craves.

Obviously, the President did not desire a repeal of the declaration of the state of war, as he expressly limits it to a declaration of a state of peace. Perhaps he felt, as many of us do, that this solemn action of the American Congress should remain on the records of the Republic forever to record the outraged conscience of the American people at the wanton acts of the Imperial German Government. Further, the Senate resolution fixes many terms and conditions of the treaty to be made with our late enemies, thereby unmistakably invading the Executive's prerogative which vests him with the exclusive initiative in the making of treaties, "the President originating and the Senate having a negative" (Jefferson's discussion of treaties under the Constitution). The Senator from Idaho, Mr. BORAH, offers an explanation for these extraordinary provisions by stating that they are only suggestions by the Senate of the terms of the treaty and which the President is free to ignore. We should scrupulously avoid any encroachment upon the prerogatives of the President and exact from him like respect for those of Congress, and thus perpetuate the fundamental principles upon which our Government is founded.

In these circumstances your committee concluded that it was under an imperative duty to submit a substitute for the Senate resolution, and such a substitute is now before you. It declares "the state of technical peace" and "undertakes to do no more." Section 2 reserves all the rights of the United States by reason of our participation in the war, and embodies, in the words of the President, "the qualifications essential to protect all our rights." It does not in the slightest degree infringe upon the treaty-making powers of the President. It is simply a finding of fact that a state of peace exists, and carefully preserves for future adjustment all the rights of the United States. Their status is the same after its passage as before, and the President is as free and unhampered in the making of a treaty as if the resolution had never been passed. The resolution reported by your committee and which was passed by the House in the Sixty-sixth Congress did not repeal the state of war. Like the pending one, it only declared the war at an end.

Mr. FLOOD. Will the gentleman yield?

Mr. PORTER. I yield for a question.

Mr. FLOOD. I have not said that the resolution as reported by the gentleman's committee and first voted on in the House contained a repeal of the war resolution. What I say is that the gentleman and most of the Republicans in the Sixty-sixth Congress voted twice for that repeal, which he now so denounces; once when the resolution came back from the Senate after the Knox resolution had been substituted for his resolution, and again when the attempt was made to pass the Knox resolution over the President's veto.

Mr. PORTER. That is not correct. In the closing days of the second session of the Sixty-sixth Congress a substitute was passed by the Senate containing a repeal of the declaration of a state of war, and this was vetoed by President Wilson.

The Constitution vests the war powers in Congress in the following language:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the

service of the United States * * *; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The President has no war powers. It is true that he is Commander in Chief of the Army and Navy, but as such he only carries out the mandate of Congress for the prosecution of the war. Mr. Justice Tawney, in the case of Fleming against Page (50 U. S. Repts., p. 615) states the proposition very clearly. He says:

His duty and his power are purely military. As Commander in Chief he is authorized to direct the movements of the naval and military force placed by law at his command and employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

Congress can at any time end war by refusing to appropriate money with which to continue it.

Mr. FLOOD. Mr. Speaker——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Virginia?

Mr. PORTER. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. PORTER. All the authorities on international law agree that there are three ways of terminating war between belligerent States, which are as follows:

War may be terminated in three different ways: Belligerents may (1) abstain from further acts of war and glide into peaceful relations without expressly making peace through a special treaty, or (2) belligerents may formally establish the condition of peace through a special treaty of peace, or (3) a belligerent may end the war through subjugation of his adversary. (Oppenheim, International Law, vol. 2, p. 322.)

There are three ways of terminating hostilities between belligerent States, namely, (1) by a mere cessation of hostilities of both sides without any definite understanding supervening; (2) by the conquest and subjugation of one of the contending parties by the other, so that the former is reduced to impotence and submission; (3) by a mutual arrangement embodied in a treaty of peace, whether the honors of war be equal or unequal.

Under the first mode the relationships between the parties remain in a condition of uncertainty, and owing to the numerous difficulties involved, combatant States have very seldom resorted to this method of withdrawing from the war without arriving at some definite and intelligible decision. (Phillipson, p. 3, Termination of War and Treaties of Peace.)

It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, a situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances. (Mr. Seward, Secretary of State, July 22, 1868, Dip. Cor., 1868, vol. 2, pp. 32–34, cited Moore's International Law, vol. 7, p. 336.)

These authorities do not leave it open to argument that Congress, which has the power to declare war or a state of war, to raise and support the armies, to provide and maintain a Navy, to provide for calling forth the militia, and so forth, is not vested with the power to declare its duties performed and a state of peace to exist. What are the facts? The armistice was signed on November 11, 1918. Neither of the belligerents has committed a hostile act since that date; on the contrary, the armies have all been demobilized, and all the nations associated with us in the war have formally ended it by treaty. The Imperial German Government and the Imperial and Royal Austro-Hungarian Government, as such, have ceased to exist. Nowhere in the world is the hand of a German or an Austro-Hungarian raised against a citizen of the United States, nor the hand of a citizen of the United States against a German or an Austro-Hungarian. No reasonable mind can escape the obvious conclusion that the war is long since terminated; therefore it is the right and duty of Congress to declare, as the pending resolution does, that the war is ended. The Constitution does not withhold from Congress the power to declare war at an end, as Congress has the power to repeal or amend any of its legislative acts. Neither does the Constitution require that war declared by Congress must be ended by a treaty negotiated by the President, by and with the advice and consent of the Senate, nor does the Constitution provide that a state of peace can not exist except by treaty.

A state of peace is vastly different from a treaty, as peace does not always rest upon the exchange of treaties. The United States is at peace with nations with which it has no treaties, a notable instance of this being Russia, with which we have been at peace throughout our national existence, but with which we have not had a treaty since 1911.

Let us assume that the opponents of this resolution are correct in their contention that there is only one way to make peace, and that is by treaty duly ratified by two-thirds of the Senate, and that through some great misfortune our Republic was in the possession of an invader that was burning our cities and slaughtering our people, and every man, woman, and child was in favor of making peace with the invader. If we can make peace only by treaty, ratified as described, an obdurate and war-mad President could prolong the conflict until legions of our people were destroyed and the country totally devastated. The Constitution did not intend to place any such power in the hands of the President. That foundation of human liberty is entitled to a more reasonable construction. On the contrary, it places upon Congress the duty to preserve the Nation's existence, and the power to make war is one of the ways provided for so doing. Successful warfare makes peace.

During the debate on the peace resolution passed in the Sixty-sixth Congress and which was vetoed by President Wilson it was persistently argued by the opponents of the resolution that it was unconstitutional, and yet, notwithstanding the fact that Mr. Wilson had the benefit of these exhaustive and erudite arguments and the advice of the best legal talent in the country, he carefully avoided in his veto message the untenable position that war can only be ended by a treaty of peace. He did not even mention the word "Constitution." The construction of the Constitution by Congress or by the Executive, while not conclusive, has material weight, and his failure to support the contention of his party followers that the resolution was unconstitutional leads to the inescapable conclusion that he discarded their contentions as unsound and unsustainable. The President did not believe that the resolution was unconstitutional, otherwise he would have so declared.

In conclusion, the Constitution vests in Congress all the war powers, among which is the power to declare war and by necessary implication the power to declare a state of peace. A declaration of a state of war and a declaration of a state of peace are "findings of fact." The declaration of a state of war has been executed by bringing the conflict to a successful termination; it therefore becomes the duty of Congress to find this fact officially by declaring a state of peace.

We have demobilized our armies and all other instruments of war; we should now eradicate hate, commercial greed, religious intolerance, and race prejudice, which are the real "four horsemen of the Apocalypse," and thereby perpetuate our race. Let us do our whole duty in binding up the wounds of a war-torn world and dedicate ourselves to the fulfillment of the inspiring utterance of our great President, "It must not be again; it must not be again." [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Pennsylvania yield for a question before he yields the floor?

Mr. PORTER. I reserve the remainder of my time.

Mr. GARRETT of Tennessee. I saw it stated in the public press that the Alien Property Custodian had pointed out certain objections to the Senate provision, saying that as written in that resolution the rights of the United States were, to say the least of it, very doubtful. I think that was the report of it that I saw in the press. I never did see any statement from that official as to why that was, and I am wondering if the committee of the House has attempted to meet those suggestions.

Mr. PORTER. The Alien Property Custodian is entirely satisfied with this resolution. His objections were to the Senate resolution and not to the House resolution.

Mr. FLOOD. If the gentleman will yield, I would like to ask him——

Mr. PORTER. I have yielded to the gentleman from Tennessee.

Mr. FLOOD. Will the gentleman yield to me for a moment?

Mr. PORTER. Yes.

Mr. FLOOD. I should like to ask if the amendment proposed to this resolution by the Alien Property Custodian was adopted by the majority of the members of the Foreign Affairs Committee?

Mr. PORTER. The gentleman is misinformed. It was merely informally discussed, and we persuaded him that he did not need the amendment and it was not offered.

Mr. FLOOD. Then the amendment that the gentleman suggested was not incorporated in the resolution?

Mr. PORTER. He suggested a very minor amendment, but after discussing it with him I persuaded him that he did not need it and he withdrew it.

Mr. FLOOD. It was an amendment involving $100,000,000 worth of German property.

Mr. PORTER. Oh, no, indeed; it did not.

Mr. FLOOD. That is what he thought.

Mr. PORTER. I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the remainder of his time.

Mr. FLOOD. I yield 20 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, it is a matter of regret that politics should have entered into the consideration of this resolution. When I became a member of the Committee on Foreign Affairs 10 years ago politics were unknown in that committee. The majority party, then the Democratic Party, believed that in international matters certainly no political questions ought to arise, and during the whole time that the Democrats were in the majority that committee always consulted with every member who desired to take part in the discussion or consideration of measures before it. I remember very distinctly when the resolution came before that committee in which the arming of merchant vessels was taken up, and the committee considered the matter, the gentleman who is now chairman of this committee [Mr. PORTER] and the gentleman from Massachusetts [Mr. ROGERS] and all the members desiring to take any part were called in and consulted upon that resolution and the framing of it. In fact, during the whole period of the time when the Democrats were in the majority and throughout the war no politics entered into the deliberations of the Foreign Affairs Committee.

I deplore the fact that since our Republican friends have taken possession every matter that comes up seems to drift into a political question, including this great peace resolution, which should certainly not have any politics contaminating it.

Why, gentlemen, when we were called together to consider this resolution the question was asked by the gentleman from Virginia [Mr. FLOOD] and of the gentleman from New York [Mr. COCKRAN] whether or not the majority party had considered this matter in their conference and had decided that no changes would be accepted and no amendments considered. The reply was that they had considered it, but they proposed to vote for the resolution and adopt it as it stood, without any amendment, no matter who might offer them. That was the consideration accorded this resolution in the Committee on Foreign Affairs. Now we come to the House, and what do you find here in this forum of the people? Here is a peace resolution favorably reported in which the Knox or Senate resolution is absolutely stricken out and the Porter resolution is adopted in toto by the committee as an amendment and brought into the House, and then a rule is reported from the Rules Committee providing no amendment or change whatever can be made by any Member of the House, Democrat or Republican, to the resolution.

Mr. ROGERS. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. ROGERS. Would the gentleman prefer the Knox resolution?

Mr. LINTHICUM. The gentleman does not prefer nor favor either resolution, neither the Porter resolution nor the Knox resolution.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. LINTHICUM. I can not yield further. I will say that when the gentleman from Pennsylvania [Mr. PORTER], chairman of the committee, says that he did not vote for the Knox resolution or the terms of that resolution he is absolutely in error. The gentleman from Pennsylvania would not yield to the gentleman from Virginia [Mr. FLOOD] on this subject.

Mr. PORTER. The gentleman from Pennsylvania made no such statement. He said that the Knox resolution had been voted on twice in the House——

Mr. LINTHICUM. The gentleman said he did not vote for the repeal of the declaration of war as prescribed in the Knox resolution.

Mr. PORTER. The gentleman misunderstood my reply.

Mr. LINTHICUM. The gentleman from Maryland does not usually misunderstand things. On May 21 the substance of the Knox resolution was offered as an amendment, in which it was said that "the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government of the United States, making provision to prosecute the war, is hereby repealed." And on page 4729 the gentleman from Pennsylvania [Mr. PORTER] is recorded as having voted for it. On May 28 the gentleman is again reported as having voted for it over the President's veto. So much for that.

Now, the gentleman says that he is not in favor of the resolution known as the Knox resolution, that never in the history of this country, or any country, has a declaration of war been repealed. What are the people saying? Here is a resolution drawn by the gentleman who was Secretary of State [Mr. KNOX], who stood high throughout the whole country, and still stands high as a Senator, a Senator of the United States from Pennsylvania—his resolution is passed by the Senate, comes to the House, and is absolutely stricken out in the Committee on Foreign Affairs by the gentleman from Pennsylvania, chairman of this committee, and his friends. And then a new resolution is brought in.

Mr. RAKER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. RAKER. The gentleman states that the Knox resolution was drawn by Senator KNOX; who drew the substitute for the Knox resolution?

Mr. LINTHICUM. Well, with all due courtesy to the Senate and the House, I presume that the gentleman from Pennsylvania [Mr. PORTER] drew the resolution. I take it that when a resolution or a bill is introduced in the House or the Senate it is to be presumed that the gentleman who introduces it drew it himself. As I was about to say, when this resolution was passed by the Senate it came over here, was absolutely stricken out and a new resolution substituted in its place. Now, we have an entirely new resolution. I say that if the Republicans of the Senate and the Republicans of the House can not agree on a resolution and have any confidence in it, how can you expect the people of this country to believe in the resolution? [Applause on the Democratic side.] He says that it was obvious that the Constitution intended that Congress should have the right to declare peace because otherwise the President as Commander in Chief of the Army and the Navy might devastate the whole country. I say to the gentleman, the Constitution gives Congress the power to appropriate money to carry on the war, and every man knows that Congress controls the purse strings and therefore through that controls all other matters.

In considering this joint resolution by which it is proposed to declare the war between the Imperial German Government and the Imperial and Royal Austro-Hungarian Government at an end, I can not but be reminded of a cartoon I saw not long ago in one of the papers in which a woman of middle age of goodly proportions and motherly looks was seated in the little home, sewing or knitting. She was marked "Peace." The doorway entering the home, as I remember the cartoon, was marked "Treaty." Emerging from the chimney flue and in the fireplace was a picture of Uncle Sam in a very much dilapidated state. His beard was turned toward his nose, caused by coming down the flue; he was covered with soot and dirt, and as he landed in the fireplace his wife, "Peace," said to him, "Samuel, why did not you come in at the front door?"

I can not but ask the party now in power, having full control of the Senate and House by a large majority, and the Executive, a member of that party, why this great Government of ours should not enter into peaceful relations with the Central Powers of Europe through the front door by a treaty setting forth the respective rights and obligations of each party as was intended by the Fathers and prescribed by the Constitution? If we are to have peace let us have it as befits great nations and belittles none. The United States has never assumed the rôle of dictator, but has rather tempered justice with mercy. Certainly in the hour of her great strength when there is none to challenge her prowess, she should, while attempting to reserve all the rights and privileges accorded her under the Versailles treaty, be willing to enter into a peace treaty, thus avoiding future controversies between the Governments and their nationals, establishing a lasting peace and inviting and encouraging those friendly relations which existed for so many years.

It was never contemplated that Congress should declare peace; in fact, when it was proposed in the constitutional convention as an amendment to follow "declare war," it was defeated. The Constitution specifically provides that the treaty-making power shall be vested in the executive branch of the Government. This method, by resolution of Congress, is so unknown, unusual, and unprecedented that the Republican Senate and House can not even agree among themselves as to the proper language in which to couch the resolution.

We attempt to declare the war at an end. The Senate of the United States has rejected and, to all intents and purposes, firmly repudiated the treaty of Versailles. It was framed by the mighty men of many nations; the brains of the world were concentrated upon this great document which the framers believed would prove one of the greatest instruments, not alone for the settlement of all differences at present, but differences which might arise between nations in the years to come; that it would not alone bring peace to the world but that business and intercourse between nations would again be established upon a sound and substantial basis.

The treaty was rejected, repudiated, and yet by the second section of this resolution Congress attempts to retain all the rights, privileges, indemnities, reparations, or advantages to which the United States was entitled under that treaty. I have always thought that a treaty was a contract, and that a contract required the meeting of minds upon the subject matter.

Without the ratification of the contract or treaty I can see no rights which the United States can have or reserve thereunder. The rights under a treaty are those things specified which inure to the parties after the treaty has been ratified, and certainly no rights can exist either in a contract or treaty, which is but a contract, unless there has been acceptance by both sides.

It appears to me, and I believe to the casual observer, that the passage of this resolution will accomplish no good but will make confusion worse confounded. Our nationals are entitled to certain rights against Germany which I believe will be relinquished or endangered by the declaration of peace by Congress. The very ships which we seized, valued at more than $25,000,000, are held by virtue of the war. If we declare peace without a treaty how can we establish ownership in foreign ports if they are libeled by unfriendly interests?

While it is true we are in a technical state of war with the Central Powers, it is also true that we are actually at peace with them. Wars are not always ended by official declarations; they often end by lapse of time and lack of action. We have actually been at peace with Germany since the signing of the armistice on the 11th day of November, 1918. We believed this to such an extent that the two millions of soldiers which we had in Europe were brought home and mustered out of service. We have reduced our Army to a peace basis, and there is strong agitation on the part of the people and of Congress that it shall be made as small as internal safety will permit. We have resumed almost without exception peace-time legislation; not alone that, but when President Wilson addressed Congress just after the armistice had been signed, he said, "Thus the war comes to an end." Our business relations with Germany have proceeded at a rapid pace. In 1913 our exports to Germany were $351,930,541; in 1914 they were $158,294,986, a considerable drop owing to the war; in 1920 they had increased to $311,437,377, and for the fiscal year of 1921 they will reach $360,000,000, being greater than the high-water mark of 1913. Germany is buying from the United States as rapidly as her financial condition and resources will permit, and business is flowing between the countries without hindrance or delay.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BANKHEAD. This is a very important matter and I understand these figures will be disputed as to their accuracy, and I will ask the gentleman from what source he got his figures.

Mr. LINTHICUM. I got them direct from the Department of Commerce yesterday.

Mr. MADDEN. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MADDEN. How much of the export business was for the purpose of feeding the Americans in Germany?

Mr. LINTHICUM. That was not considered at all in this estimate, that does not go into Germany proper, but into the territory occupied by the American troops.

Mr. MADDEN. How much of the exports were for the starving people of Austria and Germany?

Mr. LINTHICUM. I do not know whether any part went for that purpose, but I hope a substantial amount did go to relieve the starving people, but it was not considered in this estimate. The fact is Germany is buying to the extent of its ability at the present time, and no matter how many peace resolutions you pass, they can buy no more than they are financially able, and they are doing that now.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KINCHELOE. Section 2 of the peace resolution provides that there are expressly reserved to the United States and its nationals any and all rights, liberties, and so forth, together with the right to enforce the same to which they became entitled under the terms of the armistice signed November 11, 1918. What rights have we under the armistice when we did not ratify it?

Mr. LINTHICUM. We did sign the armistice, but it was supposed to be followed up by a treaty and was so followed by a treaty which was not ratified.

Mr. KINCHELOE. That is what I am talking about. Have we any rights under that which we could enforce, when we have repudiated that treaty?

Mr. LINTHICUM. What rights and in what way can we enforce without placing an army in Europe? Certainly we can not do so by declaring it in a resolution. We have withdrawn troops from Europe and we have no power to enforce our rights except perhaps by not recognizing Germany.

Mr. KINCHELOE. Of course the armistice was agreed to.

Mr. LINTHICUM. Yes.

Mr. KINCHELOE. And on that there was an attempted treaty of peace which we did not ratify. In view of the fact of our absolutely repudiating that, what rights have we in Europe that we can enforce except by sending an army over there?

Mr. LINTHICUM. My argument is that we have not any rights whatever under the contract or under a treaty which we did not ratify.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. RAKER. It is clearly in evidence and is a fact that the United States obtained some rights against the German Government after we entered into the war. Is not that correct?

Mr. LINTHICUM. That we obtained some rights?

Mr. RAKER. Yes.

Mr. LINTHICUM. Certainly.

Mr. RAKER. We should not yield those rights foolishly or throw them away, but we should protect them.

Mr. LINTHICUM. That is my argument, that we have certain rights as a victor.

Mr. RAKER. This resolution does not abandon those rights that we might have against the German Government.

Mr. LINTHICUM. We do not by this abandon any rights, but my contention is this, that when you declare peace with a country you have no further rights against it as a victor.

Mr. RAKER. We, in fact, are at peace with Germany.

Mr. LINTHICUM. We are.

Mr. RAKER. If by legislation we determine it as a fact and say by this resolution or any resolution in fact that we are at peace, does that change our legal status in respect to rights existing before we passed the resolution?

Mr. LINTHICUM. I think it does.

Mr. RAKER. In just what way? Would the gentleman explain?

Mr. LINTHICUM. Certainly. How can we exercise our victor rights over Germany after we have declared peace? We have at the present time the rights as a victor in a great war and under the armistice, but if we declare peace then we are at peace with Germany and she is no longer our enemy.

Mr. RAKER. I know, but this is what I want to get at——

Mr. LINTHICUM. Oh, I will answer the gentleman if he will get me more time.

Mr. RAKER. My idea is to get some information about this resolution.

Mr. FLOOD. Then I suggest that the gentleman should apply to the people on the other side. We did not write this resolution.

Mr. RAKER. But only a few of us get a chance to be heard, and if the rest of us ask a question for information then we are cut off.

Mr. LINTHICUM. I hope this will not be taken out of my time.

The SPEAKER pro tempore. Does the gentleman yield further?

Mr. LINTHICUM. I do not. Why, then, this abnormal declaration of peace when peace to all intents and purposes already exists? Why shall we ignore the direct stipulation of the Constitution, which we have adhered to for nearly a century and a half, and assume the power which the Executive has exercised since the Government was founded? Why should we fall over ourselves as it were in "declaring the war at an end"? What benefits will be derived from such action? Germany has not even asked us to do so. She has certainly not stipulated any terms upon which she would accept such action, nor that she will regard it or be bound by it. Why should the matter not be approached in the manner prescribed by the Constitution by a treaty between our Government and the Governments of Germany and Austria? Certainly this proposed mode of procedure will get us nowhere. We have reserved rights which the other country has not conceded except in an instrument which we have rejected. Shall we declare the war at an end, and then seek from Germany rights which we acquired by virtue of the war? What right have we to maintain soldiers upon German soil when we are at peace with her, or collect the $250,000,000 due us for their maintenance except by treaty agreement?

There are rights which we have and which we have reserved by virtue of our participation in the World War. We did not fight the war alone but with certain allies, and it is certainly our duty to stand hitched until the troubles which confront them have been adjusted. It is true that Germany has agreed to the reparations demanded by the Allies, and has partly performed her part of the contract, but it is likewise true that it was largely through our governmental influence that a final understanding was reached. We have sacrificed 100,000 men in battle. We have maimed and destroyed the health of thousands more. Certain rights have been acquired

by virtue of the war. Shall we retire from the battle field without a definite and binding adjustment of all these rights and benefits? I had hoped, and I yet believe, that certain agreements will be made under proper treaty by which we will carry out the slogan we so earnestly protested that "this war would be a war to end wars"; that the sacrifices which our people were making were not made in vain; that the boys who sacrificed their lives and the thousands who sacrificed their health and vigor would be given the credit of having brought peace to the world, not alone for the enjoyment of the present generation but for generations yet unborn.

We talk disarmament, and certainly if the burden of taxation is to be lifted from the shoulders of the people, disarmament must come, but was it not provided for in the treaty, and could it not be done better in that manner than in any other? The rights and benefits, the pleasures and happiness which would have come to millions of people by the ratification of the Versailles treaty will be lost to us and to the world by the method proposed, and we will have drifted back to the old order of things. It has been well said, "The great World War will have been fought in vain if the result of it is not the ultimate peace of the world—the maintenance of the world's peace for all the future." Shall we abandon the fight and withdraw from the field?

America entered the war upon high ideals, not for the sordid reason attributed to her by Col. Harvey, our ambassador to the Court of St. James, when he said it was because she was afraid not to fight, nor to save her skin or for the sole interest of America, but because our rights as a Nation were being ignored, international law disregarded and trampled upon, and because of our very high regard for the French nation, whose domains were being devastated by the ruthless hand of the enemy and her people deprived of their homes and lands; because of the feeling of America for Belgium and her people, whose neutrality had been violated and her cities laid waste; because America felt that the Allies stood for civilization, right, and justice against conquest, devastation, and overlordship. [Applause.]

America believed and still believes that victory for the Allies was victory for democracy and the rule of the people. Her ideals were high, the victory of her armies was hailed with great applause, and America became the proud leader of the nations of the world.

Shall we dash those ideals to the earth, those glories to the winds by the passage of this resolution declaring peace by such an unusual method, or shall we emerge by treaty and maintain the proud position we now hold, as has been our custom at the close of all wars in the past?

At that momentous moment when the President looked down those long aisles of caskets at Hoboken, each one covered by an American flag, our beloved Stars and Stripes, and each containing the remains of an American boy who died for his country, he said, with tears streaming down his cheeks, "It must not be again." What is Congress doing to prevent it happening? What is the President advocating to be done during his incumbency of three months?

The country awaits an answer; the world awaits his leadership. Shall we drift on to another cataclysm? I pray not; but things do not right themselves; they must be righted.

Let us not turn our backs upon our past history and precedents. Let us go about this in the time-honored and constitutional manner. Let the President either send to the Senate the treaty of Versailles and ratify it with such stipulations, conditions, or reservations as deemed proper, or else enter into negotiations with Germany and Austria and arrive at a definite understanding embraced in a treaty and ratify same. Then we shall know our rights and obligations, as will the other contracting parties, thus establishing peace, progress, and happiness for all. [Applause.]

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield for a question now?

Mr. LINTHICUM. Yes.

Mr. FAIRCHILD. The gentleman has stated that we are now actually at peace.

Mr. LINTHICUM. Yes.

Mr. FAIRCHILD. But technically at war. I ask the gentleman if, in his opinion, the enactment of this joint resolution will not make us technically at peace as well as actually at peace?

Mr. LINTHICUM. I think the enactment of this resolution declaring peace will have just about as much effect as the passing of a resolution declaring prosperity in this country.

Mr. FAIRCHILD. Then, after the enactment of this resolution, does the gentleman think we will be technically at war?

Mr. LINTHICUM. I could not say that.

Mr. FAIRCHILD. Would we be technically at war or at peace after the enactment of this resolution?

Mr. LINTHICUM. We are now technically at war, but actually at peace. I believe if we pass this resolution we may be technically at peace, if the resolution is constitutional, which I deny.

Mr. FAIRCHILD. Then is the gentleman against that?

Mr. LINTHICUM. If the gentleman asks the question, I am opposed to the passage by Congress of a resolution declaring peace and taking from the President the time-honored practice of the President dealing with our international affairs. I am opposed to anything which will take from the Executive the power of dealing with the nations of the world as prescribed by the Constitution.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Maryland yield for one suggestion in line with that question?

Mr. LINTHICUM. Yes.

Mr. GARRETT of Tennessee. Section 2 of the resolution provides that there are expressly reserved to the United States the rights of the United States, together with the right to enforce the same. I take it that means to enforce by arms. That is the only way those rights can be enforced, and if that be so, then are we really in a technical state of peace, having reserved the right to enforce our rights with arms?

Mr. FAIRCHILD. If the gentleman from Tennessee will read that resolution with his usual observation and astuteness he will realize that the resolution embraces not only our relations with Germany but also our domestic relations, and that the language which he has just quoted necessarily applies only to our domestic relations.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, with the details of this measure there is room for quarrel. The Republican majority is responsible for those details, but each Member of the House is responsible for his vote upon the principle involved.

The instant need of the United States is for European trade. Agriculture is in a state of depression almost unprecedented. There are over four millions of unemployed industrial workers in the United States. If the statesmanship of America be not absolutely bankrupt and prostrate, it will do something toward relieving those conditions. We need European trade. We need a market in Europe for our surplus. Europe needs the surplus. The starving millions of central Europe reach out their hands for our grain and meat products. The naked millions of central Europe are crying for our cotton and wool. They want our products. We want to sell to them. It is time that we take some steps to bring those who want to consume and those who want to sell together. [Applause.]

Germany has been buying in the United States all that she could find money or credit to buy. Austria and Hungary have had neither the money nor credit with which to buy. Germany has now exhausted her means, and our exports to Germany are rapidly dwindling toward the vanishing point. Last year we sold her something over $300,000,000, and it brought prosperity to this country. But even that large trade included very little of our great staple, cotton, and now no cotton at all is being sold to central Europe. That is why the price for cotton has gone so low. In January of this year our German exports dropped to $48,000,000, in February to $38,000,000, in March to $30,000,000, in April to $19,000,000. What will it be in June? Germany has exhausted her ready cash as well as her credit. Austria and Hungary are exporting nothing and buying nothing.

What are we going to do about this situation? I will tell you what we ought to do. Credit must be extended to central Europe to buy what America wants to sell. Credit will be provided unless the statesmanship of this country has gone bankrupt. And how are we going to provide the means whereby central Europe can buy? They can not buy by money exchange, for, of course, they have exhausted their gold. Their present ability to produce is not anything like sufficient to meet the situation. Credits must be extended to the peoples of central Europe—credits by American financiers and credits by our Government to the Governments of central Europe. Arrangements must be made whereby the people of central Europe will be enabled to buy our surplus and we in turn secured in the payment of the money. It is not money that America needs. What we need is markets for our surplus, work for our idle hands.

PEACE NECESSARY FOR COMMERCE.

You can not have an extension of governmental or private credits under existing war conditions. American financiers can

not afford to enter into any large plans of financing Europe so long as we are in a state of war. It would be foolish upon their part. Our Government can do nothing to facilitate trade with central Europe or to extend any sort of governmental credit unless we are in a state of peace. Then let us have peace, and let us have done with these quibbles and legalistic arguments over technical points of constitutional law and one piffle and another. [Applause.]

NO EUROPEAN ENTANGLEMENTS.

If I understand anything of the present sentiments of the American people it is that they do not want to enter into any political alliances with European nations. They do not want to become further entangled with the political problems of Europe. They recognize to-day better than ever before the unfitness of the ruling classes of Europe for partnership with American democracy. They recognize that European ideals are not the ideals of America. Our people are unwilling to join with them in hard and fast partnerships. More than ever before do we appreciate Washington's farewell advice against European entanglements.

The world is in ferment—its imperative demand is for peace. The nations have reeled from the madness of war into a state which is neither peace nor war. Out of the welter of blood the world turns to narrow chauvinism and to race antagonism and class hostility. Political revolution, social disorder, and economic stresses threaten the foundations of society. Conditions in certain parts of Europe are unspeakably bad. In the delirium of the world's fever the ground shakes under our feet. Ancient institutions crumble and men no longer lean upon the faiths and ideals which our civilization has cherished. The world is in disorder; any man who does not endeavor to restore peace, confidence, and good will fails in his duty to his country and to mankind.

Now, for the second time, does the House of Representatives come to consider a resolution restoring a state of peace with Germany. Over a year ago a similar resolution was considered and passed by a decisive majority. Nothing has occurred in the meantime which would cause any Member who voted for the resolution then to vote against it now. On the other hand, much has occurred which might change the attitude of those who opposed the resolution then.

PEACE MADE FOOTBALL OF PARTY POLITICS.

Those who supported the peace resolution a year ago have seen their expectations largely realized. Their predictions have been verified. Their fears have been borne out by events. The world cries out for peace, yet America is no nearer to peace to-day than then. We have been adrift and our disturbed conditions are little nearer settled than a year ago. We have seen peace made the football of party politics. A presidential campaign has been conducted largely upon that issue. We have seen public attention diverted from domestic questions of the most vital moment. A great political campaign was carried on. A party has come into power upon an unprecedented majority, has come into power virtually without a program, all because attention was centered upon a false issue. We now witness an administration buttressed by overwhelming majorities in both branches of Congress, confronted by domestic and foreign questions of overwhelming gravity, pursuing a policy of pure opportunism, drifting here and there with every current of public opinion. All our fears are being verified.

The arguments used in opposing the peace resolution a year ago have spent their force. Not one of them remains of weight and validity. Technical doubts of constitutionality have been resolved. Arguments of party loyalty have lost their weight. The American people have spoken upon the issue in so far as it is possible for them ever to speak upon a single issue. The answer is in behalf of those who advocated the peace resolution. So far as public opinion can be tested it has responded overwhelmingly in favor of immediate peace. Democrats who allowed their party to be made to stand as sponsor for peace by treaty only should no longer persist in such self-destroying policy.

NO ACCEPTABLE ALTERNATIVE.

In considering whether we will have peace with Germany by resolution the single alternative presented is peace through the negotiation of a separate treaty. That alternative is unacceptable because of the delay involved in negotiating and adopting a treaty, and further because the present is not an appropriate time for such negotiations. A delay of months must ensue to have peace by treaty—delay for negotiation and delay for consideration by the Senate. In the meantime our economic situation presses for prompt resumption of the fullest trade relations with the Central Powers.

We have a great surplus of raw materials on hand—cotton, wheat, foodstuffs—and our mills need the work that German demand for our manufactured products would create. Agriculture and industry imperatively demand the immediate resumption of trade with Germany, Austria, and Hungary. Those peoples have neither the goods nor money with which to pay for our products. Trade must be carried on upon a credit basis—a basis of both public and private credits such as can not be extended during a war status. Only a status of peace will permit the intimate relations and confidence which will make the grant of extensive credits possible. The Republican Party has passed an emergency tariff measure under the pretense of doing something for the farmers. It is the merest pretense and there can be no realization of benefit from it. If they really wish to do something statesmanlike for the farmers, they should see to it that credit is given to enable Germany to buy from us a million bales of cotton and a hundred million bushels of wheat. That would be of real help to the farmers. Such a transaction would perhaps add 25 cents per bushel to the price for wheat and $20 per bale for cotton. If Members representing great agricultural constituencies want to do something for their people at home, let them vote for immediate peace with the Central Powers and an extension of credit for the purchase of produce. The people of central Europe need the produce. Humanity demands, and our own intelligent self-interest requires that we find a way to furnish it to them.

It is untimely to negotiate a treaty with Germany just now. There are too many cross currents in the world that may not now be wisely dealt with. We may well return to our prior treaties for the present and await a quieter time to decide upon our new relations with the Central Powers.

TREATY OF VERSAILLES NOT POSSIBLE AS AN ALTERNATIVE.

Let it be understood now that the acceptance of the treaty of Versailles, with its League of Nations, is not a possible alternative. The lapse of another year has brought us a better perspective and enables us to see that the Versailles treaty, either with or without its League of Nations, is utterly unacceptable. We see now clearer than before that we must not bind America as does the league and treaty to the position of chronic intermeddler in European quarrels. If we become a party to the treaty, we are bound to see that it is lived up to and that its provisions are carried out. Such an obligation is not only unacceptable to the American people, but violates sound public policy. Few or none of its provisions are for our benefit; they relate in chief to reparations for Britain and France and to international boundaries—to European balances of power, and to a multitude of delicate questions in which we have no interest. The treaty carries the seeds of a hundred wars.

The year passed has further dispelled our illusions. Europe is not ready for democratic partnership. Europe has not yet embraced democratic ideals. We now see that while President Wilson sat at the peace table inspired by visions of a New Order, those who sat with him were animated by the old dreams of conquest and world dominion—that they still cherished the old schemes for exploitation, the old systems of balances of world power. The high hopes of America they did not comprehend. They spoke our language, but did not understand our thoughts. Out of this—the Old World game of deceit, hypocrisy, and selfishness—it was inevitable that our representative should come with defeat. He played square—he could not win in a crooked game.

WON ON THE MARNE, LOST AT VERSAILLES.

That Mr. Wilson was defeated at Versailles there can not now be doubt. He battled bravely, but the odds against him were overwhelming. Of his aims he saved merely the League of Nations; all else was lost. The amazing thing about it all is that the chief objections made by its American critics to the treaty have been founded upon the covenant of the League of Nations. The league was the best part of the treaty. Had the treaty been fair and acceptable we might well have overlooked the faults of the covenant. The covenant is, in effect, a guaranty by which America became surety for the performance of the treaty. With a treaty of justice and good faith the covenant was harmless; with a treaty speaking only of hatred and selfishness it became impossible. Apart from the covenant the treaty had few provisions acceptable to America. It spoke merely a Punic peace, a peace of might, of extreme retaliation, of French implacable hatred and vainglorious militarism, and of British greed for the hegemony of the world. American ideals won on the Marne, but they lost at Versailles.

From the first it is obvious that the treaty must have been to us wholy impossible. Our purposes were benevolent; those of our associates selfish. We asked nothing; they sought everything. We can not be partners with those who hold such di-

vergent aims. We entered the war as a war against war, for shaking off the burdens of armament, for the preservation of democratic ideals, for the principles expressed by the Fourteen Points. The nations associated with us in the war had wholly different aims. They sought to destroy rivals and avenge old wrongs. They dreamed of empire and world possessions. Their hopes dealt with changes in national boundaries, possession of mineral fields, and control of arteries of trade. It was their ideals which were finally embodied in the treaty of Versailles, not ours.

For us the treaty of Versailles is dead. We will not agree to fight for the collection of reparations for Britain and France or in order that they may hold territory seized as the spoils of war. We will not fight that Italy may hold Trieste or France its possessions in Asia Minor. We will not fight that Great Britain may hold Mesopotamia and bestride Africa like a Colossus.

The SPEAKER. The time of gentleman has expired.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I suggest that the gentleman from Pennsylvania [Mr. PORTER] ask that everybody who speaks on this resolution have permission to extend their remarks.

Mr. PORTER. I have no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that everybody who speaks on this resolution to-day or Monday shall have permission to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from North Carolina [Mr. STEDMAN]. [Applause.]

Mr. STEDMAN. Mr. Speaker, in the brief space of time to which I must necessarily restrict myself it will be impossible for me to state as completely as I would wish my reasons for opposition to the resolution now pending before the House.

I am unwilling, however, to remain silent and witness the passage of this resolution without an expression of my dissent and disapproval.

Senate joint resolution 16, repealing the joint resolution of April 6, 1917, together with House joint resolutions 74 and 75, were all referred to the Committee on Foreign Affairs, of which I am a member. The resolution now pending is the unhappy and unfortunate offspring of the reference. [Applause.]

To aid and assist in bringing about its passage would be to act falsely to my own convictions, and in my opinion would violate the sentiment of the American people from ocean to ocean.

The objections to the resolution are of a fundamental and very serious nature, as they appear to me.

In stating them I ascribe no improper purpose or design to those who entertain different views. I credit them with patriotic intent but mistaken conclusions.

The leaders of the Republican Party, from what I can learn, have been perplexed and harassed in their consideration of the so-called peace resolutions. This need not cause surprise.

When one wanders in a wilderness of errors, no path is free from obstacles. None guide him to the public highway whose final destination he anxiously seeks. [Applause.]

This truth will be made manifest by reading the provisions of the second section of the resolution now pending, one of which reserves to the United States and its nationals all reparation or damages, which, under the terms of the Versailles treaty, have been stipulated for its or their benefit—a treaty which the Senate of the United States refused to ratify.

This section reminds one of a burlesque opera and at the same time partakes of the character of a moral tragedy. [Applause on the Democratic side.] All bills and resolutions introduced either in the Senate or the House are supposed to be intended to accomplish some purpose and to bring about some beneficial result.

It is very rarely that any resolution is discussed which has no merit whatever. With respect for the opinions and judgment of my colleagues who differ from me, all the so-called peace resolutions, including the one now pending before the House, are without merit. [Applause on the Democratic side.]

Each and every one of them is a clear violation of the Constitution of the United States, with the observance of which our honor and welfare are inseparably connected.

Not one line can be found in that great instrument which gives to Congress the right and power to declare peace.

The Constitution vests in Congress the power to declare war.

There is no power given to Congress to declare peace and that power can not arise by implication.

It is not a legislative power. This will clearly appear from the minutes of the convention which framed our Constitution. I commend the reading of the proceedings of that convention to all who have any doubt as to the question.

The Supreme Court of the United States has sustained the position which I have just stated—that the termination of a foreign war and making peace does not belong to the legislative body. (United States *v.* Anderson, 9 Wallace, 56, 70; Higo *v.* United States, 194 U. S., 315, 323.)

The resolution now being discussed, although not so objectionable as the Senate resolution, known as the Knox resolution, which is a direct insult to the American people, is inconsistent with their honor and manhood and the dignity of our Government. [Applause on the Democratic side.]

The word "repeal" is omitted with a statement that the war is declared at an end.

It carries with it the idea of an unwillingness to assume any longer the responsibilities attached to the resolution of April 6, 1917. Its tendency would be to minimize on the pages of history great memories. [Applause on the Democratic side.]

Contrast this resolution with the sentiments expressed by ex-President Woodrow Wilson in a Memorial Day letter, written several days ago, and tell me which should appeal more strongly to a brave people ever ready to assume any responsibility dictated by a supreme sense of duty.

I read an extract from that letter:

> It is our privilege not only to indulge a high and solemn pride and grief for the heroes of that great struggle, but also to rededicate ourselves to the achievements of the great objects for which that war was fought. We shall not be happy; we shall not be able to enjoy the full pride of the day's recollections until we have made sure that the duties that grew out of the war have been fulfilled to the utmost.

[Applause on the Democratic side.]

If ex-President Wilson had never penned a line other than upon his veto of the so-called peace resolution which passed this House in 1920, he would be entitled to the unchanging gratitude of his countrymen, and in the years to come little children everywhere throughout this broad land of ours will bow their heads in reverence at the mention of his name long after those who have misrepresented him have passed into oblivion and have perished forever from the memory of men. [Applause on the Democratic side.]

Those who advocate the passage of this resolution forget the truths of history.

No nation ever maintained for a long period of time an illustrious place amidst the people of the world which did not preserve the traditions which contributed to its greatness and its glory.

In the historical calendar of every nation which has won a place amidst the civilized people of the world and which has contributed to their advancement there are days set apart which are transmitted from generation to generation.

These days are marked by great and memorable events which have distinguished them and have been connected with them, such as the declaration of the freedom of a people from the chains of tyranny, the advancement of the cause of humanity, which has made the world a happier place for mankind.

This custom is not the offspring of modern civilization. It is born of the love of high ideals.

More than 2,000 years ago upon the plains of Marathon tablets were erected upon which were inscribed the names of the Athenians and Plateans, who gave their lives for the freedom of Greece. The Battle of Marathon was fought on September 12, 490 B. C., and from that day down to the present era the graves at Marathon have warmed the hearts of men through every succeeding age.

Some of these days have become famous as the birthdays of men renowned in war and in peace. To this class belongs the 22d of February—the birthday of Washington—which is honored throughout the world and which is observed with each recurring year by the reading of his Farewell Address within this Chamber.

The tomb of Washington has become the shrine to which all travelers turn. The principles for which he fought have year by year become more fixed in the hearts of mankind. The world is moving on to a higher and grander destiny.

Also the 12th of February, the birthday of Abraham Lincoln, whose love for humanity encircled the globe and embraced the world. [Applause.]

Also the 19th day of January, the birthday of Gen. Robert E. Lee. [Applause on the Democratic side.]

This is a day which appeals to the hearts of all who admire moral and personal heroism as illustrated by its greatest exemplar.

Others are preserved as memorial days of the death of such men, commemorative of their great deeds, which have brought glory and renown to their country.

In the southern portion of our Republic the 10th of May has been generally adopted as Memorial Day. Upon that day the mighty spirit of Stonewall Jackson took its flight to another world, and his last words still ring in the memory of those who followed the flag carried by him with a deathless valor, which won alike the admiration of those who followed him as well as of their brave opponents. [Applause.] "Order A. P. Hill to prepare for action; pass the Infantry to the front; let us cross over the river and rest under the shade of the trees," were his last words, uttered in the delirium of approaching death.

The student of history will observe that some of these days are legislative days, which owe their place in the recollection of men to the great events enacted thereon.

The Fourth of July will ever be recorded on the brightest page of American history, because on that day the Continental Congress declared to the world the independence of the United Colonies. [Applause.]

The 6th of April, 1917, will be remembered through all the ages to come as the day on which the Congress of the United States enacted legislation which called 4,000,000 of men to arms, not alone to keep stainless in its pristine splendor the flag of our Republic, not alone to vindicate our rights upon every pathway of the ocean, but to protect civilization throughout the world.

Let us not seek to avoid any responsibility arising from the provisions of the resolution adopted on that day.

If history be false in its record of that resolution, tradition will preserve it as an inspiration to patriotic heroism for all who dwell in every land from the rising to the setting sun.

Our duty to the American boys who by virtue of the resolution adopted on the 6th of April, 1917, crossed the ocean should of itself prevent the passage of the resolution now before the House.

"Let us cheer for those boys to the ends of the earth,
From the mountain heights to the sea,
In the land where freedom had its birth,
Where manhood still is the highest worth
In the hearts of the noble free.

"Let us drink to those boys who march no more
To the call of the drum and the fife,
Who sail the seas with the soundless shore,
Far out from the harbor of life.

"Across the sea they bore our flag;
Across the sea they brought it back;
Nor did its shining stars e'er drag,
From sea to sea, from crag to crag,
Along war's grim and gory track."

[Applause.]

In the language of Gen. U. S. Grant, who was as generous as he was brave [applause], "Let us have peace"—such a peace as he would have desired were he living to-day; a peace enthroned with garlands won by the heroism of American boys and our allies; a peace which will cast no shadow upon the threshold of any American citizen, but the sunshine of prosperity and happiness, unsullied by any resolution which reflects discredit upon our common country, which does not represent American manhood nor American sentiment and is not worthy of record in American annals. [Applause.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, in addressing myself to this resolution I repeat the words just used by our friend from North Carolina [Mr. STEDMAN], the words of Grant, "Let us have peace." Peace is necessary for this country. It is urgently neded, not only because without it we can not have passports or free intercourse of our citizens with Germany, not only because we can not have diplomats to negotiate as to trade which we need, and not only because we must settle questions as to the large amount of money in the hands of the Alien Property Custodian, but also because by the legislation during the war we can not fund the debt of the United States without embarrassment until peace is proclaimed.

Mr. BOX. Will the gentleman yield?

Mr. PARKER of New Jersey. I will if I have the time. I have only five minutes.

It is not generally known or remembered that in the act which authorized the issue of the 3½ per cent first Liberty loan, it was provided especially by section 5 of the act of April 8, 1917, that any series of bonds issued should be convertible into bonds bearing a higher rate of interest than the rate at which the same were issued, if any subsequent series of bonds shall be issued at a higher rate of interest before the termination of the war between the United States and the Imperial German Government, the date of such termination to be fixed by a proclamation of the President of the United States.

By section 4 of the act of September 24, 1917, authorizing the 4 per cent second Liberty loan, it was provided also that these bonds might be issued in convertible form—and they were so issued—with the privilege of converting them into bonds bearing such higher rate of interest, at such price not less than par as the Secretary of the Treasury shall prescribe. This privilege, however, did not include United States certificates of indebtedness, war savings certificates, and other obligations maturing in not more than five years from the issue of such obligations, respectively.

The result has been that instead of being able to issue permanent bonds, say for 30 or 40 years, at a rate of interest at which they could be sold at par, with the privilege on the part of the Government to redeem them in four or five years, as was done in the case of our old 10-40 or 5-20 bonds, the Treasury has been forced to adopt the plan of issuing short-term bonds or notes, and billions of Victory bonds are now coming due in 1922 and 1923. We do not know where to find the money to pay them, except by the issue of short-term notes and short-term four and five year bonds, and are continually under the control of the banks. If the United States should attempt to issue a long-term bond, as they ought, bearing say 4 per cent free of taxation, or 5 per cent subject to taxation—and the interest would have to be at that rate at the present time in order to enable the bonds to sell at par—with a provision that the Government might redeem them at any time after a few years if they could borrow at better rates. The United States should do that. There are $1,410,074,350 of 3½ per cent bonds, there are $27,825,000 of the first Liberty loan converted into 4 per cent, and there are no less than $115,600,400 of the second Liberty loan at 4 per cent; so that over $1,560,000,000 of bonds which are now selling at 87 and 88 could demand par instantly, and the holders of those bonds, mostly great capitalists, would get over $200,000,000 which did not belong to them. This is an embarrassment to the United States that ought to be removed by peace and a proclamation of peace. The need for funding our debt is urgent. Let us have peace. Let

Universal peace
Lie like a shaft of light across the land,
And like a lane of beams across the sea.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. PARRISH].

Mr. PARRISH. Mr. Speaker and gentlemen of the House, no man is more earnestly desirous of peace than I, but I am opposed to this resolution as it is presented now and as it has been presented on former occasions. I am opposed to it for a number of reasons, but fundamentally I am opposed to it because I am absolutely unwilling that the greatest struggle for democracy and humanity in all history be ended on behalf of the United States by a simple ex parte declaration of peace. I am compelled to withhold my approval until a valid and binding treaty has been properly signed and ratified, a treaty that will serve as a guaranty against the recurrence of such a horrible experience as has so recently wrung to the bleeding the hearts of the people of the world and has shaken to the very foundation democratic governments everywhere. Shall peace be declared without regard to the sacrifices that American citizens have made? Shall peace be declared without sounding a note of warning to the ambitious monarchs of the future? To ask the question is to answer it.

I do not believe that Congress has authority to adopt this resolution. It might be said that Congress could pass a resolution declaring a state of peace, but when it undertakes, as is attempted in sections 2 and 4 of the Porter bill, to preserve the rights of America under the armistice agreement signed on November 11, 1918, and under the treaty of Versailles, it transcends the field of a declaration and attempts to make binding certain treaty obligations and clearly falls within the inhibition laid down by the Constitution.

When the Constitution of the United States was in the making, Mr. Butler, a Delegate to the Constitutional Convention, moved to add the words "and peace" after the words which gave Congress authority to declare war, so that the Constitution would read "to declare war and peace," but Mr. Butler's amendment was voted down by the convention, and thus Congress was denied the authority to negotiate peace. The President, by and with the consent of the Senate, two-thirds of the Senators agreeing, was specifically authorized to negotiate treaties and settle international disputes, and I fail to see how any student of government can find any authority under the Constitution for Congress to pass a resolution clearly invading, as this one does, the treaty-making power which the founders of our Government gave to the President and the Senate. This resolution violates the Constitution of the United States, and I can not give it my support.

But, Mr. Speaker, there are other objections to this resolution. I do not believe that the resolution will accomplish one thing that its proponents claim for it. They say we want trade with Germany. Yes; we do want trade with Germany and all the

world, and as an American citizen no man craves more than I do that America's trade and commerce with the world be restored at once; we want trade so that there will come with it prosperity to the struggling people of this Nation, especially the farmers and producers, whose products can not be sold because the channels of the trade are chocked, but this resolution offers no relief from the condition now prevailing. Its passage will not stimulate trade in any particular, and I quote as my authority for this statement the words of Mr. Harding, President of the United States, delivered on the floor of the Senate on May 15, 1920, when he, as Senator from the State of Ohio, said:

> I do not regard a pronouncement of formal peace as tremendously essential to the welfare of the United States or to the promotion of our trade relationships with the other nations of the world. I do not think a formal declaration of peace is essential to continued freedom from hostilities; I do not think it possible that Germany is likely to resume armed warfare against this Republic in two generations to come; nor does it seem to me necessary to have this formal declaration, particularly in this form, in order to resume our commercial relations with Germany, for they are already more or less resumed, and in the very nature of things trade relations with Germany will be developed according to the needs of that people and our inclination to trade. (CONGRESSIONAL RECORD, p. 7098, 66th Cong., 2d sess.)

The truth is we are trading with Germany and Austria to-day. On June 14, 1919, the War Trade Board of the State Department issued license permitting trade with Germany under certain restrictions, which from time to time have been modified, and the records show that during the year ending in June, 1920, our export trade with Germany reached $400,000,000, which is the highest figure that it had ever attained in the history of America's trade with Germany. The highest mark heretofore reached was in 1913, when our export trade with Germany amounted to $320,000,000, and the passage of this resolution will not materially affect our trade relations with either Germany or Austria. But you can stimulate trade and commerce by the negotiation of a treaty of peace with those countries and the settlement of our international difficulties, so that an equitable basis of exchange can be agreed upon by the various nations of the world, and in this way confidence in international affairs will be restored to such an extent that business men and business concerns will invest their money in foreign securities, and trade and commerce will thereby be greatly stimulated. We must settle the world's difficulties in a legal and constitutional way before the world's trade and commerce will flow unchecked through its usual channels.

During the war every avenue of production in the United States was stimulated. By thrift and the adoption of scientific methods the farmers increased their production until to-day they are producing more per acre and per capita than ever before in our history. Likewise the factories and every other conceivable means of production in the United States have been stimulated to such a point that we are now producing more than ever before. We are producing much more than our country can consume, and if our prosperity is to continue it is absolutely essential that we find a foreign market for the overproduction of this country. Laborers can not find employment, farmers can not find a sale for their products, money will remain very hard to get until the obstructions to world trade have been removed and commerce permanently established. This can only be done by a speedy and permanent settlement of our world problems.

Mr. BOX. Will the gentleman yield?

Mr. PARRISH. I will.

Mr. BOX. Assuming that technical peace is so highly to be desired, can the gentleman imagine any reason why the President, in the exercise of the powers assigned to him by the Constitution and by the uniform practice during our history, has not accepted the responsibility of entering upon the negotiation of such a treaty?

Mr. PARRISH. I can not, and I was going to touch on that a little further on in my remarks. But the responsibility rests on the President of the United States. It rests on the Republican majority. It rests upon those who have made so many promises to the people and who have assumed the responsibility of restoring conditions.

The Republicans have been in charge of the legislative branch of this Government for the past two years. They have been in charge of all departments of the Government for the past three months, and yet there has been no official discussion with Germany through representatives or otherwise looking to a treaty of peace. You have done nothing that points in the direction of restoring the unsettled conditions now prevailing. You have simply left things hanging in the air. Uncertainty has been added to uncertainty, delay has been added to delay, confusion has been added to confusion, until the hearts of patriotic men are wearied, and I challenge you to show where this resolution will meet these conditions. [Applause on the Democratic side.] It will not do it; it will fall short of that, and the American people will find after the passage of the resolution that it is futile and ineffective.

The majority report of the Foreign Affairs Committee of the House has placed a most serious indictment against the Knox resolution, which repeals outright the declaration of war. The report states that the resolution is or might be construed as an apology to Germany for our ever having entered the war. I agree with that statement, but deplore the fact that the Republican administration in its desperation to carry out campaign pledges has found itself in such a predicament that it must force this resolution upon the American people. Like Banquo's ghost, it will arise in the future to haunt you; it will arise to embarrass you, and it may arise to do real harm to the American people. You are taking a very doubtful step, and no one can now foresee what the results will be.

But, gentlemen of the House, there is something else in this resolution that goes deeper than any of the things I have mentioned. You are opening the way by which America must make a separate peace with Germany. When we bade good-by to the boys who went across the sea to fight the battles of humanity, to fight for democracy, and to put an end to all war, no man ever suggested to them that the time would ever come in our history when America would ever make a separate peace with Germany. [Applause on the Democratic side.] Have we come to a place where we are going to do that? Are we to desert the cause of the Allies and make a separate treaty? The passage of this resolution is leading in that direction, and you are going to find that it will seriously handicap our representatives at the peace table. You are going to find that Germany, as she has always done in the past, will take advantage of every single technicality that presents itself. We have property in our possession belonging to alien enemies. American citizens have claims against Germany for property and lives destroyed amounting to almost a quarter of a billion dollars. We have ships in our ports that are there by virtue of the declaration of war. We have many other intricate questions which can only be settled around the peace table, and if you pass this resolution you strip America of the advantages won in the war and send her to the peace table as a coequal with Germany, there to be dealt with at arms' length. The rights of our citizens will be unnecessarily jeopardized and millions of dollars' worth of property may be drawn into useless litigation. This resolution will handicap the President in the successful settlement of the many and intricate problems remaining yet to be settled.

But, Mr. Speaker, there is still another very vital reason why I oppose this resolution, and that is the American people were told while the war was in progress that we were fighting to put an end to all wars. Does this resolution meet that pledge? Has America redeemed the promise she made to the boys who have gone down to death on the battle fields of France? Has America redeemed the pledge that she made to the fathers and mothers who gave up their sons in the supreme sacrifice of a Nation's defense? What does this resolution do to protect the future against wars? It does absolutely nothing. As tragic as it is to the American people, you are letting the supreme opportunity of history pass without taking affirmative action to bring about world disarmament or an agreement among the nations of the earth that will secure the future peace of the world.

Why not call a conference of all the nations now? Why not take some positive steps to insure disarmament? Why not do something that is real, something that will lift from the bended backs of the American people the excessive and cruel burdens of war and place hope again in the hearts of the millions of mothers of America who pray for peace? Do you offer this resolution as the panacea for all the ills of mankind? Do you expect it to solve the world's problems? Is this impotent resolution the answer you are giving to the mothers who have sacrificed loved ones in order that there should be no more wars? Is this spineless document the crown you would place upon the brow of the crippled and wounded soldiers? Is this miserable scrap of paper the monument you are erecting to the memory of the thousands of American soldiers who now lie sleeping beneath the poppies in France? No. With all that is in me I answer No, ten thousand times No. May God forbid.

HOUR OF MEETING MONDAY.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday at 11 o'clock a. m.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection?

There was no objection.

TERMINATION OF THE WAR.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, it is inconceivable to me that those opposing the Porter resolution will in one breath say that they are in favor of a peace resolution and in the next breath say that they will not support this particular resolution, although they admit that it does away with the technical state of war. This resolution, as gentlemen on the other side have admitted, does away with the technical state of war, but does not repeal the declaration of war. We terminate the state of war, but we do not expunge from the historical records the declaration of war and we do not erase the names of Chateau-Thierry, Belleau Wood, and the Argonne. That is the distinction between the Porter resolution and the Knox resolution.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. CONNALLY of Texas. Does the gentleman know that the House of Representatives last year on two occasions passed such a resolution repealing the declaration of war, against which he now inveighs?

Mr. FISH. I hope the gentleman did not vote for it.

Mr. CONNALLY of Texas. I did not.

Mr. FISH. Nor did I.

Mr. CONNALLY of Texas. The Republican side of the House voted for it and passed it.

Mr. FISH. Let us see what this resolution accomplishes. It terminates the technical state of war; it leads to the immediate resumption of diplomatic and consular relations and to commercial intercourse. That is what this country is asking for. It is asking for a resumption of trade relations; it is asking for prosperity, and trade relations will lead to prosperity. We have been shut out of the markets of central Europe too long already, whereas for the past two years our allies have been developing their commerce and gaining control of these markets.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. I can not yield, as I have only 15 minutes.

In the brief time allotted to me I am going to try to point out what this resolution accomplishes, and there is one logical consequence which I think the gentleman from Tennessee will object to when I tell him that this resolution will probably mean the bringing back of the American troops from Germany. Those troops have already been in occupied territory over two and a half years, longer than the German troops remained in France after 1870. I would like to have the gentleman from Tennessee [Mr. GARRETT], who is now on his feet, when his time comes, give one good valid reason for keeping our troops there after we have passed a resolution terminating the state of war between the United States and the German Government.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FISH. I am sorry, but I can not yield; the gentleman will have all the time he wants later.

Mr. GARRETT of Tennessee. But the gentleman intimated that I might object. Of course I do not want the gentleman to put me in an erroneous attitude.

Mr. FISH. After the passage of this resolution why should the American troops, amounting to some 15,000, remain in Germany? Will they stay there to disarm the German nation, which is already disarmed? Will they remain there to collect reparations or indemnities, which the German Government has already begun to pay to the satisfaction of our allies? Finally, will our troops remain in the occupied territory solely to do police duty for Germans in the city of Coblenz? You people know the decision of the American voters in regard to article 10 of the League of Nations. You know that they repudiated the doctrine of sending American troops into foreign lands to decide boundary disputes, and after this resolution goes into effect it will mean that if we keep those troops there they will involve this country into every boundary dispute in Europe that continental intrigue can drag us into. Already there is lurking danger for us on the insistence of some of the French statesmen to invade and seize the Ruhr district, and the Silesian boundary war between the Poles and Germans is an open menace. We asked for nothing for our part in the war, no indemnities, reparations, or territory, and we got just what we asked—nothing at all. Let us get out of Europe and stay out before we are involved in another war.

Mr. GARRETT of Tennessee. Would it not be an act of war if we keep troops in a nation with which we are at peace?

Mr. FISH. Ah, I think the gentleman is beginning to see light.

Mr. GARRETT of Tennessee. What I objected to a while ago was the gentleman undertaking to place me in an erroneous position. I never intimated that I wanted the troops kept in Germany after the declaration of peace.

Mr. FISH. I am very glad to hear the Democratic leader express those views, and I hope he will support my resolution to bring them back when it comes before this House.

Mr. GARRETT of Tennessee. Well, the President could have ordered them back in the last three months, I will say to the gentleman, being Commander in Chief of the American Army.

Mr. FAIRCHILD. Permit me to ask one question of the gentleman from Tennessee. The gentleman says the President could have ordered them back at any time during the last three months. Could not the President have ordered them back prior to March 4, 1921?

Mr. GARRETT of Tennessee. Surely he could. I will discuss that question before this debate is closed.

Mr. FISH. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used seven minutes.

Mr. FISH. I think it is perfectly proper in considering this resolution to consider the causes that impelled us to enter the war, in view of the various opinions that have been stated in this House and throughout the country. It seems to me to be self-evident that we entered into this war because of the insults of the German Imperial Government against this Government; that we entered into the war because of the wanton, ruthless, and murderous attacks against our neutral rights on the high seas; and when we entered the war we did not do so because we were too proud to fight or because we were afraid not to fight. [Applause.] Once in the war we set out to crush German militarism and autocracy, and we did. Let us for a moment, if you will, consider what part we played in this war. I think we are agreed why we entered the war. I also believe that we can all agree on what we accomplished in this war. We should all be able to agree that we turned the tide from defeat into victory at Chateau-Thierry and at Belleau Woods. [Applause.] We can not emphasize this fact too strongly in view of certain statements in high quarters on the part we played in the war.

We did much more than hasten the end of the war—we stemmed the tide and turned it back, thus saving civilization from domination by German militarism. I would not detract from our allies with their enormous casualties, after four long weary years of fighting, but the fact remains that the American Army stopped the Germans at Chateau-Thierry on their march to Paris. It is also true that the American Nation, by making it clear that it had entered into the war to fight to a finish, broke the morale of the German people, and that was what was broken first and not the fighting power of the German Army which was driven out of the Argonne and beyond the Hindenburg line. In the few minutes I have left I want to support that George Washington Democrat from Texas who argued for peace not only with Germany, peace not only within our own country, but peace with the world, through some form of limitation of military and naval armament, because if the nations of the world do not lessen the crushing burdens of the taxpayers for armament, we will have world bankruptcy, and if they do not reduce and limit their mad race for the biggest armament, we will be heading direct to another war which would be even more disastrous and would probably put an end to the civilization of Europe and America. I trust the Democrats on this side of the House, no matter how much they may argue against this peace resolution, will, when the time comes, support it in order to bring peace with Germany and peace at home. I agree with my distinguished colleague from New York [Mr. COCKRAN] that we should do everything in our power to augment the prestige of this House, but if you want to insist on your rights, if you want to insist on your prerogatives and augment the power of this House, you will vote for the Porter resolution reported by the Foreign Affairs Committee of the House terminating a state of war in place of the Knox resolution that repeals the declaration of war. You now have the opportunity to vote for a peace resolution emanating from the House, and thereby augment the prestige of the House by insisting on its rights and prerogatives. That is the issue, and it is an issue because under the Democratic administration during the war the rights and power of the House dwindled almost out of sight. It may have been a necessary and unfortunate result of the war powers granted to the President, but whatever the cause was it is time now to repair the damage and restore the House to its place of importance under the Constitution and in the regard of the American people. Now, I make my plea to you Democrats, if you are sincerely desirous of a peace resolution, that this is your opportunity to vote according to the views of

the majority of the American people who want peace immediately and want peace not only with Germany but with themselves and all the world.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FISH. I yield.

Mr. GARRETT of Tennessee. I presume the gentleman's remark connecting my name with this was occasioned by a colloquy I had a few weeks ago here on the floor. At that time I was very anxious to ascertain whether there could be any assurance given that if a peace resolution should pass the troops would be withdrawn. That was the purpose of my inquiry on that day. Of course, the resolution had not yet been formulated. It is now formulated and is before us. Can the gentleman from New York tell us now whether it is the purpose of the President, in the event this passes as it stands here before us in the House, to withdraw the troops from Germany?

Mr. FISH. The "gentleman from New York" can only say that there is a resolution in the Committee on Foreign Affairs of this House which calls for the return of these troops as soon as this particular resolution or any other peace resolution is passed and signed by the President.

Mr. FAIRCHILD. I would like to ask the gentleman from Tennessee a question right there. I understand the gentleman is strongly in favor of having these troops return home?

Mr. GARRETT of Tennessee. The "gentleman from Tennessee" is not expressing any opinion upon that question at this time. I will say to the gentleman as a legal proposition that, in my opinion, if you declare a state of peace, and having said that peace actually exists, you will commit an act of war if troops are kept there [applause on the Democratic side], unless the reservations that are contained in the Porter resolution give the right to keep them there. Whether that right is reserved or not, I do not know, and I am asking before this debate concludes to have some proponent of the resolution, some advocate of it, to construe section 25 and tell us what it does.

Mr. FAIRCHILD. The gentleman from Tennessee will agree that the passage of this resolution will pave the way for the return of the troops?

Mr. FLOOD. I yield 10 minutes to the gentleman from Alabama [Mr. BOWLING].

Mr. LONDON. Mr. Speaker, will the gentleman from Alabama yield for a moment?

Mr. BOWLING. Yes.

Mr. LONDON. I ask that I be allowed, after the gentleman from Alabama [Mr. BOWLING] concludes his remarks, to address the House for 15 minutes. I have been unable to get time from either the Republican or Democratic side.

The SPEAKER. The gentleman from New York asks unanimous consent that after the gentleman from Alabama concludes, he have permission to address the House for 15 minutes.

Mr. FLOOD. Whose time is that to come out of?

The SPEAKER. It would not come out of any time.

Mr. FAIRCHILD. Can you not do anything by unanimous consent?

The SPEAKER. The Chair thinks the House would have the right to permit the gentleman to address it for 15 minutes.

Mr. FLOOD. Then I suggest that the vote be taken at 4.45 o'clock on Monday instead of at 4.30.

Mr. GARRETT of Tennessee. I understand the desire of the gentleman is to proceed this afternoon.

Mr. LONDON. Yes.

The SPEAKER. That was his request. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. BOWLING] is recognized for 10 minutes.

Mr. BOWLING. Mr. Speaker and gentlemen, I have listened as attentively as I could to this debate here this afternoon in an attempt to find out just what the reasons are in the minds of the proponents of this resolution for its passage, the necessity for it, and the benefits that will arise from it. And as I have tried to gather and digest what they said, it amounts to this: That trade relations will be resumed, and that we can do more business with Germany and thereby make some money for the people of the United States. Another says that the passage of this will prevent the erasure from the annals of our history of the names of those honorable battle fields in France. That is about as far as you have gotten. One of the gentlemen who debated this matter had something to say about exchange. I did not catch his point. Maybe I was to blame for it; possibly unable to comprehend it; maybe that had something to do with business.

I think, gentlemen of the House, there is something more deeply involved in this than a question of expediency. I do not think that a great, solemn thing like the declaration of peace should be entered into merely because some one, a majority of some party or other, thinks it is an expedient thing to do. We ought to have a higher and a nobler purpose than that. And we all know this afternoon that if that wonderful spiritual exaltation that gripped this Nation on the 11th day of November, 1918, was still buoying us up, we would not listen to a suggestion for a separate peace with Germany for one moment. [Applause on the Democratic side.] We would never consider it. We would not think about it at all, because it violates all the honor of this country, and everyone would feel it was a personal insult.

That war cost too much in tears and blood and treasure and effort; the ideals were lifted too high by the spiritual life of the people at the time for us to trample them in the dust now by going back and making a separate peace with Germany. But this resolution is offered in order to pull presidential chestnuts out of the fire. The dominant party has opposed the peace of Versailles and has assailed President Wilson to such an extent that it is impossible for that party to go back now, and they have got to go through the process of making peace by resolution, rather than around a peace table, in order to save their face.

The reason why I am opposed to this resolution is because I think that Congress has no authority in the world to consider it, much less to pass it. All the powers exercised by this Federal Government are derived from the Constitution, and if there is no power given in the Constitution, the Federal Government possesses no power. I shall attempt to give you some quotations from the Constitution and from the history of our country, which, to my mind, establish beyond question that Congress has no authority to pass this resolution.

The Constitution, Article I, section 8, subdivision 11, declares:

> The Congress shall have power to declare war.

Article II, section 2, subdivision 2, provides:

> He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present shall concur.

Article VI, subdivision 2, provides that:

> This Constitution * * * and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land. * * *

The tenth amendment to the Constitution declares that the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

Section 52 of Jefferson's Manual says:

> Treaties are legislative acts. Treaties are the law of the land. It differs from other laws only that it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power, and there also if they touch the laws of the land they must be approved by Parliament. * * * By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislation—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. (1) It is admitted that it must concern the foreign nation party to the contract, or it would be a mere nullity, res inter alios acta. (2) By the general power to make a treaty the Constitution must have intended to comprehend only those subjects which are usually regulated by treaties, and can not be otherwise regulated. (3) It must have meant to except out of these the rights reserved to the States, for surely the President and a Senate can not do by treaty what the whole Government is interdicted from doing in any way. (4) And also to except those subjects of legislation in which is given a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is now more inconvenient than to the Senate. But the ground of this exception is denied as unfounded.

The participation of the House of Representatives in the treaty-making power has been often examined since Jefferson's Manual was written. The House has in several instances taken action in carrying into effect, terminating, enforcing, and suggesting treaties, although sometimes the propriety of requesting the Executive to negotiate a treaty has been questioned. The exact authority of the House in the making of general treaties has been the subject of differences of opinion.

With the citation of these authorities I come to consider the joint resolution now before the House. It will be observed that it is wholly distinct from the joint resolution recently passed by the Senate. In fact, it is a new thing altogether; the whole of the Senate resolution having been stricken out and entirely new matter substituted by the Committee on Foreign Affairs. The first sentence of the proposed joint resolution reads:

> That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at end.

The majority report of the Committee on Foreign Affairs described this section as a "declaration by Congress establishing a state of technical peace," and undertakes to do no more. It further says, "the Constitution vests in Congress all the war powers, among which is the power to declare war, and by necessary implication the power to declare a state of peace." That Congress does possess the power to declare war is beyond dispute, as has been heretofore shown by quotation from that instrument. But nowhere in the Constitution can be found a declaration that Congress has the power to declare peace. These are two wholly distinct functions, and whatever have been the precedents set by other nations it is certainly true of the United States that all wars, which left a responsible nation as adversary, have been concluded by a treaty of peace negotiated by the Executive and ratified by the Senate. For example, the treaty with the Barbary States during Jefferson's administration, the War of 1912, the Mexican War, and the War with Spain. No treaties have been negotiated upon the termination of our various Indian wars, nor the Civil War, for the simple reason that no government was left with which a treaty might be negotiated.

So I do not believe that under the Constitution we can by act of Congress enter into a contract with another Government. The treaty-making power is a high constitutional prerogative of the President, by and with the advice and consent of the Senate. Beyond doubt, as I interpret the fundamental law of the land, the passage of this resolution is a usurpation of the treaty-making power of the President and the Senate. I do not recall that there has ever heretofore in the history of our country been an attempt to circumvent the treaty-making power by an act of Congress. In answer to the statement of the report submitted by the gentleman from Pennsylvania [Mr. PORTER], that by necessary implication the power to declare a state of peace is vested by the Constitution in Congress, permit me to say that not only is there no such implication in the Constitution, but the history of the Constitutional Convention, which drafted this instrument, established beyond question that such power was deliberately and intentionally denied the Congress. This very question was really anticipated in the discussion in the Federal Convention on August 17, 1787, touching the power that should be bestowed upon Congress.

It will be remembered that James Madison was a member of that famous convention, and kept a journal of its proceedings, the only memorial we now possess of the proceedings of that body. I make the following excerpt from Madison's Journal:

TO MAKE WAR.

Mr. Pinckney opposed the vesting of this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberation. The Senate would be the best depositary, being more acquainted with foreign affairs and most capable of proper resolutions. If the States are equally represented in the Senate so as to give no advantage to large States, the power will, notwithstanding, be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war and another peace.

Mr. Butler: "The objections against the legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities and will not make war but when the Nation will support it."

"Mr. Madison and Mr. Gerry move to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks."

Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare," the latter narrowing the power too much.

"Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war."

"Mr. Elsworth: There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration. Peace attended with intricate and secret negotiations."

"Mr. Mason was against giving the power of war to the Executive, because not (safely) to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred 'declare' to 'make.'"

On the motion to insert "declare" in place of "make" (It was agreed to)—New Hampshire, no; Abst.; Connecticut, no; Pennsylvania, aye; Delaware, aye; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; Georgia, aye (ayes, 7; noes, 2; absent, 1).

Mr. Pinckney's motion to strike out the whole clause, disagreed to without call of States.

"Mr. Butler moved to give the legislature power of peace as they were to have that of war."

Mr. Gerry 2ds. him. 8 Senators may possibly exercise the power if vested in that body, and 14 if all should be present; and may consequently give up part of the U. States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

"On the motion for adding 'and peace' after 'war,'

"N. H., no; Mass., no; Ct., no; Pa., no; Md., no; Va., no; N. C., no; S. C., no (ayes, 0; noes, 10)—Adjourned."

This quotation from Madison's Journal establishes beyond question that the fathers of the Republic particularly considered and debated the proposition here under discussion and expressly and intentionally refused to give to the Congress the power to make or declare peace. It can not now be successfully maintained that the power to declare peace is by "necessary implication vested in Congress by the Constitution." And any attempt by Congress so to declare is simply a usurpation of power that was intentionally denied it.

In this connection I wish to quote Dr. William Rawle. In his view of the Constitution (Phila. 1829, p. 110–111) he remarks:

Treaties by which peace is completely restored may, as already shown, be made by the President and Senate alone without the concurrence and against the will of the House of Representatives.

It has been made a subject of doubt whether the power to make war and peace should not be the same and why a smaller part of the Government should be intrusted with the latter than the former. Sufficient reasons may certainly be assigned for the distinction. Peace is seldom effected without preparatory discussions, often of length and difficulty, the conduct of which, of course, belongs only to the President and the Senate. War is always an evil; peace is the cure of that evil.

War should always be avoided as long as possible, and although it may happen to be brought on us before observed, without the previous assent of Congress, yet a regular and formal war should never be entered into without the united approbation of the whole legislature. But although a peace is seldom obnoxious and unacceptable to the public, yet its necessity or propriety may not always be apparent, and a public disclosure of the urgent motives that really exist in favor of it may be prejudicial. The people have in such case a stronger motive for relying on the wisdom and justice of the President and the Senate than in the case of ordinary treaties. They are less likely than a larger body to be influenced by partial views or occasional inflammation, and the very circumstance of the smallness of their numbers increases their responsibility to public opinion.

Mr. Joseph Story in his valuable commentaries on the Constitution—Boston, 1873, page 88—contributes the following:

SEC. 1173. In the convention in the first draft of the Constitution the power was given merely "to make war." It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power "to make peace," but this was unanimously rejected upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress under the Confederation of the difficulties attendant upon vesting the treaty-making power in a large legislative body was too deeply felt to justify the hazard of another experiment.

Mr. J. I. C. Hare, in his treatise on American Constitutional Law—Boston, 1889, pages 171 and 172—first contrasts the systems of government in the United States and England, and then with reference to the President of the United States, he adds:

He is as much the representative of the entire people of the United States as any Member of Congress can be of his district, and should therefore exercise the discretionary powers confided to him by the Constitution in the way that he may deem best calculated to promote the welfare of the country, which may not be the way deemed best by Congress. Take, for instance, the case of a war which Congress thinks unnecessary or unjust, and wishes to close on terms that the enemy are willing to accept. Still it is the right of the President and not of Congress to determine whether the terms are advantageous, and if he refuses to make peace the war must go on.

We have lived and prospered under the Constitution for 132 years. We are a great and happy people, made so by the operation of this same Constitution of which Gladstone said, "It is the greatest document ever struck off at a given time by the brain and purpose of man." We should not lightly depart from the faith of the fathers. No argument founded on mere expediency should have weight here. It is not only the high prerogative of the President to make peace by treaties but is a high constitutional duty which should not be evaded. I concur whole heartedly in the desire of the country for peace as soon as possible, but this measure looking to that end is formed along unsound lines and is fraught with untold difficulties. It will be far better for us now and hereafter to follow the simple mandates of our fundamental law rather than to exercise our ingenuity in exploring unknown fields and following unmarked paths. [Applause on the Democratic side.]

The SPEAKER. The gentleman's time has expired.

Mr. BOWLING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman already has that right.

Mr. LONDON. Mr. Speaker and gentlemen, two years and eight months have passed since the signing of the armistice. We discovered in 1917 that Belgium had been invaded in 1914 by a "brutal militaristic power which wanted to dominate the world, and so forth." We were among the last to enter the war. While the other nations have by this time made formal treaties of peace, we have no treaty of peace nor are we ready for one.

The resolution before us is a mere technical resolution declaring the state of war at an end. During the last administration a Republican Senate failed to agree with a Democratic President on a treaty; in this administration a Republican Senate and a Republican House can not even reach an understanding as to how a resolution declaring the state of war at an end should read.

I am inclined to prefer the House form of the resolution in so far as it announces the war at an end instead of repealing the war resolution. But this is a technicality. It will hardly be intelligible to a layman.

It will be impossible to explain a vote against a resolution announced to be a peace resolution. If the Democrats will take the advice of the best Democrat in the House, the Socialist Member from New York [laughter], they would have raised no issue and would have unanimously voted for it. The fact that the Republican majority has seen fit to prevent amendments merely shows that they are expert in the political game, that they have got you Democrats in a trap and that you can not get out of it. [Laughter.]

The denial of an opportunity to amend is a grave injustice. The resolution, after declaring the state of war at an end, proceeds to reserve certain rights under the Versailles treaty, a treaty of conquest, a treaty of physical force, and repudiated by the conscience and the vote of the American people. Would it not suffice for the purpose intended to be carried out by the author of the resolution to say that "in making this declaration, and as a part of it, there are expressly reserved to the United States and its nationals any and all rights to which it or they may have become entitled by virtue of the participation of the United States in the war"?

It is evident from the minority report submitted by the Democrats, as well as from the discussion, that while they are opposed to the resolution they have nothing definite to offer in its place. I could understand them if they would say: "We are opposed to the Versailles treaty, and in order to live up to the high ideals proclaimed by President Wilson, in order to live up to the slogan 'Make the world safe for democracy,' we instruct the President to initiate the organization of a new association of nations, based on the principles proclaimed during the war." But they have no definite suggestion to make; they have no definite basis of peace to propose.

The Republicans are in the same bewilderment. We have had a Republican President since March 4. It is safe to assume that if he had any tangible plan for peace to offer that between election day and this date he would have found the time to reduce his conclusions to concrete form, so that we might have by this time not a mere declaration that the war is at an end, but a treaty of peace. Is it not clear that the reason you Republicans adopt this statement that the war is at an end is that you do not know any more than the Democrats what the terms of peace shall be, and you leave everything to the mysterious future?

You have announced that the League of Nations is dead. Have you anything to substitute for it? Are you willing to permit the Versailles treaty to stand, the League of Nations omitted? Can you from a purely national standpoint permit Japan, the strongest military and feudalistic power, to come out of the war immeasurably stronger than she was before she entered it? Are you willing to concede to her control over the island of Yap and of the other former German possessions in the Pacific and in China? And if not, are we to resort to war to change the unfavorable results of the Versailles treaty?

Are we ready to adopt a policy of isolation? Can we live under modern conditions without close contact with the other nations of the world? Have not the cable, the steamship, and the airship annihilated distances and made the concern of one nation the concern of the rest of the world? As I said this morning during the discussion of the rule, "Any fool can declare war. It takes wisdom to make peace."

We drifted into the war. We do not know how to drift out of it. Our statesmen did not know how to avoid war. They do not know how to make peace. Two years and eight months since the armistice and we do not know what we have been fighting for.

During the last campaign President Wilson contended that he would be ashamed to look a soldier in the face unless Fiume went to Jugoslavia, while a former Republican Senator stated at the Republican national convention that he was not quite certain whether Fiume was near Turkey or was one of the Sandwich Islands.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GARRETT of Tennessee. Does not the gentleman suppose that the remark of that Senator may account for the fact that the President did not carry any Republican Senators to Europe with him? [Laughter.]

Mr. LONDON. Very likely.

Mr. GARRETT of Tennessee. It might well be that the President would have no use over there for a Senator who did not know any more than that about it.

Mr. LONDON. How could we expect to know the real causes and objects of the war? For years we had been told that the European conflict was none of our concern. The Democratic President was elected on the platform, "He kept us out of war." The Republican candidate for the Presidency never thought of suggesting war. During the war itself all discussion was suppressed. We were continuously being told that it was a holy war; that all our allies and associated powers were white-winged angels, contending with a satanic force located in the center of Europe.

Well, the war ended. The satanic power had been overthrown by his own people. The time came to make peace. Then it became known that conflicting secret treaties had been made; that each of the associated powers wanted a part of the spoils; that the big fellows got everything they wanted; that the little fellows were given little or nothing and were invited to be happy; that cruel and merciless terms were imposed upon the defeated peoples, in spite of the frequent assurances that they would be treated with consideration if they overthrew their government.

We found that a so-called League of Nations had been organized; that national and race hatreds have become intensified; that the whole of Europe had been Balkanized; that under the guise of mandates colonies and peoples had been transferred to the victorious nations. Strangely enough, in almost every case the mandate went to the nation that had by force obtained possession of the mandated territory during the war. We found that a number of small sovereignties had been created with big appetites for more territory. We found that penalties and indemnities had been exacted from the defeated peoples, which threatens to crush them for generations to come.

In connection with this it may be interesting to remind you of the historical fact that after the restoration of the Bourbons Alexander I of Russia insisted that France be treated with consideration, so that she might appreciate that the restoration of a Bourbon saved her from destruction. In the present situation it looks as if the German people are being punished for having overthrown their militaristic government and for having made an effort to establish a social-democratic government.

No wonder the American people are asking themselves, "Where do we come in? We have no international peace, and happened at Versailles. We have been told there will be disarmament, that it was a war to end war, and we see that since the very signing of the armistice armaments have been increasing and wars have multiplied in number."

I can not refrain from reminding you that before we entered the war I asked the question that is now being asked by a majority of the American people. Permit me to quote from a speech of mine delivered on the 17th of February, 1917:

> The kings and rulers of the Old World have so managed it that every one of the belligerent nations in Europe to-day is fighting for something that appeals to sentiment, that appeals to the spiritual man. Poor little Serbia is fighting against extinction. Austria-Hungary seeks national consolidation and an unobstructed road to the Orient. Germany is struggling against being crushed by powerful enemies that surround her on all sides. Russia, the giant of the East—a giant without lungs, because she has no warm-water port—seeks a warm-water port, and says that she entered the combat to help a weaker Slav brother, Serbia. If Italy gets what she started out for, she will restore to herself her "Italia Irridenta," that portion of northern Italy now possessed by Austria. Rumania will get back some of her territory. Every one of those nations, if it wins the war, will have satisfied some national aspiration, some national ideal. Of course, the probabilities are that none of them will have anything to show commensurate with the sacrifices made. What national ideal will the United States satisfy by the war? What will the United States have accomplished if it goes to war and wins? It will have established the right of munition makers to sell munitions. That is the only thing that will be established.

And even that right has not been established. I voted against war. I am glad I did.

The people have everywhere been kept in ignorance on the subject of international relations. As Disraeli said on one occasion:

> The subject of foreign relations is foreign to the people of England.

The ruling interests do not want the people to know the truth.

It is to the eternal glory of the Socialists that in all countries and at all times they have been the only ones that have fearlessly opposed war, militarism, and national aggrandizement, and have everywhere urged amity among the peoples of the earth.

The literature of the socialist movement for the last 50 years abounds with warnings of the catastrophe that has overtaken the world.

To them the World War was not an accident. They foretold its coming. They saw its advent in every battleship that was added to the navies, in every army appropriation, in every colonial venture. They saw its menace in the struggle between France, Italy, Belgium, and England in Africa, between England, France, and Germany in Syria and Mesopotamia, between England and Russia in Asia, and between all of them everywhere.

Markets, concessions, spheres of influence, sources of raw material, opportunities for trade were the things the Governments were fighting for, ostensibly for the people, in reality for

the ruling interests. For all the people can get out of a war is the maimed, the dead, and heavy taxes.

In their opposition to war the Socialists courted every form of persecution and were denounced by rulers and their flunkeys as "men without a country." The denunciation of the German Social-Democracy for their having failed to do the impossible, for having been overwhelmed by the superior forces of the imperial German military machine, which defied the armies of the rest of the world during four years, is still a favorite theme with every hypocrite and with every cowardly leader of a mob.

During the war the governments made it impossible for the Socialists to come together at an international conference. Such a conference would have meant the end of the war and the end of many a government based upon the rule by the few.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. RAMSEYER. The gentleman has spoken of the lack of program on the part of Democrats and Republicans. Will the gentleman enlighten the House what the program of the Socialist Party is?

Mr. LONDON. I shall come to that presently.

Mr. LOWREY. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. LOWREY. The gentleman always talks interestingly. He says that the Democrats have not proposed any alternative. Has it not been suggested half a dozen times this afternoon by the Democrats that the alternative is for the President to go ahead and negotiate a treaty with Germany as the Constitution provides, as has always been done and as seems to be his unquestionable duty, and then present it to the Senate in the good old-fashioned way? I think the Democrats have proposed that half a dozen times.

Mr. LONDON. The trouble with the Democrats is that they have not had any new policy since the Democratic Party was formed by Thomas Jefferson. All their wisdom is in the grave. [Laughter.] How can a Democrat, in view of the admitted evil of secret diplomacy, take the position that the House of Representatives, elected every two years, should take no part in determining international relations? Do the Democrats oppose the proposition that the House of Representatives elected every two years from districts, with individual constituencies, should have something to say about the determination of relations with foreign countries? [Applause.]

Mr. LOWREY. The gentleman will admit that we took our oath to sustain the Constitution of the United States. [Applause.]

Mr. LONDON. Splendid. The Constitution has given the power to Congress to declare war, and it would be unreasonable to assume that the power to declare a state of war does not mean the power to declare a state of war at an end. [Applause.] That goes without saying. Did the Constitution intend that Congress should be an aggregation of so many clerks, so many office boys to put a stamp on the declaration that the state of war exists? In the democracy of those days they were suspicious of the power of the President, and they reserved the power to the branch of the legislature elected by the people to declare war, and, of course, to repeal it. I wish there was more democracy in the domain of international relations to-day.

Since both the Constitution and honor require that a treaty should have the binding force of law there should be full participation of the Representatives of the people in making treaties. Democracy can not exist unless there is democracy in the sphere of international relations.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that my time be extended five minutes.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent in view of the fact that considerable time has been taken up that instead of voting at 4.30 on Monday we vote at 5 or half-past 5.

The SPEAKER. The Chair does not think, with so many Members absent, that that request ought to be entertained. The gentleman can present it on Monday.

Mr. GARRETT of Texas. Mr. Speaker, may I suggest that the Chair is not called upon to protect absentees when the House is in session.

The SPEAKER. But the Chair has the same right that every other Member has.

Mr. GARRETT of Texas. But the Chair is here.

Mr. MONDELL. I think, Mr. Speaker, the time having been fixed by the House that we ought not now to change it.

Mr. FLOOD. The Chair entertained a request by the gentleman from New York to extend the time.

The SPEAKER. But that did not affect any other Member.

Mr. FLOOD. But it affects a good many Members who are here and who want to speak to-night.

The SPEAKER. There is no reason why they should not. The Chair wishes to be understood. The Chair thinks that it is not fair when the time was fixed for a vote at half-past 4 on Monday to change it with such a small attendance as there is now. It can be changed on Monday if it is thought advisable. Is there objection to the request of the gentleman from New York that the time be extended five minutes?

There was no objection.

Mr. CHALMERS. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. CHALMERS. I think the gentleman is giving the Democrats an enjoyable and profitable lesson, but will the gentleman not ask the Democratic Party in this House to read the Constitution carefully for the implied powers to Congress?

Mr. LONDON. I want to say that the Republicans are certainly not a bit better. Whatever of disaster may have come out of the war, the blame for it rests as much upon the shoulders of the Republicans as of the Democrats. The President came out with the slogan, "Make the world safe for democracy," and every Republican repeated as if he were a phonograph, "Make the world safe for democracy." When the other slogan, "Stand by the President," was proclaimed, every banker in the country, every financier, shouted it, as did the dweller in the cabins in Arizona or New Mexico—"Stand by the President." It was only when the President came to making peace, and there was a possibility of the Democratic President of the United States becoming the president of the first League of Nations, and so gaining prestige with the American people who love success, that the Republicans took up a fight against the President. You are not a bit better.

Let me answer the question of the gentleman from Iowa [Mr. RAMSEYER]. He asked what is the Socialist attitude. First of all, we were opposed to war. We were logical. We hate every form of physical violence. We are opposed to terrorism of any kind. The success of our philosophy depends upon the triumph of intelligence. We do not believe that any change can be made in human society unless it is a change of the heart, a change of the mind, a change of the soul, and that can not be accomplished by violence. That is why we are opposed to the use of violence in the relations between man and man in society and in the relations between nation and nation.

Take the peace of the Versailles treaty. It is a conqueror's peace, and unless the treaty is thoroughly revised or scrapped it will breed more war.

Our international program would involve, first, the cancellation of all war debts among the allied nations. That must be done, in order to establish economic stability. This war has cost so many millions of lives and so many billions of dollars that we can afford this additional investment. The reestablishment of economic stability will be worth the price. Next, we would revise or wipe out the treaty of Versailles. We would initiate an association of nations based upon democratic principles. We would convoke an international interparliamentary conference, which is to consist of delegates who are to be elected on a democratic basis. We would have the Members of the American Congress, the members of the French Chamber of Deputies, the members of the House of Commons of England, the members of the Chamber of Deputies of Italy, the members of the Reichstag, and so forth, meet and discuss the basic principles of world peace. We would create an international fund out of which credit might be extended in food, raw materials, and machinery to the peoples in need of such aid. We would demand universal disarmament. We would recognize Russia, because no peace which refuses to take into consideration a country with a population of 140,000,000 souls, occupying one-half of Europe and one-third of Asia, can be a lasting peace.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. LONDON. I shall not ask for any more time. I thank you. [Applause.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Speaker and Members of the House, as one of the junior members of the Committee on Foreign Affairs, I have sat for several weeks past and listened with great interest to the very thorough and complete debate and consideration of the resolution which is now before this House. As one who lays no claims whatsoever to the attributes of statesmanship, only recently having come from the ordinary walks of life as a plain business man, I have been disposed

perhaps to a greater extent than otherwise to look upon this proposition as a business matter, a matter of national business, and therefore of extreme national importance. In speaking of having attempted to discern the business side of this proposition I do not wish to be misunderstood and to be considered as having failed to look into the moral elements involved. The resolution to my mind is the acme of simplicity. In its preamble it makes a simple declaration as to an existence of fact. It does not repeal the declaration of war, nor do I believe that it should do so, but it declares that the war itself is at an end, which no Member of this House will deny as being and as having been for many months past an accomplished fact. After declaring the war at an end, quite logically and quite properly it takes up the care of the rights of American citizens in a proper, definite, succinct, concrete, and businesslike manner.

The American people will not enter a League of Nations. This is not a question which should be considered here to-day. That is water that has gone over the mill, and we are now faced with the incontrovertible fact that the country by a majority of 7,000,000 voters on November 2, 1920, declared itself in opposition to that principle, so we are by the supreme mandate of the people precluded from giving it consideration. "The mill can never grind with the water that is past," and we are faced with the solution of recognized facts and as representatives of a clear-thinking people should act accordingly and proceed to the task in hand.

So far as the merits of the Porter resolution are concerned as compared with those of the Knox resolution——

Mr. FLOOD. Will the gentleman permit me to ask him a question?

Mr. LINEBERGER. I will yield for a question.

Mr. FLOOD. The gentleman said he wished to discuss the question from a business standpoint. I would appreciate it very much if the gentleman would state what value there is in either one of the resolutions from a business standpoint?

Mr. LINEBERGER. I will say to the gentleman from Virginia that there is established in business practice the principle that before proceeding toward the negotiation of any business agreement—and I assume that the negotiation of a treaty with Germany will be of more or less commercial import—that we have to have a fundamental foundation or basis upon which to proceed. The President of the United States can certainly not effectively proceed to the negotiation of commercial agreements with Germany and Austria-Hungary so long as a state of war exists. The passing of this resolution is to declare that the state of war is at an end.

Mr. FLOOD. The gentleman thinks the President could not enter into negotiations for a treaty of peace with Germany without a resolution of this kind?

Mr. LINEBERGER. I did not say that he could not do so. I admit that he could do so; but I can not say it is a proper and businesslike way in which to handle the matter. Now, regarding the Porter resolution and the Knox resolution, I believe the gentleman from North Carolina [Mr. STEDMAN] referred to the Knox resolution as being obnoxious. I will not go that far. I was not here to vote upon the resolution at the time that it came up in the preceding Congress, but I believe that the gentlemen who voted for that resolution voted for it because the parliamentary situation was such at that time that this was probably the only thing for which they could vote and bring about a condition which we all desired—the termination of the war. However, the parliamentary situation has changed and the Committee on Foreign Affairs has brought in a resolution which, to my mind, is more in harmony with the desires of the people of this country than the Knox resolution. The doughboys that lie beneath the poppies in France I do not believe would like to have entered upon the CONGRESSIONAL RECORD of this Nation any declaration which would repeal or retract the declaration of war with Germany and Austria, both of which I am going to read, for I think we ought to be brought to fully realize the historical import of any repeal of these immortal documents—documents which will in future generations of our children and children's children be cited as having saved the civilization of the world from ignominy of destruction by the most cruel military despotism recorded in the annals of history.

Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government, and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government, and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

The gentleman from Pennsylvania, the distinguished chairman of our committee, put the proposition very aptly when he said it was no more possible to repeal an established fact than it was to repeal the appropriation which built this building, and I am sure we could all agree with my colleague from New York [Mr. FISH], when he said that the men who lie buried in France and to whose immortal glory the victories of Chateau-Thierry and the Marne are attributed would not desire, were they living to-day, such a reflection and negation of the great forces, moral and otherwise, which impelled us to enter into this great conflict. The causes of the war, which have been discussed by various gentlemen, including the gentleman from New York [Mr. LONDON], are very interesting. I want to make this observation: I am not of a one-track mind, and therefore I do not believe that the causes which impelled us to enter this war were either purely moral or purely economic or purely sentiment, but I think they were a combination of all. There is no question but what the major impelling force, the thing that clapped the climax and brought about the actual declaration, was the continued violation of those moral laws which this country has always cherished, and back of that there was the impelling knowledge that if we did not back up our traditions, that if we did not see that civilization did not perish from the earth, that in the course of time the then great German Empire would gain by the crushing of England, Italy, and France, the hegemony of Europe, and from the victories, flushed by success, would proceed to further wars of conquest and gain the hegemony politically and economically of the world. Therefore I will say that we entered the war because of a mixture of emotions, and we have no apology whatsoever to make for those motives nor do we desire to retract them or negate one single word of the declaration which brought us into the conflict. We Americans are a mixture of the practical and the sentimental, or, perhaps, I should more properly say the spiritual——

The SPEAKER. The time of the gentleman has expired.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to continue for two minutes more.

Mr. PORTER. I yield to the gentleman two minutes more.

Mr. LINEBERGER. I will conclude my remarks by saying this, which I believe brings out aptly and succinctly the point which I want to bring before this House in the discussion of this vital matter, namely, that Americans are a combination of the sentimental and the practical, and we have always kept both eyes on the stars, but in so doing we have always also kept both feet on the ground, and we never look down except to see that our feet are firmly planted on terra firma. Therefore, this proposition is one of expediency, moral and economic. The war is at an end and should be so declared, and I believe that the Porter resolution embodies in a few words everything that the American people desire, and I hope that it will prevail in both Houses, and I am sure our distinguished Executive, President Harding, at the other end of the Avenue will not long delay in negotiating those treaties and agreements necessary for the fullest protection of American rights and American interests, both political and economic. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, I am an orthodox Democrat, and usually fall in line and support measures advocated by the leaders of our party when strictly party questions are under consideration, but the pending joint resolution, in my opinion, does not raise any party issue, and I am going to support it. When war was being waged, I deprecated any effort on the part of Democrats or Republicans who undertook to inject into the debates partisan politics, and I am strongly opposed at the present time to any movement seeking to make discussion of this resolution a party issue. I know full well that some of the Democratic leaders of the House and Senate are opposed to this measure, and the majority of the Democratic newspapers of the country think that all the Members on our side of the aisle should follow the leaders of our party even in voting against the resolution now before us. I think that very many great issues are often beclouded in this House, because Members on both sides of the aisle are constantly look-

ing for something to make political capital out of, and I wish to take this opportunity to suggest to these Members that the people of the country are much more interested in the character of legislation we pass than helping build fences for another political campaign.

Some Members on my side of the House insist that the resolution should not pass because it will accomplish nothing, and further because it encroaches upon the prerogatives of the Executive. They can not show any particular harm that is likely to follow upon its passage, and those advocating the passage of the resolution declare that innumerable and inestimable benefits will follow if a technical state of war between the United States and the Imperial German Government is ended. Our party leaders maintain that the President of the United States, under the powers vested in him by the Constitution, can alone make peace by and with the advice and consent of the Senate after war has once been declared, and they refuse to support the resolution on that ground. It at least suspends all of the permanent war laws of the Republic, and thereby fully restores the liberties of our people, which I regard as a very important matter.

The pending resolution is not a treaty, neither was the Knox resolution that passed the Senate. Both are joint resolutions and must be signed by the President to make them effective. The Knox resolution repeals the joint resolution passed by Congress declaring a state of war existed between the United States and the Imperial German Government, and the resolution under consideration simply sets forth that the war is hereby declared at an end and has incorporated in it certain language that is intended to safeguard and protect all the rights of American citizens. Both resolutions accomplish the same purpose.

Some of my friends on our side of the aisle say that to pass either of the resolutions would encroach upon the prerogatives of the President; but I understand that the President is anxious for the resolution to pass and has so informed the Republican leaders, both of the House and Senate. When President Harding was carrying on his campaign for the Presidency, and after he was elected, he stated that he would sign such a resolution as soon as it was presented to him. On April 12 last, in his message to Congress, he said:

> The United States alone among the allied powers continues in a state of war against the Central Powers of Europe. This anomalous condition ought not to be permitted to continue. To establish a state of technical peace without further delay, I should approve a declaratory resolution by Congress to that effect, with the qualifications essential to protect all our rights.

In passing this resolution, then, we are doing just exactly what the President asked should be done, and if he feels that it is no encroachment upon his authority for Congress to take this action I do not think that the minority membership of this House should oppose its passage, especially since it is in accord with the wishes of the President and is in conformity to the policies he has set forth since he took the oath of office. But, aside from these considerations, I am constrained to support the resolution because it will afford some relief to the people of my own section of our great country who are in financial distress. Every day urgent appeals are coming from the people begging us to give some relief. It is distressing to know the extremity to which some of the citizens have been reduced during the past few months. It is not because they have nothing, but because they have something and get nothing for it. The farmers of the South have on hand millions of bales of cotton, and there is practically no demand for it. It has been more than two and a half years now since the armistice was signed, and the masses of people want peace. If they can not get peace in the way they want it, they want it the way they can get it. There must be a revival in business and trade before the despondency and gloom which hangs over the country will pass away. One of the best experts on cotton in America recently stated that if peace had been promptly ratified American short-staple cotton would certainly have sold at $1 a pound and there would have been an inadequate supply even if America had produced 15,000,000 bales for 1920. He said, further, that the present condition in the cotton-consuming world is due entirely to the nonratification of peace, which resulted in a nonconsumption, closing the markets of the world to cotton.

I do not know whether these statements are exaggerated or not, but we all know that there is practically no demand for our raw materials. The big interests at first took no notice of the financial distress that pervaded the agricultural districts, and it has been charged by some that they helped bring about these conditions in order to profit from the misfortunes of others. I do not know that these charges are true, but the great financial centers are beginning to realize that something must be done. One of the largest banks in New York recently declared in a circular letter sent out that the cost of manufactured goods was out of all proportion to the returns the farmer is receiving for his raw material. In the circumstances this bank declares that the cost of farm products and raw materials must rise to the level of manufactured goods.

There appeared recently in one of our morning papers an editorial that said:

> Every single farm product has struck the bottom of prewar prices. Manufactured goods have not, wholesale prices have not, retail prices have not, building prices and rents have not, and transportation remains at the war peak.

A prominent New York business man a few days ago said he saw great promise for this country in ending our state of war with Germany, and if there is any probability that the enactment of this resolution into law will bring some relief, by all means, the measure should be speedily passed. Of course, I am more familiar with conditions in the South than other parts of the country, but what we want is a market for our cotton. America can not live alone, and bankers tell us that we must have long-time foreign credit machinery to enable other countries to buy our surplus products, and this can not be done as long as a technical state of war exists between this country and one of our largest export buyers.

The President seems anxious that there be adopted as soon as possible some Federal policy that will give relief to the agricultural interests, and I believe he is sincere, and I for one am unwilling to place in his way the slightest obstacle that will retard the adoption of this policy. The producers of cotton are the hardest hit of any who are engaged in agriculture, and any scheme or legislation that might probably help open up exports of cotton shall have my hearty support. They tell us that we are already trading with Germany and that the passage of this resolution will not aid in increasing our trade. But what trade relations we have with the German people, as I understand it, are conducted through agents of France and England, and we have too much commissions and toll to pay to carry on business in such manner; and, besides, this method is too slow and indirect. By all means, let us remove any barrier that clogs the wheels of commerce.

Mr. FLOOD. The gentleman is wrong about that. If the gentleman will take the trouble to ask the Department of Commerce he will find that while we can not buy dyestuffs to-day, trade in every other article is unrestricted.

Mr. OVERSTREET. My impression was that our trade relations are hampered because we could not buy from Germany.

Mr. FLOOD. We can not buy dyestuffs, but in every other way our trade is unrestricted.

Mr. OVERSTREET. Mr. Speaker, I am a Democrat and believe in party loyalty, but it seems to me that in the economic and industrial crisis through which the world is passing our paramount duty as representatives of the people is to support any measure that will benefit the masses, whether sponsored by Republicans or Democrats. This is no time to think selfishly of our political future. Before us are many problems that need intelligent solution, and while some of you are playing for party advantage, millions of our fellow citizens are suffering and calling aloud to us for help. Believing as I do that the passage of this resolution can cause no harm, and may be the means of doing some good, I shall support it. [Applause.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, some gentlemen are opposed to this resolution because they assert that it is violative of the Constitution of the United States, yet up to this moment there has not been one of them that has pointed to the section of the Constitution of which it is violative. It would seem passing strange that a power should be given to a great Government to put a thing in motion involving the very life of the Government, and not have the power to stop that which is put in motion when its continuance proves destructive to the peace of that Government. Such a position is not only untenable but it is unthinkable. Suppose we had a President of the United States who would ask Congress to declare war, as Presidents have in times past. The country would enter upon that war in pursuance of a declaration, and that war would continue until the objects that moved us in getting into it had been accomplished. Suppose the President, not satisfied and ready to quit, would still continue the country in a state of war until the very resources had been exhausted, when there was nothing further to accomplish by its continuance, and the life of the Nation was being sapped in the expenditures incident to the upkeep of the war, then would it not be an anomalous position that the representatives of the people or the people themselves might not be able to declare that war had ended or that it should end? Any other position,

it seems to me, would be absolutely destructive of this republican form of government.

Another objection is raised, because they say that we are deserting our allies. The facts, if they prove anything conclusively, establish that the Allies, rather than being deserted by us, deserted us. The gentlemen who sat around that peace table at Versailles knew full well that the President of the United States could not bind this country with his signature to that so-called treaty of peace. They knew full well that it took the ratification of the Senate of the United States under the Constitution to bring about a treaty of peace binding the United States. Why, then, did not these gentlemen, representing the allied powers, wait to see whether we were ready and willing to become a party to that contract? They hurriedly signed it and entered, if you please, upon all the powers of that treaty of peace without waiting a day to see whether we would become a party to it. So, if we are to have a treaty of peace, how can we have it except by a separate peace or separate arrangement made with Germany?

There is no other way left open to us. Our allies foreclosed any other way. So that if peace may be had in the future, it must of necessity be a separate peace.

It is unfortunate that we are still technically in a state of war. How much it has cost us it is impossible to calculate. Millions of dollars, it is said, has been lost to us in trade with each passing day. Opportunities that were open to us, had this treaty of peace been made when it should have been made, are now forever closed. Avenues that were inviting the trade of the United States have been taken, if you please, by our enemies and by our allies, who from now on will be our commercial enemies. So that from every standpoint it is vital to the United States and to all her people that this so-called war now come to an end by a resolution, where it should have come to an end by a treaty of peace negotiated by President Wilson unentangled with the League of Nations.

One of the gentlemen closest to the President of the United States—I dare say the closest—who was his right-hand man at Versailles, has said, "If we had set about doing the business that we were sent over there to do, we would have had a treaty of peace before Christmas of 1918." Everyone realizes this now except a very few, that that should have been the first business on hand of those who were gathered at Versailles, namely, to bring about a treaty of peace, and then whatever league of nations or association of nations that might have been favored for the peace of the world could have come later, as they have come in times past. In all the history of the world, when they have gotten up associations of nations or holy alliances, or whatever you may call them, looking to the peace of the world, none of them were ever made a part of a treaty of peace; not one.

So, gentlemen, we are doing the thing now that should have been done many, many months ago. We are doing the thing now that the people of this country wanted done immediately after the armistice; the thing which they expected would be done, and which they had a right to expect would be done, by those who were then in authority. It may be belated, but it is not now too late, and every day that we postpone it we are postponing it, if you please, not only to the detriment of our own people, but also to the detriment of the whole world. I dare say that there is no influence that could be exerted now that would be more beneficial to all the peoples of the earth than to have it known that the great United States, which in the last analysis decided this Great War, had declared a peace. In that declaration they will know that this country is at peace.

A most anomalous position we are occupying. We are the only nation of those that entered into that Great War that seems to be still at war. Yet, as a matter of fact, we are the only nation among all of them that is actually at peace. Every one of those nations which signed the so-called treaty of Versailles and which entered this League of Nations is to-day at war somewhere, and there are more men engaged in war on the other side of the sea at this moment than were so engaged at the end of 1914. So we are acting in accord with the mandate of our people, who are trying now to say to the world, "We are at peace, and we want to assist you in the best way that we can to arrive at that same happy state."

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. I do.

Mr. FESS. Is it not a fact that we are the only Nation of the group of allies that is at peace and we are denied the fruits of peace, while those other nations that are enjoying the fruits of victory are in an actual state of war?

Mr. WOOD of Indiana. That is the situation in which we find ourselves. Yet people contend, without reason, to my mind, that we should still continue to occupy this anomalous position. If we are to be the beacon light of the world, pointing the way to that future universal peace that we all so much desire, why should we technically or otherwise be occupying a position of war? It is absolutely ridiculous and untenable.

Now, let us take and pass this resolution. We should pass it with the same unanimity that we passed the declaration of war. There should be no more dividing line now, when we are seeking that peace, than there was then, when we united shoulder to shoulder to face the enemy. The people then were back of us. They will be with the same unanimity back of us now for peace.

There is a psychological purpose that it will serve. We are all talking here about disarmament; we are all talking about bringing about a better state of understanding among the nations of the earth, whereby we can reduce our armaments. As long as there is war there is reason to be talking about war and more war. The gentlemen who are surrounding us with influences of that kind, trying to exert every influence that they can for great appropriations for the Army and Navy, are constantly referring to the fact that we are in a state of war, and we know not when we will get out of it or when we will be plunged into it again. It will have its psychological effect on them. I hope that the time will speedily come when this Congress can devote its time and attention to other matters than those of war. I hope that the time will speedily come when the appropriations of this Congress may be used for better purposes than killing men. I hope that the time will speedily come when it can no longer be said truthfully that we are spending from 90 to 95 cents out of every dollar of appropriations for war or war purposes. [Applause.] So let us have peace. If we can not have it by treaty, let us have it by this resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from Kentucky [Mr. BARKLEY]. He does not seem to be here. I yield 20 minutes to the gentleman from Kentucky [Mr. GILBERT]. He is not here.

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, the subject matter before the House demands plain speaking and speedy action. In view of the campaign assurances of last fall and the utterances of President Harding in his first message to Congress the people expected, and had a right to expect, the prompt passage of a peace resolution. The Senate acted promptly and on schedule time. It took the House Committee on Foreign Relations nearly two months to bring a peace resolution before this House, even though a similar peace resolution had passed both the Senate and the House during the second session of the last Congress. No new world conditions existed or arose since the peace resolution passed the last Congress that could not have been anticipated by any man of ordinary intelligence.

Why then the delay in reporting a peace resolution before this body? The Senate resolution undertakes to repeal the war resolution of April 6, 1917, and thus restore us to a state of peace. The House resolution before us undertakes to declare the war at an end and thus restore us to a state of peace. The object sought in both resolutions is a state of peace. Both resolutions admit, by implication at least, that the war resolution of April 6, 1917, has served its purpose and that it has outlived its usefulness on the statute books. The differences in the two resolutions that has caused the delay are not in the object sought to be accomplished, but over words. If anybody has had any doubts over the difference in meaning between the words "tweedledum" and "tweedledee," he can find an ocular demonstration of such difference by comparing the first paragraph of the Senate resolution with section 1 of the House resolution.

Gentlemen, I want to remind you that the American people are going to judge this Republican Congress by its acts, not by its words. We Republicans have got to produce the goods for the American people. The last administration went about with head in the clouds and hearing voices in the air. The American people got their fill of that kind of stuff and turned to the Republican Party for deliverance. It is up to us to get our feet on the ground and to keep them there. The problems before us are very real and of the earth earthy.

The farmers of the Middle West are on the flat of their backs financially. They are going to judge this administration and this Congress by the prices *their* cattle, hogs, corn, and other products bring, by their ability to get easy credits to carry on their farm operations and to pay off their mortgages. I am fully aware of the limitations of mere laws and resolutions to restore prosperity. But ask any intelligent banker, business man, or farmer what is the chief obstacle to the restoration of

business activity in this country and he will tell you that it is a lack of foreign markets for our surplus.

I am for this resolution, not only because there is no sense in being in a technical state of war two and one-half years after hostilities have ceased but because it is the first step toward opening up trade relations between this country and central Europe. It is the first step in getting necessary markets for our surplus, better prices for our farm products, and a restoration of business activity and general prosperity in this country. This is not a question of sentiment but of business. What the people want is not platitudes but markets, not words and phrases but bread and ham and eggs.

While this peace resolution is but a first step, let it be followed promptly by another step and still another step until we have resumed peace and trade relations with every nation and people from Coblenz to Vladivostok. This is what I believe the people demand. It is very evident that the people are beginning to manifest some impatience with this Congress. President Harding began his administration with a popular good will toward him never before surpassed toward any incoming President. The people have confidence in his capacity to deal with complex problems, in his honesty of purpose, and in his sincerity to do that which is best for the country. In his first message to Congress the President urged that a peace resolution should be passed "without further delay." This House will be held responsible for the delay in passing a peace resolution. Let us now, "without further delay," do that which the people expected of us two months ago.

THE BORAH AMENDMENT.

Mr. Speaker, while I have the floor I desire to speak of another related matter upon which the people are a unit, and that is a reduction in expenditures for naval and military armaments. On this they demand action, and action at once. They demand something concrete and possible of speedy accomplishment. Within a few days this House will have before it two very different propositions on the subject of disarmament.

The Borah amendment proposes a conference of the three great naval powers of the world, namely, the United States, Great Britain, and Japan, to arrive at some understanding on a reduction in naval building programs for the next five years. This amendment presents something concrete and definite.

The people can readily understand the scope of this amendment and the object to be accomplished. If reports in the public press can be relied upon, both Great Britain and Japan are ready and willing to enter upon a discussion of that subject with the United States. These three nations are the only nations on earth that will be tempted in the next quarter century to enter into a mad race for naval armaments, unless they come to some understanding or agreement to limit their naval building programs.

The Borah amendment offers something that is possible of speedy attainment. If the Borah amendment is enacted into law this month, there is no reason why the representatives of Great Britain and Japan can not meet the representatives of the United States in the city of Washington next October or November, and before the next naval appropriation bill comes before us we will know if such an understanding can be arrived at, and if such an understanding has been reached we will know what that understanding is.

The question of military disarmament by international agreement is quite a different matter so far as its direct effects on our country are concerned. We are reducing the Army now to 150,000 regardless of the action of any other nation. Next year, with the same disregard of the actions of other nations, we will most likely reduce the Army to 100,000. France to-day has nearly a million men under arms. If France had an army of 4,000,000, or even more, it would constitute no direct menace to us.

To call a conference of all nations to consider the question of military disarmament would involve a delay of several years; and, with the present temper of France, Russia, Turkey, and a number of other nations, such a conference would accomplish nothing of consequence.

The Porter resolution, recently reported to this House, and which some gentlemen are urging as a substitute for the Borah amendment, is indefinite and general in its terms, does not present anything concrete, and, in my humble opinion, if adopted, will accomplish absolutely nothing. Any person who is opposed to any disarmament proposition can with enthusiasm support the Porter resolution as a substitute to the Borah amendment. As a disarmament proposition nothing can be said in support of that resolution, and the Foreign Relations Committee in its five-line report on that resolution does not undertake to say anything in its defense.

Gentlemen, the people are asking for bread. Wisdom dictates that you do not hand them a stone. The people are demanding speedy action from this Congress for relief from the burdens of expensive armaments. Prudence, aye, even the most selfish political expediency, warns against handing the American people an indefinite, meaningless resolution. [Applause.]

Mr. FLOOD. I yield 15 minutes to the gentleman from Alabama [Mr. TYSON]. He is not here. I yield 10 minutes to the gentleman from Texas [Mr. HARDY]. He does not seem to be here. May I inquire of the Speaker how the time stands on the two sides?

The SPEAKER. The gentleman from Pennsylvania [Mr. PORTER] has used 19 minutes more than the gentleman from Virginia [Mr. FLOOD] has used.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 745. An act to amend section 24 and section 256 of the Judicial Code;

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes;

S. 982. An act for the relief of Louisa Frow;

S. 1033. An act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia;

S. 1162. An act declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream;

S. 1675. An act to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act;

S. 1804. An act to protect the interest of innocent persons in property which is used in the unlawful conveyance of goods or commodities;

S. 1934. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway toll bridge across the Ohio River, between the city of Huntington, W. Va., and a point opposite in the State of Ohio;

S. 1970. An act granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River, at or near Pettis Bridge on State Highway No. 8, in said counties and State;

S. 252. An act to amend an act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States";

S. 488. An act providing for an exchange of lands between the Swan Land & Cattle Co. and the United States;

S. 530. An act to quiet title to certain tracts of land in the city of Walters, State of Oklahoma;

S. 621. An act to amend subdivision (c) of section 206 of the transportation act, 1920; and

S. 671. An act to add certain lands to the Ashley National Forest.

The message also announced that in accordance with the provisions of Senate concurrent resolution No. 4, the Vice President had appointed Mr. LENROOT, Mr. CAPPER, Mr. MCNARY, Mr. ROBINSON, and Mr. HARRISON members on the part of the Senate of the Joint Commission of Agricultural Inquiry.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 671. An act to add certain lands to the Ashley National Forest; to the Committee on the Public Lands.

S. 530. An act to quiet title to certain tracts of land in the city of Walters, State of Oklahoma; to the Committee on the Public Lands.

S. 488. An act providing for an exchange of lands between the Swan Land & Cattle Co. and the United States; to the Committee on the Public Lands.

S. 252. An act to amend an act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal

footing with the original States, and to make donations of public lands to such States"; to the Committee on the Public Lands.

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes; to the Committee on Military Affairs.

S. 1970. An act granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River, at or near Pettis Bridge, on State Highway No. 8, in said counties and State; to the Committee on Interstate and Foreign Commerce.

S. 1162. An act declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

S. 982. An act for the relief of Louisa Frow; to the Committee on Claims.

S. 1033. An act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia; to the Committee on the District of Columbia.

S. 1675. An act to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act; to the Committee on the Judiciary.

S. 1934. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway toll bridge across the Ohio River, between the city of Huntington, W. Va., and a point opposite in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

S. 621. An act to amend subdivision (c) of section 206 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

S. 1804. An act to protect the interest of innocent persons in property which is used in the unlawful conveyance of goods or commodities; to the Committee on the Judiciary.

S. 745. An act to amend section 24 and section 256 of the Judicial Code; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes";

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park;

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian, in Oregon; and

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.

ADJOURNMENT.

Mr. PORTER. Mr. Speaker, if the gentleman from Virginia has no further speakers this evening, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House, under the order previously made, adjourned until Monday, June 13, 1921, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

161. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on shoe and leather costs and prices, made pursuant to House resolution 217, Sixty-sixth Congress; to the Committee on Interstate and Foreign Commerce.

162. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on experiments in the transportation of heavy freights on the Mississippi River between the mouth of the Ohio River and St. Louis, and between Dubuque, Iowa, and Minneapolis, Minn., with the experimental tows and barges described in House Document No. 857, Sixty-third Congress; to the Committee on Rivers and Harbors.

163. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Cape Fear River below Wilmington, N. C., with a view to the construction of jetties (H. Doc. No. 94); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DRIVER, from the Committee on the Territories, to which was referred the bill (H. R. 6209) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 164), which said bill and report were referred to the House Calendar.

Mr. KALANIANAOLE, from the Committee on the Territories, to which was referred the bill (H. R. 6672) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the districts of north and south Hilo and Puna, in the county of Hawaii, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 165), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2759) granting a pension to James D. White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4613) granting a pension to Mary Lee Love; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6935) granting a pension to Frederick A. Mackey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6946) granting a pension to James A. McGuire; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LONGWORTH: A bill (H. R. 7074) to postpone the increase in the rates of postage effective July 1, 1921, on publications entered as second-class matter under clause (4) of subdivision (b) of section 1101 of the revenue act of 1917; to provide for an investigation of postal costs and postal rates on publications entered as second-class matter, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. KLINE of Pennsylvania: A bill (H. R. 7075) authorizing the acquisition of a site for a public building at Mount Carmel, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. EDMONDS: A bill (H. R. 7076) to amend section 190 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. LAMPERT: A bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes; to the Committee on Patents.

By Mr. McSWAIN: A bill (H. R. 7078) to punish any person profiteering on the United States in time of war; to the Committee on the Judiciary.

By Mr. BECK: A bill (H. R. 7079) defining "condensed filled milk," "evaporated filled milk," "concentrated filled milk," and "sweetened condensed filled milk," "sweetened evaporated filled milk," "sweetened concentrated filled milk," and imposing a tax and regulating the manufacture, sale, importation, and exportation thereof; to the Committee on Ways and Means.

By Mr. SWEET: A bill (H. R. 7080) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census; to the Committee on the Census.

By Mr. LINTHICUM: A bill (H. R. 7081) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 7082) to amend the act entitled "An act to grant a certain parcel of land, part of the Fort

Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes," approved June 25, 1906; to the Committee on Military Affairs.

By Mr. NEWTON of Missouri: Resolution (H. Res. 113) to pay additional compensation to the Deputy Sergeant at Arms in charge of pairs; to the Committee on Accounts.

By Mr. STRONG of Kansas: Joint resolution (H. J. Res. 156) to amend section 3 of House joint resolution 174 of the Sixty-fifth Congress, entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the 'Garabed,' claiming to make possible the utilization of free energy," approved February 8, 1918; to the Committee on Patents.

By Mr. GORMAN: Memorial of the Legislature of the State of Illinois relative to the Volstead Act; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNBAR: A bill (H. R. 7083) granting a pension to Elizabeth Pfeifer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7084) granting an increase of pension to Charles Ingle; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 7085) granting a pension to Annie E. Houseman; to the Committee on Invalid Pensions.

By Mr. HOUGHTON: A bill (H. R. 7086) to correct the military record of Erastus B. Griffiths; to the Committee on Military Affairs.

By Mr. KINDRED: A bill (H. R. 7087) granting back pension due to John J. Haggerty; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 7088) granting an increase of pension to John Minahan, alias John Bagley; to the Committee on Invalid Pensions.

By Mr. KLINE of Pennsylvania: A bill (H. R. 7089) granting a pension to Annie Neagley; to the Committee on Invalid Pensions.

By Mr. PRINGEY: A bill (H. R. 7090) for the relief of Sophia Moran; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 7091) granting an increase of pension to Martha E. White; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1243. By the SPEAKER (by request): Petition of 200 people of the State of Iowa, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

1244. Also (by request), petition of the Board of Aldermen in and for the city of New York, asking permission to grant leave to immigrants at the various ports of the United States to land; to the Committee on Immigration and Naturalization.

1245. By Mr. BIXLER: Resolutions of the First Methodist Episcopal Church, Warren, Pa.; Stoneboro Presbyterian Church, Stoneboro, Pa.; St. John's Church, Franklin, Pa.; and Second Presbyterian Church, of Oil City, Pa., to call conference of leading nations on reduction of armaments at the earliest possible date; to the Committee on Foreign Affairs.

1246. By Mr. CAREW: Letter from the national headquarters of the American Legion in regard to military policies in foreign affairs of the United States; to the Committee on Foreign Affairs.

1247. Also, petition of the Central Trades and Labor Council of Greater New York and vicinity, in regard to House bill 5351; to the Committee on the Judiciary.

1248. Also, petition of a mass meeting of citizens of New York, held under the auspices of the Father Burke Branch, Friends of Irish Freedom, demanding the withdrawal of the foreign army of occupation from Ireland and the cessation of England's rule of assassination and outrage; to the Committee on Foreign Affairs.

1249. By Mr. CRAMTON: Petition of E. R. Ferguson and other members of the North Street Methodist Episcopal Church, North Street, Mich., urging a conference of the great nations to consider the question of limitation of armaments; to the Committee on Foreign Affairs.

1250. Also, resolution of the members of St. Paul's Protestant Episcopal Church, Bad Axe, Mich., urging the promotion of the proposed conference in the interest of international disarmament; to the Committee on Foreign Affairs.

1251. Also, resolution of the members of the Marysville Community Church, Marysville, Mich., asking that Congress invite the leading nations of the world to a conference to arrange for a reduction of armaments by international agreement; to the Committee on Foreign Affairs.

1252. Also, resolution of the members of the First Presbyterian Church of Vassar, Mich., urging that the United States Government take the initiative in inviting an international conference to confer upon the question of armaments; to the Committee on Foreign Affairs.

1253. Also, petition of Victor S. Darling and other members of the Washington Avenue Methodist Episcopal Church, Port Huron, Mich., urging a conference of the great nations to consider limitation of armaments; to the Committee on Foreign Affairs.

1254. By Mr. CULLEN: Petition of Wade H. Hayes, chairman military policy commission, the American Legion, New York City, opposing House resolution 14; to the Committee on Rules.

1255. By Mr. DARROW: Petitions of the Westside Presbyterian Church, of Germantown, Philadelphia, Pa., and the Princeton Presbyterian Church, of Philadelphia, Pa., on behalf of international conference on disarmament; to the Committee on Foreign Affairs.

1256. By Mr. DENISON: Resolution of the Council of the City of Prairie du Rocher, Ill., desiring that the republic of Ireland be recognized as a free and independent nation; to the Committee on Foreign Affairs.

1257. Also, resolution of the Council of the City of Prairie du Rocher, Ill., favoring a modification of the Volstead Act; to the Committee on the Judiciary.

1258. By Mr. FOCHT: Evidence in support of House bill 6273, for the relief of Edw. H. Harpster; to the Committee on Pensions.

1259. By Mr. FULLER: Petition of the Congregational Church of La Salle, Ill., favoring an international conference on limitation of armaments and that this country should take the lead in proposing such a conference; to the Committee on Foreign Affairs.

1260. Also, memorial of the State Senate of Illinois, for amendment of the Volstead Act; to the Committee on the Judiciary.

1261. By Mr. KELLY of Pennsylvania: Resolutions of the Second Methodist Protestant Church and the Church of the Redeemer, both of Pittsburgh, Pa., favoring reduction of armaments; to the Committee on Foreign Affairs.

1262. By Mr. KISSEL: Petition of the National Lutheran Council, New York City, N. Y., urging uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

1263. By Mr. OSBORNE: Memorial of 5,000 citizens of Los Angeles, Calif., and vicinity, urging upon the Congress the imperative need of adequate naval protection on the Pacific coast of the United States, and approval without delay of appropriations recommended for the construction of needed naval bases on the Pacific coast as set forth in the report of the joint committee of the Senate and House of Representatives; to the Committee on Appropriations.

1264. By Mr. RAKER: Petition of the Theater Owners' Association of Southern California, protesting against the proposed tariff on foreign manufactured raw film stock; to the Committee on Ways and Means. Also, petition of the California Federation of Women's Clubs in annual convention, urging the preservation of the redwood forests in northern California; to the Committee on the Public Lands. Also, petition of the California Federation of Women's Clubs in annual convention, relative to soldier rehabilitation; to the Committee on Ways and Means.

1265. By Mr. THOMPSON: Petition of Samuel Paulding and other citizens of Paulding County, Ohio, urging the President and the Congress of the United States to call a conference of the leading nations on reduction of armaments at the earliest possible date; to the Committee on Foreign Affairs.

1266. Also, petition of the congregation of the Columbus Grove (Ohio) Presbyterian Church, urging the calling of an international conference for the purpose of reaching an agreement on limitation of armaments; to the Committee on Foreign Affairs.

1267. Also, petition of members of Zion's First English Lutheran Church of Defiance, Ohio, urging proper reduction of armaments; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *June 13, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, as we turn toward the week and its duties we desire Thy guidance and that wisdom from above without which we are liable to make mistakes and go far away from the line of duty and responsibility. Give us, we beseech of Thee, Thine own helpfulness this morning and through the week. For Jesus Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 1 to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and for prior fiscal years, and for other purposes.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, agreed to the conference requested by the Senate, and that Mr. ANTHONY, Mr. CRAMTON, Mr. SLEMP, Mr. SISSON, and Mr. HARRISON were appointed managers of the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park;

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes";

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon; and

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.

AVIATION AND ORDNANCE EXPERIMENTS BY ARMY AND NAVY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, which was ordered to lie on the table and to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
Washington, June 11, 1921.

MY DEAR MR. PRESIDENT: A series of aviation and ordnance experiments will be conducted by aircraft and vessels of the Atlantic Fleet and units of the Army Air Service off the capes of the Chesapeake during the months of June and July, 1921.

The U. S. S. *Henderson* will be used to carry the guests of the Navy Department to witness these experiments, and, according to present plans, that vessel will leave Washington, D. C., or its immediate vicinity in accordance with the following itinerary:

June 20: Leave Washington a. m. to witness destruction of ex-German submarine *U–117* by aircraft and the destruction of *U–140*, *U–111*, *UB–48* by gunfire from destroyers. Return to Washington upon completion, arriving there p. m. June 23.

June 26: Embark on *Henderson* in evening; sail at daylight June 27 to witness the search by aircraft for the old battleship ex *Iowa*, under radio control, and bombing of that vessel with dummy bombs. Return to Washington upon completion, arriving p. m. June 29.

July 12: Leave Washington a. m. to witness destruction of ex-German destroyer by aircraft and the destruction of two other ex-German destroyers by gunfire. Return to Washington upon completion, arriving p. m. July 16.

July 19: Leave Washington a. m. to witness the destruction of the ex-German battleship *Ostfriesland* by bombing from aircraft and gunfire from battleships. Return to Washington upon completion, arriving p. m. July 22.

It should be noted that this itinerary may necessarily be changed on account of weather conditions and that the trips may be prolonged beyond the periods indicated.

The Navy Department takes great pleasure in hereby extending to the membership of the Senate a cordial invitation to witness these experiments, having in mind that some of the Members, particularly those of the Committees on Naval Affairs, Military Affairs, and Appropriations, might be interested in seeing the exercises. Unfortunately, the suitable accommodations on the *Henderson* are quite limited, so that I am compelled to ask that the number of Senators who may accept this invitation be limited to 10 for each trip of the *Henderson*. In order that final arrangements may be made and the designated Senators be advised of all details concerning transportation, it is requested that the Navy Department be informed as soon as possible of the names of those who desire to attend the exercises on each of the four trips of the *Henderson*.

Sincerely, yours,

EDWIN DENBY.

Hon. CALVIN COOLIDGE,
President of the Senate.

COUNTRY ELEVATORS AND TERMINAL GRAIN ELEVATORS (S. DOC. NO. 40).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting a preliminary report of that commission on the profits of country and terminal grain elevators, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harreld	McNary	Stanley
Borah	Harris	Myers	Sterling
Brandegee	Harrison	Nelson	Sutherland
Broussard	Heflin	New	Swanson
Bursum	Johnson	Norris	Townsend
Cameron	Jones, N. Mex.	Oddie	Trammell
Capper	Jones, Wash.	Overman	Underwood
Caraway	Kendrick	Penrose	Wadsworth
Culberson	Kenyon	Phipps	Walsh, Mont.
Curtis	Keyes	Pomerene	Warren
Dial	King	Sheppard	Watson, Ga.
Dillingham	Ladd	Shortridge	Williams
Ernst	La Follette	Simmons	Willis
Fernald	Lodge	Smith	Wolcott
Fletcher	McCormick	Smoot	
Gerry	McKellar	Spencer	
Glass	McLean	Stanfield	

The VICE PRESIDENT. Sixty-five Senators having answered to their names, there is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted June 7, 1921, by the Board of Aldermen of the City of New York, N. Y., favoring the granting of leave to land to immigrants at the various ports of the United States who sailed prior to the passage of the recently enacted immigration law, which was referred to the Committee on Immigration.

Mr. STERLING presented six letters and a telegram in the nature of petitions of sundry citizens of Seneca and Hudson; sundry members of the Near East Relief Committee, of Fort Pierre; the vice president of the Bank of Brookings, of Brookings; J. Kidder, pastor Congregational Church, of Nisland; Gardiner B. Van Ness Co., of Sioux Falls; and Rowland Hill, of Seneca, all in the State of South Dakota, praying that relief be afforded the suffering peoples of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

Mr. DILLINGHAM (for Mr. PAGE) presented five petitions of sundry citizens of Essex, Vt., praying for the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of sundry citizens of Wichita, Kans., praying that relief be afforded the suffering peoples of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at the United Convention of Kansas Postal Employees, at Wichita, Kans., on May 30, 1921, favoring the enactment of legislation to further reclassify postmasters and employees of the Postal Service and readjust their compensation on an equitable basis, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the congregation of the Methodist Church of Cawker City; the pastor and congregation of the First Baptist Church of Whiting; the pastor and congregation of the Goff Associated Church, of Goff; the pastor and congregation of the First Methodist Episcopal Church of Wichita; sundry citizens of Cawker City; and sundry citizens of Erie, all in the State of Kansas, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented nine resolutions of sundry organizations and citizens of the State of Kansas, favoring the enactment of

legislation placing an adequate duty on imported petroleum, which were referred to the Committee on Finance.

Mr. WILLIS presented a petition of sundry citizens of Columbus, Lima, Crookesville, New Lexington, Galloway, Corning, Nevada, Buckeye Lake, Reynoldsburg, Westerville, Mechanicsburg, Murray City, Galena, Cardington, and Newark, all in the State of Ohio; and Watertown, N. Y., and Santurce, P. R., praying for the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the American Legion, of Indianapolis, Ind., protesting against the immediate withdrawal of United States forces from Germany, which was referred to the Committee on Military Affairs.

He also presented a resolution of the Council of the City of Cleveland, Ohio, favoring the encouragement of the United States Naval Reserve, and that an appropriation be made to furnish a home for the Cleveland forces, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Council of the City of Toledo, Ohio, praying for the enactment of legislation to require passenger boats on the Great Lakes be equipped with wireless apparatus, etc., for the protection of passengers, which was referred to the Committee on Commerce.

Mr. CAPPER presented petitions of sundry citizens of Plaza, N. Dak., and Gridley, Kans., praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the United Leather Workers, of Kansas City; the pastor and congregation of the First Presbyterian Church, of Blue Rapids; the pastor and congregation of the Methodist Episcopal Church, of Norwich; the pastor and congregation of the First Methodist Episcopal Church, of Wilmore; the Mount Ida Anderson County Church of the Brethren, of Mount Ida; the pastor and congregation of the Church of the Brethren, of Oronoque; the congregation of the Westminster Presbyterian Church, of Topeka; the congregation of the Effingham Presbyterian Church, of Effingham; the congregation of the University Friends Church, of Wichita; and a resolution adopted by the Monthly Meeting of Friends, of Liberal, all in the State of Kansas, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented five resolutions of sundry citizens of Wamego, Alma, and Topeka, all in the State of Kansas, favoring the recognition of the Irish republic by the United States Government, which were referred to the Committee on Foreign Relations.

Mr. LADD presented resolutions of the pastor and congregation of the First Presbyterian Church, of Larimore; the pastor and congregation of the Presbytery of Fargo, of Pillsbury; the pastor and congregation of the First Baptist Church, of Grand Forks; the pastor and congregation of the Methodist Episcopal Church, of Wimbledon; and the pastor and congregation of the Methodist Church, of New Rockford, all in the State of North Dakota, favoring the calling of an international conference for the purpose of considering the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the pastor and sundry members of the congregation of the Presbytery of Fargo, of Pillsbury, N. Dak., praying that relief be afforded the suffering peoples of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the committee of Women's Nonpartisan League Club, of Wing, N. Dak., praying for the enactment of legislation placing a tariff on farm products, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted at a mass meeting of citizens of Devils Lake, N. Dak., June 7, 1921, favoring the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented petitions of sundry citizens of Dennis, Weatherford, Bland Lake, Chireno, and San Augustine, all in the State of Texas, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. WALSH of Montana presented petitions of sundry citizens of Kingsley, Malta, Volt, Broadus, and Waska, all in the State of Montana, praying for the enactment of legislation to prohibit gambling in grain and other agricultural products, which were referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented resolutions of the pastor and congregation of the First Christian Church of Savannah; the National League of Women Voters of Newnan; and the pastor and congregation of the Liberal Christian Church (Unitarian-Universalist), of Atlanta, all in the State of Georgia, favoring the calling of an international conference for the purpose of considering the question of reduction of armaments among the nations, which were referred to the Committee on Foreign Relations.

Mr. SUTHERLAND presented a resolution of the Berkeley County (W. Va.) Farm Bureau, favoring the enactment of the so-called cooperative marketing bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Berkeley County (W. Va.) Farm Bureau, favoring the enactment of the so-called truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Berkeley County (W. Va.) Farm Bureau, favoring the enactment of the so-called Dowell bill and opposing the so-called Townsend bill, relating to Federal aid in road construction, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Commerce, to which was referred the bill (S. 136) for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey, reported it with an amendment and submitted a report (No. 107) thereon.

Mr. UNDERWOOD, from the Committee on Rules, to which was referred the joint resolution (S. J. Res. 36) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States, reported it without amendment and submitted a report (No. 108) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (S. 775) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, reported it with an amendment and submitted a report (No. 109) thereon.

He also, from the Committee on Interoceanic Canals, to which was referred the bill (S. 665) to provide for free tolls for American ships through the Panama Canal, reported it without amendment.

Mr. STANLEY, from the Committee on Patents, submitted a report (No. 110) to accompany the bill (S. 1838) to amend section 4887 of the Revised Statutes, relating to patents, which had been heretofore reported from the same committee.

Mr. WALSH of Montana, from the Committee on Mines and Mining, to which was referred the joint resolution (S. J. Res. 32) to suspend the requirements of annual assessment work on mining claims during the years 1921 and 1922, reported it favorably with an amendment and submitted a report (No. 111) thereon.

DEFICIENCY APPROPRIATION—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I present the conference report on House bill 6300, the deficiency appropriation bill, and move its adoption.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House to the amendment of the Senate numbered 1 insert the following:

"*Provided*, That no person shall be employed from the appropriation for the Bureau of Efficiency for the fiscal year 1922 at a rate of compensation exceeding $1,800 per annum except the following: One at $7,500, one at $6,000, one at $4,250, six at $4,000 each, three at $3,600 each, one at $3,500, two at $3,250

each, five at $3,000 each, two at $2,750 each, three at $2,400 each, and five at $2,000 each."

And the House agree to the same.

F. E. WARREN,
CHARLES CURTIS,
Managers on the part of the Senate.
JAMES W. GOOD,
J. G. CANNON,
JOSEPH W. BYRNS,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. WARREN. Mr. President, I desire to state that the report is presented with the understanding that the name of the third conferee on the part of the Senate, the Senator from Virginia [Mr. GLASS], should appear on the report. The clerk did not know he was in at the moment the report was prepared, but the Senator approves of the conference report.

Mr. HARRISON. Before the report is adopted I wish to ask the Senator from Wyoming a question. This is the final report on the deficiency appropriation bill?

Mr. WARREN. It is.

Mr. HARRISON. I was not in the Chamber the other day when part of the report was adopted. I am wondering if Senate amendment No. 67 to the bill has been agreed to. That amendment reads as follows:

The statement of appropriations, etc., for the third session of the Sixty-sixth Congress shall include the Army, naval, and second deficiency appropriation acts passed during the first session of the Sixty-seventh Congress, and all other appropriations made at the latter session shall be compiled and published with the statement of appropriations for the second session of the Sixty-seventh Congress.

Mr. WARREN. That was agreed to.

Mr. HARRISON. May I ask the Senator if this has ever been done at any time before, so far as his knowledge goes, that, as a matter of bookkeeping, appropriation bills which have been carried over from one session to a succeeding session have been charged up to a prior Congress?

Mr. WARREN. They are not charged as up to a prior Congress. Those appropriations which belonged to the preceding Congress but which did not pass are simply charged up to that Congress to which they relate.

Mr. HARRISON. I understand that the naval appropriation bill has passed at this session of Congress; the Army appropriation bill has passed at this session of Congress; and deficiency appropriation bills have passed at this session of Congress. It was revealed as to the last deficiency bill that many new offices were created by that bill, and that appropriations were therein made for what are really not deficiencies but for new expenditures for the fiscal year 1922; but those appropriations are now proposed by the amendment in the pending bill, as a matter of bookkeeping, to be charged up to the last session of Congress.

Mr. WARREN. There is nothing in the provisions of the deficiency bill which charges up anything except what is necessary to show to the public in one book what has been appropriated for the support of the Government in the coming fiscal year of 1922; that is all. It is merely a matter, as the Senator from Mississippi states, of bookkeeping.

Mr. HARRISON. In other words, if 10 years later we should look for the appropriations provided by the first session of the Sixty-seventh Congress and the appropriations provided by the last session of the Sixty-sixth Congress, the two deficiency appropriation bills and the Army and the Navy bills which have been passed in the first session of the Sixty-seventh Congress would be found as being charged up to the appropriations made in the last session of the Sixty-sixth Congress?

Mr. WARREN. They are simply charged up as appropriations for carrying on the Government in the same manner as if they had been passed at some time before the 4th of March, 1921.

Mr. HARRISON. Yes; but they were not so passed, and yet they would be charged up as against the last session of Congress.

Mr. WARREN. The Senator assumes what the record does not show. There is no charging up about it. It is simply a record of what has happened to provide for the expenses of the Government for the fiscal year 1922. The bills mentioned should have passed during the last Congress; but failing to pass two of them before the 4th of March, we have passed them since that date. But their standing is the same as if they had been passed earlier, all being for the 1922 fiscal year except a part of one bill relating to certain deficiencies in 1921.

Mr. HARRISON. What is the object, then, if the appropriations are not to be charged up, as a matter of bookkeeping, as having been passed at the last session of Congress?

Mr. WARREN. It is done to accommodate the Senator from Mississippi and other Senators, in order to enable them to ascertain exactly what appropriations have been made for the support of the Government in any given year.

Mr. HARRISON. But that could be ascertained, could it not, if they were charged up again this session?

Mr. WARREN. The Senator in his investigation could charge it up as he might choose.

Mr. HARRISON. I am not investigating; I am merely inquiring in order to ascertain what is the object of the amendment, which the Senator has stated is unprecedented.

Mr. WARREN. The object of the amendment, I repeat, is to accommodate the clerks of the two committees, in order that they may absolutely open and close the books, which are published annually, showing the appropriations for each year, as has always been done.

Mr. HARRISON. Is not there another object of the committee in incorporating this amendment? The Senator's party has laid so much stress on the fact that they were going to cut down the expenses of the Government——

Mr. WARREN rose.

Mr. HARRISON. The Senator need not answer me until I have finished, and I have not quite finished. The Senator's party has promised to cut down appropriations to a great extent, and because the head of his party did not come into office until the 4th of March and the President of another party was in office until that time is it not designed that the statement might show to the advantage of the Senator's party in the years to come, three years from now, we might say, or next year, in a campaign, to the effect that these large appropriations were made while the President of another party was in office, notwithstanding your party controlled both branches of the Congress?

Mr. WARREN. Mr. President, the Senator from Mississippi was absent the other day; hence the fog that surrounds him and his politics must have some outlet to-day.

Mr. HARRISON. There is not any politics in it unless from the Senator's party. I am trying to get the facts.

Mr. WARREN. I allowed the Senator to make his remarks, and now I hope he will please wait until I have concluded.

I say to the Senator that politics never entered into the consideration of this matter in any way, shape, form, or manner. The best evidence of that is that Democratic Senators on the other side of the Chamber were entirely agreeable to the proposal when it came from the clerks of the respective Appropriations Committees. At least one of the clerks happens to be a Democrat, and I presume both of them are Democrats. So as the matter stands, if the Senator's suggestion means anything, it means that the Democrats are more to blame than are the Republicans for the manner in which this legislation is framed.

Mr. HARRISON. Why is it, I ask the Senator from Wyoming, that this policy has not been pursued in the years past, where appropriations have failed in one session of Congress and the appropriations have been made during the first session of the succeeding Congress?

Mr. WARREN. It has always been in a similar way when circumstances were the same. The present circumstances are different in that one appropriation bill was at the last moment vetoed because the President thought it too small. The clerk of the committee and others could not remember any other time when the military bill was vetoed at the last minute and had to be passed later on.

Mr. HARRISON. Then the insertion of the provision was not due to the fact that there was a change in the administration?

Mr. WARREN. Not at all in any way.

Mr. HARRISON. I thank the Senator from Wyoming for his explanation. It is like I thought it was. And the reasons for its insertion are as I supposed they were.

Mr. JONES of Washington. Mr. President, when the conference report was originally considered some days ago I was called out of the Chamber and did not know that the report had been presented. I will say that I had not advised the chairman of the committee of my absence, so he is not to blame at all for calling the conference report while I was not present. However, I wish to ask the chairman a question or two with reference to one of the items which were put into the bill when it was pending in the Senate.

I note that the conferees finally agreed with reference to the Shipping Board item to appropriate $61,000,000 for carrying on the work of completing the ships now under way; but the amount which the Senate put on for the operation of the ships during the next year and for the settlement of claims which may have been adjusted by the Shipping Board under the shipping act was eliminated, and nothing was provided either for

the payment of the claims or for the operation of the ships. According to the statement of Admiral Benson and those representing the Shipping Board, they will have nothing on the 1st of July for the operation of the ships and for the payment of just claims that have been audited and adjusted by the Shipping Board. I think that is a very unfortunate situation unless some way is contemplated to take care of it; and I wanted to ask the chairman of the committee what the conference committee has in mind as to what can be done, and will be done, to meet that situation, if anything?

Mr. WARREN. The Senator from Washington is correct as to the testimony of Admiral Benson. The matter was placed before the conferees on the part of the House by the conferees on the part of the Senate with all the force they were able to command. The House conferees very readily admitted that the situation as now portrayed by the Senator from Washington might exist; but they stated that they were unwilling to consent, and not only unwilling but under no circumstances did they feel they could consent, to go any further than the $61,000,000 that the House had provided for in the bill. The chairman of the committee on the other side stated that that was far more than he would have permitted if he could have prevented it. The statement made by each one of the House conferees before we finished was that, owing to the misapplication of the funds, as they termed it, due in part to the many changes in the board, they could not and would not go further until a new board had been appointed and confirmed and had shown in some of its initial steps that they proposed, in the first place, greater economy in the hiring of help, the renting of property, and so forth, and had also given closer attention, as they put it, to the claims, very many of which are awaiting settlement. Finally, after we had worked over the matter until, I think, the third day, it became evident that they would do nothing in the way of enlarging the amount.

Each one of the three members of the conference committee on the part of the House—and, of course, what goes on in a conference committee is not always made public, but I have no objection whatever, and I do not think they have, to making public just what happened—each one stated separately for himself that after a new board was appointed and confirmed and entered upon the discharge of its duties, if there was evidence that the Shipping Board intended to proceed with greater efficiency and more economy, and it then developed that they needed funds, he would support a further deficiency bill or further legislation in the way of a joint resolution to provide the needed funds, but that for the present and in this bill they were obliged to accept and maintain the action of the House as to the Shipping Board appropriation.

Mr. JONES of Washington. As I understand, the chairman of the Senate conference committee, then, has to a certain extent, the assurance from the members of the House conference committee that if the new board comes in and makes a showing as to the necessity of money for the purposes of the Shipping Board, they will be disposed to meet that necessity.

Mr. WARREN. The Senator is correct in that respect. I may state by name the three members of the conference committee on the part of the House. They were Mr. GOOD, of Iowa, the chairman, Mr. CANNON, of Illinois, and Mr. BYRNS, of Tennessee; but, as the Senator knows, Mr. GOOD, the chairman of the House committee, on the second succeeding day, surrendered his place as a Member of the House, so that there will not be the same three in another conference. The statement I have made, however, shows the drift of opinion, and I think the House conferees represented the opinion of a large number of the Members of the House and probably a majority of the House, and represented that opinion seemingly without regard to politics, but as a matter of policy.

Mr. JONES of Washington. Mr. President, I am glad to have the statement just made by the chairman of the Senate Committee on Appropriations, who was also chairman of the Senate committee of conference. I feel that a very critical situation confronts us with respect to the merchant marine. I appreciate the natural sentiment that comes up when we realize what appear to have been the extravagance, the waste, the incompetency, and so forth, that have characterized the handling of these matters, and yet there are palliating circumstances. I am not going to take the time of the Senate, however, to go into that now. I am glad to note that the committee feel disposed, and that the House Members feel disposed, if a showing is made as to the necessity of money to carry on the operation of our ships, that it will be granted.

Doubtless some of the ships should be tied up for a time, but many of the ships, even though they may be operated at a loss at the present time, should be kept going in order to maintain and develop routes and to maintain our business in American ships.

It is nothing unusual for a business to be carried on for a time at a loss. I was talking with a gentleman the other day who had information with reference to a great British company, the manager of which stated that his company now is running behind $2,500,000 a year, and they expect to run behind for two or three years, but they are meeting that loss out of profits made during good times. The Government is going to have to do something of that kind, and it is a business proposition to do it. I feel that it would be far better for us to stop the construction of some ships rather than to stop the operation of ships.

If we are going to complete ships and then not operate them, we are going to have a double loss; and if we had to dispense with any of the Shipping Board appropriation carried by the bill I would have preferred that a part, at any rate, of the $61,000,000 be left out, and that the work on new ships be stopped for a while, and then, after a while, taken up and the ships finished. But the House provided for the $61,000,000, and they insisted upon that.

In view of the assurance that was given to the chairman of the committee and in view of the attitude of the House Members, I have no complaint to make as to the action of the Senate conferees, although I think it is very unfortunate. As I have said, I am glad to have the assurance of the House Members.

I noted with a great deal of anxiety a statement made some time ago by the chairman of the House committee in debate in connection with the passage of the sundry civil appropriation bill. I have a great admiration for that gentleman; I have no question as to his patriotism and his very great ability and the splendid manner in which he has handled the Appropriations Committee; but he took this attitude growing out of the state of affairs as he contemplated it. I read from page 822 of the CONGRESSIONAL RECORD of December 30, 1920.

Mr. WARREN. May I interrupt the Senator for just a moment?

Mr. JONES of Washington. Certainly.

Mr. WARREN. The Senator spoke of the ships tied up. My information before we went into conference was that all of the wooden ships, 272 I believe, were tied up.

Mr. JONES of Washington. They ought to be wiped off in some way.

Mr. WARREN. And, furthermore, that four hundred and odd of the steel ships were tied up, but later on it appeared, or was so represented on the House side, that over 600 of the steel ships are tied up.

Mr. JONES of Washington. I think that is true.

Mr. WARREN. But, as the Senator knows, there are numerous ships belonging to various maritime nations which are likewise tied up.

Mr. JONES of Washington. All over the world. I am not going to discuss the reasons of that, and so forth; but here is the statement that I referred to, that caused me a great deal of anxiety. The action taken here is in line with this, and nothing could be done more greatly to the satisfaction of our competitors than to follow the policy laid down here.

He said:

> We are not going to appropriate, if I can prevent it, a single penny out of the Treasury of the United States for next year for this board that does not know its business, that is wasting the people's money, and if they are going to get any money they must get it out of the salvage of the plants.

In other words, the chairman of that committee stated upon the floor of the House and said to the world and said to our foreign competitors: "The Government of the United States does not propose to appropriate a penny for the running of its ships, and if those ships are run they must be run out of money gotten from the sale of ships or the sale of its property; and if it does not get enough money to run its ships, its ships will have to be tied up, and the Government will go out of the business."

Mr. President, as I said, no more comfort could come to our competitors from any source whatever than from an adherence to that policy under present conditions. That seems to have been the attitude that was taken by this conferee with reference to this measure; but it is hopeful to know that if a showing is made by the new board that it is absolutely necessary and desirable, from the standpoint of the public interest, to appropriate some additional money to keep some of these ships running, as ought to be done, the Congress will respond to such demands.

They do not have very much time to make the investigation. It will not be long until the 1st of July. I hope they will realize the seriousness of this situation. I shall endeavor to call it to their attention; and I hope they will make such a showing that Congress will see to it that the ships that ought to be run are run, and that whatever claims are adjusted that are just and equitable, the Shipping Board under that provision will be made to pay them.

I know it was contended some time ago that there was $26,000,000 on hand, and that $18,000,000 would come in by the 1st of July, making $44,000,000 available to the Shipping Board; but it was not stated that against this the Shipping Board has obligations of $80,000,000, so that as a matter of fact there will not be money to run and operate these ships on the 1st of July, assuming the statements of the representatives of the Shipping Board to be correct.

They may be incorrect, but I would rather err upon the side of keeping our ships going, running, maintaining our business than by failure to appropriate the necessary money to take them out of business entirely and tie them up at the docks and incur the additional expense of taking care of them.

So I trust that the new Shipping Board will show action that will make Congress have more confidence in it and will also present such a showing here as will warrant us in doing whatever may be necessary to keep running the ships that ought to be kept running even under these adverse conditions.

Mr. FLETCHER. Mr. President, I call the attention of the Senator from Washington to the fact that another thing that would be of great comfort to our competitors was the statement in the press, as soon as the new Shipping Board was announced, that it had been determined that the Government was to go out of the shipping business. There could not be anything more choice, more desirable in every way, more comforting to our competitors on the high seas than a statement of that sort. I think it rather overlooks the fact, however, that it is for the Congress to determine what the policy shall be with reference to that matter rather than for the Shipping Board or anybody else to do so.

In that connection I will inquire of the chairman whether amendment No. 22 was receded from? It is the Senate amendment on page 17, line 9, which struck out the language in the House bill:

For the completion of vessels now under construction, fiscal year 1922, $25,000,000.

The Senate struck that out with the idea that the adoption of amendment No. 93 would take care of that. Did the Senate recede from that?

Mr. WARREN. I will say to the Senator that that language was stricken out because it appeared to refer to the coming year and was included later on, where we put in $75,000,000.

Mr. FLETCHER. That is what I supposed.

Mr. WARREN. When we went back to take the House provision those lines were restored, so that it reads as it did in the House bill.

Mr. FLETCHER. So the Senate receded from that amendment?

Mr. WARREN. Yes.

Mr. FLETCHER. And it receded also from amendment No. 93?

Mr. WARREN. Yes. In other words, it leaves it exactly as the bill carried it when it came from the House.

Mr. WALSH of Montana. Mr. President, before the Senator from Florida passes from that subject, I desire to say that I saw a statement in the paper which, as I read it, indicated that the President of the United States had determined that the United States should go out of the shipping business; and I was wondering whether the shipping act confers upon the President of the United States power to determine whether the Government of the United States shall or shall not continue to operate these ships?

Mr. FLETCHER. I think there is no question but that no such power is conferred upon the President, and that statement I regarded as a newspaper comment which was wholly inconsistent with the President's public utterances upon that question. He has said from time to time that he proposed to establish and maintain an adequate American merchant marine. That was his idea, and I hope he is still standing to that. What the views of the Shipping Board may be, I do not know.

Mr. JONES of Washington. Mr. President, I do not think we ought to hold either the board or the President responsible for statements in the newspapers. I think we will find that many of these statements are mere surmises, guesses, prophecies, and so forth. I am satisfied that no such policy as that is contemplated either by the board or by the President. They probably will try to get our shipping into private hands, privately operated, as soon as it can be done consistently with the interests of the country. There possibly may be some ships the operation of which should not be continued; it might be better for the Government if they should be tied up for a while; but I feel that the new board and the President are going to canvass the whole situation and are not going to act precipitately, but are going to try to meet the interests of the United States and build up our merchant marine by proper action.

Mr. JOHNSON. I ask unanimous consent for the immediate consideration of a resolution to which there is no objection.

The VICE PRESIDENT. There is a motion pending.

Mr. PENROSE. Mr. President, I do not want to object, but I have been sitting here for 40 minutes trying to introduce a bill from the Treasury Department of great importance that will have to be passed in the next 10 days.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

ORDER OF BUSINESS.

Mr. LODGE. I ask for the regular order.

The VICE PRESIDENT. Reports of committees are in order.

Mr. WALSH of Montana. From the Committee on Mines and Mining I report back favorably with an amendment the joint resolution (S. J. Res. 32) to suspend the requirements of annual assessment work on mining claims during the years 1921 and 1922, and I ask unanimous consent for its present consideration.

Mr. PENROSE. I object. Let us have the regular order.

Mr. WALSH of Montana. I am quite ready to yield to the Senator from Pennsylvania to introduce the bill to which he has referred.

Mr. PENROSE. I shall not object later in the day, but I think now we ought to have the regular order. It is only fair to other Senators who are waiting for important business to proceed with the regular order.

Mr. WALSH of Montana. I concur with the Senator. I, like himself, have been waiting here for some time to proceed with the regular order. If the Senator is desirous of being heard, I shall be glad to yield to him.

Mr. PENROSE. Let us proceed with the regular order.

The VICE PRESIDENT. The regular order is reports of committees.

Mr. WALSH of Montana. I ask unanimous consent for the immediate consideration of the joint resolution to which I have referred.

Mr. PENROSE. I object, Mr. President.

The VICE PRESIDENT. There is an objection.

Mr. WALSH of Montana. I will renew my request as soon as the Senator from Pennsylvania gets through.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2041) for the relief of J. G. Seupelt; and

A bill (S. 2042) authorizing exchanges of lands within the Rainier National Forest in the State of Washington; to the Committee on Public Lands and Surveys.

A bill (S. 2043) granting a pension to John C. Young (with accompanying papers);

A bill (S. 2044) granting a pension to Wilbert E. Parsons (with accompanying papers); and

A bill (S. 2045) granting a pension to Nancy J. Parker (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 2046) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. STERLING:

A bill (S. 2047) granting allowances for rent, fuel, and light to postmasters of the fourth class, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. PENROSE:

A bill (S. 2048) granting a pension to Anna Louise Jenks (with accompanying papers); to the Committee on Pensions.

A bill (S. 2049) for the relief of Jabez Burchard; to the Committee on Naval Affairs.

A bill (S. 2050) for the relief of Jacob Nice; to the Committee on Military Affairs.

Mr. PENROSE. I introduce a bill recommended by the Treasury Department, which I ask to have referred to the Committee on Finance, where it belongs, and which must be passed in the interest of the Government before the 1st of July.

By Mr. PENROSE:

A bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74; to the Committee on Finance.

By Mr. WALSH of Montana:

A bill (S. 2052) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the

treatment of disabled Government employees (with accompanying papers); to the Committee on Claims.

By Mr. NEW:

A bill (S. 2053) granting an increase of pension to Mary O. Lester (with accompanying papers);

A bill (S. 2054) granting an increase of pension to Mary McGowan (with accompanying papers);

A bill (S. 2055) granting a pension to Waldo W. Williams (with accompanying papers);

A bill (S. 2056) granting an increase of pension to Johnson White (with accompanying papers);

A bill (S. 2057) granting an increase of pension to Charles Bess (with accompanying papers);

A bill (S. 2058) granting an increase of pension to James M. Vandusen (with accompanying papers);

A bill (S. 2059) granting an increase of pension to Charles M. Gregory (with an accompanying paper);

A bill (S. 2060) granting an increase of pension to John Shinolt (with accompanying papers); and

A bill (S. 2061) granting an increase of pension to Ziba A. Redding (with accompanying papers); to the Committee on Pensions.

A bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii;

A bill (S. 2063) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the Island of Hawaii, Territory of Hawaii;

A bill (S. 2064) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, Territory of Hawaii;

A bill (S. 2065) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island of Maui, Territory of Hawaii;

A bill (S. 2066) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the districts of North and South Hilo and Puna, in the county of Hawaii, Territory of Hawaii; and

A bill (S. 2067) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, Island of Oahu,' enacted by the Legislature of the Republic of Hawaii, July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu"; to the Committee on Territories and Insular Possessions.

A bill (S. 2068) for the relief of Edward J. W. Proffitt; to the Committee on Military Affairs.

A bill (S. 2069) to authorize the construction of a dam across the Wabash River at Huntington, Ind.; to the Committee on Commerce.

A bill (S. 2070) authorizing the Miami Indians of Indiana to submit claim to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 2071) providing for the printing and distribution of a list of civilian employees of the Government; to the Committee on Printing.

ENFORCED NONPRODUCTION OF COTTON.

Mr. NORRIS. Mr. President, at the request of the Secretary of Agriculture, I desire to introduce a joint resolution that amends the Agricultural appropriation act. I desire now to call the attention of the Senators who come from the cotton States to this matter.

In the appropriation act which will become effective on the 1st of July there is an item of $554,840 for the eradication of the pink boll weevil. This joint resolution, if it becomes a law, will authorize the Secretary of Agriculture to utilize $200,000 of that appropriation to reimburse States for expenses incurred in compensating farmers for losses due to the enforced nonproduction of cotton.

I ask that the joint resolution be referred to the Committee on Agriculture and Forestry; and I should like to say to the Senators directly interested that as soon as the unfinished business is disposed of I shall call the Committee on Agriculture and Forestry together, and they will probably be summoned to appear before the committee.

By Mr. NORRIS:

A joint resolution (S. J. Res. 72) for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm; to the Committee on Agriculture and Forestry.

THE MEAT-PACKING INDUSTRY.

Mr. WADSWORTH submitted two amendments intended to be proposed by him to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which were ordered to lie on the table and to be printed.

ASSESSMENT WORK ON MINING CLAIMS.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent for the present consideration of Senate joint resolution 32, on which I made a report a few moments ago.

Mr. LODGE. Has the morning business been concluded?

The VICE PRESIDENT. It has not been concluded.

Mr. BURSUM. I would like to ask the Senator from Massachusetts to withhold any objection to the joint resolution which has just been reported.

Mr. LODGE. I have no objection to it. I desire, if possible, to have a brief executive session, which I have been asked by the chairman of the Judiciary Committee to move. I merely wanted to have the morning business closed so that we could have a brief executive session.

Mr. BURSUM. It will not take more than a few minutes to pass the joint resolution, and if it is not passed before the 1st of July it will be of no value.

Mr. LODGE. I have made no objection to its consideration.

Mr. BURSUM. It is a measure which vitally affects the miners of the West.

Mr. WALSH of Montana. Mr. President, under the existing law the mining claims must be completed by the 1st of July of the present year, and there is a very great desire expressed to have the exemption which has been accorded for the last two or three years extended for the present year. The joint resolution will accomplish that purpose. It apparently has the unanimous approval of the Senators from the mining States.

The VICE PRESIDENT. The Secretary will read the joint resolution and the amendment reported by the Committee on Mines and Mining.

The joint resolution (S. J. Res. 32) to suspend the requirements of annual assessment work on mining claims during the years 1921 and 1922 was read, as follows:

Resolved, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than $100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby suspended as to all mining claims in the United States including Alaska, during the calendar years of 1921 and 1922: *Provided*, That every claimant of any such mining claim, in order to obtain the benefits of this resolution, shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1921, and notice of his desire to hold said mining claim under this resolution.

The amendment of the committee was, after the words "mining claims," at the end of line 8, to strike out the remainder of the joint resolution and to insert:

In the United States, excluding Alaska, during the calendar year of 1920, and up to and including the 30th day of June, 1921: *Provided*, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded, on or before the 1st day of August, 1921, a notice of his desire to hold said mining claim under the provisions of this resolution. And hereafter the labor required under the provisions of section 2324 of the Revised Statutes of the United States shall be performed during each fiscal year, beginning the 1st day of July and ending on the 30th day of June.

Mr. JONES of Washington. Mr. President, I caught from the reading of the amendment that there is something about excluding Alaska. I want to know whether Alaska is excluded from the benefits of this exemption, and if so, why?

Mr. WALSH of Montana. That was done on the suggestion of the colleague of the Senator from Washington, who asserted that the Alaskan claimants do not desire the extension which is granted.

Mr. JONES of Washington. I am very much surprised. I had supposed that there was as much, if not more, necessity for it in Alaska than in the mining States of the West.

Mr. WALSH of Montana. I am not advised as to the considerations which induced the colleague of the Senator to take that view. He is the chairman of the Committee on Mines and Mining, and the relation of his State to Alaska is so inti-

mate that the committee felt persuaded to yield to his judgment in respect to the matter.

Mr. JONES of Washington. The intimate relation of the State of Washington to Alaska is the one thing which made that expression catch my eye. Is this a Senate or a House resolution?

Mr. WALSH of Montana. It is a Senate joint resolution.

Mr. JONES of Washington. I think I shall not ask that it go over, because of the urgency of the matter; but it will go over to the House, where that phase of it can be considered. It would seem to me that if any section of the country needs the relief, it would be Alaska. But the joint resolution can be passed and the matter will be taken care of in the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Mines and Mining.

Mr. SMOOT. I would like to have the amendment by way of a proviso read again.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Assistant Secretary again read the amendment.

Mr. SMOOT. I am fearful that if that proviso is enacted into law at least half of the mining claimants in the West will know nothing of it by August 1, and it will be of doubtful use to those who are not advised of the passage of the law with that proviso.

Mr. WALSH of Montana. Let me say to the Senator that that is the usual provision, and because of the very limited time before the 1st of July we have given to the claimants the opportunity to file until the 1st of August.

Mr. SMOOT. There was no such provision in the last extension.

Mr. WALSH of Montana. It was in the prototype of all the extensions, the acts of 1893 and 1894.

Mr. SMOOT. I am aware of that, Mr. President, but here we are within a month and a half of the time when this notice must be filed in the recorder's office. I doubt whether one-half of the miners will ever know of that proviso being in the law. We have extended the time for the last three years, and with half of this year passed, it is three years and a half, and it is just simply an exemption of the work necessary under the law. I am fearful, if this proviso goes in, the claimants in the large cities, who see daily newspapers, perhaps will learn of the law and learn of this proviso; but a majority of the miners of the United States will know nothing of this proviso being put in the law, it being different from the extension of the law the last three years and a half.

Mr. BURSUM. That has been the usual requirement in the case of other exemptions. In the case of other exemptions by Congress it has been usual to require claimants to file a notice.

Mr. SMOOT. It has been in years past, with the exception of the last three years. During the war the exemption was allowed because of the fact that it was impossible to secure laborers to do the work; and there was only a straight exemption. Now, we have an exemption with a proviso that if notice is not filed in the mining district by August 1 they shall not be entitled to the exemption.

Mr. BURSUM. It has been customary heretofore for the miners to file notices. I think the miners will be generally advised of the requirement.

Mr. SMOOT. I hope the Senate will disagree to the amendment. There is no necessity for it at all.

If we are going to give these men an exemption of the work upon their mining claims for a year from June 30 of this year, they should all be treated alike, they should all have the exemption, and no advantage should be given to the man in the city, who will see the notice printed in full and a statement of what the provision is. It should apply to the miner who is out on the hills, who perhaps comes into the city but once in six months, and perhaps never sees a daily paper. I say, Mr. President, we should disagree to the amendment and pass the exemption law.

Mr. WALSH of Montana. Mr. President, I think the fears of the Senator from Utah are entirely unfounded, although I am sure he expresses his firm conviction about the matter. I do not think there is any danger at all that the man who owns a mining claim will not learn about this law. They are all interested in it. They are all inquiring about it. But there is a particular reason why the provision should be found in this particular joint resolution. The exemption has now been extended for three years and a half, and a great many of these claims are really abandoned; the owners never intend to go back and work the claims; they have quit them absolutely. We should not allow an abandoned claim to lie vacant if anybody desires to take it, and without a provision of this character no one would be justified in taking the chance of making a relocation of it.

This is simply for the purpose of requiring the man who intends to hold his claim to make a formal declaration of his purpose to do so. Then, if he does not do so, it is open to relocation by the first comer. The fact that we have been extending this exemption for the last three years, it seems to me, makes it really almost imperative that some declaration of this kind of the purpose on the part of the claimant to hold his claim and to come back and work it again ought to be required.

Mr. SMOOT. Mr. President, if there were six months, or even four months' time, there would be no reason for objecting to the provision. But nothing that the Senator has said answers the objection I made to the proviso. I know that if it is put into the law we will have hundreds of locators, after they learn that their locations are no good because of this proviso, coming to Congress for relief. There is no necessity at all to insert the proviso. I think this will be the last extension that will be granted by Congress; in fact, I want to say now that it ought to be the last extension. If we are going to develop mines in the West we can not develop them by continuously exempting the assessment work.

Therefore, Mr. President, it does seem to me that we ought to give them now the same chance they have had the last three years and a half, and have it understood now among all the mining men and the locators of mines that in the future there shall be no exemption, because if the exemption is continued in years to come there will be very few mines developed.

Mr. President, I hope the Senate will disagree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to suspend the requirements of annual assessment work on mining claims during the year 1920 and up to and including June 30, 1921, and fixing the period during which such work shall be performed."

CONDITIONS IN THE COAL FIELDS OF WEST VIRGINIA.

Mr. JOHNSON. Mr. President, I ask unanimous consent for the immediate consideration of Senate resolution 80, providing for an investigation of conditions in Mingo County, W. Va. The resolution was reported favorably by the Committee on Education and Labor and reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate. It is satisfactory to the Senators from West Virginia and has been amended in accordance with their desire.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MYERS. Mr. President, with due respect for the Senator from California, for whom I have warm personal regard, I object to his request. I do not believe in indiscriminate investigations by Congress of every subject under the sun. I do not think the subject matter of his resolution is a proper subject of investigation by Congress. It is a matter which is now in the hands of the State authorities, the State government, and the State courts of West Virginia, and I think it should remain there. I think there are some things in regard to the rights and functions of the States that Congress should keep its hand off of until absolute and imperative necessity arises to cause it to pursue some other course. I do not think that has yet arisen in this matter, and therefore I object to the request.

Mr. JOHNSON. Mr. President, I trust the Senator from Montana will not object to the present consideration of the resolution. It is satisfactory to the Senators from West Virginia, to which State it relates, and has been reported favorably by both committees. An objection will simply require a motion to take it up; and with the Senator's protest now on record, will he not withdraw his objection to the consideration of the resolution, which relates to another State?

Mr. MYERS. I am always ready to oblige the distinguished Senator from California when I can consistently do so, but I have some fixed views on this subject. I think Congress is undertaking investigations galore, and spending its time in the investigation of every subject under the sun, and I do not think there is any occasion for a large majority of the investigations upon which Congress expends time and money.

I think the President of the United States took a very wise course when he refused to interfere in this affair which the

Senator from California seeks to investigate and relegated it to the States involved and told them that they must exercise their proper authority in the premises. If there was not sufficient ground for the President to interfere, I do not believe there is sufficient ground for Congress to interfere.

I think there are some things in regard to the rights and functions of States that Congress should respect and keep its hands off of. This matter is in the hands of the State of West Virginia and is being handled by the State courts and the State executive and the State government, and I believe it to be an unwise thing for the Congress of the United States to try to interfere. For that reason I must insist on my objection.

Mr. JOHNSON. Then I move that the Senate proceed to the immediate consideration of the Senate resolution just referred to.

The motion was agreed to, and the Senate proceeded to consider the following resolution (S. Res. 80), which had been submitted by Mr. JOHNSON May 24, 1921, and referred to the Committee on Education and Labor, reported by Mr. KENYON without amendment May 26, 1921, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Whereas conditions of violence at present exist along the border between West Virginia and Kentucky; and

Whereas for a long period in the past in the coal fields of West Virginia there have been disturbed conditions which have led to turbulence and violence and bloodshed; and

Whereas the conditions referred to are a menace to orderly democratic government and to the general safety and welfare of the people living in the territory affected: Therefore be it

Resolved, That the Senate Committee on Education and Labor, or any subcommittee thereof, to be appointed by it, is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the coal fields of West Virginia and in the territory adjacent to the border of West Virginia and Kentucky; that said committee ascertain the causes of the recent acts of violence upon said border and of the conditions which have existed, and do now exist, in the said coal fields, and generally investigate thoroughly the causes which have led to conditions which have obtained in the past, and which now exist in said territory, and report its findings and conclusions thereon to the Senate.

The resolution had been reported May 27 by Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment, on page 2, to add the following:

The committee or any subcommittee thereof is authorized to sit at such times and places as it may deem necessary; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The amendment was agreed to.

Mr. SUTHERLAND. I move, in line 5, page 1, to strike out the word "and" and insert a comma after the words "West Virginia," the purpose of the amendment being to restrict the investigation to the immediate territory which has been recently affected.

Mr. JOHNSON. To this amendment we have no objection.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. MYERS. Mr. President, I have some views on this subject which I wish at this time briefly to express, whether they may accomplish any good or not. I fail to see where there is any cause for the Senate to investigate the subject matter of the resolution. I fail to see how any good purpose can be accomplished by it. I fail to see any sound reason for it. I think it would be a departure from the proper functions of the national legislative body or either branch of it.

The coal miners of the district who are involved in the controversy sought to be investigated—the striking miners—had a perfect right to go on strike. If they were dissatisfied with working conditions or dissatisfied with the wages they were receiving, or which it was proposed to pay them, they had an absolute right, as free American citizens, to cease to labor and to go on a strike. That is their constitutional privilege. No one can gainsay them that right. They have exercised it.

If the employers do not see fit to grant the terms or the wages demanded by the striking miners, they have a perfect constitutional right as American citizens to refuse to grant those terms or wages. As a result of the miners going on a strike, the mining operators have a perfect right to employ other miners and put them in the places of the striking miners if they can find other miners who are willing to accept their terms. It is simply a matter of private contract and mutual agreement. If other miners take the places of the striking miners, the mining operators and the miners at work have a right to look to the State courts and authorities for protection of the miners who are at work pursuing their avocation. They have a right to expect protection of the right to private employment and private agreement between employer and employee.

If there ensue any unlawful disturbance about it, it is a matter for the State authorities of West Virginia to take jurisdiction of. If there be any violence or any lawlessness, it is a matter for the State courts of West Virginia to punish. It is a matter for the State courts to adjudicate and for the parties to the controversy to thrash out in the State courts. I do not see what Congress can do in the premises. So far as I can see, Congress is without power. Suppose the Senate investigates this condition of affairs, what can Congress do as the result of the investigation? It can not enact any law governing the right of private contract of employment between employer and employee. Congress can not enact any legislation which would abridge the right of contract or remedy the existing conditions of affairs.

If there be any disturbance there the Federal courts have no jurisdiction so long as it is confined within the boundaries of the State of West Virginia. Federal courts have no jurisdiction of offenses against the laws of West Virginia committed on its territory.

I do not see that Congress can enact any law or pass any legislation or that the courts of the United States can take any action which would relieve the conditions there which are complained of. I think that the people who are parties to the controversy should be required to thrash it out amongst themselves, and if they have occasion to resort to the courts, I think they should go into the courts of West Virginia, and if there be any violence or disturbance there that the State courts of West Virginia can not handle by ordinary processes, then it devolves upon the governor of the State to proclaim martial law and call out the State troops. I understand he has done that. What is the occasion for Congress to get into this matter? Where is the excuse for Congress to interfere or intervene in this matter? I do not care who wants the investigation——

Mr. DIAL. Mr. President——

Mr. MYERS. I yield with pleasure to the Senator from South Carolina.

Mr. DIAL. Has the governor of West Virginia asked to have any such procedure instituted?

Mr. MYERS. He asked help from the President of the United States, and it was refused, and he was referred to his State authorities. They were virtually told to attend to their own business and conduct their own affairs without bothering the United States Government about them. That, I think, was substantially the President's attitude. The President having refused to take jurisdiction of the matter, those interested have now resorted to the courts and the State authorities. I approve of the action of President Harding. I applaud his action in declaring that the Federal Government should keep hands off of this matter until it be thoroughly established that the State government is not able to cope with it. I think he did a wise thing.

If there be no occasion for the President to take hold of this matter, I do not see where there is any call or occasion for Congress to get into it. I do not care who demands the investigation. In this particular instance I have heard, I have read in newspapers, that both sides want an investigation by Congress; that the striking miners want the investigation and that the mine operators want it. I do not care if both of them want the investigation, the public has some rights which should be considered. An investigation would take time and money.

I am willing to vote to appropriate money for anything which is absolutely necessary for the conduct of our Federal Government and the safeguarding and defense of the welfare of the people of the country, but surely it is manifest that the absolute necessities of our Federal Government require appropriations great enough, and I do not believe in appropriating money for something from which I can see no good to come and in which the Federal Government has no legitimate right to interfere or take any action. I do not believe in appropriations of the people's money merely to gratify every desire to investigate something.

It costs something to conduct these investigations. If any good could result from the proposed investigation, I would not object, if it were constitutional and within the scope of Congress, but when no good can be anticipated and where Congress has no legitimate right or authority to interfere I do not believe in wasting the time of Congress and the money of the taxpayers in such matters.

Congress has gone mad about investigating and regulating. It has a perfect mania for investigation and regulation of everything under the sun. It has carried its mania entirely too far. If Congress would abandon its mania for investigating and regulating everything and would go to work and expeditiously enact such laws as are absolutely needed for the welfare of the people of the country, such laws as are within its province and needed to remedy the evils of the times, and dispense with all of its promiscuous investigating, and adjourn at

an early day, I think the country would be better off and Congress would have the thanks of the people of the country. It would confer a blessing upon a suffering people.

As I said, I do not care if both sides to this intrastate controversy want an investigation by the United States Senate, it is none of their business to want investigations of things over which the Congress has no jurisdiction, and they should not have it. Let them resort to the proper authority and seek appropriate remedies. They are asking something to which they are not entitled. The taxpayers have some rights.

The parties involved should settle their own controversies and resort to their State governments for help if they need help in settling their differences. The public has left some rights. Even if both sides to this controversy want it investigated, the rights of the public should be considered. I do not believe the interests of the public would be served nearly so well by the investigation by Congress of a matter over which Congress has no jurisdiction, in connection with which it can enact no laws, and concerning which it can do nothing, as they would be served if Congress should confine itself to enacting a few needed laws and then adjourn and go home and let the country and the taxpayers have a rest.

In New York I understand that the clothing manufacturers want Congress to investigate the striking clothing makers' unions on the charge that they are soviet organizations and are disloyal. I am opposed to that also. Let the State authorities of New York handle those matters. The State has facilities for investigating alleged criminality. So I say I do not care which side demands these investigations, I care not from whom the demand may come, I think it an unwise, improvident, and imprudent course for Congress to pursue, that of investigating every industrial disturbance and labor strike, every complaint of employers that strikers are violating their agreement, and every complaint of employees that employers are not treating their employees fairly in some respect.

As the President of the United States has refused to take Federal jurisdiction of this matter, I think it would be improper and uncalled for for Congress to interfere.

The region involved, I understand, is under martial law at the present time by proclamation of the governor of West Virginia. What business have we investigating his proclamation of martial law? What business have we investigating something of which the governor of West Virginia has taken jurisdiction and of which the State authorities are in charge? What right has Congress to interfere when the State authorities are in control, and it may be said in control by directions from the President of the United States to regulate their own affairs and settle their own troubles? I think it would be a futile and foolish thing for Congress to undertake. We investigate too much.

A committee of the United States Senate is now engaged in investigating the condition of the railroads of the country, when I know and I think every Senator in the Chamber knows the cause of the condition in which the railroads find themselves. It is simply because their expenses are disproportionately high to their income; because they are paying out too much money for operating expenses, and their tariff rates on freight and passenger traffic do not afford sufficient income to justify their expenses. Too much money going out and not enough coming in. However, that is a matter over which Congress has jurisdiction if it desires to conduct an investigation. It is a matter which concerns Congress, because it relates to interstate commerce, a subject over which the Government of the United States has direct, immediate, and exclusive jurisdiction. If the United States wants to investigate the condition of the railroads it, at least, has jurisdiction so to do.

There is a resolution pending before the Senate to investigate the strike of the shipping employees, which is tying up the shipping of the country. While I dissent from the advisability of it, yet the same objections can not be altogether urged to such a resolution as can be urged to the pending resolution, because the United States is directly concerned in its shipping. It is owner and operator of a large number of vessels; and the shipping of the country concerns the commerce of the country, in addition to the fact that the United States Government is directly concerned as the proprietor of many of the ships which are involved in that strike. So Congress has, at least, jurisdiction to investigate that matter, if it may see fit to do so. It has the interest of a part proprietor. It has the jurisdiction. The advisability, the justification, is quite another question.

I do not believe congressional investigations of strikes, as a rule, do any good. I think the only result is, generally, to prolong the strike and industrial disturbance. I do not believe that the investigation of the steel strike a year or two ago did any good to anybody or accomplished any good purpose whatever. If I had been present in the Senate Chamber when the resolution providing for that investigation was called up and unanimous consent was asked for its consideration, I would have objected to it. I think the only result that investigation had was to prolong the strike. It did not effect a settlement of the strike, but I think it did prolong it. According to well-authenticated newspaper reports many of the strikers, ignorant foreigners who did not understand our form of Government, were told by designing and unscrupulous leaders that Congress had taken hold of the strike, and if they would hold out a little longer it would not be long before the Government would take over the steel plants and operate them, and then the strikers would get anything they might want. Those statements were made in current newspaper reports, and I think they are reasonably to be believed. The strike was lead by a notorious syndicalist. I believe those statements had much effect in prolonging the strike and causing the strikers to lose heavily in lost wages.

If the pending resolution were adopted, and an investigation were begun, I think, if it had any effect at all, it would simply have the effect of prolonging the strike and causing the strikers to lose more heavily. It is a matter which ought to be settled as a subject of private agreement and according to the right of private contract between employers and employees; a matter which belongs to State courts and the government of West Virginia, if it can not be settled by private agreement amongst the parties in interest.

For goodness sake, I ask Senators have the States no rights or functions at all any more? Are the State lines to be simply obliterated, to be no more than geographical boundaries, just like the boundaries of counties? Are States to have no sovereign functions at all any more; no right of control over their affairs and over disturbances within their confines? Are State courts to have no jurisdiction any more at all over violence, lawlessness, and disorder within their State boundaries? What are we going to do with the States of the United States? Are we to abolish them? We are gradually but surely doing it.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. MYERS. I yield, with pleasure.

Mr. DIAL. Has there not grown up on the part of the States a tendency to shirk their responsibilities and to lean too much on Congress?

Mr. MYERS. Undoubtedly our legislation has had a very great tendency in that direction. The States are getting so that they now look to the Federal Government for everything. They are literally becoming so that they look to the Federal Government to support the people of the States, to support their State governments, and to take every responsibility off their hands. There seem to be no more State rights, duties, or responsibilities.

Mr. STANLEY. Mr. President——

Mr. MYERS. I yield with pleasure to the Senator from Kentucky.

Mr. STANLEY. The Senator from Montana says that the States are looking to the Federal Government for everything in the way of the control of their business, the regulation of private life and official activities, and their spiritual, moral, industrial, and financial welfare; that all those matters are attended to by the Federal Government. Why should not the States look to the Federal Government? Does the Senator know of anything, from the setting of a hen to the raising of a flag, that this Government is not doing or is not prepared to do for the States and the people thereof?

Mr. MYERS. There is scarcely anything that the Federal Government is not prepared to do for the States and does not insist on doing for them, nowadays.

I know that opposing a resolution of this kind is, to some extent, an ungracious, an unpopular, and a disagreeable thing to do, and it may not do any good at all; but I have observed many of these investigations which I thought accomplished no good, which I thought were positively detrimental and harmful, and I think the time has come to call a halt. I think we ought to stop somewhere; I think we ought to draw some line; and I do not know of a better place to begin, if we are going to begin at all, than on the resolution of the distinguished Senator from California.

I do not think that it offers one single pretext for Federal interference or investigation by Congress. It does not involve the interstate-commerce feature which the investigation of railroads now being conducted involves; it does not have the national and foreign commerce feature as has the shipping strike investigation which is proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

I can not see that the situation in West Virginia has one single appeal to or excuse for Federal interference either by the executive, the legislative, or the judicial branch of the Federal Government. It is purely an intrastate matter, which affects the rights of employers and employees living within and doing business within the State of West Virginia. It affects the government and welfare of the State of West Virginia, and its legislative, executive, and judicial functions. If troops should be called out, they must be called out by the governor of West Virginia, so long as the President of the United States has refused to perform that act; and the governor of West Virginia has already taken that step, I understand. If the functions of the courts must be invoked, the right and duty of acting belong to the courts of West Virginia.

I repeat, I can see no good whatever to be accomplished by this resolution. I think it would be an unwarranted interference by Congress with the rights of a State, an idle thing, a waste of time and money. I know of no constitutional authority for either branch of Congress to investigate a matter which is purely intrastate and concerns solely the affairs of the citizens of a certain State.

Of course, I do not suppose there is any way to prevent it if Congress wants to do it. If Congress wants to spend the time and money for doing this, I presume there is no way to prevent it, whether it be a constitutional exercise of authority or not; but I do not believe there is any consitutional warrant under our Federal Constitution for it. I do not think that such activities were contemplated by the framers of our Federal Consitution or that they are included within its provisions.

I have no particular objection to the proposed investigation in this case any more than I had to the investigation of the steel industry strike a year or two ago, nor to some other investigations which have been conducted, but I did not happen to be present when the resolutions providing for these investigations were called up and adopted. I do happen to be present when this one is called up, and I feel that it is my duty to register an objection. I feel that it is time for somebody, however humbly it may be done, to raise a voice of protest against the constant tendency of the Federal Government to encroach upon the rights and duties of the States and to investigate everything that comes within the jurisdiction of the States. I do now protest. I raise my voice in protest against this tendency to usurp the rights of the States and to investigate matters concerning the States which are within the functions of the States and are no business of Congress whatever. The protest may not do any good; it probably will not do any good, so far as material results are concerned; but it will do me the good of having done what I consider to be my duty in having raised a voice against what I believe to be a dangerous, and improper, and a growing practice; a most pernicious practice. I hope the resolution may be defeated.

Mr. WATSON of Georgia. Mr. President, I should like to ask the Senator from California a question as to the practical result which he expects to obtain by the proposed investigation. I should like to ask my friend from California, in case the committee finds against the laboring people in that State matter, what it is Congress can do and what the Senator from California thinks it ought to do; and in case the committee should find against the employers, what could Congress do against the employers and what would the Senator from California propose that it should do?

I will remind my friend, who is kind enough to allow me the interrogation, that in his State he has an irrepressible labor trouble. He will some day assert the right of California to manage that labor question according to California's view of it, and when that day comes I shall be shoulder to shoulder with the Senator from California. In the South we have the same sort of question. Hardly a State is free from it. If we are now to send committees into the State of West Virginia, tomorrow some man will request or demand that we send committees into Georgia, Alabama, or Tennessee, as the case may be. I submit to the Senator from California that when we embark upon that policy we take up our anchor, we turn the ship afloat upon a shoreless sea, and no one can tell where the vessel may finally go.

I know that the Senator from California is too earnest a man to deal with trifles or to deal with futilities. I know that he is earnest and practical, and I therefore invite him to state to the Senate what practical results he expects from that investigation.

Mr. JOHNSON. Mr. President, just a word in response to the distinguished Senator from Georgia.

This is not the ordinary investigation. This is not the investigation of a mere labor dispute. This is not a choosing of sides between two contending parties engaged in an industrial controversy—not at all. This is an instance where practical civil war has existed for some weeks past. This is an instance where there has been practically a suspension of civil rights. This is an instance where certain private corporations, it is asserted—I do not say that it is absolutely accurate—have arrogated unto themselves the powers of government. This is an instance where a man who is a United States citizen, as has been reported, can not go into certain territory in West Virginia unless a hired detective gives him permission to walk in that territory. I do not know whether those things are wholly true or not. I do not say they are all facts, but I do say they have been asserted; and, on the other hand, there is the assertion that certain men who labor and toil in the mines have become armed bands of guerillas, who have infested the hills of West Virginia and who have shot upon their fellows, and that these armed bands are carrying on a guerilla civil warfare.

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. JOHNSON. Yes.

Mr. MYERS. If all that be true, what remedy can Congress apply?

Mr. JOHNSON. Wait a minute; I have not concluded, if you please.

On the one hand, therefore, there is the assertion of the usurpation of government by private owners of private coal mines with privately hired private detectives. On the other hand is the assertion that men who have struck are acting lawlessly, and with arms are carrying on a civil war against their fellows.

These are the two different charges. They have led to a situation that is practically intolerable. We are not going to seek to control that situation by the arms of the United States—not at all. We are not asking that the Government of the United States shall supersede the State government of West Virginia—not at all. We are going, however, to develop a situation there which amounts practically to civil warfare, and to put our finger upon what it is, and what the cause of it is, and in that fashion putting our finger upon the raw sore, exposing it and proving and demonstrating what causes it, then we will see whether or not either State or Nation can afford a remedy.

I do not contemplate by this resolution any immediate legislation, it is true. I do not contemplate that we shall do aught to interfere with the authorities. I do contemplate, however, in a territory where there is practical civil war, and where civil liberty has been denied American citizens, to discover what exists and why it exists, and then, if it be possible, either by State or Nation to apply any cure that may be conceived of.

Let me say to you that this is not a partisan investigation. The Senator from Montana has well said that it is not asked by the one side alone. It is desired by all sides, because the situation is intolerable. The Senator from West Virginia [Mr. SUTHERLAND] sits here approving this resolution. His colleague [Mr. ELKINS] does as well. The Committee on Education and Labor unanimously reports it. The Contingent Expense Committee does likewise. Under those circumstances, with a spot that is intolerable, why should not the United States Senate, if it can, do as it has done in the past—render a bit of aid, expose it, and then remedy the conditions which exist?

Mr. MYERS. Mr. President, I should like to ask one more question. I should like to ask if any of the taxpayers who will have the bill to foot, and who are not parties to the controversy, have asked for an investigation in this case?

Mr. JOHNSON. Does the Senator ask if any such have?

Mr. MYERS. Yes, sir.

Mr. JOHNSON. Why, one man came to me in respect to this investigation who described himself as a neutral. He owned six houses. He had a handful of bullets that he said had been fired into the very room where his wife and his babe were in a certain town in Mingo County, W. Va.; and as a neutral, as he described himself, in the quarrel over there, he wanted the United States Senate to investigate, so that, if it could, it might lay bare the situation and afford the remedy.

Mr. MYERS. Mr. President, I will simply say to that that I think it is that man's duty to look to the State government of West Virginia for his remedy until it may become impotent and unable to render him any relief, and then, on a proper showing, it would be for the President of the United States to take action.

While I am on my feet I simply want to advance one more thought which I overlooked in my imperfect remarks a while ago, and that is that the sooner striking employees and employers who can not come to terms with their employees learn that they must thrash out and settle their own difficulties and not rush, one side or the other or both sides, to the Federal

Government for help the sooner strikes and lockouts and industrial disturbances in this country will cease.

Mr. SUTHERLAND. Mr. President, I only wish to say to the Senate that it is true that both sides to this difference that exists along the border of West Virginia and Kentucky have asked for this investigation. An authorized committee of mine operators representing the Williamson Operators' Association came to the Senators from West Virginia first and asked that an investigation be had into the conditions there which they regarded as intolerable.

Mr. MYERS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from West Virginia yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. MYERS. They also asked the President of the United States to interfere, and he refused, did he not?

Mr. SUTHERLAND. The governor of West Virginia some weeks ago asked the President of the United States to send Federal troops into that territory.

The President declined to send in the troops and suggested that possibly the State government had not done all that it could to quiet the trouble there. Since that time the governor has declared martial law in that immediate vicinity and has seemed to be handling the situation quite satisfactorily. There has been very little violence, if any, for the past two or three weeks.

Mr. MYERS. May I ask another question of the Senator?

The PRESIDING OFFICER. Does the Senator from West Virginia further yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. MYERS. Why have Congress investigate the trouble if it be diminishing instead of increasing?

Mr. SUTHERLAND. I will say to the Senator that of course it is for the Senate to decide, in the interest of the public, what it shall do in this matter. As I stated, the operators asked definitely that the investigation be had, and later a deputation of the Mine Workers' Union came here and asked the same thing; and there being unanimity of opinion that outrages were being committed on both sides—and perhaps there have been some things done on both sides that were irregular and violent—it seemed to me that a Senator hearing both of these sides and these representations, both asking that this investigation be had, could do nothing else than to assent to it, or at least not object to it.

Mr. OVERMAN. Mr. President, may I ask the Senator what is the trouble about the State of West Virginia putting its finger on the sore?

Mr. SUTHERLAND. As I stated a few moments ago, the State of West Virginia has put its finger upon the sore. It has a State constabulary law. We have no militia at this time. We have not had time to organize our militia in West Virginia under the reorganization act, but we have a State constabulary law; and almost the entire force—there are only about 85 or 90 in it—are down in that territory, and, as I stated, they are handling the situation satisfactorily. There is no violence there at this time.

Mr. OVERMAN. Mr. President, can not the State of West Virginia make this investigation itself, for itself?

Mr. SUTHERLAND. I will say to the Senator that the people on both sides of this question seem to think that the United States Government can do it better.

Mr. OVERMAN. The question is, can the legislature do it?

Mr. SUTHERLAND. The legislature is not now in session, and it did not do it when it was in session. It did not order such an investigation.

Mr. OVERMAN. The governor can call it in extra session.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. SUTHERLAND. I yield to the Senator.

Mr. WATSON of Georgia. The Senator says that both sides down in West Virginia, the employers and the employees, think that Congress can do something. What is the opinion of the Senator?

Mr. SUTHERLAND. I will say to the Senator, as to the remedies to be applied by Congress, that except as a matter of getting publicity as to the facts in the dispute the chances are very remote of Congress being able to do anything.

Mr. WATSON of Georgia. Publicity, then, is what is desired?

Mr. SUTHERLAND. Mr. President, in these disputes it is very difficult to get at the actual facts. Charges are made on both sides, and unless some impartial tribunal is called into being before which these contending factions can come, under oath, and give all the facts, sitting in the same room, facing each other, and each refuting the arguments of the other, it seems to be impossible for the public to ascertain what are the real facts.

Mr. WATSON of Georgia. Mr. President, it seems as if the Senator from West Virginia is proceeding under the idea that the newspaper press has been Burlesonized again. Do we not get publicity through the newspapers?

Mr. SUTHERLAND. We get a certain amount of publicity in the newspapers.

Mr. WATSON of Georgia. Yes; a very certain amount.

Mr. SUTHERLAND. In West Virginia we think we get too much of it of a certain kind, sometimes.

I happened to be a member of a similar investigating committee when I served in the House, and we went out to Colorado to investigate a strike. Congress took no helpful action as the result of that investigation, or any action at all, but I believe that when we reached the city of Denver, and within two hours had representatives of both the contending factions in a room together, that was the first time during the entire trouble they had faced each other in the same room, where each side could hear what the other said and make proper answer and sift the facts down to find out what had actually occurred.

So, Mr. President, I think about all that can be done by Congress is to give publicity to a hearing held by an impartial tribunal, where both contending factions can appear and listen to each other's evidence and refute it, if possible.

Mr. UNDERWOOD. Mr. President, if the Senator will yield, I would like to ask a question or two.

Mr. SUTHERLAND. I yield.

Mr. UNDERWOOD. How much money does the resolution contemplate shall be spent out of the contingent fund of the Senate?

Mr. SUTHERLAND. I have no means of knowing how much it is contemplated will be spent, but I should say it would depend very largely upon the length of time it takes to make the investigation. The chairman of the committee told me that he expected to go and spend only three or four days there. If I may judge by a former experience, they will not get well started with the investigation in two or three days. It took the investigating committee of which I happened to be a member six weeks to make the investigation in Colorado.

Mr. UNDERWOOD. How much did the Colorado investigation cost?

Mr. SUTHERLAND. It was pretty expensive, but I do not think I ever saw the figures.

Mr. UNDERWOOD. A hundred thousand dollars?

Mr. SUTHERLAND. I hardly think it cost that much, but it must have cost quite a considerable amount, probably $50,000 or more.

Mr. UNDERWOOD. I would like to ask the Senator whom he is going to investigate. Are you going to investigate the miners' union?

Mr. SUTHERLAND. I presume the operators expect us to investigate the miners' union and the miners' union expects us to investigate the operators.

Mr. UNDERWOOD. That is what I supposed; and I presume each side expects to show the other side up with horns. That is usually the way they go about it. The miners' union wants to show that the operators have horns and have done something wrong and the operators intend to show that the miners' union has committted high crimes and misdemeanors.

Mr. SUTHERLAND. That is about the situation.

Mr. UNDERWOOD. Does the Senator really think it is worth while, since the difficulty is over, as I understand, since there is no immediate hostility down there? The situation has quieted, has it not?

Mr. SUTHERLAND. It seems to be quiet at this time, but I will say that it is rather a tense situation, which may break out at any time.

Mr. UNDERWOOD. The State authorities have it in hand, have they not?

Mr. SUTHERLAND. They now have it apparently well in hand.

Mr. UNDERWOOD. And the President has refused to intervene?

Mr. SUTHERLAND. Yes; with the military forces of the United States.

Mr. UNDERWOOD. Mr. President, of course I recognize the fact that there are times when it is wise for Congress to investigate matters concerning the people of the United States; but we have it from Executive authority, the President of the United States, that this is not a condition in which the Govern-

ment of the United States ought to intervene. We have it on the statement of the Senator from the great State of West Virginia that there is no immediate trouble, but that the trouble is over; that they have had this fight, and it has quieted down and peace reigns again.

Mr. JOHNSON. Will the Senator from West Virginia yield that I may ask the Senator from Alabama a question?

Mr. SUTHERLAND. Certainly.

Mr. JOHNSON. I think the Senator from Alabama is not familiar with the conditions which exist there. It is true that there is not a pitched battle there every day now, as there was for a brief period; but it is equally true that law is no longer existent in that particular territory, except the law of force.

Mr. UNDERWOOD. I think that is most unfortunate. I was in hopes that when the disregard for the law had quieted down, as usually happens in cases of mobs and mob violence, the people would come to a sober second thought and conclude themselves to obey the law.

I recognize that there are some occasions when an investigation is helpful. But there has not been anything said here today which leads me to believe that anything helpful would grow out of such an investigation as is proposed. It is a matter which the President has said it was not necessary to intervene in. The Senator from the State in which the trouble occurred says that what is proposed is to set up a court to let the operator investigate the miners' union and the miners' union investigate the operator. So far as I know that is not likely to bring about peace. An investigation of that kind is more likely to bring about discord, unless the resolution seeks to lead to some affirmative action on the part of the Government of the United States. If it does, I would like to have the Senator tell us what it accomplishes.

Mr. SUTHERLAND. I believe the Senator who has just propounded this question was the leader of his party in the House when the investigation was made into the Colorado matter, and he knows what it was possible to do and what it was not possible to do at that time, and he can answer that question quite as well as I can, or perhaps better.

Mr. UNDERWOOD. When did the Colorado investigation take place?

Mr. SUTHERLAND. In 1914 I think it was.

Mr. UNDERWOOD. I was not the leader of the House at that time, as I had come to the Senate.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from California?

Mr. SUTHERLAND. I yield.

Mr. JOHNSON. I ask the Senator to yield to me for a mere suggestion. What is conveyed to me is that the conditions down there, if you want to look at it from the economic standpoint, have prevented the production of coal, and the coal production in that particular territory has been immensely lessened because of the conditions which exist. That is economic consideration No. 1.

No. 2. The condition there at the present time is not a condition of peace, but a mere suspension of hostilities, and the situation, as the Senator from West Virginia has said, is exceedingly tense. Coal production has not reached what it should be at all, and the appearance of peace is maintained only by virtue of the force that is there. To say that an impartial investigation under the circumstances can not be of any good would seem to say that there never had been an investigation which could have accomplished any results.

Mr. UNDERWOOD. No; I do not agree with the Senator at all. If I am interrupting the Senator from West Virginia, I will stop now and wait until he gets through.

Mr. SUTHERLAND. Not at all. I am very glad to have the Senator interrupt.

Mr. UNDERWOOD. Here is what I am leading to. I do not say that congressional investigations have not produced results in the past. But take up the proposition which the Senator from California has advanced. He said that there are two good reasons why we should have this investigation, one that the production of coal is retarded, because of this disturbance, and the other that the only reason why hostilities do not break out is because there is force there. Analyze that. I know a great many mining districts in the United States where the production of coal is not up to the standard, or anywhere near up to the standard, because of the panic conditions in the United States.

Mr. SUTHERLAND. If the Senator will allow me on that point, I will say that the operators who operate in that territory now claim that their production is normal—that is, that they are able to fill all the orders they have, and have all the men they need at their mines.

Mr. UNDERWOOD. That part of the investigation, then, is settled. If they are able to fill all the orders they have to sell coal, we can not accomplish anything along that line.

Now, along the line of there being hostility between the contending factions, and that it has only quieted because of force, as I understand it, it is the arm of the State of West Virginia enforcing the law, preventing men from murdering each other, which is the force that is complained of. I must say, as far as I am concerned, I do not need any investigation to tell me to sustain the lawful arm of the lawful government.

I merely wish to say that if the Senator from West Virginia, in whose State this investigation is proposed to take place, is willing to stand here in his place and say on his responsibility as a Senator that the passage of this resolution in his judgment would bring about better conditions in his own State than his own State government can work out if left alone, I am willing to support his proposition and agree to the payment of the fifty or hundred thousand dollars it is going to cost. But if we do not have something affirmative in sight in the way of benefit, I must say that I am getting mighty tired of spending money out of an empty Treasury. We might as well recognize the fact that we can dig holes into the Public Treasury as well as the executive branch of the Government, and we have had investigation after investigation in the last two years, costing I do not know how many millions. They deplete the contingent fund of the Senate so fast that we can not make an annual appropriation to keep it up. Every time a deficiency appropriation bill comes in we have to make another appropriation for the contingent fund of the Senate. That was not the case in the old days; we made an appropriation for a contingent fund, and in the main maintained it.

It seems to me that we are getting to a point where we should not as a matter of course pass such resolutions of investigation. If we are going to spend between fifty and a hundred thousand dollars out of the Treasury, we ought to know that some definite result is to be obtained for the good of the people of West Virginia, at least.

Mr. SUTHERLAND. In reply to the Senator from Alabama I will say that this trouble had been going on more or less for a year. About a year ago, or a little more, a strike occurred in that territory and production was interfered with. Later a large proportion of the strikers went back to work in the mines, and since then that has been the cause of the disturbance. Those who went out on strike formed tent colonies near by, have been getting support from the national organization of mine workers, and are maintained there with their families. Of course, the operators had to have houses in which to put the new men, and the old ones, of course, had to leave them, and there has now been more or less effort on the part of those who are out on strike, as is always the case in such disputes, to prevent those who are now employed at those mines from working. But the operators, and others who are in that territory, state that they have enough men in the mines to carry on their mines and fill all the orders they have. Of course, we all know that the coal business is, like other businesses, very slack at this time.

Mr. OVERMAN. Mr. President, did we not have an investigation of a coal miners' strike in West Virginia some years ago?

Mr. SUTHERLAND. There was an investigation of the Cabin Creek, Kanawha County, strike.

Mr. OVERMAN. The people of West Virginia do not want Congress to investigate every strike that takes place in the coal mines of West Virginia, do they?

Mr. SUTHERLAND. Most of the State of West Virginia is in a state of absolute peace and quietude, and a condition of brotherly love is maintained throughout the State, although we have had some of these disturbances. Whether that investigation was helpful or not, I can not say. If this one is undertaken I hope it will be beneficial, and I believe that the ascertainment of the facts in this case will be helpful.

Mr. OVERMAN. Helpful to the miners?

Mr. SUTHERLAND. Helpful to the public generally in tending to quiet conditions.

Mr. OVERMAN. If the Senator will say to me that West Virginia can not handle the question itself, and is impotent, I shall be very glad to support the resolution.

Mr. SUTHERLAND. I call the Senator's attention to the fact that this is on the border between two States, and the trouble exists on the Kentucky side as well as on the West Virginia side. That makes it more difficult for the State government to handle it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. LODGE. The chairman of the Committee on the Judiciary has some nominations that he is very anxious to dispose of in executive session. I have been waiting all morning to give him the opportunity. It will take only about 10 minutes.

Mr. JOHNSON. Will not the Senator let me have the resolution disposed of? The debate has been concluded.

Mr. NORRIS. If the debate has been concluded——

Mr. JOHNSON. The debate has been concluded, and I will ask the Senator if he will not permit the matter to be submitted to the Senate now?

Mr. MYERS. Mr. President, I must object. I call for the regular order.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

ADMIRAL SIMS'S STATEMENT AND AMBASSADOR HARVEY'S ADDRESS.

Mr. HARRISON. Mr. President, the morning Washington Post, on the front page, carries an article headed "'Misquoted,' Sims cables to Denby." I will read the article so it may appear in the RECORD. It is by the Associated Press, as follows:

Remarks attributed to him in press reports of his recent address before the English Speaking Union in London, in which he criticized activities of Sinn Fein sympathizers in this country, were not correctly quoted and were misleading, Admiral William S. Sims declared in a cablegram received yesterday by Secretary Denby.

I now quote from the message of Admiral Sims to Secretary Denby:

"Statements that were attributed to me," said the message, "were not correctly quoted. Context misleading and garbled. Report of statements is incorrect and inferentially wrong. Statement actually made was substantially the same as repeatedly made in public in America and in my book 'The Victory at Sea,' and in public address at meeting held for increasing good relations between the English-speaking people."

Mr. President, the report that is stated by Admiral Sims in this message to Secretary of the Navy Denby to have misquoted him was carried by all the news services of the country and is already incorporated in the CONGRESSIONAL RECORD. I shall not read, but ask that as a part of my remarks may be included the report of certain London papers the morning following the speech of Admiral Sims showing what the representatives of their press thought Admiral Sims said at that time. I think that this is in fairness to the news service and the newspapers of the country that have carried the dispatch from London which Admiral Sims says was garbled and in which he says he is misquoted. It is fair to Admiral Sims also.

I first desire to have incorporated in the RECORD, and it is not very long, what the Daily Telegraph of London reported that the admiral said on that occasion. Then I desire to have incorporated also what the Morning Post, an English paper, said, and also what was stated in the London Times, which, in my opinion, goes to show that the reports that were published by the news services in this country were about the same as carried in the London press of that date.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Special cable to the Washington Post.]

LONDON, *June 12.*

The day after Admiral Sims's speech before the English Speaking Union the Daily Telegraph reported him as follows:

"It had been found necessary on the other side to form as quickly as possible certain associations in order to counteract the very dangerous propaganda by enemies of the two countries. False news was being put on the wires on both sides, and that was the sort of thing they were trying to counteract.

"He has been abused for certain articles he had published in which he told the simple truth about the actions of the Sinn Fein faction in reference to troops during the war. Owing to the action of these people forces had to be diverted from their legitimate purpose of escorting American troops and American ships, and that had caused a great many ships to be sunk and a great many lives to be lost.

STATEMENT OFTEN MADE.

"He had made that statement wherever meetings had been called to counteract propaganda and he intended to keep on making it. He had never hesitated to say that some Americans and Sinn Fein sympathizers in America had the blood of English and American boys on their hands. These people were Americans when they needed money, but Sinn Feiners when they were on the platform. They were like the zebra—they were either white horses with black stripes or black horses with white stripes. Really he strongly suspected that they were asses. Each one of these asses had a vote and it was one of the inconveniences of a Republic that American-born citizens found it necessary to cater for those votes.

"This created a wrong impression on this side, but now the people of Great Britain would know how much confidence to place in an Irish resolution which was forced by these jackass votes." [Laughter and cheers.]

On Wednesday the Morning Post discussed the speech of Admiral Sims in detail. Regarding the part of his speech which Admiral Sims cabled Secretary Denby had been garbled, the Post said:

"It was their (i. e., the Pilgrims) business to counteract the dangerous influences of those who were the enemies of both countries and to bring out the truth about and between them.

"In the press of America, generally, the wrong side was represented and the right side was not represented.

"In order to rectify this and to counteract the dangerous propaganda to which he alluded, further organizations, he said, were being suggested, and this action involved a certain amount of unpopularity for some people in high position on the other side.

MISREPRESENTATION ALLEGED.

"He (Admiral Sims) had been greatly misrepresented when it was alleged that he was opposed to everything Irish and to the whole Irish nation in an article which he had written. He told the people of America facts with regard to action of the Sinn Fein against them and their troops during the war, and how a great many lives and ships were lost on this account through forces being diverted from escorting merchant ships and other important services.

"The same influences," he said, "were at work to-day, carrying on a war against both America and this country and trying to sap the good relations between the two nations which had been established while they were cooperating at sea.

"The sympathizers with Sinn Fein in America," he said, "had the blood of both British and American boys on their hands. They were Americans when they wanted money, but they were Sinn Feiners when they were on the platform. They were like the zebra, which was described by some as a white horse with black stripes and by others as a black horse with white stripes. In America they knew that these were not horses at all. He strongly suspected that they were asses, but each of those asses had votes, and there were a lot of them. It was necessary that their influence for harm should be counteracted."

The News and the Chronicle did not report the speech, and the Daily Mail and the Daily Express printed very brief reports.

LONDON TIMES VERSION.

The London Times, in reporting the speech of Admiral Sims, said, in part:

"His enemies said he opposed the whole Irish nation. He was not going to speak of the Irish question, for it was partly on an American question, but he had written certain articles in which he told the truth about the action of the Sinn Fein faction in reference of our troops during the war. They had not had the material to attack directly, so they had done so indirectly. Forces had had to be diverted to deal with them, with the result that a great many ships and a great many lives had been lost.

"He intended to continue to make that statement," he said. "They had people on the other side, technically American citizens, who were carrying on war to-day against America and against Great Britain and were trying to destroy the good relations between the two countries.

"To those with Sinn Fein sympathies in America, he said that the simple truth of the wretched business was that there was the blood of English and American boys on their hands.

"They were Americans," he said, "when they wanted money, but they were Sinn Feiners on the platform. They were like a zebra, either a black horse with white stripes or a white horse with black stripes. He suspected that they were not horses, but asses. But these asses had votes, and there were a lot of them.

"The consequence was that American-born citizens found it necessary to cater for those votes. This was one of the inconveniences of the Republic which created a wrong impression on this side.

"Those who understood the situation, however," he said, "knew how much importance to attach to resolutions in favor of the Irish which were forced by those jackass votes."

Mr. HARRISON. Since this remarkable speech was made by Admiral Sims last Tuesday night and the inquiry went forth from the Secretary of the Navy for a report as to the correctness of what he said on that occasion, and no report had come in answer to that request from the Secretary, the Secretary took very appropriate action on Saturday by sending this cablegram to Admiral Sims:

Remainder of your leave is revoked. You will return to the United States immediately and report at once in person to the Secretary of the Navy. Acknowledge.

So this matter will be heard by the Secretary of the Navy on the return to this country of Admiral Sims, and will also be investigated under a mandate of the Senate by the Committee on Naval Affairs of the Senate.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. I yield.

Mr. McKELLAR. Did Admiral Sims reply to the first cablegram of the Secretary of the Navy before he got the second cablegram directing that he should come home? Can the Senator tell us about that?

Mr. HARRISON. Of course, all I know is what I have seen in the press. I understand that the cablegram from the Secretary of the Navy which I have just quoted, revoking the leave of absence granted Admiral Sims and directing him to return immediately and report to the Secretary of the Navy, was sent and was probably received by the admiral, although I am not sure about that, before Admiral Sims made the reply carried in the morning press. All the statements I have seen since Secretary Denby first cabled to Admiral Sims were to the effect that he would leave on a certain boat on Wednesday next.

according to his plans; he did not seem to show any haste in answering the summons.

Mr. President, there has been a great furore about the so-called "jackass speech" of Admiral Sims. The impression seems to be universal throughout the country that it was in bad taste; that it was intemperate and was most indiscreet for one occupying the high official position as head of the Navy War College and of naval operations in European waters during the recent war to have discussed a delicate political question in London on that occasion.

It has been called to the attention of the Senate before that there was another remarkable speech made on the 19th of May last by another higher in authority than Admiral Sims, by one who is closer to the President of the United States than any one in official life, except, perhaps, one or two Cabinet officers and one or two distinguished Senators here. He was very close to the President in the late campaign, has been close to him since; they were in constant communication and conference before Col. Harvey was appointed ambassador and left for London. So the importance of the speech that was made at the Pilgrims' banquet on May 19 by Col. Harvey can not be discounted.

The country accepted it as the views of the administration not only touching our entry into the League of Nations but as to other expressions therein. Some went so far as to intimate and, indeed, to state that the speech evidently had been read by those high in authority in this country before the departure of the new ambassador for London. Whether or not that is true, of course, none of us knows except the President himself or the Secretary of State. Those statements, however, have never been denied by the President, the Secretary of State, or by anyone who is high in authority. There has been no protest, so far as we know, on the part of anyone who is high in the official kingdom of the present administration to this remarkable speech of May 19.

I read with a great deal of interest on yesterday an article which was published in the New York Times. It is a well-written letter by one Frederick Lynch to the editor of the Times. I am not going to read all of the letter, but I ask consent to have it incorporated in full in the RECORD in the course of my remarks. I shall read only a part of the letter, if my request is granted, and I imagine no one will object to it.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. HARRISON. This letter written by Mr. Lynch is remarkable for three reasons. The first is that Mr. Lynch, as I understand, is a Methodist preacher of splendid character and great reputation; secondly, that he is or was a Republican; and, thirdly, because he was present at the Pilgrims' banquet when the speech was made by Col. Harvey. In this letter he expresses the impression which was made on his mind and on the minds of the other banqueters at the time; how it shamed him, and how badly he felt at hearing such expressions touching the motives and purposes for our entrance into the war by the representative of the United States in the highest diplomatic position of our country; aye, beyond that, from one who had been designated as the personal representative of the President of the United States on the supreme council. Occupying that high position, it is no wonder Mr. Lynch was humiliated when the words fell from the lips of a supposed representative American that we went into war not for the high ideals that we had previously indorsed, but because we were afraid not to fight, and so forth. I shall now read a part of this letter. I am sorry there are not more Republicans on the other side of the Chamber to hear it, because this is a Republican speaking to Republicans as well as to Americans everywhere. Mr. Lynch says:

> A month has now passed since Mr. Harvey made his famous first speech in London as the American ambassador to the Court of St. James. Had it been Mr. Harvey speaking simply as a private citizen, his famous three points would not have caused the commotion that they have in Europe; but he spoke officially, as the ambassador of the United States, sent to England to speak for the Nation. Indeed, our ambassador is generally supposed to have consulted his President or the King before speaking anything in public.
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> Mr. Harvey, at the now famous dinner given him upon his arrival in London, made three points, and made them very emphatically, both in words and manner. I happened to hear the speech, and he spoke as a man who was going to leave no doubt in anybody's mind as to just how he and his Government felt upon the matter. These three points were (1) that the United States entered the war actuated by motives of self-interest purely and simply, having no thought whatever of saving Belgium or France, but of saving herself alone.
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> No one who was not present at the dinner can have any idea of the consternation each one of these statements produced as they followed one upon the other. As a matter of fact, they so stunned the 500 persons who heard them that they did not quite grasp the significance of them. It was not until the next morning, when the people of Europe read the words in cold type, that the significance came over them. Ever since then the British, French, Belgian, and German papers have been asking: "Did Mr. Harvey really represent the mind and feeling of the American people? Did the Americans enter the war actuated by selfish motives only? Was Mr. Harvey right in throwing scorn upon American idealism, as he did, all through his speech? Is it true that the majority for Mr. Harding was a mandate against the League of Nations? Do the American people want to have nothing to do with the League of Nations and have no part in the new world order?" These are the questions all the journals of Europe—of the world, for that matter—have been asking for the last month. Is it not time that we, the American people, ask ourselves the same questions, and see if, upon sober second thought, we really agree with Mr. Harvey and are going to say to the world, "Yes; he spoke the mind of the American people"?
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> Mr. Harvey's first point, to quote his own words, was as follows: "Far more prevalent until recently was the impression—and this was, and still is in a measure, sincere—that we went into the war to rescue humanity from all kinds of menacing perils. Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. That is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that."
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> As I said above, no one who was not present can imagine the consternation with which these words were heard. It must be remembered, in the first place, that England did not go into the war to save England, and if one suggests that even to-day in England he is in danger of being knocked down by the nearest Englishman.
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> The only man that ever dared say of England what Mr. Harvey says of America is Mr. Bernard Shaw, and everybody will remember with what a howl of derision and storm of scorn Mr. Shaw's naive pamphlet was received. (All readers of Mr. Shaw know that his general attitude toward life is that of the cynic.) The English people, unless they are a nest of hypocrites, did not go into the war to save England. Furthermore, I have never met an Englishman or Frenchman who believed the United States entered the war solely to save herself. I was interested in the murmur of "nays" that I heard about me on the night of May 19, when Mr. Harvey said we did. But the question now is, "Do we Americans stand by Mr. Harvey's asseveration and in chorus say to Europe what he said as our representative?" If we do, let us say so, for the sake of the estimate the world has for us. England and France and Belgium unanimously believe we acted with unselfish motive, urged on by a zeal for righteousness and a desire to avenge the oppressed and to save the world from Prussian domination. Germany did not believe it, and openly called us hypocrites for saying so. Let us say openly and frankly which is right.
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> I may, of course, have very limited experience of men, may have touched only select men; but of the hundreds with whom I have come in contact all entered or supported the war not to save the United States but to make a great sacrifice for righteousness. My experience may have been different from that of others, for I was won to the support of the war from a final conviction that it was a war for the saving of the world from the rule of force—what is generally designated as Prussianism. All my friends professed to have been led to its support on the same high, idealistic ground.
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Mr. President, that was the impression made upon this good Republican Methodist preacher at the banquet on the night that the words were spoken by our representative in London.

I ask that the entire letter be printed in the RECORD at this point.

The letter in full is as follows:

COL. HARVEY'S AUDIENCE.

(By Frederick Lynch.)

LONDON, *May 24, 1921.*

To the EDITOR OF THE NEW YORK TIMES:

A month has now passed since Mr. Harvey made his famous first speech in London as the American ambassador to the Court of St. James. Had it been Mr. Harvey speaking simply as a private citizen, his famous three points would not have caused the commotion that they have in Europe; but he spoke officially as the ambassador of the United States sent to England to speak for the Nation. Indeed, our ambassador is generally supposed to have consulted his President or the King before speaking anything in public.

Mr. Harvey at the now famous dinner given him upon his arrival in London made three points, and made them very emphatically, both in words and manner. I happened to hear the speech, and he spoke as a man who was going to leave no doubt in anybody's mind as to just how he and his Government felt upon the matter. These three points were (1) that the United States entered the war actuated by motives of self-interest purely and simply, having no thought whatever of saving Belgium or France, but of saving herself alone; (2) that the great Republican majority was a protest against the League of Nations, a "mandate" not to have anything to do with it; (3) that the United States did not intend to have anything to do with the League of Nations nor with any of its committees, either formally or informally.

No one who was not present at the dinner can have any idea of the consternation each one of these statements produced as they followed one upon the other. As a matter of fact, they so stunned the 500 persons who heard them that they did not quite grasp the significance of them. It was not until the next morning, when the people of Europe read the words in cold type, that the significance came over them. Ever since then the British, French, Belgian, and German papers have been asking: "Did Mr. Harvey really represent the mind and feeling of the American people? Did the Americans enter the war actuated by selfish motives only? Was Mr. Harvey right in throwing scorn upon American idealism, as he did, all through his speech? Is it true that the majority for Mr. Harding was a mandate against the League of Nations? Do the American people want to have nothing to do with the League of Nations and have no part in the new world order?" These are the questions all the journals of Europe—of the world, for that matter—have been asking for the last month. Is it not time that we, the American people, ask ourselves the same questions and see if, upon sober second thought, we really agree with Mr. Harvey and are going to say to the world: "Yes; he spoke the mind of the American people"?

Mr. Harvey's first point—to quote his own words—was as follows: "Far more prevalent until recently was the impression—and this was, and still is, in a measure sincere—that we went into the war to rescue humanity from all kinds of menacing perils. Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. That is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that."

As I said above, no one who was not present can imagine the consternation with which these words were heard. It must be remembered, in the first place, that England did not go into the war to save England; and if one suggests that even to-day in England he is in danger of being knocked down by the nearest Englishman. I happened to be in the House of Commons the first week of August, 1914, on the night when England voted to enter the war. I heard the great four hours' debate. Not a soul from Grey down mentioned England's taking the step that was to cost her such agony to save England. It was to save Belgium, to maintain the honor of the plighted troth, to indicate righteousness in international relationships, to save Europe from the inevitable triumph of the gospel that might makes right should the aggressor triumph. The president of a great university in Scotland is reported to have said that practically every student came to him in the first month of the war to volunteer, and that they did not talk about fighting for "King and country" at all, but they all, without exception, offered their lives to save Belgium and vindicate honor. They were filled with a holy rage against what was going on in Europe.

The only man that ever dared say of England what Mr. Harvey says of America is Mr. Bernard Shaw, and everybody will remember with what a howl of derision and storm of scorn Mr. Shaw's naive pamphlet was received. (All readers of Mr. Shaw know that his general attitude toward life is that of the cynic.) The English people, unless they are a nest of hypocrites, did not go into the war to save England. Furthermore, I have never met an Englishman or Frenchman who believed the United States entered the war solely to save herself. I was interested in the murmur of "nays" that I heard about me on the night of May 19 when Mr. Harvey said we did. But the question now is, "Do we Americans stand by Mr. Harvey's asseveration and in chorus say to Europe what he said as our representative?" If we do, let us say so, for the sake of the estimate the world has for us. England and France and Belgium unanimously believed we acted with unselfish motive, urged on by a zeal for righteousness and a desire to avenge the oppressed and to save the world from Prussian domination. Germany did not believe it, and openly called us hypocrites for saying so. Let us say openly and frankly which is right.

I may, of course, have very limited experience of men, may have touched only select men; but, of the hundreds with whom I have come in contact, all entered or supported the war not to save the United States but to make a great sacrifice for righteousness. My experience may have been different from that of others, for I was won to the support of the war from a final conviction that it was a war for the saving of the world from the rule of force—what is generally designated as Prussianism. All my friends professed to have been led to its support on the same high, idealistic ground.

The second utterance of Mr. Harvey that the American people should either justify or contradict, for the sake of the world, was this: "As you know, the question of America's participation in the league came before the people, and the people decided against it by a majority of 7,000,000 out of 25,000,000. A majority of 7,000,000 clearly conveyed a mandate that could be neither misunderstood nor disregarded." Here again the audience at the dinner was nonplused. The English people had never dreamed that the great vote for Mr. Harding was a mandate against the League of Nations. They had been told by the American papers that it was not. They had read about thousands of proleague Republicans. Prominent Americans had just been saying in London before Mr. Harvey came that it was not, and that thousands and thousands of those who voted for Mr. Harding believed in the league. But Mr. Harvey told them no—the vote was a mandate—one the President could not disregard "without betrayal of its creators and masters." Did Mr. Harvey tell the truth or did he misrepresent us to the world? One should answer this, because all Europe has been greatly surprised at the statement. Personally I thought otherwise. I had hundreds of Republican friends, who had been ardent proleaguers, who told me they were going to vote for him as the surest way of getting in. Many of these friends signed a statement to this effect—a statement that went all over the Nation and was favorably sustained, to judge by Republican journals, by thousands of Republicans. I happen to be a member of the executive committee of the League to Enforce Peace. It is made up of those who believe in the League of Nations. Indeed, they had much to do with shaping the present covenant—Mr. Taft, Mr. Straus, President Lowell—many more, all good Republicans. They clung to the league to the end, are still in the organization, but voted the Republican ticket. Certain organizations interested in the league polled the churches not long before the election. The votes in favor of the United States entering the league were so unanimous that the votes against were not worth considering; but from all I can learn about four out of five of these clergymen voted for Mr. Harding.

Finally, Mr. Harvey said, with great emphasis, that the United States would have nothing whatever to do with the League of Nations or anything connected with it. Let me quote his now familiar words, words that have probably been read by everybody in the world who reads: "There still seems to linger in the minds of many here, as, indeed, of a few at home, an impression that in some way or other, by hook or by crook, unwittingly and surely unwillingly, the United States may yet be beguiled into the League of Nations. Now, let me show you how utterly absurd any such notion is." (He then refers to the "mandate" of 7,000,000 majority against entering the league.) "It follows, then, inevitably and irresistibly, that our present Government could not, without betrayal of its creators and masters, and will not, I can assure you, have anything whatsoever to do with the league or with any commission or committee appointed by it or responsible to it, directly or indirectly, openly or furtively."

If the two first declarations fell upon the audience like clubs, this one fell like a thunderbolt. There was simply dead silence. It was so contrary to that which everyone was expecting. Mr. Harding had said certain things before his election that had awakened hope that in some way the United States would participate in the new world order. Mr. Fred B. Smith and others had been saying the same thing in London. Mr. Lloyd-George had seemingly taken for granted that the slow but final consent of the United States to participate with the supreme council in settling the war questions meant that she would join in establishing the new order of peace, in the establishing of the international court, the reduction of disarmaments, the dissipation of the old feuds of the world. His address of welcome to Mr. Harvey dwelt upon three things; and then came Mr. Harvey's slashing ultimatum that the United States would not associate itself with the other nations of the world in accomplishing any of these things. Lloyd-George's great appeal was a noble appeal for disinterested service to the world. Mr. Harvey's whole speech gave the impression that America would be actuated by self-interest alone. He seemed to take particular pains to make this plain. The impression everyone got was that she was joining the supreme council simply to protect her own interests. Anyhow, the statement about the league was given with all the finality of the last judgment, and was accepted as such by everyone with whom I spoke in Europe.

The question I would like to raise is this: Do the people of the United States accept it as final and stand by Mr. Harvey in this statement? (Of course, he would not have made it except on President Harding's authority, so that it is accepted in all the world as the final word by the administration.) Is it the word of the American people to the world? Perhaps I was mistaken in believing in the idealism of the American people. Perhaps they never did have any desire to serve humanity. Perhaps they are concerned in self-interest only. Perhaps they have no interest in world problems. Perhaps those Americans who have been so interested in world courts, international arbitrations, Hague conferences, disarmament, cooperative nationalism, world conference, or world problems, a Christian world order, do not represent the American people. I thought they did, but if Mr. Harvey speaks for us they did not.

Let us answer the question; but before doing so, let us realize just what it means. All the world, excepting the United States and Germany (which will soon be in the league), is in an association of nations whose primary function is to deal with the great problems and principles just mentioned. The day after Mr. Harvey's speech Lord Robert Cecil, who is not only a member of the league assembly but is acknowledged to be among the three or four greatest British statesmen, moved by Mr. Harvey's remarks, wrote a letter to the London Times to the effect that the British people must support the league more heartily than ever, now that America had definitely refused to have any part in it, because it was the only thing that would save the world from future wars and destruction.

FREDERICK LYNCH.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I yield to the Senator from Tennessee.

Mr. McKELLAR. Some days ago I pointed out the very great difference between the recent views expressed by the President and those expressed by Mr. Harvey, but in justice to everybody it may be recalled that in the Senate on June 8, 1917, then Senator Harding among other things, speaking of a speech delivered by President Wilson a short time previously, had this to say on this very interesting subject:

> In that speech the President said that we were not in war because of any particular grievance of our own. In another speech the President has said, and beautifully said, that we want to make the world safe for democracy. I subscribe to that sentiment, Senators, but I want to say to you men who are responsible for government in these trying times that you can not justify this war and you can not unify the American people in the defense of the American Nation except on the justifiable ground of defending and preserving American national rights. If I were in any place other than the Senate Chamber of the United States, where one might speak with a little more freedom than the courtesies of this body require to be observed, I would say that much of the sentiment uttered concerning our part in the war is balderdash.
>
> I delight in these collateral issues involved. I believe in democracy just as much as any man on this floor. I can find my heart thrilled with the thought of this great Nation taking its part in the maintenance of human liberties and the safety of the liberty of the world, and I am not a little impressed by the part of this great Republic in making sure the guaranties of the best civilization the world has ever known. But nations called upon to fight must have a more defensible reason than even these ideals; and the one defensible reason for the United States of America, back of which every Senator can array himself and back of which every American citizen can and will array himself, no matter whence he comes, is the defense of American national rights, the safety of American lives, the maintenance of American honor, and our freedom to participate in the commerce of the seas.

I call the Senator's attention to this for the purpose of showing that in 1917 the views of President Harding were substantially the same as those expressed by Mr. Harvey in his Pilgrims' banquet speech. I, for one, am delighted that that President has changed those views and has now adopted, at least in the public prints, the views from which I quoted in a speech I made in this body not long ago.

Mr. HARRISON. The Senator has correctly quoted from the speech of President Harding, but the President never in any utterance that he ever made went so far as to say that "we were afraid not to fight," that that was the reason we entered the war; whereas the explanation that our new ambassador to the Court of St. James has given to the world and to history as to our reasons for entering the war is that "we were afraid not to fight."

Of course, I am surprised that he should make such a statement as that. I should be surprised at any American saying that we went into this war because we were afraid not to fight; but, as has already been included in the CONGRESSIONAL RECORD, it would come with much better grace and more appropriately from this gentleman who now represents our country at the Court of St. James than from any other American, because in a speech that he made in Charleston, S. C., to the St. Andrew's Society on November 30, 1904, this same gentleman, in discussing the Civil War and the part that he and his family played at that time, gave voice to somewhat similar utterances.

Let me read this, so that those who may scan the CONGRESSIONAL RECORD may know what 18 years ago this same individ-

ual said about those of his family when the War between the States broke out—that this man, who now says that our boys were fighting because "we were afraid not to fight," once uttered like sentiments touching members of his family in the War between the States.

I quote from him. He says, in this speech away back in 1904:

The first of my ancestors to arrive in this country landed in Massachusetts in the seventeenth century. The last of my ancestors born in another country came from Scotland in the nineteenth century. My two grandfathers hewed out their homes in the wilderness of Vermont nearly a hundred years ago. In those days the least of evils to be apprehended was race suicide, and many were the sons and grandsons to whom fell the duty and the honor of sustaining the beliefs and maintaining the traditions of those earnest men.

* * * * * * *

At the outbreak of the Civil War—

Said Col. George Harvey, and he never got that title by any service in any real war—

At the outbreak of the Civil War, of my immediate ancestors living, were two grandfathers, my own father, and nine uncles. They were northern men. Not one of them had ever crossed the Mason and Dixon line. They regarded any form of slavery with abhorrence, but not one of those 12 men ever lifted a hand against his white brother in the South. From their meager store and from necessity 11 of them furnished the Federal Government with the sums of money fixed for the procurement of substitutes. One uncle, perhaps the best able of the 12 to do so, absolutely refused and chewed the cud of bitter reflection for nearly two years in the county jail. I make no boast of their action. I claim for them no credit. Whether at that time, under those circumstances, I should have done as they did I do not know, but the facts are family history and constitute the basis of my assertion that I have an absolute and unqualified right to speak to you men of the South the words of a fraternal heart.

I commend that part of his speech to the valiant men who fought in this late war when they read the speech of Ambassador Harvey on May 19 at the Court of St. James, when he said that they went to war because "we were afraid not to fight"! They will understand, then, that Ambassador Harvey is alone in that belief.

So, Mr. President, as intemperate, as indefensible, as inappropriate as was the speech of Admiral Sims on last Tuesday night in London, attempting to voice the sentiment of the American people because he was at the head of the American Navy abroad, it is not nearly as reprehensible, in my opinion, as the vile slander, as the base insult expressed by Ambassador Harvey on May 19 against all of those who had a part, it matters not how small it was, in the late Great War.

I know it is not true that America went to war because she "was afraid not to fight."

I can not believe that Pershing's actions abroad in laying his plans that brought luster and honor and glory to our flag were because he "was afraid not to fight."

I can not believe that the millions of boys throughout the country, from hamlets and cities and rural sections, volunteered their services in this war because they "were afraid not to fight."

I can not believe that the hundreds of thousands of brave young men who enlisted in the American Navy and plied the waters, undergoing every kind of danger, night and day, remaining on deck, any moment being subject to attack by submarines, joined the Navy because they "were afraid not to fight."

I can not believe that the thousands on thousands of brave lads in the marines, in the Army, as they sat up night after night in the trenches in France and Belgium, waiting to charge or repulse the attacks of German armies, went to war because they "were afraid not to fight."

I can not believe that the spirit of the men—the marines—who won such glory at Belleau Wood, was prompted by the thought that they "were afraid not to fight."

I can not believe that those gallant and splendid and brave engineers of the Army, as they withstood the assaults of the German forces at Chateau Thierry, were prompted by the belief that they were fighting because they "were afraid not to fight."

I can not believe that Sergt. Alvin C. York, one of the greatest heroes of the war, whose name will be emblazoned on the pages of American history throughout time, was prompted in rendering such gallant service by the thought that "he was afraid not to fight." I do not believe it, even though the personal representative of President Harding in the most important position now to which a man could be appointed said that we went into the war because "we were afraid not to fight." I do not believe and will not believe that makes it true.

I do not believe that Col. Whittlesey and the courageous young men who were with him and under his command in that sector at Argonne Forest, penned in for three days, I believe, without food and without water, who, when the truce was handed to him and he was asked to surrender, told the Germans to "go to hell," was prompted by the spirit that "we were afraid not to fight."

I do not believe—and I know that you Senators over there agree with me—that Quentin Roosevelt, splendid, sturdy, brave young fellow that he was, the son of a gallant soldier, a great statesman, and a distinguished man in the Republican Party, who gave up his life as an aviator in the cause of his country, and whose remains lie buried now somewhere in France, went into the war and gave his life in the cause prompted by the spirit that he "was afraid not to fight."

This statement of Ambassador Harvey is an insult to every soldier and sailor and marine who helped to win this war. There is not a mother's son of them who was prompted by the thought that they "were afraid not to fight" when he went into this war and blazoned in letters of gold glory for the Stars and Stripes. There was not a mother in this land, nor a woman who went across or stayed here and contributed her mite to win it and sustain the boys, who thought it was a war that was being fought because "we were afraid not to fight." There is not a man in this country, I care not how poor and humble he may be, who bought a Liberty bond or did the minutest thing to win the war, who believed that we were fighting simply because "we were afraid not to fight."

And so, speaking, as he is, as the high representative of a great and powerful Government, closer to the President than anyone else, history will be written and critics of this war will point to it throughout time that the personal representative of the President said that it was a war which the United States entered because "we were afraid not to fight."

The pages of American history should be made pure; they should reveal the truth; and I know no better way in which to do it than by a resolution which I am going to present and ask for its immediate consideration to see that the facts are given to the American people that this foul stain be wiped out. If he has been wrongly quoted, then history should show it. If he has been correctly quoted, he deserves not only a reprimand but a recall from the high position to which he has been appointed.

Oh, yes; Sims should receive the criticism that is being poured on him. Investigation should be made. The Secretary of the Navy has acted right in his case; but I see no justice in the proposition that because he slandered a part of the American people and is to be punished, and drastic and immediate action is being taken against him, one higher up, who is guilty of a more atrocious offense than Sims, whose remarks are more intemperate, inexcusable, and unjustifiable than Sims's, should remain at his post of duty and continue to voice what he claims to be the sentiment of the American people.

I have waited, and patiently waited, and Americans everywhere have done so, for some voice in authority to be lifted in protest against this speech that was an insult to those who voted for the war and to those who helped to win the war, but not one word publicly has been said by President Harding since May 19 by way of calling Harvey to account for that speech. Nothing has crept into the public print emanating from the Secretary of State, Mr. Hughes, protesting against that utterance. I can not believe that they approve of it. What I want to know is whether or not he truly voiced the sentiment of the present administration when he expressed that vile slander against the Government when he said that we went to war because "we were afraid not to fight."

So, Mr. President, if action is taken against Sims, as it should be, then more prompt and more vigorous action should be taken against Ambassador Harvey.

It may be true, and I hope it is, that his making of that speech on May 19 so aroused President Harding and Secretary Hughes that they cabled to him and asked him if he had made those remarks. It may be that they reprimanded him severely, and have protested. But we are in the dark about it; the country is in the dark about it. History will not reveal those facts, unless we take some action.

So I offer the resolution which I send to the desk and ask that the pending bill may be laid aside temporarily for the purpose of the immediate consideration of the resolution.

Mr. President, I ask for the immediate consideration of the resolution which I send to the desk.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The resolution will be read.

The reading clerk read the resolution (S. Res. 91), as follows:

Whereas Admiral William S. Sims on the 7th day of June, 1921, in an address to the English Speaking Union at a dinner in the city of London, is reported to have employed the following language:

"There are many in our country who technically are Americans, naturalized and born there, but none of them Americans at all. They are Americans when they want money, but Sinn Feiners on the platform. They are making war on America to-day. The simple truth of it is that they have the blood of English and American boys on their hands. They are like zebras, either black horses with white stripes or white horses with black stripes. But we know they are not horses; they are asses. But each of these asses has a vote, and there are lots of them"; and

Whereas within a very few hours the Secretary of the Navy, by cable, requested an explanation of the speech and, failing to receive within a reasonable time a reply to the request, the admiral's leave of absence was peremptorily canceled by the Secretary of the Navy and he was ordered to return to Washington and report personally to the Secretary of the Navy; and

Whereas the Hon. George Harvey, the ambassador representing the United States at the Court of St. James, on May 19, 1921, in a speech at the Pilgrims' dinner in the city of London, employed the following language:

"Even to this day at rare intervals an ebullient sophomore seeks applause and wins a smile by shouting that 'we won the war!' Far more prevalent until recently was the impression—and this was and still is in a measure sincere—that we went into the war to rescue humanity from all kinds of menacing perils.

"Not a few remain convinced that we sent our young soldiers across the sea to save this Kingdom and France and Italy. This is not the fact. We sent them solely to save the United States of America, and most reluctantly and laggardly at that.

"We were not too proud to fight—whatever that may mean. We were afraid not to fight. That is the real truth of the matter, and so we came along toward the end and helped you and your allies to shorten the war. That is all we did and all we claim to have done"; and

Whereas the remarks of Ambassador George Harvey, touching the reasons for our entry into the war do not represent the views of the American people and were most reprehensible, and the provocation for reprimand or his recall is as great, if not greater, than that for the recall of Admiral Sims: Therefore be it

Resolved, That the Senate of the United States respectfully request the President of the United States, if not incompatible with the public interest, to report to Congress:

First. Whether he was consulted or knew of the purported speech of Ambassador George Harvey, made at the Pilgrims' Day dinner on May 19, 1921, before it was made.

Second. Whether he or, through his direction, the Secretary of State has protested or reprimanded Ambassador George Harvey for making the said speech or employing such language in said speech, or whether he or the Secretary of State have undertaken to ascertain whether the ambassador was correctly quoted in his speech as carried in the American newspapers.

Third. Whether in the opinion of the President there is as much reason and justification for a reprimand or the recall of Ambassador George Harvey for his Pilgrims' Day speech of May 19, 1921, as for the reprimand or recall of Admiral William S. Sims for his speech of June 7, 1921.

Fourth. And whether the order of the Secretary of the Navy Denby as follows:

"Remainder of your leave is revoked. You will return to the United States immediately and report at once in person to the Secretary of the Navy. Acknowledge," was issued at the direction or approval of the President, and why an order by the President or Secretary of State of similar import is not issued against Ambassador George Harvey.

Fifth. Whether the Secretary of State or the President has received any communications from Ambassador George Harvey to any request or protest from either the President or Secretary of State, and if any have been received, for the President to transmit them to the Senate, if in his possession, or the Secretary of State, if in his possession.

Mr. HARRISON. I ask for the immediate consideration of the resolution.

Mr. CURTIS. Mr. President, I demand the regular order.

Mr. HARRISON. I understand that carries with it an objection?

Mr. CURTIS. It carries the resolution over.

The PRESIDING OFFICER. The resolution goes over. The unfinished business will be proceeded with.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. NORRIS. Mr. President, as I stated before, it had not been my intention to debate the pending bill, because I felt that it was in reality the same measure which the Senate passed a short time ago after very full debate. But it seems that the idea of the Committee on Agriculture, that the Senate would not care to go into a lengthy consideration of this subject again, was erroneous. It appears from what has been said and the arguments that have been made against the bill so far that there is a determination to debate it.

When the committee came into the Senate with this bill, believing it would not bring about much debate because of the very slight changes which were made in the bill, they did not refrain from debating it through any fear of what the necessities of the case demanded in legislation, but they did it to a great extent out of respect for the Senate, thinking that it would be almost an imposition to go over all the ground again, and we are confronted at the threshold by those who oppose the Senate committee bill with criticism because we did not have more hearings. After we had had hearings so long that it had worn out all the members of the committee, we are censured now on the floor of the Senate because we did not have more hearings. That is only one of the methods, Mr. President, that is resorted to to defeat legislation on this subject.

Without ascribing it to any Member of the Senate, I say that the packers will be able to start in now with hearings and hold them for the next 10 years without any let up, and if we had listened to their requests and gone into it again, we would have spent another two years conducting hearings, going over the same ground again.

Many of the essential terms of the two bills are the same, and in an attempt to get the Senate to vote for the bill as it passed the House many of the terms of the Senate committee bill are condemned, many of the terms which are being condemned being also in the House bill. So that we are being harangued about things that are in the Senate committee bill which are said to be wrong and vicious, many of which are likewise in the bill as it passed the House, for which you are expected to vote.

All the influences that can be brought to bear by the great corporations engaged in the packing business are now being brought to bear to secure, if possible, the adoption by the Senate of the bill as it passed the House. Do not let anybody misunderstand the issue. If the packers are to have their way in the vote that must come in this Chamber, then we will vote down the Senate committee substitute. Vote against the committee amendment if you want to please the packers. It might be right to do that. I am only offering that as a suggestion for light, as to where the parties interested in this legislation are lining up. I may be entirely wrong; the committee may be wrong. The packers may be entirely right, and I am not finding fault with the man who believes that. I can only say that after these years of investigation I do not believe it will do any good to strike the packers across the back with a feather.

Let me take up some of the provisions in the Senate committee bill which are assailed; and I would like to say, Mr. President, as I have said before, that the Senate committee bill is not the outgrowth of any one particular man's ideas. There are some things in it I do not like, and I shall frankly tell the Senate about them when we reach them. I expect myself to offer an amendment that was defeated in the Committee on Agriculture while the bill was still there.

One of the issues that is here at stake is the life of the Federal Trade Commission. I realize that some Senators, and many other people, would be glad to wipe the Federal Trade Commission off the map, and they have the right to that opinion if they believe that. I am not impunging the motives of the man who believes it. But I want to say that neither bill is satisfactory, in my judgment, on that proposition, and those of you who believe that the Federal Trade Commission is doing a great work for our people and our country, and want to retain it, with all its jurisdiction and all its powers, will have to amend whichever bill passes.

The House bill, in my humble judgment, is much worse on that subject than the Senate committee bill. It repeals the Federal Trade Commission authority to do anything with these packers. As far as the packing and allied industries are concerned, the House bill repeals the law. I want to read what it says, and then I will take up what the Senate committee bill says.

Paragraph (b), section 406, of the bill as it passed the House reads as follows:

(b) On and after the enactment of this act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this act, complaint has been served under section 5 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, or under section 11 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

So, for all practical purposes, excepting only pending cases, the jurisdiction of the Federal Trade Commission is entirely taken away. In the bill reported by the Senate committee it is section 5 that limits. Section 5, after giving certain powers to the courts, the same as the Federal Trade Commission act gives them, which in reality is only surplusage, because the same thing is given in other parts of the bill, winds up by saying:

Upon the taking effect of this act the jurisdiction of the Federal Trade Commission, in so far as it relates to live stock and live-stock products in domestic commerce, shall be terminated, except in such cases where the Federal Trade Commission is directed to make an investigation by the President, the Secretary of Agriculture, or either branch of Congress.

As between the two provisions, I very much prefer the Senate committee provision. It still leaves the Federal Trade Commission subject to be required at a moment's notice to act when asked by the Senate alone, by the House alone, by the Secretary of Agriculture alone, or by the President alone. In my judgment, that authority in the law would have a great effect upon any commissioner who might get the office and

who was not in sympathy with the act or who was friendly to the packers, and that condition might come. It was said last Friday on the floor of the Senate that sooner or later the commissioner provided for in the Senate bill would be controlled by the packers. That may be. It might also be said of the Secretary of Agriculture.

It might also be said of the Federal Trade Commission, but it will be several years before the Federal Trade Commission can be thus controlled, and it would have a good effect, it seems to me, upon the official, whether it be the Secretary or the commissioner, who would look after the carrying into effect of the law, if he knew that if he did not do his duty there was liable to be a resolution put through the Senate or through the House, or a request come from the President or the Secretary of Agriculture, that would order the Federal Trade Commission on the trail to make an investigation.

The incumbent of the office of Secretary of Agriculture may change overnight. He is not selected with regard to his views on this law or any other one law. He is a political appointee, appointed according to what the President elect, whoever he may be, thinks to be the demands of the political situation. That would be one easy way in which the packers could get a Secretary who would be friendly, without the President who appointed him knowing anything about it and without the Senate which confirmed him knowing anything about it.

The commissioner provided for in the Senate committee bill has but one duty to perform. He has nothing else to do except to look after this situation. He is appointed for his qualifications and his ability to carry out this law and none other. So that when he would be appointed there could be no other reason given why this man or that man should be appointed to the office excepting for his qualifications to enforce the provisions of the particular statute. That is the only thing.

Then in another part of the Senate committee bill is another safeguard, which provides that the commissioner can be removed by a concurrent resolution of the House and the Senate, so that while he is in office, if he does not do his duty, it is within the power of Congress, without consulting the President, to remove the commissioner. I do not know how to place any more safeguards around him. I would if I could.

I realize, and I realized it fully after having listened for many weeks to the testimony on the packer situation, that there is perhaps not another combination of men in the world whose silent influence is so great and which extends so fully into every quarter and every portion of the country and even of the world. They are connected up with all the great financial institutions of the United States and with many in foreign countries. Their operations go on all around the world. They have, in my judgment, the almost complete control of the main food products that the American people must buy in order to live.

They are prepared at a moment's notice to send one of their representatives to a meeting of the Women's Christian Temperance Union anywhere in the United States, and at the same time send another one to a gambling den or into the barroom of a saloon or into a church or into a farmers' meeting or into a live-stock association meeting, and every one of them will be an expert. They can cover the country all in the same day and keep it up all the time, and the people who produce beef and pork and the people who eat meat pay the bill. If they control a sufficient quantity of the product to control the price, it matters not how many independents there are following along in their tracks, and there are many. The overhead expense in keeping this great machine going is nothing to them. It comes out of us. We pay the money for our own control and our own undoing.

The evidence, volumes of it, is filled with just those kinds of activities—looking after a legislature in Albany and one in Texas at the same time, fighting a pure food bill in Indiana, Kansas, and Illinois all at once, spreading their literature in every home in the way of advertisements in all the magazines and all the papers, big and little, great and small. The people who deal in the products or use the products, whether as producers or as consumers, pay the bill.

Mr. Swift testified on the witness stand that during that year, at the rate they were spending money for advertising, that firm alone would spend $1,700,000 for advertising. There was not a newspaper in the United States, so far as I have been able to find, that did not get part of it. At the little country crossroads and in the great city of New York all of them had paid advertisements, and at a time while the company were dealing in a product the demand for which they could not supply. They were not advertising to sell their products. I have examined hundreds of their advertisements, and most of them said nothing about anything they had for sale.

I looked through the New York papers a year or two ago, and every one of them, as well as Philadelphia and Chicago papers, was carrying half or quarter page advertisements. I remember one in particular that ran through them all, as far as I was able to find, that spoke of nothing except the patriotism of the employees of the particular packer who was advertising, something that no one had questioned, something that everybody would be willing to admit, but it was a way of getting the money out where they supposed it would do some good.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. KENYON. In this connection I wish to ask the Senator about an advertisement I saw in one of our great magazines a short time ago, a whole page devoted to a eulogy of Judge Landis, paid for by Wilson & Co. What was the object of that? Does the Senator have any idea?

Mr. NORRIS. I think the principal object was to get some money into the hands of the magazines.

Mr. KENYON. Judge Landis was the man who called the grand jury together in Chicago some years ago and worked out the indictment of the packers. I wondered just why that advertisement should carry a eulogy of Judge Landis, and I thought perhaps the Senator might know.

Mr. NORRIS. No; I do not know, excepting as anyone, I think, from this mammoth scheme of advertising can know what the object must be.

I figured out once the amount being spent. I took some Swift & Co. and Armour & Co. advertisements and figured it out, and I found that for every hour in the day for every day in the year there was being paid for advertising, only for that one item, more than $1,000 an hour. But that is only one branch. They have an army of men scattered over the country everywhere. They are experts, they are able, they are competent.

I have just happened to think of one advertisement that we have all read, undoubtedly. For a long time it ran through all the papers. It was written in the form of a letter. It began, "Dear Folks." The man who did that was a very able man. His name was signed to it. It usually ran about a column in length. He wrote a series of letters in regard to Wilson & Co., always headed "Dear Folks," and he told what a wonderful organization and what a wonderful institution this thing was. There was nothing on its face to show that it was advertising, but, of course, it was. He went on to show, among other things, how sanitary and how puré everything was, and one of the slogans that he continued to use was, "The Wilson label will protect your table." That cost hundreds of thousands of dollars, and they kept it up.

It is not only the payment of the paper for the advertising, but the man who did the writing was a high-class fellow and worthy of a big salary, and got one without any doubt.

While all that was going on, right here in Washington under the shadow of the dome of the Capitol of the country, there was an agent, a man who represented Wilson & Co., selling the products of Wilson & Co., who was arrested for violating the pure food act. He was selling catsup, and, to begin with, it was news to most people that Wilson & Co. were dealing in catsup, but they were. He was found guilty. They opened the cans of catsup. They had five or six of them there, and they opened them all but one. Every one was short. In fact, after they had all been opened but the one, the prosecuting attorney said, "I will agree now to submit the case on that unopened can and we will open it in the presence of the court. If it is short, you are guilty, and if it is not, I will dismiss the case." They would not do that; but the can was opened and, like the others, it was short.

The agent of Wilson & Co. in that prosecution was fined the magnificent sum of $10. I suppose similar cases were in every wholesale house in every city and in every town almost in the United States; and all of them were short; yet the same paper that carried that little notice somewhere on the inside, without any flaming headlines or anything of that sort, of the trial of a big packer for a petty offense carried prominently a column article setting forth how a Wilson label would protect your table. I only mention it as an instance. It could be multiplied by a hundred thousand.

Mr. President, while I am talking about Wilson & Co. I am reminded of another matter which perhaps I ought to mention. Of course, the people pay all the expenses of the packing companies.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I do.

Mr. SIMMONS. I want to ask the Senator a question. I was very much interested in the statement made by the Senator a little while ago with reference to the multitude of agents who are employed by the packers, all experts, he says, appearing at all sorts of conventions and meetings and representing, in fact, the interest of the packers. I wish to ask the Senator if this vast army of experts who are employed to attend different meetings to use their influence in the behalf of the packers appear generally as the hired agents and representatives of the packers, or does the Senator mean to say that they do not make their employment known?

Mr. NORRIS. Some of them do and some do not. My own idea is that those who are in the employ of and getting a salary directly from the packers, something of that kind, so far as I know, do not conceal their identity. Those who have come in contact with me have not tried to do so.

Mr. SIMMONS. But many others, the Senator thinks, do conceal their identity?

Mr. NORRIS. Yes.

Mr. SIMMONS. Did the committee in the course of its investigations find that the packers employed such agents and sent them out to engage in this sort of service?

Mr. NORRIS. They send them wherever they need to do so. Before I conclude I shall give the Senator several instances where such things have happened.

When the Senator from North Carolina interrupted me I was about to go a little further into the subject of Wilson & Co., but before I conclude I am going to take up the provisions of the bill which have been assailed and defend them as well as I can. Those which I do not think are right I am going frankly to say to the Senate that I am not myself in favor of.

Wilson & Co. is headed by a very shrewd man. Mr. Wilson is a very able man. Wilson & Co., as everybody knows, constitute one of the so-called Big Five. It is not the biggest, but it has had within the last few years a remarkable history. It was reorganized; some other business was taken over some years ago—I think less than five years ago—and Mr. Wilson was placed at the head of it. He was given a salary of $125,000 a year.

That looks pretty big to a man who works for two or three dollars a day and yet pays 60 cents a pound for bacon. That salary is what Mr. Wilson gets now unless his salary has been increased or diminished. I have not heard of it being changed. However, that was not all he got when the reorganized company started out. They made him a present when he became the president of the company of $100,000 in cash. That added a little bit to the price of bacon; but that was not all; they also gave him a bonus of $1,500,000 of the common stock of Wilson & Co.

Mr. NELSON. May I ask the Senator a question?

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. Was he a poor man and in needy circumstances?

Mr. NORRIS. I can not inform the Senator just how poor Mr. Wilson was; but I do not think there is any occasion for his being poor any longer. He was also given, as I have stated, a bonus of $1,500,000 in common stock, which he himself testified he would not sell for par, though at that time it was selling below par. The people have given the company profits enough in the price they have paid for meat and the lower prices that the farmer has received for his hogs to make that stock very valuable.

But that is not quite the end of the story; they also gave him some more besides. In addition to that they gave him an option on $3,500,000 worth of common stock at $10 per share. He took up that option—it was worth more than that—by simply selling a part of it at a high price and paying for the remainder at a lower price. He sold none of it for less than $50 a share and some of it for $55. He had purchased the stock at $10 a share. Of course, the stock did not originally cost anything. When he got through he was the owner of 43,000 shares of stock of the par value of $4,300,000 which had cost him absolutely nothing. In 1917 that stock paid a little over 16 per cent in dividends. That will look good to the farmer who is selling his hogs at less than cost and to the poor devil who is paying 50 cents a pound for meat.

In addition to that, Mr. Wilson was getting the poor man's salary of $125,000 a year, while he had $100,000 to spend as he saw fit without making an explanation as to its expenditure.

Mr. NELSON. Mr. President, was he making any sacrifices when he accepted the employment at the salary the Senator has named?

Mr. NORRIS. No; he probably received an increase in salary over the amount he had theretofore been paid. I am inclined to think he made great sacrifices working so cheaply and working so hard at such a small salary; it probably was a great sacrifice to him; but he was patriotic; he wanted to help the consumers of meat get something cheap to eat, and he was anxious to have the farmer out on the prairie get a little profit on the hogs and the cattle that he raised. He made sacrifices, no doubt.

Mr. SIMMONS. Mr. President, what made his services so valuable to this concern?

Mr. NORRIS. He is not an exception to the general rule. I have heard through the investigation what other packers receive by way of salary, and I think he averages up with the rest of them. His services were not particularly valuable, but it was possible for this kind of an operation to be carried on by men who controlled enough of certain food products to set the prices both for the producer and the consumer. This is only one place where the rake-off takes place. It starts in at the stockyards, where the farmer first sells his cattle and hogs, and it runs clear through until the consumer buys the product.

Mr. NELSON. Mr. President, will the Senator yield to me further?

Mr. NORRIS. Yes.

Mr. NELSON. I should like to ask the Senator another question.

Mr. NORRIS. Very well.

Mr. NELSON. After this man has been so successful, has he built any libraries or started any colleges or sent any missionaries to China or to other foreign countries?

Mr. NORRIS. Not that I know of. I suppose he will have to have an increase of salary before he can do that. He will have to ask a little more for meat at one end and pay a little less for hogs and cattle at the other; then, no doubt, he will be able to perform that kind of an operation.

The Senator from North Carolina [Mr. SIMMONS] asked me about the employees who were sent to various places to look after matters and inquired whether or not they were paid and made known the fact they were paid. A great deal of money is spent in all parts of the country by men who do not appear as employees of these companies. For instance, there has been published in the city of New York for many years a paper called the National Provisioner. I may be mistaken about the name, for I am speaking of these matters mostly from memory, but I think that is the name of a trade paper that goes to the trade in the meat line all over the United States. A man by the name of McCarthy was the editor, manager, or controller of that publication. Mr. McCarthy had died before the Senate hearings took place, but while the hearings were going on there appeared in the committee room one day a man from New York, whose name I can not now recall, but he represented the National Provisioner, and I think he was the successor of Mr. McCarthy. He was very indignant, very much wrought up, and wanted to go on the witness stand immediately in order to refute a charge that had been made against the honest name of Mr. McCarthy. It had been stated that McCarthy had taken some money on the side from the packers while he was running the trade publication.

That charge had been heard by the man who desired to go on the witness stand, and so he went on the witness stand, the committee laying aside everything else in order that he might go on. I am not even charging that this man was not honest; he might have been perfectly honest in everything he said and did. He said he was an old, confidential friend of McCarthy, had known him for years, and had been associated with him on the paper referred to. He resented the idea that against that man's fair name, after he had passed away, there should go out through the newspapers or in any other way a charge that he had ever been guilty of any conduct that was unfair, disreputable, or dishonorable. He said he knew it was impossible for Mr. McCarthy to get a salary from the packers on the side. He told what salary he received from the trade paper and how, when times became hard, his salary had to be increased. The witness might have been perfectly honest in all that he said; and yet, before he left the witness stand, he was presented with copies of correspondence between various packers—documentary evidence, which, by the way, would never have seen the light of day had it not been for the despised Federal Trade Commission—which showed that McCarthy for years had been getting $5,000 a year from the packers, divided up amongst a certain number of the packers; I think three. The correspondence showed that the three packers—if the number was three, and if it was not three it was four—who had been dividing that up and contributing proportionately to the amount, had reached the conclusion that the other big packers ought to bear their share of it; and so the attorney, who was acting as go-between,

wrote them and said, "You have not contributed anything toward this $5,000 item that other packers have been paying. This year we will call on you for your share." One of the packers refused to pay his share, and so they had to go to others or to make another assessment to get enough to pay McCarthy, and they did so.

Now the question arises, Why should the packers pay McCarthy anything? What good could he do them? Well, it developed from the Federal Trade Commission's investigation also that in making some appointments in carrying out the pure food act Mr. Hoover wrote to the fellow who was running the National Provisioner, Mr. McCarthy. He was running a trade paper that went to big and little packers all over, and was supposed to represent them all; and I think it was Mr. Hoover; at all events it was some governmental official in carrying out one of our war statutes who wanted to get the names of some little packers, and he wrote to this man to get them. He got them, but he did not get them until after McCarthy had communicated with the big packers and submitted the names of little packers that were satisfactory to them. I suppose he felt that he was earning some of his salary when he did that.

But, Mr. President, it is worth something to control that magazine that goes to the trade. Here was this witness, if he was telling the truth—and I am inclined to think he was—who was a confidential friend of Mr. McCarthy on the same paper, associated with him, working under him for years, and, as he said, he did not know that McCarthy was getting $5,000 a year on the side. Do you suppose that the packers are paying these men these salaries without getting what in their judgment is value received for them?

Why, there was a great lot of trouble down in Fort Worth, Tex., several years ago, where the packers had a stockyard, owned, as I remember now, by Armour and Swift. If I have made a misstatement in regard to any of these details, and there is any Senator here who knows what the facts are, I shall be glad to have him correct me. I think it was Armour and Swift. There was a newspaper there that was unfriendly, just as in some of the legislatures there was some farmer representative that they would have to look out for and get, either directly or indirectly; and so they wanted this newspaper.

A man bought it. Nobody knew that he was connected with the packers. His readers did not know it. The policy of the paper changed. It was very friendly; and if it had not been for this despised Federal Trade Commission, you never would have known the truth.

Mr. STANFIELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. In just a moment. But they found that this man had borrowed money of Armour and of Swift; and in one of his letters, when he wrote to get an extension of the loan that he had made from them, he called their attention to the difference in the policy of the paper "before taking and after taking."

I now yield to the Senator from Oregon.

Mr. STANFIELD. Is the Senator aware that there are many newspapers in the country that were originated for the purpose of blackmailing not only packers but other industries when they go into a community, in order to misrepresent them before the public and instill ill will against them, and that perhaps the easiest way to cure that forming of adverse opinion would be to see that some one that was friendly and fair took the ownership of that daily paper?

Mr. NORRIS. In the particular case of which I speak there was no blackmailing that I know of, and if the Senator knows it I should be glad to have him tell it, because I will not defend blackmailing; but does the Senator justify this immense expenditure of money by the packers in order to save themselves from criticism of newspapers or editorial writers?

Mr. STANFIELD. If the criticism was unfair to the packers, and detrimental to the best interests of the people.

Mr. NORRIS. They think it is. They never were criticized in the world but that in their judgment it was unfair.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I yield.

Mr. KENYON. On the theory of the Senator from Oregon, it would be the business of Members of Congress, if they had the money, to buy up editors and put men in charge of newspapers who would not criticize their acts in Congress. That would be the ethics of the matter.

Mr. NORRIS. I have heard of men in public life who have done that.

Mr. STANFIELD. Mr. President, if the Senator will yield——

Mr. NORRIS. Yes.

Mr. STANFIELD. I will say that there is a vast difference between a man engaged in a business which is not a public business, where he has invested his capital, and a Senator or a Representative in Congress. It is not likely that a paper will blackmail a Representative in Congress in order to induce him to pay over his money, but that has happened in many instances with private industries, where they have been held up by papers.

Mr. NORRIS. Yes, Mr. President, I have no doubt that is true. I have no respect for the blackmailer; but if the expenditure of this money—which has gone, as far as I know, into every newspaper office in the United States—is because they were being blackmailed, then that is an indictment against every newspaper in America that it is a blackmailing sheet, and, of course, I do not stand for that. I think there are many papers that receive these advertisements that are not controlled or influenced by them. There are many that keep still because of them. There are others that become active supporters of the men who furnish the money to pay for these advertisements.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. This is enlightening, and may account for the evidence which the Senator remembers was given before our committee of the lobby in Washington, and the distinguished lobbyist who was drawing thousands of dollars from various corporations, including the packers, and giving all kinds of dinners and social functions in Washington to those high up in authority. It may have been that that was for the purpose of preventing any blackmail.

Mr. NORRIS. I suppose so.

Mr. STANFIELD. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. STANFIELD. I should like to call the Senator's attention to the numerous other representatives of industries, such as our farmers' bureaus and our grange and lumbermen's organizations and textile manufacturers' organizations. In fact, every principal industry has large organizations that pay out money. It takes money to support them; and I should like to call your attention to the fact that the packer is no exception to the general rule—that of educating the public. If the packer were doing something unfair, and misrepresenting himself, it would be a different matter; but I have not come in touch with any evidence or indication that he was doing any more than attempting to set himself right before the public and educating the public as to the function he was attempting to perform.

Mr. NORRIS. Will the Senator say that at a time when the demand for the products of the packing industry was greater than they could supply, Swift & Co., to be concrete, were justified in spending $1,700,000 in advertising in every newspaper in the United States, when they did not in any of their advertisements try to sell anything, because they could not produce enough to supply the demand that was made on them? Was that good business, or did they have some other motive? Was it to prevent the newspapers from blackmailing them, or was it to blackmail the newspapers and, through them, the people of the United States?

Mr. STANFIELD. Mr. President, if the Senator will yield——

Mr. NORRIS. I yield.

Mr. STANFIELD. I hardly believe that it was for either purpose. I think that perhaps even during the time when the demand was equal to the entire output of Swift & Co. or any other packing company they might go along with their advertising, because they would be aware that there was a time coming when their product would be in excess of the demand; and good business concerns do advertise at all times. Regardless of whether they are oversubscribed in their product or not, they continue their advertising.

Mr. NORRIS. Mr. President, I will submit that proposition to the American people. As I remember, Mr. Swift said at the time he was testifying that they had spent $1,700,000 the year before, and that at the rate they were going then that one firm alone would spend that year $2,500,000 for advertising. I will submit to the honest American citizens the question as to whether there is any justification for that kind of extravagance, and as to whether, when we know that these corporations control the food we eat, we are going to refuse to

give, as the Senate bill gives, any governmental authority the right to go into the books, to inspect them, to find out how far and to what extent this business is going.

Mr. SMOOT. Mr. President——

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. I call attention to the fact that many of the businesses of the United States during the war period spent more money than was ever spent by them for advertisements in any preceding year, and more than ever will be spent again. There was a reason for it, but I never approved of it. I do not think it was justified. I do not think they received very much good from the amount of money they spent; but if the Senator has followed the Saturday Evening Post, which contained page after page of advertising during the war period, there were concerns which did that not because of the fact that they had more goods to force upon the market but for the purpose of keeping themselves before the public, and for this reason: Every cent of their excess profits, if they had not paid them out for advertising purposes, with the exception of 20 per cent, would have had to be paid in taxes to the Government. The papers have been full of it; and the merchants asked themselves: "Is it worth one dollar out of every five to put my name before the American people at this time in a way that under ordinary circumstances I could not do?"

Some of the greatest advertisers in the United States during the war period never have and never will advertise again as they did then, and it is for this same reason, I will say to the Senator, that many of the increased wages that were paid for the simple reason as each reasoned, "Unless I pay this extra donation to the head of this department or the head of that department, the whole of it, with the exception of 20 per cent, will go to pay taxes, and I think I will get more out of it by giving it to the head of some of the departments that have been working for years and years and years as employees of the institution." I think the Senator realizes that that was carried on to an extent that was never known in the world before.

Mr. NORRIS. Now, Mr. President, first let me say that no Senator who is supporting the Senate committee bill is contending that it will cure all the evils surrounding the packing industry. The packers are not the only people who have done this business. They have done it more extensively than any other people; but if we were trying to convict somebody for murder before a jury, and the defense came in and said, "This defendant is guilty, it is true, but his neighbor is likewise guilty," it would be no defense for him.

Mr. SMOOT. There is no defense being made for the expenditure of the money. I was simply calling attention to a condition which existed in this country.

Mr. NORRIS. I am not finding fault.

Mr. SMOOT. I think it was a mistake.

Mr. NORRIS. I understand. I am not criticizing the Senator from Utah, but I am going on with the statement he makes here, assuming it to be true. He has said, and it is a fact, that on account of the excess-profits tax they did not have to pay for all of their advertising; that it came out of the Government of the United States; that is, that they paid that much less tax—above 20 per cent, the Senator from Utah said, which is right. Then, it must follow, if that is the answer to the packers' proposition in regard to this expenditure of money, that they were making more than 20 per cent.

Mr. SMOOT. Oh, no; the Senator misunderstood me. Twenty per cent is one dollar out of five, and——

Mr. NORRIS. Yes; 20 per cent is one dollar out of five. I agree to that.

Mr. SMOOT. The cost of the advertisement was but 20 per cent of the cost. Under the law, only 8 per cent on the capital and surplus was exempt, and all above that was excess profits.

Mr. NORRIS. But the Senator was right before—the 8 per cent is the first bracket. They can make 8 per cent without paying any excess-profits tax.

Mr. SMOOT. Certainly.

Mr. NORRIS. And then they pay on a percentage of the next bracket, a larger percentage on the next one, and so on.

Mr. SMOOT. The Senator is wrong. Wherever it comes into the higher brackets, it all depends on the amount of increase, and 80 per cent is the highest figure.

Mr. NORRIS. I understand; but it goes up just as the income tax does. There is not any dispute about that. I think I know how it goes up, just as the Senator from Utah knows. We agree on that. I took the figures from the Senator from Utah to begin with, but he does not want those now; he is going back to 8 per cent.

Mr. SMOOT. No; I never said 20 per cent; never intimated it, and never had it in mind.

Mr. NORRIS. I beg the Senator's pardon. Now, we will take 8 per cent. Before they would pay any excess-profits tax, they must make 8 per cent net. That applied only, as I remember, where they did not have a rate on the three prewar years, did it not? They were allowed to pay an excess-profits tax on what they made on the average in the three years before the war.

Every one of these packers made a good deal more than 8 per cent. I will give Senators the percentages of profit of some of them before I get through.

Mr. SIMMONS. The Senator means, I suppose, that in determining the capital upon which the 8 per cent was allowed, you took the average of the earnings of the three prewar years?

Mr. NORRIS. Yes.

Mr. SMOOT. That was on the capital and surplus, not the exemption. There never was an exemption of more than 8 per cent.

Mr. NORRIS. But the high rate did not affect their earnings immediately above 8 per cent. We all know what the fact is. Let us not try to get the record wrong. There are different brackets, and they climb up and go up as high as 80 per cent, I believe. There is not any bracket below 8 per cent. You do not pay any excess-profits tax if that is all you make. If you listen to these packers, they will make you believe, through their experts, as they have tried their best to make the American people believe, that they made only 2 per cent. That was one of their misleading advertisements.

Mr. SMOOT. Mr. President, the packers never advertised that they made only 2 per cent on the capital invested. They made 2 per cent on the turnover—that is, on the sales—but no packer I ever knew or heard of ever claimed that they made only 2 per cent on the capital invested.

Mr. NORRIS. Mr. President, the Senator is so anxious to take care of these packers that he does not let me get through with my statement.

Mr. SMOOT. I will not interrupt the Senator again, I assure him.

Mr. NORRIS. The Senator can interrupt me, but I would like to get through with one statement.

Mr. SMOOT. The Senator says I can interrupt him, and then he objects if I do interrupt.

Mr. NORRIS. I said that they tried to make the American people believe that they made only 2 per cent, and no man can take those advertisements, can take that "Dollar" advertisement which Swift sent to every newspaper in the United States, in which was contained a statement that was intended to deceive the people, and reach any other conclusion. That is what the ordinary person would have thought if he believed what he saw, although if you had analyzed it technically you would find that it said, just as the Senator from Utah said, that it was 2 per cent on the turnover. It had not anything to do with the amount they really make in a year, which might be nothing and which might be very large.

Mr. STANFIELD. The Senator refers to the "Dollar" advertisement which Swift & Co. sent out showing their profits. As I remember that, it said, "This is what Swift makes out of each dollar," and showed 1.8 cents. Was there anything misleading or deceptive about that?

Mr. NORRIS. Yes, there was. If the Senator will study it and consider its meaning to the ordinary person, he will, I am sure, admit, that it was not intended to do anything else than make people believe they were not making any money. That was the object of it. One of those years Swift & Co., while they were making a 2 per cent turnover profit, declared a dividend of 33 per cent on their net worth, on their capital stock and their surplus, a great part of which was never contributed by them, but was contributed by the people who buy meat.

When the Senator from Iowa [Mr. KENYON] interrupted me, he made a suggestion which reminded me of another man somewhat similar to this McCarthy, who was at the head of the National Provisioner. That was a man by the name of Logan. Mr. Logan was a newspaper correspondent in Washington, a very bright and able man. As the Senator from Iowa said, he was quite conspicuous in society for a while, and yet nobody has ever charged Logan with lobbying among Members of Congress directly for anything. He was a very high-class man. You would not think the ordinary newspaper correspondent was getting as many salaries on the side as he was.

Now, first, what was he doing? He started in with one paper, I believe, and his ability soon became acknowledged by a great many other publications. He was an editorial writer on one paper in Washington for a while. He was an editorial writer on the great commercial paper in Wall Street, the Wall Street Journal, and to my Republican friends let me say he was an

editorial writer on the American Economist, which we all get and which a great many Republicans swear by. He was an editorial writer on the Fourth Estate, a trade publication which goes to practically every newspaper in the United States, where newspapers would see his editorials.

I am assuming that his editorial writings were able. I have not read them myself, so I am not complaining about them, and probably would not be able to if I had read them. They might have been all right. But when a man is an editorial writer on a great financial journal, and on a paper which circulates altogether among the followers of one political party, and another paper which reaches all the newspapers of the United States, his viewpoint is worth something. It is worth something to have that man write all these articles from the right viewpoint.

What transpired? It was found that while he was engaged in this lucrative business of writing editorials for all these publications, this man was getting $500 a month from Swift & Co. As far as this bill is concerned that is as far as I ought to go, probably; but that is not the only corporation which paid him, and, as a matter of fact, the truth is, when it is once understood and known, the packers and other similar corporations are intertwined and interlinked in all kinds of ways. Logan was getting $500 a month from Swift & Co.; but he was getting $500 a month also from the Standard Oil Co. of New Jersey; and $500 a month from the Standard Oil Co. of Indiana; and $700 a month from the Atlantic Refining Co., which is a subsidiary of the Standard Oil Co., I understand; and $500 a month from the Freeport Sulphur Co., and $500 a month from the General Electric Co. With all his writings for newspapers, and all his salaries from these corporations, including the packer corporation, he ought to have been able to keep the wolf from the door.

Mr. CARAWAY. Mr. President, what pretext was offered for paying him these salaries?

Mr. NORRIS. I am coming to that. Let me say again that had it not been for this despised Federal Trade Commission we never would have known that Logan was drawing $500 a month from Swift & Co. while he was writing editorials for us to read in a Washington paper, while he was writing editorials for the bankers of the country to read in the Wall Street Journal, while he was writing articles for the newspaper men of the country to read in their great trade paper. None of them ever suspected that this man was being paid on the side by Swift & Co., by the Standard Oil Co., by the General Electric Co., and by the Freeport Sulphur Co., in most cases $500 a month, and in one case $700 a month.

The question arises, just as the Senator from Arkansas has propounded, What is the excuse for it? Let every Senator ask himself the question, What is the excuse for it? Mr. Logan went on the stand and admitted that he was getting $500 a month from Swift & Co., and when asked to tell what he did to earn the $500 a month he said that he was an expert adviser on publicity, and that is how he got all this money from all the other corporations which were paying him these large salaries. But when he was asked to produce a single letter, a single memorandum, or a single advertisement that he had ever written, that he had ever made while he was drawing this salary, he was unable to do it, and he did not do it.

When Mr. Swift testified, he said the same, that he was an expert adviser on publicity, and yet in all this great advertising scheme about which I have told, in which Swift spent in one year $1,700,000, nowhere was there a trace or a track of Logan, and it was admitted that he never wrote an advertisement, not a single one.

But it did happen, and it was disclosed, that Logan did a good many other things that were not in the line of his employment. As the Senator from Iowa has suggested, his connection here—and any man in Washington who has as much money as he was getting could get almost any kind of connection he wanted—was very high. He gave very fine dinners, and so forth. But in every instance where there was a letter from him to Swift & Co. or a memorandum on which Swift & Co. acted—and there were a good many—it was about something else, never about publicity, never about advertising.

Not in a single instance was there anything of that sort, but he gave Swift & Co. notice of what the pure food bill was going to contain before we knew it in the Senate. Swift & Co. in Chicago knew before Members of Congress knew what was going to be provided in the pure food bill, and when we take into consideration that during those stormy days Congress was more or less a rubber stamp for the President, it can be understood that he would not have had to consult Congress to know what Congress was going to do. He sent them valuable information. He advised them what to do to get ready for the pure food act. I do not know how many things there were that never were disclosed, but never yet has it ever been disclosed that he ever did a thing in the line of what he said and what his employer said he was getting $500 a month for from Swift & Co.

So, in answer to the Senator from North Carolina and the question which he propounded quite a while ago, there are a great many people who are not known to be getting salaries who are, as a matter of fact, and they are engaged in some other business. The real reason this money was paid to men like Logan, not only by Swift & Co. but by these other corporations, was in order to control the various editorials that he and others wrote for the various influential and powerful magazines and newspapers that went into every bank and every home in the land, and in addition to which, of course, was the direct information he obtained as to what was going to happen in the way of legislation in Washington.

Now, Mr. President, how are we going to handle this subject? Are we going to say that these great corporations shall not be controlled through legislation? It is said there are some things in the bill that are harsh. There are things in the bill that I am sorry are necessary to have in a bill, but unless we give some one the right to investigate, unless we give some one inquisitorial authority to go into their books and into their places of business, we will never find out these things, we will never be able to legislate, we will never be able to convict them of a crime. We can not convict $100,000,000 unless we have some way to investigate behind the scenes and get evidence that can not be disputed.

That is all the bill provides. There is not a place in the Senate committee bill, though I think some Senators have gotten a contrary idea, which provides otherwise than that a man can not be convicted of a criminal offense until after he has had his day in court. It is made the duty of the officials of these corporations to permit this investigation, and if they refuse to let the properly authenticated official go in to investigate their books, then they can be brought to trial and that will be before a jury. There is nothing in the Senate committee bill which makes the violation of a rule or regulation a criminal offense until after there has been an opportunity to be heard and until the order is made that they shall desist and cease any unlawful practice, and not then until they violate that order, and then they are tried by a jury. If I could get along with less drastic legislation, I should like to do it.

Armour & Co. started in 1869 with the investment of $120,000, and the first year they made $80,000—66⅔ per cent. They got back practically all of their investment in that year. The next year they made 24.5 per cent, and so on down I can give it in any year except three, which I do not happen to have. One of the lowest years they ever had was in 1894, I believe, when out in the western country at least you thanked God if you were permitted to live, when nobody out there made anything. That year Armour & Co. made 5.6 per cent. The year 1904 was another year when everybody went to pieces all through the West, when there was not a farmer west of the Mississippi and east of the Rocky Mountains who did not lose money, who was not poorer at the end of the year than he was at the beginning. That year Armour & Co. made 4.2 per cent. That seems to be the lowest they ever went. In one year they made in one year 75 per cent, another year 24 per cent, and then on down 28 per cent, 77 per cent, 30 per cent, 60 per cent, 60 per cent, 37 per cent, 34 per cent, 35 per cent, 64 per cent, 43 per cent, 31 per cent, 7 per cent, 24 per cent, 14 per cent, 13 per cent, 12 per cent, 18 per cent, 15 per cent, 14 per cent, 10 per cent, 16 per cent, 16 per cent, and so on; and in 1918 they made 12.6 per cent.

Now, let us see about their capital. They started about 50 years ago with a capital of $160,000. The business has earned $179,270,000—that was up to 1919, a year or two ago—of which $29,866,000 has been paid out to partners and stockholders and the balance invested in the business.

The actual contributions of the stockholders—now, get this and see how much the stockholders have put in—were limited to the original investment of $160,000, the Kansas City investment of $10,125,000 in 1900, which was largely property built up on some unknown original cash investment, and $3,725,000 cash received from preferred stock in 1918. The total stockholders' contributions in cash and property did not exceed $14,000,000 in 50 years, and the Federal Trade Commission say they were probably much less.

Now, I know that it will be contended that when a business like one of these packing concerns makes a big per cent of profit and sets it aside as surplus that they afterwards have a right to issue stock for it. As a technical legal proposition that is true. But they have no moral right to do it provided in the

meantime they have been getting reasonable returns on their invested capital.

There has been capital stock issued by the packers in various amounts which came out of their earnings. One hundred million dollars of the capital stock of Armour & Co. came out of their profits. They got these large per cents of profit that I have been reading in addition to that. The dividends I have given you, running up as high as 77 per cent, were paid them through all these years, and yet in the 50 years in which they have operated in addition to all that, there has been $100,000,000 contributed by the people that they have capitalized, and upon which they are now compelling the consumers of the country to pay what they call a reasonable dividend. Swift & Co. have $50,000,000 of that kind of capital stock. Wilson & Co. have $20,000,000 of that kind of capital stock. The Cudahy Packing Co. have $12,777,000 of that kind of capital stock.

Now let me make reference to Morris & Co.—and this is interesting when given consideration in connection with the famous five to four decision of the Supreme Court, in which stock dividends were held to escape income tax. Just listen to this: Morris & Co. issued a stock dividend amounting in round numbers—I figured it out hurriedly here at my desk, and it may be a few points either up or down—of 1,233 per cent in 1921. Of course, it will be said that is nothing, that it was their money, which it was. They never contributed a penny of it themselves, but it came out of the producers and consumers of meat. Thirty-seven million dollars that amounts to, and no tax to pay. That is a stock dividend.

Mr. SMITH. May I ask the Senator was that an accumulated-stock dividend that went over a series of years?

Mr. NORRIS. Yes, sir.

Mr. KENYON. That was after the decision of the Supreme Court.

Mr. NORRIS. Yes.

Mr. President, I could go on almost without end from the evidence that has been brought out. I only have given to the Senate a few illustrations in order to show the general rule.

Mr. STANFIELD. May I ask the Senator a question?

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. STANFIELD. Will the proposed Senate committee amendment limit the profits of the packers?

Mr. NORRIS. No.

Mr. STANFIELD. It will not make any difference, or it should not make any difference, with their earnings at all; the earnings of the packers might be just the same as now or they might be 5 per cent or 10 per cent higher or lower?

Mr. NORRIS. There is nothing in the bill which limits the profits of the packers. The Senator does not want to limit their profits, I suppose?

Mr. STANFIELD. I was wondering if it did give that relief or if it was going to give that relief.

Mr. NORRIS. Will the Senator support the bill if we propose an amendment to limit the profits of the packers?

Mr. STANFIELD. No; not if it should at the same time limit their efficiency.

Mr. NORRIS. Of course, they would say it would limit their efficiency. Their efficiency consists chiefly in making big profits. They are very efficient in that respect.

Mr. President, what does this overhead mean to the packers? They have nothing to do but to raise meat a cent a pound or cut down a cent in the price which is paid to the farmer and it is fixed up in the twinkling of an eye. I have not gone into the stockyard proposition, where some of the most unheard-of things have happened, and the people have been helpless.

The Senator from Oregon [Mr. STANFIELD] asks, Will this bill limit the profits of the packers? I say, no. We are merely trying to get where we can obtain real publicity.

The Federal Trade Commission, which investigated the packers, Mr. President, was put on the rack, and every big business—not the packers alone, but every other big business, and every allied financial industry—jumped onto the Federal Trade Commission. They started a propaganda over this country, that has never before been equaled in any similar transaction, condemning the Federal Trade Commission. They did not come forth and deny that what the Trade Commission said was true, but they condemned the Federal Trade Commission for giving the information to the people. The people were startled when the conditions were given publicity.

Mr. President, the Senate committee bill undertakes to give to the commissioner the right to go into all of the offices of the packers and to examine their books. It provides that he can say what system of bookkeeping shall be used and how the books shall be kept. The bill is drastic in that respect, but I do not know how to accomplish anything and be less drastic. If I did, I should do so.

Mr. STANFIELD. Does the Senator from Nebraska mean to say that the commissioner may establish a different system of accountancy than the one which the packers have accepted now?

Mr. NORRIS. Yes, sir; that is what I mean.

Mr. STANFIELD. And change all their books?

Mr. NORRIS. Yes.

Mr. STANFIELD. And their method of keeping records?

Mr. NORRIS. That is true.

Mr. STANFIELD. Can the commissioner compel the packers to make that change repeatedly, or only once? May he change their books this year and then change them the next year or the next month?

Mr. NORRIS. I suppose, under the proposed law, he could change their books repeatedly. That is going to be the argument; that will be the packers' argument; that we propose to give a man authority to come in and change the books, and he will come in to-day and he will come in to-morrow and he will come in the next day and change them and will keep that up forever. That has been the argument which has been made here against that proposition. It will be further said it is going to cost the packers so much money that they can not do it.

The facts are that everybody who has looked into the matter understands that even the Federal Trade Commission, on account of the packers' systems of bookkeeping, was unable in hundreds of instances to ascertain just what had happened, and we never shall correctly obtain this information until we provide for the packers, as we provided for the railroads, a uniform system of bookkeeping. To say that the man who is going to provide for the packers a form of bookkeeping—perhaps he will not change their system; perhaps he will only make some slight modification of it—is going to use that power to put the packers out of business is simply to say that the man who shall be so charged with carrying out this bill will be a rascal and selected because he is a rascal. Nobody wants to do that; but if there is anything in bookkeeping—and every Senator knows there is, and that bookkeeping sometimes covers up as well as reveals—somebody must have the authority to provide a uniform system for all the bookkeeping of these institutions and must compel them to follow that system. Then their books will show what actually takes place.

Now, let me take up the bill. I have taken more time than I had expected, but I have not yet nearly gotten through with it. I shall not take the time of the Senate to define the difference in the two bills in reference to the powers and duties of the commissioner and the Secretary of Agriculture. That has been done; I have explained my theory of it. I may be wrong; but if the Senate bill is passed it will go to conference. Of course, the Senate conferees would expect they would have to give way on a good many items. They may have to give way on that proposition. I am not condemning the House bill because it provides that the Secretary of Agriculture shall have the power; but, as I have said before, in my judgment, in view of the fact that the Secretary of Agriculture is a political appointee, selected without his having any especial knowledge of the subject, with his tenure of office uncertain, subject to removal to-morrow, when a different man would come in who knows nothing about the business, the chances are that, with all the ramifications of the packers through financial institutions and kindred corporations, they will be able to name a Secretary of Agriculture without the President who makes the appointment knowing that behind it all and covered up somewhere the real reason for his appointment is his friendship for the packers. Everybody has confidence, so far as I am aware—I know I have—in the present Secretary of Agriculture. So I am not speaking of a man; I am speaking of a principle only.

I now wish to take up some of the provisions of the bill which were discussed and have been objected to. If there is a Senator who thinks any provision of the bill is objectionable, I should be glad to have him interrupt me and inquire about it. As I said before, I am not responsible for everything that is in the bill; there are some provisions in it that I had rather would be out of it, and I think I shall move to strike one or two of them out. I am going, on behalf of the committee, to move to strike out a provision which I think got into the bill by mistake.

I now take up Title III—Duties of packers and operators—and read as follows:

SEC. 12. It shall be unlawful for any packer to—

(a) Engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers, or unreasonably affecting the price of or creating a

monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

Mr. STANFIELD. Mr. President, will the Senator yield to me again? I should like to ask a question there.

Mr. NORRIS. I yield.

Mr. STANFIELD. What do the words "substantially to lessen competition" mean? If by establishing a lesser price competition was eliminated, would it be an unlawful act on the part of the packer to lower prices?

Mr. NORRIS. I should not think so.

Mr. STANFIELD. The Senator would not so construe the provision?

Mr. NORRIS. I will say to the Senator as to subsection (c) to my mind that is a difficult question and I am not satisfied whether the subsection ought to be in there or out. There are some evils which ought to be corrected, but there are some dangers in connection with it, I admit. When enough power is given to a man, as must be given to any man who undertakes an investigation of the character proposed, to go into these matters, under the power given him he may do harm, if he wants to; I admit that; but that is true of all kinds of business, it is true of every regulation; we can not escape it.

The Senate bill provides that any investigator or Government official who acquires any information and discloses it contrary to the provisions of the bill is guilty of a misdemeanor and can be sent to the penitentiary and made to pay a fine. We tried to surround it with all the protection possible.

Now, reading a little further, there are other provisions on page 38, which Senators have probably read, making certain acts illegal; but, Mr. President, practically every one of those acts is illegal now; almost every one of them would be a violation—I am not sure but that every one would be a violation—of the Sherman antitrust law.

The provisions set forth are not much more than a codification of existing law. If the bill stopped there it never would accomplish any good. It is impossible to convict anybody under such provisions unless there is some way of getting the evidence, and the evidence is all in the possession of the packers. That is the reason the subsequent sections must come in the bill. Further on, in section 14, it is provided that—

No operator shall engage—

That means, in the main, a commission merchant—

in any unfair or unjustly discriminatory practice—

And so forth; which is practically the law now.

Section 15 provides:

It shall be the duty of every packer and operator to comply with the provisions of this act and the rules, regulations, and orders which the commissioner, with the approval of the Secretary, may from time to time prescribe in conformity with this act.

It is made the duty of the packers, in other words, to obey the rules as well as the law. That is offered as an objection. I am one who has always looked with a jealous eye upon the granting of power to convict any man or establish a criminal offense for the violation of a rule or regulation that is not set out in the statute; but we can not set out here—no living man could set out here—every rule and every regulation that will be necessary to properly care for this big business. We do not make the violation of those rules a crime until after a hearing and after a notice and after an order, upon which the defendant can go to the Supreme Court of the United States, if he wants so to do. An order is issued that forbids him to do a certain thing; then if he violates it he is guilty; and even then he is tried by a jury. All this talk about making a rule and somebody being sent to the penitentiary for its violation when he does not know and does not have any chance to know anything about it, does not mean anything; there is nothing like that in the bill.

It is made a crime to hinder an investigation; it is made a crime to submit a false report. Why should it not be? It is made a crime to prevent the investigator from examining the books. Why should it not be? If we are going to give the commissioner power to examine the books we must make it a crime to prevent their examination, or he will never be permitted to examine them; do not forget that.

Now, what is the procedure when the rules and regulations are violated? Section 20 provides that—

Whenever the commissioner believes that any packer or operator is violating any provision of this act or any rule, regulation, or order issued hereunder, he shall cause notice in writing to be served upon such packer or operator, specifying the alleged violations, and—

Now notice, he must be served with a notice "in writing," and it must specifically state what is wrong and the definite charge must be set forth, just the same as in any other litigation the bill of complaint originating the action must set out definitely the charge or complaint—

specifying the alleged violations and requiring such packer or operator to attend and testify at a hearing before him at a time and place designated therein—

He fixes a time and notifies him to appear—

and at such time and place the commissioner shall afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commissioner, with the approval of the Secretary, may prescribe.

What is wrong about that? Need any honest man be afraid of that? Is there any danger there to the man who has a good defense to a charge against him that he claims is false? Has he been punished for a violation of a rule or regulation without any notice, without any opportunity to defend himself?

Now, listen. I read on:

If, after such hearing, the commissioner finds that such packer or operator has violated any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served—

Now, listen. You would think from the argument that has been made against this provision in the bill that when the commissioner made that finding he was going to send the packer to jail right off; he saw the penitentiary doors opening right before him, and he was pushed right in without any opportunity to defend himself. See what the statute says:

and shall issue and cause to be served on such packer or operator—

He is not even under arrest; he is not even in custody—

shall issue and cause to be served on such packer or operator an order requiring such packer or operator—

To do what? To pay a fine? To go to jail? No—

to cease and desist from continuing such violations.

The commissioner finds that the packer has violated the rule, the regulation, or the order, and the only thing he has power to do to him is to say, "Stop! Do not do it any more." And if he stops, that is the end of it. Is that vicious? Is that going to hurt an honest man? Is it sending anybody to jail for violation of a rule without a trial? Have we so much sympathy for these great packers that we will not even permit a commissioner to say, "Stop doing wrong"?

Now, let us see what happens after that:

Requiring such packer or operator to cease and desist from continuing such violations.

That is not bad. Is there any honest man who is afraid of that? Will that hurt even a packer who is so sensitive and thin skinned?

Mr. STANFIELD. Mr. President, will the Senator yield for just a moment?

Mr. NORRIS. Yes.

Mr. STANFIELD. Referring back to line 8, on page 43, it says:

Or of any rule, regulation, or order issued hereunder.

Mr. NORRIS. Yes.

Mr. STANFIELD. Those would be rules that would be made by this commissioner outside of the law.

Mr. NORRIS. Yes; with the approval of the Secretary of Agriculture.

Mr. STANFIELD. And then they can ask the packing concern to cease.

Mr. NORRIS. Yes.

Mr. STANFIELD. On the opinion of these two people they can practically enact a law under which the packer will become a criminal.

Mr. NORRIS. They will hear the evidence; and I am not through with reading the statute. If they find against him he can go on to the court. He does not need to take their word or their finding. I think they would be at least as good as a justice of the peace in an ordinary suit. If I sue the Senator for $100 before a justice of the peace, and I have no right whatever to recover, and I go on and get a judgment by false testimony, and he does not appeal it, it becomes as final as though it were approved by the Supreme Court of the United States; but there is a method of appeal in the law. The Senator always assumes that when we are going to do anything with one of these packers we are trying to do something wrong.

The first law that was ever proposed providing for a justice of the peace court might have been objected to on the same ground. They might say: "Why, suppose a rascal becomes justice. Suppose he is a bad man and he finds an innocent man guilty." Now, that might happen; that is true.

Mr. STANFIELD. I never have known of a justice of the peace promulgating rules of law, or rules that should act as laws.

Mr. NORRIS. Probably a justice does not in all jurisdictions; but there is not a court of record in the United States that I know of that does not have power to make rules, and if the Senator goes in there and violates one of those rules the court can, if it wants to, send him to jail for contempt. Why, that is a common thing. Just a few steps down here is the Supreme Court of the United States, which makes its own rules, and if you violate those rules you may subject your client to the loss of his case, which might mean $40,000,000. The Supreme Court makes those rules and it enforces them.

Now, then, this bill goes on and tells about what shall be done. I do not know that I ought to take the time to read it all; but it goes on and provides that if the packer is dissatisfied with the decision, he appeals it, and it goes to the circuit court of appeals, and the circuit court of appeals takes it up and has a hearing. If that court finds that the matter has not been tried properly, if it finds that the commissioner has not done the right thing, it orders it back to the commissioner and orders him to take more testimony. It practically orders a new trial, and the case goes back, and new testimony is taken, and it comes back again to the court. If the court finds it all right, the court approves it to begin with. If the court finds there is nothing to it, that the commissioner is wrong, the court dismisses it and the man goes free. He has never been in jail. He has never been in the shadow of a jail. No rule or regulation has ever clouded his countenance.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. NORRIS. I do.

Mr. WADSWORTH. I make the request of the Senator with a good deal of hesitancy, because I do not really feel competent to discuss the legal phase of the bill; but may I ask the Senator this question: Has the circuit court of appeals any jurisdiction over the reasonableness of the rule laid down by the commissioner?

Mr. NORRIS. Let us see what the statute says. I am reading part of section 21 now, at the bottom of page 44:

> No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such packer or operator for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commissioner.

Mr. WADSWORTH. Yes. Now, I am not referring to the order, but I am referring to the original rule. Suppose the commissioner—now, this may be an exaggerated illustration; I do not mean to have it taken word for word, but this point is brought up, I think, in the question of the Senator from Oregon in a way; perhaps he had it in mind—suppose the commissioner issues a rule or regulation which imposes an almost impossible condition of affairs upon a man engaged in one of these businesses. The man violates that rule. The commissioner then gives him a hearing, and it is proved upon the hearing to the commissioner's satisfaction that the man has violated the rule. Then may the business man appeal to the court, and bring before the court the question as to whether that original rule is not an utterly impossible thing?

Mr. NORRIS. Taking the Senator's illustration, it seems to me that if I were the judge, and the commissioner had made that kind of a rule, I would hold that it was beyond the jurisdiction of the commissioner. The commissioner can not make a rule that is impossible of performance, and no court would hesitate to set it aside or to hold that he had no jurisdiction to try a man for a rule that he had no right to make in the first place. If the rule was contrary to the law, if it infringed the statute, of course he would have no right to make it. He can not make a rule that is contradictory to the law. He can not require a man to perform an impossibility; and, in my humble judgment, if the rule were of such a nature that it appeared to have been made for the purpose of making it difficult to comply with it, the court would set it aside, or at least it would give all kinds of opportunity to be heard on it and to carry it out.

Mr. WADSWORTH. Then the Senator thinks that that phrase, on page 48, line 4, "beyond the jurisdiction of the commissioner," is the saving phrase in that case?

Mr. NORRIS. Oh, no; I do not think so. I think they are all saving phrases. "Infringes the Constitution of the United States" is another one. I think that would be true if it were not put in the law. I do not think that adds anything to it.

Mr. WADSWORTH. As the Senator knows, sometimes with the best of intent a Government official will issue a regulation, and it may be possible to comply with it, but compliance with it imposes such conditions upon the business itself as to discourage anybody from going on with the business. I have heard of such rulings.

Mr. NORRIS. Yes; I concede that.

Mr. WADSWORTH. After much argument and trouble, and the employment of attorneys, and hearings and rehearings, generally those rules are finally modified if there is nothing to the contrary in the statute itself. My criticism of this would be—and it is the criticism of a layman, may I again assure the Senator—that the court is not specifically authorized to pass upon the reasonableness of the rule itself.

Mr. NORRIS. I shall have no objection, so far as I am concerned, if the Senator will propose an amendment to provide for that. I realize, as I have said before—I do not want anybody to misunderstand me—that in order to carry out this kind of a law we must confer upon somebody power and authority that can be abused. Why, Mr. President, that is true of every executive officer that we have. The President of the United States, if he wanted to, could get us into war with any country on earth in less than 30 days, and we could not help ourselves. Everybody knows that. Why, if we were making a constitution, and we were as solicitous about the people as some people are about the packers when we pass a law, we would say, "You must not have a President, because he is liable to be a malicious fool, and to run us into war"; and you could not deny it. He might be. There is not a judge on the bench anywhere in any United States court or State court but that could send innocent men to jail and to prison. Sometimes they do it, I think; but shall we abolish our judicial system because of that? When you give a man power, he may abuse it; I do not care what it is. We have tried to safeguard this power; and I will support any amendment which, without taking away the power to make a proper, honest investigation of the packers, will protect every innocent, honest man anywhere and everywhere.

Mr. President, I am not through, but I want to be able to finish, and probably it might be as well now as at any time, since I happen to have that part of the bill before me, to take up an amendment on page 42. I think there will be no objection from any quarter. It is in reality a committee amendment. This language I am moving to strike out appeared twice in the bill, and was to be stricken out in both places, but I find that when it was printed it was only stricken out in one place. The amendment is on page 42, line 7, after the word "court," to strike out these words:

> Each day during any part of which a condition, practice, omission, or course of action punishable under this section is maintained or continued shall constitute a separate violation thereof and shall be punished as a separate offense.

I move to strike out those words.

The amendment to the amendment was agreed to.

Mr. NORRIS. Now, Mr. President, before the Senate recesses, I would like to say, particularly to the Senator from New York [Mr. WADSWORTH], who has made a suggestion about the reasonableness of rules that the commissioner can make, if there is any danger in it which ought to be corrected, the committee will not object to any amendment which will make it certain.

Personally, I think that one of the vital things in this legislation is the taking away of the jurisdiction of the Federal Trade Commission, and if the Senate committee bill is not agreed to I shall move to amend section 405 of the House bill by striking out of said section paragraph (b), which is the one I read at the beginning of my remarks, which takes away the jurisdiction of the Federal Trade Commission, and in lieu thereof inserting the following:

> Nothing in this act shall affect or take away any of the powers or jurisdiction of the Federal Trade Commission.

I think I will offer in effect the same amendment as to section 5 of the Senate committee bill, to strike out the section and insert the same language. If I offer those amendments, they will not be committee amendments; they will come from me personally. I offered an amendment to that effect in the committee and it was defeated.

Mr. McCORMICK. Mr. President, I should like to ask the Senator if he thinks there is any prospect of a conflict of jurisdiction between the Department of Agriculture and the Federal Trade Commission?

Mr. NORRIS. No. The Senate committee bill as it now reads gives to the Secretary of Agriculture the authority to call on the Federal Trade Commission to make an investigation any time he wants to on any of these matters, and that part of it received his approval, I understand. It is a difficult matter to know just the right thing to do, and there will be instances, if we pass either the Senate committee bill or the House bill, when there will probably be nobody who will investigate; and that is the reason I am so jealous to retain the administration and the authority of the Federal Trade Commission.

Let us take an instance. Suppose the Federal Trade Commission are investigating the complaint of one manufacturer of clothing against another for unfair competition, which is one of the common kinds of work they do. That clothing is made of wool, which comes from sheep, and that in turn comes through the packers. There would be a very serious question, if we should pass the House bill, as to whether the Federal Trade Commission would be allowed to make that investigation, because wool is one of the by-products of the packing industry, and the jurisdiction is given to the Secretary of Agriculture by the House bill and to the commissioner by the Senate committee bill. The Senate committee bill goes so far as to give the Secretary of Agriculture the right and authority to ask the Federal Trade Commission to make an investigation, and they could do it then and save the situation. But these things overlap, and I am afraid there is grave danger that the jurisdiction of the Federal Trade Commission in various things that are on the first blush not connected with the meat-packing industry will be affected and taken away, and I ask Senators to consider that seriously.

Mr. CARAWAY. Under the Senate committee bill the by-products are no longer under the control of the Secretary or the commissioner after they cease to be the property of the packer. So, under the Senate committee bill that conflict can not arise.

Mr. NORRIS. Mr. President, it was desired by a good many Senators who are anxious to get away to-morrow that we vote on this bill to-morrow, but in consultation with several Senators who are interested in the matter we have reached the conclusion that it will be an impossibility to get a quorum to-night, and hence it would be useless to make the request. But I give notice now that to-morrow when we convene I shall try to get an agreement for a final vote on the bill, not so much on my own account as on the account of several Senators who are anxious to get away.

Mr. SMOOT. The Senate will recess to-night instead of adjourning?

Mr. NORRIS. Yes; I shall ask that a recess be taken.

Mr. KENYON. I ask leave to have printed in the RECORD, in parallel columns, an analysis of the bill as it passed the House and the Senate committee bill, with the material points of difference. I think it may be helpful to Senators in studying the bills. While I did not prepare this myself, it has been prepared by a gentleman in whom I have confidence.

Mr. NORRIS. Instead of putting it in the RECORD will not the Senator have it printed in bill form? I had that done with a compilation I had, but the work was of no consequence whatever, because the parallel columns were printed just as the bills run, and the subjects were not put opposite each other. The Senator from Iowa has it properly arranged, I understand.

Mr. KENYON. It takes up each section and compares it with the corresponding section in the other bill, and there is a short résumé. I ask that it be printed in the RECORD.

Mr. McCORMICK. Do the corresponding sections appear opposite one another irrespective of their numerical sequence in the bill?

Mr. KENYON. Yes; that was attempted.

Mr. McCORMICK. That seems to be important for our understanding of the matter.

Mr. KENYON. It is not a perfect paper, but it will be helpful.

The VICE PRESIDENT. Is there objection to the request of the Senator from Iowa?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SENATE AND HOUSE PACKER BILLS.

MATERIAL POINTS OF DIFFERENCE.

HOUSE BILL.	SENATE BILL.
(1) In addition to cattle, sheep, and swine, which are covered by the Senate bill, includes— (a) Horses, mules, and goats. (b) When handled in connection with the packer business, dairy products, poultry, poultry products, and eggs.	(1) Forbids any packer, after two years from date the act becomes effective, owning or controlling or having any interest in any stockyard, directly or indirectly, by community of stock ownership, or otherwise, unless the commissioner shall find that such ownership or control or interest is not in violation of the purposes of the act or that the packer has been unable, despite due diligence, to dispose of such ownership or control or interest, in which case he may extend the period.
(2) Does not apply to stockyards having an area of less than 20,000 square feet. The Senate bill applies to all.	(2) Confers investigational authority not contained in the House bill and broader than the authority in the annual appropriation act. The provision is: SEC. 6. The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations of and the ownership of stockyards. He shall likewise compile and furnish to producers, consumers, or distributors, by means of regular and special reports, or by such other methods as he deems most effective, information respecting the condition of the live-stock market and the supply, demand, prices, and other conditions affecting the market.
(3) Forbids rebates, but expressly provides that this shall not prohibit a cooperative association of producers from bona fide returning to its members, on a patronage basis, its excess earnings on their live stock, subject to such regulations as the Secretary may prescribe. The Senate bill does not contain this provision.	(3) Forbids conspiracy to prevent any person from competing. This provision is not in the House bill.
(4) Forbids, as to packers, undue preference to any person or locality. The Senate bill does not have this provision.	(4) Preserves the powers, rights, duties, and obligations of the Federal Trade Commission act for the purposes of this act, but terminates the authority of the Federal Trade Commission with respect to live stock and live-stock products except where the commission is directed to make an investigation by the President, the Secretary of Agriculture, or either branch of Congress.
(5) Makes it unlawful for any market agency or dealer to carry on his business at a stockyard which the Secretary finds subject to the act, unless he registers with the Secretary his name and address, character of business, and kind of services. The Senate bill provides for voluntary registration, as will be indicated below.	(5) Provides for voluntary registration of packers and operators. They are entitled to registration if— (a) The location, character, and extent of their accommodations and facilities are found suitable and adequate for the proper conduct of their business. (b) Their financial resources, credit, and standing are sufficient to assure safe conduct of the business. (c) They agree to comply with and abide by the requirements of this provision and the rules, regulations, and orders of the commissioner. Every registrant is required to conduct his business in a just, fair, and efficient manner and to keep accounts and records and submit reports to the commissioner. The reports shall be open to public inspection. The commissioner may make inspections of the places of business and operation of registrants.

In return for submitting themselves to the regulations prescribed for registrants, the commissioner is required to do the following things for them:

(a) Furnish to them reports embodying existing knowledge of satisfactory and economical applicants and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail experienced persons to advise them.

(b) Cooperate with them in procuring adequate services by common carriers.

(c) Furnish to them all available information as to supplies of foodstuffs handled by them, and the location and movement and transportation costs of such foodstuffs.

(d) Provide, when requested, for inspection of live stock, live-stock products, or perishable foodstuffs, received or distributed by them, to determine and certify the quality, quantity, or condition thereof. Any such certificate is made prima facie evidence in any of the courts.

Any certificate of registration may be revoked by the commissioner for violation of the law or any rule, regulation, or order thereunder, and it is made a misdemeanor for a person to forge, alter, counterfeit, or, without proper authority, use any certificate of registration.

(6) Does not contain a provision protecting cooperative associations of producers.

(6) Provides that the authority which it confers as to interstate commerce may be exercised as to commerce wholly within the State when this is necessary for the protection of interstate commerce. This provision is not in the Senate bill, but probably would follow as a matter of law, anyway, under the Supreme Court decisions.

(7) Penalizes false entries, false statements in a return or report required by the act, altering accounts or records, obstructing Government agents in performing their duties, failure to answer under oath, or otherwise, correctly, all questions being investigated under the act, or to produce records.

(7) Requires stockyard owners and market agencies to file with the Secretary, and print and keep open to public inspection at the stockyard, schedules showing all rates and charges for stockyard services, and authorizes the Secretary to prescribe the form of schedules.

(8) (a) Forbids any changes in the scheduled rates or charges except after 10 days' notice to the Secretary and to the public, filed and published as required with respect to the original schedule.

(b) The notice must plainly state the proposed changes and the time they are to go into effect.

(c) The Secretary is authorized, for good cause shown, to allow the changes on less than 10 days' notice.

(d) Upon the filing of schedules for new rates or charges or a new regulation or practice affecting them, the Secretary, either upon complaint or his own initiative, upon reasonable notice, may order a hearing concerning the lawfulness of the rate, charge, regulation, or practice, and, pending the hearing, upon filing with the schedule or delivering to the person filing it a statement in writing of his reasons, may suspend the operation of the schedule and defer the use of the rate, charge, regulation, or practice for not more than 30 days beyond the time when it would go into effect, and may extend the suspension for 30-day periods until the hearing can be concluded. After the hearing the Secretary may make an order finding the rate unreasonable and prescribing a reasonable rate.

(9) Authorizes the Secretary to apply for an injunction to restrain the violation of an order appealed to the circuit court of appeals.

(10) Authorizes the Secretary to investigate any complaint and make an award of damages for the recovery of which suit is authorized to be instituted.

POINTS IN COMMON.

Both bills prohibit—

(1) As to packers:

(a) Unfair, unjustly discriminatory, or deceptive practices or devices.

(b) Apportioning the supply by interdealing to restrain commerce or create monopoly.

(c) Manipulation of prices by interdealing.

(d) Conspiracy to do any of these things.

(2) As to operators:

Unreasonable rates or charges and unfair or unjustly discriminatory or deceptive practices or devices.

Both require, as to operators, the keeping of accounts and records and authorize uniform methods to be prescribed.

Both provide for the filing of complaints against packers or operators, the holding of hearings, and the issuing of orders to desist from any unjust practice or collecting any unreasonable charge, for appeals to the circuit court of appeals from any order, and for review ultimately by the Supreme Court. Both make the decree of the circuit court of appeals affirming or modifying an order operative as an injunction pending final determination by the Supreme Court, if it is carried that far.

Both penalize the violation of an order which has become final through failure to take an appeal or by affirmance or modification by the appellate court, if not carried to the Supreme Court, or upon affirmance by the Supreme Court.

Both provide for compulsory attendance of witnesses and production of records, etc.

ADMINISTRATION.

The House bill provides that it shall be administered by the Secretary of Agriculture.

The Senate bill is to be administered by a Federal live-stock commissioner, to be appointed by the Secretary at a salary of $7,500 per annum, and the commissioner is to enforce the act under the direction of the Secretary, and may be removed by the President or by concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office.

The commissioner is authorized to appoint such officers, employees, and agents and to make such expenditures to carry on his business as may be necessary, the appointments to be made under civil-service rules.

WHO IS REGULATED.

HOUSE BILL.	SENATE BILL.
Packers: Meaning persons engaged in the business of—	Packers: Meaning persons engaged in the business of slaughtering cattle, sheep, and swine or preparing products and by-products of the slaughtering and meat-packing industry derived from cattle, sheep, and swine and owned or controlled by the packer, for sale, and persons engaged in the business of marketing these products as a subsidiary of or an adjunct to any such slaughtering or preparing business.
(1) Buying cattle, sheep, swine, horses, mules, or goats for slaughter.	
(2) Manufacturing or preparing meats and all edible products and by-products of the slaughtering and meat-packing industry for sale or shipment.	
(3) Manufacturing or preparing products and by-products, other than meats and edible meat-food products, of the slaughtering and meat-packing industry for sale or shipment.	
(4) Marketing meats, meat-food products, live-stock products, dairy products, poultry, poultry products, and eggs.	
Note: Certain exceptions in the definition of packers exclude from the operation of the bill persons engaged in manufacturing, preparing, or marketing live-stock products, meats, meat-food products, dairy products, eggs, etc., where they do not also buy live stock for slaughter or manufacture or prepare meats or meat-food products for sale or shipment and have not more than a certain percentage of financial interest in the buying of live stock for slaughter, and manufacturing or preparing meats or meat-food products for sale or shipment.	
Stockyard owners, market agencies, and dealers: Meaning persons engaged in the business of conducting or operating a stockyard, persons engaged in the business of buying or selling live stock at a stockyard on a commission basis or furnishing stockyard services, and persons not a market agency but who are engaged in the business of buying or selling live stock at a stockyard either on their own account or as employees or agents of the vendor or purchaser.	Operators: Meaning persons engaged in the business of conducting or operating a stockyard in which cattle, sheep, and swine are handled, and any trader or commission man or other person performing services with respect to cattle, sheep, and swine handled in or in connection with a stockyard.

ACTS MADE UNLAWFUL.

HOUSE BILL.	SENATE BILL.
Packers shall not—	Packers shall not—
(1) Engage in any unfair practices.	(1) Engage in any unfair or deceptive practice or device.
(2) Make or give undue preferences to any person or locality.	(2) Apportion supply or unreasonably affect prices or create monopoly by interdealing.
(3) Apportion among themselves the supply if the effect is to restrain commerce or create a monopoly.	(3) Engage in business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect may be substantially to lessen competition or restrain commerce or tend to create a monopoly.
(4) Manipulate or control prices or create a monopoly by selling to or buying from any other person or by any other means.	(4) Conspire, combine, or agree to apportion territory or purchases or sales of live stock or live-stock products or to control prices thereof, or to do any act to prevent any person from competing with them.
(5) Conspire, combine, or agree with any other person to do any of the foregoing forbidden acts.	(5) Do or abet any forbidden act.
(6) Fail to obey any order of the Secretary of Agriculture to desist from violating the act when such order, because of no appeal or upon appeal and affirmance, becomes final.	(6) Own, control, or have any interest in any stockyard, after two years from the effective date of the act, unless the commissioner shall determine that such ownership or control or interest is not in violation of the purposes of the act or that the packer has been unable, with due diligence, to dispose thereof, in which case the commissioner may extend the period during which it may continue.
Stockyard owners and market agencies shall not—	Operators shall not engage in any unfair or deceptive practice or device, or charge, collect, receive, or demand any unreasonable charge or rate for any service performed.
	Packers and operators shall not—
(1) Make any unjust, unreasonable, or discriminatory rate or charge for stockyard services.	(1) Fail or refuse to make full and true entries in their accounts and records.
(2) Make changes in rates or charges filed and published by them except after 10 days' notice to the Secretary and to the public.	(2) Make false entries in their accounts or records.
(3) Establish, observe, or enforce unjust, unreasonable, or discriminatory regulations or practices.	(3) Alter, mutilate, cancel, or destroy any account or record.
(4) Make any rate, charge, regulation, or practice which shall cause any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate, interstate, or foreign commerce.	(4) Make any false or fraudulent statement in a return or report required by the act.
(5) Carry on business until their rates and charges have been filed and published.	
(6) Charge, demand, or collect a greater or less or different compensation than the rates and charges specified.	(5) Hinder, obstruct, or resist Government agents in performance of their duties.
	(6) Fail to answer under oath or otherwise correctly all questions being investigated under the act or to produce books, papers, records, and correspondence.
(7) Rebate; but cooperative associations of producers may, in good faith, return to their members, on a patronage basis, excess earnings on their live stock, subject to regulation by the Secretary of Agriculture.	(7) Fail to obey any order of the commissioner to desist from violating the act when such order, because of no appeal or upon appeal and affirmance, becomes final.
(8) Extend to any person any services not specified in their schedules.	
Stockyard owners, market agencies, or dealers shall not—	
(1) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling of live stock.	
(2) Fail to keep such accounts, records, and memoranda as prescribed by the Secretary of Agriculture.	
Market agencies and dealers shall not carry on their business at any stockyard until they have registered with the Secretary their name, address, and character of business.	

BY WHOM ENFORCED.

HOUSE BILL.

By the Secretary of Agriculture.

SENATE BILL.

By the Federal Live Stock Commissioner, appointed by the President at $7,500 per year.

The commissioner is to enforce the act under the direction of the Secretary of Agriculture and may be removed by the President or by concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office.

The commissioner is authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere and to make such expenditures for carrying on his business as may be necessary, all such appointments to be made under civil-service rules.

The commissioner's principal office shall be in the District of Columbia, but he may exercise his powers at any other place.

POWERS CONFERRED.

HOUSE BILL.

The Secretary of Agriculture may order any stockyard owner, market agency, or dealer to discontinue any unfair, unjustly discriminatory, or deceptive practice or device.

In addition to penalties for failure to comply with the order, the Secretary or any party injured thereby may apply to the proper Federal court in an appropriate action for enforcement of the order.

The Secretary, upon complaint or upon his own initiative, may enter upon a hearing concerning the lawfulness of any rate, charge, regulation, or practice of a stockyard owner or market agency, and may suspend the operation thereof for 30 days, and after full hearing thereon he may order the same permanently discontinued.

Upon complaint of any person of anything done or omitted to be done as required by the act by a stockyard owner, market agency, or dealer, the Secretary of Agriculture shall require the stockyard owner, market agency, or dealer to file an answer, and the Secretary shall make such investigation as may be necessary, and if he finds that the complainant is entitled to an award of damages he shall make an order directing that it be paid. The person in whose favor an award is made may institute suit thereon in either the Federal or State courts. The findings and orders of the Secretary of Agriculture are made prima facie evidence of the facts therein stated.

The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, or District or possession, or department, agency, or political subdivision thereof, or any person in the enforcement of the act.

SENATE BILL.

All powers, rights, remedies, duties, and obligations conferred and required by the Federal Trade Commission act are reserved to the Federal live stock commissioner, the courts, and all persons affected by this act, except as modified by this act.

The commissioner himself, or in cooperation with existing governmental agencies, is required to investigate and ascertain the demand for, supply, consumption costs, prices of, and all other facts relating to ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations of and ownership of stockyards.

The commissioner shall compile and furnish to producers, consumers, or distributors, by means of regular and special reports, or otherwise, as he may deem effective, information respecting the condition of the live-stock market, the supply, demand, prices, and other conditions affecting the market.

The commissioner may compel attendance and testimony of witnesses relating to any of his investigations, and he or any examiner designated by him may issue subpœnas and administer oaths. If the person summoned disobeys the subpœna, the commissioner may invoke the aid of the Federal courts to require attendance and testimony and production of books, papers, etc. Witnesses shall receive the same fees and mileage as in the United States courts.

The commissioner, with the approval of the Secretary of Agriculture, shall make such rules, regulations, and orders as are necessary to carry out the act, and may cooperate with any department or agency of the Government, or any State or political subdivision thereof, or with any person.

The Secretary of Agriculture shall serve a complaint in writing upon any packer who he has reason to believe has violated, or is violating, any of the provisions of the act applicable to packers, and may require the packer to attend and testify. The packer shall be heard in person or by attorney and may introduce witnesses. Any person, for good cause shown, may be allowed to intervene.

Whenever the Secretary of Agriculture is of opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency is or will be unjust, unreasonable, or discriminatory, he may—

(1) Determine and prescribe what will be the just and reasonable rate or charge to be observed thereafter and what regulation or practice is or will be just, reasonable, and nondiscriminatory and thereafter followed.

(2) Order such owner or operator to discontinue such violation.

The Secretary of Agriculture may require stockyard owners and market agencies, in their schedules, to state plainly their rates and charges in detail, and may prescribe the form and manner in which they shall be stated.

If the Secretary finds that the packer has violated, or is violating the provisions of the act, he shall make his findings accordingly, and shall order the packer to cease and desist. Such order shall be final and conclusive on the packer unless within 30 days the packer appeals to the circuit court of appeals for the circuit in which his principal place of business is located.

When notified by the clerk of the circuit court of appeals, the Secretary of Agriculture shall certify to the court all the papers in the case, and on application of the Secretary at any time thereafter, the court may issue a temporary injunction against the packer. Additional testimony may be taken on order of the circuit court of appeals, and such testimony shall be certified to the court by the Secretary when taken. The decree of the circuit court of appeals, if adverse to the packer, operates as an injunction.

The packer may remove the case to the Supreme Court of

The commissioner, with the approval of the Secretary of Agriculture, shall fix fair and reasonable practices, charges, and rates to be observed by operators.

The commissioner may prescribe uniform systems of accounts and records to be kept by packers and operators, and he and his agents may enter and inspect the place of business of the packer or operator and examine their books and records.

The commissioner may order any packer or operator to cease violating any provisions of the act, or rule, regulation, or order thereunder. Such order shall be final and conclusive unless within 30 days an appeal is taken to the circuit court of appeals in which their principal place of business is situate.

The clerk of the court shall notify the commissioner as soon as appeal is taken, and the commissioner shall forthwith send to the court all the papers in the case. The court may order the taking of additional evidence, and the commissioner shall transmit the additional evidence to the court. If the decree of the court is adverse to the packer or operator, it shall operate as an injunction.

The packer or operator may have the case removed to the

the United States on a writ of certiorari within 60 days.

Stockyards which do not embrace more than 20,000 square feet, exclusive of runs, alleys, and passageways, are not included in the act, and the Secretary is required to ascertain what stockyards are subject to regulation and to give public notice thereof.

Supreme Court of the United States on a writ of certiorari if such writ is applied for within 60 days.

VOLUNTARY REGISTRATION OF PACKERS AND STOCKYARDS.

The Senate bill contains a title designated as above. The House bill contains nothing like it.

This title, as its heading implies, is not compulsory. The persons engaged in the businesses covered thereby may or may not take advantage thereof, as they see fit. If they do take advantage of this provision, they receive from the Federal Live Stock Commissioner a certificate of registration to engage in or carry on that particular business, and they thereby receive the benefits intended to be conferred thereby.

The businesses covered are the conduct or operation of stockyards, the slaughtering of live stock, and the processing, preserving, or storing of live-stock products or perishable foodstuffs.

They are entitled to registration if—

(1) The location, character, and extent of their accommodations and facilities are found suitable and adequate for the proper conduct of their business.

(2) Their financial resources, credit, and standing are sufficient to assure safe conduct of the business.

(3) They agree to comply with and abide by the requirements of this title and the rules, regulations, and orders of the commissioner.

Every registrant is required to conduct his business in a just, fair, and efficient manner, and to keep accounts and records and submit reports to the commissioner. The reports shall be open to public inspection. The commissioner may make inspections of the places of business and operation of registrants.

In return for submitting themselves to the regulations prescribed by this title, the commissioner is required to do the following things for registrants:

(1) Furnish to them reports embodying existing knowledge of satisfactory and economical applicants and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail experienced persons to advise them.

(2) Cooporate with them in procuring adequate services by common carriers.

(3) Furnish to them all available information as to supplies of foodstuffs handled by them, and the location and movement and transportation costs of such foodstuffs.

(4) Provide, when requested, for inspection of live stock, live-stock products, or perishable foodstuffs, received or distributed by them, to determine and certify the quality, quantity, or condition thereof. Any such certificate is made prima facie evidence in any of the courts.

Any certificate of registration may be revoked by the commissioner for violation of the law or any rule, regulation, or order thereunder, and it is made a misdemeanor for a person to forge, alter, counterfeit, or, without proper authority, use any certificate of registration.

Mr. WADSWORTH. I offer two amendments, which I would like to have printed and lie on the table. I wish to call the attention of the Senator from Nebraska [Mr. NORRIS] and the Senator from Iowa [Mr. KENYON] and other Senators interested in the bill to one of the amendments. The Secretary need not read them.

The one to which I call attention is on page 30, commencing in line 22. The bill now reads:

> The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce.

So far, so good; we all know what that means. Then it goes on:

> And any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

My amendment is to strike out the words "trader or," and I have this thought to suggest to the Senator: If the bill means what I think it does it means to apply the term "operator" to a trader who is performing services, and traders do not perform services. I think there is a misunderstanding about what a trader is in the stockyards. A trader is a man who buys cattle in the yards on his own account and for his own profit and sells the cattle, if he chooses to sell them, to anybody. The bill does not define the word "trader." If the word "trader" means what I think the committee thought it meant—that is, any man who makes it a business to buy and sell cattle in the stockyards—it will include thousands upon thousands of ordinary cattle producers.

Mr. KENDRICK. Mr. President, I ask the Senator from New York if he does not believe that there should be some definition of what are known as "scalpers" and "traders" in the yards, those who make a business of speculating and dealing in live stock in the yards?

Mr. WADSWORTH. I have given a lot of thought to that, and having been in the yards a good deal myself, I do not see how you can draw a definition to include the people to whom the Senator refers without including every man who buys or sells cattle.

Mr. KENDRICK. Does not the Senator believe that the definition might be narrowed to those who make that their principal business and confine their operations largely to the stockyards? I have asked the question for very good reasons.

As the Senator knows, some of the bitterest complaints that have arisen in connection with dealings in the stockyards have been directed at this very agency, as we call it in the bill, of buying and selling on speculation.

Mr. WADSWORTH. They do not buy and sell for speculation. They pay cash.

Mr. KENDRICK. Oh, yes. That is what I mean. There is just that difference of meaning in the same thing. I spoke of the men who poll for profit.

Mr. WADSWORTH. We all do that.

Mr. KENDRICK. There has been continuous complaint, and some of the Senator's very good friends who are connected with the packing-house industry have told me personally that there are great abuses existing in places, in spite of the fact that ordinarily they perform a very useful function. The supposition is that they take up the surplus when there is a surplus, and carry it over to days on which there is a shortage.

While they do perform this useful function there has been bitter complaint, as I have stated, of irregularities on the part of those traders and scalpers in their dealings with the commission firms of the yards?

Mr. WADSWORTH. With the commission firms?

Mr. KENDRICK. Yes; unfair practices between the two.

Mr. WADSWORTH. I have never heard that. I do not understand how that can happen.

Mr. KENDRICK. Those complaints have come to me in connection with the matter.

Mr. WADSWORTH. It might very well be true that some commission men would like to drive them out of business because they compete with them.

Mr. KENDRICK. I think the commission men find them to be a very useful part of the trade. As I said, under legitimate conditions, it is a desirable part of the whole system. There is no question about that. The only difference between myself and the Senator from New York is that I would limit the definition so as not to include the man who comes into the yard and makes his purchases and goes away with them, but the man who goes there and stays there and trades and makes it a part of his business should by all means be included in the provisions of the bill.

Mr. WADSWORTH. If the Senator desires to do that, his bill does not accomplish it, because the bill applies, under the term "operator," only to traders who are performing a service. Traders do not perform any service.

Mr. NORRIS. They are supposed to perform service.

Mr. WADSWORTH. For whom?

Mr. KENDRICK. That is true, and I have had it called to my attention before.

Mr. WADSWORTH. The phrase "performing a service," may I say to the Senator from Nebraska, means a service in a representative capacity for some other person. A commission man performs a service. The stockyards management performs a service. It sells services or facilities.

The commission man sells his selling ability, his skill, to the owner of the cattle and acts as his agent; he performs services for the owner of the cattle in selling them. The trader, however, serves no one. He acts entirely on his own account.

Mr. KENDRICK. Yes; that is true.

Mr. WADSWORTH. He represents no one but himself. Take the man who makes it a practice—and there are many hundreds of those people, though some of these things are not very pretty to talk about—to buy the dead hogs that are occasionally, in fact quite often, found in the pens. He is known in business as a trader, but he does not serve anybody.

He buys the carcasses and sells them to rendering companies outside the yards.

Mr. McCORMICK. Does he not buy live stock?

Mr. WADSWORTH. I am speaking of just the one kind of trader. That is an example. There is another kind of so-called trader, and I agree with the Senator that they are most valuable for the yards. If I may inject a personal note I have often dealt with them. Another kind of traders, and an overwhelming majority of them are most responsible people, make it a business to go into the yards themselves and buy loads of cattle for their own account, not for anyone else, not performing any service to any one else. They take title to the cattle. Then an outside buyer, like myself or the Senator from Wyoming, arrives, looking for a certain kind of animal that he wants to buy. He may ask the commission man if they have a load or two of that type, and he may not be able to find among them just what he wants. He will encounter the trader, and ask the so-called trader, "Have you anything of the kind I am looking for?" The trader then says, "I think I have. Come around to pen No. 225 with me," and he sees the cattle, and buys them from him; that is all. On the other hand, the trader may take those cattle which he purchases and ship them out into the country to fill an order placed with him by a feeder 500 miles away. He sells them. He is not performing a service.

Mr. CARAWAY. Will the Senator from New York permit me just a moment?

Mr. WADSWORTH. Certainly.

Mr. CARAWAY. Does not the Senator think, looking at the entire phrase "performing services wholly or partly in commerce," that it gives a different meaning? Does he not perform a service in commerce although he is not serving any individual? He is a part of the machinery by which the stock moves from the producer to the final consumer, and he thereby does perform a service in commerce. That is what the phrase says.

Mr. WADSWORTH. Then, if that is the construction of it, any man who buys and sells cattle anywhere is performing a service in commerce.

Mr. CARAWAY. No; because he must buy or sell in a stockyard and perform a service in commerce.

Mr. WADSWORTH. Would the Senator say that when I go to the stockyards to buy some cattle, which, I may say, I sometimes do, I am a trader?

Mr. CARAWAY. No; I do not think so.

Mr. WADSWORTH. Would the Senator say on the ground that I am performing a service in commerce?

Mr. CARAWAY. I do not think so. That is not the kind of person this provision reaches, if the Senator from New York will pardon me.

Mr. WADSWORTH. I can not see it any other way.

Mr. KENDRICK. I feel sure that the Senator from New York, with his intimate acquaintance with this industry, understands clearly the difference between the man who comes from the country and buys and the man who makes it a part of his business to handle regularly the receipts of the yards—the man who is a part of the system in the yards and whom we recognize as such.

I agree with the Senator in thinking that the majority of them are high-class men. A group of them were in my office less than a week ago, talking to me about some of the exacting provisions contained in the bill as it passed the House. I think some of those provisions should be changed, if we finally adopt the House bill, and I intend to offer an amendment to that effect to protect those men. However, they do not deny that they are a part of the system within the stockyards.

Mr. WADSWORTH. That is perfectly true; they are.

Mr. KENDRICK. I wish to call to the Senator's attention a thing I do not like to do here, because I have refrained from the time the discussion began from bringing to light the things within the stockyards that are disreputable and not to the credit of the great system under which we market our stock, but one of the things against which there is complaint lodged is collusion between the commission firm and the trader by which they share in the profits. I do not know how much truth there is to that. I have said here previously and I say now that the great majority of the men in the stockyards, both the commission men and the traders, are perfectly reputable, splendid business men of the finest integrity, but I am speaking of the man who is not of that kind. The difficulty comes in right there. If these men are not under that supervision they would escape entirely, and I think they do not ask to escape.

Mr. NORRIS. I do not think they do, but the object of putting them in is exactly the same as putting the commission men in.

Mr. WADSWORTH. They do not do the same kind of business at all.

Mr. NORRIS. No; they do a different kind of business.

Mr. KENDRICK. They may be, as the Senator from New York said, not properly defined in the bill.

Mr. WADSWORTH. They are not defined at all.

Mr. KENDRICK. They should be correctly defined and should not be eliminated from the provisions of the bill.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 10, 1921:

S. 1084. An act to provide a national budget system and an independent audit of Government accounts, and for other purposes.

On June 11, 1921:

S. 1154. An act for the construction of a bridge across the Des Moines River at or near the city of Dumas, Mo.

HOUSE BILL REFERRED.

The bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, was read twice by its title and referred to the Committee on Finance.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on the 10th instant they presented to the President of the United States the enrolled bill (S. 86) to amend the act approved December 23, 1913, known as the Federal reserve act.

OIL PROSPECTING IN FOREIGN COUNTRIES (S. DOC. NO. 39).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, on motion of Mr. LODGE, was, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

In response to the Senate's resolution of March 10, 1920, requesting the President, if not incompatible with the public interests, to inform the Senate—

"First, as to what restrictions, if any, are imposed either directly or indirectly by France, Great Britain, Holland, Japan, or any other foreign country, or the dependencies thereof, upon the citizens of the United States in the matter of prospecting for petroleum, or in the acquisition and development of lands containing the same within the territory subject to the jurisdiction and influence of such countries.

"Second, if such restrictions exist, what steps have been taken by the Government of the United States to secure their removal and equality of treatment in respect of citizens of the United States.

"Third, if any restrictions are imposed by the Government of Mexico upon citizens of the United States in regard to the acquisition or development of petroleum-bearing lands within its jurisdiction which are not imposed upon nationals or other foreign countries.

"Fourth, if any such discriminating restrictions are imposed by the Government of Mexico upon citizens of the United States, what steps have been taken by the Government to secure removal of such restrictions and the equality of treatment in respect to citizens of the United States."

I transmit herewith a report by the Secretary of State, furnishing information requested by the resolution, supplementary to that embodied in reports submitted May 14, 1920, and April 6, 1921, as far as such information can be supplied compatibly with the public interest.

WARREN G. HARDING.

(Inclosure: Report by the Secretary of State.)

THE WHITE HOUSE,
June 13, 1921.

TUG FORK OF BIG SANDY RIVER BRIDGE.

Mr. SHEPPARD. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 4091) granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va., and I submit a report (No. 112) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Borderland Coal Corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tug Fork of Big Sandy River, at a point suitable to the interests of navigation, and at or near Borderland, in the county of Mingo, State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. NORRIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Tuesday, June 14, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1921.

UNITED STATES ATTORNEY, DISTRICT OF NEBRASKA.

James C. Kinsler, of Nebraska, to be United States attorney, district of Nebraska, vice Thomas S. Allen, whose term has expired.

UNITED STATES MARSHAL, EASTERN DISTRICT OF VIRGINIA.

Clarence G. Smithers, of Virginia, to be United States marshal, eastern district of Virginia, vice John G. Saunders, resigned, effective July 1, 1921.

COLLECTORS OF INTERNAL REVENUE.

DISTRICT OF MASSACHUSETTS.

Malcolm E. Nichols, of Boston, Mass., to be collector of internal revenue for the district of Massachusetts, in place of John J. Mitchell, resigned.

TENTH DISTRICT OF OHIO.

Charles H. Nauts, of Toledo, Ohio, to be collector of internal revenue for the tenth district of Ohio, in place of Frank B. Niles.

DISTRICT OF WISCONSIN.

Alonzo H. Wilkinson, of Bayfield, Wis., to be collector of internal revenue for the district of Wisconsin, in place of Burt Williams, resigned.

SURVEYOR OF CUSTOMS, COLLECTION DISTRICT NO. 4.

Herman Hormel, of Boston, Mass., to be surveyor of customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Joseph A. Maynard.

ASSISTANT APPRAISER OF MERCHANDISE, COLLECTION DISTRICT NO. 4.

Osgood C. Blaney, of Boston, Mass., to be assistant appraiser of merchandise in customs collection district No. 4, with headquarters at Boston, Mass., in place of Francis X. Quigley.

SUPERINTENDENT OF MINT, PHILADELPHIA, PA.

Freas Styer, of Norristown, Pa., to be superintendent of the mint of the United States at Philadelphia, Pa., in place of Adam M. Joyce.

ASSAYER, MINT AT SAN FRANCISCO, CALIF.

John McCabe, of San Francisco, Calif., to be assayer in the mint of the United States at San Francisco, Calif., in place of John W. Pack.

COAST GUARD.

LIEUTENANT COMMANDER.

Lieut. William H. Shea, to be lieutenant commander in the Coast Guard of the United States, to rank as such from April 23, 1921, in place of Lieut. Commander W. A. Wiley, retired.

DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE.

Julius Klein, of Massachusetts, to be Director Bureau of Foreign and Domestic Commerce, in the Department of Commerce, vice Roy S. MacElwee, resigned.

REGISTER OF LAND OFFICE, DULUTH, MINN.

Robert D. Blackwood, of Duluth, Minn., to be register of the land office at Duluth, Minn., vice Joseph Winczewski, resigned.

RECEIVER OF PUBLIC MONEYS, DULUTH, MINN.

Robert E. Patterson, of Duluth, Minn., to be receiver of public moneys at Duluth, Minn., vice James L. Travers, resigned.

APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES.

GENERAL OFFICER.

Brigadier general.

Col. Robert Emmet Callan, Coast Artillery Corps, from June 9, 1921.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES.

Captain with rank from July 1, 1920.

First Lieut. Jesse Plez Green, Infantry.

MEDICAL CORPS.

Captains.

First Lieut. Walter Francis Tolson, Medical Corps, from June 9, 1921.

First Lieut. Hugh Max Bullard, Medical Corps, from June 11, 1921.

DENTAL CORPS.

Captain.

First Lieut. John Rudolph Wikeen, Dental Corps, from May 28, 1921.

REAPPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES.

FIELD ARTILLERY.

First lieutenant with rank from May 25, 1921.

Clarence Elmer Cartwright, late first lieutenant, Field Artillery, Regular Army.

First lieutenant with rank from June 7, 1921.

Maxwell Michaux Corpening, late second lieutenant, Cavalry, Regular Army.

INFANTRY.

First lieutenants with rank from June 7, 1921.

Charles Raymund Gross, late first lieutenant, Cavalry, Regular Army.

Edwin Clark Maling, late first lieutenant, Infantry, Regular Army.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

ORDNANCE DEPARTMENT.

Capt. David Wilson Craig, Field Artillery, with rank from September 25, 1919.

CHEMICAL WARFARE SERVICE.

Capt. David Lee Hooper, Infantry, with rank from July 1, 1920.

First Lieut. Raymond Henry Reece, Infantry, with rank from July 2, 1920.

First Lieut. Edward Joseph Sullivan, Infantry, with rank from July 2, 1920.

COAST ARTILLERY CORPS.

Maj. Clarence Leslie Gilbert, Field Artillery, with rank from July 1, 1920.

AIR SERVICE.

Col. Theodore Anderson Baldwin, jr., Infantry, with rank from April 27, 1921.

Capt. Warner Beardsley Gates, Infantry, with rank from July 1, 1920.

UNITED STATES NAVY.

PASSED ASSISTANT PAYMASTER.

Passed Assistant Paymaster Cyrus D. Bishop, of the United States Naval Reserve force, to be a passed assistant paymaster in the Navy, with the rank of lieutenant, to rank from August 3, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1921.

ALASKA.

GOVERNOR OF ALASKA.

Scott C. Bone.

BUREAU OF THE CENSUS.

ASSISTANT DIRECTOR OF THE CENSUS.

Joseph A. Hill.

PUBLIC LAND SERVICE.

REGISTER OF THE LAND OFFICE AT KALISPELL, MONT.

Robert M. Goshorn.

CONSULAR SERVICE.

CONSUL OF CLASS 7.

Leland L. Smith.

ASSOCIATE JUSTICE, SUPREME COURT DISTRICT OF COLUMBIA.

Adolph A. Hoehling.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 13, 1921.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, grant that our citizens everywhere may be deeply concerned in the cultivation of those national virtues that shall enable our Republic to go on from strength to strength. Promote fraternity and cooperation among all of our citizens through the symbolism of the uplifted flag. May its individualism appeal to the lowliest and its self-reliance to the weakest, and grant that its courage may inspire all, and arch our land from coast to coast and from border to border with that sublime optimism of the Christian faith. O Columbia, Columbia, God shed His grace upon thee that our flag, with its stars of light and bars of white and the red of our Nation's sacrifice may ever wave over the land whose God is the Lord. In Jesus' name. Amen.

The Journal of the proceedings of Saturday, June 11, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment No. 1 of the Senate to the bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

TERMINATION OF THE WAR.

Mr. FLOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, though a new Member of the House, I am not obsessed with the belief that my remarks will have any influence in shaping the course of this legislation. But however useless the effort, I will, at least, have the satisfaction of protesting against this first selfish, backward, and cowardly step taken by my country.

I want also to use this opportunity to discuss the statement of our reasons for entering the war made by our ambassador to England, and state that, so far as Kentucky is concerned, I can speak authoritatively, that his statement that our aims were selfish is recklessly untrue.

So holy was our cause considered, such a blessing was to flow from our victory, that the courthouses were abandoned and our meetings held in the churches, and with patriotism godly men and women strove to their utmost, believing they were opening a way for "peace on earth, good will toward men."

Men from my country went to war believing that Belgium had died for civilization; that France, to whom we owe our independence and our everlasting gratitude, was bleeding to death; that the men and women of all Europe were being murdered and ravished by a frightful coalition of German and Turk. They were told that should they never return their lives would have been given in beautiful sacrifice for future peace. Their sons would fight and their daughters weep in wars no more.

In many a country church I told these stalwart folk, feeling that I was talking with divine sanction, that in doing our part we were advancing sacrificially, not selfishly, the Kingdom of God. We all believed what I told them, and this man who publishes to the world that we entered the war not to benefit mankind but because we were afraid not to accuses me of being a party to a hellish fraud; and I want to say as forcibly as my command of language will permit that, whatever Col. Harvey's motive might have been, so far as my people are concerned, it is a malicious falsehood.

Every patriot resents it. The great metropolitan Republican newspapers denounce it.

I will quote the Philadelphia Inquirer:

> He deliberately and wickedly misrepresented his country.

And again:

> Unless he is forbidden to talk in public on international questions, he is certain to bring discredit on the Harding administration.

What amuses me is that pretended doubt should exist in any mind that this discredit properly belongs on the Harding administration. Who selected Harvey for this most important diplomatic post? Were not his views that are now so vigorously denounced well known to President Harding when he selected him? Was he not also known as one who would at the first opportunity give voice to his vindictive views? Was he not also known as a dealer in choice billingsgate and hatred?

If these facts were known, and they were, and yet he was selected for this most important position, then the Harding administration is justly entitled to bear the discredit of having our beloved country slandered abroad. Can one select a reckless, drunken chauffeur to drive through a crowded thoroughfare and be blameless for the disaster sure to follow?

How tactless and stupid these remarks were, as well as false, can only be realized when we remember how in the past other nations considered us. Our rich tourists have been the laughingstock of Europe; they have descended with their gold seeking to purchase a knowledge of art and literature by acquiring a collection of the works of the old masters. Europe had judged America by these false types, lavishing in wealth and display and lacking in refinement and culture. Col. Harvey rises to assure them that their previous unfavorable opinions were all correct.

Lest we forget I will remind you of some statements made by us during the war and which seemingly have been discarded by the majority, but which I am glad to reaffirm because they were and yet remain the truth.

When the Great War broke out Europe knew that America, with its exhaustless resources, was not in peril, and when under the inspired guidance of Woodrow Wilson it unselfishly took up the cause of right and humanity it became the champion of oppressed peoples, a big brother to the sister nations, the hope of a despairing civilization, and a beacon light to wavering Christianity.

The world for the first time saw the great American Nation as we know it to be, and in the short space of one administration—I am proud to say a Democratic one—our Nation became the beloved of all nations, and in influence and power stood out like Saul among his brethern.

Alas, under this short Republican régime what a sad spectacle she presents. I feel like exclaiming with David of old, "How are the mighty fallen." Yesterday the proud proclaimer of unselfish aims, to-day the cowardly renouncer of every noble impulse. [Applause on the Democratic side.] Yesterday the eagle bathing his plumage in the sun, to-day the bat seeking the dark, foul cavern in which to hide.

When this resolution is adopted we abandon our allies and align with our enemies. Our position as conqueror is abandoned and we accept a position of negotiator.

All questions arising out of the war are to be settled by a treaty made, if Germany will consent to make it. We can not force her, for we will be at peace. We then receive no apology for the past nor promise for the future.

But they say a treaty is to follow. If Germany is the bandit and robber and tyrant we have said, why not agree to terms before we unload our guns? Why order our dinner before reading the menu?

No; the only reason for this legislative abortion is to relieve the Republican administration from the responsibility of its own folly.

While I consider this resolution infamous in both Congresses, there was at least a reason for it in the last Congress, for then the President and the Senate, who constitute the sole treaty-making power, were in hopeless disagreement. But now the President and the Senate are in accord, and can any reason be given why the President does not act? He has made no effort but to deal in glittering generalities.

You hear so much about encroaching on the President's prerogatives. It is not so much that that I object to as it is relieving him of responsibilities placed upon him by the Constitution. I am tired of his talking on both sides of every question and acting on neither side of any.

Does he indorse or renounce Harvey's slander on this country? Like his preelection position on the League of Nations, both sides claim him.

Is he going to call a conference of the nations to consider disarmament? Why does he not issue the call? I will tell you the reason: Because he would be told that 48 of the leading nations of the world are now in conference, and disarmament is their chief consideration, and they would welcome him into their conference.

If the President is not satisfied with the treaty that all our allies accepted, why does he not submit one of his own framing that is better, so that we may learn the terms before we declare the status of war at an end?

A word to some of my Democratic colleagues. The people are not in favor of this subterfuge where they understand it.

If you will excuse a personal reference, this resolution was an issue of my campaign, and I promised my people to vote against it, my opponent had already voted for it. That and the League of Nations were the sole issues.

There is no more enlightened district in the United States than the district I have the honor to represent, the eighth district of Kentucky, and in no district was there a harder fight made. Every paper discussed the league in every issue. President Harding made five speeches in my district, Vice President Coolidge three, and every prominent Republican available was sent into it. My opponent, an able speaker, and I made two speeches a day for six weeks before the election. And that district, which had gone Republican by 1,600 a year before, and then represented by a Republican on this floor, on that issue went 3,000 Democratic. [Applause on the Democratic side.]

It is true that President Harding received a large majority in the country at large by using the same kind of tactics being played now, but not on this issue, or on the issue of the League of Nations, but because he received the votes of those like Secretary of State Hughes, "As the surest way of entering in," and also the votes of those like Senator JOHNSON "As the surest way of staying out."

I have known men able to escape taking any side, but he is the only man I have ever known with such transcendant ability as to be considered the champion of every side. [Laughter and applause on the Democratic side.] It would be refreshing to the entire country to be able to agree as to where he stands on some one question.

I would like to know what the terms of peace are going to be, before I help to make it.

The most eloquent speech I have read on this resolution, when it was previously before the House, was delivered by the distinguished Republican from Michigan [Mr. KELLEY]. He said:

> If any man had said while the war was in progress that when the war was over he would be willing to make a separate peace with Germany, without terms or without guaranties as to the restoration of Belgium or France, he would not have been safe in any community in the United States. What change has taken place that we should propose such a change now?

He also said:

> This is so inconsistent with everything that has been done, let's don't mar our record.

I am not so apprehensive of that as of the tragedy to result from the folly of halting the onward progress of civilization for 50 years. He said in conclusion:

> Others may do as they please, but it will never be done with my vote.

Likewise, my fellow countrymen will never grasp the hands of German officers, murderers of men, and ravishers of women, allies of Turkish assassins reeking in the blood of disemboweled Armenian children, as equals, and sit with them as such to discuss terms of treaty, with my consent. [Applause on the Democratic side.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Speaker, I do not care to discuss the constitutional feature of this resolution. I oppose it because, in so far as it does anything, it tarnishes our national honor, and if it affects the legal or peace status at all it is hurtful to the interests and just rights of our country and citizens, and brings aid and comfort only to Germany and German nationals.

The gentleman from Kansas [Mr. CAMPBELL] on Saturday said that this resolution was made necessary by the dismal and humiliating failure of the Wilson administration to make peace. The gentleman chose to ignore the fact that the President alone could not make peace; that only the President and the Senate, acting in concert, could make peace. The President negotiated a peace treaty which every other nation but ours, including Germany, has long since ratified. It can not have been wholly bad since it is approved by the statesmen and people of more than 30 nations, including all the great nations of Europe save Russia, and all the leading nations of the western world, including Australia and Canada, save the United States and disordered Mexico. Mr. Speaker, the plausible pretext on which a resolution similar to this was urged and passed by Republicans in May, 1920, was that it was necessary because the Democratic President and Republican Senate were deadlocked and could not agree on the terms of peace, and so could not make a peace treaty in the way clearly authorized and directed by the Constitution. If that pretext was true in 1920, it is not true now since we no longer have Mr. Wilson for President; since the President and Senate are both Republican now. Why have they not made—why do they not now make peace with Germany in an undoubtedly constitutional way?

The justice of Mr. Wilson's appeal in 1918 for the election of a Congress in sympathy with his administration grows clear in the light of events following the Republican victory of that year. Had a Democratic Senate assembled instead of a Republican Senate in May, 1919, the treaty would have been ratified, without reservations or with reservations, and all the great nations, including ours, would have been these last two years working in harmony for the restoration and healing of the world. The nations, with renewed faith and hope, based on absolute harmony and unity of purpose, would have been two full years along the pathway of reconstruction and prosperity. The failure to ratify the peace treaty, with or without reservations, the failure to make peace, was, as the gentleman from Kansas said, dismal, because it was complete; made so by the action of a Republican Senate grown arrogant and bent on the complete destruction of every Wilson or Democratic claim to credit for a successful war and a just peace; and it was humiliating, because by the words and actions of Republican Senators, and one or two Democratic Senators, more bitter and vituperative than Republicans, against the President, it was and is now clear that no treaty which the President could possibly have brought home from the peace table at Versailles would have secured ratification by that Senate. And this for two reasons: First, because of a bitterness never equaled toward the President, and because under his leadership we had fought the war to glorious victory, and the credit of a just and equally glorious peace must not be permitted for personal and political reasons; and, second, any peace made in keeping with our avowed purposes when we entered the war and in conjunction with our allies would of necessity impose mutual and joint obligations on us and them for the preservation of the rights and safety and freedom of the world, and the exaction from Germany of just reparations to us and our allies for her crimes and injuries. With many, a man or a cause defeated is discredited. Obligations that are heavy are easily made odious. The treaty of Versailles has been discredited because its ratification has been defeated, and its obligations are easily made odious because they are real and substantial.

All the purposes we so loudly proclaimed in 1917 are scouted and scorned now. We are not interested in European or world peace or welfare. Even enlightened self-interest fails to move the party in power to assume any obligations for preservation of international justice or human rights outside of the United States. We turn yellow and abandon all the lofty ideals and purposes we once professed and gloried in, and endure without rebuke from the President the shame of having our ambassador in London, Mr. George Harvey, declare to the world that all our professions were lies and that we fought only to save our skins. Few are bold enough to use his words, but many haters of Wilson, I fear, are beginning to receive them with approval. How times change, and men change with them. How sordid selfishness and sordid politics debase all that is noble in men. How they tend to destroy the righteousness that exalteth a nation.

On April 3, 1917, the day after President Wilson delivered his war message to Congress, George Harvey sent to the White House the following telegram of congratulation:

> A great message of patriotism, evidencing masterful leadership based upon mutual faith of the President in his country and of the country in its President. I was confident as one could be, but even so I was not prepared for so splendid a realization. For the Nation, it is glorious; for patriots, inspiring; for the President, noble.

The following paragraphs are from the message referred to by Mr. Harvey, delivered by President Wilson at a joint session of the two Houses of Congress on April 2, 1917:

> American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how it will meet it. * * * Our motive will not be revenge or the victorious assertion of the physical might of the Nation, but only the vindication of right, of human right, of which we are only a single champion. * * *
>
> While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world what our motives and our objects are. * * * I have exactly the same things in mind now that I had in mind when I addressed the Senate on the 22d of January last; the same that I had in mind when I addressed the Congress on the 3d of February and on the 26th of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles. * * *
>
> We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included, for the rights of nations great and small, and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall

be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them. * * *

It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own Governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.

Col. Harvey's telegram on April 3, 1917, expressed not only his own sentiments but those of nine-tenths of the people of the United States. The resolution before the House is in keeping with Mr. Harvey's London speech. It shows that the great party, which came into power in 1918 under loud professions of being and having been even more loyal to the war policies and purposes of the President than the Democratic Party, that the party which in 1918 denounced Mr. Wilson as guilty of a gross and slanderous imputation when he asked the people to elect a Congress in sympathy with him, has abandoned all our high purposes, and cares now only that the United States "save its own skin"; that we only secure all the claims and rights possible for ourselves. That it repudiates every obligation and leaves our allies without our aid or cooperation to secure proper and just reparation from Germany, to impose proper and just penalties on her for her crimes, and to make good the high purposes we boasted as to weaker nations and human rights. It seeks only to "save our own skins" and to get all the benefits without bearing any of the burdens stipulated for us in the treaty of Versailles. Is it any wonder that with such a party in control of the Senate the efforts of Mr. Wilson to secure the ratification of any treaty of peace was a dismal and humiliating failure?

Mr. Speaker, I have not the slightest doubt that even to-day the Senate of the United States, if the treaty of Versailles were resubmitted to it, can ratify it subject to any reservations it chooses to make, and thereby make a binding treaty of peace with Germany, a treaty which would not abandon our allies or leave them alone to enforce the terms of the armistice which our soldiers, living and dead, helped to wring from Germany.

The Versailles treaty, so far as it affects Germany, has never been criticized by them. They can ratify that part only of the treaty if they choose, and this they would have already done, it seems to me, if they have not decided to abandon our allies and deal separately with Germany. If that is true, then Germany has accomplished her great desire and divided finally and completely her enemies. But if mere pride or hatred of the former President or politics forbid them to make use of any part of the already negotiated treaty, they can still preserve our honor by negotiating a peace with Germany under the terms of the armistice, in which we may still help our allies, as well as ourselves, to secure their and our rights.

More than three months have elapsed since March 4, and no step has been taken by the Republican Party to do either of these things. The President alone can negotiate a treaty, yet he has taken no step to negotiate any treaty singly or in conjunction with our allies. He has been content to express from time to time vague and general and conflicting thoughts, hardly amounting to a purpose on the subject. Sometimes he seems to suggest ratifying the existing treaty with certain reservations. He voted that way when he was Senator. Sometimes he seems to suggest that he might negotiate a new treaty. But he does nothing. Our people grow weary, and in their weariness the Republican Party, uncertain what to do, how to proceed, submit this or the Knox resolution, thinking that our people will gladly accept anything that professes to end the war and settle all its issues. If it did this and was not covered over with shame, I myself would vote for it. It does not end the war; that is ended. It does not settle all its issues or any of its issues, but it is covered over with shame.

But, Mr. Speaker, what about the resolution itself? First, it is the fourth bite the Republican Party has taken at one cherry.

On April 1, 1920, Mr. PORTER, chairman of the Committee on Foreign Affairs, introduced H. J. Res. 327, which the House passed. It declared the war at an end, but did not repeal the resolution on which we entered the war. It recognized how that simple declaration might endanger the rights and claims of our Government and people, and so in section 2 it provided that if Germany did not within 45 days notify the President that Germany also had declared the war at an end, and that she waived for herself and her nationals all claims against the United States or their nationals, as stipulated in the treaty of Versailles, then the President should proclaim all commercial intercourse between the two nations prohibited; and it provided heavy penalties against all American citizens who might trade with this nation, with which we were at peace. It was severe on our own people, and might hurt us as much or more than Germany. It made no provision for any indemnities or claims of the United States or of any of our people. Surely, this resolution was impotent; but it passed the House. When it reached the Senate it was scrapped, and the Senate tried its hand on making peace.

The Senate struck out the Porter resolution and substituted for it one drawn by Mr. KNOX. This was bite No. 2 at the cherry. It repealed the resolution of April 6, 1917, under which we fought the war, thereby, in Mr. PORTER'S opinion and in the opinion of the Republican members of the Foreign Affairs Committee of the House, withdrawing or apologizing to Germany for our declaration of war, as shown in the committee report. It then declared the war at an end.

It rejected Mr. PORTER'S embargo and penalizing sections, but provided that we should hold all the property of Germany or her nationals until by treaty she arranged to satisfy all claims of ours and to waive all claims of Germany or its nationals against us. It also declares we do not waive any rights to anything coming to us under the unratified treaty of Versailles. The Porter resolution relied on trade prohibition, while the Knox substitute relied on our holding German property, about a billion dollars' worth, to persuade Germany to make a treaty we wanted. One can not help thinking of the towering figure of Bismarck when he stood over the French delegates and dictated the terms of peace in 1870, and fancying just how the Kaiser would have made peace had he been victorious.

This Knox substitute passed the Senate and then went back to the House, where it was swallowed and passed, apology to Germany and all, and then went to the President, who vetoed it on May 27, 1920, on the ground that it placed an ineffaceable stain on the gallantry and honor of the United States; that it made peace without exacting of Germany any righting of wrongs done to the peoples whom it attacked and whom we professed it our purpose to aid when we entered the war, or attaining any of the purposes for which we declared we went to war, and because it made a complete surrender of the rights of the United States and severed our relations with our allies so far as Germany was concerned. Thus ended the two resolutions of 1920, which were defended on the ground that they were the only way to make peace, since the President and Senate were hopelessly deadlocked.

March 4, 1921, Mr. Harding was inaugurated. He and the Republican Senate seem also deadlocked.

On April 28, 1921, the Senate passed Senate joint resolution 16. It makes the same apology to Germany for entering the war as did the resolution vetoed May 27, 1920, by repealing the resolution on which we entered the war and then declares the war at an end. But it declares we will hold all German property till Germany makes a treaty with us providing for satisfaction of all our claims, and, in fact, until Germany makes all the concessions we ask, notwithstanding any existing treaty between us and Germany. This was evidently intended to prevent our treaty of 1828 with Germany, which was in force when we went to war, from coming to life when we made peace. It was really an ex parte declaration that we would ignore a treaty which by all the rules of law bound us. In other words, we emulated Germany in making our treaty a scrap of paper.

I am sure our ex parte declaration or reservation can not affect any right of Germany or her nationals under any treaty we had or have with her. All this was taken care of in the treaty of Versailles by Germany agreeing in that treaty that she herself would settle the claims of her citizens whose property we had seized as well as waive all her own claims and pay all the claims of our Government and our citizens. But this treaty, not ratified by us, not binding on us, is surely not binding on Germany. Senate joint resolution 16 says it reserves all the rights of its citizens which were stipulated by the treaty of Versailles, though we have not ratified it. Every man in Congress knows such a reservation is absurd. If any of these resolutions effect a legal status of peace, then under international law all the rights of each nation and its citizens will rest on international law or on existing or binding treaties between the two nations. It is said that in the prospect of this resolution passing, lawyers have been retained already to bring suits for the recovery of property of many German citizens seized by the United States. In like manner our citizens whose property was seized in Germany must go to Germany for relief. A beautiful prospect for thousands of lawsuits and rich pickings for hundreds of lawyers opens up.

Since April 28 Senate joint resolution 16, having passed the Senate, has been here in this House waiting for action. Mr. PORTER is again at the bat. He can not stomach its apology to Germany by its repeal of our war resolution, and so he reports the present substitute for it which we are considering. This

is the fourth and last effort, I trust, to solve this German peace and treaty problem by congressional resolution. This resolution is shorter, and that much better, than any of its predecessors. It does not repeal our declaration of a state of war begun by Germany, and is that much cleaner than the resolution vetoed by Mr. Wilson and the Knox resolution of this session.

Here is the Porter substitute for Senate joint resolution 16:

That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise.

Mr. ROGERS, the ranking Republican on the Committee on Foreign Affairs, discussing this resolution, says:

Mr. Speaker, it takes two to make a war. Similarly, it takes two to end a war. The passage of a peace resolution by the Congress of the United States is a domestic act. The action is unilateral and not bilateral; therefore in and of itself it can have no international force or validity.

To that extent he says he agrees with the Democrats on the committee who oppose the resolution. He then argues, however, that if Germany should pass a resolution like this to the extent of declaring the war at an end, that would establish by mutual action an actual and legal status of peace. If that be true, it would be a peace without any terms or conditions binding on the United States or on Germany, and if a treaty is hereafter negotiated between them it will be a treaty between two nations equal in every way, and Germany may utterly reject section 2 of the resolution, which seeks to reserve all American rights stipulated in the armistice or the treaty of Versailles. The resolution, therefore, by the confession of its proponents, accomplishes nothing, but it is an excuse for doing nothing. The party in power have not the nerve or capacity to make a just and honorable peace. This resolution seeks only to delude our people into believing they have done so. Republicans are hopelessly incompetent to deal with the situation, and any Democrat who votes with them for this resolution is only helping them to pull their chestnuts out of the fire; helping them to fool the people; not helping our people to secure any right or any benefit or betterment of our condition. The resolution consists of two sections. Section 1 declares the war at an end. That is a truth, which is neither added to nor taken from by the declaration. The President declared it first. The declaration accomplishes nothing; it effects no settlement or agreement of or about any matter, thing, question, claim, right, or wrong growing out of or connected with the war. We will appoint no representative of our Government to go to Germany, nor will Germany appoint any representative to come to us under or by virtue of it. It does not affect our trade or trade rights in Germany or those of Germany here. These can only be affected by a treaty when one is made. Under the actual peace existing and recognized by both countries our international trade is as free and untrammeled as it will or can be under this section.

The only possible effect of section 1 is that we may be estopped by it from assuming the position of victors in negotiating a treaty with Germany hereafter and be compelled to treat as with an equal in all respects. I said the war in fact had ended. Perhaps that is not quite correct. We have our troops still occupying German territory under the armistice. It may be that under this resolution we must at once withdraw those troops. If and when we do that we will be at peace absolutely, legally and technically, treaty or no treaty. The President has had the power to order those troops home all during these three last months. It may be that, not having the confidence in the rightfulness of such a course or the courage to pursue it, he wants this resolution to strengthen his backbone. I do not know.

Nations may go to war with a declaration or without declaring it, as Germany did with us and with Belgium. In either case there are two ways of making peace, one by a peace agreement or treaty; the other by a voluntary and mutual cessation of all war acts. Until now the United States and Germany have not made peace in either of these ways. Germany has quit every war activity toward us, but we still have our troops on her soil, as I understand it under an armistice which binds Germany if we insist on it to bear all our expenses of maintaining them there, amounting to some $250,000,000. If we now remove them without a further agreement with Germany, that sum, together with all other claims of our Government or people against Germany, will be left to future negotiations between two equal sovereign States.

Section 2 of the resolution is more futile and useless than section 1.

"In making this declaration and as part of it, there are expressly reserved to the United States of America and its nationals all rights," and so forth, "with rights to enforce same"—"to which they are entitled under the armistice," and so forth. If that reservation means anything it means that the loud declaration of peace does not go at all until we have enforced all our rights of all kinds whatsoever growing out of the war or otherwise, so that the whole declaration seems to be a sham and a fraud, made to save the President's face, he having declared in the campaign he would have such a resolution passed or made to meet a widespread clamor for an ending of all war questions and to fool the people into thinking that this resolution settles them or some of them. In truth, it settles none of them, but if acting under it the President withdraws our troops from the Rhine, all things between us and Germany will be further than ever from any settlement.

Mr. Speaker, the Republican Party have been since 1918 powerful enough to thwart every effort of President Wilson to bring back peace and good understanding to the world, but they have no leadership to fill his place. They have no definite, concrete policies or principles for the guidance of the ship of state in domestic or foreign affairs. Their every step is hesitating; their every policy is a makeshift. They do not even see through a glass darkly.

My greatest prayer is not that they may be hindered but that they may be helped; that they may cease to be blinded by partisanship and find wisdom.

God grant that our weary and stricken country and a sick and wounded world may find healing in a dedication of all that in them is to higher ideals, nobler lives! May we in domestic affairs find faith in justice and equity and in international affairs go forward to the performance of our whole duty toward all nations, whatever the burdens may be, so that our children and the whole world in future generations shall not say we were weighed in the balance and found wanting but must rise up and call us blessed.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, it ought to be apparent to Members of the law-making body, as it is apparent to everyone else in the country, that an impasse has long since been reached in the matter of concluding the proposed treaty of peace with the nations with whom we were lately at war. As a result of this condition, there remains to be made an official transition from the status of a war ended to a peace restored. The object of this resolution is formally and officially to take this step by the enactment of this plain and simple legislative declaration which is framed to meet the recommendation of the President in his recent message to Congress, wherein he stated his readiness to approve a declaratory resolution of Congress to establish a state of peace with the qualifications essential to protect our rights.

The pending resolution does precisely what the President recommended. In scope and purpose it goes no further than it ought to go in securing the ends desired.

Gentlemen who oppose this measure deny that it is within the power of Congress to enact legislation declaring the state of war at an end, and assert that the bill is a usurpation of power which under the Constitution does not belong to this body. Their contention seems to be that once Congress has declared a state of war to exist it has exhausted its power, save in the matter of furnishing the means to carry on the war; that all authority over what is to follow a cessation of hostilities is exclusively swallowed up by the treaty-making power, whether that power functions speedily, successfully, and conclusively, or whether it fails to function altogether. If this doctrine were the correct one, then all discussion upon the proposition now before us should be indefinitely postponed, and the problem of peace deferred until the treaty, twice rejected already, or some other treaty shall have been finally accepted and made the supreme law of the land.

I am not in accord with this position, for I am not aware of any language in the Constitution which restrains the Congress from doing what this legislation proposes to accomplish. Gentlemen seem seriously to contend that because the Constitution gives to the President and the Senate the right to make treaties, provided two-thirds of the Senators present concur, therefore this legislation is an assumption of power which the House of Representatives does not possess. When this pending measure

was considered by the members of the committee who voted to report it to the House, this phase of the question was carefully examined and, I believe, the resolution here presented is so restricted in language and application that it can not offend even the most critical specialist in the perplexing study of constitutional limitations.

Gentlemen who are responsible for reporting this resolution to the House, and I am one of them, disclaim any right on the part of the House to participate in the negotiation of a treaty. They do not admit, however, that the House has not the right or that it is not a pressing public duty to deal here with a plain reality which has come into existence after war has long since ceased and the failure to conclude a treaty has been made plain to everybody. [Applause on the Republican side.] What is the reality which confronts us? It is the reality of peace—a condition which has prevailed for nearly three years, and this resolution is but a plain recognition of the fact which no one can deny and which all are ready to proclaim.

The pending resolution is not an encroachment on the treaty-making power. Nowhere can you find in it, either expressed or implied, any plan or purpose of negotiation. If it proposed mutual action or interchange of terms; if it provided for any regulation by compromise or compact; if it laid down conditions for the adjustment of differences between this country and Germany, there would be some ground for the contention of those who dissent from this procedure; but there is nothing of this character to be found anywhere in the resolution. It does not contain or even suggest any declaration calculated to put Congress in the unlawful position of attempting to initiate or direct the foreign policy of the country. It is confined solely to the proposition of ending the technical state of war with the German and Austrian Governments, reserving all the rights and privileges we now possess or to which we are entitled by reason of our participation in the war. In this resolution Congress is not addressing Germany or any other nation, nor is it dictating to the President any line of policy for him to follow.

Termination of war is not a matter that is regulated by the organic laws of the country. It is regulated by rules of international law which assert that war may sometimes be terminated by a simple cessation of hostilities with no accompanying agreement on the part of the warring nations. Such is the present situation. The state of actual warfare ceased to exist two and one-half years ago, and by this resolution we officially recognize the patent fact and propose that the United States shall end upon its own initiative the anomalous situation of being any longer technically at war while actually at peace.

What constructive end is accomplished by the passage of this resolution? It throws off the restraints imposed by the technical state of war, and leaves this country free to enter any agreement it may desire with any other nation or nations. Pending the arrival at an agreement, diplomatic and consular relations with the enemy may be restored and American traders may resume in unrestricted measure their trade relations with all the world, without being further hampered by the limitations of presidential permits. American business is entitled to the full benefits of such relations.

In the discussion which this proposition has evoked it has been stated—and the minority report reiterates it—that even if we have the power we should not do what is here proposed, for the reason that the President can make better terms under a technical war status than under a legal peace status. This is a play on words, mere quibble, and can not be offered as argument. It has been asserted, too, that the enactment of this measure will endanger and leave unsettled several important questions, such as title to ships taken during the war and property in the hands of the Alien Property Custodian. The resolution covers these matters. One of its main purposes is to hold in statu quo whatever rights we have or may be entitled to claim against Germany. Nothing is therefore imperiled. On the contrary, all these rights and advantages are reserved until our relations with the German Government are finally adjusted.

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. KENNEDY. I will.

Mr. COCKRAN. Would not that condition exist by the mere adoption of a declaration that the war is at an end without these specific statements?

Mr. KENNEDY. I am not so sure the gentleman is right about that. I have heard the gentleman say either section 2 is a treaty or it is superfluous. I do not believe it is a treaty. There is no question in my mind that the United States, even though it is not a party to a contract that is made by other nations or individuals, can have reserved for it certain rights, advantages, and stipulations under that contract, and what we propose to do here is merely to reserve those rights. Maybe this action is superfluous, though I do not exactly think so; at any rate, I can see no harm in including these reservations in the resolution. [Applause.]

Furthermore, it has been said by those who dissent from this procedure that the passage of this resolution will, in effect, be an abandonment of the Allies. The proposed legislation does not and can not detach us from consultation or deliberation with any of these powers. It simply puts us upon a legal peace status toward Germany—a status such as the allied powers now occupy. They have already made peace with Germany. Can we not also make a move toward peace, which affects us solely in our domestic relations? Pass this resolution and we shall have a state of peace without a treaty of peace. With this much accomplished, there is nothing to hinder the President from proceeding to effectuate a satisfactory settlement. [Applause on the Republican side.]

Nothing proposed by this resolution can endanger the settlement to be made. It is difficult, therefore, to perceive how any right or association of ours can possibly be prejudiced by its passage. At all events and under all circumstances we may at least feel assured that in the final reckoning America will exact nothing but what is fair and reasonable, and that our differences will be adjusted only after due examination of all the facts and arguments upon which a just, impartial, and honorable determination must depend. Germany must see the advantage of a settlement based upon such solid ground and accordingly come to a final agreement without any unnecessary delay. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 40 minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, it has been said we are living in a new day—a time of new conditions—an era in which old things are passing away. Warrant for that statement may be found in a situation which has constrained the Republican administration to present to Congress the Knox joint resolution, to make and declare peace with our late enemies, by an act of Congress rather than by the constitutional means of a treaty, and thus set a precedent which has never before been set in the history of the Republic.

In April, 1920, a similar resolution passed the House, but before it was conceived or adopted it was known that it could not properly nor would receive Executive approval. Certain of that result, its proponents, desperately driven by partisan pretense and expedience, sought to induce in the minds of the people of America the belief that they were sincerely undertaking to bring into being a state of peace and were thwarted in that purpose by the President. It was then confessed that never before in the political history of the United States since the adoption of the Constitution had Congress undertaken to make peace with a foreign power.

The present situation strikingly illustrates how vicious and harmful a precedent established in error may become. A year ago political strategy dictated a departure from constitutional processes. Maneuvered by the stress of circumstance into a renewed advocacy of such a course, during a heated presidential campaign, the Republican Party, that it may seem to vindicate its prior adoption of error and to mask its former insincerity, feels compelled now to pursue the same pathway, though it leads to shame.

On April 8, 1920, in this Chamber, I sought in a carefully prepared speech to demonstrate by reference to the Constitution, international law, and court decisions the incompetence of Congress either to make peace or negotiate a treaty of peace with a foreign power. Neither time nor inclination will allow reiteration. Constitutional difficulties avail little with a maddened majority driven by partisan whip and spur.

While I shall not now venture to discuss the constitutional questions exhaustively, I desire to suggest the basis of the lack of authority in Congress to make peace or conclude a treaty. Section 1 of the resolution is as follows:

Resolved, etc., That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

It has been suggested that Congress having declared war, "the same power which has the right to declare and carry on war would seem naturally to be the proper power to make and conclude a treaty of peace." The language is from Kent; but the same author proceeds as follows:

But the disposition of this power will depend upon the local constitution of every nation; and it sometimes happens that the power of making peace is committed to a body of men who have not the power to make war. (a) In Sweden after the death of Charles the Twelfth the King could declare war without the consent of the National Diet, but he made peace in conjunction with the Senate. (b) So by the Constitution of the United States the President, by and with the advice and consent of two-thirds of the Senate, may make peace, but it is reserved to Congress to declare war. This provision in our Constitu-

tion is well adapted (as will be shown more fully hereafter) to unite, in the negotiation and conclusion of treaties, the advantage of talents, experience, stability, and a comprehensive knowledge of national interest with the requisite secrecy and dispatch.

In the Constitutional Convention the power to declare peace was expressly denied to Congress.

On August 17, 1787, the convention debated the clause appearing in the tentative draft as "to make war," and the following transpired, as will appear in Elliot's Debates:

FRIDAY, AUGUST 17, 1787.

On the clause, "to make war."

On the motion to insert "declare," in place of "make," it was agreed to: Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia—ayes, 8; New Hampshire—no, 1; Massachusetts, absent.

Mr. Pinckney's motion to strike out the whole clause was disagreed to without call of States.

Mr. Butler moved to give the legislature the power of peace, as they were to have that of war.

Mr. Gerry seconds him. Eight Senators may possibly exercise the power, if vested in that body, and 14 if all should be present, and may consequently give up part of the United States. The Senate are more liable to be corrupted by an enemy than the whole legislature.

On the motion for adding "and peace," after "war," it was unanimously negatived.

Adjourned.

Commenting on the transaction, Mr. Storey said:

In the convention, in the first draft of the Constitution the power was given merely "to make war." It was subsequently, and not without some struggle, altered to its present form. It was proposed to add the power "to make peace"; but this was unanimously rejected upon the plain ground that it more properly belonged to the treaty-making power. The experience of Congress under the Confederation of the difficulties attendant upon vesting the treaty-making power in a large legislative body was too deeply felt to justify the hazard of another experiment.

Dr. William Rawle, in his view of the Constitution (Philadelphia, 1829, pp. 110-111), remarks:

Treaties, by which peace is completely restored, may, as already shown, be made by the President and Senate alone, without the concurrence and against the will of the House of Representatives.

It has been made a subject of doubt whether the power to make war and peace should not be the same, and why a smaller part of the Government should be intrusted with the latter than the former. Sufficient reasons may certainly be assigned for the distinction. Peace is seldom effected without preparatory discussions, often of length and difficulty, the conduct of which, of course, belongs only to the President and Senate.

Abundant authority may be quoted, but I shall not multiply citations. Reference is made to them in my remarks in CONGRESSIONAL RECORD, page 5352, April 8, 1920. All will admit that the Constitution vests the treaty-making power in the President "by and with the advice and consent of the Senate." None will contend that Congress is authorized to end war by the making of a treaty. When confronted by a constitutional objection of such unquestioned soundness, the only escape for gentlemen urging the resolution, lies in a flat denial that a treaty is proposed to be made by Congress. It is not, however, contended by gentlemen on the Republican side that the passage of this resolution will be effectual, because the President is quoted as saying, and the leaders in the Senate are quoted as saying, and gentlemen on the floor of this House have already said, that even after this resolution shall have been adopted a treaty of peace must be entered into by the President with the German Government.

Assuming for the moment that Congress possesses the power to do what is proposed, which, of course, I deny, is it wise or safe for our interests to do so? What good can be accomplished? What harm will result? What are the ends sought? What useful purpose will it accomplish for the people of the United States? What are the arguments urged a year ago to support such a plan?

First. The excuse was offered that the President and the Senate could not agree on terms of peace, and that that constitutional agency having failed, Congress should exercise a power never before claimed for it. That claim has no support now. The President and both Houses of Congress are in entire accord. Any treaty which the President might make would probably receive the consent of a willing Senate. Such a pretext can not now bottom an unconstitutional course by the Congress.

What was the next argument? The desire for peace, the ending of war, the return of the Army from Germany, were next urged as sufficient ground to support the action.

Mr. Speaker, fighting closed in November, 1918, and has never been resumed. Hostilities have come to an end. The armies have returned to the United States and been demobilized, except the forces in the occupied territory of Germany. The troops now in Germany may be recalled by the President as constitutional Commander in Chief whenever he may see fit. If you want them returned, let the President bring them home. That bogy no longer stalks abroad to affright the nervous and the timid.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. CONNALLY of Texas. I do not want to decline, and I think I am coming to what the gentleman has in mind in a minute.

What was the third excuse? A year ago the cry went out that peace by resolution must be had to restore trade with Germany. That was and is a specious but hollow appeal. The United States has for more than a year been trading with Germany to the extent of her ability to buy. I hold in my hand a letter from Secretary of State Hughes, under date of May 5, 1921, stating that there exists no restriction of trade with Germany except the restriction against the importation into the United States of dyes, certain chemicals, and coal-tar products from Germany. Why does that restriction exist? That exists because the Republican emergency tariff bill, recently enacted, provides for that restriction. Fancy Republicans urging this resolution that we may trade with Germany, when the only impediment to such trade was imposed by a tariff embargo on German dyes and chemicals. Listen to the letter:

DEPARTMENT OF STATE,
Washington, May 5, 1921.

Hon. TOM CONNALLY,
House of Representatives.

MY DEAR MR. CONNALLY: I have your letter of May 3, 1921, inquiring as to what, if any, restrictions are now imposed on trade between the United States and Germany or Austria.

In reply I take pleasure in informing you that no restrictions are now imposed on trade between the United States and Germany and Austria except in the case of property in the hands of the Alien Property Custodian, and of sodium nitrate, synthetic organic drugs, synthetic organic chemicals, dyes, and dyestuffs, including crudes and intermediates, all products, whether embraced in the above or not, derived directly or indirectly from coal tar, including crude intermediate and finished or partly finished products, mixtures, and compounds of coal-tar products.

I am, my dear Mr. CONNALLY,
Very sincerely, yours,
CHARLES E. HUGHES.

Mr. KEARNS. Will the gentleman yield?

Mr. CONNALLY of Texas. Not now.

Here is a letter from Secretary of Commerce Hoover, of May 6, 1921, relating to the volume of trade with Germany. It also discloses that no restriction is placed on exports to Germany. It declares that for 1920 exports to Germany amounted to $311,437,377 and imports into the United States from Germany amounted to $88,836,380, as against, for 1919, exports of $92,761,314 and imports of $10,608,141. For 1913, exports to Germany were, in round numbers, $351,000,000. For the first three months of 1921 they amounted to $118,934,738. At that rate they will amount to more than $450,000,000 for 1921, a greater sum than for 1913, before war had interrupted our trade. We are selling Germany now more exports than before the war. Listen to Secretary Hoover's letter:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 6, 1921.

Hon. TOM CONNALLY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: With reference to your letter of May 3, I am inclosing herewith a statement regarding the trade of the United States with Germany, prepared by the Bureau of Foreign and Domestic Commerce, which I hope will be of assistance to you.

Yours, faithfully,

HERBERT HOOVER,
Secretary of Commerce.

(Inclosure 34651.)

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, May 6, 1921.

In reply refer to 17.

Memorandum for Secretary of Commerce:

In reply to letter from Hon. TOM CONNALLY, Representative in Congress, under date of May 3, regarding the import and export trade of United States with Germany and restrictions, if any, on the trade.

There are quoted below the total values of imports and exports of merchandise into and from the United States in its trade with Germany during the calendar years 1919, 1920, and the months of January, February, and March, 1921:

	Imports.	Exports.
1919	$10,608,141	$92,761,314
1920	88,836,280	311,437,377
1921:		
January	4,630,381	48,812,037
February	4,952,278	39,619,713
March	7,367,780	30,502,988
	16,950,439	118,934,738

There are no restrictions placed on the exportations from the United States to Germany. The imports of sodium nitrate, synthetic organic drugs and chemicals, dyes and dyestuffs, including crudes and intermediates, and all products whether embraced in the above or not which are derived, directly or indirectly, from coal tar, including intermediates and finished products or partly finished products, mixtures, or compounds of coal tar are subject to restrictions. The regulations governing the importations of these commodities are issued by the War Trade Board Section of the Department of State, and if Representative CONNALLY is desirous of securing a copy of these regulations it is suggested that he communicate with that office.

J. HOHN,
Chief Division of Statistics.

Germany is gradually recovering her power to buy, and exports from the United States are growing. A few days ago I read in the Galveston News of recent arrangements to send large shipments of cotton to Germany. England, on account of the coal strike, is taking little cotton, but Germany is beginning to purchase larger and larger amounts. The greatest impediment to trade in cotton with Germany is the Republican protective tariff, which prevents her from shipping goods to pay us for our cotton and raw materials. This act will not repeal the tariff. If so, it would not be here.

Her trade is reviving. Her ability to buy is coming back. All she needs is money with which to purchase. This bill will not coin a single gold mark. We are now selling her all the goods she can pay for. The trade pretense is too frail a nail upon which to hang an argument.

Oh, but gentlemen said a year ago, and they are repeating it now, that we must pass this resolution in order to get rid of these irritating and annoying war laws. The most appealing of all contentions made a year ago was that the war laws should be repealed. On the 3d of March, 1921, a joint resolution of Congress was approved by President Wilson, H. J. Res. 382, that wiped off the statute books every single war law that was written there, except a few laws which a Republican Congress, which passed that statute, refused to wipe off the books. [Applause on the Democratic side.] They were terminated by a resolution of simple repeal without a declaration of peace, and yet you come now and say that you want to pass this resolution to repeal laws which you refused to repeal only three months ago. There is no firm ground there upon which to stand. The word "peace" has a tremendous psychological appeal. Many seem to think that this resolution will produce some magical result. But what can it actually do in fact? Let us strip it of the words and phrases by which it is concealed and see what it really can do. The resolution will not end the fighting. It is already ended. The troops in Germany may be brought home at the pleasure of the President. It will not restore trade with Germany—it is already restored so far as she is able to buy. It will not repeal the war laws—they have already been repealed.

What, gentlemen of the House, remains to be settled and determined as issues and outgrowths of the war? What is there then that remains to be done to restore the United States to the prewar status? All that remains is the adjustment of the rights of the United States Government and American citizens with the German Government. What are those claims and rights that must be settled? American ships were sunk and American citizens killed on the public highways of the sea. Claims for reparation must be adjusted. Many millions of dollars of property of American citizens in Germany was seized and held by the German Government. Claims affecting the sinking of American ships, claims for the loss of American lives, American property in Europe seized or damaged or destroyed by Germany, German ships and German property in the United States that were seized by the Government are the questions remaining to be settled. And what do we find about that?

Senate Document No. 419 (66th Cong., 3d sess.) contains a report by the Secretary of State to the President, of date March 2, 1921, respecting claims of American citizens against Germany as disclosed by the records of the State Department. I quote from that report certain tables and statements disclosing the state of such claims. I shall not read the tables in detail, but will place them in the RECORD for your information.

CLAIMS OF AMERICAN CITIZENS AGAINST GERMANY.

Claims and losses which may be readily classified are herein set forth in summary, indicating the items into which the claims and losses may be conveniently classified, the number of claims which has been filed, the number which is prospective, and the amounts of the claims and the alleged losses.

Summary of losses—Statement of alleged losses or communications indicating intention of filing claims (without accompanying proof).

	Number.	Amounts.	Claims filed.	
			Number.	Amounts.
Submarine warfare (Including loss of life, personal injuries, loss of hulls, cargoes, and personal effects, war-risk insurance, losses due to submarine, raiders, and mines. These figures do not include hull losses for which the United States Government may be liable through requisition, nor insurance claims on hulls, except by Bureau of War Risk Insurance.)	451	$110,254,058.69 23,500 pesetas 22,909.25 lires 17,709.55 francs £13,701	411	$23,321,243.65. £7,908.

Summary of losses, etc.—Continued.

	Number.	Amounts.	Claims filed.	
			Number.	Amounts.
Military requisitions of and damage to property, including that in occupied territory.	77	$10,299,279.69 6,842,599.05 marks 1,419,388.91 francs 13,580.05 rubles 55,650 pesos £11,868 63,000 kronen 672,618,713.46 lei [2]	35	$5,439,539.41. £2,932. 161,850 francs. 9,680.16 guilders. 4,500 marks. 1,016,422 taels. [1]
Personal injuries, arrests, detentions, expulsions.	2	$200,000	2	$52,500.
Sequestration cases, damage to property in Germany, including loss, use, sale liquidation, forced loans.	82	$46,066,419.28 59,000 francs 29,744,866.40 marks £135,259 443,970.33 kronen	65	$6,075,986.05. 42,000 francs. 496,874.95 marks. £2,800.
Miscellaneous, not included above.	23	$2,539,420.81	5	$5,238,646.85. 186,698.28 marks.
Total of above as stated in dollars.		$169,359,178.47		$40,127,915.96.
Other items mentioned above if converted into dollars at ordinary values of the respective coins, about.		$107,390,560.1		$1,057,815.25.
Complete total	635	$180,098,234.48 672,618,713.46 lei	518	$41,133,231.21.
Grand total of 1,253 claims and statements of loss or communications indicating intention of filing claims.				$221,231,465.69. 672,618,713.46 lei.

[1] A weight of silver.

[2] Claim for German destruction of property in Rumania at time of German invasion of Rumania in 1916. Stated in lei, a coin of Rumania; rate of exchange not known.

Claims in which no amounts have yet been stated 37

Statements of losses and statements concerning property in Germany in which no amounts have been given. Many of these may become claims, particularly those based upon submarine warfare 858

The items included in the foregoing summary which comprise the principal part of the amounts claimed or losses alleged are loss of life, personal injuries, vessels sunk in submarine warfare, cargoes lost in submarine warfare, insurance paid, and premiums paid on war-risk insurance. Further information regarding these losses and claims is set forth below under their respective headings. In the statements which follow the term "prewar" relates to losses which occurred prior to the entry of the United States into the war. The term "belligerent" relates to losses which occurred during the participation of the United States in the war.

Statements of alleged losses and claims arising from loss of life.

	Number.	Amount.
Prewar [1]	135	$15,865,756.02
Belligerent	15	205,346.74
Total	150	16,071,102.76

[1] Mainly Lusitania claims.

Statements of alleged losses and claims arising from personal injuries.

	Number.	Amount.
Prewar	46	$1,761,316.41
Belligerent	40	634,237.23
Total	86	2,395,553.64

Statements of alleged losses and claims of private owners arising from the sinking of vessels.

	Number.	Amount.
Prewar	11	$6,604,487.93
Belligerent	89	23,807,276.17
Total	100	30,411,764.13

Insurance losses: Losses by American insurance companies or organizations (including the Bureau of War Risk Insurance) as reported to the department up to the present time are as follows:

Prewar	$34,349,900
Belligerent	50,734,713
Total	85,084,613

* * * * * * *

The Treasury Department has notified the Department of State that it is desired to make claim to reimburse the Government of the United States for losses paid on business written by the Bureau of War Risk Insurance.

* * * * * * *

Property belonging to many Americans was seized by the German Army at the outbreak of the war, both in Germany and in the countries invaded by the German Army. A great deal of valuable American property in Belgium was either seized for military purposes or damaged or destroyed during the German occupation of Belgium. Much valuable American property available for war purposes, such as automobiles, machinery, and supplies, was promptly taken by the German Army. American property in northern France was also lost or damaged.

Among the heaviest prewar losses of this character were those sustained by several American corporations which had valuable property interests in Rumania.

* * * * * * *

GENERAL LOSSES OF THE UNITED STATES GOVERNMENT.

Various items have been communicated to the department as losses sustained by the Government of the United States as a result of the war which are not included in the general summary of losses and claims as set forth above. These items may be briefly summarized as follows:

	Prewar.	Belligerent.
Cargoes, United States Government owned (see Exhibits 5, 6, and 7)		$36,185,890
War vessels of United States Navy (see Exhibit 5)		12,958,394
Armed vessels requisitioned as naval auxiliaries (see Exhibit 5)		1,566,964
Department of Labor expenses in caring for German officers and sailors		900,000
Expenses of United States Navy re same	$26,477	
War Department expenses in caring for prisoners of war in the United States		3,305,300
Expenses Department of Justice in handling enemy aliens in United States		1,032,656
United States Navy expenses in restoring damaged interned German ships		6,961,285
United States Navy demurrage charges in re damaged German vessels		8,762,433
Shipping Board expenses in repairing damaged German ships		8,584,942
Relief and repatriation of submarined American seamen	50,000	200,000
Total	76,477	80,457,864
Grand total, prewar and belligerent		80,534,341

(No account is taken in this report of the expenses of the American Army in occupied territory in Germany.)

* * * * * * *

Monetary losses sustained by the Shipping Board on account of sinkings due to submarine warfare are comprised in three principal classes: (1) Vessels owned by Shipping Board and not in service of Army or Navy, (2) requisitioned American steamers, and (3) requisitioned Dutch steamers. (See Exhibit 10.)

EXHIBIT No. 10.

United States Shipping Board losses in dollars.

Vessel.	Dead-weight tons.	Value.	Date of accident.	Location.
(a) Owned — Total losses:				
Council Bluffs	4,200	$840,000.00	Nov. 13, 1919	Sunk by mine off Terchelling.
Florence H	5,500	962,500.00	Apr. 17, 1918	Explosion at Quiberon Bay, France.
Lake City	4,000	800,000.00	Oct. 3, 1918	Sunk in collision off Key West.
Lake Placid	4,200	840,000.00	May 19, 1919	Sunk by mine off Bingo Light, Sweden.
West Arvada	8,800	1,760,000.00	June 19, 1919	Mined near Dutch coast.
(a) Owned—Partial losses:				
Englewood	7,323	1,464,600.00	Aug. 18, 1919	Struck mine mouth of Thames River.
Liberty Glo	7,500	1,500,000.00	Dec. 5, 1919	Struck mine off Terchelling.
(b) Requisitioned—total losses:				
Alamance	5,300	1,103,883.33	Feb. 5, 1918	Torpedoed off Maiden Head, Ireland.
Atlantic Sun	3,800	626,728.77	Mar. 18, 1918	Torpedoed, Atlantic Ocean.
Carolina	4,100	937,500.00	June 2, 1918	Sunk off Delaware capes by submarine.
Pinar del Rio	4,060	776,071.23	June 9, 1918	Submarined off United States coast.
Santa Maria	8,300	1,483,529.73	Feb. 25, 1918	Torpedoed off Lorne, Ireland.
Tyler	4,200	915,457.51	May 2, 1918	Sunk by submarine off French coast.
Winneconne	3,200	590,912.60	June 8, 1918	Sunk by submarine off Jersey coast.
(c) Chartered (from Dutch) — Total losses:				
Merak	5,250	1,304,675.03	Aug. 6, 1918	Sunk by submarine off Diamond Shoals.
Texel	5,600	1,405,864.68	June 2, 1918	Sunk by submarine.
Yeselhaven	6,293	1,524,069.77	Feb. 14, 1919	Sunk by mine.

EXHIBIT No. 11.

Recapitulation of American steamships and sailing vessels destroyed by submarines, raiders, or mines since the beginning of the war.

Type.	Number.	Gross tons.
Steamships:		
Freight steamers	66	251,302
Tankers	14	66,335
Freight and passenger	5	51,303
Total	85	368,940
Sailing vessels:		
Ships	3	8,282
Barks and barkentines	7	7,271
Schooners	58	43,019
Barges	4	2,971
Total	72	61,549
Grand total	157	430,489

AMERICAN INTERESTS IN GERMANY.

The treatment of American-owned property of various descriptions in Germany is a possible source of further claims. Several thousand American citizens have filed with the department statements describing their property in Germany and giving an estimate of its value. An abstract of information furnished the department regarding American interests in Germany follows:

Character of property:	Estimated values.
Real estate	$10,271,449.48
Debts, including accounts and bills receivable	29,267,147.27
Securities	67,183,750.55
Deposits	30,951,549.20
Miscellaneous property	49,910,371.10
Inheritances, real, personal, and miscellaneous	3,563,079.16
Total	191,147,346.76

By an ordinance of January 11, 1920, various war measures adopted by the German Government relating to enemy property in Germany were repealed.

* * * * * * *

Consequently, while American citizens, since January 11, 1920, have been able to obtain the possession of real estate and certain classes of personal property which had been sequestrated by the German Government, they have been unable to obtain the release of credits, cash, and deposits.

The amount of claims which may be expected to result from sequestration of American property in Germany is as yet uncertain.

Losses by American prisoners of war: By reference from the War Department, some 613 cases in which American prisoners of war lost property in Germany or suffered other injuries or losses while prisoners have been brought to the attention of the Department of State. The losses submitted by the War Department were compiled from data contained in the affidavits of the American military prisoners who were held in various prison camps and hospitals in Germany. In addition to the complaints regarding loss of personal property, other grounds of complaint are cruelty, neglect, lack of food and medicine, ill treatment, insanitary living conditions, and enforced labor. These cases may be summarized as follows:

Number of cases in which value of property is reported	296
Total value of property lost as reported	$12,560.08
Cases in which miscellaneous injuries are reported but no amounts of claim or loss alleged	464
Cases involving loss of property in which estimates or statements are incomplete	116

Gentlemen of the House, not to mention the unfold millions of Government property destroyed, claims of American citizens against Germany of more than $221,000,000 and 672,000,000 lei (Rumanian coin of unknown American value) remain unsettled.

That does not include any claims of the United States for the loss of Shipping Board vessels or for pay of soldiers in the Army of occupation, or any other governmental claims. But there are $221,000,000 of private claims of American citizens. Are you going to pass this resolution and declare a state of peace and abandon hundreds of American citizens to their fate to prosecute their own claims against the German Government? Somebody has got to pay them. If the German Government does not pay them, will you gentlemen vote $221,000,000 out of the United States Treasury to pay them? We very properly refused to permit the Allies to repudiate their debts to us. Will you gentlemen be more generous with Germany than you were with the Allies and give her an acquittance and remission of her obligations to pay $221,000,000 to American citizens?

The United States has made no claim nor will make any claim for indemnities to cover military expenses during the combat period. We were not fighting for gain or conquest, but under the terms of the armistice, Germany is to reimburse the United States for the expenses of the Army of occupation in Germany. Many millions are long past due. A declaration of peace will automatically end the armistice and may endanger that claim.

What else do we find? We find there is approximately $190,000,000 of American property located in Germany. Much

of that property was sequestered by the German Government, and the German Government to this date has failed and refused to restore to American citizens their cash or credits in Germany. What else do we find? The United States, acting under its rights as a belligerent, sequestered and now holds the property of enemy aliens. The seizure was authorized only by a state of war.

The office of the Alien Property Custodian informs me that he has in his custody now approximately $400,000,000 belonging to enemy aliens, which was sequestered during the war. This property was not confiscated; it was merely sequestered in order to keep it from going to the aid of the enemy. The Shipping Board informs me that it now holds 40 former German ships of a total tonnage of 352,887 tons—40 German ships, 16 cargo and 24 passenger vessels. Those ships mostly belong not to the German Government but to private German corporations or citizens.

My fellow American citizens—and I speak to you to-day not purely as partisans, but as citizens of this great Republic, and as men charged with a terrific responsibility in these premises—what do we find with reference to those things that remain to be settled? Now, can this resolution settle them? They can only be settled by negotiation, by going into the mass of details to separate the various kinds of claims for damages, for loss of life and property, for restitution of property, and by the ascertainment of questions of fact. To secure restitution of American property held in Germany, to acquire the right to appropriate German property in the hands of the United States to the payment of reparation claims of our citizens involves stipulation that can only be properly and intelligently ascertained by diplomatic negotiation. It may require the establishment of tribunals or commissions to fix and determine claims.

What do gentlemen say? They say that a treaty must still be negotiated after this resolution passes.

The Knox resolution assumes that a treaty will be made. It undertakes to reserve American rights under the treaty of Versailles until a treaty can be negotiated, and so forth. Then, if that be true, what purpose or what benefit will this resolution produce? What useful office can it fill? Why, the Secretary of State and the President in the case of Mexico refuse to recognize her until she enters into a treaty, but in the case of Germany they make peace with her first and talk about a treaty afterwards. [Applause on the Democratic side.] What may result? By the passage of this resolution, if it means anything, we shall immediately be at peace.

Why does not the President negotiate a treaty, which he must make now or later? Certainly a declaration of peace by Congress can not make his task easier. To my mind it will surely make his duty harder.

What will confront him and the country? If this measure be effective, the legal status will be that of peace.

There will then be no alien enemy. There will be then no German enemy. We shall stand on an equality before the world. The two Governments and their nationals and the rights of each must be regarded in the light of a legal state of peace. And what will the President do? The President will undertake to negotiate a treaty with Germany to settle matters arising from war. He may propose to retain alien property until American claims are paid, and Germany will reply to the President—or if she does not you are providing that she may reply to the President—"Why, my dear Mr. President, we are at peace. You have already solemnly said that we are at peace. I have no right in time of peace to turn over the property of my citizens to you to satisfy a war claim which terminated automatically with the end of the war."

At the very threshold the President may be met with that argument.

Already it has been hinted that Germany will claim rights under the treaty with the United States of 1828. In 1799 the United States made a treaty with Prussia. Article 23 of that treaty reads as follows:

> If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs and may depart freely, carrying off all their effects wthout molestaton or hindrance, and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy into whose power by the events of war they may happen to fall, but if anything is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price.

In 1828 another treaty was made and article 12 thereof revived and extended articles 23, 24, and others of the treaty of 1799. It will be noted that by the express terms of the treaty it was to be effective in time of war as well as of peace. The State Department recognizes that that treaty was in force when we entered the war.

Before the expiration of nine months after the war was declared the United States seized German property—the property of German merchants. We molested their property and impounded it under the trading with the enemy act. But it may be said that war abrogated the treaty. That would not prevent Germany from asserting the contrary. The assertion of it, peace having been declared, must result in embarrassment and leave a source of friction for the future.

But wise gentlemen on the Committee on Foreign Affairs will say that war abrogated the treaty. Let us see if it does. Do not forget that Germany knows what is in that treaty. Do not forget that she will recall it to your attention after this resolution passes. I feel warranted in calling it to your attention now, because I want you to know what you are doing when you pass this resolution. Will she fail to point to that clause of article 24 of the Prussian treaty reading as follows:

> And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

On the other hand, without a declaration of peace until a treaty is made, the President, on behalf of the United States, can without difficulty adjust to his satisfaction the many issues, claims, and reparations that arose from the war. He may dictate his own terms. As a belligerent we have a right to retain alien property until Germany settles with our citizens.

In addition to what the treaty of 1828 provides, may not Germany contend that under international law the coming of formal peace revives the rights of alien enemies to claim their property, even though it has been sequestered by the State during the war?

Hall, on International Law, in discussing the effects of a treaty of peace, says:

> In a general way it revives all private rights, and restores the remedies which have been suspended during the war; contracts, for example, are revived between private persons if they are not of such a kind as to be necessarily put an end to by war, and if their fulfillment has not been rendered impossible by such acts of a belligerent Government as the confiscation of debts due by subjects to those of its enemy, the courts also are reopened for the enforcement of claims of every kind.

With reference to the seizure of alien-enemy property, it is said:

> Property belonging to an enemy which is found by a belligerent within his own jurisdiction, except property entering territorial waters after the commencement of war, may be said to enjoy a practical immunity from confiscation; but its different kinds are not protected by customs of equal authority, and although seizure would always now be looked upon with extreme disfavor, it would be unsafe to declare that it is not generally within the bare rights of war.

Recourse is not restricted to text writers. Federal judicial authority is at hand.

During the War of the Revolution many of the States enacted laws, similar to the trading with the enemy act, under which the property of British subjects was sequestered and held by the State. In 1783 a treaty was concluded containing a clause providing that British subjects should not suffer any impediment to the collection of British debts.

The State of Georgia instituted an original proceeding in the Supreme Court of the United States to enjoin the payment by a citizen of that State of a debt due to Brailsford, a British subject, on the theory that the debt had been sequestered and had thereby become the property of Georgia. The case was submitted to a jury, which was instructed as to the law by Chief Justice Jay, in part as follows:

> We are also of opinion that the debts due to Brailsford, a British subject, residing in Great Britain, were by the statute of Georgia subjected not to confiscation but only to sequestration, and therefore that his right to recover them revived at the peace, both by the law of nations and the treaty of peace. (Georgia *v.* Brailsford, 3 Dallas, 1.)

Bearing in mind the treaty of 1828 with Germany and the possible contention that it was terminated by the war, the decision of the Supreme Court in Society, and so forth, versus New Haven, 8 Wheaton, 464, is of interest:

> But there is a still more decisive answer to this objection, which is that the termination of a treaty can not divest rights of property already vested under it.
>
> If real estate be purchased or secured under a treaty, it would be most mischievous to admit that the extinguishment of the treaty extinguished the right to such estate. In truth, it no more affects such rights than the repeal of a municipal law affects rights acquired under it. * * *
>
> We think therefore that treaties stipulating for permanent rights, and general arrangements, and professing to aim at perpetuity, and to deal with the case of war as well as of peace, do not cease on the occurrence of war, but are at most only suspended while it lasts; and unless they are waived by the parties, or new and repugnant stipulations are made, they revive in their operation at the return of peace.

Vattel, Chitty's edition 1857, page 322, states the rule:

He who declares war does not confiscate the immovable property possessed in his country by his enemy's subjects. By permitting them to purchase and possess such property he has in that respect admitted them into the number of his subjects. But the income may be sequestrated in order to prevent its being remitted to the enemy's country.

Where is the man who doubts that German citizens will demand the return of their property? Are there not hundreds of claims for such return now pending with the Alien Property Custodian? If Germany hesitates to perform obligations which she has solemnly assumed, will she be timid in asserting claims that possess the color of lawful rights? So that by the treaty of 1828 as well as the law of nations the moment this country declares peace every German alien may go into court, and will have the right to go into court, and demand the return of his part of the $400,000,000 of property held by the Alien Property Custodian. We have the right to retain that $400,000,000 and say to Germany, "We hold it in pledge to offset your damages due to American citizens in the sum of $221,000,000." Will you pass this resolution and run the risk of surrendering the position which the United States may occupy at the council table? "Oh, but" they say, "we can attend to that later." Who doubts, gentlemen, but that after this resolution passes the United States will deal with Germany not as a victor, but as an equal? When she goes to the council table I want my country to be in a position to absolutely dictate the terms of peace. [Applause on the Democratic side.] I want to give your and my President the power to settle these matters in the interest of the people of the United States. I do not want him to be humiliated in dealing with an enemy over whom we have triumphed. America should be able to exact as a victor in war into which she was forced, what she was unable to exact while she was yet at peace. I shall never vote to make my country an humble mendicant, cringing and fawning before the enemy she has conquered, to secure unquestioned rights as a matter of grace. [Applause on the Democratic side.]

With peace formally declared may not Germany and her nationals demand: Give back my ships! Give back my property—my stocks and bonds—my moneys and my lands!

What will you say to American claimants to justify your course?

"Oh," the gentlemen on the majority side say, "section 2 takes care of these things. Section 2 reserves all the rights we have." Let us see what that does.

Here is section 2:

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefits; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise.

Section 2 undertakes to reserve rights under the armistice. When peace is declared the armistice is terminated because an armistice is merely a truce to allow diplomatic negotiation. "Oh, but," they say, "we reserve rights under the treaty of Versailles." Let me demonstrate how ridiculous that pretense is. The proposition that the United States may reserve rights under a treaty which she has failed to ratify and has repudiated constitutes such a mockery of accepted legal principles that its assertion by men in high and responsible station is amazing. A party is not bound by a contract to which it is not a party. A treaty is a compact or contract between two or more nations. The United States has refused to ratify the treaty of Versailles. It has declined to be bound by it, and having so declined, is not bound. If the United States is not bound, neither is Germany bound to the United States.

But if you can reserve rights under the treaty of Versailles, then Germany is bound in some way to us by the treaty of Versailles. If Germany is required to respect any right or any assertion which we may make, then she must be bound. The United States is not bound, because we have repudiated and heaped with abuse the treaty of Versailles. If the United States is not bound, then Germany has no right under the treaty which she can require us to respect. Can it be that Germany, who has ratified the treaty, can have no rights whatever under it as against us, when we, who have not ratified it, can have rights under it which she is bound to respect? The existence of a right implies the power to demand it and to enforce its acknowledgment.

If you can reserve something which you have not, then you will perform a legislative miracle in this day and time. The dictionary says that to reserve is to hold on to that which is your own; to hold it back for a little time. You can not hold back something which you have not. We now have no rights under the treaty, because we have never had any rights under it.

But suppose that we could legally reserve those rights, then the reservation appearing in section 2 becomes a treaty. Whenever Congress by legislative act adopts any language or any clause or any sentence in a compact, in a treaty, or any other kind of obligation relating to a foreign power, and seeks to give vitality to it and to base rights upon it, then to the extent of that language the Congress is entering into a treaty with a foreign power. Now, let me show you why. If Congress can adopt any part of a treaty, then Congress can adopt all of the treaty. If Congress can adopt one line of a treaty which says that the United States has certain rights in certain property or that her citizens shall have certain rights, then Congress can adopt two lines, or three lines, or one hundred lines, or the whole treaty, and make it a part of the law of this land.

To the extent of such stipulation, it is an undertaking to make a contract or compact with a foreign Government, the terms of which are set forth in those clauses of the treaty defining the advantages and benefits sought to be claimed. Such an act is tantamount to erasing from the formal text of the treaty all language except that stipulating the rights and advantages which are sought to be reserved, and then ratifying by act of Congress that which remains. By such an act we say to Germany, "We will not agree with you to be bound by certain sections of the treaty. We do agree with you on those sections according us rights, and hold you to their performance." Any such agreement with a foreign power, though expressed in a single line, is a treaty. If made by Congress, it is a congressional treaty. It is unknown to the Constitution.

The gentleman from Illinois [Mr. MASON], a member of the Committee on Foreign Affairs, stated on this floor some weeks ago that the Knox resolution infringes the treaty power. The gentleman from Pennsylvania [Mr. PORTER], on June 11, 1921, in opening the debate in support of the resolution, said in this House:

Further, the Senate resolution fixes many terms and conditions of the treaty to be made with our late enemies, thereby unmistakably invading the Executive's prerogative which vests him with the exclusive initiative in the making of treaties.

Their statements were based upon the fact that the Knox resolution attempts a reservation of rights until a treaty makes "suitable provision for the satisfaction of all claims," and so forth.

My response to that, gentlemen of the House, is that if Congress can reserve rights in the treaty of Versailles for 1 day it can reserve those rights for 2 days, or 1 year, or 2 years, or 10 years, or for any other period which it may see fit, even until the negotiation of some specific description of a treaty, unless in the meantime those rights are changed or abrogated by another treaty.

This is but another evidence of the absurdity of the attempt to reserve rights. The clause in the Knox resolution to reserve them until a particular kind of treaty is made is ineffective, because when any kind of treaty modifying or settling those rights is hereafter made and ratified it has the effect to that extent of repealing the resolution. They are no longer reserved, because they no longer exist. The same is true of the Porter substitute now being considered. If the Knox resolution is not constitutional, neither is the Porter substitute.

So you can not stand upon the hypothesis or the theory that you are reserving something in a treaty; because whenever you do you are thereby making a treaty.

But let me suggest another phase. Suppose you could, under the Constitution, reserve rights in the treaty, would not the United States present an unworthy and an unenviable aspect before the bar of civilization? Would we not forfeit the fair renown which we have achieved before the world in claiming the benefits and the rights of a treaty whose obligations we spurn and cast out?

Would it not neutralize or destroy the splendid opinion which the world entertains that in entering the war and in fighting for our rights we were also fighting for the rights of civilization and for the establishment of liberty and justice and equity among the nations of the earth? For one I shall not be willing to put my country in such an attitude before the bar of history. [Applause.]

Mr. Speaker and gentlemen of the House, President Harding was inaugurated on March 4 of the present year. Every moment since the time he lifted up his hand and took the oath of office his ample powers under the Constitution have authorized him to treat through the channels of diplomacy in any manner that he might see fit with the German Government and other Governments toward concluding a treaty of peace and toward settling the multifarious questions that the war has left on our

doorstep. Why, gentlemen, he has had the unlimited power and authority, if he saw fit, to submit to the Senate of the United States the treaty of Versailles with or without reservations, with or without any league. That treaty is now in his office. That treaty has been in his office ever since he attained to the office of President. If he had desired, he could have submitted to the Senate for ratification the treaty of Versailles with such reservations as he had in mind when he addressed this Congress in this Chamber on the 12th of April, 1921. What did he say then?

The wiser course would seem to be the acceptance of the confirmation of our rights and interests as already provided and to engage under the existing treaty, assuming, of course, that this can be satisfactorily accomplished by such explicit reservations and modifications as will secure our absolute freedom from inadvisable commitments and safeguard all our essential interests.

[Applause.]

But, gentlemen, let me tell you that when the present President sat in the Senate of the United States he voted for the treaty of Versailles with the Lodge reservations. Surely he would not have voted for that treaty with those reservations if it did not reflect what he thought to be a proper settlement of the war with Germany.

He certainly would not have voted for the treaty of Versailles with the qualifying reservations which he did if that did not represent his conscientious conviction that it was the kind of a settlement that this country was entitled to; and if he did, that treaty is still in his office. Why does he not send it back to the Senate now, with the reservations which he approved, and ask the Senate either to approve it or to tie on still more reservations? He then would be saved the difficulty of a new negotiation.

But suppose he is not satisfied with that. Suppose he has changed his mind. Suppose he has changed his mind since he voted in the Senate and since he spoke here in this Chamber and said that the present treaty was the one upon which to base our rights. If he has changed his opinion, under the Constitution his powers are broad enough to permit him to throw the treaty of Versailles in the waste basket, and to proceed through his great Secretary of State, Mr. Hughes, to negotiate an entirely new treaty settling all the questions of peace and war and trade and all the things that war has left on our hands. But he has declined to do it. His failure to act is not the failure of Congress. For that failure he is answerable, and not the Congress of the United States. For the plentitude of his powers the Constitution is responsible, but if there be poverty of performance he is responsible. [Applause.]

Ah, perhaps the zeal of the President has grown calm. Perhaps the zeal of the campaign was such as to cause him to make inconsiderate and thoughtless statements about what he would do with reference to the foreign policies of the United States. The tremendous responsibilities of the Presidency have sobered him and brought to him the realization that in his conduct of our foreign affairs he is the spokesman of the Nation and not simply of a party and he has grown cautious. The solemn and stunning knowledge has come to him that difficulties lie in his pathway. He has found that his pathway is stony. Even though it is not as stony as that of his predecessor, he finds it difficult now to do the things for which he blamed the man who occupied that high station before him. [Applause.] The President is a man of gracious and pleasing personality, and inspired by patriotic impulses, and I shall not indulge in criticism of him except as my duty in considering this resolution as it affects his functions requires.

The President in his address to the Senate and the House stated on April 12, 1921:

To establish the state of technical peace without further delay I should approve a declaratory resolution by Congress to that effect, with the qualifications essential to protect all our rights. * * *

Such a resolution should undertake to do no more than thus to declare the state of peace which all America craves.

The President's haste was then hot. He must have this resolution without further delay, and yet three months have transpired from the beginning of his term and two months of the session of Congress, and now we have it presented for the first time. I would like to ask the gentleman from Pennsylvania why the delay. What has occurred at home or abroad to delay the plan for peace? He may answer now if he desires. Why, he may say, because he wanted to wait until Germany made the first reparation payment. Now, gentlemen, if you have to wait until she makes the first reparation payment, why, by the same logic, not wait until she makes the second reparation payment? [Applause on the Democratic side.] And, by the same logic, until she makes the third. Sirs, if something transpired across the water, if something transpired in world affairs a month ago which caused you to hesitate and hold back, how do you know but something may transpire a month from now which will make you regret that you ever passed the resolution?

Senator Harding, on July 22, 1920, in his speech accepting the Republican nomination, said:

I promise you formal and effective peace so quickly as a Republican Congress can pass its declaration for a Republican Executive to sign.

A special dispatch to the Washington Star from San Augustine, Fla., where the President elect was at that time, under date of February 8, 1921, said in part:

When Warren Harding, as President of the United States, sends his first message to the extra session of Congress he will ask for the immediate passage of the Knox resolution declaring the war against Germany and Austria at an end. * * * Mr. Harding will announce that immediately the resolution of peace is passed by Congress and approved by himself he will undertake the negotiation of a commercial treaty with what was once the German Empire.

Then a little later the Washington press carried the following notice:

PRESIDENT HARDING NOT INSISTING UPON HASTY PEACE ACTION.

President Harding is not asking for delay in the adoption by the House of a peace resolution, it was said to-day in high administration quarters, but because of the situation in Europe growing out of the reparations settlement he is not insisting that there should be any haste in putting the measure through.

Again, on May 20, the Washington Herald carried this notice:

HARDING URGES ACTION TO END STATE OF WAR—PEACE RESOLUTION AWAITS FIRST REPARATION PAYMENT BY GERMANY—CHANGES GUARD AMERICAN RIGHTS—AVOID EMBARRASSING ALLIES BY ACTING TOO QUICKLY IS NOW PLAN.

Establishment of peace with Germany by a declaration of Congress, it is learned, will await Germany's first reparations payment to the Allies. The payment is scheduled for June 1.

The unsettled European situation, which has delayed the declaratory peace in Congress for two months, is considered sufficiently clarified for the House Foreign Affairs Committee to resume work on the resolution. But its passage will not be immediate.

On May 20 he is getting cautious; he is finding a hard, rocky, briary, and perilous road.

Gentlemen, foreign affairs should never be lowered to the plane of partisan politics. All Americans should face in one direction—toward the enemy, or even a friendly power, when American interests are at stake.

This resolution a year ago was begotten of spite toward President Wilson and a desire to embarrass him before the country. Even now it is being made the vehicle of unsatisfied partisan scorn.

On May 28, 1921, there appeared in the Washington Post the following:

FRAMES PEACE RESOLUTION—HOUSE COMMITTEE REPUBLICANS AGREE ON FORM OF MEASURE.

Republican members of the House Foreign Affairs Committee agreed yesterday on the form of a peace resolution, which will be put before the full committee next Thursday for adoption.

We there have notice that the Republican majority of the Committee on Foreign Affairs has prepared a resolution known as the Porter resolution and will later submit it to the committee with a demand that it be reported as written. The newspaper reporter was given more information than was vouchsafed to the Democratic members of the committee. True to form, that course was followed, and now under a special rule, which prevents amendment, it is to be driven through the House as a partisan measure.

I warn the leaders on the Republican side not to be too reckless and rash. Considerations that turned your impatience hurriedly into caution and fear should warn you in the most solemn manner that you are treading upon dangerous, yea perilous, ground when Congress undertakes to invade the province of treaty or peace making, and obtrudes itself into foreign affairs whose conduct under the Constitution is vested in the President.

There are other complicated matters still unsettled. President Harding has appointed observers on the Reparations Commission, the Supreme Council, and the Council of Ambassadors. If peace without a treaty is declared, must not they be recalled?

Congress has not been advised of the state of foreign and diplomatic affairs. Excepting the President, the Secretary of State alone acquires full and complete information. Was Secretary of State Hughes called before the Committee on Foreign Affairs to express his views? I direct the question to the gentleman from Pennsylvania. Why was he not called? Will Congress act without consulting, without hearing the distinguished Secretary of State? Will a partisan majority plunge wildly and recklessly into the dark labyrinth of foreign affairs without the sanction or wise counsel of Judge Hughes? Will anyone contend that Secretary Hughes favors this plan? If he does, where and when has he said so? If the Secretary favored this measure, the report would have informed the House of his approval.

I make the statement that the resolution is unwise and unnecessary, and for the fact that it is unnecessary I call Senator Warren G. Harding as a witness. A year ago, on May 15, when he voted for the Knox resolution, he rose in his place in the Senate and said:

I do not regard a pronouncement of formal peace as tremendously essential to the welfare of the United States or to the promotion of our trade relationship with the other nations of the world. I do not think a formal declaration of peace is essential to continued freedom from hostilities; I do not think it possible that Germany is likely to resume armed warfare against this Republic in two generations to come; nor does it seem to me necessary to have this formal declaration, particularly in this form, in order to resume our commercial relations with Germany, for they are already more or less resumed, and, in the very nature of things, trade relations with Germany will be developed according to the needs of that people and our own inclination to trade.

There has been but one way of recovery from war and war waste since the world began, and that is to work, to produce, and exchange; but we need not worry on this side of the Atlantic, for the war-torn nations of the Old World are just as certain to seek our favors in trade as that to-morrow shall come. So the peace resolution is not seriously involved in a continuation of peaceful relationships.

If it was not necessary a year ago, is it necessary now except to redeem a rash and unwise campaign pledge that we would make peace as soon as a Republican Congress could write it? [Applause on the Democratic side.]

In that address he added:

I think the significance of the passage of this resolution lies in its reestablishment of the constitutional powers of the American Congress.

He was then anxious to maintain the constitutional powers of the Congress, of which he was a Member. Has his viewpoint undergone a change?

The President in his address to Congress on April 12, 1921, in referring to a peace resolution, said:

In correcting the failure of the Executive, in negotiating the most important treaty in the history of the Nation, to recognize the constitutional powers of the Senate we would go to the other extreme, equally objectionable, if Congress or the Senate should assume the function of the Executive. Our highest duty is the preservation of the constituted powers of each and the promotion of the spirit of cooperation so essential to our common welfare.

Constitutional processes can not be preserved by a congressional treaty.

The Executive proclaims his jealousy of the presidential prerogative and warns Congress not to invade it. Let me suggest that the surest way for the President to prevent Congress from invading his province is for the President himself to exercise his powers and prerogatives.

If the President is fearful that Congress may, in making peace, invade the domain of his authority, he may find complete safety by himself making a treaty of peace. That very contingency illustrates the error in the theory that Congress can make peace. The power, under the Constitution, can not rest in two places—it can not reside in Congress and also reside in the President and Senate alone.

If that were true, the President might negotiate a treaty and submit it to the Senate; failing to receive the necessary two-thirds of the Senate, he could submit it in the form of a joint resolution and by a majority of 1 in each House make a treaty in defiance of the constitutional requirement that two-thirds of the Senate must concur.

On April 8, 1920, Mr. ROGERS, of Massachusetts, ranking Republican on the Committee on Foreign Affairs, in a speech in this House said:

Before proceeding, however, it may be well to reiterate that a treaty of peace is unquestionably the normal and the desirable method of concluding war. I still hope that a formal treaty may in the future be ratified. It is only when for some reason a treaty of peace proves impracticable that recourse is had to other methods. * * *

In conclusion, I repeat my regret and chagrin that peace has not been attained through the normal and far preferable medium of a treaty.

On that same occasion the gentleman from Pennsylvania [Mr. PORTER], the author of this resolution, said:

It is true that the usual and normal method of terminating a war status is by a treaty made by the President, by and with the advice and consent of two-thirds of the Senate.

Each foreign war of the United States was terminated by normal method of treaty. The Revolutionary War by the treaty of Paris, September 3, 1783; the War of 1812 by the treaty of Ghent, December 24, 1814; the Mexican War by the treaty of Guadalupe Hidalgo, February 2, 1848; the War with Spain by the treaty of Paris, December 10, 1898. If a return to normalcy is desirable, the President is free to embrace an excellent opportunity to make peace in the normal manner.

This Government is now conducting diplomatic negotiations with other Governments regarding the island of Yap, Shantung, oil interests in Dutch East India, and American interests in Mexico; why can not it negotiate a treaty about peace—is it of less importance than these?

Mr. Speaker, I, too, want to witness the establishment of peace, a genuine and constitutional peace, a real peace that will definitely settle the issues at stake and not leave them suspended and undetermined.

Gentlemen of the House, you are about to do a foolish and unworthy thing. I want to warn you that what you are about to do in making peace by this resolution will not fulfill the duties which we owe to the people of our country. In April, 1917, when Congress in the name of the people of the United States declared the existence of a state of war, there were in the mind of the Nation clear and definite purposes. The heart of America was stirred by a fervid resolve to right the wrongs that had forced us to draw the sword. There was the purpose to revenge the loss of American life on the highways of the sea; there was the purpose of demanding reparation for American property and American lives. There was the purpose to fight for high ideals, for the establishment of justice, and liberty, and equity among the nations of the earth; there was the purpose to fight in such a way as to render the enemy so impotent that he never again could challenge the safety of the world. There was the purpose to serve notice that no other nation could ever do so with safety. There was the purpose to make a peace which would last and to have a part in that peace. Have those ends been accomplished? Where is the man who has been paid for his ship sunk at sea? Where is the widow or mother who has had indemnification for the death of loved ones whose bones even now are washed and rolled by the tireless tides of a restless sea? Have we so soon forgotten the wailing cries of little children as with outstretched hands they were swept beneath the swirling waters of the deep?

Where is the guaranty to the United States that Germany will disarm and stay disarmed? Where is the pledge to the United States that war, like a bell in the night, shall not again hideously rouse us from the sleep of peace? Did America go to war simply to prove her prowess at arms? The history of the past supplied in glorious fashion that proof. Did she go to war like the gladiator to test the strength of her arm or the temper of her blade? Was the war simply an international contest to decide the championship of the world?

No, Mr. Speaker, no such base or sordid motive dwelt within America's heart. With lofty purpose and chastened spirit, with uplifted face, and beckoned on by no low or mean temptation, the people of the United States and their Government, when patience could no longer tolerate repeated outrage and wrong, mustered their gallant hosts and sent them charging across the fields of Europe to glorious triumph—a triumph of terrific cost in blood and life and misery and sorrow. America fought an honorable war. She must not make a dishonorable peace. I shall never be willing to approach the little mounds above our heroic dead and place on them this scrap of paper covered with surrender and repudiation of the cause for which they fought. [Applause on the Democratic side.]

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a request for unanimous consent, if the gentleman from Pennsylvania will yield?

Mr. PORTER. I yield.

Mr. JOHNSON of Washington. Mr. Speaker, from the Committee on Immigration and Naturalization I am authorized to report House joint resolution 153, and I ask unanimous consent that I may have until 9 o'clock to-night to file such report, and that the minority may have until the same time to do the same.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, under what rule does the gentleman have the right to report the resolution from the floor of the House?

Mr. JOHNSON of Washington. I am asking unanimous consent to have until 9 o'clock to-night to file a report, and that the minority may have until that time to file their views. I am reporting the resolution through the basket.

Mr. RAKER. I do not think we ought to do that. Let it go into the basket and let it take its usual course.

Mr. JOHNSON of Washington. Very well. Mr. Speaker, I withdraw the request and will file the report through the basket now.

The SPEAKER. The gentleman from California objects.

TERMINATION OF THE WAR.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, there are two principal reasons for the passage of this resolution, one of which appears in the first section, the other in the second. First, to terminate a technical state of war which exists, although hostilities have ceased and our allies have concluded definitive agreements with Germany, and, second, in order that there may be an unequivocal

assertion of our rights, arising from our participation in the war, including legislation enacted by Congress, seizures in pursuance of that legislation, and also our rights under and by virtue of the treaty of Versailles. Taking these up in their order an incongruous situation exists. Hostilities have ceased, the war is at an end, Germany as a military power is prostrate, but the declaration that war exists is still on the statute books. What are some of the disadvantages that exist by reason of that?

The free play of commerce is hampered. That credit which Germany might obtain in this country for the purchase of our abounding surplus of agricultural products and raw material is forbidden to her, because, strictly speaking, war between States renders illegal any transaction between the nationals of either party. We have not resumed diplomatic relations. Only a so-called commissioner acts for us. That attention which consuls and diplomatic officials could give to the wide range of American interests is lacking. Spain is the country selected for taking care of our rights. The citizens of neither country can bring suit in the courts of the other, except for certain specific purposes very limited in their extent, authorized by the trading with the enemy act. Still further, we are out of line with conditions under which we should do everything that makes for amicable relations.

What are some of the objections to this resolution? It is said in the first place that it is unconstitutional, that the sole right to make peace rests with the President under a treaty to be ratified by the Senate. Mr. Speaker, we have broken the fetters of strict construction which restrained us for so many years. We have come to realize that in this great expanding country the Constitution must be a flexible document. It may be true, as has been said here, that in the constitutional convention a proposition was made that Congress should have the right to make peace, and this was voted down, but that rejection is not conclusive. In that same constitutional convention a proposition was brought forward by Mr. Madison that a national bank might be established. That was voted down, yet in the first administration after the adoption of the Constitution a national bank was established. One of the strongest contentions of the strict constructionists in earlier years was that there was no right of annexation of foreign territory by treaty or, in fact, in any other way. Mr. Jefferson said there was "necessity for shutting up the Constitution, or amending it"; but, as an amendment was not possible, he yielded to the idea that the object to be secured by the annexation of Louisiana justified the means, and so a treaty was entered into, under which that vast accession was made to our territory. In all cases but two—Texas and Hawaii—annexation has been by treaty.

I note that two gentlemen from Texas have stressed the idea that peace by resolution is invalid. Gentlemen of Texas, I want to ask you how did your splended State come into this great array of Commonwealths, making up this Union? [Applause on Republican side.]

Mr. CONNALLY of Texas. Mr. Speaker, does the gentleman desire an answer to that?

Mr. BURTON. I must decline to yield. How are we freed from the deprivation which would occur if we were without the eloquence and the patriotism of the Members who come from that State? President Tyler submitted a treaty to the Senate in 1844, as Mr. Wilson did in 1919. The former was negotiated with the independent Republic of Texas, providing for annexation. The Senate failed to ratify it, and on the following 1st of March, 1845, a resolution was passed providing under conditions that Texas might be annexed, and under that resolution and not by treaty Texas came into this Union. [Applause on Republican side.]

Mr. Speaker, I am unwilling to concede that this Congress, nearest to the hearts of the people, has not the right to declare that peace exists. Suppose we had a President stern and severe, like some of the despots that have ruled in Latin America, who desired to continue a war, although the people were against it. Would the only right of Congress be to refuse supplies? Can Congress not, having the right to declare war, also exercise the right to declare peace as well? I am unwilling to concede that the right does not exist in all cases. But this situation is very exceptional. Here peace actually does exist. A treaty has been made by our allies under which Germany has laid down her arms, a treaty which, so far as regards actual cessation of the contest, applies to all nations. Our entrance into the great struggle was not under an ordinary declaration of hostilities, but under a statement that war had been thrust upon us by the action of the Imperial Government of Germany. That Government has been overthrown. Are we so bound by constitutional limitations that Congress, which declared as a statement of fact that war existed, can not now declare as a statement of fact that war does not exist? Mr. Speaker, let us throw the constitutional argument into the wastebasket.

But it is said that we are untrue to our allies. How are we untrue to our allies? A treaty has been framed and is in operation. Not for more than a century has there been a treaty more severe in its provisions. Under it Germany's resources to the last farthing, all her most vital political and economic interests, are subject to the dictation of the conquerors. Our allies have made haste to take advantage of this treaty in the promotion of trade and in every possible way. Diplomatic relations have been restored by all of them. British troops passing through Germany on the way to Silesia were everywhere greeted with enthusiastic acclaim. A conference has been in progress at Weisbaden having in view the establishment of closer trade relations between France and Germany.

Yet when we were asked merely to submit a proposition from Germany to the Allies we declined.

Have we not done enough for Belgium, of which mention has been made, to merit her lasting gratitude? Have not our millions of soldiers gone across the sea, our men and women, for the succor of all these peoples? Have we not done with our might what we could toward bringing about a lasting peace which shall be of benefit to the world? What do gentlemen want? Do they think that we should send our warships to Hamburg and to Bremen to bombard German ports? Do they wish our Army should march into Germany, that our transports should carry across other troops? That is what you really mean. What significance is there in a continuance of a state of war unless armies and navies are to engage in combat? Face the facts when you say that this resolution ought not to be passed. [Applause on the Republican side.] Now is the time when peace should prevail, and we wish to cure conditions as far as possible in a troubled world. And so we make declaration for peace, declaration that the last trace of this terribly bloody war must be at an end. It is said that we will have relinquished certain rights. If we relinquish rights by this resolution we will still be relinquishing rights if the war lasts for a thousand years.

No advantages can be lost. In this connection I may say that the second section here is just as necessary as is the first, because we reserve our rights and it is necessary we should do so. If we did not reserve those rights by express declaration of the will of the people Germany might urge that the treaties of 1785, 1799, and 1828, providing for the mutual protection of the property of the citizens of each country in case of war, were still binding. Germany might also maintain that the general rules of international law under which the property of nationals in an enemy country may be safe——

Mr. COCKRAN. How would that claim by Germany affect us?

Mr. BURTON. Because we by solemn declaration would wipe out the condition of war, but omit to claim for ourselves the results by reason of our participation in that war.

Mr. COCKRAN. How could we wipe out by declaration here the obligations of a treaty?

Mr. BURTON. Obligations of a treaty—I will come to that in a moment.

Mr. COCKRAN. I will wait, I would like to hear it.

Mr. BURTON. There was no justification for our course in seizing and disposing of enemy property except the very extraordinary nature of the late contest. This country has taken the lead in regard for immunity of title of nationals in an enemy country. It has occupied that position, but Germany in the fierceness and brutality of her conduct in waging war, by glaring violation of treaties and established rules of international law, became an outlaw, and thus we were justified in regarding these old treaties as void and in making seizures and imposing penalties, altogether out of line with our traditional policy. As Secretary Lansing declared at the outset, it would be utterly futile to enter into further negotiations when this country was considering the question as to whether these treaties had any binding force.

Mr. COCKRAN rose.

Mr. BURTON. I really could not yield further. I have such a short time. It is thus due to the exceptional nature of this contest and to our exceptional action in pursuance thereof that it is desirable to pass the second part of the resolution.

A treaty is a necessary sequence to this resolution. Manifestly the best course would be to become a party to the treaty of Versailles, no matter how many reservations may be necessary to safeguard our interests. On this subject President Harding said:

The wiser course would seem to be the acceptance of the confirmation of our rights and interests as already provided and to engage under the existing treaty, assuming, of course, that this can be satisfactorily accomplished by such explicit reservations and modifications as will secure our absolute freedom from inadvisable commitments and safeguard all our essential interests.

Germany has not the right of free and independent action in the control of her foreign, or even of her domestic, affairs. She is under such supervision and control that whatever agreement is made with her must have the sanction, or rather the cooperation, of the allied powers, to which she is in great degree subject. Also, there would have to be a treaty with Germany herself. But it is not strictly a treaty of peace that we would negotiate with that country. It would be a treaty of commerce and amity, settling these various questions which must arise between countries after cessation of war, when existing engagements have been annulled. Let us never lose sight of that. Another reason for the passage of this resolution is the very considerable delay which naturally will ensue before treaties can be agreed upon.

Now, I will discuss briefly our right to accept the advantages conferred upon us by the provisions of the treaty of Versailles. What was the general aim of that treaty? It was most ambitious. It aimed at a settlement of the affairs of the whole world and sought to fix relations between countries. That is manifest not only in the general tenor of the treaty but by its respective stipulations; Germany abandons rights possessed and incurs obligations to various countries irrespective of participation in the treaty or of their action in ratifying it.

Covenants are entered into for the benefit of the principal allied and associated powers and the allied and associated powers. The United States is included in both of these groups, and whenever it is the intention to restrict the rights acquired to the contracting parties which ratify the treaty it is made manifest in the body of the instrument. All through there are provisions pertaining to nations which either were not parties in the negotiations or which were parties, but did not ratify. First, in the armistice of November 11, 1918, appears a demand for the release of all neutral vessels; a provision that the Black Sea ports should be evacuated; that restrictions on neutral vessels engaged in trade should be canceled. When we examine the treaty itself there is a section with reference to Luxemburg under which Germany renounces the benefit of treaties in her favor entered into with that country. Luxemburg was not a party to the treaty. There is an agreement with reference to Denmark, requiring a plebiscite to determine whether Schleswig should remain a part of Germany or be restored to Denmark. The vote was taken, and a majority favored annexation to Denmark, and that annexation was carried out. There was a provision with regard to Russia—a country which by no means had any participation in this conference—to the effect that the treaty of Brest-Litovsk should be abrogated and that Germany should thereafter respect the independence of all the territories which were part of the former Russian Empire. The right was also reserved to Russia to obtain from Germany restitution and reparation based on the principles of the treaty. China was released from payment to Germany of the balance of the Boxer indemnity of 1901 and the German concessions in the cities of Hankow and Tientsin were surrendered. It was also agreed that certain astronomical instruments belonging to China, taken away from Pekin in 1901, should be returned. China did not ratify this treaty. Every one of these agreements is in full force and effect.

Now, let me read one or two provisions. It is claimed we will not have any opportunity to obtain indemnity for the cost since the armistice of the maintenance of our troops in the Rhine region. Page 111, article——

Mr. KUNZ. Will the gentleman yield for a question?

Mr. BURTON. I will.

Mr. KUNZ. If the resolution is passed, will the United States be bound by the treaties of 1799 and 1828?

Mr. BURTON. I think not. War and the acts of Congress have destroyed their binding force. The general principle is that an act of Congress supersedes a treaty. Of course, the other party might by force maintain that the treaty existed, but Germany is not in a position to do that. At the same time, in view of the fact that these treaties were framed for the express purpose of determining the rights of private citizens in case of war, we should not leave the door open. That fact makes this second section necessary, giving us the benefit of all seizures under the acts of Congress.

In the section on page 111 to which I referred, provision is made for the cost of our armies of occupation, after the armistice and after the treaty, and these charges have priority. They are preferred claims under article 251, and article 252 safeguards our interests as follows:

The right of each of the allied and associated powers to dispose of enemy assets and property within its jurisdiction at the date of coming into force of the present treaty is not affected by the foregoing provisions.

That is, we need not turn over property seized by us to any general fund for reparations. Reparations in general are secured to us by article 297, of which paragraph (b) is as follows:

Subject to any contrary stipulations which may be provided for in the present treaty, the allied and associated powers reserve the right to retain and liquidate all property rights and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them within their territories.

And so forth.

Paragraph (d) of the same article validates exceptional war measures and refers to paragraphs 1 and 3 in an annex to article 297. These assure the validity of vesting orders for winding up businesses or companies of German nationals. Paragraph 4 of the annex was especially framed with a view to securing payment of claims growing out of acts committed by the German Government between July 31, 1914, and the date when the United States entered the war. This is familiarly known as the *Lusitania* paragraph.

In paragraph (i) of article 297 the obligation is imposed upon Germany to compensate her citizens for property seized in the following language:

Germany undertakes to compensate her nationals in respect to the sale or retention of property rights or interests in allied or associated States.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes more.

Mr. BURTON. I regret I am not able to dwell upon this part of the subject more thoroughly. The total value of enemy property seized by us is estimated at $350,000,000. This may not be sufficient to meet just claims for reparation, but we could occupy no better situation in this regard if a technical state of war continues. Have we any advantage in declaring to Germany, "We will not cease war or make a treaty with you until you are nearer to annihilation"? Are we of that type? Have we no spirit of mercy? We all recognize the savage campaign waged by Germany; but Germany is a part of this world, and will live in it and will live with us. That country has made a great contribution to civilization and literature, to music, art, and science, and has been at the forefront in many branches of endeavor. They fell under the spell of the Hohenzollern dynasty, and the spirit of jingoism with a desire for world domination permeated every part of her population. I do not sympathize with the idea that it was merely the Junker class that led to the war. The whole German people were obsessed. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PORTER. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. BURTON. Two or three minutes is all I desire.

Germany should make expiation to the last pfennig which she is able to pay for the suffering and ruin which she has wrought. But we ought not to seek to make them permanent serfs. Maybe the drastic restrictions upon the maintenance of an army and navy imposed by the Allies will turn the attention of the people to fields of helpful endeavor and thus in the industrial race Germany may make more rapid progress than her conquerors.

First of all, it would seem that there is no proper feeling in Germany that they have been guilty of wrongdoing in the course they have been pursuing. Nor is there a complete realization in the minds of the people that they have been defeated. But, with time and a calmer consideration of eternal principles of right and wrong, let us trust that Germany will cherish the traditions of earlier years and those ideals which they have "loved long since and lost awhile." [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, in the few minutes allotted to me I want to give some attention to the objections on the minority side of the House to the passage of this resolution.

That the House has two or three times before passed a similar resolution and then sees fit to pass this one to-day does not lie with any force. That this resolution may be different from the one that may be passed by the Senate seems to me to have no weight in coming to a conclusion as to what action should be had at this time.

And, again, the constitutionality of this instrument has been attacked by men on the Democratic side. What does the resolution do? And in calling this to your attention I do so in

order to make clear that section 1 of the resolution does nothing more than recite the finding of a fact. Now, I appeal to the men on this, the Democratic, side—the men on the other side of the House, I am sure, already see it—is it possible for the United States Congress by joint resolution to pass a resolution of finding of fact that will be unconstitutional?

Now, I will grant if we go into the treaty-making power it is entirely questionable whether or not it could be unconstitutional or whether it would stand the test of the courts. But let us see about that. I submit to the minority membership that when, under any emergency, this body, in conjunction with the other body, delegates unusual powers to the Chief Executive of the country to change existing relations and status between two nations, it is beyond the power of Congress to interfere in that relationship.

Hence we are not treading on the treaty-making power and can not tread upon the treaty-making power if we were so to desire. The relationship which was brought about with Germany, economical and social and international, was a relationship that was produced by Germany being on the aggressive side, and the only way that that relationship can be changed from the status it now finds itself to be in is by a treaty with the United States, made by the Chief Executive and ratified by the Senate; and we are not attempting to do anything to interfere with that power.

The charge has been made that if we enact this peace resolution we will be forfeiting some of the rights, some of the privileges, some of the advantages that have accrued to the United States or to its nationals during the state of war. I want to ask any man on the minority side how you can forfeit anything in an agreement in which you are not going to participate—even if by the recitation of the reservation we fail to reserve it, how we can forfeit it in a unilateral contract?

A treaty, if it is anything in the world, is a contract between nations, and if we have no power to enter into the negotiation of that treaty, how by the passage of a resolution could we forfeit any of our rights to be attained under that instrument?

I submit to you that the only thing left to you is, as the gentleman from Ohio [Mr. BURTON] has recited—the only thing left to do between the United States and Germany is to settle the dispute on an economic basis and to establish a new ground of international relationship between the two countries. That is the only possible thing that can be done.

Suppose two men have a dispute. The dispute may linger along in the courts for a number of years. If two nations have a dispute the final adjustment and settlement of that dispute may last a number of years; but in order to adjust and settle that dispute it is not necessary that one of those parties keep on in a condition of a technical state of war.

It seems to me preposterous to take the position that the gentleman from Texas [Mr. CONNALLY] takes, that the United States can get better terms under the final treaty that is made if we do not pass this resolution, but sit down at the table with Germany as enemies. Do you mean to say, you men who expect to vote against this resolution—do you mean to indicate to me and to this House that you expect the United States to extract from an enemy something that she would not grant in any other capacity? The history of the United States is replete with evidence after evidence of generosity on the part of this Government toward an enemy, or an enemy country, and every utterance of the Chief Executive prior to March 4 this year was to the effect that we went into this war on the high plane of the defense of civilization, and that we asked and demanded nothing in the way of dollar payment, and that we were only fighting for a principle, and not for any self-aggrandizement. If that be the policy of this country—and I am one who believes that to be the policy of this Nation—if that be so, even though we are exchanging our technical status from that of an enemy country to that of a peaceful country, we have nothing to fear and nothing to lose when we sit down at the peace table and undertake to negotiate the settlement of the past claims and differences between the two nations and adjust a working agreement for the future, because that is what a treaty amounts to. We can do it as peaceful nations as well as enemy nations.

I want to say a word regarding the minority report. The minority report says that the Congress has no right to enter into a contract between nations. I think I have made that clear. I think my colleague from Ohio who preceded me [Mr. BURTON] made it clearer than I, that we are not undertaking to enter into any contract with nations; we are simply reciting a condition of facts which exist and which no one can deny.

You gentlemen on this side, are you willing to vote that you do not believe that the termination of a state of war is needed between the two countries—a mere repeal of a declaration of war, a mere declaration of a finding of fact as to the completion of the war, the finding of the previous fact that we found, that any peril no longer exists?

They say not one single American citizen will be benefited by this resolution. I contend that every last American citizen will be profited by such a result, too long deferred. Millions of dollars of damage will have accrued to millions of Americans. I want to ask the Democratic side—I want to ask the minority members of the committee—how did any of our nationals gain any material advantage under the war? The only way that we could gain any material advantage under the war was to take advantage of the war condition and buy some alien property that was offered for sale by the Alien Property Custodian. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. FLOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Virginia [Mr. MONTAGUE].

The SPEAKER. The gentleman from Virginia is recognized for 15 minutes.

Mr. MONTAGUE. Mr. Speaker, I congratulate the Committee on Foreign Affairs that it has made an improvement in this resolution over that of April last a year ago. The Members who were in the House at that time will recall a very extraordinary omission in that resolution, an omission not found under the resolution now under consideration, namely, a similar declaration of so-called peace with Austria-Hungary. Why the omission and why the distinction between Germany on the one hand and Austria-Hungary on the other no one can understand or explain.

I wish also to congratulate the committee that has adopted its own resolution instead of that of the Senate, although I must admit that if we looked at the matter purely from the logical viewpoint, coupled with the power of the Congress, the position of the Senate is more logical than that of the House. As I understand the jurisdiction of the House, it has no power to do anything except to concur in the repeal of a resolution which Congress has heretofore enacted, and I seriously doubt that Congress has even this jurisdiction when it is invoked to declare peace.

We have never declared war against Germany; we have simply recognized an existing state of war with Germany. Therefore the logical position is to recognize the end of the war by the repeal of this declaration of recognition of war. But the motives that have moved this particular declaration are to be applauded, for the report of the committee asserts that it is unwilling to approve any expression that makes an apology, express or implied, for the war against the Imperial German Government and Austria-Hungary.

I wish to call to the attention of the House that the first reason advanced in the report of over a year ago for this declaration on the part of the Congress was that there was a deadlock between the Senate and the executive department, the treaty-making agency of the Government. That was the first reason and the most stressed reason in the report, and I am sure that it contained the strongest appeal to the majority of the House. Then the majority advanced the idea that it was exercising this extraordinary power because of the deadlock between the Executive and the Senate. To-day you must bottom your reason for your action upon the ground that the Government now is no longer deadlocked, but that it has broken down. The ordinary constitutional agencies to bring about peace have not been called into operation. There is no justification or excuse for this failure, for the Senate and the Executive, which is the treaty-making power, is under the entire control of the majority, and yet after three months these agencies have not functioned, and have failed to try to bring about peace, which you affirm is the most desirable thing on earth.

But what does the majority gain by this resolution? You do that which you have no authority to do if you do anything, or you do nothing. This resolution is wholly a unilateral pronouncement. Every intelligent citizen knows that the statutes of the United States have no extraterritorial effect. Congress may pass resolutions of peace from now until the crack of doom, and until they are assented to by the Government affected they are but "paper and packthread."

Therefore, if your resolution has any merit it must be assented to by Germany and Austria-Hungary, and if assented to by them it practically becomes a treaty, and if a treaty this House has no constitutional jurisdiction to touch it, for it is a plain invasion of two other constitutional agencies of our Gvernment, and this plain invasion can not be cured or remedied by the consent of the agencies so invaded.

But, gentlemen, I now call your attention in the short time allotted to me to what I think is a grave matter. When by this resolution you declare peace—and I must dissent from the gentleman from Kansas [Mr. CAMPBELL], who thinks the resolution is perfection in phraseology—I think you have not properly done what you improperly wish to do; to set forth that a state of peace exists. Congress can not declare peace, it can not establish peace. Peace, for the purposes of this discussion, exists by reason of the train of circumstances, by the procession of facts, and all the Congress can do is to recognize this fact, not to establish this fact. You may say that this is a play upon words; but, gentlemen, sometimes words are things. If the Congress recognizes peace as a fact, and upon that fact makes its declaration, there may be some logic in its position; but when Congress undertakes to establish and declare peace, it is acting beyond the scope of its agency and beyond its authority and power.

But you declare peace, you contend, because you wish to prepare for and facilitate a treaty of peace. You wish to stimulate and facilitate the exercise of the treaty-making function, the real peace-making function, of the Government, is the contention. But does this resolution accomplish this purpose? What is one serious effect of the resolution conceding that it will be operative? War suspends the laws and the rights existing between the belligerents. This is the settled American law and practice save as it may be vaguely modified by the doctrine of uti possidetis, a variant and precarious reliance for America. I repeat, Mr. Speaker, that war only suspends the rights of the belligerents, and when war is over and peace is declared those rights that have been suspended, namely, the rights and duties in existence at the date of the declaration of war, and not at the date of the declaration of peace, are revived. Thus by the very force of the resolution, if it has any effect at all, you give Germany the rights she had on the day of our declaration of recognition of a state of war and deny us possibly the rights we had at the close of the war. Then Germany will base her rights at the peace table upon her treaty of 1828 and will there and then assert those rights. And what position will we be in to deny them?

When we sit at the table with Germany we should do so in no spirit of vengeance, but a nation that has so shocked and crippled the civilization of this world is not likely to make satisfactory agreements at the peace table unless we go there somewhat panoplied as victors. [Applause.] I am unwilling to hobble the American Government in such a great transaction. I am unwilling that the other nations may negotiate with their hats on their heads while America must go with her hat in her hand, a suppliant negotiating upon equal terms with a nation that has ravaged the civilization of this world. [Applause.]

I would vote here to-day as independently as I voted for war. There should be no partisanship in this great matter. The lack of partisanship that declared war should obtain in the making of peace. Why not go back to the normal way of doing business of this grave and solemn character? Why, for the first time in the history of the Nation, shall we adopt this anomalous and unknown course?

It has been asserted in debate that we admitted Texas by a similar resolution. It is a long time since I have read the history of that event, and the distinguished and honorable gentleman from Ohio [Mr. BURTON] may be correct, but my recollection is that this Government passed a resolution giving the conditions of admission and that the Texan government passed an identical resolution, coupled with an acceptance, which was an admission of a State in pursuance of the Constitution, and therefore Texas came into the Union not in conformity to international law but by virtue of the constitutional requirements or conditions appertaining to the admission of new States. There was no other way by which the admission could have been accomplished.

Mr. Speaker, what effect can this resolution have? Unless Germany passes an identical corresponding statute it can have no effect whatever. But the consideration of this resolution has had one good result—it has consumed time. I am pleased that the chairman of this committee [Mr. PORTER], in conference perhaps with administration authorities, has waited thus long for the consideration of this measure, because the longer we wait for the consummation of this sort of legislation the better faith have we kept with our great allies. [Applause.] I have no doubt of the accuracy of the statement made in this debate that if we had acted earlier we would have embarrassed the reparation settlement recently had by the German Government with the Allies. Of course earlier consideration would have embarrassed this negotiation and settlement all the more. If half that is said be true, Mr. Viviani's mission to this country was accomplished when he persuaded the American Government to wait until the Allies could meet at the reparation table and exact a settlement of Germany.

The delay has somewhat relieved us from embarrassment by resultingly aiding our allies, and I again suggest that a longer delay will still more help the Allies, unless we promptly deal with the whole matter by competent diplomacy.

Mr. HARDY of Texas. We have no allies now.

Mr. MONTAGUE. No; we have no allies now; that is very true and very sad. We had allies when at war, but we throw them overboard in peace, except that by this resolution we exact all the advantages accorded in the Versailles treaty, while ignominiously rejecting all responsibility therein imposed—an ignoble position for a great idealistic Nation to take. We reserve the loot but not the liability.

What should have been done—if I may be so audacious as to advance the thought—is that as soon as the President took his seat, he should have sent a commission of able men to the Allies, and then to the German Government, to see if something could not be preserved out of the wreck and the ruin, and something set up to prevent the terrible recurrence. For, gentlemen, deeper than your peace pronouncement, deeper than your treaty of Versailles, is the great question of whether or not the statesmanship of this world is willing to confess to the struggling masses of humanity that it is unable to do something to diminish the atrocities of war and the frequency of war. [Applause.] I make the assertion that unless the statesmanship of the hour does not do something reasonably quick the masses of the people will believe that that statesmanship is bankrupt in mind and in conscience, that it has not the mentality or spirituality to observe or control the great forces that are washing away the foundations of civilization. I fear that unless something is done we may look for a collapse of civilization and the recurrence of the Dark Ages. The alarm bells are ringing. This is no place or time for partisanship. Its assertion here has been ignoble and perhaps dangerous. There are too many complications. A congressional enactment is wholly wrong or inadequate. Invoke and employ all of the treaty powers of the Government, and exercise and apply them all in a spirit of the broadest justice, of the most catholic mercy, and of wise expediency for Germany and for America, justice to Germany and loyalty to our great Nation and its holiest ideals. [Applause.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, my colleague, Senator MASON, who is a member of the Committee on Foreign Affairs that drafted this resolution, had expected to make a few remarks in support of the resolution to-day, but unfortunately he is detained at the hotel with a rather serious illness, and has asked me to read a few paragraphs of what he desired to say in support of that resolution:

"MY DEAR COLLEAGUE: Chairman PORTER has arranged for me to extend my remarks on the peace resolution. I had hoped until to-day to be able to take a few minutes to explain a point which seems to have escaped most of us who have studied the best way to declare peace; and if you will give my friends and colleagues my statement on the main question I will be very thankful.

"With humility but with very great earnestness I give it as my opinion that this Congress can not repeal the declaration of the World War. To attempt to do so would be a legislative absurdity.

"The Constitution, following the Bill of Rights, gave Congress alone the power to declare a state of war, and so forth. Congress did declare the World War; all branches of the Government, including the people, responded. The winning and closing of the war is an historical fact, and any attempt to repeal it would be as futile as the passage of a resolution repealing the action of Congress whereby it, the Congress, submitted any one of the many amendments to the Constitution of the United States.

"A declaration of war is not a mere passing of a bill, subject to repeal at any time in the future, nor is that next highest duty and power granted to Congress, namely, the right to submit amendments to the Constitution subject to any congressional limitation after Congress has exhausted its power in submitting the question of amendment.

"A declaration of war is the greatest power given Congress. It is not the mere passing of an act affecting private rights or civil or criminal procedure; on the contrary, it is an act that changes the relations and conditions of every citizen and of every nation in the world. To repeal a law says by implication that the enforcement of the law worked injustice and unrightness. If we had the power, clearly our people are not

ready to attempt to make an historical record that the act of war or any part of its conduct were not both just and righteous.

"Therefore, my dear colleague, the simple declaration of a state of peace or that the war is at an end is all that is necessary.

"The reservations have been most carefully drawn as a mere matter of precaution that we would not attempt to invade the treaty-making power, but reserved all possible rights that could come to our country by our participation in the war, and we have carefully guarded against ratifying or approving anything that has come to any American citizen by reason of the war unless that thing has come to him rightfully. This was done to prevent anyone from claiming any advantage which came to him from purchase from the Custodian of Alien Property.

"Thank you, my dear colleague, for reading this to all my friends who have been kind enough to listen. In the language of the immortal Grant, and in keeping with the spirit of the Master, 'Let us have peace.'

"Sincerely, yours,

"WILLIAM E. MASON.

"Hon. THOMAS S. WILLIAMS,
"*House of Representatives, Washington, D. C.*"

[Applause.]

Mr. PORTER. Mr. Speaker, may I inquire how much time has been used?

The SPEAKER. The gentleman from Pennsylvania has used 145 minutes and the gentleman from Virginia 160 minutes.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Indiana [Mr. MOORES].

Mr. MOORES of Indiana. Mr. Speaker, it has been a privilege which I have highly esteemed to be associated upon the Committee on Foreign Affairs with the gentleman from North Carolina, who addressed the House with learning and eloquence on Saturday, for whom as a soldier, a distinguished lawyer, and an eminent statesman I have always held the highest respect; but when he asserts, speaking of the Constitution, that "not one line can be found in that great instrument which gives to Congress the right and power to declare peace," and proceeds to use the following language: "There is no power given to Congress to declare peace, and that power can not arise by implication; it is not a legislative power. This will clearly appear from the minutes of the convention which framed our Constitution." "The Supreme Court of the United States has sustained the position which I have just stated, that the termination of a foreign war and making peace does not belong to the legislative body," and cites the Anderson and Hijo cases in Ninth Wallace and One hundred and ninety-fourth United States as his authority, I feel called upon to challenge his statement, and to discuss the question he raises.

By section 8 of Article I, the Congress is given power "to declare war," in connection with the power to "raise and support armies," and to "provide and maintain a navy," as well as "to make rules for the government and regulation of the land and naval forces." Coupled with these powers in the same section is the authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

This clause has been considered and construed by our Supreme Court many times, from the time of John Marshall down. In the Legal Tender cases (12 Wallace, 457, 538), the court, in the opinion by Mr. Justice Strong, says:

> Happily the true meaning of the clause authorizing the enactment of all laws necessary and proper for carrying into execution the express powers conferred upon Congress, and all other powers vested in the United States, or in any of its departments or officers, has long since been settled.
>
> It was, however, in the case of McCulloch *v.* Maryland that the fullest consideration was given to this clause in the Constitution granting auxiliary powers, and a construction adopted that has ever since been accepted as determining its true meaning. We shall not go over the ground there trodden. It is familiar to the legal profession, and indeed to the whole country. Suffice it to say, in that case it was finally settled that in the gift by the Constitution to Congress of authority to enact laws "necessary and proper" for the execution of all the powers created by it, the necessity spoken of is not to be understood as an absolute one. On the contrary, this court then held that the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Said Chief Justice Marshall, in delivering the opinion of the court: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."
>
> The gentleman from North Carolina referred to the minutes of the convention which framed our Constitution, stating that it will plainly appear from them that the power to make peace is not a legislative power. The minutes of the convention for August 17, 1787, when this section was adopted, throw little light on the question. Everything disclosed by the minutes will be quoted:
>
> "The question being taken to strike out the word 'make,' it was passed in the affirmative. Yeas: Connecticut, Pennsylvania, Delaware, Virginia, Maryland, North Carolina, South Carolina, Georgia—8. Nay: New Hampshire—1.
>
> "It was moved and seconded to add the words 'and to make peace,' to the 14th clause; which passed unanimously in the negative."
>
> From the report of the proceedings in Elliott's Debates, it appears that Mr. Pinckney opposed originally the vesting of the power to make war in the legislature upon the ground that it would meet but once a year; and he further said: "It would be singular for one authority to make war and another peace."
>
> After some discussion by Pierce Butler, of South Carolina, with Messrs. Madison, Gerry, and Sherman as to the desirability of permitting the Executive to make war, and of the difference in meaning of the words make and declare, Mr. Ellsworth, of Connecticut, afterwards Chief Justice of the Supreme Court, remarked that "There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War, also, is a simple and overt declaration; peace, attended with intricate and secret negotiations."
>
> Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging, rather than facilitating war, but for facilitating peace. He preferred "declare" to "make."
>
> "On the motion for adding 'and peace' after 'war,' it was unanimously negatived."

It is greatly to be regretted that the report of this debate is so meager, but from this report it is plainly apparent that what the delegates had in mind was the fact that the Congress met but once in a year, and that the delegates adopted the views of Chief Justice Ellsworth, briefly but forcibly expressed, that "it should be more easy to get out of war than into it," and those stated by George Mason, of Virginia, that he was for clogging rather than facilitating war, but for facilitating peace.

The framers of the Constitution were great men and well-informed men. To this day their names are household words throughout the Union, and they were men thoroughly posted in international as well as domestic law. It will not do to attribute to them ignorance of the law.

At the time of the meeting of the convention the best-known authorities on international law in the colonies were the works of Hugo Grotius (1623) and that of Vattel (1758). From Grotius I quote:

> The person who has authority to begin a war is the only one to whom the right of making peace can properly belong, according to the general maxim that everyone is the best judge in the management of his own affairs. From hence it follows that public war can be made by the sovereign power alone on each side, a right which in every kingly Government is very justly vested in the Crown.
>
> In popular or aristocratic forms of government the right of making war or concluding peace is generally lodged in some public council or body, where a majority of voices may form treaties, conventions, or resolutions which will be binding on the dissentient part of such council. All who are bound by a peace, whether approving it or not, are entitled to its benefits. (Grotius, Rights of War and Peace, Ch. XX.)

To much the same effect is the statement in Vattel, Book IV, chapter 2.

It would plainly appear from these authorities that under the views held at the time, the power of making peace was necessarily incident to the power of declaring war.

The Constitution grants to the Congress the power to declare war, and also to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces, and out of abundant caution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Let us consider these words of authority and, not forgetting the construction given them by our great Chief Justice, and ever since constantly adhered to by the Supreme Court, decide for ourselves whether at the conclusion of a war, declared by the Congress, a declaration of peace is not necessary and proper. I repeat the words of the Chief Justice:

> Let the end be legitimate, let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

In 2,000 years the great principle laid down by Aristotle, the most eminent of philosophers, "The goal of war is peace," is still the rule of all civilized nations.

The cases cited by the gentleman from North Carolina do not bear out his contention.

The gentleman from North Carolina discussed two cases, one of which was the case of the United States *v.* Anderson (9 Wall., 56, 70), which, like three or four other cases of the same sort, was based upon the necessity of having the Supreme Court decide at what time the Civil War ended. In that case—the

report of which I have here and from which I shall not read, a case in Ninth Wallace—the Supreme Court drew attention to the fact that President Johnson, in August, 1866, had issued a proclamation of peace, and coupled with that the statement that the Congress had ratified this by the act of March 2, 1867. It appears that Congress was not in session and had not authorized the proclamation of peace, but that it was afterwards ratified.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. PORTER. I yield to the gentleman five minutes more.

Mr. MOORES of Indiana. The Hijo case grew out of the Spanish War, and all that was decided in that is that a condition of peace did not exist between the time of the armistice and the final treaty. I have the discussion, which will be found in the One hundred and ninety-fourth United States. There was no condition of peace between Spain and the United States during the period intervening between the armistice and the final treaty of peace. That is all there is in that case.

On the other hand, I have a case in Ninth Howard, decided by a unanimous court at a time when Mr. Taney was Chief Justice and wrote the opinion. The case referred to is the case referred to by the chairman of the Foreign Affairs Committee in his argument on Saturday. It was a case involving the importation of goods from Mexico at a time when Tampico, a Mexican port, was in our possession during the Mexican War. In that case the Chief Justice says, speaking of the right of the United States to annex territory—and I shall not read as much as I would like to, because my time is short:

> But this can be done only by the treaty-making power or by legislative authority, and is not a part of the power conferred on the President by the declaration of war.

That has been followed up by the Federal court in a case in which the language which I shall read has been three times quoted with approval by respectable courts. In the case of the United States *v.* One hundred and twenty-nine Packages (27 Federal Cases), Judge Samuel Treat, of Missouri, was called upon to decide this great question in the light of Chief Justice Taney's opinion, and he did decide it, and I read his words, as follows:

> In short, the status of the country as to peace or war is legally determined by the political and not the judicial department. When the decision is made, the courts are concluded thereby and bound to apply the legal rules which belong to that condition. The same power which determines the state of war or insurrection must also decide when hostilities have ceased; that is, when peace is restored. In a legal sense the state of war or peace is not a question in pais for courts to determine; it is a legal fact ascertainable only from the decision of the political department.

That was decided in 1862, almost immediately following the decision by Chief Justice Taney in 1850. A dozen or more authorities from the Supreme Court are then cited. That case has been followed and the exact language quoted in United States *v.* Bales (27 Fed. Cas., 325, 328), a Michigan case, by Judge Emmons, of the Federal circuit court. It has never been overruled; it has never been spoken of with disrespect. It was followed as late as 1906 by Judge Lewis, of Colorado, in the case of Moyer *v.* Peabody (148 Fed., 871), and the exact language given by Judge Treat is used by Judge Lewis. In conclusion, I read from a case in the Supreme Court of Indiana, quoting the language of Judge Treat (Perkins *v.* Rogers, 35 Ind., 124, 167; 9 Am. Rep., 639, 664, 674):

> The war-making power is by the Constitution vested in Congress, and the President has no power to declare war or conclude peace except as he may be empowered by Congress.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Speaker, we readily concede that there has been and is now a persistent, nation-wide, righteous demand for peace. We regret that the Republican leaders have been so long in hearing that demand, and that even now they hear it so indistinctly. We warn them that this miserable makeshift will not meet or satisfy that demand. The reason that some of us are opposed to this resolution is because we are earnestly in favor of real peace. We believe this resolution will simply result in additional delay, procrastination, and a complication of conditions. As has been stated already, and which has not been seriously controverted, the question of political expediency is undoubtedly entering very largely into the introduction and consideration of this resolution and will influence the action of a great many. In fact, some of the individual Members have admitted that although they have no confidence in the virtue or efficacy of the resolution, yet they are going to support it from the standpoint of political expediency. One Member stated on this floor that although he detested this resolution, yet he was going to support it, and advised other Members to do so upon the ground that our constituents would misunderstand and misconstrue a vote against it. Mr. Speaker, in the first place, I have a higher opinion than that of the wisdom and ultimate judgment of my constituents, and, in the second place, I think that those who are disposed to follow a lead of that kind are misconstruing and misrepresenting the so-called "verdict of last November." Several Members have spoken as if the verdict last November was in favor of this so-called peace resolution. I respectfully submit that it was not in favor of peace by any sort of resolution.

The Republican platform nowhere mentions a separate peace or a peace resolution, although the Knox peace resolution had passed Congress and was vetoed, the excuse given then for such a resolution being that we had a Democratic President, who was unwilling to join hands with the majority in the Senate. Even that excuse does not obtain now, because the Republicans are in complete control. As just stated, there is not a word in the Republican platform adopted at Chicago with regard to a separate peace with Germany or a peace resolution. On the other hand, in the said Republican platform the section dealing with the League of Nations and the question of making peace starts out with this sentence:

> The Republican Party stands for agreement among the nations to preserve the peace of the world.

And it concludes with this sentence:

> We pledge the coming Republican administration to such agreements with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals—

And so forth.

The issue, in so far as the League of Nations and the question of peace making entered into the last campaign, is very correctly stated in a recent editorial in the Washington Evening Star, which is a Republican paper and very friendly to the present administration. In discussing these peace resolutions the said editorial declares:

> Much weight has been attributed to the answer of the American people in the "solemn referendum" of last November, and it should be borne in mind that the question then before the Nation was not "Do you prefer the treaty of Versailles to a separate peace with Germany?" but "Do you prefer the treaty of Versailles with or without those reservations which the Republican Party deems necessary?"

This editorial concludes in this wise:

> Scrapping the treaty of Versailles would be unwise in the extreme. It is difficult to believe that such a course is to be finally adopted by the administration.

In another recent editorial in the Washington Evening Star, under the title "The 'Separate Peace' Again," it is stated:

> Interest in the action of the Senate on Saturday, when the Knox resolution was passed, centers in the revival by Senator LODGE of talk concerning a separate peace with Germany.
>
> "If we choose to make peace with Germany by a treaty, which will probably follow this resolution," said Mr. LODGE, "surely we are not betraying them." By "them" he referred to the powers with whom we were associated in the war.
>
> So out of the passage of the denatured Knox resolution—a gesture which accomplished nothing more than the declaration of the fact that we are no longer in armed conflict with Germany—are reborn the grave misgivings which, prior to President Harding's impressive first message to Congress, beset America and those with whom we fought shoulder to shoulder in France. It is the purpose of the United States, while insisting upon the rights which have been guaranteed it under the treaty of Versailles, to dodge the complementary obligations and, making a separate and selfish bargain with Germany, to bid our former allies to do the best they can without us in the difficulties into which our course would plunge them?
>
> Far from being authorized to scrap the treaty of Versailles by the unqualified verdict of last November, the Republican Party is bound by that verdict to cling to whatever is good in the League of Nations and to ratify a modified version of the treaty of Versailles. Seeking the political control of the Nation for the next four years, talk, by any save an extreme few, of a separate peace with Germany was noticeable only by its absence. President Harding is aware of the resulting obligation—of the fact that the Nation as a whole would regard such a step as one of unwisdom and dishonor.

These editorials are representative of innumerable other editorials which have appeared in Republican and independent as well as Democratic newspapers throughout the United States prior to, during, and since the last campaign. In fact, during the recent campaign the Literary Digest sent out questionnaires and took a poll of practically all the daily newspapers in the United States, from which it appeared that an insignificant percentage of such papers favored "scrapping" the treaty of Versailles and the covenant of the League of Nations, they nearly all declaring in favor of either the peace treaty without change or with mild reservations or with the Lodge reservations.

On October 15, some 17 days before the election last November, 31 very prominent Republicans, including two who are now members of President Harding's Cabinet, Charles E. Hughes and Herbert Hoover, gave out a statement in which they told the friends of a League of Nations that the best way, the most

effective way, to procure it was to support President Harding, on the ground that he was for the League of Nations with reservations, for which he had voted as a Senator, and that he could work in harmony with the Senate, which, it was claimed, would certainly be Republican. After quoting at length from the Republican and Democratic platforms, both candidates for President, and other authorities, that statement stated the issues in the following language:

The question accordingly is not between a league and no league, but is whether certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed.

The question between the candidates is not whether our country shall join in such an association. It is whether we shall join under an agreement containing the exact provisions negotiated by President Wilson at Paris or under an agreement which omits or modifies some of those provisions that are very objectionable to great numbers of the American people.

That was likewise the attitude of all the Republican "spellbinders" during the campaign, with the exception of a few "bitter-enders." The controversy hinges around a question of reservations. The Republican fight was directed against certain features of the covenant of the League of Nations. Practically nobody advocated rejection of the peace treaty itself, and I never heard of anybody at that time insisting that it would be the policy of the Republican Party to make a separate peace with the enemy.

Consequently, a scrutiny of the actual issues involved in the last campaign discloses the fact that the so-called "verdict of last November" was against a separate peace and against an effort to make peace by resolution. These facts should be borne in mind by those Members who are hunting for political cover and who are so anxious to cast a vote of expediency. For their further consideration, I commend another editorial which recently appeared in the Washington Herald, which is in part owned by a member of President Harding's Cabinet, and which is very friendly to the present administration. In discussing the question of the peace resolution and that of a separate peace, this editorial stated:

Any suggestion of a separate treaty with Germany is but to put false hope and an added false stubbornness and unrepentance into the heads of the German leaders.

Such a peace would not affect the treaty of Versailles. That would still be there and would still bind Germany. Such a peace would not give this Government any authority or influence as to the provisions of that other treaty; it could not change or modify it in any way. It would range this country alongside of Germany and permanently apart from people with whose armies our Army fought side by side in the war. It would be both a disastrous and disgraceful position, creditable to neither our common sense nor to our moral sense.

If the Republican Party should undertake such a peace, deserting our war associates, the Democrats would have their time of squaring accounts, and if such a treaty got the required two-thirds vote the Republicans would pay the penalty in 1923.

I fully agree that politics and partisanship should have played no part in making peace, but politics and partisanship were injected into it, both in the Senate and in the House, not by the Democrats but by the Republicans. Under the Democratic administration and under the matchless leadership of Woodrow Wilson politics and partisanship were laid aside, all parties combined in marshaling the resources of the Nation to combat Prussianism. Under the inspiring example of President Wilson the Nation was gripped with patriotism. However, as soon as the war was fought and won, and while we were seeking to make secure the fruits of our victory, certain Republican leaders began to play politics in order to destroy the prestige of President Wilson.

The policy now being pursued by the Republicans can not be indicted in any stronger terms than by employing the language used by some of the Republican leaders before they began to play politics in connection with the important question of peace making. The present Republican leader of the Senate and chairman of the Senate Foreign Relations Committee [Senator LODGE] publicly proclaimed that any proposition for a separate peace with Germany would make us "guilty of the blackest crime." Again, in the Forum Magazine of June, 1918, Senator LODGE said:

If we send our armies and young men abroad to be killed and wounded in northern France and Flanders with no result but this, our entrance into war with such an intention was a crime which nothing can justify. The intent of Congress and the intent of the President was that there should be no peace until we could create a situation where no such war as this could recur. We can not make peace except in company with our allies. It would brand us with everlasting dishonor and bring ruin to us also if we undertook to make a separate peace.

This Porter resolution is much preferable to the Knox resolution, not because it is any more effective but simply because it is less dishonorable in its phraseology. [Applause on the Democratic side.]

However, there is nothing—there has been nothing since March 4—to prevent President Harding from proceeding in the regular, orderly, constitutional way toward making peace through the instrumentality of a peace treaty, whether he desired to take the treaty of Versailles as a basis or to make an entirely new and separate peace with Germany. There is positively no reason whatever for not taking as a basis the treaty of Versailles, which has already been signed by all of our late associates and allies as well as by the enemy countries, even though President Harding and the Republican Senate are unwilling to accept it in its entirety. In discussing his own proposed reservations to the peace treaty, Senator LODGE said:

The other nations will take us at our own terms, for without us their league is a wreck and all their gains from a victorious peace imperiled.

And yet he and the other Republican leaders now refuse to join hands with our allies "at our own terms," even though "all their gains from a victorious peace be imperiled." That statement was sordid and repulsive enough, but the present policy is more so.

After having been in complete power for more than three months they now offer this subterfuge. Having repudiated the treaty of Versailles, this resolution proposes to cling to all the advantages therein contained. They propose to shirk all the obligations and responsibilities imposed upon each of the nations who signed the treaty of Versailles, but to reserve all the benefits; to grab everything and give nothing in return. They propose to reap where we do not sow. Although we are the wealthiest and most powerful Nation on earth, yet you are unwilling for us to play a manly part.

I deny that such a policy constitutes "Americanism." [Applause on the Democratic side.] It is blind selfishness, cowardice, and dishonor parading in the guise of "Americanism." [Applause on the Democratic side.]

This policy is very pleasing to Germany, but very displeasing to all of our allies. One Member made a very pathetic appeal to the Democratic Members of the House to support this resolution. If he is seeking votes, I suggest that he submit the resolution to the German Reichstag, where it would receive a unanimous vote; however, it would receive no votes in any of the legislative assemblies of our late allies.

I repeat that the verdict of last November was not as some would construe it. There is less reason now for supporting a resolution of this kind than there was when it was presented before. The time will inevitably come when the course of the last administration and the minority members of this Committee on Foreign Affairs in regard to this matter will be fully vindicated. Some of us are very much in favor of peace, but we are opposed to cowardly deserting the Allies at the front door and seeking to sneak into the international back door. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PORTER. Will the gentleman from Virginia use some of his time?

Mr. FLOOD. I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I have heard many remarkable arguments advanced in favor of this legislative stillbirth now under consideration, but I think the most remarkable was that to which we listened on last Saturday by the chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. PORTER], in which he undertook to justify the action here proposed on the ground that the Allies had deserted the United States by making separate peace with Germany and thus forced us into a position where we had to shift for ourselves. Such an argument would be ludicrous if it were not tragic. It approaches what I used to know in college as a pons asinorum.

I presume he would have had the allied nations wait indefinitely to ratify a treaty all had agreed on, while the Republican Party played miserable politics with it. The condition of mankind is sad enough at best, but its condition would have been unthinkable if all the other nations had pursued the venal and humiliating course which the Republican Party has compelled this Nation to take. The United States was left, is left now, to shift for itself. But it was not abandoned and compelled to shift for itself by England, or by France, or Italy, or Belgium, or Japan, or any other nation; but the United States Government and people have been put in the humiliating position of having to shift for themselves by the mendacity of Republican leadership during the past two and a half years. [Applause on the Democratic side.]

In his speech of August 28, 1920, Senator Harding, the Republican candidate then for President, stated that whatever good there might be in the league covenant should be used in any association of nations that he himself might attempt to form. He stated that if there were teeth in the league and no

teeth in his association or in the old discredited Hague tribunal, the teeth in the league covenant might be transferred to the association or the tribunal. In other words, what he then advocated was the extraction of the teeth from the toothsome league and insert them in his toothless association.

In his inaugural address on April 12 he stated that this Government would have no part in the present league, with its "world government" and its "superpowers." But he urged the ratification of the Versailles treaty with such reservations as he might deem proper to preserve our independent action. In other words, we would go in, while at the same time attempting and pretending to stay out.

In a statement issued by Mr. Herbert Hoover, now Secretary of Commerce, on February 28, 1920, when he was a sort of omnibus candidate for the Republican and Democratic nominations for President, he made the following assertion:

If the treaty goes over to the presidential election, then I must support the party that stands for the league.

In an interview in the Washington Star on March 18, 1918, Mr. Hoover made the following statement:

If we abandon this treaty, we must ask Germany to negotiate a separate peace with us. Having thus isolated ourselves from the Allies and withdrawn any consequential army from Europe, can we suppose that Germany will accept the Versailles terms from us? Will we resume fighting again? We shall be in the position of a nation which has abandoned its allies after having made an agreement with them, for the main lines of the treaty, as distinguished from the league, are not challenged even by reservations. Will not the Germans thus effectively drive a cleavage between us and the Allies? As the Reparation Commission can effectually veto any settlement we make with Germany for civilian losses, alien property, and trade matters, shall we go to the Allies and ask their help?

In a carefully prepared statement, published in the New York Evening Post, June 25, 1920, Mr. Hoover said:

The treaty of Versailles is the guaranty of the disarmament of our great autocracies, and no European nation is going to risk their revival. It is a mortgage upon the enemy States, and they are not going to offer opportunity to Germany, Austria, Hungary, Turkey, and Bulgaria to escape their debts by intrigue at a new peace conference. The European signatory nations will take no risks of seeing chaos from these causes.

The League of Nations covenant is an essential part of the treaty.

A separate peace involves a series of negotiations from a disadvantageous position, not only with the enemy but with all the new States that have been created and with each of the Allies and the neutrals who have joined the league. I leave the legal phases of this to the lawyers, but I point out some prohibitive reasons—the treaty of Versailles is the web that holds Europe together to-day.

It embraces a vast network of economic clauses that vitally concern our economic well-being. The execution of these clauses is in progress at the hands of a commission practically controlling the economic future of the enemy States. This economic future can be guided impartially in the interest of the whole world, or in the interest of a few States, and thus against us. Its present attitude is of the latter character. No treaty between ourselves and the enemy States can admit us to this control, for that depends upon our late Allies. If we enter the reparation commission, we can only do it by ratifying the treaty. Statesmanship looking to a separate peace is plain foolishness, and worse.

Whether it be to-day or 10 years hence, we will, if we want peace, ratify the Treaty of Versailles in some form.

Will any Republican denounce that statement as untrue? If it was true when made by the great Secretary of Commerce, is it any less true now?

In a statement issued by thirty-one prominent Republican advocates of the League of Nations, on October 15, 1920, in which they urged friends of the league to vote for Mr. Harding, and which was signed by Mr. Hughes, now Secretary of State, Mr. Hoover, Secretary of Commerce, Mr. Root, former Secretary of War, Secretary of State, and United States Senator, and many other prominent Republicans, we find the following language:

The question accordingly is not between a league and no league, but it is whether certain provisions in the proposed league agreement shall be accepted unchanged or shall be changed.

And these men pledged Mr. Harding to a course of action which would result in the ratification of the Treaty of Versailles and the creation of a league of nations embodying the general principles of the league already in existence, with certain modifications which they set forth.

Did they know what they were talking about? Did they speak with Mr. Harding's consent and knowledge? It is hardly conceivable that they would have issued that statement without consulting him. Two of them are now members of the President's cabinet. Are they of the same opinion now? If not, what has happened to change their views?

In a speech delivered at the commencement exercises of the University of Pennsylvania by Senator KNOX, he used the following language:

We have reached a point when it is evident the future holds in store a time when wars shall cease; when the nations of the earth shall realize a federation as real and vital as that now subsisting between the component parts of single States; when by deliberate international conjunction the strong shall universally help the weak; and when the corporate righteousness of the world shall compel unrighteousness to disappear and shall destroy the habitations of cruelty lingering in the dark places of the earth.

It is doubtful whether any stronger argument or statement was ever issued by any man, publicly or privately, in behalf of the League of Nations.

In a speech delivered in the Senate on December 21, 1918, Senator LODGE said:

If the peace with Germany is to be durable terms must be exacted which will make it impossible for Germany to break out again upon the world with a war of conquest. It is the duty of the Allies and the United States to meet and determine what terms they will impose upon Germany. When this is done the first great step will be taken toward the establishment of the world's peace. * * * Nothing can be done unless we work in complete harmony with those who are associated with us in the war against the Central Powers. I know very well we had no treaty of alliance technically with the Allies, but technicalities are of no consequence in the presence of facts. * * * We must have common action now in making the peace as we had in carrying on the war, and this unity between us and the Allies is the first essential condition for a successful peace.

That was the language of HENRY CABOT LODGE before the Republican Party decided to stultify itself for political purposes, before that party had decided to leave this Nation to shift for itself and pick up whatever crumbs might be left at the international table after the other nations secure their rights under the Versailles treaty.

George Harvey, who is alleged to be a great colonel, but is acknowledged to be a poor ambassador, says we went to war to save our skins. HENRY CABOT LODGE said in that speech in the Senate that "we went to war to save civilization." But whether we went to war to save civilization or merely our skins, the legislative monstrosity now before this House does neither. If we went to war to save our skins, we ought not to leave them nailed to the barn door by surrendering all the rights we obtained as a result of the war. If we went to war to save civilization, we ought not to outrage that civilization by a dishonorable desertion of every impulse which actuated us in the conflict and every noble purpose for which we sacrificed so much in life and treasure.

We have been told that this resolution will restore peace. We can not enforce its terms upon Germany. Will it automatically result in the exchange of ambassadors? If so, we may never have a treaty of peace settling the questions growing out of the war. Can we reserve under this resolution rights in the Versailles treaty, which we have never ratified? Does anybody suppose that if we have to negotiate a new treaty with Germany we can do it otherwise than as two peaceful nations negotiating with each other? To suppose otherwise is to set at naught human nature and human history. And if Germany shall refuse to negotiate a treaty with us acknowledging her responsibility for the war, and acknowledging her obligation to reimburse our Nation and our citizens for the unlawful destruction of lives and property, how can we force her to do it? Will we again break off diplomatic relations and resume the status of war which this resolution seeks to dissolve?

Not having ratified the treaty of Versailles, the status at present is prescribed by the terms of the armistice signed November 11, 1918. It is under that armistice that our troops are in the occupied territory of Germany. An armistice is defined to be a "temporary suspension of hostilities between two nations at war." If this resolution shall, as its defenders claim, result in restoring the status of peace, then the armistice falls with it, for there can be no such thing as an armistice between two nations at peace.

Therefore, under any circumstances, under either horn of the dilemma which this resolution places this Nation in, we are left at a disadvantage. We are shorn of the fruits of victory and will be compelled to beg Germany for such terms of peace as she shall be pleased to grant us and as the Allies will permit us to have.

The American people are growing restless and anxious to know what the foreign policy of this administration is to be and by whom it is to be announced.

Before the election, two members of the present Cabinet, Secretary of State Hughes and Secretary of Commerce Hoover, signed a statement issued to the American people, saying that the only way to get a league of nations was to elect Harding. He was elected, and they are in his Cabinet. When are we to have a definite announcement? Have they changed their minds? Were they mistaken? Mr. Harding in his inaugural address said this Nation would have nothing to do with the league; then, in his address to Congress, he said he would favor the ratification of the Versailles treaty with suitable reservations. Mr. Hoover says the league is the heart of the treaty and both must stand or fall together. Mr. Hughes said in a letter to Senator HALE that he thought the best thing to do was to ratify the treaty, with certain reservations, which he outlined. Mr. Taft has many times said the same. So have Root, Wickersham, and other able Republicans. But our distinguished colonel, who occupies but does not fill the position

of ambassador to England, assures the world that we will have nothing to do with the treaty—openly, secretly, directly, indirectly, in the daytime or the nighttime, world without end. Amen.

Who speaks for this administration? Is it President Harding? Is it Hughes? Is it Hoover? Is it LODGE? Is it KNOX? Is it PORTER? Is it Harvey? The American people are disposed to be patient and long-suffering, but they would like to hear some responsible voice on this great subject. It has been six months since the election, and more than three since the 4th of March. If it is proposed to ratify the Versailles treaty, why has it not been resubmitted to the Senate? If it is proposed to negotiate a new and separate treaty with Germany, why has it not begun? The American people want peace. We all want peace—real peace, enduring peace—and we want to restore our friendly relations with Germany. But the American people want an honorable and upright peace, a peace which our fighting men won on land and sea, a peace that will restore our beloved Nation to its proper place in the vanguard of nations, a peace which will leave no stain of cowardice or betrayal upon our fair escutcheon. [Applause on the Democratic side.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Speaker and gentlemen of the Congress, I am very much gratified and honored to be here to-day as one of the Members of the Congress privileged to take part in this important question. I bring up, it seems, the rear guard of the discussion.

The people of my State, when by resolution of the Congress a declaration of war was made, were ready and eager to go to war for the Nation and the flag. And now, at this moment, I, as the lone Representative of that great State, say that we are just as eager on this 13th day of June, 1921, by the same action that declared war, to declare the end of the war by means of the Porter resolution. Gentlemen, I have very carefully listened to the arguments on both sides, the very able and brilliant arguments made by the minority side and the majority side, upon this great and momentous question. But it appeared to me that we were running in circles, the same as the seats in this House, and always in the course of the argument landed under the dome of the Capitol of the Nation, and under the Constitution of the United States, which gives the power and the right to Congress to declare war or to declare peace. I am here, gentlemen, to vote in behalf of the people of my State to declare the war at an end.

The Porter resolution declaring peace with the Governments of Germany and Austria-Hungary should have been passed months ago, for we have been in actual state of peace for over two years; but owing to an unexpected and unforeseen situation as to the treaty of peace, called the the treaty of Versailles, being complicated with an agreement framed by the Allies called the League of Nations, the treaty and the declaration of peace have been up in the air for many months, and waited for the decision of the American people at the polls in November, 1920, which decision was given in thundering tones by over 7,000,000 votes majority, defeating the so-called League of Nations and its dangerous purport in entangling the United States directly and permanently in European affairs.

This decision left the matter to be dealt with by Congress, under the Constitution, for Congress has the sole power of declaring war or proclaiming peace. This question is here now, under a proper ruling adopted by the House, to be disposed of, not as a political question, political expediency, or any other camouflage or subterfuge, but as an open question of right, of justice, demanded by the American people and the world. Why should this proposition hang fire any longer? Why should it meet with any delay or opposition from any Member either of the minority or majority of this House?

We went into the war for the most potent and just reasons in the world, our honor as a Nation, the honor and prestige of our glorious flag, the Stars and Stripes, was at stake; we had been insulted; our men and women and children had been murdered on the high seas, not by orders of the German masses or common people, for they had very little to say under a despotic government, but it was done by the autocratic, ambitious, crazy power of the ruler and his despotic government.

The measure was filled, America made its decision, we accepted the gage, our boys by the hundreds of thousands, by the millions, responded to the call of the country and flag, our legions were formed under able leaders, 2,000,000 soldiers went across, united with the Allies for home and the liberty of humanity from the ambitions of tyrants; you all know the rest; you have heard of the Thermopylæ of the war, Chateau-Thierry, Belleau Wood, the Argonne, Verdun, St. Mihiel drive, and the hundreds of places, now historic and consecrated ground where the blood of Americans was shed for the noblest cause in the world, ancient or modern, for the liberty of humanity from oppression and vassalage by unprincipled, crazy tyrants.

The American troops, once in action, the American flag once moving forward against the enemy, never retreated—such a word is not known in our Army in America or elsewhere—but went forward, pierced, and broke to Hades the so-called impregnable Hindenburg line, went over the top everywhere, and in a few short weeks helped to land the Kaiser on the chain gang and into a wood pile in Belgium, as he deserved, and worse. Some of the newspapers are saying that there may be a "nigger in that wood pile," but I do not believe it. They will have to assign his majesty to one of our western forests when the wood gives out in little Holland. We will give him a couple of sections and keep him busy the rest of his natural life.

Now, the job is done. What next? Let us have peace. Let us have peace with the German people. The world and they are rid of the main causes of the Great War. Let us have peace; let us declare it now by voting for the Porter resolution declaring peace.

New Mexico, like every other State in the Union, in proportion to population was ready at the front when the call was made. We had no willful slackers in my State; we had a few conscientious objectors, but I as chairman of the draft board where they appeared took no stock in their claims. I asked them, "Are you satisfied with this country; are you happy with your families in this country; are you protected by our institutions and flag? Then, my boys, go and fight for that country and flag that protects you." And they went. On their return, I have met many of them, and they are the happiest of men, because I decided that they should wear the American uniform. I, as an American, in common thought with the American people and with our President, who from his inmost heart has said at the memorial held for our dead heroes: "This must not be; war must not be." Let us have peace; let us have peace, not the peace of conquest, not the peace of the grave wrought by mighty armies in devastation, death, tears, and suffering, but peace as proposed in the United States, by common consent of the leading nations of the world, headed by America, a peace by disarmament by turning to the paths of peace and forgetting war. This can be done and will be done, because the mothers of America and of the world are backing the movement.

As New Mexico was to the front when called to arms, New Mexico, by its Representative, is proud to be at the finish, bringing up the rear guard in declaring peace.

Let us follow the teachings of the Christ, whose salutation on all occasions, public or private, as the good book teaches us, was: "Pax vobis"—"Peace be with you." Let us have peace. [Applause.]

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, on April 12 President Harding appeared before a joint session of Congress and delivered a message that has gone down in history as one of the notable state papers of the Nation. In that document this paragraph appeared:

> To establish a state of technical peace without further delay, I should approve a declaratory resolution of Congress to that effect, with the qualifications essential to protect our rights. Such resolution should undertake to do no more than thus declare the state of peace which all America craves.

America craves a return to peace that will permit of the resumption of full commercial relations with the Central Powers, and the overwhelmingly large vote cast for the entire Republican ticket last fall was an expression of the people's determination to bring about a technical state of peace at the earliest possible date.

Mr. Speaker, the world is war sick, and the fever of unrest prevailing everywhere is but a manifestation of its weariness. The great nations are groaning under heavy taxes that will continue to weigh down mankind for generations not yet born. "Give us peace and prosperity" is a cry that daily issues from the throat of humanity, and in passing this resolution, which formally proclaims the ending of the state of war, we are heeding the anguished cry of a world writhing in mortal agony. I only wish to God that this step could have been taken right after the signing of the peace treaty at Versailles. Think of the misery and suffering it would have obviated. The failure to do so can not be charged to Congress, for we passed a resolution 18 months ago declaring the state of war to be over, only to have it vetoed by that cold and stubborn man who then occupied the White House. He would have no peace save his kind of peace, but when the great American people were given an opportunity to express their desires they rose en masse and proclaimed their abhorence of foreign entanglements and alien

intrigue. They remembered the admonition delivered by the immortal Washington in his Farewell Address and proclaimed their faith in the wisdom of the policy enunciated by the Father of his Country.

Great Britain, France, Belgium, and the other allied powers have long since concluded formal peace and resumed commercial relations with Germany and Austria. Only the United States has failed to do so. Think of the tremendous loss in trade that our failure to act has cost us. To-day factories are shut down in every part of the country, several millions are out of employment, farmers are compelled to sell their products at a great loss, and actual want and suffering is the lot of all too many who are in no way responsible for conditions now existing. With the immortal Grant I say, "Let us have peace." Let us resume full relations with the Central Powers that we may find a market for our surplus products. Until we do so the pendulum will not swing toward normalcy and prosperity.

Last summer I went to Europe for the purpose of studying conditions in the war-torn regions of that Continent. After a careful study of conditions there I arrived at the conclusion that one of the first requisites to the revival of normal times in this country was the restoration of Germany and Austria to positions where they could help themselves and promptly pay the indemnities exacted of them by the victors.

That I am not alone in my conclusions is proven by an article which appeared in Barron's financial paper, published at Boston under date of June 6 this year, written from Berlin by its publisher, C. W. Barron, under the title "European unsettlements." Mr. Barron says in part:

EUROPEAN UNSETTLEMENTS—LOOKING INTO GERMANY.

I canvassed the German situation carefully with the Swiss bankers, for this was the object of my trip into Switzerland. Summarized, the findings were as follows:

"Whatever may be our feelings, Germany can not be wiped out. The Germans have passed through these trials before. They had the Thirty Years' War and the Seven Years' War. They can be reduced, but they can not be extinguished.

"The military party is quietly in control, but the Hohenzollerns will never come back. You can feel that the Germans are not at heart democrats. It will take a generation to change the spirit of a Germany brought up under military rule, and it will take two generations for the Germans to think for themselves politically. But despotism is broken down.

HELPING THE WORLD.

"To help the world we must help Germany; the whole body suffers because Germany is so important a member. The patient is Europe, and at first examination his heart is very weak. Strengthen that and the other organs will get strong. We don't say it out of love, but Germany is the heart of Europe.

"From a business standpoint, we must remember that Germany is the only country that paid its bills at maturity during the war and never defaulted. Italy and France suspended payment.

"The German is a good spender when he has money and takes naturally to motor cars and champagne. He is also a good family man and a good father, and except for this damned kaiserism has good common sense, is hard-working and intelligent.

ONLY GERMANY CAN REORGANIZE RUSSIA.

"Whether Germany makes war again will depend upon the opportunity that offers. You must force Germany to pay, and the English and the French need not fear the settlements.

"The Germans are the only people with location and ability to put order back in Russia, and if Germany is set going again she will look to Russia for profitable development rather than to western competition.

"The Germans will colonize industrially in Russia, and they are the only people to do it. The only hope for Russia is through commerce.

"Settle up this reparations business and the Germans will work like the devil. Their factories are blazing now, but they can do a good deal more, and they have much yet to do for themselves."

WAR PLANS FALLACIOUS.

I did not care to enter Germany by the railway train. I wanted to see the people off the usual routes of travel and out of contact with foreigners or officialdom. Therefore, after crossing Switzerland east and west and north and south, and getting a peep into Italy and the Swiss views of Austria, Czechoslovakia, and Russia, I dropped down the Rhine Valley and into the Black Forest by motor.

The roads were surprisingly good, but I was astonished to be able to read the history of the war 30 months after the armistice right in the faces and limbs of the men, women, and children.

The German children have not the ruddy complexions of the English or the vivacity of the French, but in previous years I have always found them rugged and sturdy of limb. My observations from Basel to Berlin clearly convinced me that the outside world was utterly wrong concerning Germany.

NO FIGHT IN GERMANY.

It will be a span of more than one generation before Germany can ever fight again with her own men. Her man power is gone and can not be reproduced in a generation. Not for 30 years can she contemplate war, and then another 30 years would be required to prepare for it.

My first trip to Germany was more than 40 years ago, and on many trips abroad in the 15 years preceding the war I spent more time in Germany than any other country. When I left Paris I had no special ambition to visit Berlin. But I knew well the Rhine Valley, its fields, villages, and little trout streams descending from the Black Forest, and the narrow streets by the watercourses where the children ran barefooted or clicked their wooden shoes against the stones.

In 1911 I saw the war program in railroads, training camps, and finance, and published that Germany was preparing for a great war in Europe.

THE PHYSICAL FACTS.

In 1913 I flew down the Rhine Valley toward Frankfort in a Zeppelin, and later declared from a study of the financial situation in Berlin that Germany could not afford to go to war, as it was now solidified in finance, shipping, and mercantile organization, with prospect, fairer than had ever before beckoned any country, to move forward in the peaceful contest of supplying and expanding human wants.

I had to note the silver in the Spandau Tower—the stirrup cup of war—expanded from 120,000,000 to 360,000,000 marks and the war tax levy upon the capital of the country. Yet for 40 years following the war with France, Germany had been rattling the sword and steadily gaining in trade and finance. She could gain no more by war.

I am not now talking from financial or business logic but from physical facts.

READING WAR HISTORY.

There is no camouflage concerning the pinched legs of the children of the upper Rhine which told me the primary truth. If the children have been pinched in that rich valley, they can not be better off toward Vienna.

You can read the history of the war in the faces of the people as well as in the little legs of the children 30 months after the armistice. You can then understand the desperate game that Germany played with her women and children after the first defeat at the Battle of the Marne settled the issue. This was the first shock after England entered the war, and it was a series of shocks the next four years, with never strength enough in the man power of Germany to follow up when they broke through the line.

The English and the French not only received the shock of war in stubborn resistance, but they, too, knew that they had not strength enough to press forward. They held Germany and then they starved her. The Americans, well fed from the beginning, were the men who could take the offensive and follow through.

STARVED TO STERILITY.

The Germans put the food to the front to brace the fighting line and starved the women and children to sterility. Enter any German home, even in the upper classes, and you will find the women still pinched, shrunk, and underweight. Walk down the Unter den Linden with intention to count the war wounded and you are shocked, not at the number of one legged or one armed or disfigured, although these are more plentiful than in France or England, which conceals its hospital scars, but you are shocked at the number of idiots, the shell shocked, and the nervously strained. I not only saw them, but I had other people count them. When I asked the American journalists in Berlin for an estimate of how many people counted in the streets showed the shock of war either in limb or in countenance, they replied that they had estimated on the average every other person. In England and France they do not permit the idiotic and heavily scarred countenances to appear on the street, but Germany is not masking her appearance. She has reasons for appearing poor and weak in every respect. Therefore England and France are weaker than they appear and Germany stronger than she appears.

STILL UNDERFED AND UNDERCLAD.

Nevertheless Germany must be considered for many years as ruined in man power, child power, and mother power, but not in lands, buildings, or machinery, although the lands have been underfertilized for many years and are not now producing as formerly.

Germany imports, as before the war, one-half her food, and she is still underfed. Women and children in the streets and at the railway stations show that they are not only underfed but underclad.

Everything is "ersatz," or substitutes. The substitutes are not only in the food but in the clothing. It is paper everywhere. Not only the paper mark but the paper napkin is universal, and some of the best hotels in Germany, like the Stephanie, in Baden-Baden, use paper tablecloths. Women bring forth their babies on paper sheets, and in the railway trains you are called upon to sleep under cold, coarse burlap. If a first-class restaurant in Berlin hands you a linen napkin, you may find it marked Hamburg-American or with the name of some hotel in southern France.

When the linen supply is exhausted, there is no ability in the paper mark to buy more.

THE BASIS OF THE HATE.

England is hated because in control of the seas she gave starvation to Germany. Nobody in Germany sees what Germany did to the English and the French with the introduction of her poison gases. Germany sees only that all the men went to the front and all the best men were lost and that the women and children were starved.

Germany does not yet realize the far-reaching effect of this starvation on her future. Only the physicians understand that, and they are not talking. But if you will quietly ask them they will tell you that tens of thousands of women and girls that should now or in the future be mothers will never bear children. Years of starvation have made them sterile.

HORSE MEAT AND TURNIPS.

I met in south Germany one whom I had known many years ago in London and who, against the protest of business people, had been interned in the Isle of Wight during three years of the war. He said:

"I realized that the English had no love for the Hun. But I did not realize what starvation was until I came here after the war and found the people living on coarse turnips, with no bread and no potatoes. In Cologne they were dying of starvation. Where shops opened at 8 people were in line from 3 o'clock in the morning waiting to get a small piece of horse meat."

STILL NO MILK.

I asked one of the ablest physicians in south Germany—a man with broadest practice with most wonderful results and whom I had known for more than 10 years preceding the war—for a view of the situation as respects the physical and moral conditions preceding and following the armistice. He replied:

"For two years, 1916–1918, the people had horse meat when they could get it and bread made with horse chestnuts. There is no milk even now. The farmers will not bring it in, because it is under Government control and the farmers are rich and can sell it quietly and privately to better advantage. During the war there were no potatoes for a long time and people lived on coarse turnips, formerly fed to the cattle. One hundred grams of beef in three weeks, and of course nobody could have meat.

MORAL AND PHYSICAL DEMORALIZATION.

"There are many rich men in Germany—many more than before the war, but the people work hard and have nothing.

"During the war we had no linen for the wounded. We had to use paper. We had no sterilized silk or catgut to sew up wounds. It was a year after the war before we could get medical supplies or even soap.

"Illegitimate births increased very much during the war. Everybody above 15 was in the war. All the fathers were at the front, and the boys and girls ran wild.

"The moral status was made bad by the war. Everybody deceived, but it is now a little better. Sometimes it was impossible to send packages by post or railway. If there was anything of value it would be stolen. Now the situation is improving. Still nobody wants to work if he can avoid it. Farmers are rich and paid all their debts and they are not now ambitious to produce. They have sold their products secretly to get more money than the law allows. They can now be classed with the rich.

MIDDLE CLASS SUFFERING.

"The worst sufferers at the present time are the middle classes, teachers, professors, and salaried men. The universities and hospitals must stop and so must the schools on the present financial basis.

"Talk of war again is nonsense. The great industrial centers have been hardest hit by the war and they have been the seat of our social or bolshevik troubles. The industrial workers there see the difference between the rich and the poor, which is greater now than before the war. Some people have enormous fortunes and know how to lie and cheat the government out of its taxes.

"We can not imagine how it is possible for an American workingman to have a Ford car. Fifteen marks a day dole for unemployment in this country is not enough for a man to live on.

NO FIGHT FOR FIFTY YEARS.

"But Germany will recover in 20 to 30 years. She can not fight again for 50 years, and does not want to fight. Germany could not fight if she wanted to. It is impossible. All her best men are dead. Only young boys remain. Men who were in the war are now broken, as you can see by their faces as you walk the streets or visit the country in any part of Germany."

I turned from my friend and went over to the bank I had known before the war. I found it in larger quarters, for banking holds its own in Germany as everywhere else in the world. Of course, it was one of those big branches of the very big banks which Germany has built up. The manager said:

"We never wished war and we do not wish war now. We have no money and we have no soldiers. We have government bread cards still, but there is not enough strength in our food."

SICKENING WAR BUDGETS.

From many sources I learned that the field labor of Russian prisoners kept the Germans alive during the war, and the people of the country were sorry to have them go home. And they were sorry, too, after they got home. Only prisoners, old men, women, and children worked the fields during the war.

Everywhere you learn that all the men were at the front, all the best men were lost and all the women and children starved.

Here in Berlin I am ashamed of my size. I believe I am to-day quite the largest man in Germany, and I do not weigh 300 pounds.

I have learned thoroughly that which I never suspected at home and that which I did not come to learn. I was looking to Europe for the facts of finance. I found physical facts which make the rising war budgets of England, France, and my own United States supremely ridiculous.

FRANCE'S OPPORTUNITY.

If France did her duty by God and humanity she would expand her population and insure the preservation of that civilization and art culture which she has represented for so many years. But France is ambitious only for defense, for her own quiet ease and the pursuit of ways of pleasure, leisure, and art. The bulwark of a nation's defense is motherhood. There is no countertruth to that which declares: "If strong be the arms of the mother, the son shall make laws for the people."

WHAT MIGHT BE.

If France had ambition, energy, and family expansion, she could seize the present opportunity in Germany's weakened condition to absorb the industries of the Rhine and become what Germany has been—the industrial center of Europe. And she would have in addition what the German with his gutteral "g" and the Anglo-Saxon with his "th" can never have—the sound, the figure, the color, and the form of art as it is in beauty of all the divine creation.

France was fed by England, the United States, and by her own fertile fields, while Germany from her lands could raise only 50 per cent of her food. The people of England and France were neither shell shocked nor starved in comparison with Germany.

MILITARISM DEAD IN BODY AND SOUL.

Writing from Interlaken in September, 1918, after I had viewed the prison-exchange movements at Berne, and from Switzerland had studied the food conditions of Germany, I declared: "When the returns come in after peace it will be found that Germany's great loss and the basis of her defeat has not been money, but losses in her man power."

Many English, as well as American, observers have been of late looking over Germany, and they agree that militarism is dead in Germany for at least one or two generations. It is dead in the spirit of the people and dead in the man power.

BURYING MILITARISM.

There are two points in German history that emphasize the death of war in Germany. They are the funeral of the Kaiserin, which has just taken place, and the Kopp "putsch" of a year ago.

In March, 1920, more than 5,000 troops were sent into Berlin by Ludendorff for the purpose of reestablishing the old régime. The national Government quickly and quietly went out. But never was a Chinese boycott more effective than that of the Berliners against the military party. Everybody went on strike, officials, clerks, and office boys. Nobody would go to work. Nobody would recognize the troops. Nobody would do anything. Not a shot was fired. In a few days the troops melted away.

MORE POLICE AND LESS ARMY.

The German people may have a monarchy, but never again militarism. There is no danger from the more than 100,000 police or the 100,000 men in the Reichswehr or national army now allowed by the Allies for Germany.

The Germans complain that even this national army is expensive, as it has to be regularly employed, conscription not being allowed by the Versailles treaty.

The funeral of the Kaiserin at Potsdam offered the first opportunity for a military parade since the war. Three hundred German officers, in full uniform, were in line. Everybody was there; all the old and once popular idols of the people, Hindenburg, Falkenhayn, Ludendorff, and the rest. The people were willing to look at them, but had no interest in them as military men. It was more like a funeral of the military party. It was emphasis of what was made clear in the strike against Ludendorff and his troops a year ago—that the people were through with militarism.

AMERICAN MILITARISM.

The people who will regret the passing of militarism from the soil of Germany are the wives of the American Army officers who are already scheming to hold their positions here as long as possible. Officers' wives in Germany can pay three servants from the gold they get from America, while in the States they may be able to have none. There is a reversal of that situation here in the German families. The socialist government put a tax on servants, increasing it for the third and fourth servant to the extent that the tax became more than their wage. The result was to turn servants into the street.

The Germans are making many experiments and many mistakes in government, but their sentiment is now akin to that of the Irish who would rather govern themselves badly than be well governed by others.

GERMANS DRINK LESS.

The Germans are not drinking champagne as the French report. The Germans are drinking less and not more. The statistics of the French are compiled from the tax labels. The champagne in the country had to be called up and labeled for tax, but the label does not altogether mean consumption.

Champagne, as we understand it, is very rare. Even at the best hotels German champagne that sells for a third of the French is what one finds on the bill of fare. A glass of beer now costs 3 marks, but the consumption here has declined enormously. As the Washington darkey said, "It ain't got no authority whatsoever." The Government, under its food control, will not give up the grains to put the food value into beer.

Germany is still underdrinking as well as underfeeding, although many people declare that the German budget could be balanced with a proper beer tax. Not only has the consumption of alcohol declined enormously, but coffee of good quality is not to be had. The Germans say nobody can pay for "schnapps" now.

It is not inviting to the German to pay 250 marks for a bottle of French champagne. It even frightens an American until he figures that it is under $4.

There are some restaurants with French champagnes, but the Government does not encourage the importation of luxuries of any kind. Even lobsters have to be smuggled in from Holland in the bottom of vegetable baskets.

RICH AMERICA.

It is good to come into Germany if only to feel rich. "As rich as an American" now has ten times its former force. Many things, even in Berlin, cost about one-tenth the price in the United States.

I called upon an old friend of many years' standing and he greeted me with surprise. He was rich and well to do in every way and therefore could smile, as on surprise he exclaimed: "Don't you know we are at war? I expected you later, but not this year."

I questioned him by the hour and found him bitter against the French; but, like all other Germans, not bitter against the Americans. They seemed to take pride in the fact that neither the French nor the English could win the war. He said:

"America won the war. The French have robbed us for the last 400 hundred years and are now to tax us. Alsace-Lorraine and Belgium were formerly ours. Now they are sending people out of Alsace and Lorraine, some at five hours' notice without their property. Of late they are doing better and paying something for the property they confiscate. One hundred and twenty thousand people have been sent out of Alsace and Lorraine.

RESENTING THE TAX.

"The French gave millions to Russia, so that she might begin the war, and now Russian interest is paid by the French Government. France pays everybody and expects us to pay her. It is too much.

"The French have 850,000 soldiers. Why do they keep all these soldiers and ask us to pay for them?

"France sold German coal back to us cheaper than we could buy it from the German mines. We have still no wheat bread. The enemy starved us out, and you Americans won the war for the French. They cut off our food, and our children suffered. They had no milk, and the cows were killed for food. Our bread is now better, although still expanded by the use of beans. We make beans into bread as well as into coffee.

THE REAL TAX.

"In the district around my chateau we had 1,300 inhabitants, and from them sent 300 men to the war. That meant everybody between 18 and 50. We lost 80 men."

I asked one of the richest men in Frankfort concerning present and past conditions. He said:

"There has been tremendous improvement in the past year and a half. Nobody knows or ever will know what we suffered. They had us surrounded. Even my wife and I were starved. I lost 20 pounds in weight. There was, of course, food to be had, but people in our position could not afford to buy food. We must stand by the people."

THE LESSON OF THE COW AND THE ROSE.

On this year's trip to Europe my first landing for a night's sleep was at the island of Guernsey to inspect the beautiful lines of highly bred cattle which have become so important in American dairy farming. We American farmers understand something of what has been done in developing the dairy cow through many generations from the cattle of the plains and the hills, how milk veins and udders have been expanded, horns have been shortened, and types of head and haunch symmetrically changed, all by careful development in breeding. North Easton, Cohasset, and Hardwick, in Massachusetts, and Waterloo, in Iowa, stand for something in the land of Guernsey illustrative of the progress of man with animal life put into his hands.

As I walked here through the Tiergarten and Unter den Linden and noted the pinched, strained, shocked, and scarred faces, I could not but reflect upon the problem of what a prolonged modern war might do for

humanity. If the dairy cattle of the world should be destroyed, it would take many generations again to breed by selection from the beef cattle of the plains the motherly milch cow.

If the world were a cultivated garden of roses and men went to war and forgot the rosebushes for a few years, the garden would revert wholly to the wild rose and the brier. In a few years could be lost the fruit of a hundred years' development in hybrid crossings, graftings, and sports, for the base of the rose is in the wild brier. Gardeners must still take the root from the forest to properly develop the sport.

THE SPORTS OF HUMANITY.

Many years ago I heard President Eliot say in that wonderful clearness of speech which so markedly characterizes him: "The benefit to the race of the common school is that it saves the sports of humanity—the remarkable child of an otherwise not remarkable family."

Had Germany at this time suffered a Thirty Years' War, there would be nothing left to tell the tale. The women and children that might have been left would have been gibbering idiots, with no groundwork on which German "kultur" could have ever again been brought forth. But if all the children had been set aside and allowed to grow up in ignorance, how many generations or hundreds of years would it have taken to have developed a distinctive type in the human family upon that stock with any ability to hold place in the modern world of intelligence.

The lesson of the Guernsey cow and the garden rose was borne in upon me as I looked at the wrecks in this shell-shocked, starved, and deservedly beaten nation. The Germany of old, that gave its literature, art, and music to the world, was swallowed up in the scientific and physical development that grew a war machine that had its inevitable fruitage in self-destruction.

The military root is still in Germany, as it is still in human nature, but not from that root will come the sports of humanity to grow something higher and nobler, the breadth and beauty of which must for years remain unread in the scroll of a future divine providing.

We can here only note the danger that the pride of militarism may be transferred to the United States, now planning war budgets by the billion, when a few billion in credits or cash could so mightily assist in the restoration of France and a solution of the peace problems of Europe.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker, within the time allotted to me I shall address myself, not alone to the resolution, the passage of which by Congress and with the approval of which by the President would have the effect of ending the war with the Germans, but also to certain cognate questions which I regard as of equal if not of paramount concern to the Government and its people.

In November last, after nearly eight years of Democratic rule, the American electorate, according to the forms of an ordered and free government, decided by a strongly preponderating majority that Democratic rule should end and as a corollary that the Republican Party should again be restored to power, thereby investing the latter party with plenary authority as to all matters of national legislation and Federal administration.

Coupled with that authority were certain instructions, binding in character, delivered with great emphasis, for it was the voice of millions of men and women, recording their sentiments at the polls, who, by an overwhelming majority, proclaimed Warren G. Harding as President of the United States.

What were those instructions? One was that the covenant of the league should be cast aside, thrown into the discards. That has been done; but I may add that, as one of 435 Members of Congress, I shall, with not a little degree of anxiety, observe, as well as I may from this great distance, "every little movement" of the extra "full crew" men who, by our President, have been appointed as American representatives on the reparation and other like European war commissions. We wish for these gentlemen Godspeed, which term comprehends a safe and especially an early return to this country.

Another instruction was to the effect that peace with Germany should be restored. As it is now, the nations that were associated with us in the war have concluded treaties of peace; but we, in theory of the law but not in point of fact, are at war with Germany. This ambiguous condition ought to be changed. The situation is as anomalous and absurd as it is expensive, inconvenient, and unjust to the American people.

By the enactment into law of the measure before us, the majority party will have fulfilled its promise as regards the establishment of peace.

Mr. Speaker, while we are on the subject of foreign affairs, and particularly of the war, it is pertinent for me to observe that the foreign Governments that stand debtor to us to the extent of $10,000,000,000 are not manifesting a very great amount of concern—in fact, I presume no concern—as regards the discharge of the great obligations they are under—in fact, they have not even paid the interest on the debt. The money advanced to such Governments came from the pockets of our people as the proceeds of Liberty bonds and Victory notes. The people who bought the bonds are borne down under a very heavy burden of annual interest, necessary for us to pay on that debt. Consequently it seems to me as entirely just that our Government should immediately take steps to enforce the collection of these vast loans, now standing as mere open accounts, but nevertheless obligations of the most solemn character, on the books of the Treasurer of the United States. As germane to this subject, may I direct your attention to the proposition that the Government should by a refunding arrangement or other method, restore the par value of the bonds? Assurance was made by those, especially the four-minute men, who harangued the people to buy the bonds that they were good, but we know very well that they are now selling far below par.

One cause of the constantly falling price of Government bonds is due to the action of the international bankers who for certain commissions are flooding this country with foreign securities. Only the other day an issue of $100,000,000 of French bonds was dumped on the New York market at an interest yield of 8 per cent. I am told that the agents of six other nations have been, and perhaps are now, in New York negotiating for the flotation of further great issues. Our Government should take cognizance of the situation and maintain the position that no foreign bonds shall be sold in this country at a rate of interest higher than 6 per cent—I doubt if they should be allowed sale at all—in order to prevent our people from gambling in securities of very questionable value, and to protect the integrity of the bonds of our own Government, and of other domestic securities as well.

To what extent foreign nations may feel grateful for American assistance I do not know. That we have donated vast sums—probably three billions—to their charities and have made large private loans in addition to the Government loans I do know; and I therefore feel that it is now high time for foreign peoples to go to work and no longer to consider America as being solely an almshouse or one vast eleemosynary institution, operated for their exclusive benefit. We have obligations to our own people; charity must begin at home. The first duty of a nation, no less than that of the father of the family, is to provide for its own children. That we should do, and that we will do, in view of the fact that vast numbers of our most deserving workingmen are without employment and fundamental business enterprises—agriculture, commerce, manufacture, mining, and seafaring, all—in America are now almost stagnant.

It may take the world 50 years to recover from the ravages of the war. In the meanwhile the most rigid economy in government, State and Nation, also in private life, should be practiced. We Republicans promised the people to relieve them of heavy taxation. Will we do it? We must admit that we have a difficult task to perform and we have made slow progress. We have not, so far as my knowledge goes, abolished a single board or bureau or commission. We have, I believe, added some new ones—for example, the one regulating the packers.

Over in the Senate one or two Members are agitating the passage of a bill to regulate coal, and incidentally to provide some more good jobs. Such regulation would undoubtedly add to the cost of the article.

Before the war an unfailing supply of cheap coal flowed steadily from the mines to the consumers' bins; but with war regulation all has been changed. Thus far this year the mines have been run at low ebb because consumers have listened to the siren voice of demagogues—those who promise the passage of regulatory laws which will cheapen its price. Coal can be bought at the mines on a very close margin of profit. In some cases it is sold below cost of mining, but the real cost to the consumer lies in the transportation charge. Coal from my district, traveling over one of the three railroads to Norfolk and by boat from there to Boston and distributed from the latter port to the surrounding region, must bear a rate ranging around $7 per ton. The Interstate Commerce Commission regulates the rate. In the old days the railroad managers charged "all the traffic would bear," but they were too smart, too good business men to charge more than the traffic would bear.

Artificial laws and regulations, if persisted in, will ultimately destroy not alone the great coal industry but likewise great commercial and manufacturing enterprises and communities, such as exist in New England and elsewhere as well, in this United States. In the meanwhile I shall trust to the honor, wisdom, and ability of the Republican Party, constituted of its members in Congress—Senators and Representatives—and of the administration, headed by our excellent President, Warren G. Harding, to guide amid all vicissitudes the good old ship of state to a good and safe harbor, as was done by that party under the matchless and wonderful leadership of other men—stars of the first magnitude—Lincoln, Grant, Garfield, Harrison, McKinley, Roosevelt, and others—the great dynasty of Republican Presidents. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 25 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it had been my sincere wish and earnest expectation that the majority party in the Congress would forget the promise of a peace by resolution made by the successful candidate for the Presidency and not even attempt to make what was the most colossal blunder of a passion-swept political campaign the law of the land.

I am well aware of the fact that the only definite, specific, and clearly understandable declaration which the candidate for the Presidency made during that contest was the promise that there should be such an act just so soon as it could be passed by a Republican Congress and signed by a Republican President. Beyond this he stated that notwithstanding the fact that he had for years been a member of the Committee on Foreign Relations of the Senate of the United States, which committee had been strenuously and successfully thwarting the Executive in his every effort to adjust international affairs, yet he, Mr. Harding, had absolutely no plan to offer nor any specific suggestion to make other than this, and he gave no satisfactory intimation as to the form of even that resolution.

So far as my knowledge extends, he has not yet offered a suggestion as to form, except that in his message, delivered to the House in person on April 12 last, he made it perfectly clear that it must not be such a resolution as he himself while a Member of the Senate had voted for and urged. [Applause on the Democratic side.] In that message he demonstrated quite clearly that there was a decided difference of opinion between Harding the candidate and Harding the President. In polite but nevertheless specific language he made it perfectly clear that Harding the President would brook no interference with the constitutional prerogative of the Executive. He told us that we might, with his approval, declare a state of peace, but that under no circumstances must Congress attempt to fix its terms and conditions. I quote here the understandable portions of what he said upon that point. The President said:

> To establish the state of technical peace without further delay, I should approve a declaratory resolution by Congress to that effect, with the qualifications essential to protect all our rights. Such a resolution should undertake to do no more than thus to declare the state of peace which all America craves. * * * In correcting the failure of the Executive, in negotiating the most important treaty in the history of the Nation, to recognize the constitutional powers of the Senate, we would go to the other extreme, equally objectionable, if Congress or the Senate should assume the function of the Executive.

I pause just here long enough to remark that this last sentence is not particularly clear as to its exact meaning. The fair inference, however, is that the President could not resist the opportunity to cast an impolite imputation upon his predecessor, and for this purpose wove into a state paper an expression which would not have been in very good taste even in a campaign speech.

At no time did President Wilson seek to thwart the Senate in the exercise of its constitutional prerogative of ratifying or rejecting the treaty of Versailles. He advocated with all the force of his powerful intellect its ratification without substantial change, as was his unquestionable right and as many believe was his supreme duty in keeping faith with the nations with whom he had negotiated it. He gave his spirit, his high mentality, his moral excellence, and actually depleted perhaps for all time his physical manhood, with devoted and unselfish vigor and vision that the work of his brain might live, but so profound a student of government as Woodrow Wilson never for a moment believed that he could, even had he desired, have destroyed the senatorial prerogative woven into the fabric of the Nation's fundamental law.

Just what view the President will take of this resolution if it reaches him in its present form, which if I understand the interpretation of sections 2 and 4, does unmistakably enter the domain of negotiation, indirectly it is true, but inevitably, remains to be seen.

It shall not at least escape the notice of history that as a Senator and as a candidate he advocated a resolution designed to interfere with the constitutional prerogatives of his predecessor for which as President he says he will not stand.

I have said that it had been my wish and expectation that the campaign promise would be forgotten, notwithstanding it was the only definite one given out touching our foreign policy. I know that neither a party nor an individual often obtains credit by breaking its or his word, but I think the majority party could well risk the opinion of men and history if it would forget that shameful promulgation and refrain from placing this inerasable stain upon the virtue of America's enterprise. [Applause on the Democratic side.]

My hope was founded upon the knowledge which most men now possess of the reasons for that promise and for the action in the last Congress of passing the peace resolution and committing the majority party to it.

Those reasons were threefold: First, envy of and enmity toward the then Chief Executive, Mr. Wilson. Proceeding upon a predicate of passion and hate the majority were willing then to go to any length in the effort to humilitate and discredit him. How narrow and restricted was their vision time and history will demonstrate;

Second, their inability, moral and intellectual, to submit a substitute for his handiwork; and

Third, the determination to clinch for their party at the November elections the votes of all those elements in America who having but recently descended from foreign blood had their affections placed upon the aspirations of their kinsmen abroad rather than upon the interests and hopes of America.

In view of the character of the impulses which lay behind the action of a year ago, surely it would be an honorable thing to forget it so soon as history will permit. It ought to be effaced from the memories of men. [Applause on the Democratic side.]

No necessity for this action has been suggested which can, it seems to me, possibly appeal to the heart and conscience of America. We have no precedent for it. Our foreign wars of the past have been settled by negotiated treaties, with honor to ourselves and justice to our foes.

Is it possible that the administration finds itself, after full consultation with what it regards the "best minds of America," helpless and hopeless? Has America under Republican leadership reached such a position of inanity and mental vacuosity as that it is unable to proceed along the lines of honorable diplomacy and negotiate a peace of justice and righteousness?

Must we leave the field made glorious by American valor and sanctified forever by the best blood of an unselfish Nation because the political leadership of the hour is unable to obtain a single promise or exact a single pledge giving at least some assurance that the things and principles for which our soldiers suffered and sacrificed and died are to be respected in the future? [Applause on the Democratic side.]

It has been said in the course of this discussion that this resolution does not wipe out the record of Chateau-Thierry and Belleau Wood and the Argonne.

Indeed it does not. Fortunately the luster of those supreme efforts of American manhood can never be dimmed by partisan political ineptitude and imbecility. [Applause on the Democratic side.] But will some one tell me before the debate is ended what this resolution does toward making the principles for which men died there the law of the world?

I have thought, sir, that the President's Secretary of State has within the brief period of his service as such demonstrated the fine capacity and good judgment with which he has, I think, very generally been believed to be endowed. By following, without exception, so far as I have observed, the lines of policy laid down by the last administration and asserting our national faith with firmness and courage he has become easily the outstanding figure of the new administration.

It is hard to make me believe that Mr. Secretary Hughes is lacking in ability to deal with the big things of the world, even though he be handicapped by a Harvey and perhaps humiliated by a Sims. [Applause on the Democratic side.]

But, somehow, the majority in the Congress seem to think the diplomatic power of the administration futile and insufficient; and so inaneness is to be crowned with garlands, and America—our America—is to close the most thrilling chapters in the annals of man with a peace which should be known in history as "the peace of incapacity." [Applause on the Democratic side.]

What the valor of our soldiers won on the fields of glory the timidity of our alleged statesmen will cast to the winds of the world, and we shall turn to face the future without a promise or a pledge, save only, I believe, sections 2 and 4 seek to place in escrow some $400,000,000 seized from resident Germans by the Alien Property Custodian and whatever of rights we have in the German ships that were interned at ports while we were neutral.

Mr. Speaker, there may be differences of opinion as to what our soldiers fought for. There ought not to be, God knows, yet there may be, but I venture to assert that nowhere in America will you find a soldier or a civilian who will have the temerity to declare that they fought for the property of resident aliens or for German ships, and those things, sir, are all that this resolution of peace reserves. [Applause on the Democratic side.]

No, indeed; you will not have effaced by the passage of this resolution the glory of the Argonne and Belleau Wood and Chateau-Thierry; that is beyond your reach; but you will have

quit without gripping by solemn treaty the achievements which American valor won.

You can not wipe from the face of France the blood stains of American soldiers, but you can, and apparently are determined to, take the fateful step which will go so far toward rendering vain the shedding of that precious blood.

Why should this resolution pass? Its proponents have adopted the most remarkable attitude upon it that within my memory has ever been adopted upon any great question. They lay it before us with a report which says nothing, and follow it up with arguments which but add to our ignorance of what the real reasons are, and then say the burden is upon us to show why it should not pass.

I am compelled to say, having listened to practically every word uttered in the debate by those who favor it—or perhaps I should say in justice to them by those who intend to vote for it—that the strongest reason yet given was given by a gentleman on my own side of the Chamber, Mr. HUDDLESTON, of Alabama, who said, in substance, that we should make peace with our enemies in this way in order that we may the more easily lend them money, so that they can buy from us. With all deference to my friend, whose character I respect and whose ability I admire, that reason is not sufficient to bring me to its support.

Besides this, what are the reasons? Trade reasons? Except as to dyestuffs, which we ourselves inhibit, trade with Germany and with the nations that were Austria-Hungary is limited only by the capacity of their people to buy. That capacity is not likely to be increased save as we ourselves increase it.

In order to bring the American troops home? If the President of the United States wishes to scuttle, he may order them home to-morrow and in all the world there is no power to say him nay. Germany would doubtless consent as it would relieve her of the burden of their support.

In order to exchange ambassadors? I am in no hurry about that. [Applause on the Democratic side.] I know of no American interest in Germany which is not now being amply protected without an ambassador, and I have an all too vivid recollection of the last one which Germany had here to lie awake nights wishing for another to hurry to our shores. [Applause on the Democratic side.] I have not heard of any German nationals in America suffering from injustice because no Von Bernstorff is lodged in the embassy building here to serve in the dual capacity of ambassador and spy. [Applause on the Democratic side.]

Oh, but some say it must be done in order to drive the last nail into the coffin of the League of Nations. Are you so sure that such will be the result? In your heart of hearts are you—all of you—so sure that you wish it so?

You say the people of America spoke the final word of condemnation of that historic instrument at the November elections. Are you quite sure? I am not.

Oh, I know that Mr. Harding, lashed as with scorpions by certain eminent leaders of his party and a section of the press which was quite influential with an element of voters believed to be necessary to his election, declared in his Des Moines speech that he wanted to turn his back upon the covenant and destroy it, but are you sure he did it?

I know, too, that he so phrased other utterances both before and after that declaration of despair and compulsion as that 31 of the most eminent leaders of his party felt themselves able to issue a document destined to be historic, in which the people were reassured, and it was solemnly declared, that the surest guarantee of a league would be his election.

There is some one unique distinction to be found in the campaigns of every man who has been elected President of the United States—sometimes more than one.

In the case of Mr. Harding there are at least three.

First, he was elected by the largest majority ever given a candidate.

Second, he ran upon a platform which was absolutely colorless except when it was yellow. [Applause on the Democratic side.] And, third and most unique of all, if his Des Moines utterance meant what league opponents claim for it, he used other utterances which enabled 31 of the most eminent leaders of political thought in America to issue an appeal to the American people in his behalf predicated upon the hypothesis that they might discredit his pledged word and plighted faith as expressed at Des Moines, and one of these eminent men is now the premier of his Cabinet, holding in his steady hands the matter of our foreign relations. I have forgotten whether the name of the ambassador to the Court of St. James was among the 31 immortals or not.

I think we shall have to wait for a little while even after this resolution becomes law before we shall be assured that what is probably the highest achievement ever wrought by finite men has perished utterly from the earth, so far as even America alone is concerned.

I always follow with great interest what my young friend the gentleman from New York [Mr. FISH] has to say. He comes of good stock, and, as the late President Roosevelt once said to me in doing a requested favor for a grandson of the great Confederate cavalry leader, Gen. Bedford Forrest, "There ought to be something in heredity, surely." The gentleman from New York seems to be a thinker and has not demonstrated any particular backwardness in giving utterance to his thoughts. [Laughter.] I heard the gentleman from New York in the last Congress say that the people at the November election had declared against any surrender of the Nation's sovereignty, and he then proceeded to outline for us his plan of insuring future peace, which was, in substance, that he would have an agreement among nations whereby armaments and armies should be limited, no nation to have, as I remember it, more than 200,000 soldiers; and then he would have an impartial committee to see that the agreement was enforced throughout the world. I do not suppose it lay within the purview of his dreams that this committee would come wholly from America, and I could not but puzzle as to just how much of our sovereignty we would surrender to such a committee. That can be explained later, perchance.

On Saturday last the gentleman from New York told us that the American people repudiated the doctrine of sending American troops into foreign lands to decide boundary disputes. I am sure I have heard that before.

Abe Martin said the other day that Tobias Jordan had given up his position at the sawmill, but that the idea was not original with him. [Laughter.]

The favorite phrasing of Republican stump orators in the last campaign as they shed the effulgence of their intellectual rays upon the people was to the effect that America must not become involved in European troubles growing out of disputes over boundary lines in the Balkans. That was a mouth-filling phrase and sounded well; it touched the hearts of mothers and fathers everywhere, but serious men must examine it in the light of history. If we are to profit at all from the past, let us vision it as it has been, not as we would have had it, and let us realize that only by certain courses shall we be able to make the future what we would have it.

Since this Republic was created two general wars have convulsed Europe, wars in which practically all the nations of Europe became involved—the first in the early years of the nineteenth century, when two young men—Pitt in the cabinet and Bonaparte in the field—were struggling for European mastery. With the messages and warnings of Washington and Jefferson as to foreign entanglements fresh in our history and with all our determination as to aloofness we eventually, as the result of the frictions of that titanic struggle, went into the War of 1812 with England.

The second came with the recent holocaust. Surely now the most intense and inveterate enemy of Woodrow Wilson will not deny that no man in authority in the history of the world ever tried with finer zest and greater determination to keep world conditions such as that his nation might be spared the horrors of engaging in war than did he, but without avail. And what, sir, was the beginning of that struggle?

On a day in June, 1914, a Prince of the House of Hapsburg, the reigning family of Austria-Hungary, visits the capital of a little principality which Austria-Hungary had seized by force of arms from Serbia following a dispute over a boundary line in the Balkans. An assassin shot him to death. The flash from that pistol set the world on fire; all nations and peoples everywhere upon the globe were drawn into the vortex of that awful flame. Its fearful forked tongues ran from the centers of civilization into the remotest jungles of savagery, consuming with remorseless wrath the wealth, the substance, and the lives of men; 10,000,000 died; 10,000,000 others were maimed and almost lost to the world. Here in America we mustered from hillside and valley, from crowded city and quiet spaces of rural retreat, from mansion and cabin, 4,000,000 men. We sent 2,000,000 across the trackless waters to do battle in strange lands and amidst the babel of unfamiliar tongues; we left 100,000 to sleep there under the lilies of France, save only as at the request of those who loved them some are returned to rest here, their graves to be forever a mute compelling appeal that those who come after shall see to it that they made the supreme sacrifice not in vain. Why? All because of a dispute about a boundary line in the Balkans, when there was no League of Nations to which to submit the issue.

Oh, Mr. Speaker, is this resolution all that the majority has to offer to the mothers of America, as the result of their toils and tortures? Can the genius of the majority evolve no higher

plan? Is this the ripened fruit of national endeavor? "Peace and we will hold pending settlement four hundred millions of money and the interned ships!" Is this the end?

Oh, you say no; but it is the power of your actions, not the force of your words, which will control. "It must not be again," exclaimed your President and mine over the 5,000 flag-draped caskets in New York. Ah, do you fancy that settles the problems of the future? Jefferson and Madison failed to prevent our becoming the victims of European quarrels; the prayers and patience of Lincoln were unavailing to prevent fratricidal strife; the gentle and patient McKinley strove in vain to avert war; the heroic and tenacious Wilson could not stay the holocaust. Do you for an instant believe that this resolution and the ipse dixit of Harding are sufficient to change the natures of men and fix the course of destiny? How absurd! We must act, not simply declare; we must arise to the evolutions of the world, the development of the mechanisms of men, the changes wrought in the social fabric, if we would even approach a guaranty that it will not be again, and must act in the light of history's lesson. It does not lie within the power of Mr. Harding or any other of the sons of men to still the troubled waters of the world by stretching forth his hands and, choking with emotion, say, "It must not be again"; nor can Congress quiet the rolling waves by any exclamation of "Peace, be still." The miracle of Galilee lies beyond our power; we must act; we must have a treaty or treaties; we must have behind it or them recognized power, power sufficient that all men know it must be respected.

The passage of this resolution throws away every moral and physical advantage which we now possess; it places us alone among nations, with all our vital interests exposed to the constant menace of a selfish and irritated world.

Surely we do not need to pass it in order to insure that we shall ourselves be just in negotiating with Germany and her allies. Is there anything in German history or any evidence in the manifested spirit of present-day Germany which encourages the belief that she will be more likely to make a just and righteous treaty after we have thrown every advantage away? Surely not. By passing it we are but depriving ourselves and our posterity of all the advantages accruing from a victory of arms honorably won by our bravest and our best and surrendering, perhaps for all time, the opportunity which has been ours and which still is ours to advance civilization and to calm at least in measurable degree the awful apprehensions of the mothers of men.

As an American Congressman I must be excused from aiding in such a denouement. [Prolonged applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. PORTER. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. ROGERS].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. ROGERS. Mr. Speaker, I shall indulge in no sarcasm. I shall contribute nothing of partisanship to the discussion. I shall not astonish, either by my learning or by my eloquence. I shall simply try, in the few minutes that I have, to tell this House why I think it is our duty to pass this resolution to-day.

Mr. Speaker, as it proverbially takes two to make a quarrel, it takes two to make a war. Similarly, it takes two to end a quarrel or a war. The passage of a peace resolution by the Congress of the United States is a domestic act. The action is unilateral and not bilateral. Therefore, in and of itself it can have no international force or validity. To this extent I am in accord with what I understand to be the views of my Democratic colleagues on the Committee on Foreign Affairs.

But at this point I take sharp issue with them. The first and apparently the chief reason given in the views of the minority for opposing the resolution is, as alleged, because we can not "by an act of Congress enter into contracts with another Government," this being "an invasion of the treaty-making power." A treaty is undoubtedly a contract between two or more States. So if the proposed resolution constituted an offer to a contract, the point of the minority would perhaps be well taken. Apparently the minority has fallen into a fallacy, because it assumes that since this resolution contemplates bilateral action on the one hand by the United States and on the other hand by Germany, therefore a contract—or a treaty—is in some way involved. But because both countries must act before a mutually binding peace shall result, the action does not become contractual on the part of either. Suppose both nations simultaneously and independently declared the status of war to be ended; that could not be a contract, and yet the status of peace would be complete. A lapse of time between the two declarations does not alter the situation. The Porter resolution is neither an offer to a contract nor an acceptance of an offer to a contract. Hence, there is no treaty in contemplation and no violation of the Constitution.

It is instructive in this connection to remember that when we passed a somewhat similar resolution a year ago, the Democrats of the House made a great to-do about its constitutionality and, indeed, rested their case upon that point.

But President Wilson, in vetoing the resolution, calmly ignored the Democratic contention. He knew it was untenable. There is even less opportunity for the argument to be plausibly urged against the measure now before the House.

As I have said, action by Germany as well as by the United States is necessary before a status of peace between the two nations can be a fact. It is the view of some students of the subject that Germany has already taken her requisite action, in that by ratifying the Versailles treaty she said in effect that so far as she was concerned the World War was ended—ended even as against belligerents who, like the United States, might not choose to ratify the treaty—at the moment when the treaty by its terms became fully effective. Possibly this view is sound. At all events it is so held by eminent authority, and I for one do not feel willing to dismiss it as unsound. If it is sound, of course the enacting of the pending resolution unquestionably ends the war.

But let us assume for the sake of argument that it is not sound. Let us assume that Germany has yet to do her part in reestablishing peace with the United States. It by no means follows, as charged by the minority, that the passage of this peace resolution is useless. Even on this theory it is the first necessary step toward a peace status. Affirmative action by Germany on this theory must be taken thereafter. It thus becomes at once necessary to inquire whether Germany desires the restoration of technical peace. In an effort to give an accurate answer to this question I have for the last six months been making constant inquiries of diplomats, business men, and public officials, many of whom have themselves recently been in Germany. I have never yet found a man—American or European—who does not strongly believe that Germany will instantly take the step necessary for the restoration of technical peace, if, indeed, it has not already done so. Everyone has agreed that this is true; and while action of the future can not be stated as a present fact, I strongly believe that the United States is justified in acting upon the theory that Germany only waits the opportunity to bring about the ending of the war by any act within her power.

But admitting all this—and I think most thoughtful observers of both parties do admit all this—what advantages will come to the United States as a result of the restoration of technical peace that she does not now enjoy? My Democratic colleagues are prone—and the gentleman who has just taken his seat [Mr. GARRETT of Tennessee] is no exception—to minimize the usefulness of the restoration of peace by joint action of the United States and Germany. They call attention, for example, to the fact—and it is a fact—that our exports to Germany are of substantially the same volume as in the years prior to 1914. They cite other similar facts tending to prove their point.

So we are confronted, and I think we are in duty bound to meet the challenge—so we are confronted by the question, What is really to be gained by the United States by the resumption of a peace status? I do not agree with the gentleman from Tennessee [Mr. GARRETT] that the restoration of diplomatic relations is of small account or even undesirable. I think the resumption of those relations is of great importance. It represents the established and the historic way by which two nations engage in intercourse with each other. Of course—I am glad to assert it, glad to admit it, or whatever you like—the first tangible result will be that the United States will send forth to Germany an ambassador and his diplomatic assistants and various consuls general, consuls, and other subordinates. When our consular offices in the Central Powers were closed just before we entered the war there were 73 representatives of the United States in those offices in Germany and 32 in Austria-Hungary. Thus more than 100 Americans, working for American interests, were in the two countries of Germany and Austria-Hungary in 1917. Since that time and up to this moment we have had no formal diplomatic or consular representation in either country. Of course, we have had commissioners in Berlin, Vienna, and Budapest, and these commissioners have had a few assistants, some of them holding a consular status and others holding a diplomatic status. But the relationship between these officers and the country in which they are located is purely informal and unofficial. Useful as they have been, the situation is a most unsatisfactory one and falls

far short of bringing to the United States the advantages which lie open to us. For purposes of comparison it should be remembered that every one of the principal allied powers is represented in the Central Power countries by a completely organized staff of diplomatic and consular representatives.

For the past four years the interests of the United States in Germany have been handled by Spanish diplomats and consuls. I have no doubt they have done their work well and faithfully. But their first duty is to their own country. The interests of the United States are necessarily secondary. I believe that the time has long since come when American citizens should represent the United States of America in Germany, Austria, and Hungary. Let me illustrate by one small incident one of the results which flow from the present situation. Hamburg is of course one of the great ports of Europe and of the world. Suppose an American in Hamburg desires to ship certain goods on an American vessel from Hamburg to some other port. He must have his invoice certified by a consular officer.

Naturally, he would go to the American consul. But there is no recognized American consul in Hamburg. Therefore he must go to the Spanish consul, certify to his invoice, and pay a fee of $2.50. The fee thus received is retained by the Spanish consul and is lost for all time to the Treasury of the United States. A returning consular officer has recently told me that at the port of Hamburg alone 25,000 invoices were certified by the Spanish consul in the last year. This means a tidy little revenue of $62,500 lost to the United States in one port and on a single item of business. Probably the total fees thus lost per year, with the present volume of trade, would amount to at least half a million dollars.

But after all, in spite of the inconvenience to the American shipper, and in spite of the revenues lost to the United States, the intervention of the Spanish consul makes feasible the transaction of export business, though in a somewhat abnormal way. In other respects, however, this subterfuge can not be utilized at all. Many Federal laws and many State laws require that a document executed abroad must be executed before an American consul. It has been held that a Spanish consul acting as American consul does not comply with the requirements of these laws. Thus such instruments as deeds, powers of attorney, mortgages, and many other documents affecting the transfer of rights or property as well as other business transactions can not be attested in Germany at all. The inconvenience to the business world is instantly apparent.

Congress has taken cognizance of this situation in at least two instances. Section 5 of public law 366, approved March 3 last, provides:

> That all applications for patent filed since August 1, 1914, in which the oath was executed before or authenticated by a consular officer, or other representative qualified to administer oaths, of a Government acting in the interest of the Government of the United States, shall have the same force and effect as if said oath had been executed by the applicant before a consular officer of the United States.

This seems to care for the situation as far as patents are concerned, by allowing the Spanish officer to act. A similar situation has developed in connection with the execution of pension claims. On May 16 last the House of Representatives passed the Knutson bill, similar in purport to the patent section just quoted, to empower the Spanish consul to act in pension cases. But there are many classes of transactions as to which Congress has not acted and perhaps could not effectively act. We are trading with Germany—trading in considerable volume—and yet there continues, without warrant or reason, the small vexations for which the excuse long ago disappeared.

There are many other considerations, some of them very momentous, which unite to urge upon Congress the importance of restoring technical peace. Central Europe for a generation will be a battle ground of trade. Our sister nations are laying their plans with consummate care for the acquisition of trade advantages. We have scarcely begun. We can scarcely begin while our diplomatic and commercial interests are theoretically and to some extent practically in the hands of Spain. I want to see a great ambassador sent forth from the United States to Berlin, surrounded by a competent force of men trained in diplomacy and business. Not until this moment comes will the United States leave the starting post in the race for trade. The opportunity before us may be measured by the volume of trade of the present moment, which has come to us almost without the asking. If a carefully nurtured trade with the Central Powers were developed, a very large fraction of the export problems of the United States would disappear.

There is one quaint suggestion of the minority which, in conclusion, I desire to notice briefly. It is suggested that the passing of a peace resolution in some way constitutes a separate peace and involves a degree of moral turpitude because of the alleged desertion of our allies. Of course, the fact is that we are now engaged in a separate war, and that the objective which we seek is to rejoin our allies in that peace status which they have already enjoyed for nearly two years. Some of the principal statesmen of Great Britain and France have in public addresses recognized, and even approved, the precise course which we are now following. Certainly since April 21, when Secretary of State Hughes replied so explicitly to the German request that the United States mediate in the matter of reparations, I think there can not be a shadow of doubt either in Germany or elsewhere in Europe that the United States is loyal to her war associates and to her international obligations. Under the circumstances criticism on this ground seems captious, if not absurd.

The country is justly tired of a war status. Not a single argument can be advanced against the propriety of ending the war status. It is a solemn duty and obligation upon the Congress of the United States to do its part toward bringing about the restoration of peace. The resolution before the House does this briefly, simply, and adequately. It is difficult for me to understand how any patriotic American can bring himself to vote against it. [Applause.]

Mr. PORTER. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Speaker, I have no set speech and nothing prepared, but I do not want the vote to occur on this joint resolution without availing myself of the opportunity to briefly suggest some of the reasons influencing me to vote for it—reasons which have impelled me to urge and advocate it from the very first.

I want to say I regretted very much—I felt a keen feeling of personal disappointment—when I discovered, first in the Foreign Affairs Committee and then again on the floor of the House on Saturday and to-day, that my friends on the other side of the aisle have permitted partisanship to enter into this question which concerns the international relations and the welfare of our country. It is in great contrast to the nonpartisan support the Republicans unitedly gave to a Democratic President in time of war. It is in great contrast to the united support which I recall a Republican majority, when I was a Member of the Fifty-fourth Congress during Cleveland's term, gave to a Democratic President in international affairs in time of peace. When Cleveland's Venezuelan message was read to a Republican House in that Congress, party lines entirely disappeared. We unitedly supported a Democratic President in making war. Why will you not equally support a Republican President in making peace? I heard the gentleman from Virginia complaining, and I think other Democrats were heard to complain, because, as they pretended, partisanship had entered into the discussion of this resolution by the Republican members of the Foreign Affairs Committee in that they framed the resolution without any consultation with the Democratic members. Why, Mr. Speaker, it was the very evident partisanship of the Democrats that we attempted to avoid. In their attitude on this resolution they have justified our fears. It was well known, and it was demonstrated on Saturday and again to-day, that they, or most of them and their leaders, had announced that they were against the resolution.

In an effort to carefully perfect the phraseology of the resolution, how was it possible to include in conferences to that end those who were against the very purpose? The resolution includes two propositions. Intense partisanship has blindly led the Democratic leaders in this House to oppose both of them. In international affairs this is to be deplored.

The first proposition is, Shall Congress adopt a resolution to declare peace? The Democrats were against that. The second proposition is, Shall we add to that resolution a paragraph that will retain the status quo as to American rights? And they were against that. And yet they talk about partisanship! When we were in favor of the resolution to declare peace, when we were in favor of adding to that resolution a proper reservation to protect American rights, the only remaining thing was to carefully phrase the resolution to carry out that intent. In the phrasing of such a resolution we could not be aided by calling into consultation men who were against the prime purpose of the resolution itself. We could not make progress by calling into consultation men who were against the first section, a declaration of peace by resolution of Congress, and who were also against the second section, to protect American rights by reservations maintaining the status quo. The Republican members who were in consultation spent days in perfecting the resolution, exercising great care, and mayhap excessive caution, in framing a resolution international in scope and one that would avoid encroachment upon the constitutional rights of the President.

This much we believe we have accomplished. The status quo is maintained, entirely avoiding any chance expressions of new

affirmative legislation. Peace is declared without any encroachment upon Executive prerogative. The original resolution that was introduced contained affirmative expressions, expressions that might be construed as new affirmative legislation, but when you read the resolution as finally reported to the House of Representatives you will find that every word of the reservations is carefully limited to retain only the status quo. Partisanship should not have entered into that.

I for one have been in accord with the suggestion that we should not repeal the resolution of April 6, 1917, declaring a state of war. I do not entertain the fears expressed by some that a repeal of that resolution might be construed as a repudiation of the war. I do not in that regard fully share the fears of my esteemed friend, the chairman of the Foreign Affairs Committee. If the original war resolution had been a declaration of war no possible misconception could result from its repeal. But the trouble is—and to this extent I am in accord with the concern expressed in the report of the Foreign Affairs Committee, a report to which as a member of that committee I have willingly lent my adherence—that the war resolution was not a resolution declaring war against Germany. It was a resolution that declared that a state of war existed, thrust upon us by the Imperial German Government. I for one, if it can be avoided, would not wipe from our statute books that statement of a historical fact.

But the reason I prefer the form of the House resolution is because it has been declared in this House that under the Constitution of the United States of America Congress has not the power to declare a state of peace as it has the power to declare a state of war. When that challenge is made I for one want to have the challenge met, and I want, when this resolution is enacted into law, it to be a resolution which announces the fact for all future time that Congress has the power to declare peace as well as the power to declare war. If there has been no precedent in the past, I want that precedent established now, and I do hope that my friends in the Senate who believe that Congress has the power to declare peace will show themselves willing to surrender the form of the Senate resolution which implies that Congress has not that power. It is that implication to which I am opposed. Let us meet the issue squarely. Let us write on the statute books a resolution that for all future time will stand as a precedent declaratory of the proposition that the Representatives of the people have the power under the Constitution not only to declare that a state of war does exist, but also to declare the corollary that a state of war does not exist.

The form of the Senate resolution, and that I fear is the reason for it, is a concession to the argument that Congress did not have the power to declare peace, and it therefore invokes the power of Congress to repeal any act that it has passed. Of course, Congress has the power to repeal any act that it has passed, but when this resolution becomes a law I hope it will be in a form that will say unequivocally and without subterfuge that Congress has the power to declare peace. Now, that the issue is raised we ought not to set a precedent, even by implication, that any President of the United States, although he has not the power to declare war, nevertheless has the sole power to declare peace. Let us assert otherwise in a form that will say it without qualification or contrary inference that a declaration of peace as well as of war rightfully rests with the Congress of the United States of America. [Applause.]

Now, I do not know that I have the time, but in connection with the suggestion about reservations, in connection with the suggestions regarding the effect of the reservations, Mr. Speaker, it seems to me that many of those who have spoken here on this subject do not fully appreciate the force of unilateral agreements, how far they may extend, and what position it puts the country in when we have enacted a unilateral agreement and that enactment has been accepted by another country.

A unilateral agreement when accepted by another country becomes international, with all the binding force and effect of a treaty, but with the important qualification that it is binding only so long as both parties consent to adhere to it. Either party can withdraw from the arrangement at any time. It may be said to be in the nature of a revocable agreement, revocable at the pleasure of either party and without notice. Each party retains full freedom of action. This distinction is important in its bearing upon the question of invasion of the treaty-making powers of the President with the advice and consent of the Senate. An international contract from which this country might not withdraw without guilt of violation of contract is a treaty, and the negotiation and making of such a compact devolves upon the President, with the advice and consent of the Senate. A unilateral agreement—a subject of domestic legislation and domestic repeal, although it may be of a nature to become, through acceptance of another power, of international scope—has never been considered an encroachment upon the Executive treaty-making power, probably because of the very fact that it remains within the domain of domestic legislation, subject at all times to repeal by the legislative body which enacted it. Such is the nature of provisions of tariff acts, which accord certain privileges to other nations adhering to the reciprocal clauses of such an agreement. No one ever pretended that any such provisions of a tariff act invaded the treaty-making power of the Executive. Let me quote from Fiore's International Law, Codified, section 920:

> A State which, by unilateral act, has assumed an international obligation is bound to carry out what it has voluntarily undertaken to do or not to do, so long as it does not revoke the act by which it bound itself.

Now, bearing in mind that under international law it will, until superseded by a treaty declaring otherwise, always be in the power of Congress to revoke the act embodied in this joint resolution, let us proceed with the argument. The moment this joint resolution is enacted into law Germany may signify her acceptance. It would be an acceptance if in reliance upon the resolution she sent to this country an ambassador and consuls, received our accredited ambassador, and permitted the entry of our consuls. The negotiation of a treaty would thus be greatly facilitated, but if we met with an obdurate Germany, it would always be open, until a ratified treaty decreed otherwise, to repeal the declaration of peace and the status quo ante would be restored.

Now, for a moment let us talk about the armistice and then we may recur to the status created by the unilateral agreement embodied in the peace resolution.

The same authority on international law from which I have already quoted refers to an armistice as follows:

> (Sec. 1775) An armistice may be concluded for a time either fixed or indeterminate. In the latter case it shall be fully operative until denounced by one of the belligerents.
>
> Nevertheless, even when the armistice shall have been concluded for an indeterminate period or shall have been extended indefinitely, it can never be assimilated to peace, nor can the state of war be considered as terminated.
>
> So long as peace is not concluded, hostilities may be renewed—it would not require either a new object of dispute, new formalities, or a new declaration of war; notification of the ending of the armistice would be sufficient to renew and continue the hostilities interrupted. It is necessary to bear these principles in mind, because both in the relations of public internal law and in those of international law, during the armistice, however long protracted, the law of war, not the law of peace, must be applied.

I have thus quoted at length because it has seemed to me that our present status—the status until this joint resolution has been enacted into law—is under the armistice, and not a status created merely by the cessation of hostilities, and therefore a status of something more than mere technical war.

If this armistice status should become merged into a treaty of peace, the state of war would be irrevocably at an end. It would require a new declaration of war or hostile acts of aggression to restore war conditions. It would be a new war. But if this armistice status becomes merged into a unilateral agreement as embodied in the resolution of peace, accepted by Germany in sending to us her accredited ambassador, if she failed to adhere to our demands, to the reservations forming a part of the resolution of peace, we would be well within our rights to repeal the peace resolution and thereby proceed with hostilities. It would not require a declaration of war. It would not be a new war. It would be returning to the status of war by our right to repeal our own unilateral agreement. What, then, becomes of all the arguments against this resolution that we are surrendering our power to enforce terms against Germany? We wish nothing but just terms, and that I for one believe Germany is ready and willing to accord to us. The ultimate arrangement will be facilitated by the resumption of diplomatic relations.

This joint resolution will be effective, and it has my hearty support because—

(a) It will create an immediate status of peace.

(b) Because acceptance by Germany involves every portion of the resolution, including the reservations.

(c) It paves the way to a treaty of amity and commerce.

(d) It makes possible the immediate resumption of diplomatic relations and thereby facilitates the negotiation of a treaty.

(e) It will immediately give to our commerce and to our citizens the benefit of consuls in Germany, in Austria, and in Hungary.

(f) The reservations are notice to the Allies as well as to Germany consistent with the attitude our State Department has taken in previous notes and with all of our rights as in said reservations set forth.

(g) It will pave the way to the prompt return of all of our soldier boys now with the armies of occupation by virtue of the

armistice. When the armistice has been superseded by this peace resolution there will be no authority of law to keep our soldiers in Germany and they must be returned.

(h) It will prevent for all time the return of the Versailles treaty to the Senate with or without reservations. It being a peace treaty, when peace is declared by resolution the door will be forever closed to the resurrection of that abominable carcass. The reservations were only a partial index to the iniquities of the league.

The issue of the last campaign was fully comprehended by the voters. It was whether George Washington's immortal Farewell Address or Woodrow Wilson's un-American League of Nations should be thrown in the scrap heap. By more than 7,000,000 majority the voters decided against the Wilson league. [Applause.]

The SPEAKER pro tempore (Mr. HICKS). The time of the gentleman has expired. The time remaining is 1 hour and 14 minutes. The gentleman from Pennsylvania has 26 minutes and the gentleman from Virginia 38 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, considerable time was taken up by unanimous-consent talk about the time the resolution was being considered fixing the time for the vote at 4.30 o'clock to-day. There is a general demand on both sides of the House for a little additional time. Therefore I ask that the time for a vote be fixed at 5 o'clock instead of 4.30 this afternoon, and that the additional time be equally divided between the gentleman from Pennsylvania [Mr. PORTER] and the gentleman from Virginia [Mr. FLOOD].

Mr. GRIFFIN. Mr. Speaker, I call attention to the fact that when the gentleman from New York [Mr. LONDON] was given unanimous consent to proceed for 15 minutes, as I understand it, that was not to be taken out of the allotted time, and there was an understanding then that the time would be extended to 4.45 o'clock.

Mr. CAMPBELL of Kansas. Then this would be merely in keeping with that definite understanding.

Mr. GRIFFIN. So that it would be 30 minutes more.

Mr. CAMPBELL of Kansas. This is for the purpose of fixing the hour at 5 o'clock.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the order for taking the vote on the resolution be set at 5 o'clock instead of 4.30, and that the additional time be equally divided between the gentleman from Pennsylvania and the gentleman from Virginia. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, there are some gentlemen on the Democratic side who want to speak in behalf of the resolution who have not been able to get time from the gentleman from Virginia.

Mr. PORTER. That is the purpose of this request.

Mr. HUDDLESTON. I think this additional time ought to be given to those on the Democratic side who want to speak in behalf of the resolution.

The SPEAKER pro tempore. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, I ask the gentleman to incorporate that in his request.

Mr. CAMPBELL of Kansas. I understand that is to be done.

Mr. GARRETT of Tennessee. That all of the additional time be so allotted?

Mr. HUDDLESTON. Yes.

Mr. GARRETT of Tennessee. Oh, no. The gentleman had his time from Mr. FLOOD, did he not?

Mr. HUDDLESTON. No; I got it from the gentleman on the other side.

Mr. FLOOD. I am yielding time on that side to gentlemen who are opposed to the resolution.

Mr. HUDDLESTON. The gentleman would not yield to me any time.

Mr. FLOOD. I am not yielding time to gentlemen on that side who are in favor of the resolution.

Mr. CAMPBELL of Kansas. I understand that some additional time may be yielded to the Democratic side of the House.

Mr. HUDDLESTON. I am compelled to insist that some arrangement be made to take care of gentlemen on the Democratic side who are in favor of the resolution.

Mr. CAMPBELL of Kansas. I think I can say that that arrangement has been made.

The SPEAKER pro tempore. Is there objection?

Mr. HUDDLESTON. I reserve the right further to object, to get some information.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded.

Mr. HUDDLESTON. Then, I object.

Mr. GRIFFIN. Then, I understand the time runs to 4.45 o'clock.

Mr. CAMPBELL of Kansas. No; until 4.30.

Mr. PORTER. Will the gentleman from Virginia now yield some of his time?

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Speaker, I regret that I can not join in supporting a resolution that is presented in the name of restoring peace to the world. I desire to support all helpful legislation proposed, but this resolution, in my judgment, is more harmful than helpful.

It provides no remedy. It accomplishes nothing. It creates no new status. We have been at peace since November 11, 1918, and its barren declaration at this late hour is a childish absurdity. It makes no war settlement. It simply declares the fact that we are at peace. It will not take a single soldier out of an American uniform. Our war army has been demobilized for nearly two years. It renews no trade. During the last year our exports to Germany have been over $360,000,000, the greatest of our history. What we need is not a barren declaration of peace but actual peace settlements with the warring countries.

On principle this resolution is indefensible. It establishes no right in our favor. It forgives our transgressor without indemnity or admission of his wrong. It binds the United States and does not bind Germany. We can not legislate for Germany. As it takes two nations in combat to make war, so it takes two nations in agreement to make terms of peace. By this resolution we tie the hands of the United States and leave those of Germany free.

This resolution is a half-caste method of making peace that has no precedent among the practices of intelligent nations and is unworthy of our great Government. Under the Constitution the President, with the concurrence of the Senate, is given the sole power to make treaties and settle our international affairs. Every diplomat, every lawyer in the world, knows that no peace settlement can be made by the method here proposed. It can have no value except in the minds of those who are deceived by it. It is trifling with the great question of peace and world restoration.

What is the problem of the world? It is to restore stability, confidence, and security. There are a dozen ways of making peace, but there is only one end to be accomplished. That end is to restore security and stability to the warring countries. The resolution adds confusion and uncertainty and instability by emphasizing a separate peace, division among the Allies, and a seeming indifference of the United States to the instability and distress of Europe. In other words—words instead of action.

It is a continuation of the exasperating policy of confusion, doubt, and uncertainty that for 18 months has turned Europe and the world from hope to gloom. America needs to prove to the world that she is "faithful in peace to the immortal principles which guided her in war." America can not afford, after having made a glorious triumph in war, to make an inglorious settlement in peace.

Whatever reason has existed for attempting to make peace in this fashion has passed away. During the last Congress President Wilson and the Senate unfortunately failed to agree and that was urged as a justification of this method of attempting to make peace. No such inharmony now exists. They are the agencies created by the Constitution to make peace settlements. As there is no sufficient reason for their failure to function, there is no reason why this House should usurp their functions.

Let President Harding, with the aid of his able Secretary of State, as he has a right to do, negotiate a treaty without interference of the Senate. When the time comes, let the Senate perform its unquestioned authority by either ratifying, modifying, or rejecting the treaty so negotiated. Congressional action in advance is not only officious, but harmful as well as futile.

OUR POLICIES UNDEFINED.

Outside of routine matters, making a treaty of peace in settlement of our world problems involves but three fundamental questions: First, shall the United States enter a league or an association of nations for the purpose of preserving the peace of the world and preventing future wars; second, shall the United States participate with our allies in the postwar problems of enforcing the peace treaty and restoring Europe; and third, reparations to be enforced against Germany for the destruction of lives and property of people of the United States and our Government.

Our attitude on these questions is undetermined. While we have debated, hesitated, and delayed Europe waited on us, and for the lack of our helpful participation passed from a situa-

tion of political, financial, and moral hopefulness to one of dissension, depression, confusion, instability, and despair. The treaty of Versailles provided for the voice of America in the settlement of postwar problems. We finally rejected that treaty and have provided no substitute. The warring nations, including Germany and Austria, looked to us for participation, advice, moderation, for our harmonizing influence and for a bulwark of justice and stability in the restoration of Europe. The first need of Europe was not our money or our soldiers, but the aid of our moral prestige.

In his opening message to Congress, the President declared:

In the existing League of Nations * * * this Republic will have no part.

This definite statement seemed to eliminate the League of Nations from the question of settlement and made it no longer a source of confusion, delay, or impediment in making peace. Having so determined, the President did well to so declare. Proceeding with his message, the President declared in favor of an "association of nations" concerning which he said:

We yearn for this new instrument of justice.

Having added certainty to the situation by discarding the League of Nations, the President added more confusion and uncertainty by declaring for an association of nations.

There is no inherent difference in a League of Nations and an association of nations. The suggestion that we reject a League of Nations and create an association of nations assumes that names and forms are of more importance than substance. No effective association of nations for the preservation of peace will ever be established that does not contain the fundamentals of the League of Nations, regardless of whatever name it may be called. The fundamental idea of the League of Nations is conference and understanding between nations, arbitration, a world court of justice, disarmament, and cooperation to protect weak nations, and to prevent aggressive wars. The language of the instruments provided for these purposes may vary, but the fundamental purposes are the same. If it be the real purpose of the United States to participate with other nations in attempting to preserve the peace of the world and prevent wars, the only practical method of doing it is to cooperate in the existing League of Nations, composed of 48 nations, upon terms agreeable to the United States.

President Harding's frank recognition of the need and justice of an association, or League of Nations, after having given much thought to the subject, must be regarded as entirely commendable. Nevertheless, negotiating another league or association with those 48 nations and others is wholly impracticable.

Nobody supposes there are going to be two associations of nations. A declaration on the part of the United States that we propose to initiate an association of nations would in effect be a declaration of our purpose to destroy the existing league and establish another organization of unknown and doubtful value not wanted by any other nation and contrary to the desire of all allied countries. Such a declaration would weaken and render more difficult the work of the existing League of Nations, and add to the confusion and dismay of the world. Such a declaration carries nothing of helpfulness. It proposes a program of further delay, confusion, and uncertainty.

To-day we can go to the leaders of this House, to the leaders of the Senate, to the White House—we can go to the diplomats of every friendly nation, and nowhere can we find an answer to the question: Is America going to participate with the other nations in restoring stability or in preventing future wars?

This confusion and uncertainty as to our attitude should cease. If we will do nothing to assist in the restoration of Europe, it is better to so declare. Let us at least help the world by clearly defining our purposes.

Over seven months ago our President was elected to lead us in a prompt settlement of our peace problems. Each month since the world has waited to hear him define our policies as the spokesman of the world's greatest Nation. Yet two years and a half after the war the policy of America is undefined. If she has a policy of restoration, it is a secret unknown to all. We have passed through seven months of accumulating uncertainty and depression. In a less time our former President negotiated and completed a treaty acceptable to 48 nations, covering the most complicated situation ever involved in a treaty of peace, and presented it to the Senate for ratification.

EARLY SUCCESS OF PEACE NEGOTIATIONS.

The war inevitably left heavy burdens upon the world. The need of the world was the greatest that ever appealed to the consciences and intelligence of men. Yet, though infinitely difficult to secure, fundamentally the need of the world was simple. The need of mankind was to return to work in peace and security, secure in life and property, secure in the right to work, secure against militarism, secure in the faith that their governments would endure, and to be relieved of the obligation of longer bearing oppressive military burdens.

To accomplish these needs Europe looked first to America. During the war President Wilson had been the unquestioned spokesman of our country. America had contributed to the success of the war to a degree unexpected by any nation in the world. America had no motive of selfish aggrandizement in that war. Allies and enemies recognized the power, prestige, and the comparatively disinterested motives of our country. By common consent America was assigned an equally noble place in the making of peace.

On the 11th day of November three years ago the armistice was signed and peace was suddenly restored to the stricken world. We were flushed with victory, but faced a situation of doubt and apprehension. Three million and a half men were to be discharged from our military organizations and seek reemployment in civil life. Several millions more drawn to our war industries were soon to be in need of other work. Uncounted millions of dollars in our war industries suddenly became unprofitable investments. We were confronted with the necessity of making one of the greatest peace readjustments known in history. We hesitated and doubted the capacity of our country and the world to endure the strain. That uncertainty was reflected in every business establishment in the United States. In 90 days fears were allayed, business regained confidence, there was employment for all, there was demand for every man's product. In seven months, and without the distress of unemployment, we had discharged 3,000,000 men from the Army. Within 60 days after the armistice the whole world had taken heart and started to work with an unexpected confidence and hope.

Decisive leadership was creating confidence. Less than four weeks after the armistice was signed the President was on his way to France to take part in the peace negotiations for the readjustment and reconstruction of the world. Rapid progress was made in the negotiations. In less than 90 days a tentative draft of the treaty was drawn. The newspapers and the financial publications of practically every allied country carried optimistic accounts of the harmony that had prevailed and the progress that had been made. This confidence was reflected in the fact that practically the whole world was returning to work, there was a job for every man, there was a market for every product, and hope enlightened the gloom of the world. The prestige of America under the unquestioned leadership of our President was leading the world back to security, stability, and a just peace.

When this stage of the peace negotiations had been reached, President Wilson was compelled to return to the United States to give his attention to the measures that had been adopted by the Sixty-fifth Congress, which was then in its closing days.

WILSON AND POLITICAL SABOTAGE.

For two years Woodrow Wilson has been the storm center of comment, ranging from that wholesome criticism that is essential for a popular Government to the gross attacks of unreasoning bitterness. To-day, with the more certain knowledge of retrospection, we can better judge the merit of these criticisms and the motives and methods that inspired these violent attacks.

I have frequently deplored some characteristics of President Wilson. I have deplored his seeming indifference to diplomatic methods of accomplishing results. I have deplored his lack of friendly contact and cooperation with Congress. I am able to understand a degree of the animus with which his political opponents assail him. But I am utterly unable to understand why some men in responsible positions permit their course in public affairs to be perverted and their country and the world distressed by a distorted opposition to President Wilson. Even the President of the United States is only a personality that soon passes on into the story of the past. But the policies we adopt endure to bless or scourge our country. I can see how a man in bitter passion may be willing to destroy the house of his enemy, but I am unable to understand how, to accomplish such purpose, he is willing to burn down a city. It is an impossible condition in our affairs when opposition to one man's personality should pervert the great processes of a nation. As Clemenceau said of a similar situation in France:

What a misery to reduce to personal concern the immensity of the interests at stake.

Saturday a gentleman stated on this floor with vindictive zeal that President Wilson made a most "dismal, humiliating failure" to negotiate peace. The failure of the United States to join with our allies in an honorable peace and to give the prestige and power of the United States to the restoration of stability to the world has indeed been humiliating.

Whether or not that humiliation shall be charged to Woodrow Wilson or his political opponents is not a question that can be decided by citing election statistics. The people have frequently made mistakes by large majorities. On another day and time the world will pass final judgment upon the work of Woodrow Wilson. It will not base its judgment on the testimony of those who sought success in his failure. Some day, freed from political motives and misrepresentation and distortion, the world will seek the facts.

When the world finally seeks the truth as to the cause of our failure it will find one of the first chapters of the story in the CONGRESSIONAL RECORD of March 4, 1919. It will find that on that day Senator LODGE rose in the Senate and presented a resolution which declared:

> That it is the sense of the Senate that while it is their sincere desire that the nations of the world should unite to promote peace and general disarmament, the constitution of the League of Nations in the form now proposed to the peace conference should not be accepted by the United States.

Objection having been sustained, Senator LODGE continued:

> I merely wish to add, by way of explanation, the following:
> The undersigned Senators of the United States, Members and Members elect of the Sixty-sixth Congress, hereby declare that if they had had the opportunity they would have voted for the foregoing resolution.

This "round robin" was signed by 39 Senators and Senators-elect.

That was a remarkable resolution because it sought to deny the President his constitutional authority to negotiate treaties or to destroy his usefulness in so doing by interfering therewith. It is also remarkable for the lack of what it contains. It declared in favor of an association of nations to promote peace and general disarmament and that the League of Nations, "in the form now presented," should not be accepted. No statement was made of any specific objection to the "form" of the league. No helpful information was in fairness given the President as to what he should do to make the "form" of the league conform to their wishes. Pursuant to this resolution the President might have changed the "form" of the league every day in the year and still the proposers of the resolution could stand on their objection that the "form" should not be accepted. The resolution had all the earmarks of a destructive, obstructive effort without one word of helpfulness.

Prior to this time, after the return of the President to the United States, the Foreign Relations Committees of the Senate and House, at his invitation, had met President Wilson at the White House, where he presented to them the tentative draft of the league for their information and suggestion. Mr. LODGE was there and made no material suggestions to improve the treaty.

Nevertheless the President made other efforts to ascertain the best sentiment of the country as to what changes should be made in the League of Nations to make it more acceptable to the United States consistently with its fundamental purposes. The President received a number of valuable suggestions from Mr. Root, Mr. Taft, and Mr. Hughes, which were subsequently embodied in the League of Nations by the Allies before it was finally presented to the Senate of the United States.

This "round robin" was presented on the 4th day of March, the day before the President returned to Europe to resume his negotiations. The next day the newspapers of every country in the world threw a doubt upon the peace negotiations and declared the Senate would not stand behind the President in his negotiations in Paris.

Prior to the President's return from Europe the Commercial and Financial Chronicle in an editorial described the situation at the treaty table in these words:

> The peace conference is making progress. Not the least of the things it has accomplished is the peace that exists among its immediate numbers. President Wilson's pre-eminent part in obtaining this result is recognized on all hands in Europe. Private letters have reached us expressing surprise that this is not universally recognized here, and pressing the importance of the utmost support for him in view of the work that remains to be done.

But the necessity of supporting our President at the peace conference, even though of the utmost importance for the welfare of America and the world, did not appeal to embittered leaders. The destruction of Wilson became of more importance than the construction of the world.

The President returned to Paris. Negotiations were resumed. He took his place at the peace table in a different atmosphere. The spirit of concession to America had departed. Consider the position of the President and we will understand the reason for the change.

The President went to Europe as the exponent of high ideals, to work for a treaty of justice, for a treaty that would establish rights and give security to small nations. Part of the President's mission was to stand against oppressive settlements—in many instances, perhaps, to stay the hands of the victors of the war, to stand against selfish aggression.

When the President entered the council of peace he did not enter a contest with our enemies. He entered a friendly yet difficult contest with those with whom we had been associated in the war. Germany was defeated and at the mercy of the Allies. Germany had given abundant cause for revenge. If England, France, and Italy cherished revenge, the hour of their opportunity was at hand. If they coveted selfish aggrandizement at the expense of their enemies, then was the time to write it into the treaty.

Whether there should be a just treaty of healing influences depended upon the righteousness of our cause and the unity with which we supported the President as our representative at the peace table. The reactionaries and junkers of the allied countries had little patience with the idealism and restraints of Wilson. The war waged by many nations could not be settled by a peace dictated by one alone. At best, concessions must be made. The hope for a treaty of justice and security and that would bring the enduring peace for which we fought was that behind the President should stand united America. Seemingly winning the rest of the nations at the peace table, our President was deserted by his own country. With the weakening of Wilson at home came new demands for concessions. Finally, feeling that the Allies would not join in a treaty to which he could conscientiously subscribe his name, he ordered the *George Washington* returned from America for the purpose of abandoning the negotiations. Then the Allies came with new concessions; Wilson renewed the fight with all his energy, until for sheer lack of strength he was driven to his sick room. The peace negotiations were transferred to his bedside, and still he continued the battle for what he believed to be the cause of humanity.

While Wilson was making this fight in Paris, Mr. LODGE wired a meeting of Italian-Americans in Boston, declaring Fiume should be given to Italy—

> Not only for her own protection but as an eventual barrier against any future attempts of Germany to attack the rest of the world as she did in the recent war.

That telegram was published in Europe as additional evidence that the President was unsupported at home.

What were the facts about Fiume? Before Italy entered the war she made a treaty with England and France called the treaty of London, and in that treaty had promised that the port of Fiume should belong to the interior country. Wilson simply demanded the promise be kept. Clemenceau declared:

> The Fiume question has been agonizing. Italy promised Fiume to the Jugoslavs, but went back on her promise. France, England, and the United States have sought a solution.

This is only an illustration of the methods used to discredit and weaken the power of the President. The feeling such methods created in Europe is indicated from the fact that a newspaper in Paris openly declared: Why should Wilson "be allowed to impose his political conceptions upon us," when within a year his political opponents will be in the White House and in all probability will "denounce all his conceptions"?

Whenever in the peace negotiations Wilson stood against the selfish demands of any foreign country, allied or enemy, that fact was made the basis for appeal to the nationals of that country in the United States to oppose the President of our country. Political ends were better served by espousing foreign demands than sustaining the just stand of the President.

Many enemies of England and France in America used every means in their power to discredit Wilson at the peace table. He was bitterly denounced from one end of this country to the other because, it was claimed, he yielded too much to England, he yielded too much to France. In the bitterness and rashness of national hatreds they forgot that at best a victory of many allied countries could not end in a peace dictated by one. They forgot what was unquestionably the fact, that the more they weakened the arm of our President the more power they gave to England and France in writing the treaty. Those in this country who complain of England's power and France's power exerted at the peace table, to the extent that they weakened the arm of Wilson in those negotiations, are complaining at the results of their own work.

WILSON'S PROGRAM CONTRASTED WITH OPPONENTS.

Opposition to the peace treaty by those outstanding men who have been conscientiously opposed to entangling alliances must be regarded as commendable, but the opposition based on no conscientious principle of government, but shifting from day to day as political convenience dictated, is neither worthy of respect nor admiration.

The opponents of Woodrow Wilson to-day boast of their responsibility for his failure. Unquestionably they are entitled to that credit, whatever it may be. We can now contrast the postwar program Wilson proposed with the performance of those who boast of having destroyed that program. What was the postwar program of Wilson? What is that failure of which we hear boastings?

Within four weeks after the armistice President Wilson took up the negotiation of peace. In less than 90 days a tentative treaty had been drawn. That treaty involved the greatest complications of any treaty in the history of the human race. Within five months it was ready to present to Germany. Within seven months it was presented to the Senate of the United States, by whom it was finally rejected eight months later. In the meantime it was ratified by over 40 nations, including every belligerent country except our own. To-day it has been accepted by 48 nations, having more than 1,000,000,000 people and being three-fourths of the population of the whole earth. It has been more universally accepted than any other document of government ever written by human hands. Mankind will yet delay before they pronounce the authorship of that document a failure.

FEDERAL TAX PROGRAM.

More than two and a half years have elapsed since the armistice and yet the country is inflicted with war taxes devised during war time to meet war conditions. A part of the postwar program of President Wilson was to relieve the country of these inequitable and excessive taxes.

On the 20th day of May, 1919, more than two years ago, before Wilson returned to the United States from Europe, he transmitted a message to Congress in which he said:

I hope that the Congress will find it possible to undertake an early reconsideration of Federal taxes, in order to make our system of taxation more simple and easy of administration and the taxes themselves as little burdensome as they can be made and yet suffice to support the Government and meet all its obligations.

Further advising Congress as to the principles of taxation which should govern our postwar system of taxation, he declared:

We have found the main sources from which it must be drawn. I take it for granted that its mainstays will henceforth be the income tax, the excess-profits tax, and the estate tax.

Speaking further in reference to the reduction of taxes, President Wilson said:

Changes can be made to advantage both in the rates of tax and in the method of its collection. The excess-profits tax need not long be maintained at the rates which were necessary while the enormous expenses of the war had to be borne, but it should be made the basis for a permanent system which will reach undue profits without discouraging the enterprise and activity of our business men * * *.

Referring further to the "minor taxes" provided in the war-revenue measure "made necessary by the pressing necessities of the war," and which can not "find sufficient justification under the easier circumstances of peace and can now happily be got rid of," the President continued:

Among these, I hope you will agree, are the excises upon various manufactures and the taxes upon retail sales. They are unequal in the incidence on different industries and on different individuals. Their collection is difficult and expensive.

An adverse Congress was heedless of these practical recommendations for the relief and betterment of business following the war. Those inequitable and excessive taxes are still with us. So the Wilson plan in this respect failed and his political opponents are justly entitled to the credit of that defeat, whatever that may be.

ANTIPROFITEERING PROGRAM.

At the time the United States entered the war, we were practically without any Federal laws to punish or prevent profiteering. At the conclusion of the war and the passing of food control, the evils of profiteering became more manifest. Two years ago the President appeared before Congress and urged legislation to suppress profiteering. He called attention to the unconscionable profiteering inflicted upon the consuming public and its injustice and the inevitable underconsumption and injury to producers and consumers alike that would follow if effective restraints were not provided. An adverse Congress was heedless of the recommendations. Profiteering was permitted to continue. Prices soared until there was an underconsumption by the public, leading to the buyers' strike, which added to the instability of the world and further contributed to our present financial depression.

So the Wilson program as to antiprofiteering failed. His political enemies are entitled to the credit of its defeat, whatever it may be.

DISARMAMENT.

The treaty provided a means of arranging world disarmament. That program failed, and we are forced to continue maintaining military organization at the rate of over $700,000,000 per year.

SAVE OURSELVES BY SAVING EUROPE.

In August, 1919, nearly two years ago, our country in common with the rest of the world was prosperous. The world had not then lost confidence in the effort that was being made to restore and stabilize Europe. President Wilson then appeared before Congress and urged that if for no other reason than our own benefit we should cooperate in restoring and stabilizing Europe. He urged that if we did not participate in avoiding world disaster it would inevitably be communicated to the United States.

We must face the fact that unless we help Europe to get back to her normal life and production a chaos will ensue there which will inevitably be communicated to this country. We, and we almost alone, now hold the world steady. Upon our steadfastness and self-possession depend the affairs of nations everywhere.

Further referring to the part our country had taken in the war President Wilson said:

She saved Europe by her action in arms; she must now save it by her action in peace. In saving Europe she will save herself, as she did upon the battle fields of the war. The calmness and capacity with which she deals with the matters of the problems of peace will be the final test and proof of her place among the peoples of the world.

And, if only in our own interest, we must help the people overseas. Europe is our best customer. We must keep her going or thousands of our shops and scores of our mines must close. There is no such thing as letting her go to ruin without ourselves sharing in the disaster.

Looking back with a certainty of retrospection, we now see that for failure to participate in the restoration of Europe we have contributed to the misery and suffering of allied and enemy countries alike and have contributed to the demoralization of the business world in which our own financial and economic fabric is involved with the curtailment of our foreign market and the business depression of our country. Our banks have been in good financial condition. Our producing capacity is the greatest of our history, and yet our farmers are unable to sell their products for the cost of production.

Our ships are disappearing from the sea. Investments are stagnated, factories are closed, business failures have exceeded all previous records, and our unemployment is without parallel. An eventual decrease in prices and a slackening of business was an inevitable aftermath of the war. But the building construction and production needs of the world following the war were such that by strong, united leadership we would have been secure against immoderate depression for many years to come.

In 1919, the year following the war, we had an export trade of $7,920,000,000 and a balance in trade of over $4,000,000,000, the greatest in our history. Together we have seen the accumulating confusion and distress of the world and our diminishing trade and markets.

The constructive mind of President Wilson foresaw this impending disaster and in advance tried to rescue our country and the world. His program failed. His political enemies are entitled to the credit, whatever it may be.

THE EFFORT TO ESTABLISH WORLD PEACE.

President Wilson believed that our part in this war should not terminate until the great purpose of peace had been achieved. He strove that the warring nations together might make peace and that the Allies by solidarity and united action should restore Europe and enable her people to return to their peaceful pursuits in security.

More than that, the President knew history. He knew the awful blood, sacrifice, sorrow, and destruction that the trail of war has left in the world. He conceived that war is a cruel and barbaric way of settling the disputes of nations, for which peaceful methods should be substituted. He sought to write into the treaty a means for conference and agreement among nations. Provisions were made for arbitration, an international court of justice, and arrangements for disarmament.

The treaty as finally written included the most concrete effort ever made in the history of the human race to banish wars from the world. No one at the peace table ever expected that such a plan of world and permanent peace could be successful without the participation of the United States. America was regarded as the keystone in the arch of world peace. Without her the structure is incomplete and insecure.

President Harding at New York recently in the presence of thousands of flag-draped caskets of our soldier dead uttered this noble sentiment: "It must not be again." Wilson at the peace table and in America fought and gave his last ounce of strength and finally surrendered the future of his life attempting to write into the laws of mankind "It shall not be again." Such words and deeds may be futile, but America honors the words of the one; she will not condemn the deeds of the other.

One thing is certain. If there is a way to permanent world peace, it is not the old way to which we seem to be returning. The desire for permanent peace and security is as old as human

aspirations. As long as those aspirations have existed the old way has failed. Those who would seek to gain world security must depart from the old way. However effective any plan of world peace may be it must meet the opposition and condemnation of those who instinctively rebel at the new.

The peace of the world, if ever attained, must be accomplished by those who have the imagination, the courage, and the will to depart from the beaten paths of history, misery, and woe.

We entered the war with the full might of America. In the hour of distress we stood with our associates when the fate of the world hung in the balance. Our soldiers marched with the Allies behind the same flags. They lay wounded on the battle fields together and pressed to each other's lips the last drop of water, and for each other sent home the last message. Their blood mingled together on the same sod and together they were buried in the fields of France. In the final hour of triumph we rejoiced together. In that hour our country was the most beloved by foreign peoples of any country in the annals of history. Since that hour of great achievement we have lost much. We have sacrificed the moral leadership of the world. Let us no longer delay the hour of recoupment. Let us return to the path we abandoned. Let us renew the hope of the world by playing our part, a manly part. Let us together join in the restoration of peace, security, and prosperity to our own country and the world.

Mr. PORTER. Mr. Speaker, I yield 20 minutes to the gentleman from Pennsylvania [Mr. TEMPLE]. [Applause.]

Mr. TEMPLE. Mr. Speaker and gentlemen of the House, it is now more than a year ago since the House passed a resolution having precisely the same effect as the resolution that is now pending. It was not then and it is not now intended to be a treaty or an agreement between the United States and any other power. It has been said that it is a unilateral act. That is true. It is not intended to be anything but an act of the Government of the United States. It is not intended that it shall have any effect except within the jurisdiction of the American Government. A unilateral act; yes. All that is left of the war is a unilateral war. [Applause.] Germany is not at war with us. Germany has already made peace with all the world. The armistice of November 11, 1918, was the actual end of the war in everything but bare legal form, and the treaty ending Germany's war with all nations became the law of Germany and went into force there when it was ratified by that Government and three of the principal allied and associated powers.

When the armistice was signed, it was accepted on both sides as the actual end of the war. There was nothing temporary in the suspension of hostilities. We brought our armies home and demobilized them. That Germany also recognized the so-called armistice as the actual end of the war needs no proof, but let us refresh our recollection of the provisions of that agreement which left Germany unable to resume the fighting.

Article 4 of the terms of the armistice provides that Germany surrender 5,000 pieces of heavy and light artillery, 30,000 machine guns, and 2,000 airplanes. Articles 22 and 23 provide that she surrender 160 German submarines, 10 battleships, 6 battle cruisers, 8 light cruisers, and that Germany completely disarm all other surface warships and all vessels of the auxiliary fleet. Article 10 provides that Germany shall immediately repatriate all prisoners of war. Article 19 provides that Germany make financial reparation of damage done.

There was full justification for President Wilson's statement to Congress at the conclusion of his reading of the terms of the armistice at the joint session of the two Houses, when he said:

> The war thus comes to an end; for, having accepted these terms of armistice, it will be impossible for the German command to renew it.

That this was in fact no true armistice but actually a complete surrender and abandonment of the war by Germany may be more fully realized if we consider the distinction between an armistice and a peace as set forth by Woolsey.

> But while an armistice is an interval in war and supposes a return to it, a peace is a return to a state of amity and intercourse, implying no intention to recommence hostilities. An armistice again leaves the questions of the war unsettled, but a peace implies in its terms that redress of wrongs has been obtained, or that the intention is renounced of seeking to obtain it. (Introd. to Int. Law, sec. 50.)

The so-called armistice does not present either of the characteristics thus described as essential to a real armistice, and it does possess both characteristics by which Dr. Woolsey distinguishes a peace from an armistice. It does not suppose a return to war, and it does imply in its terms a reparation for wrongs done. Rather it does not merely imply such redress; in article 19 it specifically provides for it. In signing these terms Germany made a complete surrender. It was universally recognized as the end of the war and was so characterized by President Wilson not only in his address to Congress, which I have just quoted, but also in his announcement to the country, in which he said:

> My fellow countrymen: The armistice was signed this morning; everything for which America fought has been accomplished.

Yet in spite of the actual ending of the war there remained, and so far as the United States is concerned there still remains, a "technical continuance" of a legal state of war. That phrase, a "technical continuance" of a state of war, was used by Mr. Seward in 1868 to describe a condition that had arisen when hostilities ceased between Spain and the allied Republics on the west coast of South America. It is interesting to note that the condition lasted through many years. In fact Chile did not resume friendly relations with Spain until 1884, nor did Ecuador until 1886, 20 years after hostilities had ceased. In some respects our relations with Germany have made greater progress. We have had an informal diplomatic mission in Berlin for several months and trade has been resumed to a very considerable extent. Our exports to Germany for the current fiscal year are somewhat in excess of those for 1913, which amounted to $351,000,000. We are not in any real sense at war with Germany and Germany is not at war with us.

Germany fought the United States savagely while we were at war, and she exercised the powers of a belligerent in seizing property of American owners which was within German jurisdiction. Germany has been returning such property to the American owners, however, and if it be true that she did not declare war against us there was no German enactment which it was necessary either to repeal or to supersede in order that German courts might give full recognition to the peace status.

The treaty itself fixes the time when the war shall end for Germany. The last sentence of the preliminary provisions of the treaty, immediately following the list of Representatives at the peace conference, reads as follows:

> From the coming into force of the present treaty the state of war will terminate. From that moment and subject to the provisions of this treaty official relations with Germany and with any of the German States will be resumed by the allied associated powers.

The war terminates when the treaty comes into force. When does that treaty come into force?

Article 440 of the treaty provides that a first procès-verbal of the deposit of ratifications shall be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers, on the other hand. Then comes a sentence which does not affect the United States, because we have not ratified the treaty:

> From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it.

That sentence does not affect us, I repeat, because we did not ratify the treaty. It does affect Germany, however, and all ratifying powers. The next sentence affects Germany's legal attitude toward the United States and all other powers that were at war, whether they ratified the treaty or not. It reads as follows:

> For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

For the determination of all periods of time; the period of the war, the period of the peace following the war, and the determination of all other periods of time provided for in the treaty.

> In all other respects the treaty will enter into force for each power at the date of the deposit of its ratification.

It is only "in all other respects" that the treaty enters into force for each power at the date of its ratification. In this one respect, namely, the determination of all periods of time, including the termination of Germany's war with all her enemies, the treaty has already gone into force. Germany is not at war.

We are not at war with Germany in Germany. We are not at war with Germany on the high seas. There is only one place where we are at war with Germany; that is on our own statute books. The passage of this resolution will end the war there and bring our laws into harmony with the facts.

But I have dwelt too long on this phase of the subject. Let me spend the remainder of the limited time at my disposal on a point which, for the purposes of this discussion, is of greater importance.

Most of the criticism of this resolution has been directed at the second section of it, in which it undertakes to safeguard the interests of the United States, especially the clause in which we expressly reserve all the rights stipulated for us in the treaty of Versailles. It has been said time after time during

this debate that no rights can be stipulated for any nation that is not a party to the treaty; that we could claim no rights under the treaty which we did not ratify. I wish to show that this particular treaty does stipulate rights for several nations that did not even sign it, that took no part in negotiating it, but which were, nevertheless, intended by the high contracting parties to be entitled to certain rights under its provisions.

In stipulating rights for various classes of beneficiaries the treaty makes use of several different phrases to designate them. In the first place, rights are stipulated for "the high contracting powers." That phrase refers, of course, to those powers only which signed and ratified the treaty, and thus became parties to the contract. Choosing one out of many examples that might be mentioned, I refer to section 1 of the annex to article 298 of the treaty. I read from this section:

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed.

In like manner section 2 of the same annex protects the rights not of the high contracting parties but of the "allied and associated powers."

No claim or action shall be made or brought against any allied or associated power or against any persons acting on behalf of or under the direction of any legal authority or department of the Government of such a power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights, or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect to any act or omission under or in accordance with the exceptional war measures, laws, or regulations of any allied or associated power.

"Any person!" Why there were several persons who did not sign the treaty. The world is full of them, and their rights are protected by that section of the treaty.

This section, you have observed, protects the rights of "any allied or associated power." The allied and associated powers are named in the preamble to the treaty—a list of 27 of them. Now, if in one section of this part of the treaty rights of the high contracting parties are protected, and if in the next section the rights of the allied and associated powers are protected, it is obvious that the two clauses mean two things. If the makers of the treaty had meant the same thing, they would have used the same phrase. They used different phrases, and those phrases mean different things.

Still another phrase is used in the treaty to distinguish a third group of powers from the two groups which I have already mentioned, and to secure for them certain rights which are not granted to all the allied and associated powers. Article 119 of the treaty reads as follows:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

The very first sentence of the treaty defines that phrase:

The United States of America, the British Empire, France, Italy, and Japan, these powers being described in the present treaty as the principal allied and associated powers.

It is to these powers, mentioned by name as constituting this group, and not to those of them who by ratifying the treaty became high contracting parties, that Germany renounces her overseas possessions. One of the rights "stipulated for us" in this article of the treaty, while not of the greatest importance, has been brought to public notice in a way that has attracted the attention of even those who ordinarily are not interested in our foreign affairs. One of Germany's overseas possessions, thus renounced, was the island of Yap. When four of the principal allied and associated powers disposed of a possession which Germany had renounced to five of them, the United States asserted a right to a voice in the disposition of the island.

Other examples of rights stipulated for the five principal allied and associated powers will be found in article 249 of the treaty, which provides that Germany shall pay the total cost of maintaining the armies of the allied and associated powers in occupied German territory, and in articles 297 and 298 which provide that private property of nationals of allied and associated powers seized by Germany shall be returned to the owners.

Other rights are guaranteed to Denmark in article 110. Rights are guaranteed also to Russia in articles 116 and 117. Russia and Denmark did not sign the treaty. Denmark was not even at war and is not one of the allied and associated powers, but entirely a third party. I wish to call your attention still to another fact. In article 356 the treaty provides:

Vessels of all nations, and their cargoes, shall have the same rights and privileges as those which are granted to vessels belonging to the Rhine navigation, and to their cargoes.

If the treaty provides, and if Germany is bound by treaty obligation entered into with England, France, Italy, and other ratifying nations to grant to the vessels of all nations the same rights on the Rhine that certain specified vessels have, what becomes of the contention that no power that is not a party to the treaty can have any rights under the treaty?

The treaty specifically provides that the vessels of all nations shall have certain rights, and nobody will claim that all nations are parties to the treaty. The treaty, of course, takes care of the rights of the contracting parties which, by ratifying the treaty, have assumed the obligations of the contract. It also stipulates rights for the five principal allied and associated powers, by implication, whether they have ratified the treaty or not; it stipulates rights for the whole group of 27 allied and associated powers, and it stipulates rights for the vessels of all nations. The United States is certainly one of the "all nations" to whose ships these rights are stipulated. It is certainly one of the principal allied and associated powers, for it is mentioned by name in the clause of the treaty which defines that phrase. What does the phrase mean? Allied and associated in making the treaty? By no means. Allied and associated in making the war. Nobody will deny we had something to do with making the war. We were not one of the allied nations; we were an associate nation. We chose the policy of not making an alliance. Why? The only alliance that existed was an agreement that none of those powers would make a separate peace with Germany. What did that mean? Men have tried to say we are making a separate peace with Germany. The phrase "separate peace" has a well-understood significance in international usage. When nations are at war against the common enemy the only way one of them can make a separate peace is by leaving the war first and abandoning the others to fight alone. [Applause.]

That is the reprehensible thing. No nation did that in this war except Russia. Russia was the nation that made a separate peace and abandoned the Allies to finish the war without Russian help. We saw it through. Of course we did. And to say now that we can make a separate peace is absolute nonsense. It is an attempt to use a phrase that carries some obloquy. We had made no alliance or agreement not to make a separate peace. We could have made our own peace without violating any treaty, but we did not abandon our associates. We stayed with them and gave the claims of the Allies all our weight and influence until Germany agreed to the treaty the Allies demanded. We have not abandoned them, and do not intend to do so.

Mr. REAVIS. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. REAVIS. What power other than the United States was an associate power in this war?

Mr. TEMPLE. None of the principals. There were some of the smaller ones that I do not recall now.

Mr. REAVIS. When it uses the term "associated power," is it any stronger in granting rights to this country than if the term "United States" was used in the treaty?

Mr. TEMPLE. The term "United States" is used in defining that phrase.

Mr. REAVIS. When "associated power" is used, it must refer to the United States.

Mr. TEMPLE. Yes; but we do not need to reach that conclusion by inference. We have the direct definition of the treaty to that effect, that the United States is one of the principal allied and associated powers, and wherever that phrase is used in the treaty it can not be used without including the United States. Whatever is stipulated, therefore, for "the principal allied and associated powers" is stipulated for us as one of them. Whatever is stipulated for the whole group of 27 "allied and associated powers" is stipulated for the United States as one of them—allied and associated in the war, and having certain rights as victors in the war, not as partners in the treaty. We were not allied with them in making the treaty; we are not associated with them in the ratification of the treaty. Certainly we were associated in the fighting of the war. And the nations that were on the winning side with us will not attempt to deprive us of our rights.

Now, the question arises, Will any treaty hereafter be necessary? Why, of course, a treaty will be necessary; not a treaty to end the war, but a treaty to determine the relations that will exist in the future between the United States and Germany.

What about reparations that we claim, that we expressly reserve—reparations, indemnities, and the like? We shall, of course, have to come to an understanding with the other powers that were fighting against Germany. We can not settle those questions with Germany.

Germany has turned everything she has over to the reparations commission. We can not do business with a bankrupt

concern that has gone into the hands of a receiver except by doing business with the receiver. We shall have to have an understanding not only with Germany, but with the other powers that were associated with us in the war; and I still believe, as the President said when he stood before us here on the 12th of April last, that the easiest way through, the wisest course, would be to "engage under the present treaty," with whatever safeguards may be necessary.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The time of the gentleman will expire in half a minute.

Mr. TEMPLE. May I have two minutes more?

Mr. PORTER. I yield to the gentleman two minutes more.

The SPEAKER pro tempore. The gentleman is recognized for two and one-half minutes.

Mr. TEMPLE. One other point I wish to turn my attention to for a moment. A great deal has been said throughout the country about "an irreconcilable quarrel" between the Senate and the House which has delayed this resolution.

I have been rather familiar with the situation, and I do not know of any "irreconcilable quarrel" between the House and the Senate on this subject. A year ago we passed a resolution in this form, merely declaring the war at an end. The Senate amended it so that it repealed the resolution of April 6, 1917, by which we declared war. The same difference exactly arose then that has arisen again between the House and the Senate. This time the resolution started at the other end of the Capitol. The Senate passed their form of resolution first. We have now substituted the form which we prefer, and I have a decided preference for it. I do not believe there is any more "irreconcilable difference" between the House and Senate now than there was a year ago. The two Houses agreed then, and we shall agree now. I believe, in fact, that there is a prospect of getting something that is a good deal more like our own resolution than the one passed at that time. There is no quarrel between the House and Senate. There is no delay on that account but a delay for very good reasons, which have been sufficiently indicated by other gentlemen and which I may take the liberty of discussing at another time. [Applause on the Republican side.]

The SPEAKER pro tempore. The gentleman from Pennsylvania yields back one minute.

Mr. PORTER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

The SPEAKER pro tempore. The gentleman from Mississippi is recognized.

Mr. HUMPHREYS. Mr. Speaker, I am very much in favor of this resolution and regret that I could not get the time to state fully the reasons which have led me to that conclusion. Under the permission just granted, however, I will say this: As a rule, I believe that the burden is on the proponents of any bill or resolution to give the reasons why it should be adopted; but in this instance I think the reverse is true.

Hostilities ceased on the 11th of November, 1918, about two and a half years ago, and I believe that the burden now is upon those who opposite this resolution to show why the technical state of war which still exists should not be formally ended.

In the first place, I think that the restoration of a status of peace would accomplish much good. I am sure it would materially help the German people, because I can not avoid the conclusion that they could much more easily finance their industrial, agricultural, and commercial enterprises if they were at peace with the United States than they can under present conditions. It is true that there are no restrictions now being placed by the President upon our trade with Germany, but it is also true that no citizen of Germany could go into the courts of our country nor could our citizens go into the courts of Germany to enforce any contract entered into between citizens of the two countries.

The fact that it would help to rehabilitate Germany would of itself be a sufficient reason for me to vote for it unless I believed that it would work harm to our own people.

I have no hatred in my heart for the German people. I voted for the war and for the draft and for the other measures which we adopted for the prosecution of the war. I believed and still believe that the German Government sinned grievously and wickedly in the manner in which she conducted her submarine operations, and I believe also that she has grievously answered it. The mighty military machine with which she threatened to overrun the world was defeated on the battle field and she was forced to sign an armistice upon such terms as we in cooperation with our allies dictated.

Her military masters were humbled; the Hohenzollern dynasty, which broke the peace of the world, was overthrown, and the Kaiser himself is now a fugitive in a strange land. There is no reason that I know of to fear further trouble from that source, and, speaking for my single self, I hope there will arise out of the ashes of the old imperial monarchy a new Germany inspired by better ideals, the ideals of peace and righteousness, and in this I wish for them prosperity and happiness, the fruits of peace and liberty.

I believe, however, that the establishment of a status of peace by reviving the industrial activities of Germany will most surely be reflected in enlarged trade and commerce between the two peoples, and in that way our people, most of all possibly the cotton producers of the South, will be benefited.

Gentlemen have quoted figures to show that our trade with Germany has already been revived and that we are selling them now more of American products than we sold them before the war. However true this may be, it is not a fact that our cotton trade has been restored. Before the war we sold Germany in round figures 3,000,000 bales of cotton. Last year we sold her less than three-quarters of a million bales.

The opponents of this resolution insist that we should make peace with Germany in the orderly way prescribed by the Constitution, and I agree to that fully, but we have not done it. The responsibility for that failure, however, does not rest upon this House. The President and the Senate jointly are charged with the duty of making treaties, but the President was unable to negotiate a treaty to which the Senate would give consent, and the Senate was unable to amend the treaty in a way which the President would accept, and the result is that although the battle has ended we are still technically at war. This, however, is the first opportunity which I have had to vote for a resolution which I thought would, in a way not forbidden by the Constitution, establish peace, and I do not feel that I can justify a failure on my part to act now by citing the failure of the President or the Senate, or both, to act when the matter was with them.

We are told that it would be dishonorable to make a separate peace with Germany. If that be true, then our situation is hopeless. We speak of it as "the World War" because practically all the nations of the earth were engaged in it, but every one of them has long since made peace with our recent enemies and we alone remain at war. This being true, we must either make a separate peace with Germany or remain forever at war.

I understand, of course, that when we said we would not make a separate peace with Germany we meant we would not make a separate peace during the progress of the war, as Russia did at Brest-Litovsk, and thus abandon our allies while the fight was on. All of our allies were equally emphatic in their declaration that they would not make separate peace and I think they kept the faith, although as a matter of fact after the war ended they all did make a peace to which we were not a party. It is urged again, and that with much show of feeling, that we should not end the war before a treaty is negotiated with Germany, because it is claimed that we would thereby surrender a great advantage. "When the President sits down at the table with the representatives of the German Government to write a treaty," they urge, "we want him to enter into the negotiations as victor and the German representatives as vanquished."

I fail to see any merit whatever in this contention. I do not believe the President or his representatives at that conference would have the slightest advantage by reason of the fact that a technical state of war still existed. What could he do then that he could not do if this resolution had already been enacted? Suppose that Germany would not agree to such a treaty as the President was willing to adopt. Is it the wish or the belief of the opponents of this resolution that the President should then undertake to force Germany into submission by renewing hostilities and summon us again to the bloody arbitrament of the sword?

Some gentleman has said the fact that we are still at war technically would be a club in the President's hand. Suppose it is. Would we have him use that club and thereby plunge this country into another war because Germany would not agree that we might subject $400,000,000 now in the hands of our Alien Property Custodian to the satisfaction of the $221,000,000 in claims which our citizens have filed against Germany as the result of her unlawful submarine warfare? If we are to resort to war for that or for any other reason, I believe that before we take that awful step the Representatives whom the people have elected to Congress should first give their assent to it.

I have great respect for the President of the United States. I have faith in his patriotism, confidence in his high purpose, and I have no fear or thought that he would plunge us again into war; but during the past two or three days I have heard gentlemen, Members of this House whom I hold in very high esteem and whose patriotism I would not question, declare that

if Germany would not submit to whatever terms we dictated that they would be in favor of resuming hostilities.

If this resolution is not passed before the President undertakes to negotiate a treaty of peace with Germany, he alone would be charged with the duty and the responsibility of determining whether to order our military forces to renew the bloody business which the armistice ended if Germany failed to agree to the terms which he proposed.

If this resolution should pass before he undertook that treaty, before he could summon our boys to arms again Congress would have to make a declaration of war. This, to my mind, is infinitely preferable and is sufficient reason to justify my vote for the resolution.

One gentleman has declared, and his statement met with evident approval by others, that before we agree to a status of peace and the restoration of amicable relations with Germany that she must be further humiliated by acknowledging her blood guilt in provoking the war.

There was a time, Mr. Speaker, when such a spirit prevailed in this House and when legislation in consonance therewith was written upon our statute books under the leadership of those whose shiboleth was "treason must be made odious." I do not believe, however, that the laws passed in the years immediately succeeding our great Civil War have or will hereafter sound in history to the credit of those who wrote them.

When the President takes up with the officials of the present Republic of Germany a negotiation of a treaty of peace, amity, and commerce, I believe he will be inspired only by a desire to do justice and to write a peace of righteousness, and to do this I do not believe that he needs any bludgeon.

I shall vote for this resolution because I have in my heart the same desire which one of our great military captains expressed when he said, in other and sadder days, "Let us have peace."

The SPEAKER pro tempore. The gentleman has that privilege under the general privilege that has been granted. The gentleman from Virginia [Mr. FLOOD] has 31 minutes remaining.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. KELLEY].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 10 minutes.

Mr. KELLEY of Michigan. Mr. Speaker, I am opposed to this resolution, as it has been presented here on former occasions, or in its present form, or any form. I am opposed to it because I have not been able during all of this consideration by the House to bring myself to believe that the supreme struggle of the ages to save free institutions and free governments should be ended on behalf of the United States by a simple ex parte resolution merely declaring the existence of a state of peace. [Applause.]

I do not believe that such a titanic struggle, with all of its cross-currents of interests, involving such momentous issues, can be or should be ended after the manner of a friendly wrestling match—by the mere clasp of the hand. [Applause.]

It is said in behalf of this resolution that it merely announces the fact of peace. I wish with all my heart that it partook only of this innocent and harmless character. I wish with all my heart that it merely announced the fact of peace, the terms of which were fixed and in accord with the high purposes of America when we entered the war.

But this resolution not only announces the fact of peace, but it is the agency, the very instrumentality, by which peace is to be effected. Disguise it as we may by saying that further action will be taken later by the Executive, apologize for it, as I believe we will forever do if we pass it, this resolution is the method by which Congress proposes to end the greatest struggle of all the ages; and end it how? End it without a condition, save that we shall not lose any rights that we acquired through the armistice; end it without exacting a pledge, a promise, or a guaranty for the future [applause]; end it without a requirement that the offending nation shall make good any part of that which it has so wantonly and cruelly destroyed [applause]; end it without even an apology, and without evidence whatsoever of repentance; and, worst of all, and to me almost unthinkable, as it came here from the other end of the Capitol, it sought to end the war from its very beginning [applause] by repealing the declaration of war; by going back behind the years of the war, years sanctified and glorified by heroic sacrifice at home and abroad, end it by going back through the hospitals and wards of sickness and pain, back across the fields of death and glory; end it by going back beyond the white crosses that mark the resting places of our dead in alien lands they died to save; back to the 6th day of April, 1917, in order to end the war from the beginning—as though it had never been; by repealing the resolution enacted in this Hall on that memorable day when we put the genius, the wealth, the flower of our young manhood, and the might of America on the side of the defenders of human liberty, exhausted and bleeding, but gallantly holding the citadels of civilization until we could arrive. [Applause.] We can repeal the declaration of war if we want to, but, thank God, the record of American valor performed under that declaration will remain forever, for it is written across the very skies in the blood of our sons and is beyond the power of legislatures to repeal or destroy. [Applause.]

No man is more anxious for the return of normal conditions of peace than I. I do not cherish in my soul hatred or animosity toward any people. I am anxious for peace, but I am not so anxious for it that I am willing either to repeal our declaration of war or substitute a clasp of the hand for just and honorable terms and conditions of settlement. [Applause.]

We can not be too particular about the terms of this settlement, because the conditions imposed upon the responsible aggressor must be such as will forever remain a wholesome restraint upon ambitious rulers of future days. Monarchs of coming days will, no doubt, dream again the old dreams of world dominion and will be fired again with the old zeal for world control. But if we do our duty now and weary not, they will hesitate long and ponder well the fate of him who in 1914, as the responsible head of a great nation, thought himself to be the chosen instrument of God to impose his personal will upon all mankind.

But it is argued that diplomatic and trade relations should be resumed. But what matters a vacant embassy on Massachusetts Avenue for a while longer or even a few weeks more of inconvenient trade, as compared with righteous and honorable terms and conditions of settlement of all the issues involved in this great struggle.

But it is said that Great Britain and France and Italy and Belgium are at peace, and why not the United States? But did these great nations make peace simply by saying that the war is over? Did they end the war without terms or conditions or pledges or promises or guaranties for the future? Oh, no!

Lovers of liberty of all times to come will rejoice that Great Britain and France and Italy and Belgium required the offending nation to admit its wrongdoing and accept full responsibility for the war; that the offending nation was forced to give up its mighty fleet, disarm its people, and make reparation for what it had destroyed up to the very limit of its ability. Such are some of the conditions and terms imposed by our associates in the war as a condition precedent to the establishment of peace. [Applause.]

But what of America? What do we here propose to do? To me the almost unthinkable thing of establishing peace without terms or conditions or pledges or promises or guaranties for the future, and then, with the innocence of little children, hope that the damage we do here may somehow be repaired hereafter by diplomacy. [Applause.] America's influence in the world should not be thus put in jeopardy. [Applause.]

When statesmen of future days shall review these times and study this world settlement I know they will turn expectantly to America to ascertain the conditions under which this great Republic of justice and honor was willing that the greatest of all international offenders in the history of the world should take its place again in the family of nations. God grant that they may not be obliged to measure America's conception of international duty or to judge America's standard of international morality by what they find in this weak and pusillanimous document known as the Knox resolution.

If this resolution is the best that Congress can do when it strays outside of its own jurisdiction and ventures into the realm of international affairs, we have this further proof of the wisdom of the fathers in placing the control of our foreign relations in another branch of the Government.

It is as clear to me as the sun at high noon that we should leave the initiation of foreign policies to the President and his great Secretary of State. Secretary Hughes has already shown such wisdom and courage and learning and vision as characterized only the very greatest of his illustrious predecessors.

Congress should not attempt to interfere in the settlement of this, the most difficult, the most dangerous, the most complex, and the most kaleidoscopic situation that has ever confronted an American President.

Let us keep to our own normal, constitutional functions and leave the President to his. He has been in office now but a few weeks, but the country has already come to trust him and believe in him implicitly. More and more he feels, and must feel, the heavy responsibilities of these troubled days. More and more he has come to realize how large a part his decisions must play in shaping the course of events, not only in America

but throughout the world. He is keenly alive to his responsibilities and appreciates his human limitations as no other President since Lincoln. Yet as he guides the ship through the storm and the fog and the night he is confident and unafraid. For he has come to know, as all men come to know when charged with mighty destinies, that after all there is, there must be, an overruling Providence guiding human affairs and shaping the course of human events, and that men, after all, are but the agents chosen to carry out the larger divine purpose and that nations that place their trust in Him and follow His leadings will come safely through the storm and the night.

We must not forget in this hour of world peril under our forms of law that the President is our pilot on the sea of international affairs. Within the unquestioned scope of his constitutional authority we can safely trust him with the fortunes of the Republic. Let us not distract him by constantly clamoring at his side or by attempting to take the wheel. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I shall not discuss the question of whether, under our Constitution, we can by an act of Congress enter into contractual relations with another Government. I merely desire to say that I do not believe Congress has such power. I think it is an invasion of the treaty-making power, which is a constitutional prerogative of the President, by and with the advice and consent of the Senate. I believe this power carries with it a duty which should be performed by the Executive in negotiating such contractual relations, and that he should not undertake to pass it up to Congress.

I think both the Knox and the Porter resolutions are objectionable on this ground, and I should therefore vote against this resolution if I had no other objection to it.

Nor will I discuss at any length the moral question involved in the desertion by this country of the nations with which we were associated in the World War by the negotiation of a separate peace, either by congressional action or by the Executive, with the powers against which we were together at war.

The war had set a great task for our statesmanship. The best thought of the world demanded that a serious attempt be made by the leaders of the allied and associated Governments to formulate a treaty of peace which would prevent the recurrence of war. Every rightful impulse of the human heart was in accord with that purpose. For the first time in the turbulent annals of the human race such a project had become possible. At that critical juncture Republican leadership completely failed, and the Republican Party put duty to party above duty to country or humanity and defeated that wish of our people and of the world. [Applause on Democratic side.]

The purpose of the Republican Party is the same to-day that it has been since it carried the election in 1918—only this purpose is stronger since the election of 1920.

It was declared that all of Wilson's policies would be repudiated and that there would be established a separate peace with Germany as soon as a Republican Congress could pass the law and a Republican President could sign it.

Such is the purpose of this resolution, and all I desire to say about it is that a separate peace with Germany is inconsistent with American honor and will be a severe blow to American prestige and statesmanship. [Applause on Democratic side.]

The action of the Republican Party has thrown international relations into chaos and impaired the processes of national life until there has been an accumulation of domestic problems which the Republican Party is unable to adjust, and which can not be satisfactorily dealt with until our relationship to the rest of the world is determined. This the Republican Party seems incapable of understanding or doing.

I do not care to discuss the League of Nations or the other parts of the treaty of Versailles other than to refer to the statement frequently made in this debate that the League of Nations came before the people and they decided against it by 7,000,000 majority, and to contrast this statement with that of 31 of President Harding's strongest supporters, who stated that the question was not a league or no league, but the question was whether we should join the league under an agreement containing the exact provisions negotiated by President Wilson at Paris or under an agreement omitting or modifying some of these provisions. And the conclusion drawn by thousands of voters from the statement made by these gentlemen was that the surest way to get the league was by the election of President Harding.

Among the signers were two members of President Harding's Cabinet. I do not know whether these gentlemen were fooled by President Harding or whether they fooled the American public. But I think they owe an explanation to thousands of people who favored the league and who were induced by this statement to vote for Mr. Harding for President. [Applause on the Democratic side.]

On last Saturday I said to the gentleman from Pennsylvania that the Republicans had voted twice in this House for the resolution which repealed the declaration of war and which he has denounced as a provision to apologize to Germany. He took issue with me, but later on he admitted that they had done that. Under the leadership of these gentlemen on the Committee on Foreign Affairs you were led last year to vote for what they now say is a repudiation of the war, and what they tell you now is an apology to Germany. [Applause on the Democratic side.]

But aside from all this, I think the resolution has no value. It is contended that it will establish a technical state of peace with the enemy country, and that that will increase our trade with Germany, especially our export trade, and will enable our people to sell more cotton, tobacco, wheat, meat, and manufactured products to the German people. As has been clearly pointed out in this debate, such will not be the case. We are trading as freely with Germany to-day as we are with any nation in Europe, and we have the largest export trade we have ever had with her.

It was stated by the gentleman from Alabama [Mr. HUDDLESTON] that this trade is decreasing. It is a fact that it did fall off $4,000,000 in April, but for the fiscal year 1921 it will be very much larger than it was in the fiscal year 1920 or any other year in the history of our trade relations with that country.

Our financial institutions in this country are giving the German people all the credit the conditions of that country will justify, and we are selling to Germany everything that her financial condition and credit will permit her to buy.

President Harding's speech in the Senate on May 15, 1920, strongly sustains this position. He did not advocate the resolution for the practical purpose of promoting trade, nor did he advocate it, as some of the gentlemen have done upon this floor, for the altruistic purpose of establishing peace. He advocated it simply for the purpose of showing the then President of the United States that one man could not run the country. If President Harding desires this resolution to protect the country against his own usurpation of power and to show him that he can not run the country, I do not think it will be necessary, because that fact will be fully demonstrated to him in a very few days when he finds out that he and the Republican leaders of this House will not be able to defeat the Borah resolution looking to disarmament. He will learn then that the wishes of one man will not be able to thwart the wishes of the American people in their desire for the reduction of governmental expenses and to secure peace by bringing about international disarmament. [Applause on the Democratic side.]

Mr. HARDY of Texas. Will the gentleman yield?

Mr. FLOOD. I will yield to the gentleman for a question.

Mr. HARDY of Texas. The gentleman from Massachusetts [Mr. ROGERS] says it will give them 105 consular appointees and other officials.

Mr. FLOOD. That will appeal to Republicans, because with the world in a state of almost complete collapse, with our farmers getting nothing for their products, with 4,000,000 men out of work, the Republican administration has sat here three months and done nothing except appoint Republicans to office. [Laughter.]

But this resolution not only has no value, but it will be a serious menace to tremendous property interests in this country.

If we restore the status of peace before our differences with the enemy countries are settled, particularly with Germany, we surrender the advantage of position which we hold as a belligerent and which all of the allied powers had when they negotiated and forced their terms of peace upon Germany. Instead of dealing with her as a victor with a vanquished foe, we would have to deal with her with perfect equality, and take what she chose to give us by way of reparation for the wrongs and injuries she has done to us and our nationals.

The losses to this country and its nationals would be billions of dollars.

1. The treaty and arrangements ancillary thereto dealt in a precise and definite way with enemy shipping. Without these provisions, great uncertainty prevails as to the title to and right to the use of German ships. The title of the United States to German ships which it seized during the war is very doubtful, as the ships have never been put through a prize court, and these ships now come under the jurisdiction of the reparation commission. Until title is confirmed in the United States, uncertainty with attendant danger to American interests must remain.

2. The funds in the hands of the Alien Property Custodian, amounting to nearly $500,000,000, can not be dealt with otherwise than by restoration to their owners unless German consent to the application of these funds to other purposes is obtained

through a treaty. This resolution does not pretend to accomplish this result. International law does not permit the confiscation of private property unless the enemy Government consents to the use of such property for the satisfaction of claims against it, or like purposes. The Versailles treaty contains Germany's assent to the use of Alien Property Custodian funds to pay claims of the United States and its nationals against Germany and debts of Germany to America. In the interest of justice, as well as of business, these claims should be paid. We would have a great deal of trouble getting Germany's assent to the use of these funds for that purpose after the status of peace is restored.

3. The United States has an immediate interest in the proceedings of the reparation commission, which is in no way taken care of by this resolution. This commission has control over the payment by Germany of the cost of the armies of occupation, including our own. They owe us now between $240,000,000 and $250,000,000. The passage of this resolution may cost America this fund.

4. By the passage of this resolution we invite representatives of German commercial houses to overrun our country and sell the products of their country, with its cheap labor, in competition with ours, and with no such rights to the representatives of American business, and they will not have such right until an agreement is negotiated with Germany.

The one-sided operation of the resolution is illustrated by the condition in which an American is admitted into Germany at present. He secures a passport to some neighboring friendly country and then applies to a German consul to visé it. This is given or withheld according to the whim of the consul. That condition would obtain if this resolution passed, because Germany on her part would not have made peace with us, while Germans would be permitted to come to this country as freely as any other friendly alien. A distinguished Senator has said that this resolution should be entitled, "A measure for the relief of the German people."

5. The passage of this resolution to bring about a status of peace in the absence of a treaty would revive the commercial and most of the treaties existing between this country and Germany which were suspended during belligerency. It would restore our treaty status with that country as it was just prior to the war.

I do not know whether this resolution will ever become a law. The gentleman from Pennsylvania [Mr. TEMPLE] says there is no wide difference of opinion between the Senate and the House. I do not see how the Republicans of the Senate, unless they have lost all self-respect, after their resolution has been denounced upon the floor of this House and in the report of the majority of the Committee on Foreign Affairs as a repudiation of the war and as an apology to Germany, as a blotting out of Chateau Thierry and Belleau Wood and the Argonne, can agree to yield their judgment as to what they thought was proper for the American Senate to do. I do not see how gentlemen over here, unless they have lost all their self-respect, after what they have said about the Senate resolution, can vote for it if it is brought back here as a substitute or an amendment for the House resolution. So it seems to me, Mr. Speaker, that there is about as much difference of opinion between the House and Senate Republicans upon this proposition as there is upon the proposition of disarmament. [Applause.]

Germany has tariffs of two kinds, one the autonomous and the other the conventional tariff, the conventional tariff being much lower than the autonomous tariff. The conventional tariff applies to countries that have particular treaty arrangements with Germany. At the beginning of the war we had no such treaty agreements. The passage of this resolution would subject our people to the discriminatory autonomous duties of Germany, while most other nations would be relieved from this through their participation in the peace treaty, which the United States has rejected. This would amount to an embargo on much of our commerce.

From whatever angle this resolution is viewed it presents itself as a proposition not only ineffective in achieving its proclaimed purpose but as a sure method of confusing our foreign relations, injecting new and complicated questions into an already difficult situation, and involving a surrender of American rights and an impairment of American prestige and honor. [Applause on the Democratic side.]

The full power of action rests with the Republican majority. Less than eight months ago that party achieved the greatest political victory in the history of this country. Republicans feel proud of that victory; they have a right to feel proud of it. But speaking as a member of the minority party I want to say to them that whatever else may be said of the campaign of 1920, this always must be said. The Democratic Party did not dip the flag. It fought the good fight; it kept the faith, and in the light of events it faces the future with undimmed courage, proud of its achievements and confident of the verdict of history. [Applause. on the Democratic side.]

I am opposed to this resolution because I do not think it comports with the simplest dictates of common honesty for a great country like ours to undertake by this legislation to retain all the benefits and advantages of the treaties that were made with our enemies, and refuse to assume any of the obligations contained in those treaties.

I am proud to be an American citizen. I am proud to be an American Representative in this House from the great State of Virginia, a State which has always stood by its convictions and maintained its honor at any cost. I am proud of the power of my country and the way in which up to this time she has exercised this great power, and I will not cast a vote that I think will weaken that power, lessen its prestige, and leave a stain upon the good faith and fair name of this country. [Applause on the Democratic side.]

This resolution seems to be the corner stone of the administration's foreign policy, and yet it will not do a thing to restore peace to the stricken world; not a thing to increase American foreign trade or to relieve distressed conditions in this country.

Our European export trade is decreasing. Only with Germany and a few other European countries is it increasing, and as a result business conditions are growing worse instead of better. With 4,000,000 men out of employment, with all agricultural products depressed, with business stagnant, the administration and the majority have let three months elapse and done nothing to relieve this situation.

For the last two and a half years the Republican Party has played politics with the European situation. The European situation now is playing havoc with American prosperity.

To calm the rising storm of indignation in the country this resolution is brought in. Its avowed purpose is commercial, yet every intelligent man knows that it will not put an idle man to work, will not open a single closed factory, will not make a market for a single barrel of wheat, a single pound of tobacco, beef, or cotton. As President Harding clearly demonstrated, it will do nothing to bring relief to the depressed industrial conditions in America. Its proponents know it has but two purposes—to keep an unwise campaign pledge and to fool the people.

Germany destroyed our prosperity. She murdered our citizens; she denied us access to the seas; she violated her solemn treaties and the law of nations; she made war upon civilization. For these things we went to war, and not as Ambassador Harvey said, because we were afraid not to fight. We sent 2,000,000 men 3,000 miles across U-boat infested seas to France and we had over 2,000,000 men under arms in this country just as heroic and just as ready to go. We spent billions of dollars of treasure. Some 80,000 of these boys lost their lives on the battle fields of France and Flanders. Thousands of them are maimed for life. We whipped Germany and her allies to their knees, and would have dictated peace in Potsdam Palace but for the armistice. [Applause on the Democratic side.]

Every nation that was associated with us in the war has dictated terms of peace to the enemy nations. Shall we tarnish the luster of this Nation by accepting and not dictating terms of settlement to our brutal and vanquished foe? I trust the Nation has not fallen so low as to say to our enemies, "Take what you wish, only give us an increased trade with Germany." [Applause on Democratic side.]

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent that the vote be postponed until 5 o'clock, and that the additional time be equally divided between the two sides of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time for taking the vote be extended to 5 o'clock. Is there objection?

Mr. CARTER. Mr. Speaker, I object.

Mr. PORTER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. COCKRAN].

Mr. CARTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair does not think that the time ought to be consumed in answering parliamentary inquiries.

Mr. CARTER. Mr. Speaker, I want in good faith to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARTER. That is as to whether or not permission has been given to extend remarks to all persons or to only those who speak.

The SPEAKER. Only those who speak.

Mr. CARTER. Then, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The Chair does not think he ought to recognize gentlemen for that purpose until after 4.30 o'clock.

Mr. COCKRAN. Mr. Speaker, my object in taking the floor is to explain, so far as I can in the very brief time remaining for debate, why it is that notwithstanding my very strong objections to the reservations or conditions embraced in this resolution, I am nevertheless constrained by a sense of duty to my country and to humanity to vote for it and urge its adoption by the House.

The question we are considering is simply whether the Congress which declared the war that has been waged to success, the most decisive in history, shall now formally declare the peace which that success has established. If I understand the opposition to this resolution, it is based on two grounds. Some gentlemen deny that Congress has power to declare peace. Although they (and everyone else) concede that peace actually exists, they nevertheless insist that a state of peace can not be declared except through a treaty negotiated by the President and ratified by the Senate. Other gentlemen oppose this proceeding because, even conceding that it is within the constitutional power of Congress, they insist that power should not be exercised at this time and in this way, but that negotiation of a peace should be left wholly and exclusively to the President.

Mr. Speaker, both these objections, I submit, are extravagant; arising, I venture to say, from a certain confusion of thought concerning treaties, their scope, significance, and value, into which some gentlemen seem to have fallen. I believe, sir, that it is as clearly within the power of Congress to declare peace as to declare war; one being the necessary complement of the other. I believe also that it is the duty—the pressing, imperative duty—of Congress to exercise this power at once.

The main argument offered against passage of this measure is that through a treaty alone can seizure by this Government of certain property belonging to Germans be validated. Here we find that confusion of thought, which I have mentioned, betraying its victims into contending that the greatest war in history is to be ended by attorneyship rather than by statesmanship. The gentleman from Michigan [Mr. KELLEY] in referring to this resolution as an ex parte proceeding, has illustrated strikingly this tendency to deal with an international question in a spirit of attorneyship. The degree to which that tendency has embarrassed us in reaching sensible conclusions the gentleman from New York [Mr. FAIRCHILD] has very effectively pointed out. It is due probably to the superabundance of legal talent upon this floor. [Laughter.]

The function of attorneyship is to invoke the law of the land on behalf of one party to a dispute arising within its limits. Law has been defined as a command laid upon an inferior by a superior, who, if the command be resisted, can enforce it by pains and penalties. The sovereign—that is to say, the State—whose intervention is invoked for the settlement of a dispute has full power to enforce its decision, and in every civilized country this power is always exercised.

Disputes between nations and questions affecting their relations to each other are on a footing radically different. Every State, being itself a sovereign, can not be compelled to submit a dispute with another State to any tribunal whatever and still retain its sovereignty. How to adjust differences, to compose quarrels, or end a war between independent sovereignties belongs not to the domain of attorneyship but to the domain of statesmanship. If the House will approach this question in the light of statesmanship—as I hope and believe it will—it must realize that according to what has been said, even by gentlemen opposing this resolution—according to what is conceded with absolute unanimity everywhere—we are now actually in a state of peace; and being in a state of peace, it would, in my judgment, be little short of treason to our highest interests if we hesitate to declare it. [Applause.]

I do not think it necessary to occupy much time in discussing the constitutional power of Congress to pass this resolution, because the way in which that objection has been discussed indicates that even those who raised it in perfunctory fashion have little faith in the soundness of their contention. And, indeed, its utter unsoundness is self-evident. If, with the power to declare war imposed on us so distinctly and unreservedly that we could not divest ourselves of it if we would, we are without power to declare peace, then this Government is organized for confusion and disaster, not for order and efficiency. Conceive for a moment the consequences that must follow if Congress, which has the undoubted right to declare war, should be denied the right to declare peace. In that event war having been once declared could be ended only by the President. Any agreement of his with a foreign Government must, of course, be ratified by the Senate before it could acquire the force of a treaty. But no one can force the President to open negotiations for a treaty. He can allow the declaration of war to stand indefinitely, and while it remains in force he has all the power which a state of war confers upon the Chief Executive.

At this moment I do not believe there is a single human being in the country who would not be shocked if warlike operations were resumed against Germany or Austria. Yet the President of the United States might send 100,000 armed men to-morrow into Germany. He might undertake to annex the Ruhr Valley; to seize the whole of Brandenburg, including Berlin. And if he proceeded to do this, he would be acting strictly within his constitutional rights. When I suggested this possibility in the course of private discussion with some friends who are opposed to the pending measure, it was at once stated that if the President did such a thing he would be impeached. Consider the significance of that attitude. The President of the United States would be impeached by Congress for doing the very thing which Congress had enjoined upon him! Could extravagance of conception go further?

The power of Congress is limited to declaring war. Making war is exclusively with the President. How he may make it, when he may make it, where he may make it, is his alone to decide. If then we are at war now it is his business to make war. Having commanded him to make war and equipped him with the power to wage it, we could not question his act should he exercise that power in any direction that to him seems proper. Surely, then, it is the supreme duty of Congress to recall that command to make war, which many here would impeach the President for obeying.

Not merely for constitutional reasons but for reasons of convenience and efficiency this resolution should be promptly passed.

The gentleman from New York [Mr. FISH] has pointed out with great force the advisability of withdrawing our troops from Germany. I do not think there is a gentleman on this side who disagrees with him or doubts that it is urgently demanded by consideration for our own welfare. But those gentlemen who, while holding this view, oppose the pending resolution, tell us that the President could withdraw these troops now under the law as it stands. I answer he has not done it. I say passage of this resolution by Congress will make him do it. And if it be of the highest interest to the American people that this be done, and Congress has power to compel it, then let the Congress without hesitation perform its constitutional duty. [Applause.]

Mr. Speaker, some gentlemen have worked themselves up to great excitement over what they seem to think will happen if we pass this resolution. I can not make out, however, from their speeches just what it is that they apprehend. The gentleman from Michigan [Mr. KELLEY] seems to deplore with special vehemence the fact that we are ready, as he says, "to shake hands with Germany." But what would he have us do? Does the gentleman want us to make faces at her? [Laughter and applause.] Does he want us to execute a war dance around her? Just what else could we do to her? We can not take anything from her. Everything she has or is likely to have for many generations is already taken by the Allies whom we have made victors over her. She is not allowed to keep a single thing of any value except what in the judgment of her conquerors is essential to her industrial efficiency, and therefore to her capacity to supply the enormous continuing contributions of money and materials they have imposed on her. Germany is beaten; utterly, irretrievably beaten. She is prostrate. But as she lies helpless on the ground, America, who reduced her to this helplessness, is too chivalrous and, thank God, too strong to kick a prostrate enemy. [Applause.]

The passage of this resolution will not be of any benefit to Germany except in a remote degree. It will merely afford her freer access to the larger sources of credit which she needs for reenforcement of her productive energies. It is for ourselves that it is of pressing importance to declare the war at an end. This resolution, if adopted, will reestablish constitutional government in America. It will stop our officials from making war upon ourselves. It will reimpose upon our Government those restrictions and limitations through which it has been since its foundation the surest rampart of freedom and the most effective agency for the enforcement of justice ever established on this earth. [Applause.]

The gentleman from Texas [Mr. CONNALLY], answering the argument that passage of this resolution would at once abrogate all the laws restraining freedom of speech and of action placed on the statute books under the stress of war, said with great emphasis that most of these war laws have already been repealed and there remain in operation now only those repeal of

which was prevented by action of the gentlemen on the other side. Well, I want all those that have been retained to follow those that have been repealed; and they will go with the passage of this resolution. Without this action on our part they will remain in operation indefinitely. This country, therefore, will not be secure in its own freedom until this state of war be ended by solemn declaration of Congress.

It may be considered a fanciful idea of mine that the President of the United States, while the declaration of war remains in force, could send troops into a country with which we are not in actual conflict. Mr. Speaker, that is not a fanciful idea. It is a statement founded entirely on unquestioned facts of history, and of very recent history. It was in precisely such a way that Bismarck, after making authority of the Hohenzollern family absolute in Prussia, succeeded in extending it over the whole of Germany.

It will be remembered that the old Prussian constitution forbade any increase in the army without the consent of Parliament, and that Wilhelm, afterwards first Emperor of Germany, when he acceded to the throne through the mental incapacity of his brother, believing a large army essential to the dignity and, indeed, to the security of Prussia, made an increase of the military establishment the main feature of his policy.

The Parliament having refused to sanction the increase he desired, the old King was on the point of abdicating when he appointed Bismarck his chancellor, who at once dismissed Parliament, created an army of the size which the King wanted, and then made war with the deliberate purpose of obtaining ratification of these constitutional violations through the approval which successful military movements were certain to evoke. And never was policy more abundantly vindicated by results. The war with Denmark and afterwards with Austria reconciled the Prussian people to the measures which they believed had led to such dazzling military successes.

So it is well within the bounds of possibility that a President of the United States—at variance, perhaps, with Congress—might take advantage of conditions precisely the same as those now actually existing to seize territory under some plausible pretext or other, relying upon the popular approval which is never refused to successful military operations for full vindication of his conduct. There would, however, be this difference between such a course and that pursued by Bismarck: The action of the American President would not need ratification. It would be entirely constitutional—taken not in violation, but in obedience, to his oath of office. Yet such action, far from redounding to the glory of the American people, would, we all agree, work deep injury to their welfare and cast a dark cloud on their fame. It is not for Germany, but for the United States, not for the people of any foreign country, but for ourselves; for the restoration of our constitutional system in its full integrity; for the security of our own freedom and the maintenance of our own national credit that I appeal to the whole membership of the House for enactment of this measure.

But gentlemen have said that the object of the war has not been accomplished. I deny that statement most emphatically and unreservedly. Never was object so glorious achieved so completely by success in battle so decisive.

The gentleman from Texas [Mr. CONNALLY] declared with rare eloquence that our purpose in entering the war was not to show our prowess with fists or sword, and I agree with him. No one could dispute a statement so true, conveyed in words so moving. But surely I can say with equal truth, though in plainer terms, that neither did we go into the war merely to pick up two dollars and a half or two millions and a half or two hundred millions and a half after the war was over, either in the way of reparations or of profit.

The gentleman contends that the property of Germans now held by the Alien Property Custodian can not be applied to satisfaction of claims for damages suffered by American citizens during the war except by a treaty "validating" the seizure. Here, the gentleman from Texas shows that same strange misapprehension of a treaty—its significance and its functions—which I mentioned in the beginning. Whatever title we have to that property was established when we seized it. No provisions of a treaty could add anything to the "rights" we now enjoy in this respect. It is for this reason that I regret inclusion in the pending resolution of any provisions respecting alleged rights acquired during the war. No right can be acquired or established by war except the right of seizure. Though seizure of property in war were ratified by a hundred treaties the party from whom it was taken would not hesitate to recapture it if he had sufficient force to do it. France in the treaty of Frankfort conceded Alsace-Lorraine to Germany. But the French people never ceased to assert, after the treaty was signed—and up to the time the last war began—their determination to regain these Provinces whenever they felt strong enough to attempt it. If we contemplated returning this property to its owners on any terms whatever, then a treaty would be necessary to define these conditions. But such a treaty, if it be desirable, would more properly follow a declaration of peace than accompany it. The gentleman from Texas would hardly propose now to begin war afresh for the purpose of recovering this $250,000,000, or whatever the amount may be that is due to our nationals. And if we are not intent on war, if, on the contrary, we would abhor the suggestion of it, then in God's name let us have peace. Let us proclaim the peace that is actual—the peace we have conquered; the peace from which we ourselves will benefit decisively and the whole human family will be blessed abundantly.

The gentleman from Texas [Mr. CONNALLY] asks, If we do not by a treaty provide for retaining this property to satisfy claims of our nationals for injuries inflicted by the enemy, what is it that we went to war for? I will tell him. We went to war because the German Empire, established on the conquest and dismemberment of France in 1870, built avowedly on blood and iron with a "war lord" for its chief, embodying the civilization of the camp, was found to imperil that civilization of the workshop of which this country is the most valuable fruit and the crowning glory.

For nearly 50 years the world had proceeded under the belief that these two civilizations might exist peaceably side by side, each pursuing the pathway of progress and prosperity according to its own opinions of right and justice without invading the rights or threatening the existence of the other. But the progress of the war, provoked by the war lord, soon convinced us that existence of a war lord is as incompatible with the peace of an industrial world as a mad dog is incompatible with the peace and order of an industrial community. And then this country—for its own safety, indeed, but also for the safety of the civilization which it embodies—rose and drove that mad dog from the face of the world which he had so grievously disturbed and chained him up in isolation, where he is impotent. That is why we went into the war. We went into it to overthrow that system of militarism and imperialism which threatened the safety of Christian civilization. And now that the system of blood and terror against which we took up arms has been overthrown, destroyed finally and irretrievably; now that its ruins will no longer be suffered to encumber the earth which it had oppressed, why should we not proclaim gladly, proudly, reverently, gratefully, that the greatest crusade in all history has been crowned with complete success by American valor on the battle field and by American wisdom in the council chamber; that the justice which Abraham Lincoln made supreme in America has been made through the statesmanship of Woodrow Wilson and the leadership of the American Nation supreme throughout the whole world. [Prolonged applause.]

The SPEAKER. By the rule the previous question is ordered.

Mr. GRIFFIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRIFFIN. On Saturday the gentleman from New York [Mr. LONDON], my colleague, made an application to the Speaker, who was then in the chair, for leave to address the House for 15 minutes outside of the set time. The colloquy will be found on page 2460 of the RECORD.

The SPEAKER. The Chair remembers the incident. It is not necessary to read it.

Mr. GRIFFIN. I desire to ask the Speaker if the request of the gentleman from Virginia [Mr. FLOOD] that the time be extended to 4.45 o'clock p. m. did not act as a reservation upon the request of the gentleman from New York, and thereby automatically postpone the time of voting until 4.45?

The SPEAKER. The Chair thinks it did not.

Mr. GRIFFIN. I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. GRIFFIN. My contribution to this discussion will be to call attention to the almost unanimous failure of the disputants to agree on what this resolution should be called or what will be its effect. The general impression seems to have prevailed up to this very minute that it is a resolution declaring peace, or a resolution making peace. The orators on both sides seem to have held it to be either one or the other.

Let me say, Mr. Speaker, that it is neither one nor the other. If it were in either category, I would find great difficulty in justifying it. The speakers on both sides have failed—I say it with all due modesty—to note the distinction between—

1. Making peace;
2. Declaring peace; and
3. Stating that peace exists.

Making peace implies making a treaty. This resolution does not do that.

Declaring peace is peculiarly and solely the function and the explicit right of the President under the Constitution.

Stating that peace exists is the action that Congress is now called upon to perform. When that announcement is made the President, with that as his sanction, will, no doubt, issue a proclamation officially fixing the termination of the war.

It can not be justly claimed that the act of Congress called for in this resolution constitutes an invasion of the President's prerogatives, and still less an invasion of the prerogatives of the Senate, which is a part of the treaty-making power. This resolution originated in the Senate, and the fact that the Senate sends it over here for our consideration shows that that body waives exclusive jurisdiction over the subject matter.

The existence of peace is a question of fact. It may be brought about by treaty, but it may also be reached in other ways.

Writers of international law agree that a state of war may be ended in three ways—namely, by cessation of hostilities, by treaty, and by subjugation.

Two of these conditions exist in respect to the World War—warfare has ceased and our adversaries have been conquered. The making of the treaty alone remains unfinished, and that, according to the highest authority, is not indispensible to the establishment of peace.

Surely, then, no one can justly say that a declaration by Congress that the war is at an end can possibly trespass upon the President's authority. It is merely a declaration of an indisputable fact. I presume the President could declare peace without this resolution, but the passage of the resolution will put the question as to the existence of war beyond the shadow of doubt. Peace exists. Why not say so?

When our Constitution was in process of formation in the Constitutional Convention it was suggested by Mr. Butler, of South Carolina, that the power of declaring peace be accorded to the National Congress. This proposition was voted down, and, I think, properly so.

It was then evidently recognized that peace can not be made by a mere declaration. The resolution before us does not declare peace, because peace already prevails by the existence of the two essential factors—cessation of hostilities and conquest of our adversaries.

This resolution merely puts into form and gives official recognition to an existing fact.

In order to grasp the distinction, let us assume that while war was in progress—that is, while hostilities were still going on and the conflict was in doubt—a resolution was offered declaring peace with our adversary. That would be inimical to our Constitution, because that would be making peace, which only the President and the Senate can do. But when peace actually comes in due course by the cessation of hostilities and the conquest of our adversaries, Congress can not violate our Constitution or trespass on presidential prerogatives by making a formal acknowledgment of the fact that the war is at an end.

Objection is made that the reservation of our rights in the treaty of Versailles is unnecessary. At first I was inclined to agree to this proposition, and reasoned that if we have any rights in the treaty we would come into them as a matter of course upon the signing of the treaty. But the trouble is that there is a possibility that the treaty will never be signed. In that eventuality, what is to become of the rights conserved to us? Surely, if we do not give some indication that we are anxious to maintain those rights, it is manifest that the allied powers might very reasonably infer that we intended to abandon or waive them. This would be a very serious misfortune. The reservations that are objected to therefore assume a supreme importance. I doubt whether I would vote for the resolution unless those reservations were preserved.

The rights conceded to us under the treaty are firmly embedded in it. Germany has recognized them by solemn compact entered into with all of the allied Governments; and the United States, as an associate nation, named in that treaty, have an inchoate title to those rights—the only missing link in the chain of title being that we have not taken possession of them by signing the treaty.

We are entitled to claim those rights; and it is perfectly proper for us, in order to avoid all misunderstandings, to assert that we reserve them, meaning thereby that we will ultimately claim them. In the meantime the method of claiming them will be left to the Executive, in whose hands the treaty-making power is vested.

There would be danger in simply declaring that the war was at an end without reference to the rights which were conserved for us by the allied powers in the provisions of the treaty. If we omitted that reservation the world would say that we deserted our allies and waived the rights they secured for us in the treaty of Versailles and propose to make a separate peace, utterly disregarding the treaty already made.

I do not fear in the slightest that our passage of this resolution will be deemed an invasion of the President's treaty-making power. In the first place, as I understand it, he invites this action, and we ought to welcome the invitation.

The treaty-making power has remained in the hands of the President and the Senate only through the survival of ancient prejudice. It is a relic of times when sovereigns claimed the sole right to declare war and make peace. Even monarchies have abandoned that custom, and in Engand, France, and Italy treaties are ratified to-day by both chambers of their Parliament conjointly. The Versailles treaty was so ratified. A few days ago the French Chamber of Deputies ratified the treaty with Hungary.

It is time for the United States to come up abreast of the times and give the lower House an equal say in the making of treaties.

In passing, let me say that both in the last and in the present session of Congress I introduced a constitutional amendment to that effect, and I am glad of the opportunity afforded by this discussion to invite your attention to the proposal, which I trust in calm deliberation will merit your approbation.

Two years and seven months have elapsed since armistice day passed into history. The original combatants have ceased the gigantic struggle, but nations are still torn with strife and dissension. Fear, hate, jealousy, and greed still rule, and the millennium, which a weary world reaches out to grasp in joyous expectation, is now enshrouded in clouds and darkness beyond the distant horizon.

While our own country has been fortunately vouchsafed freedom from internal dissension, nevertheless our commerce and industries remain in confusion. We have had thrust upon our shoulders, as our share of the Great War, a debt unprecedented in the world's history, and our people are enduring serious distress.

Unemployment has increased and profiteering still goes on as though we were in the midst of war. Economic questions confront us and the intellect of the country is struggling to attain the solution of the problems before us.

Realizing fully this situation, the paramount question of the hour is how we shall return to prewar conditions. Manifestly, the first step which wisdom dictates is to make an official pronouncement that, so far as we are concerned, the war is at an end.

The reasons for this are many. In the first place, followed, as it will be, by the President's proclamation officially fixing the termination of the war, this resolution will mean the immediate cessation of the operation of war-time laws, upon whose existence so many injustices are predicated. It will remove the last shred and patch of them. But, better than all else, it will accustom us to think in terms of peace.

We will be able to appoint diplomatic and consular officers to represent us in the countries with which we have been at war, instead of intrusting our commercial relations to the consular representatives of rival nations. And with that will come a return to normal trade relations. We will be able to obtain the return of the property of our citizens seized during the war under laws similar to our alien property act, and will be able to arrive at a prompt settlement of the claims of our citizens for the damage inflicted upon them by our late enemies.

At the present time our position is anomalous. While apparently at peace, we are technically at war, and a thousand and one matters which depend upon the official conclusion of the war remain unsettled and undetermined.

For those reasons I am in favor of this resolution.

It would not be patriotic on the part of the minority, in my opinion, to oppose a return to prewar conditions simply because the proposition is fostered by our political antagonists or because it is in a form which we may not like. If they think they can close the war with such a resolution, and we believe they can not, nevertheless, vote with them, and I might add, "God speed them'"

Mr. CARTER. Mr. Speaker, I think all gentlemen who did not have the opportunity to speak ought to have leave to extend their remarks, if they desire to do so, rather than those favored few only who had the privilege of speaking. Therefore I ask unanimous consent that all gentlemen have five legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that all gentlemen have five legislative days in which to extend their remarks on this bill. Is there objection? [After a pause.] The Chair hears none.

Under the rule, the previous question is ordered; and the vote first comes on the amendment offered by the Committee on Foreign Affairs to substitute their resolution for the Senate resolution.

Mr. FLOOD. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. At the proper time the Chair will recognize the gentleman.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended resolution.

The amended resolution was read the third time.

Mr. FLOOD. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Virginia offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. FLOOD moves to recommit the joint resolution to the Committee on Foreign Affairs, with instructions to that committee to forthwith report the joint resolution back to the House with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and he is hereby, requested and authorized to enter into negotiations with the Government of Germany and her allies and with the powers associated with the United States in the European War with a view to concluding a settlement of all controversies between the United States and Germany and her allies, and to conclude, by and with the advice and consent of the Senate, any and all international acts or agreements necessary to reach a definite adjustment with all of the powers engaged in the European War in respect to any questions or controversies relating to the conflict.

Mr. ROGERS. Mr. Speaker, I make a point of order on the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. ROGERS. The point of order is that this is a motion to recommit offered to a resolution declaring the end of a state of war. The motion to recommit is not germane, because it proposes to enter upon negotiations between the United States and the Central Powers. It bears no relation whatever, as I caught the motion as it was being read, to the theory on which both the Knox resolution, so called, and the Porter resolution are based. It also either authorizes or instructs the President to negotiate a treaty, which, of course, is entirely outside of the four corners of either the Senate or the House form of this Senate resolution.

The SPEAKER. Does the gentleman from Virginia desire to be heard?

Mr. FLOOD. Mr. Speaker, the purpose of the resolution is to bring about peace, and the amendment to it is a proposition requesting the President to proceed to negotiate that peace.

Mr. STAFFORD. If the Chair will hear me, the motion to recommit has no relevancy whatever to the matter before the House.

Mr. FLOOD. Mr. Speaker, that is all I care to say. I think it is germane.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Does the gentleman contend that the House can pass a resolution instructing the President to negotiate a treaty with any power?

Mr. FLOOD. Oh, the House has done things similar to that dozens of times.

Mr. STAFFORD. Can the gentleman state one instance where the House has ever done that?

Mr. FLOOD. Oh, but the House has passed resolution after resolution authorizing and requesting the President to appoint commissions to negotiate treaties.

Mr. WALSH. But they did not direct him, as this resolution does.

Mr. FLOOD. This is a proposition similar to those, absolutely. This is simply a proposition requesting the President to appoint negotiators to negotiate the terms of peace, and the House has passed such resolutions; Congress has passed those resolutions. The fact is that Congress has passed a law prohibiting the President from appointing those commissioners without the authority of Congress.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Does this resolution employ the word "instruct"?

Mr. FLOOD. No; "to authorize"—in the very language of the statute. The statute provides that the President shall be authorized to do it by act of Congress. The only question I thought was raised about this is its germaneness, and it seems to me it is germane.

Mr. ROGERS. Mr. Speaker, may I add a word to what I said before?

The SPEAKER. The Chair will hear the gentleman.

Mr. ROGERS. I want to call the attention of the Speaker to the fact that this motion requests and authorizes the President to enter into negotiations with Germany. That is entirely outside of and irrelevant to the resolution offered by the gentleman from Pennsylvania [Mr. PORTER]. Then the motion to recommit authorizes the President to enter into negotiations not only with Germany but also with her allies. Germany had various allies. The only ally contemplated in the Porter resolution or in the Knox resolution is Austria-Hungary; so that the language here, which necessarily includes Turkey and Bulgaria, is well beyond anything that has been proposed either in the Senate or in the House.

In the next place, the motion to recommit proposes to authorize the President to enter into negotiations with the powers associated with the United States in the war—a suggestion entirely undreamed of in the resolution either in its Senate form or in its House form.

Again, it proposes that there shall be made in these negotiations a settlement of all controversies between Germany and the allied and associated powers. Obviously this is far broader than the House resolution, and in every way inconsistent with its provisions.

The Speaker should bear in mind that the substance of this resolution now before the House is contained in three lines, "That the state of war is hereby declared to be at an end," and so forth. The second paragraph or section simply reserves our rights and preserves the status quo.

Mr. FLOOD. Does the gentleman contend that my amendment is broader in its scope than the Senate resolution?

Mr. ROGERS. Oh, it is infinitely broader. I tried to point out some of the respects in which it is broader.

Mr. FLOOD. I thought you said the Senate resolution.

Mr. ROGERS. The gentleman's motion goes far beyond both the Senate and the House resolution in the respects to which I have alluded.

Mr. FLOOD. I can amend that in respect to Austria-Hungary.

Mr. ROGERS. Oh, that is not the only trouble. From the first line to the last this suggestion of the gentleman from Virginia is not germane to the resolution which is pending before the House.

Mr. WINGO. Mr. Speaker, will the Chair hear me a moment?

The SPEAKER. Yes. The Chair will hear the gentleman.

Mr. WINGO. I think the Speaker will recognize the fact that the proponents of the pending resolution seek to bring about a technical as well as a peace in fact between the United States and the German Government, and that the resolution, judged both by its terms, especially the concluding part of it, and the arguments of gentlemen in support of it, seeks to save every right, and, of course, they argue that that will leave the final adjustment and recognition of those rights to the usual and proper method by which a state of war may be finished, that is, by a treaty made by the President by and with the advice and consent of the Senate.

The gentleman from Virginia [Mr. FLOOD] offers to recommit, and the fact that he undertakes to adjust by treaty certain rights and "all those matters in controversy" does not broaden what the gentlemen say their resolution covers. It specifically seeks to reserve all rights. The only thing, it occurs to me, that the Speaker has to consider is this: A resolution is offered and considered to end the war by congressional resolution. The minority contend that Congress has not the power, but that the treaty-making power is vested in the President alone acting by and with the advice and consent of the Senate. The proponents of the resolution admit that war can and is usually ended by treaty, but that Congress has jurisdiction and power also. Now, as I started to say, the only question that the Speaker has to decide is this, and frankly I am not clear about it in my own mind, but I want to offer it as a suggestion to the Speaker: Is it germane to the resolution that proposes to exercise the alleged legislative power of the House to offer as a substitute by way of the motion to recommit a resolution to request and authorize the President to conclude peace and end the war by a treaty? The proponents of the resolution admit the technical state of war may be ended by either method. Is the one proposal to end war germane to the other?

Now, it occurs to me that that is the only question. Upon that I offer this suggestion to the Speaker, that we are considering the question of peace. The major proposition is not the particular agency or method by which we will bring about an immediate peace, but it is to bring about peace. It is contended by this side that the proper, constitutional way to do it is along the beaten path of negotiation by the President of a treaty by and with the advice and consent of the Senate. It

is contended by the proponents of the proposition that it is not only lawful under the Constitution but that it is practicable and advisable to bring about peace by congressional action. That is the issue between the majority and minority. I remind the Speaker that the object of the motion to recommit is to enable the minority to have their position presented and voted upon. But, Mr. Speaker, if you accept the narrow interpretation, as you are urged to do, then you will defeat that right. The issue is clear: How to bring about peace. Two methods are proposed, but the subject matter is peace, and both methods are germane to the substantial result sought—that is, peace. They say, "Why quibble about the matter?" If that is true, the proponents of the Flood method of bringing about peace have a right to go on record in favor of that, whether you agree to it or not; and I submit that under the philosophy of the rule providing for a motion to recommit the amendment is not only germane, but that it is the only way by which the minority can exercise the right preserved to them by the rule to have its view presented and voted on. [Applause.]

Mr. STAFFORD. Mr. Speaker, if the Chair is prepared to rule, I do not wish to take up any time.

The SPEAKER. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. In the consideration of the question of germaneness the one subject for the Chair always to consider is, What is the subject matter of the resolution before the House for consideration? The subject matter in the resolution under consideration is to declare by congressional act that the state of war is at an end. It is not to direct the President by any means to negotiate terms of peace. That is foreign to the subject matter of the resolution, and every precedent that is related to this question upholds the position that such a substitute resolution as is contained in the motion to recommit is foreign, and is not sufficiently related to bring it within the scope of being germane to the subject matter under consideration.

It is not surprising that in this discussion gentlemen on the other side have not advanced any authority whatever or attempted to advance any authorities, because they would find that all the authorities are against them.

In subsection 781 of the manual the general subject of which is, "Subjects not necessarily germane because related," we find the following:

To a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality was held not to be germane. True, the two propositions were related, but they were not related to the subject matter under consideration in the bill. They had reference, of course, to Cuba, but they had no relationship sufficiently direct and akin to make the proposition germane to the resolution under consideration.

Let me read the next clause.

To a proposition for the appointment of a select committee to investigate a certain subject an amendment proposing an inquiry of the Executive on that subject was held not germane.

Why, Mr. Speaker, that might well be held to be germane if the Speaker is going to hold that this proposed motion to recommit is germane, because there was a more or less direct relationship to it, but it did not have that relevancy to the subject matter under consideration to entitle it to consideration under the rule of germaneness. Let me quote further.

To a bill granting a right of way to a railroad an amendment to provide for the purchase of the railroad by the Government was held not germane. The subject matter there was the grant of a right of way, not the railroad, or the disposition of the railroad, else it would have been held germane.

So, Mr. Speaker, this brings up for consideration a new subject matter entirely, one that has not been considered by the House, and if the resolution had been considered under the general rules and it had been offered as an amendment, any Member might have made the point of order that it was not germane. The one thing attempted in the Senate resolution, and which is attempted by the House substitute, is to put an end to the war by congressional action. The motion to recommit is to postpone that by directing or authorizing the President to negotiate peace which he has the authority to do. It must be apparent, if the Speaker will consider, that the President has the very power which is attempted by this proposal of the other side. Nothing would be gained; it would be subversive of the very end sought to be attained by the resolution if we adopt that proposal. Certainly the House should not be deprived of the fundamental right to vote on the question at issue, the termination of the war by congressional enactment, by substituting a proposal offered by the minority which would postpone the very matter at issue. That proposal is entirely foreign to the subject matter of the resolution before the House. That is to end the war by legislative action, not by delegated authorization such as a commission, or by any other means such as the President has under the Constitution.

Mr. UPSHAW. Mr. Speaker, the germaneness of the motion to recommit I think can be established by this one affirmative answer to a question put to every man in this House. Ask him what the House has been doing for the last two days, and the answer is that we have been discussing a resolution to end a technical state of war with Germany. Is not that true? As they say in old-time parlance, "I pause for a reply."

Mr. TEMPLE. Mr. Speaker, I should like to reply to the gentleman. It is not a resolution to end the war, it is a resolution to declare that the war was ended long ago.

Mr. UPSHAW. Which means the same thing, if words mean anything at all. There is one question before this House, and that is the end of the war with Germany, or a declaration that it is at an end.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. UPSHAW. I will yield most anything to my genial friend from Vermont.

Mr. GREENE of Vermont. I would wish that the gentleman would yield the point. [Laughter and applause.] I would like to ask the gentleman if there is not this difference between the two forms of resolution—the Porter resolution undertakes to give a legal sanction to an existing fact and makes that fact legal. There is no doubt or misapprehension about it; it is to declare a fact. The motion to recommit is to provide the means for finding out whether you can arrive at such a fact or not.

Mr. UPSHAW. May I reply to the gentleman from Vermont, stating my purpose beforehand—a statement that should give weight, I think, to my argument—that I expect to vote for this resolution with some mental reservations? [Applause.] I am not satisfied with all that it contains and I count it comparatively useless, but I do believe that the minority has a right to a vote concerning the method of procedure, and gentlemen on the other side must agree that the burden of the argument which has run for two days has been this—we have been dealing with two things, the fact and the method. This resolution of the gentleman from Virginia deals with the fact and the method concerning the ending of the war with Germany, and if this House denies the minority the right to express itself as to fact and to method, then we are trampling on the fundamental rights of the minority. Governmental fairness and parliamentary fairness demand that we shall give them the right to express themselves as to the fact that the war is at an end and the method by which we shall arrive at that declaration. Mr. Speaker, there is no other question before this House, and of course the motion of the gentleman from Virginia, dealing with fact and method, is logically and inevitably germane. [Cries of "Rule!" "Rule!"]

Mr. BARKLEY. Mr. Speaker, I hope the Chair will indulge me for a few moments while I call attention to one or two things which I think the Chair should and will consider in determining the point of order. The ground for the point of order, or the points of order, is that in the first place the motion to recommit is not germane to the resolution either as it was submitted by the Senate or as amended by the House, and also that it undertakes to direct or authorize the President to do something that he already has the power to do.

I desire to suggest to the Chair that this motion to recommit is germane not only to the first section of the resolution but it is also germane to the second section. Section 1 of the resolution undertakes to declare that the war growing out of the resolution passed by Congress on the 6th of April, 1917, is ended, and that a state of peace exists. The motion of the gentleman from Virginia provides that the President shall be authorized to bring about negotiations that will result in the legal end of that particular war. Section 1 and the resolution of the gentleman from Virginia all revolve around one consideration, and that is the end of the war which was brought about by the resolution of April 6, 1917. Not only that, but it has been urged by gentlemen on the other side that the amendment of the gentleman from Virginia goes further than the resolution under consideration because it takes in the allied nations. In the first place, the amendment of the gentleman from Virginia does not direct that any new treaty shall be negotiated. All it does is to authorize and request in the language of the law the President to institute negotiations with Germany, her allies, and with the allied nations, all of whom were a party to the treaty of Versailles, and the armistice, to which section 2 of this resolution refers.

Therefore, it is germane to section 2, in addition to being germane to section 1, because in section 2 we undertake to

reserve our rights in the treaty and in the armistice, to which all of the allied nations are a party, being the same allied nations referred to in the motion to recommit by the gentleman from Virginia. Therefore, it seems to me that the question as to whether we have the power to authorize the President to do this is unnecessary. That does not determine the parliamentary situation. Congress very frequently does things it has no legal power to do, and numerous decisions of the Supreme Court have attested to that fact. The question for the Chair to determine is whether the motion to recommit, authorizing and requesting the President to enter into negotiations with nations that are already parties to a treaty which is mentioned in the resolution under consideration, is germane to the resolution now under consideration, and I submit to the Chair that on both grounds the motion of the gentleman from Virginia is germane to both sections of the resolution.

The SPEAKER. The Chair will not consider the suggestions that this motion refers to the Allies of the United States and the allies of the other nations, because, as the gentleman from Virginia suggested, he could withdraw his motion to recommit and amend it and remedy that defect. The Chair will base his ruling upon the main question, and the Chair will state frankly that he would prefer to hold that it is germane, because, as he understands, those have been the two contentions, one that peace must be secured by a treaty and the other that it can be secured by declaration, and the Chair would be glad to allow both sides of that issue to be settled by a vote, and appreciates the force of the suggestion of the gentleman from Arkansas [Mr. WINGO] that a motion to recommit is intended to allow the minority to express its views. But the Chair thinks he ought not to depart from parliamentary precedent even to accomplish what the general intent of the rules of the House may have been, and it seems clear to the Chair that a resolution declaring that a war is at an end can not, if the point of order be made, be amended by the recommendation that a treaty shall be entered into. The very issue that has been made is that the House has no right to declare peace; that that is an entirely different proposition from making a treaty of peace, so different that the House has no right to do it; and that the only way to secure peace is by a treaty. Therefore the Chair feels constrained to rule that the motion to recommit is not in order.

There is another ground on which the Chair perhaps could easily base his decision, and that is the well-established rule that where the House itself has adopted an amendment, as it has in this case, then that amendment can not be stricken out by a motion to recommit, as is attempted by this motion; but the Chair prefers to base his ruling on the general proposition of germaneness. The Chair therefore sustains the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, on that last point, if I may be heard for a moment, I would not like the Chair's language to indicate that it may be taken as a precedent in respect to the last point, for the reason that I would not want to see it raised at any time in the future as a precedent. When we were preparing this motion to recommit, that question was considered by myself, and my view, and I think the views of the minority accorded with mine, was that by reason of the peculiar language of the rule itself, which does provide for the vote on this amendment, any germane motion to recommit would be in order.

The SPEAKER. The Chair does not base his decision upon that.

Mr. GARRETT of Tennessee. I so understood.

Mr. FLOOD. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. FLOOD moves to recommit the joint resolution to the Committee on Foreign Affairs, with instructions to that committee to forthwith report the joint resolution back to the House with the following amendment. Insert at the end of the second section the following:

"And among said advantages and rights so reserved, special reservation is made of the right stipulated for under said treaty of Versailles to enter into agreement with Germany and her allies, and the powers associated with the United States in the war, providing for joint disarmament."

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 254, not voting 65, as follows:

YEAS—112.

Almon	Blanton	Byrnes, S. C.	Collins
Aswell	Bowling	Byrns, Tenn.	Connally, Tex.
Bankhead	Box	Cantrill	Crisp
Barkley	Briggs	Carew	Cullen
Bell	Brinson	Carter	Davis, Tenn.
Black	Buchanan	Cockran	Dominick
Bland, Va.	Bulwinkle	Collier	Doughton
Drane	Johnson, Miss.	Mead	Sanders, Tex.
Driver	Jones, Tex.	Montague	Sandlin
Dupré	Kincheloe	O'Brien	Smithwick
Favrot	Kindred	O'Connor	Stedman
Fisher	Kunz	Oldfield	Stevenson
Flood	Lanham	Oliver	Sullivan
Fulmer	Lankford	Overstreet	Sumners, Tex.
Garner	Larsen, Ga.	Padgett	Swank
Garrett, Tenn.	Lazaro	Park, Ga.	Tague
Garrett, Tex.	Lea, Calif.	Parks, Ark.	Taylor, Ark.
Gilbert	Lee, Ga.	Parrish	Ten Eyck
Griffin	Linthicum	Pou	Thomas
Hammer	Logan	Quin	Tillman
Hardy, Tex.	London	Rainey, Ala.	Tyson
Harrison	Lowrey	Rainey, Ill.	Upshaw
Hawes	Lyon	Raker	Vinson
Hayden	McClintic	Rankin	Ward, N. C.
Huddleston	McDuffie	Rayburn	Weaver
Humphreys	McSwain	Riordan	Wilson
Jacoway	Mansfield	Rouse	Wingo
Johnson, Ky.	Martin	Rucker	Wright

NAYS—254.

Ackerman	Elston	Larson, Minn.	Ricketts
Anderson	Fairchild	Lawrence	Riddick
Andrews	Faust	Layton	Roach
Ansorge	Fish	Leatherwood	Robertson
Anthony	Fitzgerald	Lee, N. Y.	Robsion
Arentz	Focht	Lehlbach	Rodenberg
Atkeson	Fordney	Lineberger	Rogers
Bacharach	Foster	Little	Rose
Barbour	Fear	Longworth	Ryan
Beck	Free	Luce	Sanders, Ind.
Beedy	Freeman	Luhring	Sanders, N. Y.
Begg	French	McArthur	Schall
Benham	Frothingham	McCormick	Scott, Mich.
Bird	Fuller	McFadden	Scott, Tenn.
Bixler	Funk	McKenzie	Shaw
Blakeney	Gahn	McLaughlin, Mich.	Shreve
Bland, Ind.	Gensman	McLaughlin, Nebr.	Sinclair
Boies	Gernerd	McLaughlin, Pa.	Sinnott
Bowers	Glynn	McPherson	Slemp
Brennan	Goodykoontz	MacGregor	Smith
Britten	Gorman	Madden	Snell
Brooks, Ill.	Gould	Magee	Speaks
Brooks, Pa.	Green, Iowa	Maloney	Sproul
Brown, Tenn.	Greene, Mass.	Mapes	Stafford
Burke	Greene, Vt.	Michener	Steenerson
Burroughs	Griest	Miller	Stephens
Burtness	Hadley	Mills	Strong, Kans.
Burton	Hardy, Colo.	Millspaugh	Summers, Wash.
Butler	Haugen	Mondell	Sweet
Cable	Hawley	Montoya	Swing
Campbell, Kans.	Hays	Moore, Ill.	Taylor, N. J.
Cannon	Herrick	Moore, Ohio	Taylor, Tenn.
Chalmers	Hersey	Moores, Ind.	Temple
Chandler, Okla.	Hickey	Morgan	Thompson
Chindblom	Hicks	Morin	Tilson
Christopherson	Hill	Mott	Timberlake
Clague	Hoch	Mudd	Tincher
Clarke, N. Y.	Hogan	Murphy	Tinkham
Classon	Houghton	Nelson, A. P.	Towner
Clouse	Hukriede	Nelson, J. M.	Treadway
Codd	Hull	Newton, Minn.	Underhill
Cole	Hutchinson	Newton, Mo.	Vare
Colton	James, Mich.	Nolan	Vestal
Connell	Jefferis	Norton	Voigt
Connolly, Pa.	Johnson, Wash.	Olpp	Volstead
Cooper, Ohio	Kahn	Osborne	Walsh
Cooper, Wis.	Kearns	Parker, N. J.	Wason
Coughlin	Keller	Parker, N. Y.	Watson
Cramton	Kelley, Mich.	Patterson, Mo.	Webster
Crowther	Kelly, Pa.	Patterson, N. J.	Wheeler
Curry	Kendall	Perkins	White, Kans.
Dale	Kennedy	Petersen	White, Me.
Dallinger	Ketcham	Porter	Williams
Darrow	King	Pringey	Williamson
Davis, Minn.	Kinkaid	Purnell	Winslow
Dempsey	Kirkpatrick	Radcliffe	Wood, Ind.
Denison	Kissel	Ramseyer	Woodyard
Dickinson	Kleczka	Ransley	Wurzbach
Dowell	Kline, Pa.	Reavis	Wyant
Dunn	Knutson	Reber	Yates
Dyer	Kopp	Reece	Young
Echols	Kraus	Reed, N. Y.	Zihlman
Elliott	Lampert	Reed, W. Va.	
Ellis	Langley	Rhodes	

NOT VOTING—65.

Appleby	Fields	Kreider	Sisson
Bond	Gallivan	Lufkin	Snyder
Brand	Goldsborough	Mann	Steagall
Browne, Wis.	Good	Mason	Stiness
Burdick	Graham, Ill.	Merritt	Stoll
Campbell, Pa.	Graham, Pa.	Michaelson	Strong, Pa.
Chandler, N. Y.	Himes	Moore, Va.	Taylor, Colo.
Clark, Fla.	Hudspeth	Ogden	Valle
Copley	Husted	Paige	Volk
Deal	Ireland	Perlman	Walters
Drewry	James, Va.	Peters	Ward, N. Y.
Dunbar	Johnson, S. Dak.	Rosenbloom	Wise
Edmonds	Jones, Pa.	Rossdale	Woodruff
Evans	Kiess	Sabath	Woods, Va.
Fairfield	Kitchin	Sears	
Fenn	Kline, N. Y.	Shelton	
Fess	Knight	Siegel	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. STOLL (for) with Mr. GALLIVAN (against).

Mr. KITCHIN (for) with Mr. JOHNSON of South Dakota (against).

Mr. GOLDSBOROUGH (for) with Mr. SNYDER (against).
Mr. JAMES of Virginia (for) with Mr. EDMONDS (against).
Mr. DEAL (for) with Mr. FESS (against).
Mr. WOODS of Virginia (for) with Mr. SHELTON (against).
Until further notice:
Mr. GRAHAM of Illinois with Mr. SEARS.
Mr. PERLMAN with Mr. SABATH.
Mr. KIESS with Mr. TAYLOR of Colorado.
Mr. BROWNE of Wisconsin with Mr. FIELDS.
Mr. WALTERS with Mr. SISSON.
Mr. GRAHAM of Pennsylvania with Mr. STEAGALL.
Mr. VOLK with Mr. WISE.
Mr. LUFKIN with Mr. MOORE of Virginia.
Mr. SIEGEL with Mr. DREWRY.
Mr. WOODRUFF with Mr. CLARK of Florida.
Mr. MERRITT with Mr. BRAND.
Mr. PAIGE with Mr. CAMPBELL of Pennsylvania.
Mr. KNIGHT with Mr. HUDSPETH.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill——

Mr. MONDELL. Mr. Speaker, may I submit a unanimous-consent request?

The SPEAKER. The gentleman from Wyoming asks unanimous consent to submit a unanimous-consent request, which the gentleman will state.

Mr. MONDELL. I ask unanimous consent that when the House adjourns this evening it adjourn to meet on Wednesday—over Flag Day.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-night it adjourn to meet on Wednesday. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is it the thought of the gentleman to proceed with Calendar Wednesday business on Wednesday, or has he any request to submit?

Mr. MONDELL. The Committee on the Merchant Marine and Fisheries expect to bring up some business on Calendar Wednesday under the Calendar Wednesday rule.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I ask further that on Thursday the business that would have been in order on Friday last—pension business—shall be in order.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that on Thursday the business that would have been in order on Friday last be in order. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. PORTER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Obviously a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 304, nays 61, answered "present" 1, not voting 65, as follows:

YEAS—304.

Ackerman	Carter	Elliott	Hersey
Almon	Chalmers	Ellis	Hickey
Anderson	Chandler, Okla.	Elston	Hicks
Andrews	Chindblom	Fairchild	Hill
Ansorge	Christopherson	Faust	Hoch
Anthony	Clague	Favrot	Hogan
Arentz	Clarke, N. Y.	Fish	Houghton
Aswell	Classon	Fitzgerald	Huddleston
Atkeson	Clouse	Focht	Hukriede
Bacharach	Codd	Fordney	Hull
Barbour	Cole	Foster	Humphreys
Beck	Collins	Frear	Hutchinson
Beedy	Colton	Freeman	James, Mich.
Begg	Connell	French	Jefferis
Benham	Connolly, Pa.	Frothingham	Johnson, Wash.
Bird	Cooper, Ohio	Fuller	Jones, Tex.
Bixler	Cooper, Wis.	Fulmer	Kahn
Black	Coughlin	Funk	Kearns
Blakeney	Cramton	Gahn	Keller
Bland, Ind.	Crisp	Gensman	Kelly, Pa.
Blanton	Crowther	Gernerd	Kendall
Boies	Cullen	Glynn	Kennedy
Bowers	Curry	Goodykoontz	Ketcham
Brennan	Dale	Gorman	Kindred
Britten	Dallinger	Gould	King
Brooks, Ill.	Darrow	Green, Iowa	Kinkaid
Brooks, Pa.	Davis, Minn.	Greene, Mass.	Kirkpatrick
Brown, Tenn.	Dempsey	Greene, Vt.	Kissel
Burke	Denison	Griest	Kleczka
Burroughs	Dickinson	Griffin	Kline, Pa.
Burtness	Dominick	Hadley	Knutson
Burton	Dowell	Hardy, Colo.	Kopp
Butler	Driver	Haugen	Kraus
Cable	Dunn	Hawes	Kunz
Campbell, Kans.	Dupré	Hawley	Lampert
Cannon	Dyer	Hays	Langley
Carew	Echols	Herrick	Lankford
Larsen, Ga.	Montoya	Reece	Tague
Larson, Minn.	Moore, Ill.	Reed, N. Y.	Taylor, Ark.
Lawrence	Moore, Ohio	Reed, W. Va.	Taylor, N. J.
Layton	Moores, Ind.	Rhodes	Taylor, Tenn.
Lazaro	Morgan	Ricketts	Temple
Leatherwood	Morin	Riddick	Ten Eyck
Lee, N. Y.	Mott	Roach	Thompson
Lehlbach	Mudd	Robertson	Tilson
Lineberger	Murphy	Robsion	Timberlake
Little	Nelson, A. P.	Rodenberg	Tincher
Logan	Nelson, J. M.	Rogers	Tinkham
London	Newton, Minn.	Rose	Towner
Longworth	Newton, Mo.	Rosenbloom	Treadway
Lowrey	Nolan	Ryan	Tyson
Luce	Norton	Sanders, Ind.	Underhill
Lufkin	O'Brien	Sanders, N. Y.	Upshaw
Luhring	O'Connor	Sandlin	Vare
McArthur	Olpp	Schall	Vestal
McClintic	Osborne	Scott, Mich.	Vinson
McCormick	Overstreet	Scott, Tenn.	Voigt
McFadden	Park, Ga.	Shaw	Volstead
McKenzie	Parker, N. J.	Shreve	Walsh
McLaughlin, Mich.	Parker, N. Y.	Sinclair	Wason
McLaughlin, Nebr.	Parks, Ark.	Sinnott	Watson
McLaughlin, Pa.	Patterson, Mo.	Slemp	Webster
McPherson	Patterson, N. J.	Smith	Wheeler
MacGregor	Perkins	Smithwick	White, Kans.
Madden	Petersen	Snell	White, Me.
Magee	Porter	Speaks	Williams
Maloney	Pringey	Sproul	Williamson
Mansfield	Purnell	Stafford	Wilson
Mapes	Quin	Steenerson	Winslow
Martin	Radcliffe	Stephens	Wood, Ind.
Mead	Rainey, Ill.	Strong, Kans.	Woodyard
Michener	Ramseyer	Sullivan	Wurzbach
Miller	Rankin	Summers, Wash.	Wyant
Mills	Ransley	Swank	Yates
Millspaugh	Reavis	Sweet	Young
Mondell	Reber	Swing	Zihlman

NAYS—61.

Bankhead	Doughton	Kincheloe	Riordan
Barkley	Drane	Lanham	Rouse
Bell	Fisher	Lea, Calif.	Rucker
Bland, Va.	Flood	Lee, Ga.	Sanders, Tex.
Bowling	Garner	Linthicum	Stedman
Box	Garrett, Tenn.	Lyon	Stevenson
Briggs	Garrett, Tex.	McDuffie	Sumners, Tex.
Brinson	Gilbert	McSwain	Thomas
Buchanan	Hammer	Oldfield	Tillman
Bulwinkle	Hardy, Tex.	Oliver	Ward, N. C.
Byrnes, S. C.	Harrison	Padgett	Weaver
Byrns, Tenn.	Hayden	Parrish	Wingo
Cantrill	Jacoway	Pou	Wright
Collier	Johnson, Ky.	Rainey, Ala.	
Connally, Tex.	Johnson, Miss.	Raker	
Davis, Tenn.	Kelley, Mich.	Rayburn	

ANSWERED "PRESENT"—1.

Montague

NOT VOTING—65.

Appleby	Fess	Kline, N. Y.	Sisson
Bond	Fields	Knight	Snyder
Brand	Free	Kreider	Steagall
Browne, Wis.	Gallivan	Mann	Stiness
Burdick	Goldsborough	Mason	Stoll
Campbell, Pa.	Good	Merritt	Strong, Pa.
Chandler, N. Y.	Graham, Ill.	Michaelson	Taylor, Colo.
Clark, Fla.	Graham, Pa.	Moore, Va.	Valle
Cockran	Himes	Ogden	Volk
Copley	Hudspeth	Paige	Walters
Deal	Husted	Perlman	Ward, N. Y.
Drewry	Ireland	Peters	Wise
Dunbar	James, Va.	Rossdale	Woodruff
Edmonds	Johnson, S. Dak.	Sabath	Woods, Va.
Evans	Jones, Pa.	Sears	
Fairfield	Kiess	Shelton	
Fenn	Kitchin	Siegel	

So the resolution as amended was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. GALLIVAN (for) with Mr. STOLL (against).
Mr. JOHNSON of South Dakota (for) with Mr. KITCHIN (against).
Mr. SNYDER (for) with Mr. GOLDSBOROUGH (against).
Mr. EDMONDS (for) with Mr. JAMES of Virginia (against).
Mr. BRAND (for) with Mr. FIELDS (against).
Mr. FESS (for) with Mr. DEAL (against).
Mr. STEAGALL (for) with Mr. DREWRY (against).
Mr. SHELTON (for) with Mr. WOODS of Virginia (against).
Mr. COCKRAN (for) with Mr. MONTAGUE (against).
Until further notice:
Mr. GRAHAM of Illinois with Mr. SEARS.
Mr. PERLMAN with Mr. SABATH.
Mr. KIESS with Mr. TAYLOR of Colorado.
Mr. WALTERS with Mr. SISSON.
Mr. VOLK with Mr. WISE.
Mr. WOODRUFF with Mr. CLARK of Florida.
Mr. PAIGE with Mr. CAMPBELL of Pennsylvania.
Mr. KNIGHT with Mr. HUDSPETH.
Mr. GRAHAM of Pennsylvania with Mr. MOORE of Virginia.

Mr. MONTAGUE. Mr. Speaker, I voted "no." I am paired with Mr. COCKRAN. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MONTAGUE, and he answered "Present."

Mr. KENNEDY. Mr. Speaker, my colleague from Rhode Island, Mr. BURDICK, is unavoidably absent. He directed me to state that if he were present, he would vote for this bill.

The result of the vote was announced as above recorded.

On motion of Mr. PORTER, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

The SPEAKER. Without objection, the title will be amended so as to read: "Joint resolution terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America."

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COCKRAN, until June 22.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House adjourned, under the order previously made, until Wednesday, June 15, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

164. A letter from the Secretary of War, transmitting protest against the $200,000 appropriation for hydroelectric power at Great Falls, Va., being placed on the Army appropriation bill; to the Committee on Appropriations.

165. A letter from the Chairman of Federal Trade Commission, transmitting report on the profits of country and terminal grain elevators; to the Committee on Interstate and Foreign Commerce.

166. A letter from the Secretary of Commerce, transmitting request that the bill H. R. 2394, Union Calendar No. 68, regulating the salmon fishing in Alaska, be passed at once; to the Committee on the Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Washington, from the Committee on the Territories, to which was referred the bill (H. R. 6208) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the island of Hawaii, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 168), which said bill and report were referred to the House Calendar.

He also, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (H. J. Res. 153) permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes, reported the same with amendments, accompanied by a report (No. 169), which said joint resolution and report were referred to the House Calendar.

Mr. STRONG of Kansas, from the Committee on the Territories, to which was referred the bill (H. R. 6211) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, island of Oahu,' enacted by the Legislature of the Republic of Hawaii, July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu," reported the same without amendment, accompanied by a report (No. 170), which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 674) to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia, reported the same with amendments, accompanied by a report (No. 171), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, the bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a 5-year lease on the zone at Camp Funston, Kans., and for other purposes, was reported from the Committee on Military Affairs and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER: A bill (H. R. 7092) for the purchase of a site and erection thereon of a public building at Madill, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7093) for the purchase of a site and erection thereon of a public building at Marietta, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7094) for the purchase of a site and the erection thereon of a public building at Idabel, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7095) for the purchase of a site and the erection thereon of a public building at Antlers, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7096) for the purchase of a site and erection thereon of a public building at Wilburton, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7097) for the purchase of a site and the erection thereon of a public building at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7098) for the purchase of a site and the erection thereon of a public building at Poteau, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. DARROW: A bill (H. R. 7099) to provide for celebrating the one hundred and fiftieth anniversary of the signing of the Declaration of Independence by holding an international exhibition of arts, industries, manufactures, and products of the soil, mine, and sea in the city of Philadelphia, in the State of Pennsylvania; to the Committee on Industrial Arts and Expositions.

By Mr. SANDERS of Indiana: A bill (H. R. 7100) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: A bill (H. R. 7101) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment for parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

By Mr. VESTAL: A bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 7103) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. MORGAN: A bill (H. R. 7104) providing for the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 7105) to correct the status of certain enlisted men of the Navy and Naval Reserve Force, and for other purposes; to the Committee on Naval Affairs.

By Mr. LINTHICUM: A bill (H. R. 7106) to aid in stabilizing the coal industry; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 7107) authorizing the Commissioners of the District of Columbia to grade Varnum Street NW. between Fourteenth and Sixteenth Streets NW.; to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 7108) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States; to the Committee on Indian Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 7109) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within Hot Springs National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 7110) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1921; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 7111) authorizing the Secretary of War, the Attorney General, and the Secretary of the Navy,

jointly, to make settlement of damages and compensation due by the United States for infringement of radio patents connected with the prosecution of the war, and for other purposes; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 7112) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate and foreign commerce; and for other purposes; to the Committee on Agriculture.

By Mr. LONDON: Joint resolution (H. J. Res. 157) declaring the state of war between the United States and Germany and the state of war between the United States and the Imperial and Royal Austro-Hungarian Government to be at an end, and providing for the calling of an international and interparliamentary conference for the working out of a basis of world peace; to the Committee on Foreign Affairs.

By Mr. KINDRED: Resolution (H. Res. 114) for the appointment of a committee from the House of Representatives to investigate certain insurance companies; to the Committee on Rules.

By Mr. JOHNSON of Washington: Resolution (H. Res. 115) for the immediate consideration of House joint resolution 153; to the Committee on Rules.

By Mr. TINKHAM: Resolution (H. Res. 116) directing the Committee on the Census to make inquiry respecting the extent to which the right to vote is denied or abridged to certain citizens of the United States; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of California relative to the protection of American-grown hops; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Illinois regarding the relations between the State of Illinois and the United States and regarding the League of Nations, bonus for soldiers, militarism, and Federal taxes; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of California relative to the memorializing and petitioning the President of the United States and Congress to establish by proper legislation a bureau or department of publicity; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of California relative to the construction by the United States Reclamation Service or other public agency in Long Valley, Lassen County, Calif., of a unit of the Truckee-Carson project under construction by the United States Reclamation Service in Nevada; to the Committee on Irrigation of Arid Lands.

By Mr. BARBOUR: Memorial of the Legislature of the State of California relative to the protection of American-grown hops; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California relative to the establishment by the Government of a bureau of publicity; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of California relative to the extension of the franking privilege; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California relative to the rank of lieutenant general; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of California, relative to the construction by the United States Reclamation Service at Long Valley, Lassen County, Calif., of a unit of the Truckee-Carson project; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK: A bill (H. R. 7113) granting a pension to M. C. Cronk; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 7114) to remove the charge of desertion from the name of George W. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 7115) granting an increase of pension to Ellie A. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7116) granting a pension to Mary E. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7117) granting an increase of pension to Rosie Lambert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7118) authorizing the Secretary of War to donate to the city of Wilson, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7119) authorizing the Secretary of War to donate to the city of Hugo, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7120) authorizing the Secretary of War to donate to the city of Durant, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7121) authorizing the Secretary of War to donate to the city of Caddo, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7122) authorizing the Secretary of War to donate to the city of Marietta, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7123) authorizing the Secretary of War to donate to the city of Madill, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7124) authorizing the Secretary of War to donate to the city of Talihina, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7125) authorizing the Secretary of War to donate to the city of Fort Towson, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7126) authorizing the Secretary of War to donate to the city of McAlester, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7127) authorizing the Secretary of War to donate to the city of Wilburton, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7128) authorizing the Secretary of War to donate to the city of Idabel, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7129) authorizing the Secretary of War to donate to the city of Antlers, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7130) authorizing the Secretary of War to donate to the city of Poteau, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7131) authorizing the Secretary of War to donate to the city of Ardmore, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7132) authorizing the Secretary of War to donate to the city of Healdton, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. COUGHLIN (by request): A bill (H. R. 7133) for the relief of George Weiss; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 7134) granting a pension to Eliza P. Pike; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 7135) granting an increase of pension to Mary E. Holt; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 7136) granting a pension to Louisa A. Pennock; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 7137) to correct the military record of Edwin F. Chamberlin; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 7138) granting a pension to Nancy J. Whittington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7139) granting a pension to Seaborn A. Frost; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 7140) granting a pension to Catherine Rodgers; to the Committee on Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 7141) for the relief of the heirs of Henry H. Johnson; to the Committee on War Claims.

By Mr. PATTERSON of New Jersey: A bill (H. R. 7142) granting an increase of pension to Josephine C. Browning; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 7143) granting a pension to Lydia A. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7144) authorizing the Secretary of War to donate to the borough of Washington, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ROACH: A bill (H. R. 7145) for the relief of Joseph R. Lawson; to the Committee on Military Affairs.

By Mr. SINCLAIR: A bill (H. R. 7146) for the relief of J. O. Daglum; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 7147) for the relief of Henry A. Shepard; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7148) granting a pension to Kitty B. Reynolds; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 7149) authorizing the Secretary of War to donate to the town of Lineville, Iowa, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 7150) granting a pension to Margaret V. Reckard; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 7151) granting a pension to Mary F. Green; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 7152) to amend the military record of William M. Cheuvront; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1268. By the SPEAKER (by request): Petition of 3,000 citizens of the State of Iowa, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

1269. By Mr. BARBOUR: Resolution from the members of the First Congregational Church of Porterville; the members of the Church of the Brethren of Empire; the Methodist Episcopal Church of Turlock; and the California State Church Federation of Los Angeles, all in the State of California, urging a conference on the reduction of armament; to the Committee on Foreign Affairs.

1270. By Mr. BUTLER: Petition of the Washington meeting of the religious Society of Friends urging disarmament; to the Committee on Foreign Affairs.

1271. By Mr. CAREW: Petition of New York Piano Manufacturers' Association regarding daylight saving; to the Committee on Interstate and Foreign Commerce.

1272. Also, petition of Brewers' Union, No. 1, 243 East Eighty-fourth Street, New York City, urging the passage of the Mills bill (H. R. 5351); to the Committee on Labor.

1273. By Mr. COOPER of Wisconsin: Petition from the Civic Forum of Citizens of Beloit, Wis., urging the President to call an international conference for reduction in armaments; to the Committee on Foreign Affairs.

1274. By Mr. DALLINGER: Petition of the Sunday School, Hillside Union Congregational Church, Medford, Mass., favoring the calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1275. By Mr. FENN: Resolution of the General Assembly of the State of Connecticut, favoring the amendment of Senator GEORGE P. MCLEAN to House bill 4803, concerning increase in Navy appropriation; to the Committee on Appropriations.

1276. Also, petition of the vestry of St. John's Parish, of Hartford; the Congregational Church of Farmington; and the Church of Christ, Congregational, of Suffield, all in the State of Connecticut, seeking disarmament; to the Committee on Foreign Affairs.

1277. By Mr. FULLER: Petition of theaters of Rockford, Ill., opposing proposed tariff on film stock; to the Committee on Ways and Means.

1278. Also, petition of Local Union No. 82, International Hod Carriers, Building, and Common Laborers Union of America, Streator, Ill., opposing the passage of House bill 3716; to the Committee on the Merchant Marine and Fisheries.

1279. Also, petition of the military policy committee of the American Legion, indorsing the recommendation of the Secretary of War as to the strength at which the Army should be maintained and opposing recall of troops from Germany; to the Committee on Military Affairs.

1280. Also, petition of the congregation of the Third Presbyterian Church of Rockford, Ill., favoring the calling of a conference of the leading nations for the limitation of armaments; to the Committee on Foreign Affairs.

1281. Also, petition of Freedom Unit, La Salle County (Ill.) Home Bureau, favoring the passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

1282. By Mr. FUNK: Petition by Rev. R. L. Steed and congregation of Methodist Episcopal Church of Saybrook, Ill., urging the calling of a conference of the principal nations of the world for consideration of a proposition for limitation of armaments by agreement; to the Committee on Foreign Affairs.

1283. By Mr. GALLIVAN: Petition of Second Congregational Church, Codman Square, Dorchester, Mass., Rev. Vaughan Dabney, pastor, requesting world disarmament by international agreement; to the Committee on Foreign Affairs.

1284. By Mr. GOODYKOONTZ: Resolution of the Ohio-West Virginia Grow-up Council, Service Star Legion, memorializing Congress with respect to legislation in behalf of ex-service men who are disabled; to the Committee on Interstate and Foreign Commerce.

1285. Also, petition of the Women's Club of Huntington, W. Va., urging the passage of the Smith-Towner bill; to the Committee on Education.

1286. Also, petition of the First Baptist Church of Parkersburg, W. Va., urging that the President call a conference of the nations to consider the question of limitation of armament; to the Committee on Foreign Affairs.

1287. Also, resolution of the Church of the Good Shepherd, at Parkersburg, W. Va., urging that President Harding call a meeting of the nations for the purpose of considering the limitation of armament; to the Committee on Foreign Affairs.

1288. Also, resolution of the Business Men's Association of Fairmont, W. Va., relating to rates on second-class mail; to the Committee on the Post Office and Post Roads.

1289. Also, evidence in support of House bill 6724, to correct the military record of James Niece; to the Committee on Military Affairs.

1290. Also, petition of students of West Liberty State Normal School, West Liberty, W. Va., urging the passage of House bill 7; to the Committee on Education.

1291. Also, memorial of Berkeley County (W. Va.) Farm Bureau, urging the passage of the cooperative marketing bill; to the Committee on Agriculture.

1292. Also, memorial of Berkeley County (W. Va.) Farm Bureau, urging the passage of the Dowell road bill (H. R. 5693); to the Committee on Roads.

1293. Also, memorial of Berkeley County (W. Va.) Farm Bureau, urging the passage of the truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

1294. By Mr. JOHNSON of Washington: Petition of First Methodist Episcopal Church of Aberdeen, Wash., favoring an amendment to the Constitution to effect the abolition of polygamy; to the Committee on the Judiciary.

1295. By Mr. KISSEL: Petition of 135 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1296. By Mr. KNUTSON: Petitions of James Brophy, Soldiers Home, Calif.; Robert Hicks, Portland, Oreg.; John Haley, Hot Springs, S. Dak.; and George S. Raper, Two Harbors, Minn., favoring the passage of House bill 5; to the Committee on Pensions.

1297. Also, petitions of Mary B. Westnedge Auxiliary, No. 10, Department of Michigan, United Spanish War Veterans; Corporal Harold W. Roberts Unit, No. 6, United Veterans of the Republic, San Francisco, Calif; Edward S. Matthias Camp, No. 46, United Spanish War Veterans; John H. Martin, New Haven, Conn.; Auxiliary of the United Spanish War Veterans, Department of Washington and Alaska; Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, Pittsburgh, Pa.; United Spanish War Veterans, Department of New York; and Edwin B. Beckwith, New Haven, Conn., favoring the passage of House bill 4; to the Committee on Pensions.

1298. By Mr. MORIN: Petition of the Street Car Employees, Denison, No. 85; Tile Marble Helpers, Local No. 20; Stone Masons' Local, all of Pittsburgh, Pa., urging the call of a conference of nations for consideration of reduction of armaments; to the Committee on Foreign Affairs.

1299. Also, petition of the Hazlewood Christian Church; the Congregation of Christ, Protestant Episcopal; and the Social Workers' Club, all of Pittsburgh, Pa., urging the call of a conference of nations for consideration of reduction of armaments; to the Committee on Foreign Affairs.

1300. Also, petitions of the First Baptist Church of Swissvale and Christian (Disciples) Church of Homestead, both in the State of Pennsylvania, urging the call of a conference of nations for consideration of reduction of armaments; to the Committee on Foreign Affairs.

1301. By Mr. RAKER: Statement by the Chicago Air Mail Pilots, relative to the Maywood Field; to the Committee on the Post Office and Post Roads. Also, petition of Max G. Cohen, counselor at law, New York City, relative to the compensation of United States district court clerks; to the Committee on Appropriations.

1302. By Mr. ROUSE: Petition of Kentucky Press Association, signed by J. C. Alcock, secretary, protesting against the repeal of the present law on postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

1303. By Mr. RYAN: Petition of Herman William Dulberger and 17 others of New York, asking recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1304. By Mr. SANDERS of New York: Petitions of the congregations of St. Luke's Church, of Attica; Trinity Church, of Warsaw; and St. Paul's Church, of Darien Center, all in the State of New York, urging the calling of an international conference for the purpose of securing an agreement for the immediate reduction of armaments; to the Committee on Foreign Affairs.

1305. By Mr. SINCLAIR: Petition of mass meeting of citizens at Devils Lake, N. Dak., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1306. By Mr. THOMPSON: Petition of congregation of the First Lutheran Church of Leipsic, Ohio, urging proper reduction of armaments by the nations of the world; to the Committee on Foreign Affairs.

1307. Also, petition of congregation of St. John's Lutheran Church of Leipsic, Ohio, urging proper reduction of armaments by the nations of the world; to the Committee on Foreign Affairs.

1308. By Mr. TOWNER: Petition of G. S. Buchtell and numerous citizens of Coin, Iowa, asking for correction of unjust practices employed in the Internal Revenue Service; to the Committee on Ways and Means.

1309. By Mr. TREADWAY: Resolution of St. John's Church of Williamstown, Mass., indorsing the plan of calling an international conference for consideration of disarmament; to the Committee on Foreign Affairs.

1310. Also, petition of Second Baptist Church of Holyoke, Mass., in support of movement for international disarmament; to the Committee on Foreign Affairs.

1311. By Mr. WOODYARD: Petition of West Virginia Farm Bureau Federation, relative to good-roads legislation; to the Committee on Roads.

SENATE.

TUESDAY, *June 14, 1921.*

(Legislative day of Monday, June 13, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The unfinished business will be proceeded with.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute reported by the Committee on Agriculture and Forestry.

Mr. NORRIS. Mr. President, in talking with quite a number of Senators, I find that there seems to be a desire that I should see if an agreement can not be reached for a final vote on the bill.

Mr. LODGE. There should be a quorum call.

Mr. NORRIS. I thought probably those Senators who are here had better be consulted first, because we shall have to get a quorum anyway for the purpose of considering the unanimous-consent request.

Mr. SMOOT. I think we had better have a quorum and then let the request be presented. A number of Senators may desire to be heard on it.

Mr. NORRIS. The rule provides that the roll must be called after a unanimous-consent request is presented.

Mr. SMOOT. If the Senator desires to proceed in that way, I have no objection. It will not take very long to call the roll. Why not have a quorum call now?

Mr. NORRIS. With the view of seeing if an agreement can be reached for a final vote and in order to get Senators here for that purpose, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Sheppard
Ball	Gooding	McCumber	Simmons
Borah	Hale	McKellar	Smith
Brandegee	Harreld	McKinley	Smoot
Broussard	Harris	McNary	Sterling
Bursum	Harrison	Myers	Sutherland
Calder	Heflin	Nelson	Swanson
Cameron	Hitchcock	New	Trammell
Capper	Johnson	Newberry	Underwood
Caraway	Jones, N. Mex.	Nicholson	Wadsworth
Culberson	Jones, Wash.	Norris	Walsh, Mont.
Cummins	Kendrick	Oddie	Warren
Curtis	Kenyon	Overman	Watson, Ga.
Dial	Keyes	Owen	Williams
Dillingham	Ladd	Penrose	Wolcott
Ernst	La Follette	Phipps	
Fernald	Lenroot	Pittman	
Fletcher	Lodge	Poindexter	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum is present.

CIRCULATION PRIVILEGE OF BONDS.

Mr. WATSON of Georgia. Mr. President, I ask unanimous consent to call up the bill (S. 1914) to amend an act approved April 4, 1917, being an act to authorize an issue of bonds. The bill has been on the table for some days at the request of the Senator from Connecticut [Mr. BRANDEGEE] to await the return of the chairman of the Committee on Banking and Currency. Having returned, he tells me he will not object to the bill being referred to the Committee on Agriculture and Forestry. I ask unanimous consent to call up the bill for the purpose of moving that it be referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. I will say to the Senator from Georgia that if the chairman of the Committee on Banking and Currency has no objection I shall have none, but if there ever was a bill that should go to the Committee on Banking and Currency or the Committee on Finance it is this measure.

The PRESIDENT pro tempore. The Senator from Georgia moves that the bill be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution of sundry citizens of Sheridan County, Wyo., favoring the enactment of legislation creating an agricultural foreign trade financing corporation, with a capital stock of $50,000,000, to be advanced by the United States, which was referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented resolutions of the Board of Commissioners of Roads and Revenue of Bacon County; Commissioners of Roads and Revenue of Liberty County; Commissioners of Roads and Revenue of Polk County; Road Commissioners of Polk County; and the board of governors of the Tifton Board of Trade of Tifton, all in the State of Georgia, favoring the enactment of legislation to aid the States in the construction of rural post roads, which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution of the pastor and congregation of the First Methodist Episcopal Church of Galena, Kans., favoring the calling of an international conference for the purpose of discussing the question of disarmament, which was referred to the Committee on Foreign Relations.

He also presented five resolutions of sundry citizens of Kansas City, Kans., favoring the recognition of the Irish republic by the United States Government, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Golden West Lodge, No. 1216, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Salina, Kans., protesting against the enactment of a sales or turnover tax law, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition of the State public utilities commission of Topeka, Kans., praying for the enactment of legislation imposing a protective tariff on oil, which was referred to the Committee on Finance.

Mr. McLEAN presented a resolution of sundry citizens of Hartford, Conn., favoring the recognition of the republic of Ireland by the United States Government, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the congregation of the First Church of Christ of Suffield; the congregation of the Congregational Church of Farmington; the pastor and congregation of St. James Church, of Hartford; the congregation of St. Johns Parish, of Hartford; the pastor and congregation of the Greenfield Hill Congregational Church, of Fairfield; sundry members of the Immanuel Congregational Church, of Hartford; and a resolution adopted at the annual meeting of the Hartford Council of Churches, at Hartford, on June 3, 1921, all in the State of Connecticut, favoring the calling of an international conference for the purpose of discussing the question of disarmament, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Harry W. Congdon Post, No. 11, Department of Connecticut, American Legion, of Bridgeport, Conn., favoring the enactment of legislation for publishing in the press of the United States the names and addresses of all persons who claimed and received exemption from military service during the World War on the ground that they were aliens and subjects of foreign powers and denying such persons the right of American citizenship, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry members of the Woman's Board of Missions of New Haven; the pastor and congregation of Dwight Place Church, of New Haven; and the Eastern Con-

necticut Branch of the Woman's Board of Foreign Missions, of Norwich, all in the State of Connecticut, favoring the extension of relief to the suffering peoples of the Near East, which were referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial of Slocum School Alumni, of Waterbury, Conn., remonstrating against alleged mistreatment of the Armenians by the Turks, which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the Legislature of Connecticut, which was referred to the Committee on Naval Affairs, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
GENERAL ASSEMBLY,
January session, A. D. 1921.

Senate joint resolution 94, in favor of certain legislation now pending in the Congress of the United States.

Resolved by this assembly, That the Senators and Representatives in Congress from Connecticut are urged to assist in the passage of the amendment proposed by United States Senator GEORGE P. MCLEAN to House bill 4803, concerning the increase in the Navy appropriation, and that a copy of this resolution be mailed to each of the Senators and Representatives from Connecticut in Congress.

Passed Senate, State of Connecticut, June 6, 1921.
Passed House of Representatives, State of Connecticut, June 6, 1921.

STATE OF CONNECTICUT,
Office of the secretary, ss:

I, Donald J. Warner, secretary of state of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution in favor of certain legislation now pending in the Congress of the United States with the original record of the same now remaining in this office and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 10th day of June, 1921.

[SEAL.] DONALD J. WARNER, *Secretary.*

Mr. NELSON presented resolutions adopted by the Shieldsville (Minn.) Council of the American Association for the Recognition of the Irish Republic, favoring the recognition of the Irish republic, and protesting against cancellation of outstanding loans of this Government to other countries, especially of the loan to Great Britain, etc., which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of St. Paul, Minneapolis, Holloway, Appleton, Danvers, Clontarf, Hancock, Morris, Eveleth, Blakeley, Henderson, Ray, Gilbert, McKinley, Buffalo, Clements, Caledonia, Montgomery, Litchfield, Nashwauk, Adams, and Blooming Prairie, and Blooming Prairie Council, No. 22, American Association for the Recognition of the Irish Republic, all in the State of Minnesota, praying for the recognition of the Irish republic by the United States Government, which were referred to the Committee on Foreign Relations.

COLLECTORS OF INTERNAL REVENUE.

Mr. CURTIS. From the Committee on Finance I report back favorably with an amendment to the title the bill (S. 2051) to amend section 3143 of the Revised Statutes to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, and I submit a report (No. 113) thereon. I ask that the bill may go to the calendar.

Mr. KING. The Senator from Kansas is not asking for the consideration of the bill at this time?

Mr. CURTIS. No. I have merely reported the bill and asked that it go to the calendar.

Mr. KING. Let me say to the Senator that I hope he will not have the bill called up in my absence, or that he will give notice, because there will be opposition to it.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

FISHERY RIGHTS AT PEARL HARBOR, HAWAII.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 2499) to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii, reported it without amendment and submitted a report (No. 114) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 2072) to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 2073) granting a pension to Frank Dixon;

A bill (S. 2074) granting an increase of pension to Henry O. Welton;

A bill (S. 2075) granting a pension to J. B. Hicks; and

A bill (S. 2076) granting an increase of pension to Sarah Elizabeth Holton; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 2077) to amend paragraphs 4 and 5 of the act approved June 8, 1906, entitled "An act to amend section 1 of the act entitled 'An act relating to the Metropolitan police force of the District of Columbia,' approved February 28, 1901"; to the Committee on the District of Columbia.

By Mr. UNDERWOOD:

A bill (S. 2078) for the relief of the estate of C. C. Spiller, deceased; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 2079) for the relief of Edward C. Roser; to the Committee on Claims.

A bill (S. 2080) to provide for the appointment of a commission to study the utilization of materials and the waste in production, distribution, and consumption; to the Committee on Commerce.

By Mr. ELKINS:

A bill (S. 2081) to amend and reenact section 1318 of the act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes," approved March 30, 1920; to the Committee on Military Affairs.

By Mr. LENROOT:

A bill (S. 2082) amending section 22a of the act approved June 4, 1920, entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice"; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 73) authorizing the Secretary of War to enter into contracts for the purchase of fuel without regard to the current fiscal year; to the Committee on Military Affairs.

By Mr. HARRISON:

A joint resolution (S. J. Res. 74) to correct the records of certain naval and marine officers who joined the Confederate forces; to the Committee on Naval Affairs.

APPORTIONMENT OF EMPLOYEES UNDER CIVIL SERVICE LAW.

Mr. HARRELD. Mr. President, I submit a resolution providing for an investigation into certain conditions which I think should be corrected in connection with the civil service of the country. I ask that the resolution be read and referred to the Committee on Civil Service.

There being no objection, the resolution (S. Res. 92) was read and referred to the Committee on Civil Service, as follows:

Whereas the so-called civil service act provides that appointments in the departments of Government in Washington, "as nearly as the conditions of good administration will warrant," shall be apportioned among the States and Territories based upon population; and

Whereas the records of the Civil Service Commission show that the State of Oklahoma is entitled under this apportionment to 850 appointments, and that said State has actually only 263; and

Whereas from January, 1918, to the present time 527 civil service employees, accredited by the Civil Service Commission to the said State of Oklahoma, have been discharged from service by the various departments at Washington, without regard to the fact of Oklahoma's being short of its quota; and

Whereas the heads of bureaus and departments continue to discharge from the service Oklahoma civil service employees, regardless of the aforesaid law as to apportionment, thereby disregarding the aforesaid law; and

Whereas the records of the Civil Service Commission show that while the District of Columbia is entitled to 183 civil service employees it actually has 11,866; that while the State of Virginia is entitled to 968 it actually has 2,507; that while the State of Maryland is entitled to 607 it actually has 2,423; and some other States have more than their respective quotas, which shows that discrimination has been practiced by the bureaus and departments whose duty it is to properly carry out the provisions of the law as to apportionment: Therefore, be it

Resolved, That the Senate Committee on Civil Service be authorized and directed to make investigations as to the cause of this failure to carry out the provisions of the civil service act providing for the apportionment of civil service employees among the States and Territories according to population;

That the heads of the departments and bureaus in Washington be directed in making reduction in forces of employees to keep in their employ the civil service employees from States whose quota is short of the number to which they are entitled until such time as such States have their quota, having due regard to ratings as to efficiency as fixed by the Civil Service Commission;

That said Committee on Civil Service make due report to the Senate of its findings, making recommendation as to the proper method of bringing about a correction of this discrimination and fix the blame, if any, for the failure to observe this provision of the law.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. NORRIS. Mr. President, in order to get the matter submitted to the Senate so that action can be had on it, I ask unanimous consent that all debate on the pending bill shall cease to-morrow at 5 o'clock, and that after 3 o'clock to-morrow no Senator shall speak more than once or longer than five minutes upon the bill or any amendment thereto. I should like to say that I would have no objection to fixing that time for to-day. Some Senators are anxious to get away, and I would have no objection to that. In fact, I am not particularly anxious to fix any time, but I am trying to accommodate some Senators. I would be willing to have a vote taken this afternoon if unanimous consent could be had.

Mr. McCORMICK. I do not know how many Senators have left the city to celebrate Flag Day. Those who live in States conveniently situated to be reached by the Baltimore & Ohio and the Pennsylvania Railroads have very generally left the city, I think, to join in the ceremonies of the day. Personally I would rather vote to-day, but I think in the absence of those Senators it would not quite be fair without notice to do that.

Mr. NORRIS. I will say to the Senator that I talked with quite a number of Senators who do not wish to have the vote taken to-day, and that is the reason why I did not suggest to-day.

Mr. McCORMICK. Will the Senator again state his request for unanimous consent?

Mr. NORRIS. My request is that all debate on the bill end at 5 o'clock to-morrow, and that after 3 o'clock to-morrow speeches shall be limited to five minutes and to one speech on the bill and one on each amendment.

Mr. McCORMICK. That at 5 o'clock to-morrow voting shall begin on the bill and all amendments thereto?

Mr. NORRIS. Any amendment that may be pending or that may be offered.

Mr. PENROSE. And then on the bill.

Mr. NORRIS. And then on the bill.

Mr. STERLING. Mr. President, I hope it will be agreeable to the Senator from Nebraska to fix day after to-morrow instead of to-morrow. I should like to hear the debate throughout, but to-morrow I shall be engaged in a hearing so that I can not possibly attend the session of the Senate. I should like to have day after to-morrow fixed for the vote.

Mr. NORRIS. Let me say to the Senator from South Dakota that that would be perfectly agreeable to me, but there are Senators who have to leave to-morrow night and they can not be here day after to-morrow.

The PRESIDENT pro tempore. The Chair is of the opinion that the request for unanimous consent can not be submitted to the Senate until a further call of the roll is had. The Secretary will call the roll.

Mr. UNDERWOOD. Just one moment, Mr. President. Before the Chair orders the Secretary to call the roll I wish to say that Senators on the other side of the Chamber have engaged in a private conversation that we over here could not hear. I ask that the proposal for the closing of the debate be stated loud enough so that we may understand it before the roll is ordered to be called. I was perfectly willing to have the conversation to continue until Senators on the other side of the aisle could reach an agreement, but now that they seem to have accomplished that purpose, I should like to have it stated loud enough for us to understand what it is.

Mr. NORRIS. I will very gladly restate it, although I supposed it was heard by everyone present. The request is that to-morrow at 5 o'clock the Senate shall proceed to vote upon the bill, and upon all amendments that may be pending or that may be offered, to a final disposition of the bill, and that after 3 o'clock to-morrow no Senator shall speak more than once nor longer than five minutes upon the bill or any amendment thereto.

Mr. UNDERWOOD. I suppose the Senator from Nebraska means that we shall vote to-morrow not later than 5 o'clock.

Mr. NORRIS. Yes.

Mr. UNDERWOOD. I myself have no objection to the request. I do not know, however, whether my own position represents other Senators on this side. So far as I am personally concerned, I know no objection to the proposition; but before the roll shall be called I ask that the Secretary reduce the proposal to writing and read it to the Senate.

Mr. SIMMONS. Mr. President, I wish to ask the Senator from Nebraska if he will not make the day for voting Thursday instead of to-morrow? The Senator from Nebraska on yesterday consumed almost the entire day in his opening statement. It was very interesting, but the fact that it took the Senator from Nebraska so long to make his opening statement, to my mind, would raise the presumption at least that the opponents of the bill might desire considerable time in which to answer the argument of the Senator from Nebraska. I do not know how many Senators on our side of the Chamber desire to speak, but I think there are some who wish to do so. I hardly think that the hour suggested by the Senator from Nebraska will allow sufficient time for debate upon this very important matter.

It is true we discussed this question, in a general way, at the last session, but since then we have had quite a number of additions to the Senate. Besides, some of us have forgotten some of the statements which were then made in reference to the matter. It is an exceedingly important question, and I for one should like to hear it a little more elaborately discussed than it has been or would be likely to be if we should limit ourselves to to-day and a part of to-morrow for debate.

Mr. NORRIS. Mr. President, if the Senator from North Carolina will permit me, I desire to say that I realize that I took up most of the time on yesterday.

Mr. SIMMONS. The Senator took up practically all the time on yesterday in his very lucid statement.

Mr. NORRIS. There is no disposition on my part to interfere with any other Senator in discussing the bill. As I said before, I am not making this request because I have any personal desire to fix the time which I have suggested for a vote on the bill; but it ought to be stated that, so far as the debate on the pending bill is concerned, the time consumed in debate has probably been about equally divided between those who favor the bill and those who oppose it. I am rather inclined to think that those who are in opposition to legislation of this kind have taken more time than have the proponents of the bill.

Mr. SIMMONS. Does the Senator mean they have done so at this session?

Mr. NORRIS. Yes; at this session. Yesterday was not the first day on which we debated the bill.

However, Mr. President, I am perfectly willing to change the day I have suggested for a vote on the bill. I dislike to do so, however, because I know that some Senators will not be able to be here at a later date. Since I took the floor a few moments ago I have learned of one Senator who will not be here to-morrow. However, I do not know that a change in the day will make any particular difference and I should like to accommodate Senators as much as I can. Therefore, at the suggestion of the Senator from North Carolina, I will change the time I had suggested for a vote on the bill, and ask that at 5 o'clock on Thursday——

Mr. SMOOT. I suggest to the Senator to ask that the vote be taken "at not later than 5 o'clock."

Mr. NORRIS. That on Thursday at not later than 5 o'clock p. m. the Senate shall proceed to vote on the bill and the amendments pending and all amendments which may be offered, to a final disposition of the bill; and that after 3 o'clock on Thursday—and that will leave two hours—no Senator shall speak more than once or for longer than five minutes on the bill or any amendment thereto.

Mr. McCORMICK. Mr. President, I wonder if it would not be better to substitute the hour of 4 o'clock for 5 o'clock, as suggested by the Senator from Nebraska. Five o'clock is a very inconvenient hour at which to begin voting. I ask if the Senator from Nebraska will not change his request for a unanimous-consent agreement as I have suggested?

Mr. NORRIS. I am perfectly willing that the agreement shall provide for voting at 4 o'clock, and that the hour at which the 5-minute rule shall become operative shall be changed to 2 o'clock instead of 3 o'clock.

Mr. McCORMICK. Very well.

The PRESIDENT pro tempore. The Secretary will state the request for the unanimous-consent agreement asked for by the Senator from Nebraska as now modified.

The ASSISTANT SECRETARY. The Senator from Nebraska [Mr. NORRIS] asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Thursday, June 16, 1921, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Pittman
Ball	Gerry	Lodge	Poindexter
Borah	Gooding	McCormick	Sheppard
Brandegee	Hale	McCumber	Simmons
Broussard	Harreld	McKellar	Smith
Bursum	Harris	McKinley	Smoot
Calder	Harrison	McNary	Sterling
Cameron	Heflin	Myers	Sutherland
Capper	Hitchcock	Nelson	Swanson
Caraway	Johnson	New	Trammell
Culberson	Jones, N. Mex.	Nicholson	Underwood
Cummins	Jones, Wash.	Norris	Wadsworth
Curtis	Kendrick	Oddie	Walsh, Mont.
Dial	Kenyon	Overman	Warren
Dillingham	King	Owen	Watson, Ga.
Ernst	Ladd	Penrose	Williams
Fernald	La Follette	Phipps	Wolcott

The PRESIDENT pro tempore. Sixty-eight Senators have answered to their names. A quorum is present. Is there objection to the unanimous-consent agreement proposed by the Senator from Nebraska?

Mr. LA FOLLETTE. Mr. President, I think the Senate always experiences one difficulty under unanimous-consent agreements that absolutely close debate at a certain hour. If this proposed agreement could be modified so that the Senate could begin voting upon this proposition at, say, not later than 4 o'clock on Thursday and that thereafter debate should be limited under the 5-minute rule, I think it would eliminate the trouble which we always experience when 4 o'clock arrives under the usual unanimous-consent agreement that terminates debate. Amendments that have not been before the Senate previous to that time are proposed from that hour on until the bill is finally disposed of without any opportunity to explain those amendments or to debate them in any way, and we often are driven to vote upon amendments without a clear understanding of their meaning. I suggest to the Senator from Nebraska that he make the modification in his request for unanimous consent and ascertain whether it will meet with the favor of Senators.

Mr. NORRIS. Mr. President, I think every Senator realizes that the difficulty which the Senator from Wisconsin has suggested almost always arises when we enter into a unanimous agreement for a final vote. That has been the experience of the Senate. I submitted the request in the usual form. Personally I have no objection whatever to making the change the Senator proposes; but if we do make it, it will, of course, be no agreement for a final vote; it will simply mean that after a certain time, which we will agree on, speeches shall be limited to five minutes, and that there shall be only one speech by each Senator.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. NORRIS. I yield.

Mr. JONES of New Mexico. I should like to express my approval of the remarks made by the Senator from Wisconsin [Mr. LA FOLLETTE]. Heretofore on numerous occasions during my somewhat limited period of service in the Senate I have made a similar suggestion. I have never seen an occasion when there was a limit fixed to debate that we did not reach a vote within a reasonable time, and if we could limit the debate to five minutes after 1 o'clock or 2 o'clock on Thursday, I am sure that the voting would go along in regular order, and that there would be no undue delay in reaching a final disposition of the bill. I should like to concur heartily in the suggestion made by the Senator from Wisconsin and urge, if I may, that the proposed unanimous-consent agreement simply be that after 1 o'clock or 2 o'clock on Thursday debate upon the bill and all amendments thereto shall be limited to five minutes, and that no Senator may speak more than once upon the bill or any amendment; in other words, strike out the agreement for an ultimate vote at 4 or 5 o'clock and change the time for limiting debate to 2 o'clock.

Mr. NORRIS. If we strike out the provision as to the final vote, to which I have no objection if Senators want the proposed agreement framed in that way, we ought, then, to change the hour at which the 5-minute rule shall apply.

Mr. JONES of New Mexico. I am perfectly willing that that should be done.

Mr. FERNALD. Mr. President, let me suggest that the 5-minute rule shall be enforced at not later than 1 o'clock on Thursday.

Mr. NORRIS. Let me make a suggestion and see if it meets the approval of the Senate. Eliminate the provision for a final vote and confine the agreement so that after 1 o'clock on Thursday no Senator shall speak more than once nor longer than five minutes upon the bill or any amendment thereto.

Mr. McCORMICK. On any one amendment thereto.

Mr. NORRIS. Yes; any one amendment.

Mr. FERNALD. Mr. President——

Mr. NORRIS. If the Senator will permit me, that, of course, does not fix a time for a final vote, but that will bring it to a close. It will soon exhaust debate, and I think myself it would be a more intelligent way to legislate.

Mr. SMOOT. Will not the Senator make it 2 o'clock instead of 1?

Mr. McCORMICK. If we recess until 11 o'clock that day, we shall have two hours before 1 o'clock.

Mr. SMOOT. Yes; that might be done.

Mr. NORRIS. I am perfectly willing if we can have an understanding on the side that the Senate will meet at 11 o'clock on Thursday instead of 12. Suppose we put that in the unanimous-consent agreement—that on Thursday the Senate shall meet at 11 o'clock, and that after 1 o'clock on that day no Senator shall speak more than five minutes nor oftener than once upon the bill or any one amendment thereto.

Mr. FERNALD. Mr. President, I certainly do not desire to unnecessarily delay voting on this bill, but it seems to me that in a matter of such tremendous importance to the country we ought at least to have a little time to discuss this subject on the last day, which would be Thursday. If the Senator would accept an amendment making it 2 o'clock instead of 1 o'clock, I would be quite satisfied—that we recess until 11 o'clock on Thursday and begin debating at 2 o'clock under the 5-minute rule.

Mr. NORRIS. If we should take a recess until 11 o'clock, that would give the same time.

Mr. FERNALD. That was what I suggested—that we recess until 11 o'clock Thursday, and then begin the debate under the 5-minute rule at 2 o'clock.

Mr. NORRIS. We will have all day to-day and all day to-morrow, and from 11 o'clock until 1 o'clock on Thursday, without any limitation. That ought to be enough, I should think.

The PRESIDENT pro tempore. The Secretary will state the agreement as now proposed.

The ASSISTANT SECRETARY. It is proposed to eliminate the words "without further debate" and the commas and amend so as to read:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Thursday, June 16, 1921, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered——

Mr. NORRIS. No, Mr. President; the Secretary is not reading the modified agreement, as I understand it. There is no time fixed for a final vote in the agreement that is suggested; nothing at 4 o'clock.

Mr. UNDERWOOD. While I was willing to consent to the original agreement, I understand that the modification is that after 2 o'clock on Thursday the debate shall be limited to five minutes. That is all there is to the agreement.

Mr. NORRIS. Yes; and included in it is that we shall meet that day at 11 o'clock.

Mr. BRANDEGEE. Mr. President, inasmuch as the Senator from Maine [Mr. FERNALD] has suggested that there ought to be opportunity for some Senators who have not spoken at all as yet to make longer speeches, can we not make it a part of the agreement that the Senate will recess until 11 o'clock both to-morrow and Thursday? That will give an extra hour.

Mr. NORRIS. Yes.

Mr. BRANDEGEE. I understand that the Senator accepts that suggestion.

The PRESIDENT pro tempore. The Secretary will state the proposed unanimous-consent agreement as now modified.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that on the calendar days of Wednesday, June 15, and Thursday, June 16, 1921, the Senate will meet at 11 o'clock a. m.; that immediately upon assembling on the last-named calendar day the Senate will proceed to the consideration of the bill H. R. 6320, an act to regulate interstate and foreign commerce in live stock, etc.; and that after the hour of 1 o'clock p. m. on the said last-named calendar day (Thursday, June 16, 1921) no Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection to the proposed agreement? The Chair hears none, and the agreement is entered into.

ORDER OF BUSINESS.

Mr. ASHURST. Mr. President, yesterday was Calendar Monday, and a number of Senators expected the calendar to be called to consider vital subjects, but other matters arose which consumed the entire morning. It seemed to me yesterday that it would have been ungracious or ungenerous to ask for the

regular order, therefore we were deprived of Calendar Monday. If no Senator desires to address the Senate at this time on the unfinished business, I ask unanimous consent that we recur to the calendar to consider unobjected bills, say for one hour.

Mr. NORRIS. Mr. President, it seems to me, in order to protect the Senators who want to talk on the unfinished business, that I am compelled to object to taking up the calendar. I feel it my duty to keep the Senate in such a condition that no advantage can be taken of any Senator who wants to speak now, since we have made this unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. HARRISON obtained the floor.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. HARRISON. I yield to the Senator.

Mr. ASHURST. I am in sympathy with all that my belligerent friend from Mississippi is going to say, I am in sympathy with all that he has said, but if no Senator desired to discuss the packers bill, I thought we might have the calendar to transact pending matters. The Senator from Mississippi will say nothing with which I am not in accord.

Mr. HARRISON. I want to say to the Senator that I am in thorough sympathy with his proposal.

Mr. ASHURST. Yes; and I feel that we would do the country some substantial service if we could have the calendar for an hour, instead of talking of Sims and Harvey.

Mr. HARRISON. I may say to the Senator that I do not propose to talk about Sims and Harvey to-day. I want to insert in the RECORD a very remarkable editorial by the official organ of the administration, a very excellent political classic that appeared in the Washington Post of yesterday morning.

Mr. ASHURST. I am glad to hear it. Nothing that the Washington Post has printed is offensive to me. I hope the Senator will put the entire issue in the RECORD.

ACHIEVEMENTS OF THE REPUBLICAN PARTY.

Mr. HARRISON. Mr. President, with this preliminary bout out of the way, I shall read this remarkable political classic. This paper is the mouthpiece of the party that now controls the Government, and the editorial pretends to set forth the achievements of the Republican Party during the first 14 weeks it has controlled the Government.

I will read first how it begins. The editorial is headed "On the path of progress."

Of course, no Senator on the other side will controvert the proposition that this paper speaks by the card and that this is the official mouthpiece of the administration.

President Harding has been in office 14 weeks, and the stage has now arrived when it is to be expected that some party opponent will arise in his place and blandly inquire what this administration has really done.

Of course, that was penned, no doubt, because of "a guilty conscience." The Good Book says that "The wicked flee when no man pursueth."

The inquiry would not be made with a view to eliciting information, but for the very obvious purpose of creating the impression that in 14 weeks nothing has been accomplished by the party which the people of the United States last November delegated to take over the reins of government.

The truth is that much has been done in this time. Long strides have been taken along the path of progress by both the executive and legislative branches of the Government, and the record of constructive work is highly creditable. The fact that there remains so much to be done in the interests of the people does not in any way belittle the achievements to date. The latter stand not only as steps actually taken in the program of reconstruction, but also as guaranties of the administration's determination to carry out in good faith all the pledges made to the people in the recent campaign.

If called upon to enumerate some of the things done during the first three months of this administration, one would naturally include the following—

They pretend to include the following, which I shall enumerate and discuss only briefly; and if any Senator on the other side of the aisle can suggest any other achievement than those enumerated in this classic, I shall pause and invite the interruption, because if the editor of this paper forgot anything it should be included. I can not suggest any other, and I am sure that no one on this side will recall any other; but some one over there may think, even though this editorial delves into the future and classes as achievements those things that have not happened, that others should be included. The first achievement in importance enumerated is—

Enactment of an emergency tariff bill for the relief of American industry pending action upon a permanent bill.

I am quite sure that no one except the editor of this paper would pretend to claim that as an achievement of his party, because it was passed to the shame of the Republican Party, will rise in the future to plague it, and violated one of the pledges it made in the recent campaign. Even the proponents of the measure, those who championed it and stood for it, backed it because they said that it would increase the price of the farm products enumerated in the bill; and so it broke the promise that you made when you said you were going to reduce the high cost of living. Here we have the official organ of the administration displacing at the top of the list of achievements the passage of the emergency tariff bill, that placed greater burdens upon the American people in the higher costs that they must pay for the necessaries of life—higher bread, higher meats, higher sugar, higher rice, higher wool, higher shoes, higher butter and milk, and all those things that go upon the breakfast table, and all those things that the workingman must buy in order to clothe himself.

Mr. UNDERWOOD. Mr. President, if it does not interrupt the Senator too much, I should like to ask him a question. I have not kept up with the condition since the passage of the emergency tariff bill; but we were told at that time that it was going to improve conditions in agricultural and other products. Can the Senator tell us whether there has been any improvement due to that?

Mr. HARRISON. I have not heard any Senator who stood by that measure say that it has helped in the slightest. I notice that those who control the Government now, and who for a while criticized the Democratic administration for not disposing of the large surplus of wool that was on hand, the other day canceled the advertisement that they were going to sell it up in Boston; and, too, a bloc of agricultural Senators and Representatives are constantly meeting, trying to do something for the farmers of the country, because they know that they are in distress.

No ray of hope or good has come from the passage of the emergency tariff bill. The Senator remembers, and Senators on the other side remember, that the other day the distinguished junior Senator from Wisconsin [Mr. LENROOT] offered and had passed a resolution to investigate the agricultural conditions of the country, for the relief of the farmers, admitting by that resolution that the emergency tariff bill would not bring the good which its proponents said it would when they urged its passage, even to the extent of trying to throttle us by a cloture rule to put it over.

I hope that much good will come from the investigation of the committee of which the distinguished Senator from Wisconsin is the chairman, but certainly they have admitted by that, and by other acts, that the emergency tariff bill will do and has done no good. If it has accomplished anything for the farmers, I wish some Senator over there would rise in his place now and tell us what it is. Not only that, but in the consideration of that bill—and it will stand forever against the party in control, and I wonder why the editor of the paper did not cite that—when we on this side really wanted to do some good for the farmers, and allow such things as barbed-wire fencing, farming implements of every kind, sewing machines, bagging and ties, and other things which the farmer needs to produce that which he sells to be admitted into the United States free of duty, every Senator on the other side voted against it, and by the provisions of the bill there was imposed a high-tariff duty upon those things imported which the farmers need to make their products.

Mr. WATSON of Georgia. Will the Senator from Mississippi allow me to make a suggestion?

Mr. HARRISON. Yes.

Mr. WATSON of Georgia. By the postponement of the enactment of the peace resolution, which the Senate passed quite a while ago, the peach growers of Georgia, as well as the corn growers and the cotton growers and the growers of other products, not only of Georgia but of the entire South; all the fruit-producing, all the melon-producing, all of the cotton-producing areas of the South have been deprived of German potash, and it is well known that, in the case of the peach, for instance, you can not without that potash toughen it or give it the color it must have when you ship it.

Mr. HARRISON. That is true; and not only did they, in voting against that measure, impose a tariff upon potash and other fertilizers which come into this country, or would come into this country, which we desire to have come in free, but they defeated that amendment which would have resulted in great benefit to the farmers of the country. Every kind of fertilizer under the amendment they voted against would have been admitted free of duty.

When they knew from experts who appeared before the committee that the resumption of the Muscle Shoals plant to make fertilizers for the farmers of the country needed a meager appropriation to continue it, they sat in their places and refused to make the appropriation that would have redounded to the benefit of the farmers in cheaper fertilizers.

Those things are not enumerated among the achievements set forth by the Washington Post, the official organ of the administration.

But the next in importance which is enumerated in this editorial is the—

Passage of an immigration bill checking the flood of aliens to the United States, and thereby protecting American labor from unlimited competition with foreign labor.

What other Republican would claim credit for the passage of the immigration bill as a party achievement? If it had been left to Senators on this side of the aisle, we would have placed upon the statute books a real restrictive immigration bill, and the reason why it is not a real restrictive immigration bill and does not go further to protect the labor of the country against cheaper labor being brought in from abroad and our country from being flooded with undesirable immigration from foreign lands, as this editorial says, is that it was strangled by Members of the Senate on the other side of the aisle. We tried to have adopted an amendment restricting the number of immigrants coming into this country to 1 per cent, but it was voted down by Senators on the other side. I myself offered the amendment to make it 3 per cent, lowering it from 5 per cent as carried in the original bill, which the majority side favored, and that was agreed to and was finally incorporated into the law.

Yet we find that this Republican organ claims for the Republican Party the credit for passing an anti-immigration bill.

Mr. McKELLAR. We tried more than that. We tried to shut it out altogether for a limited period.

Mr. HARRISON. Yes; we tried to shut it out for a limited period. But they claim it as an achievement of the present administration. It shows how far the Republican leadership will go in order to deceive the American people.

Let us see what else is in this list of achievements. Next in order is—

Passage of necessary appropriation bills which failed in the last Congress.

The passage of appropriation bills which failed in the last Congress is cited by the official organ of the administration as a great achievement of the Republican Party in the first 14 weeks of its control.

Mr. McKELLAR. Mr. President, if the Senator will yield, neither the Army nor the Navy appropriation bill has been finally passed.

Mr. HARRISON. I was just coming to that. Neither the Army nor the Navy appropriation bill has been finally passed, and only on yesterday was the last conference report on the deficiency appropriation bill agreed to, and I do not think it has yet been signed by the President of the United States.

Mr. UNDERWOOD. I suggest to the Senator from Mississippi that possibly the official organ had doubts as to whether the party in power could pass an appropriation bill.

Mr. HARRISON. Yes; and I think that is well founded, because the distinguished Senator from Washington [Mr. POINDEXTER] for weeks and for months in the last Congress, with all the power he possessed, could not succeed in getting the naval appropriation bill passed over the objection that was made to it by Senators on the other side of the aisle.

It is incumbent upon you to pass appropriation bills. While you deserve the condemnation of the American people for your failure to pass these bills during the last session of Congress, I am glad the naval appropriation bill failed, because by Democratic votes we were able at this session by cooperating with the distinguished Senator from Idaho [Mr. BORAH] and the distinguished Senator from Wisconsin [Mr. LENROOT] and a few others on the other side of the aisle to reduce the appropriations largely and to add to the bill the disarmament amendment.

But we will see a little later on in this remarkable list of achievements that they claim the disarmament proposition as a Republican achievement.

Mr. GERRY. Mr. President, is it not true that in the last deficiency appropriation bill, which was just passed, an amendment was included to make it possible for the bookkeeping to show that the appropriation bills which were passed at this session of Congress would be charged up to the last session?

Mr. HARRISON. Yes. For the first time in the history of the American Congress, so far as I know—and it was admitted by the distinguished chairman of the Committee on Appropriations—a provision was inserted in the bill that the appropriations which were made in this session of the Congress should be charged up against the old Congress, so that they could go to the people and say, "Look at the great amount of money that was saved during the first session when the Republicans controlled the White House and the two branches of the Congress."

The bill to which the Senator from Rhode Island has called my attention—the deficiency bill—which is supposed to carry appropriations only to take care of deficiencies, is the largest in the history of the Congress, with one exception, I believe. In the good old days, in the good old Democratic days, I believe the largest appropriation carried in a deficiency bill was around $30,000,000. The two last deficiency bills which were passed by a Republican Congress carried around a quarter of a billion dollars. Not only that, but you have not confined the bills to making appropriations to meet deficiencies, as we did in the good old Democratic measures, but you create new offices in deficiency bills and make appropriations for the months and the years to come, not deficiencies at all, but to pay salaries for the year 1922.

Mr. McKELLAR. I was just about to call the Senator's attention to the fact that in this bill there is new legislation making appropriation of over $500,000 for additional clerk hire.

Mr. HARRISON. Yes; and I say to the other side that the people will find you out sooner or later. An editorial such as this will not deceive the American people.

If what I am saying is not true, I invite an interruption from distinguished Senators on the other side of the aisle. I am wondering if you approve of this article, and if you can think of some other achievement your party deserves credit for except those enumerated here.

Let us go further. The editorial states as next in importance the following:

The joint resolution establishing a status of peace between the United States and Germany has passed the Senate and is now under consideration by the House.

Fourteen weeks we have been in session. You promised to establish peace right off the reel, and yet this simple little resolution declaring a status of peace has not passed yet. Yesterday it passed the House, and yet I am wondering what the distinguished Senator from Massachusetts [Mr. LODGE], the leader of his party in this body, who is known in every nook and corner of the land, and what the distinguished junior Senator from Pennsylvania [Mr. KNOX], the author of the so-called Knox resolution, now think of their "baby." It was demolished over in the House. They did to it over there what we tried to do to it on this side of the aisle when it was before the Senate, and we had help from only one Senator on the other side, the distinguished senior Senator from Michigan [Mr. TOWNSEND].

They offered an affront to you over in the House. Yet, if the reports be true, they had the cooperation of the President of the United States. The resolution as passed by the House, it is said, met the favor of the President, and that which was passed by the Senate met his disfavor. I am wondering what you will do with that resolution when it comes back.

Mr. WILLIAMS. They mixed their babies up.

Mr. WOLCOTT. Mr. President, in view of the magic power of the President to change the sentiment of distinguished Republican Senators on the Colombian treaty, does not the Senator from Mississippi believe that when this new peace resolution comes back to the Senate perhaps the fact that the President sustains a friendly attitude toward it will change the sentiment on the other side of the aisle, and that they will accept it?

Mr. HARRISON. I have no doubt that we will see another strange political acrobatic performance, such as that evidenced by the distinguished Senator from Massachusetts, who now confronts me, in his speech made at Union College advocating, in that splendid commencement address, a strong League of Nations to preserve the peace of the world, and then the reservations he proposed in the consideration of the treaty of Versailles.

And then the other change that he made from what he had stood for in the Senate, to his present position against ratification of the treaty of Versailles with or without reservations; aye, even to the extent of publicly declaring that it should be sent to the "scrap pile."

Mr. WILLIAMS. Or any League of Nations.

Mr. HARRISON. Or any League of Nations at all. That is in keeping with a good many changes of distinguished Senators over on the other side. You remember they changed overnight on the disarmament proposition. The distinguished Senator from Washington [Mr. POINDEXTER], acting chairman of the Naval Affairs Committee, stood adamant against the disarmament amendment offered by the distinguished Senator from Idaho [Mr. BORAH], and all of his colleagues over there were with him. They would not stand for it. I understand, if newspaper reports are correct, that the Senator from Washington and his colleague on the committee, the Senator from Maine [Mr. HALE], did go to see the President and talked to him about this disarmament proposition. But they left the White House without any common understanding upon it. Their faces were downcast. The President told them he would not stand for it, so the papers said. Then suddenly, like a clap of thunder out of a clear sky, the whole crowd over there

changed, and came to the support of the distinguished Senator from Idaho.

So I imagine that again they will change their position on the so-called Knox resolution, and will now stand behind Representative PORTER and his resolution, which passed the House on yesterday.

Mr. WILLIAMS. By a tremendous majority.

Mr. HARRISON. By a tremendous majority. Now, the next enumeration of splendid achievements is:

A permanent tariff bill has been drafted by the House Committee on Ways and Means and is nearly ready for the consideration of Congress.

That is an achievement of the present administration in the first 14 weeks that it has controlled the Government. The consideration of this tariff proposition began months and months and months before the 4th of March of this year. They were having hearings all last fall and are still considering it in the House. They have that proposition over there too——

Mr. WOLCOTT. Mr. President——

Mr. HARRISON. I yield.

Mr. WOLCOTT. Does the article say that these things which are not yet finished are achievements of the Republican Party?

Mr. HARRISON. Yes; they claim these as achievements.

Mr. WOLCOTT. I am very much reminded, if the Senator will permit me, of something I read. I think it was something that old Benjamin Franklin said about the delay with which he was meeting in not being permitted to sail. The governor of the province had constantly told him the ship would sail the next day, and old Ben said he was very much reminded of the sign of King George on the tavern—always on horseback but never moving on.

Mr. HARRISON. I thank the Senator. His illustration is most appropriate. In the consideration of the tariff bill that has been cited here as an accomplishment, I should like to have the country know, too, that for the first time in the history of the American Congress one of the Members of the House, an influential member of the Ways and Means Committee, backed up by the leaders in the House—I hope not by those over here—proposes to pass a resolution to have the rates imposed in this unborn baby to begin immediately upon its report to the House from the Ways and Means Committee. I refer to the Longworth resolution. I have no doubt that in their mad effort to try to write some kind of achievement they will pass that resolution over there. I can not believe that Senators on the other side of the aisle will permit it to pass here. I am told just now that it may be three weeks or more before it is reported to the House, and yet it is claimed as an achievement of the present administration. As the Senator from Mississippi [Mr. WILLIAMS] just suggests, they are claiming an unborn child as an adult.

The next proposition is:

The President has initiated a movement looking to a conference of the great powers with a view to reduction of armament.

I wonder what the distinguished Senator from Idaho [Mr. BORAH] thinks about that proposition. Why, the country will laugh at such a suggestion of achievement for the present administration. Everyone knows, and it was no secret, that the President was against any resolution touching the disarmament proposition. When you Republicans defeated the League of Nations you killed the best plan ever offered for disarmament, and the disarmament provision would not now be in the naval appropriation bill if it were not for the untiring efforts of the senior Senator from Idaho [Mr. BORAH] and the Democratic membership of this body, and you only allowed it to pass when you knew we were going to force it on you anyhow.

The President from his actions—though I do not know what his utterances have been—has no sympathy with the movement for disarmament in this country. The Secretary of War is even talking to graduates in this country ridiculing and criticizing the plan for disarmament and saying we should not proceed until all the nations start together on disarmament. He is opposed, as well as the Secretary of the Navy, to the amendment which was incorporated in the naval appropriation bill by the distinguished Senator from Idaho. Evidently the President is now opposed to it, for the reason, if reports are true, it has been changed in conference and the House at his suggestion stands for a repudiation of your action.

Another enumeration:

Plans for funding the public debt are well in hand and a comprehensive program will be announced before long.

It will be announced just a little while before the next election, so that you can hoodwink some people just about that time, and yet that is counted as an achievement of the present administration.

Another alleged achievement:

The administration already has taken up the subject of getting the transportation system upon a satisfactory basis with a view to reducing railroad rates.

So it is claimed as an achievement of the party that there will be a reduction in railroad rates. Yet the standard bearer of the party in the last campaign pronounced as the greatest accomplishment of a Republican Congress the passage of the Cummins-Esch railroad bill. I think I saw in one of the papers the other day that the chairman of the Senate Committee on Interstate Commerce, the author of the bill in the Senate, said that neither the shippers nor the railroads were satisfied with it. If there is anyone satisfied with the Cummins-Esch railroad bill that was pronounced by Mr. Harding when a candidate for the Presidency as a great achievement, I have not seen him. Here is what President Harding said at Galion, Ohio, on August 27, about the railroad bill:

[From New York Times, Aug. 28, 1920.]

GALION, OHIO, *August 27.*

Facing a supposedly hostile crowd of 900 railroad men here to-day, Senator Harding told them the time would come when they would hail the Cummins-Esch railroad act as "the greatest forward step in all the history of railway legislation."

"Some of you do not approve," he said. "Some of you wished the Plumb plan. Let me look you in the face and let me tell you I think the Cummins-Esch Act is the expression of the conscience of a Congress which sought to give highest service to the country.

"Some day, maybe not this year, you railway workers will hail that law as the greatest forward step in all the history of railway legislation."

So that which he claimed was a great achievement last year they claim now through the official organ they are going to change and make really in the interest of cheaper freight rates. Oh that you could claim as an achievement something that would lighten the present exorbitant transportation charges.

The people of the country are not only being grinded beneath the heavy load of taxation, but prevented from shipping their products to markets because of the unusual and heavy transportation rates.

All of this is due to the passage of a measure that your party is responsible for and for which your President spoke in most laudatory terms of approval on a hundred occasions in the last campaign.

Mr. McKELLAR. Mr. President——

Mr. HARRISON. I yield to the Senator from Tennessee.

Mr. McKELLAR. I should like to have the Senator ask if there is any Senator on the floor to-day who is now pleased with the Cummins-Esch railroad bill? If there is one, I should like to hear from him.

Mr. BORAH. Some Senators on this side of the Chamber are not pleased with it, and never were.

Mr. McKELLAR. I am quite sure of that.

Mr. BORAH. However, it could not have passed Congress without support from the other side of the Chamber.

Mr. McKELLAR. I am sure that the Senator from Idaho was in the same position I was on that bill, and we both voted against it. We did not believe in it then and we do not believe in it now.

Mr. HARRISON. But the Republican mouthpiece claims as an achievement something that is going to happen in the future touching a repeal or modification of the bill he sponsored and his party colleagues framed. The only evidence I have seen on which to claim this achievement is that the President walked over one day unattended to the Interstate Commerce Commission and expressed the view privately to some employee or perhaps a commissioner that the rates should be lowered to some extent on fruits.

Oh, Mr. President, it takes more than that to remove the burdens imposed by that bill from the backs of the American people. And this false claim only accentuates the present deplorable transportation conditions for which you are responsible.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Mississippi yield to the Senator from Montana?

Mr. HARRISON. Certainly.

Mr. WALSH of Montana. Recurring to the achievement recorded with respect to tariff legislation, I am reminded that only a day or two ago the Committee on Ways and Means of the House, having despaired of reaching any agreement whatever upon the wool schedule, requested the Tariff Commission to prepare a draft for them, and were told that it would be some months before they would be able to report. Accordingly if the bill is to be reported within two or three months from the present time the Committee on Ways and Means must again undertake to frame something on the wool schedule or defer reporting the bill for at least two months.

Mr. HARRISON. What happened is just contrary to what the distinguished Senator from Utah [Mr. SMOOT] said was going to happen when the bill was being considered.

Mr. WOLCOTT. Mr. President, I notice in the reading of these achievements, these wonderful achievements, that things

are spoken of in futuro. For instance, one of the achievements is that they favor revising the railroad law, but they do not say how they are going to revise it.

Mr. HARRISON. They do not know.

Mr. WOLCOTT. No; they do not know. Another achievement is that they are at work on a tariff bill, but they do not know just yet what it will be.

Mr. HARRISON. The "best minds" will get together.

Mr. WOLCOTT. Yes; the best minds will function on that proposition and, I assume, do something as ideal as the typical Republican tariff legislation in the past.

Mr. WILLIAMS. For mutual profit.

Mr. WOLCOTT. Yes; for mutual profit. Is not this rather typical of the mental operations of those who are now in charge of the Government? I recall very distinctly, if the Senator will pardon me a moment more, that during the campaign the Republican candidate for President very frequently made some such statement as this: "I favor a revision of the revenue law, but am not at this time prepared to say how. I favor"—I recall very distinctly he said, in substance—"our entering into an association of nations, but I am not at this time prepared to say what it will be."

Now, does the Senator find anything in this editorial that indicates that that Republican state of mind or Republican process of mental operation has in anywise changed? Is it not still a case of favoring something, but they do not know just what it is?

Mr. HARRISON. It is in keeping with the very consistent policy of the present President of changing very quickly on every proposition and being just as clear as mud on all propositions.

Mr. WOLCOTT. That is to say, these gentlemen, now that they are in office, are manifesting the same mental ebb and flow that they manifested while they were candidates. Their minds are still in a state of flux. They have not yet arrived at a destination.

Mr. HARRISON. And the people of the country are rapidly waking up to the fact.

Mr. WATSON of Georgia. Mr. President, this seems to be a mosaic speech of the best contributory minds. [Laughter.] A sort of picnic basket dinner to which each brings his share of the victuals——

Mr. KENYON. Mr. President, we can not hear the joke. What is it?

Mr. SMITH. It is on the Republican Party.

Mr. WATSON of Georgia. As this seems to be a sort of contribution to a brilliant patchwork quilt, I would suggest to the Senator from Mississippi, if he will suspend his storm for a moment, that the present administration has actually put this Government in communication with a functioning body, the supreme council, which is moving armies and allotting territories and remaking the map of the world, and that while we have repudiated the League of Nations we are in an association of nations.

Mr. WILLIAMS. Quite right!

Mr. HARRISON. The next enumeration of achievement carried in the official organ is this:

> There has been material improvement in the hospitalization and rehabilitation of sick and wounded soldiers, with better conditions to come.

The arrogance of laying claim to doing something toward bettering the conditions of the disabled soldiers of the country! The only thing that has been done for the disabled soldiers or any of the soldiers, through studying their conditions has been by those on this side of the aisle. Only the other day the distinguished junior Senator from Massachusetts [Mr. WALSH] in a very eloquent speech sponsored a resolution to investigate the situation and bring about some relief. It was his resolution that was reported out of the committee and passed by the Senate.

I shall not forget the splendid fight that was made by the able senior Senator from Arkansas [Mr. ROBINSON] for a larger and increased appropriation to build hospitals for the disabled soldiers of the country. It met opposition from the other side of the aisle, and we did not obtain that which was needed and which we so much desired. It is puerile, it is sickening to see them lay claim to doing something that was sponsored and forced to passage by the Members on this side of the aisle.

Mr. GERRY. Mr. President——

Mr. HARRISON. I yield to the Senator from Rhode Island.

Mr. GERRY. Does the article from which the Senator is reading detail any of the work that has been done in revenue legislation or what has already been accomplished in the way of reducing taxes?

Mr. HARRISON. Oh, no. That is one of the things that has been promised that has not yet come about. It does not state either the object of a great conference that was held in the White House at a big dinner some two weeks ago, I believe, where the very important question was discussed of how we are going to revise the tax situation in the country and the finances of the country, at which conference, as the distinguished Senators recall, very able financiers from New York were present. The biggest bankers were there, I believe, including John P. Morgan. They would not let a little fellow in on that occasion. Only the men who are worth millions and millions and who now control and have controlled for years the policies of Wall Street could appear and get a place at that festive board.

Mr. GERRY. Mr. President, if I recollect correctly, one of the promises upon which the Republican campaign managers put the greatest stress was that they would reduce taxation. I have in my hand here the hearings before the Committee on Finance of the Senate, part 15, dated May 25, 1921. I find there that the Senator from Utah [Mr. SMOOT] asked:

> You do not believe for a moment that taxes are going to be less than they are this year for many years to come?
>
> Mr. MILLER. I am very much afraid it can not be done, Senator.
>
> Senator SMOOT. Let me say to you frankly that I think they will be increased.
>
> Mr. MILLER. I am sorry to hear that.

That, coming from one of the leaders of the Republican Party, seems to indicate that we are not going to have a reduction of taxes when the proposed new revenue law shall have been passed by the Senate.

Mr. WILLIAMS. But it must be confessed that Mr. Miller expressed regret.

Mr. GERRY. I read that.

Mr. HARRISON. Yes; Mr. Miller expressed regret, although the distinguished Senator from Utah last year in his campaign did not tell his people that the Republican Party would be unable to reduce taxes. He then stated that they were going to reduce the high cost of living; that they were going to cut down the enormous expenses of the Government; that they were going to reduce the taxes of the people. Now, however, the folks are waking up; they see that the expenditures are not being diminished, the taxes are not being reduced; that the cost of living is not being lowered; that they are in the hands of the biggest gang of reactionaries—I will not say pirates——

Mr. WILLIAMS. Profiteers.

Mr. HARRISON. Of profiteers in the country.

Mr. GERRY. Is it not parallel with the fact that in 1908, when the Republican Party won the election with a pledge to revise the tariff, after Congress assembled they said that they had not promised to revise it downward, and they proceeded to revise it upward?

Mr. HARRISON. Yes; and the very next time the people got a chance at them they drove them from power and commissioned the Democratic Party to take charge of the Government. It is also a remarkable fact in history that within less than 30 days after the succeeding Congress was organized, when the Democrats obtained control, they had passed a revenue bill and sent it over to the Senate for its consideration. The Democrats did that in less than 30 days; but here the Republicans have been considering the tariff question for 8 months; indeed, they should have gone at it sooner than that, for they have now had control of the legislative branch of the Government for 27 months.

Mr. KING. Will the Senator yield to me?

Mr. HARRISON. I yield to the Senator from Utah.

Mr. KING. May I suggest to the Senator from Mississippi that the Democrats, when they drew their tariff bill, did not suffer from an impediment from which the Republicans are compelled to suffer, namely, a flood of lobbyists who are here attempting to secure favors and to suppress legislation?

Mr. HARRISON. Yes; but how can we blame the lobbyists coming here? The President invites them to come here for conference. They are invited here, and they are swarming around here. They are being encouraged to come. So I do not blame the lobbyists so much as I do the leadership of the Republican Party that is inviting them here.

The last enumeration which this official organ gives in the list of achievements of the party is—

> A new Shipping Board has been appointed which warrants the confidence of the President and the people that it will be able to solve one of the most perplexing problems confronting the Government.

The fact that a Shipping Board has been appointed is placed in the list of achievements. It took the President 14 weeks to settle in his mind after he became President upon the head of a Shipping Board. He had, of course, from the 2d of November last year to the 4th of March, in addition to these 14 weeks, to decide on that appointment. He offered the place to the heads of the big interests of the country or to a great many of them; I will not say to all of them. He probably did not offer it to the head of the Powder Trust or to the head of the Meat Trust,

but he offered it to the head of the Standard Oil Co., and he offered it to the head of the United States Steel Corporation. Finally, perhaps he recalled seeing as he went through the country in his campaign that wonderful likeness of two distinguished Republican leaders on the bill boards of the country, and under it printed, "Let's be done with wiggle and wabble," and he thought that the author of that remarkable phrase should be compensated in some way. So he chooses as the head of the Shipping Board Mr. Lasker, who was the author of that slogan of the Republican Party—"Let's be done with wiggle and wabble," the finest and most correct characterization of Candidate Harding, as well as President Harding, that could possibly have been conceived.

Mr. President, it does seem to me that what I have read is a poor list of alleged achievements. Everything is going to happen in the future; they can say nothing about the present. I do not see why the fact was overlooked that the head of this administration made some great discoveries of some very remarkable geniuses in this country and placed them in high places. The fact could have been cited of sending George Harvey, for instance, over to the Court of St. James as a mouthpiece of the administration.

However, I promised the distinguished Senator from Arizona [Mr. ASHURST] that I would not talk about Harvey, so I will not. They could have told as another achievement the compensating of Scott Bone, who was the publicity manager of the Republican campaign committee in the last campaign, who distributed throughout the country that scurrilous and sacrilegious pamphlet and cartoon on the Immaculate Conception. He obtained his compensation. I do not know whether for that, but that was one of the services which he rendered his party, and he was compensated by being appointed governor of Alaska.

Then, too, the head of the party made a great discovery of a physician up in Ohio and saw fit to take him away from those dear people, his patients and patrons there, and to make him a brigadier general. What would the country have done if Gen. Sawyer had not come to Washington? He is going to give the people a public welfare department that will take care of all the ills of all the people for all time in this country.

Mr. WILLIAMS. Does my colleague remember that when President Wilson made an admiral out of a doctor who was already in the Navy there was very much ridicule of it on the other side of the Chamber?

Mr. HARRISON. There was.

Mr. WILLIAMS. Now when the President conscripts a civilian and makes a brigadier general of him we have not heard a word from the other side of the Chamber.

Mr. HARRISON. That is true. These are some of the achievements which might have been enumerated, but I leave this splendid political classic to Senators on the other side of the Chamber to deliberate upon, and commend it to the country as proof of Republican hypocrisy.

Mr. WATSON of Georgia. Mr. President, I hope that no Senator will object while I ask to have read at the desk a letter from a Georgia Negro, a one-horse tenant, written to the editor of my home-town paper and published in that paper in the State, of course, which in part I represent. I will ask the Secretary to read the marked letter as a kind of epilogue to the speech of the Senator from Mississippi.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

A COLORED FARMER GIVES GOOD ADVICE.

DEAR MR. EDITOR: Allow me to speak to the colored subscribers of the McDuffie Progress about the conditions we are now living in.

Instead of complaining about the condition, get busy and prepare for the future. Now is the time to fatten the pig for your next year's meat. While the grass is growing, pull grass, pull weeds. It don't take corn alone to make meat. There is more lard in trash for hogs in summer than lard in corn in winter.

Get busy! Get it out of your minds about you don't know what you are going to do. Get a move on you and show to the world what you are doing. Now is the time to prepare for the future. Plant your corn and fatten your hogs. Don't think it takes so many hogs to the family. I have six in family and I only kill two and three hogs for three years. We don't buy meat, lard, corn, nor fodder, by hustling from May until harvest time. I begin to plant as soon as the season will allow until the last of July or August 1.

I live on a little farm of Mr. W. C. Gibson's. I am cutting grain to-day and fixing to plant peas and corn. I live 12 miles from town.

I will renew my subscription soon, Mr. Editor. If this is not fixed right, please fix it. From a Georgia farmer. I lives in the forks of the creek.

MADISON EMORY.

JUNE 1, 1921.

Mr. WILLIAMS. Had we not better appoint a committee to investigate and ascertain what the writer of that letter means? We are investigating almost everything else.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed with amendments the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes, in which it requested the concurrence of the Senate.

PEACE WITH GERMANY AND AUSTRIA.

Mr. LODGE. I ask that the message just received from the House may be laid before the Senate.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Chair lays before the Senate a message from the House of Representatives, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 13, 1921.

Resolved, That the joint resolution from the Senate (S. J. Res. 16) entitled "Joint resolution repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes," do pass with the following amendment:

Strike out all after the resolving clause and insert: "That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

"SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise.

"SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

"SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of St. Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress; or otherwise."

Amend the title so as to read: "Joint resolution terminating the state war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America."

Mr. LODGE. I move that the Senate disagree to the amendments of the House and ask for a conference with the House on the disagreeing votes of the two Houses and that the Chair appoint conferees on the part of the Senate.

Mr. UNDERWOOD. Mr. President, I shall not delay the Senate at any length. I merely want to say that if I intended to vote for this joint resolution when it is agreed to—that is, to make peace by congressional action instead of by a treaty made by the President and confirmed by the Senate—I would then insist that this amendment should be acted upon by the Senate before it goes to conference. I think the condition of the joint resolution agreed to by the House is far better than when it passed the Senate. I am in thorough accord with the view expressed by the House in amending the Senate joint resolution by striking out of the joint resolution those clauses which repeal the law declaring that a state of war existed between this country and the Imperial German Government.

I never believed that anything could be accomplished by repealing the declaration of war, more than that it might be considered in the future as an apology for our going to war. Therefore I think the House joint resolution is in better form than the Senate joint resolution; but as I do not think that we should declare peace by joint resolution of Congress—a one-sided peace, a one-sided declaration—and as I do not believe that we will get anywhere by this action and think we will be absolutely driven to making a separate treaty of peace with Germany if we take this action, I shall vote against the conference report when it comes back; and I think what I say represents the views of a very large percentage of the Members on this side who voted against the joint resolution before. But if

it is only a question of those who are in favor of it, the majority party, getting together and passing a joint resolution that will not bring about effective peace relations with Germany in the end, and they insist on doing so, I see no reason why we should delay them in their efforts to reach an agreement among themselves. Therefore I shall not resist action on the joint resolution at this time.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] moves that the Senate disagree to the amendments of the House and ask for a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LODGE, Mr. KNOX, and Mr. HITCHCOCK conferees on the part of the Senate.

PROTECTION OF MATERNITY AND INFANCY.

Mr. KENYON. Mr. President, I want to ask that a bill receive consideration, not at this time, but I bring it up here to see if I can not secure a special order under Rule X for its consideration later in the session. Many Senators have told me that they wanted to be present when the bill was brought up, and I am compelled to be away for several days after the packer bill is disposed of. The bill is commonly known as the maternity bill, to which some Senators are opposed. It is Senate bill 1039, Order of Business No. 61. I want to move that this bill be made a special order for Tuesday, June 28, at 2 o'clock. That will give ample time for all Senators to understand that the bill will come up.

Mr. KING. Mr. President, does the Senator contemplate that his motion will now be passed upon by the Senate?

Mr. KENYON. I should like to have it passed upon simply to make the bill a special order. The time I mention is two weeks away.

Mr. KING. The Senator can see that there are very few Senators present. I hope he will not press the motion at this time. I should feel constrained to call for a quorum, and I do not want to do that.

Mr. KENYON. I will not press it, then, under the Senator's suggestion; but I hope the Senator will not object to having it made a special order for that time. I do not know just what the arrangement of the steering committee is; the Senator from Kansas [Mr. CURTIS], perhaps, can state; but I had understood that the coal bill was to come up next. Then, I think, it is expected that the maternity bill will follow.

Mr. CURTIS. Mr. President, the steering committee has not acted on the matter; but it was generally understood that the coal bill would be taken up next, and that the maternity bill would follow.

Mr. KENYON. I am in this situation: I have been pretty constantly in attendance here, but unfortunately for me the maternity bill apparently is coming up just at the one time when I have to be away during the session, and that is why I should like to have it made a special order.

Mr. KING. I think we can assure the Senator that we will not press it in his absence.

Mr. KENYON. I know the Senator from Utah will not, but I thought we might agree to a special order in the matter. I will say to the Senator from Massachusetts [Mr. LODGE] that I was trying to see if I could not arrange for a special order under which the maternity bill would be taken up two weeks from to-day; but I will wait until another time if the Senator from Utah is going to object. I ask the Senator, however, whether he personally will object to that? Is he not satisfied with that?

Mr. KING. I want to see what measures of importance are upon the calendar and what is in the mind of the steering committee of the Republican Party. There may be other measures upon the calendar of far greater importance than the one to which the Senator is now calling attention.

Mr. KENYON. The Senator from Massachusetts is the head of the steering committee. I do not know what the program is, but I had understood that this bill was to follow the coal bill.

Mr. LODGE. The Senator from Kansas has stated the situation. No formal action was taken; but it was understood that the coal bill would follow the packers bill, and that the maternity bill was to follow the coal bill. That was my understanding.

Mr. KENYON. There is no telling how long the coal bill will take, but I assume that it will not take all of next week.

Mr. LODGE. I shall be glad to have the bill go over, as the Senator requests.

Mr. KENYON. I do not like to ask accommodation for myself, but I understand that several Senators are to be away next week who would like to be present when the maternity bill is brought up.

UNITED STATES SHIPPING BOARD.

Mr. KING. Mr. President, several days ago I offered a resolution (S. Res. 83) relating to the Shipping Board. I asked that it lie on the table, because I hoped that at the succeeding session, or within a day or two, the chairman of the Committee on Commerce, the Senator from Washington [Mr. JONES], might consent to its being considered and passed.

I have had some conversation with that Senator, and under all the circumstances I am going to ask that the resolution be taken from the table and referred to the Committee on Commerce. I sincerely hope that the committee will give the resolution immediate consideration. Notwithstanding the fact that a new Shipping Board has been appointed, I think the information called for here is very important, and I hope the committee will give the resolution prompt consideration.

Mr. JONES of Washington. Mr. President, as I stated to the Senator, I shall take up the matter. The main thing I want to ascertain is about what time it will take to prepare the information, what the probable expense will be, and so forth, to see just what action would be justified under the circumstances. I assure the Senator that the matter will be taken up promptly.

Mr. KING. I am glad to know, if the public press is to be believed, that a new policy is to be adopted with reference to the Shipping Board; and I will suggest to the Senator, if he will pardon me for one moment, that I think the policy of the board in the allocation of ships has been most reprehensible. I think in violation of law they have refused to charter ships when they should have done so. They have discriminated in their allocations, and favorites have received a large number of ships.

Men who would have bought, my information is, have been denied an opportunity to purchase. Men who would have chartered have been denied the opportunity to charter, and allocations have been made which have involved the Government in millions of dollars of expense. Under those allocations, the persons or the corporations receiving them did not incur a single dollar's risk. They received a large percentage for operation; and, of course, the Government, in the language of the street, was holding the sack, and was compelled to meet all of the losses—and they were stupendous—that were incurred in the operation.

The policy is bad; it is in violation of law; and I sincerely hope that President Harding and the new board will pursue a policy that will avoid these tremendous losses and will, if possible, save the merchant marine. The policy we are adopting now will destroy it, as well as incur additional obligations which the taxpayers will have to pay.

The VICE PRESIDENT. The resolution will be referred to the Committee on Commerce.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	McCormick	Simmons
Brandegee	Harris	McCumber	Smith
Broussard	Harrison	McKellar	Smoot
Bursum	Heflin	McLean	Sutherland
Calder	Hitchcock	McNary	Trammell
Cameron	Johnson	Myers	Underwood
Capper	Jones, Wash.	New	Wadsworth
Caraway	Kendrick	Nicholson	Walsh, Mont.
Curtis	Kenyon	Norris	Warren
Dial	Keyes	Oddie	Watson, Ga.
Dillingham	King	Overman	Watson, Ind.
Ernst	Ladd	Phipps	Wolcott
Fernald	La Follette	Pittman	
Fletcher	Lenroot	Poindexter	
Gerry	Lodge	Sheppard	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Fifty-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment of the committee as amended.

Mr. ASHURST. Mr. President, I do not wish to discuss the pending bill, but, as I said two hours ago, we were yesterday deprived of Calendar Monday. I repeat that it seemed to me at that time ungracious and almost impolite to interfere with the debate that was going on upon various matters which Senators deemed important, but we were deprived of Calendar Monday, and unless some Senator wishes to discuss this bill, why could we not now take up the calendar for unobjected bills and run through it?

Mr. SMOOT. I will ask the Senator whether he can give us any assurance that every Monday we will not have the same kind of a speech during the morning hour?

Mr. ASHURST. I do not make threats; they are of no utility and are usually a breach of manners; but I feel that hereafter it will be my duty to insist, as I probably should have done yesterday, on the consideration of the calendar on Monday. Monday is set apart for the calendar, and it ought to be observed; so if I feel next Monday as I felt all day yesterday and feel to-day, we will have a calendar call next Monday.

Mr. SMOOT. About an hour and a half of the time this morning has been taken up in a discussion that may have pleased some, but that is certainly not enlightening to the country.

Mr. ASHURST. I desire that my party, here and elsewhere, should reap, and I am going to assist it to reap, every fair partisan advantage that we honorably can reap. I serve notice that every fair advantage we can take of the Republican Party we are going to take. It is our duty to do it, and we ought to do it.

Mr. SMOOT. Nobody objects to that.

Mr. ASHURST. I believe, however, that the best way for the Democratic Party to keep the good opinion and the esteem of the people is to do the people's business. You know, Mr. President, I have really made a success of life by being diligent, by taking care of affairs committed to my keeping—the people's affairs and my own affairs. I believe that if the Democratic Party will press forward with high courage, and assist the Republican Party in trying to pass any bills that mean the good of the country, and defeat, or try to defeat, bills that are not for the common good, our party need not worry about the elections, for we will win without serious difficulty.

Mr. NORRIS. Mr. President, if the Senator will permit me to interrupt him, under the unanimous-consent agreement I would feel in honor bound to object to taking up anything else as long as anyone desires to speak on the packer bill. The Senator from New York [Mr. WADSWORTH] is here, ready to speak on the bill, and I would necessarily have to object.

Mr. WADSWORTH. Mr. President, I am entirely willing that the calendar shall be taken up.

Mr. NORRIS. I am not willing that that shall be done, if the Senator from New York can go on now, because there will come a time when there will be several Senators who will want to go on, and they can not all get the opportunity.

Mr. ASHURST. I withdraw the request, then, if there be any Senator who wants to discuss this bill, or any other bill. But let me say to the Senator from Nebraska that he must remember that we were deprived of Calendar Monday yesterday.

Mr. NORRIS. I recognize that, and if there were no one here ready to talk on the packer bill I would not object, but I feel it to be my duty to keep anything else from coming before the Senate as long as this bill is before the Senate, if there is anyone ready to speak. If there is not, I will yield to the Senator very gladly.

Mr. ASHURST. I suppose the Chair will construe the remarks of the Senator from Nebraska as an objection; so, of course, that will prevent a consideration of the calendar at this time.

Mr. WADSWORTH. Mr. President, on yesterday, just before the close of the session, I made a few observations upon one of the details of the bill. To-day I want to make some other observations, directed entirely to the practical operation of the proposed statute, not to the court procedure, or the methods of appeal, which I do not feel competent to discuss as ably as many other Senators.

Ever since this legislation was first brought up in the Committee on Agriculture, and during all of the discussions which have taken place in the committee, and upon a former occasion upon the floor of the Senate itself, one thing has caused me a good deal of concern, and that is—and I say it with all kindness for the authors of the legislation—that there is apparently so little conception in their minds of the infinite ramifications of the proposed law.

We have fallen into the habit of discussing this bill as if it were to apply only to the five big packers, and there has been a good deal of vitriol used—I am not saying whether rightly or wrongly—in the observations made concerning their methods of doing business, and I think it is fair to say that the minds of most Senators have been running to the inquiry, What effect will this have upon the five large packers?

That part of the bill does not disturb me very much, and it never has, because I think when all is said and done and the Government undertakes regulation of the packing business, the big packers are the ones who will be best able to take care of themselves.

I have in mind, however, the ramifications of this act, not only to the so-called small packers but to thousands and thousands of people engaged in one phase or another of the live-stock industry.

This bill is entitled "An act to regulate interstate and foreign commerce in live stock and live-stock products." If it does that—and it certainly is intended that it shall do it—it will affect, directly or indirectly, every person concerned in and connected with the industry, and if we view the industry as a unit, we will find it is the largest industry in the United States. More people are engaged in it, more people are interested in it, more people are connected with it, I am quite sure, than with any other industry you can select; and they are people in every walk of life.

So, since the bill has been under discussion, I have paid especial attention to the definitions, for they are most important.

For instance, take the term "packer," as defined on page 30, line 17. It is defined as follows:

> The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce, or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

That definition of the term "packer" should be taken and considered in connection with the definition of the term "live-stock products," which is found on line 7 of the same page, as follows:

> The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer.

The discussions in the committee very clearly brought out the fact that the authors of the bill intend by this bill, and under these two definitions, to have these regulatory provisions apply to the packer as we know him, as he is generally considered; that is, a large concern engaged in purchasing animals, slaughtering them, selling the food products, and processing the by-products to a greater or less degree. That, I think it is fair to say, is the conception of the authors.

But I venture to state the definition goes infinitely beyond that. It may be somewhat of a surprise to Members of the Senate to hear me or any other person make the assertion that this will apply to a very large proportion of the retail butchers of the country. The retail butcher in many, many instances slaughters animals for himself. Go into the ordinary country village, of which there are thousands in the United States, and you will find that while the retail butcher customarily obtains a part of his beef from the refrigerator car, which visits the town about once a week, he also purchases from time to time live animals from the farmers in the vicinity. Particularly is that so with respect to calves. He will buy veal calves from the farmers in the vicinity; he will buy fat cows; he will buy young fat heifers; he will buy lambs and hogs, slaughter them himself, and sell the meat in the community. Up to that point he is not engaged in interstate commerce.

But the hides which are taken from those animals which he slaughters and the offal and the bones which are taken from those animals he sells to agents who travel the country picking up hides for tanneries, picking up bones for fertilizer manufacturers, and other by-products for other manufacturers; and he sells those by-products to these other people, and they move in interstate commerce. He thereupon becomes a packer under the terms of this bill as I read it. He can be numbered by the thousands. I do not believe the authors of this bill meant to include them; at least I have difficulty in believing it.

I urged these things upon the Committee on Agriculture, and am compelled to confess that my views were overwhelmingly outvoted. I offered an amendment in the committee itself which, I believe, if adopted, will confine the operation of this law to those concerns which the authors of the bill have said all along were the only ones they want to reach; that is, the packer in the ordinarily accepted sense of that term.

The amendment which I offered in the committee I offered yesterday and asked to have printed. To my mind it is vital. It would go in on line 9, page 30. It would strike out the words "and owned or controlled by a packer," and substitute the words "and used for food," so that the definition of "live-stock products" would read.

> The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and used for food.

That would regulate the big packers in everything they do in the slaughter of animals and distribution and sale of food derived from the animals. It is true it would not regulate them in the manufacture of glue. Why we should regulate the manufacture of glue I do not know.

It would not regulate them in the manufacture of brushes, the bristles of which are a by-product of the slaughtered hog.

It would not regulate them, it is true, in the manufacture of pepsin, which is an important by-product derived from the slaughter of animals.

I have never heard of any grave complaint, arising from any source, concerning the methods of the manufacture, distribution, and sale of glue, pepsin, brushes, or buttons, which are made from bones, and various other things.

It can not be denied there has been complaint from various sources, which I think myself has been very much exaggerated, relating to the operations of the packer, as we know him, in the ordinarily accepted sense of the term, in the handling of meat food products and in the purchase of animals from which those food products are derived.

If the definition of "live-stock products," together with the definition of "packer"—and they must always be linked together—remain as they are in the bill to-day, this bill is going very far beyond the real intentions of its authors. It will affect not only the big packer, but it will affect, I believe, the overwhelming majority of retail butchers.

The bill, besides that, of course, affects the commission men in the stockyards. The commission man acts as the agent of the owner of the cattle who desires to sell them.

When you regulate the agent, you are regulating the owner. It is inevitable. By indirection, at least, you are going to regulate the entire process of conducting the live-stock business, from the buying of the animal to the table, the biggest undertaking of its kind, I think, ever proposed in time of peace, so large that it will inevitably break down of its own weight unless the Government is willing to appropriate millions and millions of dollars in following up and regulating all these transactions, calling for reports from all these little people—I use that phrase as descriptive of these men engaged in the business upon a very small scale as contrasted with those who are engaged in it upon a very large scale—getting reports from them, access to all their records, all their books and all their papers, issuing regulations as to what they may do and what they may not do, when they shall do it and when they may not do it. The thing has infinite ramifications, and from the very beginning of the discussions which have been going on now for two or three years it is that element of the situation that has alarmed me.

I spoke yesterday of the use of the word "trader" in the bill. That is found in the definition of the term "operator," as follows:

> The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce and any trader or commission man or other person performing services wholly or partly in commerce.

And so forth.

It is very clear that the definition, so far as it applies to the trader, does not reflect the wishes of the author of the bill. He and all the authors and backers of the bill desire the trader regulated. As the paragraph reads, only the trader who performs a service can be regulated and no traders perform service.

But let us look into the matter of regulating the trader and see where we go.

There is no definition here of the word "trader." Any man who buys and sells cattle is a trader. If he does it in connection with a stockyard or at a stockyard, he will be regulated, according to the wishes of the author of the bill. Now, let us see where this goes and make up our minds, if we can, whether we want to follow so far along that road.

Every Senator who has lived in the country at all and has come in contact with the agricultural business and the live-stock business knows that through every agricultural section there travel men who go to the farmers and purchase direct from them sheep and cattle and hogs. They pay them cash; make it a business to buy the live stock outright and themselves ship it to market, generally—in fact, in practically all cases—accompanying the live stock to market. They then sell the animals which they have purchased from the farmers. They do it in or in connection with the stockyards. They trade in cattle. They trade in sheep. They trade in hogs.

They are traders; and yet, under the provisions of the bill, it is intended that the Secretary of Agriculture is to regulate every transaction they enter into, follow them out into the country, all over this broad land, and insist that they keep certain sorts of records, keep their books in a certain fashion, or at least call upon them for reports from time to time. All their methods and practices are to be subject to the regulation of the Secretary of Agriculture or the Federal live-stock commissioner merely because they happen to be in the business of buying and selling live stock. They can be numbered by the thousands. I brought this matter up in the committee, but so anxious were the authors of the bill to include traders as they know them in the yards that they were unable to agree upon any modification of the term or the word "trader" or any definition to be given to it.

This matter is of immense importance. I know a good many of these men. They are entirely reputable persons. None ever become millionaires. They do exactly the same kind of business as those men who go about the country buying vegetables and shipping them to the city markets to be sold, buying eggs and shipping or bringing them into Washington on trucks and selling them in the municipal market, buying wheat or buying anything that is grown that has any value. Their influence in the live-stock industry is tremendous when taken in the aggregate. They do a great good to the industry. Their willingness to buy the animals on the farm and ship at their own risk to the markets and there sell them relieves thousands of farmers from the necessity of taking that risk.

Mr. CARAWAY. Will the Senator permit an interruption?

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. Certainly.

Mr. CARAWAY. I do not understand that a man who buys cattle from a farmer and ships to market is a trader within the view of the bill at all, because in order to be a trader he must handle the live stock in commerce, and "in commerce" has been defined to be after they become a part of the process of marketing in interstate trade.

Mr. WADSWORTH. He does handle the live stock in commerce. He himself ships it.

Mr. CARAWAY. Not within the definition of the word "trader," if the Senator will read it in that connection. It says:

> And any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

He is simply shipping to some one who handles it there, which does not make him a trader at all, as I understand the definition. It is the man who stays in the stockyards and who buys from people who ship live stock there and whose transaction is wholly within the stockyard who is the trader; but the man who goes out and buys from the farmer and ships to the stockyards is not a trader within the definition of the bill.

Mr. WADSWORTH. May I remind the Senator there is no definition of the word "trader"?

Mr. CARAWAY. "Trader" is defined by the very restriction placed upon it. It is the man who performs services in commerce wholly or in part in or in connection with a stockyard.

Mr. WADSWORTH. With respect to live stock handled in or in connection with the stockyard always?

Mr. CARAWAY. Yes. That defines a trader. It does not mean a man who buys a cow from his neighbor and ships it to market, but a man who has connection with the stockyard and who buys and sells there. It defines the man.

Mr. WADSWORTH. Does the Senator mean "buy and sell" or "buy or sell"?

Mr. CARAWAY. I think if he did either in connection with the stockyard he would be a trader, but not that he is a shipper of cattle to the market and a seller on the market, but is somebody who is a trader in the stockyards.

Mr. WADSWORTH. Of course, this man operates in the stockyards every week.

Mr. CARAWAY. It never did occur to me before, and it does not yet occur to me that that is so.

Mr. WADSWORTH. I know that it did not occur to some Senators, but it has been occurring to me all along. We have to be very careful in these definitions or we go much further than we really intend to.

Mr. CARAWAY. What does it mean by saying this, if the Senator will pardon me further:

> Any trader or commission man—

It may be one and the same person—

> or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with the stockyard.

The term "in commerce" has been defined in the bill itself.

Mr. WADSWORTH. Interstate commerce. I think it means just what I recited. I can not see any other meaning to it.

Now, Mr. President, that paragraph of the bill, as I am informed, does not yet meet the approval certainly of the Senator from Wyoming [Mr. KENDRICK]. I pointed out yesterday, as I did a moment ago very briefly, that traders do not perform services in the accepted sense of the term.

Mr. KENDRICK. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Wyoming.

Mr. KENDRICK. I wish to say to the Senator from New York that that definition could be easily corrected by an amendment to read:

Whose principal business shall be buying and selling live stock within the stockyards.

Mr. WADSWORTH. May I ask the Senator a question? He has a copy of the bill before him. My amendment is to strike out the words "trader or," so that it would then read:

And any commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

Does not the phrase "other person" bring in the very people whom the Senator thinks should be brought in?

Mr. KENDRICK. It is possible that it might, but it would seem in one way to eliminate them altogether. Undoubtedly, as the Senator from Arkansas [Mr. CARAWAY] pointed out yesterday, they are a very essential factor in the handling of trade through these yards and should be included. As I stated yesterday, they consider themselves to be a part of the stockyard agencies.

Mr. WADSWORTH. Yes; they do. I do not deny that.

Mr. KENDRICK. What could be the objection, if I may ask, to specifying definitely in the way I have suggested?

Mr. WADSWORTH. If the Senator wishes to add another definition to the bill, defining the term "trader," then, of course, there is no objection from my standpoint. I think it is unnecessary, because if my amendment were adopted it would read:

And any commission man or other person performing services.

If we attempt a definition of the word "trader," we are going to get into trouble.

Mr. CARAWAY. May I ask the Senator a question? If he is correct in his statement that a trader performs no service, and no one is included except a person who performs some service, then the term "trader," as I understand it, is out of the bill, anyway?

Mr. WADSWORTH. Yes; the trader I just described, anyway.

Mr. CARAWAY. Then there would be no occasion to amend it, because he is not involved. The Senator says he performs no service.

Mr. WADSWORTH. I said a moment ago, if the Senator will permit me, that the Senator from Wyoming had told me in private conversation, after our little colloquy of last night, that he did want to include the traders, whether they performed services or not, as I understand it. If they are not performing services, I do not see why anyone should wish to regulate them. Why does the fact that a man buys and sells cattle for himself on his own account make him subject to Government regulation? Why not regulate any man who buys and sells anything anywhere? What is the idea of regulating you or me because we happen to buy and sell live stock? So long as we do it on our own account, not representing anybody else, with no responsibility of a fiduciary character, why should Uncle Sam regulate us? If the man who buys and sells cattle on his own account ought to be regulated, why not the man who buys and sells vegetables in a market on his own account? That is the point I can not see.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from New York yield further to the Senator from Arkansas?

Mr. WADSWORTH. Certainly.

Mr. CARAWAY. If we are to regulate the stockyards and the transactions that occur there, and thereby have same manner of control over the food that passes through the packers' hands, and if we are to have some free agent there, why can not all the rest of them withdraw from that particular line and he be absolutely the master of the situation and apportion the live stock to the packers as he sees fit?

Why should he not become in fact the purchasing agent of every packer in America and control the industry by apportioning the product? If it is proposed to leave him an absolutely free agent to buy and sell as he pleases in the stockyards and to regulate everybody else, he will then become the one man who has the whole industry in the hollow of his hand, will he not?

Mr. WADSWORTH. No. From my knowledge of the business, I can not conceive of any one man having the industry in the hollow of his hand. That is a stretching of my imagination to the breaking point. I do not understand that the authors and friends of the pending bill insist that because a man buys cattle for himself, whether he be a packer or a retail butcher in the country or a so-called trader in the yards, he should for that reason be regulated.

Mr. CARAWAY. If the Senator will pardon me, there is no effort to regulate the retail butcher.

Mr. WADSWORTH. It is proposed to be done under this bill.

Mr. CARAWAY. I beg the Senator's pardon. If the Senator will read the bill, he will find that the only man who is proposed to be regulated by it is the man who prepares the products of live stock for commerce, and commerce is defined to be interstate shipping and selling.

Mr. WADSWORTH. But does not the retail butcher prepare live-stock products for commerce?

Mr. CARAWAY. Oh, he sells it locally; but that is not commerce, for commerce is defined in the bill to be the selling interstate.

Mr. WADSWORTH. Yes; but do not the hides which he collects from the animals go into interstate commerce?

Mr. CARAWAY. He does not become a dealer engaged in interstate commerce.

Mr. WADSWORTH. But he sells them in interstate commerce.

Mr. CARAWAY. But he is not a packer, even though he sells hides, because the hide is a by-product, and the by-product is not proposed to be controlled by this bill further than that it is the property of the packer. Because a butcher sells hides in interstate commerce does not make him a packer. He must be a packer before he can be regulated, and a packer must be a man who prepares meats for interstate shipment.

Mr. WADSWORTH. The bill reads:

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce.

Mr. CARAWAY. It is necessary to go back and consider the definition of the word "commerce."

Mr. WADSWORTH. The commerce must be interstate commerce; that is all. If the by-products which are shipped and sold by the butcher pass into interstate commerce as the result of that sale that butcher is a packer.

Mr. CARAWAY. The by-products to be controlled at all must be the property of a packer.

Mr. WADSWORTH. Yes.

Mr. CARAWAY. But the by-product is regulated only when it is the property of a packer.

Mr. WADSWORTH. The retail butcher is a packer because he is a "person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce, or of marketing live-stock products" as a business. If the word "and" were substituted for the word "or" it would be very different.

Mr. KENYON. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Iowa.

Mr. KENYON. I wish to suggest that if this bill, as the Senator from New York contends, regulates the retail butcher, it would be a matter of a good deal of joy to the former Senator from Illinois, Mr. Sherman, who made a very long and loud speech here against the bill. One of the contentions he made was that it did not touch the retailers and that we were afraid to regulate them. There seems to be some difference of opinion as to what the provisions of the bill really mean.

Mr. WADSWORTH. I have been discussing the bill as it is printed; and the definitions as printed in the bill, according to my understanding of the English language, certainly make the retail butcher, if he sells anything out of his shop into interstate commerce, a packer.

Mr. KENYON. Mr. President, if there were really some way of getting after the retail butcher I should be very glad, and if this bill does do that it is a stronger bill than I had supposed.

Mr. SMOOT rose.

Mr. KENYON. The Senator from Utah was also one who complained that the proposed legislation had nothing to do with the retailers and that the retailers were the real profiteers.

Mr. SMOOT. Mr. President, it has been shown as to the retailers that in many cases their profits are more than the profits from raising the cattle, the commission for selling them, the railroad transportation, and all that the packer makes, including all the expense of slaughtering and every other incidental expense from the time that the calf is born until it reaches his slaughterhouse. It has been shown that the retailer makes more profit in many cases, so far as the ultimate consumer is concerned, than do all others combined who are connected with the production and handling of meat.

Mr. WADSWORTH. That is true.

Mr. SMOOT. Why, therefore, should not the retailer be regulated if we are going to regulate anybody, if the regulation

proposed in the bill is designed to make meat and meat products cheaper to the consumer? We may pass all the packer bills we please, but if we allow the retailer to go on in the way he is now going, meat will never be any cheaper unless the retailer is regulated.

I have here in my desk now my accounts of the prices which were charged me for meat back in 1912, 1913, 1914, and 1915, and they show that to-day the retail price of meat in some cases is almost double what it was in those years. It is as to the retailer that regulation is needed, if the general public are going to get any benefit.

Mr. WADSWORTH. Of course I can agree with the observations which the Senator from Utah has made relative to the profit of the retailers and of the packers themselves, as we ordinarily understand the term; but I am interested to know whether the Senator from Utah and the Senate as a body really intend to regulate all the retail butchers in the United States?

Mr. SMOOT. I can say to the Senator that, so far as the Senator from Utah is concerned, he does not expect to do that, nor is he in favor of it.

Mr. WADSWORTH. The Senator from Utah does not expect that?

Mr. SMOOT. No; the Senator does not expect that the retailers shall be regulated, and he does not think Congress would pass a law to that effect.

Mr. WADSWORTH. I merely drew attention to the situation.

Mr. KENYON. But the Senator from Utah has just stated that he thinks they ought to be regulated. I do not claim that the pending bill does regulate them; I do not think it does; but if the retailers ought to be regulated, why does the Senator object to regulating them?

Mr. WADSWORTH. Of course, if we can think of anyone else to regulate, let us put them in.

Mr. KENYON. If we could regulate a few profiteers it would be a good thing.

Mr. WADSWORTH. Let us regulate all the grocers, all of the dry-goods people, and all of the butchers.

Mr. SMOOT. If we are going into the regulation of business, there is not any question that there are industries in this country which need regulation a great deal more than does the packing business, because I say now—and I can demonstrate it beyond the question of a doubt—there is not an industry in all the world that sells on a smaller margin of profit on turnovers—that is, on every sale—than the packers. It is a marvelous business in its efficiency. There is no other business in all the world that is more efficient. I do not for the life of me see how it is possible for them to conduct their business and only get the small profit that they do out of their turnovers.

Mr. WADSWORTH. The theme of my discussion thus far has been the ramifications of the industry; that is all. I am not discussing the practicability of regulating the so-called big packer. We all know what we mean by the "big packer"; but I find in discussing this matter with Members of the Senate that they do not know anything about the ramifications of the live-stock industry. I have heard utterances and discussions upon the floor and in committee also that illustrate—and it is not at all strange, for very few Senators are familiar with the industry—an entire misunderstanding, a lack of comprehension of what the live-stock industry is, how it is carried on, and what its ramifications are. It is a very easy thing for a Senator or a group of Senators to sit down with perfect confidence, draft a bill, put in definitions, and say, "That is what we are going to do to the big packer"; but they will wake up later on and find that they have done it to hundreds of thousands of people who are not big packers at all.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. WADSWORTH. I yield.

Mr. FLETCHER. One of the difficult things, it seems to me, about the bill—and I am not sure that it can be overcome—is that it proposes a plan, as is contended, to advance the interests of the producer and increase the price of the producer's product and at the same time advance the interests of the consumer and lower his price. That is a very hard problem, it seems to me, to solve in the same bill—to help the producer and to help the consumer at the same time.

The Senator from Utah [Mr. SMOOT] mentioned conditions as to retail prices which indicate that retail prices are not very much affected by the price which the retail merchant has to pay to the wholesaler for meat; in other words, the packer's profit seemingly on the animal when he sells to the butcher does not enter very largely into the determination of the amount which the consumer must pay to the butcher for the meat. There undoubtedly is one of the great problems—the profits that appear to be made, the toll taken by the handler of the animal between the time of slaughter and the time when it reaches the consumer. I am not sure that this bill will accomplish very much in that regard; but, at the other end of the problem, will it enhance the price or broaden the market of the producer of the animal? That is the main question, it seems to me, and whether that result can be accomplished under this proposed legislation is quite important for us to consider.

Mr. WADSWORTH. Mr. President, I have no confidence that any law passed by Congress, no matter how carefully contrived, will raise the price of live cattle and reduce the price of meat at one and the same time. So far as relative prices are concerned, the relation of the live-cattle price to the dressed-meat price, I do not think this bill will have the slightest effect upon them. I think it is going to result in increasing the cost of doing business. I think it will rob the business of certain elements of elasticity and of promptness in responding to ever-changing economic conditions under the law of supply and demand, for wherever the Government lays hand upon a business and imposes regulations it takes away from the thousands and thousands of persons engaged in that business, to a certain degree at least, liberty of action.

It tends to put a strait-jacket upon them, to confine them to certain defined, well marked-out channels, from which they are not allowed to depart, save as the Government upon appeal or upon hearing will permit. We tried all of these things during the war. We regulated from top to bottom businesses which have always been considered private, and I think that the great majority of those engaged in any of those businesses rejoiced when the Government's hand was taken off.

Mr. KENDRICK. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Wyoming.

Mr. KENDRICK. I wish to ask the Senator from New York, does he recall the fact that for some months during the war the stockyards were under Government supervision?

Mr. WADSWORTH. I knew the commission men were.

Mr. KENDRICK. The entire stockyards were under the supervision of the Bureau of Markets. I desire to ask the Senator, further, if he does not know that during that time there was conducted in the yards the largest volume of business that had ever been transacted during their whole history; and, furthermore, that in some cases the commission men and in one or two instances one of the great packers, highly commended the work of the Government officials in their supervision of the yards?

Mr. WADSWORTH. Certainly the Senator would not say that the heavy runs of live stock to the stockyards during the war were due to Government regulation. Were they not due to the fact that cattle reached 18 cents a pound on the hoof?

Mr. KENDRICK. That feature of the situation, I think, is in a way important. It is a fact that has to do with the statement that the Senator made as to the interferences of this so-called strait-jacket system. No difficulty whatsoever was developed, and no inconvenience that I ever heard of, in connection with the supervision of the Government during that time.

Mr. WADSWORTH. Certainly the Senator remembers the bitter complaints made by the live-stock producers as to the effects of Government regulation. Does the Senator remember the bitter complaints made by the hog producers? They swarmed here to Washington to get the Government regulations changed. They abused Mr. Hoover in most emphatic language.

Mr. KENDRICK. But that had nothing whatever to do, as I understand, with the operations of the Government in the stockyards. It had to do with regulations instituted by the Commissioner of Food Products, and had more to do with the prices that he placed upon hogs and hog products, as I understand. It did not have to do with anything supervisory, in the way of supervisory management. The two things are entirely separate.

Mr. WADSWORTH. I think they run together. Government regulation, in the long run, reaches price fixing. It always has, and it always will. This bill does not provide price fixing; but there are many ways of skinning the cat, and I have never known the Government to step in and regulate a business, and continue that regulation for any length of time, but that finally, by direction or indirection, it fixed the prices of the articles that were traded in, or it influenced the prices so strongly and so effectively, by devious and roundabout methods, that it was the equivalent of fixing the prices. There was nothing in the Lever Food Control Act which authorized the Food Administration to fix prices, but they fixed them just the same.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York further yield to the Senator from Wyoming?

Mr. WADSWORTH. Yes.

Mr. KENDRICK. Does the Senator believe that there is any intention to put anything in this bill that is calculated to interfere with the management of the business in the yards further than to insure fair dealing between the different agencies in the yards and the producers?

Mr. WADSWORTH. Yes, Mr. President; I think it can go to any lengths under the language of the bill. I know the intention of the Senator from Wyoming, and I do not disagree with that intention, except in two or three details of this bill, which he and I have often talked about, notably, these definitions and Title V, which I am going to discuss in a few moments; but under the bill as written all the methods and practices of everybody engaged in the business are subject to the supervision, regulation, and control of the Federal live-stock commissioner. Now, he may state that such and such a method of practice or device of these people should be changed because he thinks it will have a beneficial effect upon somebody else to have it changed. There is no limit to the changes he can bring about, as long as he does not infringe the Constitution of the United States; and I think there is no limit to his power in the matter of regulation save the Constitution of the United States.

Mr. KENDRICK. Does not the Senator believe that the definitions confining the operations of this law to the stockyards themselves limit the ramifications to which the Senator has referred?

Mr. WADSWORTH. Of course, they could be broader.

Mr. KENDRICK. It would be physically impossible or impossible in any other way to go out and assume that a butcher out in the country has anything to do with the stockyards; and for that reason I think the Senator's reasoning is, I will say, far-fetched when he goes out and includes the butcher in the country, who probably in a lifetime never goes to the stockyards.

Mr. WADSWORTH. Yes; but he does not have to go to the stockyards to become a packer under this bill. He may never leave home.

Mr. KENDRICK. As I read the bill, he will have to operate within stockyards.

Mr. WADSWORTH. Not a packer. The bill provides that—

> The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce.

It does not say anything about doing it in or near a stockyard.

Mr. KENDRICK. The term "packer" is connected with the definition of stockyards, and a limitation is placed on that.

Mr. WADSWORTH (reading):

> The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens or other inclosures—

And so forth.

But a packer does not have to operate in or near a stockyard in order to be a packer under this bill, and there are lots of packing companies whose plants are far removed from stockyards, hundreds of miles from a stockyard. I think the Senator will have to admit that I am right on that, at least.

Mr. KENDRICK. In any event, there is no difficulty about changing any of the definitions that only provide for limitations.

Mr. WADSWORTH. The Senator remembers what difficulty I have experienced in changing definitions in the Committee on Agriculture and Forestry.

Mr. KENDRICK. Yes; and I recall that the Senator from New York and the Senator from Wyoming were in accord as to those descriptions.

Mr. WADSWORTH. We were.

Mr. KENDRICK. There was an essential point, as I saw it, in connection with these by-products that would prohibit the following up of a by-product to determine whether or not it was delivered to the second owner in good faith at the market price; and I insisted then, and insist now, that beyond that we are not vitally concerned in legislation.

Mr. WADSWORTH. Yes; the Senator and I have always agreed upon that, but unfortunately the bill does not follow our desires in that respect. It goes much further.

Now, I am going to mention the very thing which the Senator has just mentioned. My amendment, which would strike out, on line 9, the words "and owned or controlled by a packer," and substitute the words "and used for food," has been attacked by other members of the Committee on Agriculture and Forestry because, as they say, it would leave the big packers—and their minds always run to the big packers—free to juggle their accounts and financial statements relating to the disposition of their by-products. The suspicion seems to exist that the big packer is hiding a large portion of his profits by not taking the public into his confidence as to how much he makes on his by-products, such as the buttons and the glue and the hides and the bones, and various other things.

The advocates of the bill have always insisted that those things should be regulated, just as the slaughtering of the animals and the disposition of the food products are regulated. With that I can not agree, and I see no necessity for it at all, in view of the presence in the bill of section 16.

The Senator from Wyoming [Mr. KENDRICK] said just a moment ago that his only interest in this matter was that the Secretary of Agriculture should know the price at which the packer sold his raw hides, for example, to his own tannery; what he charged his tanning business for the hide, which is the by-product of his slaughtering business, and that further than that he did not care what happened.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from Wyoming?

Mr. WADSWORTH. I yield again.

Mr. KENDRICK. I am sure the Senator did not mean to misquote me. My statement was, in effect, that the framers of this law, or the public, or the Secretary of Agriculture, whoever it may be, is concerned only in knowing that the value of the by-products was fixed according to the market value as it was transferred from the packer to the operators of the by-product companies.

For instance, suppose a packer did own a factory which bought the by-products; then, if it could be demonstrated clearly that he paid the market price for the products, so far as I can see, the interest of the public in that account is closed.

Mr. WADSWORTH. I think so myself, but the bill goes much further. The bill seeks to regulate the manufacture of the hide into leather, and of the bones into fertilizer. All the methods and practices, all the steps taken, in this purely manufacturing business, are subject to the orders of the Secretary of Agriculture, under the terms of this bill. If a packer, after slaughtering sheep, takes the wool from their backs and transfers that wool to a woolen mill in which he or the stockholders of his plant have a controlling interest, the Secretary of Agriculture thereupon assumes jurisdiction over the woolen mill in all its methods and practices in making cloth. That is what the bill seeks to do.

My amendment, changing the definition of "live-stock products," would prevent that, and, in my humble judgment, would leave the bill in just the shape which the Senator from Wyoming would like to have it, in bringing out the truth about the transfer of these items on the books of the packer himself to his subsidiary concern engaged in the manufacturing business. I think that is accomplished through the agency of section 16.

Mr. KENDRICK. As I view it, the only question as to the definition the Senator from New York wants to place in the bill is as to how it would affect products other than food products.

Mr. WADSWORTH. Yes.

Mr. KENDRICK. If the limit were placed as we have suggested, then it ought to be made certain and clear that there could be no question about what that price, which included the transfer, meant.

Mr. WADSWORTH. Mr. President, I was about to say that section 16 gives to the Secretary of Agriculture the very powers that the Senator from Wyoming thinks he should have. Section 16 reads:

> Every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the commissioner shall require, as will fully and correctly disclose all transactions involved in its business.

Let us take, for example, a packer who slaughters an animal and takes the hide off. He owns or controls a tannery. He transfers that hide from the account of his slaughtering establishment to the account of his tanning establishment. He must do it at some figure shown in the accounts of his slaughtering establishment. If the raw hide is worth, we will say, 8 cents on the market the day that he transfers it to his tanning subsidiary, the books of his slaughtering concern will show a credit to his slaughtering concern for that hide at the rate of 8 cents a pound, if he is honest in crediting his slaughtering establishment with the real value of the hide.

The books of the slaughtering concern are open, under section 16, to the examination of the Secretary of Agriculture, and the packer must tell the Secretary of Agriculture all about the charges, credits, and debits carried on those books. That hide will show on the books of the slaughtering concern.

Another portion of the bill forbids the packer from indulging in any device calculated to deceive. You have him right there. He can not make a fraudulent entry on his slaughterhouse books and get away with it, because it is forbidden as a deceptive practice by the bill which the Senator wants passed. All the facts in the case as to this bookkeeping transfer are at the disposal of the Secretary of Agriculture under section 16, and he can prevent the deceptive practices of these transfers of by-products to subsidiary concerns, against which the Senator complains, and still avoid the regulation of the manufacture of fertilizer or of leather or shoes or woolen cloth or glue or buttons or brushes.

I have contended all along that with section 16 in the bill, which gives the Secretary of Agriculture the right to prescribe the way the books shall be kept, and with that other provision in the bill, which forbids deceptive practices, the packer can not deceive; he has to make honest entries in his books in relation to the transfer of these by-products to subsidiary corporations. The Senator has not agreed with me in that.

Mr. KENDRICK. It is quite possible, Mr. President, from my viewpoint, that all the Senator from New York has said is true; and yet a question might arise that would require further information than would be provided under the definition he proposes, and it would develop under the conditions brought about by the packers themselves through the volume of the business that they handled. For the large majority of the hides that have been referred to as in their hands they might fix the general market price, and that in turn would fix the price of this by-product transferred to their subsidiary corporations or companies. Therein lies the only reason, from my viewpoint, that can be found for extending this authority to examine beyond the confines of the packing houses themselves.

Mr. WADSWORTH. That leads the Senator to another conclusion. He has given the inference that the packers, through the handling of such a large number of hides, can control the market price of hides, and, that being so, that they can still carry on these deceptive practices unless the definition of the term "live-stock products" remains as it is, and the Secretary of Agriculture remains in possession of jurisdiction over the tannery itself. If that is the reason, the only cure for it is to fix the price of hides.

Mr. KENDRICK. Not at all.

Mr. WADSWORTH. That is where the Senator's argument leads him. He assumes that the packers control the market price of hides, and that through that control they can indulge in these deceptive practices, unless the Government takes control over the tannery itself.

Mr. KENDRICK. It would not be necessary, Mr. President, in my judgment, for the Government to control the tannery, but it might be necessary for them to follow the product one remove further, to determine as to whether or not the packers did fix the market prices of hides, as well as naming the price of their own products, which they transferred on their books to these subsidiary companies. The information derived by the investigation of one other company might develop information which could not be had under the system that is provided here. I am not insisting that that definition ought to be as broad as that. I believe, however, that that kind of an emergency might arise.

Mr. WADSWORTH. I can not conceive, Mr. President, how such a thing could happen under the amendment offered by me.

May I remind the Senator that the amendment I have offered at least has this virtue, that it makes it perfectly clear that the retail butcher does not fall within the regulations of the Secretary of Agriculture, because it would be confined to those persons who are manufacturing or producing live-stock products used for food in interstate commerce?

Mr. KENDRICK. May I ask the Senator from New York if he will have that amendment read?

Mr. WADSWORTH. I shall. It is on page 3, line 9, to strike out the words "and owned or controlled by a packer" and to substitute the words "and used for food." So that the term "live-stock products" will be defined to mean "all products and by-products of the slaughtering and meat-packing industry derived from live stock and used for food."

Mr. KENDRICK. That was the amendment considered in the subcommittee?

Mr. WADSWORTH. It is; the subcommittee adopted it, and the full committee turned it down later on.

Mr. President, I had not expected to take so much time, and yet there are two other features of the bill I wanted to discuss, and I know I am not going to get the agreement of the friends of the measure, at least in the observations I shall make upon the first one.

This bill attempts, so far as a statute can do it, to put the stockyards under the regulation of the Federal Government, apparently upon the theory that the Federal Government has the right, under the commerce clause, to regulate stockyards.

What is a stockyard? Does the management of the stockyard buy or sell any animals? No. Does it deal in animals in any way whatsoever? No. What does it do? The management of a stockyard merely erects sheds and pens in which other people's cattle are sheltered, and sells to the owners of those cattle the hay and grain to keep them alive while they are there; that is all.

The stockyard itself is not engaged in interstate commerce at all. It only furnishes facilities which make it possible for other people to engage in interstate commerce. Let us consider the municipal market here in Washington. Farmers out in Maryland and over in Virginia bring vegetables and fruit in their wagons and trucks to that market. The market company or the municipality, as the case may be, furnishes space under cover in which those articles may be sold to other people. The market company furnishes light and, if necessary to keep certain articles from freezing in the wintertime, furnishes heat. It does nothing but furnish the facility for other people to do business.

That is all the stockyard does. The stockyard does not ship any cattle in or out. The owner ships the cattle in and the buyer ships them out. The stockyard company has nothing to do with it. All it does is to put up sheds and pens, put in the watering troughs, put in the bedding to make the animals more comfortable, and furnish the hay and grain to keep them alive while they are there. That is all they do.

Mr. BURSUM. Do they not make a charge for that?

Mr. WADSWORTH. Of course they make a charge for the facilities which they supply, but it is not a charge for any transaction in interstate commerce at all. How anyone can contend that a stockyard company is engaged in interstate commerce and therefore subject to regulation by the Federal Government under the interstate commerce clause of the Constitution passes my comprehension.

Mr. KENDRICK. Mr. President——

Mr. WADSWORTH. The Supreme Court has held, I believe, that a stockyard is not engaged in interstate commerce. I yield to the Senator from Wyoming.

Mr. KENDRICK. Will the Senator permit me to read the decision of Judge Stafford on that question of stockyards?

Mr. WADSWORTH. Yes. That is one decision, but that is not a decision of the Supreme Court.

Mr. KENDRICK. It reads as follows:

> The nature of the business carried on by a stockyards company has been so often considered by the courts, among others by the Supreme Court of the United States, that it is hardly open to question that such companies are engaged to some extent, at least, in interstate commerce, and the defendants, the Armour and Swift groups, so treated the matter in their brief. That the holding of such stock by the packing-house companies in the stockyards company falls within the purview of the antitrust law was apparently the view taken by the defendants when they consented to a decree perpetually enjoining them from continuing to hold such stock, and that now appears to the court to be the correct view.

Mr. WADSWORTH. That decision, I assume, did not go to the Supreme Court, because it has to do with a decree entered into by agreement between certain of the packers and the Attorney General, has it not?

Mr. KENDRICK. I believe so.

Mr. WADSWORTH. The Supreme Court of the United States has held that stockyards are not engaged in interstate commerce. Looking at it from the common sense viewpoint, what do they do that is interstate commerce?

Mr. KENDRICK. They handle the products that are involved in interstate commerce, as the Senator knows, by the millions of dollars worth every day. They are in reality a necessary link in the movement of those products.

Mr. WADSWORTH. Then let us draw an analogy with it. Does the Senator believe that hotels are engaged in interstate commerce?

Mr. KENDRICK. Whether they are or not they ought to be regulated in price.

Mr. WADSWORTH. That is scarcely the answer. All the stockyard company does is to provide a hotel for animals. That is all. It provides shelter, food, water, and bedding, the same as hotels do for people, although it has been alleged some of them do not even do that. If the stockyard falls within the jurisdiction of the Federal Government on the ground that stockyards are engaged in interstate commerce, then every hotel in the United States does likewise. What does a hotel do? All it does is to provide food and shelter and a place to rest for people moving between the States. The Willard Hotel here in Washington, if the Senator's contention is correct, is

engaged in interstate commerce, because, forsooth, people coming from the State of New York to Washington and crossing State lines rent a room in that hotel.

Mr. KENDRICK. The Senator from New York is quite correct in that view provided he considers people properly defined as products.

Mr. WADSWORTH. People bring clothing with them in their trunks. Is the baggage of a person who comes from the State of New York and stops at the New Willard Hotel, in Washington, interstate commerce? Certainly that baggage passes in interstate commerce. The trunk is taken into a room rented by the traveler in the New Willard Hotel. Does that make the proprietor of the New Willard Hotel an agent in interstate commerce?

Mr. KENDRICK. The Senator understands very well that he is really making fun of the legislation at this point, I think.

Mr. WADSWORTH. No; I am challenging the right of Congress——

Mr. KENDRICK. He understands very well that nothing moving across State lines is substantially in interstate commerce unless it is moving for the purpose of sale and transfer.

Mr. WADSWORTH. Very well. Traveling salesmen travel from one hotel to another with their trunks full of goods to sell, and in hundreds and in fact in thousands of hotels there is a room set aside by the hotel management in which they can display their goods, and in which they make sales of their goods. Does that thing put the manager or proprietor of the hotel itself into interstate commerce? That is just what happens in the stockyards. I am not making fun of the legislation. I am challenging the right of the Federal Government to regulate a thing which is not engaged in interstate commerce.

Mr. NORRIS. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator contend that the Federal Government would not have a right to regulate a depot of a railroad in interstate commerce?

Mr. WADSWORTH. To regulate depots?

Mr. NORRIS. Would it not be one of the provinces for them to provide that there must be depots and how they must be cared for, and so forth?

Mr. WADSWORTH. Yes. The depot is owned by the railroad and is the property of the railroad and is a part of the machinery used by the railroad in the conduct of interstate commerce.

Mr. NORRIS. Would it be any different if the railroad company rented a building for the depot, as they do in some places?

Mr. WADSWORTH. No; I think not. It is a part of their system of transportation.

Mr. NORRIS. It seems to me, if the Senator will permit me to interject a further remark, that a stockyard can be compared to a depot better than to anything else. I will say to the Senator that while the bill does not provide for it, I have always contended that a railroad company ought to own the stockyards, the same as it does its depot.

Mr. WADSWORTH. It will be a sorry day for the cattleman if that ever happens.

Mr. NORRIS. I think it would be a good day if we had it right now. It seems to me that is the logical thing. If they ought to own the depot, they ought to own the stockyards.

Mr. WADSWORTH. I do not think a stockyard is analogous to a depot.

Mr. GOODING. Mr. President, I should like to call the Senator's attention to the fact that it is a practice of daily occurrence for one stockyard to transfer stock to another stockyard in the country.

Mr. WADSWORTH. Does the stockyard company do it?

Mr. GOODING. Those who are operating in the yard do it.

Mr. WADSWORTH. That is different.

Mr. GOODING. Men who have agents who have commissions to handle there do it.

Mr. WADSWORTH. That is different. That is not the stockyard company.

Mr. GOODING. It is a part of the instrumentality that is used in the handling of live stock.

Mr. WADSWORTH. Oh, no.

Mr. GOODING. Yes; it must be considered with all the rest of it.

Mr. WADSWORTH. No; it is not the same thing at all. It is perfectly true, as the Senator said, that cattle are occasionally shipped from one stockyard to another, but they are not shipped by the stockyard company. They are shipped by their owners. It is the owners who are engaged in interstate commerce and not the stockyard.

Mr. GOODING. It is the commission men who follow the live stock.

Mr. WADSWORTH. Well, the commission men are different from the stockyard owners.

Mr. GOODING. To some extent. They have rented the stockyards and they have the right to use the yards, so in a sense they are the owners in that respect.

Mr. WADSWORTH. Oh, no.

Mr. GOODING. They rent them, they rent their offices, they rent space in the yards, and they handle the live stock there.

Mr. WADSWORTH. They rent facilities just as you and I rent a room in a hotel. If we move to another hotel in another city that does not put the hotel itself in the interstate commerce business.

Mr. GOODING. I am not clear as to the point the Senator is trying to make in this matter. Should the stockyards be eliminated from Federal control?

Mr. WADSWORTH. They should.

Mr. GOODING. I know if the Senator had his way he would eliminate the measure entirely.

Mr. WADSWORTH. The Senator from New York has a right to his convictions in the matter. I have challenged the right of Congress to regulate a thing which is not engaged in interstate commerce, and which the Supreme Court of the United States has said is not engaged in interstate commerce.

Mr. GOODING. It is an instrumentality, however, that must be used in conducting the handling of live stock, and just as essential as the packing house itself to insure an intelligent and proper movement of live stock. However, regardless of all that, it is a part of a great industry of the country which the people believe ought to be regulated.

Mr. KENDRICK. Is it not true, if the Senator will allow a further interruption, that the Supreme Court has rendered a decision that favored the view that it is a public utility?

Mr. WADSWORTH. Yes; a public utility, and that is very different. But the Congress has not the authority under the Constitution to regulate public utilities just because they are public utilities. It has the authority to regulate them only because they are engaged in interstate commerce. The State of Illinois certainly, in my view, unless I am mistaken about the provisions of the constitution of that State, has the right to declare the Chicago stockyards a public utility and to regulate them. The State of Colorado——

Mr. KENDRICK. If they are public utilities in this particular, why do they not become instruments in the movement of interstate commerce?

Mr. WADSWORTH. I do not think that the Constitution goes to the extent of stating that anything that is an instrument used in any way in or as a facility for expediting interstate commerce falls within the regulatory power of the Federal Government. It is the commerce itself.

Mr. KENDRICK. That is exactly the view, as I understand it, expressed in the decision of Judge Stafford, to which I have referred.

Mr. WADSWORTH. I know, but Judge Stafford is not the Supreme Court. I have the greatest respect, of course, for the opinion of Judge Stafford, and it takes a good deal of temerity on my part to discuss a legal question, but I think the Senator from Wyoming can not deny that if a stockyard company is subject to the regulatory power of the Federal Government on the ground that it is taking part or is engaged in interstate commerce, then the hotel company is likewise subject to that power. They are on an exact parity. Will any Senator rise in his place in the Senate and contend that we have the right to regulate hotels all over the United States? That is the logical conclusion, and there can be no doubt about it.

Mr. GOODING. Does the Senator say that Congress has not the power to regulate hotels?

Mr. WADSWORTH. I do. The owner of a hotel is not engaged in interstate commerce.

Mr. GOODING. That is a pretty fine question. There is some question about that, and it is a pretty fine distinction. I am not so sure that the Senator is correct. I know there is a wide difference between the use of a stockyard and the use of a hotel, because all stockyards are rented for one and the same purpose, and that is for the holding and keeping of live stock, and they transfer them from one part of the country to another.

Mr. WADSWORTH. That is just what hotels are for.

Mr. GOOODING. Hotels do not transfer from one part of the country to another.

Mr. WADSWORTH. Neither do the stockyards. It is only the owners of the cattle do that.

Mr. GOODING. But the men who rent the stockyards, who rent the space and who transact their business, do it, and that is the same thing.

Mr. WADSWORTH. That corresponds exactly to the Senator and myself when we go to a hotel and rent a room.

Mr. GOODING. Not at all. I leave the hotel of my own free will to go wherever I please. I am not shipped over the country by somebody's orders at all.

Mr. KENYON. Mr. President, I have not heard the Senator's entire discussion of that question, but I know how he feels about it, as we have talked about it privately. Has the Senator referred to the case of Swift & Co. against the United States?

Mr. WADSWORTH. I have not referred to that case.

Mr. KENYON. In that case, reported in One hundred and ninety-sixth United States, page 375, is a partial discussion of this question. I think it is fair to say that in that case the court uses this language:

> When cattle are sent for sale from a place in one State with the expectation that they will end their transit after purchase in another State, and when in effect they do so, with only the interruption necessary to find a purchaser at the stockyards, and when this is a constantly recurring course, it constitutes interstate commerce, and the purchase of the cattle is an incident of such commerce.

The Supreme Court has gone to that extent, holding that the commerce itself is interstate commerce, and that the sale of the cattle in the State to the purchaser is merely an incident of commerce.

Mr. WADSWORTH. There is no doubt about that, as to the sale of the cattle.

Mr. KENYON. Yes; that is carried on in the stockyards. I grant that it is a very close question whether the stockyard in itself becomes an instrumentality of interstate commerce. The Supreme Court has never squarely decided that question, but they have gone to the extent of declaring that the transactions carried on in the stockyards are interstate commerce.

Mr. WADSWORTH. There is no doubt about that. I do not deny that.

Mr. KENYON. That is getting pretty close to holding that the stockyards themselves are engaged in interstate commerce because the transactions take place there.

Mr. WADSWORTH. I regret very much that I can not cite the decision, but I think that the Senator from Iowa will find that the Supreme Court in another decision clearly held that a stockyard company was not engaged in interstate commerce.

Mr. KENYON. I think the cases which the Senator from New York has in mind are what are known as the Hopkins and Anderson cases.

Mr. WADSWORTH. It may be the Hopkins case. I remember that title.

Mr. KENYON. That is found in One hundred and seventy-first United States, pages 578 to 604.

Mr. WADSWORTH. It is a very long decision, reciting in greatest detail what happens at the stockyards.

Mr. KENYON. That case related to the Kansas City Live Stock Exchange, and the court held there that such exchanges were not engaged in interstate commerce.

Mr. WADSWORTH. That the exchanges were not engaged in interstate commerce; that is true.

Mr. KENYON. It was probably true of the Anderson case that the particular transaction in that instance was not in interstate commerce, but I think that the force and effect of those two cases have very largely been destroyed by the decision of the Supreme Court in the case to which I have referred in One hundred and ninety-sixth United States.

Mr. WADSWORTH. May I have that decision?

Mr. KENYON. I have not the decision at present, but was reading from my notes of it. I will send and get the decision for the Senator.

Mr. WADSWORTH. The Senator, then, was reading from his notation?

Mr. KENYON. Yes; what I have read is taken literally from the Swift case.

Mr. WADSWORTH. To quote from it, it refers to the sale of cattle as being a sale in interstate commerce; there is no doubt about that. Then the decision reads:

> When cattle are sent for sale from a place in one State with the expectation that they will end their transit after purchase in another State, and when in effect they do so, with only the interruption necessary to find a purchaser at the stockyards, and when this is a constantly recurring course, it constitutes interstate commerce, and the purchase of the cattle is an incident of such commerce.

The purchase of the cattle is an incident of interstate commerce, but the stockyard takes no part in the purchase of the cattle and has nothing to do with it. All the stockyard does is to provide sheds and pens in which other people engage in interstate commerce, but the Supreme Court has held squarely in the Hopkins case, as I recollect, that stockyards or live-stock exchanges of themselves are not engaged in interstate commerce.

Mr. CARAWAY. May I ask the Senator a question?

Mr. WADSWORTH. I yield.

Mr. CARAWAY. The idea which the Senator advances is that the ownership of a stockyard is what takes it out of interstate commerce?

Mr. WADSWORTH. Yes; entirely out of it.

Mr. CARAWAY. Is that really the case? Where a railroad leases a bridge or rents the privilege of crossing a bridge which spans a river, would it be the Senator's idea that that bridge was not an instrumentality of interstate commerce because the railroad company did not own it?

Mr. WADSWORTH. I would say that the owners of the bridge were not to be regulated, but that the railroad is to be regulated, and the bridge for the purpose of regulation is a portion of the system of the railroad.

Mr. CARAWAY. But the use made of the bridge would be a matter of interstate commerce, would it not?

Mr. WADSWORTH. Yes.

Mr. CARAWAY. That is all the pending bill seeks to do. It seeks to regulate the use that is made of the stockyard and the transactions which occur there, because the stockyard is an instrumentality of interstate commerce.

Mr. WADSWORTH. I can not agree with the Senator.

Mr. CARAWAY. The Senator sees it differently?

Mr. WADSWORTH. We have argued it back and forth now so long that I do not want to take the time of the Senate much longer.

Mr. KENYON. I do not wish to take the time of the Senate, either, but I want to add in connection with the Hopkins case and the Anderson case that the court said there that there was no showing of any interstate commerce in the live-stock exchange.

Mr. WADSWORTH. That there was no showing of interstate commerce?

Mr. KENYON. Yes.

Mr. WADSWORTH. I am not making fun of the bill at all; I do not want to do that; the Senator suspects I am trying to pick flaws because I am not in love with this character of legislation——

Mr. GOODING rose.

Mr. WADSWORTH. Let me finish the sentence.

I do not see what the owner of the stockyard does which puts his business in interstate commerce. He does not buy or sell anything in interstate commerce any more than the proprietor of a hotel buys or sells anything in interstate commerce. All he does is to provide facilities used by other people engaged in interstate commerce, and included among those people are the commission men. I think the Federal Government has the regulatory power over the commission men, because they are buying and selling cattle in interstate commerce; I think the Government has a regulatory power over the trader, if it wishes to assume it, because the trader is buying and selling in interstate commerce, but the owner of the yards does not buy or sell anything in interstate commerce.

Mr. KENYON. In the case which was tried here in the District of Columbia, my impression is that it was conceded by the counsel for the packers in the decree that the stockyards were engaged in interstate commerce.

Mr. WADSWORTH. I do not know as to that.

Mr. KENYON. But the Senator knows that a consent decree was entered providing for the divorcement of the stockyards and the packing business.

Mr. WADSWORTH. Yes. That was a consent decree.

Mr. KENYON. It was a consent decree. I saw a statement at the time that counsel had made the concession indicated, but I can not vouch for the truth of it.

Mr. WADSWORTH. I do not know what the counsel for the packers may have conceded.

Mr. GOODING. Does the Senator contend that stockyards should not be regulated? Is that the contention of the Senator?

Mr. WADSWORTH. Mr. President, I do not see what function the stockyards perform that requires regulation to the extent that it might be deemed advisable to regulate the commission men and the packers, in the sense of the term as we ordinarily use it.

Mr. GOODING. Mr. President——

Mr. WADSWORTH. Just a moment. Let me answer the question. But that is not the point. I contend that we have not the power to regulate them.

Mr. GOODING. They are a factor in the business which the Government is trying to regulate, and what this bill proposes to regulate in preparing food for market, and in other respects which go to make up the transaction. They must pro-

vide suitable facilities; the stockyards must be kept fit. Does not the Senator think it is very proper to regulate them in connection with this measure?

Mr. WADSWORTH. I do not think it is proper for the Congress to regulate anything that it has not the right to regulate.

Mr. GOODING. It is possible for the stockyards to have a monopoly. Does not the Senator know that they have a monopoly in Kansas City and in Chicago? If I have stock I am forced to ship them to one of those yards for a market. They have a greater monopoly than the packers themselves. Does not the Senator understand that?

Mr. WADSWORTH. Monopolies are forbidden by the Sherman law and the Clayton antitrust act.

Mr. GOODING. I understand; but here is a measure under which the Government proposes to make regulations for them to follow in the course of preparing food for the use of the country.

Mr. WADSWORTH. What is there to regulate in a stockyard other than the price of hay and grain sold to the owner of the cattle?

Mr. GOODING. It must be provided that the yards shall be kept in fit condition; that they are large enough to handle the live stock properly, and that the charges, if you please, be fair and reasonable in connection with the transactions in which they engage.

Mr. WADSWORTH. What charges? The charges for hay, grain, and yardage? Of course, that is price fixing.

Mr. GOODING. No doubt we will have to come to that in connection with this matter, and that is what alarms some Senators, I am quite sure.

Mr. WADSWORTH. I will admit it alarms me. I have never seen governmental price fixing succeed, and I will challenge any Senator to point out an instance in political history where price fixing by the Government has survived.

Mr. GOODING. What does the Senator say about the Interstate Commerce Commission? Does he contend that the Interstate Commerce Commission in establishing rates for the railroads is not price fixing? It is fixing prices for services, is it not?

Mr. WADSWORTH. Would the Senator say it has been a success?

Mr. GOODING. I would say so——

Mr. WADSWORTH. I doubt it.

Mr. GOODING. Although it has not been the success the people hoped for.

Mr. NELSON. Mr. President, will the Senator from New York yield to me for a moment?

Mr. WADSWORTH. I yield.

Mr. NELSON. Mr. President, in reference to the proposition announced by the Senator from New York just a moment ago that the stockyards were not subject to regulation because they only afforded facilities for the dealers, and so forth, and did not engage in business on their own account, I desire to say to the Senator that the Supreme Court of the United States in a noted case from Minnesota has passed on a question along that line. In that State there was passed an elevator law, which required all country elevators to take out licenses and operate under the regulations of the State. One elevator company took the stand that it did not propose to store grain for anybody, but simply to buy grain for their own use. Accordingly, because it was engaged merely in business for itself, it did not propose to take out a license. The Supreme Court in that case held that every elevator in the country was a public market place, where the people came to have their grain stored and weighed and graded, and that, conformably to the old rule that prevailed in the English common law in regard to markets overt, the Government had a perfect power to regulate them, because they were open market places.

Mr. WADSWORTH. The Senator refers to the State government?

Mr. NELSON. I will ask the Senator to wait for a moment. The stockyards are public market places, where people send their cattle and stock to be sold, the stockyards furnishing hay and grain and feed and water. They constitute public market places just as much as in the case I have cited elevators were held to be public market places, and on that account subject to public regulation. The mere fact that the organization does not buy and sell cattle does not affect the question, for it is a market place where the buying and selling is carried on, and it is the only such place, if you please. Therefore, on what ground is not such an institution subject to public regulation?

Mr. WADSWORTH. I desire to understand the Senator. The decision to which he refers, then, upheld the right of the State of Minnesota to regulate that storage warehouse, or whatever it was.

Mr. NELSON. Certainly; the Supreme Court of the United States not only in that case coming from Minnesota but in a case arising in North Dakota so held. I had occasion to keep track of questions of this kind. I will make a confession. I helped to frame the elevator law in Minnesota, and secured its passage through the legislature. I told our farmers that if I were elected governor I would do my best to secure the enactment of such legislation. North Dakota had passed an elevator law similar to ours, and the elevator men in Minneapolis instituted a case in the United States court which was not properly defended. I made up my mind that if that case were adversely decided by the Supreme Court we in Minnesota would be beaten. They had at that time elected as their attorney general a peculiar man who came up into that country from Missouri—I think his name was Stansbury, or some such name—the predecessor of the Nonpartisan League. I sent for him, and asked him to come to St. Paul, and I told him about that case. I said, "You want to defend it. It has been appealed to the Supreme Court. You want to appear in the Supreme Court and defend that case." He never knew a thing about it. He said, "I am not much of a lawyer. I do not understand much about these things." I said to him, "Will you allow me to use your name?" "Yes; certainly." He was very kind, and glad to have me do it.

I had no funds, but I took a little money out of my contingent fund as governor, hired a lawyer here, and they succeeded in winning that elevator case in North Dakota by a vote of 5 to 4. This case in Minnesota succeeded it, and the Supreme Court established the principle in those two cases that in cases of that kind the public had the right of regulation; and there is not any doubt about it. These stockyards are public market places where the public go, as in the old market overt of England. They go there to do their buying and selling, and while they are waiting to dispose of their cattle they get their water, their oats, and their feed there; and why, in God's name, should not institutions of that kind be subject to public control?

I fail to see any constitutional prohibition that excludes them from such control, Mr. President. It is not a matter of regulating prices. That question does not enter into the matter. It is a matter of regulating the business that the stockyards may do. If it is true, as the Senator from New York says, that they are not themselves engaged in buying and selling, certainly the question of regulating the price is not involved as to them.

It is simply a question whether or not you have a right to regulate such public market places; and the importance of the regulation is that the cattle and hogs and calves and sheep that you bring to market are brought to that market place. It is the only place to which you can bring them in a large city, and for that reason people are driven to that very point. It is like the situation in respect to railroads. We have to go on the railroads. We can not go on any outside track, and so when men ship their cattle to those market places they have no other place to go and sell and dispose of their goods than at those stockyards. And since those stockyards are public market places, places where people come to sell and to buy cattle, why is there anything in the Constitution that prohibits the regulation of such institutions?

Mr. WADSWORTH. Mr. President, as I understand, the case described by the Senator was decided by a Federal court.

Mr. NELSON. By the Supreme Court of the United States, here in Washington.

Mr. WADSWORTH. It was decided by the Supreme Court?

Mr. NELSON. Yes, sir; two cases.

Mr. WADSWORTH. They came up from the State of Minnesota?

Mr. NELSON. One from North Dakota and one from Minnesota; and I want the Senator to understand that those are not slow States. They may not be as quick as New York; but Minnesota is something of a State, I want the Senator to understand.

Mr. WADSWORTH. Oh, I know that. I have heard of Minnesota. Those two cases came up from those two States. The question at issue, however, was whether the State of Minnesota had the right to regulate that business, not whether the United States had the right. Of course, the State of Minnesota had the right. It is a sovereign, with police power.

Mr. NELSON. No; but here: The State of Minnesota has a right to regulate it so far as the trade within the State is concerned; but when cattle come to Chicago or Kansas City, they come from all points of the compass. There it is interstate business; it is not intrastate business.

Mr. KENDRICK. Mr. President, I want to call the attention of the Senator from New York also to the fact that the second greatest stockyard in the country has a State line running right through the middle of it, which would make it

physically impossible for either one State or the other to regulate it without the other State interfering.

Mr. WADSWORTH. Mr. President, of course we can think of most extraordinary cases, such as that just described by the Senator from Wyoming; but, without meaning any discourtesy to the Senator from Minnesota, I do not think the case which he cites bears upon this situation. The right of the State of Minnesota to regulate that public storehouse or public market, or whatever it was, was sustained by the Supreme Court; and all the States, or nearly all the States, have asserted and exercised similar rights. I imagine that the State of Illinois, if it wants to, can regulate the Chicago stockyards. Probably the legislature could declare them a public utility, a public market, subject to the sovereign power of the State of Illinois, in accordance with the old-time principles of the English common law cited by the Senator from Minnesota, but the Federal Government is vested with power over only those concerns or persons engaged in interstate commerce, and they are not engaged in interstate commerce.

Mr. NELSON. But, Mr. President, if the Senator will allow me to interrupt him, those stockyards are instrumentalities of interstate trade in cattle; and the Supreme Court of the United States as long ago as in the days of John Marshall held that in regulating interstate commerce they had a right to regulate the instrumentalities of interstate commerce as well; and if the stockyards in Chicago are a part of the instrumentalities of interstate commerce, the Federal Government has as much right to regulate them as a State government has.

Mr. WADSWORTH. The trouble is that the Supreme Court has had that very matter before it, and it does not hold the view of the Senator from Minnesota, in the Hopkins case.

Mr. KENYON. Did they hold the Senator's view?

Mr. WADSWORTH. The Senator from Iowa interrupts with the observation that perhaps they did not hold my view. They certainly declined in that case to render a decision to the effect that a live-stock exchange is engaged in interstate commerce.

Mr. President, I had not expected to take all this time. I want to call the attention of Senators who are here to one other thing in the bill which, as the Senator from Nebraska states, really has nothing to do with the structure of the bill in so far as the regulation of these agencies is concerned. I refer to Title V, which will be found on page 47. It is an entirely separate enactment; at least, it may be considered so. It provides for the voluntary registration of packers and stockyards. The title of the title, however, is broader than the text itself, because in Title V we find language which says:

No registrant shall take title to any products handled by such registrant.

In other words, Title V is supposed to apply only to public slaughterhouses or public processing establishments open to the use of the public, placed at the service of the public. The Senator from Nebraska has stated that this has been inserted in the bill with the hope that it will encourage municipalities to erect public slaughterhouses to which farmers in the adjoining country may bring their cattle, sheep, and hogs, have them slaughtered for a charge fixed by the Secretary of Agriculture, and have the meat products and by-products sold or disposed of. They are, as I understand, to be in a sense a public convenience. Now, the whole thing is voluntary. If a city or a corporation desires to make this experiment of putting up a public slaughterhouse, the Government, under Title V, invites that city or corporation to take out a license or to register with the Secretary of Agriculture. If the city or the corporation registers under the provisions of Title V, then the Secretary of Agriculture assumes complete regulatory power over this public slaughterhouse. He fixes all its charges. He regulates its sanitary conditions. He regulates how it shall divide the premises so that A may have this space in which to bring his cattle and B may have this space, and C another space. Under this title, once the municipality has registered under its provisions, the Secretary of Agriculture takes complete control. He regulates it from top to bottom.

I invite Senators to read some of the things which occur in Title V.

The commissioner may pass upon the location, character, and extent of the grounds, buildings, and other facilities, the financial resources, the credit, and the standing of the applicant. Then, under the registration agreement, he has charge of the rules and regulations and the orders made applicable to it, and the registrant must provide and maintain, or secure when necessary, adequate railroad connections. It must furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for them.

It shall also set aside such portion of the facilities of its business, as determined by the commissioner, as may reasonably be necessary to accommodate small shippers and local patrons. It is its duty to impose on them only such charges and rates as are reasonable for the service or facility afforded. It is its duty to exercise proper care of the live stock, in accordance with the regulations of the commissioner, of course; to maintain sanitary conditions, to refrain from unfairly discriminatory or deceptive practices, to keep complete and accurate accounts and records of its business; and otherwise to conduct its business in such manner as may be prescribed in rules, regulations, and orders issued under this section by the commissioner with the approval of the Secretary.

I ask the friends of that title: How many municipalities in the United States do you think are going to put themselves under the heel of the Secretary of Agriculture? We are informed this is to encourage municipal abattoirs, and do you think there is a city in the United States that would issue bonds for the building of such facilities, in the form of public abattoirs, or slaughterhouses, and then submit to the Secretary of Agriculture to have all their prices, charges, practices, and methods rigidly regulated? I can not conceive that a city would go into it.

Mr. NORRIS. May I interrupt the Senator?

Mr. WADSWORTH. Certainly.

Mr. NORRIS. Of course, the Senator understands it is all voluntary, as he has said?

Mr. WADSWORTH. Yes.

Mr. NORRIS. This bill does not require any city to do it. Nobody is compelled, whether it is a city, or a corporation, or a philanthropic individual, to do it unless he wants to.

Mr. WADSWORTH. Certainly not.

Mr. NORRIS. Then, certainly it will not hurt anybody. If somebody wants to do it, and wants to perform a public service that way, why not let him do it? Then, let me ask the Senator this question: Is it not true that in the committee, where the Senator was making an argument against this title, as he is now doing in the Senate, he used the argument that if we let that stay in the bill all the packers would get in under it?

Mr. WADSWORTH. No, Mr. President.

Mr. NORRIS. Is not that true?

Mr. WADSWORTH. No; not since the language of subdivision (e) was changed.

Mr. NORRIS. The only change made by subdivision (e) was that it took away the discretion of the commissioner to regulate the taking title by registrants to any products handled by them.

Mr. WADSWORTH. That, to my mind, removed that objection.

Mr. NORRIS. Does it not remove every objection?

Mr. WADSWORTH. No; it does not, Mr. President. I do not say that this thing is epoch making.

Mr. NORRIS. The Senator has asked the question, and I say that that subject has not been debated much by the friends of the measure. Everybody who is supporting the Senate bill knows that this particular title is an experiment.

Mr. WADSWORTH. Yes.

Mr. NORRIS. We feel that since it is voluntary, there being no compulsion about it whatever, it can not hurt anybody. It could be stricken out and the balance of the bill not affected. It does not affect the regulation of the packers in any way.

Mr. WADSWORTH. I have so stated.

Mr. NORRIS. It was put in, in the first place, because it can not possibly hurt anyone. If it is never utilized by anyone, nobody will be hurt. But those who favor it claim that in Europe, for instance, there are a great many municipal slaughterhouses and abattoirs, sometimes run by the municipality, sometimes by individuals, as this provides may be done, or a corporation, it may be big-spirited men who want to establish something of that kind. If you put one into operation in a city that is large enough to maintain it, it comes pretty near taking away all the commissions or profits between the producer of meat and the consumer of it. So that it seems to me whatever might be said about a city ever doing it, it does not make any difference whether they do it or not; they do not have to. But if they do accept, if they do want to come in under it voluntarily, then it must follow, it seems to me, that we must provide that they must submit to the regulations provided for it. Otherwise, we would have insanitary and dishonest manipulation, which we want to avoid.

Mr. KENDRICK. Mr. President, I am sure the Senator from Nebraska did not intend to misquote the Senator from New York in his argument before the Committee on Agriculture. My recollection of the Senator's contention is that he said if one municipality built a slaughterhouse under the provisions of this

act, the benefits would be so great that all private packing concerns would find it necessary to come in under this.

Mr. WADSWORTH. Mr. President, the Senator has an inaccurate recollection of what I said. I was very much opposed to this matter of control until it was made perfectly clear that these could be nothing more than public service agencies or facilities; that is all.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. I yield.

Mr. GOODING. Mr. President, I can not consider legislation from the point of view that the Secretary of Agriculture is not going to be fair, and that he is not going to be honest and just in his regulations, and in all things.

We have to consider, in passing legislation, that those who are going to administer the laws are going to be fair and honest and just. If they are not, then the Government is a failure, and I am supporting this bill because I believe the present Secretary of Agriculture is fair, is honest, is just, and that we have never had a Secretary of Agriculture who has not been fair and just and honest, and I do not think we ever will have one; I hope not, at least.

Mr. WADSWORTH. I can subscribe to everything the Senator has said, but what it has to do with this particular discussion, so far as I have carried it, I do not know. I have not said the Secretary of Agriculture could not be trusted.

Mr. GOODING. No; but the Senator did say something about every community being put under the heel of the Secretary.

Mr. WADSWORTH. Yes; I used that expression.

Mr. GOODING. I understand "under the heel" means to be ground down.

Mr. WADSWORTH. We will change that, then, and say "under the control" of the Secretary. The Senator will not deny that.

Mr. GOODING. I quite agree.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WADSWORTH. Certainly.

Mr. KING. I apologize for interrupting the Senator, and my inquiry may not be pertinent to the discussion in which the Senator has just been participating. I am advised that this bill permits the Federal Government, by the consent of the municipalities and political subdivisions of States, to enter into States and to control the packing plants, yards, and so forth, that are purely intrastate in character. Where is there any justification, I ask the Senator, for the Federal Government assuming control, even with the consent of the owner, of concerns that are engaged in purely intrastate business?

Is not such a provision, if that is the provision of the bill, a sort of a bait for municipalities and State political subdivisions to put their heads into the noose prepared by the Federal Government, hoping that in the end, while it may be a voluntary placing of their heads in the noose, ultimately it will ripen into a prescriptive right, and the Federal Government may compel recalcitrant municipalities, or attempt to compel recalcitrant municipalities, to perform the like act of suicide? Is it not a scheme, in that provision of the bill, to project the Federal Government into the affairs of the States, hoping that some municipalities, by the allurements which will be held out, will submit to Federal regulation, and after that has been done that it will be used as a basis for attempted compulsory national legislation to force all municipalities and all political subdivisions and all privately controlled enterprises engaged in the stockyards business or in the packing business to submit to Federal control?

Mr. WADSWORTH. Mr. President, with much that the Senator says I am in agreement; but I think he describes this particular Title V in terms too broad. It would apply only to public slaughterhouses whose patrons are engaged in interstate commerce.

But my objection to it basically is on account of the paternalism inherent in it. I think nothing equaling it has ever been proposed. I know it is made voluntary only; but, nevertheless, there it is to stand on the statute books of the United States as an expression of the hope of the Congress that people will submit to this paternalism, inviting cities, corporations, and persons to come to Uncle Sam and take out a license, and enjoy, while they are doing business under the license, the prestige that goes with it. Mind you, I do not think a city would do it.

I do not think the mayor and the board of aldermen would ever consent to submit to the control of the Secretary of Agriculture in the conduct of their own business, a business built and paid for by the city.

What would happen with private concerns, I do not know; it is hard to say. But let us see how this sounds when put upon the statute books of the United States.

Such certificates—

That is, the certificates of registration—

shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

* * * * * * *

Any certificate of registration issued under this section may be suspended or revoked by the commissioner for any violation of this section or of any rule, regulation, or order issued hereunder, under such procedure as the commissioner may prescribe.

He can destroy the property by any method or procedure he chooses. To have such a thing put upon the statute books of the United States, even in its tentative form, is abhorrent to me. His mere say-so can close the plant, and there is no method of appeal. The registrant becomes a slave of the Government, compelled to do everything that the Government says he must do, the prices he shall charge, the manner of running the business.

All of the methods, practices, and devices—everything—must be done just as the Government says, or it must perish. I do not like that kind of thing on the statute books.

It may be, as the Senator from Utah has said, that some private individuals will put their necks in that noose. I doubt it, unless the Government, having gotten a few of them to do it, can give them such advantage for the time being over their competitors who have not registered as to induce more to come in, and finally to get everybody in. I think cities will not do it. It may be, however, that one or two or three corporations may be tempted to come in and submit, on the theory that the prestige which they will enjoy, due to the Government's backing, and the fact that the certificate is prima facie evidence that the goods are class A, the finest in the world, which they can put on their letterheads and in all their advertising literature, on that theory some few may come in, and in time bring others in, owing to the competition. But for myself, I dread opening the door to such a practice as that. It is paternalism, Senators, gone wild. There is no limit if we once establish it as a policy that the Government stands ready to do it if it gets the chance. And that is what this Title V means.

Mr. DIAL obtained the floor.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Capper	Jones, N. Mex.	McNary	Smith
Caraway	Jones, Wash.	Nelson	Smoot
Cummins	Kendrick	New	Sutherland
Curtis	Kenyon	Norris	Swanson
Dial	King	Oddie	Trammell
Gooding	Ladd	Overman	Underwood
Harris	Lodge	Phipps	Wadsworth
Harrison	McCormick	Poindexter	Watson, Ga.
Heflin	McKellar	Sheppard	Williams
Johnson	McKinley	Simmons	Wolcott

The VICE PRESIDENT. Forty Senators having answered to their names, a quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. BALL, Mr. BURSUM, Mr. CALDER, Mr. FERNALD, Mr. MCCUMBER, Mr. NICHOLSON, and Mr. STERLING answered to their names when called.

The VICE PRESIDENT. Forty-seven Senators having answered to their names, a quorum is not present.

Mr. NORRIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. ERNST, Mr. LENROOT, and Mr. HARRELD entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators having answered to their names, a quorum is present.

Mr. NORRIS. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

SALE AND DELIVERY OF COTTON.

Mr. DIAL. Mr. President, unless some Senator cares to discuss the packers bill, I desire to take a few moments on an amendment which I have to the present cotton futures contract law.

I realize that it is getting late, and I am not going to do like the little boy said some time ago. A gentleman was making a

speech in a hall and his friend was sitting in his automobile on the outside, expecting to carry the speaker home with him. The friend got very impatient; he waited and waited and waited, and at last the little boy slipped out of the back door and came around to the front, and this gentleman in the automobile said: "Say, Bud, is that man in there through speaking?" The boy said: "Gee, yes, Mister; he's through, but he won't quit." [Laughter.]

I realize that it is getting late, and I am going to quit after a little while.

I desire to amend the present future-contract cotton law. Under that law the seller of a contract has the right to deliver all of the quantity in any grade he may see fit. Under the law these contracts have to be delivered out of 10 grades. The seller has the entire option of delivering all of the quantity in 1 grade or he may mix them up over the 10 grades, as he sees proper. The purchaser has no right except to sell out his contract or to sit still and accept whatever grades are tendered him. To my mind, that is absolutely unjust. It is one-sided. It is not fair. It is not honest. I am here not asking for any appropriation, I am not asking to regulate anybody, I am not asking to abolish the exchanges, I merely want to correct this unjust, one-sided law. To my mind, this law always has been wrong. However, it is somewhat of a new law. It was only about 1914, I believe, when it came into existence.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. DIAL. Yes.

Mr. SMOOT. I thought we passed a law correcting the evil, if it is an evil, just cited by the Senator. For days it was discussed here on the floor of the Senate, and the Senator's colleague [Mr. SMITH], as I remember, had a bill passed, and I think it passed the House—I am not positive, though—correcting the very evil of which the Senator speaks. Did it fail in the House?

Mr. DIAL. No; the bill to which the Senator has reference passed the House.

Mr. SMOOT. Did not that correct the evils that were complained of?

Mr. DIAL. It helped correct the evils, but it did not go quite far enough. Originally there were 32 grades of cotton tenderable on a contract. Later they were reduced to 20 grades; and later, as I understand the law to which the Senator has reference, advocated by my colleague, that law passed, and it reduced the tenderable grades down to 10. To my mind that improved the law wonderfully, and my colleague is entitled to the credit and the commendation of the people not only in the South but the whole United States. That helped some. It helped considerably.

Last year we passed a measure through the Senate, advocated by Senator Comer, known as the Comer amendment. The Comer amendment was driving at the same purpose and object that I am driving at, but I tried to get the Senator to amend his amendment. I had great deference in speaking to him, because he is a very successful man, one of the largest farmers in the South, and a business man of 50 years' experience. I do not claim to be an expert, like Senator Comer, but he was driving in the right direction. In Senator Comer's amendment he sought to let the purchaser of the contract select half of the quantity of the contract in middling and above.

It ought not to be that the seller has the right to select all the quantity. It ought not to be the right of the purchaser to select all of the quantity. I am seeking to let each party to the contract select 50 per cent of that contract.

Senators, it is a complicated proposition. There are 10 grades of cotton dealt in as one article, as it were. Now, let us not confuse the issue. Of course, between those 10 grades there is a graduated schedule of prices, so that you would not have to pay as much for one grade as for another grade. That is regulated by the price. I have no complaint to make of that. In fact, I want to eliminate all of the unimportant matters that I possibly can; so, therefore, do not think that if a man tenders you one grade you have to pay the same that you would for another. If you get above middling, you pay a premium; if they tender you below middling, you get a discount. Therefore you are not hurt in that transaction on that particular ground.

Now, Senators, I want to lay down this proposition to you: According to my way of thinking, the price of the spot market is governed by the contract market. I do not think there is any doubt about that. I do not think I need argue that, certainly with the southern Senators; but possibly you other Senators who are not as familiar with cotton as the southern Senators are might question that. I want to prove it to you by a concrete case, and I shall be brief on it.

I was at home on election day—we all remember election day, of course; some for different reasons. The next day a farmer came into my office—I am interested in a little bank—and he said: "I have sold my cotton, and I want to pay the note that I owe the bank." "All right, my friend; sit down. What did you get for your cotton? Why did you not bring in a check?" "I did not sell my cotton here; I sold it up at the cotton mill." "All right. What did you get for it?" "I got 20½ cents a pound. The wagon just ahead of me got 21 cents a pound. I drove my mules around and fed them, and the next wagon that came up only got 20 cents a pound."

There was that cotton fluctuating 1 cent a pound, $5 a bale, in the space of an hour, or less than an hour. Now, we know and you know that the intrinsic value of the cotton did not vary $5 a bale in less than an hour. No reason had occurred. It was simply the future-contract market coming in. We get it down there in those small towns every 20 minutes; so, the contract market coming in and declining, the price of spot cotton declined with it.

The next morning I told my secretary: "Go down to the warehouse and sell my cotton. It looks like there is no bottom to it." He came back directly, and he said: "They will not bid on your cotton." I said: "What is the trouble?" He said the market had not come in from New York. I knew the buyers would not bid until the market came in, but I did not realize that it was quite that early in the day.

So, Senators, I am not going into numerous cases, but I give you these two concrete cases showing how a farmer has to sell his cotton governed by the future market. That is where I think a great wrong is done our people; and in speaking of our people I want to say this, Senators: It is not a sectional question. It is not a local question. The price of cotton affects every man in the United States, and you gentlemen are interested in that—not, perhaps, to the extent that we are, but to a great extent. Over half of the cotton that we raise is exported to other countries. Those people buy it cheaper, and they deprive this country of that much wealth. We export great quantities to England, France, Italy, Germany, Japan, and other countries.

Mr. BRANDEGEE. Mr. President——

Mr. DIAL. I yield.

Mr. BRANDEGEE. Does the Senator claim that the fact that the contract market, as he calls it, or the returns from the speculative market, control the price of the spot cotton as he indicated, has anything to do with the provision of his amendment which would allow the purchaser to select the particular grades which are to be delivered?

Mr. DIAL. A great deal to do with it.

Mr. BRANDEGEE. I do not see the connection.

Mr. DIAL. All right. I will try to come to that point, but I want to lay down these general principles.

Answering the Senator's question, here is the way it affects it: I am glad to be interrupted, as this is more of a conference than it is a speech. We are all interested in it. I have the most absolute confidence in the fairness and the honesty of the Senate and of the Congress of the United States. I believe all that is necessary is to get your proposition fairly before them, and if it has merit they will act accordingly.

Answering the Senator's question, here is the way it works: The cotton crop is gathered in practically four months of the year. The world knows that the farmer has to put his cotton on the market rapidly, because it is grown by a very poor class of people in a great measure. Half of the cotton in the South is grown by the colored population. A great many of those, perhaps nearly all of those, and a great many of the white people give liens or mortgages on their crops. In other words, they get advances on the crop before they make the crop. Now, those papers mature in the fall months. They begin to mature in my section of the country about the 1st of October, and between that and Christmas they have to meet those obligations. Those producers owe the local merchant or the local bank; the local merchant owes the local bank, and the local bank has discounted the paper elsewhere, and they want to meet their obligations. Therefore the world knows that the cotton has to be put on the market in a short space of time. The farmer is selling his cotton. He is supplying the legitimate demand. The speculator, knowing the condition of our country, sells cotton short.

Now, the millman comes in and hedges; he makes what they call a hedge, and that is where they say the exchange comes in. The millman, having bought his hedge, when the maturity of his contract arrives, knowing that he has no option under the contract, that he is compelled to take whatever class of cotton is tendered him within the 10 grades, will sell out his contract. He will not stand up and demand delivery of the cotton. Now, right in there is where I see, in answer to the Senator's question, the great injustice of the present law.

Assume that a mill president gets an offer for all the goods he can make for six months. Assume that he uses a thousand bales of cotton a month. He talks to his superintendent and decides to accept the offer. They do not know what the price of cotton is going to be two, three, four, or six months ahead, so they hedge. They wire to New York, to John Jones, to buy 6,000 bales of cotton, delivered in the next six months at the rate of 1,000 bales of cotton monthly. Of course, they have the financial arrangements made. They buy that cotton. Now, that is a hedge.

The way it operates is this: The manufacturer then thinks he is all right; he has sold his goods and he has bought his contracts. The contract ought to represent the actual cotton if called for. I want to eliminate speculation as much as possible. I want that contract to represent something.

The way it operates now is this: The millman will go out, send his buyer on the street, and he will buy up the cotton as best he can, and when he buys 100 bales he sells out a contract, and he keeps on, and he sells out his contracts as he buys his actual cotton. A contract means 100 bales. If the cotton has gone down he has lost on his contract, but he has bought his cotton cheaper than he thought he was buying it when he sold his goods. Therefore he tries to even up. If the price goes up, and he pays more for his cotton than he thought he would at the time he sold his goods, then he has made on his contract, but he has lost on his cotton, and he tries to even it up.

Now, here is where the poor farmer catches it, as I see it, and also the manufacturer, as I see it. As I understand, the mills do not object to high-priced cotton. What they object to is violent fluctuations, so that they will not know where they stand. To my mind there is a stream of sellers all the time on the market. Therefore, if the man who had bought the contracts had an equal option with the seller, instead of selling out his contract and pocketing his loss he would stand up and demand delivery of his cotton. Hence, it would never go down as low as it has gone, when there was such great pressure on it. It is like water running over a dam.

Now, they will say that there must be a purchaser for every seller. That is true. But that is where they confuse us through these exchanges. But it is not necessary that there should be an accepter for every offer. For instance, you have bought your contract ahead and the maturity date is approaching. Under the present law you have no option of selection. You wire your broker: "Close out my contract to-day." We will suppose this is a July contract, and you wire, "Close it out at 12.20." He will wire you back, "I have no offer. I can not get 12.20." Then you wire him to close it out at 11.90. To-morrow he will wire you back that it has gone down, and you have to do something; you have to accept whatever is tendered. You wire him to sell for whatever he can get for it. He sells out. What I want is that they shall not be compelled to sell out. I want them to be able to stand up and say, "Give me half of this contract in the cotton that I want."

Mr. BRANDEGEE. Will the Senator permit a question?

Mr. DIAL. Certainly.

Mr. BRANDEGEE. What I wanted to understand was this situation: If the millman, who has made a contract for his thousand bales of cotton, then, as the Senator says, goes and buys the actual cotton, a hundred bales, and then sells out a hundred bales of his contract, why would he not do the same thing if he had the privilege of selecting from 4 or 5 different grades out of the 10 grades of cotton?

Mr. DIAL. I do not think he would sell, because now he knows he has no selection.

Mr. BRANDEGEE. I know; but I do not follow the Senator in this respect: I understood the Senator to say that the man sold out a part of his contract because he had bought that much of the actual cotton; therefore he did not need the whole amount of the contract. I did not understand the Senator to say that the millman who had a contract for a thousand bales of cotton sold out a part of that contract because he was prevented from making a choice out of certain grades of cotton, but because he had bought the actual cotton to the extent to which he had sold out his contract. Which of those is the correct statement?

Mr. DIAL. Possibly I tried to illustrate too much in too short a space of time. Under the present law, he goes out and buys his cotton on the market. If I can succeed in having my amendment adopted, he will not go on the market; he will make the broker deliver. He will have his choice. Then he can get half of the kind of cotton he buys. He will say, "This price is going too low. I am not going to sell out my contract. I will exercise my right to take half of the quantity." He would sell the other half to a neighboring mill or tender it on a contract he would sell. Then there will be less selling on the market.

Mr. BRANDEGEE. Then the Senator's claim is that the millman, who has the contract for the thousand bales of cotton, sells out a part of his contract because he fears he can not get the right kind of cotton under it when the time for delivery comes?

Mr. DIAL. Absolutely, yes. His mill is rigged up to spin one grade of cotton, and if he sits down and waits until the seller tenders him the cotton, he may tender him a grade of cotton that he could not use in his mill.

Mr. BRANDEGEE. So that, when he has this contract, it may be filled in inferior kinds of cotton, unsuitable for his mill?

Mr. DIAL. Unsuitable for his mill and his goods.

Mr. BRANDEGEE. And he is still in a dangerous position?

Mr. DIAL. Absolutely.

Mr. BRANDEGEE. And if the proper kind of cotton is offered to him at the proper price—cotton which he can use—he will always buy that spot cotton which he can use, and then cancel his old contract?

Mr. DIAL. Yes, sir.

Mr. BRANDEGEE. I understand the Senator now.

Mr. DIAL. Now, let me go along a little further and show how that price is arrived at; and these are figures I do not think have been made public in the United States. I obtained them the other day from the Department of Agriculture. We are told that the exchange is simply a clearing house, as it were; a kind of innocent side show.

Mr. JONES of New Mexico. Before the Senator leaves the other proposition I should like to inquire, covering this point, if it is a good thing to limit the number of grades so that the purchaser may select at least half of the kind of cotton which he wants, why would it not be a good thing to still further limit it and give to the purchaser the right to demand the whole of the kind of cotton which he wants and not only half of it? If it is a good thing to go half way, why is it not a good thing to go the whole way?

Mr. DIAL. I thank the Senator. Under the present law that is possible; but, as a matter of fact, the New York Cotton Exchange has never put that kind of a contract into operation. They will not trade in it. They will not sell it. I spent days in the Department of Agriculture last summer looking into this matter; I studied it very carefully, and they said that contract had never been entered into. The New Orleans exchange will enter into that kind of a contract to a limited extent. They have the advantage of the farmer and of the millman.

Senators, if I had any favors to give I would give them to the farmer. But I am not here asking favors for anybody. I am not even asking for sympathy. I am asking you to correct flagrant wrongs, to amend a one-sided law, practically a confiscation.

It is said that the New York and New Orleans Cotton Exchanges are merely clearing houses; that they are merely a hedging proposition, just a little innocent thing. I am not trying to put them out of business, for the time being. I am not trying to see whether it is essential that they should operate. I am not caring anything about that feature. I am trying to get an honest and just law on the statute books.

Let me show you how innocent and how little they are. I have the figures here of what they did in 1919. I could not get the figures for the next year.

In 1919 there were sold on the New Orleans Cotton Exchange 33,681,500 bales of cotton. On the New York exchange that year were sold 71,183,600 bales of cotton, aggregating 104,860,100 bales of cotton. I have not the exact figures of the production that year in America, but it was a little less than 12,000,000 bales of cotton.

Every bale of the 12,000,000 bales of cotton which was raised was sold eight times over. If the mills of this country had hedged every bale they needed in the mills, as they used only about 6,000,000 bales, you see that every bale would have been sold over sixteen times in the United States.

What do they do about delivery? What I am trying to get at is that the contract should represent cotton. Let it represent some value. Let it represent something or other, not be just paper.

The cotton that was delivered on those two exchanges that year amounted, in New Orleans, to 19,900 bales, and in New York to 120,000 bales. A little less than 140,000 bales were actually delivered, whereas they had sold over 104,000,000 bales. The point I am making is, they use the exchanges to sell and sell and sell, and put the price down all the time.

There is a little section of our country, about 500 miles wide and 2,000 miles long, with a population of about 25,000,000, half of whom perhaps engaged in agriculture, unorganized, disorganized, raising 60 per cent of the cotton of the world, having no way to protect themselves, and the United States Congress allows this unjust law to stay upon the statute books.

Answering the Senator from New Mexico further along that line, I will refer to Senator Comer just briefly. Senator Comer advocated letting the purchaser have the privilege of selecting one-half the quantity of the contract in middling and above. That created a great furor in the country, and it was on account of that that I objected to his amendment. It was said if the purchaser selected half of the quantity, he would select a very fine grade, and he would run the price of cotton sky high. That was the argument. I could not see as much wrong in allowing the purchaser to select half of the quantity in one grade, and run the price sky high, as I could see in allowing the seller to sell all of the quantity in dogtail, as we call it, and run the price cellar low. Senator Comer wanted to help the producer, the man who needs help, and his amendment was in the right direction, and it passed the Senate, but the House killed it.

I do not contend that we should compel the purchaser to select half the quantity in middling and above, in high-grade cotton, as we call it; but let each party to the contract select one-half of that quantity. He would select according to his requirements. Coarse-goods mills would demand off-grade cotton.

My amendment is now before the Committee on Agriculture, and I shall wait until the Senator from Louisiana [Mr. RANSDELL] returns before I press it; but it proceeds on the theory that we should let the seller select half of the quantity, and let him divide that half equally between the two grades; let the purchaser select the other half, and make him divide that equally between the two grades.

If it is thought best to divide each half between more grades I would not object, but what I do insist upon is an equal division between purchaser and seller.

Mr. McCUMBER. Will the Senator explain to one who does not claim to have any knowledge about dealings in cotton why, if a purchaser buys a certain grade of cotton, he should not have the grade which he selects?

Why should there be any law that would allow the seller to say that he will furnish one-half of that grade and one-half of another grade? What is the purpose of such a law? What benefits are to be subserved by it, and why should we not have a law compelling the seller to furnish the kind of cotton he contracts to sell?

Mr. DIAL. We should have, Senator. As I said a while ago, that is the law. They can contract that way if they will, but the seller will not contract. He will not contract as to the specific kind of cotton. The contracts say "cotton," and "cotton" means any of those 10 grades.

Mr. McCUMBER. Suppose the person who wants to purchase says, "I will not buy under such a condition. I insist that if I buy cotton A–1 you are to deliver me cotton A–1, or if I buy cotton A–2 that you are to deliver me cotton A–2."

Mr. DIAL. They will not trade.

Mr. McCUMBER. Are conditions such that a purchaser can not buy what he wants to buy?

Mr. DIAL. Yes, sir; that is true, unfortunately. They will not make that kind of a contract.

Mr. HEFLIN. Mr. President, under the law we have 10 grades, and you can go into the exchange and contract to buy a contract or a number of contracts. When you come to have your contract filed, the exchange man tells you that he has not the cotton you want, and under their rules he can tender you some of each of the 10 grades, and if you say, then, that that is not what you want and that you can not use it, they settle the difference with you in money; that is, the difference between the price at which you bought, we will say, and the price to which it advanced, which may amount to $5 or $10 or more on the bale, or vice versa, if the price declines.

Mr. McCUMBER. Is that a law or simply a rule of the exchange?

Mr. HEFLIN. I fear that the rules fixed by the exchanges enable them to evade the law. They could not sell and deliver, as has been suggested, 104,000,000 bales out of a 12,000,000-bale crop. Something must be done to require spinable cotton to be delivered on contracts, and I would like to see a record kept of all sales of cotton on the exchanges, so as to obtain information as to just how many bales are sold on contract and how many are delivered.

Mr. McCUMBER. Then, does the Senator mean to tell me that if a manufacturer of cotton yarn wishes to buy a thousand bales of a certain character of cotton that is necessary to be used in his mill, and he contracts for that thousand bales of cotton, he has no law that will back him in getting that thousand bales, but that the seller can give him half of a different kind? I confess I do not understand that yet.

Mr. SMITH. Mr. President, if my colleague will allow me, there are two distinct operations in the cotton business. This afternoon would not afford half the time that would be necessary to explain the detailed workings of what we know as our cotton exchanges. The contracts to which my colleague refers are employed in the markets where the principal business is done.

We have what is called a middling grade. That is the middle grade, and all prices are fixed with reference to that. The grades below have a discount and the grades above have a premium. All contracts are sold "basis middling." If you pick up your paper in the morning you will see May, June, July, August, September, and October cotton quoted at a certain price, and that is "basis middling."

It is a fact that neither a millman nor a cotton producer nor a broker rarely goes to the exchange to get his contract filled. They simply buy and sell there as hedges against either the purchase of the actual spot cotton or the sale of goods from the mill. They take that as an insurance, hold onto it, and send their brokers into the market to buy the specific grades they desire. The reason why the law does not compel the exchange to deliver the specific grades that a millman may want is because those are simply hedging markets, where the spot cotton is not supposed to be stored and delivered against sales. It is an insurance place.

My colleague [Mr. DIAL] has introduced an amendment looking toward the exigency that in case a millman would desire to have at least half of his contract delivered by the hedge market rather than by his broker on his street, he may have the opportunity of so demanding it from the exchange, but the actual cotton is no more handled on the New Orleans Cotton Exchange—perhaps a little more on the New Orleans Exchange than on the New York Exchange—than is wheat handled on the board of trade. It is simply a hedge against purchase or sale in the general markets.

There is a provision in the present law that gives them the right to specify the particular grade.

If my colleague will allow me just a moment further, I shall conclude. Cotton is of such a peculiar nature that it confuses most of those who are unacquainted with it, both in the production and the handling. It is now divided into 10 grades—11 or 12, in fact, but we have not allowed to be delivered those below good ordinary—on account of color and foreign matter and perhaps inferior fiber.

Most of the mills that buy their cotton buy even running loss. That is the technical term used, which may go from low middling up to as high as strict middling. These grades are used in the same mill to produce the same kind of cloth; and no one would attempt to sell a contract of a specific grade, because he would have difficulty in finding anywhere in the ordinary market that specific grade, but they do sell basis middling and settle on that basis.

Mr. McCUMBER. I think I understand. The Senator is not dealing with real cotton that is to be used in the mills, but merely speculative cotton that is to be used as a hedge.

Mr. DIAL. Yes; and that depresses the price of spot cotton. It declined from over 42 cents per pound to around 10 cents within a few months. That is my complaint.

I send to the desk a telegram sent by a member of the New Orleans Cotton Exchange to the senior Senator from Louisiana [Mr. RANSDELL], who handed it to me. I desire to have that incorporated in the RECORD as a part of my remarks. I think the telegram bears out my contention.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

NEW ORLEANS, LA., *May 5, 1921.*

Hon. JOS. E. RANSDELL,
United States Senate, Washington, D. C.

Your letter April 29 and wire May 3. In my opinion future contract trading is essential. The abolition of the future market would be a vast misfortune to all engaged in cotton production and merchandising. It is true that in the late deflation campaign when constructive speculation was paralyzed and destructive speculation stimulated and, in fact, encouraged by the attitude and acts of one branch of the Federal Government the producers should have been protected from the injurious results of excessive bear speculation and should be protected should any excessive selling develop during the abnormal period of readjustment. But the way to make such protection effective is through temporary prohibition of speculative short selling and not through the destruction of the future trading system. The future markets may be destroyed directly as under the Caraway bill or indirectly as under the Dial bill. Senator DIAL'S fifty-fifty argument sounds plausible enough, but in practical effect it would drive sellers from the future market and make said market innocuous. The fault with DIAL'S argument lies in the fact that obligations assumed by the buyer and seller in the future contract are not equal. If the buyer could demand that even 50 per cent of the contract delivery should be two specific grades, designated by him (the buyer), he would naturally demand the grades which seller would have most difficulty in securing even if he could secure same at all. Such a contract would make seller's position so hazardous that eventually there would be no sellers, either speculative or hedging. Having

gone through a period during which the speculative short seller had all the advantage, now that trend of events and the attitude of the administration favors a revival of buying, I think it would be most unfortunate for us by destroying the future markets to deprive cotton of the benefits of constructive buying.

W. B. THOMPSON.

Mr. DIAL. I have in my hand a clipping from my home paper relating that a gentleman whose name I will not mention, living in my neighborhood, the father of eight children, committed suicide the other day on account of the discouraging outlook for agriculture.

I appreciate very much the attention of the Senate, and I am sorry my time is so limited. However, I am glad that Senators will look into the matter, as I know they will. All I ask is a simple amendment to the law, and I feel there can be no opposition to it.

Mr. HARRIS. Mr. President, I wish to call the attention of the Senate to an important fact in connection with cotton. The Senator from North Dakota [Mr. MCCUMBER] and Senators on the other side of the aisle who have given the Senator from South Carolina [Mr. DIAL] such close attention will be interested in this. Except for the cotton exported from the South since 1880, the balance of trade would have been against the United States more than half the years from that time until the last war. The gold reserve that we have had to help this country in the trying times the past few years has been due more to cotton exported than to anything else. Without this cotton the balance of trade would have been against the United States and we would have been sending annually abroad hundreds of millions of dollars. Our Government owes the cotton producers of the South a debt of gratitude, and I hope to see the time when Senators from every section will feel an interest in the welfare of the southern cotton producer, whose product now sells for less than a third it costs to produce. No section has suffered from deflation as much as the South.

I ask unanimous consent to insert in the RECORD the balance of trade between the United States and foreign countries and a statement showing the exports of cotton, which amount to double that of wheat and corn, and showing the amount of gold that cotton we have exported has brought into our country the past 50 years. Also, I wish to insert a copy of the British Board of Trade Journal, showing what Great Britain is doing to encourage the production of cotton. Unless our Government helps the cotton producers, the production will be decreased, our exports lessened, and our gold reserve reduced. I think everything this Government can do should be done to encourage the production and exportation of cotton and financing the cotton producers so as to help the price of cotton. Congress and our Government should leave nothing undone in such efforts as are now being made along this line. When the South receives a fair price for cotton, it not only helps our balance of trade but it helps every industry in the United States.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Domestic exports from the United States to foreign countries during the years 1880 to 1920.

Year ending—	Cotton, dollars.	Corn.		Wheat.	
		Bushels.	Dollars.	Bushels.	Dollars.
June 30:					
1880	211,535,905	98,169,877	53,398,247	153,252,795	190,540,305
1881	247,695,746	91,908,175	50,702,669	150,565,477	167,698,485
1882	189,812,644	43,184,915	28,845,830	95,271,802	112,929,718
1883	247,328,721	40,586,825	27,756,081	106,385,828	119,879,341
1884	197,015,204	45,247,490	27,648,044	70,349,012	75,026,678
1885	201,962,458	51,834,416	28,003,863	84,653,714	72,933,097
1886	205,685,642	63,655,433	31,730,922	57,759,209	50,262,715
1887	206,222,057	40,307,252	19,347,361	101,971,949	90,716,481
1888	223,016,760	24,278,417	13,355,950	65,789,261	56,241,468
1889	237,775,270	69,592,929	32,982,277	46,414,129	41,652,701
1890	250,968,792	101,973,717	42,658,015	54,387,767	45,275,906
1891	290,712,898	30,768,213	17,652,687	55,131,948	51,420,272
1892	258,461,241	75,451,849	41,590,460	157,280,351	161,399,132
1893	188,771,445	46,037,274	24,587,511	117,121,109	93,534,970
1894	210,869,289	65,324,841	30,211,154	88,415,230	59,407,041
1895	204,900,990	27,691,137	14,650,767	76,102,704	43,805,663
1896	190,056,460	99,992,835	37,836,862	60,650,080	39,709,868
1897	230,890,971	176,916,365	54,087,152	79,562,020	59,920,178
1898	230,442,215	208,744,939	74,196,850	148,231,261	145,684,659
1899	209,564,774	174,089,094	68,977,448	139,432,815	104,269,169
1900	241,832,737	209,348,284	85,206,400	101,950,389	73,237,080
1901	313,673,443	177,817,965	82,527,983	132,060,667	96,771,743
1902	290,651,819	26,636,552	16,185,673	154,856,102	112,875,222
1903	316,180,429	74,833,237	40,540,637	114,181,420	87,795,104
1904	370,811,246	55,858,965	30,071,334	44,230,169	35,850,318
1905	379,965,014	88,807,223	47,446,921	4,394,402	3,905,579
1906	401,005,921	117,718,657	62,061,856	34,973,291	28,757,517
1907	481,277,797	83,300,708	44,261,816	76,569,423	60,214,388
1908	437,788,202	52,445,800	33,942,197	100,371,057	99,736,767
1909	417,390,665	35,853,412	25,194,466	66,923,244	68,094,447
1910	450,447,243	36,802,374	25,427,993	46,679,876	47,806,598
1911	585,318,869	63,761,458	35,961,479	23,729,302	22,040,273
1912	565,849,271	40,038,795	28,957,450	30,160,212	28,477,584

Domestic exports from the United States to foreign countries during the years 1880 to 1920—Continued.

Year ending—	Cotton, dollars.	Corn.		Wheat.	
		Bushels.	Dollars.	Bushels.	Dollars.
June 30:					
1913	547,357,195	49,064,967	28,800,544	91,602,974	89,036,428
1914	610,475,301	9,380,855	7,008,028	92,393,775	87,953,456
1915	376,297,972	48,786,291	39,339,064	259,642,533	333,552,226
1916	374,186,247	38,217,012	30,780,887	173,274,015	215,532,681
1917	543,074,690	64,720,842	72,497,204	149,831,427	298,179,705
1918	665,024,655	40,997,827	75,305,692	34,118,853	80,892,542
Dec. 31:					
1918, 6 mo		11,364,464	17,925,544	104,683,409	246,010,258
1919	1,137,371,252	11,192,533	18,624,386	148,086,470	356,898,296
1920	1,136,408,916	17,761,420	26,453,681	218,287,334	596,975,396

Table of balance of trade between the United States and foreign countries, and amount of cotton exported, since 1880.

Year ending—	Excess of exports over imports.	Excess of imports over exports.	Exports of domestic cotton.
June 30:			
1880	$167,683,912		$211,535,905
1881	259,712,718		247,695,746
1882	25,902,683		189,812,644
1883	100,658,488		247,328,721
1884	72,815,916		197,015,204
1885	164,662,426		201,962,458
1886	44,088,694		205,085,642
1887	23,863,443		206,222,057
1888		$28,002,607	223,016,760
1889		2,730,277	237,775,270
1890	68,518,275		250,968,792
1891	39,564,614		290,712,898
1892	202,875,686		258,461,241
1893		18,735,728	188,771,445
1894	237,145,950		210,869,289
1895	75,568,200		204,900,990
1896	102,882,264		190,056,460
1897	286,263,144		230,890,971
1898	615,432,676		230,442,215
1899	529,874,813		209,564,774
1900	544,541,898		241,832,737
1901	664,592,826		313,673,443
1902	478,398,453		290,651,819
1903	394,422,442		316,180,429
1904	469,739,900		370,811,246
1905	401,048,595		379,965,014
1906	517,302,054		401,005,921
1907	446,429,653		481,277,797
1908	666,431,554		437,788,202
1909	351,090,880		417,390,665
1910	188,037,290		450,447,243
1911	522,094,094		585,318,869
1912	551,057,475		565,849,271
1913	652,875,915		547,357,195
1914	470,653,491		610,475,301
1915	1,094,416,600		376,217,972
1916	2,135,599,375		374,186,247
1917	3,630,693,209		543,074,690
1918	2,974,055,968		665,024,655
Dec. 31:			
1918 (6 mos.)	1,689,652,159		
1919	4,016,061,058		1,137,371,252
1920	2,949,534,817		1,136,408,916

Cotton exports for 100 years.

Decade.	Bales.	Tons.	Value.
1821–1830	4,071,687	1,017,923	$256,632,567
1831–1840	8,634,662	2,158,667	528,789,702
1841–1850	13,989,587	3,497,398	553,427,062
1851–1860	23,601,577	5,900,395	1,146,092,778
1861–1870	8,089,101	2,022,258	1,083,373,097
1871–1880	28,420,585	7,105,148	1,945,673,249
1881–1890	42,642,888	10,660,724	2,205,812,580
1891–1900	60,837,298	15,209,327	2,256,455,584
1901–1910	74,733,416	18,683,356	3,856,233,593
1911–1920	76,190,467	19,017,620	6,512,761,108
Grand total	341,211,268	85,212,816	20,349,251,320

[From the British Board of Trade Journal, Feb. 17, 1921.]

EMPIRE COTTON GROWING.

THE NEW ORGANIZATION.

It is announced that a preliminary meeting of the members nominated to serve on the administrative council of the Empire Cotton Growing Corporation will be held in Manchester on February 21. This statement indicates that arrangements are nearing completion for the establishment of a permanent organization whose object will be to promote the growing of cotton within the Empire, so that the industry in this country need no longer be dependent on the United States for the greater part of its supply of raw material.

In 1917 a committee was appointed by the board of trade to investigate this problem. The members reported that while they were confident that if proper measures were taken it should be possible to grow within the Empire a very large proportion of the cotton it requires, such an achievement was beyond the powers of any committee and demanded the united efforts of the Imperial Government and the

governments of the cotton-growing parts of the Empire, supported by the active interest and cordial cooperation of all who are engaged in the cotton industry in this country. The following are among the recommendations contained in the committee's report published in January of last year (Cmd. 523):

(1) That the agricultural departments in British colonies and dependencies should be considerably enlarged and strengthened.

(2) That a central research institute should be established.

(3) That in order to increase the supply and improve the training of scientific men capable of studying cotton, readerships at British universities should be established in plant physiology, plant genetics, mycology, and entomology, and that research studenships, to be held by graduates, should also be established.

(4) That a bureau for the dissemination of information on cotton growing should be set up.

(5) That the British Cotton Growing Association should act as agents of the committee for marketing crops, where this is agreeable to the local government, and that the association should forego the appropriation of any profits made in business carried on under this arrangement, provided that it is guaranteed against permanent loss arising therefrom.

The president of the board of trade supported the committee's proposals, stating that it was very undersirable that the cotton industry of the Empire should be so greatly dependent upon outside sources and upon seasonal conditions in any one country for its supply of raw material. While recognizing that useful work had been done in the past, he urged that the problem must be handled more systematically and with greater vigor, and that the Government must be prepared to give more active support.

FINANCE OF THE SCHEME.

The committee suggested that the responsibility for financing their proposals might be shared by the treasury and the cotton industry, but that pending the formation of a permanent body competent to carry into effect their far-reaching schemes the committee should continue its work under the support of the Government. This recommendation was accepted and a sum of £10,000 a year for five years was placed at the committee's disposal for secretarial and other expenses and for initiatory work on matters of urgent importance on the lines recommended in the report. The committee were accordingly able last spring to take steps to form an organization for the development of cotton growing within the Empire and to carry out immediately certain of their proposals.

With regard to finance, it was suggested that the contribution from the industry might take the form of a voluntary levy of 6 d. per bale of 500 pounds imposed by the spinners themselves on all raw cotton. The principle of this proposal met with considerable support in Lancashire, and the Government thereupon announced last July that they would ask Parliament to make a grant of £50,000 a year for five years to the body that might be set up to carry out the committee's proposals, subject to the contribution from the industry being forthcoming by means of the levy, which it was estimated would yield a further sum of approximately £100,000 per annum.

PROGRESS OF THE COTTON LEVY.

Notwithstanding the severe depression in the cotton trade, marked progress has since been made in obtaining the approval of the spinning firms to the levy. At present the owners of approximately 75 per cent of the spinning spindles in the United Kingdom have given their assent. The Liverpool and Manchester Cotton Associations have been approached with a view to obtaining their help in collecting the levy, and they have intimated their willingness to recommend to their members the introduction of a by-law to enable them to impose the charge suggested, provided that the consent of the owners of at least 90 per cent of the spindles in the country is obtained. The fulfillment of this requirement would mean that the trade was practically unanimous in its support, and although such unanimity may not be easy of attainment at the present time, the striking proportion already in favor of the scheme gives encouragement to the hope that at the forthcoming meeting in Manchester means may be found rapidly to complete the necessary arrangements.

THE PERMANENT CORPORATION.

In order to establish a permanent body to carry out the committee's recommendations it has been decided to form the Empire Cotton Growing Corporation, to be constituted under royal charter. The funds of the corporation will be in the hands of a board of trustees, which it is proposed should consist of the secretaries of state for foreign affairs, the colonies and India, and the president of the board of trade, with an equal number of representatives of the industry. The governing body will be the administrative council, which will include representatives of the Government departments, the Governments of India, South Africa, and Australia, all branches of the cotton industry at home and in India, the chambers of commerce of the important centers of the trade, the British Cotton Growing Association, the Imperial Institute, the Textile Institute, and the University of Manchester. Considerable progress has been made in settling the terms of the draft charter and by-laws, so that there may be no delay when once assent to the levy has been obtained from the industry as a whole.

MISSIONS AND RESEARCH.

During the past six months the present committee have already been able to make a beginning upon work which it is hoped will be undertaken on a far larger scale by the corporation. Last autumn Dr. Harland, assistant for cotton research in the department of agriculture for the West Indies, resigned this position upon his appointment as botanist to the Cotton Industry Research Association. The committee recognized the importance of securing continuity in the researches which Dr. Harland was conducting on sea-island cotton and appointed Mr. D. P. Montague, B. Sc., to proceed to St. Vincent to carry on the work on the lines initiated by Dr. Harland. They not only undertook the responsibility for Mr. Montague's salary, but also agreed to bear the cost, up to £200 a year, of incidental expenses connected with the research.

Special emphasis was laid in the committee's report on the importance of maintaining close touch with the governments of those parts of the Empire in which cotton growing might profitably be developed and of obtaining accurate information as to local conditions. To further these objects they have appointed Sir Hector Duff to undertake a mission to Nigeria and Maj. Hastings Horne to carry out similar work in Tanganyika Territory, formerly German East Africa. Maj. Horne arrived in the country in November last, and valuable reports have already been received from him. By means of such missions it is hoped to obtain information which will be of immediate assistance to the corporation in enabling them to frame schemes acceptable to the local governments for developing the cotton-growing possibilities of their respective territories.

Numerous witnesses have been examined by the committee, including officials and others familiar with cotton growing in practically every part of the Empire. The knowledge thus obtained can not fail to be of the greatest value to the body about to be established, which will also have at its disposal funds sufficient to enable it to make practical use of it.

A joint standing committee with the Cotton Industry Research Association has been set up, and the two bodies have shared the cost of certain research studentships intended to enable students to qualify themselves specially for the investigation of scientific problems connected with cotton growing.

THE CENTRAL STAFF.

The committee have given much thought to the organization of the central staff of the corporation. Offices are being sought in the neighborhood of Westminster, and in the meantime the board of trade are providing the necessary accommodation. Two gentlemen whose names will command general confidence have been selected for recommendation as director and assistant director, while Mr. L. G. Killby, B. A., B. Sc., formerly superintendent of the department of technology of the City and Guilds of London Institute, and Mr. J. C. May, B. A., formerly assistant resident in the Nyasaland protectorate and assistant political officer in Tanganyika Territory, have been appointed secretary and assistant secretary, respectively. The consideration of other appointments has necessarily been deferred until the formation of the corporation has made it possible for the director to undertake this important part of the duties of his office.

It will be clear from the above that valuable preparatory work has already been done, which will considerably facilitate the attainment of the objects which the Government and the industry, working jointly through the new corporation, now seek to secure. A new departure is thus being made; an important industry, with the cooperation of the Government, is providing a substantial sum of money to develop the sources of supply of its raw material. The importance of the work is acknowledged, and its success is not only of vital importance to the cotton industry but will add materially to the prosperity of many parts of the Empire.

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[From the British Board of Trade Journal, May 5, 1921. The British Board of Trade Journal is an official Government publication printed in His Majesty's printing office.]

CENTRAL COTTON COMMITTEE—CONSTITUTION AND ORGANIZATION.

As announced in the weekly cable from the director general of commercial intelligence, Calcutta, dated April 4 (see the Journal of Apr. 7, p. 382), a central cotton committee, with headquarters at Bombay, has been constituted as recommended by the Indian cotton committee.

COMPOSITION OF COMMITTEE.

The functions of the committee will be mainly advisory. At the outset it will be composed as follows, but additions to and alterations in its composition may be made from time to time on the recommendation of the committee.

OFFICIAL REPRESENTATIVES.

President: The agricultural adviser to the Government of India.

Members: A representative of the agricultural department in (1) Madras, (2) Bombay, (3) the Punjab, (4) the United Provinces, (5) Burma, (6) the Central Provinces and Berar, (7) Sind, and (8) the director general of commercial intelligence.

NONOFFICIAL REPRESENTATIVES.

A representative of each of the following bodies: (1) The East India Cotton Association, if established, or, in the alternative, the Bombay Cotton Trade Association; (2) the Bombay Millowners' Association; (3) the Bombay Chamber of Commerce; (4) the Ahmedabad Millowners' Association; (5) the Karachi Chamber of Commerce; (6) the Tuticorin Chamber of Commerce; and (7) the Upper Indian Chamber of Commerce.

In addition there are to be two representatives of the Central Provinces and Berar, to be nominated by the local administration from manufacturers or ginners; and also the following: (1) A representative of the Madras presidency, to be nominated by the local government from manufacturers or ginners; (2) a representative of the Punjab, to be nominated by the local government from the manufacturers, ginners, or large producers; (3 and 4) a representative each of Bengal and of Lancashire.

OTHER REPRESENTATIVES.

(1) A member of the cooperative department, official or nonofficial, to be nominated by the Government of India; (2) a representative each of the Hyderabad State; (3) of the Baroda State; and (4) a joint representative of the States in Rajputana and central India.

APPOINTMENTS AND LOCAL ORGANIZATIONS.

The members of the committee will be appointed in the first instance for a period of two years, and steps are being taken to nominate the personnel in consultation with the local governments and administrations and the Darbars concerned. Proposals have been approved by H. M., secretary of state, regarding the appointment of a secretary to the committee, and the officer selected is Mr. B. C. Burt, at present deputy director of agriculture in the United Provinces. On his appointment the secretary will be directed to submit proposals regarding his staff and the place and time of the first meeting of the committee.

The cost of the committee will be met from imperial revenues.

Subject to the submission to them for sanction of any proposals requiring it under the ordinary financial rules, the Government of India leave it to the discretion of local governments and administrations to decide the composition and details of organization of their provincial and local committees.

Mr. HARRIS. I am informed by Mr. R. L. McKellar, foreign freight traffic manager of the Southern Railway system, that the French Government is projecting cotton growing plans in its African colonies similar to the movement outlined in the British Board of Trade Journal for the British Government.

EXECUTIVE SESSION—RECESS.

Mr. NORRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent

in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 15, 1921, at 11 o'clock a. m:

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14 (legislative day of June 13), 1921.

DEPARTMENT OF JUSTICE.

JUDGE OF THE CIRCUIT COURT, THIRD CIRCUIT, TERRITORY OF HAWAII.

James Wesley Thompson.

UNITED STATES ATTORNEYS.

Eastern district of Virginia.

Paul W. Kear.

District of Rhode Island.

Norman S. Case.

Northern district of Mississippi.

Lemuel E. Oldham.

CONSULAR SERVICE.

CONSULS OF CLASS 7.

Fred R. Robinson.
Clinton E. MacEachran.

IN THE ARMY.

Lieutenant colonels.

Guy Eugene Bucker, Infantry.
Rawson Warren, Cavalry.
John Henry Read, jr., Ordnance Department.
Robert John Binford, Infantry.
John Augustus Brockman, Infantry.
Charles Conaway Burt, Coast Artillery Corps.
Sheldon Webb Anding, Infantry.
William Gaither Murchison, Infantry.
Joseph Howard Barnard, Quartermaster Corps.
Rodman Butler, Quartermaster Corps.
Howard Stanley Miller, Coast Artillery Corps.
Clarence Lininger, Cavalry.
Edward Murray Offley, Cavalry.
John Cocke, Cavalry.
Elvin Henry Wagner, Infantry.
John Thomas Donnelly, Cavalry.
William Henry Menges, Finance Department.
Ronald Earle Fisher, Cavalry.
Thomas Watson Brown, Infantry.
Otis Robert Cole, Infantry.
Charles Emery Hathaway, Cavalry.
Joseph Victor Kuznik, Cavalry.
Edward Raymond Coppock, Cavalry.
Shelby Carl Leasure, Infantry.
Peter John Hennessey, Cavalry.
Kenyon Ashe Joyce, Cavalry.
Charles Frederick Herr, Infantry.
Francis Joseph Behr, Coast Artillery Corps.
Fred Hays Turner, Infantry.
Howard Carlyle Tatum, Cavalry.
Arthur George Fisher, Cavalry.
Edwin Oliver Saunders, Judge Advocate General's Department.
Walter Krueger, Infantry.
Asa Leon Singleton, Infantry.
Arthur LeRoy Bump, Infantry.
George Grunert, Cavalry.
Harry Westervelt Gregg, Air Service.
William Rivers Pope, Cavalry.
Staley Alfred Campbell, Infantry.
John Rowe Brewer, Infantry.
Olney Place, Cavalry.
Leo Asa Dewey, Infantry.
John Pope McAdams, Infantry.
Thomas Hood Cunningham, Cavalry.
John Robert Musgrave, Coast Artillery Corps.
Sidney Derby Maize, Cavalry.
Richard Wetherill, Infantry.
Hartman Lewis Butler, Coast Artillery Corps.
John Bryson Barnes, Infantry.
Thomas Taylor Duke, Infantry.
Harry Arthur Wells, Infantry.
Ralph Middleton Parker, Cavalry.
George Warren Harris, Infantry.
Edward Gregg McCleave, Infantry.
Pat M. Stevens, Infantry.
William Holt Peek, Quartermaster Corps.

FINANCE DEPARTMENT.

First lieutenant.

James Bayard Haley.

ORDNANCE DEPARTMENT.

Major.

Everett Collins.

Captains.

Robert Sherman Barr.
Walter Holbrook Adams.
Scott Brewer Ritchie.
James Dennett McIntyre.

First lieutenant.

Edward Ward Smith.

COAST ARTILLERY CORPS.

Colonel.

LeVert Coleman.

First lieutenants.

Walter John Wolfe.
Clem Oliver Gunn.
Paul Americus Harris.
Roland Lester Spencer.

FIELD ARTILLERY.

Lieutenant colonels.

Philip Sheridan Golderman.
James Wadsworth Furlow.

Majors.

Joseph Olden Daly.
William Ord Ryan.

First lieutenants.

Charles Franklin Fletter.
Alphonse Stoeckle.

QUARTERMASTER CORPS.

First lieutenant.

Thorgny Cedric Carlson.

SIGNAL CORPS.

Captain.

Bruce Glenn Kirk.

AIR SERVICE.

Major.

Roy Messick Jones.

Captains.

Lawrence Fielding Stone.
George Stewart Warren.

First lieutenants.

James Desmond Summers.
St. Clair Streett.

CHEMICAL WARFARE SERVICE.

Captain.

Thomas Phillips.

First lieutenants.

Charles Stricklen Shadle.
Arnold Emerson Heeter.

MEDICAL CORPS.

Captains.

Milner Hubbard Eskew.
Juan Higinio Font.
Luther Remi Moore.
John Earl Stanton.
Harry Willard Waterous.
Richard Henry Eanes.
Carl Randolph Mitchell.
William Otis Callaway.
James Morris Fontaine.

DENTAL CORPS.

Captains.

Ralph Olds Leonard.
Carl Eaton Safford.
Warren Charles Caldwell.
Page Purnell Albert Chesser.
William Elder Sankey.
Herman James Lambert.
Jay Ross Haskin.
Avery Scott Hills.
Emory Chester Bardwell.

CHAPLAINS.

Chaplains, with rank of lieutenant colonel.

James Lincoln Griffes.
John Menifee Moose.

INFANTRY.

Lieutenant colonel.

Robert Emmet Grinstead.

Captains.

John Ellis Rossell.
George Shipley Prugh.
Louis Alexander Falligant.

First lieutenants.

Richard Head Trippe.
Donald Weldon Brann.

IN THE NAVY.

Rear admiral.

Capt. Henry A. Wiley.

Captain.

Commander Thomas A. Kearney.

Commander.

Lieut. Commander John Grady.

Lieutenant commanders.

Lieut. Jere H. Brooks.
Lieut. James D. Smith.
Lieut. James G. Stevens.
Lieut. Raymond G. Thomas.
Lieut. Henry D. McGuire.

Lieutenants.

David R. Lee.
Adrew H. Addoms.
James M. Lewis.
Isaac Schlossbach.
Joseph H. Chadwick.
Bernard F. Jenkins.
John E. Williams.
Benjamin R. Holcombe.
Herbert J. Grassie.
Edmund B. Caldwell.
Francis C. Denebrink.
Walter C. Calhoun.
George K. Weber.
Elliott M. Senn.
Leonard B. Austin.
Ralph F. Skylstead.
Douglas A. Spencer.
Moses B. Byington, jr.
John R. Sullivan.
John D. Alvis.
John S. McReynolds.
Walter S. Macaulay.
James L. Fisher.
William Busk.
William S. Garrett.
Thomas G. Fisher.
Stanley M. Haight.
James W. Whitfield.
Albert L. Hutson.
William O. Baldwin.
Robert L. Mitten.
Lisle Henifin.

Lieutenants (junior grade).

Francis C. Denebrink.
Leonard B. Austin.
Moses B. Byington, jr.
John R. Sullivan.
John D. Alvis.
John S. McReynolds.
Walter S. Macaulay.
James L. Fisher.
William Busk.
William S. Garrett.
Thomas G. Fisher.
Stanley M. Haight.
James W. Whitfield.
Albert L. Hutson.
William O. Baldwin.
Robert L. Mitten.
Lisle Henifin.
Hobart A. Sailor.
Jeffrey C. Metzel.
Allen D. Brown.
John W. Roper.
Clarence H. Schildhauer.
Franz O. Willenbucher.
Donald C. King.
Paul F. Lee.
Joseph R. Lannom.
Stephen K. Hall.
James L. Holloway, jr.
Gustave H. Bowman.
Frank V. Aler, jr.
Dixie Kiefer.
Willis W. Pace.
Malcolm F. Schoeffel.

Medical director, with rank of rear admiral.

Albert M. D. McCormick.

Passed assistant surgeons.

Alma C. Smith.
John LeR. Shipley.
Francis G. Speidel.
Leonard H. Denny.
John L. Frazer, jr.
Haliburton McCoy.
Leonard O. Riggert.
William H. Funk.
Bernard L. Toothaker.
George W. Wilson.
Wendell H. Perry.
Joseph B. Logue.

Passed assistant dental surgeons with the rank of lieutenant.

Leon C. Frost.
Clark E. Morrow.
James I. Root.
Eugene DeS. Jarboe.
William T. Davidson.
Lawrence E. McGourty.
Spry O. Claytor.
Allen H. Hetler.
Tyler W. Spear.
Henry R. Delaney.

Passed assistant paymaster with rank of lieutenant.

Edward J. Alexander.

Naval constructors with rank of commander.

John W. Woodruff.
Emory S. Land.
Edwin G. Kintner.

Chief carpenters.

George H. Wheeler.
Michael C. Faber.
Sterling C. Giradet.
George D. Barringer.
William A. Nightingale.
Whitney Collins.
Garrison R. Arey.

Chief pharmacist with rank of ensign.

Robert E. Weaver.

Passed assistant paymasters.

George Peter Seifert.
George William Masterton.
Ambrose Jones Barnum.
Walker Andrew Settle.
Orlo Seward Goff.
Oscar James Phillips.
Dayton Fisher.
Burnice Winton Shumaker.
Joseph Alvin Rebentisch.
Thomas Martin Schnotala.
Charles Eric Sandgren.
Harry Albert Hooton.
James Gately.
Arthur William Babcock.
Lewis Sterling Sutliff.
Charles Howard Breyer.
Thomas Anslem Culhane.
Charles Woodard Charlton.
Alvah Bernard Canham.
Noble Rolly Wade.
Ross Berchard Deming.
Frederick Scherberger, jr.
William Thomas Williams.
Frank Lewis.
Henry Eugene Brown.
Theodore Saulsbury Coulbourn.
Fred Alexander Abbott.
Charles Edward Rappolee.
John Hendrick Seifert.
Alexander Casimir Kozlowski.
Maurice Samuel Hirshorn.
Arthur Gerhard King.
Joseph O'Reilly.
William Reese Parker.
William Howard McKenna.
Samuel Blair Caldwell.
Walter Albert Thomas.
Orville Dale Foutch.
Benjamin Harrison White.
Eugene Kincaid Brooks, jr.
Lester Alpheus Dyckman.
Le Roy Moyer.
Walter Edwin Morton.
Edward Roy McKenzie.
William Cecil Colbert.
William Jasper Smith.
Benjamin Berkowitz.
Orly Tagland.
Edison Huntington Gale.
George Edward Lord.
Herman Winfred Johnson.
Percy James Hutchinson.
Maurice Thaddeus Scanlan.
Marcus Eugene West.
John Benjamin Daniels.
Thomas Craighead Edrington.
Michael Joseph Dambacher.
Albert Sidney Freedman.
Harry Everest Stengele.
Robert Carson Vasey.
William Herbert Abbey.
Houston Sevier Stubbs.
Herbert Carlyle Lassiter.
William Charles Jahnke.
Hilton Pradby Tichenor.
William Russell Ryan.
Michael Joseph Kirwan.
Walter Theodore Cronin.
Arthur Percival Marmaduke Shock.
Leonard Alois Klauer.
Nathaniel Edward Disbrow.
Jacques Harry Erman Everette.
James Clyde Masters.
Charles Wesley White.
John Henry Theis.
James Fellis.
Allen Joseph Marshall.
Peter John Penner.
Wallace David Chace.
Clarence Adams Miley.
William Elmer Todd.
Charles Emerich Rudolph.
Roy Edward Smith.
Francis Patrick Kenny.
Eugene Lawrence Gray.
Samuel Voorhees Dunham.
Thomas Lewis Sorrell.
Stephen Edward Smith.
Roy Lee Walford.
Ralph Jenkins Dindot.
Clifford White LeRoy.
John Leabon Cash.
Clarence William Baker.
Vergil L. Marsh.
Charles Wesley Brown.
Edwin Ernest Mullen.
Allen Chester Bridges.
James Everett Sanner.
Independent Whipple Gorton.
James Madison Easter.
Arthur Albert Lee.
Daniel Lynch.
Edward Henry Duane.
Jonas Frederick Rupert.
Harry Evan Groos.
Edwin Roe Gallagher.
Max Baum.
Joseph Simon.
Lloyd Christian Sowell.
Roy Earnest Barrett.
Harry Harrison Bloxham.
Arthur Melven Bryan.
Charles August Sieck.
Russell D. Calkins.
George M. Eyferth.
Miles R. Finley.
Francis L. Gaffney.
Lorimer C. Graham.
Eugene B. Kennedy.
Julian H. Maynard.
Richard D. Micou.
Marvin C. Roberts.
Robert A. Shotwell.
Charles W. Stevenson.
William B. Young.
Dillon Foster Zimmerman.
Robert Hamilton Mattox.
Robert Giffen Robeson.
William James Dean.
Isaac Wayne Thompson.
Frederick Schwab.
Edwin Reid Applegate.
Ralph John Henry Oldegeering.
Robert James Monteith.
Fillmore Shattuck Carver Layman.
Harold Ruppert Lehmann.
Howard Randall Jackson.
James Monroe Thomas.
Leon Ivan Smith.
Myron W. Willard.
Archie Arthur Antrim.
John Hawkins Gallion.
Harold Elliott Humphreys.
Hugh Arthur Phares.
Percy Wadsworth McCord.
James Edward Brennen.
Tipton Forrest Woodward.
Mason Edward Mitchell.
George Parks Smallman.
George Edward Duffy.
Chris Jacob Norstad.
Charles Albert Cook.
Robert Roy Thompson.

George Lawrence Thomas.
Samuel Lawrence Bates.
John Charles Poshepny.
Gordon Samuel Bower.
Edward Mixon.
Henry Chilton McGinnis.
Frank Joseph Manley.
Harry Francis Hake.
Julius Joseph Miffitt.
Harry Gillespie Kinnard.
Percival Francis Patten.
Michael Albert Sprengel.
William Edwin McCain.
Golden Fletcher Davis.
Grandison James Tyler.
Theodore Martin Stock.
Stamford Grey Chapman.
William Elliott.
Joseph Edward Ford.
James Edward Hunt.
Hugh John McManus.
William Edward Woods.
Alexander Wolseley Urquhart.
Leo Adelbert Ketterer.
John Joseph Carroll.
Edward Hammel Hulit.
Nicholas Alexander Brown.
John Wesley Overand.
Howard Niles Hill.
Charles Harold Conversc.
Leo Vincent Flavell.
Cornelius Adam Brinkmann.
Albert Washington Eldred.
Charles Alexander Cameron.
Jacob Holmes Kyger.
Joseph Thomas Lareau.
Marvin McCray.
Paul K. Coons.
Roy Leo Koester.
James Herbert Stevens.
George Scratchley.
Ellsworth Foraker Sparks.
Charles Brandon Forrest.
John Patrick Killeen.
William George Conrad.
Karl Stacy Farnum.
Orville Franklin Byrd.
Louis Alford Puckett.
Lester Bernard Karelle.
Ellory Francis Carr.
James Daniel G. Wognum.
Charles Harrison Gillilan.
Robert Von Ritter.
Daniel Leo McCarthy.
Leon Dancer.
Charles Henry Ritt.
Harry Alfred Miller.
Joseph William Cavanagh.
Harvey Rector Dye.
Verny Carroll.
Charles Musil.
Charles Schaaf.
Forrest Ivanhoe.
Ray Erastus Snedaker.
Ray Wadley Byrns.
George Washington Davis.
William Walter Wise.
Guild Bruda.
Don Merrill Robinson.
Alvin Steward Reid.
Robert Harper Lenson.
Robert Ralston Blaisdell.
Edward Francis Ney.
Worth B. Beachman.
Carl J. Buck.
Thomas P. Bryam.
Charles R. Flanigan.
Charles M. Garrison.
Herman F. Gingrich.
Morris R. Grady.
Webster Gross.
Walter Guerry.
James M. McComb.
Hunter J. Norton.
Walter E. Scott.
John H. Skillman.
Maurice M. Smith.
John M. Speissegger.
Leslie A. Williams.
George F. Yoran.
Charles Frederick House.
Louis Weigle Crane.
Calvin William Schaeffer.
Benjamin Oliver Kilroy.
Letcher Pittman.
Frank Humbeutel.
Robert Hill Whitaker.
William Starling Cooper.
Charles Ernest Leavitt.
Archie Bawlin McKay.
Harrison William McGrath.
Charles Thomas Flannery.
Josephus Maximilian Lieber.
Carl Louis Biery.
Harry Carl Mechtoldt.
Harry Herbert Hines.
Charles Welford Fox.
Everett Warren Brown.
Edwin Henry Bradley.
William Henry Phillips.
Percy Briggs.
John Barnette Cattermole.
John Lawrence Herbert Clarholm.
Lamar Lee.
George Harold Crofut.
Andrew Colon Shiver.
Claude Randolph Clerk.
Matthew Thornton Betton.
Theodore Winans Smith Runyon.
John Ball.
Joseph Gustavus Hagstrom.
Carl William Seitz.
Cyrus Baker Kitchen.
Edward Winslow Hawkes.
Earl Francis Codding.
Charles Streater Bailey.
Joseph Patrick Burke.
Clark Howell Miley.
Guy John Cheatham.
Walter William Mahany.
John Henry Davis.
Stephen Reuben Edson.
John Enos Wood.
Matthias Anthony Roggenkamp.
Francis Merle Waldron.
Harold Arthur Rigby.
Edwin Arnold Eddigorde.
Russell Hardy Sullivan.
Harvey Elzay Wathen.
William Earl Tripp.
Lawrence Jefferson Webb.
Henry Hugh Karp.
George Henry Williams.
Joseph Arthur Hesse.
Richard August Vollbrecht.
Samuel Ellsworth McCarty.
George Walter Armstrong.
Robert F. Batchelder.
Joseph E. Bolt.
James Chapman.
Errett R. Feeney.
Francis D. Humphrey.
William F. Jones.
Willard C. Moore.
Christian P. Schwarz.
John N. Silke.
Edmund T. Stewart.
Purvey B. Summey.
Arthur L. Walters.
Richard L. Whittington

Passed assistant paymaster with rank of lieutenant.

Cyrus D. Bishop.

MARINE CORPS.

Captain.

Patrick W. Guilfoyle.

First lieutenant.

Judson H. Fitzgerald.

Second lieutenants.

James M. White.
Gerald C. Thomas.

SENATE.

WEDNESDAY, *June 15, 1921.*

(Legislative day of Monday, June 13, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Frelinghuysen	McCumber	Spencer
Borah	Hale	McKinley	Sutherland
Broussard	Harreld	McLean	Swanson
Bursum	Harris	McNary	Trammell
Calder	Harrison	Nelson	Underwood
Capper	Heflin	Norris	Walsh, Mass.
Caraway	Johnson	Poindexter	Warren
Curtis	Jones, Wash.	Sheppard	Watson, Ga.
Dial	Kendrick	Shortridge	Watson, Ind.
Dillingham	Kenyon	Smith	Wolcott
Fernald	Knox	Smoot	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Forty-three Senators having answered to their names, a quorum not being present, the Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. LA FOLLETTE and Mr. WADSWORTH answered to their names when called.

Mr. CURTIS. I have been requested to announce the absence of the junior Senator from Ohio [Mr. WILLIS], the senior Senator from Colorado [Mr. PHIPPS], and the junior Senator from Colorado [Mr. NICHOLSON], who are detained on official business.

Mr. LENROOT, Mr. SIMMONS, Mr. HITCHCOCK, Mr. LODGE, Mr. OVERMAN, Mr. WALSH of Montana, Mr. STERLING, Mr. WILLIAMS, Mr. GERRY, Mr. ODDIE, Mr. JONES of New Mexico, Mr. ELKINS, Mr. NEW, Mr. LADD, Mr. CULBERSON, and Mr. ERNST entered the Chamber and answered to their names.

Mr. UNDERWOOD. I have been requested to announce that the Senator from Tennessee [Mr. MCKELLAR] is absent on official business.

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6300) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a resolution of the Board of Commissioners of Roads and Revenues of Sumter County, Ga., favoring the enactment of legislation to aid the States in the construction of rural post roads, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a resolution adopted at a meeting held May 10, 1921, of the Boston (Mass.) Marine Society, favoring the repeal of the so-called La Follette Shipping Act, which was referred to the Committee on Commerce.

He also presented a resolution adopted at the annual meeting of the Council of the Massachusetts Medical Society, opposing the enactment of the so-called Sheppard-Towner maternity aid bill, which was referred to the Committee on Education and Labor.

He also presented resolutions of the First Congregational Society of Leominster; the First Baptist Church of Beverly; the Wollaston Congregational Church, of Quincy; the Starrett Memorial Methodist Church, of Athol; the First Congregational Church of Woburn; the Grace Methodist Episcopal Church,

Cambridge; the First Methodist Episcopal Church, Melrose; the Federated Church of Millbury; the Congregational Church of Southampton; the First Parish Church of Ashby; the Congregational Church of Christ, Leominster; the First Baptist Church of Hyde Park; the First Baptist Church of Worcester; Trinity Church, Boston; the Methodist Episcopal Church of North Adams; the Free Christian Church of Andover; the Boylston Congregational Church, Boston; Grace Church, of Lawrence; Trinity Church, of Concord; the Second Congregational Church of Chicopee Falls; Bulfinch Place Church, of Boston; the Prospect Congregational Church, of Cambridge; the First Congregational Church of Nantucket; the South Acton Congregational Church, of South Acton; the Methodist Episcopal Church of Medford; the Western Massachusetts District of the International New Thought Alliance; St. Paul's Church, of Holyoke; the Church of Christ, Granby; the Orthodox Congregational Church of Mansfield; the Belleville Congregational Church, Newburyport; the Old Cambridge Baptist Church, Cambridge; the Union Congregational Church, of Boston; the Plympton Congregational Church, of Plympton; St. Andrew's Protestant Episcopal Church, Ludlow; the Congregational Church of Northboro; the Riverside Memorial Church, of Haverhill; First Church of Christ, Lynn; First Congregational Church, Royalston; First Baptist Church of Holden; the Congregational Church of Hatfield; the Salem Quarterly Meeting of Friends, of Boston; the Central Congregational Church, Newburyport; the congregation of Unity Church, Pittsfield; the First Methodist Church, Marion; the First Church of Rochester; the Union Evangelical Church, of Three Rivers; the Church of the Pilgrimage, Plymouth; the Neighborhood Center and Immanuel Community, Pittsfield; the Winthrop Congregational Church, Holbrook; the West Parish Church, of Andover; the Trinity Methodist Episcopal Church, of Springfield; the Evangelical Congregational Church, of Barre; the Rehoboth Congregational Church, Rehoboth; the Park Avenue Congregational Church, Arlington Heights; the First Parish and Congregational Society, of Ashburnham; the Second Congregational Church of Westfield; the Union Church, of Waban; the First Methodist Episcopal Church of Hyde Park; the Portland Street Baptist Church, of Haverhill; the Central Congregational Church, of Dorchester; the Congregational Church of Wakefield; the Congregational Church of Northbridge Center; the First Congregational Church of Jamaica Plain; the Congregational Church of Auburndale; the First Congregational Church of Malden; the Grace Church, of Medford; the Village Congregational Church, of Whitinsville; the Central Congregational Church, of Worcester; and the Second Baptist Church of Holyoke, all in the State of Massachusetts, praying for the calling of an international disarmament conference by the President, which were referred to the Committee on Foreign Relations.

Mr. LADD presented a telegram transmitting a resolution adopted by the forty-first annual convention of the American Federation of Labor, at Denver, Colo., June 14, 1921, favoring a senatorial investigation of mining conditions in Mingo County, W. Va., which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial of the Rogers Lumber Co., of Minot, N. Dak., remonstrating against the placing of any tariff duty on lumber, which was referred to the Committee on Finance.

He also presented a resolution of the pastor and congregation of the First Presbyterian Church of Jamestown, N. Dak., favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a telegram in the nature of a petition of the executive committee of the Farmers Union of Washington and Northern Idaho, praying for the enactment of legislation to enlarge the Federal Reserve Board so as to include the Secretary of Agriculture and Secretary of Commerce, which was referred to the Committee on Banking and Currency.

He also presented eight resolutions of sundry citizens of St. Marys and sundry members of St. Marys College, all in the State of Kansas, favoring the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented a petition of sundry citizens of Freedom, Ravenna, Wayland, Windham, Garrettsville, Charlestown, Deerfield, Newton Falls, Mantua, and Hiram, all in the State of Ohio, praying for the enactment of a tariff law to protect small, new, and struggling industries, and remonstrating against any increase in customs duties that would increase the cost of raw materials entering into the manufacture of the necessities of life or cause increased protection to old, large, and well-established industries, etc., which was referred to the Committee on Finance.

REPORTS OF COMMITTEE ON TERRITORIES AND INSULAR POSSESSIONS.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii (Rept. No. 115);

A bill (S. 2063) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the island of Hawaii, Territory of Hawaii (Rept. No. 116);

A bill (S. 2064) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, Territory of Hawaii (Rept. No. 117);

A bill (S. 2065) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island of Maui, Territory of Hawaii (Rept. No. 118);

A bill (S. 2066) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the districts of North and South Hilo and Puna, in the county of Hawaii, Territory of Hawaii (Rept. No. 119); and

A bill (S. 2067) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, island of Oahu,' enacted by the Legislature of the Republic of Hawaii July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu"; to the Committee on Territories and Insular Possessions (Rept. No. 120).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 2083) to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 2084) making appropriations for the prevention of loss of timber from insect infestations on reserved and unreserved public lands in Oregon and California, and for other purposes; to the Committee on Appropriations.

By Mr. PENROSE:

A bill (S. 2085) for the relief of Emmett M. Lowery; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 2086) for the relief of August H. Radke; to the Committee on Claims.

A bill (S. 2087) granting a pension to Mary A. Manuel; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 2088) for the relief of Regina Schorr; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2089) authorizing the appointment of an additional judge for the district of Minnesota; to the Committee on the Judiciary.

AMENDMENTS TO MEAT PACKING BILL.

Mr. NORRIS submitted two amendments intended to be proposed by him to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. KENYON submitted six amendments intended to be proposed by him to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. STERLING (for Mr. McCORMICK) submitted three amendments intended to be proposed by him to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, which were ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had on the 14th instant approved and signed the bill (S. 86) to amend the act approved December 23, 1913, known as the Federal reserve act.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Agriculture and Forestry as amended.

Mr. UNDERWOOD. Mr. President, as that amendment came up yesterday, and some of us are not fully informed as to it, I ask that the Secretary again state it.

The VICE PRESIDENT. The committee amendment as amended will be stated.

The READING CLERK. The committee amendment is to strike out all after the enacting clause of the bill and to insert——

Mr. UNDERWOOD. Is that the entire committee amendment?

The VICE PRESIDENT. It is the entire committee amendment.

Mr. UNDERWOOD. Then, if no Senator desires to speak on the amendment, I ask for the yeas and nays on it.

Mr. FERNALD. I have a few remarks which I desire to submit.

Mr. UNDERWOOD. I beg the Senator's pardon. I thought it was going by default.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mr. NORRIS. Will the Senator from Maine permit me now to offer a couple of amendments for printing which I forgot to offer previously?

Mr. FERNALD. Certainly.

Mr. NORRIS. I thank the Senator from Maine.

Mr. President, I send to the desk two amendments, which I ask may be printed and lie on the table.

The VICE PRESIDENT. Without objection, the proposed amendments will be printed and lie on the table.

Mr. KENYON. Will the Senator from Maine yield to me for a moment?

Mr. FERNALD. I yield to the Senator from Iowa.

Mr. KENYON. I also send to the desk certain amendments which I desire to offer to the pending bill, and ask that they lie on the table and be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FERNALD. Mr. President, the bill which is at present under consideration, although a new bill by name, has been before the Congress of the United States, in one form or another, for very many years. This method of procedure in the Government control of industries began nearly 30 or perhaps more than 30 years ago. It has had its ups and downs. This particular bill for the regulation of the packing industry first came to this body, and so far as I know since I have been a Member of the Senate, something like two years ago, possible a little more. Since that time there have been four, possibly five, bills, differing somewhat in their provisions; and I am very frank to say and glad to admit that each one, in my opinion, has been a little improvement over the others. First of all, I wish to congratulate my friend from Nebraska [Mr. NORRIS] for bringing out at this time a bill which is far better for the people of this country than any bill which has heretofore been framed relative to this matter.

There, of course, must be some very good reason why legislation of this character should be enacted; there should be some pressing demand for it from the people of the country. As a rule, legislation of this kind is urged by competitors of the great packing houses or the great industrial concerns of the country. I have read with much interest and great satisfaction the testimony that has been offered to the Committee on Agriculture and Forestry, before which committee very exhaustive hearings have been held relative to these bills for the past five years. People from different sections of the country have been here and have offered their evidence pro and con. So far as I am able to adduce from that evidence, no competitors of the packing houses have presented themselves; but I have received very many letters from different packing houses in various States of the Union in opposition to this class of legislation. Raisers of live stock and live-stock associations from all over the country have appeared before the committee in opposition to it, and by letter and telegram also have protested against this class of legislation. Chambers of commerce of nearly every State in the Union and of many cities in the different States have offered their protest. I have read very carefully much of the evidence which has been submitted—and let me say, Senators, that it embraces thousands of pages, almost—by those who have appeared before the committee, but I have yet to learn of any pressing demand from the farmers of the country and from the stock raisers of the country or from any particular source for this legislation.

We hear much nowadays in the Congress of the United States about the farmers, and many of us have bleeding hearts for the poor farmer; but let me say, Mr. President, that this class of legislation has cost the farmers of this country, the business interests, and the taxpayers of the country more than did the European war; and if Senators will give me their attention for the next few hours, I am going to prove to them the exact truth of my statement.

We have had commissions in this country for about 35 years. The great uplift and reformation on the part of the reformers began something like a third of a century ago. We have had reformers who have undertaken to reform almost everything, including our morals and our microbes. This morning I was surprised on opening my mail to find a letter inquiring how many times per diem I took a bath, how I cleaned my teeth, whether horizontally or perpendicularly, and whether I was going to support the Smith-Towner bill. It has gotten so, Senators, that I do not dare to assume that I have a puerile stomach ache for fear that some compulsory educational or health agency will grab me and take me to a hospital and remove my appendix or some other member of my body. I think so much of my appendicle apparatus that I live in constant fear all the time.

These reformers and uplifters are having, or they have had in the past 20 years, a very wonderful and fertile field, until their particular activity has got to be about the largest industry in the United States. It is surpassed only, I believe, by the steel and iron business, by agriculture, perhaps, and pork packing and printing. It has come to have a national association and organization.

Years ago—and I am glad to refer to the Senator from Mississippi [Mr. WILLIAMS], because he has been in the Congress long enough to know it—we used to deal with villages and counties and States, but now we deal with everything under the sun. Any man who has a little hard luck comes to Congress for relief; any State that has a little trouble or uprising anywhere comes to Congress and wants the Congress of the United States to conduct an investigation.

We have been investigating here for 20 years, and it has cost this Government millions and millions of dollars to carry on such enterprises. We have been enacting laws and creating commissions of all kinds. During the World War everybody was willing to submit to the activities of various commissions; everybody was willing to submit to the control of some directing officer; everyone was willing to have his sugar measured and his buns counted and everything he ate weighed. Everyone felt perfectly satisfied because it was for "the winning of the war"; but right on the heels of the Food Administration we saw sugar advance to 35 cents a pound, and so long as we continued Federal control and the Government undertook to manage everybody's business we had high prices. We are just beginning to return to normal conditions.

Then we had a Fuel Administrator. Although we had a Director of Fuel in this country, who met the operators and the miners in the coal fields and determined what advances should be allowed, the matter was carried to the President of the United States, and he created a commission, and because of the rules and practices laid down by that commission we are to-day charged the high prices for coal which we are paying, and many of the coal mines have stopped doing business because they can not begin to produce coal on the basis laid down by the commission.

In 1887 we created the Interstate Commerce Commission. I propose a little later in the day to devote considerable attention to that commission. Six years ago we created the Federal Trade Commission, and to show how these bodies develop and advance and how when a commission is once fastened upon this Government it increases and rolls up, it is only necessary to say that from a small beginning we now have a Federal Trade Commission that costs at least a million dollars a year.

I have said we have had a great many reformers. We have been reforming all sorts of things, and by and by, after we have reformed everything and the reformers undertake to reform themselves, then we are going to have a bad condition in this country, because there will be nothing left for the reformers to do. They have told us what we could eat and what

we could drink, and now they are going to attempt to tell us how to regulate a business so that the live-stock grower may get more for his live stock and the man who eats meat may buy it cheaper. If such a result could be brought about and I could understand how it were possible, I should be glad to support this bill.

I repeat that in 1914 we created the Federal Trade Commission. As Senators know, that organization started with a small, moderate appropriation. It consisted of only five members the first year, but there has been an increase in its appropriations, an arithmetical progression from the time of its establishment down to the present day, until now that commission costs a million dollars a year. There are now 418 employees under the Federal Trade Commission, and let me say that I assume that inside of four years every one of those employees will be a "deserving Republican." If we create another commission, it will afford places for more "deserving Republicans" as attorneys, stenographers, bookkeepers, and other employees. Tell the farmers of this country what these commissions have cost and then ask them if they want to continue creating commissions of this kind, and what will their response be? When speaking in the last campaign I confined myself to two issues; one was opposition to the League of Nations and the other was the charge of wastefulness and extravagance. At the completion of my address in every State where I spoke those in the audience who had anything to say at all would say, "Senator, why does not Congress stop the creation of commissions? Why does it not send back home the people who are now in Washington? Why not send them back to help take care of the products of the farm?" Let me say, Senators, that the farmers of this country will be quite satisfied if Congress now drives in a peg to stop the creation of any more commissions. They understand this question well. They are not to be fooled. The farmers of this country are about as intelligent as any particular class we have, and they can not be fooled by being told that we can create a commission here that will give them higher prices for their products or their live stock.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. FERNALD. I yield to the Senator; certainly.

Mr. NORRIS. Would the Senator repeal the law that provides for the Interstate Commerce Commission?

Mr. FERNALD. Oh, my dear Senator, it would be impossible to do that.

Mr. NORRIS. I did not ask that question. I asked the Senator if he would if he could.

Mr. FERNALD. Oh, I do not know; it would not be possible if I wanted to. You once establish a commission here and it is here to stay. It is never abolished. Nobody that comes here is ever sent home. We had 112,000 employees in the Government departments a few years ago, and we have been trying, on both sides of this Chamber, to send some of them home, and we have not succeeded to any great extent.

Mr. NORRIS. May I interrupt the Senator further?

Mr. FERNALD. At all times.

Mr. NORRIS. Will the Senator answer my question, if he wants to answer it? I do not mean that he has to answer it; but I am assuming, now, for the purpose of the question, that the Senator has it in his power to abolish the Interstate Commerce Commission. Would he do it?

Mr. FERNALD. Mr. President, that is a very fair question, and if my friend will just be patient with me I will answer it fully, because, first of all, I want to show him what the Interstate Commerce Commission has done in the last 34 years, and then I will leave it to him as to whether he thinks it ought to be abolished or not. We have only until 1 o'clock to-morrow to discuss this bill. I am willing to be interrupted, and shall be glad to answer any questions; but the discussion of any particular issue would take me very far afield.

Mr. NORRIS. My question does not require that. Of course, I realize that the Senator is under no obligation to answer it unless he wants to, but he does not need to discuss the policy of the Interstate Commerce Commission to answer the question that I have propounded; and, if he will permit me, I will couple it with another one.

Mr. FERNALD. Put them all together, my dear Senator, and I will answer them all.

Mr. NORRIS. I will ask the Senator also, if he had it within his power now, whether he would abolish the Federal Trade Commission?

Mr. FERNALD. Yes; I will answer that right offhand.

Mr. NORRIS. Now, why can not the Senator answer the other question?

Mr. FERNALD. I want to discuss that. The Interstate Commerce Commission has had a great deal to do with the utilities of the country, and I should like to discuss that a little more fully.

Mr. KENDRICK. Mr. President——

Mr. FERNALD. I yield.

Mr. KENDRICK. I understood the Senator to say that he had read the hearings before the Agricultural Committee on the so-called packers bill.

Mr. FERNALD. Yes.

Mr. KENDRICK. Does the Senator recall that in many cases witnesses testified that their principal objection was first to the arbitrary power to be exercised by one man, and that these witnesses who were opposed to legislation stated in numbers of cases that they would not object to a commission to control this situation? Does the Senator recall those statements?

Mr. FERNALD. I am frank to say to the Senator from Wyoming, for whom I have the very highest respect, that in my judgment, while I have not had any conference with the Big Five packers whom this bill undertakes to control, from what I learn I think they care very little about whether this bill is enacted or not. They will be able to take care of themselves, and if any hardship is imposed on them it will be carried on to the consumer; but the people of this Government are opposed to this class of legislation, and the farmers of this country know, because they are very intelligent people, that if we are ever to get back to prosperity everybody will have to be prosperous. You can not make the live-stock industry prosperous unless you make the cotton industry prosperous, and you can not make the cotton industry prosperous unless you make the wool business prosperous, and you can not make any one particular class of individuals in this country prosperous without bringing about the prosperity of the whole country.

I think that answers my friend.

Mr. KENDRICK. I just want to point out to the Senator the fact that these witnesses did testify that they objected to the one-man power given under the provisions of the bill and said they would not object to a commission. Thereupon the form of the bill was changed to meet that objection; and at very recent meetings or conferences of the Committee on Agriculture and Forestry that form of the bill was changed again to meet the views of those who opposed the legislation, and the commission form of the bill is now eliminated.

First it was put in to meet their objections to the one-man power and to satisfy them on that point. Now it has been changed back, and the commission has been eliminated at the suggestion of those who opposed the legislation. I wanted the Senator to understand that there is no commission provided for.

Mr. FERNALD. Yes; I understand that now it is left in the power of one man. There is to be only one commissioner.

Mr. KENDRICK. He is under the Secretary of Agriculture.

Mr. FERNALD. Oh, yes; of course, he has to be under the direction of somebody; but he has authority to employ attorneys, and he has the power to employ auditors and bookkeepers, and he has authority to do almost everything. As the Senator from Missouri [Mr. REED] said the other day, he has more power than William of Hohenzollern ever had, and you have given him every authority to go into a man's business and dictate just what its policy shall be.

Let me say right here that if you go down to the Patent Office with three kinds of oil, and you combine those oils and make one compound, and any employee there divulges that secret, he can be sent to the penitentiary; and yet under the authority given this commissioner he has a right to go into any packing establishment in this country and get any secret process, because he can demand their books and their papers and every scrap of paper that is in that establishment, and he can commercialize that knowledge and go into business for himself; and I am not willing to grant that authority to anybody. It has taken me 40 years to learn a little something about my business, and now it is proposed to put the packing business under a man who does not know anything about it, who must be practically an imbecile. It says that he can not be connected with and he can not understand anything about the business. You have got to take some fellow who knows nothing about the business, and yet he has the right to go into any establishment and get any information he asks for, and commercialize it, if he pleases, in his own interest or that of his friends.

I started in to tell a little something about the Federal Trade Commission, because I was quite ready to give a very prompt and definite answer to the distinguished Senator from Nebraska. I want to read something about it, because after these commissions are created that is about the end of our interest in them. We expect them to go on then and do as they please, but I want the Senate to know something about this commission. I got this information from the Library of

Congress legislative reference service, which, by the way, I have found to be very correct, and in any statements that I may make you will find the figures taken either from them or from Poor's Manual or from the reports of the Interstate Commerce Commission. This statement was compiled from the Treasury Department's digest of appropriations for the support of the Government of the United States, with the exception of the two years indicated, 1897 and 1898. That has reference to the Interstate Commerce Commission.

The first appropriation for the Federal Trade Commission about which I am able to get any information was in 1916. The appropriation was $373,333.37. In 1917 the appropriation for that commission was $444,080; in 1918, $822,920; in 1919, $1,677,540; in 1920, $1,205,000; and in 1921, $955,000.

There has been an increase from year to year, a doubling in some cases, but usually an increase of about $100,000 to $500,000; and the number of employees has been increased from five, the first membership, to 418—always enlarging the scope of their activities, always coming to Congress and presenting some reason why they should have more employees and why they should enter into additional lines of activity.

Mr. HARRIS. Mr. President——

Mr. FERNALD. I yield to the Senator from Georgia.

Mr. HARRIS. I am sure the Senator is not familiar with the work done by the Federal Trade Commission, or he would not make the statement he has just made. I have the highest regard for the distinguished Senator from Maine, and I know he would not intentionally do an injustice to anyone.

During the war, in some of the years that the Senator has mentioned about the appropriations being so large, the Federal Trade Commission did all the cost-accounting work of the Government. All the steel, copper, manufactured goods prices, and all the prices of everything else which the Government purchased, amounting to billions of dollars during the war, were determined by the cost of production that the Federal Trade Commission found. Those cost figures were used in the purchase of these things. The Federal Trade Commission handled the distribution, cost, and price of coal until the Fuel Administration was created, and they did a great many other things not in the line of their regular duties, such as the enforcement of the trading with the enemy act relating to patents, and so forth.

Mr. FERNALD. Yes; I am quite familiar with their work. I have had more or less to do with that. I have visited the commission on several and divers occasions, and for many reasons. I regret that my old friend the ex-Senator from Maryland, Mr. Smith, is not present to help me answer the question of the distinguished Senator from Georgia. He, with the present Senator from Maryland [Mr. FRANCE] has on several occasions called on the Federal Trade Commission with me, and I should be glad if they were present; but, inasmuch as they are not, I am not going into that matter. I am just going to read a letter here. I have a great many letters, but I am going to read this one because this company is doing business in about 8 or 10 States. It is a very well known company, and I want to show the activity of the Federal Trade Commission. I believe the Senate is desirous of the information that is contained in this letter, and I am sure the people of this country are quite interested.

I knew something about this case, and I asked the president of this company to call on me, which he did recently. He is not one of the Big Five packers, but he is a very large operator in condensed milk, an item which was perhaps of more benefit to this country during the war than any other one particular article; and while we make no claim that the packers did anything more than their honest duty, their patriotic, loyal duty to this country, I want to say that if it had not been for the Big Five packers we would not have been able to feed our soldiers overseas. One company shipped 25,000 carloads of beef during the war. They were called upon to furnish a thousand cars a week, and more than 760,000,000 pounds of meat were furnished by one of the great packers.

Mr. NORRIS. Mr. President——

Mr. FERNALD. In just a moment I will yield to the Senator. I do not say that that is any reason why they ought not to come under the general law. They were doing no more than was their duty as everybody undertook to do it in that period.

Mr. NORRIS. Would the Senator have any objection to stating which one of the packers that was?

Mr. FERNALD. As I recall, it was Swift—either Swift or Armour.

Mr. NORRIS. Does the Senator know that in doing that Swift & Co., on a capitalization a great part of which was furnished by the consumers of meat, made a profit of 33 per cent?

Mr. FERNALD. Let me answer the Senator from Nebraska. This opens up a very large question, and I can see where I am likely to be on this floor for a long time. This question of capital stock is not generally understood by a great many of the people of this country. I know concerns that have a capital stock of only $20,000 that have invested capital of hundreds of thousands of dollars. That represents nothing. A man might make 33 per cent on his capital stock and yet not make 2 per cent on his invested capital. That represents nothing. That matter has been thrashed out here many times before.

Mr. NORRIS. Does not the Senator know that in this particular case it represented the net worth of the concern, and that a good deal of it was capital which had been contributed by the people, and that the 33 per cent was reckoned on that?

Mr. FERNALD. In answer to the distinguished Senator from Nebraska let me say that I know that the packers of this country did not make one-half what the Government permitted them to make during the war. I think that is a very fair answer to that question. If we undertook to discuss this capital stock and invested capital proposition, it would take more time than I have between now and to-morrow noon. I was talking about this condensed milk company, and what the Federal Trade Commission did for it, and what they are now doing for it; and the reason the business men of this country are so much opposed to Government control.

I know something about the Federal Trade Commission. I happened to be president of the largest industrial business in this country at the time the commission was created. I was for the commission. I felt that it might do a great service to the business men of this country. I wanted new fields opened up in South America and New Zealand and other foreign countries for American products, and I felt through this instrumentality we might possibly do that. I knew there were a great many small concerns doing that particular line of business which were unable to present their wares in foreign countries, but by combination of these small packers we might be able to establish agencies in those countries, and I looked forward to great results from the activities of the Federal Trade Commission.

Just as soon as they got into action they failed to act as an adviser, and you can not get a bit of advice from them now as to any business proposition. They became prosecutors of the business men. They have placed hardships in their way and harassed and heckled them and made it so hard to do business that there is scarcely a business man in this country who favors any kind of Government regulation. The activities of the Federal Trade Commission and the expenses of that commission are what have brought this bill into contempt more than anything else.

Mr. HARRIS. Under the law the Federal Trade Commission has no right to license business and tell business men in advance what they can do and what they shall not do.

Mr. FERNALD. This letter will explain that exactly. That is just what I am complaining about. That is just the reason that I find fault with the Federal Trade Commission. It is their activity and their line of procedure to which I object, and I am going to take up further another commission that has cost a great deal more than this.

Mr. JONES of New Mexico. Mr. President, I have been very much interested in what the Senator has said, and I have been very much interested in the activities of the Federal Trade Commission. It seems to me the Senator is making rather a broad indictment of the Federal Trade Commission. He is criticizing its work as a whole, and it seems to me that he ought to be a little more specific in the references he has made. Of course, I do not mean to criticize the Senator at all for his observations, and believing as he does, he was doubtless justified in saying what he did. But, as I understand it, the Federal Trade Commission has as one of its principal functions the duty of seeing that there is no unfair competition in the country.

I should like to have the Senator point out something which the Federal Trade Commission has done along that line which it ought not to have done.

Mr. FERNALD. I have the evidence right in my hand, Senator, and if permitted to read it, I think I, just a layman, will prove to the Senator, a good lawyer, that what I state is absolutely true.

Mr. JONES of New Mexico. I am sure the information will be enlightening, and I shall be glad to hear it.

Mr. FERNALD. This letter is from the president of the Helvetia Milk Condensing Co., who have canneries in eight or nine States. I asked the president of that company to write this letter, because his complaint was quite in line with hundreds of other complaints I have had from other business

men of the country, and it is the unwarranted interference the Trade Commission are guilty of to which I want to call the attention of the Senator from New Mexico, and which has brought forth this criticism. This letter happens to be from Missouri, and is addressed to me.

I have known this gentleman for very many years as a prominent and honorable business man, like most of the business men of this country. They are not all scoundrels, they are not all crooks, and wherever you find one who is, I am just as anxious as any man in this country to send him to the penitentiary. The letter reads:

"HELVETIA MILK CONDENSING CO.,
"*St. Louis, Mo., June 7, 1921.*

"Hon. B. M. FERNALD,
"*Senate Office Building, Washington, D. C.*

"DEAR SENATOR FERNALD: Following my talk with you in Washington last week on the subject of the Federal Trade Commission, I have given some thought to the subject, and still have the feeling which I expressed to you at the time of our conference; that is, that it is difficult to discuss the functioning of the Federal Trade Commission without seeming to scold.

"I think the idea of the commission as it was originally conceived met generally with some approval on the part of business men. The whole situation under which business interests had to proceed at their peril with reference to antitrust legislation was a difficult one."

Lawyers can hardly understand or appreciate the troubles which come to the business man who is not familiar with legislation or with law. The letter continues:

"There was a very general idea that the Federal Trade Commission would give some assistance to people who wanted to keep within the law and yet carry on their business so as to best serve the public, which is, after all, the best measure of how business can best serve its own interests.

"That hope doesn't seem to have been realized. The Federal Trade Commission, I understand, has steadfastly refused to allow itself to act in any advisory capacity. It has taken the position with regard to its activities that business men must proceed at their peril. It has aggravated rather than improved the situation, in that it has undertaken to exercise a more general regulation than any statutory provision prior to the creation of the Federal Trade Commission contemplated. It has contended that under section 5 the Federal Trade Commission has the power to say that any activity by business concerns constitutes an unfair method of competition. This position has been several times denied by United States circuit courts of appeal, and in the case of, I think, Federal Trade Commission *v.* Gratz, the Supreme Court of the United States denied this measure of authority to the commission.

"It seems, however, rather slow to discard the exercise of such control. In 1918 the commission filed a complaint against Helvetia Milk Condensing Co., charging it with the practice of an unfair method of competition, because of the fact that it guaranteed its prices to its customers against its own subsequent price decline.

"In the evaporated-milk business each packer of evaporated milk who has an established brand sold generally in the markets, announced from time to time its selling price. The Helvetia Co. follows this practice. It publishes prices from time to time to the jobbing trade and those prices are uniform within given territories to all jobbers in those territories. The effect of the guaranty is that on goods sold to-day at, let us say, $5 per case, the jobber is protected on any stocks he may have on hand if the price of the Helvetia Co. two weeks from to-day should be declined to $4.50 per case. On such stock as the jobber had in his warehouse on the occasion of such a decline we would pay him a rebate of 50 cents per case.

"This practice had been under investigation by the Federal Trade Commission for more than two years prior to the time the complaint was filed against this company. The investigators for the commission had the matter in charge. The attorneys for the commission and the economists for the commission have admitted that they had no evidence that the Helvetia Co. had used this practice in any way different from what it had been used by all other companies engaged in this line of business. It was a general practice followed by everybody packing canned milk. The practice had prevailed for more than 30 years."

Mr. SIMMONS. Will the Senator just give me a little bit of information in connection with that?

Mr. FERNALD. Certainly.

Mr. SIMMONS. Does this company of which the Senator speaks alone sell a particular article, or is it an article manufactured by other concerns?

Mr. FERNALD. Other companies, very many other companies, and they all had the same practice.

Mr. SIMMONS. Unless there is a trust, a monopoly, which takes in all the producers of this particular product, why would the reduction in the prices of this Helvetia Co. embarrass the sellers of this product, unless that decline took place all along the line, and included all the producers of that product? In other words, is not the letter which the Senator is reading in itself conclusive evidence that this product which he is talking about is a monopolized product?

Mr. FERNALD. No. If the Senator will permit me, I want to explain to him the practice of the trade.

Mr. SIMMONS. I just wanted the information about that point.

Mr. FERNALD. I know the Senator is anxious to have the correct information, and I should be very glad to give it to him, because I think I understand this situation, and the practices and methods of the business along these lines.

First of all, let me say to the Senator that oftentimes, and right now, packers of canned goods and condensed milk go out and make a price on their goods. I will cite my own business, because I know about that, and I know what has been the practice and habit in the canning trade.

Mr. SIMMONS. They all make the same price?

Mr. FERNALD. No. We make our price, for instance, on our brands. I go to you and say, "Senator, our price on corn this year is going to be $1.30." You say to me, "The prices of all kinds of goods are declining. I do not care to buy goods at that figure. If I knew there was to be no decline, I might place an order for my usual quantity of a thousand cases a year."

Later on you write me and say, "I am going to send my salesmen out. I would like to offer that brand I have used for many years. If I can be assured that the price will not be any lower on this, you can book my order for a thousand cases."

I write back to you and say, "I will book your order for a thousand cases of corn at $1.30 per thousand. If before these goods are delivered to you we lower our own price on that brand, you shall have the advantage of that price. If we drop our own price on this particular brand of goods which you are buying 10 cents a dozen or 20 cents a dozen, you shall have the advantage of that decline."

Then you are willing to purchase.

Mr. SIMMONS. I can understand how that might be a proper arrangement.

Mr. FERNALD. That is all there is to this case.

Mr. SIMMONS. If the agreement was, "If the wholesale price or the manufacturer's price of this article shall decline, then we guarantee you the investment," it might be all right; but when it does not include the manufacturer's selling price, or the wholesale selling price, of all the manufacturers, but the contract only provides against a decline by one particular producer when there are hundreds of producers in the country, I do not see how that would help him unless the uniform decline took place all through the country. He does not need protection against a decline in your price unless there is a decline in the prices of other manufacturers. If he does, then that, to my mind, establishes a trust in that article and would imply that the decline which takes place in your goods also takes place in the goods of all other producers.

Mr. FERNALD. Naturally, if other producers or packers made a lower price the jobber would come to me and say, "I can buy other brands of goods at a lower price." That might influence me to reduce my price. But I have no control over what other packers shall do.

It has been a common practice that we might induce the jobber to place his order for goods. Let me say that I have been in the packing business, actively engaged, with my money invested and all that is in me for 34 years. I wish to bring out a fact right now, and I assume that the same fact is true of other packers. In the operation of our cannery there has never been a time in the 34 years, not a single year, that we have not had sold at this time of the year 75 per cent of our goods that we expected to pack in September. This year, up to this date, not a single case of our goods has been sold, for the reason that we are on a declining market. Jobbers are waiting, hoping the price will drop still lower. That is one of the things with which the packer has to contend. If I could be assured that our goods would be sold this year for cost, I would be the happiest man, almost, in the United States.

We have to make our price to the farmers. We have to place our orders for cans. We have to buy our labels. We have to buy and pay for every ingredient that goes into the cans. Yet to-day we do not know what we are going to get for our goods, nor where they are going, and pretty soon they will be in the cans and have to be paid for, and it is going to take a great many million dollars to do that.

Mr. HITCHCOCK. Mr. President——

Mr. FERNALD. I shall be glad to yield to the Senator, if I may be permitted to conclude the reading of the letter.

Mr. HITCHCOCK. I should like to get clear in my mind, as I think perhaps other Senators would, what there is about the Federal Trade Commission that prevents the Senator from doing business profitably, and whether he thinks he could do it profitably this year if there were no commission in existence.

Mr. FERNALD. It does not enter into this that I am speaking of now at all. I will take that up later in a general way. I am just showing by the reading of this letter, if I may be permitted to read it, how they are interfering with this man's business.

Mr. HITCHCOCK. The Senator does not claim that the existence of the Federal Trade Commission now makes it impossible for him to do business at a profit this year?

Mr. FERNALD. No.

Mr. HITCHCOCK. I wonder why the Senator insists that his business is so unprofitable this year?

Mr. FERNALD. I merely wish to convey the thought that this is a very inopportune time to place a hardship upon the packers of the country.

Mr. HITCHCOCK. During the existence of the Federal Trade Commission the Senator's business has certainly been prosperous?

Mr. FERNALD. If the Senator will permit me, I will show by this letter how it does interfere with everybody's business. I am sorry not to be able to read it without interruption.

Mr. HITCHCOCK. Can the Senator cite any more prosperous period in the history of the United States than during the period covered by the existence of the Federal Trade Commission?

Mr. FERNALD. We have had great prosperity in this country, not so great as we had before, and I shall take that up later. I shall show what the railroads have done since we have had the Interstate Commerce Commission and that this year it has cost the country more than a billion dollars——

Mr. HITCHCOCK. The Senator is wandering.

Mr. FERNALD. The Senator is endeavoring to get me far afield from the question I am endeavoring to discuss.

Mr. HITCHCOCK. The Senator is discussing the Federal Trade Commission, and I challenge him to point to a more prosperous period of business in the United States than the period covered by the existence of the Federal Trade Commission, of which he complains.

Mr. FERNALD. If the Senator will permit me to continue the reading of the letter I shall be glad. The reading has been so disconnected that I doubt if the Senator who inquired for the information in the beginning can get the connection, but it has something to do with the Federal Trade Commission. I hope I may be permitted to finish reading the letter, and then I am quite willing to be questioned on any subject. I read:

"The economists and attorneys for the commission have characterized the matter as an economic question and not a legal question."

That is the very thing I have been speaking about, that if I guarantee my goods and the price of the goods and that if I make a decline in them myself the same price will be made to the jobber who first buys.

"The taking of testimony in this case began in November, 1919."

That is not quite two years ago.

"It has been carried on from time to time, the last session having been held in Washington on the 4th and 5th of May, 1921. Up to date 1,947 pages of testimony have been taken. The next setting of the case is for the 7th of July, in Washington, for the taking of further testimony.

"The methods of the commission in this case involve too many things to discuss in this letter. I shall give attention only to two or three points in that connection.

"Before taking up those points I want to note that it is material to inquire whether the Federal Trade Commission is a prosecuting or investigating body. I do not know what Congress had in mind in creating the commission as to what its functions should be, but I do know that members of the commission and attorneys for the commission in 1916 emphasized the fact that the commission was an investigating body; that the filing of a formal complaint raised no presumption against the respondent, but was merely the method by which the commission started to make its record in the investigation of the subject, there having been previously a mere preliminary investigation for the purpose of determining whether a formal investigation was advisable.

"The present attitude of the commission seems far removed from this idea. In the original investigation of the subject of price guaranty the commission sent out questionnaires to various manufacturers. In reply to those questionnaires they received a number of letters. Those letters were written generally in the early part of the year 1916. The complaint against the Helvetia Co. was filed in December, 1918. The first taking of testimony, as already noted, was in November, 1919.

"A number of the concerns wrote letters in 1916 expressing themselves as opposed to the practice of guaranteeing prices. In the trial of the complaint against the Helvetia Co. the commission offered a lot of these letters in evidence. In most instances the companies which had written letters, after further consideration of the subject, had very much modified their opinions and had come to conclusions very different from those expressed in the letters. The letters generally did not state facts, but merely expressed opinions. In one instance the sales manager of one of the companies which had written a letter to the commission in 1916 was subpœnaed to testify for the commission in the case against the Helvetia Co. This witness came to Washington and informed the representatives of the commission that his opinion was very different from what it was when the letter was written in 1916. The consequence was that the witness was not put on the stand. He was permitted to go home without testifying, but the letter was introduced in evidence. I protested and pointed out that the representative had been there ready to testify and it was neither fair to that company nor the respondent to use a letter more than three years old when first-hand competent testimony might have been had.

"None of the letters introduced was competent evidence. They were objected to on that ground, but were nevertheless admitted by the examiner into the record. Protest was made against the admission of all of the letters, and all of the companies from whom the letters originally came had been permitted to intervene in the case. They were represented by counsel at the hearing, and counsel offered to produce representatives of those companies as witnesses. The record shows this question:"

Now, this is a very important part of the letter:

"Mr. NARDIN. Mr. Davies, I would like to ask if you are willing to produce your clients here to testify?

"Mr. DAVIES. Yes; unquestionably."

Mr. Davies was counsel for the companies whose letters were offered in evidence.

"I offer this little story as an indication of how completely the commission has become a prosecuting agency. The attorneys conducting the case for the commission, the examiners, and the so-called economists all seem to feel that a case had to be established against the respondent in order to justify the filing of the complaint. It is of course possible that employees of the commission should fall into this state of mind contrary to the feeling of the commission, but it was my observation from an argument on two occasions before the members of the commission themselves that the attitude of the commission is that they must maintain the complaint once it is filed.

"It does not require legal training or experience to enable one to see how unfortunate the situation is when the body which is to sit in judgment becomes also the prosecutor in the case. It is as if a prosecuting attorney was to pass finally on the innocence or guilt of the accused.

"One other development of this case is, it seems to me, instructive on the activity of the commission from the business man's standpoint. I have already indicated that the commission has had this matter under investigation for two and a half years before the complaint was filed. In presenting its case against the Helvetia Co., the commission offered as a witness Dr. Kemper Simpson, who called himself an economist. He was 26 years of age at the time he gave his testimony. On cross-examination he gave this testimony:

"'Q. What is your age, Dr. Simpson?—A. Twenty-six.

"'Q. How long have you been out of college?—A. Since 1917.

"'Q. Two years?—A. Since June, 1917.

"'Q. How long were you in college?—A. Seven years.

"'Q. Prior to going to college, what business were you engaged in?—A. The business of college.

"'Q. The business of going to college?—A. Yes, sir.

"'Q. That is the only business in which you had been engaged until June, 1917?—A. Yes, sir.

"'Q. Were you ever connected with the condensed milk industry in any capacity?—A. No, sir.

"'Q. With any commercial establishment?—A. No, sir.

"'Q. With any manufacturing concern?—A. No, sir.

"'Q. You had no experience at all in merchandising or manufacturing business?—A. Do you mean by experience being actually on the pay roll of these companies? If you do, I would say I never had.'

"This witness covered 25 pages on direct examination in undertaking to testify as an expert on manufacturing and merchandising methods. He did not hesitate to express positive opinions on questions of fact, some of which opinions were controverted by direct testimony on points of fact by 15 experienced business men.

"This witness stated that he had conducted an investigation of the milk industry and collected data on which his opinions were based. None of the data was offered in evidence.

"The so-called testimony of this witness was utterly worthless from the standpoint of legal testimony. It was made up either of opinion on points on which the witness had had no experience whatever or of statements of fact which were merely hearsay. On cross-examination an effort was made to get him to answer a hypothetical question; that is, to give the opinion of an expert based on facts which were actually in the record. It took about 30 minutes to get him to answer the question. It was perfectly clear that his answer, from the facts stated, would have to be contrary to opinions which he had formerly expressed, and he was so certain of his opinions that he would not give a contrary answer, even when it was in response to a hypothetical question.

"It requires a reading of this testimony and some analysis of the case to get a full appreciation of the absurdity of the attitude of these employees of the commission—attorney and economist. But the whole story may be summed up in this:

"The commission filed a complaint against us on what they called an economic question. No lawyer for the commission, nor for any respondent, has ever contended that there was any legal point involved. We have been put to the time and expense of taking nearly 2,000 pages of testimony, and the end is not yet. No court would ever sustain a finding that unfair competition had been practiced by any of the concerns engaged in packing evaporated milk when all have followed exactly the same practice in exactly the same way. An investigating body approaching the problem in the spirit of fair investigation must long since have discovered that the whole subject was a matter outside of the commission's jurisdiction, but the employees of the commission and the commission itself, having filed a complaint, now seem to feel the necessity of finding that some wrong has been committed. It seems to me that any unbiased person, with any conception of the problems of business, must concede that it is intolerable to have business under the attempted supervision of a body which proceeds in the spirit of prosecution rather than in the spirit of investigation, which observes no legal rules or legal limitations, which recognizes none of the limitations of rules of evidence, and which once having filed a complaint feels that it must justify its former action by finding that wrong has been done.

"I do not know whether all of this will be of any use to you or not, or whether I have given you sufficient information to show you the picture of the commission as we have seen it function. We are not disposed to scold about the regulation, but we are rather impatient of the months of wasted time and of the expense which we have had to incur in this useless and absurd proceeding.

"Yours, very truly,

"W. T. NARDIN."

Senators, I refer to that one particular letter, because it represents scores of other letters, and I assume that I am not the only Senator who has received such communications.

Mr. HARRIS. May I interrupt the Senator?

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Maine yield to the Senator from Georgia?

Mr. FERNALD. Certainly.

Mr. HARRIS. The Senator does not know, perhaps, that most of the manufacturers who are engaged in the milk business, to which he has referred and in connection with which the Federal Trade Commission stopped certain unfair practices, acknowledged that they were all practicing unfair methods of competition, and they wanted the Federal Trade Commission to make a ruling so that they could stop it.

Mr. FERNALD. I am very glad to have Senators ask questions in reference to this matter, because I think I am rather familiar with business practices along these lines. This has been my business for 35 years. We sell goods in nearly every State—I presume in every State—in the Union; certainly we sell a great many in the State of the Senator from Georgia. The methods have been along the same lines, for all manufacturers have to adopt practically the same methods. If some man in Maine, packing the same line of goods that I do, makes a price, naturally I have got to be within reasonable reach of that price. I may, by having advertised my brands and goods and having a reputation for packing fine articles, be able in some instances to get a little more than some other man; and in some particular line which he packs he may get more than I do; but this business, first of all, let me say, is a business where a man either succeeds or makes a failure, and usually very quickly.

It is one of the simplest problems in the world, that every Senator on the floor can readily understand. There is nothing that appeals to a man so much as the food which he takes into his stomach. Three times a day a man goes to the table, and if there is an article on the table which his wife sets before him, something that is particularly fine, no matter what it is, he asks, "Who packed those goods?" She has already looked at the label and knows who is the packer. The husband says, "This is very fine"—if it is fine—"whenever you get anything more in this line of goods, get the goods that are packed by this packer, because this is the best thing I have ever eaten." That makes the demand for that particular line of goods. If it is very poor, the husband says, "Do not, for heaven's sake, get any more of that brand of goods"; and the manufacturer of that brand goes out of business very shortly. However, after long years of experience, the housewives of this country have become familiar with the names of the packers of various commodities, the name of the packer is on every single can—and those cans run into the millions and millions, and go into the millions of homes in this country—and so the names of the packers have become bywords; they have become familiar. The housewives of the country know the names of the packers as well as I know the names of Senators, because they constantly read their names on the cans.

As I have said, if the packer is a reliable, honest, expert packer and produces goods of excellent quality and sells them at a fair price, his goods become generally known and generally wanted, and he builds up a big business. He may have started in a small way; but he requires more goods, gradually expands, builds more canneries, and by and by gets to be one of the big packers. That is how the business of the meat packers has become so tremendously large. Within my time, and within the memory of other Senators in this body, the fathers of some of the men whose names appear as the Big Five packers were selling sausages from a basket on the streets, but they packed good sausages; they made sausages that the people wanted; and they could get a good price for them. The packer who began in that small way developed his business until to-day, perhaps, his name represents one of the Big Five packers of the country.

It is a business that lends itself to advertising, perhaps, more than any other business. I refer now to the packing of canned goods. Further, it leads either into a big business or, as I have said, the man goes out of business very shortly. That applies to every single element of the business.

I remember in the early days when all of the tin cans in the country were made by hand. We had to employ men to make cans by hand with a tinker's iron. I remember those days. That custom was in vogue when I started in business. We used to make our cans by hand; men worked all winter making cans by hand. Then, in 1888, some ingenious mechanic invented a machine that would manufacture cans and would manufacture a perfect can. In the old days it was impossible to make perfect cans. A man who made cans by hand would become careless and 5 or 6 or, perhaps, 10 or 12 cans out of every hundred would be poor. If the can was poor the contents of the can spoiled and became worthless. However, an ingenious mechanic invented a device that would make cans by machinery, and instead of making 700 or 800 cans a day, as a boy and man would do, that machine would make cans as fast as one could feed the plate into the machine. So cans were made by the hundreds of thousands, and they were perfect cans. The manufacturers of the cans guaranteed that there should be no more than two poor cans in a hundred, and they gave us, as packers, the guaranty that if we would buy the cans which they manufactured, and at the end of the season more than 2 per cent proved to be imperfect, they would not only pay for the cans but they would pay for the contents of the cans. That machine, of course, was bought up by men who had money. The man who invented the machine, like most inventors, was a poor man, and men who had money to develop and build the machine took hold with him as partners and they established great plants in the country for the manufacture of cans. Those plants grew to be very large.

Let me say that in 1888 the price of 2-pound tin cans was $22.50 per thousand, but when the plants for the manufacture of cans became established and they were able to make cans by the hundreds of thousands instead of six or seven hundred cans a day, the price kept dropping and dropping until it had dropped from $22.50 to $11 per thousand. I remember very well talking with the president of a great can manufacturing plant and saying to him that I hoped the day would come when we might buy a 2-pound can for a cent. He said it only costs one

cent and a mill to make a can, and I believe we shall be able yet to sell you 2-pound cans for $10 a thousand, or a cent apiece. They have cut the price of cans squarely in two; but this great business, of course, so developed that some people very soon began to call it a monopoly and to assert that one concern controlled the can business, notwithstanding the fact that the price of cans had been cut in two. So an investigation was inaugurated and an indictment brought against the company and a trial was had, which lasted for many months. I remember that as a packer of canned goods I was called as a witness, and I remained in New York for several weeks, because I knew some phases of the canning business. It was decided, after the American Can Co. had been put to an expense of several hundred thousand dollars, that if the organization was a monopoly it was a good monopoly, and it has been allowed to continue business ever since and has proved one of the greatest benefits that ever came to the canning business. The establishment of the American Can Co. and the establishment of other great enterprises have been of vast benefit to the people of this country. I was reading only recently——

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator how the decision was reached to which the Senator has referred?

Mr. FERNALD. There was no decision; they allowed that it might be a monopoly, but that its activities brought no harm or damage to the country.

Mr. HITCHCOCK. Who allowed that?

Mr. FERNALD. The judge of the court. The Senator can find the case, I think.

Mr. HITCHCOCK. So that it was settled by processes provided by the law creating the Federal Trade Commission?

Mr. FERNALD. No; the Federal Trade Commission had nothing to do with it.

Mr. HITCHCOCK. Is not the Senator talking about the Federal Trade Commission?

Mr. FERNALD. Does the Senator want me to talk about the Federal Trade Commission?

Mr. HITCHCOCK. Was not the Federal Trade Commission in existence at that time?

Mr. FERNALD. I do not think it was.

Mr. HITCHCOCK. I supposed the Senator was making an attack on the Federal Trade Commission.

Mr. FERNALD. No; I am not now talking about the Federal Trade Commission, but if the Senator wants to hear a little more about it, there are many more cases that I could cite of its unjust interference.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Florida?

Mr. FERNALD. I yield to the Senator.

Mr. FLETCHER. It is very interesting to listen to a practical business man who understands all the details in connection with a big enterprise of this sort, but in order to have the situation a little clearer in my mind I should like to ask the Senator a question. He has referred to cans and to canners and then to packers. It is not clear in my mind whether the cans that he mentions are used for canning vegetables as well as meat or live-stock products.

Mr. FERNALD. They are, Senator; yes.

Mr. FLETCHER. The Senator would not call a man who is engaged in putting up vegetables in cans a packer?

Mr. FERNALD. No; we call such an individual a canner. There is a distinction between the canner and the packer.

Mr. FLETCHER. A packer slaughters live stock and puts up live-stock products?

Mr. FERNALD. "Meat products" is the term usually applied.

Mr. FLETCHER. "Meat products"?

Mr. FERNALD. Yes.

Mr. FLETCHER. That includes what, may I ask the Senator?

Mr. FERNALD. It includes the slaughtering of cattle, sheep, lambs, hogs, and poultry.

Mr. FLETCHER. Then the canner does what?

Mr. FERNALD. The canner puts up vegetables and fruit; that is the distinction.

Mr. FLETCHER. Are not meat products canned?

Mr. FERNALD. They are put up in cans and they are called "packed canned goods." The distinction is that all the packers of vegetables and fruits are called canners, and the packers of meat products are called packers.

Mr. FLETCHER. I understand.

Mr. FERNALD. I have read the appropriations for the Federal Trade Commission year by year, and showed how they had increased from $373,000 in 1916 to $1,205,000 in 1920. The total appropriations for that commission have been $5,477,873.37, and they are still going on. I am not undertaking to abolish the Federal Trade Commission, because, as I said a few moments ago, once a commission is created, like the poor, it is with us forever.

Mr. JONES of New Mexico. Mr. President——

Mr. FERNALD. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. That is precisely the point that I am trying to get at—whether or not the Senator is arguing against the present bill because a commission is to be created or a commissioner appointed; that we have had other commissions that were worthless, and so on——

Mr. FERNALD. That is it.

Mr. JONES of New Mexico. And that therefore the Senator is arguing that the Federal Trade Commission has been a useless branch of the Government.

Mr. FERNALD. Precisely.

Mr. JONES of New Mexico. In that connection, I happen to have here a brief sketch of features of the legal work of the Federal Trade Commission and the inquiries made by it through its economic division since its organization. I have not studied this document with any great care, but from a mere casual examination of it, it seems to me that the Federal Trade Commission has done a tremendously good work for this country, and that in the face of its accomplishments the Senator ought not to use it as an illustration against the creation of another commission.

The Federal Trade Commission has had under consideration problems of great economic interest to the whole country, and the Congress itself has requested that commission to make various investigations, which it has made, upon subjects in connection with which the reports of the commission have been of very great value to the Congress. I am not sure but that I ought to ask to have inserted in the RECORD at this time this brief sketch of what the Federal Trade Commission has done. I think that it would be enlightening to the Senate and to the country; and, Mr. President, I will ask that this brief sketch of features of the legal work of the Federal Trade Commission be inserted in the RECORD. I think it will demonstrate that the commission has justified its existence; that it has rendered a return of advantage to this country a thousandfold in excess of the few dollars which have been appropriated for its activities.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. FERNALD. I will be very glad to have the sketch referred to by the Senator inserted in the RECORD, but I would prefer that it should not be inserted in the midst of my remarks.

Mr. JONES of New Mexico. I have no objection to its being inserted after the Senator's speech.

Mr. WALSH of Massachusetts. Mr. President, I was about to make that suggestion.

Mr. FERNALD. I thank the Senator; I am perfectly willing to have the sketch inserted after the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FERNALD. I am sure that every Senator who speaks here speaks with a great desire to impart absolute facts.

Mr. NORRIS. May I ask the Senator a question right along the line of the expense of the Federal Trade Commission? As I remember the figures that the Senator read, they show that in the last year there was paid to keep the Federal Trade Commission going something over a million dollars.

Mr. FERNALD. In 1920, $1,205,000.

Mr. NORRIS. I should like to suggest to the Senator that that is almost as much as Swift & Co. paid for advertising in the same year.

Mr. OVERMAN. Mr. President, I want to say that the Federal Trade Commission turned back to the Treasury some two or three hundred thousand dollars, and for that reason the appropriation for the commission this year is very much less than it was then. They are the only department of this Government that have turned back into the Treasury money appropriated to them, because they could not use it.

Mr. FERNALD. I am very glad to hear that. The appropriation this year, as I understand, was $955,000.

Mr. OVERMAN. That is right; yes.

Mr. FERNALD. $100,000, I think, was added in the Senate to the House bill for the Federal Trade Commission; was it not?

Mr. JOHNSON. Last session; yes.

Mr. FERNALD. Last session an extra $100,000 was added to the House bill.

I started to say that I have the utmost confidence in every Senator, and that he desires to get at the facts of these matters; but very carelessly a statement was made on the floor the other

day by one of the Senators that this pure-food legislation had been opposed by the packers of the country, and that every time any legislation was suggested the packers would show up and oppose it. I want to read something to show that that is not so. I happened to be present at a meeting of the canners of this country, and let me say that some of the packers are members of the National Canners' Association, and I want to prove my statements as I go along. Sometimes, in quoting figures, where there were millions of dollars I have refrained from mentioning the thousands or the hundreds, and I want to be correct about this thing.

These are excerpts from the report of the Annual Convention of the Western Packers' Canned Goods Association and the Atlantic State Packers' Association held at Buffalo, New York, February 12–16, 1907, at which meeting the National Canners' Association was formally organized. I read from the report on the president's addresses.

The committee to which you referred the president's addresses—

That means the addresses of the president of the association—

Does hereby respectfully make as a partial report the following:

First. That one of the principal purposes which inspired the formation of a national association of packers of pure canned food, which had its inception at Columbus two years ago, namely, the passage of a national pure food law, has been accomplished. That during the consideration by Congress of the pure-food legislation said national association, particularly through Mr. Frank E. Gorrell, of Bel Air, Md., secretary of the executive committee, performed valuable services in connection with the passage of a law in its present form, and for which services the canning industry should be exceedingly appreciative.

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ADDRESS OF SAMUEL F. HASEROT, OF CLEVELAND, OHIO, ON THE SUBJECT OF "THE SELLER'S GUARANTY."

* * * * * * *

A year ago, in convention assembled at Atlantic City, you voted unanimously in favor of the passage of a national pure food act. Back up your records of a year ago by coming squarely out in the open with your hand outstretched and presenting not only to the buyer but to the people of this Nation your sellers' guaranty written in broad, readable, unequivocal terms, so that there can be no question of your platform.

I want it understood, Senators, that the packers and the canners of this country did not oppose the pure-food legislation, but as I recall—and the present Presiding Officer of the Senate [Mr. LADD in the chair] will bear me out, I believe, in this statement—they were desirous of pure-food legislation and did everything possible to promote its passage. The Western Packers' Association was inaugurated before the National Canners' Association and the Atlantic States Packers' Association were inaugurated. They joined in Columbus and created the National Canners' Association, and I think the present Presiding Officer of the Senate will bear me out in the statement that the canners of this country were the first to propose pure-food legislation, and, working through and with Dr. Harvey W. Wiley and the present Presiding Officer of the Senate, produced the pure food bill. Now, let it be understood from now on, forever, that that matter shall not be charged up against the packers of the country, because they were the very men who suggested that class of legislation.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Georgia?

Mr. FERNALD. Yes.

Mr. HARRIS. When President Roosevelt recommended the passage of the meat inspection law, if the Senator will refer to the remarks of the Senator from Massachusetts [Mr. LODGE] he will find that the packers opposed that law so vigorously that the Senator from Massachusetts, representing the President of the United States as floor leader, denounced them, as I recall, on the floor.

Mr. OVERMAN. I was here at the time. I remember that the bill was introduced by Senator Beveridge, of Indiana. It was one of the hardest fought bills I have ever known here upon this floor. The debate lasted for weeks. They fought it.

Mr. FERNALD. Which bill—the pure food law?

Mr. OVERMAN. The inspection bill recommended by President Roosevelt, to insure our having good, pure food.

Mr. FERNALD. That was before my day. I do not know anything about that.

Mr. HITCHCOCK. Mr. President, I think possibly the Senator was referring to some remarks I made the other day.

Mr. FERNALD. I do not recall who made them. I know that if the Senator made them he wants to be set right.

Mr. HITCHCOCK. I hope the Senator will not set me wrong. What I said was that the packers themselves had fought the meat inspection bill just as they were now fighting this regulation bill, and yet that the packers themselves now have come to realize that the meat inspection bill was not only a salutary thing for the health of the consumers but was a good thing in the justification of foreign trade. I was not certain whether the Senator was referring to my remarks or not.

Mr. FERNALD. I do not know who made the remarks. I remember that they were made, and have on many occasions been made, to the effect that the packers were opposing all sorts of legislation.

Mr. HITCHCOCK. There is not any doubt in the world that they opposed the meat-inspection bill, which they now admit is a good thing, and there is not any doubt in the world that when the pure-food legislation was up somebody fought it.

Mr. WILLIAMS. Mr. President——

Mr. FERNALD. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I think one of the Senators is referring to one thing and the other to another. The meat inspection bill was one piece of legislation. The pure food bill was another. At the time that Mr. Roosevelt sent his message to Congress, after having read Sinclair's "Jungle" book, and all that, there was an immense excitement, and the packers very strenuously opposed that meat-inspection proposition, to some extent justified by the fact that it came in the shape of an attack upon them; but, independently of that, they did oppose it, and the pure food bill was another and a different piece of legislation.

Mr. HITCHCOCK. Yes; but, as I recall, the pure food bill also was opposed.

Mr. FERNALD. That is a mistake.

Mr. HITCHCOCK. It did not go through here without a fight. Dr. Wiley raised a storm of protest all over the country from certain manufacturers, and they fought his program.

Mr. WILLIAMS. I do not remember what attitude they took upon the pure food act. I remember that they fought the meat inspection bill very vigorously for a long time.

Mr. HITCHCOCK. Dr. Wiley was the victim of an outrageous attack for a long time because he was endeavoring to provide some governmental protection for the health of the American people.

Mr. FERNALD. I have a very clear recollection of Dr. Wiley's interest in the pure food bill, and I recall very well that I was present at this meeting of the Western Packers' Association when we decided as an association that some legislation along those lines was needed; and I recollect that we gave it our earnest support, and that we sent to Washington a man who is as well versed in the canned-goods industry as any man in the country. He is now secretary of the National Canners' Association, down at 1739 H Street; and he came here and gave his undivided time while the pure food bill was pending. It had the indorsement of the association of canners, and I spoke from the platform with Dr. Wiley myself at that time, and I recall what happened, and I do not think anybody can make statements about that matter without my giving some special knowledge and dates about it, because I have them before me.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FERNALD. Certainly.

Mr. LENROOT. Was not the great contest in that legislation over the question of whether or not certain preservatives were harmful?

Mr. FERNALD. I think it was; yes. It entered into a very wide discussion of what constituted pure foods, and all that; but the matter was very carefully considered, and the packers and canners were intensely interested. It has proven to be a good bill, and we have always felt pleased that it was enacted.

I have spoken along the lines of development of the canning industry. On two or three other occasions I have spoken on this bill from the packers' standpoint, and how it would affect the business interests of this country. To-day I am discussing the bill from an entirely different attitude and position. I am trying to discuss the bill from the standpoint of an American citizen, and what is going to happen to the business of this country if we continue this everlasting regulatory system of procedure against business houses.

Why, my dear Senators, everybody knows that we are having hard times in this country. Almost every Senator, as he greets you in the morning, asks you how business is in your State. There is not a place on this continent that I know of that to-day is prosperous; and of all the times since I have had any experience in public affairs or with business, there has never been so inopportune a time to enact legislation that will place hardships on any business as right now. Business has been interfered with; people are going out of business, and still we go on with this extravagance. We go on creating commissions.

Mr. HARRIS. Mr. President, may I interrupt the Senator?

Mr. FERNALD. Certainly.

Mr. HARRIS. I want to read the remarks of the Senator from Massachusetts [Mr. LODGE] to which I referred just now.

They are very short. Here is what he said on June 30, 1906, when the meat inspection bill was before the Senate, showing the attitude of the packers then:

> What has been the history of that group of men who run those packing establishments? It has been a history of utter defiance of law and of public opinion. * * * But I say, Mr. President, and I say it in all seriousness, that those packers in Chicago * * * have done more to advance socialism and anarchism and unrest and agitation than all the socialistic agitators who stand to-day between the oceans.

Mr. President, when the legislation was before the Senate in the matter of railroad rates the meat packers were interested in their refrigerator cars. I know personally that the packers had one of the most successful legislature lobbyists that we have ever had come here, from my State, and he stayed here for weeks while that legislation was pending.

Mr. FERNALD. That brings me back to the packers again. I want to say that I had intended to discuss the matter from an economic standpoint rather than from the packers' end. The packers, as I understand, have very little interest in this bill. I have never heard from any one of them or from any representative of theirs; I do not know whether they want it or not; but I know what these commissions have cost this Government, and I am going to cite you to the figures, so that the people of the country may know that when you create a commission here you get it fastened on this Government, and if you make an appropriation of $1,000 the first year it will amount to $1,000,000 in 10 years.

Mr. HITCHCOCK. Mr. President, will the Senator, when he gives the cost to the Government of these commissions, give at the same time some brief recapitulation of what they have done?

Mr. FERNALD. I will, sir. I shall be very glad to do that when I get to it.

Mr. HITCHCOCK. I understand that in the case of the Federal Trade Commission they have rendered very valuable service; and, if the Senator is so familiar with this matter, he is the one to lay before the Senate the vast benefits. The Senator here a little while ago voted $500,000,000 for a navy. He did not think much of economy then.

Mr. FERNALD. Yes; I did.

Mr. HITCHCOCK. But now, when it comes to a commission that has unquestionably rendered very valuable service, he talks to us about economy. He voted for a navy four times as much money as Congress voted annually before the war, and he has done that in spite of the fact that there is a strong protest against it. The Senator voted for a bill appropriating $500,000,000, and yet when it comes to something less than a million dollars for a valuable commission he is impressed by the need of economy.

Mr. FERNALD. As I recall, Mr. President, a few years ago we found ourselves in need of a larger army and a greater navy. If we had made greater appropriations previous to that time we might have been a little better prepared, and I think the best way to be prepared, so that we may force other Governments to stop the building of navies and stop the creation of armies, is to appropriate sufficient money that we may be prepared to meet those people if it seems necessary. I believe my attitude, since I have been a Member of the Senate, has been along the line of economy. I have been chairman of a committee which has had opportunity to expend millions of dollars, but not a single appropriation has come out of that committee. That is about as good a record as any man may have for economy and the practice of economy in public affairs.

Mr. WILLIAMS. Mr. President, I do not want to interfere with the Senator's argument, but he has been deflected from the main line of his argument and has been talking about something else. I want to ask the Senator a question in connection with a remark just made by him. Does the Senator think the way to persuade another man to disarm is to scare him?

Mr. FERNALD. I think so.

Mr. WILLIAMS. I have not found it so in life. I have generally found that if I scared him he went off and armed himself.

Mr. FERNALD. The Senator and I agree about a great many things, and I am sorry if we do not agree on everything. It does not trouble me at all to be interrupted, and any time any Senator wants to ask a question I shall be very glad to give my time.

We have had a most marvelous development in this country along all lines of business, as everybody knows, in the past hundred years. It is only about 50 years since this packing business was really established, and it would be very hard to feed the people of this country now without the packers. I remember the day when practically all the butchering was done in the little butcher shops in the villages or towns of the country. The business has grown to such enormous proportions that now in every city and in every village of the United States we get our meats from the valleys of the Mississippi and the far West where they raise cattle. We can no longer raise cattle in New England. Our farms suitable for raising of cattle are being used for other purposes, and we have to depend upon the people in the West for our meats.

I remember reading recently of that great man who left northern Illinois along in 1845, Brigham Young, and who with his people crossed the prairies with oxen and with horses and on foot, and it was months before they reached the State of Utah. I thought of the development we have had since that time, just a little before my birth; of how the railroads sprang up, and that when my father was 10 years old there was not a single rod of railroad in the United States. From 1830 to 1887 we had a most marvelous development. We had men whose minds and careers were centered on that one thing—to develop the great valley of the Mississippi and the far West, even on to California.

We had men who could go to the bankers of this country and secure all the money that was necessary for such projects. They could go over to the banks in New York and get all the money that was necessary for the development and building of railroads.

That day has passed; that generation of men has gone on. They have sometimes been spoken of in a very light way; but I recall the days of James J. Hill and E. H. Harriman, and the Flaglers, down in the State of the Senator from Florida [Mr. FLETCHER], when they connected your two coasts, and of the wonderful development of this country which came about from the railroad building. It was the most marvelous in the history of the world. Nothing like it had ever occurred in this country, and from 1830 to 1865 that great development was going on.

Now, I want to read some figures which show what has happened. In 1887 we began to think of the gigantic proportions railroads had attained. People said that unless the railroads were regulated they would own the whole country, and we started in then with the first of our great and expensive commissions.

We created the Interstate Commerce Commission, and I want to read you something about that. Understand, now, I find no fault with the personnel of these commissions. I have not any criticism of the men who have been appointed to the commissions. I have no doubt they are just as good men as could be found now or ever could be found. But it is impossible to find men not acquainted with a great industry who can take hold of it and carry it on successfully. A man who undertakes to run my business, which I have been 40 years studying in every detail, would find some little trouble, as much as I would in undertaking to deal with a law case, knowing nothing about the law. Every man learns his own business, and the success of that business depends upon its management.

Up to 1887 the railroad business of the country had been managed by men who knew something about railroads. People had confidence in them. The bonds of the railroads could be placed anywhere and at any time. As I have said, it was felt that the railroads were growing large and gigantic, and the Congress of the United States created the Interstate Commerce Commission.

The figures I am about to quote to the Senate are very important. The Interstate Commerce Commission was created February 4, 1887, and the first appropriation, in 1888, was $100,000. In 1889 it was $150,000, and a deficiency of $25,000 was created, so they had to make a little larger appropriation. In 1890 it was $200,000. In 1891 it was again $200,000, but in 1892 it was $225,000, and another deficiency of $25,000 was created. In 1893 it was $225,000, with a deficiency again of $15,000. In 1899 it was $250,000. In 1901 it was $265,000. In 1902 it was $275,000 and a deficiency of $51. In 1903 it was $285,000 and a deficiency of $321.50. In 1904 it was $325,000 and a deficiency of $20,000. In 1905 it was $355,000 and a deficiency of $15,000. In 1907 it was $456,000 and a deficiency of $45,000.

Then it began to take on some proportions. In 1908 it was $828,245. In 1909 it had reached a million; it was $1,225,000 and a deficiency of $10,000. In 1910 it was $1,160,000 and a deficiency of $10,000. In 1911 it was $1,361,833.89.

Let Senators tell their farmer friends what economy is being practiced in the creating of these commissions.

In 1912 it was $1,815,000. In 1913 it was $1,750,008.83 and another deficiency of $10,000. In 1914 it was $1,795,000 and a deficiency of $15,000. In 1915 it was $4,075,006.52. In 1916 it was $5,265,003.88. In 1918 it was $5,467,177.29. In 1919 it was $5,732,401.13. In 1920 it was $4,596,616.03. In 1921 it was $5,442,906.28.

The cost directly of that commission since its creation has been $51,323,313.19.

But, Senators, that is a mere bagatelle, a little over fifty millions. When they started out it was a very modest, little commission. They had 5 members and 14 employees. To-day they have 2,200 employees, and 1,100 of them have been casting about the country for eight years undertaking to determine the physical value of the railroads at an expense of $18,000 a day, and every Senator on this floor knows that they are no nearer finding the valuation of the railroads than they were when they started, and if those same men could live 1,800 years they would not be any nearer than they are now. Tell that, my friends, to the farmers of this country and ask them if they want this Congress to create another commission which will cost them more than $50,000,000, in my judgment, because this commissioner and his associates would have to traverse this whole country outside of Chicago, to govern and regulate every little butcher in every little village of the country.

Mr. NORRIS. Mr. President, did the Senator give the total?

Mr. FERNALD. Yes; I gave the total.

Mr. NORRIS. Will the Senator repeat it? I could not hear it.

Mr. FERNALD. The total is $51,323,313.19.

Mr. NORRIS. The Senator realizes, of course, that that is not all. Every State is appropriating a lot of money to regulate the railroads also. Has the Senator those figures?

Mr. FERNALD. No; I have not.

Mr. NORRIS. The Senator will agree with me that that would add to that total a very great deal, perhaps more than double it? Yet the Senator does not want to abolish the Interstate Commerce Commission?

Mr. FERNALD. I did not say that.

Mr. NORRIS. No; I understand the Senator did not answer my question definitely.

Mr. FERNALD. I think the Senator will probably be answered in a way to satisfy him when I get through with these remarks.

Mr. NORRIS. Probably I will. I regret, however, that the Senator refuses to answer directly.

Mr. FERNALD. The Senator does not want to charge me with any discourtesy?

Mr. NORRIS. No; certainly not. I concede that the Senator does not have to answer unless he wants to.

Mr. FERNALD. I want to look into it a little more before I give a definite answer.

Mr. NORRIS. While the Senator is telling that story to the farmers, add to it the expense of all the State regulation, and the fact that nobody is ready to repeal the laws and have no regulation; tell that story to the farmers, and they will probably all be in favor of Government ownership before you get through. Regulation is costing more than the railroads are worth.

Mr. FERNALD. I am just going to show what the Interstate Commerce Commission has done in the past 34 years. The direct expense of fifty-odd million dollars is a mere bagatelle——

Mr. NORRIS. I think so.

Mr. FERNALD (continuing). Compared to what it has cost the people of this country, and I want the farmers of the country to know they have one friend here. And, first of all, let me say that I have not stated my particular interest in this bill.

I wish to say that if there is or ever has been a farmer in the Senate, I am that farmer. I was born on the farm that more than 130 years ago had been taken up by my great-grandfather, and there has been a Fernald on it ever since and I still live there. My interest in the bill is from the standpoint of the farmer. When Senators rise here, with bleeding hearts, in the interest of the farmer and say that every appropriation they ask for is in the interest of the farmer, I want the farmers of the country to know who their friends are. I want them to know when we create a commission here and start with a small appropriation that it soon spreads out and goes into the millions and millions and the farmers have to pay the bill, and for the payment of that bill they do not get a single thing in return. My friend the Senator from Nebraska——

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FERNALD. I yield.

Mr. LENROOT. The Senator just made a statement that the people do not get a single thing in return——

Mr. FERNALD. For the legislation that I am going to speak about now.

Mr. LENROOT. Speaking of the Interstate Commerce Commission, he said it cost $50,000,000. Will not the Senator concede that there was one single year when in refusing to grant the increases that were requested and that were afterwards shown to be unnecessary, the farmers and shippers of the country were saved in that year more than all the Interstate Commerce Commission has cost since its creation?

Mr. FERNALD. No; I am not going to admit that. I am going to discuss that question right now. I am not going to admit anything of the kind, because we are having to settle right now for everything that the Interstate Commerce Commission was unwilling to grant at that time, because the railroads could not afford to grant it. I am going to show to the Senator and to everyone else that since the Interstate Commerce Commission was created it has cost the Government and the people more than the war with Germany. That is a pretty broad, bold statement, but I have the figures to back it up right here.

Mr. HITCHCOCK. Mr. President——

Mr. FERNALD. Just a moment. Let me say that the figures I am going to furnish to the Senate were taken from Poor's Manual of Railroads, 1888, the compilations of the Bureau of Railroad Economics, the statistics of the Interstate Commerce Commission, and the reports of railways to the Interstate Commerce Commission.

I yield now to the Senator from Nebraska.

Mr. HITCHCOCK. The computation the Senator makes of the total appropriations for the Interstate Commerce Commission since it was organized was something like $52,000,000.

Mr. FERNALD. Fifty-one million dollars plus.

Mr. HITCHCOCK. That covers a period of something like 34 years.

Mr. FERNALD. It does.

Mr. HITCHCOCK. Does the Senator consider that a large amount?

Mr. FERNALD. Oh, no; I do not consider anything less than a hundred million dollars a large amount. In discussing the question I just mentioned those figures, but anything under a billion dollars I do not consider large.

Mr. HITCHCOCK. The Senator voted for twice that amount to be appropriated for two battleships this year and for ten times that amount for the Navy as a whole.

Mr. FERNALD. That is all behind us now. Let us not go back to that battle.

Mr. HITCHCOCK. No; we are right up against it now. The people have to find the money to pay the $500,000,000 which the Senator has voted for the Navy.

Mr. FERNALD. They will be very glad to pay it in order to protect the boys and the people of the country. If we had had a little more money to start with when we began the war and had had a little larger Army and a few more battleships I do not believe the people would have felt very sorry at the time. However, that is past history, and I do not wish to yield to discuss that any further, because that is an old issue. What does the Senator wish to know? I thought he wished to ask a pertinent question.

Mr. HITCHCOCK. I should like to know whether the Senator thinks $52,000,000 is a large amount to spend?

Mr. FERNALD. I told the Senator I do not think it is a large amount nowadays.

Mr. HITCHCOCK. I should like to know whether he thinks it a large amount to spend in 34 years for the Interstate Commerce Commission, when he has just voted ten times that amount to be expended by the Navy for one year and when he has just voted more than that amount for only two battleships?

Mr. FERNALD. I thought I had answered the Senator, without going into a discussion of the general question of battleships and armies, by saying that I considered it a wise provision. I thought the committee had made a very wise decision in their provision for the appropriation of that money and how much should be appropriated. However, I had not begun to discuss this very thing. The $50,000,000 I had just mentioned in a casual way. I do not consider that——

Mr. NORRIS. Mr. President——

Mr. FERNALD. I yield.

Mr. NORRIS. Will the Senator permit me to interject as a casual suggestion that $51,000,000, the total that has been paid by the Government for the Interstate Commerce Commission in 34 years, is in round numbers just one-half of what Armour & Co. issued as stock dividends in the same length of time.

Mr. FERNALD. We have already thrashed that out. When we get into the question of stock dividends and matters of that kind, it is a pretty big question, and I know the Senator from Nebraska does not want me to take up all the time of the Senate. I am coming back to the railroad question again.

The expenditure of fifty-odd million dollars is a mere bagatelle. That amounts to very little. The people of the country do not care much about $50,000,000 or $100,000,000. The farmers even talk about more than that, and the larger amount

they may be able to borrow on a day's notice. I wish to show what the real expense of the Interstate Commerce Commission has been since 1887 in addition to its direct appropriations of $51,000,000.

Up to 1887 the railroads of the country had been managed by railroad men. They had had a pretty free hand in developing the railroads of the country. I mentioned a few moments ago about Brigham Young leaving northern Illinois away back in 1845, within the memory of men who are now Members of the Senate, I believe, and crossing the prairies where now the corn and wheat grow in luxurious and bountiful harvest for the reaper. That movement has developed that whole country, and what are needed out there now more than anything else are canning factories. All through many of those States the condition exists where they have not had any development along that line in 10 years, not a single thing. We have built up the great industries in the country. The railroads have done a marvelous work toward that development. We would have in the Middle West no such development as now exists had it not been for the railroads. We would not have had in California any fruits produced for our breakfast tables, and we in New England would not have had the cereals grown in the Middle West had it not been for the railroads and their development.

In the period from 1830 to 1887 we had built in this country 165,000 miles of railroad. Nobody had ever before heard of any such development in any kind of industry or of any development in any way to be compared with it. About that time the Interstate Commerce Commission which I have mentioned was created. I wish to make some comparisons and I challenge anyone to state that they are incorrect or that they are not applicable to the situation.

First of all, let me say that in the development of the railroads up to that time—and I read from the record—the following situation is disclosed: In the year 1890, as I have just said, we had built 163,597 miles of railroad. During the next 10 years we built 29,748 miles more, and in 1900 we had 193,345 miles of railroads. In the next 10 years from 1900 to 1910 we built 46,947 miles of railroad, the most marvelous building of railroads that has even been known in the world's history or that ever may be known again. In 1910 we had 240,293 miles of railroad.

From 1910 to 1915, a period of five years, we built 13,000 miles more, about one-third of what had been built in the previous decade, and in 1915 we had 253,788 miles of railroad. In 1919—just notice this, please, Senators—we had decreased, and we had 636 miles less of railroad in 1919 than we had in 1915. That shows the decline in the building of railroads.

The great Northern Pacific Railroad had a bonded indebtedness which they had to refund at 7½ per cent. In the old days I think Mr. Hill—was it Hill or Harriman who built the road?—got the money at 4 per cent, because he was a railroad man and the bankers of the country and the people who had money were willing to invest it in railroads because they expected the railroads to be managed by railroad men. Instead of that, however, we had a commission created, made up of lawyers. I have the greatest respect for lawyers, and if I should ever get into trouble I should go to a lawyer, but I would never get a lawyer to come and undertake to run my business. When you undertake to run the great railroad business of the United States by a lawyer you have made a mistake, unless that lawyer has had some experience in railroad training. He can not do it any better than anybody else. You had better have a farmer run the railroads, because he at least has studied economy.

So the railroads began to dry up, like all other kinds of business——

Mr. LENROOT. Mr. President——

Mr. FERNALD. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator is from New England?

Mr. FERNALD. I am.

Mr. LENROOT. The Senator is familiar with the New York, New Haven & Hartford Railroad?

Mr. FERNALD. Oh, well——

Mr. LENROOT. I will ask the Senator whether the wrecking of the New Haven road, with which the Government had nothing to do, but which was accomplished by the so-called railroad managers, and the wrecking of some other roads, did not do more to lose the confidence of investors in railroad securities than any other one thing?

Mr. FERNALD. I wish to answer the Senator, because I have great regard for his judgment and I know he is an exceedingly fair man, that there are crooked railroad men, just the same as there are crooks in other lines of business. When one at the head of a railroad develops that character, he becomes a subject for the penitentiary and ought to be sent there. I do not know anything about the management of that railroad. I have no doubt every one of its guilty managers ought to be in the penitentiary. I have known even ministers to be crooks, and I have known one or two lawyers that were bad men, but because one man in a particular business has wrecked a railroad or wrecked a particular business, should all the other railroads and all the other lines of business in the United States be demolished, or should all the other railroads because of that one fact be turned over to a commission to be managed by somebody who does not know anything about the railroad business?

Mr. LENROOT. But the Senator did not get the point of my inquiry.

Mr. FERNALD. I think I did.

Mr. LENROOT. The New York, New Haven & Hartford Railroad was regarded, I think the Senator will concede, as one of the best railroad properties in the United States. Committees came here to Washington within six months of the time it was wrecked and begged that there be no investigation of it. The point is that when the supposedly best-managed railroad in the United States was wrecked as that was, very naturally confidence was lost to a very large degree in all railroads.

Mr. FERNALD. I am sorry to be led so far afield in my argument which I had started to make about the Interstate Commerce Commission. However, what the Senator has to say is applicable to every business in the country. I have not any question that there was mismanagement of the New Haven Railroad.

The Pennsylvania Railroad, for instance, has always been a well-managed road that has always had men at its head who understood the railroad business, and yet that railroad has had its stock cut squarely in two. That is what I am coming to now, to show the loss by mismanagement or misdirection.

Let me say before I go further that I wish to establish two fundamental principles of fact on which everybody I think will agree with me. First of all I wish it understood that I believe, and I think everyone will agree with me, that property is worth just what it will sell for. When it gets into the probate court or when an estate has finally to be settled, or if for any reason through the process of law or for any other reason property has to be sold, the real value of that property is what it will bring on the market. I have sometimes had horses that I thought were very valuable, and after a time I had to sell them, and I found that they were really not worth nearly so much as I had believed. If they had been left to my heirs they would have found that their real worth and value was just exactly what they would sell for. I think this is applicable to all lines of business. Does the Senator from Wisconsin agree with me in that?

Mr. LENROOT. No; not as to a forced sale. The rule is, of course, that property is worth what——

Mr. FERNALD. It is worth what it will bring.

Mr. LENROOT. It is worth what anyone who is willing to sell but not compelled to sell can get for it from one who is willing to buy but not compelled to buy.

I wish to ask the Senator, now that he applies that rule, if he contends that the railroads to-day are worth only what their stock-market values will bring? Does he apply the rule he has just laid down to the railroads? Is it the Senator's position that the railroads of the United States to-day are worth only what their stock-market values will bring?

Mr. FERNALD. I am going to allow that if a man owns stock in a railroad the amount which he may receive for that stock is precisely what it will bring in the market.

Mr. LENROOT. Then, does the Senator think that the Interstate Commerce Commission in fixing rates should take into consideration the present depressed market value of railroad stock and allow only such rates as will pay a fair return upon that market value?

Mr. FERNALD. No; I think the stockholders have been robbed by the Interstate Commerce Commission; that is what I think.

Mr. LENROOT. But the Senator has just said that Congress has no power to fix a different basis of return. A railroad is entitled to a reasonable return upon the actual value of its property. If the Senator says now that the railroads are only worth what the stock market quotations show, he himself would cut down their return by one-half.

Mr. FERNALD. If we proceed along the line of argument of the distinguished Senator from Wisconsin we can make those stocks valueless, and they are going lower about as fast as they can. Would the Senator think that after we put the railroads out of commission and the stock is not worth anything that we ought not to charge anything for freight and passenger traffic?

Mr. LENROOT. No.

Mr. FERNALD. The Senator's argument would end there.

Mr. LENROOT. The Senator is putting words in my mouth that I have never said. He says property is only worth what it will bring.

Mr. FERNALD. I think that is true.

Mr. LENROOT. If that is true, it necessarily follows that, for rate-making purposes, they would not be entitled to more than one-half as much as they are receiving to-day.

Mr. WILLIAMS. Will the Senator pardon one suggestion?

Mr. FERNALD. Certainly.

Mr. WILLIAMS. I think again the railroads have a double status. A railroad may be worth just exactly what the railroad may bring, and the railroad stock may be worth just exactly what the stock will bring; but there may be a very wide divergence between what the stock is worth and what the railroad is worth, if the property has been properly capitalized; but is it not true that a railroad, independently of its stock, is worth exactly what it would bring?

Mr. LENROOT. I do not agree to that. If the railroads were put up at auction at any of the present markets of the country, and if the railroads should be valued at what they would bring on the market to-day, the stock which has been already cut in two would be cut in two again.

Mr. WILLIAMS. Undoubtedly.

Mr. CUMMINS. Will the Senator from Maine yield to me for a moment?

Mr. FERNALD. I will be glad to yield to the Senator from Iowa.

Mr. CUMMINS. Of course, I listened with great regret to the attack of the Senator upon the Interstate Commerce Commission; but with respect to the present suggestion, what is the use of discussing it? The Supreme Court of the United States—and I understand the Senator does not want to abolish the Supreme Court——

Mr. FERNALD. Oh, no.

Mr. CUMMINS. No matter how much it costs—the Supreme Court has, over and over again, settled the basis of rate making and the value of railroad property for rate-making purposes. It has said that the railroad property of the United States is worth what it would cost to reproduce it; that is all. It is perfectly easy to ascertain what the value is—I mean the principle is easy—although it takes a good while to apply that principle to the facts as they develop.

Mr. WILLIAMS. Will the Senator pardon me for just a moment?

Mr. CUMMINS. Certainly.

Mr. WILLIAMS. In normal times, of course, what any sort of piece of property is worth is what it would cost to reproduce it if it is an article that can be manufactured. If it is live stock, its value would be what it would cost to raise it; but there is no excuse for mixing up the stock of a railroad with the physical plant. They do not represent the same thing.

Mr. CUMMINS. Precisely; the Senator from Mississippi is right. When we passed the valuation act of 1913 we required the Interstate Commerce Commission to ascertain, first, what the railroads cost originally, and, second, what it would cost to reproduce them; and we are not left in any doubt with regard to the manner of ascertaining the value of railroad property in order to attach certain rates to the service which they render.

Mr. FERNALD. First of all, I want to say that I do not wish to make any unjust criticism of the Interstate Commerce Commission. I simply say that the result has been just what would come from any regulatory body that has had no experience in the particular line of work. I think the Interstate Commerce Commission has been made up of honest and fair men, men who are disposed to do the best they can; but the inexpediency of appointing men to the commission to take charge of and to regulate a business when they have had no experience in that particular kind of business is clearly exhibited by their action. I do not want it understood that I am making an unfair criticism of the Interstate Commerce Commission, and what I started out to prove is entirely foreign to the Senator's suggestion. I simply laid down the fundamental principle—and I believe it ought to be accepted by everyone—that property is worth what it will bring. If a man dies and leaves an estate which has to be settled, all of his stocks, if they must be sold, must be sold on the market, as also must be his real estate and his personal property. Whatever he may have acquired is sold, and it is worth merely what it will bring. Is not that good law?

Mr. CUMMINS. No; Mr. President, I do not think it is good law.

Mr. WILLIAMS. But it is good common sense.

Mr. CUMMINS. The railroads are not sold in the market.

Mr. FERNALD. I am not suggesting that. I am merely stating a fundamental principle that applies to all property, and why should it not apply to railroad stocks?

Mr. CUMMINS. Property is ordinarily worth what it will sell for on the market, under reasonable conditions, if there be a market for the sale of that kind of property; but there is no market in which railroads may be sold.

Mr. FERNALD. No.

Mr. CUMMINS. One can not ascertain the value of a railroad by resorting to the market price of railroads in a particular market; there is no such thing. Therefore the rule, which I grant is applicable to a great many kinds of property, is not applicable at all to railroads.

Mr. FERNALD. No.

Mr. CUMMINS. One may ascertain the value of a bushel of wheat or of a bushel of corn or of 100 pounds of fat cattle, because people are constantly, every day, in the public markets buying and selling such things; but that is not true of railroads. Therefore we can not resort to a market price in order to ascertain the value of railroads.

Mr. FERNALD. I am always delighted to listen to my friend from Iowa; he is very clear on the railroad question, much more so than I am, of course; but if the principle I have stated is not law, then it is good common sense, that property is worth what it will bring. Suppose a man dies and leaves an estate, and the judge decides that that estate must be settled up. The man held 100 shares of railroad stock; it becomes necessary to sell that stock, and what the stock will bring on the market is all it is worth, and it is exactly what it is worth. Am I right about that?

Mr. CUMMINS. I suppose the Senator is quite right with regard to the value of the stock to which he refers, but he is not right at all if he attempts to apply that principle to the value of the railroads.

Mr. FERNALD. I am not applying it to the railroads; I am applying it entirely to the stock of railroads. I should like to have the Senator answer me definitely about that, because he is pretty definitive in his understanding of things.

Is it not correct that if a man has a certain amount of stock, and his estate has to be settled, there would have to be turned over to that estate whatever that stock would bring in the market? Is that correct?

Mr. CUMMINS. What it would bring in the market or anywhere else.

Mr. FERNALD. Yes.

Mr. CUMMINS. I suppose that is true if the stock were sold. If the Senator were attempting to ascertain the value of the particular shares of stock which he has in mind, he would resort to a market place, and if that stock were habitually sold in that market place the quotations there found would be a guide as to the value of that stock, and, I have no doubt at all, would be accepted; but that has nothing to do with the value of the railroads or the work of the Interstate Commerce Commission, for this reason: The Interstate Commerce Commission, by attaching unduly low rates to the service rendered by the railroads, can affect the value of the stock in the market without reducing at all the legal value of the railroads themselves.

Mr. FERNALD. I thank the Senator. I believe he and I agree so far as the value of the stock is concerned. What I want to say here is that the stock has depreciated 50 per cent since the Interstate Commerce Commission was created in 1887. I am going to read into the RECORD the market value of the stock yesterday, and I am going to show that the depreciation in the value of that stock since the Interstate Commerce Commission was created has been $4,500,000,000, by actual figures. That is what I am undertaking to prove. I am not discussing whether the Interstate Commerce Commission can work out the problems of the railroads or whether the Interstate Commerce Committee can do so, but I am going to show that property is worth what it will bring, and is not worth any more; I am going to show that the property which is made up of the stock of the railroads has depreciated, and I want to read what some of these stocks are worth:

Stock	High June 1, 1887.	High June 1, 1921.
Chicago & North Western	126½	65½
Chicago, Milwaukee & St. Paul	94½	28½
Chicago, Rock Island & Pacific	130½	33¾
Illinois Central	137¾	91
Pennsylvania	56½–56½	35½

Mr. CUMMINS. Mr. Prsident, I can anticipate the outcome, for I am fairly familiar with the subject; but while the Senator from Maine is establishing what he proposes to establish, he will also establish that if the Interstate Commerce Commission had permitted rates that would have maintained the market value of the stock as it was in 1887 somebody would have had to have paid the necessary rates. I hope he will give credit to the Interstate Commerce Commission for saving that situation to the people who pay the rates, although it may have been pretty hard on those who owned the stock.

Mr. FERNALD. What I am going to attempt to prove is that we are paying right now for the mismanagement from 1887 down to date; and I am going to try to prove that if the rates which were applied in 1887 had been applied to the business in 1920, instead of rates that did exist from September 1, 1920, to December 31, 1920, there would have been a difference of $964,201,903; that is, the rates would have been that much less than they actually were in 1920.

Mr. CUMMINS rose.

Mr. FERNALD. Let me finish; I am not quite through. I want to go on with that statement. If the rates which have existed since January 1, 1921, had been the same as the rates in 1887, it would have made a difference of $1,512,809,328. What I am going to claim is that if the railroads had had an opportunity to manage their own business in their own way they would have kept the level up, so that we would not have been obliged to pass through the period of railroad administration and depression from which we have suffered and are suffering now, and which has cost this Government vast sums. Of course, the business is much greater now than it was in 1887, but if there had been an increase of one-half in the business since 1887 it would have made a difference to this Government—and when I speak of this Government I mean the people who live under the Government—of more than $25,000,000,000. There can be no mistake about that.

Mr. CUMMINS. Mr. President, the Senator from Maine seems to me to ignore in the statement he has just made the fact that during the last four years the expenses of operation and maintenance have more than doubled. In many instances and in many departments of this activity they have more than trebled. If you should apply the costs of 1921 to the revenues of 1887, not only would there be no net income but there would be a vast deficit; and I hope the Senator from Maine will give some attention to that side of the ledger when he is stating this account.

Mr. FERNALD. I thank the Senator. What I am going to show by the figures—and I believe no one disputes their correctness—is that not only has the stock of the railroads been cut squarely in two but the Senator from Iowa realizes and, of course, knows much better than I that the stock of the railroads represents about 45 per cent of the valuation as made by the Interstate Commerce Commission, as nearly as they can get at it, and the bonds represent about 55 per cent of the real value of the railroads. Am I correct in that?

Mr. CUMMINS. Not quite, as I remember. Taking the capitalization, including stocks and bonds, of all the railroads in the United States, the bonds represent, speaking roundly, 66 per cent of the capitalization and the stock 34 per cent.

Mr. FERNALD. That takes in all of the class 1 roads, as I understand.

Mr. CUMMINS. All of the roads which report to the Interstate Commerce Commission.

Mr. FERNALD. I have gone into that matter at considerable length. I have undertaken to show that the expense which has been attached to the creation of these commissions has been very great; that when once established we are never able to abolish them. I realize that in the past few years, or since a few phrases have been coined, these reforms have gone on at an unprecedented rate. It was but a few years ago that we began to hear about "the common people." I suppose there are some, but I never saw any. To me they are all as uncommon as the flowers in the field. We have heard about "the toiling masses." Since these phrases have been coined great progress has been made in these methods of reform. We have undertaken to reform everything. There is hardly anything or any kind of business but that the Congress of the United States has been asked to regulate it.

I realize that I have spoken for nearly three hours. I want to insert in the RECORD, in my time, without reading, if the Senate will permit, an article. Some time ago, when we had rather more time than we have now, I undertook to insert in the RECORD an article which appeared in one of the farming papers of the country, the Nebraska Farmer. At that time the Senator from Utah [Mr. SMOOT] objected; but now I am going to ask that this be inserted in the RECORD.

Mr. SMOOT. As a part of the Senator's remarks?

Mr. FERNALD. As a part of my remarks. There appeared in this paper, the Nebraska Farmer, I think of June 19, 1920, an article by the very distinguished Senator from Nebraska [Mr. NORRIS]. The Senator is a very distinguished lawyer and a very fine gentleman, whom I regard highly, although I have not so much regard for his judgment about the packing business; but he wrote an article on the packing business, and a man who, I think, does know something about the business replied, and I am going to ask as a part of my remarks that this article be inserted in the RECORD.

Mr. NORRIS. Mr. President, may I inquire who is the author of the article to which the Senator refers?

Mr. FERNALD. Thomas E. Wilson.

Mr. NORRIS. He is the president of Wilson & Co., one of the five big packers?

Mr. FERNALD. I think so.

Mr. NORRIS. Would the Senator object to inserting my article and his article in parallel columns?

Mr. FERNALD. I shall be very glad to have that done.

Mr. NORRIS. All right; I shall be glad to have that done.

The VICE PRESIDENT. If there is no objection, it is so ordered.

Mr. NORRIS. I should like to call the Senator's attention to the fact that this article was a reply to mine, and I should like to have the Senators read in parallel columns just how he replied and how much he had to say about the charges that I made in the article that I wrote.

Mr. FERNALD. I think it will be fair to insert the Senator's article and the article from Mr. Wilson. I think that is all that is necessary.

Mr. NORRIS. In parallel columns?

Mr. FERNALD. Yes.

The articles referred to are as follows:

SOME SIDE LIGHTS ON THE PACKERS, BY SENATOR GEORGE W. NORRIS.

It was Sunday morning, the one day of the week when we can afford to have meat for breakfast. As I took my slice of nice crisp bacon, I asked my wife what it cost. She said it was 60 cents a pound. I had just been reading from a western country newspaper that the price of hogs on the western prairies was from 10 to 12 cents per pound. It occurred to me that the producers and the consumers ought to know something about the middleman's profit on this necessary article of human food.

I wonder if the farmer in the sod house on the prairie and the laboring man in the overcrowded city of the East really understand that this mighty space between them is inhabited by a multitude of unnecessary profiteers who are living in luxury upon the toil of the two extremes of this great equation. It ought to be interesting to the underpaid producer and the overcharged consumer to get a view of some of the side lights; some of the overhead charges and expenses that oil the machinery of the mighty corporations which control most of the lines of the food products of the world.

Under existing conditions the producer and the consumer are so far apart that they live almost in different worlds. They do not realize the network of machinery existing from one end of the country to the other, having within its grasp the most mighty financial institutions and under its control the dissemination of news and literature of the day by which the very atmosphere of both consumer and producer is saturated with a false knowledge of the necessity of all this useless and expensive machinery, thus keeping them both in ignorance, with a natural tendency in each to fear that the other is getting the best of the deal. They both realize that middlemen are necessary, and that machinery is essential to make over the product of the farm into a suitable commodity for the table. They do not fully understand that they are both bowed down in poverty because they contribute day by day and year by year to the immense fortunes of many millionaires, who are living in compara-

[From the Nebraska Farmer of June 19, 1920.]

HOW SHALL THE PACKERS BE REGULATED?

(By Thomas E. Wilson.)

(In recent issues of the Nebraska Farmer there were published two articles by Senator NORRIS opposing the settlement agreed to by the Attorney General and the big packing interests and favoring more drastic regulations of the packing industry. Believing that it is no more than fair to present all sides of the question we have asked Mr. Wilson, president of the Institute of American Meat Packers, and also the head of one of the large packing companies, to give in this issue the packers' side of the question. In later issues more articles on this important subject will appear.—The editors.)

Since writing the article on the subject of packer legislation, published in the June 5 issue of the Nebraska Farmer, my attention has been called to two articles by Senator NORRIS.

It is to be regretted that the Senator representing a constituency of producers of live stock and a State where the packing industry constitutes so important a part of its industrial life did not discuss some constructive measure calculated to improve the industry in general, rather than to indulge in criticism of the business and those engaged in it. If there is anything wrong with this industry or with those responsible for its management, surely there must be some measure that would correct it.

One would naturally hope or expect from one occupying so exalted and important a position something other than impugning references and artful insinuations intended to discredit this vital industry, impair its efficiency, and destroy public confidence in its integrity.

It is much easier to tear down and destroy than to plan and construct a great enterprise. It has become a favorite pastime with many men anxious to be regarded as statesmen to attack successful industry. A careful study of the two articles written by the Senator fails to disclose a single constructive suggestion looking toward improving the economic condition of the producers of his State or the country at large.

Successful business enterprises can not be built and maintained

tive idleness and luxury upon the toil and the sacrifices of the two extremes. It ought to be interesting to consider briefly a few of these unnecessary and exorbitant overhead expenses which they contribute to the oiling of the great international machinery operated by the packers. This information has been taken from hearings before Senate committees and the Federal Trade Commission.

WHAT ONE YOUNG MAN DID.

Several years ago a very bright and enterprising newspaper man in Philadelphia moved to Washington. He came to the Capital City as the Washington correspondent for a Philadelphia paper. His ability as a writer soon brought him additional clients. It was not long until he became an editorial writer for a well-known eastern magazine. He soon became a regular contributor to a Wall Street publication on financial subjects. He was taken on as one of the editorial writers of an economic magazine, a publication with a circulation all over the United States, having for the main object of its existence the maintenance of a high protective tariff. He was soon employed as a writer on a magazine known as the Fourth Estate. This is a trade publication for newspapers, and goes to practically every newspaper office in the country. He likewise became an editorial writer on a trade publication for manufacturers. He was likewise one of the editorial writers on a Washington daily.

In the meantime he had built a large office force, maintaining two offices in Washington, and was surrounded by quite a number of able assistants. It can be seen at a glance that this man's work was going into not only the homes but the business offices of the country, particularly those offices that have to do with the creation of public sentiment on various public questions.

In the meantime he developed into a great social leader. His dinners were attended by members of the Cabinet, Members of the House of Representatives, the United States Senate, foreign ambassadors, and other prominent people influential in national affairs. It is quite apparent that his influence and his power in the building up of any sentiment throughout the country for the control of legislation in a silent and unseen way would be of wonderful force. It was noted by those who knew him best that he was an intimate and close friend of the private secretary to the President of the United States.

It became known that it was almost a daily occurrence for these two men to be lunching together at one of the most exclusive and expensive hostelries in Washington. All of these various occupations and activities of Mr. Logan are in themselves perfectly legitimate. They are, however, exceedingly important when taken into consideration with what follows—and the reader must not minimize his social activities.

In every great capital of the world many thousands of dollars are spent in social affairs, innocent on their face, legitimate of themselves perhaps, but having a sinister, powerful, silent, and perhaps unconscious influence on the control of legislation and the activities of executive officials in the enforcement of the laws. It might be said in passing that this is illustrated by the public announcement recently made through the press that the British ambassador has been allowed by his Government nearly $100,000 annually for social entertainment.

MONEY FROM EVERYWHERE.

No one suspected that Mr. Logan was on the pay roll of a large number of great corporations, and while we are considering him now only in his financial connection with the packers, it is interesting to note that he received large salaries not only from the packers but from many other large corporations, notably Standard Oil concerns, which always have been interested in and which always have spent immense sums of money to control not only the laws of the Nation but of the States. It was discovered upon investigation that Mr. Logan was getting $500 a month from Swift & Co., $500 a month from the Standard Oil Co. of New Jersey, $500 a month from the Standard Oil Co. of Indiana, $700 a month from the Atlantic Refining Co., $500 a month from the Freeport Sulphur Co., and $500 a month from the General Electric Co. This may not be a complete list of his clients, but when the reader considers these salaries, together with the compensation he received from the various newspapers and magazines which he represented, it can at once be seen that his income compared favorably with the great magnates of the corporations which he represented.

In addition to all this, it should be said here that while Mr. Logan was drawing these salaries he made a trip to Europe at the request of Mr. Hurley, a Government representative. His entire expenses from the time he left America until he returned were paid out of the Treasury of the United States. He testified that Mr. Hurley wanted, in addition to paying his expenses, to pay him a salary, but he was too modest to accept it; and at the time he gave his testimony the question had not yet been determined whether he would be paid a salary in addition to his expenses. Mr. Hurley, representing the Government of the United States, seemed to be insisting that he should be paid a salary, Mr. Logan declining to accept it. Whether the matter has yet been adjusted or determined I do not know. How much, if anything, has been paid from the Federal Treasury to Mr. Logan I can not say. He claimed that when he went to Europe he went as a sort of adviser to governmental officials. It seems that those who represented the Government and who controlled the purse strings felt that the editorial writer who was getting so many salaries as a business adviser to great corporations should also be paid by the Government of the United States for giving advice to governmental officials in order that they might more efficiently conduct the business affairs of the United States in Europe.

AN EXPERT ADVISER.

No one has ever charged Mr. Logan with making an attempt to directly control the vote of any Member of Congress. Excepting as they were invited to meet him at social functions, they were, as a rule, unacquainted with him, and when they did not meet him they had no idea that he was writing editorials for these various magazines that were building up a public sentiment favorable to corporations, or that he was on the pay roll of the great corporations that I have enumerated. His time was too valuable to be used for the purpose of directly controlling a vote. His energies were spent upon the broader and more influential plane of building up a sentiment favorable to his clients through his editorial writings and of giving his clients direct information as to the condition of legislation and as to contemplated legislation, so that they might be able to prepare either to influence it or to meet it.

When put on the witness stand and questioned as to what he did to earn his salary for Swift & Co. and these other corporations, he said that he was an expert adviser; that he advised his clients how to run their business and how to enable them to serve the public good. He admitted that he had never written an advertisement for Swift

upon any other foundation than that of integrity and the good will of the public. There is no more destructive agency than distrust and suspicion. A person or business suspected is already half condemned and it may possess a thousand virtues, yet one fault is often magnified far beyond all its commendable achievements.

VICTIM OF UNJUST CRITICISM.

No industry in the history of this country has been the victim of so much unjustifiable criticism. It has been charged with everything from causing the war to spreading the "flu." If prices of live stock decline no matter what the cause, it is charged to be the fault of the packer; if there is an advance, the consumers are told that the packers are profiteering.

Many stock-jobbing enterprises, organized to enrich their promoters, attempt to excuse their own shortsighted mismanagement by charging the packers with a conspiracy to destroy them. When the packers are forced to utilize the press of the country to correct the false statements made against them, their motives are questioned, and the integrity of the press is impugned. If one of the packers employs a representative in Washington for any legitimate purpose, all the packers are charged with dark designs to overreach unsuspecting officials.

Designing politicians, in and out of Congress, taking advantage of the general unrest and disturbed condition of the times, are exhausting all their energies in hunting for trivial and inconsequential incidents which they can twist into something to discredit one of the most vital industries of the country.

In such a business, employing multiplied thousands of men of every kind and character, of every creed and nationality, it is to be expected that mistakes will occur which the management condemn quite as readily and as vigorously as the public. The critics who can so readily find fault, but have so much difficulty in devising constructive reforms, never discuss the great achievements which have been wrought out in the interest of the producing and consuming public. They ignore the fundamental fact that the packers improved and made efficient the stockyards, they invented and developed the refrigerator cars and the refrigerator autotrucks. They established branch-house and cold-storage systems, which changed the marketing and distribution of perishable farm products from a local and seasonal business to a year-around business on a national and international scale. They have established and maintained a daily market, where food products of the farm and ranch find a certain and ready sale for cash on the spot, regardless of how much is sent to market.

PROFITS OF THE PACKERS.

The business is conducted on the smallest margin of profit of any basic industry, averaging about 2 cents on each dollar of sales. This is a great benefit to both the producers and consumers. These figures have been questioned and criticized by those unfriendly to the industry, but they are true, nevertheless, and have been verified time and again by certified public accountants and agents of the Treasury Department of the Government, who are interested in our income-tax returns.

The aggregate net profits of the five large packers, according to verified reports for the year 1919 on business transacted in this country, amounted to $34,329,471. When these figures are thus grouped they appear to be a very substantial gain, but when they are analyzed they are not only found to be reasonable, but beyond all criticism.

During the year 1919 the five large packers slaughtered nearly 40,000,000 head of live stock in this country, consisting of 7,088,468 cattle, 20,716,515 hogs, 8,931,757 mutton, and 2,486,201 calves. The net profit to the packers derived from the sale of this immense quantity of meat and all the by-products derived from those animals, as well as all profit from all other sources of business transacted in this country, when divided by the number of animals, show the startling results of an average profit of only 87½ cents per head.

No farmer would be willing to slaughter the animals on his farm for such a small profit per head, to say nothing of finding a market for the meat and by-products. The packers could not do it, either, were it not for the immense number handled and the efficient distributive system they have developed through which a hundred million consumers are provided with fresh and wholesome meats for every meal every day in the year. All these things and more have contributed to the welfare of the country and the stabilization of industry and should be the subject of gratification rather than of abuse and condemnation.

PUBLIC-SERVICE REWARDS.

While it is true that these things have been wrought out as a matter of business, there have been rewards in other ways. There is a sense of satisfaction in performing a great public service, in doing a really constructive work that adds to the general progress and welfare of the age in which one lives. Those whose vision has not been clouded by the prejudices and jealousies engendered against this industry have expressed the opinion that it was a happy and fortunate thing for our country, during the war, to possess such well-developed business as the packing industry. In cooperation with the producers it met every duty and obligation placed upon it by the Government in an efficient manner and contributed its part in the greatest crisis of the world's history.

Instead of devising plans for the greater usefulness of this industry and of improving the economic welfare of the producers, some statesmen seem to deem it of greater importance to discuss matters that are only useful in a political way. Thus my personal salary and the consideration under which I undertook the responsibilities of the company I now represent have been discussed with unusual solemnity involving some improper transaction to be publicly condemned.

More than a year ago I voluntarily appeared before the Senate Committee on Agriculture during its hearing on the Kenyon-Kendrick bills, at which Senator NORRIS was present. At that hearing I gave all the facts in relation to the terms under which I accepted the presidency of this company. I was drawing a salary equally as large from another company before I accepted the presidency of this company, and under the circumstances I trust it will not be deemed immodest for me to say that I worked my way up from a salary of $20 per week.

SALARY CONSIDERATIONS.

This company was in difficulties at the time I took charge of it. Its common stock had no market value. The stock given me as an inducement to assume the responsibilities of its rehabilitation and also that upon which I took an option at a price far in advance of its then market value was not treasury stock or stock belonging to the company as inferred in the article by Senator NORRIS. It belonged to New York bankers who were heavily interested in loans and other financial obligations of the company. All this stock had been fully paid for when originally issued by the company but had lost its value on account of unsuccessful business

& Co. He claimed that he earned his salary by telling them how they should run their business so as to best satisfy the public. When called upon to produce a single letter or memorandum in which he had given such advice, he was unable to do it. Mr. Swift, the head of Swift & Co., and Mr. Veeder, their general attorney, both corroborated Mr. Logan in his statement that he was employed simply as an adviser. They were both asked to produce a single letter or a single written statement of any kind that he had ever given them along the lines of his ostensible employment, but, like Mr. Logan, they were unable to do so.

It did develop, however, upon the investigation that he had given them information about affairs in Washington along lines that were entirely foreign to what they claimed was his duty as an employee of Swift & Co. In fact, in every case where any activity of Mr. Logan was disclosed in regard to Swift & Co. it always appeared that what he did had nothing whatever to do with what he claimed was his line of employment. For instance, it was disclosed that he had given to Swift & Co. advance information as to just what the food bill would be and as to just what would be required of the packers under the law. Even before Congress knew what kind of a food control act they were going to pass Mr. Logan had outlined the plan in full to his clients, Swift & Co. He gave them direct information of some disagreement between the President and Mr. Hoover, on one side, and Mr. Houston, Secretary of the Department of Agriculture, on the other; and when it is remembered that Congress was more or less a rubber stamp under the control of the President, the value of such information can be fully appreciated and understood.

Swift & Co., through Mr. Logan, knew before the Secretary of Agriculture, Mr. Houston, knew that Hoover would have complete control of the Food Administration, and that he would not only control the packers in this country, but that he would do the buying for the Allies as well as for the United States Government. Mr. Hoover and the President were in private conversation on the night of the 14th day of May, 1917. They went over the entire situation, and the legislation needed was at that time agreed upon and outlined. The next morning Mr. Logan reported the substance of the conference between Mr. Hoover and the President to his clients, Swift & Co. How he got his information, or who it was that told him what happened at that secret conference between the President and Hoover, can only be conjectured from the facts that I have outlined above.

When Congress appropriated the money to make the investigation of the packers by the Federal Trade Commission, it was Mr. Logan who gave to them the first information that the appropriation had passed, and in the notice he gave them he explained that there was no cause for worry; that he believed the status was satisfactory; and that the plans should not be changed until advised. It is quite apparent from the evidence that Mr. Logan possessed superior facilities for gaining inside information, and that, as a matter of fact, he was paid this magnificent salary by Swift & Co. partially for the inside information he was able to get and partially because they desired to contribute, in connection with the other great corporations, their share of the fund that would enable the trade journals and the political magazines to be editorially controlled by friendly minds.

"DIAMOND T."

The investigation by the Senate Committee on Agriculture disclosed the existence of a mysterious character who was very valuable to the packers in giving them advance information of possible legislation in Washington. This character was never designated by name. Wherever reference was made to him in the packers' memoranda it was by a character drawn with pen and ink. This character was represented by the letter "T" inclosed in a rectangular figure the shape of a diamond, but because the printer does not have any character that properly represents it I refer to the character as "Diamond T."

It is quite evident that "Diamond T" was a very important person. Nothing was developed in the evidence that ever disclosed anything that he had written or anything to which his signature was attached. Reference to this character only appears where information is given from one official to another that certain information had just been received from "Diamond T." It was from "Diamond T" that information was given of the beginning of the movement to fix maximum prices. In other instances reference is made to information from "Diamond T" which is not plain, and which is not explained by any other evidence. It is quite evident that the investigation only disclosed a small part of the information that was thus received. In one memorandum prepared by one of the officials reference is made to receiving valuable information, without disclosing what it was, with the statement that the matter referred to would be looked after at once. Another memorandum written by an assistant of one of the packers refers to a note from "Diamond T" in regard to the investigation about to take place before the Federal Trade Commission, and it is stated in this memorandum that "Diamond T" would be glad to have any suggestions that the packers desired to make. This memorandum likewise disclosed the fact that Mr. Veeder, the attorney for Swift & Co., was to see "Diamond T" the following Monday.

Another memorandum disclosed that on the 20th day of June, 1917, information was received by Mr. Veeder from "Diamond T" telling what had happened at a meeting of the Federal Trade Commission. The packers are told in this information from "Diamond T" that there will be enough delay to give plenty of time for readiness, and he suggests that they have everything ready in regard to high prices and their causes. This memorandum also suggests that Mr. McManus (another packer attorney) would be helpful at the Washington end "immediately." "Diamond T" at this time advised that even the exchange of telegrams would not be advisable, and so important was it to conceal the identity of "Diamond T" that the official who prepared the memorandum of information received from him asked that even the memorandum be destroyed "immediately."

DID NOT KNOW WHO HE WAS.

Mr. Swift, who handled some of this memoranda, on the witness stand denied all knowledge of the identity of the person known as "Diamond T." Mr. Veeder, general attorney for Swift & Co., when on the witness stand, likewise denied any recollections whatever of "Diamond T," although some of the memoranda referring to information received from "Diamond T" was prepared by Mr. Swift, and at least one of the memorandums disclosed the fact that Mr. Veeder was to meet in consultation with "Diamond T." There is no one who heard the testimony of Mr. Swift and Mr. Veeder, but must have been impressed with an irresistible conclusion that neither was telling the truth.

management. It should not be regarded as grounds for criticism if I have made a success in my efforts and thereby restored value to our stock.

One might as well argue that a farmer who bought a run-down and worn-out farm in Nebraska and by good business management increased its fertility would not, after making it productive, be entitled to the increased value his energy and industry had created. There is no watered stock in this company. There are now real assets of a value in excess of all the outstanding stock issued.

The Senator devotes much space to a discussion of a case in Washington involving purely a technical violation of the law relating to weights and measures. One of the vegetable canning plants formerly owned by this company put up a limited number of cans of catsup in 5-gallon cans for the hotel and restaurant trade. The canning process necessarily required the material to be heated to a very high temperature and sealed while hot. The cans were filled with the full 5 gallons, and they were so marked. It was later discovered that when they cooled the expansion caused by the heat disappeared and there was a shrinkage—not in weight, but in volume. If our agents had marked the weight rather than the gallons on the cans, there would have been no case.

THE SHRINKAGE IN THE CATSUP CANS.

The cans were filled full, but the subsequent shrinkage which was unavoidable showed us that such packages should be marked with the net weight rather than by quantity in gallons. The judge and the district attorney both said that they were satisfied that there was no improper motive or purpose on the part of the company, and therefore fixed a purely nominal fine, as the statutes had been technically violated because of the shrinkage in volume and in measurement of quantity—something we did not foresee nor did we have any knowledge of it until the complaint was filed.

The Senator seizes upon this isolated incident to attack the integrity and honesty of this great industry, and, without any facts to support the charge, he recklessly states that we have probably violated the pure food law in every city and hamlet in the United States; but he admits he knew of no other case where any penalty was assessed, nor have we had any complaints from any other points. Catsup in 5-gallon cans is not sold in every place, but is put up specially for a limited trade among hotels and restaurants, so the assumption was wholly unwarranted.

The movement, primarily begun with a view to improving the economic position of the feeders of live stock, has been largely obscured by other radical forces, who are keeping alive this fight for other purposes.

RADICAL ELEMENTS INVOLVED.

It is high time that the real producers of live stock who have the best interests of the industry at heart should understand that there is now much more involved in this fight than matters which affect their own welfare. The most radical and un-American elements in our national life have seized on to this movement and are using it as a means to inaugurate the nationalization of all industry.

Some of these forces have established legislative bureaus at Washington and are posing as the representatives of the farmers and are demanding in their name the passage of all kinds of radical and un-American legislation for the sinister purposes above stated. Radical elements of the labor organizations are attempting to form a coalition with radical farm organizations for the purpose of controlling legislation, and have threatened with defeat all Members of Congress who refuse to obey their mandates.

Only recently a very drastic bill regulating the packing industry was introduced in the House at the behest of these forces. It was not prepared by the producers of live stock but by the radical elements of organized labor. It does not deal with any question of labor but is offered for the benefit of the producers. It is a combination of the most drastic provisions of all preceding measures offered in Congress on this subject.

These so-called representatives of the farmers and producers carried their propaganda to such an extent as to arouse the real American farmers and producers. Their cause was being placed in a wrong light before the country. Attempts were being made to force through vicious legislation in their name. They decided to call a halt on this movement.

IDEAS OF FARMERS' ORGANIZATIONS.

Being imbued with the spirit of true Americans and opposed to the efforts to put this Government into private business, a joint meeting of the executive officials of seven of the largest and most representative national agricultural organizations was held at Washington on January 28, 1920, for the purpose of memorializing Congress, the object of which was to repudiate the radical views of those self-styled representatives of the farmers and to express correctly the sentiments of the real and patriotic farmers of the United States concerning matters of national concern pending before Congress.

The organizations joining in the memorial were the International Farm Congress, the National Grange, the American Farm Bureau Federation, the National Farmers' Union, the National Milk Producers' Federation, the Farmers' National Congress, and the American Cotton Association. I wish space would permit quotation in full of what these organizations said to Congress. It emphasized very forcibly what to my mind are the true fundamental principles of American institutions.

I will quote a portion of the memorial, as it clearly sets forth the principles I have discussed in these articles. They said:

COUNTRY AND FLAG FIRST.

"The first and constant obligation of every citizen and of every organization of citizens is undivided loyalty to our country. Its institutions must be protected and its traditions preserved and respected.

OBSERVE ECONOMIC LAWS.

"The attempt to thwart natural economic laws by legislation is useless. The laws of supply and demand should have full sway. Government price fixing interferes with the operation of the law of supply and demand and disturbs the equilibrium established by that law. If a price so fixed is higher than is justified by supply and demand, it is unjust to the consumer; if lower, it is unjust to the producer. We are therefore opposed to governmental price fixing, and in the event that the State does fix the price of any essential commodity, we insist that it shall at the same time fix prices on all other essential commodities. To compel any group of citizens to sell their products in a regulated market and to buy their supplies and necessities in an unregulated market is an unjust and dangerous discrimination.

PROTECTION OF PRIVATE PROPERTY.

It is only in the safeguarding and protection of every right of private property that there can be perpetuated the full measure of individual initiative and emulation upon which a democracy is based and by which its future is assured.

A day or two after Mr. Veeder had emphatically and persistently denied on the witness stand that he had any recollection or knowledge whatever of the identity of "Diamond T" he returned to the witness stand and stated that Mr. Logan had told him that he (Logan) had sent in the information referred to in at least one of the "Diamond T" memorandums. To me it looks as though this secondary evidence was given for the purpose of shouldering the identity of "Diamond T" upon a person already identified, and thus prevent, if possible, any further investigation as to his identity. It is quite evident that "Diamond T" had no reference to Mr. Logan, because where information was received from Logan, there was no disposition to conceal that fact.

How much "Diamond T" received in the way of compensation, or who he was, will perhaps always remain a mystery. That he was some one high in official councils, and therefore a very expensive character, and that he was able to give the packers exceedingly valuable and inside information, will not for a moment be questioned. That the men who were dealing directly with him in such important matters, where many millions of dollars were involved, should completely forget his identity when they had taken such great pains to conceal it is completely beyond comprehension; and when these men go upon the witness stand and deny any knowledge of the identity of this mysterious individual they not only convince the honest man that they are guilty of falsehood, but they make themselves ridiculous in the eyes of all honest people. Such testimony, if given by the ordinary person, would be at once branded as false, but when testified to by those who represent hundreds of millions of dollars it escapes notice in the news items of the day.

ADVERTISING.

One of the most remarkable attempts to control the public sentiment of the country through the instrumentality of the public press has been going on for the last three or four years. The packers are not the only corporations engaged in this great undertaking. There are many other great corporations that are equally guilty. It is a nation-wide campaign to build up a reactionary sentiment in favor of the great corporations of the country. But in this article we are dealing only with the packers, and I confine myself in my comments to the part which they have taken in this colossal undertaking. I do not want to be understood as claiming that all of this advertising was unnecessary or subject to criticism. Neither do I argue that because a newspaper accepts advertising it is necessarily controlled in its editorial policy. The assertion is made, however, that the advertising of the packers is far beyond any legitimate, fair, or even liberal allowance for that purpose, and neither can there be any doubt but that some newspapers are controlled in their editorial policy by the advertising end of the business. Many others remain silent in their editorial columns when they would otherwise condemn, if it were not for the oiling of the business machinery through advertising.

There can be no doubt but that one of the objects of this campaign was to mold public sentiment, and to close up the criticism that their acts would otherwise receive at the hands of newspapers. There was evidence developed upon the investigation to show that this was the real intent and purpose of a large portion of the advertising. The packers carry large page and half-page advertisements in all the newspapers of the United States. No country paper was too small to be taken into consideration by them. Large display advertisements appeared in newspapers that had only two or three hundred subscribers. Moreover, the greatest of this advertising took place at a time when no advertising was needed in order to sell their products. It took place at a time when there was a shortage of production, when they were positively unable to supply the hungry with the food which it desired.

APPRECIATION OF COUNTRY.

This is the best country the sun shines on. Its opportunities are boundless and are open to every individual who cares to avail himself of them. Its Government is the best in the world. There is nothing fundamentally wrong with it. A people who would not appreciate and defend it would be unworthy to exist as a nation. A man who would injure or destroy it is unfit to live under the protection of its flag.

In my opinion, there has never been expressed a clearer declaration of the American principles. These American farmers also told Congress that they were emphatically opposed to Government ownership or continued operation of the railroads.

Those of us who are charged with the responsibility of preserving this industry and of protecting the interests of our stockholders, as well as those of the great producing and consuming public, fully realize the import of many things not yet manifest to the general public.

We have felt the presence in all this agitation of forces who care no more for the producers than they do for the packer. These forces are filling the press with false and misleading information and are striving to keep alive the flames of passion and prejudice in the hope of launching this country on a career contrary to all the best principles and traditions upon which its greatness has been achieved.

This agitation and the unwarranted attacks growing out of it have not benefited anyone, and sooner or later it will be found that anything which handicaps the packer and makes it more difficult and expensive for him to distribute his products will in the end militate against the interests of the producer and consumer as well.

THE GRONNA BILL.

The Gronna bill now pending in the Senate, in my opinion, will interfere with private initiative. It delegates to a commission very arbitrary powers, which, according to our experience under similar agencies, will prove to be a detriment rather than a benefit. Producers who are vitally interested in this important subject should write for a copy of this bill and study its provisions. Find in it, if you can, anything calculated to benefit any branch of this industry.

Among its many drastic features is one which will prohibit even the smallest packing plant, even if owned by a cooperative organization, from owning any interest in the stockyards around the plant. Who will build such yards around small plants in remote sections?

This bill is held out as one designed to encourage the establishment of cooperative packing plants, yet one may read the entire measure without discovering the slightest reference to such concerns. Section 25 of the bill purports to offer some advantages to concerns that register with this commission, in the way of information, but there is not a benefit promised that any citizen can not now obtain from the Department of Agriculture, information secured and compiled under laws already in existence. Yet under the Gronna bill the packer who agrees to register is bound to obey every rule and regulation made by the commission, which includes the power to prescribe the conditions upon which the packer shall take title to any commodity handled. The commission would have the power to fix the price of everything purchased by such registrant.

Much more could be written on this subject and concerning the organized efforts and propaganda to shackle one of the most important American industries.

THE PACKERS' DEFENSE.

The only defense the packers made is that this advertising was necessary in order to show up the erroneous conclusion that they claimed the Federal Trade Commission had reached in its investigation. An examination of the subject, however, will disclose that this advertising campaign was on in full blast long before the Federal Trade Commission's report was given to the public. An examination will also disclose that a very large part of the matter included in the advertising had no reference whatever to the sale of any of their products and made no attempt to refute the charges of the Federal Trade Commission.

The advertising campaign of the packers is akin to the former practice of railroads in issuing passes to all influential people, particularly those who had to do with the making of laws controlling the railroads or the enforcement of them. The person who received a pass was not requested to use his influence in their favor, and it does not follow that because a man received a pass he was in any way influenced; but on the whole it was universally conceded that the promiscuous issuing of passes was an evil; that it interfered with the enactment of railroad laws and the administration even in courts of justice where railroads were parties litigant. The enlightened public sentiment of the country condemned the practice, and nearly ever State in the Union has made it illegal.

I have before me the Sunday edition of a great metropolitan daily, published in the latter part of 1919, in which Armour & Co. have more than 15 pages of advertising. The matter is highly and beautifully illustrated, and a great deal of the space is taken up with a showing made in behalf of the philanthropic treatment on the part of this great corporation of its employees. One would think in reading over the very well written articles that Armour & Co. is organized more for philanthropic purposes than for financial reasons.

I have searched hundreds of country newspapers coming from the smallest villages and have never yet found a paper that was not patronized by the packers in the way of advertising. I have a copy of a small newspaper, published way out on the frontier, in a small country town, that contains a half-page advertisement, signed by all five of the great packers, in which they make common cause to demonstrate that it would be difficult, indeed, for the country to exist without them.

On February 28, 1918, Swift & Co. had a large display advertisement in practically all of the great newspapers of the United States, in which they devote the entire space to a demonstration that the employees of Swift & Co. are patriotic. Nothing is said in it about anything for sale and nothing is said in regard to a defense of any of the charges made by the Federal Trade Commission; but for some reason they seem to be imbued with the idea that some one had charged their employees with being unpatriotic, and they rush into print, wrap themselves in the American flag, and proclaim their patriotism from the housetops. During the war this was a favorite pastime for all profiteers. When a big corpora-

HAVE BEEN PATIENT AND TOLERANT.

Clever advantage has been taken of the general dislike of the so-called high cost of living and the general antagonism stirred up against the larger packers through misleading and unjustifiable attacks. Throughout all this agitation and general disturbance of business we have tried to keep a spirit of patience and tolerance, trusting in the final judgment of the people for a proper understanding of our problems. In the meantime we have stood in the forefront of the fight against those who are seeking to revolutionize American institutions through Government ownership or operation of private business.

The packing business is a manufacturer operating on a very slender margin of profit between millions of producers on one side and millions of consumers on the other. Dealing in essential food products, it represents a fertile field, in which agitators can sow the seeds of unrest and discontent.

No form of legislation yet proposed can or will allay this discontent, however much the politicians may promise it can be done. What is most needed is a more sympathetic understanding and cordial cooperation between different interests in the industry. We need an era of peace, for readjustments of commercial relations which were thrown out of gear through the vicissitudes of war. We need a revival of the spirit of good-fellowship and of patriotic pride in American achievements. Let us all do our part toward these ends and many of our apparent differences will disappear.

tion was about to cut a melon or a few millionaires were about to rob the Government in some unconscionable contract, they always made an attempt to distract attention by parading in public under the Stars and Stripes.

SPENT HUGE SUMS.

For the year 1918 Swift & Co. alone spent over $1,600,000 for advertising, and Mr. Swift himself admitted that they would spend $2,500,000 in the year 1919. This would mean more than $200,000 a month, about $7,000 per day. Assuming that the other members of the "Big Five" spend one-half of what Swift & Co. spends, which everybody will admit is way below the actual fact, we find that the great packers on this basis spend more than $8,500,000 annually for advertising. This would be more than $1,000 for every hour of the 24.

This cost only includes what is actually paid to the newspapers and magazines. To keep the machinery going and to employ the necessary men to prepare the advertisements entails an additional expense of enormous amounts. It must be remembered that this is only one corporation. If you spread this over the country at the same rate, it means that trainloads of paper are used in this wonderful propaganda, 90 per cent of which is useless so far as any legitimate object is concerned. This wonderful advertising of great corporations, if reduced to its legitimate sphere, would of itself alone settle the acute question, which is now country-wide, of a paper shortage. It must be remembered, too, that these great corporations do not in reality pay one penny of all these enormous expenses that I have enumerated. The wonderful financial outlay, enormous as it is, is placed upon the unwilling and overburdened shoulders of the producer and the consumer.

For the last 50 years the packers have been growing in size, and as they have grown their disposition to avoid the law has increased with their size. They have been fined an innumerable number of times for violation of the criminal statutes. Their attempt to control the prices of the country through their lavish expenditure of money is partially accounted for by their desire to conceal publicity of their transgressions. While they are fighting before a referee in Chicago with their employees, who are seeking better working conditions, they are advertising in Minneapolis the alleged advanced sanitary conditions of their packing establishments. By their utilization of newspaper space they are making it physically impossible for newspapers, even if they desired to do so, to give proper publicity to the cases where they have been found to have violated the law. They have spent many thousands of dollars in the use of special trains to carry delegates to various conventions where editors, particularly of farm journals, have been invited to be their guests for the real purpose of indirectly influencing the news columns of such magazines and for the purpose of suppressing from the people a knowledge of their shortcomings. The editor of the Nebraska Farmer could undoubtedly tell of such an invitation that he recently received himself.

On the 7th day of March, 1919, a Washington paper, on an inside page in a very inconspicuous place, gave an account of the trial and conviction of an agent of one of the "Big Five," who, in the city of Washington, had violated the pure food law by selling catsup in original packages which were short in actual measurement. It was shown at the trial that the cans of catsup were marked as containing 5 gallons each, and that upon actual measurement they were considerably short of that amount. One can was shown on actual measurement to be 2 quarts short. A third can was taken by the officials and brought into court unopened, and upon the trial of the case the prosecution offered to rest its entire case upon the unopened can. It was proposed that the can be opened and that if it was full measure the prosecution would be dismissed.

The great packing concern, however, declined to accept this proposition. The result was that the agent making the sale was found guilty, and he was fined the enormous sum of $10. It is fair to assume that these cans were no exception to the general rule, and that this great corporation had sold thousands, perhaps tens of thousands, of these same cans, all of which were undoubtedly short in measure. They had probably violated the pure food law in every city and hamlet in the United States, but so far as I have been able to learn this was the only place where they paid any penalty.

A DIFFERENT KIND OF STORY.

It happened that the same paper containing this announcement contained a column article written in behalf of this same packer. It was only one of many that had been printed in practically all the papers of the United States—a nicely written article, directed to "Dear Folks," and signed by William C. Freeman, of New York City. The ordinary reader would not get the idea that it was an advertisement, but these series of articles contain a most ingenious and misleading argument in behalf of the honesty of this member of the "Big Five." In one of their articles Mr. Freeman tells about his visit to the plant; how satisfied and enthusiastic all the employees were; and with what marvelous consideration every whim of the faithful employee is looked after by this great corporation. In other articles he speaks, as do the advertisements of the packing company, of the guaranty of the company's brand. The slogan, "The Wilson Label Protects Your Table," has been printed a million times and is familiar to every citizen of the United States.

These articles, paid for by the producers and consumers of our country, attempt to demonstrate that when you buy of Wilson & Co. you run no chance of being defrauded; that the brand of this company is a guaranty of purity, of quality, and of quantity; and yet, while this enormous propaganda is going on over the country this great corporation is violating the law and practicing deception, which if committed by the ordinary, common individual would cause him to be driven out of the community as a citizen unworthy of belief.

BIG SALARIES PAID.

It will be found upon investigation that the middle men who handle the food products after they leave the producer and until they reach the consumer are receiving salaries that in many cases are altogether out of proportion to the work they actually do. In fact, many of the men who are engaged in the packing business devote most of their time and most of their energies to concealing the true situation. Let us take Wilson & Co., one of the "Big Five," as an example.

Several years ago Mr. Wilson was elected president of that corporation. He was given a salary of $125,000 a year, which he still draws. In addition to giving him that salary they gave him outright $100,000 as a bonus in cash. In addition to this they gave him $1,500,000 of the common stock of the company without the payment of one cent. In addition to all this they gave him an option on $3,500,000 more of the common stock, at $10 per share, which option he afterwards exercised. When he exercised this option and purchased this stock, he did it without the payment of a dollar

of his own funds. He simply sold some of the stock that had been given him, at from $50 to $55 per share, and purchased the option at $10 per share; so when the transaction was completed he found himself the owner of 43,000 shares of the stock, of the par value of $4,300,000, which cost him nothing. In 1917 this stock paid a little over 16 per cent, and, according to Mr. Wilson's own statement, is worth much more than par. We can, therefore, sum it up by saying that out of this transaction, within two or three years time, Mr. Wilson found himself with a salary of $125,000 a year, a cash bonus of $100,000, and a gift of stock worth more than $4,300,000—all without the investment of a dollar; all paid for by the producers of hogs and the consumers of meat.

Little transactions like these have been going on for many years and are going on now. The public is turning water into a steady stream of gold that goes to men who neither toil nor spin, excepting as they manipulate figures and prices. The producer is still toiling. The consumer is still suffering. Their suffering and their toil have made possible the luxury of many of the so-called great captains of industry.

DISHONEST EXPENDITURE.

No one will probably ever know just how much money has been spent by the packers to control legislation, to appoint officials, and to deceive the public. It is doubtful whether packers themselves could give this information correctly. For instance, the books of Swift & Co. would nowhere show the payment of any salary to Mr. Logan. There is no item anywhere which would indicate how much money was paid to "Diamond T." It appears, for instance, that Mr. Veeder, the general attorney for Swift & Co., was paid $71,000 in one year, but he was drawing a salary of less than $25,000. While he was getting a salary of about $25,000 his expenses amounted to about $50,000. Mr. Swift seemed to be unable to tell definitely just what Mr. Veeder's salary was. He was unable to tell why they paid him over $70,000 when he was getting a salary of less than $25,000. An examination of the evidence also discloses that Mr. Veeder was in the habit, outside entirely of his expense account, of acting as the middleman by whom sums of money were transferred not only from his client but from all the other packers to various officials. So that the enormous discrepancy between his salary and his expenses, in addition to the various sums of money, amounting to many thousands of dollars, which passed through his hands from the packers to almost numberless persons who were carrying out their plans in various localities, remains unexplained.

Large amounts of money were spent in political contests. Contributions to elect Members of Congress were made by the various packers. Large sums of money were expended to handle legislation in a large number of State legislatures. In one case the evidence shows that the packers took part down in Oklahoma in the election of a local assessor, and they were so careful that the assessor should be friendly that they contributed to both sides of the contest. A contribution of $2,000 was made by one of the big packers to a firm of attorneys in Texas for legal services and "legislative services in Austin." Instructions were sent from Chicago that a receipt should be taken "in accordance with the understanding had with Mr. Veeder in his office in Chicago on May 21, 1908."

In another case a check for $500 was sent to an attorney at Fort Worth, Tex., in which Mr. Veeder asked the recipient to use the money "in accordance with our conversation." He also notified the attorney that he would receive the same amount each from Armour & Co. and the Stock Yards Co. In Illinois the evidence shows that various sums at various times were contributed to influence the legislature. They did their best to defeat the eight-hour law for women. They took an active interest in defeating the bill in regard to renovated butter that the farmers desired put on the statute books. They used their power against the enactment of laws regulating the cold storage of meat, fish, eggs, and poultry.

BUY UP TRADE PRESS.

The National Provisioner is a trade publication published by the Food Trade Publishing Co. of New York. Its subscribers consist mostly of packers and dealers in various articles of food. For many years the general manager of this concern was a man by the name of McCarthy. Mr. McCarthy was also the secretary of the American Meat Packing Association, an organization composed of all the packers, big and little, throughout the United States. Holding these two positions, it is quite evident that Mr. McCarthy could be of inestimable service to the Big Five if he were so disposed. The National Provisioner went to most of the customers and as secretary of the American Meat Packing Association he came into direct contact with all the packers throughout the United States. The evidence disclosed that Mr. McCarthy was secretly paid a regular yearly salary of $5,000 a year by Armour, Morris, and Swift. It is denied by the owners of the National Provisioner that they had any knowledge of this secret bonus of Mr. McCarthy.

The American Meat Packers' Association, that was supposed to be operated in the interest of all packers, big and small, had, of course, no knowledge that their secretary was getting a salary on the side, contributed secretly by three of the Big Five. It further appears that after we got into the war and after the establishment of the Food Administration, in making up some of the various committees to properly carry out the administration of the law, Mr. McCarthy, because he was secretary of the American Meat Packers' Association and was therefore supposed to be fair and unbiased and well acquainted with all of them, was requested by the Food Administration to suggest the names of some of the small packers who would be suitable for appointment to such committees; and that before he took action on this request he communicated with the packers who were contributing this money on the side in order to make a selection that would be satisfactory to them. He was thus giving ample evidence to the big packers that he was earning the secret salary they were paying him. This is only an illustration of the method employed by the packers in the control of all kinds of associations. They scatter thousands of dollars around over the country in the payment of secret salaries to persons having official connection with organizations that have anything to do with the meat or food business.

LOANING OF MONEY.

The packers are heavy borrowers, as everybody knows. They continually borrow many millions of dollars, and their paper is scattered all over the country. You would not suppose therefore that an ordinary individual could go to the packers and borrow money; but in order to borrow money of the packers it is only necessary for them to be convinced that you are able to build up public sentiment in their favor or to be influential in the handling of a public official having to do with their business or to be of assistance in the preventing of any un-

friendly legislation or in securing the passage of desired laws.

This practice is well illustrated by what happened just before the war in Fort Worth, Tex. Both Armour and Swift have packing plants at Fort Worth. Together they own the stockyards at that place. The evidence discloses that they loaned money to a man by the name of Armstrong, in Fort Worth, for the purpose of buying an interest in a daily paper there which had been advocating the control and regulation by the Government of the meat-packing business. They considered the paper unfriendly. Both Armour and Swift loaned money to Mr. Armstrong. It is noticeable that after the money was loaned and Armstrong became a part owner the policy of the paper changed. In writing to the packers for a renewal of the loan Mr. Armstrong called attention in his letter to the fact that he had gone into the newspaper business to be of service to Mr. Armour and Mr. Swift, and also called attention to the editorial policy of the paper "before and after taking." It is unnecessary to say that he had no difficulty in getting an extension of his loan.

The men who were running this paper, however, were not aware that their competitor, the other daily newspaper published at Fort Worth, was likewise having its machinery oiled by packer money. The president of Swift & Co., in a letter, asked his attorney whether they had better comply with the request of this other paper for a "donation" of $1,200, which should be given ostensibly in return for a "page devoted to hogs and hog raising." In this letter Mr. Swift called his attention to the fact that Armour & Co. and the Stock Yards Co., of Fort Worth, were each contributing like amounts. In addition to this, it seems that the editor of this paper was loaned $5,000 by Swift & Co. He did not pay his interest promptly, and Mr. Swift asked his attorney whether he thought it would antagonize this editor if he sent him a bill for the interest, saying that the editor also owed Armour & Co. a like amount, and he had paid the interest. The attorney, however, asked Mr. Swift not to present any bill for interest at that time, because they had some important litigation pending in Texas, and he thought it would not be wise to ask for the payment of interest from the editor until this litigation had been disposed of.

THE ATTORNEY GENERAL.

It must be remembered that the Federal Trade Commission recommended that prosecutions be commenced against the packers. They turned the evidence over to the Attorney General at the time they made their report, more than a year ago. That the evidence shows plain violation of law there can be no doubt whatever. The violation of the Sherman antitrust law, in some instances, could have been proved by their own correspondence, signed by their own officials. They were liable both criminally and civilly. At a recent hearing before the Senate Committee on Agriculture, the present Attorney General, Mr. Palmer, testified that this evidence submitted by the Federal Trade Commission showed that the packers had violated the law, but that he had decided not to commence any criminal proceedings against them. Instead, he determined to commence a civil suit. For weeks the papers were full of announcements that the Attorney General was about to proceed against the packers. I think the country generally understood that the suit was actually commenced and was pending. The people would be perfectly justified in reaching this conclusion from the announcements that were made at various times in the public press. A suit was finally actually filed and judgment rendered on it, but it looks as if it had been agreed upon in advance between the attorney and the packers before it was actually filed. How many of the people really believe that the Attorney General had accomplished the great things that he so bombastically boasted of in the headlines of the newspapers?

The ordinary individual, the common citizen, who violates the law and commits a crime has no opportunity to make an arrangement with the prosecuting attorney by which a civil suit shall be commenced, satisfactory to both sides, with the understanding that no criminal prosecution shall take place. The ordinary thief would be glad, indeed, if he could agree with the prosecuting attorney that an injunction suit should be commenced in court against him and an injunction issued restraining him from further commissions of crime, if by such an agreement he could escape punishment for his criminal act. The trouble with the ordinary petty thief is that he does not steal enough to come under this new and humane rule of the Department of Justice. In his newspaper campaign to reduce the cost of living, the Attorney General can not stop to consider any of the little fellows. It would appear upon careful analysis that his boasted suit against the packers consisted in agreeing in advance with the attorneys for the packers upon a petition, an answer, and a decree, and that no papers were filed until this agreement was reached, and the Government and the packers both voluntarily went into court, presented the decree, and asked the judge to sign his name upon the dotted line.

MORE MIGHT BE SAID.

In the foregoing sidelights I have made no attempt to exhaust the subject. The facts are that the subject is almost inexhaustible. We approach the domain of the great packers as a little child would approach a giant. At every step we are impressed with their wonderful power, their inexhaustible resources, the infinite network of connection with the most powerful financial institutions of the country. Their paid emissaries are in every locality. They are secretly entrenched in politics, in all kinds of business, and in nearly all the activities of human endeavor. To carry out their ends they have all kinds of instrumentalities. They are equipped to go into the church, and are likewise prepared to send the bum into the saloon. They have an army of highly paid, useless employees, who can give no honorable reason for their packer connections. Their agents are at the meeting of every legislature and in the Capital City at Washington. Their control of human food is so great that expense is a secondary consideration. They know that, after all, all these expenses are paid and all this machinery is oiled by the consumers of the country. If their expenses increase, they have but to lower the price that they pay to the producer, or increase the price that they charge the consumer, or both. The competition of the independent dealers is negligible. In fact, the existence of independent packing establishments is desired by them, so long as they do not develop in size and their competition becomes dangerous. They fix the price, and when they have fixed a price that covers all their unnecessary extravagance and expense, it naturally follows that a multitude of little packers can follow along in their tracks and make big profits.

I have made no attempt in this article to discuss what I believe to be the fundamental reasons for their great power. Neither have I suggested a remedy. It will be found upon a full and impartial investigation by the honest student that their privately owned refrigerator cars, their ownership

and control of stockyards and refrigerator plants, together with their intimate connection with large financial institutions, are the main sources of their power. It is not my purpose to discuss the remedy here, but in conclusion I desire to say that by the ownership and control of refrigerator cars and stockyards the packer question is inseparably intermingled with the question of railroad control, and it will be found impossible to properly control one without controlling the other, and mainly in this I think can be demonstrated the remedy that must ultimately be applied to narrow the present mammoth and expensive gulf that exists between the producer and the ultimate consumer.

Mr. FERNALD. Not everyone that saith "Lord, Lord," shall enter into the kingdom of heaven, but only those that do the will of the Lord.

I realize that at almost every session some Senator rises in the interest of the farmers of this country. I have already stated that my sympathies are with them. My feelings are with them. I have lived among them, and no man ever had a greater interest in the farming industry of this country than I have. I realize that the farmers have many hardships to endure. I fully realize that they work more hours and harder and for less pay than any other class of people in the world, and I also realize that the farmers of this country are not going to be fooled by any sort of legislation represented to be in their interest unless it is in their interest. You go over this country from one end to the other, and you will hear one slogan from the farmers: "Why don't you economize? Give us some economy." And, my dear Senators, instead of economizing, we have been going on here creating commissions and making places now for deserving Republicans, making places in the past for deserving Democrats. You create this commission, and inside of five years it will cost a million dollars a year, at least, and there will have to be places for five or six hundred deserving Republicans.

Why, this reform business has gone on, Senators, to such an extent that it is getting to be about the sixth largest industry in the United States. It is surpassed only by the steel and iron and cotton businesses and agriculture and printing. All you have to do to start a reformation down here is to create commissions.

Mr. SMITH. Mr. President, does the Senator mean that the Government commission business has gotten to be the largest?

Mr. FERNALD. Yes; it has gotten to be the largest in the world. I used to think, as a young man, that beginning a reform was a sort of indoor duty; that it ought to begin at home; that everybody, if they were going to reform their habits, should begin at home; but I find that I was entirely mistaken on the subject. It is an outdoor sport, and you have to create a commission down here, and you have to have $10,000-a-year men. You can not have men who are paid any less. Just start in with $10,000-a-year men, and you have to have agents to go about, and you have to have public men to assemble in different places and talk this thing over, and you have to have women advocates to go over the country and tell the people about it. You once get a commission started and the farmers of this country may have millions and millions added to the burdens that they now carry.

You can not fool the farmers of this country. They know what they want, and they know that if they are to have any prosperity all the business of the country must prosper. You have to have prosperity everywhere. You can not make the farmers prosper without this. The farmers of my State realize this, and the farmers all over this country realize it.

Senators, I may have to talk a little more about this tomorrow. I have been on the floor for nearly three hours. I have before me here a document under whose provisions all citizens are guaranteed protection in life, liberty, and property. It is called the Constitution of the United States; and I will ask you, Senators, to give pause to this one word "liberty," for upon it the whole fabric of this Government is founded.

Recently, sailing into New York Harbor, I was inspired, as I always am, by the vision of that noble Statue of Liberty—"Liberty enlightening the world." If this vital element of which that magnificent statue is a symbol be taken from our Government, and our people regulated by bureaus and commissions created by Congress, then tear down the monument; pitch into the sea that symbol of Americanism and patriotism for which our fathers fought. Let the waters close over it forever. Blot from the pages of history that inspiring speech of the great and immortal Webster, who, returning to his native town in the old Granite State, on a memorable occasion, speaking to his people, looking off to the West on the grandest panorama of mountain scenery that human eyes had ever witnessed, said, in one of his most eloquent perorations:

Yonder, my friends, you see a mountain whose peak rises above us. Still farther west is another whose crowning point is higher still. Higher yet is the eagle's flight; but above all is the eternal principle of justice.

I repeat, if our people are to be deprived of the principles of justice by legislation, then such words of glowing patriotism by those who helped to found this Republic become as sounding brass or tinkling cymbals. If our citizens are to be deprived of their rights, then pull down that old ensign which has heretofore been the banner of the free, strike down the Liberty pole and rear in its stead on a brazen staff the red flag of bolshevism.

Ah! Senators, these things can never be. That old ensign, for which thousands and hundreds of thousands of the bravest boys in the bravest Nation of the world have been willing to die, shall continue to stand for liberty, for freedom, for justice. I can not believe, I will not admit that bureaucracy is to be the policy of this Government. I have faith in the Senators and Representatives in this assembly. I believe we shall meet this matter in a spirit of fairness; that when the clouds clear and the mists rise, we too shall rise, inspired and stimulated by a desire to reestablish the doctrines and principles of our fathers, and once more give to our citizens, so long as they shall act within the provisions of the Constitution of the United States, the right and opportunity to exercise their ambition and their initiative; and that we shall bequeath to our children and our children's children in its full significance that flag which was carried by our grandsires in the dark days of the Revolution, by our fathers over the plains of Mexico, by our brothers at Manila and San Juan, and by our sons at Chateau-Thierry and the Argonne, and a nation governed, not by bureaus and commissions, but a government of the people, by the people, for the people—sovereign, grand, and free.

The following paper was presented by Mr. JONES of New Mexico during Mr. FERNALD'S speech and ordered to be printed in the RECORD at the end thereof:

"BRIEF SKETCH OF FEATURES OF THE LEGAL WORK OF THE FEDERAL TRADE COMMISSION AND INQUIRIES MADE BY IT THROUGH THE ECONOMIC DIVISION SINCE ITS ORGANIZATION.

"ADDENDUM—COMPLAINT AGAINST UNITED STATES STEEL CORPORATION ET AL.

"Since the preparation of the statement herewith, the commission has issued and served its formal complaint against the United States Steel Corporation and 11 of its subsidiaries, in connection with the so-called 'Pittsburgh plus' price for steel.

"This complaint is the result of applications for complaint filed with the commission in 1919 by the Western Association of Rolled Steel Consumers and other users of steel products, and is the outgrowth of conditions complained of by more than 2,700 fabricators of steel in Chicago, Duluth, and Birmingham districts, the legislatures of three States, by several municipalities, and chambers of commerce and business organizations throughout the United States.

"In the opinion of Judge Gary, of the Steel Corporation, the question involved in this proceeding is one of the most important the commission has ever had before it. He strongly urged the commission to assume jurisdiction, adding that one reason why he believed it to be of such great moment was that a decision in the steel industry would have a marked effect on a great majority of the other basic industries of the country.

"Generally speaking, under this 'Pittsburgh plus' price device all steel—except rails—wherever made and whether made by the Steel Corporation plants or by independents, is sold at the f. o. b. Pittsburgh price, plus an amount equivalent to the freight to the point of destination, which means, for instance, that the Gary, Ind., steel fabricator who runs his own truck to the steel mill at the place and purchases steel manufactured at that plant must pay the price charged in Pittsburgh plus an amount equaling the freight rate from Pittsburgh to Gary.

"As a matter of fact, under this system the price of steel manufactured at Gary is $7.60 per ton more than that manufactured in Pittsburgh, notwithstanding the fact that steel is manufactured in Gary by the respondent at much less cost than Pittsburgh. Again, the price at Atlanta, Ga., on steel manufactured at Birmingham and transported at a comparatively small cost to Atlanta is $12.50 per ton greater than its price in Pittsburgh, notwithstanding the fact that steel is manufactured at much less cost at Birmingham than at Pittsburgh.

"The complaint alleges, among other things, that the Steel Corporation and its said subsidiaries and their competitors

engaged in the manufacture of rolled steel utilize the discriminatory Pittsburgh plus price to accomplish, and in fact do accomplish, the following purposes:

"(1) Secure for the Pittsburgh steel manufacturers substantially 50 per cent of the steel manufacturing business of the United States, discouraging the establishment of steel fabricating factories outside of Pittsburgh and encouraging their establishment and maintenance in Pittsburgh.

"(2) Maintain for the steel manufacturers of the United States substantially uniform prices, which they could not otherwise do, as the use of such price enables them to know at all times the exact price which every manufacturer of rolled steel would charge therefor at all points of the United States and to readily detect any manufacturer who deviates therefrom.

"(3) Fix and maintain for the high-cost steel-manufacturing plants at Pittsburgh sufficiently high prices for their product to operate at a profit without having their business jeopardized by the lower-cost steel-manufacturing plants in other sections of the United States.

"(4) Secure for the low-cost steel-manufacturing plants outside of Pittsburgh not only the profit which the high-cost Pittsburgh steel-manufacturing plants secure, but unduly large additional profits, because they manufacture rolled steel at a much lower cost than at Pittsburgh and they charge a much higher price for the same, namely, the Pittsburgh plus price.

"(5) Increase, as far as the steel manufacturers outside of Pittsburgh are concerned, their profits each time the railroad transportation charge on steel is increased, since the said price is increased to correspond with each freight-rate increase.

"Under the law the respondents are given 30 days after service of the complaint to file their answers, after which time the case will be set down for trial on its merits. Issuance of the complaint means that a majority of the commission has reason to believe that the respondents are using an unfair method of competition in violation of section 5 of the commission's organic act and section 2 of the Clayton Act.

"BRIEF SKETCH OF FEATURES OF THE FEDERAL TRADE COMMISSION'S LEGAL WORK.

"(1) Statistics as to application for complaints and formal complaints, as of April 1, 1921.

"(2) List of the more important cases (with their results, if they have gone to conclusion).

"(3) Important work done by the commission in "cleaning up" industries.

"(A) Commercial bribery.

"1. In general.

"2. Paint, oil, and varnish, and allied products.

"3. Printing ink.

"4. Dyestuffs and chemicals.

"5. Textile soaps.

"6. Miscellaneous.

"7. Ship chandlery and repair business.

"(B) Lottery schemes.

"(C) Trade practice submittals.

"1. In general.

"2. Oil industry.

"3. Pyroxylin plastics industry.

"4. Used typewriters.

"5. Knit goods.

"6. Guaranty against decline.

"7. Macaroni industry.

"8. Book and writing-paper manufacturers.

"9. Creamery industry.

"(D) Investigations at the instance of the Department of Justice.

"A BRIEF SKETCH OF FEATURES OF THE FEDERAL TRADE COMMISSION'S LEGAL WORK.

"(1) STATISTICS AS TO APPLICATIONS FOR COMPLAINTS, AS OF APRIL 1, 1921.

"There have been 2,305 applications for complaints before the commission. Of these, after ex parte examination, 1,273 were dismissed without public notice or knowledge; 465 are now in process of such examination. With respect to the remaining 567 applications, the commission instituted formal proceedings, resulting in 750 formal complaints, the excess being due to the fact that in some applications there were a number of respondents who were proceeded against individually.

"Of these 750 adversary proceedings, 463 have been disposed of, while 287 are pending. Of the 463 disposed of, 96 were dismissed, the respondents having made sufficient showing of defense. In the remaining 367 cases, the commission's order to cease and desist was issued.

"(2) LIST OF THE MORE IMPORTANT CASES (WITH THEIR RESULTS, IF THEY HAVE GONE TO CONCLUSION).

"As noted above, the commission had issued and served a total of 750 formal complaints through the close of business March 31, 1921. There is given below a list of 50 of the more important of these cases, showing (1) docket number, (2) name of respondent, (3) brief summary of allegations classified by the sections of the statutes under which the commission functions, (4) statement of present status of proceeding.

"DOCKET NO. 2: A. THEO. ABBOTT & COMPANY.

"F. T. C. act, sec. 5: Selling cotton goods under a trade-mark or trade name carrying the words 'Sun fast silks' and 'Is not a worm silk.'

"DOCKET NO. 4: A. B. DICK COMPANY, OF NEW JERSEY; A. B. DICK COMPANY, OF ILLINOIS; AND THE NEOSTYLE CO.

"Clayton Act, sec. 3: Selling stencil duplicating machines under a 'license restriction' providing that such machines should be used only with supplies made by the respondents; and selling supplies to be used only on their own machines.

"Order to cease and desist, May 25, 1917.

"DOCKET NO. 6: FLEISCHMANN COMPANY OF OHIO.

"F. T. C. act, sec. 5: Stifling and suppressing competition by undue sampling, by distribution of gratuities, by making contributions to associations and conventions, by extensive entertainment, by making deliveries of yeast without any immediate charge therefor, by cash payments, substituting competitors' samples and deliveries, trailing competitors' agents, misrepresenting competitors' methods, by concealing its control of a supposed independent yeast company, etc.

"Clayton Act, sec. 3: Attempting to create a monopoly by price fixing conditioned on the nonuse of competitors' goods.

"Order to cease and desist, April 8, 1918.

"DOCKET NO. 11: BOTSFORD LUMBER COMPANY ET AL. (118 IN ALL).

"F. T. C. act, sec. 5: Stifling and suppressing competition on the part of mail-order houses in the lumber and building material trade by bogus and spurious requests for estimates, quotations, printed matter, etc.; by influencing credit reporting houses; by inducing manufacturers to refrain from furnishing materials; by surreptitiously obtaining trade secrets and by trailing salesmen.

"Order to cease and desist against most of these respondents in February and March, 1918; case dismissed as to a few.

"DOCKET NO. 12: WARREN, JONES, AND GRATZ.

"Clayton Act, sec. 3: Discouraging and stifling competition in the sale of jute bagging by refusing to sell steel ties for binding bales of cotton unless jute bagging is ordered at the same time.

"Order to cease and desist October 18, 1918. Reversed by circuit court of appeals (2d circuit). Decision of lower court affirmed by Supreme Court of the United States June 7, 1920.

"DOCKET NO. 15: THE CURTIS PUBLISHING CO.

"F. T. C. act, sec. 5: Stifling and suppressing competition by refusal to sell its publications to dealers who will not agree not to sell or distribute the publications of certain of its competitors.

"Clayton Act, sec. 3: And further, attempting to create a monopoly by means of price fixing conditioned on the nonsale of competitors' publications.

"Order to cease and desist July 21, 1919. Commission's order set aside by circuit court of appeals (3d circuit), March 2, 1921. To be reviewed in United States Supreme Court.

"DOCKET NO. 16: THE WHOLESALE SADDLERY ASSOCIATION OF THE UNITED STATES AND NATIONAL HARNESS MANUFACTURERS' ASSOCIATION OF THE UNITED STATES (187 IN ALL).

"F. T. C. act, sec. 5:

"(1) Stifling and suppressing competition in the wholesale harness and saddlery trade by unfairly hampering and obstructing certain competitors who are not members of the association by inducing and compelling manufacturers of saddlery accessories to refuse to recognize such competitors as legitimate jobbers or wholesalers and entitled to prices and terms as such.

"(2) Stifling and suppressing competition in the combined or closely affiliated wholesale and retail harness and saddlery goods business by inducing and compelling manufacturers of saddlery accessories to refuse to recognize such competitors as legitimate jobbers entitled to prices and terms as such.

"(3) Stifling and suppressing competition by hampering and obstructing competition by inducing and compelling manufacturers by various means not to sell to certain competitors, among which are mail-order houses, general stores, hardware stores, etc.

"Order to cease and desist, March 6, 1919. Commission's order affirmed, United States circuit court of appeals, sixth circuit, December 7, 1920.

"DOCKET NO. 17: BUREAU OF STATISTICS OF THE BOOK PAPER MANUFACTURERS, CHARLES P. MOORE, THE BUREAU'S SECRETARY, AND 23 PAPER MANUFACTURERS.

"F. T. C. act, sec. 5: Unfair methods of competition by engaging in a concerted movement to enhance prices and bring about a uniformity of such enhanced prices in the book-paper industry.

"Order to cease and desist on stipulation, November 8, 1917.

"DOCKET NO. 19: MISHAWAKA WOOLEN MANUFACTURING CO.

"F. T. C. act, sec. 5: (1) Unfair methods of competition by fixing a schedule of resale prices, by requiring purchasers to agree to maintain such prices, by refusing to sell unless such agreement is entered into and by refusing to sell if agreement is violated.

"Clayton Act, sec. 2: (2) Price discrimination, the effect of which may be to substantially lessen competition or tend to create a monopoly.

"Order to cease and desist July 18, 1919. Petition for review of order filed in C. C. of A., seventh circuit, not yet decided.

"DOCKET NO. 20: THE CUDAHY PACKING CO.

"Clayton Act, sec. 2: Price discrimination, the effect of which may be to substantially lessen competition or tend to create a monopoly.

"F. T. C. act, sec. 5: Unfair methods of competition by fixing a schedule of resale prices and by making a price to those who do not adhere to the schedule so high that they can not make a fair and reasonable profit on resale.

"Order to cease and desist released July 31, 1918.

"DOCKET NO. 24: THE GALENA-SIGNAL OIL CO.

"Clayton Act, sec. 2: Stifling and suppressing competition in the manufacture and sale of lubricants, etc., by price discrimination.

"Clayton Act, sec. 3: Fixing its sales price or discount or rebate thereon, on the condition that the purchaser shall not use the goods of competitors.

"F. T. C. act, sec. 5: The effect of both practices being to substantially lessen competition or to tend to create a monopoly.

"Order to cease and desist June 29, 1920.

"DOCKET NO. 79: AMERICAN AGRICULTURAL CHEMICAL CO. AND THE BROWN CO.

"F. T. C. act, sec. 5: Stifling and suppressing competition in the manufacture of fertilizer and in the refining of animal fats and the sale of the products by purchasing and offering to purchase raw materials in certain local areas at prices unwarranted by trade conditions and so high as to be prohibitive to small competitors, such prices being designed to punish certain competitors who had refused to enter into a working agreement to eliminate competitive bidding for raw materials; willfully causing their trucks to collide with automobiles owned and operated by competitors.

"Clayton Act, sec. 7: Acquiring all of the stock of the Brown Co. by the American Agricultural Chemical Co., the effect of which may be to substantially lessen competition between the two or to tend to create a monopoly.

"Order to cease and desist October 8, 1918.

"DOCKET NO. 80: SEARS, ROEBUCK & CO.

"F. T. C. act, sec 5: Stifling and suppressing competition by means of false and misleading advertising offering sugar and other commodities for sale at prices lower than offered by competitors and actually below cost, but conditioned on the purchase of other goods on which the profit is made and by false and misleading advertisements relative to competitors.

"Clayton Act, sec. 2: Price discrimination, the effect of which may be to substantially lessen competition or tend to create a monopoly.

"Order to cease and desist June 24, 1918. Order affirmed with modifications by United States Circuit Court of Appeals, seventh circuit, April 29, 1919.

"DOCKET NO. 28: PHOTO-ENGRAVERS' CLUB OF CHICAGO.

"F. T. C. act, sec. 5: Adopting a standard scale or uniform price at which they sell their products and with the intent of stifling and suppressing competition in the manufacture and sale of photo-engravings having entered into an agreement with the Chicago Photo-Engravers' Union, No. 5, I. P. E. U., by the terms of which the respondents employ only union labor in their manufacturing plants, and the members of the union do not accept employment from any manufacturing photo-engraver not a member of the respondent club, and in furtherance of such agreement the union has adopted a rule whereby union labor is to cease working in photo-engraving plants which do not maintain such standard scale of prices, and by fines and threats to withdraw labor, compelling members to maintain such prices against their will. Not yet disposed of.

"DOCKET NO. 85: STANDARD OIL COMPANY OF INDIANA.

"F. T. C. act, sec. 5: Unfair methods of competition in the manufacture, sale, and distribution of petroleum products by refusing to sell in quantity lots outside of its territory, except to other Standard Companies, by selling its surplus to other Standard Companies at prices below the tank-wagon prices maintained by it in its own territory, selling at tank-wagon prices direct to customers in certain local competitive areas, etc.

"Clayton Act, secs. 2 and 3: Price discrimination and price fixing contingent on the nonuse of competitors' products by the purchaser, tending to create a monopoly and substantially lessen competition.

"Order to cease and desist, July 21, 1919.

"DOCKET NO. 88: BEECH-NUT PACKING COMPANY.

"F. T. C. act, sec. 5: Stifling and suppressing competition in the manufacture, marketing, and sale of chewing gum by fixing specified standard resale prices and refusing to sell to those who will not agree to maintain such prices.

"Order to cease and desist, June 30, 1919. Order reversed, U. S. Circuit Court, second circuit, February 26, 1920. Writ of certiorari granted by U. S. Supreme Court (October term, 1920). Not yet decided.

"DOCKET NO. 96: RINGWALT LINOLEUM WORKS (INC.).

"F. T. C. act, sec. 5: Stifling and suppressing competition in the manufacture and sale of floor covering by advertising, holding out, and selling its product to the public as linoleum, whereas its product is composed of a felt base impregnated with asphaltum, with a paint backing and facing, which simulation is designed and calculated to deceive and mislead the public and cause purchasers to believe that the product is linoleum.

"Order to cease and desist, May 27, 1919.

"DOCKET NO. 134: STANDARD OIL COMPANY OF NEW YORK.

"F. T. C. act, sec. 5, and Clayton Act, sec. 3: Unfair methods of competition in the business of purchasing and selling refined oil and gasoline are charged by virtue of selling, leasing, and loaning pumps, storage tanks or containers, and their equipments below cost, with the understanding that dealers shall not place in such devices the refined oil or gasoline of competitors, and making exclusive dealing contracts to that effect.

"Order to cease and desist, April 27, 1920. Petition for review of Federal Trade Commission order filed in U. S. Circuit Court of Appeals, second circuit, August 11, 1920. Not yet decided.

"DOCKET NO. 140: STANLEY BOOKING CORPORATION.

"F. T. C. act, sec. 5, and Clayton Act, sec. 3: Stifling and suppressing competition in the sale and leasing of moving-picture films by causing contracts entered into between producers and certain of its competitors to be broken, exhibiting films in theaters in close proximity to those of competitors in advance of production by competitors and at a less price, but after contemplated exhibition of the same pictures had been advertised by competitors, selling and leasing films on condition that films of competitors be not exhibited, by compelling certain theaters to pay to it 10% of the cost of films of other producers booked direct, to compelling certain theaters to book their films through respondent, and by threats of withdrawing patronage, etc., compelling producers to cease supplying its competitors with films.

"Order to cease and desist, September 10, 1918.

"DOCKET NO. 164: FEDERAL ROPE COMPANY (INC.).

"F. T. C. act, sec. 5: Stifling and suppressing competition in the manufacture and sale of rope by representing by letterheads, price lists, tags, stencils, etc., certain of its product to be 'manila' rope—that is, composed of new manila fiber entirely and exclusively—whereas it is in fact composed of fiber taken from old and used rope.

"Order to cease and desist, March 4, 1920.

"DOCKET NO. 212: A. T. M'CLURE GLASS CO.

"F. T. C. act, sec. 5: Stifling and suppressing competition in the jobbing of window glass by opening the boxes in which glass is shipped to them by the manufacturer, removing the quality slips, changing the quality brands on the boxes to indicate that glass of a higher grade than that shipped by the manufacturer is contained therein, and selling such glass at the prices governing on glass of such higher grade, the practice being designed to mislead the purchasers into the belief that they are receiving from respondents the quality of goods for which they pay.

"Order to cease and desist September 25, 1919. Substitute order to cease and desist May 13, 1920.

"DOCKET NO. 214: WINSTED HOSIERY COMPANY.

"F. T. C. act, sec. 5: Stifling and suppressing competition in the manufacture and sale of underwear by labeling and advertising certain lines of underwear composed of but a small amount of wool as 'men's natural merino shirts,' 'men's gray wool shirts,' 'men's natural wool shirts,' 'men's natural worsted shirts,' 'Australian wool shirts,' such labels and advertisements being false and misleading and designed to deceive the trade and general public into the belief that such underwear is composed wholly of wool.

"Order to cease and desist January 29, 1920. Reversed by C. C. of A. (2nd circuit). To be reviewed in U. S. Supreme Court.

"DOCKET NO. 215: MINERALS SEPARATION (LTD.); MINERALS SEPARATION AMERICAN SYNDICATE (LTD.); MINERALS SEPARATION AMERICAN SYNDICATE (1913) (LTD.); BEER, SONDHEIMER & COMPANY; BEER, SONDHEIMER & COMPANY (INC.); MINERALS SEPARATION NORTH AMERICAN CORPORATION; BENNO ELKAN; OTTO FROHNKNECHT; AND HARRY FALCK.

"F. T. C. act, sec. 5: Stifling and suppressing competition in the selling, leasing, and licensing of apparatus, processes, paraphernalia, supplies, accessories, data, etc., used in the separation and concentration of ores by entering into and enforcing and attempting to enter into and enforce agreements by which the respondents undertake to prevent inventors, manufacturers, vendors, lessors, licensors, and users (independent concerns) of apparatus, etc., not covered by patents or patent rights controlled by respondents (independent commodities) from selling, leasing, licensing, or using independent commodities without permission; to permit no independent concern to manufacture and sell, etc., independent commodities except on payment of exorbitant commission; to discriminate in exacting such commissions; to compel surrender to respondents of inventions; to prevent communicating to scientific societies, journals, etc., or otherwise information relative to new processes, etc., without permission; to compel mine operators, metallurgists, etc., not in respondents' employ to withhold all information relating to apparatus, etc., from defendant in event of patent litigation instigated by respondents; to exact exorbitant royalties and to discriminate in such royalties; and by falsely and maliciously disparaging independent commodities and concerns, asserting exclusive rights, threatening suits for infringement, by intimidating and coercing to the end that independent commodities be not used and independent concerns be not dealt with, all tending to create a monopoly.

"Clayton Antitrust Act, secs. 2 and 3, respectively: Price discrimination and selling, leasing, and contract making at prices, discounts, and rebates conditioned on agreement not to use or deal in competitors' apparatus, etc. Not yet disposed of.

"DOCKET NO. 227: HELVETIA MILK CONDENSING COMPANY.

"[September 12, 1919. Petition granted to numerous companies to intervene as parties respondent herein.]

"F. T. C. act, sec. 5: Injuring and harassing its competitors, destroying the trade of its competitors, and suppressing and stifling competition in the sale of evaporated milk by guaranteeing its customers against a decline in price of goods purchased and not resold at the time of any such subsequent decline and agreeing to refund the difference, and by actually making such refunds. Not yet disposed of.

"DOCKET NO. 233: THE NEW JERSEY ASBESTOS COMPANY.

"F. T. C. act, sec. 5: Unfair methods of competition in the manufacture and sale of engine packings to the extent that it has been giving to employees of its customers and prospective customers, and of its competitors' customers and prospective customers, gratuities, such as liquor, cigars, meals, theater tickets, etc., and to the extent that it has been secretly paying sums of money to such employees as an inducement to influence their employers to deal with respondent.

"Order to cease and desist from giving gratuities, May 27, 1919. Order reversed, U. S. Circuit Court of Appeals, second circuit, February 26, 1920. Federal Trade Commission petition for review granted May 13, 1920.

"DOCKET NO. 241: MALZO COFFEE COMPANY.

"F. T. C. act, sec. 5: With the intent of stifling and suppressing competition, respondent in 1914 began to sell, offer to sell, and advertise 'Malzo' coffee, such simulation being designed and calculated to deceive the public into believing that respondent's coffee is one and the same as that of Mazo Brothers.

"Order to cease and desist, September 12, 1919.

"DOCKET NO. 248: ALUMINUM COMPANY OF AMERICA.

"Clayton Act, sec. 7: Acquiring and holding a large part of the stock of the Aluminum Rolling Mill Company, a corporation engaged in commerce, the effect of which, by the use of the stock by voting or granting of proxies or otherwise, is to substantially lessen competition between the respondent and the Aluminum Rolling Mill Company, or to restrain commerce in certain sections and communities, or to tend to create a monopoly.

"Order to divest stock, March 9, 1921.

"DOCKET NO. 254: (1) WESTERN SUGAR REFINING COMPANY AND CALIFORNIA-HAWAIIAN SUGAR REFINING COMPANY; (2) HAAS, BARUCH & CO., STETSON-BARRET CO. ET AL.; AND (3) THE C. E. CUMBERSON CO., THE COLBERT CO. ET AL.

"F. T. C. act, sec. 5: (1) Above, engaged in the manufacture of cane sugar, are charged with stifling and suppressing competition by refusing to sell to the Los Angeles Grocery Company, respondents. (2) Above, wholesale grocers, are charged with stifling and suppressing competition by conspiring among themselves and with respondents (1) and (3) to prevent the Los Angeles Grocery Company from obtaining the commodities dealt in by it by threatening not to buy from manufacturers and to boycott the goods of such manufacturers should they sell to the grocery company, and by other means; respondents (3), engaged in the business of selling the products of various manufacturers of groceries and food products and are charged with stifling and suppressing competition by permitting themselves to be intimidated by threats of boycott, and have in consequence refused to sell the wares of their principals to the Los Angeles Grocery Company.

"Order to cease and desist November 29, 1919. Petitions for review of Federal Trade Commission order filed in C. C. of A., ninth circuit. Not yet decided.

"DOCKET NO. 271: FRUIT GROWERS' EXPRESS.

"Clayton Act, sec. 3: Respondent is engaged in the business of leasing to various railroad companies refrigerator cars used in the transportation of fresh fruit and vegetables under a contract containing a clause which reads as follows: 'The railroad shall use the car line's equipment exclusively in the movement of fruits and vegetables under refrigeration in carloads from points on the lines of railway owned or operated by the railroad during the life of this contract.' It is charged that this clause is inserted in the contracts for the purpose of substantially lessening competition, and that such is the effect, and further that the practice complained of has enabled the respondent to acquire a complete monopoly in the transportation of the commodities mentioned over the lines of railway with which it has such contracts.

"Order to cease and desist May 7, 1920. Petition for review of order filed in C. C. of A., seventh circuit. Not yet decided.

"DOCKET NO. 273: PAN MOTOR COMPANY AND SAMUEL C. PANDOLFO.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in connection with soliciting of subscriptions to, and the sale and offering for sale of, stock in the Pan Motor Company, of which Samuel C. Pandolfo is president, and which is controlled by him, such as making and publishing false, misleading, and unfair reports and statements relating to the plan of organization, assets, resources, business, etc., of the company and suppressing facts; stating, contrary to fact, that subscriptions would be limited in each case to 25 shares; making, etc., false statements relative to design, price, etc., of automobiles represented to be made by them; making, publishing, advertising, and circulating other false and misleading statements, including representations, predictions, and promises relating to the design, production, and manufacture of a certain motor tractor, described as the 'Pan Tank-Tread Tractor,' and including statements the intent and purpose of which was to create the impression that the stock of the Pan Motor Company was ratably equal in value to Liberty bonds.

"Order to cease and desist, May 27, 1920.

"DOCKET NO. 274: NESTLE'S FOOD COMPANY (INC.).

"F. T. C. act, sec. 5, extended by act to promote export trade, sec. 4: Stifling and suppressing competition in the manufacture and sale of condensed milk in export trade by using on its cans of condensed milk shipped from the United States into Mexico certain forms of labels which deceive and mislead the purchasers of said condensed milk in Mexico into the belief that it is manufactured in Europe, the labels wholly concealing the fact that the condensed milk is manufactured in and shipped from the United States.

"Order to cease and desist, November 29, 1919.

"DOCKET NO 303: UTAH-IDAHO SUGAR COMPANY, AMALGAMATED SUGAR COMPANY, E. R. WOOLY, A. P. COOPER, AND E. F. CULLEN.

"F. T. C. act, sec. 5: Stifling and suppressing competition in the purchase of sugar beets and in the manufacture and sale of refined beet sugar, by means of a combination or conspiracy involving the following unfair practices, is charged: The circulation of false, misleading, and unfair reports as to competitors and prospective customers (1) concerning financial standing and responsibility, (2) that they would be unable to secure

sugar-beet seed or the beets or to pay for those they did purchase, and (3) that their contemplated factories would not be built and that their machinery would not make beet sugar; the circulation of false reports to the effect that respondents (1) occupy all the producing territory in which competitors contemplated operating, (2) have contracts for all the beets to be grown, (3) require more beets themselves than are grown; making contracts for purchase of beets in territory in which competitors intend to operate and lending money to growers on such contracts; using their great wealth, power, and financial influence to cause railroads to delay building spurs to serve competitors, and to cause banks to refuse credit to competitors, and to put factories in territory where competitors had undertaken to start in competition, contracting to buy all available beets; unfairly obtaining information concerning private affairs of competitors to be used against them; preventing Dyer & Company, the most prominent of beet-sugar factory and factory machinery builders and manufacturers, from supplying competitors; financing secret agents to incite financial trouble and embarrassment to competitors and to annoy and harass competitors by instituting litigation, and to purchase and acquire a controlling interest in business of prospective competitors; and divers other means and methods all looking to destruction of competition.

"Not yet disposed of.

"DOCKET NO. 349: COLE-CONRAD COMPANY.

"F. T. C. act, sec. 5: Unfair methods of competition are charged to the effect that respondent has been selling its groceries at a fixed aggregate price in combinations consisting of one or more well-known staple articles and others not so well known, advertising the staples, when in combination, at prices which are at less than cost, but the other articles at prices which give respondent a satisfactory profit on the combination as a whole, which practice conveys the impression that groceries in general are sold by respondent at prices very much less than those charged by competitors.

"Order to cease and desist, December 30, 1919.

"DOCKET NO. 374: LASKER & BERNSTEIN.

"F. T. C. act, sec. 5: It is charged that the respondent is knowingly and deceptively engaged in loading, doping, and saturating sponges with foreign matter, thereby falsifying the weight of said sponges, creating a fictitious price, defrauding and misleading customers, and causing prejudice and injury to competitors.

"Order to cease and desist, February 4, 1921.

"DOCKET NO. 399: AMERICAN DENTAL TRADE ASSOCIATION, THE DENTAL MANUFACTURERS' CLUB, AMERICAN RETAIL DENTAL DEALERS' ASSOCIATION, ET AL.

"F. T. C. act, sec. 5: It is charged that the respondents have been engaged in a combination and conspiracy with the intent of monopolizing the business of manufacturing and selling dental goods and of suppressing competition by (1) causing association manufacturers to fix resale prices; (2) causing association manufacturers to sell products only to American Dental Trade Association members; (3) causing association dealers to sell such products only at retail, maintain fixed prices, and employ uniform discounts and terms of sale; (4) causing association manufacturers to refrain from selling products of other association manufacturers otherwise than at retail; (5) causing refusal to sell products to dealers failing to maintain fixed prices; (6) causing allowance of trade discounts only to dealers maintaining fixed prices; (7) by reporting instances of nonobservance of the foregoing; (8) by causing dealers to buy their supplies of dental goods from association manufacturers only; (9) by excluding nonassociation manufacturers and dealers from membership in American Dental Trade Association.

"Not yet disposed of.

"DOCKET NO. 400: THE MUSIC PUBLISHERS' ASSOCIATION OF THE UNITED STATES, NATIONAL ASSOCIATION OF SHEET MUSIC DEALERS, THOMAS F. DELANEY INDIVIDUALLY AND AS PRESIDENT, E. GRANT EGE INDIVIDUALLY AND AS VICE PRESIDENT, J. M. PRIAULX INDIVIDUALLY AND AS SECRETARY AND TREASURER OF THE NATIONAL ASSOCIATION OF SHEET MUSIC DEALERS; WALTER FISCHER, J. ELMER HARVEY, CHARLES W. HOMEYER, WILLIAM J. KEARNEY, EDWARD P. LITTLE, HOLMES T. MADDOX, L. W. MILLER, HAROLD ORTH, GUSTAV SCHIRMER, S. ERNEST PHILPITT, PAUL A. SCHMITT, CLAYTON F. SUMMY, CHARLES H. WILLIS, W. H. WITT, HARVEY J. WOOD, INDIVIDUALLY AND AS DIRECTORS OF THE NATIONAL ASSOCIATION OF SHEET MUSIC DEALERS, AND ALL THE MEMBERS OF SAID ASSOCIATION.

"F. T. C. act, sec. 5: Unfair methods of competition in the sale of musical publications at retail by a general conspiracy to enhance the price of sheet music to the public, maintain standard fixed resale prices of music, and to eliminate competition.

"Not yet disposed of.

"DOCKET NO. 459: UNITED TYPOTHETAE OF AMERICA, BENJAMIN P. MOULTON, ARTHUR E. SOUTHWORTH, CHARLES L. KINSLEY, GEORGE H. GARDNER, E. H. JAMES, FRED W. CAGE, AND JOSEPH A. BORDEN.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that the respondents inaugurated a campaign known as the 'Three-year plan,' the object of which is to collect assessments from manufacturers and merchants selling paper, printing presses, type, ink, and other supplies purchased by employing printers, this money to be applied to alleged educational purposes, but mainly to induce employing printers to use a uniform system of cost accounting and a standard price list calculated to establish a uniform scale of prices throughout the printing industry, compiled by the United Typothetae with the view of teaching the printer how to charge adequate prices for his work, to eliminate the alleged evils of ignorant and ruinous competition, and by the publication of monthly bulletins containing names and addresses of subscribers, enabling employing printers to discriminate in the purchase of supplies, thereby intimidating manufacturers and dealers in printers' supplies and causing them to contribute to the fund against their will in order to avoid being discriminated against. Not yet disposed of.

"DOCKET NO. 501: WHOLESALE GROCERS' ASSOCIATION OF EL PASO, TEXAS, ET AL.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that the respondents have combined and conspired together to prevent the Standard Grocery Company, competitor of respondent wholesalers, from obtaining commodities from manufacturers and other sources from which a dealer in groceries at wholesale must obtain his supplies; by boycott and threats of boycott and threats of withdrawal of patronage have induced and compelled manufacturers to refuse to sell to the Standard Grocery Company, and to refuse to sell this company at prices and upon terms usually accorded to buyers and sellers of grocery products at wholesale.

"Order to cease and desist, November 9, 1920. Petition for review of Federal Trade Commission order filed in U. S. Circuit Court of Appeals, fifth circuit, January 6, 1921, by White-Grant Company, W. H. Constable Company (Inc.), Wholesale Grocers' Association of El Paso, Texas, and Trueba-Zozaya-Seggerman (Inc.). Not yet decided.

"DOCKET NO. 531: ARMOUR & COMPANY.

"F. T. C. act, sec. 5; also sec. 7, Clayton Act: It is charged that the respondent, by acquiring the control of two competing concerns, the Lookout Refining Company, Chattanooga, Tenn., refiners and dealers in cottonseed oil, lard substitutes, cooking oils, etc.; and the Harris Tannery Company, later known as the Sylva Tanning Company, Sylva, N. C., engaged in the tanning of hides and the sale of leather, has eliminated these concerns as competitors in their respective lines of business, restrained interstate commerce, and tended to create monopolistic conditions in favor of Armour & Company. Not yet disposed of.

"DOCKET NO. 533: AMERICAN MUTUAL SEED COMPANY.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that the respondent makes use of catalogues and other advertising matter containing false and misleading statements relative to the source, purity, and vitality of its seeds.

"Order to cease and desist, January 8, 1921.

"DOCKET NO. 556: THE TAIYO TRADING CO. (INC.)

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that respondent sells in competition with Swedish matches, matches manufactured in Japan and sold in boxes similar in size, style, and material and Swedish inscription to those containing the Swedish matches, thereby deceiving the trade and general public into the belief that the respondent's matches are manufactured in Sweden.

"Order to cease and desist, January 15, 1921. Petition for review of Federal Trade Commission order filed in United States Circuit Court of Appeals, second circuit, January 24, 1921.

"Not yet decided.

"DOCKET NO. 561: BERK BROS.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that respondents have sold fountain pens in boxes or containers on which were printed or stamped the words, 'The Standard Self-Filling Fountain Pen, $1.50,' to mislead the general public into the belief that the retail price of such fountain pens is $1.50 when in truth it is never more than 25 cents.

"Consent order to cease and desist, May 13, 1920.

"DOCKET NO. 573: OWENS BOTTLE-MACHINE CO. AND L. S. STOEHR.

"Clayton Act, secs. 3, 7, and 8: The respondent company, engaged in the manufacture and sale of glass bottles and in the manufacture, license, lease, and sale of 'Owens Glass Blowing Machines,' has entered into licensing agreements for the use of its machines by which the licensee agrees not to use respondent's machine in connection with the machines or devices of competitors, thereby excluding competitors from securing sales and lessening competition; and by acquiring control of the Whitney Glass Works, the American Bottle Co., and the Graham Glass Co. and interlocking directorates with the aid of respondent L. S. Stoehr, the respondent company tends to create for itself a monopoly in the interstate sale of certain classes of glass bottles.

"Dismissed as to respondent L. S. Stoehr (deceased), February 2, 1921. Directed that complaint be conducted against respondent under its changed name, 'Owens Bottle Co.,' March 2, 1921.

"Not yet disposed of.

"DOCKET NO. 580: CROCKER BROS. ET AL.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that the respondents, who during the period of the recent war were forced to cease importing and selling ferromanganese, owing to the British embargo on exportation and during which time the manufacture of said product was developed in the United States by persons other than the respondents, have now commenced to import ferromanganese from their British principals and sell the same at prices substantially less than the actual market value at the time of exportation from England plus freight and expenses incident to importation and sale in the United States with the intent of stifling the industry in the United States and establishing a monopoly.

"Not yet disposed of.

"DOCKET NO. 594: BUTTERICK CO., FEDERAL PUBLISHING CO., STANDARD FASHION CO., BUTTERICK PUBLISHING CO., NEW IDEA PATTERN CO., AND DESIGNER PUBLISHING CO.

"F. T. C. act, sec. 5, and Clayton Act, sec. 3: It is charged that the respondents, a consolidation of paper dress pattern manufacturers and publishers of periodicals advertising and illustrating such patterns, have adopted unfair methods in competing with other producers of such patterns by entering into contracts with about 20,000 retail dry goods dealers, binding the said retailers to maintain fixed resale prices and prohibiting dealing in patterns manufactured by respondents' competitors, the respondents refusing to sell to retailers who decline to enter into such contracts or be bound thereby and threatening and instituting suits for damages if contracts are broken, said methods tending to lessen competition and to create a monopoly. Not yet disposed of.

"DOCKET NO. 623: SUNLIGHT CREAMERIES.

"F. T. C. act, sec. 5: Unfair methods of competition are charged, in that the respondent, engaged in the sale of butter, conducts a campaign of defamation against a competitor by circulating among competitor's employees, patrons, and others false and unfair statements with reference to competitor's business methods and financial stability and, by persuasion and intimidation, attempts to induce employees to sever their relations with the competitor and join the respondent with such of the business and patronage of the competitor as they command, said practices being in contravention to the respondent's ratification of the creamery industry trade practice submittal, November 20, 1919. Not yet disposed of.

"DOCKET NO. 693: CARBON OIL CO. (OHIO).

"F. T. C. act, sec. 5: Unfair methods of competition are charged, in that the respondent attempts to imitate the products of the Vacuum Oil Co., well known to the trade as 'Mobiloil' of various grades, designating its product as 'Mobile A Oil' and falsely representing it as the product of the Vacuum Oil Co. bought by the respondent from the United States Government, and in that the respondent in the sale of products which have never been the property of the Federal Government terms itself a 'distributor of U. S. A. oils,' and stencils on its containers the letters 'U. S. A.' to mislead and deceive the purchasing public. Not yet disposed of.

"DOCKET NO. 694: THE CHAMBER OF COMMERCE OF MINNEAPOLIS; THE OFFICERS, BOARD OF DIRECTORS, AND MEMBERS OF THE CHAMBER OF COMMERCE OF MINNEAPOLIS; MANAGER PUBLISHING COMPANY, JOHN H. ADAMS; AND JOHN F. FLEMING.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that the respondents are engaged in a confederation and conspiracy to annoy and embarrass and destroy the business of the Equity Cooperative Exchange, a competitor of the respondent chamber of commerce, and its members in the selling, buying, and distribution of grain, by (a) the publication of false and misleading statements concerning the said cooperative exchange, particularly in the publications of the respondent publishing company, (b) the instigation and preparation for trial of certain litigation, (c) refusal to make available to said cooperative exchange and its members the telegraphic market quotation service supplied by the respondents, (d) the boycott of and persistent refusal to buy grain from the said cooperative exchange, (e) the suppression of competition among members of the respondent chamber of commerce and discrimination against nonmembers, and (f) by the means of contracts binding country shippers to ship all or a greater part of their grain to the respondent chamber of commerce members, all in alleged violation of section 5. Not yet disposed of.

"DOCKET NO. 702: WESTERN ELECTRIC COMPANY (INC.).

"F. T. C. act, sec. 5, and Clayton Act, sec. 3: The respondent, engaged in the manufacture and sale of telephonic appliances, equipment, and supplies, functions as the manufacturing department of the American Telephone & Telegraph Company and competes with other manufacturers and dealers for the business of independent telephone companies. Unfair methods of competition and the creation of a virtual monopoly are charged in that the respondent (a) contracts for the sale of its goods at fixed prices on condition that purchasers will not use the telephonic equipment sold by competitors of the respondent, (b) makes false and misleading statements to the effect that independent companies using its equipment will thereby secure better terms from the 'Bell system' for toll service or will be unable to secure long-distance or toll connections without the use of respondent's equipment, (c) utilizes the influence of banks to induce independent telephone companies to purchase their appliances, equipment, and supplies from the respondent, (d) procures the cancellation of contracts entered into between independent telephone companies and respondent's competitors by special reductions in its prices to such prospective customers, and (e) falsely represents that certain of its competitors are going out of business or closing branch offices and that the customers of said competitors will thereupon be unable to secure repair parts and additional equipment. Not disposed of.

"DOCKET NO. 709: CIGAR MANUFACTURERS' ASS'N OF TAMPA, FLA., ET AL.

"F. T. C. act, sec. 5: Unfair methods of competition are charged in that respondent cigar manufacturers, in an effort to restrain competition in the sale of cigars and to create a monopoly of the supply of an essential element in the sale of cigars, entered into an agreement with the respondents' cigar-box manufacturers, the intent and effect of which was to vest in the respondent association control of the supply of cigar boxes upon which the manufacturers of cigars in Tampa and vicinity are dependent, the respondent association employing its control of the supply of cigar boxes to deny to and withhold from nonmember and competing cigar makers their necessary supply of boxes. Not yet disposed of.

"(3) IMPORTANT WORK DONE BY THE COMMISSION IN 'CLEANING UP' INDUSTRIES.

"(A) Commercial bribery—In general: The commission has done very effective work in eradicating unfair competition methods in different industries. Commercial bribery, one of the most widespread and far-reaching evils encountered in the business world, has received special consideration in this connection. This vicious practice consists of the payment of money, or the giving of presents, gratuities, entertainments, etc., or both, usually by a salesman of the seller to the purchasing agent of the buyer, for the purpose of influencing him to give a preference to the seller's goods. Where money is paid, the unlawful purpose is presumed, but where there are presents or entertainment only, their value and the extent of the practice are taken into consideration, with the special circumstances of each individual case, in determining whether an unlawful purpose is present.

"The business enterprises covered in the commission's investigation of commercial bribery relate to paint, oil, and varnish; printing ink; dyestuffs and chemicals; textile soaps; the ship chandlery and repair industry; and other miscellaneous branches of trade. Each of these phases will be treated in detail under its proper heading below.

"Commercial bribery—Paint, oil, and varnish and allied products: The commission's first work in connection with commercial bribery was done in this field, its first application for complaint having been docketed as early as April, 1917.

"A total of 27 applications for complaint have been docketed against concerns engaged in this industry, of which 14, after ex parte examination, have been dismissed and 2 are still pending; the remainder, 11, having gone to formal complaint, and resulted in the issuance of 55 formal complaints, the excess of complaints over applications being due to the fact that in some applications there were a number of respondents who were pro-

ceeded against individually. As a result of these 55 adversary proceedings, the commission entered 50 orders to cease and desist and 3 orders of dismissal, 2 cases being now pending.

"The widespread interest aroused by the commission's activities in this field caused the paint and varnish manufacturers to organize, on January 1, 1918, the unfair competition bureau of the paint and varnish industries, with an office in Washington. Mr. M. Q. MacDonald, formerly an attorney with the commission, and a man of wide experience in commercial bribery matters, was placed in charge. This bureau has more than justified its existence by its work in eliminating not only commercial bribery but other evils prevalent in the trade, such as misbranding and false and misleading advertising. It has been effective as a clearing house for complaints, in keeping its members from backsliding after having eliminated graft, in aiding the commission to find evidence against offenders, and in many other ways.

"Commercial bribery—Printing ink: On November 24, 1917, at the request of a number of prominent printing-ink manufacturers, a meeting of representatives of the industry was held before the commission. During the course of this hearing it developed that only the day before, at the instance of the National Association of Printing Ink Manufacturers, a conference purporting to represent 90 per cent of the printing-ink manufacturers had been held, at which a stipulation was entered into by all those present that every effort would be made by members of the association and by nonmembers to discourage anything indicating bribery or other unfair practices in their particular field. The stipulation was filed with the commission, and the understanding was that if any of the signatories violated its provisions, such breach was to be reported to the commission by such others as might have knowledge thereof. The conferences and stipulation referred to were the direct result of investigations conducted by the commission's examiners in connection with applications for complaints already docketed.

"Early in 1918, as a result of applications for complaints filed with it, the commission undertook to rid the entire printing-ink industry of the practice of commercial bribery. It investigated four large concerns, and as a result issued complaints against all of them. Other applications followed until a total of 15 were docketed and investigated, resulting in the dismissal of 8 and the issuance of 9 complaints in the other 7 cases. The total number of orders issued against concerns engaged in this industry has been only seven, but the effect has been very beneficial, and with the cooperation of the majority of the manufacturers, who have always supported the commission in this work, it has not been necessary to proceed in a large number of cases.

"Commercial bribery—Dyestuffs and chemicals: Another important branch of business in which the commission has done effective work is the dyestuff and chemical industry. Forty-eight applications for complaints have been docketed, 20 of which have been dismissed and 6 of which are still pending. In the other 22 cases an equal number of formal complaints were issued and served, resulting in 8 orders to cease and desist, 1 order of dismissal, with 13 cases still pending.

"Conditions in this industry were somewhat difficult, because the evil had a strong hold and cooperation has not been as strong as in other industries, although the lack of support is probably due to skepticism in reference to the commission's ability to cleanse the trade of this taint, rather than to any positive opposition.

"Commercial bribery—Textile soaps: A total of 30 applications for complaint have been docketed in connection with this industry, of which 11 have been dismissed. The other 19 have gone to formals, resulting in an equal number of formal complaints, of which 1 has been dismissed and 2 are still pending. In the other 16 cases, the commission's order to cease and desist was entered.

"Commercial bribery—Miscellaneous: A total of 25 bribery cases of a miscellaneous character have been docketed as applications, the most important industries covered being road-building machinery and printers' rollers. Of lesser importance are a few cases relating to boiler compounds, printing and publishing, sizing paste, rags, horseshoes, lubricating oils, paper-coating materials, lacquer, corsets, music rolls, advertising matter, etc. Nine of these applications have been dismissed, 4 are pending, while 12 of them went to formal complaints, resulting in the issuance of 30 of the latter, the excess of formals over applications being due to the fact that in some applications there were a number of respondents who were proceeded against individually. Of these 30 adversary proceedings 17 are still pending, and orders to cease and desist have been entered in the other 13 cases.

"Commercial bribery—Ship chandlery and repair business: The commission began its work in this industry in the fall of 1918, its investigator going to New York for that purpose. During the course of his activities there he met the officials of the Association of Ship Store Dealers of the port of New York, an organization formed somewhat earlier in the same year to combat the practice of commercial bribery—and was able to secure the cooperation of this organization.

"Of late the commission's work for the suppression of commercial bribery has been confined almost entirely to the ship chandlery and ship repair business. On account of the decision of the United States Circuit Court of Appeals in the second circuit in the New Jersey Asbestos Co. case, that commercial bribery is a matter between individuals and not one so affecting the public as to be within the jurisdiction of the commission, the work in that circuit has been stopped temporarily and the commission's recent efforts centered on the coast cities from Norfolk to Galveston, and with important results, finding the decision of the United States Supreme Court on the commission's jurisdiction.

"As of April 1, 1921, a total of 92 applications had been docketed against concerns engaged in this industry. Of these 20 have been dismissed and 9 are still pending—the other 63 having gone to formal complaint and resulting in an equal number of such formal complaints. In these 63 formal complaints there have been 53 orders to cease and desist and 3 orders of dismissal; the remainder—7—are still pending before the commission.

"Deep interest in this phase of the commission's work has been shown at every port. Expressions from all persons interviewed and investigated have been practically unanimous in the desire to see the bribery custom eradicated. The evidence indicates that it has cost some firms as high as $50,000 to $80,000 in a single year. Amounts given to captains or other officers of vessels to secure good will and orders for supplies or repairs have ranged in many instances from a few hundred to several thousand dollars. Although 5 per cent of the purchase price of the commodities was once the general or commonly accepted percentage allowed, competitive bidding at times has brought this figure up to 10 per cent and 20 per cent, and even as high as 100 per cent, as evidence before the commission shows. This necessarily induces short weights and measures, inferior qualities, short deliveries, and a train of conspiracies between officers of ships and unscrupulous dealers to defraud shipowners far beyond the amounts involved in the mere giving of the gratuities.

"Encouraged by the efforts of the Federal Trade Commission along this line, in which they had already earnestly cooperated in their individual capacities, a group of progressive concerns in marine circles organized the American Ship Service Corporation in February last and established headquarters at Washington, D. C. Mr. C. E. La Vigne, a former examiner of the Federal Trade Commission and a man of wide experience and marked success in investigating commercial bribery, was placed in active charge of the work.

"The activities of this new corporation are intended to be national in scope. Its charter membership includes representative business concerns engaged in different phases of shipping at ports extending from New York City to Galveston. Its principal object is close cooperation with the authorities charged with the enforcement of Federal and State laws against unfair practices in shipping circles. Membership in the corporation carries with it the pledge that no gratuities, systematically lavish entertainment, so-called commissions, or other thing of value will be given to any person whatsoever, directly or indirectly, to influence the placing of orders in connection with the shipping business. The corporation, during the short period of its existence, has accomplished a great deal, and should accomplish more and more as its membership increases. Through the efforts of this organization, the trade press has taken a leading part in directing attention to the fact that America is in the process of building up a great merchant marine, and that one of the vital factors in success is in keeping it clean and overcoming one enormous and unjustifiable item of waste, to wit, graft.

"It is interesting to note that two Norfolk concerns have recently appealed from the orders of the commission to the circuit court of appeals for the fourth circuit. These cases differ from the New Jersey Asbestos Co. case, in that the evidence taken in both of them disclosed the fact that 'large sums of money' had been given by the respondents to captains of vessels to which they furnished supplies. While testimony showed that the New Jersey Co. had given gratuities, such as liquor, cigars, meals, theater tickets, and entertainment, there was no evidence to show the use of money.

"(B) Lottery schemes: The commission has also given some attention to this matter. Acting on applications for complaints filed with it, it issued 24 formal complaints against concerns (all but one of which were engaged in the tea and coffee business). The allegations in these complaints were that these companies were giving and offering to give to customers and prospective customers, as an inducement to secure their trade and patronage, certain coupons or certificates which were redeemable in various prizes or premiums consisting of personal property of unequal values, the distribution of which was determined by chance or lot. Nineteen orders to cease and desist have been entered, the other five cases having been dismissed for failure of proof.

"(C) Trade practice submittals—In general: A formal definition of a trade practice submittal has not been made by the commission. One short definition which has been suggested is 'A trade practice submittal tenders to the commission the judgment of industry upon practices prevailing therein.' It is a procedure adopted first by the commission, to afford members of an industry the opportunity to meet, to define, and by mutual agreement among themselves, to eliminate at one stroke without legal proceedings, unfair, harmful, and wasteful practices generally prevailing in the industry. The commission is not a party to the agreement. A trade practice submittal contemplates a public meeting of industry, in the presence of the commission, either upon the initiation of the commission or upon application of the industry, to discuss the merits and demerits of business practices which have been generally complained of to the commission as being unfair, to the end that the expert opinion of a given industry as to the fairness or unfairness of various competitive methods may be crystallized and recorded. The findings of the meeting are submitted to the commission as the judgment of the industry, and are accepted by the commission in an advisory capacity as authoritative, evidential data available to the commission and in aid of proceedings by the commission under the statutes enforceable by it.

"The practice has been followed in a number of industries, as follows:

"Trade practice submittal—oil industry: Two meetings of interest to this industry have been held, the first on June 22, 1920, at Chicago, and the second on August 19, 1920, at Denver. The Chicago conference was called at the instance of the Independent Oil Men's Association and the American Independent Petroleum Association and was the result of a number of complaints from the trade which had been investigated by both associations and which were considered of serious enough import by these organizations to solicit the aid of the commission. A member of the commission was present and presided at both hearings.

"A number of rules were adopted at both conferences condemning some practices and recommending affirmative action as to others. Among the practices condemned were: (1) False representations as to the actual value of a competitor's products; (2) attacking a competitor as to his financial standing, personal integrity, or ability to serve the trade; (3) condemning a competitor because of the size of his business; (4) advertising so as to imply that competitors are not selling good products; (5) misrepresenting or misbranding of any petroleum products; (6) all forms of secret rebates or settlements whereby books and accounts can be so manipulated as to cover up the actual conditions; (7) commercial bribery; (8) making of contracts with ultimate consumers or users of oils, gas, etc., at a fixed price guaranteeing against an advance and protecting against a decline; (9) tank wagon or service station sales on a credit basis. Regulations were also prescribed with reference to sales on a quality basis, service and filling stations, commission-agency agreements, the leasing and selling of curb pumps, tanks and barrels to retailers, and cash discounts.

"More than a third of the United States was represented at these conferences; the one at Chicago embraced representatives from the States of Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Iowa, North Dakota, South Dakota, northern Oklahama, and Kansas, while the one at Denver covered the States of Colorado, Montana, Wyoming, Idaho, Utah, and New Mexico.

"Trade practice submittal—pyroxylin plastics industry: This was held in May, 1920. The trade was represented by delegates from various associations of manufacturers of the basic materials, by numerous manufacturers of articles fabricated from the basic material, also wholesale and retail dealers in the finished product. A report was submitted and adopted by the whole conference of the industry, and submitted to the commission, which accepted it and placed it on file.

"The industry went on record as being opposed to the use of the words 'ivory,' 'shell,' 'amber,' 'jade,' 'coral,' in any other than an adjective sense, and then only when coupled with the name of the material or some other qualifying term, such as color, finish, etc. Illustrative of the foregoing, the following and similar terms would be permissible: 'Ivory celluloid,' 'ivory pyralin,' 'ivory fiberloid,' 'ivory viscoloid,' 'ivory-color celluloid,' 'imitation ivory,' 'imitation shell,' etc. The following and similar terms would be considered objectionable: 'French ivory,' 'Parisian ivory,' 'tortoise shell,' 'jade necklaces,' 'coral necklaces,' etc.

"The representatives of the industry further expressed themselves as being opposed to the use of the words 'French,' 'Parisian,' or any other geographical designations in connection with the material, or articles fabricated therefrom, unless they truly express the point of origin and are coupled with some other qualifying term, such as color, finish, etc.

"In regard to marking or branding of the industry's product, the commission took the attitude that it would not attempt to force the members of the industry to brand or mark their goods as to quantity, quality, or substance, but that when the members of the industry do mark or brand their goods, such marks or brands should be so definite and correct as not to deceive the purchasing public.

"Trade-practice submittal—Used typewriters: This was held on February 27, 1920, and was representative of manufacturers and dealers in second-hand, repaired, and shop and factory rebuilt typewriters from all parts of the country. It was the result of numerous applications by members of the industry to the commission for the issuance of complaints against other members of the same industry. The representatives present agreed to use their influence in discouraging, among others, the use of the following practices:

"(1) The offering of rebuilt typewriters as new.

"(2) The offering of repaired typewriters as rebuilt.

"(3) The sale of used and partially cleaned machines as rebuilt typewriters when, in reality, no competent man has touched the machines, and they are not even properly adjusted.

"(4) The misuse of the term 'rebuilt,' as in the case of removing the carriage, brushing it, applying a small amount of enamel paint, and calling the machine rebuilt.

"(5) The sale of old machines slightly repainted and fixed up as rebuilt.

"(6) Applying a coat of varnish to a machine, which is air-dried, and spending an average of three hours repairing a machine, and calling it rebuilt.

"(7) The sale as rebuilt machines of those which have only been refinished.

"(8) The practice of guaranteeing a machine sold by the dealer who is not himself a competent workman and does not employ a skilled typewriter repair man or service man.

"(9) The making of misleading guaranties of machines sold on mail orders long distances from the place of business of the dealer.

"Trade practice submittal—knit goods: On October 7, 1920, the commission addressed letters to the knit-goods manufacturers of the country inviting them to attend a trade practice submittal to be held October 20, 1920. The purpose was to consider a plan by which there might be a general elimination of such methods of competition as were admittedly unfair as promptly, and with as little inconvenience to the trade as possible; and, second, to get the views of the members of the industry concerning the practical operation of certain methods concerning which the commission desired further information. Some of the methods which had been complained of were: Misbranding in many forms. weighting of silk, false advertising, price maintenance, guarantee against decline in price. The meeting was held in due course, and the methods just mentioned, with some others, discussed at length. As yet, however, the knit-goods manufacturers have not gone as far as those engaged in the pyroxylin plastics industry.

"Trade practice submittal—Guarantee against decline: Under date of December 26, 1919, the commission sent out a questionnaire asking for a discussion of the question of guarantee against decline in price, which had been the subject of a great many complaints before it.

"This inquiry resulted in expressions from more than 350 manufacturing and selling concerns, including trade associations whose represented membership must have been more than double the number of individual statements. From the scope of the inquiry, and the number and variety of replies, the results shown may be taken to be fairly representative of the difference in business opinion on this subject. The inquiry by questionnaire was further supplemented by hearings before the commission on October 5 and 6, 1920, at which both those favoring the practice and those opposed thereto were heard at length.

"On February 15, 1921, the commission announced that it would consider each case of complaint involving this practice upon the facts shown to exist in the specific case, applying the legal tests thereto, this action involving neither the approval nor disapproval of the economic soundness of the arguments advanced for or against the practice.

"Trade practice submittal—Macaroni industry: A conference was held on June 25, 1920, with representatives of the package goods macaroni manufacturers. Among those present were representatives of the National Macaroni Manufacturers' Association; Cleveland Macaroni Co., of Cleveland, Ohio; the Creamette Co., of Minneapolis, Minn.; the Foulds Milling Co., of Chicago, Ill.; the Fahringer Macaroni Co., of Milwaukee, Wis.; the American Macaroni Co., of Philadelphia, Pa.; the Briggs Cereal Products Co., of Cincinnati, Ohio; A. Zerega's Sons, Consolidated, of Brooklyn, N. Y.; and representatives of the Armstrong Bureau of Related Industries, of Chicago, Ill., and the Bureau of Chemistry of the Department of Agriculture.

"The conference was called by the commission in the public interest and at the suggestion of the industry to discuss a number of practices prevailing in the package goods macaroni trade.

"After full discussion the conference expressed its disapproval of the following practices: (1) Slack-filled packages, (2) the subsidizing of salesmen of wholesalers and retailers to push the sale of the goods of a particular manufacturer in preference to the goods of his competitor, (3) the giving of premiums and rebates, (4) the use of the diminishing size package, (5) false and misleading labels.

"Trade practice submittal—Book and writing paper manufacturers: Following two conferences held before the commission in 1919, nearly 600 dealers and manufacturers of book and writing paper signed an agreement wherein they pledged themselves: (1) Not to label papers as 'handmade' unless they were actually made by hand and not by machine process; (2) not to label, advertise, or sell papers that are given fabric or other material names because of a finish applied to them intended to resemble such fabric or other material, under such name, unless a qualifying word or words be used to indicate that such fabric or other material name is applied to such paper to indicate such finish only; thus, 'linen finish,' 'nainsook finish,' 'onyx finish,' etc.; (3) not to label, advertise, or offer for sale under a foreign geographical name, or under a partly foreign geographical name, papers not of foreign make, without the use in conjunction therewith of properly qualifying words indicating its domestic manufacture; thus, 'Made in U. S. A.,' etc.; (4) not to label, advertise, or sell paper sold as parchment paper, without the use in the name of a qualifying word or words to indicate its true character; thus, 'artificial parchment,' 'vegetable parchment,' etc.

"Trade practice submittal—Creamery industry (Omaha): There having come to the Federal Trade Commission various complaints of unfair practices in the creamery industry, notably in the Mississippi Valley, there being a striking similarity in the complaints made, and these complaints covering a rather wide range, the commission considered whether or not, before issuing its formal complaint in individual cases, it would not be better to determine how widespread and general were the trade practices complained of.

"On invitation of the commission, representatives of the industry to the number of about 40, from six or seven States, met with one of the members of the commission in Omaha on October 3, 1919.

"An informal discussion was had, and it was arranged that definite action should be deferred until there could be brought about a meeting more completely representative of the industry and covering a wider area.

"As a result, on November 3, the commissioner again met with representatives of the industry to the number of about 125, coming from 14 States. At the outset, each of those in attendance declared his purpose to aid in the formulation of rules defining, expressing, and prohibiting methods, practices, and acts recognized as unfair, wrongful, invalid, or detrimental to the public and to the industry.

"The commissioner stated that the Federal Trade Commission was making no rules, expressing no opinion, and rendering no order; nor was the purpose of his visit to interfere with or attempt to direct the business conduct and practices in the creamery industry. He further stated that his visit was for the purpose of gathering the best judgment of the representative members of the industry as to whether certain practices were fair or unfair and were in or against the public interest. It was understood that the judgment of the industry, as expressed, should be for the guidance of the commission and should be regarded as, prima facie, law merchant for this industry.

"Certain practices were considered and in nearly every case condemned by unanimous vote. In every case the condemning vote was by a substantial majority. The following acts, methods, and practices were declared unfair, harmful, bad business practice, and unlawful, and therefore to be refrained from:

"(1) The willful interference by any person, association, or corporation, by any means or device whatever, with any existing contract between an employer and employee or agent of such employer in or about the production, manufacture, transportation, purchase, or sale of any dairy product or the performance of any contractual duty or service connected therewith, such interference being for the purpose or with the effect of dissipating, destroying, or appropriating, in whole or in part, the patronage, property, or business of another engaged in such industry.

"(2) The intentional overtesting, undertesting, or in any manner making or declaring a false return or report on the test of the quantity of any dairy product or any constituent thereof purchased or sold.

"(3) The use without the consent of the owner of any can, cream-station equipment, or other property used or employed in the shipment, purchase, or sale of any dairy product with the intent or effect of appropriating the patronage, property, or business of another.

"(4) Furnishing or lending to any producer, dealer, or shipper of dairy products any can, cream-station equipment, or other property for the purpose and effect of influencing shipments of such products to the furnisher or lender of such article or property.

"(5) The making, causing, or permitting to be made or published any false or untrue statement of or concerning the business policies or methods of a competitor.

"(6) Paying or rendering, directly or indirectly, to any agent or employee of a common carrier, any consideration or reward for the purpose or with the effect of influencing such agent or employee to solicit patronage or divert any shipments of dairy products from the originally intended consignee.

"(7) Obtaining any information from a competitor by making any false or misleading statements or misrepresentations or by false impersonation of one in authority or by any method of espionage.

"(8) Failure to pay or render in accordance with advertisement or holding out to the shipper or his representative the full price for dairy products purchased; failure to deduct full transportation cost when such product is purchased on delivered basis; failure to deduct actual cost of hauling when such products are gathered by wagon or truck.

"(9) The purchasing or offering to purchase dairy products at prices not warranted by market or trade conditions or paying higher prices to one class of shippers or sellers than to another, or the paying of different prices at different points at the same time, except differences occasioned by freight rates and quality of commodity bought, or the paying of the same price at nonchurning points as at churning points, or differences made in good faith to meet fair competition, as distinguished from price discrimination, intended to or having the effect of the creation of a monopoly.

"(10) Where cream is purchased on what is known as the station plan, the payment of any commission in excess of 3 cents, including station expenses of every kind and character.

"(11) The giving of premiums or other valuable things as an additional reward or compensation.

"Trade practice submittal—Creamery industry (Dallas): Having received complaints of an alleged unfair method of competition practiced generally by manufacturers engaged in shipping butter, for resale, to Texas, Arkansas, Oklahoma, and other States of the Southwest, the commission, in order to afford a remedy more speedy than could probably be obtained by the issuance of formal complaints, invited representatives of manufacturers competing for the butter trade of the Southwest to assemble at Dallas, Tex., on April 2, 1920, for the purpose of furnishing the commission the opinions of those engaged in the industry (but more particularly those making use of the practice complained of) as to whether or not the practice was, in fact, fair or unfair, and whether it operated for or against the interest of the public and of the industry. After informal discussion the representatives expressed their unanimous opinion that the practice of packing in cartons, prints, and rolls unusual or odd-size quantities of butter, which quantities vary in weight from the recognized standards of one pound, one-half pound, and one-quarter pound, was an unfair method of competition and against the public interest, and asked the commission to proceed against all manufacturers, makers, or shippers of butter who, after August 1, 1920, persisted in the practice.

"(D) Investigations at instance of Department of Justice—Raisin case: Under date of September 30, 1919, the Attorney General requested the commission to make an investigation of the California Associated Raisin Co. This was for the purpose of: (1) Obtaining information as to whether or not the company in question was obtaining and maintaining more than fair and reasonable prices for its products; (2) having the commission, under authority of section 6 of its organic act, make recommendations for the readjustment of the business of the company, in order that it might hereafter maintain its organization, management, and conduct of business in accordance with law.

"In accordance with the foregoing request, the commission instituted an inquiry, giving notice thereof to the Raisin Co. A large amount of testimony was taken, and, in addition, arguments heard and briefs received on behalf of the company in question, as well as on behalf of the American Seedless Raisin Co., the Bonner Packing Co., Rosenberg Bros. & Co., Guggenhime & Co., and Chaddock & Co., packers of raisins, and the National Wholesale Grocers' Association of the United States.

"As a result of its investigation, the commission, on June 8, 1920, made a report (1) describing the general relation of the California Associated Raisin Co. to the raisin industry; (2) concluding, in the absence of a showing of a greater increase in the cost of production, there having been no diminution in production but rather a slight increase, and after considering the diminishing purchasing power of the dollar, that the price fixed by the raisin company for the 1919 crop was in excess of a fair and reasonable price; and (3) making certain recommendations for the readjustment of its business, among which may be named the cancellation of all contracts fixing selling prices, on the condition of exclusive dealing, the separation of plants leased or purchased from competitors so far as may be necessary to insure freedom of competition, the abandonment of purchase of carry over and curtailment of production as incidents of business, the abandonment of 'firm-at-opening price' and 'guarantee against decline' devices in marketing when these practices in combination with other acts tend toward the creation of monopoly.

"It may be of interest to note that as a result of the commission's report the Department of Justice instituted proceedings against the California Associated Raisin Co. under the Sherman law, which have been halted. Recent reports indicate that the control of the raisin crop has reached 92 per cent.

"It should not be assumed that the result of a trade practice submittal is the complete elimination of the practices defined as unfair. It is an expression of the opinion of the more progressive and clear-thinking minds in an industry, and is the basis upon which these men in the industry and the commission cooperate to deal with that fortune of the industry which persists in the use of such practices.

"INQUIRIES MADE BY FEDERAL TRADE COMMISSION SINCE ITS ORGANIZATION.

"When the Federal Trade Commission was organized on March 16, 1915, it absorbed the personnel and equipment of the Bureau of Corporations and the work it was doing as provided by law. At that time there were about six investigations that had been almost completed and for which the printing and proof reading was nearly completed. These reports of the Commissioner of Corporations were finished during the early days of the commission while it was planning its organization and methods of conducting its work.

"There were also several investigations that the Bureau of Corporations had been directed to undertake which had not been finished and these the commission continued. Among the latter were an inquiry into the pipe-line transportation of petroleum, pursuant to a Senate resolution; an inquiry into the fertilizer industry, pursuant to another Senate resolution; a study of the beet-sugar industry, which originated at the direction of the Secretary of Commerce; and an investigation of the system of resale price maintenance which had been initiated by the Commissioner of Corporations. On all these matters printed reports were published by the commission. The commission also continued the work on the petroleum industry in accordance with the Senate resolution by making a study of the cost of production and prices of petroleum oils and especially gasoline, on which a report was also published.

"The first important inquiry commended by the commission was into conditions affecting American export trade. This inquiry was initiated by the commission under authority of section 6, paragraph (h), of its organic act, which specifically directs it to make such inquiries from time to time, but was particularly suggested by the public statement of the President that the business world would welcome some modification of the prohibition of the Sherman law with respect to export trade. As a result of this inquiry the commission published a two-volume report entitled 'Cooperation in American Export Trade,' and a little later Congress passed the Webb-Pomerene Act with respect to export trade, which practically enacted into law the recommendations of the commission.

"At the request of the President the commission undertook, shortly after its organization, an inquiry into trade conditions affecting our relation with the South American countries, and as a result published a report entitled 'Trade and Tariffs in South America,' which furnished information of considerable value in connection with the work of the International High Commission, which was held at Buenos Aires in 1916.

"From the very beginning the commission gave considerable attention to the question of better accounting methods in trade and industry and on its own initiative did considerable educational work in suggesting better methods of accounting, and also published a few brief pamphlets in this connection. It also attempted to gather some information from the industrial corporations of the country regarding their gross sales and profits on a very simple schedule with the same general educational purpose in view. While there was a wide response in the way of voluntary returns to this schedule, the imperfect manner in which the returns were made demonstrated the correctness of the commission's view that the methods of cost accounting generally in vogue were quite inadequate. For this reason also the results of this inquiry, which it had been intended should be published by industries, were not published, because they were not regarded as sufficiently accurate.

"Early in 1916 the rise in the price of newsprint paper led the Senate to call for an inquiry into that industry. A report which was published on this subject disclosed an increase in price considerably greater than the increase in costs, and also evidence that there was an attempt made by the newsprint paper associations to restrain trade. The result was a suit by the Department of Justice, and from this developed an agreement out of court with the Attorney General through which the members of the commission were called on to arbitrate the reasonableness of newsprint paper prices.

"The bituminous coal industry had for some years been complaining of the extremely unprofitable prices received and insisted that Government intervention of some kind was necessary to mitigate competition and otherwise to regulate the industry. In accordance with a resolution of the House the commission commenced an inquiry into this matter, but hardly had it gotten started before an extraordinary advance in the price of anthracite in the autumn of 1916 and the request of the Senate for an investigation of that subject directed its attention into another aspect of the coal industry. Somewhat later a marked advance occurred in bituminous coal prices, which was also investigated, and a report of the commission on these matters was published a few weeks after the declaration of war with Germany.

"Just before the declaration of war the President had directed the commission to make a comprehensive investigation of the food industries of the country, and for this purpose Congress provided a special appropriation. Next to the cost-finding work of the commission in aid of the war activities of other branches of the Government, this group of food investigations was the principal work of the commission along this line during the war. It was divided into four principal parts, namely, the meat-packing industry, the grain trade, the flour-milling industry, and the canned-foods industry. There was also a general inquiry into marketing and storage. Each of these specific inquiries resulted in extensive published reports.

"During the war the commission, at the direction of the Senate, also undertook an inquiry into the prices of farm implements, upon which a comprehensive report was issued. It also undertook, on its own initiative, an investigation into the costs and prices of leather and shoes and published a report thereon.

"In all these economic inquiries conducted during the war the results of the work were made available to war-time regulating authorities as rapidly as they were available.

"The most important work conducted by the commission during the war was the cost-finding work undertaken at the direction of the President and in behalf of the various departments and administrations concerned with the purchase of materials or the war-time regulation of industries, such as the War and Navy Departments, the Fuel Administration, the War Industries Board, the Food Administration, the Railroad Administration, and the Shipping Board, not to mention other branches of the service. The costs of production were ascertained by an elaborately organized accounting force, and periodical re-

ports were submitted to the purchasing or regulating authorities in order that they might determine what prices they should pay or at what prices the industries should be permitted to sell to the public. The commission, however, had no part in the fixing of prices. Thus the cost of production of coal in the various districts was reported from time to time to the Fuel Administration, as well as petroleum; the cost of iron and steel, copper, lumber, cement, cotton textiles, and a vast number of other commodities were reported to the War Industries Board periodically; the cost of canned fruits, vegetables, and fish, of flour, and the profits from meat packing were reported to the Food Administration; the cost of locomotives to the Railroad Administration; the costs of steel and wooden construction materials to the Shipping Board; the costs of an infinite variety of supplies to the Army and Navy, from clinical thermometers to locomotive cranes, etc.

"Some of these costs collected in war time were later worked up and published for public information, such as the cost of coal, copper, etc.

"Since the war a number of important inquiries have been made by the commission, chiefly at the direction of Congress. Thus, the Senate has called for reports on the milk industry, the California oil industry, the commercial feeds industry, and southern live-stock prices; and the House of Representatives has called for investigations of the combed cotton-yarn industry, the advance of oil prices in 1920, the shoe industry, the sugar supply and prices in 1919, and the prices of leaf tobacco in 1920. On all these subjects the commission has either published reports already or will submit them at the beginning of the present session of Congress.

"The Attorney General has called for reports from the commission on the manner in which the paper manufacturers who are under judicial injunction have obeyed the same; into the question whether certain lumber associations were operating in restraint of trade; and whether the meat-packers' proposals for compliance with the judicial decree were in accordance with the public interests.

"In the autumn of 1919 the rising prices of commodities created much apprehension and committees of Congress invited suggestions from executive branches of the Government as to what could be done to alleviate conditions. This commission suggested that the information should be obtained especially with respect to basic industries, not as a panacea, but as a means of preventing speculative excesses. In accordance with this suggestion, Congress made a special appropriation to the commission with the distinct understanding that such basic industries as coal, steel, lumber, etc., should be required to submit current reports regarding production costs, prices, etc. The work was inaugurated at once and was proceeding with success when the National Coal Association procured a judicial injunction against obtaining such information on the ground that it was not within the constitutional power of Congress to authorize the collection of such information. As a result, though many reports continued to be made voluntarily, the data obtained from the coal industry proved insufficient to warrant the continuation of the work. With respect to the steel industry, also, although many companies, including the largest, submitted reports promptly and willingly, certain companies objected and through judicial injunction made it impracticable to continue the work. It was subsequent to these judicial injunctions regarding the commission's work that the extraordinary advances occurred in the prices of coal and steel products.

"Attached hereto is a list (Exhibit A) of the various investigations undertaken by the commission from the time of its organization to the present time, showing the subject matter, the originating authority, reports issued, etc. This list does not include the legal investigations made in connection with the proceedings of the commission against alleged unfair methods of competition nor the cost-finding work done by the commission during the war, which is shown on pages 29 and 30 of the annual report for 1918 and pages 38 to 42 of the annual report for 1919.

"The cost-finding work was done by direction of the President and was provided for by Congress in accordance with recommendations made by the Appropriations Committees.

"There is also a list giving the full titles of the publications of the commission (Exhibit B). This list does not, however, include the briefs and arguments of the commission in connection with proceedings against alleged unfair methods of competition. An examination of the list of inquiries undertaken by the commission, as given in Exhibit A, shows that in the great majority of cases they were initiated either at the direction of Congress or of the President, and that only a small proportion of them were undertaken on the commission's own initiative.

"EXHIBIT A.

"List of investigations undertaken by the commission from date of its organization.

Inquiry.	Originating authority.	Form of report.	Number of volumes.	Date of first volume.
Pipe line transportation of petroleum.	Senate	Printed	1	Feb. 28, 1916
Fertilizer industry	do	do	1	Aug. 19, 1916
Trade and tariffs in South America.	President	do	1	June 30, 1915
Cooperation in American export trade.	Commission	do	2	Do.
Beet sugar	Bureau of Corporations.	do	1	May 24, 1917
Improved accounting	Commission	do	2	July 1, 1916
Industry reports	do	No report		
Gasoline prices	Senate	Printed	1	Apr. 11, 1917
Resale price maintenance	Bureau of Corporations.	do	1	June 30, 1919
Trade associations	Commission	No report		
Mexican sisal	Senate committee.	Printed	1	May 9, 1916
Anthracite coal industry	Senate	do	1	June 20, 1917
Bituminous coal industry	House	do	1	Do.
Newsprint paper industry	Senate	do	1	June 13, 1917
Book paper industry	do	do	1	Aug. 21, 1917
Interlocking directorates	Commission	No report		
Prices of American flags	House	Printed	1	July 26, 1917
Meat packing industry	President	do	6	June 30, 1919
Grain trade	do	do	3	Sept. 15, 1920
Flour industry	do	do	2	Apr. 4, 1918
Canned food industries	do	do	2	May 15, 1918
Marketing and storage	do	do	1	June 30, 1919
Private car lines	do	do	1	June 27, 1919
Prices of farm implements	Senate	do	1	May 4, 1920
Copper costs (compilation of war-time data).	President	do	1	June 30, 1919
Wyoming oil industry	Commission	do	1	Jan. 3, 1921
Rag trade (compilation of war-time data).	President	do	1	June 30, 1919
Milk products industry	Senate	In preparation	1	
Coal costs (compilation of war-time data).	President	Printed	7	June 30, 1919
Current paper statistics	Commission	Mimeographic bulletins.		Dec., 1917 (monthly).
Current coal cost statistics	Congress	do		Apr. 20, 1920
Current steel cost statistics	do	No report		
Combed cotton yarn industry.	House	In preparation		
California petroleum industry.	Senate	With printer		
Advance in petroleum prices, 1920.	House	Printed	1	June 1, 1920
Leather and shoe industries	Commission	do	1	Aug. 21, 1919
Animal feeds trade	Senate	With printer		
Sugar supply and prices	House	Printed	1	Nov. 15, 1920
Fuel oil costs and prices	President	Confidential report.		
Tobacco costs and prices	do	do		
Milk refunds	do	do		
Southern live stock prices	Senate	Printed	1	Feb. 2, 1920
Canned food speculation	Commission	No report		
Lumber associations	Attorney General.	In preparation		
Canned food costs (compilation of war-time data).	President	do		
Lumber costs (compilation of war-time data).	do	do		
Leaf tobacco prices	House	With printer		
Wheat prices in 1920	President	Printed	1	Dec. 18, 1920
Meat packers decree	President and Attorney General.			
Shoe industry	House	In preparation		

Summary:

Inquiries originating with Congress	21
Inquiries originating with President and executive departments	20
Inquiries originating with commission	9
Total (this list includes practically all the important inquiries except legal investigations relating to unfair competition, etc., and war-time cost work and other work done to assist administrative agencies during the war)	50

"EXHIBIT B.

"Printed publications issued by the Federal Trade Commission and their dates.

"Annual Report, June 30, 1915.
"Annual Report, June 30, 1916.
"Annual Report, June 30, 1917.
"Annual Report, June 30, 1918.
"Annual Report, June 30, 1919.
"Annual Report, June 30, 1920.
"Anthracite and Bituminous Coal, June 30, 1917.
"Beet Sugar Industry, May 24, 1917.
"Book Paper Industry, August 21, 1917.
"Canned Vegetables and Fruits, May 15, 1918.
"Canned Salmon, December 27, 1918.
"Coal, No. 1, Pennsylvania Bituminous, June 30, 1919.
"Coal, No. 2, Pennsylvania Anthracite, June 30, 1919.
"Coal, No. 3, Illinois Bituminous, June 30, 1919.
"Coal, No. 4, Alabama, Tennessee, and Kentucky Bituminous, June 30, 1919.

"Coal, No. 5, Ohio, Indiana, and Michigan, June 30, 1919.
"Coal, No. 6, Maryland, West Virginia, and Virginia, June 30, 1919.
"Coal, No. 7, Trans-Mississippi States, June 30, 1919.
"Cooperation in American Export Trade, June 30, 1916.
"Copper Costs, June 30, 1919.
"Commercial Wheat Flour Milling, September 15, 1920.
"Causes of High Prices of Farm Implements, May 4, 1920.
"Fertilizer Industry, August 19, 1916.
"Findings, Orders, and Conference Rulings of Federal Trade Commission, Volume I, April 15, 1920.
"Findings and Orders of Federal Trade Commission, Volume II, June 30, 1920.
"Flour Milling and Jobbing, April 4, 1918.
"Fundamentals of a Cost System for Manufacturers, July 1, 1916.
"Grain Trade, Volume 1, Country Grain Marketing, September 15, 1920.
"Grain Trade, Volume 2, Terminal Grain Markets and Exchanges, September 15, 1920.
"Grain Trade, Volume 5, Future Trading Operations, September 15, 1920.
"Leather and Shoe Industry, August 21, 1919.
"Maximum Profit Limitation on Meat Packing Industry, September 25, 1919.
"Meat Packing Industry:
"Part 1, Extent and Growth of Power of the Five Packers in Meat and Other Industries, June 24, 1919.
"Part 2, Evidence of Combination among Packers, November 25, 1918.
"Part 3, Methods of the Five Packers in Controlling the Meat Packing Industry, June 28, 1919.
"Part 4, The Five Larger Packers in Produce and Grocery Foods, June 30, 1919.
"Part 5, Profits of the Packers, June 28, 1919.
"Part 6, Growing, Fattening, and Marketing Live Stock, June 30, 1919.
"Newsprint Paper Industry, June 13, 1917.
"Petroleum Industry of Wyoming, January 3, 1921.
"Advance in Prices of Petroleum Products, June 1, 1920.
"Pipe Line Transportation of Petroleum, February 28, 1916.
"Price of Gasoline in 1915, April 11, 1917.
"Prices of American Flags, July 26, 1917.
"Private Car Lines, March 26, 1920.
"Southern Live Stock Prices, February 2, 1920.
"Sugar Supply and Prices, November 15, 1920.
"System of Accounts for Retail Merchants, July 1, 1918.
"Resale Price Maintenance, June 30, 1919.
"Trade and Tariffs in South America, June 30, 1916.
"Wheat Prices in 1920, December 13, 1920.
"Wholesale Marketing of Foods, June 30, 1919.
"Woolen Rag Trade, June 30, 1919.
"Commercial Bribery, March 18, 1920.
"Discussion of and Practice and Procedure under the Export Trade Act.
"Extracts from the Trading with the Enemy Act and Executive Order of October 12, 1917."

Mr. HARRIS. Mr. President, there is one criticism in the letter the distinguished Senator read about the Federal Trade Commission that I should like to explain.

When the Federal Trade Commission was first organized, a number of business concerns went there with certain propositions in regard to their business dealings, and wanted the Federal Trade Commission to approve them. They wanted them to license certain plans they had. These plans were referred to the lawyers of the commission, and in nine cases out of ten those plans were Sherman Antitrust Act cases with which the Federal Trade Commission had nothing to do, and were matters under the control of the Department of Justice, which enforces the provisions of the Sherman Antitrust Act.

Mr. SMOOT. Mr. President, does the Senator from Georgia say that it was not understood at the time the Federal Trade Commission was created that they were to assist business, and to counsel business men, and to advise them as to how best to overcome difficulties in their business?

When I voted for the creation of that commission, that was what was understood. I think the business men of the country had a perfect right to go and ask them for advice, because the business men of the country understood that that was what the Federal Trade Commission was created for. But instead of becoming advisers and assistants, they become prosecutors and persecutors of business.

Mr. HARRIS. Mr. President, I think the Federal Trade Commission has assisted business, but assisting business in a legitimate way is a very different thing from approving a plan submitted to the commission, when no commissioner or no lawyer of the commission could tell just how that plan would work out. If the Federal Trade Commission had done what certain business interests wanted it to, it would have been the same result as if Congress had repealed the Sherman Antitrust Act, the enforcement of which, when it was passed and now, was intended to be under the Department of Justice.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLER in the chair). The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Caraway	Elkins
Ball	Bursum	Curtis	Fernald
Borah	Calder	Dial	Fletcher
Brandegee	Capper	Dillingham	Frelinghuysen
Gerry	King	New	Sutherland
Gooding	Knox	Nicholson	Trammell
Hale	Ladd	Norris	Underwood
Harris	La Follette	Oddie	Wadsworth
Harrison	Lenroot	Overman	Walsh, Mass.
Heflin	Lodge	Phipps	Walsh, Mont.
Hitchcock	McCormick	Sheppard	Warren
Jones, Wash.	McCumber	Simmons	Watson, Ga.
Kendrick	McKinley	Smith	Weller
Kenyon	McLean	Smoot	Willis
Keyes	McNary	Spencer	Wolcott

Mr. GERRY. I desire to announce the absence of the Senator from Louisiana [Mr. RANSDELL] and the Senator from Ohio [Mr. POMERENE] on official business.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Sixty Senators having answered to their names, there is a quorum present.

Mr. CARAWAY. Mr. President, by way of preface, I wish to state that I am not in sympathy with Government ownership, and not much in sympathy with Government regulation or control of private business. I do believe, however, the pending bill should be supported or should be attacked upon what the bill itself provides. I do not think it should be defeated because other commissions may have failed, nor do I believe it ought to be defeated by a misrepresentation of its real provisions.

If there is to be any kind of governmental regulation of the packing industry, I do not believe anyone can find any real objection to the pending measure. It has but seven provisions which touch the control of the packing industry.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. CARAWAY. I yield.

Mr. NORRIS. When the Senator speaks of the pending measure he has reference, I presume, to the Senate committee bill, the substitute?

Mr. CARAWAY. I have. It would be almost a farce to concur in the House bill, because what it really does no one knows, except it gives no relief to the public and is no doubt entirely satisfactory to the packers. If we are to have any regulation at all, we must take the Senate bill.

I realized that those Senators who are opposed to any kind of governmental control or regulation are going to vote against both measures, but those who have no real objection to governmental regulation of some industries, but want the packers left without regulation, are going to support the House measure. There is not a packer who, if he were here and had a right to be heard, would urge any objection to the House bill, because it does not do anything except put a law on the statute books that never could be enforced and never could regulate or control his actions. I know that when anyone shall support the House measure he will do it because he wants, in appearance, to support governmental control, when, in effect, he does not want such control of that particular industry.

The Senate committee bill has seven provisions to regulate the packers. I believe every one of them is the law now, and certainly there is not an honest man anywhere who could object to a single one of those provisions. Summarizing the bill, it provides that the packers shall not engage in unfair and discriminatory practices. It provides that the packers shall not discriminate against one person or one locality in favor of another; that they shall not apportion the supply of live stock so as to have no competition in the purchase of live stock; that one packer shall not buy all and apportion the live stock among the other packers.

It provides that they shall not manipulate or control the markets so as to control prices, either of the finished product or of the live stock.

It provides that they shall not conspire to monopolize the business.

It provides that they shall not apportion the territory in which each shall do business.

It provides that they shall not conspire to violate the provisions of this act.

That is everything there is in it. These seven provisions are already the law.

If there is anything in any of those seven prohibitions to which any Senator objects, I shall be glad to have him tell me now to what provision he objects.

There is no provision in this bill to fix prices which the packers may charge. There is not a single provision in it which would enable the Government to interfere with the legitimate initiative and activity of a packer in any field. There is not a solitary provision in this bill which would enable the Government to take away from the packer any legitimate right he now has, and, as I said, I seriously doubt if there is any provision in it which is not already covered by existing law.

The first objection to the bill is one of definitions. The Senator from New York [Mr. WADSWORTH] objects to some of the definitions. He objects to the definition of live-stock products which he says would enable the Government to follow the by-products through all the ramifications of industry and business wherever the products of a packer should go, as the shoe business, the clothing business, and innumerable other business using these by-products. However, the definition itself negatives that. The minute the article ceases to be the property of the packer—and the packer is defined to be one who is engaged in interstate commerce in the preparing or marketing of live-stock—then the control of the bill as to these by-products of the slaughter and packing of live stock ceases. We could not follow and it is not intended to follow them after they cease to be the property of the packer. There is no provision of this bill that would permit us to follow the product after it ceases to be the property of the packer. As long as it is the property of the packer the regulation merely goes to the extent that we may ascertain what he does with it in order to determine his manner of doing business and his profits—not to regulate his business or lessen his profits.

The impression seems to exist that there is some power conferred by the bill to regulate the industry and to fix the prices of the product. That is not true. It is not aimed at that. The only price-fixing provision of the bill deals with stockyards, but as to the packing industry itself there is no provision to fix prices or to interfere with prices as they may now or hereafter be. It is simply to bring to the packing industry the advantage of publicity so that people may actually know what they are doing. If they have no objection to the public knowing the manner in which they conduct their business they can have no legitimate objection to the bill.

The packers are now spending millions of dollars every year in what is termed an educational campaign to acquaint the public with their methods of doing business to show the public that their methods are fair and that their profits are reasonable.

If that is all they want, we undertake here to provide them with a means by which the Government may investigate their manner of doing business and their profits, and give to the business methods and their profits the widest possible authentic publicity. They can save their millions now expended for advertising in order to educate the public, and get from the Government for nothing the absolute truth with reference to their manner of doing business. That is all the bill provides. Do they want it? If not, does not that fact present an unanswerable argument for this measure?

The bill does not undertake to regulate their methods of business and does not say they shall not engage in any fair practice, but it does say they shall be fair in their business methods—fair to the cattle raiser and fair to the public—and if they shall violate the law, upon investigation, and that fact having been ascertained, they shall be commanded to cease their unlawful and unfair practices. And then if they persist in a violation of the law, they shall be punished. But I said, and I repeat, that there is nothing in the bill that prohibits them from doing the things that are not already covered by the existing law. They can not legally engage in a monopoly now. They can not engage in restraint of trade. They can not legally conspire together to take away from the producer of live stock his property under the pretense that they have a competitive market, when in fact one man is buying for them all. They can not have an agreement to divide the trade territory, giving to one the exclusive right to buy and to sell in this territory and another in that, without violating the law.

All the bill does is to give the Government a chance to ascertain the facts. It gives business men just what the Senator from Maine [Mr. FERNALD] pleaded for to-day—notice without becoming liable to prosecution. The Senator from Maine pleaded for the opportunity to be given to a business man to know in advance if his act is a violation of the law, and not as the Federal Trade Commission now does, come along afterwards and prosecute him for doing that which he had no previous knowledge was a violation of the law. The bill saves the honest business man that possible trouble. It first provides that after his acts shall have been investigated and shall have been found to be a violation of the law, he shall have a written notice of that fact and a command that he shall desist from that practice, and then if he persists he can be prosecuted and punished; otherwise he is free from any of the provisions of the criminal section of the bill. But it gives the Government power to know what he is doing. For that certain men condemn this measure.

STOCKYARDS.

There is a provision in the bill regulating stockyards that goes further than that. The Senate committee amendment provides that at the expiration of two years the packers shall divorce themselves from the stockyards unless the time be extended by the Secretary of Agriculture. It provides that the method of doing business by the owners of the stockyards and by the agents who buy or sell live stock in the yards shall be regulated; that their practices shall be fair; that they shall not conspire to injure any one seller or the section from which that seller may come; that they shall not conspire together to apportion the live stock or to apportion the territory among themselves in which each may buy. It provides that they shall keep their stockyards sanitary; that their services shall be uniform and fair and their charges shall be reasonable. That is all.

The bill gives to the Secretary of Agriculture, through the commissioner, the power to declare the charges unreasonable or reasonable. But it does not leave them at the mercy of the commissioner or of the Secretary of Agriculture. If it be thought by the owners of the stockyards or the agents who do business there that the rates fixed or the regulations established are unfair, they may appeal to the circuit court of appeals and from there to the Supreme Court of the United States. Then, if the order of the Secretary through the commissioner be sustained, they must regulate their conduct in conformity with the order. They will not be punished, however, for what has been done, but compelled to refrain in the future from doing those things which the commissioner shall say are wrong, and which the circuit court of appeals shall say are wrong, and which the Supreme Court of the United States shall say are wrong.

If one wants regulation at all and objects to that kind of regulation, I am curious to know how the bill could be so amended as to meet his objection. It leaves the right of appeal from every single act of the commissioner or the Secretary of Agriculture that shall affect injuriously the owner, the operator, the purchaser, or seller of live stock in the stockyards.

Section 19 of the bill was attacked, and it has been suggested by friends of the measure that it needs amendment. I do not think so, though I should not oppose it. This is the section that makes the act of the agent the act of his principal and reads as follows:

SEC. 19. When construing and enforcing the provisions of this act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any individual, partnership, association, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such individual, partnership, association, or corporation as well as that of the person.

The provisions are that the agent's act shall be within the scope of his employment, within the scope of his office; in other words, that he shall be doing the thing which he was employed to do. It is said that it is too harsh, that the principal ought not to be bound by the act of his agent unless he knew what his agent was doing; but if he employed his agent to do some particular thing, as long as that agent is acting within the scope of his employment or within the duties of his office, it seems to me to be no great hardship to impute to the principal the act of the agent, especially since the agent is doing that thing for which he has been employed, the very thing he had been hired to do, the very thing he had been directed to do.

The law books are full of instances of that kind. I presume that the provision in the prohibition law of every State in the Union that the act of the bartender who sells liquor to a minor or who sells on Sunday has always been construed to be the act of his principal who hires him. In the operation of corporations, if we could not hold the corporation for the acts of its agents or the acts of its employees or the acts of its servants, we could not hold the corporation at all, because it can act only through these. However, as I said, I shall not object, and yet I can see the hardship that is going to grow out of the amendment which says that where the principal knows or he assents to or ratifies the act of his agent. It will make more difficult the enforcement of the law; otherwise it would not change it.

There is one other provision of the act which I wish to discuss briefly and I shall not detain the Senate longer. Title V of the bill, voluntary registration of packers and stockyards, was attacked because, it is said, it is an invitation for people to accept Government control. I had not thought of it in that light. I do realize it has some real advantages because the Government in return for the control it purposes to exercise over the yards undertakes to assist in procuring the means of transportation, undertakes to give expert advice upon the methods of feeding live stock and for caring for live-stock products. It undertakes to extend to those people who may accept its provisions all the activities of the Government to enable them to make the business a success, and in return merely asks that the people who shall accept its provisions shall accept its control so far and no further than that the Government may ascertain that they are practicing no deceptive devices, that they are not trying to practice any frauds, not attempting to

monopolize or control markets. That far and no further the Government asks them to submit to Government regulation.

Returning to the section dealing with definition, I realize that if we accept the first amendment suggested by the Senator from New York [Mr. WADSWORTH] and strike out of the definition of live-stock products the extension to the by-products, that possibly section 16 would require the packer to reveal what he did with those by-products; but if it does that, it does not relieve the packer of a single liability then, and therefore no friend of the packer or enemy of the bill should seriously object to it in the manner in which it is now written. If section 16 requires the packer to give to the Government all the information that would be required if the definition of "live-stock products" be kept in the bill, as now worded, it would simply be a change of language and not a change of results, not a change of obligation, and therefore no improvement to the bill. No one need therefore seriously either support or oppose the bill on the ground that the definition goes too far or stops too short if section 16, as contended by the opponents of the bill, requires the packer to do the very thing he should be required to do if we leave the definition as it now stands.

The Senator from New York further opposed the bill because the word "trader" appears in it; in one breath he stated that that would require every live-stock dealer everywhere who bought a cow from a farmer, in order to ship it to the market, to be regulated by the Government and to have a license; and in the next breath he said that the trader performed no services and that no one was included in the bill except some one who performed a service. In other words, the "trader" was in the bill for the purpose of making enemies for the bill, and was out under the definition, in order to weaken the bill among its friends. Such an argument may not be exactly playing with terms, but that is the impression I gathered.

The next serious argument urged by the Senator from New York [Mr. WADSWORTH] against the bill was that the control of the stockyards was beyond the power of Congress; that if they were public utilities at all, they were solely within the control of the States. I do not think so. I can not conceive that since the Supreme Court has said that the sale of live stock in transit in stockyards is an act of interstate commerce, to say that the instrumentality by which that act is accomplished is beyond the control of Congress because it is not an instrumentality of commerce. In other words, the act itself is interstate commerce, and therefore within the control of Congress, but the instrumentality through which the act is performed is without the scope of interstate commerce and without the power of Congress to regulate. That the instrumentality—the thing that is used to accomplish the sale—could be without while the sale was within interstate commerce seems to me to be an impossible conclusion.

I can not conceive that an act may be within interstate commerce, and therefore subject to congressional regulation, when the instrumentality by which the act is performed is without interstate commerce and beyond the power of Congress to regulate. When one can not take place without the other, when the instrument is essential to the act, and the act is within interstate commerce and within the power of Congress to regulate, it appears to me that the instrument by which it is accomplished, and without which it could not be accomplished at all, is within interstate commerce and therefore within the power of Congress to regulate.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator for just a moment with regard to one of the positions taken by the Senator from New York in desiring to limit the term "live-stock products" to those products that are used for food, I desire to ask does the Senator from Arkansas understand that the bill now includes regulation as to other products as well as hides and bones and products of that sort?

The Senator from New York, as I gathered, sought to add after the words "live stock," as found on page 30, line 9, the words "used for food." His argument was that it would be very unwise to undertake to regulate the disposition and handling and trading in hides and bones and products of that kind. I thought perhaps there was some force in his argument in favor of limiting the term "live-stock products" to those products which are used for food. I should like to hear the views of the Senator from Arkansas on that question.

Mr. CARAWAY. I desire to answer the Senator in this way: The only thing the pending measure seeks to do is to ascertain and to give publicity to the acts of the packer in order that the public may know whether the packer is making a reasonable or an unreasonable profit, and, of course, to restrain him from combinations and acts that hurt the producer and consumer of live-stock products. Possibly a third of the value of live stock may be in what is known as by-products, such as hides, fertilizer, and innumerable other things that go to make up the carcass. This bill undertakes to say that so long as those by-products shall be the property of the packer he shall make the same entries and disclosures affecting them as he does with regard to meat products. Why should he not do so? We are not trying to fix the price at which the meat shall sell; we are not trying to fix the price at which he may buy live stock; but we are trying to devise a system of accounting and of reports in order that the public may know what the packer does with the animal which he buys and that the public may have some knowledge of whether the prices are reasonable or unreasonable; whether he has been fair to the producer of live stock and to the consuming public.

In order to know that, we must know what the packer does with everything which he buys from the stock raiser up to the moment when it ceases to be his property. Whenever the packer has parted company with the product, this bill parts company with it also, and can go no further. If the packer shall buy a steer and transfer all of its by-products to some subsidiary company at a price which is wholly inadequate, it may seem that the price that he receives for the meat is entirely reasonable, in view of what he paid for the live steer, but in good faith if we knew what he did with all the by-products and what he received for them, the fact might be disclosed that he had reaped an unrighteous profit.

The Senator from New York said that if we retained the definition contained in the bill, we could go out and investigate the man who bought the wool from the sheep and made clothes out of it, and the man who acquired the hides and made shoes out of them; but the definition prevents that. It says that whenever the product shall cease to be the property of the packer, then the bill has no further concern with it. As the Senator from Florida will remember, the Senator from New York, in urging his objection to the definition and to reposing in Congress the right to ascertain from the packer what he received for the hides and other by-products, said that under section 16, which required the packer to make full disclosures and not to avail himself of any deceptive practices and to make no false entries, he would have to disclose what he did with the by-products anyway. Then, I am curious to know why the Senator should object to having it written into the law instead of having it promulgated by regulation, if the result is to be absolutely the same.

I am rather satisfied that the Senator from New York thought there must be some difference, or he would not have objected; but I can not see, if we are to have any regulation at all, why we should not know accurately, instead of having only partial information, and we can have no accurate information unless we know what the packer does with the by-products as well as what he does with the meat products. I think, therefore, that the definition ought to stand.

In conclusion, I repeat I am not in sympathy with Government ownership of business, and not much in sympathy with Government regulation of private business, but where a few men like the great packing concerns can, as they have done, lay their hands on a nation's food supply, and thereby decree life or death to men, women, and children who must eat if they shall live. I unhesitatingly vote to give to our Government the power to compel these people, the packers, to deal fairly with the raisers of live stock and all the other people who consume meat. If they are unwilling to be fair, we must make them become so. If they are fair in their practices, this bill will not hurt them. I shall vote for the Senate bill.

Mr. KENDRICK. Mr. President, I have spoken once or twice previously on measures similar to the one now pending and had hoped to avoid taking any part in the discussion at this time. It occurs to me that we have held hearings on this bill sufficient to satisfy every phase of the industry and have discussed the measure so fully that there should be no chance for any doubt in the mind of anyone who was actually seeking for information. So I had thought that no further discussion was necessary, but some statements have recently been made here that I can not allow to go unchallenged.

There has been entirely too much of a disposition throughout the discussion of this bill to minimize the extent of the demand for the legislation and to criticize those who propose it. That situation impresses me as having some relation to the old story of the lawyer with the bad case who abuses the witnesses. As a matter of fact, complaint and clamor against the methods employed in our great central markets began with the establishment of those markets and have continued from that day until this.

In connection with the live-stock market I may say here as suggesting to Senators a fact that is not generally known—it was not known to me until recently—that the State of Cali-

fornia annually produces great quantities of meats, imports thousands of head of life stock, matures them, and then, I believe, exports considerable quantities; but up to this time those who handle live stock and live-stock products in that State have persistently refused to have any centralized market within the borders of California, and there is, I understand, but little criticism of the market situation there on that account. A very different condition prevails, however, in the rest of the country, where the central-market system has been built up, and, as was pointed out yesterday, one of the important outstanding facts is that the producers of live stock have no other place to sell their stock.

One Senator in speaking upon this question made the statement that agitation for legislation similar to that now pending began 33 years ago. He is right in that, but I do not recall whether at that time he indicated that that agitation began in the United States Senate, and as a result of it a resolution was introduced, a copy of which I shall take the liberty of reading to the Senate.

Mr. FLETCHER. Mr. President, may I interrupt the Senator for just a moment before the Senator reads the resolution to which he has referred.

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Wyoming yield to the Senator from Florida?

Mr. KENDRICK. I yield.

Mr. FLETCHER. I should like to have the Senator inform me especially, and perhaps others interested in the same question, what is sought to be accomplished by prohibiting the packer from having any interest in stockyards. For instance, Armour & Co. have a packing house in Jacksonville, and they also have stockyards. They buy the cattle, hogs, and so forth, from those who produce them, and then they slaughter them in their own establishments. There are also, I believe, independent stockyards there. I do not know just what objection there is to the packer owning stockyards. It may be that it is all wrong, but I should like for the Senator to point out, if he will, just why it is insisted in this legislation that the packer shall not be interested at all in the stockyards.

Mr. KENDRICK. I shall be glad to give the Senator my impressions.

As a matter of fact, Mr. President, from the beginning of this discussion I have never contended that the packers could not safely, could not reasonably well, own an interest in the stockyards, provided that interest was not a dominating one; but the principal objection to packer ownership of stock is found in packer control. The very utilities of the yards, the very conveniences of the yards, afford means of discrimination; and it is contended by those who have made a close study of it that there is danger of the employment of undue influence, first upon commission men, and upon other agencies of the yards, by such ownership. Then, again, where the packers own or dominate the ownership of the yards, one of the strongest reasons advanced against such ownership or domination is the fact that, as it is stated, the result is to prohibit competitors from coming in and locating near those yards.

As one of those who have given a good deal of study and thought to the question, I have never believed there was any reason why the packers should not own an interest in the yards, and I have been willing to believe, and in fact have believed, that that interest might be helpful in conducing to the furnishing of ample facilities and in other ways that would encourage the shipment of products to the markets.

The fundamental objection to packer ownership or domination, however, is this, that it places the buyer of live stock in a position of power of which, if he were so disposed, he could take undue advantage, to the detriment of the seller. The producer feels, and I think not unnaturally, that if the man to whom he must sell controls the market where the transaction must take place, the exchange is not made on equal terms. Accordingly sentiments of suspicion and distrust arise which in themselves have a necessarily bad effect.

Now, Mr. President, to return to the beginning of this agitation for legislation, on May 16, 1888, the Senate passed a resolution authorizing an investigation, and among other things—

> To determine whether there exists or has existed any combination of any kind * * * on the part of those engaged in buying and shipping meat products, by reason of which the prices of beef and beef cattle have been so controlled or affected as to diminish the price paid the producer without lessening the cost of meat to the consumer.

I mention that at this time, and shall refer to it later on, to indicate that this body 33 years ago last month first began the discussion of this question. As a result of that resolution five Senators were appointed as a committee to investigate the market situation; and while I am on that subject I think I might as well indicate to the Senate what the findings of that committee were.

Two years' time was devoted to this investigation; and I omitted to say that the members of that committee were men of national reputation. There was Senator Cullom, of Illinois; Senator Manderson, of Nebraska; Senator Plumb, of Kansas; Senator Coke, of Texas; and Senator Vest, of Missouri. Those five Senators, after an exhaustive study covering a period of two years, reported to the Senate in part as follows:

> The overwhelming weight of testimony from witnesses of the highest character, and from all parts of the West, is to the effect that cattle owners going with their cattle to the Chicago and Kansas City markets find no competition among buyers, and if they refuse to take the first bid are generally forced to accept a lower one. This testimony comes from representative men, not emotional or prejudiced, but conservative and intelligent observers of whose sincerity there can be no suspicion.
>
> That the same parties, or their agents, combined and confederated in other matters of like character is beyond question.
>
> First. It is admitted that they combined to fix the price of beef to the purchaser and consumer, so as to keep up the cost in their own interest.
>
> Second. It is admitted that they have an agreement not to interfere with each other in certain markets and localities in the sale of their meat.
>
> Third. It is proved beyond doubt that they acted together in supplying meat to the Soldiers' Home at Hampton, Va., the National Hospital for the Insane, and other public institutions at Washington, D. C., the bid for the contracts being made by one, and the meats being then supplied by each of the dressed-beef men alternately for stated periods.
>
> Fourth. They combined in opening shops and underselling the butchers of cattle at Detroit and other places in Michigan and at Pittsburgh, Pa., in order to force them to buy dressed meat.
>
> Fifth. They combined in refusing to sell any meat to butchers at Washington, D. C., because the butchers had bid against them for contracts to supply with meats the Government institutions in the District of Columbia.
>
> Sixth. They acted together at Chicago in refusing to come before the committee as witnesses and in preventing their employees and agents from coming, it being an open secret that they met together with their counsel and agreed as to their action.

I call attention to this particular record, established by five Senators of this body thirty-odd years ago, in view of the oft-repeated statement that during the Federal Trade Commission investigation the packers were not allowed to offer testimony. These Senators certified to this body that though the packers of that day were earnestly sought as witnesses they agreed amongst themselves not to testify, and did what they could to prevent witnesses from coming before the committee.

> With this overwhelming proof of a common interest and intent, we submit that it is difficult to believe that with the most apparent motive for such action the same parties, or their subordinates with their knowledge, do not avail themselves of the opportunity presented by the centralization of markets to combine for the purpose of lowering the price of cattle.

The enactment of the Sherman antitrust law made necessary the dissolution of the trust condemned in those days and resulted in the organization of the National Packing Co., and so on.

Now, I want once more to turn back to the question raised here in the Senate during the present debate by one Senator as to the demand for the legislation, and those who have testified in favor of it.

As the Senator said, a multitude of witnesses came before the Committee on Agriculture and Forestry. Not infrequently it was developed that when a witness who testified against the legislation was cross-questioned upon that matter by one of the Senators, he admitted that the packers had paid his expenses in coming to Washington. If a few men admitted that, it is reasonable to conclude that the packers paid the expenses of a great many men; and this furnishes the reason, as you may readily believe, why other men who favored the legislation were not here to testify. The great majority who want the legislation had no one to pay their expenses, but they found a way to express their sentiments.

The Senator who referred to the testimony against legislation failed, however, to call attention to the number of very prominent live-stock growers, representing themselves individually and representing different associations, who came and testified in the strongest language they could command in favor of this legislation. He overlooked the fact that included in the records of that hearing is a resolution favoring this legislation by nearly every live-stock association west of the Missouri River, and some of them east of the Missouri River; and they have passed these resolutions even as recently as the last few weeks.

I have in my office a resolution that has not been even referred to the Committee on Agriculture and Forestry, but which was passed in April by the live stock association of my State—an association, as I recall, of 1,200 members. This association was organized in the Territorial days of the State, and no man can be a member of it who is not a stock grower. They are as representative a group of citizens as there is within the borders of Wyoming, and they passed a resolution unanimously indorsing legislation of this kind.

The American National Live Stock Association, of which I happen to be a member, is composed, as I recall the facts, of as many as 40 or 50 branch assocations and many hundreds of

individual members, including among one of the associations the Texas Association of 6,000 active members. That association has passed a resolution in favor of this legislation at least at two or three annual meetings.

It is unnecessary to enumerate all these indorsements, but the Senator who seemed to feel that there was but little demand for legislation overlooked also the farm organizations that have had their representatives here pleading for the enactment of the measure. One of these organizations, as I remember, has a membership of 800,000 persons; and so far as I know they are all in favor of the legislation, and are urging action at the earliest possible date.

I want to say, in this connection, another word about the origin of the most recent demand for market reform. I do not think it has ever been mentioned here, and I am sure not many know the facts.

In a number of publications which have been issued on behalf of the big packers it has been stated that the movement originated at the El Paso meeting of the American National Live Stock Association in 1916. The El Paso convention proved to be only the instrument through which expression was given to a resentment that had been brought about through an incident that occurred in the November before. A number of stockmen, dissatisfied with the market conditions, had determined to see if some action could not be taken that would bring about an improvement; and in order to be sure that they were on safe and solid ground, they decided upon a conference with the packers. It was their thought that there could be no better way to solve the problems confronting the industry than for the representatives of the producers and the representatives of the packers to sit down together in friendly conference and analyze conditions in a spirit of cooperation. They were not moved by hostility, but only by a desire to work out, with the men to whom they sold their products, some method of eliminating the disadvantages under which they believed the producers labored.

In order to be certain that the packers would attend the conference they held it in the city of Chicago, under the very shadow of the packing houses, and they took special pains to invite the packers to be present and to cooperate by offering suggestions and advice, in an effort to improve market conditions. The conference was held, but it was decidedly one-sided, for not one of the large packers attended, nor did they, as I now recall, send a single official representative.

A gentleman who attended that conference and who is in this city to-day informed me three or four days ago that one representative of a large packing company did attend the meeting, but insisted that he was not there in an official capacity; that he was only there as a visitor, and that he had no message to give to that assemblage of live-stock producers for the benefit of the great industry on which both depended. Cooperation was refused, and it was only natural that the producers should interpret the action of the packers as notice that they desired no reform and would have none. The producers, however, knew that reform was necessary, and they were not to be discouraged. It is literally true that the failure of the large packing houses, which bought the great bulk of the live stock shipped to market, to attend that conference was the beginning of the last crusade for reform in the live-stock market. The first crusade, as I have shown, began in the United States Senate 33 years ago, and I say to those who are now opposing this legislation that they may elect either to settle this question now by the enactment of legislation that will turn the light of publicity on those live-stock markets or they are going to have 33 more years of crusading.

The statement that just a few people want this legislation is as far removed from the fact as it could be. Go out in the highways and the byways all over this country and you will find a demand for congressional action, not to penalize or punish anybody, but to make it certain to the humblest producer that the market in which he deals is not subject to manipulation for private and selfish ends.

Those who come here in opposition to this legislation are but a handful as compared with the multitude who favor it. The reason for this agitation is not far to seek. It is due nearly altogether, in my judgment, to the inequality between the man who sells in the market, from the point of vantage which he occupies, and the man who buys.

Let me say here that I have always objected to having this measure called a "packer" bill. I assume to state here, as was stated, I think, by the Senator from New York [Mr. WADSWORTH] yesterday, that if this bill is enacted it will affect the big packers less than any other market agency—so long as they do not attempt to engage in unfair practices—but I assume to say also that if there never had been any unfair practice in the yards, there would have been a clamor for Government supervision, without a question of doubt, because of the peculiar conditions which obtain in the markets.

First and foremost, the man who ships in from the country comes to market at a great expense of transportation, a great expense of maintenance of his live stock, and an enormous shrinkage in value, and he must sell, and sell promptly. I should say that the shippers come in multitudes. Under present conditions they find a very limited number of buyers, who, though they find it necessary to buy, do not find it necessary to buy from any particular shipper. The producer, in other words, finds competition among the buyers reduced to the minimum, but the buyer finds no limit to the competition among the sellers. So there is great inequality between them, and that in itself engenders suspicion.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. KENDRICK. I yield.

Mr. HITCHCOCK. Can the Senator state at that point into what classes the possible purchasers of live stock in the yards are divided, and make it clear how those classes fall under the regulations of this bill? I am moved to make that inquiry because the Senator has stated that possibly the large packers will be less affected than other classes of buyers by the regulations of the bill.

Mr. KENDRICK. I will be very glad to explain that. I have not enumerated the classes, but there are not many. The bulk of live stock going to market is slated for slaughter. The animals are killed and enter into food production. The great majority of those, as shown by recent records, 75 per cent of the cattle, I think, are bought by the five large packers; that is, in the great markets which they dominate or in which they operate and have their packing houses, I think perhaps as many as 13.

They buy 75 per cent, it is estimated. I do not remember the exact figures, but it is something like that. A certain percentage of those cattle, hogs, and sheep which are in condition to slaughter are sold and shipped on from these markets to eastern markets, and therein lies about the only element of competition with the large packers, though I am not saying that they do not compete amongst themselves.

A certain percentage of the stock received in the yards are in better condition to be fed grain and prepared for market later. Those are generally sold to what is known as the country trade, and go out to farms in the East and are matured on grain. That applies more directly to cattle and sheep than it does to hogs, because most of the hogs which reach the market go in from near-by sections of the country, and are in condition to kill when they reach the market.

Mr. HITCHCOCK. Will the Senator explain how sale is made to the feeders?

Mr. KENDRICK. I was coming to that. It is generally made through commission firms. In the first place, I think I should say that nearly all of the live stock shipped to market are consigned, under the present system, to commission firms, who sell them in the interest of the owner to either the packer, or, in case they are stock unfit for slaughter, to feeders, to go to the country. In any event, the commission man, in the main, acts as the agent for the sale and transfer of the stock.

There is another class of buyers in the yards who have been handling an increasing proportion of the stock that are presumably better fitted to be placed upon feed, and more fully matured than they are for slaughter, and that is what is known as the cattle trader. They are often referred to as "scalpers," and that class, so far as I know, includes the general list of buyers who meet in the yards to buy the shipments of stock which come there.

Mr. HITCHCOCK. The commission man may represent either the seller of the cattle or the buyer of the cattle?

Mr. KENDRICK. He often does; and he often represents one one day and the other the next day. To illustrate the point, I may ship cattle to him which he will offer for sale and sell to some man in the country. Another day a man comes to him to get him to purchase stock for him, and he goes out in the yard any buys them from any other commission firm, or from these scalpers and traders.

Mr. HITCHCOCK. And he charges a regular fixed fee.

Mr. KENDRICK. Yes; he charges a regular fixed fee.

Mr. HITCHCOCK. The trader, as I understand it, is a man who is buying and selling on his own account?

Mr. KENDRICK. He is.

Mr. HITCHCOCK. Does he buy through the commission men?

Mr. KENDRICK. He buys generally from the commission men. But as a rule, as I understand it, he can either sell through a commission firm or he can sell direct to the man who is in the country, and who is a feeder. I believe there is no regulation in the yards which prohibits a man who comes from the country from buying from these scalpers and traders. But I am not so sure as to a regulation which prohibits a man coming and buying on his own account from the regular commission firms. I am not quite sure on that point.

Mr. HITCHCOCK. This bill, then, regulates the packers, who buy 75 per cent of what is brought to market, and it also regulates the commission men?

Mr. KENDRICK. And the commission men.

Mr. HITCHCOCK. And it also regulates the traders?

Mr. KENDRICK. It regulates the scalpers and traders, as they are known. It also goes far enough to provide for satisfactory yard facilities, and gives authority to fix the rates of charges, for instance, the price of feed, and the rates for yardage.

There is a law on the statute books of Canada quite similar to this. It does not go quite as far, I believe, as this proposes to go. It has not adversely affected the live-stock industry there. It has benefited it, I am told by reliable men who had to do with it and had experience with it. In discussing the matter with me a short time ago, the minister of agriculture of Canada said that the law had proven most beneficial. Almost as soon as the concentrated markets were established the demand for supervision arose, and Canada proceeded without delay to pass legislation, and, as the minister informed me, there has been but very little discussion of the matter from that day until the present time.

Mr. SIMMONS. Mr. President, I would like to ask the Senator if there are a great many of these commission men?

Mr. KENDRICK. Yes; they are called commission firms.

Mr. SIMMONS. There are a great many of them?

Mr. KENDRICK. Yes.

Mr. SIMMONS. Do they sell at private sale always?

Mr. KENDRICK. They sell the stock that is shipped to them. I think it is not considered good ethics among them to trade on their own account; although I want to make it clear that I am not sure of that. They hold aloof from doing that, and they act only as agents of other people who consign to them. They will sell to individuals or to the packers or anyone else.

Mr. SIMMONS. They do not sell the stock at auction?

Mr. KENDRICK. Oh, no.

Mr. SIMMONS. They are private sales?

Mr. KENDRICK. They are entirely private sales, in the alleys of the yards as they go and come.

Mr. SIMMONS. The Senator said a little while ago that one of these commission men would act at one time for the seller and at another time he would act for the buyer.

Mr. KENDRICK. Yes; that is to say, he would sell cattle shipped in to him from some one outside of the yard, and in that way act as an agent in disposing of the cattle. Another day he would take an order for cattle and go out in the yards and buy them for one of his patrons.

Mr. SIMMONS. Is there any complaint that the commission men did, at the same time or occasionally in connection with the same transaction, act as agents for both the seller and the buyer?

Mr. KENDRICK. There has been contention of that kind and there has been contention that they have acted in collusion with the scalpers and traders in the yards. Therefore those who have had the bill under consideration have thought it wise to include the traders, of course, as one of the market agencies. That explains why they are included in the provisions of the bill.

Mr. SIMMONS. The Senator has read to the Senate the findings of a committee of very distinguished Senators, made about 33 years ago.

Mr. BRANDEGEE. Will the Senator from North Carolina please speak a little louder, so that we may hear him on this side of the aisle?

Mr. SIMMONS. I said that the Senator from Wyoming has read to the Senate the findings of the committee of five very distinguished Senators appointed by this body to make an investigation into the packers' transactions. Those findings specify certain objectionable practices which existed at that time—some 33 years ago. I presume those investigations were the result of complaints that were made against the packers at that time?

Mr. KENDRICK. They undoubtedly were. I will say to the Senator, if he will pardon a personal reference, that I do not recall the time since I was a young man on the range when there was not criticism of the conditions under which stock was sold in the market. I believe that the criticism would have occurred if every transaction in the yards had been conducted with absolute integrity, because of the inequality between the man who has to sell and the man who does not have to buy, which I have already pointed out.

Mr. SIMMONS. The bad practices that are set out in those findings were the practices of which the public complained 33 years ago.

Mr. KENDRICK. That is true.

Mr. SIMMONS. Now, in recent years we have had a similar investigation of the packers by the Federal Trade Commission. I will ask the Senator if they did not find, as a result of that investigation, the existence of practically the same objectionable practices that had existed at the time of the first investigation to which I have referred?

Mr. KENDRICK. That is a public record. The two findings are in many respects parallel. As I stated before, the inequality is one reason, and there is the further fact that every time there has been an investigation it has been shown that there has been too much ground for the statement that there were unfair practices in the yards.

Mr. SIMMONS. So that we have had two investigations about 30 years apart that have found that those practices existed, and it is to be presumed they continued all during those years. The pending legislation is the first effort on the part of Congress to take concrete action to put an end to those practices, is it not?

Mr. KENDRICK. That is exactly the situation.

Mr. SIMMONS. That is what this legislation means.

Mr. KENDRICK. That is true.

Mr. SIMMONS. It is an effort on the part of Congress to stop the agitation and to apply a remedy to practices that were found to exist.

Mr. KENDRICK. Yes; that is correct.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Wyoming?

Mr. KENDRICK. Certainly.

Mr. NORRIS. I should like to make a request of the Senate. It is quite apparent to me that there will probably be some Senators who will wish to speak on the bill and who will not be able to do so unless provision is made to accommodate them. I have been requested to ask that we have an evening session. We can have an understanding, if it is agreeable, that at 5 o'clock we shall take a recess until 8 o'clock and that at the evening session it will be understood that there will be no vote taken on any proposition. Would there be objection from anyone to taking that course?

Mr. STERLING. I should like to ask the Senator from Nebraska if there are Senators who would take advantage of the opportunity and speak this evening?

Mr. NORRIS. Yes; I do not think there is any doubt about that. At least I should like to give them the opportunity to speak. I ask unanimous consent that at 5 o'clock the Senate shall take a recess until 8 o'clock this evening, and that at the evening session there shall be no vote taken upon the bill or any amendment to it.

Mr. UNDERWOOD. Will the Senator say that there shall be no business transacted at the evening session except debate upon this bill?

Mr. NORRIS. I am willing to do that.

Mr. SMOOT. I should like to ask the Senator from Nebraska what necessity there is for holding an evening session?

Mr. NORRIS. I am rather inclined to believe that unless we do so there will be Senators disappointed to-morrow. We will only have two hours to-morrow for debate.

Mr. SIMMONS. I wish to suggest to the Senator that I believe he would get better results if we would continue on until 7 or 8 o'clock without taking a recess than to recess at 5 o'clock and come back at 8 o'clock, because I very much fear we will not have many Senators here at 8 o'clock.

Mr. NORRIS. I wish to say to the Senator that I was told a few moments ago that one Senator, who has to leave the Senate Chamber now within a few minutes, will be able to be here this evening, and he desires to speak on the pending bill.

Mr. BRANDEGEE. If there are Senators who desire to speak and are willing to speak to-night, I can see no objection whatever on the part of any Senator who may not wish to come here himself. We can let the other Senators come here if no business is to be transacted and no vote taken.

Mr. NORRIS. I will submit my request unless some one objects.

Mr. SIMMONS. After conference with the Senator from Iowa [Mr. KENYON] I withdraw the suggestion I made.

Mr. NORRIS. My request is that the Senate, at 5 o'clock, take a recess until 8 o'clock this evening, and that no business

shall be transacted at the evening session, except debate on the pending measure.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that at 5 o'clock the Senate shall take a recess until 8 o'clock, with the understanding that after 8 o'clock no business shall be transacted, but that debate will proceed on the pending bill. Is there objection?

Mr. CURTIS. And there is to be no vote on any amendment at the evening session?

Mr. NORRIS. None.

The VICE PRESIDENT. And that no vote shall be taken upon the bill or any amendments thereto at the evening session. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. I wish to submit another unanimous-consent request, if the Senator from Wyoming will permit me in his time.

Mr. KENDRICK. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask, though we may have an understanding without having unanimous consent, that at the session to-morrow from 11 o'clock to 1 the time be equally divided between those who are in favor of the bill and those who oppose it. It seems to me that that ought to be understood anyway, so that one Senator will not get recognition and take up all the time.

Mr. SMOOT. I will ask the Senator from Nebraska to withhold that request for a moment.

Mr. CURTIS. The Senator from Illinois [Mr. McCORMICK] advised me a few moments ago that he wishes to be heard in the morning, and I think perhaps he ought to be here when the request is made.

Mr. NORRIS. I shall have to withdraw the request, of course, because anyone can object; but it strikes me that it must be apparent to all Senators that it would not be fair—at least I would not consider it fair, though I am not going to talk to-morrow and I am not asking anything for myself—that some one Senator should be recognized by the Chair to-morrow morning and take up all the time on either side.

Mr. CURTIS. I do not wish to be put in the attitude of objecting. I merely wanted to suggest to the Senator, in view of the statement of the Senator from Illinois, that I thought it fair he should be here when such a request is submitted.

Mr. NORRIS. Very well; I shall not press the suggestion.

Mr. KENDRICK. I wish to assure the Senator from Nebraska that I intend to occupy but very little further time.

Mr. NORRIS. I do not wish the Senator from Wyoming to get the idea that I was trying to shut him off. I made the request now, and interrupted the Senator now, because there are Senators who wish to speak to-night who are compelled to leave the Chamber at this time, and I had to do it now or else not do it at all. There was no thought of curtailing the Senator from Wyoming. I do not wish him to get any idea that I had that in mind. It was not in my mind, nor in the mind of anyone else. The Senator has been a member of the committee and for more than two years has been investigating the subject, and I am sure there is no one here who wishes to curtail at all anything that he has to say. I hope he will continue until he has concluded.

Mr. KENDRICK. I thank the Senator. I wish to say that since coming to the Senate I have not offended by speaking overmuch. There is more than one reason for that. In the first place, I have noticed that nearly every Senator speaks to empty seats, and in that event the only possible object he could have would be to speak to the people back home. If he considers that a joke on the people at home, I am rather inclined to think that at times the joke is on the Senator, because the people at home are not very much inclined, as I have observed, to read what has been said here in Congress.

I wish to give one more reason why this agitation has continued. As I have stated, the principal cause lies in the unequal conditions under which the man who sells in the yard and the man who buys face each other. The next reason is that every time there has been an investigation of the subject it has been developed too plainly that there were crooked practices. A third reason I find is the fact that during nearly every decade in the last 40 years the live-stock growers have met financial ruin and disaster, and while that was going on we have seen an accumulation of $550,000,000, I believe, according to the records, in the hands of the five large packing corporations. I submit, whether or not that accumulation was made by unfair practices, that there is too much reason to believe that these houses can practically control the price paid to the producer, on the one hand, and on the other, at least materially affect the price to the consumer.

While it may not be necessary, I think I had better ask leave to print in the RECORD some figures taken from the National Provisioner, and given by Mr. McLAUGHLIN of Nebraska in the House of Representatives the other day and printed in the RECORD at that time in the form of a table, showing that while the price to the producer was reduced, the price to the consumer was at the same time increased. I ask unanimous consent for permission to print that again in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Comparison between wholesale prices first week in February, 1916, and second week in April, 1921.

CARCASS BEEF, CHICAGO.

	February, 1916.	April, 1921.	Advance.	Per cent.
Prime native steers	$14.50	$18.00	$3.50	24.2
Good native steers	13.75	16.50	2.75	20
Medium steers	12.50	15.00	2.50	20
Heifers	10.50	14.50	4.00	38.1
Cows	9.75	12.50	2.75	28.2
Choice hindquarters	16.00	25.00	9.00	56.2
Choice forequarters	11.00	13.00	2.00	18.2

BEEF CUTS, CHICAGO.

Steer loins No. 1	$24.00	$32.00	$8.00	33.3
Steer loins No. 2	18.00	30.00	12.00	66.7
Short steer loins No. 1	31.50	39.00	7.50	23.8
Short steer loins No. 2	24.00	36.00	12.00	50
Cow loins	12.50	23.00	10.50	84
Cow short loins	19.00	29.50	10.50	55.3
Steer loins ends (hips)	18.00	28.00	10.00	55.5
Cow loins ends (hips)	14.00	19.00	5.00	35.7
Sirloin butts No. 3	14.50	28.00	13.50	93.1
Strip loins No. 3	$12.00	$22.00	$10.00	83.3
Steer ribs No. 1	16.50	23.00	6.50	39.4
Steer ribs No. 2	15.00	21.00	6.00	40
Cow ribs No. 1	13.00	20.00	7.00	53.8
Cow ribs No. 2	12.00	18.00	6.00	50
Cow ribs No. 3	10.00	17.00	7.00	70
Rolls	13.50	25.00	11.50	85.2
Steer rounds No. 1	11.50	17.00	5.50	47.8
Steer rounds No. 2	11.00	16.00	5.00	45.4
Cow rounds	9.05	14.50	5.50	61.1
Flank steak	14.50	25.00	10.50	77
Rump butts	12.00	29.00	17.00	141.7
Steer chucks No. 1	9.50	11.00	1.50	15.8
Steer chucks No. 2	9.00	9.00	.....	.....
Cow chucks	7.75	9.00	1.25	16.1
Boneless chucks	9.00	10.25	1.25	13.9
Steer plates	8.00	9.00	1.00	12.5
Medium plates	7.50	7.00	[1].50	[1]6.7
Briskets No. 1	10.00	20.00	10.00	100
Briskets No. 2	9.00	15.00	6.00	66
Shoulder clods	12.50	18.00	5.50	44.4
Steer navel ends	7.00	5.50	[1]1.50	[1]21.4
Cow navel ends	6.50	4.75	[1]1.75	[1]26.9
Fore shanks	6.50	7.00	.50	7.7
Hind shanks	5.50	6.00	.50	9.1
Hanging tenderloins	12.00	14.00	2.00	16.6
Trimmings	8.50	11.00	2.50	29.4

EDIBLE BEEF OFFAL, CHICAGO.

Brains	$0.05½	$0.10	$0.04¾	90.5
Hearts	.05½	.05½	.01½	4.4
Tongues	.17	.30	.13	76.5
Sweetbreads	.19½	.28½	.09	46.2
Oxtails	.08½	.09½	.01	11.8
Tripe, plain	.04½	.04	[1].00½	[1]11.1
Tripe, honeycomb	.05½	.05	[1].00½	[1]9
Livers	.06	.10	.04	66.7

[1] Decline.

New York—Packers' wholesale western-beef prices per pound.

WESTERN DRESSED BEEF.

	February, 1916.	April, 1921.	Advance.	Per cent.
Choice western heavy carcasses	$0.11	$0.18½	$0.07⅛	65.9
Choice western light carcasses	.10½	.17½	.06¾	64.3
Common to fair Texas carcasses	.10	.16½	.06½	67.5
Good to choice heifer carcasses	.12	.17½	.05½	47.9
Common to fair heifer carcasses	.10	.17½	.07½	72.5
Choice cow carcasses	.10	.15½	.05½	55.0
Common to fair cow carcasses	.09½	.14½	.05	51.6
Fleshy bologna bull carcasses	.10⅜	.12	.01⅞	18.5

WESTERN BEEF CUTS.

No. 1 ribs	$0.16	$0.25	$0.09	56.2
No. 2 ribs	.14½	.17	.02½	17.2
No. 3 ribs	.12½	.12	[1].00½	[1]4.0
No. 1 loins	16	.29	.13	81.2
No. 2 loins	.14½	.20	.05½	37.9
No. 3 loins	.12	.12½	.00½	4.2

New York—Packers' wholesale western-beef prices per pound.—Contd.

WESTERN BEEF CUTS—continued.

	February, 1916.	April, 1921.	Advance.	Per cent.
No. 1 hinds and ribs	$0.15	$0.24	$0.09	60.0
No. 2 hinds and ribs	.13	.22½	.09½	73.1
No. 3 hinds and ribs	.12	.19	.07	58.3
No. 1 rounds	.11	.15	.04	36.4
No. 2 rounds	.10½	.11½	.01	9.5
No. 3 rounds	.09½	.11	.01½	15.7
No. 1 chucks	.10	.12	.02	20.0
No. 2 chucks	.09	.08	[1].01	[1]11.1
No. 3 chucks	.08½	.06	[1].02½	[1]29.4

EDIBLE BEEF OFFAL.

Fresh steer tongues trimmed	$0.12½	$0.30	$0.17½	144.9
Sweetbreads	.27½	.60	.32½	118.2
Beef kidneys	.12	.16	.04	33.3
Beef livers	.12	.20	.08	66.7
Oxtails	.09½	.15	.05½	57.9
Beef hearts	.07½	.06	[1].01½	[1]20.0
Beef rolls	.30	.22½	[1].07½	[1]25.0
Beef tenderloins	.30	.50	.20	66.7

[1] Decline.

Fresh pork products, Chicago.

	Februa-ry, 1916.	April, 1921.	Ad-vance.	Per cent ad-vance.	De-cline.	Per cent de-cline.
Whole dressed hogs	$0.10½	$0.14	$0.03½	36.6		
Pork loins	.12½	.24	.11½	92		
Leaf lard	.10½	.10			$0.00½	4.8
Tenderloins	.23	.65	.42	182.6		
Spareribs	.08½	.09	.00½	5.9		
Butts	.11½	.14	.02½	21.7		
Hocks	.08	.13	.05	62.5		
Trimmings	.08	.07½			.00½	8.2
Extra lean trimmings	.13	.13				
Tails	.07½	.08	.00½	6.7		
Snouts	.05	.04½			.00½	10
Pigs feet	.03½	.04	.00½	14.3		
Pigs heads	.06	.06				
Blade bones	.09	.09				
Blade meat	.09	.12	.03	33.3		
Check meat	.08	.06			.02	25
Hog livers	.03½	.05	.01½	53.8		
Neck bones	.03½	.04	.00½	14.3		
Skinned shoulders	.10½	.13	.02½	23.8		
Pork hearts	.06	.05			.01	16.7
Pork kidneys	.05½	.06	.00½	9		
Pork tongues	.13	.12			.01	7.7
Tail bones	.05½	.09	.03½	63.6		
Brains	.05½	.12	.06½	118.2		
Backfat	.10	.12	.02	20		
Hams	.15½	.25	.09½	61.3		
Calas	.10½	.15	.04½	42.9		
Bellies	.14	.18	.04	28.6		

Manufactured pork products.

	February, 1916.	April, 1921.	Advance.	Per cent advance.
Skinned hams	$0.19½	$0.31½	$0.12	61.4
Calas, 4–6 pounds average	.11½	.16½	.05½	46.6
Calas, 6–12 pounds average	.11	.15½	.04½	38.6
New York shoulders, 8–12 pounds average	.13½	.18½	.05	37.0
Breakfast bacon, fancy	.23½	.41¼	.17¾	75.5
Bacon, 3–4 pounds average	.16	.28½	.12½	76.6
Regular boiled hams	.24½	.41	.16½	67.3
Boiled calas	.18	.30	.12	66.7
Cooked loin rolls	.28	.49	.21	75.0
Cooked rolled shoulders	.18	.30	.12	66.7

SAUSAGE ITEMS, CHICAGO.

Columbia, cloth bologna	$0.10	$0.15½	$0.05½	55.
Bologna, large, long, round	.10	.14½	.04½	45.
Choice bologna	.11	.15½	.04½	40.9
Frankfurters	.12	.21	.09	75.
Minced sausage	.11	.17½	.06½	59.1
New England sausage	.15½	.16	.00½	3.2
Luncheon sausage	.15½	.18½	.03	19.3
Berliner sausage	.12	.18½	.06½	54.2
Oxford butts	.21	.33	.12	57.1
Polish sausage	.11½	.17	.05½	47.8
Garlic sausage	.11	.15	.04	36.4
Country smoked sausage	.12½	.18	.05½	46.9
Pork sausage, bulk	.17	.19	.02	11.8
Pork sausage, short link	.11½	.21	.09½	82.6
Luncheon roll	.12	.17	.05	41.7
Delicatessen loaf	.12½	.18	.05½	44.4
Italian salami (summer sausage)	.25½	.44	.18½	72.5
Holstein (summer sausage)	.16½	.25	.08½	51.5
Farmer (summer sausage)	.20½	.36	.15½	75.6

New York—Packers' wholesale western pork prices.

FRESH CUTS.

	February, 1916.	April, 1921.	Advance.	Per cent advance.
Fresh pork loins, western	$0.14	$0.27	$0.13	92.8
Fresh pork tenderloins	.25	.60	.35	140
Frozen pork tenderloins	.22	.60	.38	172.7
Shoulders, western	.12	.16½	.04½	37.5
Butts, regular	.13	.19½	.06½	48.1
Butts, boneless	.15	.26	.11	73.3
Fresh picnic hams	.11½	.14	.03	26.1

SMOKED CUTS.

Smoked hams, 12 pounds average	$0.16	$0.28½	$0.12½	78.1
Smoked hams, 12–14 pounds average	.16½	.26½	.10	60.6
Smoked picnics, light	.12	.15½	.03½	21.2
Smoked picnics, heavy	.11½	.14½	.03	26.1
Smoked shoulders	.12½	.17½	.05	40
Smoked bacon, rib in	.15	.24½	.09½	63.3

Average of 1921 over 1916, 52.9 per cent

Mr. KENDRICK. As another bit of history of the stockyards, and in the discussion of the subject, I wish to read a letter sent to the Senate during the so-called embalmed beef discussion by former President Roosevelt.

Mr. SIMMONS. Before the Senator reads that, I want to ask him one question which occurs to me in connection with the statement which he made a moment ago. Of course, we all know that the prices which are paid the live-stock producers of the country are below the cost of production; they are not living prices at all. At the same time we all know that the prices at which the retailers are selling their meat products are very little below what they were during war times. There has been some reduction in retail prices, but it has not been at all commensurate with the reduction in the prices of the farmers' product.

Now, when we complain of the great disparity between the price which the farmer gets and the price which the consumer has to pay the retailer, we are always told that the packers are not responsible for the difference; that it is due to profiteering on the part of the retailers, and that, so far as the great packers are concerned, their prices, if not altogether reduced as much as the prices of the farmers have been reduced, at any rate, in some reasonable proportion to the reduction which the farmer and stock raiser has had to accept.

Now, I want to ask the Senator the question, Have the packers, as a matter of fact, reduced their charges for meat products anything like in proportion to the reduction that they have forced the farmers and the stock raisers of the country to take for their product?

Mr. KENDRICK. Mr. President, in answer to the Senator, I will call his attention to some of the figures in this table. Before doing so, however, I wish to express the belief that in all probability the packers have reduced their prices more than the retailers have reduced the prices at which they have sold. Here I desire to say that there has been within the past few months, in spite of that fact, an effort on the part of the stock growers to induce a spirit of cooperation. That effort failed; but the fact referred to by the Senator was really the origin of the demand for regulatory legislation. There has been a great deal of talk within the past few months of cooperation between the producers and the packers. The very purpose, the primary object, of this legislation, in my judgment, is to provide a basis of understanding between the man who produces live stock and the man who packs and prepares it; and until they reach that basis of understanding, there will be no opportunity for them to stand together, and thus eliminate the unnecessary costs between the packer and the consumer. Whenever they do come to understand each other better, and reach a basis on which they can agree, they can immediately cooperate; and, in my judgment, that action will do more for the country than anything that has ever been done in promoting a sufficient and satisfactory food supply for the Nation.

In this connection I call attention to a little incident that occurred within the past few weeks, of which I was told within the past week. A gentleman who is prominent in live stock production in California, and in live stock preparation as well, told me of making an appeal to a railway company to cut the price of the beefsteak on a certain train on which he had traveled. He found the price of sirloin steaks to be $2 apiece. He asked them to cut that price to $1. He said "This material does not cost you in excess of 25 cents, and should be reduced." The railway man said, "Why should we reduce it?" "Well," he said, "if for no other reason, it would help the producer,

because there would be an increased consumption." Within a short time the railroad reduced the price of the beefsteak to $1.25, and the steward of the dining car told this friend of mine that immediately the quantity of beefsteak required for making a trip was doubled; that originally they were selling 8 pounds of beefsteak during the course of a round trip, but that as soon as the price was changed they required 16 pounds. It becomes, from that very fact, obvious that any unnecessary toll taken anywhere along the line between the producer and the consumer reduces consumption to that extent; to that extent injures the producer; and to that extent prevents the consumer from having a satisfactory supply of food.

There is no doubt in the world but this question is of such vital importance to all the people of the country that we can no longer allow to continue conditions which provoke a clamor about the methods employed in the handling of the food products of this great Nation.

I take this occasion to say that the stock producers of the United States, whether in the West or East, are the highest class people in the country. They are the slowest to complain, and in a thousand of them there will not be found one man who is a bolshevist or who is not doing all he can to uphold the Government and the laws of the country. It is unfair and unjust longer to allow the present situation to continue.

The table to which the Senator has referred was presented and printed in the RECORD by Representative McLAUGHLIN of Nebraska. In referring to it, Representative McLAUGHLIN pointed out that the table was taken from the National Provisioner, and therefore that there could be no doubt as to its correctness, as he viewed it. Certainly, at least, it was not prejudiced. He took the record of prices where the prices going down after the war met the prices that were advancing previous to the war, so that they had gotten back to the same point. At that point he gave the figures showing the price which was paid to the producer and the price charged the consumer. These figures show the percentages of the excess. I will give the average.

The wholesale price at which the packers sold their products, as shown by these figures from the National Provisioner, was 52.6 per cent higher in 1921 than in 1916, although the prices paid the producers at the two periods were the same. In other words, in spite of the fact that in April, 1921, the packers were buying live stock from the producers at the prewar values of February, 1916, the prices at which the packers were wholesaling to the retailers were still more than 50 per cent greater than they were in 1916. The significance of this is enhanced when it is considered that the packers have always contended that the price they pay for the live animal contributes 90 per cent of their cost of production.

Mr. SIMMONS. As I understand the Senator, the figures are given at the point where the producer was receiving exactly what he received before the war?

Mr. KENDRICK. Yes.

Mr. SIMMONS. And what was the average when that point was reached?

Mr. KENDRICK. I have not studied the figures, but Representative McLAUGHLIN has taken an average of percentages. The figures vary on different products, but on the average, as I have stated, the packers' wholesale prices were 52.6 per cent greater in 1921 than in 1916, while the producer was getting exactly the same price he had received in 1916, showing that the retailer is not getting all of the difference.

Mr. SIMMONS. So that, while the farmer's product is at the same price as it was before the war, the wholesale price of the packer for the same product is 52.6 per cent higher?

Mr. KENDRICK. Yes.

To return, I want to quote from the communication from Theodore Roosevelt, dated June 4, 1906, to the Congress of the United States during the campaign for legislation to improve the sanitary conditions in the packing plants.

I read it because the same reasons which made Roosevelt believe that reform could not be accomplished without legislation should prompt us to believe that the reform needed now likewise can not be secured without a law requiring it:

> I transmit herewith the report of Mr. James Bronson Reynolds and Commissioner Charles P. Neill, the special committee whom I appointed to investigate into the conditions in the stockyards of Chicago and report thereon to me. This report is of a preliminary nature. I submit it to you now because it shows the urgent need of immediate action by the Congress in the direction of providing a drastic and thoroughgoing inspection by the Federal Government of the stockyards and packing houses and their products, so far as the latter enter into interstate or foreign commerce. The conditions shown by even this short inspection to exist in the Chicago stockyards are revolting. It is imperatively necessary in the interest of health and decency that they should be radically changed. Under the existing law it is wholly impossible to secure satisfactory results. * * *

Here is the important part of the communication, to which I call the attention of Senators:

> Legislation is needed in order to prevent the possibility of all abuses in the future. If no legislation is passed, then the excellent results accomplished by the work of this special committee will endure only so long as the memory of the committee's work is fresh and a recrudescence of the abuses is absolutely certain.

I desire to say further, in reference to this proposed legislation, that for three years the members of the Committee on Agriculture and Forestry have studied this matter with diligence, and have taken into their councils the very best legal advice that they could get, with a view to preparing a bill that would meet the needs of this situation, and that would not in any way disturb the industry. There is not a provision in this measure, so far as I know, that is meant in the way of retaliation. Not punishment for the packers but protection for the producer and the consumer is the end we have sought.

Not only this, but I do not believe that it can be shown by a close study of the bill that it vests anything like arbitrary power in any official. There is one thing certain: It calls for nothing under the sun but fair play. It calls for nothing except what every man in the stockyards or outside of the stockyards ought to be willing to give. Under those conditions I am unable to see how it would affect adversely any man within the confines of those yards who was doing business on the square.

I feel so sanguine as to the merits of this legislation that I will make the statement now that if this bill becomes a law it will be but a very brief time until the very market agencies which now oppose it will boast that the markets in which they are doing business are supervised by the greatest Government on the face of the earth as proving the absolute integrity of their methods.

This bill is intended to disclose the absence of any wrongdoing as quickly and as effectively as it discloses the existence of evil practices. Under no conditions could such a law fail to be beneficial.

I assume without any doubt that we are all agreed that the Government should not undertake to conduct any line of business, but I think every Senator within the sound of my voice will also agree that it is a legitimate function of government to insist upon fair play in all lines of business, and that is all that this legislation proposes to do.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. KENDRICK. I do.

Mr. UNDERWOOD. I do not like to interrupt the Senator, but he is looking at me and I do not want him to judge from my silence that I consent to his statement. I have not engaged in this debate, but if the Government of the United States is going into all lines of business to mark out the road of fair play there will not be much left of government or business either, in my judgment.

Mr. KENDRICK. That is the Senator's viewpoint. It is my judgment that in the case of this industry, at least, to which I have given the best years of my life, it will bring beneficent results to every phase of it; and I also assume to say here that the only substantial difference between the law as it stands to-day and the law we are trying to enact is that this measure furnishes the machinery of enforcement. I can not see anything else in it. Line after line of it is taken from laws now on the statute books. But suppose, for instance, that the laws stay there, as they have for years, without being enforced; they do not meet the needs of this industry.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. KENDRICK. I do.

Mr. UNDERWOOD. I want the Senator to understand that my remark a moment ago was not in reference to this bill. I realize that the Senator knows very much more about this industry and the effect of this bill on it than I do. The Senator's statement was general as to all business, and that is where I took issue with him. Of course, I recognize that the Senator knows more about this business than I do, because I know very little about this particular business.

Mr. KENDRICK. Mr. President, in view of the fact that we have heard repeated over and over again here not only the size of this industry, the volume of the business, but its importance to the Nation, it would seem that every man who has knowledge of this insistent agitation would see in it all the necessity of taking some steps to correct abuses, and through such correction bring good understanding.

The effect of this legislation will not be revolutionary; there will not be the slightest disturbance of the present system of marketing. On the one hand no legitimate agency will have anything whatsoever to fear from supervision under this bill. Complaints, to begin with, will be limited in number and as time goes on will be followed with less and less frequency. On the other hand, it is not presumable that market values will be affected even slightly by supervision. It is believed that to establish an authorized agency, speaking not for one branch, but for all of the different branches of the industry, an agency that will disclose the absence of wrongdoing as promptly as it will discover unfair practices will greatly compel confidence where there is now suspicion and distrust; it will eventually result in good understanding where there is now misunderstanding. It is not expected that the bill will suspend the law of supply and demand; it is hoped it will make it more responsive. It will not interfere with the natural characteristic of barter and trade; it is believed and hoped it will bring to the situation the wholesome atmosphere of good faith and encompass it about with the spirit of good will that is too often absent under present conditions.

It is but logical to conclude that increased faith in the integrity of the markets will prove the strongest incentive to increased production. The removal of distrust from the source of supply will immediately tend to increase consumption.

I need hardly say that the moral effect should be more beneficial than any financial or material effect. Only those who are blinded by prejudice can look upon this legislation as intended to promote the interests of one class; it is vitally important to all, and it is not necessary to point out to you that the most fundamental need of a Nation is a dependable food supply.

The contest for legislation has now extended over a period of years. Months have been consumed in hearings and days in debate. The record should be complete, and every Senator who votes upon this question will vote with full knowledge of the facts. As it appears to me, the opportunity is here to end this age-old controversy, and we owe it to the Nation to eliminate once and for all the question of the integrity under which these great live-stock markets are conducted.

It has been suggested here by some of the Senators who have spoken against the measure that the administration is committed against legislation of this kind, and the President's inaugural address has been quoted to show that he stands for "less government in business and more business in government." I feel certain that those of us who have had the privilege and the great honor of serving with the President in this body will be unable to believe that he intended to suggest that wrongdoers anywhere, in any line of business, should take comfort from that statement.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Connecticut?

Mr. KENDRICK. I do.

Mr. BRANDEGEE. The Senator states that the bill in no way attempts price fixing. The Senator is familiar, I assume, with the provision on page 39, which provides that—

> The commissioner, with the approval of the Secretary, may after hearing, upon complaint or upon his own initiative, determine and fix, and by rule, regulation, or order prescribe fair and reasonable practices, charges, and rates to be observed by operators and fair and reasonable terms and conditions upon which the services of operators in commerce shall be rendered or performed.

That certainly is an attempt at price fixing, is it not?

Mr. KENDRICK. I would not consider it price fixing of live stock.

Mr. BRANDEGEE. Oh, no.

Mr. KENDRICK. That is the principal product. That is a rate-fixing measure.

Mr. BRANDEGEE. This fixes the price of the services of the operators.

Mr. KENDRICK. I consider that there is a wide distinction, if the Senator pleases, between fixing prices on the principal product handled and fixing legitimate or reasonable rates for services within the stockyard in the handling of that product.

Mr. BRANDEGEE. Whether there is a difference in principle or not, the fact is that the bill does authorize the commissioner in the Secretary's office to fix the charges of the operators; and on page 30 the operators are defined to be——

Mr. KENDRICK. Charges for services, if I may interrupt the Senator.

Mr. BRANDEGEE. I read the exact language:

> Charges and rates to be observed by operators.

Mr. KENDRICK. I think elsewhere in the bill it refers to services, meaning charges for services, not prices of products.

Mr. BRANDEGEE. It refers to services right in the next line, but it refers to both and all of them. They can fix—

> Charges and rates to be observed by operators, and fair and reasonable terms and conditions upon which the services of operators in commerce shall be rendered or performed.

On page 30 an operator is defined to be—

> Any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce, and any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

Mr. KENDRICK. My understanding of that is that it is conditioned upon the same constitutional right to fix the rates to be charged by railroads or other public utilities for services to the public.

Mr. BRANDEGEE. I was not discussing the constitutional authority of Congress to make the provision, although I think it is quite questionable. I was simply referring to it in connection with the Senator's statement; and I understand that the distinction the Senator makes is that when he said it did not attempt to fix prices, he meant the prices of the meat.

Mr. KENDRICK. The prices of the product handled.

Mr. BRANDEGEE. Of the live stock?

Mr. KENDRICK. Yes.

Mr. BRANDEGEE. That explains it. But, Mr. President, I understood the Senator had finished his remarks.

Mr. KENDRICK. I have just about concluded. I want to add one word more with respect to the two bills that are before us—the House bill and the Senate bill. While I believe that the House bill is in many respects an excellent measure, I am confident that the time and study given to the preparation of the bill reported by the Senate Committee on Agriculture and Forestry justify Senators in their contention that the Senate bill is the more satisfactory measure and that it will, without doubt, prove much more effective in bringing about the desired results.

I may say, however, that the House bill is not substantially very different from the bills introduced in the Senate when this problem was first presented for discussion. It is interesting to recall that the first Senate bill vested the power and the responsibility of supervision in the Secretary of Agriculture. Some of the witnesses who first appeared before the committee in opposition to legislation, and to whom one of the Senators referred to-day, attacked this feature of the proposed measure on the ground that it placed too much authority in the hands of one man. It was protested that power over this great industry should not reside in the hands of any single individual, and so out of deference to these objectors we substituted a commission for the so-called arbitrary one-man power. Now, these same opponents of the legislation object to the commission, and, as I understand it, the House committee, out of deference to their new views, abolished the commission and again vested all authority under the measure in the Secretary of Agriculture.

I have noted that a number of Senators who have taken part in this debate have made the statement that the pending Senate bill is a great improvement, and I share that belief. I am confident that an even better bill may be worked out by a conference committee, and I see no reason in the world why we should not substitute the Senate bill for the House bill, for the specific reason, if for no other, that the two bills will then go to conference, and that we can take the best of both bills and reconcile the differences between the two Houses.

Mr. BRANDEGEE. Mr. President, I do not pretend to be at all intimately familiar with this business of raising, marketing, slaughtering, and distributing live stock, and I am only interested in the principle involved in the bill.

It appears to me that it is a departure, to say the least, for the Government to extend its regulation over business to the extent which is proposed in this measure. I have no doubt there have been abuses in the packing business and in the cattle-raising business, as well as in the steel business and the coal business, and, in fact, in every great business, not only interstate business but intrastate business as well.

In the consideration of such a measure a question always arises involving the function of the Government, especially under the limitations of the powers of the Government as prescribed in our system of delegated powers under the Constitution of the United States. The Congress of the United States does not have all power, like the British Parliament. It has only such powers as the framers of the Constitution, and I mean also the States which ratified the Constitution, expressly conferred, and such powers as must be assumed from those granted for the proper execution of the granted powers.

Hitherto the Government has contented itself with the regulation of the transportation system of the country and certain things intimately involved in that. It has, under the power to regulate commerce, prevented certain articles deleterious to the morals and health of the people from being transmitted over the railroads of the country, and the exercise of that power has been upheld by the courts, and I think wisely.

This bill, and the theory upon which it is framed, proposes to extend the regulatory power of the Government into a business which has hitherto been conducted in competition with its rivals, free from governmental interference. It was, to be sure, like every business and every citizen, subject to the Sherman antitrust law, and at any time when the Department of Justice could go into court and prove that the business and those conducting it were forming a monopoly or unduly restraining trade, they were subject to the penalties of the law and could be enjoined and punished.

That does not seem, however, to satisfy those who insist that more is necessary in the interest of the public. I am wondering what the result is going to be in the country if this legislation shall be enacted. It seems to me that if it shall be enacted there is no avoiding the conclusion that the Government will be ultimately compelled, by public sentiment similar to that said to demand this legislation, to place every other large business under Government inspection, supervision, regulation, and control, and I am wondering how the business of the country will then be conducted, and whether the ultimate result will be more satisfactory to the public than the present condition.

The business of raising and distributing wheat is a great, basic, vital, fundamental industry in the country. Those engaged in that industry have their troubles. The wheat grown by the farmer has to be transported to the nearest depot, and there shipped, consigned to a consignee at a place where there is a grain elevator or a storage warehouse, and there it is sold and resold, ultimately shipped aboard cars, and distributed to the mills, and from the mills to the jobber, from the jobber to the retailer, and from the retailer to the consumer. Many injustices, I have no doubt, are perpetrated in the course of those transactions, and I have no doubt that the people concerned in the intricate operations, commercial, banking, and transportation, which constitute the movement of that crop are more or less dissatisfied with each other and with the facilities furnished by each other. How long will it be before the Government will be asked to take control of the grain business of the country, and similarly of the coal business of the country, and of many other businesses hitherto left to the competition of private individuals and private capital?

Of course, the provisions of the pending bill give the people in charge of the control, inspection, and the fixing of the rates, and the decision upon the practices all the powers that the Federal Trade Commission has in the way of investigation and prosecution and put the courts at the service of the Secretary of Agriculture or of the commissioner in the department provided for in the bill.

The things which the Government is empowered to do under the bill in the way of prescribing the way the books of the corporations shall be kept, the publicity measures involved, the control by inspectors, and inspection of every department of the business go a long way to take the conduct of the business out of the hands of those who have their money invested in it. A man can not conduct his business in the way he thinks is profitable to himself, even if he keeps within the law, and do it subject to somebody else's control in every respect all the time and making public all his transactions.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. I yield.

Mr. HITCHCOCK. How does the Senator discriminate between this proposed regulation and inspection of stockyards and those who deal in them and the regulation and inspection which the Government exercises of some eight or ten thousand banks of the country? Inspections are made of the banks and they are under the regulation of Government officials, and yet these thousands of banks have prospered under wise inspection and regulation, which is in the interest of the people who do business with the banks and generally of the community. Why should we argue that a mere inspection and regulation of a great business means its destruction, when we know, as a matter of fact, that Government inspection and regulation in many great lines of business has conduced to prosperity, development, and safety?

Mr. BRANDEGEE. Mr. President, the Senator has asked a question, and has attributed a statement to me. I disavow having made any such statement and having any such intention. The Senator asks me why I argue that Government inspection and control or regulation of this business will result disastrously to the business. I do not. I am arguing that it will probably hurt it. I do not claim that it will destroy it, but I mean that it puts that business, of course, and when it is followed by other bills for other industries of the country, it will put all the large industries under the direction and control of the Government as to their practices, their methods of bookkeeping, and in many respects which have heretofore been left to the genius and the ability of the respective competitors in that line of business.

I do not know that it would be disastrous in the sense of being ruinous if the Government itself took possession of these industries and ran them. I do not know it; I suspect that it would be very, very, harmful, in view of the instances of Government mismanagement with which we are all familiar. But because we are confronted with it, are on the threshold of it, I am talking of the wisdom of the Government taking the first step which it has taken outside of the control of the transportation instrumentalities of interstate commerce itself, to wit, the great interstate railroads which are of themselves necessarily interstate commerce.

The Senator asks me why I am satisfied to let the Government regulate the banks, and am doubtful about the wisdom of the policy of regulating all business if it is big enough and is interstate business. It seems to me the distinction is perfectly plain. The Government does not regulate the State banks; the Government regulates the national banks. The Government incorporates the national banks; they are its creatures. Of course, it must regulate them. They are intimately connected with the governmental purpose of coining money and issuing bills of credit. It has to be done under Government supervision and under Government law. They owe their existence to acts of Congress. There is nobody else to supervise them except the Government. They are national banks.

Mr. President, I simply desire to say that here is the first step in the regulation of a private business. Every other business that is a business of any consequence at all in this country is interstate business. There is not a soap maker nor a sewing-machine maker, nor a manufactory of pins and needles or nails and screws or bolts, or a sawmill that could live for a minute on the business it does in the State where located.

I will venture to say, without having any statistics to fortify the statement, that 90 per cent of the business of the country is interstate business.

If that is all to be taken charge of by the Government and a new bureau or a new commission in some department set to prescribe rules and regulations, fix prices for services, say what is fair and unfair, what practices they can all indulge in, continually asking for reports, and having inspectors in their factories and examiners to see that they conform to the regulations so fixed, and the whole thing left, as in this instance, to the Secretary of Agriculture, what will be the final outcome? How much will the Secretary of Agriculture know about this matter? If anybody knows or has the slightest idea of the duties of the Secretary of Agriculture now, he knows that he can only give the scantest attention, and his province will be to affix his signature when required to a set of rules and regulations that have been investigated and developed by some clerk or inspector to whom the whole thing has been delegated. Those will be the men who will run the business.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I yield.

Mr. KING. I have not heard all the Senator has said, I regret, having been called from the Chamber. The Senator just commented upon the proposition that if the Government assumed control it would have to take charge of these business activities through agents. We know that the agencies to be created now would be less intelligent, let me say, than some of those which existed during the war. We had some of the best business men in the United States here looking after the coal operations and other business enterprises and yet both the owners and the public complained of the inefficiency which resulted from the governmental operation of those business activities.

How much worse will it be when we do not have the business ability of those men, many of whom had given their lives to a particular line of business, which they were called here to help administer. That is a phase it seems to me which ought to address itself to those who are advocating the policy of having the Government take over and operate private business. Whatever the Government attempts to do it mars. Whenever

it attempts to control business, it destroys it or its efficiency, and it results in waste and inefficiency and extravagance.

Mr. BRANDEGEE. The Senator is correct. That is an important element to be taken into consideration, but it will be brushed right aside as of no consequence. It goes without saying, it seems to me, that the class of men who will be found available to the Secretary of Agriculture to be sent out to inspect this business and to give advice about it and formulate rules and regulations will not be anything like the caliber of men who are in the business and know about it.

Mr. HITCHCOCK. Possibly I have misunderstood the bill, but I had supposed that the inspectors would merely be sent out to see that the acts of Congress with relation to this business are observed.

Mr. BRANDEGEE. Certainly; and that rules and regulations prescribed by the department are observed.

Mr. HITCHCOCK. They are not to attempt to run the business?

Mr. BRANDEGEE. Oh, no.

Mr. HITCHCOCK. The fact of the matter is that if a business is successfully regulated by the Government we have no demand to operate the business. It is only when Government regulation fails or when monopoly is developed that the demand arises to have the Government operate. I am not in favor of Government operation and I am not in favor of Government control. I simply take the position that when a business goes so far that it affects the public interest and has passed beyond the control of the States to regulate, then it is the duty of the National Government to regulate it in the public interest—not to destroy it.

What I was pointing out to the Senator a few moments ago was that there are a number of instances in the United States in great business activities when regulation by the Federal Government has not interfered with the development of the business whatever in any degree. I think that is true of the railroads. I think our railroads are a great deal better off at the present time than if regulation had never been attempted, if railroad wrecking had been allowed to go on as it was allowed to go on before the Interstate Commerce Commission was selected.

If the Senator believes that this is the control of the packing industry or the control of the stockyards or the operation of the industry or the stockyards by the Government, I hope he will explain what part of the bill he refers to. I understand it is a mere inspection and regulation to carry out the will of Congress.

Mr. BRANDEGEE. The Senator does not believe in control, but he believes in regulation. The terms are synonymous. What is the use of splitting hairs about that? If you give me authority to lay down a set of regulations and rules by which a business shall be conducted, who is conducting the business, the man who obeys the rules or the man who makes them?

Of course, the Senator says that where State power fails to produce the results that are desired, his view is that the United States Government should assume the business and do it. Two questions arise there. One is whether the Government has the power to do it or not, and, secondly, whether it is wise that they should do it, whether we want to concentrate all the power over all the business of the country and assume regulation and control of it under rules and regulations prescribed in the various executive departments of the Government by unknown people, which rules and regulations are to have the force of laws and for the violation of which men are to be indicted and sent to prison, whether we want to get that mass of power hidden behind the screen of an executive department and developed by anonymous people, in the end having only the routine signature of the Secretary appearing as approving of them.

I say, be it wise or unwise, if the bill passes and this system of supervision and regulation be put into operation in this privately conducted business, it will be invoked for every business in the country. It is important for the country that the commodities which are dealt with in grocery stores should be honestly produced and distributed without oppression, and that the practices should be fair. The sugar industry developed to be quite an important war measure, so much so that the Government had to authorize agencies to go out and buy sugar in the markets of the world, and they had to create a special board to take care of that one commodity as a war measure. There are hundreds of them. Every one of them is an absolute necessity to the welfare of the people. The question is, Shall the Government regulate them all here in the departments?

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BRANDEGEE. Certainly.

Mr. WALSH of Massachusetts. I think most of us are in accord with the general principle of noninterference by the Government in the regulation of private business. But I should like to ask the Senator if he makes any distinction between the Government's duty to inspect and regulate a business dealing in a nonessential of life owned by private individuals and which only manufactures and produces a small portion or part of the product consumed and a business incorporated, under a charter of the Government, for millions of dollars, dealing with a prime necessary of life and controlling the manufacture of practically the entire consumption?

Mr. BRANDEGEE. I would make the distinction, of course, that there would not be nearly as much of what the Senator from Wyoming [Mr. KENDRICK] designated as clamor for the Government to regulate a little bit of business which was not of much concern to the general public as there would be to regulate a big business. The Senator refers to a business incorporated by the Government. Of course, the bill proposes to regulate every person, firm, or corporation. The form of the business organization is immaterial, whether it is a partnership or a State charter or what.

Mr. WALSH of Massachusetts. I simply wished to know if the Senator made a distinction between the two.

Mr. BRANDEGEE. No; I do not make a distinction in principle.

Mr. WALSH of Massachusetts. The Senator does not believe the Government has any duty to inspect or attempt to regulate a highly organized business controlling the price and output of a prime necessity of life any more than it would the business of a shoe cobbler?

Mr. BRANDEGEE. I do not think the Senator ought to make that statement about me, because I do think the Government has a right to regulate interstate commerce, no matter by whom conducted, but I say it will attempt to regulate, in all probability, the large businesses of the country.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. BRANDEGEE. I yield.

Mr. KING. The Senator from Massachusetts speaks about those businesses which are engaged in producing the prime necessities. I have had several communications urging the introduction of a bill to regulate the shoe factories of the State from which the Senator comes upon the ground that the manufacturers of shoes were producing a prime necessity and were charging extortionate prices. The writers feel that the Government ought to inspect and regulate. One communication which I received stated that the goods produced since the war have been inferior in quality to those produced prior to the war, and by reason of the failure to produce the same high grades of shoes that in the past were produced there should be not only inspection by the Federal Government, but there should be regulation of the prices and regulation of the distribution.

If we are to begin the regulation of enterprises upon the theory that they produce things essential for the life and welfare of the people, I see no place where we are going to stop; I see no point where we will draw the line. We are to have this bill followed by a bill to regulate the coal business, and I have been told that there is a bill in process of construction to regulate the smelters of the United States. They are engaged in interstate commerce, and the contention is made that they are charging too much for smelting the ores, as the result of which the small producer is being driven out of business, and they want the Federal Government to appoint inspectors and to regulate the smelting charges.

I ask the Senator from Connecticut, where shall we draw the line?

Mr. BRANDEGEE. There will not be any line drawn except——

Mr. WALSH of Massachusetts. May I ask the Senator from Connecticut to yield to me until I reply to the Senator from Utah?

Mr. BRANDEGEE. Certainly.

Mr. WALSH of Massachusetts. I wish to say to the Senator from Utah that I do not know of any business that ought to be regulated more than the boot and shoe business when it becomes a monopoly, but the boot and shoe business is not a monopoly. Boots and shoes in this country are manufactured in absolutely independent plants actively competing with each other in almost all the Northeastern and Central States. It is one highly successful industry that is not a monopoly, and the Senator can not name one boot and shoe manufacturing establishment that assumes the proportion of a monopoly in this country, not one. I am frank to say that there is some recent evidence of the possibility of the boot and shoe manu-

facturing industry becoming a monopoly. Only within the last month one of the leading manufacturing plants of Manchester, N. H., and one in St. Louis, Mo., combined into a very large organization to control the output of a certain grade of boots and shoes. If this goes on and this business becomes a monopoly, it will be most regrettable.

In Massachusetts boots and shoes are manufactured to a very large extent, and I would be the first to favor governmental regulation and inspection of the boot and shoe manufacturing industry if all the boot and shoe manufacturing plants in this country became combined under one capitalization and management, a gigantic trust that could without restraint control production and prices and stifle competition.

Mr. KING. May I make one observation?

Mr. BRANDEGEE. I will surrender the floor to the two Senators.

Mr. KING. No; I do not desire to intrude upon the Senator's time.

Mr. KENYON. I do not want the Senator to surrender the floor, but I do want to ask his opinion concerning the very interesting question which has been raised.

Mr. BRANDEGEE. I yield to the Senator.

Mr. KENYON. I do not want the floor.

Mr. BRANDEGEE. I understand.

Mr. KENYON. I ask the Senator if he has read the case of the German Alliance Insurance Co. against Kansas, in Two hundred and thirty-third United States?

Mr. BRANDEGEE. No.

Mr. KENYON. I think the Senator should read it.

Mr. BRANDEGEE. The Senator may read such portions as he has in mind, if he cares to do so?

Mr. KENYON. It discusses the very question when a business, which is private in its nature, becomes charged with a public use. I believe that is the real question involved here. Every business in the country is not charged with a public use.

Mr. BRANDEGEE. No.

Mr. KENYON. But a business may reach such proportions, so affecting the public interest and the public welfare and the life of the Nation, that it may in law be charged with a public use.

The Supreme Court of the United States discuss that, and they take up the old case of Munn against the State of Illinois, the famous elevator case, where it was held as to the State law providing that elevators were charged with a public use that it was within the power of the public to make that demand. I am not discussing the wisdom of it at all. The court go back to that case, and I will read an extract from their opinion to the Senator. The court say:

> The principle was expressed to be, quoting Lord Chief Justice Hale, "that when private property is 'affected with a public interest it ceases to be juris privati' only" and it becomes "clothed with a public interest when used in a manner to make it of public consequence and affect the community at large"; and, so using it, the owner "grants to the public an interest in that use, and must submit to be controlled by the public for the common good."

That was the language of the Munn case, which is cited with approval in this opinion. The Supreme Court in this case, after reasoning in a way that may astound the Senator——

Mr. BRANDEGEE. I should not be at all surprised.

Mr. KENYON. And it is a comparatively late case—held that insurance was so charged with a public use; that it was a matter of regulation by the government—not the Federal Government, because insurance has been held not to be interstate commerce. But the point I am making is that a business, private in its nature, may be charged with a public use and be subject to control without violating the fifth amendment to the Constitution as to the taking of private property "without due process of law."

Mr. BRANDEGEE. That is no new doctrine, I will say to the Senator. That was well established before the court decided that case. If a man in the transaction of his business holds himself out as catering to the public and inviting the trade of the public—acting like a common carrier, for instance—he is estopped to deny the power of regulation and to claim that he is solely in private business. A ferryman can put himself in the same position.

Mr. KENYON. The Supreme Court practically held the same thing just a few days ago in the rent case in the District of Columbia.

Mr. BRANDEGEE. I do not deny it.

Mr. KENYON. Then, is it not, as a question of power, whether the packers, under the facts and circumstances as presented, are engaged in such a business as can be said to be charged with a public use?

Mr. BRANDEGEE. Yes; but the Senator is not driven to invoke the doctrine of public use attaching to a business. There is no question about the power of Congress to regulate commerce among the States—to regulate packing concerns in their transactions in interstate commerce.

Mr. KENYON. That is true; but there might be a question, in the regulation of commerce, of violating the fifth amendment to the Constitution.

Mr. BRANDEGEE. I hardly think so. Where Congress is given plenary power to regulate a business the decisions have gone to the extent almost of saying that it can pretty nearly be prohibited. It can be regulated, of course, and absolutely prohibited if it is malum in se, like lottery tickets or diseased meat. I do not think there is any question about the plenary power of Congress to regulate commerce among the States.

In connection with absolute power there is always raised the question which kinds and portions of commerce are desired to be regulated and in what way it is desired to regulate them. Those are questions of discretion and expediency. Our power is unlimited to regulate commerce. I do not doubt we can make proper rules and regulations for the shipment of beef from one State to another, from the ranch to the packer, and its distribution over the arteries of interstate commerce, but this bill goes into other features; it not only takes up this industry without taking up other industries and proceeds to regulate it—I think the others will follow, however—but it takes up activities about which I will not express a positive conviction, but activities that seem to me not to fall within the provisions of the interstate commerce clause.

I think the Senator from New York [Mr. WADSWORTH] was entirely correct in the illustration which he used yesterday in his remarks. I do not believe the stockyard, which is the resting place of the cattle after they get off the train before their sale and reshipment and the place where they are fed and watered, is an instrumentality of interstate commerce in the way the cattle business is conducted, yet this bill assumes to regulate the stockyards and the operators in the stockyards. I do not believe we could do that lawfully under the Constitution any more than we could regulate the wages of the farmer's hired man because he hauls the wheat from the farm to the depot and ships it on the train, and the farmer intended from the beginning that the wheat should become an object of interstate commerce.

It is shipped far up in Minnesota down to Duluth; it takes the water and goes to Minneapolis and winds up as flour in New York. If the man who buys a steer in the stockyards or who waters him or sells him, or if the operator of the stockyard is an instrumentality of interstate commerce when the cattle are not in process of transportation, then, as the logical outcome of the doctrine, the farmer's man who loads the wagon on the farm full of wheat to send it to be shipped in interstate commerce can have his wages regulated by the Secretary of Agriculture under a bill yet to be drawn.

Mr. OVERMAN. I have in my mind a decision with which, perhaps, the Senator may be familiar, arising in New Hampshire, a case against the United States, in which logs were carried down by a farmer or forester and put on the station floor, but were not actually shipped. The Supreme Court held that that was not interstate commerce, because the logs had not been put on the train.

Mr. BRANDEGEE. No; they had not as yet entered into interstate commerce.

Mr. OVERMAN. No.

Mr. BRANDEGEE. Let us say that one stage of the journey of the cattle is finished. They were shipped from Wyoming to Chicago; they leave the train and they go to the cattle boarding house to rest overnight or for a week, and to be fed and watered, and they are sold or bought by a trader, and sold a dozen times back and forth, each trader shaving a commission out of the transaction. This bill regulates the commissions the traders are to charge when they sell cattle to each other in the stockyards, on the theory that the gambler who is shaving a commission on a steer is engaged in interstate commerce.

Now, let us see what a stockyard is.

> The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market.

That may be plain to those initiated in the trade and in this business, but it is not perfectly plain to me. If there is no public market conducted in a stockyard or in connection with it, is such a stockyard to be unregulated, while the stockyards where the cattle are sold, where there is a public market, are to be regulated by the Government? As I have said, it seems to me the Senator from New York was perfectly correct in his analogy between the part that the stockyard plays in the transportation of cattle and the part that the hotel or boarding house plays in the transportation of passengers in commerce among the States. Congress has power to regulate the rates

the railroads shall charge for passengers. A passenger leaves Washington, intending to go to Chicago. He may first go to New York, where he leaves the train, expecting to take a train from New York to Chicago, which is run over a road different from that between Washington and New York. He goes to any one of the thousand hotels in New York City to spend the night, or, perhaps, to spend a week, before he resumes his journey. Has Congress the right to say how much the hotel shall charge that passenger, on the ground that he is engaged in interstate commerce and that the hotel is a mere instrumentality of interstate commerce? The statement is absurd on its face. The stockyard plays just the part in the transportation of cattle that the hotel plays in the transportation of passengers.

Mr. HITCHCOCK. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. HITCHCOCK. Is there not a great failure of analogy there?

Mr. BRANDEGEE. I thought it was perfect, and so stated.

Mr. HITCHCOCK. When cattle reach a town, instead of finding a hundred "hotels" where they can go, there are simply the stockyards on the railroad track through which the railroad tracks run.

Mr. BRANDEGEE. I do not know how many stockyards there may or may not be in the city where the cattle go, but let me ask the Senator: Suppose there was only one hotel in the town where the passenger to whom I have referred left the train, would the Senator then say the United States Government had the right to regulate the charges imposed by that hotel?

Mr. HITCHCOCK. If the hotel was part of the railroad right of way and operated by the railroad; yes.

Mr. BRANDEGEE. But where the stockyards are not built upon the railroad right of way, does the Senator claim that the Government would have a right to limit the charges?

Mr. HITCHCOCK. I think the Senator will fail to find any stockyards that are not upon the railroad right of way.

Mr. BRANDEGEE. They have a perfect right upon the railroad right of way if the railroads lease them or own them; but it makes no difference, in fact, where they are; it does not alter the principle of the thing.

The question is in any particular case where there is a stockyard and cattle are put into it, whether that is an instrumentality of interstate commerce or not. Of course, I admit that if it is owned by the railroad it would be just as much subject to Government regulation as though it were a freight shed of the railroad; but where it is owned by other people or leased by other people and operated independently of the railroad and the charges are separate and distinct and the profits go to another company, I do not think the Government has any right to regulate it under the commerce clause of the Constitution. I may be mistaken about it, I will say to the Senator; I do not claim that because I think so and because it seems to me to be so that, therefore, it would be so in the opinion of the court.

Mr. HITCHCOCK. I wish to suggest to the Senator that a much closer analogy would be to liken a stockyard to a railroad station. The passengers get out at the railroad station and the cattle get out at the railroad yard; necessarily they must be upon railroad property.

Mr. BRANDEGEE. I would not think that a close analogy at all, because, of course, when a passenger gets out of a railroad station he is still on the railroad's property and the railroad is performing a part of its functions as a carrier in furnishing a proper station for the passenger to enable him to get his ticket and get on or off the train and wait for trains. But that has nothing whatever to do with whether we can regulate a stockyard that is not owned or controlled by any railroad engaged in interstate transportation.

Mr. OVERMAN. Mr. President, I should like to inquire whether the stockyard is necessary in the shipment of live stock from one State to another? In other words, is it a necessary instrumentality to carry stock from State to State? If so, it would be an instrumentality of interstate commerce.

Mr. BRANDEGEE. Of course, it is not necessary in the meaning that the business can not be carried on, under difficulties, without it, for it used to be carried on without it. Cattle used to be driven along the public highways without using the railroads at all, and we could get along without stockyards, but the consumer would have to pay a great deal more for his beef if there were no stockyards. However, the business has become systematized in such ways, I assume, that we have got to consider that stockyards have become a necessary part of the business, certainly as it is now conducted.

Mr. KENYON. Mr. President, may I ask the Senator, without disagreeing with him on this hotel proposition, because it is interesting——

Mr. BRANDEGEE. I will say that I wish we did have a right to regulate hotel prices.

Mr. KENYON. I wish we did, too.

Mr. NORRIS. We would not do it if we had the right.

Mr. KENYON. We must not interfere with private business.

Suppose, now, that a few men got all the hotels in Washington, and erected one hotel down near the Union Station, on depot grounds or off depot grounds. Then, suppose that the business is so concentrated that it has to come through Washington to go all over the South and the Southeast from the North and West; and suppose that these men, keeping all others out of that line of business, want to charge every man who has to stop in his journey a thousand dollars a day, and have a monopoly of the business. Is that beyond any governmental regulation?

Mr. BRANDEGEE. No.

Mr. KENYON. Is not that an obstruction of interstate commerce?

Mr. BRANDEGEE. I think, of course, Congress has undoubted power to regulate rates within the District of Columbia under our power to govern the District of Columbia.

Mr. KENYON. Then let us put aside the District of Columbia.

Mr. BRANDEGEE. But as a regulation of interstate commerce, I should say "no."

Mr. KENYON. I was going to say this: Have they not put in the channel of interstate commerce a monopoly that blocks the free flow of interstate commerce, and consequently can not Congress remove it or regulate it? Now, I do not know. I think it is an interesting proposition.

Mr. BRANDEGEE. Mr. President, in answer to the Senator, I will say that I do not think so. I think the fact that I may create for my own profit a situation which makes interstate commerce cost more money would not alter the classification of the business I have entered into and make my business interstate commerce, nor do I think that under the power to regulate commerce among the States the Government would have a right to confiscate or destroy some man's business because perhaps commerce could be conducted cheaper if he were not in that business.

Mr. KENYON. The point that is running in my mind is, where a man puts an obstacle in the pathway of interstate commerce, such as a monopoly—and that is an obstacle—whether, then, it can not be regulated. I am trying to lead my mind to believe that that is an analogy to the stockyards.

Mr. BRANDEGEE. Of course, I believe the Government can eliminate monopoly wherever it exists; but my mind does not quite coincide in the affirmative with the Senator's inquiry as to whether it could do it under its power to regulate commerce among the States, although of course the power to regulate commerce among the States was given for the purpose of increasing commerce and encouraging it and keeping the avenues of commerce free from obstruction.

Mr. KENYON. There is a pretty interesting discussion in the brief of the Attorney General, the present Senator, in the Northern Securities case, of that very question of monopoly obstructing the current of commerce; but I shall not interrupt the Senator any more.

Mr. BRANDEGEE. I am quite certain that if two trolley roads engaged in interstate commerce came to a river, and I had a bridge across the river, lawfully there under charter from the State, the Government could not take from me the right and let those trolley roads go across my bridge without full compensation to me.

Mr. KENYON. I agree with the Senator.

Mr. BRANDEGEE. There I have a monopoly, so to speak, and a deterrent of interstate commerce; but I think they could not, under the authority of abating a monopoly or regulating commerce, impair the value of my property without compensation.

Mr. President, one could talk for years about this bill and some ambiguities in it, I think, but I do not intend to allude to them. It is the general policy with which I am concerned and the precedent that this bill sets. I think the bill goes too far, and I do not think it will be a good thing for the country to take all the great businesses engaged in interstate commerce and put them under the control of a department here in Washington. You will so surround a business with rules and regulations that it can not be successfully conducted.

A good deal has been said about the effect of the Interstate Commerce Commission's jurisdiction over the railroads of the country. I would not have the railroads run along as they were running without Government regulation. I think it was legitimate and proper; and yet the fact is that it is not satisfactory. I do not know that there is any satisfactory solution to the railroad question and the troubles that the railroads are in; but the situation is that the price of everything the railroads have to sell is fixed and determined by the Government, and the price of everything they are compelled to buy is fixed and determined by the labor unions, the men who furnish the labor on the roads, and the material men of whom the railroads have to buy, and the directors managing the properties for the private stockholders who have invested their money are trying, simply acting within the rules laid down by the two sides to the controversy to which I have referred, to make the roads prosperous and earn a dividend upon the capital invested; and it can not be done. It is not being done. They have tried pretty hard.

The remedy may be more regulation. I do not know; I do not think so; but, as some Senator said here a few moments ago, although every now and then in the conduct of business, big and little, a rascal will turn up and betray his duty and ruin the property that he is in charge of, it is not the regular order every day. The fact that it is occasionally done in business is hardly a sufficient reason for the Government to take over all business, not having the courage to take it itself and pay for it, but saying to those who are compelled to conduct it: "You must conduct it according to the rules and regulations that I lay down." It may be that all business will be more prosperous if conducted under the rules and regulations prescribed by the inspectors and men that the departments will send out, but I doubt it. I do not believe it will be.

I want to call the attention of the Senator from Nebraska to section 5 of the Senate bill. I do not think it is quite coherent as it stands; at least, I am unable to understand it. I ask him to look at it with some care and see if something has not been omitted.

Mr. NORRIS. Mr. President, if the Senator will permit me——

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. I have thought a good deal about section 5, so I will not have to look at it. I think I know what the Senator means, and I was under a great deal of doubt about it myself. It is necessarily difficult to understand, I think; but if the Senator will analyze it, I believe he will find that it means this: I think the fair meaning of the first part of it is that it gives to the commissioner provided for in the bill, and also to the courts or anybody else, in the Government or out of it, the same power, whatever it may be, either of a court or of a commissioner, the same right if it be a defendant that is conferred by the Federal Trade Commission act upon the Federal Trade Commission or upon anyone whose duty it would be to administer that law or who might come under its supervision.

I will say to the Senator that personally I do not like the section. I had an amendment printed to-day that I expect to offer that strikes it out and inserts in lieu of it a simple statement that nothing in the act shall be construed to take away any of the jurisdiction of the Federal Trade Commission. Further on in section 5 there is a provision that upon the taking effect of this act the jurisdiction of the Federal Trade Commission as to all things provided for in this bill shall cease excepting in cases where the President or the Secretary of Agriculture or either branch of Congress shall instruct the Federal Trade Commission to make an investigation.

Mr. BRANDEGEE. I think that is perfectly plain; it is to me; but as to the other part, in order to make plain to the readers of the RECORD what I am talking about, I will read hastily the first part of the section as it now reads.

Mr. NORRIS. I confess to having difficulty with it myself.

Mr. BRANDEGEE. It is unintelligible to me. I have read it three or four times. I could understand it on the theory that some phrase had been omitted which I could supply, I think; but as it stands it is meaningless to me.

SEC. 5. The commissioner, the courts, and all persons shall have the same powers, rights, remedies, and duties with respect to all persons subject to investigation or regulation under this act, and heretofore subject to the act entitled "An act to create a Federal Trade Commission, to define its duties, and for other purposes," approved September 26, 1914, and such persons heretofore subject to such act—

There is no connection whatever between the two sentences I have just read. Something evidently has been omitted—

and such persons heretofore subject to such act shall, except as otherwise provided in this act, have the same obligations, duties, liabilities, and rights as are conferred or imposed by such act on the Federal Trade Commission, the courts, and such persons.

Now, if it had said that the commissioner, the courts, and all persons heretofore subject to the act entitled "An act to create a Federal Trade Commission" should have the same powers under this act as were provided for in said act approved September 26, 1914, I could have understood what it meant.

Mr. NORRIS. Let me say again to the Senator that of course, in the first place, I am not the author of section 5. I found it in the bill as I introduced it. Like the Senator, when I tried to study the bill and analyze its various parts, I reached the conclusion, first, that it was very doubtful what that section meant; but I think—and I came to this conclusion after I had studied it quite thoroughly—that it does in fact do what I said before. The language is very clumsy. It ought to be made plain. I admit that. I agree with the Senator.

Mr. BRANDEGEE. It could be redrafted and made perfectly unquestionable.

Mr. NORRIS. Yes. There ought to be no doubt about what it means. It seems to me there might be some now; and if the amendment that I will offer is not agreed to, and the section is left as it is, I shall be very glad to have it amended and made plain.

Mr. STERLING. Mr. President, for the Senator from Illinois [Mr. MCCORMICK], I present the amendments to the pending bill which I send to the desk. I ask to have them printed and lie on the table.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Without objection, it will be so ordered.

Mr. STERLING. Now, Mr. President, I desire to say a few words in regard to the pending bill.

When the live stock commission bill was before the Senate at the last session I submitted a substitute for it. I have not been able to get over the belief I then entertained, that there is no need whatever of creating a new commission for the purpose of regulating the packing industry. I think, Mr. President, I shall be able to show that. We have been denouncing the creation of new commissions time out of mind. We have done it both on the score of efficiency and on the score of economy in the public service, and yet here in this bill it is proposed to violate needlessly the very things for which we have stood when denouncing the creation of so many Government commissions.

Mr. President, what is the gist of this bill? I am going to read those parts of the bill which contain the restrictions and the prohibitions against the packing industry. They are found in section 12, and it is provided that:

It shall be unlawful for any packer to—

(a) Engage in any unfair, or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers, or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce; or

(d) Conspire, combine, agree, or arrange with any other packer to apportion territory for carrying on business, or to apportion purchases or sales of any live stock or live-stock products, or to control prices thereof in commerce; or

(e) Conspire, combine, agree, or arrange with any other packer to engage in any course of business or to do any act for the purpose of preventing any person from carrying on a competitive or similar business in commerce;

Then comes the common count:

(f) Otherwise act, or conspire, combine, agree, or arrange with any other person to do or abet the doing of any act, contrary to the provisions of this act, or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to refuse, neglect, or fail to act in accordance with the provisions of this act.

There is one more, subdivision (g), which I think is a repetition pure and simple of the propositions contained in the other five provisions. For this reason I do not set it forth in the substitute I intend to offer.

Mr. President, I agree with every other proposition set forth in these five prohibitions or restrictions against the packers, with every one of them. Their business and their property are devoted to a public use and charged with a public interest, and they are engaged in interstate commerce.

But, Mr. President, the question is as to whether we have not now already an organization which, by reason of its experience, by reason of the very purpose for which it was created, is not the organization above all others to carry out the prohibitions and restrictions I have just read from the bill.

Mr. President, there is absolutely no need of any other organization than the Federal Trade Commission to accomplish the purposes of this act. Why should the Government go to the

expense of paying $7,500 a year for a commission under the Department of Agriculture? In the first place, Mr. President, I am opposed on principle to that. The House bill, as I understand it, made the Secretary of Agriculture the full administrator of the provisions of this act. I am opposed to that. I do not think it a wise policy that the Secretary of Agriculture should be charged with the investigations which this bill contemplates and for which it provides, and I think we will show greater regard for the most important office of Secretary of Agriculture if the incumbent of that office is not required to engage in such investigation than if we provide that he shall. For this is a trade proposition and we are providing for the investigation of trade.

Now, I want to point out, in the few minutes I have, just what the Federal Trade Commission has been doing, which shows, or ought to show, its perfect familiarity with the business of the packers.

Mr. NORRIS. Mr. President, I do not want to take up the Senator's time if he wants to finish by 5 o'clock, but I suggest to the Senator that if he does not finish by 5 he can go on at 8 o'clock when we convene.

I wanted to say to the Senator, though, if he did not object to an interruption, that personally I have a great deal of sympathy for the position he takes. I started out on this proposition something over two years ago with the various considerations that were given it by the Committee on Agriculture and in conferences that were held outside of the committee and in the committee with that idea. I gave it up reluctantly, because I was in the minority, and I learned afterwards—although I never talked with any member of the Federal Trade Commission about it—that others had talked with the Federal Trade Commission and that the Federal Trade Commission thought that they should not be given the complete supervision under this law, because they were not a body intended by the law of their creation to do that kind of work. They were an investigating body only and not an administrative body.

Mr. STERLING. Mr. President, let me say to the Senator from Nebraska that my substitute provides for exactly the same administrative processes that are provided for in the Federal Trade Commission act.

Mr. NORRIS. It places them in the Federal Trade Commission?

Mr. STERLING. It places them in the Federal Trade Commission.

Mr. NORRIS. Of course, when we took the next step in the evolution of this bill, we provided for a complete commission. I do not want to go over the ground now, but it was thought, in brief, that the business was big enough to take the time of a commission of three men, and it was provided they should devote all their time to it. It was thought that might bring about greater harmony between the producer and the middleman, the packer, and the consumer.

So it has drifted along. I am not antagonistic to the Senator's idea. I want to preserve the Federal Trade Commission completely. But the committee, in the Senate committee bills, has not done that, but they have done a great deal more than the House bill provides, because the House by its bill practically wipes the Federal Trade Commission off the map.

But I am going to offer an amendment, which I hope may prevail, which will retain in the Federal Trade Commission all of their powers, and take nothing away by this legislation.

Mr. STERLING. I want to call attention briefly to some things the Federal Trade Commission has done in relation to the packing industry. I hold in my hand their annual report for the fiscal year ending June 30, 1920. The series of the reports now available, with their subjects, are as follows:

Summary and Part I. Extent and growth of power of the five packers in meat and other industries.

Is not that related to the business they will have to do if the packing industry is put under their control and regulation?

Part II. Evidence of combination among packers.

The very thing we seek to prevent by the prohibitions of this bill.

Part III. Methods of the five packers in controlling the meat-packing industry.

Another matter properly included in the terms of the bill.

Part IV. The five larger packers in produce and grocery foods.

That also is covered by one of the prohibitions of the bill.

Part V. Profits of the packers.

Part VI. Cost of growing beef animals; cost of fattening cattle; cost of marketing live stock.

And that is provided for, and I provide for it in my substitute under that provision which relates to the Bureau of Markets of the Department of Agriculture, turning over the various facilities of the Bureau of Markets to the Federal Trade Commission for use in connection with their investigations of the packing industry.

This is what they have produced in the way of reports concerning the packing industry.

According to this same report, I find the following cases pending against the packers:

The Federal Trade Commission *v.* The United Rendering Co.

* * * * * * *

Federal Trade Commission *v.* Armour & Co. Charge: Stifling and suppressing competition in the manufacture and sale of dairy products by concealing its control of and affiliation with Beyer Bros. Co., a creamery company, while directing the efforts and business of said company.

* * * * * * *

Complaint No. 451. Federal Trade Commission *v.* The Cudahy Packing Co. Charge: That respondent acquired 55 per cent of the shares of the capital stock of the Nagle Packing Co., a competitor; 95 per cent of the capital stock of the D. E. Wood Butter Co., a competitor; and that a subsidiary corporation, the Dow Cheese Co., purchased the business and good will of a competitor, and so forth.

* * * * * * *

Complaint No. 452. Federal Trade Commission *v.* Morris & Co. Charge: That the respondent acquired approximately 75 per cent of the capital stock of the Crescent City Stock Yard & Slaughter House Co., a competitor—

A thing prohibited under the terms of the Senate committee bill.

Complaint No. 455. Federal Trade Commission *v.* Armour & Co. again, and complaint No. 456, Federal Trade Commission *v.* Western Meat Co.

And so on.

What I have read, Mr. President, illustrates the knowledge that the Federal Trade Commission has of the packing industry through investigations made necessary by these six reports to which I have referred; and, second, the knowledge it will have through the investigation of the special cases against the packing companies.

Mr. NORRIS. The cases the Senator read are pending now?

Mr. STERLING. They were pending when this report was prepared, and I suppose they are probably pending yet.

Mr. President, the Federal Trade Commission is equipped, and splendidly equipped, for this very work. It has its great offices in New York and Chicago. Who will investigate? Not the individual Federal Trade Commissioners, of course. Neither will the commissioner provided for in this bill personally investigate, but accountants and experts will be summoned to examine the books and accounts and to make a thorough investigation of the business of the companies. I think it evident that such investigation can now be better made under the direction of the Federal Trade Commission than by or under the direction of any other person or body; and this means greater efficiency in the work and, of course, greater economy.

Mr. President, I may have an opportunity of saying a few words to-morrow in regard to this subject. I think it is now the time for the taking of the recess, under the unanimous-consent agreement.

Mr. NORRIS. Mr. President, before we take a recess I want to renew my request for unanimous consent heretofore made, that to-morrow between 11 and 1 o'clock the time be equally divided between those in favor of the bill and those opposed to it.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I think the request is fair and ought to be agreed to, although I think the proponents of the bill have had a great deal more time up to the present than the opponents.

Mr. NORRIS. There has been ample opportunity for either side this afternoon to speak.

Mr. UNDERWOOD. Mr. President, as to a division of time, I think it is all right to divide the time equally, and I have no objection to that, but I would like to know who is going to divide the time?

Mr. NORRIS. I suppose under the unanimous-consent agreement the Chair would do that. I think that could be easily arranged.

Mr. STERLING. Having spoken in favor of a substitute, I would like to know where I come in on a division of time.

Mr. SMOOT. The Senator comes in as opposed to it.

Mr. UNDERWOOD. I do not know who desires to speak on either side.

Mr. NORRIS. I understand the Senator from Illinois [Mr. McCORMICK] desires to speak in opposition to the proposed legislation.

Mr. McCORMICK. Briefly.

Mr. NORRIS. And the Senator from Utah [Mr. SMOOT] desires to speak. There may be others, but that is as far as I know.

Mr. McCORMICK. Mr. President, I think we ought to have an understanding as to who is for or against the bill. Those

who are for the bill are blown in the bottle for a sudden death measure.

Mr. NORRIS. If the Senator wants to be funny or sarcastic, he has started out in a way to accomplish his purpose. If he is really in earnest about the matter, he will probably submit his observations on the bill in different language. There can not anyone blow me in a bottle without my consent, nor blow a bottle in me.

RECESS.

The PRESIDING OFFICER. The hour of 5 o'clock having arrived, the Senate, under the unanimous-consent agreement, will stand in recess until 8 o'clock this evening.

The Senate thereupon (at 5 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. CAPPER. Mr. President, I favor legislation for the regulation of the packing industry. I prefer the Senate bill. It has many commendable features not in the House bill. I would not support this measure if I thought it would work harm or injury to the packing industry. I can not see how fair and reasonable supervision, which this bill undertakes to bring about, can possibly work against the packing business. Indeed, it is my candid opinion that reasonable supervision by an impartial governmental agency will be helpful to the packers. It will establish confidence in the markets. It can not be denied that a great many farmers and stockmen believe that the live-stock market is to-day controlled by the five big packers. During the last year we have seen violent fluctuations in the market. The producer believes that these fluctuations were in great part the result of manipulation by the packers. If we can have a Federal agency to see that the big markets are honestly operated, the producer will feel that his interests are being protected.

I believe this legislation will also be beneficial to the consumer. Representatives of various associations of consumers, who believe the packers have a monopoly, came before the committee and asked for this legislation. Never was there greater need of consideration of the interests of the consumer. I do not say the packers are to blame for the high prices of meats, but both producer and consumer will have more confidence in the market if the Government will see that business is conducted on the square.

The spread between the producer and consumer is entirely too great. I am reminded of this to-day upon receipt of a resolution recently adopted by the Kalorama Citizens' Association, of Washington, which I desire to read:

Whereas bread, a staple and essential commodity of life, is selling in the District of Columbia at what appears to be an unreasonably high price, especially in view of the fact that wheat, the raw material, has fallen to a point where its production is barely, if at all, remunerative to the farmer; and

Whereas in many other cities the price of bread has been reduced in a degree more or less commensurate with the general decline in the price of commodities, but so far in the District of Columbia war prices for bread have apparently been maintained: Therefore, be it

Resolved by the Kalorama Citizen's Association in regular meeting assembled, That the Commissioners of the District of Columbia be, and they are hereby, respectfully requested to take such steps as may be within the scope of their powers and legal responsibilities to bring about a reduction in the price of bread, either by a direct lowering of the price or by increasing the size of the loaf.

A. COULTER WELLS,
President.

MAY 17, 1921.

Mr. President, I am not surprised that the citizens of Washington are complaining of the high prices they are still compelled to pay for bread, meat, and other necessities of life. The prices charged the consumer in Washington and many other cities are wholly out of line with the prices the producer is receiving for the products of his farm. The Government's latest statistics show that in the city of Washington there has been a reduction of but 14 per cent in the price of bread since the peak of war prices was reached. In the past year the price of wheat has declined more than one-third—34.8 per cent, to be exact—at the principal grain market of the country—Chicago. At Kansas City, which is still closer to the great wheat belt, the decline has been even greater, 37.7 per cent lower than a year ago. Out on the farms the price of wheat is back almost to prewar levels, but the 5-cent loaf of prewar times is only a memory.

This decline in the price of wheat has been reflected somewhat in the price of wheat flour, but in the retail price of bread there is scarcely the slightest glimmer of such reflection. Take the following table, showing per cent of decline in the price of wheat, wheat flour, and bread for the year ending May 15 last, which affords the latest figures available:

City.	Price flour on May 15.		Price bread on May 15.		Per cent decline in price of—	
	1920	1921	1920	1921	Flour.	Bread.
New York	$0.093	$0.056	$0.118	$0.107	+39	9
Boston	.096	.....	.113	.099	.....	21
Philadelphia	.089	.056	.106	.084	37	20
Baltimore	.088	.....	.113	.092	.....	+18
Chicago	.087	.052	.123	.099	40	19
Detroit	.084	.054	.115	.094	+35	18
St. Louis	.081	.....	.124	.106	.....	+14
Kansas City	.078	.055	.124	.107	29	13
Memphis	.085	.....	.125	.101	.....	+19
Washington	.089	.062	.122	.105	30	14

The foregoing table gives the Government's price figures, as obtained from the Bureau of Labor Statistics, for flour and bread at retail in 10 of the principal cities of the country in two contrasting columns. Percentages of decline in price of these two food products for the year May 15, 1920, to May 15, 1921, are shown. The figures showing the decline in the price of wheat are taken from the record of the cash market in Chicago and Kansas City, the two largest wheat markets of the country.

With a maximum cash decline in the price of wheat of nearly 38 per cent for the year and a maximum decline in the price of flour of 40 per cent, the size of the crust the bakers of the 10 cities hand the public varies remarkably from a measly decrease of but 9 per cent in New York to a maximum reduction of only 21 per cent in Boston. But I note that in New York, where the decline in the price of bread is least, the reduction in price of flour is greatest, with but a single exception, in the whole list.

This is not the only paradox in this remarkable table. Boston, the city farthest removed from the wheat belt and paying high transportation charges on wheat or flour for nearly 1,500 miles of railway, is the city showing the largest decline in the price of bread. Even out in the wheat country itself the bakers are still exacting high prices. In Kansas City the price of wheat has declined 37.7 per cent and of flour 29 per cent, but according to the latest Government reports the price of bread has declined only 13 per cent.

Mr. President, if the profiteering was confined to bread alone it would be bad enough, but we know that it extends to dealings in nearly all kinds of foodstuffs in lesser or greater degree. Prices of live stock have declined to a point of actual monetary loss in its production, and yet the prices of beef and pork in Washington and many other cities are almost as high as they were during the peak of war prices. The leading hotels of this city charge $1.60 for two lamb chops. That is more than the farmer received on the market for the whole animal. Figures compiled by the Bureau of Labor Statistics, which is our best authority, show that wholesale food prices dropped 47 per cent in 12 months, while retail prices declined only 28 per cent, and the prices paid to farmers dropped 53 per cent during the same period.

Mr. President, it is obvious that it is no fault of the producer that the consumer is still charged extortionate prices for most of what he buys. All farmers have suffered losses during the past year—thousands have gone bankrupt. I cite a single case that might be duplicated a thousand times. The next time anyone pays a Washington dinner check, with his steak costing him anywhere from $2 to $4 a pound, let him reflect on the case of this Nebraska farmer. Last October Charles Hunter, an Inavale cattleman, shipped to his feed lots 102 head of beef steers, which cost him $10,810 delivered in his lots, or 10½ cents a pound. He sold them seven months later on the Chicago market for $10,684, or 7½ cents a pound—a loss of 3 cents a pound—besides having to pay an $892 freight bill for shipping the cattle to Chicago.

In other words, Mr. Hunter bought 102,000 pounds of live steers for $10,810 and sold 142,800 pounds of beef on the hoof—just 40,800 more pounds of beef than he bought—for $10,684, taking a loss of $126, a loss of seven months' work, a loss of

all the alfalfa and corn he fed these steers, and a loss of seven months' interest on $10,810—a rather heavy penalty for having contributed more than 40,000 pounds of additional beef to feed his fellow countrymen.

Naturally, when stockmen lose so much money in raising, feeding, and shipping meat animals, there are going to be fewer such animals produced, and eventually meat is likely to become scarcer and dearer for strictly legitimate reasons. This time next year steaks in Washington may be costing $8 a pound instead of $4, and quite possibly the producer will not be receiving a satisfactory return even then for his labor and his feed and for interest on his investment.

A farmer feeds a hog 7½ bushels of corn to make 100 pounds of pork, but he pays 1½ bushels of corn for 1 pound of bacon.

For 5 pounds of wool, enough to make a "genuine" all-wool suit, a farmer is now glad to get $1, but to buy such a suit of clothes costs him 500 pounds of wool.

Last year a good pair of shoes could be bought with one cowhide. To-day it takes five cowhides to get the shoes.

To buy his wife a pair of $10 shoes a Kansas farmer recently sold 25 bushels of corn for $7.50 and a big cowhide for $2. Then he had to pay 50 cents to boot to close the transaction.

If on a parity with the present price of corn, Mr. Rockefeller would sell gasoline for 8 cents a gallon instead of 24, the Coal Trust would sell a ton of coal for $3 instead of $13, the clothier a $60 suit of clothes for $15, the shoe dealer a $10 shoe for $3, the hatter a $5 hat for $2, and the Washington market man would sell bacon at prewar prices instead of at postwar prices, and American agriculture would not to-day be in need of the credit pulmotor. Corn should be and is worth more if these things are worth what is asked for them.

Last year when corn was $1.50 a bushel a farmer could get 5 gallons of gasoline for a single bushel. To-day, at the farm price, that bushel of corn only buys a little less than 2 gallons of gasoline.

Last year 6 bushels of corn would buy a ton of soft coal. To-day that ton of coal costs 35 bushels of corn.

Last year 40 bushels of corn would purchase a $60 suit of clothes. To-day it would take 125 bushels of corn to buy that suit. Yet had clothing been reduced in price proportionately with corn, $60 suits of clothes would not take 36 bushels.

Last year a bushel of corn would buy 3 pounds of coffee. To-day it will buy only a little more than 1 pound.

Last year 2½ bushels of corn would purchase a 48-pound sack of flour. To-day it takes 5½ bushels.

And so it goes, up and down the line. Whether prices rise or fall, the farmer gets the worst of it.

What is it going to profit us to keep knocking the farmer down? How are we going to be clothed and fed when we finally have knocked him out completely?

The biggest problem, Mr. President, that confronts the Congress is to devise a plan by which through fair marketing conditions, an extinction of profiteering, a lowering of freight rates, and a rehabilitation of our foreign and domestic markets the producer may receive a fair return without the consumer being brutally victimized by the conscienceless purveyor of bread, meat, and other food products. We should see, also, that in future adequate credit is provided for farmers through long-time and short-time loans, adapted fairly and practically to the peculiar conditions of the farming business, to afford farmers the same credit accommodations now afforded other lines of business and that they may not be compelled to dump their products on a glutted or demoralized market.

Our people, I think, are beginning to see that we must put our former $80,000,000,000 farming industry on an equal footing with the organized world of business and industry or be prepared to suffer more and more from evil times when we should be enjoying good times. So on the whole the situation now seems very hopeful and encouraging.

All history emphasizes that the downfall of every bygone civilization and nation was preceded by the breakdown of its agriculture. Eventually we pay and pay heavily for every shortsighted or wrong policy toward agriculture that we adopt, as well as for every farsighted agricultual policy we fail to adopt. This inevitably reacts on general business and national welfare.

To attain a newer and stronger national stability resting on a general and genuine prosperity for all the people, the farmers of the land must have a square deal. That is all I ask. I ask it for them in behalf of all.

Mr. NORRIS. May I interrupt the Senator from Kansas?

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. CAPPER. I yield.

Mr. NORRIS. The Senator is speaking of farm organizations, and I desire to ask him, Is it not true that, as between the Senate bill and the House bill, those organizations prefer the Senate bill?

Mr. CAPPER. I think there is no doubt that that is true. They have so indicated to me.

Mr. NORRIS. The statement was made here the other day by some Senator in the debate that the farm organizations were in favor of the House bill.

Mr. CAPPER. My information is—and I have talked with the representatives of a number of those organizations here in Washington—that they prefer the Senate bill. Some of them have gone on record to that effect. I have yet to learn of a farm organization that is indicating a preference for the House bill.

Mr. NORRIS. I think that statement was made in reference to one of the farm organizations—perhaps the largest of all—the American Farm Bureau, of which Mr. Howard is the president. Has the Senator from Kansas talked with Mr. Howard, the president of that organization?

Mr. CAPPER. No; I have not.

Mr. NORRIS. I should like to say to the Senator I have talked with Mr. Howard, and he has told me that he prefers the Senate bill to the House bill. Before he came to Washington, before I saw him, I had a telegram from him in which he stated the same thing.

Mr. CAPPER. There is no doubt that Mr. Howard speaks for a very large portion of the agricultural community.

Mr. NORRIS. I confess that in making up my mind on the matter I was not moved by what any organization thought; I formed my opinion from my own investigation; but I was rather startled at that statement.

I want to ask the Senator from Kansas if he has not found, in his conversations with the representatives of the farm organizations, that one of the main reasons why those organizations favor the Senate bill as against the House bill is because the House bill in effect entirely takes away from the Federal Trade Commission all jurisdiction in connection with investigations in regard to packing products, and confers authority upon the Secretary of Agriculture to make such investigations, although it goes about as far as the Senate bill does in that respect?

Mr. CAPPER. I have heard that objection raised by a number of leading representatives of farm organizations.

Mr. NORRIS. Has the Senator ever come in contact, either in conversation or through the medium of correspondence, with any representative of any farm organization who was not strenuously objecting to any legislation in this bill or in any other measure which would have the effect of taking away the jurisdiction and the power of the Federal Trade Commission?

Mr. CAPPER. My observation is that generally the farm organizations have confidence in the Federal Trade Commission, and they would not want to see it crippled in any respect.

Mr. NORRIS. Now I should like to ask the Senator as to his investigations concerning the attitude of the consumers' associations. For instance, as to the very large consumers' organization represented by Florence Kelly, a woman who is known for her ability and as a representative of the women of this country all over the country—has the Senator had any conversation with her or has he heard from her in any way as between these two bills—the Senate bill and the House bill?

Mr. CAPPER. No; not as between the two bills; but I remember that she appeared before our committee last year, speaking for the National Consumers' League, I think the name of the organization is.

Mr. NORRIS. Yes; that is the name of the league.

Mr. CAPPER. At that time Miss Kelly very emphatically indorsed the bill which is now before the Senate.

Mr. NORRIS. The Senate bill?

Mr. CAPPER. Yes; the Senate bill.

Mr. NORRIS. I wish to ask the Senator now, so far as the consumers are concerned, particularly with reference to the National Consumers' League, whether they have not at all times and under all circumstances objected to legislation that would cripple the Federal Trade Commission?

Mr. CAPPER. I think they have. I have heard numerous objections from representatives of that organization to such proposed legislation.

Mr. NORRIS. The Senator knows that the House bill practically does absolutely take away the jurisdiction of the Federal Trade Commission. Has it ever occurred to the Senator that the taking away of the jurisdiction of the Federal Trade Commission by the House bill will go even further than it appears to go on its face in this respect? Suppose they were investigating a charge of unfair competition which was made by one clothing manufacturing concern against another as to clothing made of wool or of which wool was a component part, would it

not follow, if the House bill were enacted into law, that the Federal Trade Commission would be deprived even of jurisdiction to investigate a charge of unfair competition between two manufacturers of woolen clothing?

Mr. CAPPER. I should think that there would be very great danger that that would follow.

Mr. CURTIS. I should like to ask the Senator from Nebraska to point out the provisions of the House bill that will do anything of that kind.

Mr. NORRIS. With the permission of the Senator from Kansas [Mr. CAPPER], I will do so. On page 28 paragraph (b) of section 406 of the bill reads as follows:

(b) On and after the enactment of this act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this act, complaint has been served under section 5 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, or under section 11 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

That is the provision which, in my judgment, does just what I have suggested to the Senator from Kansas, and in which he concurs with me, as I understand him.

Mr. CURTIS. Does the Senator from Nebraska think that provision is broad enough to affect an investigation that might be undertaken with regard to clothing which is made of wool?

Mr. NORRIS. Yes; I do. I will say to the Senator from Kansas that if the Secretary of Agriculture would enter upon that kind of an investigation I would not have serious objection. However, I am not complaining about the Secretary of Agriculture not doing his duty, particularly the present Secretary of Agriculture, for I have just as much faith in him as has the Senator, but wool is a by-product of the packing industry. If we give to any governmental authority the right to investigate questions affecting wool and at the same time take away the right of the Federal Trade Commission to investigate any by-product of the meat-packing industry, we will naturally—I do not see how we can escape the conclusion—take away from the Federal Trade Commission the right to investigate a charge of unfair competition between clothing manufacturers, between shoe manufacturers, fertilizer manufacturers, or any other manufacturers engaged in kindred lines of business.

It is true that under the House bill some authority would be given to the Secretary of Agriculture, but, as a matter of fact, the Secretary of Agriculture would never avail himself of it. He is not expected to do so under this bill. He would investigate as far as the meat products are concerned, and he would have authority to go further. On the other hand, if the Federal Trade Commission's authority were kept intact and the same authority were given to the Secretary of Agriculture, or, under the Senate bill, to the commissioner, it is true then that there would be an overlapping of authority. I admit that as between an overlapping and a vacuum, in which there could be no investigation, I would rather have the overlapping; but in practical application of the law there would be no overlapping. If we pass the Senate bill, for instance, or the House bill in that respect, the Secretary of Agriculture or the commissioner, as the case might be, would never go into the question of unfair competition as between clothing manufacturers or shoe manufacturers or any manufacturers of that kind, although technically he might have the authority so to do. On the other hand, if we give to the Secretary the authority to go into such questions, he would not go into them; so that if we take the jurisdiction away from the Federal Trade Commission we are likely to cripple that commission in connection with hundreds of subjects matter. To some extent that criticism applies to the Senate bill just as well as to the House bill. I admit that. The only difference in that respect between the two bills as they stand now is this:

The Senate bill provides an exception; the House bill does not, but takes the jurisdiction absolutely away. The Senate bill takes it away, with the exception that they will still retain their authority to investigate anything, including the packers, if they are directed to do so by the President, the Secretary of Agriculture, by the Senate or by the House of Representatives. As I look at the two bills on that point, that is the difference between them. Without going any further, it seems to me if we want to preserve the authority of the Federal Trade Commission, as between these two propositions, we ought to support the Senate bill, because it retains more power and more jurisdiction; in fact, it retains all of the jurisdiction of the Federal Trade Commission, the only difference being that it will require action on the part of the President or the Secretary of Agriculture or the House of Representatives or the Senate to put it into operation. A Senate resolution would start it; a House resolution would start it. In the Senate bill, as I have pointed out once before, there is the additional provision that the commissioner provided for can be removed by concurrent action of the House of Representatives and the Senate without the President, and the President can remove him, on the other hand; so that it has that safeguard about it. As to that proposition if the Senate bill were enacted, considering that one section alone; if we had a commissioner, for instance, who was not inclined to do his duty—and it was said here the other day, and I have a great deal of sympathy for the suggestion, that eventually at some time, in some way, the packers will get control even of the commissioner—a safeguard is provided. If the Senate bill is enacted as it stands in respect to that proposition, in order to relieve themselves of any investigation the packers would have to get control of the commissioner and of a majority of the Federal Trade Commission. It would take them several years to do that, unless the commissioner and the members of the Federal Trade Commission should die or resign. So on the two propositions referred to it seems to me that the House provision is a dangerous one.

Personally, without amendment, I can not see but there is danger of its doing more harm than good. The Secretary of Agriculture is liable to be changed overnight. I charge no President with being in collusion to bring about such a situation, but the President appoints the Secretary of Agriculture without reference to this particular question; he appoints him for political reasons; there are thousands of other matters that enter into consideration; and he will appoint a man probably without knowing how he stands on this question. I am making no charge against the present President or any President who may follow him. The Secretary of Agriculture will receive his appointment without reference to the packers, but, as has been said by some of those who are opposing this bill, the power and the influence of the packers—sinister, secret, spread all over the country—is such that, without the President himself knowing it, he might appoint some one friendly to the packers.

To-morrow, when we reach the consideration of the bill under the 5-minute rule, I am going to offer an amendment to the Senate bill in which I shall move to strike out section 5. Section 5 attempts to confer upon the commissioner, in substance, the power that is now conferred by law upon the Federal Trade Commission, and then takes away from the Federal Trade Commission all its authority with the exceptions that I have noted about the House of Representatives, the Secretary of Agriculture, the President, and the Senate. I am going to move to strike that out, and to insert in lieu of it language that in substance says that nothing in this act contained shall be construed to limit or take away any of the power of the Federal Trade Commission.

Mr. President, I did not expect to speak to-night.

Mr. McNARY. Mr. President, I have been interested in the discussion of the most distinguished chairman of the Committee on Agriculture and Forestry. I recall a remark he made a moment ago to the effect that he was going to ask that section 5 be stricken from the bill. If I understand the chairman, he wants to coordinate the jurisdiction and duties of the Secretary of Agriculture with those of the Federal Trade Commission, giving them like jurisdiction over all matters arising out of the packer bill. I will ask the chairman of the committee if that is true?

Mr. NORRIS. I will say to the Senator that in my judgment the striking out of section 5 does not take away from the commissioner any authority whatever. He is given all that authority in other sections of the bill. He ought to have it, and I would not strike it out if I felt that he did not already have it in the bill; but that is the section that deprives the Federal Trade Commission of its jurisdiction.

Mr. McNARY. Then if this bill is formed around the idea which I think the committee had, that it should be administered by the Secretary of Agriculture, I will ask the chairman if he wants to give another organization coordinate authority?

Mr. NORRIS. I explained a while ago that there would be a lapping of authority. As I look at it, between the House and the Senate bills we must have either a lapping of authority or a lapse without any authority. For practical purposes there would be none. In other words, I think it would be a great insurance provision to have this commissioner know that if he did not do his duty there was somebody else who would. The Federal Trade Commission, in the very investigation that it did make of the packers, did not do it on its own initiative. It did it because it was instructed to do it by President Wilson.

Now, I anticipate that the Federal Trade Commission would not do it again when there was some one else doing it. They would not both be working at the same thing, excepting that if

the Federal Trade Commission had before it a charge of unfair competition made by one shoe dealer against another, and it was investigating that charge, and it traced the leather to the packers, it would have to stop just that minute; it could not go any further under the House provision, and the same thing would be true of the Senate provision, unless the President or the Secretary of Agriculture or one branch of Congress acted. Now, I do not want to get the country into that kind of a condition, and that is what I am trying to relieve.

Mr. McNARY. Mr. President, I have as high regard for the efficiency of the Federal Trade Commission as has the distinguished chairman of the Agricultural Committee; but if the Secretary of Agriculture is given plenary power to discover unfair practices and unjust discrimination under this bill, whether it be the Senate bill or the House bill, why should we have two coordinate organizations working together and always coming in collision, which is a thing that the Republican Party and we as Members of the Senate have always attempted to say was vicious?

Mr. NORRIS. I do not know that I can make my position any plainer to the Senator. I want to correct him, however, when he says that they are always coming in collision. Suppose we pass either the Senate bill or the House bill just as they stand, either one of them, and there is a complaint made before the Federal Trade Commission by a great manufacturer of woolen clothing against a hundred other woolen clothing manufacturing associations charging unfair competition and they commence an investigation.

That is one of the duties of the Federal Trade Commission. Nobody will dispute that. They run along until perhaps it becomes necessary to trace the wool or the cotton or the linen, or anything else that is in the fabric, clear through to its source to investigate it properly; but they trace this wool to the packers, and the minute they get it there they have to stop. They can not go any further. They have not any authority to go any further. If they undertake even to investigate it and come in contact with the packers or anybody engaged in the packing business that owned the wool and got it from the back of the sheep that were slaughtered in their slaughtering house, they can be kicked out of the office. There is no court that can give them authority to get any evidence to go one step further in the investigation.

It is true, probably, that if we do pass the House bill the Secretary of Agriculture or the commissioner would have authority to pick up the matter at that point and go on with the investigation; but, on the other hand, the Secretary of Agriculture or the commissioner, whichever bill we have, would not have authority to investigate anything else that is in that clothing; and there is where I think you would come to a place where you would have each investigating authority running partway through with an investigation and being compelled to stop. I think that is a worse position to put us in than to give authority to both the Secretary and the Federal Trade Commission, when they will not abuse it as against each other, unless there should come a case like the one I have put, where the Federal Trade Commission were investigating unfair competition between manufacturers of woolen clothing. They would, of course, run it to the bottom. If we struck out section 5 and inserted what I want to insert, they would have authority to go to the bottom.

It is true, I will admit to the Senator, that they likewise would have authority to investigate the general packing situation. I concede that there would be an overlapping. In practice there would be no danger of an overlapping, except in cases where we would want them to go through with their investigation. In any investigation the Federal Trade Commission might make, if the House bill were the law, they could not go any further unless we passed a law through the House and through the Senate and had it signed by the President giving them authority to go further. If the Senate bill as it now stands were enacted into law, and they got into that kind of a dilemma, they would have to stop unless they were directed to go further by the President or the Secretary of Agriculture or the Senate or the House, which, of course, in my judgment, is a good deal better than the other case, a good deal easier. If my amendment should prevail they would have the authority without the action of anybody.

Mr. McNARY. Mr. President, I understand the state of mind of the chairman of the committee; but in this particular instance—and in no other department of Government, as far as I know—there is an overlapping of authority. Why should the Federal Trade Commission have jurisdiction where jurisdiction is given to the Secretary of Agriculture? Why not say that the Secretary of the Navy should have jurisdiction over certain matters in respect of the Army? Why not say that the Secretary of the Interior, when he considers the forest situation, should have coordinate authority with the Secretary of Agriculture? Why duplicate overlapping authority in matters of purely administrative powers in our Government?

Mr. NORRIS. I will say to the Senator that I may be entirely wrong, but I think I have made my position plain as to why I think that. Does not the Senator understand it? Let me ask the Senator, now, does he want to put the Federal Trade Commission in such a position that if they were going to investigate a charge of unfair competition in clothing they could not do it?

Mr. McNARY. I will say to the chairman of the committee, whom I esteem most highly, that on the same principle they should be empowered to conduct an investigation into the cost of a battleship. I believe that if the Secretary of Agriculture is given power, which this bill gives him, to investigate unfair practices and unjust discrimination, he should have plenary power and final jurisdiction; and I do not believe it is within the purview of the Federal Trade Commission to interfere with any orders or regulations. I believe that the Secretary of Agriculture is efficient, and capable of administering this law or such a law as might be enacted. If the chairman's view were taken into consideration, in all matters of public administration we would have a multitude of overlapping authorities.

I think the purpose of a legislator should be to cut out as many bureaus as possible, to invest power where power should be invested, to hold men responsible for their business, to make men understand that the power that is given them should be treated honestly, and their records should be scrutinized most carefully. Where, I think, a mistake has been made in all the administrations of the country is in giving men power and then dividing that power with other men, which I do not want to do in this law.

I want to say to my distinguished colleague that I should like to have the Secretary of Agriculture held responsible for every infraction of the law, for every disobedience of order or regulation, and not have him say: "The Federal Trade Commission has equal power with me, and they refuse to act, and if I have made a mistake it was an error of heart and not of judgment."

Mr. NORRIS. Let me ask the Senator a question. The Senator is in favor of the House bill. Suppose we pass it just as it stands, and suppose a complaint of unfair competition is made before the Federal Trade Commission by one wholesale shoe man against another. Can the Federal Trade Commission investigate it; and if they can not investigate it, will the Senator tell me who can? This bill does not give the Secretary of Agriculture authority to investigate it.

Mr. McNARY. I think, in the case the Senator has mentioned, the Federal Trade Commission should investigate it.

Mr. NORRIS. But the bill that the Senator favors takes away their jurisdiction. That is a by-product of the packers.

Mr. McNARY. I favor that bill because I want legislation. I believe that bill will give us some legislation almost as salutary as the bill we call the Senate committee bill, known as the Norris bill. That may be an error of judgment. But that is aside from the general proposition, which is the overlapping of authority.

Mr. LA FOLLETTE addressed the Senate. After having spoken for about one hour and three-quarters, he said:

Mr. President, that brings me to a discussion of the House bill, as I have arranged my data; but the suggestion has been made by some Senators, in view of their idea of its importance, that that discussion be reserved for to-morrow, and I am perfectly willing to yield to that suggestion. Of course, if I should be denied recognition to the floor before 1 o'clock, I presume I would have the opportunity under the 5-minute rule to speak from time to time, and a good many times, and perhaps, so as to be able to lay before the Senate about all I want to say on the subject.

Mr. KENYON. Mr. President, I think that the chairman of the committee will agree that it can be arranged so that the Senator from Wisconsin will have some time to-morrow.

Mr. LA FOLLETTE. I can, at least, secure some time under the 5-minute rule without being under obligations to anybody.

Mr. NORRIS. I will say to the Senator from Wisconsin that I think it can be arranged so that he will have an opportunity to speak to-morrow morning. I do not know who would dare to object, the time having been equally divided between those who are opposed to the bill and those who favor it. If that is done, the Senator ought to be able to secure a half hour, I should think, the hour allotted to the friends of the bill being divided between the Senator from Wisconsin and the Senator from Iowa, a half hour to each.

Mr. KENYON. I wish I might not be taken into consideration at all.

Mr. LA FOLLETTE. I do not want to crowd on to the time of the committee.

Mr. KENYON. If I have 10 or 15 minutes, it is all that I care about. I will take my chances.

Mr. LA FOLLETTE. The members of the committee know a good deal more about this legislation than I do.

Mr. KENYON. I do not know whether they do or not, but I will take my chances about time. I shall be glad if the Senator can get down to the discussion of the point he has made in the morning. The Senators ought to hear it.

Mr. LA FOLLETTE. I could have taken it up earlier in the evening, but, at the suggestion of some Senators, I filled in the time because they thought it ought to be reserved for a better attendance of the Senate. That is the fact about it.

Mr. KENYON. Let us try that, and quit now.

Mr. LA FOLLETTE. I want Senators to understand that I knew what I was doing. I do not care, however; I am perfectly willing to go on.

Mr. NORRIS. Of course, the Senator can go on now if he wants to.

Mr. LA FOLLETTE. I am satisfied that to-morrow I can say what I desire just as well.

RECESS.

Mr. NORRIS. With that understanding, then, if the Senator will yield, I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 10 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Thursday, June 16, 1921, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 15, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou are not the King of Terrors, but the Friend and the Savior of men. There is one God who is the Father of us all and who is above all, over all and in all, and blessed forever more. Come Thou and stoop to our needs. Minister to our weakness. Light the lamp of hope. Lead the way. Extend our horizon until we behold that city that hath foundations, whose builder and maker is God. In the name of Jesus of Nazareth. Amen.

The Journal of the proceedings of Monday, June 13, 1921, was read and approved.

COMMISSION ON AGRICULTURAL INQUIRY.

The SPEAKER appointed as members on the part of the House of the Commission on Agricultural Inquiry under Senate concurrent resolution 4 Mr. ANDERSON, Mr. MILLS, Mr. FUNK, Mr. SUMNERS of Texas, and Mr. TEN EYCK.

PERSONAL EXPLANATION.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for half a minute. Is there objection?

There was no objection.

Mr. APPLEBY. Mr. Speaker, on Monday last I was in my home district inspecting, with Government officials, the condition of the Barnegat Lighthouse. Otherwise I should have been pleased to be here and vote for the Porter peace resolution.

AVIATION AND ORDNANCE EXPERIMENTS.

The SPEAKER. The Chair will ask the Clerk to read for the information of the House a communication which he thinks will be of interest to Members.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, June 11, 1921.

MY DEAR MR. SPEAKER: A series of aviation and ordnance experiments will be conducted by aircraft and vessels of the Atlantic Fleet and units of the Army Air Service, off the Capes of the Chesapeake during the months of June and July, 1921.

The U. S. S. *Henderson* will be used to carry the guests of the Navy Department to witness these experiments, and according to present plans, that vessel will leave Washington, D. C., or its immediate vicinity, in accordance with the following itinerary:

June 20. Leave Washington a. m. to witness destruction of ex-German submarines *U–117* by aircraft, and the destruction of *U–140, U–111, UB–48* by gunfire from destroyers. Return to Washington upon completion, arriving there p. m. June 23.

June 26. Embark on *Henderson* in evening; sail at daylight June 27 to witness the search by aircraft for the old battleship ex-*Iowa*, under radio control, and bombing of that vessel with dummy bombs. Return to Washington upon completion, arriving p. m. June 29.

July 12. Leave Washington a. m. to witness destructon of ex-German destroyer by aircraft and the destruction of two other ex-German destroyers by gunfire. Return to Washington upon completion, arriving p. m. July 16.

July 19. Leave Washington a. m. to witness the destruction of the ex-German battleship *Ostfriesland* by bombing from aircraft and gunfire from battleships. Return to Washington upon completion, arriving p. m. July 22.

It should be noted that this itinerary may necessarily be changed on account of weather conditions, and that the trips may be prolonged beyond the periods indicated.

The Navy Department takes great pleasure in hereby extending to the membership of the House of Representatives a cordial invitation to witness these experiments, having in mind that some of the Members, particularly those of the Committees on Naval Affairs, Military Affairs, and Appropriations, might be interested in seeing the exercises. Unfortunately, the suitable accommodations on the *Henderson* are quite limited, so that I am compelled to ask that the number of Representatives who may accept this invitation be limited to 15 for each trip of the *Henderson*. In order that final arrangements may be made, and the designated Representatives be advised of all details concerning transportation, it is requested that the Navy Department be informed as soon as possible of the names of those who desire to attend the exercises on each of the four trips of the *Henderson*.

Sincerely, yours,

EDWIN DENBY.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. LODGE, Mr. KNOX, and Mr. HITCHCOCK as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4091) granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River in Mingo County, W. Va.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 32. Joint resolution to suspend the requirements of annual assessment work on mining claims during the years 1920 and up to and including June 30, 1921, and fixing the period during which such work shall be performed.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6300. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 32. Joint resolution to suspend the requirements of annual assessment work on mining claims during the years 1920 and up to and including June 30, 1921, and fixing the period during which such work shall be performed; to the Committee on Mines and Mining.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes";

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon;

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park; and

H. R. 6300. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk proceeded to call the roll of committees.

AMERICAN SEAMEN.

Mr. GREENE of Massachusetts (when the Committee on the Merchant Marine and Fisheries was called). Mr. Speaker, I call up the bill (H. R. 6754) to amend sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915.

The SPEAKER. The gentleman from Massachusetts, chairman of the Committee on the Merchant Marine and Fisheries, calls up a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, be, and the same are hereby, amended as follows:

That section 2 of said act be amended by adding the following: "*Provided*, That on the Great Lakes and their connecting waters, where such a vessel is operated less than 6 hours out of 24 hours, the provisions of this section shall not apply; and where such a vessel is operated not less than 6 hours nor more than 12 hours, including the time in port when the respective members of the crew are required to be on duty, out of 24 hours, the sailors, oilers, water tenders, and firemen shall be divided into at least two watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel: *Provided further*, That where such a vessel is operated more than 12 and less than 16 hours out of 24 hours, the sailors, oilers, and water tenders shall be divided into at least two watches and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of such vessel."

That section 13 of said act be amended by adding the following: "*Provided further*, That on the Great Lakes and their connecting waters 50 per cent of the deck crew of such vessel, exclusive of licensed officers and apprentices, shall be of a rating not less than able seamen."

That the paragraph under section 14 of said act with reference to lifeboat and raft requirements for passenger vessels operating on the Great Lakes be amended to read as follows:

"At no moment of its voyage may any passenger steam vessel of the United States on the Great Lakes, on routes more than 8 miles offshore, except over waters whose depth is not sufficient to submerge all the decks of the vessel, have on board a total number of persons, including passengers and crew, greater than that for whom accommodation is provided in the lifeboats and pontoon life rafts on board. The accommodation provided in lifeboats shall in every case be sufficient to accommodate at least 75 per cent of the persons on board. The number and types of such lifeboats and life rafts shall be determined by regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided*, That during the interval from May 1 to October 15, inclusive, any such steamer shall be required to carry accommodation for not less than 50 per cent of persons on board in lifeboats and pontoon life rafts, of which accommodation not less than two-fifths shall be in lifeboats and three-fifths may be in collapsible boats or rafts, under regulations of the Board of Supervising Inspectors, approved by the Secretary of Commerce: *Provided further*, That all passenger steam vessels of the United States the keels of which are laid after the 1st of July, 1915, for service on ocean routes, or for service from October 15 to May 1 on the Great Lakes on routes more than 3 miles offshore, shall be built to carry, and shall carry, enough lifeboats and life rafts to accommodate all persons on board, including passengers and crew: *And provided further*, That not more than 25 per cent of such equipment may be in pontoon life rafts or collapsible lifeboats."

That the paragraph of section 14 of said act under the caption "Manning the boats" be amended by adding thereto the following: "*Provided*, That on the Great Lakes and their connecting waters certificated lifeboat men may be used in lieu of able seamen in the manning of life rafts."

With the following committee amendments:

Page 2, lines 8, 9, and 10, strike out the words "including the time in port when the respective members of the crew are required to be on duty."

Page 2, line 11, after the word "the," strike out the word "sailors."

Page 2, line 17, strike out the word "sailors."

Page 2, line 21, after the word "vessel," insert the following: "*And provided further*, That the oilers and water tenders shall not be required to be on duty more than 12 hours out of 24 hours, and the firemen shall not be required to be on duty in the fireroom more than 8 hours out of 24 hours."

Mr. GREENE of Massachusetts. Mr. Speaker, I would like to inquire how much time the minority would like to have on the bill? Will an hour on a side be satisfactory?

Mr. HARDY of Texas. I suppose that will be sufficient.

Mr. NOLAN. I should like to address a parliamentary inquiry to the gentleman having this bill in charge. If no minority member of the committee is opposing this bill, I should like to know how those who are opposed to it are going to get time, and what arrangements we may have in that regard?

Mr. GREENE of Massachusetts. There is no opposition in the committee. It is a unanimous report.

The SPEAKER. Does the gentleman from California address his inquiry to the Chair as a parliamentary inquiry?

Mr. NOLAN. Yes; I believe it is a parliamentary inquiry.

The SPEAKER. Of course, this is being done by unanimous consent. The only way is for the gentleman from Massachusetts to agree that a part of the time shall be given to those opposed to the bill.

Mr. NOLAN. Does the Calendar Wednesday rule preclude those in opposition to a bill from having time?

The SPEAKER. Not at all. The only question is that if the gentleman should move the previous question and the House should support him in it, the minority would not have time; but that has never been done, and the Chair thinks that to-day probably, as always, those opposed to the bill will be given as much time as those in favor of it.

Mr. GARNER. Mr. Speaker, I call the attention of the Chair to the fact that two weeks ago the gentleman from Massachusetts [Mr. WINSLOW] asked the Chair if the rule accorded to those in opposition would have one hour's time, and the Speaker replied in the negative. I want to call the attention of the Chair to this particular precedent at this time. On Calendar Wednesday we are supposed to take two hours, and usually have, for the consideration of a bill.

The SPEAKER. That relates to bills on the Union Calendar.

Mr. GARNER. Does the Chair hold that such time as the chairman of the committee may desire can be utilized with reference to bills not on the Union Calendar?

The SPEAKER. Oh, no; not such time as the chairman of the committee may desire, but such time as the House may determine. It depends on the vote of the House.

Mr. GARNER. And the Speaker would recognize members of the committee after the hour expired if the previous question was not ordered?

The SPEAKER. The Chair certainly would recognize some one opposed to the bill.

Mr. HARDY of Texas. Mr. Speaker, while I expect to vote for the bill, there is opposition to it on the floor of the House. I think all of my colleagues on the committee expect to vote for the bill, but there is some serious opposition, and I think it would be equitable and just to agree to, say, three hours' time, giving one hour to those opposed to the bill and one hour each to the minority and majority members of the committee.

Mr. GREENE of Massachusetts. I think two hours ought to be sufficient for the consideration of the bill.

Mr. NOLAN. If those who are opposed to the bill are given half an hour, I think that will be sufficient.

Mr. HARDY of Texas. We are perfectly willing to give them 15 minutes, if the majority will do the same.

Mr. GREENE of Massachusetts. I will give them 15 minutes of our time, but the gentleman from Michigan will object unless we have two hours and a half of debate.

Mr. GARNER. Two hours ought to be sufficient.

Mr. DAVIS of Tennessee. I suggest an hour on a side, with an agreement that the majority yield 15 minutes and minority yield 15 minutes to the gentleman from California [Mr. NOLAN] and those opposed to the bill.

Mr. GREENE of Massachusetts. The gentleman from Michigan will object to that.

Mr. BANKHEAD. It can be done by unanimous consent.

Mr. WALSH. You can not get unanimous consent.

Mr. BANKHEAD. You can make an effort to get it.

Mr. GREENE of Massachusetts. There is objection to it already.

The SPEAKER. Does the gentleman from Massachusetts wish to submit a request for unanimous consent?

Mr. GREENE of Massachusetts. I submit a unanimous request for two hours and a half, and allow half an hour to those opposed to the bill.

Mr. JAMES of Michigan. I object.

Mr. GREENE of Massachusetts. Then we will go along in the usual way. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SCOTT] one hour, who will take charge of the bill.

Mr. LONDON. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. Evidently there is no quorum present.

Mr. GREENE of Massachusetts. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees, and the Clerk to call the roll, whereupon the following Members failed to answer to their names:

Ansorge	Bell	Bond	Brooks, Pa.
Anthony	Bixler	Brand	Browne, Wis.
Beedy	Blakeney	Brooks, Ill.	Burdick

Burroughs	Freeman	Langley	Sears
Burtness	French	Lee, N. Y.	Shelton
Byrnes, S. C.	Gallivan	Lufkin	Sisson
Chandler, Okla.	Gernerd	McDuffie	Slemp
Clague	Goldsborough	Mann	Snell
Clark, Fla.	Good	Mason	Snyder
Clarke, N. Y.	Gould	Merritt	Stiness
Cockran	Graham, Ill.	Moore, Ill.	Stoll
Connell	Graham, Pa.	Moore, Va.	Strong, Pa.
Copley	Griest	Morin	Sullivan
Coughlin	Griffin	Mudd	Tague
Cramton	Haugen	Newton, Minn.	Taylor, Ark.
Crowther	Herrick	O'Brien	Taylor, Colo.
Darrow	Hicks	Ogden	Temple
Deal	Himes	Oliver	Thomas
Dempsey	Hogan	Paige	Upshaw
Dominick	Hudspeth	Parks, Ark.	Vaile
Drewry	Husted	Patterson, N. J.	Vare
Dunbar	Ireland	Perlman	Voigt
Dunn	Jefferis	Peters	Volk
Evans	Johnson, S. Dak.	Petersen	Walters
Fairfield	Jones, Pa.	Reavis	Ward, N. Y.
Faust	Kearns	Reed, W. Va.	Weaver
Fenn	Kelley, Mich.	Robertson	Wheeler
Fess	Kennedy	Rosenbloom	Wingo
Fields	Kiess	Rossdale	Winslow
Fordney	Kindred	Rouse	Wise
Foster	Kitchin	Sabath	Wood, Ind.
Frear	Kleczka	Sanders, N. Y.	Woodruff
Free	Kreider	Schall	Zihlman

The SPEAKER. Two hundred and ninety-nine Members have answered to their names, a quorum is present.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. SCOTT of Michigan. The Committee on the Merchant Marine and Fisheries have reported a bill which I introduced, and that bill is now before you. It amends what is known as the La Follette Seamen's Act. That act was passed in 1915. It was a uniform law, and by that I mean that it had a uniform application to navigation on the ocean and on the Great Lakes. The usual run on the ocean is eight days, and the usual run on the Great Lakes is eight hours. Yet the La Follette Seamen's Act provided the same complement of employees on a ship operating eight days that it required on a ship operating eight hours or less. In other words, on the Great Lakes and on the ocean, regardless of the length of the run, two crews of sailors are required and three crews of oilers, water tenders, and firemen.

I may say to the House that this bill, H. R. 6754, now before us only applies to the Great Lakes. In view of the apparent difference in operation between the Great Lakes and the ocean, we felt that the Great Lakes should be divorced from the operation of the law.

In section 2 of the bill we provide that where ships on the Great Lakes are operated less than 6 hours out of the 24 it shall not come under the provisions of this section requiring a definite complement of crew, but that that shall be left to the Department of Commerce, as was the case in all instances prior to the adoption of the seamen's act. In other words, gentlemen, it is impossible to draft a law providing for an honest and equitable application to all conditions, and when you attempt to do that you do a grave injustice where you least expect such injustice to apply.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Michigan. Yes.

Mr. CRISP. Will the gentleman please tell us how much the La Follette Act requires the shipowners to increase the crew on the ships operating on the Great Lakes?

Mr. SCOTT of Michigan. On the Great Lakes we have runs of as short duration as 3 miles. That sounds peculiar to you gentlemen who live on the ocean, where the run is from 1,300 to 3,000 miles, but we have many runs on the Great Lakes that are from 3 to 5 miles. On a run of that character for half a century prior to the adoption of the seamen's act we carried a crew of eight men and never lost a life, never had an accident, and under the operation of this law, as soon as the La Follette Act went into effect, the same boat now has to carry a crew of 19 men.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Michigan. Yes.

Mr. MADDEN. I suppose that additional number of men was required because of the provision of law which required a certain percentage of able seamen.

Mr. SCOTT of Michigan. Yes.

Mr. MADDEN. And a certain number of hours between oilers and watchmen, and so forth?

Mr. SCOTT of Michigan. Yes; that is true. The law which we are trying to amend provides that in all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers and harbors, the sailors while at sea shall be divided into at least two watches, and the firemen, oilers, and water tenders divided into three watches. That is the present law. Let me read a letter which illustrates the burden borne by ships on the Great Lakes. This letter was written to me in 1915, and in it the writer says, speaking of his boat:

> Under our license she has always operated with 8 men. Under the new law 19 men are required. The boat is not arranged to house such a crew, even if the expense could be borne, which it certainly can not. Therefore, we are obliged to tie this ship up at the dock.

That illustrates the tremendous increase in the complement of ship crews required on the Great Lakes.

Mr. MADDEN. They would not be able to find sleeping quarters in that sized ship for a crew of 19.

Mr. SCOTT of Michigan. No.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Michigan. Yes.

Mr. HARDY of Texas. I do not recall any testimony before the committee showing such an increase.

Mr. SCOTT of Michigan. That is the case to which I called attention on the Straits of Mackinac, on the ferryboat that runs from St. Ignace to Mackinac, a distance of 3 miles; and knowing the situation, the Department of Commerce has reduced that requirement. I do not know how they did it, but they did it.

Mr. HARDY of Texas. What size vessel is that?

Mr. SCOTT of Michigan. I think she is about 100 feet long.

Mr. HARDY of Texas. With 19 men in the crew?

Mr. SCOTT of Michigan. Yes. They had to put on 19 men under the law. Under the bill proposed, as far as short-run ships are concerned, we take them out of the provisions of the section and allow the department to regulate them, where a ship is operating less than 6 hours out of 24. Where she operates between 6 and 12 hours, we require them to have two crews. On such a run now these ships are obliged to carry three crews, and the extra amount of men are absolutely useless. As soon as the ship gets into port there is a little cleaning up to do, incident to the running of the ship, and then they leave a few men on board in each department and the rest of the crew go ashore. Before the seaman's law they operated on 6-hour shifts, which was perfectly satisfactory to the men, because with six hours on and six hours off the men could leave the vessel at port and have six hours off to devote to their families. Under the 4-hour system, which is the 3-watch system, when they get into the port they only have three hours off and they can not any more than get home than it is time to go back to work. Consequently the men themselves prefer the 2-watch system on short runs.

Mr. WALSH. Is it because these runs are of short duration that this measure is reported?

Mr. SCOTT of Michigan. No; not entirely. We are trying to keep our passenger ships on the Great Lakes. We are trying to apply a reasonable law to the actual conditions and not to some fancied condition.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Michigan. Yes.

Mr. EDMONDS. The gentleman stated that it was not on account of the short runs that this measure is reported. The adoption of this amendment is recommended on account of the short runs, is it not?

Mr. SCOTT of Michigan. Oh, yes; this particular amendment.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Michigan. Since the adoption of the La Follette Act in 1915 down to the present time one-sixth of all of the ships on the Great Lakes have stopped operating largely because of this law.

Mr. WALSH. Will the gentleman yield?

Mr. SCOTT of Michigan. Yes.

Mr. WALSH. If it is on account of the short run, as the gentleman from Pennsylvania states, why did not you apply it to other short runs along the coast?

Mr. SCOTT of Michigan. The short runs along the coast are in the sounds, bays, and rivers, which are specifically excepted in the present law.

The SPEAKER. The gentleman from Michigan has consumed 15 minutes.

Mr. SCOTT of Michigan. I will take an additional five minutes.

Mr. DAVIS of Tennessee. Will the gentleman yield for a question?

Mr. MADDEN. Will the gentleman yield to a question as to the additional operating cost under the requirements of the law? That is one of the things we want to know.

Mr. SCOTT of Michigan. Yes.

Mr. MADDEN. And how onerous is that additional cost on the owner of the property and how necessary?

Mr. SCOTT of Michigan. Time prevents me from giving many illustrations, but here is one ship where the additional employees required by the seaman's act cost in salaries in one season over $8,000. That is exclusive of the food necessarily purchased to feed these unnecessary employees. It is not surprising that one-sixth of the ships have been tied at the docks and permitted to rot and the people of the Great Lakes section of the country for the first time in the history of the country are deprived of passenger and freight packet facilities that they have enjoyed heretofore.

Mr. MAPES. Before the gentleman passes that will he yield to a question? I notice that the proviso proposed to the first section of the law applies to vessels that are operated less than 6 hours out of the 24 hours a day.

Mr. SCOTT of Michigan. Yes.

Mr. MAPES. I do not just understand how that would affect a short line if it made several trips a day; for instance, one which the gentleman has cited from St. Ignace to Mackinac City. If I understand it correctly, these boats make return trips during the day, so they are really operated more than six hours.

Mr. SCOTT of Michigan. Here is what they do: The steamer *Lotus* leaves St. Ignace about 9.30 in the morning, because at that time the trains come from the North and the South. It makes one trip across to the island, which takes about 15 minutes. Then it comes back, and the crew go home, returning some time in the afternoon. I think they make two trips in the afternoon and evening, taking the passengers to and from the island. They may make four trips a day.

Mr. MAPES. How many hours in all?

Mr. SCOTT of Michigan. In actual operation probably not to exceed four or five hours a day at the outside.

Mr. MAPES. Is not that an exceptional case?

Mr. SCOTT of Michigan. No; it is not an exceptional case. The *City of Sheboygan* runs from the city of Sheboygan to the Point of Pines, then to the island. The *Islander* and the *Chippewa* both have comparatively short runs. These are passenger steamers which I can think of hurriedly; but there are many sand boats on all the Lakes operating less hours per day than these boats I have mentioned.

The SPEAKER. The gentleman has consumed an additional five minutes.

Mr. SCOTT of Michigan. I will take five minutes additional. Let me direct your attention to the passenger steamer *Kirby*. What occurred with this steamer occurred with very nearly every steamer on the Great Lakes. In 1911 it cost the *Kirby* for employees, exclusive of officers, on board the ship $12,625. In 1919, which was the last year that ship ever run, it cost the same ship $22,335.44. Now, gentlemen, that is not all. If it was simply the expense incident to salaries it would be bad enough. But do you realize that when you have three crews every time you awaken a man to go on a 4-hour watch you have to feed him, and the cost of feeding three crews is equal to the salaries of at least one crew?

Here is one ship that runs from Cleveland to Buffalo. They say:

> In 1915 our wages, fuel, and food cost us $131,687. In 1920 our wages, fuel, and food cost the same ship $419,590.49.

Mr. NOLAN. Will the gentleman yield right there?

Mr. SCOTT of Michigan. I will.

Mr. NOLAN. The gentleman does not want to tell the House that is due to the La Follette Act?

Mr. SCOTT of Michigan. I am not saying it is due entirely to the La Follette Act; certainly not so far as the fuel is concerned.

Mr. NOLAN. How about labor?

Mr. SCOTT of Michigan. As far as labor is concerned, let me give the gentleman that.

Mr. NOLAN. The labor cost?

Mr. SCOTT of Michigan. Yes; the labor cost. That is what I referred to in the other statement.

Mr. NOLAN. Give us the difference in wages between 1915 and 1919.

Mr. MILLS. If the gentleman will permit, I will say in reply to the question asked by the gentleman from California, that so far as one vessel is concerned the pay roll in May, 1915, was $3,200, and in May, 1916, after the La Follette Act had gone into effect, it was $4,612, or an increase of $1,400, due almost entirely to the provisions of that law.

Mr. NOLAN. The gentleman says "almost entirely." Is he sure it is entirely?

Mr. MILLS. Of course, I limit that, because there was an increase in wages, I appreciate, between 1915 and 1919.

Mr. SCOTT of Michigan. Directing myself to the question asked by the gentleman from California [Mr. NOLAN] as to the one ship—and you gentlemen realize I can not, in the time allotted me, take up all the ships, but many illustrations are in this record here—in one ship operating between the city of Cleveland and the city of Buffalo, the C. & B., one provision of the La Follette Seamens' Act, to wit, the provision requiring 65 per cent able seamen, cost that ship for extra, unnecessary men in one season $8,000 more than it had before. That is only one item in connection with the La Follette Act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. LONDON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. Obviously no quorum of the House is present.

Mr. GREENE of Massachusetts. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Ansorge	Fess	Kleczka	Sabath
Beck	Fields	Knight	Sanders, N. Y.
Beedy	Fordney	Kreider	Sandlin
Bell	Foster	Langley	Sears
Benham	Free	Lee, N. Y.	Shelton
Bird	Freeman	Longworth	Sisson
Black	Gallivan	Lufkin	Slemp
Blakeney	Gernerd	Luhring	Snell
Bond	Goldsborough	McCormick	Snyder
Brinson	Good	Mann	Stiness
Brooks, Pa.	Gould	Mansfield	Stoll
Browne, Wis.	Graham, Pa.	Mason	Strong, Pa.
Burdick	Green, Iowa	Merritt	Sullivan
Burroughs	Griest	Mondell	Tague
Butler	Griffin	Moore, Ill.	Taylor, Ark.
Chandler, N. Y.	Hadley	Moore, Va.	Taylor, Colo.
Chandler, Okla.	Hardy, Colo.	Morin	Temple
Clague	Hawley	Mott	Thomas
Clark, Fla.	Hayden	Mudd	Timberlake
Clarke, N. Y.	Hicks	O'Brien	Vaile
Classon	Himes	O'Connor	Vare
Cockran	Houghton	Ogden	Volk
Collins	Hudspeth	Olpp	Walters
Copley	Husted	Overstreet	Ward, N. Y.
Cramton	Ireland	Paige	Ward, N. C.
Cullen	Jacoway	Patterson, N. J.	Wason
Darrow	Jefferis	Perlman	Wheeler
Deal	Johnson, S. Dak.	Peters	Wilson
Dempsey	Jones, Pa.	Petersen	Wingo
Drewry	Kahn	Reavis	Winslow
Dunbar	Kearns	Reed, W. Va.	Wise
Dunn	Kennedy	Riordan	Wood, Ind.
Evans	Kiess	Robertson	Woodruff
Fairfield	Kindred	Rossdale	Wurzbach
Favrot	Kitchin	Rouse	

The SPEAKER pro tempore (Mr. STAFFORD). Two hundred and ninety-one Members have answered to their names—a quorum.

Mr. GREENE of Massachusetts rose.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The gentleman from Texas [Mr. HARDY] is recognized for one hour.

Mr. HARDY of Texas. Mr. Speaker, in presenting my views in regard to this measure I want to state that I do not profess to be a seaman or to be acquainted with the operation of ships. I am a landlubber from the interior. There are a great many of the details and intricacies of the operation of ships of which I know nothing. I could not give an order on board of a ship for the performance of any single duty by a seaman. And yet in the general run of the duties and obligations of boat owners and boat operators I have an idea that there ought to be consideration for the rights, interests, health, and happiness of the seamen, as well as for the prosperity and financial success of the owners of boats. Indeed, in my judgment, boat owners will in the end find profit in just and fair rules and provisions for their seamen.

When this bill was first presented it seemed to me so ultra, so one sided and extreme, so wanting in safeguards for safety

of all aboard ship, that I could not begin to think of supporting it at all. As first presented this bill exempted all vessels on the Great Lakes or on the ocean from the operations of the seamen's law unless it was on a continuous run of 16 hours or more, thereby eliminating the requirement that there should be any legal number of able seamen required; that there should be any required number of watches on deck or in the fire room, or any legal number of the crew in other respects, and in addition to that on runs, even of over 16 hours, there was a provision that in any portion of existing law where an able seaman was required, that requirement might be met by substituting a certificated lifeboat man, so that if the bill as presented had become a law, on the Great Lakes and on the ocean we would have had no requirement for any voyage which was a continuous voyage of less than 16 hours, and over that we would have had no requirement for an able seaman which could not be filled by substituting a certificated lifeboat man. That is to say that the requirements of present law for efficiency and skill of the crews operating ships would have been practically wiped out.

Now, a certificated lifeboat man is defined under the law as one who bears a certificate that he knows how to handle oars and operate a lifeboat. He need not have the experience of one month or one week or of one day on board a ship if he knows how to handle a lifeboat and serve the oars. He might pass the examination.

Now, after discussing this matter pro and con among those of us who wanted to retain the provisions of the present law, for the protection of seamen against oppressive conditions and hours of labor, and for safety of life at sea, and those who wanted to amend the seamen's bill, so that it would be, in my judgment, a weak and watery arrangement, we who were on the subcommittee, consisting of the gentleman from Tennessee [Mr. DAVIS] and myself, and the gentleman from Michigan [Mr. SCOTT], and the gentleman from Pennsylvania [Mr. EDMONDS], and also the gentleman from Illinois [Mr. CHINDBLOM], we reached a conclusion which it seems to me is fair and reasonable.

In the first place, I want to say that in reaching this conclusion we are acting in consonance with what seems to be the desire of the public community being served by this service. There came before us representatives of boards of trade and chambers of commerce and public gatherings of various and sundry kinds living upon the Great Lakes, urging the passage, not of this bill but of the bill as it was originally drawn. Now, the changes we have agreed to make are, first——

Mr. J. M. NELSON. Mr. Speaker, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. J. M. NELSON. What was the attitude of labor on the subject?

Mr. HARDY of Texas. The attitude of labor in general was opposed to the bill as it was presented, and to some extent is opposed to the bill as it is now framed. But let me call attention to the concessions made by the proponents of the bill. In the first place, they contended that an experienced lifeboat man could be used in all places where the law as it is written now requires able seamen. They said that on these vessels of modern type the old skill required for the seamen of old in handling the tackle of an old sailing vessel was no longer required, and that it only required good sense and the capacity to handle a lifeboat in order to make an able seaman, or in order to make a man competent to operate a vessel. We differed with them. We thought there should be on every vessel a certain percentage of the deck crew that would understand the operation of a ship and who should have had long experience, which would give them self-poise, which would enable them to have skill in the handling of a vessel on which the lives and safety of the passengers depended. So we compromised with respect to that. The law of 1915 required that the first year after its passage the deck crew should be composed of at least 40 per cent of able seamen, and the second year 45 per cent, and the third year 50 per cent, and the fourth year 55 per cent, and the next year 60 per cent, and after that 65 per cent able seamen on the deck crew only. It also provided that there should be on all ships a certain number of able seamen for each lifeboat and each life raft of a capacity of over 15 persons, so that the number of able seamen on a ship might even exceed 65 per cent of the deck crew. Now, the bill before us is a compromise. We compromised that by striking out the provision in the original Scott bill which authorized the substitution of a lifeboat man anywhere for an able seaman, and we agreed that there should only be 50 per cent of the deck crew who must have a rating of able seamen, that the number of able seamen for each lifeboat should remain as in existing law, but that certificated lifeboat men might be used where able seamen are required by the present law for life rafts.

Mr. Speaker, will the Chair kindly notify me when I have consumed 15 minutes?

The SPEAKER pro tempore. Yes.

Mr. HARDY of Texas. Mr. Speaker, a great deal has been said about the increased cost of operating vessels on the Great Lakes under the seamen's bill.

Mr. J. M. NELSON. Mr. Speaker, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. J. M. NELSON. The general talk is that the entire passenger traffic has ceased on the Great Lakes. Is that true?

Mr. HARDY of Texas. My recollection from the testimony we have had is that most of the passenger lines on the Great Lakes have been prospering. Their cost of operation has increased, and some of the increase in cost was brought about by the requirement of additional members of the crew. But the gentleman who preceded me [Mr. SCOTT of Michigan], in speaking of that increased cost between 1915 and 1920, did not take into account the fact that the operation of any plant to-day is practically double or triple what it was in 1915, and the instance he named of a vessel operating in 1914 for $131,000 and now costing for its operation $419,000 is not much out of proportion with what everything else now costs in the way of labor as compared with 1915. I take it that a fairer statement of that proposition can be had from the testimony of one of the ship operators, Mr. Simpson, who operated eight vessels. Here is what he said with reference to the increase in his crews. I read from our hearings:

Mr. HARDY. How many ships did you have that involved that increase of 40 members?

Mr. SIMPSON. Eight ships. It runs from 12 on one ship down to 2 on another. We have got a route of 7 hours 15 minutes. I never would consent for those boats to run on one watch. They have got to have two watches, because there is work for these men to do while in port, whether running or not. I would never consent to operate my boat without seamen, whether they gave me the privilege or not.

Mr. HARDY. You want certificated men?

Mr. SIMPSON. I want able seamen.

This testimony of Mr. Simpson is what caused me to ask the gentleman from Michigan if that was not an unusual increase from 9 to 18. I mean the instance or ship he talked about. I am sorry that I failed to ask Mr. Simpson what was the tonnage or the total capacity of the eight ships or the total of his crews. As I understand, he runs an important line on the Great Lakes, and on these ships the actual increase which he attributes to the shipping act was 40 men, or 5 to a ship. I feel sure that there are several hundred men in the aggregate on the 8 ships.

Mr. RAMSEYER. How many did he have prior to the act?

Mr. HARDY of Texas. Well, as I say, I omitted to ask him that question and he failed to answer it.

Mr. Simpson continues:

The boat would be a nice looking boat if you just had your crew on watch when they are running. She has to be taken care of just the same as a hotel or place where you live. I would say, too, that I do not care what they do with the law. I would never consent to operate my boat with seamen whether they gave me the privilege or not.

Mr. HARDY. You want certificated men?

Mr. SIMPSON. I want able seamen, whether it is judged by the local board of inspectors or by me. I will say that the seamen we have been employing since the passage of the act are the same men as before. They come aboard with a ticket; that is the only thing different. They were the same men.

Mr. HARDY. In other words, the law just provides a means by which the fact can be certified that they are qualified seamen.

Mr. SIMPSON. Now, whenever a new man comes with a ticket you have to take it for granted he is an able seaman. Before that you would not know about it. He would not have any ticket, and I would say if this provision were in the amendment that he could use certificated lifeboat men in lieu of able seamen, that we could use those. I would say that the only boats that we would ever care to use those would be for the manning of equipment. That is, I would not want to take a man that came down there with a certificated lifeboat ticket and ship him as a wheelsman; not on your life.

Now, that shows that the boat owners themselves recognized the necessity of having able seamen, and so we compromised by making this provision, that they might use certificated lifeboat men in handling a life raft, where now they are required to have one or more able seamen. Under the bill as now presented they have to have the same number of able seamen to handle every lifeboat that they had under the seamen's act, and they have to have 50 per cent of able seamen on the deck crew. And, as I said before, the requirement as to able seamen for the lifeboats may make more than even 65 per cent of the deck crew.

Of course, we heard from the boat owners who claimed that the seamen's laws were so burdensome that it was destroying their ability to operate. Some claimed that they had ceased running their ships, and so we framed the bill as it appears. We struck out the provision which eliminated the seamen's law from all ships making runs of less than 16 hours and substituted this amendment to section 2, providing that it should not apply where the vessel is operated less than 6 hours out of the 24. I

think that is reasonable. If it is only operated 6 hours out of the 24, section 2 of the seamen's act ought not to apply. And then, in regard to the oilers, water tenders, we provide:

And where such a vessel is operated not less than 6 hours nor more than 12 hours out of 24 hours, the oilers, water tenders, and firemen shall be divided into at least two watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

Now, where they operate not over 12 hours, it seemed reasonable that all but the firemen might work in two watches, 6 on and 6 off, but the firemen can not stand it 6 hours, and so we provide for three watches. Then we put in this further proviso:

Provided further, That where such a vessel is operated more than 12 and less than 16 hours out of 24 hours, the oilers and water tenders shall be divided into at least two watches and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of such vessel: *And provided further*, That the oilers and water tenders shall not be required to be on duty more than 12 hours out of 24 hours, and the firemen shall not be required to be on duty in the fireroom more than 8 hours out of 24 hours.

Mr. BOWLING. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. BOWLING. I notice that the debate so far has centered around the decrease or the increase of the number of the crew. I observe on reading the bill that there is some modification of the life-saving features. Would it interrupt the gentleman if I ask him to explain that and tell us what the proposed changes are?

Mr. HARDY of Texas. There is no change in the life-saving equipment except two. The season is extended one month; it begins on the 1st of May instead of the 15th and runs to the 15th of October instead of the 15th of September. This makes the light equipment run longer. We came to the conclusion that these are the summer months on which a large number of passengers may be going on the vessels. All the evidence seemed to be that the extension of time was not seriously objected to. The lifeboat equipment is the same as before. There is only one change in the life-saving provision, and that is that certificated lifeboat men may be susbtituted on the life rafts for able seamen.

Mr. McDUFFIE. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. McDUFFIE. Will the gentleman explain what is meant by operation for six hours? Suppose a boat was to leave one shore, and it took three hours to get to the port on the opposite side, and it laid there long enough to discharge its cargo—several hours—and then it took three hours to get back to the home port, would you consider that operating for six hours? In other words, do you mean those six hours of continuous running or do you include the time that it lays in port?

Mr. HARDY of Texas. I think the authorities would construe the word "operate" to mean the work of running a vessel. I think operating means while under steam going from one port to another, and perhaps might include the time while steam is being gotten up.

There is a provision that the firemen shall not be required to be in the fireroom—and as I understand that will have added to it "or engine room"—more than 8 hours out of the 24. Being operated so many hours in the day was intended to change the phraseology from a continuous run to more than so many hours, because those runs might be back and forth, and there were a number of cases in which certain lines ran 3 hours one way and then back 3 hours, and yet during the day they would run enough trips so as to be in operation 8 or 10 hours. Those vessels would come under that head and would be operated more than 6 hours out of the 24.

Mr. McDUFFIE. That was the point I was inquiring about.

Mr. HARDY of Texas. They are operating during all the hours from the time they steam up in the morning until the fires are drawn at night. That, I think, would be operating.

Mr. McDUFFIE. It matters not whether the boat is in port or moving?

Mr. HARDY of Texas. No.

Mr. McDUFFIE. If steam is up?

Mr. HARDY of Texas. Yes.

Mr. LONDON. I should like to ask the gentleman a question.

Mr. HARDY of Texas. I regret that I can not use any more time. I have so many members of the committee who desire time, and I wish to yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS]. I will ask the Chair how much time I have occupied.

The SPEAKER pro tempore (Mr. STAFFORD). The gentleman used 20 minutes.

Mr. DAVIS of Tennessee. Mr. Speaker and gentlemen, I occupy pretty much the same attitude with regard to this matter as has been stated by my colleague, Judge HARDY. As the bill dealing with this subject was originally introduced, I would not have supported it and so notified the members of the committee. However, the Committee on the Merchant Marine and Fisheries gave to this whole subject very lengthy and careful consideration. We conducted hearings for a number of days and permitted all those who desired to be heard either for or against the bill to appear before the committee and present their views. These hearings have been published and constitute a volume of over 500 pages, which gives you some evidence of the care with which the committee undertook to consider this question.

After considerable discussion of the different provisions of the bill a subcommittee was appointed, composed of three of those who advocated the bill in its original form, and two of us were opposed to it in that form. We had several different meetings in which we went over the subject very thoroughly and agreed upon a bill substantially in the form of the bill subsequently introduced and now being considered. And while this bill is the result of concessions on the part of both sides, as is very frequently the case, yet I think upon the whole it deals with the subject in a fair and equitable manner, and without the possibility of resulting in any serious hardship to either side; that is, without any serious hardship to the traveling or shipping public or the seamen or the operators. For instance, on the question of hours and the number of crews, my colleague, the gentleman from Texas [Mr. HARDY], has already explained that in detail; but in that connection I wish to state that it appeared to me as well as to other members of the committee that there is a difference between conditions on the Great Lakes and on the ocean, and that such distinction should find expression in our laws. It has been suggested that this is an entering wedge toward the modification or repeal of the seaman's act as a whole, or with respect to the ocean. Speaking for myself, I will say that that is not true. And furthermore, in reply to that, I wish to submit the suggestion that a correction of burdensome features of the act, or of abuses, will doubtless do very much toward preventing or combating the propaganda that is perhaps being carried on for the repeal of the entire seamen's act. Very few comprehensive laws have proved to be absolutely perfect in operation. It generally develops that in order to meet unforeseen contingencies it is necessary to amend them in certain particulars. The seaman's act has now been in operation for six years, and the effort now is to modify it only in certain particulars with regard to the Great Lakes.

The navigation on the rivers and in harbors, bays, and sounds is already precluded from the operation of the seaman's act. And while all of the operation on the Lakes is not as safe and the conditions are not identical with those upon rivers, harbors, and sounds, yet many features are, and perhaps most of them to a degree, and it occurs to me that it is not improper to make the modifications that are called for in the bill with regard to the Great Lakes, where conditions are considerably different from those on the ocean, particularly with respect to the operation of many vessels.

Mr. LONDON. Will the gentleman yield for a question?

Mr. DAVIS of Tennessee. For a brief question.

Mr. LONDON. Why should there be a modification as to hours?

Mr. DAVIS of Tennessee. In the first place, it appeared in the hearings that a number of vessels are operated for only a very few hours out of the 24; in some instances three or four or five or six hours, and it does not seem that they should be required to have two or three crews on vessels of that character. The same is true with reference to another class of vessels which are in operation from 6 to 12 hours out of 24 hours. It does not seem that there should be the same requirement with regard to crews of such vessels that obtains on longer runs or in ocean traffic. I will state in connection with that that this exact phraseology was something of a compromise of views, and perhaps does not absolutely represent the views of the one side or the other but simply a modification of the views of both.

Mr. RAMSEYER. Does the gentleman yield to me for a question?

Mr. DAVIS of Tennessee. For a brief question.

Mr. RAMSEYER. Is the chief purpose of the bill to reduce the number of men required to operate the vessels?

Mr. DAVIS of Tennessee. That is the object of the amendment to section 2 of the seaman's act. The next amendment to the bill, as has been explained, reduces from 65 per cent to 50 per cent the required number of the deck crew of each vessel who must be able seamen.

Mr. RAMSEYER. That does not necessarily reduce the number of employees, but only the number of able seamen.

Mr. DAVIS of Tennessee. That is correct; because the other places would be filled by certificated lifeboat men.

In that connection I think this difference between the 65 per cent requirement on the ocean and the 50 per cent requirement on the Great Lakes is at least balanced by the fact that on the Great Lakes there are 65 life-saving stations, scattered all around the Lakes, with splendid equipment, and it would perhaps be an unusual case where the boats from those life-saving stations could not reach a vessel in distress.

Mr. RAMSEYER. Following my first question, how much will be the decrease in the number of employees on these Lake vessels—what percentage?

Mr. DAVIS of Tennessee. Conditions on the different lines and with regard to different vessels vary so much that it is absolutely impossible to answer that question by stating the average or the total decrease. There is considerable testimony in the hearings as to the increase as to specific lines and vessels caused by the seaman's act, and this bill modifies that act in certain particulars, and would result in a reduction of the required number of employees in some instances.

Mr. RAMSEYER. Could the gentleman state how much the employees of these Lake vessels were increased because of the La Follette Seamen's Act?

Mr. DAVIS of Tennessee. It appeared at the hearings that as to some lines there was not a very material increase, and as to some lines there was no change in this respect, perhaps, but in some cases, particularly on the short lines—that is, on the vessels operated for a brief period—the law increased the number of employees.

Mr. RAMSEYER. That is, those that operate for less than 6 hours in the 24?

Mr. DAVIS of Tennessee. Yes; and from 6 to 12 hours. There is a distinction there. In other words, within that period oilers and water tenders are placed in the same category with regard to working hours that now applies to seamen, the idea of the committee being that their work is no more laborious than that of seamen, but that firemen should not be required to work for as long a period as the other members of the crew.

Mr. RAMSEYER. My reason for asking information is this: I am wondering how burdensome the La Follette Act is on the shipowners.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. HARDY of Texas. Mr. Speaker, taking a little more time, Mr. Simpson stated that on a fleet of his vessels he was required to employ 40 additional men.

Mr. RAMSEYER. But he does not state how many men he had before.

Mr. HARDY of Texas. He said 40 additional men were required.

Mr. RAMSEYER. If he had 40 before and he had to employ 40 additional, that would be quite an addition, but if he had 1,000 before and had to have 40 additional, it would not be.

Mr. HARDY of Texas. I express my regret that I did not go into that.

Mr. SCOTT of Michigan. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. MILLS].

Mr. MILLS. Mr. Speaker, the provisions of the seaman's act which increased the general cost of operation and which are affected by the provisions of this bill are three in number. The first one of them relates to the number of watches on a vessel and provides for the establishment of three watches of firemen, oilers, and water tenders on all vessels, irrespective of the run of that vessel, or irrespective of the hours of labor of the men. The second provision which increases the cost of operation is the 65 per cent provision, which requires that 65 per cent of the members of a deck crew shall be so-called able seamen as defined by law, a fixed legal definition, and one which does not necessarily imply that the man is particularly skilled. However, he does receive higher wages than an ordinary seaman, or a certificated lifeboat man.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I should prefer not to yield at this time.

Mr. RAMSEYER. I wanted to ask the gentleman to define in terms what a seaman is.

Mr. MILLS. The third provision is that which indirectly increases the number of men on a vessel, and that provision is found in section 14 of the act which requires that each lifeboat and life raft shall have at least one able seaman, so that in actual practice the number of able seamen on board a vessel is well over the 65 per cent apparently required by the previous section. The fourth provision which is affected by this bill and which increases the cost of operation of these vessels is the shortness of the season on the Great Lakes, during which the maximum number of safety appliances on a vessel is not required.

Let us first consider, before taking up these questions in detail, what have been the actual results of the operation of this law on the American Merchant Marine on the Lakes, and it is unnecessary to generalize, it is unnecessary to assume or to imagine. These are the actual facts. Take the G. B. Hall steamers that carry more than a million tons of coal from the port of Rochester in the State of New York. To-day they are nearly all under Canadian registry, having been transferred in 1917 because of the operation of this act. One hundred thousands passengers leave Rochester yearly by way of Lake Ontario and go down the St. Lawrence. They are all carried by vessels under the Canadian flag, because of the provisions of this act. Take the pulp-wood boats. Here is a fair example of how it affects them. The steamship *Ford*, a vessel of 609 tons gross, operated with a crew of 13 men in 1915 and after the passage of this act was required to carry 17 men. That increased the costs per annum $5,000, the equivalent of the interest charge on the entire capital invested of some $100,000.

Take the steamship *Put in Bay*. In 1911 it had 2 firemen, 2 engineers, and now it has 3 firemen, 3 officers, 2 engineers, and 2 oilers, and she makes the 5-hour run. Take the vessels of the Detroit & Cleveland Navigation Co. Their run is 7 hours from Cleveland to Detroit. The seamen's act increased the crew of 7 of their vessels by 40, running anywhere from 12 men on one ship to 2 on another. Take the steamship *Alabama* of the Goodrich Co. Her pay roll in 1915 was $3,200 a month, and in 1916, after the passage of this act, it was $4,200 a month, an increase of $1,000, and certainly wages in 1916 and in 1915 can fairly be compared. Take the Cleveland & Buffalo Line. On one of their boats, one of the large passenger boats on the Great Lakes, the increase in the pay roll on one vessel alone, owing to the seamen's act, is over $13,000, and if you realize what a vast amount of capital is represented by such an interest charge you will readily appreciate what it means in respect to the construction of new vessels to operate on the Great Lakes. These are general results of the passage of this act.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. MILLS. Yes.

Mr. HARDY of Texas. Can the gentleman tell me what the original crew was of that line which was increased by 40?

Mr. MILLS. No; I can not, because I do not think the facts were given.

Mr. HARDY of Texas. I hoped that the gentleman might know.

Mr. MILLS. If there is any criticism to be made of this bill, it is that it does not go far enough, not that it goes too far. Let us consider it by individual sections and see what it accomplishes.

Now let us consider the 3-watch system. The seamen's act provides, under section 2, that there shall be three watches of firemen, oilers, and water tenders on all vessels on the Great Lakes and on the ocean, and they require three watches—that is, three different sets of men—on every vessel that is operated for one hour or on a run of 7 days' continuous operation 24 hours each day, a most ridiculous provision. You may hear it urged on the floor of this House, as it has been urged by the opponents of this bill, that this is an attempt to substitute a 72-hour day for a 48-hour day. That is not the case. It is the purpose of this bill to substitute for this provision requiring three watches, irrespective of the hours of labor, a provision which makes it possible for the vessels to employ only three watches where they are needed, not to put three watches where they are wholly unnecessary. You have only to read the terms of the bill to see that because it first eliminates the 3-watch provision as to vessels operated for 6 hours or less.

In other words, it will not require three different sets of men when a vessel is only in actual operation six hours. The second section deals with the case of the vessel which is operated more than 6 and less than 12 hours; and there again, except in so far as firemen are concerned, it does away with the 3-watch provision. Now, they may say, "Why do you happen to fix this number of hours? Why do you say less than 6 hours or more than 6 and less than 12?" Because in framing the bill we were not dealing with a hypothetical case, but we were dealing with actual vessels operating over actual runs, and it happened to fit into this particular schedule of hours. What is the situation to-day under section 2 of the law? Here is one vessel, the C. & B. Line, that never makes a trip over 3½ miles and never operates more than 8 hours a day. She was obliged to increase her fireroom force. Take the sand boats, 40 or 50 on the Great Lakes, with a plant investment of

$5,000,000 and an output per annum of some $3,000,000 to $4,000,000. These boats actually operate on the Lakes only some 3 or 4 hours a day. They are never more than 3½ miles away from shore, and yet one of them, when it was changed from the Canadian register to the American register, was obliged to increase her number of firemen from one to three, *an increase* of $875 a month to $1,125 a month. Though she was not actually operated more than 4 hours a day, this force was tripled in the fireroom under the terms of this unreasonable act. Now, take vessels that make a somewhat longer run, a run, for instance, from Chicago to Milwaukee, which is a 5-hour run, and there you work under the 3-watch system. Assuming that the first watch goes on at 6 o'clock in the morning, they would work from 6 to 10 and have no actual firing to do whatsoever. The second watch would go on from 10 to 2 and would actually fire 4 hours at sea. The third watch would go on at 2 and the vessel comes into port at 3 and have only 1 hour of firing. The vessel goes out at 6. The first watch then goes on again and fires for 4 hours. Out of the 24 hours the operation of these two runs of 5 hours each, under the 3-watch system, the first watch will have firing of 4 hours, the second will have firing of 4 hours, and the third watch will have firing of 2 hours, and each man will have fired on the average 3⅓ hours a day. And yet gentlemen will unquestionably tell you that if you pursue this system you are establishing a week of 72 hours instead of 48, and they can argue from a hypothetical standpoint, but I defy them to argue from the standpoint of actual experience on the Great Lakes. Take the case of the *City of Toledo*. She makes a 4-hour run and is obliged to carry 18 men in the fireroom.

I could go on and enumerate a number of these cases, but I would have spent all my time on this first section, and I would like to take up the second question. The second question has to do with the 65 per cent provision giving the number of able seamen required as members of the crew. The Scott bill reduces the percentage from 65 to 50 per cent. Now, what is an able seaman? An able seaman, according to the seaman's act, is a man who served 3 years at sea or 18 months on the Great Lakes, irrespective of any other qualifications. What are the actual duties of an able seaman to-day on the ordinary steam vessel? He cleans the deck; polishes the brass; he must splice rope; he must paint the ship; and he must be able to tie a ship up to the dock, all ordinary, simple matters, easily learned, yet the gentleman who drafted this original bill provided that before a man can be listed as an able seaman, if you please, he must have served three years to learn these ordinary simple duties, and that there must be at least 65 per cent of these men employed as part of every deck crew.

Well, what is the result? The result is it is difficult to get the kind of men in the American merchant marine, because the average American boy will not spend three years of his time as an ordinary seaman in order to learn the duties which he can acquire in six months, especially when he can apply for a certificate as mate after two years' service on the deck of a vessel. Now, all this provision does is to reduce that percentage from 65 to 50 per cent. I would go much further. I would provide some test which would determine who is qualified as an able seaman other than by this time test, which simply restricts the number of available men and at the same time restricts the American source of supply for the American merchant marine. They will tell you they have put more Americans on board our merchant fleet by reason of their seamen's act. What are the actual figures? In 1915 before the passage of this act 40 per cent of all those employed on American vessels were Americans.

To-day, in spite of the war, which drafted any number of boys who had never gone to sea before, in spite of the merchant tonnage of over 10,000,000 tons, what is the percentage? Forty-seven per cent. If you will read the report of the committee, you will see a quotation from a letter from the Chief of the Bureau of Navigation, saying that the provisions of this act make it clearly impossible to get American youths to go to sea. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Speaker, I yield to the gentleman from California [Mr. NOLAN] 20 minutes.

Mr. SCOTT of Michigan. And I yield to the gentleman 10 minutes.

Mr. HARDY of Texas. To be used as the gentleman sees fit.

Mr. NOLAN. And it is understood I can yield out of that time.

Mr. LONDON. Does the gentleman from California desire a quorum present?

Mr. NOLAN. No; I do not.

Mr. Speaker and gentlemen of the House, this is the first attempt to amend the so-called La Follette Seamen's Act. I do not know whether you would want any more enlightenment upon the general intent of those who are opposed to the seamen's act and those in favor of the bill than the statement made by the gentleman from New York [Mr. MILLS], who has just taken his seat. The people that are interested in the American merchant marine—and some of those that are interested in the American merchant marine are interested in the international merchant marine—want cheap ships.

They have always wanted cheap ships, which means, as the gentleman has suggested, cheap labor. They want the American flag on the stern of an American-built ship, but they want concessions, and have continually gotten them from the American Congress. They want the American flag on American bottoms, but they are not so particular about American licensed officers and seamen. They want the right to take lascars, Chinese, and Japanese, and other sorts of cheap labor and operate their ships solely for their own individual gain without regard to the interest of the American sailor. Those that are opposed to the seamen's act have taken that position from the beginning. Ever since it was passed by Congress in 1915 they have been clamoring that the La Follette Seamen's Act should be amended so that they would have cheap ships. The gentleman from New York [Mr. MILLS] talks about the ships at Rochester that changed from American to Canadian registry. The gentlemen who constitute this committee will bear out the fact that a distinguished shipowner from the city of San Francisco, which I in part represent, Capt. Dollar, came before your committee in 1915, when you were putting through the emergency bill, and told you if the German war vessels were swept from the sea he would have no use for the American flag on the stern of his ship. Foreign-built ships were given the right to raise the American flag in case of an emergency, and he told you if he could safely go back and put the English flag on his boats he was going to do it. And why? That was before the seamen's act was passed. It was because he would not be compelled to observe conditions, not only in the interest of the men who go down to the sea in ships but in the interests of the people of this country who travel on ships, and it is the great American public that are the beneficiaries of the safety provisions of the seamen's act, whether it be on the Great Lakes or the ocean.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. NOLAN. I will.

Mr. SCOTT of Michigan. What other country besides the United States has the requirements as to able seamen?

Mr. NOLAN. None. That is why they want it. They are not so much concerned about this requirement as they are about this life-saving provision, and our first duty is to protect the lives of passengers and to see that the American seamen have decent conditions and the right acquired after centuries of struggle to be considered free men.

Mr. SCOTT of Michigan. The gentleman is not insisting that we are changing the life-saving provision?

Mr. NOLAN. I am taking this position, that this is the first drive to amend the La Follette Act.

Mr. SCOTT of Michigan. As far as the Great Lakes are concerned——

Mr. NOLAN. As far as the Great Lakes are concerned. The gentleman from New York [Mr. MILLS] argued it from the standpoint of the American merchant marine and not particularly from the standpoint of the Great Lakes.

Now, gentlemen of the House, these gentlemen refer to certain boats on the Great Lakes and the difference in the cost of operation between 1915 and 1916. Is there anybody in this House that takes the position that labor costs generally in 1916 were not far in advance of those of 1915? The war came on in August, 1914, and immediately prices began to go up. There was a great demand all over this country for labor in the munition factories to supply England, France, and other countries at war with Germany with munitions, and the price of labor jumped tremendously in 1915 and 1916. They did not attempt to analyze the difference in labor costs and try to find out or tell you what the rate per month per man was in 1915, before the La Follette Act went into effect, and in 1916, the year for which they cite these figures. They do not give you that information. Otherwise we would have some idea as to how high these figures went.

Mr. WALSH. Will the gentleman yield?

Mr. NOLAN. I yield.

Mr. WALSH. Does the gentleman from California know how much the increase was?

Mr. NOLAN. I do not. But I am trying to point out to this House that you have not got the information as to what

the wages of seamen were on the Great Lakes in 1915 and then again in 1916, so that you can determine definitely the percentage of increase of cost on account of the La Follette Act going into effect.

Mr. SCOTT of Michigan. I do not think the gentleman means to say that really, because I endeavor to show the extra number of men employed. Taking the amount of salary would not make any difference. I cited one ship.

Mr. NOLAN. I suppose that there is more than one ship on the Great Lakes.

Mr. SCOTT of Michigan. I was citing that as an illustration to the gentleman.

Mr. NOLAN. You were attempting to cite an exception, but not the general rule.

Mr. SCOTT of Michigan. Oh, no; the general rule.

Mr. NOLAN. I would like to call the attention of the House to a pamphlet that I received, and I think many Members of this House received, about two weeks ago. I think this bill came from the gentlemen who held this conference in Detroit. It is addressed to the members of the seamen's act conference by a committee appointed to draw up suitable resolutions and draft a bill embodying amendments to the seamen's law in accordance with the conclusions reached by the conference. Now, over on page 2 we find the bill. I do not know if it is in line with the original measure introduced in the House, but inasmuch as the gentlemen seem to be very much in favor of this act, I believe they are the proponents of this measure.

Mr. SCOTT of Michigan. Is the gentleman interested in knowing who they are?

Mr. NOLAN. They signed their names to this pamphlet.

Mr. SCOTT of Michigan. But the gentleman does not know who they are from the signatures. They compose a committee of the chambers of commerce of every city on the Great Lakes—Cleveland, Buffalo, Milwaukee——

Mr. NOLAN. And every shipowner on the Great Lakes was represented at the conference in Detroit that received the report and which indorsed the bill that is almost word for word with the original bill introduced by the gentleman from Michigan.

Mr. SCOTT of Michigan. There is not a shipowner on the committee at all.

Mr. NOLAN. They are the shipowners on the Lakes. Let me call your attention to what these gentlemen want to do, and that is exactly what you are called upon to consider here to-day. And I want to leave it to you whether they want cheap ships and want the privilege to operate in competition with the Canadians or not. The fourth paragraph reads:

We recommend that the life rafts referred to herein need not be greater than 15-person rafts.

I want you to bear that in mind and carry it in mind with the rest of the paragraph:

The present law provides that one-half of the number of life rafts required shall have a capacity exceeding 15 persons.

That is the present law. They must have such capacity.

Our thought in recommending 15-person rafts is that heavy rafts running in size up to 40 or 50 persons can not be handled by hand.

They do not want the mechanical equipment on board of ships to take care of the life rafts and to take care of the lives of passengers in case of trouble. They do not want the mechanical equipment, inasmuch as they do not like the cost. Here is the proposition, gentlemen:

But require, to be properly and quickly launched, a special boat equipment for launching, whereas if there is a sufficient supply of 15-person rafts the passengers themselves can handle them.

Now, you are going to be asked here to amend the provisions of the La Follette law as applied to the Great Lakes in regard to certificated boatmen and able seamen. That is one of the life-saving provisions of the La Follette Act. These gentlemen to whom I have referred want the passengers to handle 15-passenger life rafts. Have you got any idea of what that means? Green men and women that never had any skill or training on board a ship trying to get on a life raft and launch it themselves. This committee, representing chambers of commerce, tell you as to boats on the Great Lakes that passengers shall launch the life rafts themselves, and they shall take care of their own lives. What would the gentleman from New York [Mr. MILLS] think, who might possibly have had relatives or friends on board the *Titanic*, of that proposition if people were allowed to scramble for themselves?

If it is the purpose of these gentlemen to let the passengers scramble for themselves, it is the duty of the American Congress to provide for the safety of passengers at sea. [Applause.] We should not be concerned with the amount of money that the Great Lakes shipowners make. We ought to be concerned, first of all, with the safety of passengers at sea and concerned to see that the men who go down to sea in ships get a square deal in regard to their working hours.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MILLS. I would like to ask the gentleman what provision in this bill in any way changes the size of the life raft?

Mr. NOLAN. I am trying to indicate the purpose of the proponents of this bill. This is the entering wedge.

Mr. MILLS. The gentleman does not contend that in any way this bill reduces the size of the life raft?

Mr. NOLAN. No. The gentleman in his argument did not confine himself entirely to the effect of the bill on the Great Lakes. He made his argument generally against the seamen's act as he construed it to affect the American merchant marine.

Mr. JAMES of Michigan. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. JAMES of Michigan. Was not the suggestion made by a member of the committee, "You can tie a rope to the raft and throw it overboard and let the people climb down on it"?

Mr. NOLAN. Yes. That is what the shipowners want.

Mr. JAMES of Michigan. I have been on vessels on Lake Superior when the water was sweeping over the decks. I would like to see a man climb down on a raft in that condition.

Mr. SCOTT of Michigan. The gentleman understands that we have not amended the life-saving equipment in this bill.

Mr. NOLAN. I understand this, that the Democratic minority agreed to this bill so that you would get a unanimous report; otherwise you might possibly have had a different bill.

Now, I am going to offer an amendment to section 2. I think the gentleman from Alabama [Mr. BANKHEAD] intended to offer an amendment to section 2. My amendment will do this: My amendment will give the oilers and water tenders the 8-hour day; and if the committee accepts the Bankhead amendment, it will take in the firemen, my understanding being that the amendment will be accepted. I understand the gentleman from Wisconsin [Mr. COOPER] is to offer an amendment to restore the able-seaman provisions of the La Follette Act. The oilers and water tenders working in the fire and engine room are working under great pressure. If all of the employees working on the railroads are entitled to an 8-hour day—and I certainly favor the 8-hour day on the railroads—I think these men are also entitled to consideration. This Congress has gone on record from time to time in favor of the 8-hour day in principle. You have no right to say to these oilers and water tenders on the Great Lakes, whose work is arduous and dirty and greasy work, "You shall work 12 hours a day."

Under the terms of this bill they would be required to work 12 hours a day, and later on I would not be surprised to see a provision brought in here to make them work 16 hours a day.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. EDMONDS. I do not understand that the oilers and water tenders work in the engine room.

Mr. NOLAN. Oilers and water tenders work in the fireroom and engine room. If anybody has been down in the fireroom, especially on the boats on the Great Lakes, he will have noticed that the smaller the boat the hotter the fireroom, and the engine room on the smaller boat is less comfortable than on the ocean-going boat. Those are the men you are going to put on the 12-hour day.

Mr. EDMONDS. I have been down in those boats.

Mr. NOLAN. Mr. Speaker, I would like in my own time to have read a telegram that I received to-day.

The SPEAKER. Without objection, the Clerk will read the telegram.

The Clerk read as follows:

DENVER, COLO., *June 14, 1921.*

Hon. JOHN I. NOLAN,
Chairman Committee on Labor,
House of Representatives, Washington, D. C.:

The American Federation of Labor, in session in Denver, Colo., unanimously adopted the following resolution and directed that a copy be sent to you for your sympathetic consideration and favorable action:

"Whereas H. R. 6754, which is the reported number of the bill introduced by Congressman Scott, of Michigan, increases the summer season on the Great Lakes by 15 days in the spring, subjecting the passenger vessels to the spring gales, and by 30 days in the fall, thereby subjecting the passenger vessels to the equinoctial gales; and

"Whereas this bill increases the weekly working hours of oilers, water tenders, and some firemen from 56 to 84 hours per week by taking away the three and inserting two watches; and

"Whereas this bill reduces the number of skilled men capable of handling life-saving appliances from 65 per cent of the deck crew to 50 per cent of the deck crew and by substituting certificated lifeboat men in lieu of able seamen on rafts; and

"Whereas life-saving appliances are of no use where there is not a reasonable number of skilled men to handle them, not only after getting them into the water but in getting them into the water; and

"Whereas the present law, both as to the length of season and as to the number of skilled men, was adopted after the most painstaking investigation and giving to the operators of vessels too great a consideration as compared with the consideration given to safety by permitting passenger vessels to sail with boats for 20 per cent, rafts for 30 per cent, and nothing but life preservers for the other 50 per cent: Therefore be it

"*Resolved by the American Federation of Labor convention now in session at Denver, Colo.*, That we protest most emphatically against any lowering of the number of skilled men, any increase in the hours of labor, or any extension of the season in which passenger vessels are permitted to operate in a condition in which 50 per cent of the persons on board have no means of safety except life preservers, the futility of which were shown in the loss of the *Empress of Ireland* in the St. Lawrence River in May, 1914, where, according to report, 1,027 persons drowned with life preservers on within less than 3 miles from shore and with assistance coming in less than two hours.

SAMUEL GOMPERS.

Mr. NOLAN. Mr. Speaker, I would just like to call the attention of the House to the report of the United States Steel Corporation concerning its principles and policies, a report made to the annual meeting of the stockholders in 1921. It is contained on pages 19 and 20 of their pamphlet. I read:

The officers of the corporation, the presidents of subsidiary companies, and the majority of others in positions of responsibility are in favor of abolishing the 12-hour day, and for this reason and because of the public sentiment referred to, it is our expectation to decrease the working hours—we hope in the comparatively near future.

We have not any more right to put the stamp of approval on the 12-hour day than has the United States Steel Corporation. It is the only time this Congress has done it since I have been a Member of it, for eight years.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MADDEN. I am in favor of an 8-hour day. But how will you tell the House that you can get a 12-hour day on a trip consuming only 7 hours?

Mr. NOLAN. I will say to the gentleman from Illinois that there is no necessity of working a 12-hour day on a 7-hour run. This bill does not require two watches on a 7-hour run. It says "not less than 6 hours or more than 12 hours."

Mr. MADDEN. In that case you get two crews.

Mr. NOLAN. The six or seven hour run is not affected.

Mr. MADDEN. Under this bill there are two crews in 12 hours.

Mr. NOLAN. Under my amendment you can not work them more than eight hours. This bill permits the working of the oilers and water tenders 12 hours a day.

The SPEAKER pro tempore. The gentleman has remaining 12 minutes. The gentleman from Texas [Mr. HARDY] has 9 minutes and the gentleman from Massachusetts [Mr. GREENE] has 10 minutes remaining.

Mr. HARDY of Texas. Mr. Speaker, I thought I had 10 minutes.

The SPEAKER pro tempore. The gentleman used one minute in answering a query.

Mr. HARDY of Texas. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BANKHEAD] five minutes.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the committee, as a member of the minority on the Merchant Marine and Fisheries Committee, I must confess frankly that although I shall probably vote for this bill, and expect to vote for it, especially if an amendment that I propose to offer is adopted, yet I do not look upon the provisions of this bill with any great enthusiasm.

The truth of the business—and we may as well have a clear understanding of the fact, as indicated by the distinguished gentleman from Texas [Mr. HARDY] and the gentleman from Tennessee [Mr. DAVIS]—is that as this bill was originally introduced and came to the committee it was entirely obnoxious to the members of the minority upon the committee. Some of us felt the apprehension that has been expressed by the gentleman from California [Mr. NOLAN], that although there might be some peculiar conditions existing on the Great Lakes that might justify some minor amendments to the seamen's act, in all probability the passage of a bill of this character was but the beginning of a wholesale attack upon all the provisions of the La Follette Seamen's Act as affecting not only the Great Lakes but the high seas as well. If that is the purpose of those who are behind this bill, or of those who advocate it with that concealed purpose, I want to say that as far as I am concerned—and I believe that I am voicing the sentiment of the minority upon this question—we do not propose to surrender the provisions of the seamen's act in its larger application, simply because of the fact that propaganda is in existence seeking to create the impression that the failure of our merchant marine at the present time is due solely and entirely to the handicaps and burdens imposed by the seamen's act, because such is not the case. We heard the testimony pro and con upon this question, and the bill that is now before you, as far as the minority are concerned, was the best compromise that we thought we could obtain in order to prevent the enactment of the bill as it was originally introduced.

And there is as we see it no surrender in this bill of the essential provisions of the seamen's act. There are some peculiar conditions that exist upon the Great Lakes that would appeal to the judgment of men who are not only anxious to serve the interests of commerce and of shipping in that community, but also from a reasonable standpoint to preserve the interests of the seamen, that might justify some minor amendments to the seamen's act as far as it relates to the Great Lakes only. And this bill as brought in here is the result of the opposition of the minority to the bill as it was originally introduced.

I want to say with reference to the argument made by the gentleman from New York [Mr. MILLS], who made an attack upon the provisions of the seamen's act as a whole, that I do not believe the American Congress, even as now constituted, will surrender the achievement that was won after years of struggle not only upon the part of the public who travel upon the high seas but upon the part of the men who earn their living in the operation of vessels, those decent protections to life and property at sea that are guaranteed under the provisions of the seamen's act as it now exists.

There is one section of the bill as it is proposed, the proviso to section 2, to which I expect to offer an amendment to cover what might be the possibility of an erroneous construction as to the terms of the proviso. In the language that now appears it provides that the firemen shall not be required to be on duty in the fireroom more than 8 hours out of 24 hours. The exactions upon those men, on account of the conditions under which they work, are very severe, and by possible construction this proviso might be construed by the authorities who will construe it after the bill is passed, that those men might be assigned to labor in some other part of the vessel after their eight hours in the fireroom had expired; and I am very glad that the author of the bill has agreed to an amendment that I propose to offer. that the eight hours shall include all of the labor that they shall perform, not only in the fireroom but in the engine room of the vessel. I do not know how this proposed amendment is going to work out as far as safety is concerned on the Great Lakes. It is true that they have had a remarkable record of safety for a number of years, as far as carrying passengers on the Great Lakes is concerned, but we do not know at what time in the future, on account of the conditions of the elements or fog or collision, the world may be horrified by some great catastrophe upon the Great Lakes, and I want to say very frankly that I view with great apprehension any effort that may be made to enact anything into law that will diminish the life-saving appliances upon vessels as they now exist.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BANKHEAD. I will be glad to yield.

Mr. GRAHAM of Illinois. Does the gentleman think this bill does lessen those safety provisions any?

Mr. BANKHEAD. As far as the provisions of this bill are concerned, I do not think any changes are made with reference to the life-saving apparatus, except that the bill does provide that a diminished number of able seamen may be used and in lieu thereof certificated lifeboat men may be employed. Now, although the gentleman from New York argued very seriously that it does not take any very long experience to make a capable able seaman, and that a man who has the qualifications necessary to get a certificate as a lifeboat man would be adequate and able and possessed of the knowledge to take care of the passengers even in times of great calamity, that is something that I do not believe. It is contrary to all human experience. It is contrary to the testimony of men who have led a seafaring life. It is contrary to the personal observation of any man who has been upon the high seas. Why, in my own experience upon a recent trip to the Panama Canal we had some fire drills upon that vessel, and, my friends, if you could have seen the character of the men who were sent up to man the lifeboats as an illustration of what would be done in the event of peril upon the high seas, and could have seen their immaturity, in some cases their absolute ignorance, and in many cases their evident unpreparedness for that great responsibility, you, too, if you have not had that experience, would view with great apprehension any effort to lessen the qualifications and skill of those men, who are directly responsible for the lowering of the boats and the putting off of the passengers in the event of any disaster at sea.

Mr. DENISON. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Illinois.

Mr. DENISON. If the amendment which the gentleman intends to offer is adopted, does the gentleman think that under the terms of this bill any improper working conditions will be imposed upon labor?

Mr. BANKHEAD. It does not affect the working conditions, except with reference to the time that they are required to work. The working conditions of the men are not affected by the proposed amendment.

Mr. DENISON. Does the gentleman think that if the amendment is adopted the provisions of this bill will make improper conditions with reference to the length of time that the men shall work?

Mr. BANKHEAD. It will, in that it makes possible a 12-hour day for the water tenders and the oilers.

Mr. MADDEN. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. MADDEN. The gentleman says, "as pointed out by the gentleman from California," but the gentleman from California did not prove it.

Mr. BANKHEAD. You do not have to have any proof.

Mr. MADDEN. Under the provisions of the bill, if a ship has a 12-hour run and she has two crews, it must be apparent on its face that they can not work one crew but six hours.

Mr. BANKHEAD. How does the gentleman construe this provision of the bill?

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. NOLAN. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GAHN]. I would like him to explain section 2, page 3.

Mr. GAHN. Mr. Speaker, I did not expect to talk on this. It seems to come here with a unanimous report, although it was not unanimous in the discussions.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GAHN. Yes.

Mr. CHINDBLOM. Is it not a fact that the discussion continued after the gentleman left the city, and so the gentleman is not in a position to say what was the attitude of the committee when it got through with all this deliberation.

Mr. GAHN. I still maintain that it was not a unanimous opinion during the discussion while I was present.

Now, gentlemen, I come from Cleveland, Ohio, located on the Great Lakes. I am not in favor of the bill as it stands, and in what little time I have I want to express a few fundamental principles. The bill was introduced by the gentleman from Michigan [Mr. SCOTT] on behalf of those who desire some relief from the conditions that obtain under the La Follette seamen's act on the easterly coast of the southern peninsula of Michigan, to lengthen the season and to provide that they should not be required to have three shifts on some of the shorter runs. That was all right. But it seems that men, vessel owners on the ocean, as well as on the Great Lakes, saw an opportunity to attack the whole La Follette Act. I want you to understand if you have not been around the Great Lakes that there is some danger in operating vessels on the Great Lakes just the same as there is on the ocean. It has been said that the bill does not go far enough; I think it goes too far. I think the sleeper is on page 3, lines 1 to 5, where it changes the percentage of able seamen from 65 to 50. This was put into the bill after the hearings before the committee and was not discussed during them. People think on the Great Lakes we ought to have at least 65 per cent able seamen on all decks. This is my first speech, and I do not want to be presumptuous about it, but I want to say—and statistics will bear me out—that of the majority of boat lines and a great deal of the money operating the boats are handled through Cleveland. Nobody in that city has ever come to me and asked a change in the seamen's bill so far as the 65 per cent of able seamen requirement is concerned.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. GAHN. Not at present. I want to say that I have not anything against the other features of the bill except one, and that I understand will be taken care of by an amendment. I do not think the gentleman from New York, or the gentleman from Michigan, who introduced the bill, would like to go down and be a water tender or an oiler and work 12 hours a day. I think that provision is entirely unfair. Now I want to give notice that I am going to introduce an amendment restoring the 65 per cent requirement of able seamen on the decks.

I know what the sleeper is for; the idea is to get the labor unions off the Great Lakes and to permit the vessel owners to employ cheap and inefficient labor and at the expense of safety for passengers on the Great Lakes. I want to say in closing that the Great Lakes need 65 per cent of able seamen on all passenger boats. Do you know that more people are carried on some of these boats than are on many ships going out on the ocean? Some of these large boats on the Lakes carry on excursions four or five thousand people, and we do not want deck crews with only 50 per cent able seamen. Sixty-five per cent is not enough, it ought to be 100 per cent, especially when you take into consideration the fact that the deck hands are not included in the quarters and the mass of other employees on the large boats who are not able seamen. The deck crew is only those who manipulate the boat, and they really should all be able seamen on passenger vessels. Now I will yield to the gentleman from Michigan.

Mr. SCOTT of Michigan. When the La Follette Act went into force in 1915, how much percentage of able seamen was required in the deck crew?

Mr. GAHN. I think that the Great Lakes always carried a higher quality of seamen on the decks than did the ships on the ocean. But do not allow them to retard from that position. But it is not a question of financing the boat lines. Vessels are not being taken off the Lakes on account of the seamen's act. There is more tonnage on the Great Lakes to-day than ever before.

Mr. SCOTT of Michigan. I do not think that is the fact.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. NOLAN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, in my time I will read an amendment that I wish to offer.

Page 3, line 3, after the word "waters" strike out "fifty" and insert in place thereof "sixty-five."

The SPEAKER pro tempore. The Chair will say to the gentleman that this is general debate, and after the general debate is closed amendments will be in the hands of the gentleman having the bill in charge.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Michigan [Mr. SCOTT], who opened this debate, spoke in high terms of the prominent men who petitioned for the passage of the original measure; and yet the gentleman from Texas [Mr. HARDY] and the gentleman from Alabama [Mr. BANKHEAD], members of the Committee on the Merchant Marine and Fisheries, which reported the pending bill, have told you, in effect, that the original bill for which those prominent men petitioned was one that they could not support, because it was absolutely indefensible. You can get men to sign their names to almost any kind of a petition.

The gentleman from Michigan said a good deal about short runs of 2 or 3 miles on the Great Lakes, with only a few passengers on a boat. But I know of an 85-mile run on Lake Michigan, on which I have frequently seen a great vessel loaded with from 2,500 to 3,000 passengers.

The gentleman from New York [Mr. MILLS] complained because, as he asserted, the seaman's act increased the cost of operating ships. But did he say one word about the safeguards which the seaman's act has thrown around human life? Not a syllable. He was concerned only about the increased cost of operation.

Mr. SCOTT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. I have only five minutes, and I regret that I can not yield. The gentleman from New York also spoke of short runs on the Great Lakes, but he might well have remembered that a ship need not go far from shore in order to become a death trap; he might well have remembered the sinking of the *Slocum*, in the river in New York City, and the drowning of a thousand persons within a little distance of his own home.

Mr. SCOTT of Michigan. With a 100 per cent life-saving equipment on board.

Mr. COOPER of Wisconsin. I could answer that by reminding the gentleman from Michigan that the 100 per cent life-saving equipment which he speaks of was made up of rotten life preservers, and that the scoundrels who left the rotten equipment on that boat——

Mr. NOLAN. Oh, the gentleman must know that the La Follette Act did not apply to the *Slocum*.

Mr. COOPER of Wisconsin. I do know that it did not.

The gentleman from New York [Mr. MILLS] should have remembered that danger to passengers does not require that the boat shall be 3 miles from shore or 500 miles from shore. The *Slocum* sank in his own river 15 yards from shore. The owners of the *Slocum* were out to make money; they thought only about the cost of operation. And so it will always be if men are to care more for making profits than for protecting human life.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. I regret that I can not yield, as I have only a few minutes. The gentleman from New York made one statement which I think he will on reflection agree with me is not at all well founded. He said that the able seaman only polishes the brass and scrubs up the floors—something, I presume he meant to imply, like Sir Joseph in Pinafore, the head of the King's "navee," who polished up the handle of the big front door; and the gentleman asked how such a man could gain experience that would be of any value to passengers on a sinking ship.

The gentleman forgets that a man who has had a year and a half of active service as a sailor on the Great Lakes and has secured a certificate from the United States Department of Commerce, showing that he has had such year and a half of service, will undoubtedly have been through storm after storm, and in this and in many other ways have acquired much very valuable knowledge of what to do in the presence of danger. On the ocean, in order to have a certificate as an able seaman, a man must have had three years of active service on board. He, too, will in that time have learned what to do in cases of emergency when a mistake by one without experience might send hundreds to death. The sudden alarm, the horror of the situation, and the utter helplessness of passengers—I have been through it all, as has also the gentleman from Alabama, and I know that the memory of it must come home to him, as it does to me, with appalling force. I am sure that the gentleman from New York will see how great would be the difference in such an emergency between the man who has only a certificate that he can row a boat, a mere "certificated lifeboat man" of the kind mentioned in this bill, and a man who has had the experience and the training of an able seaman. One is unskilled, the other is skilled labor.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. NOLAN. Mr. Speaker, I yield the gentleman the other two minutes remaining of my time.

Mr. COOPER of Wisconsin. On the Great Lakes there are sometimes terrific storms. I live on the shore of Lake Michigan, and I know of a vessel being driven from in front of my Lake port to the city of Chicago and wrecked on the beach there, 60 miles away.

You propose in this bill to reduce the number of able seamen from 65 to 50 per cent; that is, to reduce by 15 per cent the number of men who have had real practical experience as sailors. That is all there is to it.

In other words, in lieu of the 15 per cent of able seamen you do away with, you propose to substitute 15 per cent of men who are amateurs, who know nothing about the duties that they would be called upon to perform in case of emergency, and you thus propose to lessen the protection now afforded to human life. A 10,000-ton vessel on the Great Lakes employs only 10 men on the deck under the present 65 per cent requirement, 7 of these being able seamen and the other 3, to make up the 10, can be boys. You propose to reduce that number by 15 per cent. This would do away with two able seamen and leave in the deck crew only five skilled men. One of these is boatswain and must stay on deck during the day. The other four able seamen would be divided into two watches of only two able seamen each. One of these two must steer and the other keep the lookout, and thus leave absolutely no qualified man to come with relief in case of sickness or any emergency. This may save a little money, but it will add materially to the danger to human life afloat on the Great Lakes. Economy should not be the watchword, the only consideration, when it comes to the protection of human life. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. SCOTT of Michigan. Mr. Speaker, I yield four and a half minutes to the gentleman from Pennsylvania, Mr. SHREVE.

Mr. SHREVE. Mr. Speaker, I was a Member of Congress when the La Follette Act was passed, and there were some of us at that time who believed that the bill could not be applied to the Great Lakes. Now that five or six years have rolled by, we find that the conditions are exactly as we thought they were going to be, with the packet and passenger boats driven off the Great Lakes except between the large cities. I live in the city of Erie. I have lived all of my life along the chain of lakes, and my family before me, and when I talk to you I know exactly what I am talking about. There is no theory about it. In the first place, I want to speak about this idle rumor here to-day that this is a fight on labor unions. That is absolutely not true. Nor is it true that this is an entering wedge to destroy the La Follette Act. We are here, a few of us, trying to get back some of our ancient rights, some of the things that were given us originally, some of the things that we enjoyed on the Great Lakes for years and years. We have never had any of these horrifying accidents that you have just heard about. As long as I can remember I can not recall a single accident on the Great Lakes. I do remember when I was a little boy of my mother singing a song about some boat that went down on Lake Erie about 1812 or 1813.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BANKHEAD. The gentleman stated that the passenger and packet business had been practically destroyed. According to the figures submitted by Mr. SCOTT of Michigan, in 1914 the total number of passengers carried on the Great Lakes was fourteen million and odd.

Mr. SHREVE. Well, that is absolutely true. I am speaking of my home city here of Erie. Let me tell you. There was a big passenger line from there to Buffalo, a four hours' run. Then we have the terminal of the Pennsylvania Railroad. We have the terminal of the Erie & Pittsburgh Road. We have the terminal of the Bessemer & Lake Erie Road. We are also situated on the New York Central and the Nickel Plate, and there was a time when the Pittsburgh laboring man had an opportunity to come up to Erie and go to Buffalo on the Great Lakes. There was an opportunity for those worthy people within miles and miles around to enjoy the privileges of the Great Lakes. To-day these things are absolutely shut off. The run from Erie to Buffalo is gone.

Mr. LINEBERGER. Is it not a fact that the automobile and other means of transportation have displaced water transportation?

Mr. SHREVE. Oh, no; it can never displace water transportation.

Mr. MADDEN. People who ride on a 50-cent excursion can not afford an automobile.

Mr. SHREVE. No; they can not afford an automobile. Another thing: There was the C. & B. Line, between Cleveland, Erie, and Buffalo, which would start at Cleveland, drop down leisurely to Erie, pick up a crowd, go to Buffalo, and come back and get back home toward 1 or 2 o'clock in the morning. That is gone; and the last thing to go is the old Anchor Line, which for a half century ran to principal ports. We are really left to-day without a single passenger ship, without a single packet. Now, all I am pleading for is——

Mr. MORGAN. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. MORGAN. Does the gentleman believe that to reduce the difference between 65 and 50 per cent, being 15 per cent, would put on additional vessels?

Mr. SHREVE. Will it——

Mr. MORGAN. Just that question.

Mr. SHREVE. I will answer it.

Mr. MORGAN. Does the gentleman believe that there will be any material reduction in the cost by reducing the number of men by 15 per cent?

Mr. SHREVE. Absolutely; because the men are not needed.

Mr. SCOTT of Michigan. They are simply on there now for the purpose of complying with the law. They are not used. Everybody who came before the committee said they are not using the men.

Mr. JOHNSON of Washington. I would like to ask the gentleman, if he has a 12-hour day in the engine room on the Great Lakes ships and an 8-hour day in Puget Sound, if he is not likely to find himself without employees at all?

Mr. SHREVE. Yes; certainly.

Mr. JOHNSON of Washington. And no ships and no transportation.

Mr. SHREVE. And no business.

Mr. MADDEN. If the gentleman will let me answer the question, I will say that the La Follette bill does not apply to Puget Sound.

Mr. SHREVE. That is right.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Michigan. How much time have I remaining?

The SPEAKER pro tempore. Five and a half minutes.

Mr. MEAD. Will the gentleman yield?

Mr. SCOTT of Michigan. I can not yield. I yield three and a half minutes to the gentleman from Illinois [Mr. CHINDBLOM.]

Mr. CHINDBLOM. Mr. Speaker, in these brief moments which now remain for discussion I want to call the attention of the House to the fact that the opposition to this measure on the floor has been based more upon apprehensions, misgivings, and fears as to what may happen if this bill should become the law than upon any argument as to what the bill itself actually does provide. Men say that they are afraid it is an attack upon the La Follette law generally; they say they fear it is

an attack upon organized labor. Let us consider this bill on its own merits. Organized or unorganized labor need have no fear as to its treatment at the hands of this House or any House of the American Congress. They have never suffered at the hands of the Congress, and I want to say to them that this bill is not going to injure them, but it seeks to help the very men who employ them and give them their work by which they are able to support themselves and their families. Mr. Speaker, I was a member of the subcommittee of Merchant Marine and Fisheries Committee which considered this bill. We sat together with gentlemen on the other side, the distinguished gentleman from Texas [Mr. HARDY], the distinguished gentleman from Tennessee [Mr. DAVIS], and three members from this side. We considered every angle of the question. We finally reached a conclusion upon this bill, and I think it is the minimum that can be passed by this House and by this Congress for the purpose of relieving the serious situation on the Great Lakes. The Legislature of Michigan unanimously passed a resolution asking Congress for this kind of legislation. Large cities upon the Great Lakes, the chambers of commerce, men who understand the shipping industry, all are unanimously in favor of it. It seeks only to remedy the unfortunate and unhappy condition on the Great Lakes. There need be no fear that it will affect the seamen's act generally. The House Committee on the Merchant Marine and Fisheries is a conservative body. It is a body friendly to labor and friendly to capital, and it has not reported now, and I do not believe it ever has heretofore reported, a bill which would injure either one of those interests, and we should not be led astray by fears and apprehensions as to things that do not exist in the pending bill. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOWREY. Will the gentleman from Michigan allow me to ask a question?

Mr. SCOTT of Michigan. Not out of a minute and a half.

Mr. LOWREY. It is of interest in the gentleman's bill. I wish the gentleman would restate the attitude of the laboring men themselves. What attitude have they taken? The gentleman spoke of its being to their interest, and I want to get that.

Mr. SCOTT of Michigan. I have not time to repeat the proposition. I know how they feel about that because I was one of them for several years and I know the men who work on ships prefer a 6-hour watch, except in the fireroom, to a 4-hour watch.

Mr. Speaker, I offer an amendment, on line 24, page 2, after the word "fireroom," to insert "or in the engine room."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Michigan: Page 2, line 24, after the word "fireroom," insert the words "or in the engine room."

Mr. NOLAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. NOLAN. To offer an amendment to the amendment of the gentleman from Michigan.

The SPEAKER pro tempore. Does the gentleman from Michigan yield for that purpose?

Mr. SCOTT of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from California be permitted time in extension of the time allotted by the House of half a minute, for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the gentleman from California be given recognition for half a minute to offer an amendment.

Mr. SANDERS of Indiana. Mr. Speaker, reserving the right to object, I would like to know if I can not propound a parliamentary inquiry before that request is put?

The SPEAKER pro tempore. Without objection, the gentleman may do so.

Mr. SANDERS of Indiana. If unanimous consent is given in this case, does not the gentleman from Michigan [Mr. SCOTT] then lose the right to move the previous question and lose the floor, and thereby lose the right to offer an amendment?

The SPEAKER pro tempore. The Chair thinks the request of the gentleman from Michigan for unanimous consent that the gentleman from California be permitted to offer an amendment does not cause him to lose his right to move the previous question on the bill and amendments to final passage, including the amendment of the gentleman from California [Mr. NOLAN].

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Michigan if he is in favor of the proposed amendment?

Mr. SCOTT of Michigan. As offered by Mr. NOLAN?

Mr. BLANTON. Yes.

Mr. SCOTT of Michigan. I am not in favor of it.

Mr. BLANTON. Is he not, then, going to reserve some time to answer the argument in favor of that amendment?

Mr. SCOTT of Michigan. No. We have argued it out.

The SPEAKER pro tempore. Is there objection to the request?

Mr. BLANTON. Mr. Speaker, I ask in connection with that unanimous-consent request that five minutes be given to anyone who desires to oppose the amendment, so that in case the membership is not in favor of it, it can be answered and——

The SPEAKER pro tempore. The gentleman will have that privilege by submitting a supplemental unanimous-consent request. It is now his privilege to object.

Mr. BLANTON. I object for the present.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that lines 23, 24, and 25 be read as they would read if this amendment of the gentleman from Michigan is adopted.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SCOTT of Michigan. Mr. Speaker, I move the previous question.

Mr. LONDON. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman from New York will state his point of order.

Mr. LONDON. The gentleman from Michigan did not make the motion while he had time. The time has already expired and he is too late with his motion.

Mr. SCOTT of Michigan. I am entitled to recognition.

Mr. LONDON. The gentleman is late with his motion.

The SPEAKER pro tempore. The Chair will state that the time consumed by propounding parliamentary inquiries was not taken out of the time that the gentleman from Michigan [Mr. SCOTT] had at his disposal. Furthermore, the Chair will state that no other person was demanding recognition, and the gentleman from Michigan, having charge of the bill, had the right to move the previous question. He is within his rights in moving it. What is the request the gentleman from Michigan wishes to submit? The Chair understood that he wished to submit one pending his motion for the previous question.

Mr. SCOTT of Michigan. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan for the previous question on the bill and amendments to final passage.

Mr. SCOTT of Michigan. Prior to that I ask unanimous consent that, pending the consideration of the previous question, and without losing any of my rights on the previous question, the gentleman from California [Mr. NOLAN] be permitted to offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan, pending the motion to order the previous question, asks unanimous consent that the gentleman from California may have the right to offer an amendment without the gentleman from Michigan losing his right to move the previous question on the bill and amendments to final passage. Is there objection?

Mr. SANDERS of Indiana. Reserving the right to object, I understand the gentleman from Wisconsin [Mr. COOPER] has an amendment which he wishes to offer.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The gentleman from Texas demands the regular order. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. NOLAN] is recognized to offer an amendment in accordance with the understanding just had in the House.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Then gentleman will state it.

Mr. CRISP. Is not the amendment of the gentleman from Michigan offered as a substitute to the committee amendment?

The SPEAKER pro tempore. No; it is a perfecting amendment. The Chair would say to the gentleman from Georgia that within the hour's time the gentleman from Michigan had the right to offer an amendment, and the only way he can offer his amendment would be in the hour at his disposal. Inasmuch as the amendment is an amendment to the committee amendment, it should, of course, take precedence.

Mr. CRISP. I am in perfect accord with the Speaker.

Mr. SCOTT of Michigan. Mr. Speaker, I ask unanimous consent that for the information of the House the amendments which were offered by myself and by the gentleman from California [Mr. NOLAN] be read.

The SPEAKER. There is no need for asking unanimous consent. The amendment of the gentleman from California [Mr. NOLAN] will be reported.

Mr. STEVENSON rose.

The SPEAKER pro tempore. For what purpose does the gentleman from South Carolina rise?

Mr. STEVENSON. I rise to ask if the motion for the previous question has yet been voted on?

The SPEAKER pro tempore. It has not. The Clerk will report the amendment offered by the gentleman from California [Mr. NOLAN].

The Clerk read as follows:

Amendment offered by Mr. NOLAN: Page 2, line 21, after the word "oilers," strike out the word "and," and on line 22, after the word "tenders," strike out all of line 22 and the words "hours out of 24 hours," on line 23; also strike out the word "the" after the word "and" on line 23, so that as amended the committee amendment will read: "*And provided further*, That the oilers, water tenders, and firemen shall not be required to be on duty in the fireroom more than 8 hours out of 24 hours."

The SPEAKER pro tempore. The question now is on ordering the previous question on the bill and amendments to final passage.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAKER. In the consideration of this bill in the House the bill is not read under the 5-minute rule for amendment, is it?

The SPEAKER pro tempore. This is a House Calendar bill, and the 5-minute rule does not apply to bills on the House Calendar.

Mr. RAKER. Only those amendments that have been offered within the two hours or offered by unanimous consent are to be considered?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RAKER. Under subdivision 7 of Rule XXIV, does not the rule operate automatically and close debate at the end of two hours without the previous question? It says that "not more than two hours of general debate shall be had" on a bill called up on Calendar Wednesday.

The SPEAKER pro tempore. The gentleman confuses the application of the rules relating to bills on the Union Calendar with those on the House Calendar. The provision the gentleman from California calls attention to applies only to bills on the Union Calendar. It has never been considered as applicable to bills on the House Calendar.

Mr. WALSH. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Massachusetts demands the regular order. The question is on ordering the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The first vote occurs on the first committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 8, after the word "hours," strike out "including the time in port when the respective members of the crew are required to be on duty."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 11, strike out the word "sailors."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will now report the next committee amendment.

The Clerk read as follows:

Page 2, line 17, strike out the word "sailors."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will now report the next committee amendment.

The Clerk read as follows:

Page 2, line 21, insert, after the word "vessel," the words "*And provided further*, That the oilers and water tenders shall not be required to be on duty more than 12 hours out of 24 hours, and the fireman shall not be required to be on duty in the fireroom more than 8 hours out of 24 hours."

The SPEAKER pro tempore. The Clerk will now report the amendment offered by the gentleman from Michigan [Mr. SCOTT] perfecting the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT of Michigan: Page 2, line 24, after the word "fireroom," insert the words "or the engine room."

Mr. NOLAN. Mr. Speaker, I offer my amendment, if I understand the situation aright, as an amendment to the amendment offered by the gentleman from Michigan.

The SPEAKER pro tempore. The gentleman's amendment would then be in the third degree; it was offered under unanimous consent and is more in the nature of a substitute than an amendment to the amendment. The first vote will be taken on the amendment of the gentleman from Michigan, which is a perfecting amendment.

The question was taken, and the Scott amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will now report the amendment offered by the gentleman from California [Mr. NOLAN].

The Clerk read as follows:

Amendment offered by Mr. NOLAN: Page 2, line 21, after the word "oilers," strike out the word "and"; on line 22, after the word "tenders," strike out all of line 22 and the words "hours out of 24 hours" on line 23; also strike out the word "the," after the word "and," on line 23.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. NOLAN. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 58, noes 67.

Mr. NOLAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from California makes the point of no quorum. Obviously there is no quorum present. There is an automatic call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those in favor of the amendment will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 166, nays 113, not voting 152, as follows:

YEAS—166.

Arentz	Frothingham	London	Ricketts
Atkeson	Fuller	Lowrey	Riordan
Bankhead	Fulmer	Luhring	Roach
Barbour	Gahn	Lyon	Robsion
Barkley	Garrett, Tex.	McClintic	Rogers
Beedy	Gensman	McCormick	Rose
Bird	Gilbert	McLaughlin, Nebr.	Rosenbloom
Bixler	Gorman	McLaughlin, Pa.	Sanders, Ind.
Bland, Ind.	Graham, Ill.	McSwain	Sanders, Tex.
Boies	Hammer	MacGregor	Sandlin
Bowling	Hardy, Colo.	Maloney	Schall
Box	Hardy, Tex.	Mapes	Scott, Tenn.
Briggs	Haugen	Mead	Shaw
Brinson	Hayden	Michaelson	Siegel
Buchanan	Herrick	Miller	Sinclair
Bulwinkle	Hickey	Millspaugh	Sinnott
Burke	Hill	Montague	Smith
Cable	Hogan	Montoya	Smithwick
Campbell, Kans.	Huddleston	Moore, Ohio	Speaks
Carew	Hukriede	Morgan	Stafford
Chalmers	Hull	Murphy	Steagall
Cole	Jacoway	Nelson, A. P.	Stedman
Collier	James, Mich.	Nelson, J. M.	Stevenson
Collins	Jones, Tex.	Nolan	Summers, Wash.
Colton	Keller	Norton	Sumners, Tex.
Connally, Tex.	Kincheloe	Oldfield	Swank
Connolly, Pa.	King	Osborne	Sweet
Cooper, Wis.	Kinkaid	Overstreet	Swing
Coughlin	Kissel	Padgett	Upshaw
Crowther	Kleczka	Park, Ga.	Vinson
Curry	Kopp	Parks, Ark.	Voigt
Dallinger	Kunz	Parrish	Ward, N. C.
Davis, Tenn.	Lampert	Patterson, Mo.	Weaver
Denison	Lanham	Porter	Williams
Doughton	Lankford	Pou	Wilson
Dowell	Lawrence	Purnell	Woods, Va.
Drane	Lazaro	Quin	Wright
Elston	Lea, Calif.	Rainey, Ill.	Wyant
Favrot	Leatherwood	Raker	Young
Fisher	Lineberger	Ramseyer	Zihlman
Frear	Linthicum	Rankin	
Free	Logan	Reece	

NAYS—113.

Ackerman	Crisp	Houghton	Mills
Anderson	Dale	Humphreys	Moores, Ind.
Andrews	Davis, Minn.	Hutchinson	Mott
Anthony	Dominick	Johnson, Wash.	Newton, Minn.
Appleby	Drewry	Kendall	Parker, N. J.
Bacharach	Driver	Ketcham	Perkins
Begg	Dupré	Kirkpatrick	Radcliffe
Black	Echols	Kline, Pa.	Rainey, Ala.
Bland, Va.	Edmonds	Knutson	Rayburn
Blanton	Elliott	Kraus	Reber
Bowers	Ellis	Langley	Reed, N. Y.
Brand	Fairchild	Larsen, Ga.	Scott, Mich.
Brennan	Fordney	Larson, Minn.	Shreve
Brooks, Ill.	Funk	Layton	Slemp
Burtness	Garrett, Tenn.	Lee, Ga.	Sproul
Burton	Glynn	McArthur	Steenerson
Butler	Goodykoontz	McDuffie	Stephens
Campbell, Pa.	Green, Iowa	McFadden	Strong, Kans.
Cannon	Greene, Mass.	McKenzie	Taylor, N. J.
Chindblom	Greene, Vt.	McLaughlin, Mich.	Thompson
Christopherson	Hadley	McPherson	Tillman
Clague	Harrison	Madden	Tilson
Classon	Hawley	Magee	Timberlake
Clouse	Hersey	Martin	Tincher
Codd	Hoch	Michener	Tinkham

Towner	Volstead	Webster	Woodyard
Treadway	Walsh	White, Kans.	
Tyson	Wason	White, Me.	
Underhill	Watson	Williamson	

NOT VOTING—152.

Almon	Fenn	Kindred	Robertson
Ansorge	Fess	Kitchin	Rodenberg
Aswell	Fields	Kline, N. Y.	Rossdale
Beck	Fish	Knight	Rouse
Bell	Fitzgerald	Kreider	Rucker
Benham	Flood	Lee, N. Y.	Ryan
Blakeney	Focht	Lehlbach	Sabath
Bond	Foster	Little	Sanders, N. Y.
Britten	Freeman	Longworth	Sears
Brooks, Pa.	French	Luce	Shelton
Brown, Tenn.	Gallivan	Lufkin	Sisson
Browne, Wis.	Garner	Mann	Snell
Burdick	Gernerd	Mansfield	Snyder
Burroughs	Goldsborough	Mason	Stiness
Byrnes, S. C.	Good	Merritt	Stoll
Byrns, Tenn.	Gould	Mondell	Strong, Pa.
Cantrill	Graham, Pa.	Moore, Ill.	Sullivan
Carter	Griest	Moore, Va.	Tague
Chandler, N. Y.	Griffin	Morin	Taylor, Ark.
Chandler, Okla.	Hawes	Mudd	Taylor, Colo.
Clark, Fla.	Hays	Newton, Mo.	Taylor, Tenn.
Clarke, N. Y.	Hicks	O'Brien	Temple
Cockran	Himes	O'Connor	Ten Eyck
Connell	Hudspeth	Ogden	Thomas
Cooper, Ohio	Husted	Oliver	Vaile
Copley	Ireland	Olpp	Vare
Cramton	James, Va.	Paige	Vestal
Cullen	Jefferis	Parker, N. Y.	Volk
Darrow	Johnson, Ky.	Patterson, N. J.	Walters
Deal	Johnson, Miss.	Perlman	Ward, N. Y.
Dempsey	Johnson, S. Dak.	Peters	Wheeler
Dickinson	Jones, Pa.	Petersen	Wingo
Dunbar	Kahn	Pringey	Winslow
Dunn	Kearns	Ransley	Wise
Dyer	Kelley, Mich.	Reavis	Wood, Ind.
Evans	Kelly, Pa.	Reed, W. Va.	Woodruff
Fairfield	Kennedy	Rhodes	Wurzbach
Faust	Kiess	Riddick	Yates

So the amendment to the committee amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. WINSLOW with Mr. CULLEN.

Mr. RODENBERG with Mr. WINGO.

Mr. WALTERS with Mr. GARNER.

Mr. PERLMAN with Mr. KINDRED.

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. KNIGHT with Mr. HUDSPETH.

Mr. RHODES with Mr. FLOOD.

Mr. SNYDER with Mr. TAYLOR of Colorado.

Mr. WOODRUFF with Mr. ALMON.

Mr. BLAKENEY with Mr. SEARS.

Mr. BURROUGHS with Mr. GRIFFIN.

Mr. GRIEST with Mr. BELL.

Mr. DARROW with Mr. O'BRIEN.

Mr. KAHN with Mr. CANTRILL.

Mr. FOSTER with Mr. SULLIVAN.

Mr. KIESS with Mr. O'CONNOR.

Mr. LEHLBACH with Mr. STOLL.

Mr. MOORE of Illinois with Mr. MOORE of Virginia.

Mr. NEWTON of Missouri with Mr. RUCKER.

Mr. OLPP with Mr. CLARK of Florida.

Mr. MERRITT with Mr. OLIVER.

Mr. SHELTON with Mr. CARTER.

Mr. REAVIS with Mr. MANSFIELD.

Mr. PETERS with Mr. GOLDSBOROUGH.

Mr. LONGWORTH with Mr. HAWES.

Mr. IRELAND with Mr. JOHNSON of Kentucky.

Mr. DYER with Mr. FIELDS.

Mr. FAUST with Mr. GALLIVAN.

Mr. DICKINSON with Mr. WISE.

Mr. BROWNE of Wisconsin with Mr. TEN EYCK.

Mr. LUFKIN with Mr. TAGUE.

Mr. PATTERSON of New Jersey with Mr. DEAL.

Mr. FREEMAN with Mr. TAYLOR of Arkansas.

Mr. PAIGE with Mr. BYRNES of South Carolina.

Mr. CHANDLER of Oklahoma with Mr. ASWELL.

Mr. MUDD with Mr. BYRNS of Tennessee.

Mr. STRONG of Pennsylvania with Mr. SISSON.

Mr. FOCHT with Mr. SABATH.

Mr. FESS with Mr. JOHNSON of Mississippi.

Mr. VAILE with Mr. JAMES of Virginia.

Mr. HAYS with Mr. COCKRAN.

Mr. GRAHAM of Pennsylvania with Mr. THOMAS.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. All the amendments which have been offered having been considered, the question now is on the engrossment and third reading of the bill.

Mr. GAHN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GAHN. To make a motion to recommit with instructions.

The SPEAKER pro tempore. The Chair will recognize the gentleman at the proper time. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. GAHN. Mr. Speaker, I make a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GAHN. Yes.

The SPEAKER pro tempore. The Chair will recognize the gentleman to make a motion to recommit. The gentleman from Ohio [Mr. GAHN] offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. GAHN moves to recommit the bill H. R. 6754, to the Committee on the Merchant Marine and Fisheries with instructions to report forthwith the same back to the House with an amendment striking out of the bill in line 3, page 3, the figures "50" and insert in lieu thereof the figures "65."

Mr. SCOTT of Michigan. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. GAHN and Mr. LONDON) there were 88 ayes and 120 noes.

Mr. NOLAN. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. I make the point of order that no quorum is present.

The SPEAKER pro tempore. The gentleman from Texas makes the point that no quorum is present. The Chair will count. [After counting.] Two hundred and fifty-seven Members are present, a quorum.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 159, not voting 143, as follows:

YEAS—129.

Arentz	Focht	London	Sanders, Tex.
Aswell	Frear	Lowrey	Sandlin
Atkeson	Fuller	Lyon	Schall
Bankhead	Gahn	McCormick	Scott, Tenn.
Barbour	Garrett, Tex.	McLaughlin, Pa.	Shaw
Barkley	Gensman	McSwain	Siegel
Beck	Gilbert	MacGregor	Sinclair
Bird	Gorman	Maloney	Sinnott
Bland, Ind.	Hammer	Mapes	Smithwick
Bowling	Hardy, Colo.	Mead	Speaks
Box	Hayden	Moore, Ohio	Steagall
Brinson	Hogan	Morgan	Stedman
Brown, Tenn.	Huddleston	Murphy	Stephens
Buchanan	Hull	Nelson, A. P.	Strong, Kans.
Bulwinkle	Jacoway	Nelson, J. M.	Swank
Burke	James, Mich.	Newton, Mo.	Sweet
Cable	Keller	Nolan	Swing
Campbell, Kans.	Kincheloe	Oldfield	Taylor, Tenn.
Carew	King	Overstreet	Thompson
Chalmers	Kinkaid	Parks, Ark.	Tinkham
Clouse	Kissel	Parrish	Upshaw
Cole	Kleczka	Porter	Vinson
Collier	Kline, Pa.	Pou	Voigt
Collins	Kopp	Quin	Ward, N. C.
Colton	Kunz	Rainey, Ill.	Weaver
Connolly, Pa.	Lampert	Raker	Williams
Cooper, Wis.	Lanham	Rankin	Wilson
Crowther	Lankford	Reece	Wurzbach
Curry	Lazaro	Rhodes	Wyant
Denison	Lea, Calif.	Riordan	Young
Dowell	Leatherwood	Robsion	
Driver	Linthicum	Rose	
Favrot	Logan	Rosenbloom	

NAYS—159.

Ackerman	Chindblom	Fish	Hukriede
Anderson	Christopherson	Fisher	Humphreys
Andrews	Clague	Fordney	Hutchinson
Anthony	Classon	Free	Johnson, Wash.
Appleby	Codd	Frothingham	Jones, Tex.
Bacharach	Connally, Tex.	Fulmer	Kendall
Beedy	Coughlin	Funk	Ketcham
Begg	Crisp	Garrett, Tenn.	Kirkpatrick
Bixler	Dale	Glynn	Kline, N. Y.
Black	Dallinger	Goodykoontz	Knutson
Bland, Va.	Davis, Minn.	Graham, Ill.	Kraus
Blanton	Davis, Tenn.	Green, Iowa	Langley
Boies	Dominick	Greene, Mass.	Larsen, Ga.
Bowers	Doughton	Greene, Vt.	Larson, Minn.
Brand	Drane	Hadley	Lawrence
Brennan	Dunbar	Hardy, Tex.	Layton
Briggs	Dupré	Harrison	Lee, Ga.
Brooks, Ill.	Dyer	Haugen	Lineberger
Brooks, Pa.	Echols	Hays	Luhring
Burtness	Edmonds	Herrick	McArthur
Burton	Elliott	Hersey	McClintic
Butler	Ellis	Hickey	McDuffie
Campbell, Pa.	Elston	Hoch	McFadden
Cannon	Fairchild	Houghton	McKenzie

McLaughlin, Mich.	Norton	Rogers	Towner
McLaughlin, Nebr.	Osborne	Scott, Mich.	Treadway
McPherson	Padgett	Shreve	Tyson
Madden	Park, Ga.	Slemp	Vestal
Magee	Parker, N. J.	Smith	Volstead
Martin	Patterson, Mo.	Sproul	Walsh
Michaelson	Perkins	Stafford	Wason
Michener	Purnell	Steenerson	Watson
Miller	Radcliffe	Stevenson	Webster
Mills	Rainey, Ala.	Summers, Wash.	White, Kans.
Millspaugh	Ramseyer	Sumners, Tex.	White, Me.
Montague	Rayburn	Taylor, Ark.	Williamson
Montoya	Reber	Taylor, N. J.	Woods, Va.
Moores, Ind.	Reed, N. Y.	Tillman	Woodyard
Mott	Ricketts	Timberlake	Wright
Newton, Minn.	Roach	Tincher	

NOT VOTING—143.

Almon	Fitzgerald	Knight	Rouse
Ansorge	Flood	Kreider	Rucker
Bell	Foster	Lee, N. Y.	Ryan
Benham	Freeman	Lehlbach	Sabath
Blakeney	French	Little	Sanders, Ind.
Bond	Gallivan	Longworth	Sanders, N. Y.
Britten	Garner	Luce	Sears
Browne, Wis.	Gernerd	Lufkin	Shelton
Burdick	Goldsborough	Mann	Sisson
Burroughs	Good	Mansfield	Snell
Byrnes, S. C.	Gould	Mason	Snyder
Byrns, Tenn.	Graham, Pa.	Merritt	Stiness
Cantrill	Griest	Mondell	Stoll
Carter	Griffin	Moore, Ill.	Strong, Pa.
Chandler, N. Y.	Hawes	Moore, Va.	Sullivan
Chandler, Okla.	Hawley	Morin	Tague
Clark, Fla.	Hicks	Mudd	Taylor, Colo.
Clarke, N. Y.	Hill	O'Brien	Temple
Cockran	Himes	O'Connor	Ten Eyck
Connell	Hudspeth	Ogden	Thomas
Cooper, Ohio	Husted	Oliver	Tilson
Copley	Ireland	Olpp	Underhill
Cramton	James, Va.	Paige	Vaile
Cullen	Jefferis	Parker, N. Y.	Vare
Darrow	Johnson, Ky.	Patterson, N. J.	Volk
Deal	Johnson, Miss.	Perlman	Walters
Dempsey	Johnson, S. Dak.	Peters	Ward, N. Y.
Dickinson	Jones, Pa.	Petersen	Wheeler
Drewry	Kahn	Pringey	Wingo
Dunn	Kearns	Ransley	Winslow
Evans	Kelley, Mich.	Reavis	Wise
Fairfield	Kelly, Pa.	Reed, W. Va.	Wood, Ind.
Faust	Kennedy	Riddick	Woodruff
Fenn	Kiess	Robertson	Yates
Fess	Kindred	Rodenberg	Zihlman
Fields	Kitchin	Rossdale	

So the motion to recommit was rejected.

The following additional pairs were announced:

Until further notice:

Mr. CULLEN (for) with Mr. UNDERHILL (against).

Additional general pairs:

Mr. STINESS with Mr. SABATH.

Mr. KREIDER with Mr. FIELDS.

Mr. HUSTED with Mr. DREWRY.

Mr. CONNELL with Mr. RUCKER.

Mr. WHEELER with Mr. FLOOD.

Mr. VOLK with Mr. COCKRAN.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was being taken, when Mr. NOLAN made the point that no quorum was present.

The SPEAKER pro tempore. The Chair will not recognize the gentleman to make that point, for the reason that the roll call just had disclosed more than a quorum.

Mr. NOLAN. Then, Mr. Speaker, I ask for a division.

The House divided.

The SPEAKER pro tempore. Before the Chair announces the vote the Chair desires to say that the enrolling clerk informs him that the quotation marks were omitted at the end of the paragraph on page 2, line 25, which is an obvious typographical mistake. Without objection, that amendment will be made as a part of the engrossed bill.

There was no objection.

The SPEAKER pro tempore. On this vote the ayes are 198 and the noes are 52.

Mr. LONDON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 190, nays 102, not voting 139, as follows:

YEAS—190.

Ackerman	Bixler	Buchanan	Codd
Anderson	Black	Burtness	Cole
Andrews	Bland, Va.	Burton	Colton
Anthony	Blanton	Butler	Connally, Tex.
Appleby	Boies	Cable	Connolly, Pa.
Arentz	Bowers	Campbell, Kans.	Coughlin
Atkeson	Bowling	Campbell, Pa.	Crisp
Bacharach	Brand	Cannon	Dale
Bankhead	Brennan	Chindblom	Dallinger
Beedy	Briggs	Christopherson	Davis, Minn.
Begg	Brinson	Clague	Davis, Tenn.
Bird	Brooks, Ill.	Classon	Denison
Dominick	Houghton	Madden	Slemp
Doughton	Hukriede	Magee	Smith
Drane	Hull	Mapes	Sproul
Dunbar	Humphreys	Martin	Stafford
Dupré	Hutchinson	Michaelson	Steenerson
Echols	Jacoway	Michener	Stephens
Edmonds	James, Va.	Miller	Stevenson
Elliott	Johnson, Wash.	Mills	Strong, Kans.
Ellis	Jones, Tex.	Millspaugh	Summers, Wash.
Elston	Kendall	Montague	Sumners, Tex.
Fairchild	Ketcham	Montoya	Taylor, N. J.
Favrot	Kinkaid	Moores, Ind.	Thompson
Fisher	Kirkpatrick	Mott	Tillman
Fitzgerald	Kline, N. Y.	Norton	Tilson
Focht	Knutson	Osborne	Timberlake
Fordney	Kraus	Padgett	Tincher
Free	Langley	Park, Ga.	Towner
Frothingham	Larsen, Ga.	Parker, N. J.	Treadway
Fulmer	Larson, Minn.	Patterson, Mo.	Tyson
Funk	Lawrence	Perkins	Vestal
Garrett, Tenn.	Layton	Porter	Volstead
Glynn	Lazaro	Purnell	Walsh
Goodykoontz	Lea, Calif.	Radcliffe	Ward, N. C.
Graham, Ill.	Lee, Ga.	Rainey, Ala.	Wason
Green, Iowa	Lineberger	Ramseyer	Watson
Greene, Mass.	Luhring	Rayburn	Webster
Greene, Vt.	McArthur	Reber	White, Kans.
Hadley	McClintic	Reed, N. Y.	White, Me.
Hardy, Tex.	McCormick	Ricketts	Williamson
Harrison	McDuffie	Riddick	Wilson
Haugen	McFadden	Roach	Woods, Va.
Hays	McLaughlin, Mich.	Rogers	Woodyard
Herrick	McLaughlin, Nebr.	Sanders, Ind.	Wright
Hersey	McPherson	Scott, Mich.	Young
Hickey	McSwain	Shreve	
Hoch	MacGregor	Sinnott	

NAYS—102.

Aswell	Hammer	Mead	Sandlin
Barbour	Hardy, Colo.	Moore, Ohio	Schall
Barkley	Hayden	Morgan	Scott, Tenn.
Beck	Hogan	Mudd	Shaw
Bland, Ind.	Huddleston	Murphy	Siegel
Box	James, Mich.	Nelson, A. P.	Sinclair
Brown, Tenn.	Johnson, Ky.	Nelson, J. M.	Smithwick
Bulwinkle	Keller	Newton, Mo.	Speaks
Burke	Kincheloe	Nolan	Steagall
Carew	King	Oldfield	Stedman
Chalmers	Kissel	Overstreet	Swank
Clouse	Kleczka	Parks, Ark.	Sweet
Collier	Kline, Pa.	Parrish	Swing
Collins	Kopp	Pou	Taylor, Ark
Cooper, Wis.	Kunz	Quinn	Taylor, Tenn.
Crowther	Lampert	Rainey, Ill.	Tinkham
Curry	Lanham	Raker	Upshaw
Dowell	Lankford	Rankin	Vinson
Driver	Leatherwood	Reece	Voigt
Frear	Linthicum	Rhodes	Weaver
Fuller	Little	Riordan	Williams
Gahn	London	Robsion	Wurzbach
Garrett, Tex.	Lowrey	Rose	Wyant
Gensman	Lyon	Rosenbloom	Zihlman
Gilbert	McLaughlin, Pa.	Ryan	
Gorman	Maloney	Sanders, Tex.	

NOT VOTING—139.

Almon	Fenn	Kindred	Robertson
Ansorge	Fess	Kitchin	Rodenberg
Bell	Fields	Knight	Rossdale
Benham	Fish	Kreider	Rouse
Blakeney	Flood	Lee, N. Y.	Rucker
Bond	Foster	Lehlbach	Sabath
Britten	Freeman	Logan	Sanders, N. Y.
Brooks, Pa.	French	Longworth	Sears
Browne, Wis.	Gallivan	Luce	Shelton
Burdick	Garner	Lufkin	Sisson
Burroughs	Gernerd	McKenzie	Snell
Byrnes, S. C.	Goldsborough	Mann	Snyder
Byrns, Tenn.	Good	Mansfield	Stiness
Cantrill	Gould	Mason	Stoll
Carter	Graham, Pa.	Merritt	Strong, Pa.
Chandler, N. Y.	Griest	Mondell	Sullivan
Chandler, Okla.	Griffin	Moore, Ill.	Tague
Clark, Fla.	Hawes	Moore, Va.	Taylor, Colo.
Clarke, N. Y.	Hawley	Morin	Temple
Cockran	Hicks	Newton, Minn.	Ten Eyck
Connell	Hill	O'Brien	Thomas
Cooper, Ohio	Himes	O'Connor	Underhill
Copley	Hudspeth	Ogden	Vaile
Cramton	Husted	Oliver	Vare
Cullen	Ireland	Olpp	Volk
Darrow	Jefferis	Paige	Walters
Deal	Johnson, Miss.	Parker, N. Y.	Ward, N. Y.
Dempsey	Johnson, S. Dak.	Patterson, N. J.	Wheeler
Dickinson	Jones, Pa.	Perlman	Wingo
Drewry	Kahn	Peters	Winslow
Dunn	Kearns	Petersen	Wise
Dyer	Kelley, Mich.	Pringey	Wood, Ind.
Evans	Kelly, Pa.	Ransley	Woodruff
Fairfield	Kennedy	Reavis	Yates
Faust	Kiess	Reed, W. Va.	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. UNDERHILL (for) with Mr. CULLEN (against).

Until further notice:

Mr. DYER with Mr. LOGAN.

Mr. MONDELL with Mr. BYRNS of Tennessee.

Mr. O'CONNOR. Mr. Speaker, I desire to vote "no."

The SPEAKER pro tempore. Was the gentleman in the Hall, listening, when his name was called?

Mr. O'CONNOR. I really do not know.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

On motion of Mr. SCOTT of Michigan, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT—ARMY APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I submit herewith a conference report on the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, for printing under the rule.

Mr. GARRETT of Tennessee. Mr. Speaker, is it a complete report or a partial report?

Mr. ANTHONY. It is a partial report, but I will say that the conference has reached an agreement on practically every item in the bill, except the one for the pay of the Army, which it is proposed to submit to the House to-morrow along with the other legislative items.

Mr. GARRETT of Tennessee. The gentleman expects to take the bill up to-morrow?

Mr. ANTHONY. Yes; if it can be so arranged.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COOPER of Ohio, for five days, on account of important business.

To Mr. MOORE of Illinois, for 10 days, on account of important business.

To Mr. BELL, for four days, on account of official business.

To Mr. STEENERSON, for three days, to enable him to attend meeting of Joint Commission on Postal Service in New York City.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, June 16, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LAMPERT, from the Committee on Patents, to which was referred the bill (H. R. 7077) to increase the force and salaries in the Patent Office, and for other purposes, reported the same without amendment, accompanied by a report (No. 172), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 7111) authorizing the Secretary of War, the Attorney General, and the Secretary of the Navy jointly to make settlement of damages and compensation due by the United States for infringement of radio patents connected with the prosecution of the war, and for other purposes, reported the same without amendment, accompanied by a report (No. 173), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS of Indiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6814) to authorize the construction of a dam across Wabash River at Huntington, Ind., reported the same without amendment, accompanied by a report (No. 175), which said bill and report were referred to the House Calendar.

Mr. PARKER of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6315) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes, reported the same without amendment, accompanied by a report (No. 176), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (S. 488) providing for an exchange of lands between the Swan Land & Cattle Co. and the United States, reported the same without amendment, accompanied by a report (No. 174), which said bill and report were referred to the Private Calendar.

Mr. DRIVER, from the Committee on the Public Lands, to which was referred the bill (S. 530) to quiet title to certain tracts of land in the city of Walters, State of Oklahoma, reported the same without amendment, accompanied by a report (No. 177), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1318) granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes, reported the same with amendments, accompanied by a report (No. 178), which said bill and report were referred to the Private Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 6525) for the relief of the Cortez Oil Co., reported the same with an amendment, accompanied by a report (No. 179), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2049) for the relief of the Delaware River Lightering Co., reported the same without amendment, accompanied by a report (No. 180), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHRISTOPHERSON: A bill (H. R. 7153) to ratify and declare valid certain conveyances of Indian lands made in accordance with the provisions of the act of Congress approved March 1, 1907 (34 Stat., 1018); to the Committee on Indian Affairs.

By Mr. TEN EYCK: A bill (H. R. 7154) to authorize the Secretary of War to transfer to the Federal Board for Vocational Education such property under the control of the War Department as is not required by that department; to the Committee on Military Affairs.

By Mr. SIEGEL: A bill (H. R. 7155) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74; to the Committee on Ways and Means.

By Mr. WINSLOW: A bill (H. R. 7156) to prohibit the interstate sale of certain articles contaminated with anthrax; to the Committee on Interstate and Foreign Commerce.

By Mr. ACKERMAN: A bill (H. R. 7157) to save daylight in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor; to the Committee on Military Affairs.

By Mr. PATTERSON of Missouri: A bill (H. R. 7159) to authorize physicians and surgeons honorably discharged from the United States Army to practice their profession in any Territory, District, dependency, or possessions of the United States under the constitutional jurisdiction of Congress upon proper qualification; to the Committee on the Territories.

By Mr. BUTLER: A bill (H. R. 7160) to reorganize and increase the efficiency of the Corps of Chaplains in the United States Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. COLTON: A bill (H. R. 7161) to authorize certain homestead and desert land settlers, applicants, or entrymen, who entered the military or naval service of the United States during the war with Germany to make final proof of their entries; to the Committee on the Public Lands.

By Mr. PORTER: A bill (H. R. 7162) to provide temporary judges for the United States Court for China; to the Committee on Foreign Affairs.

By Mr. REAVIS (by request): A bill (H. R. 7163) authorizing the Iowa Indians of Kansas and Nebraska to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. BRITTEN: Resolution (H. Res. 117) to prohibit further violation of China's sovereignty and to protect American trade and commerce; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 7164) for the relief of the owners or legal representatives of the canal boats *Swan* and *Lewis* and *Butler;* to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 7165) granting a pension to Harry M. Batty; to the Committee on Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 7166) authorizing the Secretary of War to donate to the city of Bartlesville, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 7167) for the relief of Lloyd Holibaugh; to the Committee on the Public Lands.

By Mr. CRISP: A bill (H. R. 7168) for the relief of Mrs. M. E. Tison; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 7169) granting a pension to Charles M. Wilson; to the Committee on Invalid Pensions.

By Mr. GAHN: A bill (H. R. 7170) for the relief of Charles V. Wells; to the Committee on Military Affairs.

By Mr. GREENE of Vermont: A bill (H. R. 7171) granting an increase of pension to Mary McBride; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 7172) granting an increase of pension to Martin V. Endicott; to the Committee on Pensions.

By Mr. KENNEDY: A bill (H. R. 7173) granting a pension to Carrie M. Birdsall; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 7174) granting a pension to Eugene F. Rose; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 7175) granting a pension to Elizabeth J. Turner; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 7176) authorizing the Secretary of War to donate to the city of Overland, State of Missouri, one German cannon of fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7177) authorizing the Secretary of War to donate to the city of Eureka, State of Missouri, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7178) for the relief of the heirs at law of Jacques Clamorgan; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 7179) granting an increase of pension to John C. Lane; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 7180) granting an increase of pension to Milford W. Oxley; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 7181) granting an increase of pension to William H. Van Name; to the Committee on Invalid Pensions.

By Miss ROBERTSON (by request): A bill (H. R. 7182) for the relief of the heirs of Rebecca Wilson, deceased; to the Committee on War Claims.

By Mr. SHREVE: A bill (H. R. 7183) to carry out the findings of the United States Court of Claims in the case of Francis M. Magee; to the Committee on War Claims.

Also, a bill (H. R. 7184) to carry out the findings of the United States Court of Claims in the case of Francis M. Magee; to the Committee on War Claims.

Also, a bill (H. R. 7185) granting a pension to John D. Weidle; to the Committee on Pensions.

Also, a bill (H. R. 7186) granting a pension to Leo F. Eichenlaub; to the Committee on Pensions.

By Mr. SWANK: A bill (H. R. 7187) for the relief of Beryl M. McHam; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7188) granting a pension to Mary J. Rookard; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 7189) granting an increase of pension to Lizzie A. Logsdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) granting a pension to Susie M. Anderson; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 7191) granting an increase of pension to Emma C. Weise; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1312. By the SPEAKER (by request): Petition of 3,500 members of the Florida Woman's Christian Temperance Union, urging a conference of nations to consider disarmament; to the Committee on Foreign Affairs.

1313. Also (by request), petition of American Association of Engineers in convention assembled, urging Congress to enact the necessary reclamation legislation at an early date; to the Committee on Irrigation of Arid Lands.

1314. By Mr. BULWINKLE: Resolutions adopted by the congregation of Grace Episcopal Church and of the Woman's Auxiliary of said church in the town of Morgantown; the congregation of the Church of the Holy Comforter, and the Sharon Presbyterian Church, of Charlotte, all in the State of North Carolina, requesting Congress to secure a conference of the nations of the world for disarmament; to the Committee on Foreign Affairs.

1315. By Mr. CAREW: Petitions of Bottlers' and Drivers' Union No. 96 and Central Union Label Council of Greater New York, indorsing the bill of Congressman Ogden Mills (H. R. 5351) amending the judicial code for maritime workers; to the Committee on the Judiciary.

1316. By Mr. CURRY: Petition of Dr. Barton J. Lowell and 51 other citizens of the third congressional district of California, favoring a department of education; to the Committee on Education.

1317. By Mr. FENN: Memorial of Christian Endeavor Society of Center Congregational Church, South Manchester, Conn., looking toward the relief of the Armenian people; to the Committee on Foreign Affairs.

1318. Also, resolution of the thirty-sixth annual convention Connecticut State Federation of Labor, by I. M. Ornburn, secretary, urging support of Senator McLean's amendment to House bill 4803, providing for the completion of six submarines by the Lake Torpedo Boat Co., of Bridgeport, Conn., and thus helping unemployment conditions there; to the Committee on Appropriations.

1319. By Mr. FULLER: Petition of Jessie R. Mann, department of biology, Northern Illinois State Normal School, De Kalb, Ill., favoring the Towner-Sterling bill; to the Committee on Education.

1320. Also, petition of Progressive Lodge, No. 440, International Association of Machinists, of Rockford, Ill., opposing the Scott bill (H. R. 3716); to the Committee on the Merchant Marine and Fisheries.

1321. By Mr. FUNK: Resolutions of the Methodist Episcopal Church, of Saunemin; the Unitarian Church, of Bloomington; and the First Methodist Episcopal Church, of Lincoln, all in the State of Illinois, urging that the United States Government take the initiative in inviting an international conference to confer on the question of reduction of armaments; to the Committee on Foreign Affairs.

1322. By Mr. HERRICK (by request): Resolutions adopted by the Woodward Building and Loan Association, of Woodward, Okla., indorsing the bill providing for exemption of $500 to shareholders in building and loan associations in income taxes; to the Committee on Ways and Means.

1323. Also (by request), resolutions from the Rotary Club of Blackwell, Okla.; Post No. 14, American Legion, Ponca City; Post No. 37, American Legion, Medford; Trades Council, American Federation of Labor, Enid; Women's Auxiliary, American Legion, Tonkawa; Osa Woy Post, No. 199, American Legion, Pond Creek; Russell Litchfield Post, No. 7, American Legion, Blackwell; and Post No. 19, American Legion, Woodward, all in the State of Oklahoma, asking for legislation for the relief of disabled soldiers; to the Committee on Interstate and Foreign Commerce.

1324. By Mr. KISSEL: Petition of Henry M. Haviland, Robert Underhill, Mary S. and Charles McDowell, Charles Crossman, and Charles E. Tebbetts, of Brooklyn, N. Y., also of Herbert S. Lewis and Lida W. Gillingham, of Washington, D. C.; to the Committee on Foreign Affairs.

1325. Also, petition of 62 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1326. Also, petition of Bridget, Hugh, and Patrick McCartin, and William Clair, all of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1327. Also petition of the American Legion, New York, N. Y., disapproving House resolution 14; to the Committee on Rules.

1328. By Mr. LAMPERT: Petitions from citizens of Oshkosh, Wis., requesting an amendment to the Volstead Enforcement Act permitting the manufacture and sale of beer and light wines, also protesting against the so-called Sunday blue laws; to the Committee on the Judiciary.

1329. By Mr. RAKER: Petition of J. A. Bennnetts and Ed A. Bennetts, of Grass Valley, Calif., urging relief be extended to the people of the Near East; also petition of Harry Polsley, S. D. Wilcox, and D. D. Dodson, of Red Bluff, Calif., urging action supporting international disarmament; also petition of H. A. Snelling, of Penryn, Calif., urging relief be extended to the people of the Near East; all to the Committee on Foreign Affairs. Also petition of Napa Chamber of Commerce, Napa, Calif., urging the purchase and equipment of experimental vineyards in California; to the Committee on Appropriations.

1330. Also petition of the employees of the Lake Torpedo Boat Co., of Bridgeport, Conn., requesting Congress to make the 6 fleet submarines authorized in 1916 but not yet started, equal to the 12 submarines England completed in 1918 with 24 knots speed and to the 24 knots submarines Japan is providing and to now provide adequately for immediate construction; to the Committee on Naval Affairs.

1331. Also Senate joint resolution 14, State of California, relative to a bureau of publicity; to the Committee on Education. Also Senate joint resolution 22, State of California, indorsing bill to restore the grade of lieutenant general to Maj. Gen. Hunter Liggett; to the Committee on Military Affairs. Also Senate joint resolution 9, State of California, relative to the construction of the Long Valley irrigation project as a unit of the Truckee-Carson project; to the Committee on Irrigation of Arid Lands.

1332. Also, Senate joint resolution 21, State of California, relative to the protection of American-grown hops; to the Committee on Ways and Means. Also, Senate joint resolution 18, State of California, relative to the extension by Congress of the franking privilege; to the Committee on the Post Office and Post Roads.

1333. By Mr. RIORDAN: Petition of Angelo Pagano and 14 others of New York indorsing House bill 3208; to the Committee on the Judiciary.

1334. By Mr. SANDERS of New York: Petition of Frank S. Thomas, of Rochester, N. Y., protesting against the placing of a duty of 25 per cent ad valorem on lumber and a specific duty of 60 cents per thousand on shingles; to the Committee on Ways and Means.

1335. By Mr. SANDERS of Texas: Petition of the congregation of the Church of the Good Shepherd, of Terrell, Tex., in favor of world-wide peace to the end that an agreement or treaty between the principal nations which will materially lessen the possibilities of war, urging that steps be taken for disarmament, and that no appropriation be made for Army and Navy purposes beyond what is actually required; to the Committee on Foreign Affairs.

1336. By Mr. SNYDER: Petition of the Women's Auxiliary of American Legion Post, No. 120, of Ilion, N. Y., indorsing the program of Legion relief legislation; to the Committee on Interstate and Foreign Commerce.

1337. By Mr. STINESS: Memorial of Woonsocket, R. I., Fortnightly Club, indorsing the Towner education bill; to the Committee on Education.

1338. Also, memorials of Women's Christian Temperance Union of Woodville, the Calvary Baptist Church congregation of Providence, both in the State of Rhode Island, and the Rhode Island Universalist Convention, favoring an international conference for disarmament; to the Committee on Foreign Affairs.

1339. By Mr. TEN EYCK (by request): Petition signed by citizens of the twenty-eighth district of New York, urging reduction of armament, naval or military, and the calling of a congress of nations by our Government for the promotion of enduring world peace; to the Committee on Foreign Affairs.

1340. By Mr. TINKHAM: Petition of Gerard Stone and 29 others of the eleventh congressional district of Massachusetts, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

1341. Also, memorial of congregation of the First Congregational Church (Unitarian), Jamaica Plain, Boston, Mass., favoring world disarmament; to the Committee on Foreign Affairs.

1342. Also, resolution of the Canadian Club of Boston, with over 1,000 membership, objecting to any resolution providing for official recognition of the so-called Irish republic; to the Committee on Foreign Affairs.

1343. Also, petition of Edward A. Walpole and 29 others, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

1344. Also, resolution adopted at the annual meeting of the Physical Directors' Society of Massachusetts and Rhode Island, urging the repeal of the 10 per cent tax on athletic goods; to the Committee on Ways and Means.

1345. By Mr. VARE: Petition of National Supply and Machinery Dealers' Association, relative to change in postal rates; to the Committee on the Post Office and Post Roads.

1346. Also, petition of American Legion, relative to House resolution 14; to the Committee on Rules.

1347. By Mr. WOODYARD: Petition of Mount Hermon Methodist Episcopal Church, Reedy, W. Va., favoring disarmament; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *June 16, 1921.*

(Legislative day of Monday, June 13, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 6754) to amend sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, in which it requested the concurrence of the Senate.

The message also announced that, in accordance with the provisions of Senate concurrent resolution 4, the Speaker of the House had appointed Mr. ANDERSON, Mr. MILLS, Mr. FUNK, Mr. SUMNERS of Texas, and Mr. TEN EYCK as members on the part of the House of the Joint Commission of Agricultural Inquiry.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 4091) granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va., and it was thereupon signed by the Vice President.

THE MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Agriculture and Forestry as amended.

Mr. McCORMICK. Mr. President, the Senate must determine to-day the measure of the powers which it will vest in the executive branch of the Government for the regulation of the packing industry and the cognate business of buying, selling, and disposing of cattle in the stockyards. We purpose to establish an effective governmental control of the business of slaughtering live stock and the businesses immediately related thereto. At the last session the Senate passed a bill which, with negligible changes, is before us again as the Senate bill. At this session of the Congress the House has passed a bill which is likewise before us. As the chairman of the Senate Committee on Agriculture and Forestry has pointed out, there is much in common between the two bills. Not only is their purpose the same but in good part the machinery which they purpose to set up is similar. They confer upon the Secretary of Agriculture, or a commissioner in the Agricultural Department, certain powers. They vest in the Secretary or the commissioner powers now vested in the Federal Trade Commission. The two bills purpose to put an end to old abuses, to prevent their recurrence, or the growth of new abuses. There are many Senators, like myself, who long have believed that legislation of this character was necessary not only because the live-stock men and the consumers of live-stock products had grievances and were entitled to redress and protection but because we believed that it was contrary to public policy that a great industry which in one way or another affected a majority of our fellow citizens should be dominated by a few persons, natural or corporate, without control. The issue before us, then, is not that of control but of the character of control to be established by law. The problem is difficult. It is so difficult and so complex that the most painstaking examination of the plans submitted to Congress and the most careful labor in the preparation of the bills is due the public. There are some of us, frankly, who

complain that the committee of the Senate, which has seen fit to modify the project of law which it reported at the last session, failed to examine minutely and at length the differences between the two bills before it decided summarily to reject the House bill in favor of the Senate bill.

I would be the last to gainsay that the members of the Senate committee considered the problem at length last year and the year before, but I do say that the Senate and the country were justly entitled to expect that the committee, before it submitted to the Senate the alternative of deciding for the House or for the Senate bill, should carefully have weighed every important difference between the two measures. I venture to ask Senators to weigh certain provisions of the Senate bill, not only in their bearing on the packing and live-stock industries but as calculated to establish a departure from our legal practice. There is no exact analogy between what is now purposed to be done by the Senate bill and the several statutes on the one hand regulating railroad transportation and on the other creating, first, the Bureau of Corporations and then the Federal Trade Commission. The body of railroad law grew by slow degrees.

The railroads themselves exist by virtue of certain quasisovereign powers granted to them by the legislature, to acquire rights of way by eminent domain, and within limits to exercise police powers; to create what, in effect, are public highways. These grants of power presume that corresponding to them there shall be vested in the Government, authority to supervise and control the exercise of the powers so granted. Our railroad legislation has resulted in the creation within the States, and under the Federal Government, of great administrative tribunals, to which have been delegated powers which under the Constitution inhere in Congress. Those tribunals, within limits, exercise an authority at once legislative, judicial, and executive. The tribunals themselves are composed of considerable numbers of men, representative of the grand geographical divisions of the country, and of different economic elements in our life. In a certain sense this is true of the Federal Trade Commission. It was vested with powers greater than those of the Bureau of Corporations, and considering this investment, Congress determined that a commission, rather than an individual, should exercise those powers in order the better to insure against their abuse. Nevertheless, the Federal Trade Commission during recent years, and after its first members were replaced by others, adopted a course which has led millions of our countrymen and many of us here to believe that it has become an agency of propaganda and prosecution rather than an instrument for the calm, equitable, and judicial arbitrament of disputes and the correction of abuses. Despite the lessons to be read in the history of the legislation leading to the creation of the Interstate Commerce Commission and the Federal Trade Commission, the Senate bill before us proposes to create a commissioner in whose sole person shall be vested powers which are legislative, executive, and judicial. His judgment is qualified by those of no colleagues, and as I shall presently try to make plain, by no full and untrammeled appeal to a superior court such as imposes caution and moderation upon a judge. I could go far in the study of the Senate bill before us to find argument to adduce in support of my view, but I prefer to ask the Senate especially to give its attention to certain provisions of the so-called Senate bill, notably, sections 6, 10, 12, 20, and 21, which I ask unanimous consent to have printed in this context.

The VICE PRESIDENT. Without objection, it is so ordered.

The sections are as follows:

SEC. 6. The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations of and the ownership of stockyards.

SEC. 10. The commissioner, with the approval of the Secretary, may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government or of any State or political subdivision thereof or with any person.

SEC. 12. It shall be unlawful for any packer to—

(a) Engage in any unfair, or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers, or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

SEC. 20. Whenever the commissioner believes that any packer or operator is violating any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall cause notice in writing to be served upon such packer or operator, specifying the alleged violations, and requiring such packer or operator to attend and testify at a hearing before him at a time and place designated therein; and at such time and place the commissioner shall afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commissioner, with the approval of the Secretary, may prescribe. If, after such hearing, the commissioner finds that such packer or operator has violated any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on such packer or operator an order requiring such packer or operator to cease and desist from continuing such violations. The testimony taken at the hearing before the commissioner shall be reduced to writing and filed in the records of the Department of Agriculture. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by him.

SEC. 21. An order requiring a packer or operator to cease and desist from violating any provision of this act, or any rule, regulation, or order issued hereunder, shall be final and conclusive unless within 30 days after service the packer or operator appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the commissioner's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer or operator will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the commissioner, and he shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the packer or operator, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the commissioner, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such court may affirm or set aside the order of the commissioner or may direct him to modify his order. No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such packer or operator for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commissioner.

If the court determines that the just and proper disposition of such an appeal requires the taking of additional evidence, the court shall order such additional evidence to be taken before the commissioner in such manner and upon such terms and conditions as the court may deem proper. The commissioner may modify his findings as to the facts, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his original order with the return of such additional evidence. If the circuit court of appeals affirms or modifies the order of the commissioner, its decree shall operate as an injunction to enjoin the packer or operator, and its officers, agents, and employees from further violating the provisions of the order or modified order.

Mr. McCORMICK. Mr. President, Senators ought to ponder carefully the language of sections 6 and 10. Section 6 is as follows:

The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to—

And so forth. Section 10 reads:

The commissioner, with the approval of the Secretary, may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government, or of any State or political subdivision thereof, or with any person.

The commissioner may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act.

There are seven subsections in section 12, designed to correct and to prevent abuses, of course. It is their patent purpose to make impossible unfair competition, unjust discrimination, and combination or conspiracy. That is a most admirable purpose. It is an end not only important but necessary to be achieved.

But, Mr. President, it can not be the considered intention of Congress in its determination to put an end to certain abuses at the same time by its own act to lay the foundation for other abuses, and especially that abuse of power, that vindictive and prejudiced pursuit of the individual, that interference with free initiative which we Americans prize so highly. The development of a complex society leads inevitably to the burdens of administration and to the growing responsibility of government for the protection of the individual against oppression by his powerful fellows. At the same time we must move carefully lest the officers whom we create by law shall become oppressors in the stead of those whom we would restrain.

There are, as I have said, several subdivisions in section 12. Let me read the first three, and I ask Senators especially to consider the third in the light of section 10:

It shall be unlawful for any packer to—

(a) Engage in any unfair or unjustly discriminatory practice or device in commerce or in any deceptive practice to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer or buy or otherwise receive from or for any other packer any live stock or live-stock products for the purpose of apportioning the supply between

any such packers or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or—

So far, so good. Now, mark you!

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

Then in section 6 it is provided that—

The commissioner, upon his own initiative * * * shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to * * * live stock or live-stock products, including operations of and the ownership of stockyards.

It is further provided in section 10 that—

The commissioner * * * may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act. * * *

That is to say, he may make such rules as in his discretion are necessary to carry out the provisions of this act, and must determine in his discretion if under subdivision (c) the packer engages in any manufacturing the effect of which may tend substantially to lessen competition. Consider the vast discretion which is imposed upon the commissioner under the terms of the provisions which I have just read. He is to be the sole judge whether the manufacture of a certain article even tends to lessen competition; he is to make the rules in the exercise of his sole judgment and upon his sole initiative.

If Senators will turn to section 20 they will learn that—

Whenever the commissioner believes that any packer or operator is violating any provisions of this act, or of any rule, regulation, or order issued hereunder—

He may summon the offending packer to appear before him—

and shall issue and cause to be served on such packer or operator an order to cease and desist from continuing such violations.

Note, Mr. President, that the act of "any agent or other person acting for him," under section 19, is the act of any principal violating the rule.

What is the cumulative effect of these provisions? The commissioner, upon his own initiative, when no complaint has been made by anybody in any quarter, may issue a rule to regulate or forbid an act which may in his judgment tend—

Substantially to lessen competition * * * or tend to create a monopoly.

That is in the sole discretion of the commissioner, who in turn becomes the judge of the observance or violation of his own rule as to what may lessen competition or tend to create a monopoly. There is no clear provision for a hearing before he issues his rule, and a study of sections 20 and 21 will show that there is no provision that on appeal any hearing may be had as to the reasonableness or the justice of a rule or regulation issued by the commissioner in his discretion.

Whenever the commissioner believes—

Reads section 20—

that any packer or operator is violating any provision of this act, or of any rule, regulation, or order issued hereunder, he shall cause a notice in writing to be served upon such packer, specifying the alleged violations and requiring such packer to attend and testify at a hearing before him.

Thus the hearing is held, not for the purpose of testing the reasonableness or justice of the rule or regulation, but to determine if the packer or his agent has violated the provisions of the act and the rules issued under its terms by the commissioner. If there has been a violation of the rule without regard to its reasonableness, an order will issue to cease and desist. There is, to be sure, under section 21 an appeal to the circuit court of appeals, but under drastic limits, specifically set down in the section, which reads as follows:

No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator—

And let us note that the operator is anyone who is doing business in the stockyards—

that the order is unsupported by the weight of evidence or was issued without due notice and a reasonable opportunity having been offered to such packer or operator for a hearing, or infringes the Constitution of the United States or is beyond the jurisdiction of the commissioner.

Mr. President, under the language of the bill which I have quoted, what is the "weight of evidence" or the "jurisdiction of the commissioner"? It is further set down that the burden of proof in such an appeal is entirely on the operator or the packer. If this bill becomes law as it now stands, there will be vested in the commissioner great and undefined powers, the exercise of which might be salutary if the commissioner were a man of great wisdom, experience, and impartiality, but which, if he were prejudiced or dishonest, would result in irreparable and inestimable injury not only to the dealers, the commission men, and the packers, but to the live-stock producers of the country. This is the vice of the so-called Senate bill. The House bill provides that before the commissioner shall issue an order there shall be a complaint, and, further, that on appeal the circuit court shall be the judge of the reasonableness and justice of the orders and rules. This is conformable to our immemorial practice. Here is preserved our ancient right, for which our fathers fought, for which in generations past they braved kings, because of which we cherish the memory of Magna Charta and the Bill of Rights. Here is the principle, indeed, on which we fought the Revolution.

It requires no vivid imagination to see that if in the not-distant future the consumers of live-stock products were greatly to outnumber the live-stock raisers, a very slight amendment of the provisions of the Senate bill might vest in the commissioner powers to fix prices of live stock and to make rules for their raising and marketing, which would place the farmers of the United States at the absolute mercy of the commissioner, so that he might injure them as directly and certainly as he might indirectly and certainly destroy them under the provisions of the pending bill.

I submit, Mr. President, that in seeking to accomplish a long-sought and long-needed reform the draftsmen of this bill have imported into our jurisprudence a principle alien to it, although common enough to the law of continental Europe, familiar to the Napoleonic code and the Prussian code and the old czaristic Russian code, a principle under which an individual is invested with legislative, judicial, and executive power, to issue lettres de caché, to make rules, and to condemn the violators thereof, he himself to be the sole judge of the reasonableness of his own rules and of the violation of them.

I can hazard no conjecture as to the action of the majority of the Senators to-day in deciding the issue before us, but I make bold to say that the arbitrary powers purposed to be vested in the commissioner by this bill will not be vested in him by law any more than the last Congress finally denied to men the right to strike as proposed by the railroad bill which passed the Senate. The crux of the difference between us is simple, it is elemental, and fundamental. If we establish the arbitrary and tyrannical principle purposed now to be established in the so-called Senate bill, it will hold not only for one industry but ultimately for all industries. It is one of the characteristics of modern society that the number of administrative tribunals increases as the powers conferred upon them increase. If such powers be necessary, the only protection which society can have from its own agents thus created is to establish orderly processes for the filing of charges and of complaints, for hearings, for the promulgation of rules, for the handing down of decrees, and finally, and above all, for the wide review of the facts, the rules, and their justice by the appellate tribunals established for that purpose.

Mr. KENYON. Mr. President, I should like to inquire if the Senator from Utah [Mr. SMOOT] desires to proceed. If so, I will be very glad to yield to him.

Mr. SMOOT. I do not desire to speak at this moment.

Mr. KENYON. I will say to the Senator from Utah that I wish to be perfectly fair about the division of the time remaining for discussion on the bill, and I was waiting for the Senator to speak at this time, if he prefers to speak now. However, if the Senator does not care to proceed, if he will indicate how much time he desires, or how much time those opposed to the bill may desire, I will limit my remarks.

Mr. SMOOT. I think the virtual understanding last night was that the two hours should be divided equally, and therefore I shall only be entitled to 30 minutes, I will say to the Senator.

Mr. KENYON. I will certainly see that the Senator gets the 30 minutes and possibly more.

Mr. McCORMICK. Mr. President, if I have exceeded the time which by implication was allotted to me, I wish to apologize to the Senator from Iowa. I had no such purpose.

Mr. KENYON. The Senator has done nothing of the kind.

Mr. SMOOT. There is not even an imputation that the Senator has done so. The Senator was entitled to take all the time which he used.

Mr. KENYON. We have been trying to be fair about the division of time, and it would be manifestly unfair for either side of this debate to occupy the floor up to the time of voting. I wish to say that if other Senators want to be heard on this bill during the one hour allotted to those who favor the bill, I will be very glad to limit what I have to say so that they may have time, if they will indicate their desire in any way.

Mr. President, I have spoken so often on the general subject of packer regulation in this Chamber that with some hesitancy

I now enter into this discussion, but I think there have been so many unintentional misrepresentations and unintentional misstatements that it is fair, at least, that those of us who support this measure should try to make our position clear.

Mr. President, I am not going to quarrel with other men's judgment about measures. The tendency, of course, is to become enamored of a cause or of opposition to a cause and sometimes to be unfair. We all have that tendency, and I have felt so deeply the necessity for some legislation to regulate, in the interest of the American producer and the American consumer as well, the great market places of this country so that there may be a fair chance for all, that I think some of my friends think, perhaps at times, I have bordered on being unfair, but I have not intended to be and I do not want to be this morning.

The junior Senator from Oregon [Mr. STANFIELD] a few days ago inquired as to the need for any such legislation. That is a pertinent point. Outside of all the difficult legal questions involved, if there is no reason for this legislation it certainly ought not to be enacted. I have said before and now repeat that, in my judgment, this legislation is based upon and arises out of the report of the Federal Trade Commission.

If it had not been for that report, I doubt if legislation would have been proposed as it has been since the time of that report. If the Senator from Oregon had ever read that report, unless he absolutely disbelieved everything that the Federal Trade Commission said, he would have seen some basis for this legislation. If the report of the Federal Trade Commission is false, then we do not have a substantial basis at present to urge this legislation; but it never has been proven to be false. Here and there certain things have been questioned, but the general scope of the conclusions of the Federal Trade Commission has not been successfully denied.

Now, what were they, just in brief?—

That five great packing concerns of the country—

I am reading from the report—

Swift, Armour, Morris, Cudahy, and Wilson—have attained such a dominant position that they control at will the market in which they buy their supplies, the market in which they sell their products, and hold the fortunes of their competitors in their hands.

Not only is the business of gathering, preparing, and selling meat products in their control, but an almost countless number of by-product industries are similarly dominated; and not content with reaching out for mastery as to commodities which substitute for meat and its by-products, they have invaded allied industries and even unrelated ones.

The combination has not stopped at the most minute integration but has gone on into a stage of conglomeration, so that unrelated heterogeneous enterprises are brought under control.

As we have followed these five great corporations through their amazing and devious ramifications—followed them through important branches of industry, of commerce, and of finance—we have been able to trace back to its source the great power which has made possible their growth.

And here:

The producer of live stock is at the mercy of these five companies because they control the market and the marketing facilities and, to some extent, the rolling stock which transports the product to the market.

The competitors of these five concerns are at their mercy because of the control of the market places, storage facilities, and the refrigerator cars for distribution.

The consumer of meat products is at the mercy of these five, because both producer and competitor are helpless to bring relief.

Those statements are taken from the report of the Federal Trade Commission to the President of the United States; and, if they are true, it is time that in the interest of the people of this country some action was taken. When you come to consider whether they are true or not, you come to the question of whether confidence can be placed in the Federal Trade Commission. That is getting to be an old issue. We have seen the attempt made here to injure the Federal Trade Commission by cutting down its appropriations. It has generally failed. We see the effort made to take away parts of its jurisdiction here and there, to cripple it; and, if that does not succeed, I predict that you will see an attempt made to change the personnel of the Federal Trade Commission. It is the one institution in the way of commissions that is left in this country in which the people have unlimited confidence. The Federal Trade Commission have had to go against every kind of scheme and intrigue, as they show in their report. They have had to cross swords with the highest-priced lawyers and agents that can be found in the whole country. They have tried to turn on the light upon a few of the great monopolies in this Nation, so there comes the cry to "destroy the Federal Trade Commission; let business alone; it is interfering with business."

Just a few days ago the Federal Trade Commission filed a report on the lumber industry that will arouse the ire of the gentlemen engaged in cornering the prices of lumber to the American people. In that report, dated Thursday, June 9, they say:

Between 1915 and 1920 wholesale quotations on fir lumber increased from 300 per cent to 500 per cent, and most items doubled in price after the armistice. Notwithstanding substantial reductions since the spring of 1920 on some items, quotations still range about as they were in May and June, 1919. Fir logs are quoted as of May 1, 1921, at prices identical with those which were fixed by the War Industries Board as the war-time maximum, and which the loggers continued in force as the minimum until June of 1919.

And these gentlemen who have had the lumber combination, who have marked up the quotations on fir lumber from 300 to 500 per cent, will, with their lobbies, be infesting the city of Washington demanding a high protective tariff on lumber. The Federal Trade Commission went into this matter. It disturbs business. Business that makes from 300 to 500 per cent profit ought to be disturbed where it is done through creating a monopoly to rob the American people, and some people in this country are not going to be a bit frightened at the cry of "Keep your hands off business" and "Keep away from regulation of business."

Since this report has been filed you will see throughout the land, wherever the great lumber interests can concentrate against the Federal Trade Commission, that they will open up their 16-inch guns upon it. A short time ago this meddlesome commission, meddling with business, as charged, started a hearing upon what is known as the Pittsburgh plus-rate fixing of prices on steel, steel produced in other parts of the country, whether shipped from Pittsburgh or not, raising the price to cover the rate of freight from Pittsburgh. Talk about price fixing! There was a fine sample of it. They did that. They brought down on their heads the resentment and the curses of the great steel interests of this country.

I pay tribute to these men on the Federal Trade Commission, who, through the pathway of sneers in the Senate, of attempts in the Senate to belittle them, have gone straight forward, with only one idea, to serve the people of the United States. If it is the purpose of reactionary leaders on the Republican side to help destroy the Federal Trade Commission, if that is the Philippi, they will be met at Philippi on that issue.

The last election is misunderstood, I fear, by some leaders. They think it was a mandate against the Federal Trade Commission. I do not believe that the plank referring to that in the Republican national platform influenced one vote in this country. The issue was Wilsonism. I do not want to be offensive, but that was the issue, and you Democrats all know it, and you were cleaned up on that issue. The Federal Trade Commission was not the issue. I suggest to our Republican leaders that great majorities are dangerous, and if they believe that the election was a mandate to take away all regulation of big business, as the Senator from Maine [Mr. FERNALD] argued yesterday, they have misunderstood the election returns. If you could submit to the people of this country the question of abolishing the Federal Trade Commission, nearly everybody would vote in favor of the Federal Trade Commission, except a few Senators in this body.

The Senator from Illinois [Mr. MCCORMICK] and other Senators have sounded the slogan "Let business alone." "This is a bad bill." It interferes with business. We all agree that business must be prosperous to have a prosperous country.

Nobody wants to injure business. "More business in government" was the slogan of the campaign. That did not mean for big business to move in and take charge of the Government. It meant a business-like administration of affairs. The President is trying to bring that about. I do not think the American people voted for more business in government in the sense that some people have taken that to mean.

I do not know about this question of more business in government. When we vote here for an embargo on dyestuffs for the benefit of the great dye monopoly of this country, and the dyestuffs business gets into the Government in that way, I am a little undecided as to whether we can not have too much big business in government. And when the other schedules of the tariff come before us I suppose we will see some more of big business trying to take possession of the Government.

We see in the papers this morning an interview with a Member of this body warning against paternalism, warning against the Government taking any steps to regulate any of the great interests of this country. It is given space on the front pages of the papers. He suggests that there is a coal bill coming, and that is of great concern to him; and there is a coal bill coming. Will Senators sit around and say that the people of the United States are going through another winter like last winter, with coal prices as they were, and be lulled to sleep by the slogan "Let the coal business alone"? No; they are not going to do it.

We are met, of course, as we have been here, by the cry, "If you are going to regulate the packing business, then you are going to regulate all business."

No; that day will never come. I am no more for it myself than is anybody else. Public operation of the railroads has been a dismal failure. But that is the argument, and the Senator from New York [Mr. WADSWORTH] almost shed tears over the fact that this bill would reach out and regulate the private butcher. It will not do it.

The former Senator from Illinois, Mr. Sherman, at the last session denounced us because we did not have the nerve to tackle the private butcher. Having just a few days ago gone to market and bought a leg of lamb, weighing 6 pounds, and paid $3.30 for it, I have not many tears to shed for the private butcher. I wish there was some way of regulating him.

Mr. NORRIS. Does the Senator have any way of knowing whether that leg of lamb came off one of the lambs we were notified a week or two ago had been shipped to Chicago and sold for 42 cents apiece?

Mr. KENYON. I asked a Senator from the West what those lambs were selling for on the ranch, and he said if they could get $2.50 or $3 for them they would be delighted.

Mr. NORRIS. They can not get it.

Mr. KENYON. I do not think they can get that. But what is this doctrine of letting all business alone? Shall we repeal the meat inspection laws? Shall we repeal the pure food laws? Shall we repeal the law governing the railroad rates? I do not know. I am troubled about it. I do not want to see this Government go into the regulating of all business; but there is a distinct line of demarcation, and it was laid down by old Lord Hale nearly a hundred years ago, and the Supreme Court of the United States has sustained it. It is an important thing, because if this goes on I believe you are going to see this principle the rock upon which political parties will split in this country.

Shall we regulate all business? No; that would be a failure. Regulate some business? Yes. What business? The business which the Supreme Court has said is charged with a public use.

Oh, men reply, "Then you will regulate the shoes, regulate clothing, regulate all these things." No. You are regulating monopoly, and if in regulating monopoly you touch business, it is an incident to the regulation of monopoly. But if five men had all the shoe business of this country practically under their control, or enough of it to control it, and made the prices whatever they pleased, then you would be getting a business that was reaching the point of monopoly, and that the Government has a right to regulate.

There will soon come before the Senate a bill to regulate the coal business. The Senator from New York [Mr. CALDER], who was chairman of the reconstruction committee, as I remember his statement, announced on the floor that the coal operators of this country had pillaged the American people a billion and a half dollars. I may be wrong about the size of the figures, but they were in that neighborhood; a few hundred million would not make much difference. One of those great operators indignantly denied the accusation, and said the Senator from New York was wrong, that they had not pillaged the American people over $500,000,000.

Do you think, on this proposition of "charged with a public use," where God Almighty has put a certain amount of hard coal into the ground in Pennsylvania for his people, that seven or eight railroad companies can acquire it and then say, "Keep your hands off of business. We can charge anything we please for this coal. It is true you have to have it. It is true there is in this little territory all the hard coal in the United States. But it is socialistic for you to talk about the Government having anything to do with it or any control over it."

Do you believe that kind of doctrine will ever stand in this country? I wish I could appeal to some of my friends here whom I think so much of, and whose wisdom I know, when they continually talk about all legislation like this as being socialistic. I wish they would look ahead, to this country trying to get out of the situation it is in; to discontent among our people, who are robbed by syndicates who are controlling the anthracite coal, and robbed and plundered by the men who are controlling the market place of the American farmer, and likewise controlling, in its eventuality, the cost to the consumer.

We ought to bear in mind, when we talk about regulating monopoly, that there is no right in monopoly. You are not destroying property when you destroy monopoly; and when a monopoly gets in the channels of interstate commerce as a great rock and obstructs its flow, it can be taken out. That is what we are trying to do by this measure.

Everybody knows there is a monopoly in the packing business. Men can talk here until they are black in the face about it and not prove the contrary. Five great packers have a monopoly of the meat-packing business of the United States, and they are reaching out into hundreds of other lines of business. Do you believe that the American people are ever going to submit to having five men control the food supply of the United States? If you do, you are mighty shortsighted.

I wish I could refer to a letter which I used here some time ago, from former Senator Weeks, but I am not going to have time. He wrote our committee, not indorsing this measure at all, but indorsing the proposition of the packers getting out of unrelated business, and calling attention to the monopolies which they were building up in unrelated lines of business. But I have not time to refer to that further. We have had as a maxim of law this proposition: "Let the buyer beware"—caveat emptor. That has been a maxim of the law for hundreds of years. It has had a bad effect. It is not serviceable now as a proposition of law.

If a man comes around with a spavined horse, the doctrine may apply, "Let the buyer beware." But you have goods coming now, canned goods, goods in packets, and you can not tell what is in them. That old doctrine of caveat emptor does not apply as it did once, and it is just as important to say, "Let the seller beware" as "Let the buyer beware." That has been bad for honest business in this country, and it has been bad for the country.

Mr. President, what terrible things are in this bill? I want to be perfectly frank. Some sections of the bill, I think, ought to be changed. The Senator from Missouri [Mr. REED], with that merciless logic and that irony and sarcasm of which he is a master, pictures the procedure under section 17. I confess he made some impression upon me at the time.

He talks about the man on his uppers getting a job with the commission and going into these places and telling them, "Hold up your hands and be sworn or else go to the penitentiary, if you do not answer the questions correctly." That seems pretty severe. I know the distinguished Senator from Wyoming [Mr. KENDRICK], who has had so much to do with this legislation and who is one of the best Senators that ever sat in this body, thoroughly devoted to the public interest, is not in favor of any legislation that is going to destroy the cattle business or that will be too drastic. Section 17, when you first look at it, does look mighty drastic.

"Hold up your hand," the Senator from Missouri said, "and be sworn." There would be some reciprocal justice in that, because the stockman and the farmer who has gone into the stockyards has had to hold up his hands while the packers rifled him, and if now they had to hold up their hands and be sworn about their practices it might not seem so severe.

But section 17 is to cover a situation like this, to which I wish to call the attention of Senators: When the Federal Trade Commission have tried to get facts about the coal business or about the steel business, they have been enjoined in the courts. In the District of Columbia they were enjoined against getting the cost of production of coal, because it was not in interstate commerce and did not relate to it. Out in Indiana about the same time the miners were enjoined in the Federal courts because it was held that in mining coal they were getting it ready for interstate commerce, and hence it entered into interstate commerce. To get away from that situation and that holding of the courts is really the purpose of section 17. If the information were for the benefit of Congress, in part at least, it would be easier to hold it in the courts. By that I mean Congress has the right to secure information. The courts held, as I have said, that the information did not relate to interstate commerce. This section is to solve that situation.

Section 19 I think ought to go out. I do not believe there will be much fight to keep it in.

Subdivision (d) of section 18 makes each day a separate offense. Where that occurred in other places in the bill we struck it out, and it ought to go out here.

Mr. NORRIS. It has gone out.

Mr. KENYON. I am glad it has. The penalty is too severe. I should like to have some Senator tell me, outside of those things—and those are the things on which the fight has been made—what there is that is so terrible about the bill and how it is going to destroy industry. It shall be unlawful for any packer to do certain things—

To engage in any unfair or unjustly discriminatory practice or device in commerce or in any deceptive practice or device to cheat or defraud in commerce.

Does anyone here rise and say that provision is wrong?

Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer any live stock or live-stock products for the purpose of apportioning the supply between any such packers or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce.

I will wait and invite any Senator to rise and point out where that section is wrong.

The Senator from Illinois [Mr. McCORMICK] finds some objection to subdivision (c)——

Mr. SIMMONS. Mr. President——

The PRESIDING OFICER (Mr. OVERMAN in the chair). Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. Certainly.

Mr. SIMMONS. I desire to ask the Senator if practically all the practices which are declared in the bill to be illegal are not, as a matter of fact and law, illegal under the present laws of the United States; and is not this substantially all that the bill proposes to do with reference to the illegal things, namely, that hereafter there shall be a method by which these infractions of the law can be summarily tried and punishment imposed without the process of a long, tedious trial in court?

Mr. KENYON. Outside of some parts of subdivision (b), which, I think, are not covered by existing law, practically all these things are covered in the present laws, and they are marshalled here and put in new form for this one great industry, which the evidence before us showed was more powerful than the railroads of the country.

Subsection (d) reads:

Conspire, combine, agree, or arrange with any other packer to apportion territory for carrying on business, or to apportion purchases or sales of any live stock or live-stock products, or to control prices thereof in commerce.

Is that going into business? I will wait while any Senator gets up and explains how that is wrong and how that is going to injure the business of the packers if they want to do an honest business. There is not a thing in the bill that will injure any man who wants to do an honest business and play fair with the market.

Otherwise act, or conspire, combine, agree, or arrange with any other person to do or abet the doing of any act, contrary to the provisions of this act, or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to refuse, neglect, or fail to act in accordance with the provisions of this act.

What is the wrong about that? Will not some of the Senators who are so concerned about the Government getting into business get up and tell us what is wrong about that subdivision?

Otherwise act, or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to do or aid or abet the doing of any act, or to refuse, neglect, or fail to act, contrary to the provisions of this act and the rules, regulations, and orders made hereunder.

There might be legitimate objection to that last, I concede—as to the rules, orders, and regulations—and I am going to speak of that.

There are the things that the bill prevents. What folly for the packers to waste their money in their great propaganda through the country, in advertising, and in lobbying at Washington to try to prevent the enactment of a measure like that. The Senator from Wisconsin [Mr. LA FOLLETTE] said last night he did not like it because it was too weak. Let us try this.

I have reiterated again and again that no one wants to hurt legitimate business, and no one wants to hurt the packers. They are a necessary part of the delicate mechanism of distribution in this country. Far be it from those of the Committee on Agriculture and Forestry to wish to injure them.

Title V is assailed by the Senator from New York [Mr. WADSWORTH]. Bear in mind that Title V is an experiment as to public control. It is entirely voluntary. No one has to go into it at all. The Senator admits that. How in the name of common horse sense is it going to hurt anyone? They do not have to go into it, but he does not like to see it on the statute books. No; and the packers do not like to see it on the statute books either——

Mr. NORRIS. Mr. President——

Mr. KENYON. Because it will mean a competition with the packers in the market places throughout the country, and they do not like competition. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator has just answered my question.

Mr. KENYON. I am glad I spoke first, because it is a good point. However, I am much obliged to the Senator.

Mr. NORRIS. I might ask the Senator if he knows of any opposition, or did anything occur at any time during the hearings of the committee as to Title V, that demonstrated that there was any opposition from any other source than the packers?

Mr. KENYON. Absolutely not.

Paternalism, it is called. What is the harm in experimenting with something to relieve the burdens of the American consumer? The bill is indorsed by the National Consumers' League of this country, an organization composed largely of women who know the household questions, and is indorsed as well by the League of Women Voters.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. I do; but I am very anxious to get through.

Mr. KENDRICK. I only wish to ask the Senator if he does not believe that the great difference between the price of live stock on the hoof and the price of meat products delivered to the consumers of the country would justify an experiment in marketing?

Mr. KENYON. Having to buy meat from the butchers, I am willing myself to risk the experiment, and I do not think it will topple over the foundations of the Government or destroy the Constitution.

I wish to refer to one other thing about which we have heard occasionally, and that ought to be clear to Senators. Section 10 is assailed by the Senator from Illinois [Mr. McCORMICK] and by other Senators. Section 10 gives the commissioner power to make such rules, regulations, and orders—now listen:

As may be necessary to carry out the provisions of this act.

I have talked with a good many Senators who feel that the bill gives to the commissioner the power to make rules and then provides that a violation of any of those rules becomes a criminal offense. It does not do any such thing, and I want to make that clear if I can. It is a little troublesome point in the bill, but even if it did do that—I do not believe in that myself—the Supreme Court has sustained it in the Grimaud case, which went to the Supreme Court on a ruling of the Secretary of Agriculture as to forest reserves and a violation of a rule which had been made a criminal offense under the act.

The Supreme Court sustained it. Legally it is all right. I myself do not believe in giving a subordinate officer the right to make a rule and then make a violation of that rule a criminal offense before the court acts on it, and the bill does not do that.

Turn now from section 10 to the order under section 20:

Whenever the commissioner believes that any packer or operator is violating any provisions of this act, or of any rule, regulation, or order issued hereunder—

What does he do? He causes a notice in writing to be served and has a hearing. At that hearing evidence is taken. It is the same as to the violation of a rule as with anything else in the bill. Evidence is taken, and he makes a report stating the findings. Then, here is the important thing, that the commissioner—

shall issue and cause to be served on such packer or operator an order requiring such packer or operator to cease and desist from continuing such violations.

They have had the hearing leading up to the making of that order. There is no criminal offense up to that point. Then what happens? Within 30 days they can take this matter to the appellate court, when the appellate court can order a new hearing or order further evidence to be taken. That is pretty well protecting the rights of these people. There is no crime up to this point. Now, if the court sustains the order to desist certain practices—and notice the terms of the order, "to desist"—and then the parties go ahead and do the same thing and break the order again, then it becomes a criminal offense, and it does not become a criminal offense until that time. I challenge anyone who has read the bill to point out anything contrary to that statement. It may not be clear unless one closely analyzes it, but it is very clear when the language is studied.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I yield.

Mr. HITCHCOCK. So that the regulation by the commissioner must have the indorsement of the Federal courts?

Mr. KENYON. Yes; if the party wants that indorsement. I ought to say in fairness that if the party does not appeal to the court, then, at the expiration of 30 days, the order becomes the same as if the court had affirmed it; but it is not even then a crime unless the parties go on and violate the act after the time for an appeal has expired. Now, have I made myself clear? That feature has been befogged and bemuddled in this Chamber, and I want to get it straight.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. KENYON. I do.

Mr. SMITH. I merely wish to ask a question. The Senator from Iowa has stated that the commissioner may make rules and orders to carry out the provisions of the proposed law. So it is proposed to make such rules or orders tantamount to a law; that is, the manner in which the law may be broken or not

is determined according to the rules or the orders prescribed for carrying out the law.

Mr. KENYON. Of course, I want to conclude as I only have two or three minutes remaining.

Mr. SMITH. But I want to get this matter clear in my mind. As I understand, under subdivision (g) it is provided that the breaking of a rule or an order shall be the same as the violation of the provisions of the act.

Mr. KENYON. When a person breaks a rule or an order, just the same as when he violates a provision of the proposed act, there has got to be a hearing. Then an order is made by the commissioner to the offender to desist from breaking the rule; but the parties may appeal to the court, and there is no crime committed until after the court has decided the appeal. If they do not appeal to the court, and continue breaking the rule or order, then their act becomes a crime.

Mr. SMITH. Now, I clearly understand it. Any rule or order which may be adjudged to be a crime only becomes a crime after the court has so decided?

Mr. KENYON. Yes.

Mr. SMITH. And the rule and order are made a part of the law by that very act?

Mr. KENYON. Yes; they are made a part of the law just as is true in hundreds of other cases.

Mr. President, if there is any other Senator who wishes to speak, I shall yield, though I should like to occupy the next 10 minutes. I do not wish to cut off any Senator.

I want, however, to say that everybody is anxious to know what the program is going to be. I agree with them. What is the program going to be about regulating business in this country? That is an important question. It is important to business; it is important to everybody.

The Senator from Maine [Mr. FERNALD] on yesterday became so enthused in behalf of repealing statutes designed to regulate business that he wanted to repeal the interstate commerce act and let the railroads charge whatever they please. I did not know before he got through whether he would not want to abolish the Supreme Court, the Ten Commandments, and everything else. That idea has become so popular it is in the air. The Senator said that commissions had cost the country, as I now remember his statement, more than the recent war cost. He pointed out what the Interstate Commerce Commission cost; but what would it have cost the people if we had had no Interstate Commerce Commission? One can not figure what the police force costs and say that that is wasted money, because one does not know what the people and the community might be plundered of if it were not for the police force. So what the people of this country would have been plundered by the railroads without the Interstate Commerce Commission, it is difficult to imagine. I do not know how the Senator from Maine got so enthused. He was stating what he was going to say to the farmers of Maine, claiming he was the only real friend of the farmers. Of course that is interesting.

What is the program? Are there men like the Senator from Maine and other distinguished leaders who think the election last November gave that kind of a mandate to the American Congress? I want to know how far we are going in the direction of not touching any business in this country, no matter if it may be charged with a public use or some leaders may convince themselves that that is the program, but I do not believe they can convince the President of the United States, however much they may try, and they can not convince the American people.

There never has been, I venture to say, Mr. President, in the history of legislation, such a lobby against any bill as there has been against this bill, and so much money spent. Possibly there may have been when the Borland resolution was fought.

I am not complaining about its opponents fighting the bill; they have a right to fight it; of course, they are a great industry; but when the lobby investigation proceeds, if it ever shall—and I hope it will—I trust we will have some light thrown on the packer lobby in Washington, which is infesting this building, which is at the doors calling Senators out of the Chamber. Why not invite them into the Chamber? I hope that lobby investigation, if it is within the purview of its power, may go into senatorial elections.

The committee which investigated matters in connection with the election was dissolved after the election had taken place. I wish now it was in existence to go into a few of these questions. A former Senator from the State of Oregon who sat in this Chamber, as brave a man as ever lived, had the audacity to vote against the packers. He received a letter from them, insolent in its tone, calling upon him to explain, and he hit back in that American style in which George Chamberlain always hits. What did they do? They got their batteries to work in the State of Oregon; they assailed him. He struck back. They brought all the force they could bear to defeat him, but he ran 50,000 votes ahead of his ticket. I wish we could ascertain what the packers have done in congressional elections. Some disclosures along that line came out in the investigation of the Agricultural Committee; but I hope the lobby committee will turn on the light and find out if in Congress there is ownership of packer stock and whether there are close connections with affiliated business on the part of men in the American Congress or their families.

Mr. President, we have been told that those who favor this legislation are promoting socialism. The distinguished leader of this side of the Chamber in 1906, in a speech on this floor, said these words about the packers:

> But I say, Mr. President, and I say it in all seriousness, that those packers in Chicago and those owners of the Standard Oil Co. have done more to advance socialism and anarchy and unrest and agitation than all the socialistic agitators who stand to-day between the oceans.

Could you imagine our distinguished leader saying such a thing as that? It is the kind of tactics that they have pursued, as he says here, that have made socialists in this country. This legislation is not socialistic. If it is, the transportation act is socialistic.

Mr. President, my time is up. We hear it rumored that the Senate bill is to be defeated, and that the House bill is to triumph.

One thing is sure—that the House bill is practically satisfactory to the packers. Another thing is sure—that every man here who is against any regulation will vote against substituting the Senate bill for the House bill. Mark that when the time comes.

I shall not be disturbed if the Senate bill is defeated—not a particle. We have made a straight, fair fight, and I am not quarreling with others' opinions. If it is to be defeated, all right. Let it go to the country. It will go there. I should think, for the sake of all concerned, packers and consumers alike, that this agitation ought to stop; but does anybody imagine, in view of the Federal Trade Commission's report, that the people of the country are going mildly to submit, no matter what this Senate may do? They will measure, as they have, this American Congress. They will know the influences that have defeated the bill; and as far as I am concerned, I am just going to sit and wait patiently for the day to come, if this bill is defeated, when there will be a Congress here that will pass a bill of this kind, and possibly a bill that is even more drastic.

Why, are you blind enough, you Republican leaders, to believe that the American people are going to submit to five men controlling the market place of the American stock raiser, and practically controlling the prices of the food of this country to the American people? You are not so blind, only you do not think about it. Let the question go, if this bill is to be defeated, whether Congress is to control monopoly in this country, or whether monopoly is to control the American Congress; and on the verdict the men who have fought for this legislation will be content to rely.

I keep my word with the Senator from Utah.

Mr. SMOOT. Mr. President, the half hour that is allotted to me so limits me that I hardly know where to begin in discussing this measure. We have had speeches made on similar bills for years past. It is not a new question in Congress, and I think nearly every Senator has made up his mind as to just what he wants by way of legislation.

Mr. President, I shall be very brief in what I say. It is impossible to cover in a half hour the questions that have been raised even on the floor this morning without referring to those that have been brought to the attention of the Senate in the discussion of this bill.

The Senator from Iowa [Mr. KENYON] just said that the House bill, if it became a law, would be perfectly satisfactory to the packers of this country. I do not think the Senator from Iowa meant that, for it certainly is a mistake. I want to say frankly that either bill is drastic in its provisions. The Senate amendment is drastic in its provisions; the House bill is drastic in its provisions; and either one of the bills, if it becomes law, is entering upon a new method of controlling the business interests of this country, and in the name of common sense where will it end?

The Senator from Wyoming [Mr. KENDRICK] asked the Senator from Iowa to state the difference between the cost of meat on the hoof and the cost of meat to the consumer. I wish that every Senator knew the cost, step by step, from the time that the calf is born until the time the consumer pays for the meat

over the retail counter; and I can say now that after the beef is delivered to the retailer the consumer is compelled to pay more than the cost from the calf to the door of the retailer. Every conceivable expense—the raising of the calf, the selling of the steer, the putting him on the railroad, the freight from the western prairies to Chicago, or wherever the animal is slaughtered and packed, the cost of killing, the cost of packing, the cost of selling—all these costs will not amount to as much as the difference between the cost that the retailer pays and what he sells the beef for to the ultimate consumer.

If this bill is necessary for regulating business in the interest of the ultimate consumer, why do we not regulate the agency that adds the great cost to the article that is sold to the consumer?

I say again, Mr. President, that the packers do not feel that there is any necessity of legislation regulating them, unless the same principle applies to all other business in the United States, and sorry will be the day if that ever comes in the United States.

Many honest men fail in business. Business prosperity, business success, does not depend altogether upon the honesty of the man, and yet it is the very foundation stone of a successful business; yet business judgment is required. Senators have been appealed to to vote for this measure because Mr. Thomas E. Wilson is drawing a salary of $125,000 a year, and the Senator from Nebraska [Mr. NORRIS] can not comprehend that a man is worth that amount of money in any business in all the world.

Was Thomas E. Wilson born with a gold or a silver spoon in his mouth?

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. STANLEY. If the Government can get a man to manage a billion or two dollars' worth of business of all the butchers in the United States for $7,500 a year, does the Senator see any reason for paying $100,000 a year for anything?

Mr. SMOOT. Of course, the Senator knows that it is not the amount that is paid the man to whom he refers that keeps him in public office. It is the honor that is conferred. It is not because of the $12,000 a year salary that Mr. Mellon accepts the office of Secretary of the Treasury of the United States. It is not for that $1,000 a month. I was speaking of a business concern. I was speaking as to the amount that a business man is worth to a business; and when you take into consideration what is accomplished, and the volume of sales and the business judgment required, I want to say to you that many of the ordinary little merchants or managers of stores who are drawing $100 per month are drawing more in comparison than Mr. Thomas E. Wilson is drawing.

Mr. STANLEY. Mr. President, I do not wish to interrupt further, except to say that the purpose of my interrogatory was this: This commissioner is clothed with more plenary powers than are vested in the president of any one of these packing companies. If he has the capacity to exercise those powers, he is worth $100,000 a year to any one of the packing companies.

Mr. SMOOT. Yes; or more.

Mr. STANLEY. And I fancy it will be difficult for the Government to get a department clerk, a man hidden away here in Washington under the Secretary of Agriculture, with the capacity to do this business for $7,500 a year; and, if he has not the capacity to do the business, he will do the business and the people of the country incalculable injury.

Mr. SMOOT. The Senator is correct. Under the Senate bill there is a commissioner to be appointed, and he is to draw a salary; but how is he to be appointed? Because of his business qualifications? Because of his knowledge of the packing industry? No; far from it. He will be appointed because some State in the Union, through its representatives, recommends him for the position, and if he has sufficient backing no doubt he will be appointed commissioner. As far as I am personally concerned, I would rather take my chances with a Secretary of Agriculture, a man selected by the President of the United States as a member of his own family, a Cabinet position; and I feel that under any circumstances, at any time, the man who stands at the head of that great department will have better judgment as to what is best for the farmer of this country and what is best for the consumer of this country than any political appointment that can be made.

Mr. HITCHCOCK. Mr. President, in criticizing these agents of the Government that may be selected to inspect packing houses and enforce this law, is not the Senator resorting to the same argument which would condemn the bank examiners, earning comparatively small salaries, who now go into New York City and inspect banks with deposits of six or seven hundred million dollars, doing a tremendous business, and having officers who are drawing also immense salaries? Yet that method of inspection has been found necessary with regard to large business concerns as well as with regard to small ones. They do not undertake to run the business. They are simply inspecting it to see that it complies with the law.

Mr. SMOOT. Mr. President, the production of foodstuffs, the making of merchandise, the trading in them, is quite a different proposition from lending a thousand dollars with a fixed Government value at a certain rate of interest.

Mr. HITCHCOCK. The Senator entirely misrepresents me there, unintentionally, perhaps. These banks are not lending a thousand dollars at a certain rate of interest. They are among the greatest banks in the world. I am speaking of the great banks of the country.

Mr. SMOOT. Oh, well, say $10,000,000.

Mr. HITCHCOCK. They are subjected to the same inspection to which small banks in country towns are subjected; and it would be just as fair to criticize the law which sends an inspector into those great banks and compels their officers, earning fifty or seventy-five or one hundred thousand dollars a year, to submit to the law of the land, as it is to criticize this law, which proposes to subject these great packers to the same inspection.

Mr. SMOOT. Mr. President, there is just as much difference between the two classes of business as there is between day and night; and, in fact, the banks of which the Senator speaks are organized under a law of Congress. In accepting the charter, under that law they accept the provisions of the law under which the bank is organized; and I say there is not a Senator here who can say that the packers ought to be controlled and the Standard Oil Co. not controlled. I say there is not a Senator here who can say that the packers ought to be controlled and all of the other great trusts in the United States go free.

This eternal agitation about passing legislation to regulate the packers has brought about a condition to-day that is most serious, and if I were a packer, rather than to have this agitation continue until it destroys their credit—and I would not blame the banks for refusing longer to hold the sack, not knowing what Congress is going to do in relation to the industry—I would prefer to take the House bill than to let it go unsettled further.

But if I were a packer I would say it was unjust, unreasonable, and unnecessary, for I say to Senators now that there is not a business in all the world—and I say it without a question of doubt—that does business upon the amount of sales on as low a percentage as do the packing concerns in America.

They are great borrowers; they borrow hundreds of millions of dollars. But when the profits which are made upon the amount of capital stock are brought to the attention of the Senate Senators never take into consideration the risks they have run in borrowing those vast sums of money, nearly all the time greater in volume than their capital stock.

So this bill ought not to be defeated, it will be said, Mr. President, because Mr. Thomas E. Wilson is drawing $125,000 a year salary. Thirty-two years ago Morris & Co. telephoned to the Chicago, Burlington & Quincy Railroad Co., asking if they had a young man in their employ who would accept a position with the company to check freight cars in and out. They selected a man who sat next to Mr. Thomas E. Wilson, for he at that time was an ordinary clerk in the Chicago, Burlington & Quincy office. The amount of salary promised was $20 a week; and that young man visited the stockyards, but the next day he came back and said that he would not under any circumstances take the job. He said, "You can not go into the cars without getting in muck over the tops of your shoes."

As the official was leaving, Mr. Wilson said, "May I have that job?" The answer was, "I have no doubt." He accepted the job, Mr. President, and went into the stockyards; and from the moment he undertook the work there was an improvement; there was system put into the checking out and checking in of the cars; and the young man rose by his own power of intelligence and his organization ability from the position of ordinary car checker until he was manager of Morris & Co., drawing a salary of $125,000 a year. Now he is called a robber because, in the reorganization of a defunct business, he was offered the same amount of salary per year that he was drawing at Morris & Co.'s and could have drawn as long as he lived.

The Sulzberger Packing Co. was near failure; $16,000,000 of bonds were falling due. The holders of the bonds refused to extend them unless there was a new management. So they looked around, and there was just one man in the United States they thought could pull that concern out, and that was Thomas E. Wilson. And besides giving him the same salary he was receiving at Morris & Co.'s, they gave him some 4,000 shares of common stock, which was almost worthless; and through his

ability he not only made his 4,000 shares of stock worth more than $100 per share, but he made every share of stock held by every other stockholder worth the same.

Let me predict this: That in 10 years Thomas E. Wilson, if he lives, will be the greatest packer in all the world, because he knows every detail of the business, from the work of the checking boy in the stockyard to the management of a great packing concern.

It is said we ought to vote for this measure because Wilson & Co. were convicted under the pure food law. Senators, have you read what that decision was? Wilson & Co. were packing in their plant in Indiana 5-gallon cans of tomatoes, and on the cans they marked "5 gallons"; but in putting them up the tomatoes went into the cans hot, and when they cooled off, the contents shrank a little. If they had indicated the contents in pounds upon the can, there would have been no conviction. The court said there was no intention whatever to deceive; but now we are to vote for the bill because of that occurrence.

The charge is made that the packers were opposed to the meat inspection act of 1906. Mr. President, why do not those making the charge read the testimony? The packers were opposed to being compelled to pay the inspectors whom the Government sent to their plants to inspect the meat-packing industry, but they were in favor of meat inspection, and if I had the time I could read the testimony, not only of Mr. Wilson but of Mr. Veeder and other representatives of the packing industries in Chicago. I do not know whether it is worth while to call attention to the farming organizations which are in favor of the House bill as against the Senate bill—I would if I had the time—as shown by the testimony given before the House committee. The Secretary of Agriculture was there. He helped frame the bill. Mr. President, you have never heard one word of objection from him as to the House bill.

Mr. Atkeson, of the National Grange, is against the Senate committee bill. How often have we heard him quoted upon this floor as the representative of a great farm organization?

Mr. President, I see that I have only five minutes left. I received a letter from the Secretary of Agriculture, dated June 13, 1921, in which the Secretary said:

"DEAR SENATOR SMOOT: I inclose herewith a comparison of the Senate and House packer bills which I have had made. This should have gone to you Saturday evening, but it was not compiled until late Saturday, and I could not get it off. I am sending it to you because of your previous request over the telephone."

Mr. President, that was the comparison which was put in the RECORD at the request of the Senator from Iowa. An analysis of these comparisons shows that there are a number of mistakes. I have a summary of them before me, but it is impossible for me to read them at this time.

Mr. KENYON. Mr. President, I put a comparison of the bills into the RECORD, but if there were mistakes, and this is some one's analysis showing the mistakes, I would be glad to have them pointed out.

Mr. SMOOT. There were many other matters I wanted to speak of, but I can not cover them in five minutes; so in the few minutes I have I will hurriedly call attention to some of the mistakes:

"The analysis of the Senate and House bills inserted in the RECORD at page 2495 by Senator KENYON does not seem to fully cover the points of material difference between the two bills.

"It is a splendid and useful piece of work and seems to be reasonably fair as far as it goes, but one unfamiliar with the differences between the two measures might be misled thereby.

"On page 2495 of the CONGRESSIONAL RECORD, under the heading of 'Material points of difference,' seven paragraphs are set forth under the Senate bill column purporting to show the material differences between the two bills, which I briefly call attention to, and desire to show further differences in regard to each paragraph which is not clear from a reading of the analysis.

"Paragraph (1) relates to packer ownership in stockyards. I desire to call attention to the fact that the five larger packers are now forbidden by the consent decree pending in the District Court of the District of Columbia from owning any interest in stockyards.

"There has never been any complaint against a small packer owning interest in stockyards; in fact, the provision in the Senate bill forbidding all packers, large and small, from owning any such interest I fear will deter the establishment of small packing plants in places near the source of production where there are no stockyards, for the reason that outside capital would hardly be interested in establishing such yards where the receipts would be light, and, as experience has shown, would require a number of years to build up a market sufficiently large to make it a paying investment."

I can point to numerous States in this country where those small packing yards are in operation and if the Senate committee provision is adopted I doubt whether they can even operate, or would undertake to operate, or could under the law operate, and I know that it is not the intention of Congress to bring about such a condition.

The statement proceeds:

"No packing plant can be operated successfully without the adjunct of stockyards, and the Senate bill would prohibit such small packing concerns from owning any interest in the yards, and in this respect the House bill seems to be preferable.

"Paragraph 2 of the analysis on page 2495 of the RECORD states as follows:

"'The Senate bill 'confers investigational authority not contained in the House bill and broader than the authority in the annual appropriation act.'

"Section 6 of the Senate bill is set forth to show the extent of the authority of the commission. It will be noticed that among the duties of the commissioner under section 6, the commissioner is required to investigate and ascertain the demand for, the supply and prices of, and all other facts relating to the production, handling, and distribution of live stock.

"This provision would require much data and information to be secured from the producers. The analysis does not point out in this connection that, under section 30 of the Senate bill, the producers of live stock are exempted from the provisions of the bill and nothing in the bill shall be construed to include or be binding upon any person whose chief business is the raising of live stock or agricultural products.

"Section 30 of the Senate bill nullifies the most important part of the powers conferred upon the commissioner in section 6, as nowhere in the bill is he authorized otherwise to secure this important information. How can he make an investigation of these important matters unless he is given visitorial and inquisitorial powers necessary to make the investigation, to examine books and records of the producers, and require information and reports under oath or otherwise as provided in the case of the packers?

"Under the authority of the appropriation act of the Department of Agriculture the Secretary of Agriculture is now empowered to perform duties very similar to those provided in section 6 of the Senate bill, and the producers are not exempt from his authority in this respect as provided in section 30 of the Senate bill.

"Under the heading of 'Bureau of Markets' a provision is found in the appropriation bill which enables the Secretary of Agriculture to gather from stockmen, live-stock associations, State live stock and agricultural boards, common carriers, stock yards, commission firms, live-stock exchanges, slaughtering and meat-packing companies, and others, information relative to the number of different classes and grades of marketable live stock, especially cattle, hogs, and sheep, in the live-stock feeding districts and growing sections; prices, receipts, and shipments of the different classes and grades of cattle, hogs, and sheep at live-stock market centers; prices of meats, fish, and meat and fish-food products, and the amounts of such products in storage; to compile and publish such information at frequent intervals as most effectively to guide producers, consumers, and distributors in the sale and purchase of live stock, meats, fish, and other animal products; and to gather and publish any related information pertaining to marketing and distribution of live stock, meats, fish, and animal by-products, for which the sum of $89,340 is appropriated, also the appropriation bill provides $300,000 for acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and in the purchasing of farm supplies, independently and in cooperation with the other branches of the department, State agencies, purchasing, and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products.

"In addition to the foregoing the Secretary of Agriculture, under section 402 of the House bill, is vested with all the jurisdiction, power, and authority, visitorial and inquisitorial, of the Federal Trade Commission to examine the books and records and to require reports on any subject within the terms of the House bill which, taken together, with the other powers of the House bill, give to the Secretary all the power of investigation and publicity found in the Senate bill which are broader really, because the House bill does not exempt the producers from being required to furnish information as to the

supply, costs, and prices of live stock as is provided in section 30 of the Senate bill.

"The next difference pointed out in the analysis is in paragraph 3, page 2495 of the CONGRESSIONAL RECORD, which reads as follows:

"(3) Forbids conspiracy to prevent any person from competing; this provision is not in the House bill.

"The person who compiled this analysis was evidently mistaken when he framed that statement. The House bill contains a provision the effect of which does exactly contrary to the statement here made.

"Section 202 of the House bill contains language which would make any conspiracy to prevent any person from competing guilty of violating the law.

"Section 202 of the House bill makes it unlawful for any packer '(e) engaged in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices in commerce or creating a monopoly in the acquisition of, buying, selling, or dealing in any article in commerce or of restraining commerce, or (f) conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce; or (g) conspire, combine, agree, or arrange with any other person to do or aid or abet the doing of any act made unlawful by subdivision (a), (b), (c), (d), or (e).

"I will not take the time to read paragraphs (a), (b), (c), and (d), but I think it clear from the language of those paragraphs also that it would be unlawful for any person to engage in any conspiracy to prevent competition as stated and contrary to the statement made in paragraph 3 of the analysis.

"The author of the analysis also failed to point out in this connection a very vital and fundamental provision found in section 12 of the Senate bill, which differs from the House bill.

"Paragraph (c) of section 12 of the Senate bill is as follows:

"(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

"If the author of the analysis had this paragraph in mind when he made the statement contained in paragraph 3 of the analysis, he failed to point out the full scope and effect of such provision and there is nothing in his statement by which attention is directed to this section of the bill. If he was referring to subdivision (e) of section 12, then his analysis completely fails to call attention to the vital difference between the Senate and House bills found in subdivision (c) of section 12 of the Senate bill. Under this paragraph the commissioner is given the extraordinary power to limit or even prohibit a packer from engaging, directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live stock and live-stock products where, in the judgment of the commissioner, such participation may be substantially to lessen competition, restrain commerce, or create a monopoly. The decision as to when such an effect has been created, is left solely and exclusively to the judgment and will of this commissioner. It is not necessary under the law that the packer should have any agreement or conspiracy with any other person to accomplish anything denounced by the paragraph, but he may violate the law and be put out of any such lines if he grows large enough in such a business to bring about, in the opinion of the commissioner, any of the results specified in paragraph (c). Under the power thus delegated the commissioner can by the mere issuance of a rule or regulation, under the provisions of section 10 of the Senate bill, forbid any packer to engage in the business of distributing butter, eggs, poultry, and cheese overnight, notwithstanding that these commodities require refrigeration at the point of slaughter and preparation, in transportation, and at the point of distribution, and notwithstanding further that the packer has developed the most perfective distributive system for such products in this country, and, in fact, virtually built up that business from a seasonal one to a year-round business throughout the length and breadth of the land.

"The commissioner may forbid by a rule or regulation such participation in these or any other lines, which rule or regulation may be issued by him without a hearing or prior notice, and if a packer does not immediately obey such rule or regulation a complaint will be filed against him and on appeal from an order to cease and desist the courts will have no authority to inquire into the reasonableness or justice of said rule or regulation. This is the most extraordinary, autocratic, and despotic power ever attempted to be conferred upon any governmental agency within my knowledge, and it is unfortunate that the compiler of the analysis did not call attention to it for the benefit and information of Senators about to vote upon this important measure. This provision alone, which is not found in the House bill and which was expressly omitted from that bill, is sufficient within itself to warrant the voting down of the Senate amendment.

"The next paragraph in the analysis is not quite fair, because, under section 406b of the House bill all the powers, rights, duties, and obligations of the Federal Trade Commission act, in so far as they are visitorial and inquisitorial, are preserved and made applicable to the duties and jurisdiction of the Secretary of Agriculture in enforcing the provisions of the act. The House bill, like the Senate bill, terminates the jurisdiction of the Federal Trade Commission in so far as it applies to persons subject to the provisions of the House bill, which is proper, because the House bill undertakes to set up a single agency to deal with this industry in all of its branches and inasmuch as it is the largest single industry in the country it is entitled to be so supervised and not be subjected to conflicting jurisdiction and rivalry of different branches of the Government. The banks and railroads are expressly excluded from the jurisdiction of the Federal Trade Commission, and there seems to be no sound reason other than a sentimental one why this change should not be made in relation to the packing industry under a bill as broad and comprehensive as we are attempting to provide.

"The only real difference between this provision in the two bills is that in the Senate amendment it is provided that the Federal Trade Commission may make an investigation when directed by the President, the Secretary of Agriculture, or either branch of Congress.

"Congress can at any time, by proper resolution, order such an investigation by the commission if it deems one necessary. The Secretary of Agriculture is already equipped with departments and agents essential to carry on much of the work provided in the bill, and he is authorized to employ such additional agents, accountants, attorneys, and other employees necessary to perform all the duties required of them which would make it unnecessary to call upon the Federal Trade Commission. Moreover, the Federal Trade Commission has left to its jurisdiction all other business concerns outside of banks, railroads, and packers upon which to exercise its power, and no doubt sufficient to employ all of its time and talents.

"The Secretary of Agriculture is an appointee of the President, sits in his Cabinet, and it is inconceivable that there is any necessity for providing any other agency than the Secretary in order that the President may secure an investigation on this subject.

"The next paragraph in the analysis is found on page 2495 of the CONGRESSIONAL RECORD and is No. 5, and provides for voluntary registration of packers and operators; a number of subdivisions are set forth. The House bill eliminated that section because they believed, as stated in their report, that it contained the germ of a license system.

"I desire to call attention to other features of the section. It seems to contain a paradox, because under section 25a no packer can register unless he is engaged in interstate or foreign commerce, or both. If he is so engaged he will be subject to all the previous provisions of the bill and will be under the complete supervision and regulation of the commissioner and subject to all of his rules and regulations, and wherein does the necessity lie for placing him under the same supervisory power twice? Moreover, under subdivision (e), page 50 of the Senate bill, it is provided that no registrant shall take title to any products handled by such registrant; therefore he would be limited solely to a slaughtering business, which is purely a local or intrastate transaction under the decisions of the court, and no packer now doing business would be qualified to register under such circumstances, as they all purchase their live stock.

"If, as has been stated on the floor, this section is designed to encourage cooperative associations and municipal abattoirs, it is inconceivable how any such concerns can register when they do not own any of the products handled by them, are confined to a slaughtering business, and have nothing to ship in interstate commerce, which they must be engaged in before they can register.

"Another interesting feature about this section is the statement contained in the analysis at the top of page 2496, the compiler states:

"In return for submitting themselves to the regulations prescribed for registrants, the commissioner is required to do the following things for them.

"The compensations promised to the registrant for surrendering all right of control over his business to the commissioner and to subject himself to the rules and regulations he may from time to time prescribe are set forth in paragraphs (a), (b),

(c), and (d) of the analysis, page 2496, of the RECORD. I desire to call attention to the fact that all the matter contained in these four paragraphs is now provided for by existing law and all such service and information can be procured from the Department of Agriculture and the Interstate Commerce Commission by any citizen without cost and without surrendering the right of control of one's business.

"The matter contained in paragraph (a) is covered in the current appropriation bill under the head 'Bureau of Chemistry,' as follows:

"For the study and improvement of methods of dehydrating materials used for food in cooperation with such persons, associations, or corporations as may be found necessary, and to disseminate information as to the value and suitability of such products for food, $23,500.

"There are other provisions of the appropriation bill covering some of the subjects found in paragraph (a).

"The Interstate Commerce Commission is fully authorized and empowered to render all the service promised in paragraph (b). The Secretary of Agriculture is authorized under existing law to furnish all the information and service provided for in paragraphs (c) and (d). Moreover, under the regulations of the Bureau of Animal Industry, Department of Agriculture, no meat or meat-food products can be transported or offered for sale in interstate commerce until it has been inspected and passed by the inspectors of the Bureau of Animal Industry. Hence there is no apparent necessity or benefits to be derived by enacting section 25, and the House bill seems to be more scientifically drawn by its omission.

"The remaining material difference pointed out by the author of the analysis is found in paragraph 7, page 2496 of the RECORD.

"Manifestly the author of the analysis was laboring under a misapprehension when he pointed out the matter found in paragraph 7 as a material difference between the House and Senate bill.

"Under the provisions of section 401 of the House bill the Secretary is given the power to prescribe the manner and form in which such accounts, records, and memorandum shall be kept under certain conditions, and thereafter any person who fails to keep such accounts, records, and memorandum in the manner and form prescribed by the Secretary is guilty of an offense, punishable by severe penalties.

"Moreover, section 402 of the House bill makes the provisions of sections 6, 8, 9, and 10 of the Federal Trade Commission act applicable to the powers of the Secretary in enforcing the provisions of the bill.

"Section 10 of the Federal Trade Commission act, among other things, provides:

"Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make or cause to be made any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make or to cause to be made full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully move out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents for the purpose of inspection and taking copies any documentary evidence of such corporation in his possession or within his control shall be deemed guilty of an offense against the United States and shall be subject, upon conviction * * * a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

"Thus it would seem that the analysis does not clearly and correctly disclose material differences between the two bills. Another important and fundamental difference omitted from the analysis under the heading of "Material differences" is the power of the commissioner to make rules and regulations under section 10 of the Senate bill having the force and effect of law, and from which there is no appeal, by which their reasonableness or fairness can be tested in the courts.

"The House bill gives to the packer full protection of the courts against arbitrary and autocratic use of such powers and does not give the Secretary power to make rules and regulations defining the general laws provided in the bill. His function is to establish the status of the law by filing complaints when he believes any of its general provisions are being violated and to order the packer to cease and desist from such violation. If such order is appealed from, the court may inquire into its reasonableness and the sufficiency of the evidence to sustain the charge, and is not restricted in its power and jurisdiction in this respect, as provided in section 20 of the Senate bill.

"It is not pointed out in the points of material difference of the analysis that the commissioner, while nominally 'in' the Department of Agriculture, is appointed by the President and has no limitation to his term of office; he may serve for life. He can not be removed by the Secretary of Agriculture and can only be removed by the President or a concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office. The commissioner is vested with the power to appoint all officers and employees necessary to carry out the purposes of the act, and may, under his powers, duplicate many of the departments in the Department of Agriculture, Federal Trade Commission, Interstate Commerce Commission, and other agencies, in case of any disagreement or conflict between himself and the Secretary of Agriculture as to the manner or policy of carrying out the provisions of the act. This is an important matter, and such an important industry should not be subjected to the possibilities which might easily arise under such a situation.

"The analysis does not point out under the head of 'Material points of difference' the important distinction between the House and Senate bills, at hearings held under the acts. The Senate bill does not provide as a matter of law any right for a packer to be informed as to the evidence introduced against him or to cross-examine witnesses at any hearing held under section 20 of the Senate bill. Such rights are fully safeguarded in the House bill under section 203a—lines 16, 17, and 18.

"Under the strict language of section 20 of the Senate bill the commissioner might, if he chose, conduct a part of the hearing at least ex parte, as the Federal Trade Commission did of the packing industry. This is an important distinction between the two measures, and the right of the packers to be informed of the evidence and to cross-examine witnesses at any hearing should be plainly provided for as a matter of law, because the powers to be exercised, especially the power of the commissioner to make rules and regulations, are very broad and comprehensive. These differences which I have here pointed out, in my opinion, commends the House bill as a fairer and more reasonable measure. There are other differences which might be pointed out, but these are sufficient, it seems to me, to make manifest the important distinctions.

"There is nothing prohibited under the Senate bill which should be prohibited not prohibited by the House bill. There is no power of a visitorial, inquisitorial, or supervisory nature which can be exercised by the commissioner under the Senate bill which is not provided for and usually in almost identical language in the House bill.

"The Secretary of Agriculture, under the powers of the House bill, and of the Federal Trade Commission act, delegated to him by section 402, and through the departments now existing in his organization, will have the most complete machinery and powers necessary to completely supervise the industry."

Mr. President, the hour of 1 o'clock having arrived, and inasmuch as I desire to speak upon the amendments at least five minutes, I shall have to close at this point.

Mr. NORRIS. Mr. President, I offer the following amendment to the committee amendment.

The VICE PRESIDENT. The proposed amendment to the amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Nebraska proposes to amend the Senate committee substitute bill by striking out section 5 and in lieu inserting:

SEC. 5. Nothing in this act shall affect or take away any of the power or jurisdiction of the Federal Trade Commission.

Mr. BRANDEGEE. Mr. President, may I ask the Senator from Nebraska a question with reference to his amendment to the committee amendment?

Mr. NORRIS. Certainly.

Mr. BRANDEGEE. All the powers of the Federal Trade Commission in respect to the things which the bill proposes to regulate are taken away from the Federal Trade Commission, are they not? The bill itself distinctly says so, as I recollect the provision.

Mr. NORRIS. If the amendment to the amendment which I have just offered is agreed to, it will strike out the section that does say so. It is section 5 which I propose to strike out, which provides that the Federal Trade Commission powers are taken away except in cases where they are directed to investigate.

Mr. BRANDEGEE. I am puzzled about it, and that is why I make the inquiry. I want to understand it. Does the Senator propose to leave the Federal Trade Commission with jurisdiction over the packing business?

Mr. NORRIS. Yes; the amendment to the amendment would have that effect.

Mr. BRANDEGEE. And also give the Secretary of Agriculture the same powers?

Mr. NORRIS. Whatever the bill gives him.

Mr. STERLING. Mr. President, I should like to make an inquiry in this connection. According to the statement of the Senator from Nebraska, if I correctly understand him, the Federal Trade Commission will now have power with reference to all the prohibitions and restrictions provided for over the packing business.

Mr. NORRIS. I did not quite understand the Senator's question.

Mr. STERLING. Under the statement of the Senator from Nebraska, I infer that the Federal Trade Commission, according to his construction, is to have power in regard to all the prohibitions and restrictions provided for in the bill. Am I correct?

Mr. NORRIS. If the amendment to the amendment prevails.

Mr. BRANDEGEE. Of course, the effect of that would be to have a double-headed control, two bodies with exactly the same jurisdiction.

Mr. STERLING. Certainly that would be the effect of it. We would have the commissioner under the Secretary of Agriculture having this jurisdiction, and then we would have, too, the Federal Trade Commission, having identically the same jurisdiction and power as the commissioner under the Secretary of Agriculture.

Mr. NORRIS. Mr. President, there would be, if the amendment to the amendment prevails, a lapping of authority. I have already called the attention of the Senate to the fact that if it does not prevail and if we do not have something of the kind in the bill there will be an absence of authority to investigate. There will be a field that will be covered as a matter of practical proposition by no one's authority. In practical operation, if the amendment to the amendment prevails, there will be no duplication of authority.

There is no question, and the history of the past shows it, that the Federal Trade Commission would not investigate the packers unless they were directed to do so. In the great investigation which they did make it was not upon their own initiative, but they were directed to do it by the President. On the other hand, see where we will be under either the House bill or the Senate bill, but particularly the House bill—it will not be so bad under the Senate bill, because there is a difference in the definition—if we take away from the Federal Trade Commission a great share of their authority. Then we will defeat the plan as it applies to other than the packers for products that are not direct—for instance, hides, shoes, woolen clothing, leather, automobiles, automobile upholstery that is usually leather, underclothing, stockings. If we do not provide some such amendment as this, we will have taken away the authority of the Federal Trade Commission ever to investigate any unfair competition charge because those things come from the by-products of the packers.

It is true that under the House bill we have given the authority to the Secretary of Agriculture, and in the Senate bill to the commissioner, to make that investigation, but no one expects them to investigate things of that kind. They will investigate the packers or the business of the big packers. Technically, if the amendment to the amendment prevails, the Federal Trade Commission could do the same thing.

Practically they will not do it, but if they start to investigate a charge of unfair competition between manufacturers of woolen clothing and they run the wool into the packers, they would have to stop. It is probably not so broad under the provisions of the Senate bill, because the definition of those products in the Senate bill protects that situation. I am going to offer a similar amendment to the House text because I think it is a good deal broader. It is to save that condition that I am offering the amendment to the amendment at this time.

There will be no practical interference whatever if we pass either one of the bills. The Federal Trade Commission will not of its own initiative ever start an investigation against the packers, because of the other instrumentality that the law provides for that purpose, but if they are investigating some other industry that goes into the by-products of a packer they will undoubtedly go to the bottom of it.

Mr. STERLING. The Senator from Nebraska now says that the Federal Trade Commission will not of its own initiative investigate. It will not institute a proceeding perhaps on its own initiative, but will it listen to a complaint made by some one else?

Mr. NORRIS. Probably not, but I do not know.

Mr. STERLING. If the Senator leaves the jurisdiction with the Federal Trade Commission, why should it not take cognizance of a complaint that is made?

Mr. NORRIS. Probably it should. Personally I have not any objection to it. If there is unfair competition coming within their jurisdiction, I have not any objection to their investigating it.

Mr. BRANDEGEE. Will the Senator answer me this question?

Mr. NORRIS. I will if I have time and can do so.

Mr. BRANDEGEE. The Senator has five minutes to speak on his amendment to the amendment and I am asking him in that time. What powers under the proposed Senate committee bill are given to the Secretary of Agriculture or the Federal Live Stock Commissioner which the Federal Trade Commission does not already have?

Mr. NORRIS. I could hardly answer that question directly. I would wish to examine the Federal Trade Commission act carefully before I would be satisfied in my own mind that I could give the Senator a proper answer.

Mr. BRANDEGEE. I have not made an examination, with the knowledge or experience that the Senator has, either of this bill or the act creating a Federal Trade Commission, but I was on the committee which framed the Federal Trade Commission act, though I was opposed to it and voted against it.

The VICE PRESIDENT. The time of the Senator from Nebraska for speaking on the amendment to the amendment has expired.

Mr. BRANDEGEE. I am speaking on the amendment to the amendment offered by the Senator from Nebraska.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired for speaking on the amendment to the amendment. He is entitled to speak five minutes on the bill.

Mr. BRANDEGEE. I am speaking, then, in my own time.

Mr. NORRIS. I do not care to speak on the bill now. My own idea is that technically we can not couple up speeches in that way. The amendment to the amendment is now pending and all speeches are supposed as a matter of parliamentary law to be on the amendment to the amendment that is pending, and we can not speak on the bill now.

Mr. BRANDEGEE. I do not know what the rule will be about that, but at any rate I am now speaking in my own time on the amendment to the amendment offered by the Senator from Nebraska simply for the purpose of making this statement.

According to my recollection of the terms of the act creating the Federal Trade Commission, that commission has every power that is sought by this bill to be vested in the Secretary of Agriculture and the Federal Live Stock Commission. While we created the Federal Trade Commission with powers to investigate and make orders and enforce them by the injunctive processes of the court in relation to every kind of device and practice of any person or corporation engaged in interstate commerce, we are now selecting a particular industry and giving those same powers to the head of a bureau to be established in one of the executive departments in Washington.

Of course, ultimately people who are dissatisfied with the way various businesses are conducted will ask that a separate bureau be set up in some one of the departments to run that business. When I say "run" it, I mean to regulate it or control it.

They will want a special bureau or executive appointee, through his clerk, unknown to the public, to control the grain business, the sugar business, the cotton business, the wool business, the steel business, the copper business, the oil business—in fact, every big business that is engaged in interstate commerce. They will appear here with just as much force and just as much reason for that. If the dissatisfaction or clamor, as the Senator from Wyoming [Mr. KENDRICK] describes the demand for this kind of legislation, is sufficient, they will in the end have special bureaus and special commissioners, with their hordes of employees, examining and controlling every business in the country.

I simply say to the Senate that those who vote for this legislation are creating a precedent and taking the first step toward infringing upon the powers and jurisdiction of the Federal Trade Commission. That conmission has all these powers now over all businesses; but it is proposed now to take away their jurisdiction in separate parts or else, if the amendment of the Senator from Nebraska to the committee amendment is agreed to, to leave them with all the jurisdiction and powers that they now have over all industries engaged in interstate commerce and then to confer, as the Senator himself describes it, by a process of overlapping of jurisdiction separate parts of the Federal Trade Commission jurisdiction upon those separate commissions.

At any rate, all the power of the Federal Government, without any legal definition of what it shall be, is to be placed behind these different bureaus, which, according to their own sweet will and without legal definition, are to make any rules and regulations for the conduct of any and all of these businesses as they may evolve out of their inner consciences from

day to day as they go along, to decide what is fair and unfair, and order a man to refrain from what they think is unfair and to do what they think is fair, and so to surround the conduct of every business in the country with their rules and regulations, with their inspectors sitting in the offices, with their requirements for reports and publicity—to so surround and shackle the business of the country and to control it all here in political departments by political appointees in the city of Washington. I submit, Mr. President, that it is much safer for the country for a man, if he be hesitant or in doubt about the wisdom of this policy, to give the benefit of that doubt against taking this step until he feels sure of the result to which it may lead.

Mr. McCORMICK. I desire to make a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. McCORMICK. Is it in order at this time to offer amendments to perfect the so-called Norris bill or to offer amendments to perfect the House bill?

The VICE PRESIDENT. The Chair understands that it is in order to offer amendments to perfect either one. There is an amendment to the amendment now pending.

Mr. McCORMICK. Is it in order to offer amendments to either bill and to vote upon them at this time? Which amendments are to be first voted upon, the amendments to the so-called House bill or to the so-called Senate bill?

Mr. CURTIS rose.

The VICE PRESIDENT. It is necessary first to perfect the text of the House bill.

Mr. McCORMICK. That is what I wanted to get at.

Mr. CURTIS. I was going to call the attention of the Chair to Rule XVIII, which provides for first perfecting the text of the House bill.

Mr. WALSH of Montana. If amendments to the House bill are in order, I should like to offer one. I should like to inquire of those who are sponsoring the House bill whether it is intended by the House bill to repeal the Sherman Act? I call attention to subdivision (c) of section 202 of the House bill, appearing in the double print of the two bills at page 5.

Mr. CUMMINS. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. CUMMINS. Is the amendment which is proposed by the Senator from Nebraska [Mr. NORRIS] before the Senate?

The VICE PRESIDENT. It is.

Mr. CUMMINS. That is an amendment to the proposed substitute?

The VICE PRESIDENT. It is.

Mr. WALSH of Montana. Subdivision (c), section 202, of the House bill reads as follows:

(c) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any article for the purpose or with the effect of apportioning the supply in commerce between any such packers, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly in commerce; or

My understanding is that the acts mentioned in that provision would be a violation of the Sherman Act. Now, we forbid those acts by this bill, and we provide a remedy, which I take it would be an exclusive remedy, and the provision would repeal the Sherman Act to that extent. The next subdivision, subdivision (d), reads:

(d) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce.

Such activities, of course, would be a plain violation of the Sherman Act. Now, we provide a remedy for acts of that character by the pending bill, and, of course, that would operate as a repeal of the Sherman Act. I apprehend that we are not at this time intending to repeal practically the whole substance of the Sherman Act as applied to the packers of meats. Accordingly I submit the following amendment:

Nothing herein contained shall be construed to repeal, in whole or in part, any provision of the act of Congress approved July 2, 1890, or any act amendatory thereof, or to exempt any person from liability or prosecution thereunder.

Mr. CUMMINS. Mr. President, I think the amendment proposed by the Senator from Nebraska to the amendment is properly before the Senate, unless some Senator makes the point of order that amendments to the House text must be first considered; but speaking to the amendment proposed by the Senator from Nebraska, I desire to say that I sincerely hope that it will prevail.

If I had my way about the matter, the entire administration of the pending measure, whether the House bill is adopted or the Senate bill is adopted, would be committed to the Federal Trade Commission. That body ought to administer this bill; and it ought to administer every bill of similar character. We would in that way attain greater economy in government, and, I think, would attain very great efficiency in the administration of the law. The Federal Trade Commission, while it seems to be under suspicion, and certainly is under criticism on the part of some Senators, is one of the most valuable and helpful functions ever created in recent times. It has abundantly justified the hopes of those who are responsible for its existence, and it has repeatedly every year vindicated the necessity for its creation.

Mr. LODGE. May I ask the Senator from Iowa a question, simply for my information?

Mr. CUMMINS. Certainly.

Mr. LODGE. I have just come into the Chamber. The effect, then, of the amendment to which the Senator refers would be to put the packers under two organizations—under the one created by the bill and also under the Federal Trade Commission?

Mr. CUMMINS. It may be that that is true, but practically, as the Senator from Nebraska has stated, it will not create or give rise to any conflict. The real jurisdiction of the Federal Trade Commission is based on a complaint alleging unfair methods of competition filed with the commission. It then investigates that complaint and renders such decision as the facts may seem to warrant.

It is true that the Federal Trade Commission has authority to make other investigations, and it might be that the Secretary of Agriculture or the live-stock commissioner, as the case may be, would have concurrent authority to make some investigation, but I can not see any real objection to that course. I hope before we are through with the matter that the Federal Trade Commission will be substituted for the Secretary of Agriculture or the live-stock commissioner in the administration of this bill, although I do not know that any Senator has prepared an amendment of that character. I think such an amendment would be a wise one, and that it ought to prevail.

Mr. STERLING. Mr. President, I should like to say to the Senator from Iowa that I have an amendment which I intend to propose at the proper time, substituting the Federal Trade Commission for the agency provided by the bill for the administration of the act.

Mr. CUMMINS. I presumed that some Senator would have such an amendment, and, so far as I am concerned, I favor it.

Mr. FERNALD. Mr. President, will the Senator yield for a question?

Mr. CUMMINS. Certainly.

Mr. FERNALD. I should like to inquire of the Senator, whom I know to be a most excellent lawyer, whether or not the Federal Trade Commission at this time has not the authority to do everything that is proposed to be done or suggested to be done under this bill by the commissioner or by the Secretary of Agriculture?

Mr. CUMMINS. No; it has not.

Mr. FERNALD. What particular authority does not that commission have?

Mr. CUMMINS. There are a great many things that it has no authority to do that some agency would have authority to do under the measure, if either the House bill or the Senate measure prevails.

Mr. FERNALD. In what particular?

The VICE PRESIDENT. The time of the Senator from Iowa has expired.

Mr. CUMMINS. I will answer the question later.

Mr. FERNALD. The Senator can answer in my own time, if he pleases.

Mr. CUMMINS. I will answer it later.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment reported by the committee. [Putting the question.] The ayes have it, and the amendment is agreed to.

Mr. SMOOT. What is that amendment?

The VICE PRESIDENT. The amendment offered by the Senator from Nebraska to the amendment reported by the committee.

Mr. SMOOT. Well, on that I ask for the yeas and nays.

Mr. BRANDEGEE. I understood the Chair to rule that the text of the House bill was first to be perfected, in which case I had supposed the amendment offered by the Senator from Montana [Mr. WALSH] would have been in order.

Mr. NORRIS. The Chair has stated that the amendment has been agreed to. There was no point of order made against the motion, and after we have voted on it, and the question

has been decided, it is hardly right for a Senator to ask to go over the proceedings again. I have no objection to the yeas and nays being called, if Senators did not understand the question.

Mr. BRANDEGEE. I have not made a point of order. I stated my understanding of the situation. However, if I should want to make a point of order, it is too late to make it, and I do not insist upon it at all.

Mr. NORRIS. I think it would certainly be too late after the result of the vote has been announced.

Mr. BRANDEGEE. Personally I do not care when the vote is taken on any of the amendments.

Mr. NORRIS. I do not see anything wrong in voting on amendments to the Senate bill first, or the House bill, just as the amendments may come up.

Mr. BRANDEGEE. They can be voted on at the same time, if the Senator wants to pursue that course.

Mr. NORRIS. But if there should be a conflict, and two Senators were trying to offer amendments, one to the House bill and one to the Senate bill, the Chair would decide and give preference to the Senator proposing an amendment to the House bill.

Mr. BRANDEGEE. I shall be perfectly satisfied if the Chair decides in that way.

Mr. LODGE. Mr. President, I did not understand that the amendment offered by the Senator from Nebraska was being voted on. I thought another amendment was before the Senate.

Mr. SMOOT. I had the same impression.

Mr. LODGE. I did not understand the question, or, of course, I should have asked for the yeas and nays.

Mr. NORRIS. I have no objection to the yeas and nays.

Mr. LODGE. The bill has not been reported to the Senate as yet.

Mr. NORRIS. I am willing to have the yeas and nays.

The VICE PRESIDENT. The yeas and nays are called for. Is the demand seconded?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. NORRIS (when Mr. NORBECK's name was called). I am authorized to announce that the Senator from South Dakota [Mr. NORBECK] is paired with the Senator from Missouri [Mr. REED]. If the Senator from South Dakota were present, on this motion he would vote "yea."

While I am on my feet I desire also to announce that the Senator from North Dakota [Mr. LADD] is necessarily absent and that if present he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. SMITH (when his name was called). On this question I have a pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and will vote. I vote "nay."

Mr. TRAMMELL (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT]. In his absence, being unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT], which I transfer to the junior Senator from Arizona [Mr. CAMERON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote. If he were present and I were at liberty to vote, I should vote "yea." I understand that if he were present he would vote "nay."

Mr. WILLIS. Has the Senator from Tennessee [Mr. MCKELLAR] voted?

The VICE PRESIDENT. He has not.

Mr. WILLIS. I am paired for the day with that Senator. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. ELKINS. I am paired with the Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the Senator from New Hampshire [Mr. MOSES] and will vote. I vote "nay."

Mr. EDGE. I transfer my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Maryland [Mr. FRANCE] and will vote. I vote "nay."

Mr. LODGE (after having voted in the negative). The Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, I think has not voted.

The VICE PRESIDENT. He has not.

Mr. LODGE. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND], and will let my vote stand.

Mr. BROUSSARD. I have a pair with the senior Senator from New Hampshire [Mr. MOSES], but I understand that if he were present he would vote as I shall vote, and I am therefore privileged to vote. I vote "nay."

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Ashurst	Glass	Kenyon	Smith
Borah	Gooding	La Follette	Spencer
Capper	Harreld	McCumber	Sterling
Caraway	Harris	McLean	Swanson
Cummins	Heflin	Newberry	Walsh, Mass.
Dial	Hitchcock	Norris	Walsh, Mont.
Fletcher	Johnson	Overman	Watson, Ga.
Frelinghuysen	Jones, N. Mex.	Sheppard	
Gerry	Kendrick	Simmons	

NAYS—32.

Ball	Ernst	McCormick	Shortridge
Brandegee	Fernald	McKinley	Smoot
Broussard	Hale	McNary	Stanley
Bursum	Jones, Wash.	New	Sutherland
Curtis	Keyes	Nicholson	Wadsworth
Dillingham	King	Oddie	Warren
Edge	Knox	Phipps	Watson, Ind.
Elkins	Lodge	Poindexter	Weller

NOT VOTING—30.

Calder	Lenroot	Penrose	Townsend
Cameron	McKellar	Pittman	Trammell
Colt	Moses	Pomerene	Underwood
Culberson	Myers	Ransdell	Williams
France	Nelson	Reed	Willis
Harrison	Norbeck	Robinson	Wolcott
Kellogg	Owen	Shields	
Ladd	Page	Stanfield	

So Mr. NORRIS's amendment to the amendment of the committee was agreed to.

Mr. WALSH of Montana. Mr. President, I rise at this time to address myself to an amendment that I propose to offer to the Senate bill. I speak of it now so that I may explain the nature of it. The amendment that I desire to offer is directed to a certain portion of section 17, which appears in the parallel print on page 13.

Mr. McCORMICK. Mr. President, if the Senator will allow me to interrupt him, may I not renew my parliamentary inquiry, to the end that we may consider one bill and the amendments thereto until the end? I understood the Chair to rule that we must perfect the so-called House bill first by amendment.

Mr. WALSH of Montana. Yes; but if I wait until all the amendments to the House bill are presented to say what I have to say I shall have no opportunity, because debate will close.

Mr. McCORMICK. I am not objecting to that.

Mr. WALSH of Montana. I do not intend to tender my amendment now. I recognize that amendments to the House bill are in order.

On reading section 7 of the Senate bill and section 17 of the Senate bill I was first impressed with the belief that they were practically duplicates of each other, simply a different remedy being given. I am inclined to think, however, that there is some virtue in the first part and the concluding portion of section 17 separate and apart from anything that is contained in section 7. Section 7 gives a plenary power to subpœna witnesses and to call for books and papers, and so on, and provides for proceeding in contempt against a contumacious witness. Section 17 practically covers the same ground, but makes a contumacious witness subject to penalties under the criminal law. If one proceeds under section 17 he can not get the testimony immediately, but must await an indictment by a grand jury or information by a prosecuting officer, while section 7 gives a speedy relief by contempt proceedings in court against the contumacious witness.

Some of our legislation proceeds upon one theory and some upon another. Usually, however, the way in which a witness who is contumacious is proceeded against is by a contempt proceeding, although there are some statutes which authorize prosecutions upon criminal charges; but I am not aware of any statute which will authorize both processes, and I see no particular occasion for it here. Moreover, it might be questionable whether, for various reasons, it would be desirable to include both. It might seem that the provisions were inspired by vindictiveness.

Mr. NORRIS. Mr. President, may I interrupt the Senator? What is the language that the Senator proposes to strike out?

Mr. WALSH of Montana. I propose to strike out, commencing at line 12, on page 13, down to and including the word "imprisonment."

Mr. NORRIS. I wish the Senator would give it in the regular bill, so that we can all follow it.

Mr. WALSH of Montana. I shall be glad to do so.

Mr. NORRIS. I think it is on page 41.

Mr. WALSH of Montana. It is on page 41, commencing with the word "any" in line 2, down to and including the word "imprisonment" in line 13. I read as follows:

Any packer or operator, or any officer, agent, or employee of such packer or operator, who, within a reasonable time prescribed by the officer or agent making the request, not exceeding 30 days from the date of the receipt of the request, willfully fails or refuses to answer such questions or to produce such books, papers, records, or correspondence, or who willfully gives any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. NORRIS. I agree with the Senator that there is some duplication in those two sections. Personally, I have no objection to striking out this language. I think we ought to strike it out or else amend the other section.

Mr. WALSH of Montana. I was moved to make a study of the two sections by reason of the comments made by the distinguished Senator from Missouri [Mr. REED] in his remarks a few days ago, and I thought there was some justice in some of the criticisms that he made of these two sections.

At the appropriate time I shall move to amend section 17 by eliminating that language.

Mr. KENYON. Mr. President, I want to make a suggestion to the Senator from Montana, who discussed that matter with me some days ago. I spoke briefly this morning about the reason for section 17. I do not know that the Senator was here. The Federal Trade Commission have been enjoined by the courts where they have tried to secure evidence as to the cost of production. For instance, in the coal matter and in the steel matter the courts have held that that was information concerning manufacturing in States, and was not related to interstate commerce.

The purpose of this section is to strengthen the situation by providing that the information is to be secured for Congress. Whether that argument will be good or not, that is the purpose of section 17.

Mr. WALSH of Montana. The Senator will understand that the amendment I offer does not in any wise restrict the power of the commission or the duty of the packers. It simply eliminates the penalty for failure.

Mr. KENYON. I am inclined to think the Senator is right about that.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. SMOOT. The amendment is the committee bill, and there has been one amendment made to it; and now the question is on agreeing to that amendment?

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended by two amendments.

Mr. SMOOT. Has the House text been perfected?

The VICE PRESIDENT. No amendments have been offered to the House text.

Mr. SMOOT. I understood that the Senator from Montana [Mr. WALSH] offered an amendment to the House text.

Mr. KENYON. A parliamentary inquiry, Mr. President. If the Senate agrees to the committee amendment as amended, then it will be adopted as a substitute for the House bill, will it not?

The VICE PRESIDENT. That is correct.

Mr. McCORMICK. Is there not pending now an amendment to the so-called House bill offered by the Senator from Montana?

The VICE PRESIDENT. The Chair has not understood that the Senator from Montana has as yet offered his amendment.

Mr. WALSH of Montana. I did offer an amendment to the House text.

The VICE PRESIDENT. At which time there was an amendment pending.

Mr. BRANDEGEE. May I suggest to the Senator from Montana, who, I understand, desires to amend the House text, that under the ruling of the Chair the pending question is the adoption of the committee amendment, which substitutes the Senate committee bill for the House text, and after that has been agreed to how can the House text be amended when it has been eliminated by something else being substituted for it?

Mr. CUMMINS. Mr. President, as I understand the procedure of the Senate, as determined by its rules, in such a case as this there are two distinct, independent propositions; one is the text of the House bill, the other is the proposed substitute reported by the committee, and before there can be a vote which will determine whether the Senate committee substitute shall take the place of the House bill the text of either can be amended, or the texts of both can be amended. So it would seem to me that our rules require us to proceed first to amend the text of the House bill and next to amend the text of the proposed substitute, and then we will have a comparison of the two and can vote as to whether the substitute shall be adopted or not. I have no objection whatever to proceeding in the reverse order——

Mr. McCORMICK. I have.

Mr. CUMMINS. Amending the text of the Senate substitute first and amending the text of the House bill later. But they ought to be treated as two independent and distinct propositions.

Mr. NORRIS. Mr. President, there is not any dispute. The Chair must eventually put the question which he said is the pending question. If some Senator wants to amend the House text or the Senate committee amendment, why does he not offer his amendment?

Mr. McCORMICK. Mr. President, it may be that we are laboring under some misapprehension. Certainly I understood that an amendment had been offered by the Senator from Montana.

Mr. WALSH of Montana. The Senator from Montana also so understood it. I offered the amendment.

Mr. McCORMICK. Precisely.

Mr. WALSH of Montana. I inquired beforehand whether amendments to the House text were in order, and on being informed that they were I tendered my amendment. Thereupon attention was called to the fact that an amendment to the committee amendment was pending; and, by unanimous consent, and without objection, the amendment to the Senate committee amendment was taken up for consideration. I simply waived the priority to which my amendment was entitled. But if there is any question about it at all, I now tender the amendment to the House text.

The VICE PRESIDENT. The Senator will state the place where he desires to have his amendment inserted.

Mr. WALSH of Montana. At the end of the bill.

The VICE PRESIDENT. At the end of what bill?

Mr. WALSH of Montana. At the end of the House bill.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. The Senator from Montana moves to amend by adding at the end of the House text, on page 29, after line 7, the following:

Nothing herein contained shall be construed to repeal, in whole or in part, any provision of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or any act amendatory thereof, or to exempt any person from liability or prosecution thereunder.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCORMICK. Mr. President, I offer the following amendment to section 316 of the House text.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. The Senator from Illinois moves to amend section 316, found on page 24 of the original print, by striking out the section and inserting in lieu thereof the following:

SEC. 316. Sections 203 and 204 of this act shall be applicable in enforcing the provisions of this title.

Mr. McCORMICK. The purpose of that amendment, Mr. President, is to subject the commission men and dealers to the same provisions as apply to the packers under section 204. It makes the provisions identical.

Mr. SMOOT. Does it give the right of appeal?

Mr. McCORMICK. The same right of appeal is afforded. It puts the little commission men and the dealers in exactly the same position as the packers.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. McCORMICK. Mr. President, I offer the following amendment to section 309.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will state the amendment.

The READING CLERK. The Senator from Illinois moves to amend section 309–A, found on page 18 of the House text, by striking out, in line 13, the words "one year," and inserting in lieu thereof the words "ninety days."

Mr. KENYON. Will not the Senator explain the amendment?

Mr. McCORMICK. Certainly. If the Senator from Iowa and other Senators will turn to section 309, they will find the following language: "Any person complaining of anything done or omitted to be done by any stockyard owner, market agency, or dealer," and so forth, "may make complaint within one year." That provision giving a year in which to file complaint, especially as it applies to the small dealers and commission men, who keep no elaborate system of books, is liable to very grave abuses. If there is ground for complaint, surely 90 days gives the complainant time enough to file his complaint. If it does not, I should be interested to have some Senator explain why it does not.

Mr. KENYON. Would it be possible that the matter might not be known? I see no objection to the amendment at all if it is a cause of action that is apparent. If it is something which a man knows, he should, of course, present it within a reasonable time. Any difficulty would be avoided by putting in the words "and is known."

Mr. McCORMICK. Will the Senator from New York consider the suggestion of the Senator from Iowa? He is more familiar with the wording of the act than I am. I can not conceive that there would be ground for a complaint that would not be known. These complaints arise out of the sale of live stock within the yards, the prices paid, the charges made for the service, and so forth. Surely the owner of live stock would know within 90 days if the service had been unsatisfactory.

Mr. KENYON. Then there would be no objection to putting in the words "and is known." A cause of action might accrue and might not be known. There might be such a circumstance. I do not know that it is likely to arise, but how could there be any objection to putting in the words "and is known"?

Mr. WADSWORTH. Where does the Senator from Iowa propose to put in those words?

Mr. KENYON. The Senator from Illinois proposes to strike out, on page 18, line 13, the words "one year," and to insert the words "ninety days," and I suggest that the words "and is known" be inserted.

Mr. McCORMICK. Known to whom?

Mr. KENYON. Known to the complainant. The cause of action might have accrued, and the party might not know it.

Mr. McCORMICK. How could it be that he would not know it?

Mr. KENYON. He might not. There might be a case of that kind.

Mr. WADSWORTH. I think if the words suggested by the Senator from Iowa are put in, it will remove all limitation whatsoever as to the time in which the complaint may be made.

Here is the situation. A buyer goes to the stockyards to purchase some cattle and take them home, we will say, to put them on feed, or on pasture. He goes through the yards and interviews commission men, or traders, and asks them if they have the kind of cattle he is looking for; he tells them, generally, what sort of cattle he is looking for, what ages he would like, what weights, and what quality. The commission man says to him, "Yes; I think I have some that will suit you, and if you will come around to pen numbered such-and-such, I will show them to you."

The prospective buyer goes to the pen, he looks at the cattle, and he discusses with the commission man those cattle, what kind of cattle they are, where they came from, and how they were bred and how they were fed before they came to the yards, if the commission man happens to know, and how much they will weigh; and he will say to the commission man, "I would like to buy a couple of loads of steers that will average about 950 pounds. How much do you think those cattle will weigh?" The commission man will say, "I think they will weigh 1,000 pounds, or they may weigh 975 pounds. Judgments vary."

No record is kept of those conversations. It is utterly impossible to do it. But finally the buyer purchases the cattle after this hurried conversation.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired. The Chair will recognize the Senator from New York in his own time.

Mr. WADSWORTH. Very well.

Mr. KENYON. Mr. President, a parliamentary inquiry. If a Senator rises while another is speaking and takes up his time, does he still have the right to speak in his own time? I am not raising the point on the Senator from New York.

The PRESIDING OFFICER. A Senator who yields loses his right at the end of five minutes.

Mr. KENYON. Then a Senator can give his time to some one else.

The PRESIDING OFFICER. No; he can not; but the Senator from New York was answering a question asked by the Senator from Illinois; the time of the Senator from Illinois expired, and the Chair, supposing that the Senator from Illinois desires to hear the explanation of the Senator from New York, will recognize the Senator from New York in his own time.

Mr. NORRIS. I suggest to the Chair that if he follows that procedure, a Senator could talk as long as he could get Senators to yield time or ask him questions.

The PRESIDING OFFICER. The present occupant of the chair would not permit a thing of that kind to occur. In this case the Senator from Illinois asked a question of the Senator from New York, and the Senator from New York was answering the question. The Chair rules that the time of the Senator from Illinois has expired. The Senator from New York is recognized.

Mr. WADSWORTH. As I was saying, the purchase is finally consummated and the purchaser ships the cattle to his place at home. Later on after the cattle arrive at home it may be found that the cattle did not weigh a thousand pounds. The commission man may have been 25 or 50 pounds per head off in his estimate given to the purchaser. They may turn out not all to be 3-year-old steers. Some in the load may be less than 3 years old, a fact which can only be finally determined by an examination of the teeth.

As the House bill is written it would seem to give the purchaser of the cattle, after he has got them home, a whole year in which to bring a complaint against the commission man or the trader, complaining that he had falsely described the cattle to him, although he had seen them himself, as to their age or their weight or their quality or their previous history.

It would put the trader or the commission man at the absolute mercy of any crooked man who went to the yards and then was disappointed in the cattle which he bought and would try to lay the blame on the commission man, later on file a complaint with the Secretary of Agriculture, have a hearing on it, and the commission man, who in the meantime will have had thousands and thousands of other transactions involving thousands and thousands of cattle, will have no record of the conversations, and the complainant can set up an affidavit, if he wants to, asserting that he has been fooled.

Not all of the men who buy cattle in stockyards are honest. The overwhelming majority are, but sometimes there is a crooked buyer who, when suffering from the result of his own bad judgment, would like to place that burden upon the commission man and penalize him. Therefore the commission men and the traders say that that man ought to have a restricted period assigned to him in which he can make his complaint. If I had my way about it, I would make it 30 days instead of 90.

Mr. KENDRICK. Mr. President, I wish to say a word about the proposed amendment. There would not be a single vote against the amendment if everyone were familiar with the facts. It ought to be agreed to unanimously, because it involves transactions in the yards, the correctness and integrity of which can be proved more correctly within a few days after they occur than one year after they occur. The amendment ought to be agreed to without a single objection.

Mr. McCORMICK. May I ask the Senator from Wyoming, who is so familiar with the subject, if he would suggest 30 or 60 days instead of 90?

Mr. KENDRICK. I would prefer to have it 60 days rather than 90 days.

Mr. McCORMICK. If the Senator will offer that amendment to my amendment, I shall be glad to accept it.

The PRESIDING OFFICER. The Senator from Illinois may modify his own amendment if he desires.

Mr. McCORMICK. I ask that it be modified in that respect and made 60 days instead of 90 days.

The PRESIDING OFFICER. The amendment to the amendment as modified will be stated.

The READING CLERK. On page 18, line 13, strike out the words "one year" and insert in lieu thereof the words "60 days."

Mr. TRAMMELL. Mr. President, I am not in charge of the bill and have little detail knowledge of the subject, but I am very heartily in favor of some legislation providing for the governing of the packing industry. It seems to me if we reduce to 60 days the time in which complaint can be made and make it that shorter period instead of 90 days, that it would place at a great disadvantage persons who may desire to make complaint.

The stockyards and those handling the cattle product or products which are brought into their business have within their knowledge the details of all transactions. If something is done that might be fraudulent upon the seller or the purchaser, it is possible that he would not discover it within a certain length of time. If we make the limitation too short we preclude him from making his complaint. Take as an illustration the matter

of selling products on commission through the commission merchant system. I have known of instances where the seller was probably defrauded or there was every indication of it, and yet the producer and shipper of the products would not ascertain that fact perhaps for 60 or 90 days thereafter. There might be some evidence that indicates early in the transaction that there had been some crooked work done in connection with it, but the producer a thousand or two thousand miles way from the market and from the stockyards has an uphill business in ferreting out his case and ascertaining whether he had been mistreated or not. Yet it is proposed now, even by the friends of the bill, to preclude him if he does not discover it within 60 days.

Feeling in sympathy with some effective, sincere regulation of the packing industry, I am opposed to limiting the time to 60 days. I think 90 days would be a great deal better.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. McCORMICK] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. KENYON. Mr. President, I understand amendments are being offered and are in order to the House text. I wish to offer several. I offer the amendment which I now send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 11, line 16, after the word "receiving," the first word in the line, insert the words "buying or selling on a commission basis," so that the paragraph will read:

The term "stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling, in commerce, of live stock.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. I now move to insert, on page 12, at the end of section 301 of the House text, the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 12, at the end of section 301, at the end of line 2, after the word "purchaser" and before the period, insert the following:

And includes any packer in his capacity as a buyer or seller of live stock in commerce and any employee or agent of any packer in such capacity.

Mr. KENYON. The purpose of this amendment is simply to make it specific that the buyers of the packers, who may operate under assumed names or as dummies in the stockyards, shall be included. There can not be any question about that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. I now offer a new section, to be inserted in the House text, to be known as section 307½, to follow section 307, on page 17. If anyone understands the numbering of the House text, I wish he would explain it.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 17, after line 18, the Senator from Iowa offers the following as a new section:

SEC. 307½. If any market agency participates in the enforcement of or enforces or carries out any rule, regulation, or practice of a live-stock exchange or similar organization of which he is a member which is designed to prohibit or has the effect of prohibiting membership in such organization to a cooperative association of producers engaged in business similar to that of such member because of the method of distributing surplus earnings of such association among its members, such action by the market agency shall be deemed an unjust, unreasonable, and discriminating practice.

Mr. WADSWORTH. Will the Senator from Iowa explain that? That is important.

Mr. KENYON. Yes; it is. "Market agency" is defined, of course, in the House text. The purpose of the amendment is to make certain that cooperative associations shall not be excluded by the rules of a live-stock exchange. That is all.

Mr. WADSWORTH. May I ask the Senator a question in his time?

Mr. KENYON. Certainly.

Mr. WADSWORTH. Does the Senator mean that a cooperative association must be admitted to the exchange, even though it refuses to abide by the rules which govern all other exchanges?

Mr. KENYON. No; but if the live-stock exchange refuses admission for that mere reason, because of their method of distributing surplus earnings in such association, that shall be considered a discrimination.

Mr. WADSWORTH. I have no objection to it, if that is the sole purpose of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. On page 25 I move to strike out section 401 of the House text and insert what is practically section 6 of the Senate bill, except that I add in line 20 of section 6 of the Senate text the words "and principal"; otherwise it is exactly the same as section 6 of the Senate committee bill. I think section 6 of the Senate committee bill is one of the most important things in the whole matter. It provides for publicity.

Mr. SMOOT. Does the Senator mean Title VI?

Mr. KENYON. No; I am taking section 6 of the Senate bill and offering it as the substitute for section 401 of the House text.

Mr. SMOOT. Let the amendment be reported in full.

The PRESIDING OFFICER. The amendment will be reported.

The READING CLERK. On page 25, in line 7, strike out all of section 401 after the numerals "401," being from line 7 to line 20, inclusive, and insert:

The Secretary, upon his own initiative, or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to, the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock and principal live-stock products, including operations of and the ownership of stockyards. He shall likewise compile and furnish to producers, consumers, or distributors by means of regular and special reports, or by such other methods as he deems most effective, information respecting the condition of the live-stock market and the supply, demand, prices, and other conditions affecting the market.

Mr. NORRIS. Mr. President, it seems to me the Senator from Iowa ought not to ask to strike out section 401 of the House text. It is a very important provision. I understood the amendment just offered was to be offered in addition to that section. I am in favor of the amendment. The amendment proposed by the Senator from Iowa is a good thing.

Mr. KENYON. I probably ought to say that I shall offer as an amendment to the House text section 16 of the Senate committee bill to follow the amendment now pending to complete the publicity proposition and uniform accounting proposition.

Mr. NORRIS. That is all very important and all necessary, I think, but the Senator is striking out section 401 of the House text.

Mr. KENYON. Section 401 does not accomplish anything.

Mr. NORRIS. It provides for the keeping of books, accounts, and records.

Mr. KENYON. Section 16 of the Senate committee bill provides for that in a much better way.

Mr. NORRIS. I think that is true, too.

Mr. KENYON. I am going to offer it in a moment as a further amendment to the House text.

Mr. NORRIS. All right.

Mr. SMOOT. Section 6 of the Senate committee bill provides that—

The commissioner, upon his own initiative—

And so forth.

Mr. KENYON. I have changed that, of course.

Mr. SMOOT. There is no commissioner provided for in the House text.

Mr. KENYON. I know that. I am able to understand that.

Mr. SMOOT. I understood the Secretary to read it "commissioner" just as it is in the print.

Mr. KENYON. I think the Secretary read it as I had it, "Secretary."

The PRESIDING OFFICER. The Secretary will report the amendment again.

The reading clerk read as follows:

The Secretary, upon his own initiative, or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply——

Mr. KENYON. That is enough.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. Now, in order to make the publicity provision complete and to meet the objection of the Senator from Nebraska, I offer section 16 of the Senate bill as a separate section to the House bill, to be known as section 401½.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment, which will be stated.

The READING CLERK. On page 25, after line 20, it is proposed to insert the following:

SEC. 401½. Every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the Secretary shall require,

as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stockholding or otherwise, in such form and at such times as the Secretary shall by order require. The Secretary may, in his discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the Secretary may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

Mr. HARRELD. I should like to call the Senator's attention to the fact that that amendment leaves out the penalty for not keeping such records which is provided for in section 401 which was stricken out. It seems to me as though that is a very good provision to have in the bill.

Mr. KENYON. It should be in the bill. I was under the impression that section 16 covered that matter.

Mr. HARRELD. No.

Mr. KENYON. There is, however, a general penalty provision in the Senate bill, which I think would cover that matter.

Mr. BRANDEGEE. I wish to call the attention of the Senator from Oklahoma to page 41 of the bill, which provides:

Any packer or operator, or any officer, agent, or employee of such packer or operator, who, within a reasonable time prescribed by the officer or agent making the request, not exceeding 30 days from the date of the receipt of the request, willfully fails or refuses to answer such questions or to produce such books, papers, records, or correspondence, or who willfully gives any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

That is a general penalty provision.

Mr. HARRELD. That is a general provision covering this matter?

Mr. BRANDEGEE. Yes.

Mr. HARRELD. It may, then, cover the point I had in mind.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the question.] The Chair is in doubt.

Mr. FERNALD. I should like to have the yeas and nays on the amendment. This is one of the most important sections of the bill. It proposes to give the commissioner or his agent authority to go into every butcher shop and packing house in the country and demand of every business man his papers to the last scrap. It may divulge the secrets of any business, and I do not believe any man should have authority to do that.

The PRESIDING OFFICER. The Senator from Maine demands the yeas and nays. The demand is not seconded. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the question.] The noes seem to have it; the noes have it, and the amendment is not agreed to.

Mr. KENYON. Mr. President, of course that leaves the text of the House bill with the most important provision out of it—the publicity and uniform accounting provision—and makes the House bill absolutely good for nothing as a regulatory measure. However, I am going to keep on offering amendments to see if I can not improve the House bill.

Mr. KING. Is there anything in the House bill that touches the question of publicity?

Mr. KENYON. Yes; but it is very inadequate.

Mr. KING. But it was deemed to be adequate by the Members of the other House?

Mr. KENYON. Oh, I presume so; and I am sure it is also deemed to be adequate by the packers.

I move to amend section 407 by inserting, after the word "may," on line 13, page 28, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The READING CLERK. On page 28, it is proposed to amend section 407 by inserting, after the word "may," on line 13, the words "make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may," so that it will read:

The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government—

And so forth.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. I offer an amendment to section 402 of the House bill by striking out the words "For the purpose of securing effective enforcement of the provisions of this act" and inserting what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The READING CLERK. On page 25, in section 402 of the House text, it is proposed to strike out the words "For the purpose of securing effective enforcement of the provisions of this act" and to insert "For the efficient execution of the provisions of this act and in order to provide information for the use of Congress."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. WADSWORTH. I offer to the Senate bill the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from New York offers an amendment to the Senate text, which will be stated.

The ASSISTANT SECRETARY. On page 30, in lines 9 and 10, it is proposed to strike out the words "owned or controlled by a packer" and to insert "used for food," so that it will read:

The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and used for food.

Mr. WADSWORTH. Mr. President, I discussed this matter the other day at some length. The amendment is of great importance, just as is the definition of "live-stock products" as contained in the Senate bill. I merely wish to state very briefly the purpose of the amendment.

Passing for the moment to the definition of the term "packer," I invite Senators to read the language which commences on line 17, on page 30:

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce—

The reading to that point is sufficient for my purpose. Under that definition of the term "packer" any retail butcher in the country who happens to purchase any live stock and slaughters it will be termed and deemed a packer if he sells any of that product or any of the by-products in interstate commerce, whether those products or by-products are used for food or not.

Every Senator who has lived in the country knows that the average village contains a butcher shop, and that while the local butcher gets some of his supplies from the packers' refrigerator cars that come through the country once a week, he also purchases live stock from the farmers in the neighborhood. If he purchases live stock from the farmers in the neighborhood and slaughters it himself and sells the food products in the community, and they do not pass into interstate commerce, he is not a packer under this definition; but if he sells the hides or the bones or the offal or any other of the by-products not used for food to any person who transports them into interstate commerce, that little butcher then becomes a packer, because he is dealing in interstate commerce with a live-stock product, and the term "live-stock products" under the terms of the bill "means all products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer." My amendment is to strike out the words, on line 9, "owned or controlled by a packer" and substitute for them the words "used for food," so that the butcher will not be deemed a packer unless he ships food products in interstate commerce; that he shall not be deemed a packer if he merely ships the hides, five or six a week, or the bones, which are the by-products of his little butcher business.

The contention against this amendment of mine is that the authors of the bill want to get at the by-product operations of the big packers. I have contended all along that this bill does that without using the definition contained in the bill. Section 16 makes it possible for the Secretary of Agriculture to examine all the books of the packers in their slaughtering business as well as in every other, and if the slaughtering end of a big packing concern makes fraudulent or deceptive entries upon its books relating to the transfer of the by-products of the slaughtering end to a subsidiary corporation which makes fertilizer or glue or buttons of pepsin or which tans hides, then that deceptive practice can be spotted, as it were, by the Secretary of Agriculture, for under section 16 he has access to the books and can prescribe the methods for keeping those books, and another provision of the bill forbids packers to engage in any deceptive practice. So the bill is safeguarded from its authors' own standpoint even if my amendment be adopted. If my amendment shall be adopted, it will relieve thousands of small butchers all over this country from being deemed packers and compelled to make reports and be investigated and regulated in all their little businesses.

The PRESIDING OFFICER (Mr. WATSON of Indiana in the chair). The question is on agreeing to the amendment proposed

by the Senator from New York to the amendment reported by the committee.

Mr. KENYON. Mr. President, if what the Senator from New York suggests were all the amendment accomplished, I do not believe anybody could have any legitimate objection to it. It was discussed in the committee, and the thought of many members of the committee was that it took from the bill the side lines and the by-product business of the packers, and we did not want to do that. According to the 1917 report of the Federal Trade Commission on dressed beef, which is a food product, the losses were $3,516,341—those figures are for Armour & Co.—while on oleo the profits were $1,364,186 and on glue, another side product——

Mr. WADSWORTH. Oleo, may I say, is used for food?

Mr. KENYON. That is true of oleo; but as to glue, which is not used for food, the profits were $1,453,651 and on fertilizer the profits were $2,737,691. So the scheme is very beautiful of showing a complete loss on food products, while the profit is made on the by-products.

There has not been any intention of getting at the little butchers of whom the Senator speaks; but the bill, if good for anything, will be of no avail unless the by-products are also included.

Mr. WADSWORTH. Will the Senator permit a question in his time?

Mr. KENYON. Yes.

Mr. WADSWORTH. Is not the practice, to which the Senator alluded a moment ago, of crowding down the apparent profits on meat or the slaughtering end in order to make the profits from the by-products end a deceptive practice, and can not it be identified and stopped under the provisions of the bill which give the Secretary of Agriculture the right to prescribe the method of making and keeping accounts?

Mr. KENYON. I do not know that it would be an unfair practice, but it could be shown under that section; but that is the section that the Senate beat a few minutes ago. It is not here.

Mr. WADSWORTH. It is still in the Senate bill.

Mr. KENYON. Oh, it is in the Senate bill, yes. I very much hope the Senate bill will be enacted, and that will relieve the situation of a great many of these difficulties.

Mr. NORRIS. Mr. President, this identical amendment was given a great deal of consideration by the Committee on Agriculture and Forestry. I think the language now in the definition was agreed to, after full consideration, by everybody on the committee except the Senator from New York; and the prevailing idea was that the amendment of the Senator from New York would relieve an immense amount of packer business from control. It would take out everything that was not used for food. It is unnecessary to enumerate all the things, and I could not do it in the time I have, anyway; but everybody knows that the by-products of the slaughtering business that are not fit for food run into the millions of dollars. They take in glue, hair, hides, clothing; they are almost innumerable, and the money value of them runs into many millions. If we are going to control the packers at all we ought to control them in their by-products as well as in their food products, because if we do not they can make an apparent loss on one and make it up, and a good deal more, on another.

I do not believe there is any danger of the small butcher being hurt. In the first place, the last section of the Senate bill reads as follows:

> None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products.

So that eliminates any possibility of the man who slaughters something on the farm and brings it in being regulated by the bill. I think the definition will eliminate the butchers. I can conceive how there might possibly be a case here and there, perhaps, along the line somewhere, where a butcher might do something of that kind only on particular occasions, so that it would not be much of his business. Nobody provided for in this bill will try to injure that kind of a man or try to make his business difficult. If there should be such cases, the regulatory power is not going out to hunt the little butcher and the corner groceryman; but if they get into the business enough, of course they ought to be regulated.

Possibly there will be some men that technically could be included under this measure that never will be touched. The idea, of course, is not to get the fellow who has no perceptible influence on the business. On the other hand, if we eliminate it, then we open the door wide.

At the request of the Senator from New York in the committee we modified the language as it was in the bill as originally introduced, and put in the words "and owned or controlled by a packer."

Mr. WADSWORTH. I did not suggest those words.

Mr. NORRIS. I know the Senator did not; but when I proposed that language, and it was agreed to, it was satisfactory to the Senator at the time. Afterwards—I am not finding fault with the Senator, but we all supposed that was ended and settled, and satisfactory even to the Senator from New York—at the next meeting it developed that he wanted to change it again.

It strikes me that it would be a very serious mistake if we put in the language that the Senator from New York wants to put in this definition, because we would let a whole lot of business, millions of business every year, out of control or regulation by whatever authority is given control of the matter.

Mr. McCUMBER. Mr. President, the Senators who have charge of this bill seem to agree that the thousands of little butchers who happen to buy a few products from what we all know to be packers, but who also kill their own stock and sell their hides and other matters that are not food products in interstate commerce, ought not to be designated as packers. The surprise to me is that those who have charge of this bill, and the members of this committee, have not the ingenuity to frame an amendment that will exclude these small meat men in the little villages and cities who are not packers in any sense, and at the same time include the real packer, so that his products, whether they be food products or by-products, may be covered by the bill.

One Senator in charge of the bill says that if we adopt the amendment offered by the Senator from New York, it will open the door wide for the benefit of the great packers; and the Senator from New York says that unless we do adopt this amendment we will make every little butcher and meat dealer in every little village in the country a packer, and subject him to the investigation of this new bureau. Now, it does seem to me that before we get through the two Senators having this matter in charge can devise an amendment that will protect the small dealer, the little butcher in the village, and at the same time will not leave the door wide open for the packer.

I hope that before we vote upon this amendment the two Senators will take the matter in hand, and will formulate an amendment that will cover just what both of them wish it to cover.

Mr. PITTMAN. Mr. President, as I construe the paragraph that the Senator from New York attempts to amend, it means just exactly what the Senator from North Dakota desires. If my construction is wrong, it seems to me that that paragraph should be changed, rather than the amendment of the Senator from New York.

He offers an amendment to the paragraph that provides:

> The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer.

Then we turn over to the next page and we find the definition of a packer, and upon that definition depends whether the Senator from North Dakota is right or wrong:

> The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce.

Whether or not the words "sale in commerce" are intended to mean "sale in interstate commerce" I do not know; but it seems to me that the great packers that we are after undoubtedly are dealing in interstate commerce, and that if that were amended so as to read "interstate commerce" it would so designate packers as to protect the little butcher everywhere.

Mr. WADSWORTH. Mr. President, may I suggest to the Senator that in another portion of the bill the word "commerce" is defined as meaning "interstate commerce"?

Mr. PITTMAN. All right. Then, if it is defined as meaning "interstate commerce," the word "packer" does not affect the little butcher in the village.

Mr. WADSWORTH. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. PITTMAN. I do.

Mr. WADSWORTH. If the little butcher in the village sells his hides in interstate commerce, is he not a packer?

Mr. PITTMAN. Yes; but the little butcher in the village, as a general thing, does not sell his hides or anything else in interstate commerce.

Mr. WADSWORTH. Oh, Mr. President, he sells tons of them, tons of them. They ship them to tanneries across State lines.

Mr. McCUMBER. If the Senator will allow me, there is not a butcher in my State who does not send his hides out of the

State, in order to sell them to the Minneapolis or the Chicago market.

Mr. PITTMAN. If that is true, then the difficulty of making the distinction between the little butcher and the great packer is evident, and the charge of the Senator from North Dakota that there has been a dereliction in work on the part of the committee in not discovering some method of distinguishing between them is not well founded. In fact, I should like to have the Senator from North Dakota or the Senator from New York suggest some amendment that would distinguish between the little packer and the big packer. If he does, I will vote for it; but if he can not do it I do not feel at liberty to excuse the big packer for the crimes that I believe have been committed by reason of the fact that it may work some injury upon some little butcher somewhere.

While I am on my feet I want to call attention to another provision here, although it is not directly in point. It was introduced by me the last time this bill was before Congress for the purpose of protecting, as far as possible, the people who were not really chiefly engaged in the packing business. I refer to this provision, which is now upon the bill, section 30:

None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products.

That amendment was offered by me during the last session, and is now a part of the bill. It certainly protects the cattle raiser and the farmer. Now we get down to the sole point that there are a few little butchers that may be injured by this act. I should like to exclude them from the effects of this act, and I should like those who criticize the committee for lack of ingenuity to make a suggestion along that line.

Mr. CUMMINS. Mr. President, I should like either the Senator from Nebraska [Mr. NORRIS] or my colleague [Mr. KENYON], in my time, as far as this amendment is concerned, to explain what is the objection to the definition of "packer" contained in the House bill. As I understand the definition of "packer" in the House bill, it will include the by-products of the big packer, but will not include those of the little butcher referred to by the Senator from New York; and I have not yet heard any statement with regard to any objection that may exist to the definition of "packer" in the House bill.

Mr. NORRIS. Mr. President, I have not criticized the definition of "packer" in the House bill. As a matter of fact, I have not given the House definition as much consideration as the Senator has, and the Senate committee did not go into that.

Mr. CUMMINS. Would not the Senator be willing to substitute in the Senate bill the definition of "packer" as found in the House bill?

Mr. NORRIS. No; I would not, Mr. President, at least not without more consideration being given to this definition. Here is the way we looked at it, I think: A great deal of time was given to these different definitions, but the definitions in the House bill and the definitions in the Senate bill will both be in conference if the Senate substitutes the Senate bill; and I presume the theory was that they could get the best there was in the definitions of both bills. Probably it will come to that anyway in the end.

Mr. CUMMINS. Mr. President, there are some things I can not favor in the Senate committee bill and some things I can not favor in the House bill; but the definition of "packer" in the House text is a much clearer and fairer definition of that word, as employed in the bill, than the definition contained in the Senate committee bill, as I view the question, and it would not impair the efficiency of the measure in any way that I can perceive to accept the House definition.

Mr. NORRIS. May I interrupt the Senator?

Mr. CUMMINS. Certainly.

Mr. NORRIS. It might be all right, as the Senator says, to substitute the definition; but when you are dealing with a definition, something that is very technical, it would be dangerous, it seems to me, without full consideration, to see whether it would not be necessary to change a good many other definitions if we made this exception.

Mr. CUMMINS. I quite agree with the Senator from Nebraska. I supposed these two definitions had been very carefully compared in the committee, and that the definition in the Senate committee bill had been adopted with a full knowledge of what it meant.

Mr. NORRIS. I think the definition of "packer" in the House text is rather a complicated definition. It takes a couple of pages of the bill.

Mr. CUMMINS. It is necessarily complicated. There is not any form of language that could be simpler and that would express what either the House or the Senate intends to express by the term. But I thought I would suggest that for the consideration of the members of the committee.

Mr. WALSH of Montana. Mr. President, I think Senators are unduly alarmed about the condition in which the poor butcher in the little village will find himself. At the same time, Mr. President, I think there is an erroneous idea entertained with respect to the importance of the language criticized by the Senator from New York [Mr. WADSWORTH]. Under the definition of "packer," any person engaged in the business of slaughtering live stock is a packer. Of course, that includes the five big packers. We need not go further to include them. They are packers because they slaughter live stock, and it is not only the slaughterers of live stock and the preparers of meat products who are under regulation and control, but everything they produce comes under the provision. All of their business becomes subject to regulation.

It is intended to go beyond that, and to regulate also those people who are not engaged in slaughtering live stock, but who are engaged in preparing live-stock products for sale in commerce. In addition to the five great packers in Chicago, there are a lot of corporations that go to the stockyards and secure certain of the by-products. For instance, I know of a firm which goes there and gathers up the entrails and prepares those entrails so that they become casings for sausages. They clean them and pack them, and that kind of thing.

The words "preparing live-stock products for sale in commerce" are intended to expand the definition of "packer," so as not only to include the five great packers who slaughter the live stock, and also prepare the side products, but is intended to embrace those people who are not engaged in even slaughtering live stock but are engaged in preparing these side products.

So that when you have a definition making everybody a packer who is engaged in slaughtering live stock, you have the big packer within your definition and subject to all the regulation and control the act provides for.

Accordingly, Mr. President, when we come to deal with these outside organizations or associations or individuals it does not seem to me necessary to expand it so as to include anything except food products.

Mr. McCUMBER. Does the Senator construe that definition to mean that anyone, a farmer, for instance, who slaughters his own cattle for his own table, is a packer under the definition?

Mr. WALSH of Montana. No; he must slaughter for sale in commerce.

Mr. McCUMBER. And "commerce" means interstate commerce.

Mr. WALSH of Montana. It means interstate commerce. We have the man who slaughters for sale in interstate commerce, which includes all the great packers. But we want to include some one else besides them, namely, those persons who do not slaughter at all, but take live-stock products and prepare them for sale in interstate commerce. Those are the only people who are affected by the concluding language in the section to which the amendment of the Senator from New York is directed.

Mr. UNDERWOOD. I am not very well informed about this bill, and I want to know, for information, if the terms of the bill will apply to those industries which prepare hides for market.

Mr. WALSH of Montana. I should say that the language now proposed does.

Mr. UNDERWOOD. That would carry it into the tanner's establishment and into the harness maker's establishment and into the bootmaker's establishment?

Mr. WALSH of Montana. It quite obviously makes a packer one who prepares hides so that they may be sold in interstate commerce.

Mr. UNDERWOOD. That would cover boots and shoes, would it not?

Mr. WALSH of Montana. I should say not.

Mr. UNDERWOOD. The maker of boots and shoes is preparing hides for sale in the market, is he not?

Mr. HITCHCOCK. He has to be "a subsidiary of or an adjunct to any such slaughtering or preparing business."

Mr. WALSH of Montana. "Or of marketing live-stock products." That is a third class. There are three classes.

Mr. UNDERWOOD. I am asking the Senator for information.

Mr. WALSH of Montana. I should say that one who went to the packing houses in Chicago and took a contract to take all the hides they produced, and then pickled those hides, or otherwise prepared them, so that they could be marketed, would, under the provisions of this act, considering the definition given of "live-stock products," be under the supervision of the act.

Mr. UNDERWOOD. If he was a shoemaker who bought the hides at the packing house, and then ultimately sold the products of those hides, his disposing of his shoes would be commerce in shoes, and he would be a packer.

Mr. WALSH of Montana. If he was not only a shoemaker but was a tanner and a dealer in hides, he would be subject to the provisions of the act, not because he was a shoemaker but because he was a dealer in hides, and was preparing the hides for sale in commerce.

Mr. UNDERWOOD. That is what I mean; it would carry to that point if he tanned his own hides.

Mr. WALSH of Montana. I simply rose to say that I do not attach any particular importance to the amendment offered by the Senator from New York; at least, I do not attach anything like the importance to it that was indicated by the remarks of the Senator from Nebraska.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PITTMAN. Mr. President, I wish to call to the attention of both the Senator from Alabama [Mr. UNDERWOOD] and the Senator from Montana [Mr. WALSH] this qualification of the definition of a packer, which clearly shows that it does not include a harness maker or a bootmaker. The language to which I call their attention reads:

As a subsidiary of or an adjunct to any such slaughtering or preparing business.

Mr. WALSH of Montana. Will the Senator from Nevada yield for a moment?

Mr. PITTMAN. Certainly.

Mr. WALSH of Montana. The term "packer" includes three classes—first, those who are engaged in slaughtering live stock for sale in commerce; second, those who are engaged in preparing live-stock products for sale in commerce; and, third, those who are marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

Mr. NORRIS. Will the Senator permit an interruption?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. A butcher, in order to be brought in under this definition of "packer," would have to go further than the Senator from New York has indicated. The bill provides that—

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce.

He gives the case of a butcher selling the hide in interstate commerce. That alone would not make him a packer. He can buy the hide of the farmer and sell it and handle it in interstate commerce, but he is not preparing it. He does not come under this definition, even under the Senator's statement.

Mr. WADSWORTH. I think the Senator is mistaken. Mr. President, I believe I have about a minute left.

The VICE PRESIDENT. Under the unanimous-consent agreement no Senator is allowed to speak more than once or longer than five minutes.

Mr. WADSWORTH. Have I consumed five minutes on this amendment?

The VICE PRESIDENT. The Senator has spoken once.

Mr. LENROOT. Mr. President, I yield to the Senator from New York, because I am interested in this question.

The VICE PRESIDENT. That can not be done.

Mr. LENROOT. With reference to this matter, I want to ask the Senator from Nebraska a question. As the language now reads, it seems to me the marketing of live-stock products under the bill is not "in commerce."

Under the language as it stands, anyone engaging in the marketing of live-stock products would be under the terms of the bill, whether engaged in commerce or not. I wanted to ask the Senator from Nebraska if that was what it meant.

Mr. NORRIS. Where is the language to which the Senator refers?

Mr. LENROOT. The bill provides that—

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce, or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

In other words, the words "in commerce" do not qualify the last part of it.

Mr. NORRIS. Does the Senator think they qualify the first part of it?

Mr. LENROOT. Oh, yes; the words "in commerce" qualify the slaughtering.

Mr. NORRIS. The Senator suggests that those words should be repeated?

Mr. LENROOT. I think they should be.

Mr. NORRIS. I have not any objection to that, although I do not believe it is necessary. If there is any doubt about it, they ought to be repeated.

Mr. STERLING. Does not the word "such" cover the question raised by the Senator from Wisconsin?

Mr. LENROOT. No; a subsidiary business, without the qualification, need not be engaged in commerce at all.

Mr. STERLING. But the slaughtering or preparing business referred to in line 21 goes back to the slaughtering or preparing business referred to in the first three lines of the paragraph. The language is, "the business of slaughtering live stock or preparing live-stock products for sale in commerce." Now, the balance of the language is, "or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business."

Mr. LENROOT. To bring a person within the terms of this definition, he must first be engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce; but, that being so, there may be a subsidiary or an adjunct to that business with reference to live-stock products where he does not engage in interstate commerce at all, and yet he clearly would be within the terms of the bill, which, of course, is beyond the power of Congress.

Upon the point the Senator from New York spoke of, it seems very clear that it would not apply to a farmer, because the farmer must be engaged in interstate commerce in the slaughtering of his beef, for if not, he would not be an adjunct or subsidiary to the principal business that would bring him within the definition.

Mr. WADSWORTH. It was never contended that he would.

Mr. BRANDEGEE. Mr. President, in an act of this kind, bearing the penalties it proposes, it seems to me it is of the greatest importance to have clearly defined the people who are to be subject to it. I want to read in full the definition of what would constitute a packer in the bill and see how many Senators think they understand who the parties would be who would fall within these provisions. The House provision defines the term "packer" this way on page 3 of the House text:

The term "packer" means any person engaged in the business (a) of buying live stock in commerce for purposes of slaughter, or (b) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or (c) of manufacturing or preparing live-stock products for sale or shipment in commerce, or (d) of marketing meats, meat-food products, live-stock products, dairy products, poultry, poultry products, or eggs, in commerce; but no person engaged in such business of manufacturing or preparing live-stock products or in such marketing business shall be considered a packer unless—

(1) Such person is also engaged in any business referred to in clause (a) or (b) above, or unless

(2) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, any interest in any business referred to in clause (a) or (b) above, or unless

(3) Any interest in such business of manufacturing or preparing live-stock products, or in such marketing business is owned or controlled, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, by any person engaged in any business referred to in clause (a) or (b) above, or unless

(4) Any person or persons jointly or severally, directly or indirectly, through stock ownership or control or otherwise, by themselves or through their agents, servants, or employees, own or control in the aggregate 20 per cent or more of the voting power or control in such business of manufacturing or preparing live-stock products, or in such marketing business and also 20 per cent or more of such power or control in any business referred to in clause (a) or (b) above.

Mr. NORRIS. That is the definition which the Senator from Iowa [Mr. CUMMINS] said was so simple.

Mr. CUMMINS. On the contrary I said it was not simple but very much better than the definition contained in the Senate committee bill. It is very complicated in any event.

Mr. BRANDEGEE. The Senate committee definition of the people who are to be controlled by the provisions of the bill is in my opinion also deficient, and I am perfectly convinced that there would be no way in practice for the commissioner charged with the execution of the duties under the bill to decide what class of people fell within it. Instances have been given here of small butcher shops, all of which receive some of their products in commerce and sell some of their products in commerce. Now, unless you are prepared to say this whole class of people shall be included, everybody who buys any cattle anywhere in one State for sale in another shall be a packer, everybody who buys a dozen eggs in one State for sale in another State shall be a packer, and it will be hopeless of enforcement unless you decide to allow the secretary or the commissioner in charge of the provisions of the bill to himself make the classification and decide against which of all these people he will enforce the law, then it will be hopeless of enforcement.

For myself I think I agree with the senior Senator from Iowa. I do not know that he has said this, but I will say it—that it is an imposition upon the people to pass statutes which have criminal results without defining clearly the people who are to fall within those statutes.

The VICE PRESIDENT. The Senator's time has expired.

Mr. NELSON. Mr. President, it seems to me inscrutable that the objections which have been announced can be made to this clause of the bill. It reads:

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce.

That phrase means interstate commerce. If any butcher or farmer does not slaughter or prepare his beef for interstate commerce, he does not come under this clause, neither as to the food products nor the by-products. Listen to this language:

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce—

Now, listen to this language—

or marketing live-stock products as a subsidiary of or an adjunct to such slaughtering or preparing business.

It does not reach the hides and extra products in that case if the man is not slaughtering the animal for interstate commerce. The phrase is perfectly clear.

Or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

If the slaughtering and preparing business of the village butcher does not include slaughtering and preparing for interstate commerce, but simply for local trade, it does not reach the case, nor does it reach the hides of such animals because that is an adjunct of the business, and that business is not slaughtering for interstate commerce. If a man butchers and prepares meat for interstate commerce, he would come under the provision, but the ordinary village butcher does not do that. He butchers animals and prepares them for use in the neighborhood, and therefore he is not engaged in interstate commerce, and if he does not butcher in interstate commerce how can the adjunct of that come under the head of interstate commerce?

The provision of the bill seems to me perfectly consistent and clear. If a butcher does not engage in butchering and preparing meat for interstate commerce, he does not come under the provisions of the bill. If the village butcher, perhaps on a boundary line between two States, should butcher and distribute meat in two States, he would come under the provisions of the bill, but that would only be in a few isolated cases along State boundary lines. In the great area of the States where the farmer or anyone else butchers for local consumption and not for the purpose of interstate commerce he does not come under the term "packer."

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. NELSON. Certainly.

Mr. McCUMBER. A person in the interior of my State is engaged as a butcher and sells all his meat in the little town in which he is so engaged, but when he skins Mr. Steer he is preparing that hide for sale either in Minneapolis or Chicago——

Mr. NELSON. But the Senator is blind to the balance of that phrase.

Mr. McCUMBER. Oh, no; it says "or preparing live stock."

Mr. NELSON. Is not cutting off the hide of the animal an adjunct to the business of butchering? Will the Senator answer that question?

Mr. McCUMBER. I answer the question in the language of the bill, that it means "any person engaged in the business of slaughtering live stock or preparing live-stock products," and the hide is a live-stock product for sale in commerce.

Mr. NELSON. The Senator overlooks the word "adjunct."

Mr. McCUMBER. No; I do not. The language is "or." If it said "and," having reference to the marketing of live-stock products as subsidiary, then the Senator's statement might be true; but it says "or marketing."

Mr. NELSON. If the Senator were a village butcher and killed a steer and took off the hide, is that hide not a subsidiary to the butchering of the animal?

Mr. McCUMBER. Yes; but it does not have to be subsidiary in order to come within interstate commerce.

Mr. NELSON. Is it not an adjunct of the business?

Mr. McCUMBER. No.

Mr. NELSON. If it is not subsidiary and adjunct to the business, how can the Senator say it brings in the village butcher or farmer?

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WADSWORTH].

On a division, the amendment was agreed to.

Mr. CUMMINS. Mr. President, I move to amend by striking from the House text, on page 2, from line 16 to the close of the title, including line 9, on page 3.

In order to make my motion understandable, I shall be compelled to read the paragraph immediately preceding, as follows:

(6) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

What follows is an effort on the part of those who prepared the bill to define or to secure a legislative declaration of what constitutes interstate commerce. Any such declaration would be entirely futile. Congress can not make or unmake interstate commerce. That is determined by the character of the transaction or movement, or whatever it may be.

This is the language I propose to strike out:

(b) For the purpose of this act (but not in anywise limiting the foregoing definition) a transaction in respect to any article shall be considered to be in commerce—

That is, to be in interstate commerce—

if such article is part of that current of commerce usual in the live-stock and meat-packing industries, whereby live stock, meats, meat food products, live-stock products, dairy products, poultry, poultry products, or eggs, are sent from one State with the expectation that they will end their transit, after purchase, in another, including in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughter of live stock within the State and the shipment outside the State of the products resulting from such slaughter. Articles normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

I can not imagine the process of reasoning which finally arrived at the conclusion stated in this paragraph. The substantial language, it is true, is taken from the opinion of the Supreme Court in the Swift case, and was entirely true as applied to the particular case, but it may be very untrue as applied to the circumstances or conditions of another case.

While I have not any responsibility for the bill, I can not sit silent when an effort is made to confuse interstate with intrastate commerce. I do not desire the Senate to assume that all commerce falls within the regulatory power of the Congress of the United States. The very Senators who have favored this general plan have objected very seriously to the interpretation of the transportation act because it seemed to enlarge the jurisdiction of the Federal Government and curtailed the jurisdiction of the State governments over rates within a State.

Without pausing to inquire into the justice of that criticism, I simply suggest that if we pass this bill—and some of these observations are true of parts of the Senate bill as well as of parts of the House bill—if we pass this bill as it is we shall have done very much to adopt a principle that will lead to the destruction of all State regulation and to the destruction of substantially all State police power. We ought to content ourselves with the language of the Constitution of the United States. It is for the courts, or an administrative body, in the first instance, to discover whether a particular transaction or series of transactions constitute interstate commerce or whether they constitute intrastate commerce. I could not see my way clear, I think, to vote for any measure which contained this usurpation of legislative authority and which pointed the way to a conclusion which I think is exceedingly undesirable.

Mr. WADSWORTH. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. In the House text, on pages 2 and 3 of Title I, it is proposed to strike out subsection (b), which begins in line 16, on page 2, and ends in line 9, on page 3.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I desire to present another amendment to the House text. I will say, in a preliminary way, that the amendment I am now proposing to the House text is equally applicable to the Senate bill, and if it prevails with regard to one it ought to prevail with respect to the other.

I move to strike out from line 23, on page 4 of the bill, the words "unjustly discriminatory." In order to catch the connection that those words have with those parts of the bill immediately preceding and following, I read the language:

SEC. 202. It shall be unlawful for any packer to:

(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in commerce.

In other words, it is made a crime for a packer to unjustly discriminate in the business which he carries on. I venture to say that there is no one who can define the words "unjustly discriminatory," as applied to the business of a packer; I

venture to say that there is no concrete conception of those words in the mind of any Senator here. How can a packer unjustly discriminate? The packer buys and sells; he buys live stock and sells the products of live stock. Would it be unjust discrimination for the packer if he pays 10 cents a pound for hogs in the morning to pay only 8 cents a pound in the afternoon? If he is to observe a price that he may establish for himself with regard to any particular product, how long must he observe that price?

What I am saying with regard to purchases applies with equal force to sales. Does the packer unjustly discriminate or discriminate at all because he pays to John Smith for his cattle 10 cents a pound and immediately thereafter buys the cattle of John Jones for 8 cents a pound? Does he discriminate against a locality because he pays to the cattle raisers in one locality in Iowa a certain sum per pound and pays to the cattle raisers in another locality a greater price per pound?

I should like to hear somebody attempt to define what constitutes "unjust discrimination" in a business of this character. We know what unjust discrimination is in the transportation service. Railroads are compelled to treat everybody alike; they are compelled to file their schedules prescribing the rates for their service, and they can not depart from those rates. In order to change their rates for service, they are compelled to give 30 or 60 days' notice, and, as a broad, general proposition, they must apply those rates to everybody in the same way. Is a packer or any other business man, no matter how sorely regulation may be needed, compelled to follow a prescribed course of that kind? When it comes to challenging the lawfulness of a packer's conduct, who is to determine what is "unjust discrimination" or what is any discrimination at all? Everything that I have said applies, of course, to the sale of his products just as effectually as to the purchase of the raw material.

The VICE PRESIDENT rapped with his gavel.

Mr. CUMMINS. I shall resume the discussion when I move to strike out the same words in the proposed Senate substitute.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

Mr. NORRIS. The amendment is to the text of the House bill, and I am not so particular about it; but the same language appears in the Senate bill. It is, however, the first time that I have ever in any debate or any consideration of the subject heard criticized the language which the Senator from Iowa is now criticizing. As I understand—my attention was temporary diverted—the Senator from Iowa moves to strike out the words:

> It shall be unlawful for any packer to—
> (a) Engage in or use any unfair, unjustly discriminatory, or destructive practice, or device in commerce.

Mr. CUMMINS. The Senator from Nebraska did not give attention to my amendment. I had proposed merely to strike out the words "unjustly discriminatory."

Mr. NORRIS. I have stated that my attention was diverted. If I am mistaken as to the Senator's amendment, I should like to be corrected.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The ASSISTANT SECRETARY. On page 24, in line 23, it is proposed to strike out the words "unjustly discriminatory" and the comma.

Mr. NORRIS. I now understand the Senator's amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. CUMMINS. On page 5, I move to strike out paragraph (b) of the House bill.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The ASSISTANT SECRETARY. On page 5, Title II, in the House bill, it is proposed to strike out subsection (b), being all that is comprised in lines 1, 2, 3, 4, 5, and 6.

Mr. CUMMINS. The amendment proposes to strike out the language which will make it unlawful for any packer to—

> (b) Make or give, in commerce, any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject, in commerce, any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

I can not understand what that means as applied to the business of a packer. What is an undue or unreasonable advantage extended to a particular person or to a particular locality?

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. Yes; I yield.

Mr. NELSON. The packers in Chicago of course not only buy cattle but sell and ship the products of cattle. Suppose a Chicago packer ships his product to Baltimore, Alexandria, and Washington and charges Alexandria people 10 cents a pound more than is charged to the people of Washington, or suppose the packer charges the people of Baltimore 5 cents a pound less, would not that be a discrimination worthy to be considered? Or suppose he shipped beef to this very city and sold it to one of the dealers here for 10 cents a pound and to another dealer for 20 cents a pound, would not that be an unjust discrimination, assuming the quality was the same?

Mr. CUMMINS. I do not know what discrimination means as applied to this subject. This is a business to which we do not propose to attach rates or prices. I am not very conservative with regard to attaching conditions to the transaction of business, but I do want every person who engages in business to know the rules by which the law intends to judge him if it brings him to account. I think that until the law declares that a packer must sell in any given community at the same price, or that he must buy in any given locality at the same price, the packer has the right to charge one more than another. If we intend to declare that there shall be uniformity in the treatment accorded by a packer to the people of a community well and good; let us do it, but there is not a Senator here who is willing to declare that a packer or any other person engaged in what has hitherto been a private business shall sell at the same price to every man in the community. I am sure he will not be willing to declare that he must pay the same to the people of every locality.

Mr. CARAWAY. Mr. President——

Mr. CUMMINS. I yield.

Mr. CARAWAY. Would the Senator say that it was a discrimination if the packer should sell to one dealer of meats and refuse to sell to another dealer, thereby driving one man out of business and building up the business of another man? Would that be discrimination?

Mr CUMMINS. I do not think it would. I think it would be a violation of the law, a very sharp and palpable violation of law, but it would not be a discrimination.

Mr. CARAWAY. Will the Senator tell us what law it would violate, if we do not pass the pending bill?

Mr. CUMMINS. Mr. President, I am unwilling to make men criminals until we define the crime with some reasonable certainty. If it is proposed that the packer shall sell to every person in the same community at the same price, and that he shall buy during the same day, or during the same week or the same month, from every person at the same price, we might well consider those propositions.

Mr. McCUMBER. Mr. President——

Mr. CUMMINS. I yield.

Mr. McCUMBER. Let me ask the Senator if the Supreme Court has not very lately decided similar language, used, I think, in the Lever Act, to be unconstitutional for lack of certainty?

Mr. CUMMINS. That is a matter of opinion, of course, upon which lawyers may differ. I take it that the natural inference from the language used by the Supreme Court in construing the Lever Act would condemn this rather vague language.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator if it is his view that performance of these acts declared to be unlawful is made criminal?

Mr. CUMMINS. Every act that is unlawful is criminal in a certain sense.

Mr. WALSH of Montana. It is not criminal unless the law makes it so.

Mr. CUMMINS. I suppose what the Senator means is that they have to be prosecuted before they are declared criminals?

Mr. WALSH of Montana. No, Mr. President; I have a totally different view of it. I understand that performance of these acts does not make a man a criminal at all, but simply subjects him to the revisory proceedings provided for in the act; namely, he can be brought before the Secretary of Agriculture, under the House bill, and enjoined from the performance of these things.

Mr. CUMMINS. May I answer the question in the Senator's time?

Mr. WALSH of Montana. Yes.

Mr. CUMMINS. The Revised Statutes of the United States make every act declared unlawful by the laws of the United States a crime and punishable as a misdemeanor. In this particular case it is true that one who is guilty of an unlawful act of this sort could not be indicted until he had been warned by the Secretary of Agriculture and had refused to desist.

Mr. WALSH of Montana. I will say, for the information of the Senator, that I had that view myself, as I stated upon the floor the other day; but I searched with very particular care

the statutes of the United States, and I found no statute declaring an act which is declared to be unlawful to be a misdemeanor. That is a very common provision of State statutes, but I have been unable to find any such provision in the Federal law; so that if that is correct these acts would be simply subject to regulation and control as provided by the pending measure. Because the Senator has said so, I shall immediately proceed to make a further examination, because it would be a matter of very serious import if all of the things denounced here were made crimes.

Mr. STANLEY. Mr. President, the acts complained of, the things that it is attempted to punish under this act by a very inadequate and loose definition, are already punishable by law under a more carefully prepared and more accurate definition, and under an act that has been interpreted by the courts. This character of discrimination is contrary to existing law.

The Clayton Act, now section 8835-B of the Revised Statutes, provides—

That it shall be unlawful for any person—

Packer or otherwise—

engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States * * * where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different commodities made in good faith to meet competition: *Provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

Mr. CUMMINS. Mr. President, will the Senator allow me to say that that is the statute I had in mind when I replied to the Senator from Arkansas.

Mr. STANLEY. This statute abundantly covers everything that is intended to be covered here. The thing that the Clayton Act punishes is an offense, a serious offense, with a serious punishment, under a well-digested law; and it is just as wrong for the packer, and no worse, than for the oil man or the coal man or the butcher or the baker or the candlestick maker to do the same thing. All are entitled to know what the law is, and all are entitled to have it enforced in the same way, for the same offense.

Mr. BRANDEGEE. Mr. President, whether the violations of the orders of the Secretary or the commissioner as provided for under the House bill or the Senate bill are technically crimes or not, they are enforceable in the courts. Penalties are attached to them, money penalties, forfeitures, and the amount is prescribed in certain cases here—$500 for each day during which they neglect to obey the orders—and the orders can be enforced, on application to the courts, by injunctive proceedings by orders of the courts; and, of course, if they do not obey the instructions they are in contempt of court, and the penalty for contempt of court is jail, which, of course, is the penalty prescribed by criminal statutes. So it is entirely immaterial whether these are alleged to be crimes or misdemeanors, and punishable by jail penalty.

That is apparent on page 24 of the House bill. After section 315, providing for the payment of the money penalty for disobedience of the order, it provides, in line 15:

If after hearing the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person, his officers, agents, or representatives from further disobedience of such order or to enjoin upon him or them obedience to the same.

I desire to ask the Senator from Iowa in my time, if I may, if he regards the language which he did not strike out in the clause of the bill to which he submitted an amendment which prevailed as to unfair practice as being perfectly definite?

Mr. CUMMINS. I do not think it is definite, but when the words "deceptive" or "unfair" are used you have a glimmer of its meaning; you know in a general way what it is; but when you speak of discrimination in ordinary business, unless it is coupled up as it is in the Clayton antitrust law, I do not know what it means, and I do not believe that anybody else does.

Mr. BRANDEGEE. I do not think anybody is capable of defining what is an unfair practice in commerce unless you go to the decisions of the courts where unfair methods of competition have been adjudicated, and where certain cases have been decided to present instances of unfair competition; but there is no general rule or definition that I know of which will at large or which possibly can define what unfair practices are.

Of course, that was the fundamental error that we made, in my judgment, in the jurisdiction which we conferred upon the Federal Trade Commission. Their sole duty and power and jurisdiction, outside of the inquisitorial processes with which we clothed them, was to decide and prohibit what were unfair methods of competition in commerce; and we gave them no definition or rule by which they could proceed, except their own notions, to define what constituted such unfair practices. This bill does the same thing with respect to the Department of Agriculture.

I want to say, in reply to the question which the Senator from Arkansas asked of the Senator from Iowa——

The VICE PRESIDENT. The time of the Senator from Connecticut has expired.

Mr. BRANDEGEE. I shall have to reply later on.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS].

The amendment was agreed to.

Mr. LENROOT. Mr. President, I move to reconsider the amendment adopted on the motion of the Senator from New York [Mr. WADSWORTH] relating to the definition of live-stock products. I do that because I do not believe that Senators realized—and I doubt if the Senator from New York himself fully realized—the scope that that amendment takes or how far it will reach.

I feel sure that every Senator, whether he is for or against this bill, if we are to have a bill at all, desires it to accomplish, as far as possible, the results that are desired; but with this amendment adopted, no product of any of the big packers, other than food products, will be controlled in any way by the bill. There can not be even an inquiry upon the part of the commissioner under this bill with reference to hides, which are an inseparable part of the packing industry.

For instance, on page 33 the commissioner is given power to investigate and ascertain the demand for, the supply, consumption costs, prices, etc., of live stock or live-stock products, including operations of and the ownership of stockyards. It seems to me it is absolutely indispensable in any inquiry that is made that is to be of any value, and that the commissioner must be given power to make a full inquiry into all of the business that the packer does that is inseparably connected with the packing business.

Then, again, with reference to violations, with the definition that has now been adopted by the Senate there can be any monopoly of hides by the big packers, there can be any monopoly of any by-products so long as it is not a food product, and it is utterly outside of the purview of this bill. I can not believe that Senators desired that result. I think the Senator from New York had another purpose in mind rather than that, if I understood him correctly in giving his reasons for the amendment.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. LENROOT. Yes.

Mr. WADSWORTH. Let me say to the Senator, apropos of the last observation he made, that monopolies in restraint of trade are already prohibited by law and subject to severe penalties.

Mr. LENROOT. Oh, that is true. The same thing can be said of all of the provisions with regard to monopoly in this bill. You might as well say that there is no reason for applying the provisions of this bill to food products because they are covered by the general law.

Mr. WADSWORTH. There is not, for that matter, none at all. The things that are now illegal are not affected by this bill. This bill does not make them any more illegal.

Mr. LENROOT. That is true; but if it is desirable to apply them to food products the Senator will agree that they should apply to hides, for instance, just as fully as to food products.

Mr. WADSWORTH. If the Senator will yield again, I see the point made by the Senator, applicable to section 6. I still believe that our definition of "live-stock products" is the safe and proper one. I have no objection to amending section 6 so as to permit the commissioner or the Secretary of Agriculture to investigate the supply and distribution and other things, but I do not want the man who happens to sell some live-stock products in interstate commerce to be regulated just for that reason.

Mr. LENROOT. I think the great evil of making the amendment apply to section 6 would be such a limiting of the power of inquiry as to perhaps destroy any value of the inquiry; and conceding the point of the Senator from New York, as between these two I think the Senate would make a great mistake in permitting the amendment of the Senator from New York to remain in the bill, at least unless section 6 is amended.

Mr. NORRIS. Does the Senator desire to press his motion now?

Mr. LENROOT. I do not think we will have very much of an opportunity to consider an amendment to section 6 to cover the point I had in mind.

Mr. WALSH of Montana. May I inquire of the Senator from Wisconsin if he called attention to the use of the term "live-stock products," also in subdivision (d) of section 12, declaring that—

> It shall be unlawful for any packer to sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products—

And so forth.

Mr. LENROOT. I did call attention to that. Those were the two things that will be most seriously affected if this amendment remains in the bill.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired. The question is on the motion to reconsider the vote by which the amendment was agreed to.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ELKINS (when his name was called). I have a pair with the junior Senator from Mississippi [Mr. HARRISON], which I transfer to the senior Senator from New Hampshire [Mr. MOSES], and vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. I am unable to secure a transfer. If I were at liberty to vote, I would vote "yea."

Mr. SMITH (when his name was called). Making the same announcement of my pair that I made before, and making the same transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIAMS (when his name was called). My pair with the senior Senator from Pennsylvania [Mr. PENROSE] has been, by mutual consent, dissolved for to-day, in so far as the pending bill and amendments to it are concerned, and a pair has been arranged between that Senator and the senior Senator from Texas [Mr. CULBERSON]. I make this explanation now so that it may be understood why I am at liberty to vote on succeeding questions. I vote "nay" upon the pending question.

Mr. WILLIS (when his name was called). I have a general pair to-day with the senior Senator from Tennessee [Mr. MCKELLAR], and not knowing how he would vote on this question, I am compelled to withhold my vote.

The roll call was concluded.

Mr. TRAMMELL. I have a pair with the senior Senator from Rhode Island [Mr. COLT], and in his absence, being unable to obtain a transfer, I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The junior Senator from North Dakota [Mr. LADD] with the junior Senator from Tennessee [Mr. SHIELDS];

The junior Senator from South Dakota [Mr. NORBECK] with the senior Senator from Missouri [Mr. REED];

The junior Senator from Oregon [Mr. STANFIELD] with the senior Senator from Ohio [Mr. POMERENE]; and

The senior Senator from Pennsylvania [Mr. PENROSE] with the senior Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 33, nays 36, as follows:

YEAS—33.

Ashurst	Harreld	La Follette	Spencer
Borah	Harris	Lenroot	Sterling
Capper	Heflin	Nelson	Swanson
Caraway	Hitchcock	Norris	Walsh, Mass.
Cummins	Johnson	Overman	Walsh, Mont.
Fletcher	Jones, N. Mex.	Owen	Watson, Ga.
Gerry	Jones, Wash.	Pittman	
Glass	Kendrick	Sheppard	
Gooding	Kenyon	Smith	

NAYS—36.

Ball	Ernst	McCumber	Shortridge
Brandegee	Fernald	McKinley	Smoot
Broussard	Frelinghuysen	McLean	Stanley
Bursum	Hale	New	Sutherland
Curtis	Keyes	Newberry	Underwood
Dial	King	Nicholson	Wadsworth
Dillingham	Knox	Oddie	Warren
Edge	Lodge	Phipps	Watson, Ind.
Elkins	McCormick	Poindexter	Williams

NOT VOTING—26.

Calder	Ladd	Pomerene	Townsend
Cameron	McNary	Ransdell	Trammell
Colt	Moses	Reed	Weller
Culberson	Myers	Robinson	Willis
France	Norbeck	Shields	Wolcott
Harrison	Page	Simmons	
Kellogg	Penrose	Stanfield	

So the Senate refused to reconsider the vote by which the amendment offered by Mr. WADSWORTH was agreed to.

Mr. LENROOT. Mr. President, I move, on page 33, line 20, after the words "distribution of live stock," to insert the words "by-products of the live-stock industry," so that it will read:

> The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and make certain the demand for, the supply, consumption costs, and prices of, and all other facts relating to the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock, by-products of the live-stock industry, or live-stock products.

And so forth.

This is to carry out the suggestion of the Senator from New York to permit the commissioner to inquire fully into all by-products. The Senator from New York has no objection to the amendment, I understand.

The amendment to the amendment was agreed to.

Mr. LENROOT. Mr. President, I move, on page 33, line 20, after the word "products," to insert the words "in commerce," so that it will read, "or live-stock products in commerce."

I think it is necessary that this power be limited to the marketing of live-stock products in interstate commerce. I understand the chairman of the committee has no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. LENROOT. I move, on page 38, line 4, to strike out the word "packer" and to insert the word "person," so that it will read:

> (e) Conspire, combine, agree, or arrange with any other person to engage in any course of business.

And so forth.

This, I think, is a very important amendment. As the bill now reads, a packer might agree or arrange with any other person to engage in any course of business or to do any act for the purpose of preventing any person from carrying on a competitive or similar business in commerce, and there would be no violation of law in so doing, so far as the bill is concerned. We will all agree that for a packer to enter into such a conspiracy with any other person is equally as reprehensible as entering into such a conspiracy with a fellow packer. The word "person," of course, will include the packer. The amendment I have proposed broadens it so that if such a conspiracy were engaged in by a packer with anyone, he is subject to the provisions of the section.

Mr. BRANDEGEE. Mr. President, I do not rise to discuss the amendment just suggested by the Senator from Wisconsin, but during my time I wish to say a word in reference to the question raised by the Senator from Arkansas [Mr. CARAWAY] when he interrogated the Senator from Iowa [Mr. CUMMINS] as to whether a person engaged in commerce under the definition of the bill must treat everybody uniformly, as I understand the purport of his question; that is, whether the shipper or seller of a product can in any way discriminate in favor of or against a purchaser.

When we prevented unjust discriminations by interstate common carriers, we were dealing with one class of people. A common carrier, of course, should treat all applicants alike, and is compelled to receive them, but a person engaged in private business, although it be in interstate commerce, is not a common carrier, and I doubt if Congress has the power to declare that he is clothed with a public necessity or that he is a public utility and must sell to everybody and must not discriminate in any of his prices or practices. It is because of that belief that I should think the provision at the bottom of page 22, section 312 of the House text, should be invalid. It does not deal with the packer at all. It says:

> It shall be unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, feeding, watering, holding, delivery, shipment, weighing or handling in commerce at a stockyard of live stock.

Until these concerns become public utilities and in the nature of common carriers I do not believe that at present under the Constitution Congress has the authority to pass such a provision.

Mr. NORRIS. Mr. President, I desire only to say that so far as I can I accept the amendment offered by the Senator from Wisconsin [Mr. LENROOT]. I think the amendment improves the text of the bill, and ought to be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LENROOT] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WADSWORTH. Mr. President, as I recollect the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the House text, on page 2, it struck out all of subdivision (b). I

call attention to lines 14 and 15 on the same page, in paragraph 6. The term "commerce" is there dealt with, and the last two lines of that paragraph state that "commerce" means commerce "within any Territory or possession or the District of Columbia." That language is still left, as I understand it, in paragraph 6.

Subdivision (b), which was stricken out, was an attempt on the part of the House to modify or qualify or further explain what commerce within a State or Territory should be regarded as interstate commerce. As that is now stricken out, the House text now attempts to say that commerce within a State or Territory shall be regulated by the Congress as interstate commerce. I wish to move——

Mr. CUMMINS. May I ask the Senator a question? Of course, the two lines to which the Senator from New York refers are in paragraph 6 and read:

Or within any Territory or possession or the District of Columbia.

Congress has plenary, absolute power to legislate upon any subject within the District of Columbia, within any possession of the United States as that term is used, and within any Territory.

Mr. WADSWORTH. I was in error in my supposition. I shall not offer the amendment.

Mr. CARAWAY. Mr. President, if I understood correctly, the Senator from Connecticut [Mr. BRANDEGEE] a moment ago, his statement was that it is beyond the power of Congress to say that goods and wares sold in interstate commerce shall be regulated by Congress so as to prevent a sale to one party at a price less than to another. The Senator questioned the power of Congress to do that.

Mr. BRANDEGEE. Yes; I did.

Mr. CARAWAY. In the antitrust laws Congress provided that—

it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities.

We have already done that, and it has gone through the courts. The Senator from Iowa [Mr. CUMMINS], as I understood him, questioned whether anyone knew what unjust discrimination is or could define it. As found in the act, it was stricken out for uncertainty. I should like to call his attention to the fact that the terms "unjust discrimination" and "unjustly discriminatory conduct" have been on the statute books and have been defined by the courts—not only the State courts but the United States courts. The term has a well-defined meaning in law.

So neither of the provisions ought to have gone out, because there was no warrant in law for believing that the unjust discrimination would be so vague and uncertain that it would be void. It has a legal meaning—it has been defined—and the Congress has already said that one dealer in a commodity could not sell to one person at one price and to another person at another price so as to create an advantage or to drive one person out of business—to discriminate in favor of one person against another.

Mr. BRANDEGEE. If the Senator will allow me, I do not doubt the power of Congress to prescribe exactly as it did for those purposes. An attempt to drive another person out of business by discrimination in price would be an attempt either to form a monopoly or to restrain commerce. But I do not believe that Congress has the power to say to the Senator from Arkansas, if he were keeping a grocery store, that he could not sell a quart of peaches and send them over the State line to one person for 6 cents and to another person for 7 cents if he wanted to do so.

There are a great many reasons which justify differences in prices. The perishability of the commodity, the length of the trip it has to travel, the condition of the market, and so forth, enter into that question; and it can not be said that if a man sees fit to take a quick profit by shipping some goods from Washington to Baltimore that he can not do so and can not sell another quantity of exactly the same goods in another part of the country for a different price if he does not intend to violate the terms of the Sherman antitrust law.

Mr. CARAWAY. How does the Senator prove a man's intent except by what he does? If he sells to one man at one price and to another man at another price, and by that means drives one man out of business, it would not avail him, I take it, in a court to say that he did not intend to drive the man out of business, but that it was merely an incident of his getting rid of his goods at the one price to one party and at another price to another party.

Mr. BRANDEGEE. The Senator, as a lawyer, knows prefectly well that intent always has to be proved. How we can prove intent is a matter of the testimony that we have on hand and the peculiar circumstances of each case. Certainly in most of the laws that we have passed, especially the criminal laws, we do not make it an offense unless the man intended to do the thing willfully and intended to consummate an improper purpose.

Mr. CARAWAY. A man is presumed to have intended the natural consequences of his conduct.

Mr. BRANDEGEE. His conduct is simply evidential as to his intent.

Mr. CARAWAY. The viciousness of striking out the words "unjust discrimination" lies right here. If you leave them in, the man might sell at one price to one party and at another price to another party, and show the different circumstances. When you strike those out and just leave the phrase as it was, that he shall not sell at different prices to different people, you have increased the hardships of the packer and not lightened them.

Mr. BRANDEGEE. I think the bill goes far enough, and in my opinion a great deal too far, when it condemns what it calls any unfair practices and makes the Secretary of Agriculture the judge of what an unfair practice may be. Unjust discrimination would certainly be an unfair practice. The words "unfair practices"——

Mr. CARAWAY. I thought it was stricken out, because it was so vague and uncertain that no one knew what it meant.

Mr. BRANDEGEE. I thought so, too.

Mr. CARAWAY. And now, I understand the Senator to say that unjust discrimination is unfair practice.

Mr. BRANDEGEE. I say that the term "unfair practice" is so broad that it includes unjust discrimination.

The VICE PRESIDENT. The Senator's time has expired. The question is on agreeing to the committee amendment as amended.

Mr. NORRIS. On that I call for the yeas and nays.

Mr. WALSH of Montana. Mr. President, I intended before we get through to offer the amendment which I referred to some time ago on page 41, beginning at the word "any," in line 2, to strike out everything down to and including the word "imprisonment," on line 13. I now offer that amendment to the amendment.

The VICE PRESIDENT. The Secretary will report the amendment to the amendment.

The ASSISTANT SECRETARY. On page 41 of the committee amendment the Senator from Montana moves to strike out, beginning with the words "any packer," in line 2, down to and including the words "fine and imprisonment," in line 13, in the following words:

Any packer or operator, or any officer, agent, or employee of such packer or operator, who, within a reasonable time prescribed by the officer or agent making the request, not exceeding 30 days from the date of the receipt of the request, willfully fails or refuses to answer such questions or to produce such books, papers, records, or correspondence, or who willfully gives any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

The amendment to the amendment was agreed to.

Mr. CUMMINS. Mr. President, in section 10, on page 36, I move to insert, after the word "orders," in line 18, the words "as to procedure."

Senators who were here the other day and heard the statement and argument of the Senator from Missouri [Mr. REED] will understand the general object that I have in view. The section now reads as follows:

The commissioner, with the approval of the Secretary, may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government or of any State or political subdivision thereof, or with any person.

I think it is repugnant to our notion of government to delegate or attempt to delegate to any individual so broad a power as is here suggested. I do not think that the authors of the bill intend really that the commissioner or the Secretary of Agriculture, if he be substituted for the commissioner, shall be empowered to make rules, regulations, and orders except for the procedure of the administration of the act. The proposed law is full of specific authority to the commissioner to make certain orders. That is all right; but it certainly can not be intended that the commissioner shall have the authority to make general rules and regulations which shall interpret the act; that is, suppose, for instance, he is dealing with the following provision, should it remain in the law:

SEC. 202. It shall be unlawful for any packer to:
(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in commerce.

It can not be contemplated that we shall vest the commissioner with the authority to say by rule or by regulation what constitutes an unjust discrimination or what constitutes an

unfair or deceptive practice or device in commerce. The proposed law says that if the Secretary is of the opinion or if the commissioner is of the opinion that any packer is guilty of an offense of that character, he must make a complaint and bring it before the officer for investigation and trial. Then, it is for the commissioner to determine whether or not the accused is guilty of the offense stated. It is simply an instance of the general thought in my mind of the undesirability of vesting so broad a power in the commissioner. I think that, with all the powers we have given him here, if we then provide that he shall have the authority to issue rules and regulations and orders as to the procedure to be followed under the provisions of the act, we shall have guarded the public interest in as effectual a way as it is possible to protect it.

Mr. KENYON. Mr. President, I do not think this amendment should be adopted. There are many things in the way of rules and regulations and orders that really do not relate to procedure. As I pointed out this morning, the violation of such orders can not become a criminal offense until after the court has acted upon the case. It seems to me that we are restricting the matter to an unnecessary degree if we limit the rules and regulations and orders merely as to procedure.

Section 10 is a general provision, which must be taken in connection with the remainder of the bill. The remainder of the bill provides for orders, as, under section 21, requiring the packer or operator to do certain things and to cease and desist from violating the provisions of the act. Is the power of issuing orders to be taken away? Take, for instance, "wiring on," that used to be practiced; I do not know that it is now. Suppose an order is made that the practice of "wiring on" shall not continue; that act does not become a criminal offense until after the court has passed on it or the time for taking the case to the court has expired. If this amendment is agreed to, it seems to me it will thoroughly cripple anything that we are trying to do.

Mr. WALSH of Montana. Mr. President, I do not find any provision in the bill making a violation of an order or rule or regulation a criminal act, although I have again made a search of the statutes.

Mr. KENYON. The order has to go through the same processes as everything else in the bill, to a hearing and then to the court.

Mr. WALSH of Montana. I may say that a further examination of the general statutes does not reveal any statute making criminal the act which is denounced as unlawful. Accordingly the only procedure which can be instituted on charges of having violated an order, rule, or regulation is the procedure recited in the proposed act. If the Secretary or the commissioner believes that the rule, regulation, or order comes under the act, of course he will make the order; but that will be ineffective until it is passed upon by the court, and the court will pass upon the question as to whether the rule, regulation, or order falls under the provisions of this act so as to make disobedience of it a contempt. I think that the result is of no very great consequence and is quite different from what it would be if the act were subject to penal punishment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa to the committee amendment.

Mr. KENYON. I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered.

Mr. SUTHERLAND. Will the Secretary please state the amendment?

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. In section 10, page 36 of the committee amendment, line 18, after the word "orders," it is proposed to insert the words "as to procedure."

The reading clerk proceeded to call the roll.

Mr. ELKINS (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. NORRIS (when Mr. NORBECK's name was called). I desire to announce the necessary absence of the Senator from South Dakota [Mr. NORBECK] and his pair with the Senator from Missouri [Mr. REED]. If the Senator from South Dakota were present, on this motion he would vote "nay."

Mr. SIMMONS (when his name was called). Making the same statement as to my pair as heretofore made, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SMITH (when his name was called). Making the same announcement as to my pair and its transfer as I have made on previous roll calls, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement heretofore made with regard to my pair, I withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement with reference to the transfer of my pair as heretofore, I vote "yea."

Mr. WILLIS (when his name was called). Making the same announcement as previously made concerning my pair with the Senator from Tennessee [Mr. MCKELLAR], I feel obliged to withhold my vote.

The roll call was concluded.

Mr. CURTIS. I am requested to announce the absence of the junior Senator from Arizona [Mr. CAMERON] on account of illness. I will let this announcement stand for the day.

I am also requested to announce the following pairs:

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Hr. SHIELDS];

The Senator from Oregon [Mr. STANFIELD] with the Senator from Ohio [Mr. POMERENE]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON].

Mr. BROUSSARD. I wish to make the same statement as heretofore made with reference to my pair with the Senator from New Hampshire [Mr. MOSES]. He would vote the same way that I intend to vote, and I therefore feel at liberty to vote, and vote "yea." I ask that this announcement concerning my pair and my reason for voting stand for all subsequent roll calls on this bill.

The result was announced—yeas 33, nays 35, as follows:

YEAS—33.

Ball	Fernald	McLean	Sutherland
Brandegee	Hale	New	Underwood
Broussard	Keyes	Nicholson	Wadsworth
Bursum	King	Oddie	Warren
Cummins	Knox	Phipps	Watson, Ind.
Dillingham	Lodge	Poindexter	Weller
Edge	McCormick	Shortridge	
Elkins	McCumber	Smoot	
Ernst	McKinley	Stanley	

NAYS—35.

Ashurst	Glass	Kenyon	Sheppard
Borah	Gooding	La Follette	Smith
Capper	Harris	Lenroot	Spencer
Caraway	Heflin	McNary	Sterling
Curtis	Hitchcock	Nelson	Walsh, Mass.
Dial	Johnson	Norris	Walsh, Mont.
Fletcher	Jones, N. Mex.	Overman	Watson, Ga.
Frelinghuysen	Jones, Wash.	Owen	Williams
Gerry	Kendrick	Pittman	

NOT VOTING—28.

Calder	Kellogg	Page	Simmons
Cameron	Ladd	Penrose	Stanfield
Colt	McKellar	Pomerene	Swanson
Culberson	Moses	Ransdell	Townsend
France	Myers	Reed	Trammell
Harreld	Newberry	Robinson	Willis
Harrison	Norbeck	Shields	Wolcott

So the amendment of Mr. CUMMINS to the amendment reported by the committee was rejected.

Mr. CUMMINS. Mr. President, I move to strike from section 12, page 37, in line 7, the words "or unjustly discriminatory."

These are the same words that have already been stricken from the House bill; and the reasons which I attempted to give at that time for their elimination are as persuasive now as then, and I hope the same result will follow.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 37, line 7, after the word "unfair," it is proposed to strike out the comma and the words "or unjustly discriminatory."

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

Mr. NORRIS. Mr. President, I do not think these words are vital or necessary here. I think we could get along without them. I think it would not seriously impair the working of the bill, providing the Senate bill were agreed to, to strike out the words "or unjustly discriminatory."

As it reads at present, the language is:

> It shall be unlawful for any packer to engage in any unfair or unjustly discriminatory practice.

The motion is to strike out the words "or unjustly discriminatory"; but, Mr. President, it seems to me that we are getting down to splitting hairs with a technicality. Is there anybody that wants to permit a packer or anybody else to engage in discriminatory and unjust practices? All that this

says is, "Be honest." It does not say anything but what everybody admits in all business ought to be done according to the stipulations of the statute that is here proposed. Why should not the packers be forbidden to engage in discriminatory practices that are unjust?

This language went out of the House bill, it is true. I did not care so much about that, because it is a part of the legislative program for which I am not responsible, and, while I should like to improve it as much as possible, I did not care so much about it; but no good can come from striking this out. Why are we hunting technicalities to relieve great, big business on every occasion and at every opportunity? Why are we so afraid to say in the law to the packers, "You must not discriminate; you shall not be unjust"? What hurt does it do to say that and to put it in the law as against any honest man or any honest corporation? When we are dealing with these great institutions that as a matter of fact, from the evidence, have been condemned before the moral sentiment of the world, when it is proposed to say, "You shall not discriminate; you shall not be unjust," why are we saying, "You must not put that in the law for these fellows"?

If we were going to legislate about a pauper, I do not suppose there would be so much objection to laying down a rule of honesty for him. This does not hurt anybody if it does not do any good; and why are we wasting our time trying to provide technical loopholes in the law for these big corporations to crawl out of? If they are not doing a discriminating business, if they are treating nobody unjustly, it will not hurt them.

When a complaint is made against these packers for something of this kind that is claimed to be wrong, there is a hearing, an opportunity given to be heard, a trial; and the judgment of the commissioner, if it is against the packers, is that they must desist. In other words, after they have been found to be doing wrong, and come up for trial, the only judgment the commissioner renders is, "Be good. Do not do it again." If they do not do it again, it is all over and it is all past; and then, if they think even that is wrong, they have the right to appeal to the court of appeals, and from there to the Supreme Court of the United States. When the question is finally determined in the travel of the case up there, wherever it stops and becomes final, either before the commissioner or clear to the Supreme Court of the United States, then, if the decision is violated, there is trouble; then they are punished.

This motion, however, only strikes out of the language the words "or unjustly discriminatory." It seems to me they ought to be retained.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. NORRIS and Mr. HITCHCOCK called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. ELKINS (when his name was called). Making the same announcement as before, I vote "yea."

Mr. NORRIS (when Mr. NORBECK's name was called). I desire to announce again the absence of the Senator from South Dakota [Mr. NORBECK]. If he were present, he would vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague [Mr. SIMMONS] is unavoidably absent, and is paired with the Senator from Minnesota [Mr. KELLOGG]. If my colleague were present, he would vote "nay."

Mr. SMITH (when his name was called). Making the same announcement as before as to my pair, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement as heretofore made with regard to my pair, I am compelled to withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. WILLIS (when his name was called). Repeating the announcement I made before concerning my pair with the Senator from Tennessee, I withhold my vote.

The roll call was concluded.

Mr. KENYON. I announce the necessary absence of the junior Senator from North Dakota [Mr. LADD]. Were he present he would vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Missouri [Mr. REED];

The Senator from Oregon [Mr. STANFIELD] with the Senator from Ohio [Mr. POMERENE]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 31, nays 38, as follows:

YEAS—31.

Ball	Elkins	Lodge	Shortridge
Brandegee	Fernald	McCumber	Smoot
Broussard	Frelinghuysen	McKinley	Sutherland
Bursum	Hale	McLean	Wadsworth
Cummins	Harreld	Nicholson	Warren
Dial	Keyes	Oddie	Watson, Ind.
Dillingham	King	Phipps	Weller
Edge	Knox	Poindexter	

NAYS—38.

Ashurst	Harris	McCormick	Spencer
Borah	Heflin	McNary	Sterling
Capper	Hitchcock	Nelson	Swanson
Caraway	Johnson	New	Underwood
Curtis	Jones, N. Mex.	Norris	Walsh, Mass.
Ernst	Jones, Wash.	Overman	Walsh, Mont.
Fletcher	Kendrick	Owen	Watson, Ga.
Gerry	Kenyon	Pittman	Williams
Glass	La Follette	Sheppard	
Gooding	Lenroot	Smith	

NOT VOTING—27.

Calder	Ladd	Penrose	Standfield
Cameron	McKellar	Pomerene	Stanley
Colt	Moses	Ransdell	Townsend
Culberson	Myers	Reed	Trammell
France	Newberry	Robinson	Willis
Harrison	Norbeck	Shields	Wolcott
Kellogg	Page	Simmons	

So Mr. CUMMINS's amendment to the amendment of the committee was rejected.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the bill, the following:

Or the selling of live-stock products in intrastate commerce.

Mr. PITTMAN. Mr. President, the object of this amendment is to take care of the situation to cover which the Senator from New York offered his amendment. In other words, if a butcher is chiefly engaged in the business of intrastate commerce he will not be subject to any of the provisions of this act under the amendment that I have offered. If he sells hides in interstate commerce it will not affect him, because his chief business is in intrastate commerce.

I offer the amendment for that purpose, so that it will exclude those who simply do business in interstate commerce purely incidentally to their chief business, intrastate commerce.

Mr. WADSWORTH. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Certainly.

Mr. WADSWORTH. I imagine that to ascertain whether a man's business is chiefly intrastate or interstate it would merely be required to figure out whether his sales were larger within the State or without the State?

Mr. PITTMAN. I assume that that would be one method of determining the fact, and to my mind it would determine it. For instance, the case we had before the Senate was the case of a butcher whose chief business is the selling of meat in a city or town. Incidentally to that business he ships hides in interstate commerce. I desire to protect that kind of business and separate it from the business with regard to which we are now trying to legislate.

Mr. WADSWORTH. I want to say to the Senator that his amendment, if adopted, would have a tremendous effect.

Mr. NORRIS. I would like to hear the amendment read.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The Senator from Nevada moves to amend by adding at the end of the substitute reported by the committee "or the selling of live-stock products in intrastate commerce," so that the last section would read:

SEC. 30. None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products or the selling of live-stock products in intrastate commerce.

Mr. NORRIS. Mr. President, I hope the Senator from Nevada will not press that amendment. I would not have any objection if an amendment could be framed which would exclude from

the operation of the bill, if there was any doubt in anybody's mind about it, the retail butcher. But this would be a dangerous proposition. As I understand the amendment from its reading at the desk, it might be possible under it to relieve a very large packer or operator. I suppose the chief part of the business of some of the largest is intrastate business. They might be doing millions of dollars of business in the packing industry and yet be let out by this amendment. I do not believe the Senator wants to do that.

Mr. PITTMAN. No; I do not want to do that, Mr. President. I am offering this amendment in the hope that it will be carried, so that I may ask for a separate vote upon the amendment of the Senator from New York, which has been agreed to.

Mr. NORRIS. Let me tell the Senator that the amendment offered by the Senator from New York, if the committee amendment prevails, will be a part of the committee amendment, and we can not get a separate vote on it in the Senate, as I understand the parliamentary situation. But we can offer in the Senate an amendment to the amended bill, if this becomes the amended bill, to change it back. We could offer an amendment and have another yea-and-nay vote on it, if the Senator or others thought it was wise to do it. But this amendment which the Senator has offered, it seems to me, as I understand the wording of it, might absolutely nullify the entire bill. A packer in Chicago might be doing a majority of his business in the State of Illinois and still be doing $50,000,000 worth of business and escape all the regulatory provisions included in the bill. I am not sure just how many it would relieve, but certainly it seems to me that its possibilities of evil are almost unlimited.

Mr. PITTMAN. Mr. President, the amendment of the Senator from New York, which was put over here so quietly and comfortably, absolutely destroys the bill as to everything except meat. As far as fertilizer, and hides, and all the other by-products are concerned, they are eliminated from the operations of this act entirely by the amendment of the Senator from New York. There is an objection to this bill without some form of an amendment which will limit it to the men we are after. We are after the big packers, and there is not a big packing concern in the United States that does not sell more meat products in interstate commerce than in intrastate commerce. This is a self-evident proposition. Do you suppose for one moment that Armour or Cudahy or Swift or any of the others sell in the State where their stockyards are located more than they sell in interstate commerce? The supposition of the Senator has not any foundation in reason whatever.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Certainly.

Mr. NORRIS. Would it not be a very easy thing for a corporation, whether it is one of the big ones or not, say in the city of Chicago, if it did $10,000,000 worth of business in the State of Illinois, to be doing $9,000,000 worth of business outside of the State of Illinois, and escape all the regulations provided for in the bill?

Mr. PITTMAN. Swift & Co. might do as small a business as a butcher in Kansas, but that does not happen to be the case. Swift & Co. might sell as much in Chicago as they sell in all the rest of the world, but they do not. The hearings disclose that fact. These big concerns we are after do 90 per cent of their business in interstate commerce. That is shown by the hearings. There is no dispute about it.

There is an objection to bringing this bill to bear on the little butcher who ships his hides in interstate commerce. His chief business is in intrastate commerce, and the shipping of hides is only incidental. I wanted this amendment agreed to so that we would have ground in some way to attack the amendment of the Senator from New York.

The VICE PRESIDENT. The Senator's time has expired.

Mr. JONES of New Mexico. I should like to inquire of the Senator from Nevada if, under his proposed amendment, it would be possible for these large packing concerns to sell to another corporation all of their products, and let the other corporation do the distributing in interstate commerce?

Mr. PITTMAN. Then the other corporation would come under the provisions of this act.

Mr. JONES of New Mexico. The other corporation would be subject to none of the provisions, except as to the mere sale of the products.

Mr. PITTMAN. I will answer the Senator by asking if he thinks that Cudahy & Co., by organizing a second corporation, could avoid the provisions of the act?

Mr. JONES of New Mexico. I rose for the purpose of getting information from the Senator.

Mr. PITTMAN. My idea is that they could not; that they would gain nothing by organizing a dummy corporation, because they would own the dummy corporation and the dummy corporation would be subject to the provisions of the act. The whole point is this: We are after certain big concerns. We are not after the man who incidentally engages in interstate commerce in connection with his chief business, which is not interstate commerce.

Mr. JONES of New Mexico. I am in full sympathy with the purpose the Senator is seeking to accomplish, but I am just making the suggestion to see if some difficulty might not arise through bringing into the bill the definition which the Senator has suggested.

Mr. PITTMAN. No more difficulty than there would be with any other provision of the act. If one of these companies can escape one provision through a dummy corporation, then it can escape any provision of the act. I take it that they can not escape through a dummy corporation.

Mr. NORRIS. I would like to ask the Senator from Nevada if he would be willing to withdraw his amendment if in place of it we could adopt an amendment at the end which would make the section read as follows:

None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products, or whose chief business is the operation of a retail butcher shop.

Mr. PITTMAN. Yes; I am willing to accept that, except that I do not think it is as definite as the other. I do not know but what Armour & Co. might be a retail butcher shop. I like the one I suggested better.

Mr. NORRIS. It is clearer language, and it may be that the Senator does not know what a retail butcher shop is.

Mr. PITTMAN. But I do know what intrastate commerce is.

Mr. WALSH of Montana. Let me make a suggestion which may be acceptable to both the Senator from Nevada and the Senator from Nebraska, namely, that a limitation be placed upon the amount of the business, so that it will exclude the man engaged in small business, say a limit of $50,000 a year. I think the language of the Senator from Nevada is preferable to that suggested by the Senator from Nebraska; but that is a matter of no consequence to me. I believe that a limitation in value on the amount of business would meet all the requirements of the case. Suppose we fix it at fifty or a hundred thousand dollars?

Mr. PITTMAN. Mr. President, I am willing to accept any suggestion or any amendment to carry out that idea. I will ask that at the end of the amendment I have offered there be added the following, "where such business does not exceed in the aggregate $100,000 per annum."

Mr. WADSWORTH. Does the Senator mean gross sales?

Mr. NORRIS. Mr. President, I do not know enough about the larger retail meat markets to know, and I may be entirely in the dark, but it seems to me the amount stated by the Senator is entirely too large. It might let in corporations which ought to be kept out.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. The Senator from Nevada moves to amend by adding at the end of the substitute bill of the committee the following:

Or the selling of live-stock products in intrastate commerce, where such business does not exceed in the aggregate $100,000 per annum.

Mr. WADSWORTH. Mr. President, we now approach the point in this discussion where the utter inconsistency of this proposal is apparent. Just because a man is not engaged in a business which exceeds in its gross sales $100,000 a year, apparently is to be his certificate of character, and relieve him of all regulation. If his business involves gross sales of $101,000, he therefore is to be deemed something in the nature of a public utility, and regulated. It is class legislation, just as surely as we are sitting here. I do not know anything about the constitutionality of it, but we ought to have one rule for all.

Mr. PITTMAN. I thought the Senator wanted class legislation to protect the little fellows.

Mr. WADSWORTH. I do not want class legislation; I want one rule fixed in the law.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. PITTMAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. CUMMINS. Mr. President, just a word with regard to the general question, which I assume is now about to be submitted.

Notwithstanding the suggestion of the Senator from Nebraska that the amendment to the amendment I offered a few moments ago was intended to allow wrongdoers to escape, I intend to vote for the substitution of the Senate committee bill for the House text.

I think so far as being drastic is concerned, the one is just as drastic as the other, but I shall vote to substitute the Senate bill for the House text for one reason and one only. It is because in section 6 of the Senate bill there will be found provisions which in my opinion are the most valuable and helpful provisions in either the House or the Senate text, and these provisions are not in the House text.

My view of the regulation of interstate commerce, aside from our great public utilities, is that the time has come for the completest and widest publicity. I think the people of the country are entitled to know what is being done in the great industries of which we are so justly proud. In section 6 of the Senate committee bill I predict the people of the country will find more aid in the struggle through which we are passing than they will find in any other provision of the bill. Therefore, I shall vote to substitute the Senate bill for the House text. It has the additional advantage of the parliamentary situation that then the whole subject will be in conference.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. NORRIS. On that I demand the yeas and nays.

Mr. LA FOLLETTE. Mr. President, on page 25, line 20, I move to strike out "3" and insert "4."

The VICE PRESIDENT. There is no such paragraph in the bill now, it having been stricken out. The whole paragraph has been stricken out.

Mr. LA FOLLETTE. Then I will simply change my reference, because I am making the motion only in order that I may address the Senate. I move to strike out the last paragraph of section 315, on page 24.

The VICE PRESIDENT. The Senator from Wisconsin is recognized on his amendment.

Mr. LA FOLLETTE. Mr. President, I make the motion and I say to Senators that it is a mere pro forma motion. I make it for the purpose of having the opportunity to address the Senate for a few moments. I wish to bring to the attention of the Senate, before we decide upon the issue as to the House bill and the Senate bill, some facts which have come to my knowledge. I believe that I ought to do that. I think there is some misapprehension in the Senate as to the character of the House bill that is about to be voted upon.

It has been stated in the course of the debate that farm organizations quite generally are in favor of the House bill. If I understood the remarks of the senior Senator from Utah [Mr. SMOOT], he stated that Mr. Atkeson, who represents the National Grange organization, approved of the House bill.

I believe that I shall be able, in the five minutes allotted to me, to show that not only Mr. Atkeson, but the representative of practically every single farm organization in the United States is opposed to the House bill, that they consider it inadequate, that they believe its enactment as a regulation of the packing industry will prove a great disappointment to the country.

Mr. President, in connection with what I have to say upon the subject, I wish to bring to the attention of the Senate during the five minutes allotted to me the origin of some of the amendments that appear in the Haugen or House bill. I believe that I will be able to convince the Senate that the House bill as modified by amendments, the adoption of which they secured while the bill was pending before the House committee, rendered the bill quite satisfactory to the packers.

Their position upon the subject is not unlike that of every other great monopoly in the country that resists any and all governmental regulation of their business. The railroads defeated attempts to regulate transportation rates and services for almost a generation of time, and when the time came that they could no longer successfully resist, then they acquiesced in legislation and joined in framing it and in so amending and weakening the interstate commerce act of 1887 that it afforded very little protection to the public.

The VICE PRESIDENT. The Senator's time has expired. The question is on the amendment offered by the Senator from Wisconsin.

Mr. LA FOLLETTE. I withdraw the amendment.

The VICE PRESIDENT. The Senator from Wisconsin withdraws his amendment.

Mr. SMOOT. Mr. President, before that is done I desire to answer the statement made by the Senator by reading the testimony of Mr. Atkeson in the hearings before the Committee on Agriculture of the House of Representatives, found on page 77 of those hearings.

Mr. LA FOLLETTE. What date, may I ask the Senator?

Mr. SMOOT. May, 1921.

Mr. LA FOLLETTE. May what? I have a letter, in which Dr. Atkeson has joined, of date May 25, in which he criticizes the House bill and says it is entirely insufficient and joins with all the other representatives of the agricultural organizations of the country in demanding amendments to strengthen its provisions.

Mr. SMOOT. The Senator from Utah stated that as between the House text and the Senate bill Mr. Atkeson favored the House text. That is what the Senator from Utah said, and this is what Mr. Atkeson said.

Mr. LA FOLLETTE. What is the date of it?

Mr. SMOOT. I can not tell the Senator without looking it up. If the Senator would see it, there it is [exhibiting volume of testimony].

Mr. LA FOLLETTE. What is the date of it?

Mr. SMOOT. If I could turn readily to the date, I would be glad to do it. It was in the hearing before the House committee.

Mr. LA FOLLETTE. The letter of protest I have before me is dated May 25, which is subsequent to the date of the hearing to which the Senator refers.

Mr. SMOOT. This is what Mr. Atkeson said——

Mr. WALSH of Montana. Do not reports of hearings give the dates?

Mr. LA FOLLETTE. Yes.

Mr. SMOOT. If I have time I shall go back through the hearings and ascertain the date when this particular hearing took place. If it was the first day of the hearings, I can give the date. I will go back to the very beginning. It can not be later than May 2, 1921.

This is what Mr. Atkeson said, and this is what I think Mr. Atkeson believes to-day.

> Mr. ATKESON. He could not do it, and it might cost more to start it. I can not answer that question, but I would call your attention to the fact that my first choice would be a separate commission and my second choice would be the Secretary of Agriculture. Assuming that the Senate passes a bill providing for a special commission, as they did before, and that the House is likely to pass a bill providing for its administration by the Secretary of Agriculture, then taking that viewpoint I want to call your attention to one feature of what is commonly known as the Haugen bill.
>
> Beginning in section 302, on page 12, as I have studied this bill, I fail to see any reason for introducing two administrative factors or authorities. Maybe I am entirely at sea in regard to the matter, but if I were writing this bill I would substitute for "Interstate Commerce Commission," "Secretary of Agriculture" clear through.

That is what Mr. Atkeson said, and that is what I said this morning.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. LA FOLLETTE. Mr. President, I believe I have the right to perfect my amendment?

The VICE PRESIDENT. The Senator has withdrawn his amendment.

Mr. LA FOLLETTE. It is suggested to me that I avail myself of the opportunity to speak for five minutes upon the bill, and I do that.

I hold in my hand a letter dated May 25, 1921, signed by T. C. Atkeson and other representatives of farmers' organizations, in which they criticize the House bill as reported from the House Committee on Agriculture on May 18. The bill as the committee reported it to the House on the 18th of May was a very different bill from the bill that was pending before that committee when Mr. Atkeson made the statement which the Senator from Utah [Mr. SMOOT] has just read.

Now, I can not in my limited time read the entire letter of protest signed by Mr. Atkeson and other representatives of farmers' organizations. But I will take the time to read as much as I can from that letter.

It is addressed to Mr. HAUGEN, as chairman of the House Committee on Agriculture, and dated May 25, 1921. I read as follows:

> DEAR SIR: We, the undersigned as authorized representatives of national organization of farmers, of consumers, and of labor, have carefully examined the provisions of the Haugen bill (H. R. 6320) to regulate the interstate and foreign commerce in live stock, packing-house products, dairy products, etc., and we urgently protest that this bill in its present form is inadequate and needs important revision before it can command our confidence or support.

That is May 25, after the bill had been reported to the House. That bill passed the House as it was reported. And it is now

before the Senate just as it was reported from the committee, and is in all respects the bill which this letter of Mr. Atkeson and others criticize. The letter says:

That this bill in its present form is inadequate and needs important provisions before it can command our confidence or support.

Passing over a portion of the letter, because I have not time to read it all, I read the following:

The most crying need of the live-stock producers and of the consumers of meats and other live-stock products is for authoritative current public information, made possible through the medium of uniform accounting systems, on the industry, on the state of the markets, on the costs and profits of the packers and other agencies operating between the producer and the consumer. We believe that unless information of this character is specifically provided for it will be impossible to secure that state of public confidence that is so sorely needed in this industry. This the Haugen bill does not do in its present form.

That goes to the question of uniform accounting. There can not be any regulation of any industry in the country by the Government unless uniform bookkeeping and uniform accounting is required. The Interstate Commerce Commission brought that before the Congress of the United States years ago and made it plain that it was impossible to have any regulation of the railroads without a system of uniform accounting. The Haugen, or House, bill now before the Senate fails to provide a uniform system of accounting. Such a system of accounting is provided in the Senate bill. It is not provided in the House bill, and that is one of the criticisms that these representatives of the farm organizations make of the House bill in this letter. I am going to read the names of the representatives who signed the letter presented to the House committee after the Haugen bill had been reported to the House. And I again remind the Senate that the House bill now before us is in all respects the bill which Mr. Atkeson and these other representatives of farm organizations are discussing and criticizing in the letter from which I am reading.

Mr. NORRIS. That is not the only objection they make to the House text, is it?

Mr. LA FOLLETTE. Oh, no; no. I am hurrying because I can not in the five minutes allotted to me note all the objections in the letter which they filed with the committee. I am going to read the signatures now to show how representative this body was that signed the letter:

T. C. Atkeson, Washington representative National Grange.
George P. Hampton, managing director Farmers' National Council.
Benjamin C. Marsh, executive secretary People's Reconstruction League.
E. C. Lasater, representing live stock.
Charles A. Lyman, secretary National Board of Farm Organizations.
Mrs. Florence Kelley, president National Consumers' League.
Mrs. E. P. Costigan, chairman food-supply committee League Women Voters.
W. M. Clark, vice president and national legislative representative Order of Railway Conductors.
W. N. Doak, vice president and legislative representative Brotherhood of Railway Trainmen.
P. J. McNamara, vice president and national legislative representative Brotherhood of Locomotive Firemen and Engineers.
H. E. Wills, vice president Brotherhood of Locomotive Engineers.
E. F. McGrady, legislative committeeman American Federation of Labor.
John A. McSparran, master Pennsylvania State Grange.
C. S. Barrett, president Farmers' National Union.
J. H Kimble, legislative agent National Farmers' Congress.
C. W. Holman, acting secretary National Milk Producers' Federation.

Practically every single organization representing either the farmers or the laborers of this country on legislation before Congress protest against the Haugen bill as it is now presented in the Senate, and Senators must make the choice between it and the Senate bill.

Mr. President, if I have a moment's time remaining I shall present to the Senate the telegram from the president of the Farm Bureau Organization, addressed to Senator NORRIS, June 8, 1921, in which he says:

American Farm Bureau live-stock committee not satisfied with House packer bill. Desires conference Monday night with Senate leaders. Can you arrange same?

(Signed) J. R. HOWARD.

The VICE PRESIDENT. The Senator's time has expired. The question is on agreeing to the amendment reported by the committee as amended.

Mr. WALSH of Massachusetts. Mr. President, an attempt has been made here to make a false issue out of this measure. It is claimed that the pending bill seeks to embark upon a policy of Government interference with and control of private business. I do not find here any issue whatever of Government control or interference with private business as such; I do not find any issue here of Government control of monopolies as such; I do not find any issue here even of Government control of those industries that produce and sell the necessities of life; but I do find this issue: An attempt by the Government to undertake to control, inspect, and regulate and give publicity to the business methods of monopolies which are engaged in producing and selling the very fundamental necessaries of life, which is quite a different issue from that of control of private business by the Government. The issue is, Shall we allow to go uncontrolled monopolies that control the food supply of our people? Shall we say to these gigantic food trusts from whom our people must buy the things that pertain to their very existence, you are free, so far as the Government is concerned, to manipulate your business in any manner you choose, even to the extent of extorting blood money from our people?

I shall vote for this bill because it seeks to give publicity to and to regulate and control an industry that is a monopoly; an industry that is dealing with the very prime essentials of life—food; a monopoly whose abuses are well and generally known. I consider as a Democrat that the future of that party depends upon its taking a position in favor of the regulation and control of those monopolies which deal with the essential necessaries of life. This particular bill deals with a very vital and a very important essential of life.

Let me say further, we are to-day debating and voting on a question that defines very accurately the difference between the liberal and the conservative thought of America; here is the difference between the political parties. I respect the man who takes the position that the Government should not interfere and should not attempt to inspect or to give publicity to or regulate any industry whatever, either a monopoly dealing in the necessaries of life or any private industry; this is the reactionary policy of the Republican Party. But the political party of which I am a member—and I have its platforms for the last 20 years upon my desk—again and again has said that private monopolies are indefensible, undemocratic, and that monopolies dealing with the necessaries of life must be regulated, controlled, and checked when they reach a condition in their management and control of prices which leads to widespread and general public abuse. If the Democratic Party is not with the people against dishonest big business, then it might just as well cease to exist. It can not win in the future unless it honestly and earnestly champions such a policy.

I refute the statement that a vote for this bill is a vote for Government interference with private business. The question here is, and the record will so show it, not whether the Senate is for interference with private business, but does it favor the regulation, control, and publicity of monopolies, controlling and dealing in the very basic necessaries of life? If this bill fails, then any monopoly can organize to control the production, price, and sales of what the American people must have to exist and go unchecked.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I withdraw the amendment which I offered, which was only a pro forma amendment, in order to give me an opportunity to address the Senate.

Mr. NORRIS. I understand the Senator from Wisconsin had withdrawn his amendment, and I do not ask for a roll call on his amendment. I ask for a roll call on the committee amendment as amended.

Mr. LA FOLLETTE. I misunderstood the Senator.

The VICE PRESIDENT. The Senator from Wisconsin withdrew his amendment some time ago, and the Chair so stated. The question is on agreeing to the committee amendment as amended.

Mr. KENYON. A parliamentary inquiry. Is the vote now on the question of substituting the amendment reported by the committee as amended for the House text?

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended as a substitute for the House text.

Mr. LA FOLLETTE. Mr. President, I desire to address the Senate upon the pending amendment.

Mr. President, I wish to state that I have before me here some very important information as to changes made in the Haugen bill after it was first introduced in the House on April 11 and before it was reported to the House by the Committee on Agriculture on May 18.

I hold in my hand a bill, which is the first bill which was introduced by Representative HAUGEN, modifications of which are now before the Senate. The Senate is about to decide as between that bill as amended by the House Committee on Agriculture and passed by the House without further amendment and the Senate bill which has been reported by the Senate committee.

The bill which I hold in my hand is the Haugen bill as introduced in the House on April 11. It was delivered to Dr. Atkeson by the attorney of the packers and contains the interlineations which the packers desired to have made in the Haugen bill as originally introduced. Seven of the most important of those interlineations appear in the Haugen bill as passed by the House of Representatives; and I stand here to say at this moment, when the Senate is about to decide whether they will vote for the House bill or for the bill as reported by the Senate committee, that the House bill carries the seven amendments which the packers' attorney wrote into the original Haugen bill and presented to Mr. Atkeson. The packers suggested some other amendments, but seven of the important ones were written into the bill before it was reported out of the House committee.

Senators will notice that one corner of this bill [exhibiting] is cut off. That corner which does not appear in the bill had the stamp of the packers upon it; it came from their hands to the hands of Dr. Atkeson. He cut it off because he did not choose to have a bill in his possession bearing the impress of the Beef Trust. It contains, as I can show to any Senator who cares to examine it, the interlineations proposed by Mr. Lightfoot, the attorney of the Beef Trust, as the modifications in the Haugen bill as originally introduced, which they desired to have adopted, and as I have said seven of the most important of those amendments were adopted by the House Committee on Agriculture and appear in the House bill as passed.

Mr. President, I have before me an analysis of that bill. If I had the opportunity to present it, the Senate would see the significance of the amendments that were made, as I have stated, in the House bill. I am not charging the House committee with collusion with the Beef Trust; but I wish to say in the moment of time that I have left that these great powers that resist Government regulation of monopoly come in at the last moment, when they see that legislation is inevitable, and seek to mold and shape that legislation to their liking. That was the history of the interstate commerce act; that was the history of the pure-food legislation; that has been the history of every attempt on the part of Government to regulate any monopoly in this country.

The bill to which I have referred is the bill that Senators are about to pass upon; they are to decide whether they will take that bill, with those provisions made as stated at the suggestion of the packers, or pass the bill as reported by the Senate committee.

Mr. President, the first amendment of importance which was suggested and secured by the packers, is in section 402, line 21, page 25, which was section 208 of the original Haugen bill, except for the fact that a sentence has been added, as shown in lines 4 to 7, on page 26. They sought to add after the word "corporation" in line 4, page 26, the following:

And the jurisdiction of the Federal Trade Commission in so far as it relates to persons dealing in live stock and meat food products as defined in this act shall be terminated.

These words were not inserted just as presented by the representative of the packers, but subsection (b) of section 406, lines 1 to 12, page 28, reading as shown below, was inserted and the purpose sought in the words as quoted above was accomplished.

Subsection (b) of section 406 reads as follows:

On and after the enactment of this act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this act, complaint has been served under section 5 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, or under section 11 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired. The question is on agreeing to the amendment reported by the committee, as amended, on which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. ELKINS (when his name was called). Making the same announcement as heretofore concerning my pair and its transfer, I vote "nay."

Mr. NORRIS (when Mr. LADD's name was called). I desire to announce the necessary absence of the Senator from North Dakota [Mr. LADD]. If he were present, he would vote "yea."

Mr. NORRIS (when Mr. NORBECK's name was called). I desire to announce the necessary absence of the Senator from South Dakota [Mr. NORBECK]. He is paired with the Senator from Missouri [Mr. REED]. If present, the Senator from South Dakota would vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). My colleague [Mr. SIMMONS] is unavoidably absent. He is paired with the Senator from Minnesota [Mr. KELLOGG]. If my colleague were present, he would vote "yea."

Mr. SMITH (when his name was called). Making the same announcement as that made heretofore concerning my pair and its transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence, and being unable to obtain a transfer of my pair, I am compelled to withhold my vote. If permitted to vote, I should vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement with reference to my pair and its transfer as before, I vote "nay."

Mr. WILLIS (when his name was called). I am paired with the Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote on this question, I am compelled to withhold my vote.

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON];

The Senator from Oregon [Mr. STANFIELD] with the Senator from Ohio [Mr. POMERENE]; and

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Mr. SHIELDS].

The result was announced—yeas 34, nays 37, as follows:

YEAS—34.

Ashurst	Gooding	La Follette	Spencer
Borah	Harris	Lenroot	Sterling
Capper	Heflin	Nelson	Swanson
Caraway	Hitchcock	Norris	Walsh, Mass.
Cummins	Johnson	Overman	Walsh, Mont.
Dial	Jones, N. Mex.	Owen	Watson, Ga.
Fletcher	Jones, Wash.	Pittman	Williams
Gerry	Kendrick	Sheppard	
Glass	Kenyon	Smith	

NAYS—37.

Ball	Frelinghuysen	McLean	Stanley
Brandegee	Hale	McNary	Sutherland
Broussard	Harreld	New	Underwood
Bursum	Keyes	Newberry	Wadsworth
Curtis	King	Nicholson	Warren
Dillingham	Knox	Oddie	Watson, Ind.
Edge	Lodge	Phipps	Weller
Elkins	McCormick	Poindexter	
Ernst	McCumber	Shortridge	
Fernald	McKinley	Smoot	

NOT VOTING—25.

Calder	Ladd	Pomerene	Townsend
Cameron	McKellar	Ransdell	Trammell
Colt	Moses	Reed	Willis
Culberson	Myers	Robinson	Wolcott
France	Norbeck	Shields	
Harrison	Page	Simmons	
Kellogg	Penrose	Stanfield	

So the amendment in the nature of a substitute reported by the Committee on Agriculture and Forestry as amended was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. STERLING. Mr. President, I send to the desk an amendment in the nature of a substitute for the bill, and I ask that it may be read.

The VICE PRESIDENT. The proposed substitute will be read.

The Assistant Secretary proceeded to read the proposed substitute.

Mr. BORAH. Mr. President, I rise to a parliamentary inquiry. I take it, from the looks of this instrument, that it is a complete substitute for the entire bill.

Mr. STERLING. I will say to the Senator that it is a complete substitute for the entire bill.

Mr. BORAH. Is it expected that the Senate of the United States will pass upon a complete substitute for the bill with five-minute debate?

Mr. STERLING. This is the only time I have had in which to offer the substitute.

Mr. BORAH. Then let us adjourn until to-morrow morning, so that we can at least have a chance to read it.

Mr. NORRIS. And let me suggest to the Senator from South Dakota that instead of having the substitute read, he take his five minutes to explain it. It has been printed, and I

think he has explained it to most of the Senators already. Everybody understands the principles involved.

Mr. LA FOLLETTE. Mr. President, I want to suggest to the Senator from South Dakota, if he will permit me, that he ask to have his substitute bill printed in the RECORD, and give Senators an opportunity to examine it and compare it with the pending House bill, the packer bill; and then I trust that we will have an adjournment to-night, and take up the consideration of this important measure to-morrow.

Mr. STERLING. Mr. President, it is embarrassing to me, of course, to be compelled to send to the desk so important a substitute as this is for this important bill at this time of the day.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator.

Mr. NORRIS. I should like to suggest to the Senator, instead of asking that his substitute be read, that he ask that it be printed in the RECORD, and then we will take a recess until to-morrow. The Senator from Illinois [Mr. MCCORMICK] has some resolutions he wishes to offer.

Mr. STERLING. I consent to the suggestion offered by the Senator from Nebraska. Meanwhile I hope that Senators will give due and fair consideration to the substitute. It is offered in the interest of economy and efficiency in the administration of the law regulating the packers. It substitutes the Federal Trade Commission as the body that shall administer the law. Otherwise the bill is very much like the Senate bill. It provides for procedure as provided for the Federal Trade Commission in the Federal Trade Commission act for the most part.

I ask unanimous consent that the amendment may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment, in the nature of a substitute, offered by Mr. STERLING is as follows:

Amendment proposed by Mr. STERLING, and pending, to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

"That when used in this act, unless the context indicates otherwise—

"The term 'person' includes a partnership, a corporation, or an association of two or more individuals, and the members of a partnership or the directors, officers, receiver, or other person charged with the duty of the management and operation of the business of a corporation, partnership, or association.

"The term 'commission' means the Federal Trade Commission.

"The term 'commerce' means commerce among the several States or with foreign nations, or in any Territory or possession of the United States or in the District of Columbia, or between any such Territory or possession and any State or foreign nation, or between the District of Columbia and any State, Territory, possession, or foreign nation.

"The term 'live stock' means live or dead cattle, sheep, and swine.

"The term 'live-stock products' means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer.

"The term 'stockyard' means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens or other inclosures and their appurtenances in which live cattle, sheep, and swine are received, held, and sold for shipment or slaughter in commerce.

"The term 'packer' means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce or of marketing live-stock products as a subsidiary of or an adjunct to any such slaughtering or preparing business.

"The term 'operator' means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce and any trader or commission man, or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

"The term 'corporation' includes any public, quasi public, or other corporation or cooperative association and any agency controlled or operated by any State, Territory, District, or possession of the United States or any political subdivision thereof.

"SEC. 2. That the commission shall have all the powers and duties heretofore exercised or performed by the Bureau of Markets in the Department of Agriculture relating to the acquisition and dissemination of information regarding the production, distribution, and consumption of live stock or live-stock products. It shall investigate and ascertain the demand for, the supply, consumption, costs and prices of, and all other facts relating to the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations on and the ownership of stockyards. It shall compile and furnish to producers, consumers, or distributers, by means of regular and special reports, or by such other methods as it deems most effective, information respecting the conditions of the live-stock market and the supply, demand, prices, and other conditions affecting the market.

"SEC. 3. That any agent or employee of the commission who, without its authority, unless directed by a court of competent jurisdiction, makes public any information concerning the business of any packer or operator obtained by the commission shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

"SEC. 4. That the commission may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government or of any State or political subdivision thereof or with any person.

"SEC. 5. That the several departments and agencies of the Government, when directed by the President, shall furnish to the commission, upon its request, all records, papers, and information in their possession relating to any person subject to any of the provisions of this act, and shall from time to time detail to the commission such officers and employees as the President may direct.

"SEC. 6. That it shall be unlawful for any packer to—

"(a) Engage in any unfair or unjustly discriminatory practice or device in commerce; or

"(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packer, or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

"(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce; or

"(d) Conspire, combine, agree, or arrange with any other person to apportion territory for carrying on business, or to apportion purchases or sales of any live stock or live-stock products, or to control prices thereof in commerce; or

"(e) Conspire, combine, agree, or arrange with any other packer to engage in any course of business or to do any act for the purpose of preventing any person from carrying on a competitive or similar business in commerce; or

"(f) Otherwise act or conspire, combine, agree, or arrange with any other person to do or aid or abet the doing of any act contrary to the provisions of this act and the rules, regulations, and orders made hereunder.

"SEC. 7. That after two years from the date when this act becomes effective, no packer engaged in commerce shall own or control or have any interest in, directly or indirectly, by community of stock ownership or otherwise, any stockyard, unless the commission shall determine that ownership or control or interest is not in violation of the purposes of this act or that such packer has been unable, despite due diligence, to dispose of such ownership or control of or interest in such stockyard, in which case the commission may, by order, extend the period during which such ownership, control, or interest may continue.

"SEC. 8. That every operator and packer engaged in commerce shall keep such records and statements of account and make such reports or returns, verified under oath or otherwise, as the commission shall require, as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stock holding or otherwise, in such form and at such times as the commission shall by order require. The commission may, in its discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the commission may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

"SEC. 9. (a) That it shall be the duty of every operator—

"(1) To provide and maintain or secure, when necessary and practicable, adequate railroad connections with its place of business;

"(2) To furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for such service and facilities: *Provided*, That it shall set aside such portion of the facilities of its business, as determined by the commission, as may reasonably be necessary to accommodate small shippers and local patrons;

"(3) To impose only such charges and rates as are reasonable for the service or facility afforded.

"(4) To exercise such care of the live stock, live-stock products, or perishable foodstuffs handled by it as may be necessary to prevent undue loss in connection therewith.

"(5) To maintain sanitary conditions in the conduct of its business.

"(6) To refrain from unfairly discriminatory or deceptive practices or devices in the conduct of its business.

"(7) To keep complete and accurate accounts and records of the business and to submit reports when called for, and in such form as may be prescribed by the commission.

"(8) Otherwise to conduct its business in such manner as may be prescribed in rules, regulations, and orders issued under this section by the commission to carry out the purposes hereof.

"(b) The commission may from time to time cause inspections to be made of the places of business and operations of operators to determine their compliance with the provisions of this section and the rules, regulations, and orders issued hereunder.

"(c) It shall be the duty of the commission to—

"(1) Prepare standardized plans and specifications for grounds, buildings, and other facilities suitable for the business conducted or to be conducted by operators, and to furnish such plans and specifications free of charge to such operators who have given assurances of undertaking the construction and operation of such buildings and facilities;

"(2) Furnish to operators reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail persons experienced in such art to consult and advise with operators.

"(3) As far as practicable, when requested by any such operator, provide for the inspection by agents of the commission of the live stock, live-stock products, or perishable foodstuffs received or distributed by such operator to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection; and in the conduct of such inspections to cooperate with duly authorized local authorities. Such certificates shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

"SEC. 10. That no operator shall engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce, or charge, collect, receive, or demand any unreasonable charge or rate for any service in commerce performed in connection with the business of such operator.

"The commission may, after hearing, upon complaint or upon its own initiative, determine and fix, and by rule, regulation, or order prescribe fair and reasonable practices, charges, and rates to be observed by operators, and fair and reasonable terms and conditions upon which the services of operators in commerce shall be rendered or performed.

"SEC. 11. That whenever the commission shall have reason to believe that any such packer or operator is engaged in any conduct, business, or practice of the kind herein prohibited or declared unlawful, or has refused or failed to perform any duty herein prescribed, or to comply with any order, rule, or regulation made by said commission in pursuance of the provisions of this act, the commission shall proceed against such packer or operator in the manner prescribed in section 5 of the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914, for its proceedings against any person, partnership, or corporation which it has reason to believe has been or is using any unfair method of competition in commerce, and all the provisions of said section 5, together with the provisions of sections 6, 7, 8, 9, and 10 of said Federal Trade Commission act, are hereby made applicable to all the proceedings for the enforcement against such packers and operators of the provisions of this act, and for the purposes of such proceedings and enforcement the commission shall have all the powers and duties prescribed in sections 5, 6, 7, 8, 9, and 10, as aforesaid, and all the penalties for the violation of the provisions of said act and of any orders, rules, or regulations made thereunder are hereby made applicable to the violations of any of the provisions of this act and of any orders, rules, or regulations made thereunder.

"SEC. 12. That nothing contained in this act, except as otherwise provided herein, shall be construed to prevent or interfere with the enforcement of, or the procedure under, the provisions of the antitrust acts, the acts to regulate commerce, the act entitled 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914, the act entitled 'An act to promote export trade, and for other purposes,' approved April 10, 1918, or sections 73 to 77, inclusive, of the act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved February 27, 1894, as amended by the act entitled 'An act to amend section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes,"' approved February 12, 1913, or with any investigation, proceeding, or prosecution begun and pending at the time this act becomes effective, nor shall anything contained in this act be construed to alter, modify, or repeal such acts or any part or parts thereof, except as specifically provided in this act.

"SEC. 13. That if any provision of this act or the application thereof to any person or circumstances be held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby."

Mr. LODGE. Mr. President, I merely wish that we shall understand the situation before we adopt what will necessarily be an adjournment resolution. As I read the unanimous-consent agreement it provides that no Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto. I understand that that agreement, of course, continues.

Mr. STERLING. That is my understanding, that the agreement continues.

Mr. NORRIS. Yes; I had no other idea about it.

Mr. LA FOLLETTE. Nobody takes issue with that.

Mr. LODGE. I merely wanted to have it made clear; that is all.

HOUSE BILL REFERRED.

The bill (H. R. 6754) to amend sections 2, 13, and 14 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915, was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. LADD presented telegrams in the nature of memorials from E. Eberg, of Tioga; Rogers Lumber Co., of Kenmare; and Rogers Lumber Co., of Wimbledon; all in the State of North Dakota, remonstrating against the enactment of legislation imposing a tariff on lumber, which were referred to the Committee on Finance.

He also presented a resolution of the North Dakota Women's Nonpartisan Club, No. 114, of Upham, N. Dak., favoring the calling of an international disarmament conference by the President, and protesting against increased military appropriations pending such proposed conference, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions of the Women's Auxiliary, American Legion, of Leavenworth; Women's Auxiliary, James R. Cutter Post, No. 39, of Abilene; and Scottish Rite bodies of Topeka; all in the State of Kansas, favoring the enactment of legislation providing adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

He also presented resolutions of the pastor and congregation of the Methodist Episcopal Church of Effingham and the pastor and sundry members of the Methodist Episcopal Church of Russell, both in the State of Kansas, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a petition of the pastor and congregation of the United Presbyterian Church of Eskridge, Kans., praying that relief be afforded the Armenians, which was referred to the Committee on Foreign Relations.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr SMOOT:

A bill (S. 2090) for the relief of A. Purdee; and

A bill (S. 2091) for the relief of George E. Yeadon; to the Committee on Public Lands and Surveys.

By Mr. WADSWORTH:

A bill (S. 2092) for the relief of the officers and crews of the concrete barges *Captain French*, *Captain Colquhoun*, and *Captain Hammond*; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 2093) granting a pension to Henry H. Hill; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2094) for the relief of the Sinclair Panama Oil Corporation (with an accompanying paper); to the Committee on Claims.

By Mr. WELLER:

A bill (S. 2095) to reimburse the city of Baltimore, State of Maryland, for moneys expended to aid the United States in the construction of works of defense during the Civil War; to the Committee on Claims.

A joint resolution (S. J. Res. 75) authorizing the Secretary of War to loan tents, cots, and blankets for the use of the Buddie Week Reunion of the Twenty-ninth and Seventy-ninth Divisions at the encampment to be held from August 31 to September 6, 1921, at Baltimore, Md.; to the Committee on Military Affairs.

RELIEF OF DISABLED EX-SERVICE MEN.

Mr. SUTHERLAND submitted the following resolution (S. Res. 93), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolution No. 59, agreed to June 9, 1921, be, and hereby is, amended to authorize the special committee thereby created for the investigation of various bureaus and agencies of the Government in matters relating to the veterans of the World War to employ such clerical and other assistants as may be deemed necessary in furtherance of the purposes of said resolution.

DEATH OF REPRESENTATIVE WILLIAM E. MASON.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. WILLIAM E. MASON, late a Representative from the State of Illinois, and transmitted the resolutions of the House thereon.

Mr. McCORMICK. Mr. President, I ask that the resolutions of the House of Representatives be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Assistant Secretary read the resolutions of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES, JUNE 16, 1921.

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM E. MASON, a Representative of the State of Illinois.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. McCORMICK. Mr. President, I submit the following resolutions and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 94) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM E. MASON, late a Representative from the State of Illinois.

Resolved, That a committee of six Senators be appointed by the presiding officer, to join the committee appointed by the House of Representatives, to take order for the superintending of the funeral of Mr. MASON at Chicago, Ill.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

ADJOURNMENT.

The Senate thereupon (at 5 o'clock and 45 minutes p. m.) adjourned until to-morrow, Friday, June 17, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 16, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, we linger a moment in Thy holy presence. We are deeply conscious of the frailties of human nature. We call upon Thy holy name in the limitations which we feel. Give unto those who are in such bereavement the comforts and the consolations of our most holy faith. Impress us with the abiding truth that weeping may endure for a night but joy cometh in the morning. As Thy children take us by the hand, lead us on in wisdom and in truth and when the evening shadows gather and our weary feet are touching that line that separates mortality from immortality, when earth's door is closing, may heaven's door open and by the way of the divine gleam may we be led to the Father's house. May the richest blessings of Thy holy presence abide with those whose heads are bowed and whose hearts are laden is our prayer. We ask in the name of Him who spake as never man spake. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4091. An act granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the business in order to-day may be in order on Tuesday.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. That is pension business?

Mr. MONDELL. The business that was in order on Friday last, pensions.

The SPEAKER. Is there objection?

Mr. GARNER. What does the gentleman propose to take up to-morrow?

Mr. MONDELL. Claims and the conference report on the Army bill in the morning probably.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT OVER.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow, Friday, it adjourn to meet on Monday next.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DEATH OF HON. WILLIAM E. MASON.

Mr. CANNON. Mr. Speaker, it is my painful duty to announce to the House the death of our colleague, the Hon. WILLIAM E. MASON, Representative at Large from the State of Illinois, who died at the Congress Hall Hotel at 6 o'clock this morning.

I shall not attempt at this time to say anything about our late colleague, but at some later time I shall ask the House to set aside an hour for fitting testimonial to his memory and public services.

Mr. Speaker, I offer the following resolution:

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 118.

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM E. MASON, a Representative of the State of Illinois.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

The question was taken, and the resolution was unanimously agreed to.

ADJOURNMENT.

Thereupon (at 12 o'clock and 12 minutes p. m.) the House adjourned to meet to-morrow, Friday, June 17, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURTNESS, from the Committee on the Public Lands, to which was referred the bill (S. 252) to amend an act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," reported the same without amendment, accompanied by a report (No. 182), which said bill and report were referred to the House Calendar.

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases, and making additional appropriations therefor, reported the same without amendment, accompanied by a report (No. 183), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LINEBERGER: A bill (H. R. 7192) to permit the purchase of subsistence stores; to the Committee on Military Affairs.

By Mr. HAMMER: A bill (H. R. 7193) to repeal the act creating the Public Utilities Commission of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SINNOTT: A bill (H. R. 7194) making appropriation for the prevention of loss of timber from insect infestations on reserved and unreserved public lands in Oregon and California, and for other purposes; to the Committee on Appropriations.

By Mr. HAUGEN: A bill (H. R. 7195) authorizing the advancement of an officer on the retired list; to the Committee on Military Affairs.

By Mr. McDUFFIE: A bill (H. R. 7196) to further extend the benefits of the war risk insurance act to the beneficiaries of those who served in the World War in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. KISSEL: Resolution (H. Res. 119) directing Herbert Clark Hoover to furnish to the House of Representatives certain information regarding the European Relief Council; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 7197) for the relief of H. J. Baker; to the Committee on Claims.

By Mr. HOUGHTON: A bill (H. R. 7198) granting a pension to Robert Clark; to the Committee on Pensions.

By Mr. McDUFFIE: A bill (H. R. 7199) to reinstate policy No. 2599746 issued on the life of the late Lieut. William Sikes Tucker; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7200) for the relief of Capt. Edward T. Hartmann, United States Army, and others; to the Committee on Claims.

Also, a bill (H. R. 7201) for the relief of Bessie Sikes Tucker; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1348. By the SPEAKER (by request): Petition of Mary Ryan and 299 others, of the State of Michigan, favoring recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1349. By Mr. ARENTZ: Petition of the Reno Chamber of Commerce, of Reno, Nev., urging the enactment into law of the French-Capper truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

1350. Also, petition of Humboldt Chamber of Commerce, of Winnemucca, Nev., against proposed modification in transcontinental freight rates on ground that same are discriminatory against industries throughout intermountain country; to the Committee on Interstate and Foreign Commerce.

1351. By Mr. BURTON: Resolution from Henry P. Shupe Post, No. 22, of Cleveland, Ohio (American Legion), opposing

Senate bill 664, to protect persons in the exercise of certain privileges and immunities guaranteed and secured by the United States of America; to the Committee on the Judiciary.

1352. Also, memorial of divers citizens of Cleveland and Dover Center, Ohio, praying for legislation to promote disarmament by nations; to the Commmittee on Foreign Affairs.

1353. By Mr. DALLINGER: Petition of First Congregational Church of Wakefield, Mass., favoring world friendship; to the Committee on Foreign Affairs.

1354. Also, petition of the Foreign Policy Association of Massachusetts, favoring the calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1355. Also, petition of the Columbus Republican Club, of Massachusetts, favoring the bill to make October 12, Christopher Columbus Day, a national holiday; to the Committee on the Judiciary.

1356. Also, petition of the members and friends of Follen Church, East Lexington, Mass., favoring the calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1357. By Mr. FAUST: Petition of Missouri Live Stock Association protesting against placing hides on free list; to the Committee on Ways and Means.

1358. By Mr. FULLER: Petition of Haddorff Piano Co., of Rockford, Ill., favoring House bill 129, relating to forestation; to the Committee on Agriculture.

1359. Also, petition of Progressive Lodge, No. 440, International Association of Machinists, favoring House bill 5351, to amend the Judicial Code; to the Committee on the Judiciary.

1360. Also, petition of rural carriers of Rockford, Ill., for revision of pay of rural letter carriers; to the Committee on the Post Office and Post Roads.

1361. By Mr. HICKEY: Petition of Anna Haggerty and others of Notre Dame, Ind., asking recognition of the Irish republic; to the Committee on Foreign Affairs.

1362. By Mr. KISSEL: Petition of 94 New York residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1363. Also, petition of W. Burton & Co., New York City, protesting against the passage of House bill 6752; to the Committee on the Judiciary.

1364. By Mr. LINEBERGER: Petition of the Burbank (Calif.) Chamber of Commerce, relative to the reconsideration of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

1365. By Mr. LINTHICUM: Petition of Bagby Furniture Co., Palmer, Harvey & Co., Haas & Fox, Baltimore Association of Credit Men, Kohn & Pollock, Carroll Adams & Co., Kingan Provision Co., Lyon, Conklin & Co., Electromechanical Co., Stewart & Co., Monumental Custom Tailoring Co., Baugh & Sons, Auto & Electric Supply Division, S. Halle Sons, and others, all of Baltimore, Md., favoring passage of House bill 6307; to the Committee on the District of Columbia.

1366. Also, petition of Church of the Ascension, William E. Hoffman, and Grace and St. Peters Church, and others, all of Baltimore, Md., favoring disarmament; to the Committee on Foreign Affairs.

1367. Also, petition of Mrs. H. U. Dore, Mrs. Elizabeth T. Davison, Mrs. J. Harry Tyler, Mrs. Alice M. Crates, Bagby Furniture Co., Nathaniel C. Grasty, and Mrs. Grace R. Turnbull, all of Baltimore, Md., urging relief to the suffering Armenians; to the Committee on Foreign Affairs.

1368. Also, petition of Maryland Veterans of Foreign Wars, Baltimore, favoring House bill 6611; to the Committee on Interstate and Foreign Commerce.

1369. Also, petition of the Glass Bottle Blowers Association of Baltimore and the Baltimore Federation of Labor opposing passage of House bill 4981; to the Committee on Agriculture.

1370. Also, petition of Manufacturers' Record, Baltimore, Md., favoring House bill 7074; to the Committee on the Post Office and Post Roads.

1371. By Miss ROBERTSON: Petition of citizens of Coweta, Okla., protesting against any revision of the tariff increasing duties on raw material; to the Committee on Ways and Means.

1372. Also, petition of citizens of Porum, Okla., protesting against any revision of the tariff increasing duties on raw materials; to the Committee on Ways and Means.

1373. By Mr. TREADWAY: Petition of citizens of Chester, Mass., in behalf of the Armenians; to the Committee on Foreign Affairs.

1374. By Mr. WATSON: Petition of Norristown Schwenkfelder Church, Norristown, Pa., favoring international conference for the discussion of disarmament; to the Committee on Foreign Affairs.

1375. Also, petition of Makefield monthly meeting of Friends, in favor of limitation of armament by international action; to the committee on Foreign Affairs.

1376. Also, petition of the congregation of the Longhorne Presbyterian Church, Longhorne, Pa., favoring an international conference for reduction of armament; to the Committee on Foreign Affairs.

1377. Also, petition of Horsham monthly meeting of Friends, Willow Grove, Pa., favoring an international conference to consider plans for reduction of armament; to the Committee on Foreign Affairs.

1378. By Mr. YOUNG: Resolution of the members of the First Presbyterian Church of Jamestown, N. Dak., commending the efforts being put forth in Congress looking to the calling of an international conference to confer upon the question of limitation of armaments; to the Committee on Foreign Affairs.

1379. Also, petition of the congregation of the Methodist Episcopal Church of Wimbledon, N. Dak., praying for an international conference looking to a reduction in armaments; to the Committee on Foreign Affairs.

1380. Also, petition of business men of New Rockford, N. Dak., praying for the enactment of legislation looking toward world disarmament, etc.; to the Committee on Foreign Affairs.

1381. Also, resolution adopted at a mass meeting of citizens of Devils Lake, N. Dak., favoring the passage of the resolution to recognize the independence of the Irish republic; to the Committee on Foreign Affairs.

1382. Also, letter in the nature of a petition from D. R. Brockman, of Jamestown, N. Dak., urging the repeal of the national prohibition act; to the Committee on the Judiciary.

1383. Also, letter to the President of the United States in the nature of a petition from John F. Reynold Post, No. 5, Grand Army of the Republic, Department of North Dakota, of Fargo, N. Dak., praying for the passage of the so-called Smith-Towner bill to create a department of education, etc.; to the Committee on Education.

1384. Also, resolution unanimously adopted by the American Farm Bureau Federation, opposing the placing of a duty on lumber; to the Committee on Ways and Means.

1385. Also, petition of sundry citizens of Velva, N. Dak., praying for an international conference on disarmament; to the Committee on Foreign Affairs.

1386. Also, resolution adopted at a meeting of the State directorate of North Dakota American Association for the Recognition of the Irish Republic, at Fargo, N. Dak., May 29, 1921, favoring the passage of the resolution to recognize the Irish republic; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *June 17, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Lord, Thou hast been our dwelling place in all generations. Our fathers trusted Thee and they were not disappointed. Thou hast never failed the trustful soul. We commend unto Thee this morning the sorrow that has shadowed this Capitol and beseech Thee to be the widow's God, the Father of the fatherless. Be near to all who mourn, and may the shadows of the dark valley be lightened with the prospect of the better life beyond. Help us each to fulfill our sphere according to Thy good pleasure. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, June 13, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FUNERAL OF REPRESENTATIVE WILLIAM E. MASON.

The PRESIDENT pro tempore. The Chair appoints as the committee on the part of the Senate to attend the funeral of Hon. WILLIAM E. MASON, late a Representative from the State of Illinois, the senior Senator from Illinois [Mr. MCCORMICK], the junior Senator from Illinois [Mr. MCKINLEY], the Senator from Iowa [Mr. KENYON], the Senator from Arizona [Mr. ASHURST], the Senator from Arkansas [Mr. CARAWAY], and the Senator from Alabama [Mr. HEFLIN].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint

resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PORTER, Mr. ROGERS, and Mr. FLOOD were appointed managers of the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a resolution of the Scottish Rite bodies, of Topeka, Kans., favoring the enactment of legislation to provide adequate relief for disabled ex-service men, which was referred to the Committee on Finance.

He also presented a petition of the Philathea Class and Woman's Christian Temperance Union, of Augusta, Kans., praying that relief be afforded the Armenians, which was referred to the Committee on Foreign Relations.

He also presented six resolutions of sundry organizations and citizens of the State of Kansas, favoring the enactment of legislation imposing a tariff duty on petroleum, which were referred to the Committee on Finance.

He also presented resolutions of the pastor and congregation of the Solomon Methodist Episcopal Church; the pastor and congregation of the Methodist Episcopal Church of Norwich; the pastor and congregation of the First Presbyterian Church of Blue Rapids; the pastor and congregation of the Methodist Episcopal Church of Linwood; the pastor and congregation of the First Baptist Church of Lawrence; the congregation of the Washington Creek Church of the Brethren, of Lone Star; and the pastor and sundry members of the Methodist Episcopal Church of Russell, all in the State of Kansas, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts. Mr. President, I present several communications and resolutions from individuals and religious organizations in Massachusetts, urging our Government to find a way to give relief and protection to the imperiled and distressed peoples of Armenia. These communications lay much stress on the fact that these people are threatened with annihilation, and they ask for immediate action. They believe America is in a position to give assistance, and they insist that America vigorously and speedily respond to this humanitarian service. I ask that the petitions be sent to the Committee on Foreign Relations.

These communications are from the Wareham Federation of Churches; Pawtucket Congregational Church; Trowbridge Memorial Methodist Episcopal Church; the faculty of Clark School; the Burnham School, of Northampton; the King's Daughters of Westfield; First Congregational Church of Ware; First Church of Christ, Longmeadow; the Congregational Church of Reading; citizens of East Northfield; Asbury First Methodist Episcopal Church of Springfield; the First Church of Chicopee; Park Congregational Church, of Springfield; Christ Church, of Springfield; First Unitarian Church of Ware; Trinity Church, of Ware; First Congregational Church of Sharon; Emmanuel Church, of Springfield; and the Methodist Episcopal Church of Ware.

The PRESIDENT pro tempore. The communications and resolutions will be referred to the Committee on Foreign Relations.

Mr. FLETCHER presented resolutions of the American Legion, Department of Florida, and Florida Development Board, of Jacksonville, Fla., protesting against the so-called McNary-Smith bill proposing to augment the United States Reclamation fund in amount $250,000,000 from the general fund of the Treasury, and favoring the so-called Bankhead-Borah bill, extending the reclamation benefits of such proposed legislation to the South Atlantic and Gulf States, particularly by drainage, which was referred to the Committee on Irrigation and Reclamation.

He also presented a memorial of sundry newspaper publishers of the State of Florida, remonstrating against the enactment of legislation repealing the present zone postal law, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted at the recent annual convention of the Southern Wholesale Grocers' Association (Inc.), of Jacksonville, Fla., favoring the enactment of legislation to provide a penalty for failure of common carriers to settle claims promptly and to require payment of interest on loss and damage claims; amending section 20, paragraph 11, of the interstate commerce act so as to provide that any common carrier a party to a through rate or a through bill of lading shall be liable to the lawful holder of the bill of lading for any loss, damage, or injury caused by it or by any of the carriers parties thereto; to authorize and direct the Interstate Commerce Commission to have common carriers issue 1,000-mile mileage books at substantial reductions under the regular passenger fares, and to prohibit common carriers from increasing rates, fares, and charges without the permission of the Interstate Commerce Commission, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Quay, Fla., praying for the enactment of legislation to effect a reduction of 50 per cent in the appropriations for the Army and Navy; to immediately repeal the so-called emergency protective tariff and to establish free trade with all the world; to stop immigration for five years; to provide employment for all the unemployed or to pay a living wage to such unemployed; to compel war profiteers to surrender to the Government all profits over and above 8 per cent interest on capital invested; to grant a $100 bonus for each month of service to all honorably discharged ex-service men of the World War; for the immediate release of all political prisoners; and to apply the initiative, referendum, and recall to all elected and appointed public officials, which was referred to the Committee on Finance.

He also presented a resolution adopted at the third annual convention of the American Legion, Department of Florida, at Orlando, Fla., May 16 and 17, 1921, favoring the enactment of legislation consolidating the three ex-service bureaus; appropriations for a permanent hospital building program; decentralizing the Bureau of War Risk Insurance; to further extend the benefits of vocational training and providing vocational training with pay for all disabled men with disabilities of 10 per cent or more, and providing privilege of retirement with pay for disabled emergency officers of the World War, which was referred to the Committee on Finance.

Mr. JOHNSON. I present a telegram in the nature of a memorial or resolution from the American Federation of Labor in reference to the investigation in West Virginia, a resolution for which is pending. I ask that it be printed in the RECORD without reading.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DENVER, COLO., *June 14, 1921.*

HIRAM JOHNSON,
Calvert Manor, Riverdale, Md.:

The forty-first annual convention of the American Federation of Labor assembled in Denver, Colo., Tuesday, June 14, 1921, unanimously adopted the following resolution, and directed that it be telegraphed to you:

"Whereas there is pending in the Senate of the United States a resolution calling for an investigation into the intolerable and un-American conditions prevailing in Mingo County, W. Va., where for more than a year 6,000 mine workers have been resisting a lockout by the coal operators because of their membership in the United Mine Workers of America; and

"Whereas this condition has developed into an industrial war wherein from time to time the armed agents of the coal operators have committed acts against the persons and homes of mine workers which have shocked the sensibilities of our citizenship and disturbed our domestic tranquillity; and

"Whereas it has during this period been necessary on two occasions for soldiers of the United States to effect military occupation of the coal field embraced in Mingo County; and

"Whereas at the present time martial law, as declared by the Commonwealth of West Virginia, is in effect in this region, and which condition has but intensified the present conflict: Therefore be it

"*Resolved*, That the American Federation of Labor declares itself in sympathy with the striking mine workers of West Virginia in their struggle to maintain the right to belong to their organization and to improve their material well-being; and be it further

"*Resolved*, That the secretary of the American Federation of Labor is hereby instructed to communicate by wire with Members of the United States Senate, transmitting this action and urging their unqualified and immediate support of the pending resolution calling for a senatorial investigation."

FRANK MORRISON,
Secretary American Federation of Labor.

Mr. McLEAN presented resolutions of the pastor and congregation of a union meeting of the Baptist and Methodist Churches of Niantic; the pastor and congregation of the Universalist Church of Stamford; and the congregation of the First Baptist Church of Middletown, all in the State of Connecticut, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted at the thirty-sixth annual convention, Connecticut Federation of Labor, held June 6 to 9, 1921, at Bridgeport, Conn., favoring the so-called Sterling-Lehlbach bill, providing for the reclassification of Government employees, which was referred to the Committee on Civil Service.

He also presented a resolution adopted at the Thirty-sixth Annual Convention, Connecticut Federation of Labor, June 6 to 9, 1921, at Bridgeport, Conn., favoring the so-called Nolan bill, providing a minimum wage of $3 per day for Federal em-

ployees, which was referred to the Committee on Education and Labor.

He also presented a memorial of Suffield Grange, No. 27, of Suffield, Conn., remonstrating against the enactment of a daylight saving law, which was referred to the Committee on Interstate Commerce.

He also presented resolutions of sundry citizens of New Canaan, Stamford, and Hartford, all in the State of Connecticut, and of Millbrook, N. Y.; and a resolution adopted at the Thirty-sixth Annual Convention, Connecticut Federation of Labor, held June 6 to 9, 1921, at Bridgeport, Conn., favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a petition of the Connecticut Federation of Labor, of New Haven, Conn., praying for the enactment of legislation providing for the construction of six submarines by the Lake Torpedo Boat Co., at Bridgeport, Conn., which was referred to the Committee on Naval Affairs.

He also presented petitions of the Slocum School Alumni, of Waterbury; the Connecticut Woman's Christian Temperance Union, of Hartford; the congregation of the Methodist Episcopal Church of Danielson; E. C. Thomas, pastor of St. James Church, of Hartford; R. C. Whitehead, pastor of Stratford Congregational Church, of Stratford; Dwight W. Graham, of Waterbury; Charles S. Gray, pastor of the Methodist Episcopal Church of Winsted; John Maurice Deyo, pastor of the Congregational Church of Danbury; J. D. Prigmore, associate pastor of the First Church of Christ, of New Haven; and sundry citizens of Orange, Conn., praying that relief be afforded the Armenians, which were referred to the Committee on Foreign Relations.

Mr. KEYES presented a resolution adopted by the pastor and congregation of the Methodist Church of Whitefield, N. H., favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

Mr. KENDRICK presented a petition, numerously signed, of members of the Sheridan County (Wyo.) Farm Bureau, praying for the enactment of legislation creating an agricultural foreign trade financing corporation, with capital stock of $50,000,000, to be advanced by the United States, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented a resolution of sundry ex-service men of the Georgia School of Technology, of Atlanta, Ga., favoring the so-called Gallivan bill to prevent the Dempsey-Carpentier prize fight until the ex-service men's bonus bill is enacted, which was referred to the Committee on Education and Labor.

Mr. CAPPER presented resolutions of the pastor and congregation of the Wade Branch Church of the Brethren, of Paola, and the pastor and congregation of the Second Methodist Episcopal Church of Wabaunsee, both in the State of Kansas, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

Mr. BURSUM presented a resolution adopted at a joint meeting of the bankers and live-stock producers of New Mexico, held at Albuquerque, N. Mex., June 10, 1921, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

At a joint meeting at Albuquerque, N. Mex., of the bankers and live-stock producers of this State on the 10th day of June, 1921, the following resolution was introduced and unanimously adopted:

"Whereas the live-stock business of this State is now in the most depressed condition known in its history, and which condition has been brought about by several causes, but largely because of the depressed financial condition throughout the entire country occasioned by the World War, and coupled with drought conditions which have extended over a large part of New Mexico, and which in part of said territory is still continuing; and

"Whereas live-stock producers, whether of cattle or sheep, are unable to market their animals except at a price very much below the cost of production, when, in fact, any market at all is obtainable; and

"Whereas, in our opinion, there is no surplus of meat animals in the United States, but, in fact, there is a great shortage, and that it is to the interest of the entire people of the Nation as well as to the live-stock producers to encourage further production, in order that the demands of the people for this production arising in future years may be met and supplied; and

"Whereas the Northwest grazing States, because of great drought which extended over same during two years and until 1919, are without animals to consume their now great abundance of grass and other feeds, and are wholly unable to restock said ranges because of the fact that there is no agency through which they may make financial arrangements for the purchase of their seasonable supply of animals for the restocking of said ranges; and

"Whereas said Northwest States have heretofore bought their animals in the Southwest, including the State of New Mexico, and have been our very best customers in taking the surplus animals produced from our breeding ranges and developing same on their fattening ranges; and

"Whereas the live-stock buyers of said Northwest States are still anxious and willing to purchase and develop our animals, provided funds for said purpose might be obtained; and

"Whereas the whole live-stock situation is now in such a stagnated condition as that unless immediate aid is procured from some source serious and lasting injury will result thereto, to the end that the Nation's meat supply will be jeopardized and the producers thereof greatly financially injured and in many cases ruined: Therefore be it

"Resolved by this joint meeting of the bankers and live-stock producers so assembled at Albuquerque as aforesaid, That we appeal to our President and his Cabinet at Washington, to the Congress of the United States, and to the officials of our great Federal Reserve System to promptly come to the relief of the live-stock producers by providing ample funds to be extended the said producers through long-time loans at a reasonable rate of interest, to the end that the breeding herds may be preserved to meet the future demands of the people and that animals suitable for the making of beef may be moved on to market channels and on to the northwest grazing grounds, giving relief both to the producers and the developer in said northwest territory, to the end that the industry may be saved and the banks be in part relieved from the terrific burden which they have been carrying and all the country thereby receiving an urgently needed benefit and relief; and be it further

"Resolved, That the same condition set forth above as surrounding the cattle producers affects and applies to the producer of mutton and wool, and that the latter is intended to be included and is included in these resolutions and the same need for relief applies to them as well."

Mr. OWEN. I ask unanimous consent to have printed in the RECORD resolutions adopted by the conference of post commanders of the American Legion of Oklahoma, with the letter of transmittal.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION OF OKLAHOMA,
OFFICE OF THE DEPARTMENT ADJUTANT, STATE CAPITOL,
Oklahoma City, Okla., June 14, 1921.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We attach hereto a copy of resolutions adopted by the commanders of posts of the American Legion of Oklahoma at their conference at Shawnee on June 13, with the request that they be read into the CONGRESSIONAL RECORD.

Thanking you for your courtesy in this matter and for the many instances in which you have aided the ex-service men of Oklahoma in the past, I am,

Very respectfully, J. C. CHATFIELD.

Resolutions adopted by the conference of post commanders, the American Legion of Oklahoma, Shawnee, Okla., June 13, 1921.

Whereas telegraphic dispatches from Washington give the information that one John D. Appleby, of Oklahoma City, has been named district prohibition enforcement officer for territory including this State; and

Whereas the department executive committee of the American Legion of Oklahoma approximately two months ago passed resolutions requesting that no recognition be given to said Appleby because of his unpatriotic attitude during the war emergency; and

Whereas the said individual was of military age and was not in the military service; and

Whereas when the American Legion's program for hospital facilities for care of the disabled veterans was before the eighth Legislature of the State of Oklahoma, the said John D. Appleby openly and personally directed an attack on the American Legion and its hospital program; and

Whereas through his pernicious activity the initial bills of the American Legion for hospital relief were defeated; and

Whereas the said John D. Appleby is characteristically and temperamentally unfit to hold a position of trust and honor under the United States Government; and

Whereas the post commanders of the American Legion in regular conference assembled at Shawnee, this the 13th day of June, 1921, has voiced its unqualified approval of the action taken by the executive committee: Now, therefore be it

Resolved, That it is the true and honest conviction of each and every commander and State American Legion officer attending this conference that said appointment of John D. Appleby should be rescinded, and with this belief this conference therefore does most respectfully request the honorable President of the United States immediately to rescind said appointment; and be it further

Resolved, That the honorable President of the United States, the United States Senators and Representatives from the State of Oklahoma, be furnished with a copy of this resolution; and be it further

Resolved, That this conference urgently requests the American Legion of Arkansas, Texas, Louisiana, Missouri, and Kansas to join with the department of Oklahoma in making this protest in justice due the ex-service men of these United States.

EARLE M. SIMON,
Chairman, Oklahoma City, Okla.
N. W. CAMPBELL,
Poteau, Okla.
EARL J. LITTEER,
Oklahoma City, Okla.

REPORTS OF COMMITTEES.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 391) for the relief of Alfred Cluff and certain other settlers at Forestdale, Apache County, Ariz., who were evicted from their homes by reason of a change in the location of the north boundary of the White Mountain or San Carlos Apache Indian Reservation, reported it without amendment, and submitted a report (No. 121) thereon.

Mr. SMITH. I report back favorably without amendment from the Committee on Agriculture and Forestry the joint resolution (S. J. Res. 72) for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm.

I ask for its immediate consideration. It is an emergency measure and I do not think it will bring about any discussion. It carries no appropriation but allows the Secretary of Agriculture to use in a different manner the appropriation already contained in the agricultural appropriation act.

Mr. STERLING. May I ask the Senator from South Carolina if he thinks it will take any time?

Mr. SMITH. I think not.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I should like to have it go over for a day.

The PRESIDENT pro tempore. Objection is made and the joint resolution will be placed on the calendar.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States, reported it without amendment, and submitted a report (No. 122) thereon.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River. I call the attention of the Senator from Colorado [Mr. NICHOLSON] to the joint resolution.

Mr. NICHOLSON. I ask unanimous consent for the present consideration of the joint resolution.

Mr. STERLING. I ask the Senator from Colorado if he anticipates that it will lead to any discussion?

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The Senator from Utah objects to the present consideration of the joint resolution, and it will go to the calendar.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, reported it with amendments and submitted a report (No. 123) thereon.

Mr. LENROOT. I report back adversely from the Committee on Military Affairs the bill (S. 1017) extending to persons who were injured in training while members of the Reserve Officers' Training Corps the compensation, benefits, and privileges provided in the act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and in the act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended.

This is an adverse report, and I ask unanimous consent for its present consideration, with the recommendation that it be indefinitely postponed.

The VICE PRESIDENT. Is there objection? If not, the question is on the motion to postpone the bill indefinitely.

The motion was agreed to.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, reported it with an amendment and submitted a report (No. 124) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 2096) to require common carriers to make prompt settlement of claims and providing a penalty for failure therein; to the Committee on Interstate Commerce.

By Mr. GOODING:

A bill (S. 2097) granting to the State of Idaho 50,000 acres of public land for the construction and maintenance of a soldiers' home (with accompanying papers); to the Committee on Public Lands and Surveys.

A bill (S. 2098) for the relief of Jacob Mull; to the Committee on Military Affairs.

By Mr. BORAH (by request):

A bill (S. 2099) governing the tolls to be paid at the Panama Canal; to the Committee on Interoceanic Canals.

By Mr. MYERS:

A bill (S. 2100) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 2101) granting a pension to Julianita G. Ortiz; to the Committee on Pensions.

By Mr. DIAL:

A bill (S. 2102) to establish a school for the Catawba Indians at or near Rock Hill, S. C., and making an appropriation therefor; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 2103) to amend the act pensioning survivors of certain Indian wars, approved March 4, 1917, by including Company A, Frontier Battalion, Texas Rangers; and

A bill (S. 2104) amending an act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, approved March 4, 1917; to the Committee on Pensions.

A bill (S. 2105) to establish a landschaft system of rural credit in the United States;

A bill (S. 2106) to provide for the establishment of national cooperative banking associations; and

A bill (S. 2107) to provide for the establishment of national cooperative rural banking associations; to the Committee on Banking and Currency.

By Mr. PITTMAN:

A bill (S. 2108) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren, and Sisters of Moses, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OVERMAN:

A joint resolution (S. J. Res. 76) to authorize the Secretary of War to grant the use of land and camp equipment to the United States Training Corps for Women, and to detail Army officers for service at recreational camps; to the Committee on Military Affairs.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS.

Mr. BORAH. I introduce a joint resolution abolishing the organization known as the National Advisory Committee for Aeronautics and transferring its property and duties to existing governmental agencies, which I ask to have printed in the RECORD. In connection with the printing of the joint resolution in the RECORD, I ask to have printed also two sections of the Revised Statutes of the United States, as the joint resolution relates to those sections.

Mr. FLETCHER. May we not have the joint resolution read?

Mr. BORAH. Very well; I have no objection.

The joint resolution (S. J. Res. 77) abolishing the organization known as the National Advisory Committee for Aeronautics, and transferring its property and duties to existing governmental agencies was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Whereas an act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, of March 3, 1915, known as H. R. 20975, and further known as Public 271, created a body known as "Advisory Committee for Aeronautics"; and

Whereas at this time the necessity for economy demands a consolidation, where possible, of governmental agencies whose authorities are overlapping, and whose duties result in duplication: Now, therefore, be it

Resolved, etc., That the body known as the National Advisory Committee for Aeronautics is hereby abolished as such.

SEC. 2. That the technical duties that have heretofore been carried on by the body, or that have heretofore by law been charged to the body, be, and they are hereby, transferred to the Department of Commerce, to be carried out by the Bureau of Standards.

SEC. 3. That the technical equipment now in the possession of the National Advisory Committee for Aeronautics be, and it is hereby, transferred to the Department of Commerce, to be available for the work of the Bureau of Standards.

SEC. 4. That the buildings and real estate now belonging to the National Advisory Committee for Aeronautics at present on military or naval reservations be, and they are hereby, transferred to the War Department or Navy Department, as the case may be.

SEC. 5. That such duties of the National Advisory Committee for Aeronautics as relate to its advisory capacity on the subject of aeronautics be, and they are hereby, transferred to the War Council, as created by the national defense act approved June 3, 1916, as amended by acts subsequent to June 3, 1916, to and including the act of June 4, 1920.

The two sections of the United States Statutes indicated were ordered to be printed in the RECORD, as follows:

An advisory committee for aeronautics is hereby established, and the President is authorized to appoint not to exceed 12 members, to consist of two members from the War Department, from the office in charge of military aeronautics; two members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons, who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences: *Provided*, That the members

of the Advisory Committee for Aeronautics, as such, shall serve without compensation: *Provided further*, That it shall be the duty of the Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories: *And provided further*, That rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President.

That the sum of $5,000 a year, or so much thereof as may be necessary, for five years is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for experimental work and investigations undertaken by the committee, clerical expenses and supplies, and necessary expenses of members of the committee in going to, returning from, and while attending meetings of the committee: *Provided*, That an annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures. (Statutes of the United States, 3d sess. of the 63d Cong., 1914–15, Public Acts and Resolutions, pt. 1, p. 930.)

THE NATIONAL DEFENSE ACT, JUNE, 1920.

SEC. 5b. The war council: The Secretary of War, the Assistant Secretary of War, the General of the Army, and the Chief of Staff shall constitute the war council of the War Department, which council shall from time to time meet and consider policies affecting both the military and munitions problems of the War Department. Such questions shall be presented to the Secretary of War in the war council, and his decision with reference to such questions of policy, after consideration of the recommendations thereon by the several members of the war council, shall constitute the policy of the War Department with reference thereto.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed. The Chair lays before the Senate——

Mr. STERLING. I understand the Chair is about to lay before the Senate the unfinished business, which is my substitute bill for House bill 6320.

Mr. NORRIS. I understood that the Senator rose to present routine morning business.

Mr. STERLING. No.

Mr. NORRIS. Very well. Then I ask unanimous consent that we proceed with House bill 6320, the unfinished business.

Mr. ASHURST. Before unanimous consent is given, I wish to say that I am very anxious to assist the chairman of the Committee on Agriculture and Forestry to dispose of the bill, but since we were deprived of calendar day on Monday by circumstances which I have twice related, I was wondering if we might not have, say, an hour, for the consideration of unobjected bills on the calendar.

Mr. NORRIS. I should like to say to the Senator from Arizona that I do not wish to interfere with morning business. If the Senate desires to consider for an hour unobjected bills on the calendar, I have no objection to devoting an hour to that purpose.

Mr. ASHURST. Of course, the calendar is a species of morning business. It has some rights.

Mr. NORRIS. I am not objecting to it. The unfinished business will come before the Senate in the regular routine at 2 o'clock, even if we do not get to it before that hour, and I think it will not take long, because we are certainly very near the end of it now.

Mr. ASHURST. I only ask that we consider the calendar for one hour, and at the conclusion of one hour recur to the unfinished business.

Mr. SMOOT. With the understanding that no bills on the calendar shall be considered to which there is any objection?

Mr. ASHURST. I said unobjected bills.

Mr. SMOOT. I did not understand the Senator to include that in his request.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent to proceed to the consideration of bills on the calendar, considering only those to which there is no objection. Is there objection to that request?

Mr. STERLING. There is a time limit to that, as I understand, and the time limit is one hour. The request is that one hour shall be devoted to the consideration of the calendar and that bills which are not objected to shall be considered. I shall not interpose any objection if that is the understanding.

Mr. SMITH. Do I understand that in accordance with the request of the Senator from Arizona we are to take up bills unobjected to for one hour from the time when we begin the consideration of the calendar?

Mr. ASHURST. Yes; I believe we can get to the unfinished business within an hour. I think we ought to go through the calendar, and we can get through with it in an hour if we consider only unobjected bills.

Mr. SMITH. The Senator asks unanimous consent that that shall be done?

Mr. ASHURST. I ask unanimous consent that that shall be done.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar for one hour. Is there objection to the request? The Chair hears none, and it is so ordered. The Chair desires to remark that at the end of the hour the Senate will necessarily proceed with the consideration of bills on the calendar. The Secretary will report the first bill on the calendar.

Mr. STERLING. Mr. President, after the hour has expired will the Senate then not proceed to the consideration of the unfinished business?

The PRESIDENT pro tempore. The unfinished business will not come before the Senate until 2 o'clock, unless it is otherwise ordered.

Mr. STERLING. A motion may be made, however, to take up the unfinished business.

BILL PASSED OVER.

The bill (S. 656) to create a bureau of aeronautics in the Department of the Navy was announced as first in order on the calendar.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

GOVERNMENT LANDS IN HAWAII.

The bill (S. 1021) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. KING. I offer the following amendment.

The READING CLERK. On page 2, line 4, after the word "act," it is proposed to insert:

Provided, That no exchange hereby authorized shall require the payment of any money by the United States.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WALSH of Montana. Mr. President, when this measure was under consideration some time ago I questioned the wisdom of it and interrogated the chairman of the Committee on Military Affairs as to the particular land which it was desired to exchange under the provisions of the bill. I can not see why we should have one policy with reference to the disposition of abandoned military reservations in Hawaii and a different policy applying to the United States proper. I have not yet had any enlightenment on that question.

Mr. WADSWORTH. I will say to the Senator from Montana that I have not yet received from the department the information which the Senator requested. It may take some little time to get an answer to my request for such information.

Mr. WALSH of Montana. Then let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 724) for the relief of Henry J. Davis was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 725) for the relief of Orion Matthews was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. OVERMAN. Has the bill been read, Mr. President?

The PRESIDENT pro tempore. The bill will be read.

The reading clerk proceeded to read the bill.

Mr. OVERMAN. I object to the consideration of the bill. It has been 50 years since the war in which the beneficiary of this bill participated.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the

legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 569) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, was announced as next in order.

Mr. SMOOT. That bill relates to the same subject matter as the unfinished business, and I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

VOCATIONAL REHABILITATION.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I am quite sure that the bill, if passed, will require the expenditure of a great deal of money. How much I do not know, nor can I ascertain from the report of the committee on the bill. The bill is a very important measure, and perhaps it ought to pass.

Mr. KENYON. The report does not state the amount of money which may be required, because it is impossible to figure it.

Mr. SMOOT. And there is no estimate as to the amount.

Mr. KENYON. There is no estimate as to the amount. I think, however, that the Senator from Utah will find that the report is reasonably clear as to just what the bill is designed to accomplish. It is No. 4 of the program which the American Legion has asked Congress to carry out. I agree with the Senator from Utah that it involves a matter which perhaps ought to be discussed.

Mr. SMOOT. Yes.

Mr. KENYON. I am not myself prepared, and I do not now care to proceed with the discussion of the bill. I wish, however, to bring it up as soon as we can. I believe that it may be advisable that the bill should now go over, although I do not wish to ask that it go over.

Mr. SMOOT. Under the statement of the Senator from Iowa, I think it is better that the bill should go over.

Mr. KENYON. I give notice that I shall ask that the bill be taken up within a reasonable time.

Mr. SMOOT. I shall be glad to assist the Senator from Iowa in its consideration, but I ask that the bill now go over.

The PRESIDENT pro tempore. The bill will go over.

BILL PASSED OVER.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

CON MURPHY.

The bill (S. 1737) for the relief of Con Murphy was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $2,000 to Con Murphy, for personal injuries sustained by him while in the performance of his duty as janitor in the custodian service, Federal Building, Cheyenne, Wyo.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal was announced as next in order.

Mr. NEW. I ask that that bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. LA FOLLETTE. I ask that that bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (S. 425) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order, and the reading clerk proceeded to read the bill.

Mr. SMOOT. Mr. President, my colleague, the junior Senator from Utah [Mr. KING], when this bill came up some days ago desired to offer certain amendments to it. He is not in the Chamber at the moment, and I ask, therefore, that the bill go over, temporarily at least, until he returns to the Chamber.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

DISTRICT OF COLUMBIA FISCAL SYSTEM.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order, and the reading clerk read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. Mr. President, I should like very much to have this bill passed, and I am satisfied the Senate will pass it; but I hardly think it would be fair to the Senator from Utah [Mr. KING], who, I know, is opposed to the bill, to consider it at this time. He would like to be present when it is taken up for consideration, and for that reason I shall have to ask that it may go over, at least temporarily.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

PROTECTION OF MATERNITY AND INFANCY.

The bill (S. 1039) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States was announced as next in order.

Mr. KENYON. Mr. President, I am anticipating what I assume will be an objection to this bill, as I know there are Senators who are opposed to it. A similar bill at the last session of Congress passed the Senate, and the bill now on the calendar ought also to pass. I am going to ask unanimous consent to make the bill a special order for Tuesday, June 28, at 2 o'clock. I have talked with a number of Senators about it, and I think there is no objection to that being done. Under Rule X, if there is unfinished business at that time, it would not come on; but there are a number of Senators who wish to be here who are absent from the city, and some will be absent next week, and I think the fair thing is to fix a date, and, with that object in view, to make the bill a special order.

Mr. SMOOT. Would it not be proper to call a quorum before the request is put?

Mr. KENYON. I do not think so. I am simply asking that the bill be made a special order; I could move to make it a special order, and I make that motion, Mr. President.

Mr. SMOOT. That can be done immediately after we get through with the calendar under the present order.

Mr. KENYON. Why can we not do it now?

Mr. SMOOT. We are working under a unanimous-consent agreement.

Mr. BORAH. Mr. President, under what rule does the Senator move to make a bill a special order? It has to be done by unanimous consent, does it not?

Mr. KENYON. No; but under Rule X it requires a two-thirds vote for the Senate to make a bill a special order. The only privilege that making a bill a special order gives is that it fixes a time for its consideration, and then, if at the end of the day on which it comes up, it is still before the Senate at the time of adjournment it would become the unfinished business. There is not any special virtue attached to a special order.

Mr. OVERMAN. Why does not the Senator ask unanimous consent to take it up at 2 o'clock on June 28 as the unfinished business?

Mr. KENYON. That perhaps would require a roll call.

Mr. OVERMAN. I think the Senator is mistaken.

Mr. KENYON. On second thought, I am inclined to think such a request would not require a roll call. In accordance with the suggestion, I ask unanimous consent, then, that Senate bill 1039 may be the unfinished business at 2 o'clock on Tuesday, June 28, to be taken up at that time as the unfinished business.

The PRESIDENT pro tempore. The Chair is inclined to believe that the Senate is operating under a unanimous-consent agreement and that the motion made by the Senator from Iowa is not in order at this time.

Mr. KENYON. Very well; I will make the motion at the close of the morning hour.

ORDNANCE STOREKEEPER IN THE ARMY.

The bill (S. 834) to authorize the appointment of an ordnance storekeeper in the Army was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the word "Army," to strike out "and" and insert "an," so as to make the bill read:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, Nathan Hazen, chief clerk, office of the Chief of Ordnance Department, United States

Army, an ordnance storekeeper of the Ordnance Department, United States Army, with the rank and pay and allowances of a captain, mounted, and that he be immediately placed upon the retired list.

The grade of ordnance storekeeper is hereby revived in the Army of the United States for this purpose only.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I should like to ask the chairman of the Military Affairs Committee a question about this bill. It provides that this man shall be immediately put on the retired list. What is the reason for that? As I understand, a civilian employee is to be put in the Army and immediately put on the retired list, where he will draw a salary for doing nothing.

Mr. WADSWORTH. Mr. President, this man has been in the Ordnance Department for 43 or 44 years, I think. He has been chief clerk of the Ordnance Department for a long, long time. During the recent emergency, if my recollection is correct, his services were regarded as so exceedingly valuable that he was given an emergency commission. His age, of course, is far beyond that which would permit him to enlist in the Regular Army and come up and be retired in the usual way. He has now reached an advanced age, has served the Government faithfully for nearly half a century, and, frankly, this is a method of rewarding an old and faithful employee who is not eligible for any other kind of reward. It has been done in two or three other instances of a similar character in years gone by.

Mr. OVERMAN. Mr. President, if we put this civilian on the retired list, why should we not do the same thing with others and make a retired list of all Government employees?

Mr. WADSWORTH. That is just what we have done in the classified service. This man is not eligible for that.

Mr. OVERMAN. Are we going to continue through all the branches of the Government to put civilians on the retired list of the Army?

Mr. WADSWORTH. I should hope not.

Mr. OVERMAN. Mr. President, I object to the consideration of this bill.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

JOHN B. H. WARING.

The bill (S. 667) for the relief of John B. H. Waring was announced as next in order.

Mr. OVERMAN. I object to the consideration of that bill.

Mr. SUTHERLAND. Mr. President, I hope the Senator from North Carolina will withhold his objection.

Mr. OVERMAN. This is to restore a man to the service and put him on the retired list, is it?

Mr. SUTHERLAND. I will say to the Senator that this bill corrects a very gross injustice that was done to this man Waring, who was in the Medical Corps.

Mr. OVERMAN. I shall be glad to have the Senator explain the bill. I want to understand it before I object.

Mr. SUTHERLAND. Will the Senator withhold his objection, then, for the present?

Mr. OVERMAN. Yes.

Mr. SUTHERLAND. This man Waring was in the Medical Corps. He was examined two or three times before he went in and by Army officers after he went in and at the time of his going in, and was declared to be a perfectly sound candidate for his position as an officer in the Army. He was serving in the Philippine Islands, and suffered what is called a light stroke, a form of sunstroke; and from that trouble, incident to the service and declared to be so by the physician who examined him, he went through a series of mishaps which finally resulted in his getting out of the Army. This bill has been gone over twice by the Military Affairs Committee of the Senate, has been twice reported favorably, and was once acted upon favorably by the Senate.

Mr. OVERMAN. What does the War Department say about it?

Mr. SUTHERLAND. The War Department has made no objection to the bill, so far as I know. It was passed by the Senate in the last Congress, and only failed of action in the House because of the congestion of business.

Mr. OVERMAN. I will withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore to John B. H. Waring, late a captain in the Medical Corps, the files of which he was deprived, and, by and with the advice and consent of the Senate, appoint him an officer of the Medical Corps in the Army of the United States as of May 5, 1917, with such rank as he would have attained had he not been discharged, and when so appointed he shall be placed on the retired list of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENNSYLVANIA-DELAWARE BOUNDARY LINE.

The joint resolution (H. J. Res. 82) ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware, was considered by the Senate, and was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby consents to the reestablishment of the boundary line between the States of Pennsylvania and Delaware, as heretofore agreed upon by said States, and as reestablished and confirmed, fixed, and determined according to the terms of an act of the General Assembly of the Commonwealth of Pennsylvania entitled "An act providing for the acceptance, approval, and confirmation of the report of the commission appointed in pursuance of the act approved the 4th day of May, A. D. 1889, authorizing the examination, survey, and reestablishment of the circle of New Castle as the boundary line between Pennsylvania and Delaware," approved June 22, 1897, and an act of the General Assembly of the State of Delaware entitled "An act providing for the acceptance, approval, and confirmation of the report of the commission appointed in pursuance of the act of the General Assembly of the State of Delaware, approved the 25th day of April, A. D. 1889, authorizing the examination, survey, and reestablishment of the circle of New Castle as the boundary line between Pennsylvania and Delaware," approved March 28, 1921.

The PRESIDENT pro tempore. This joint resolution has already been considered as in Committee of the Whole, and reported to the Senate. It is now before the Senate and open to amendment. If there be no amendment to be proposed, the question is, Shall the joint resolution be read a third time?

The joint resolution was ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. BORAH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. WALSH of Montana. I object to the consideration of the joint resolution.

The PRESIDENT pro tempore. Objection is made. The joint resolution will be passed over.

The bill (S. 904) fixing the term of service of Elijah C. Putnam during the Civil War was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF FEDERAL RESERVE ACT.

The bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act be amended as follows:

Strike out all after the word "than" in the sixth line of said proviso and insert in lieu thereof the following:

"That which could be borrowed lawfully from such State bank or trust company were it a national banking association," so that said proviso when amended shall read as follows:

"*Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association."

Mr. OVERMAN. Mr. President, I should like to have the Senator from Connecticut give some explanation of this bill.

Mr. McLEAN. Mr. President, the report explains very clearly the purpose of the bill. It merely places State banks which are members of the Federal reserve system on the same basis that national banks are now placed.

Mr. OVERMAN. It applies to State banks only where they are members?

Mr. McLEAN. Yes.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. SMITH. Mr. President, has the proposed amendment of the Federal reserve act been read?

The PRESIDENT pro tempore. It has.

Mr. SMITH. I was engaged otherwise. Before we vote on it I should like to have the proposed amendment read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The ASSISTANT SECRETARY. In the proviso of the statute, the bill strikes out all after the word "than," in the sixth line, and inserts the following words: "That which could be borrowed lawfully from such State bank or trust company were it a national banking association," so that the proviso, if amended, shall read as follows:

Provided, however, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association.

Mr. SMITH. Mr. President, I ask to have that bill go over. I should like to look into it.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

BILL PASSED OVER.

The bill (S. 387) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was announced as next in order.

Mr. ASHURST. Let that go over. A similar bill has passed the House and is now pending here.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL DISTRICT JUDGES, SOUTHERN DISTRICT OF NEW YORK.

The bill (S. 1288) to provide for the appointment of one additional judge of the district court of the United States for the southern district of New York was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint one additional judge of the district court of the United States for the southern district of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr WADSWORTH. Mr. President, I desire to offer an amendment to the bill which will have the effect of increasing the number of judges in the southern district by two instead of by one. This amendment is offered at the earnest request of the Attorney General.

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. Before the word "additional" it is proposed to strike out "one" and insert "two," and after the word "additional" it is proposed to strike out the word "judge" and insert "judges," so that if amended it will read:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint two additional judges of the district court of the United States for the southern district of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. OVERMAN. Mr. President, the Judiciary Committee had up this question as to whether there should be two additional judges or one. After looking into the matter and considering it, the committee unanimously agreed that we would recommend the passage of this bill providing for one additional judge. I think they can get along with one additional judge, and if they can not we can provide for another in the future; but if the judges there will work like some other judges do, I think five judges probably can do the work in that district.

Mr. WADSWORTH. Mr. President, in reply to the last observation of the Senator, let me say that the judges in this district already dispose on an average of four times as many cases apiece as the judges do in many other districts in the country.

Mr. OVERMAN. I have no doubt of that.

Mr. WADSWORTH. They are hopelessly behind. One additional judge will be merely a step in the direction of relieving them. We shall have to provide two judges inevitably, and the quicker we do it the quicker we will get this mass of litigation out of the way.

Mr. OVERMAN. Why not make it three, or four, or five, if you have so many cases?

Mr. WADSWORTH. Mr. President, it is hoped, as the Senator knows, to relieve the Federal judges of some of the cases which arise as the result of recent enactments and amendments to the Constitution. If that is done, it may be that this district can get along without more than two additional judges; but on the old-time cases, the standard cases that come before Federal judges, they are hopelessly behind to-day. I had understood that the Senator from Minnesota [Mr. NELSON], the chairman of the committee, believed that they should have two judges, and that there would be no objection to such an amendment.

Mr. OVERMAN. I will agree to do whatever the chairman thinks best.

Mr. NELSON. If the Senator will allow me, the Attorney General recommended two judges, and I am satisfied that they are urgently needed. I may say, further, that I was present at a conference of judges and lawyers yesterday who were discussing the question of relieving the congestion which exists in the Federal courts, and I talked with an attorney from the city of New York, and I am satisfied that they need not only two additional judges, but under present conditions they really need four additional judges. There has been a great increase in the admiralty and bankruptcy business in those courts; and of course Senators all know the increase in business in the courts that has come from the enforcement of national prohibition.

The Department of Justice recommended two additional judges. We reported the bill as it was introduced by the Senator from New York. I think the least they are entitled to is two judges, and the bill ought to be passed in that form to relieve the congestion there.

Mr. OVERMAN. Mr. President, the chairman has information I did not have. But I do not know where this will end. We are authorizing the appointment of additional judges all over the country. If we make provision for two additional judges for New York, in some other States we will be asked for one or two additional judges, and so on, and no one can tell where it will end. It looks to me as though some movement to take care of the bootleg cases ought to be started. It does not take long to try them. A judge could dispose of 100 of them in a day, as a rule. Still, if the chairman of the committee is satisfied that there shall be two additional judges in the southern district of New York, I do not object.

Mr. BRANDEGEE. Mr. President, I think the necessity for these additional judges is not caused to any great degree by the cases arising under the prohibition enforcement act. The business has increased in New York tremendously in the last two years. A study of the statistics which the Senator from New York put in the RECORD the other day will show that to be the case.

As a member of the committee which reported in favor of one judge, I was informed by the Senator from New York of these conditions and circumstances, and I advised him to ask to have the bill recommitted to the committee, so that we could report it, making provision for two additional judges; but when I talked with the chairman of the committee, who was of the same opinion that I was as to the necessity for the increase, he suggested that he would advocate an amendment on the floor to that effect, and that it would not be necessary to recommit the bill.

I sincerely hope the amendment of the Senator from New York may be agreed to. I think very likely we may be driven in the very near future to appoint some sort of a commission, with proper judicial authority, to try the liquor-enforcement cases, and to relieve the district courts from the consideration of that class of cases. But the country is growing very rapidly; the population is growing, and I assume that owing to matters growing out of the war, and the admiralty business in this maritime section of the country, the business of the courts in New York has increased by leaps and bounds.

I hope the amendment offered by the Senator from New York will be agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the appointment of two additional judges of the district court of the United States for the southern district of New York."

DIVISION OF CONSTRUCTION AND HOUSING, BUREAU OF STANDARDS.

The bill (S. 1890) authorizing the Secretary of Commerce to establish in the National Bureau of Standards a division to be known as the division of construction and housing was announced as next in order.

Mr. JONES of Washington. I ask that this bill may go over, because it has been substantially taken care of in the deficiency appropriation bill. If the Senator from New York [Mr. CALDER] were here, I would ask that it go over under Rule IX; but I will not make that request in his absence.

The PRESIDENT pro tempore. The bill will be passed over.

RESOLUTIONS PASSED OVER.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. McCORMICK. I ask that the resolution may go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 80) directing the Committee on Education and Labor to investigate the recent acts of violence in the coal fields of West Virginia and adjacent territory and the causes which led to the conditions which now exist in said territory was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The joint resolution (S. J. Res. 52) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

ADDITIONAL JUDGE, EASTERN DISTRICT OF MICHIGAN.

The bill (S. 1254) providing for the appointment of an additional district judge in and for the eastern district of Michigan was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the President of the United States shall appoint an additional district judge for the eastern district of Michigan, by and with the advice and consent of the Senate, who shall reside in said district and shall possess the same qualifications and have the same power and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. KING, Mr. SMITH, and Mr. WADSWORTH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1838) to amend section 4887 of the Revised Statutes relating to patents was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRODUCTION OF MINERALS FOR WAR PURPOSES.

The bill (S. 843) to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," be, and the same is hereby, amended as follows:

Add to the first paragraph of section 5 the following proviso: "*Provided*, That all claimants who, in response to any personal, written, or published request, demand, solicitation, or appeal from any of the Government agencies mentioned in said act, in good faith expended money in producing or preparing to produce any of the ores or minerals named therein and have heretofore filed their claims within the time and in the manner prescribed by said act, shall be reimbursed such net losses as they may have been found to have incurred and are in justice and equity entitled to from the appropriation in said act, and that the unexpended portion of the appropriation carried in said act be continued available for the purpose named above until all claims shall be finally settled or disposed of."

Mr. JONES of Washington. Mr. President, this bill went over the other day at my request. I have an amendment which I intend to propose to it, which I understand is satisfactory to the Senator from Arizona [Mr. ASHURST]. If that amendment is agreed to, I shall have no objection to the passage of the bill.

Mr. SMOOT. Will the Senator read the amendment?

Mr. JONES of Washington. I will ask the Secretary to read the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. After the word "act," in line 3, page 2, insert "if the proof already filed in support of said claims clearly shows them to be based upon action taken in response to such request, demand, solicitation, or appeal," and after the word "all," in line 8, to insert the word "such."

Mr. LA FOLLETTE. I think the bill had better go over. It is an important bill and entitled to more consideration than we can give it under the 5-minute rule.

Mr. ASHURST. Before the bill is passed over, I believe if a short explanation were made by the Senator from California [Mr. SHORTRIDGE] the objection might be withdrawn.

Mr. LA FOLLETTE. I shall be very glad to withhold the objection until the explanation is made.

Mr. ASHURST. A substantially similar bill passed the Senate in the Sixty-sixth Congress. The Committee on Mines and Mining gave the bill careful scrutiny, heard witnesses, and amended it so as to guard carefully the public interests. The committee accepts the amendment proposed by the Senator from Washington [Mr. JONES]. But I will not take further time. The junior Senator from California is the author of the bill, and he will explain it.

Mr. SHORTRIDGE. I thank the Senator.

Mr. President, as the Senator from Arizona has stated, this bill was passed by the Senate in the last Congress, but it failed to pass the House on account of lack of time, I assume. It was redrafted and, as the Senator will observe, has been amended so as more carefully to guard the rights of the Government. It was favored by the committee. As stated, it is a meritorious measure. No additional appropriation is asked for, and no additional evidence is to be submitted. All the claims are in and they are now to be passed on pursuant to the bill as amended.

Mr. LA FOLLETTE. Will the Senator from California please state the object of the bill?

Mr. SHORTRIDGE. Certainly. By the act of October 5, 1918, when this Nation was in war and in peril, Congress passed an act setting out that there were certain metals which were essential to the successful carrying on of that war, and calling upon the people to set about to search out and produce those essential metals. Among those metals were chrome, manganese, pyrites, and tungsten. Patriotically and energetically men throughout the West sought to aid the Government along the lines indicated. The armistice coming, their operations, of course, ceased.

On March 2, 1919, Congress, I think wisely and justly, passed an act, aptly termed a relief measure, on behalf of those who had thus sought to aid the Government and who found themselves at great loss. Under an interpretation of that act, which the committee thought was erroneous and too narrow, many of the claims thought to be meritorious and just were rejected and disallowed. Hence the bill which was passed in the last Congress, and hence the one which is now before us, which expands somewhat, by way of interpretation, perhaps, the act passed at the last session. Under the act of March 2, 1919, these claims were presented. They aggregated something in the neighborhood of five or six or more million dollars; $9,500,000 was appropriated for this purpose of relief.

Mr. BRANDEGEE. Mr. President, I was unable to hear the first part of the Senator's remarks, there was so much conversation going on around me.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BRANDEGEE. I wish to ask the Senator with whom the claims were filed and who has the authority to allow the claims under the act of March 2, 1919?

Mr. SHORTRIDGE. The Secretary of the Interior. It may not be improper for me to indicate that the measure meets the approval of that department of the Government. I repeat to this extent to say that no additional appropriation is needed and if, indeed, all the disallowed claims were allowed there would still be money remaining.

Mr. BRANDEGEE. In what respect does the bill broaden the law as it formerly stood? What kind of claims does it let in?

Mr. SHORTRIDGE. The act of March 2, 1919——

Mr. ASHURST. Mr. President, will the Senator yield to me at this point?

Mr. SHORTRIDGE. Certainly.

Mr. ASHURST. The bill relates to miners and operatives who, in response to the request of the Government furnished needed metals to the Government, are now filing claims to obtain payment therefor. I will use a concrete illustration. The Government published and sent broadcast requests for chrome, manganese, pyrites, and so forth, for manufacturing ordnance. It should be borne in mind that we were during the war importing manganese, so hard were we pressed for that metal. Miners in our mountains, for instance, sent one of their number to town for supplies or for the mail, and while in town procuring such supplies, and so forth, he read a "notice to miners," posted

on a wall or in the post office, in the form of an appeal to miners and to their patriotism, stating that the Government required manganese, chrome, and other particular metals.

Under the act of 1919 the particular miner who read that notice and who furnished such metals to the Government may get his claim paid, but as to those miners who did not read such notice, they had no contractual relations with the Government and can not be paid.

This legislation contemplates that those persons who in good faith produced metals of use to the Government and have heretofore filed their claims may be repaid the amount of money they actually expended in extracting such metals; and the bill further provides that the claimants must have responded to some published request, solicitation, or appeal of the Government, and that the Secretary of the Interior must find that in justice and equity the claimants are entitled to be paid.

Mr. BRANDEGEE. I understand, of course, that the claimant has to establish the truth and justice and equity of his claim to the satisfaction of the Secretary of the Interior.

Mr. SHORTRIDGE. Precisely.

Mr. BRANDEGEE. I understand that, but what I wish to know is what there was in the original law or in the act of 1919 which prevented claimants in the class of cases about which the Senator is now speaking from getting their claims allowed?

Mr. ASHURST. Will the Senator from California permit me?

Mr. SHORTRIDGE. Certainly.

Mr. ASHURST. The construction placed on the original act, if I remember, was that the language thereof provided that only those who had contracts with the Government could obtain relief or repayment. I may not accurately quote the substance of the law, and if I do not, I wish the Senator from California would correct me.

Mr. SHORTRIDGE. I can give the Senator the exact language.

Mr. BRANDEGEE. Of course, in this class of cases there is always danger that some fraud will be perpetrated upon the Government by perjured testimony and things of that kind, but if a man has to establish the justice and equity of his claim in the Department of the Interior, I have no objection. If he can prove it to the satisfaction of the Secretary of the Interior, there is no objection, because the present Secretary is an able lawyer and a miner also, and he is capable of doing justice in these cases.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. I yield.

Mr. JONES of Washington. The amendment which I proposed provides a further restriction that if the proof already filed clearly shows the claims to be based upon action taken in response to such request, demand, and so forth.

Mr. WATSON of Georgia. Mr. President, will the Senator from California yield to me?

Mr. SHORTRIDGE. Certainly.

Mr. WATSON of Georgia. For the information of Senators I will state that a couple of years ago, I think it was, I heard great complaint from planters down South who had at the request of the Government planted a certain variety of beans for war purposes. Not seeing one of the Senators from Florida present at the time, I was about to ask my friend from California if those cases had been provided for. The Senator from Florida [Mr. TRAMMELL] tells me, however, that those claims have been settled by the Government. Therefore there is a precedent established, and I am heartily in favor of the passage of the bill.

Mr. BRANDEGEE. May I ask the Senator from California, in view of the fact that the Senator from Washington has proposed an amendment providing that the cases must be decided on the proof already filed, what effect that amendment will have?

Mr. SHORTRIDGE. That is entirely satisfactory.

Mr. BRANDEGEE. I do not see, then, why there should be any further objection.

Mr. SHORTRIDGE. I shall not take up the time of the Senate further, and I trust the Senator from Wisconsin [Mr. LA FOLLETTE] will permit the matter to go to a vote.

Mr. LA FOLLETTE. I withdraw my objection.

The VICE PRESIDENT. The Chair understands the Senator from Wisconsin insists on his objection.

Mr. LA FOLLETTE. No, Mr. President; I withdraw my objection.

The VICE PRESIDENT. The Senator from Wisconsin withdraws his objection to the present consideration of the bill. The question is on the amendment offered by the Senator from Washington. Without objection, it is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. JONES of Washington. Mr. President, I wish to suggest to the Senator from California [Mr. SHORTRIDGE] that the other day when I sent for a copy of the original act the clerk in the document room sent me a copy of an act which had a different date from that stated in the bill. They stated that the date given in the bill is wrong. Had the Senator noticed that?

Mr. SHORTRIDGE. No; I had not.

Mr. JONES of Washington. Of course, that can be corrected in the House if it is incorrect. So I would not hold it up on that account.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH C. PUTNAM.

Mr. JONES of New Mexico. Mr. President, I understand there was some objection made a while ago to the consideration of Calendar No. 78, a bill (S. 904) fixing a term of service of Elijah C. Putnam during the Civil War. I am quite certain that the situation was not understood. That matter has been considered by the Committee on Military Affairs, and a unanimous report made by that committee, and I think that should be convincing as to the justice of the bill. I should like to have unanimous consent to return to that bill, so that it may be considered. The bill was passed by the Senate at the last session. I should like to inquire the nature of the objection that has been made to the consideration of the bill.

The VICE PRESIDENT. Is there objection to returning to Calendar No. 78?

Mr. SMOOT. Yes; I object.

The VICE PRESIDENT. Objection is made. The bill will go over.

ABANDONED FORT BUFORD MILITARY RESERVATION.

The bill (S. 732) to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation in the States of North Dakota and Montana was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, in line 5, to strike out the word "the" after the word "to" and insert the words "all nonmineral," so as to make the bill read:

Be it enacted, etc., That the provisions of section 2455, Revised Statutes of the United States, be, and the same are hereby, extended to all nonmineral lands within the abandoned Fort Buford Military Reservation in the States of North Dakota and Montana, restored to disposal under the homestead, town site, and desert land laws under the provisions of the act of May 19, 1900 (31 Stat. L., p. 180).

Mr. WALSH of Montana. Mr. President, I have been endeavoring to understand this bill, and I rise to ask my colleague [Mr. MYERS] for some explanation of it. It apparently extends the provisions of section 2455 of the Revised Statutes to lands within the abandoned Fort Buford Military Reservation, but my understanding is that section 2455 of the Revised Statutes is entirely obsolete.

Mr. MYERS. The section of the statute which is noted in the bill is the section which permits sale by the Secretary of the Interior of isolated tracts of land, and it is the intention to make that law apply to the abandoned Fort Buford Military Reservation. It is the section of the statutes cited by the Secretary of the Interior in his report on the bill, and I do not think there is any mistake about it. If so, it was not discovered in the committee.

Mr. WALSH of Montana. Section 2455 does refer to isolated tracts, and if it were made applicable to the Fort Buford Military Reservation there would seem to be no objection to it; but the bill continues:

Hereby extended to all nonmineral lands within the abandoned Fort Buford Military Reservation, in the States of North Dakota and Montana, restored—

The language is not very clear—

restored to disposal under the homestead, town site, and desert land laws under the provisions of the act of May 19, 1900.

Under the act of 1900 they were restored to disposal under the homestead, town site, and desert land laws. I suggest to my colleague that he let the matter go over until we have an opportunity to confer about it.

Mr. MYERS. I am willing to do that. The whole object of the bill is to apply the law for the sale of isolated tracts to restored lands of the Fort Buford Military Reservation. Those lands are not now a military reservation, but have been restored to the public domain. They have mostly been entered by homesteaders, but there are a few isolated tracts to which it

is desired to make the law apply. However, I am willing to have it go over.

Mr. SMOOT. The Senator will note the report of the Acting Secretary in the last paragraph in which he says:

These lands have been very largely disposed of under the aforesaid acts.

That has reference to the act of July 5, 1884.

I can see no reason why the provisions of section 2455, Revised Statutes, should not be extended to the abandoned Fort Buford Military Reservation lands, and no objection is made to the passage of the bill.

The VICE PRESIDENT. On objection, the bill goes over.

Mr. SMOOT. May I inquire who objected?

The VICE PRESIDENT. The junior Senator from Montana [Mr. WALSH].

Mr. SMOOT. Very well.

WYOMING NATIONAL FOREST.

The bill (S. 1590) to add certain lands to the Wyoming National Forest was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out, on page 1, lines 9 to 16, and on page 2, lines 1 to 19, inclusive, and to insert:

East half section 20, west half section 21, west half section 28, east half section 29, east half section 32, west half section 33, township 33 north, range 114 west; sections 7, 18, 19, 30, and 31, township 32 north, range 114 west; sections 6, 7, 18, 19, 30, 31, township 31 north, range 114 west; sections 6, 7, 18, 19, 29, 30, 31, 32, township 30 north, range 114 west; sections 5, 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, township 29 north, range 114 west; sections 6, 7, 18, 19, 30, 31, township 28 north, range 114 west; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, township 27 north, range 115 west; all above west of sixth principal meridian, Wyoming.

So as to make the bill read:

Be it enacted, etc., That the following-described lands in the State of Wyoming are hereby added to the Wyoming National Forest and made a part thereof, subject to all laws affecting national forests, but the addition of these lands shall not affect adversely any valid existing settlement or entry made prior to the passage of this act:

East half section 20, west half section 21, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONTINUATION OF CONSIDERATION OF CALENDAR.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The time during which it was agreed to consider unobjected bills on the calendar has expired.

Mr. STERLING. Mr. President, I move that the Senate now proceed to the consideration of the unfinished business.

Mr. KENYON. Mr. President, when the bill which is known as the maternity bill was reached on the calendar I tried to secure unanimous consent to have it made a special order.

Mr. UNDERWOOD. I should like to ask the Senator from South Dakota [Mr. STERLING] why at this particular moment he wishes to interrupt the consideration of the calendar and to have the unfinished business taken up?

The VICE PRESIDENT. Under the unanimous-consent agreement the time for the consideration of unobjected bills on the calendar expired at 1 o'clock and 15 minutes p. m.

Mr. STERLING. One hour was allowed for that purpose.

Mr. UNDERWOOD. I hope the Senator from South Dakota will allow the calendar to be concluded before he makes the motion to proceed with the consideratioin of the unfinished business. We have all the evening before us.

Mr. BRANDEGEE. To do what the Senator from Alabama suggests, we shall have to have a new unanimous-consent agreement.

Mr. UNDERWOOD. Why?

Mr. BRANDEGEE. Because by unanimous consent it was agreed to consider unobjected bills on the calendar for one hour, and that time has expired. Of course, during the consideration of the calendar, under Rule VIII, a motion can be made to take up a bill in spite of an objection.

Mr. UNDERWOOD. But the President pro tempore who was presiding stated when the agreement was made that the calendar would naturally come up afterwards until 2 o'clock.

Mr. BRANDEGEE. But not with the agreement that only unobjected bills were to be considered. The calendar would come up subject to a motion under Rule VIII that the Senate proceed to the consideration of a bill in spite of objection.

Mr. UNDERWOOD. It would come up where we have just left off.

Mr. BRANDEGEE. Yes.

Mr. UNDERWOOD. I do not think it will take half an hour to complete the consideration of the calendar and we might as well do that now. Therefore, in order to avoid any question, I ask unanimous consent that we may continue the consideration of bills on the calendar until 2 o'clock, unless they shall have been disposed of earlier.

Mr. BRANDEGEE. And that only unobjected bills shall be considered.

Mr. UNDERWOOD. That unobjected bills only shall be considered.

The VICE PRESIDENT. Is there objection?

Mr. STERLING. Mr. President, I regret to have to object to the request of the Senator from Alabama, but under the conditions I feel that I should object.

Mr. UNDERWOOD. Why should the Senator do so? What are the conditions to which he refers? We can pass the unfinished business before 5 o'clock this evening.

Mr. STERLING. But could we not also return to the calendar after the unfinished business shall have been passed?

Mr. UNDERWOOD. No; certainly not.

Mr. STERLING. It was by unanimous consent that an hour was given for the consideration of the calendar this morning.

Mr. UNDERWOOD. The Senator from South Dakota may pursue his own course in the matter, if he desires to do so, but there is no reason or sense in interfering with the disposition of the calendar now, when at 2 o'clock the unfinished business comes up in any event. There will be ample time after 2 o'clock to dispose of the packer bill before 5 o'clock, as we shall be acting under the 5-minute rule.

Of course, if the Senator from South Dakota has some ulterior motive—that is, if he wants to prevent the consideration of some measure on the calendar—that is another proposition.

Mr. STERLING. No; I do not. I will yield to the request of the Senator from Alabama and withdraw my motion.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama [Mr. UNDERWOOD]?

Mr. STERLING. It being, of course, understood that only unobjected bills on the calendar are to be considered.

Mr. UNDERWOOD. Undoubtedly. That is my request.

The VICE PRESIDENT. The Chair hears no objection to the request of the Senator from Alabama, and it is agreed to.

Mr. KING. Mr. President, with respect to Senate bill 491, which is now before us, having been announced as next in order when the time limit expired, I ask my colleague [Mr. SMOOT] to let it go over, as I have certain amendments to offer which will require considerable discussion.

The VICE PRESIDENT. On objection, the bill will go over.

EXPORTATION OF CANADIAN PULP WOOD.

The joint resolution (S. J. Res. 36) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States, was announced as next in order, and the Senate as in Committee on the Whole proceeded to its consideration.

Mr. UNDERWOOD. Mr. President, in reference to this joint resolution I desire to say that it was favorably reported from the committee, was passed by the Senate during the last Congress, and it is now again favorably reported by the committee. The joint resolution proposes to appoint a commission to take up with the Canadian Government or the provincial governments of Canada the question of the removal of the embargo on pulp wood. It is a matter in which not only the manufacturers of pulp wood but the newspapers of the United States are greatly interested.

I hope there will be no objection to the joint resolution.

Mr. SMOOT. Let the joint resolution be read, Mr. President.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

Whereas newsprint and other printing papers are commodities of universal use and are indispensable in the educational process of modern civilization, and the paramount importance of a sufficient production of such newsprint and other paper to supply the needs of the people of the United States is a self-evident proposition; and

Whereas practically the whole content of newsprint and other printing paper is composed of mechanical and chemical products of pulp wood, the supply of which in the eastern part of the United States is being rapidly exhausted by the growing demand and the price of which is being advanced to unprecedented levels; and

Whereas the existing scarcity of pulp wood and its threatened total exhaustion in the United States has become a matter of such grave concern to the paper industry, the users and manufacturers of forest products, the Federal Government, and the general public that the Forest Service, the lumber and pulp and paper associations, and the forestry authorities of the country are now formulating a broad and comprehensive national forest conservation and reforestation plan for early adoption; and

Whereas the lieutenant governors of certain of the Provinces of Canada, in council, did issue orders prohibiting the exportation of pulp wood cut from Crown lands, the chief source of supply of pulp wood, unless manufactured into lumber, pulp, or paper, thereby tending to create a monopoly beyond our borders in the manufacture of paper, to the great detriment of the people of the United States: Now, therefore, be it

Resolved, etc., That the President of the United States be, and he is hereby, requested to appoint a commission of five persons and, by appropriate authority, to confer on this commission the power, on behalf of the administration and the Congress, to negotiate with said Dominion Government, or with said provincial governments, in respect to the cancellation of said restrictive orders in council, and as well any other restrictions on the exportation of pulp wood and newsprint and other printing paper composed of mechanical and chemical products of pulp and pulp wood, from the Dominion of Canada to the United States.

SEC. 2. That in the event the cancellation of said restrictive orders in council can not be agreed to by mutual arrangement of the Governments of the United States of America and the Dominion of Canada, that said commission shall investigate, consider, and report to the President, on or before December 1, 1921, what action in its opinion should be taken by the Congress that will aid in securing the cancellation of said restrictive orders in council, so that they may not continue to militate against the interests of the people of the United States.

SEC. 3. That for the necessary expenses of said commission the sum of $50,000 be, and it is hereby, appropriated from the moneys in the Treasury of the United States not otherwise appropriated.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Does the Senator from Alabama desire that the preamble to the joint resolution shall be agreed to or stricken out?

Mr. UNDERWOOD. I think the preamble had better be agreed to.

The VICE PRESIDENT. Without objection, the preamble is agreed to.

BILLS PASSED OVER.

The bill (S. 136) for the relief of Dr. O. H. Titmann, former Superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 665) to provide for free tolls for American ships through the Panama Canal was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. Under objection, the bill will go over.

LONGEVITY PAY OF ARMY OFFICERS.

The bill (S. 775) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 3, line 2, before the words "per cent," to strike out "20" and to insert "10," so as to make the bill read:

Be it enacted, etc., That the Court of Claims shall certify to the proper accounting officers of the Treasury the findings of fact heretofore made for claimants in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States in United States *v.* Morton (112 U. S. Repts., 1) and United States *v.* Watson (130 U. S. Repts., 80), and the Court of Claims in Stewart *v.* United States (34 C. Cls. Repts., 553).

And that the accounting officers of the Treasury shall proceed to settle the claims so certified and all other claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, in accordance with the decisions of the Supreme Court of the United States in all cases in which heretofore, namely, between 1890 and 1908, such claims were disallowed by any accounting officer of the Treasury; and no decision of the comptroller heretofore made against a claimant under said section 15 shall prevent a settlement under the terms of this act of any such disallowed claim. Every such claim shall be payable to the claimant or to his widow or to his legal representative: *Provided*, That no claim hereunder shall be allowed if made by any person who is an assignee of such claim, nor to a legal representative without proof of the existence of blood relations to whom the fund would be distributed: *Provided further*, That it shall be unlawful for any agent or attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting any claim under this act to charge or receive more than 10 per cent of any amount appropriated in satisfaction of the claim.

The VICE PRESIDENT. If there be no objection, the amendment is agreed to.

Mr. UNDERWOOD. Before the amendment is agreed to, I desire to say a word to the Senator from Idaho [Mr. BORAH], who reported the bill. I appreciate his reporting the bill, which was introduced in the Senate by me. The bill provides for attorneys' fees to the extent of 20 per cent, but the Senator has reported an amendment cutting it down to 10 per cent. Of course, I do not want to do anything that would interfere with the passage of the bill, but I desire that the Senate may understand it.

The bill relates to the longevity pay of certain officers in the Regular Army. Under the longevity pay bill, which was passed a great many years ago, in computing longevity pay, service at West Point was included by the Treasury officials; but at one time a Comptroller of the Treasury came into office who cut that allowance out. Up to that period all the officers who had obtained longevity pay had it computed so as to include the four years they were at West Point, but during that comptroller's term of office claims for longevity pay to include the West Point period of service were rejected. That comptroller went out of office. Then I think there was an appeal taken to the Supreme Court, and the Supreme Court decided that as to longevity pay officers were entitled to an allowance for the four years they were at West Point. So, when the matter went back to the next comptroller he followed the decision of the Supreme Court and allowed longevity pay for the four years at West Point.

As the officers whose claims were rejected in the intermediate period had had their cases disposed of, they could not go into the Court of Claims. It requires legislation to enable them to do that and to put them on the same basis as are the other officers.

Most of these officers are old. The bill involves a comparatively small matter. It has passed the Senate once or twice before. The only difficulty has been in getting consideration of the bill in the other House, although it has been favorably reported in the House.

However, I rose to call the Senator's attention to the committee amendment.

I happen to know some of the lawyers who had these claims in charge, as I was the Senator who introduced the bill, and they have talked to me time and time again. This particular claim has been around Congress for 20 years, probably, and the attorneys have been diligent, and it seems to me that if we reduce their fee to 10 per cent of the amount they may recover, as the amounts are small, the claims only including an allowance for longevity pay in the case of each officer to cover the four years spent at West Point or Annapolis, we shall cut down considerably the compensation of these men who have earnestly urged their clients' cause. I have heard no desire expressed on the part of the clients not to pay them the 20 per cent which they agreed to pay them. I think there is an understanding that they shall be paid the 20 per cent, and I have never heard of any officer who is going to get relief under the bill object to it. If they were large claims, running into the thousands of dollars, a 20 per cent fee would be a large one; but, I repeat, the claims involved in this matter are small. If the Senator from Idaho, who kindly reported the bill, insists on the amendment, I have nothing more to say, but I think it should not be agreed to.

Mr. BORAH. Mr. President, the amendment was put in by the committee at my suggestion; but, if there is no other member of the committee who feels differently about it, I have no objection, in view of the Senator's statement, to the amendment being rejected and a fee of 20 per cent being allowed. I understand that the claims relate to a limited period of four years.

Mr. UNDERWOOD. Yes; four years is the governing factor. Most of the claims, I presume, run into the hundreds of dollars, but not into the thousands, and the fee will be small.

Mr. NELSON. Mr. President, I agree with the Senator from Alabama that the claims involved are small; certainly they can not be very large. The only question involved is whether in the matter of computing longevity pay service at West Point by a cadet should be counted.

Mr. UNDERWOOD. That is all.

Mr. NELSON. I had something to do with the matter years ago when I introduced a bill to cover the case of an individual officer at which time I looked into it, and my impression is that at first for a short time the claims were allowed by the Auditor for the War Department, but subsequently he ceased to allow them and quit paying the claims. In the meantime cases were brought, one in the Court of Claims and two in the Supreme Court of the United States, and both courts held that the claimants were entitled to have their service at West Point included in the computation of their longevity pay.

After those decisions similar claims were allowed; but the auditor's office held as to the claims which had been disallowed that they could not take them up again, and so the few officers affected were left in the cold. The bill is simply designed to cover those cases. The claims are not very many, and certainly can not be for very large amounts. For that reason I can see no objection to allowing a fee of 20 per cent.

Mr. UNDERWOOD. Mr. President, I understand that the attorneys in question have a contract with those whom they represent for 20 per cent, and that is the reason the bill was drawn in that way. As the claims are small, I do not think it is an excessive fee.

Mr. BORAH. I have no desire to urge the amendment, in view of the statement of the Senator from Alabama.

The VICE PRESIDENT. The Chair will again put the question on the amendment. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FISHING RIGHTS AT PEARL HARBOR, HAWAII.

The bill (H. R. 2499) to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii, was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to examine and appraise the value of the privately owned rights of fishery in Pearl Harbor, island of Oahu, Territory of Hawaii, from an imaginary line from Kaak Point to Beckoning Point, both within said harbor, to the seaward, and the privately owned rights of fishery in and about the entrance channel to said harbor, and to enter into negotiations for the purchase of the said rights and, if in his judgment the price for such rights is reasonable and satisfactory, to make contracts for the purchase of same, subject to future ratification and appropriation by Congress; or in the event of the inability of the Secretary of the Navy to make a satisfactory contract for the voluntary purchase of the said rights of fishery, he is hereby authorized and directed through the Attorney General to institute and carry to completion proceedings for the condemnation of said rights of fishery, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the district court of the United States for the district of Hawaii, substantially as provided in "An act to authorize condemnation of land for sites for public buildings, and for other purposes," approved August 1, 1888; and the sum of $5,000 is hereby authorized to be appropriated, to be immediately and continuously available until expended, to pay the necessary costs thereof and expenses in connection therewith. The Secretary of the Navy is further authorized and directed to report the proceedings hereunder to Congress.

Mr. KING. I should like to have some explanation of that measure.

Mr. NEW. Mr. President, I think there can be no possible objection to the consideration of that bill. The purpose of it is to extend authority to the Navy Department to exclude from the public dry dock, the naval dry dock, and other public works, the aliens who now have access to that property through the possession by certain natives of fishing rights which were granted to them under the Hawaiian law. The bill proposes to permit the naval authorities to purchase those rights at a fair valuation, and thereby exclude foreigners who now gain access to this public property. The desirability of such action, I think, is very apparent.

Mr. SMOOT. It relates only to the fishing rights in Pearl Harbor?

Mr. NEW. That is all; yes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAWAIIAN GAS AND ELECTRIC FRANCHISES.

The bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii, was announced as next in order.

Mr. NEW. Mr. President, one explanation will cover the purposes of the next succeeding six bills, beginning with S. 2062 and ending with S. 2067, inclusive. They are bills authorizing the granting of franchises to different electric light and power companies, except in the case of S. 2067, which is a bill extending the franchise of the street railway company of the city of Honolulu.

The bills have all been drawn by the Public Service Commission of Hawaii. They have the approval, of course, of that commission and of all the public authorities, including the outgoing governor, the governor designate, the Hawaiian Legislature, and all the public interests, so far as we know, in the Territory of Hawaii.

Mr. OVERMAN. Have we not a Water Power Commission here in Washington where all these things could be taken up and passed upon by the Secretary of the Interior?

Mr. NEW. I will say that the law provides that these bills are to be finally passed upon by the Congress of the United States. They must be ratified by the United States Congress.

Mr. OVERMAN. Does the recommendation come from the Water Power Commission?

Mr. NEW. From the Public Service Commission in the Territory; not from any commission here.

Mr. OVERMAN. But it must come from the Water Power Commission of the United States, which passes upon all these powers, must it not?

Mr. NEW. I do not know that the Water Power Commission of the United States has acted upon the matter, but every public agency over there has approved these bills.

Mr. NORRIS. Mr. President, are any water powers involved?

Mr. NEW. No water powers are involved.

Mr. KENYON Mr President, these bills could hardly be read, or perhaps just about read, during the balance of the morning hour. They seem to be tremendously important bills, some of them granting perpetual franchises to individuals. I am not opposing the bills. I should simply like to have time to look into them. Is there any particular reason why they should be immediately passed, or will a week make any difference?

Mr. NEW. I do not think it will.

Mr. KENYON. Then I am going to object to their consideration to-day.

Mr. NEW. The one which requires immediate attention has already passed.

Mr. KENYON. I do not object to the one about fishing rights.

The VICE PRESIDENT. The bills referred to will be passed over. The calendar is completed.

PROTECTION OF MATERNITY AND INFANCY.

Mr. KENYON. Mr. President, I gave notice during the morning hour, when the question was raised as to a motion to take up a bill being in order, that I was going to ask unanimous consent that Senate bill 1039, known as the maternity bill, should be made the unfinished business for Tuesday, June 28. I have some question, in reflecting upon it, whether that could be done, because of the fact that there might be another bill pending that was the unfinished business; but it could be made a special order, I explained the reasons for my action before, and I now move, under Rule X, that Senate bill 1039 be made a special order for Tuesday, June 28, at 2 o'clock.

Mr. KING. Does the Senator mean by that request that if some other measure which has not been disposed of is before the Senate at that time, this would displace the pending measure?

Mr. KENYON. I make the motion under Rule X. Rule X provides that if there is unfinished business, it does not affect it. It would follow after it.

Mr. OVERMAN. It takes two-thirds to have the order made, as I understand.

Mr. KENYON. It takes two-thirds.

Mr. OVERMAN. We will have to have a quorum.

Mr. KENYON. No; we do not have to have a quorum. It must be two-thirds of those present and voting.

Mr. LODGE. This is only in the nature of a notice?

Mr. KENYON. No; it is a motion to make it a special order.

Mr. LODGE. Only for that day?

Mr. KENYON. Yes; it simply fixes that day. As I said before, a number of Senators are away who are interested in this bill. It has passed the Senate once. Some other Senators are to be away next week, including myself, and if we can fix it for that day it will accommodate everybody.

I ask unanimous consent to make the bill a special order for that time.

Mr. KING. The Senator does not expect that it will be passed that day?

Mr. KENYON. I hardly expect so. I hope, of course, that it will become the unfinished business. If it is not passed that day, I shall move to take it up day by day until it is passed, and I think it will be passed very soon after it is reached.

Mr. JONES of Washington. What is the day that the Senator asks?

Mr. KENYON. Tuesday, June 28, at 1 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. FRELINGHUYSEN. Mr. President, I simply wish to know what proposition is before the Senate. I understand that the Senator from Iowa is asking consent to bring up the maternity bill week after next.

Mr. KENYON. To make it a special order.

Mr. FRELINGHUYSEN. I have no objection to that, Mr. President.

The VICE PRESIDENT. Is there objection? The Chair hears none.

THE MEAT-PACKING INDUSTRY.

Mr. NORRIS. I ask that the unfinished business be laid before the Senate.

Mr. UNDERWOOD. I think the Senator will have to move to take it up, as it is not 2 o'clock. There is no objection.

Mr. NORRIS. Of course, if any Senator objected, I should move to take it up; but there is not any objection.

Mr. UNDERWOOD. I think the Senator simply asked that it be laid before the Senate. He did not ask unanimous consent to have it laid before the Senate, but merely asked that it be laid before the Senate. I have no objection.

The VICE PRESIDENT. The question is on agreeing to the motion to take up the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The VICE PRESIDENT. The pending amendment is the substitute offered by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING obtained the floor.

Mr. CURTIS. Mr. President, I will say to the Senator that three or four Senators who are out of the Chamber at this time asked me to make the point of no quorum when this bill came up. I will ask the Senator from South Dakota to yield in order that I may make that point, so that they will be here to hear whatever the Senator has to say.

Mr. STERLING. I yield for that purpose.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names.

Ashurst	Gerry	Lodge	Simmons
Borah	Glass	McCormick	Smith
Brandegee	Gooding	McCumber	Smoot
Broussard	Harreld	McLean	Spencer
Bursum	Harris	McNary	Stanley
Cameron	Heflin	Myers	Sterling
Capper	Hitchcock	Nelson	Sutherland
Caraway	Johnson	New	Trammell
Cummins	Jones, N. Mex.	Nicholson	Underwood
Curtis	Jones, Wash.	Norris	Wadsworth
Dial	Kendrick	Oddie	Walsh, Mass.
Dillingham	Kenyon	Overman	Walsh, Mont.
Edge	Keyes	Owen	Watson, Ga.
Ernst	King	Phipps	Watson, Ind.
Fernald	Knox	Poindexter	Williams
Fletcher	La Follette.	Sheppard	
Frelinghuysen	Lenroot	Shortridge	

The PRESIDING OFFICER (Mr. BURSUM in the chair). Sixty-six Senators having answered to their names, a quorum is present. The question is on the amendment in the nature of a substitute offered by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. Mr. President, from the beginning of the discussion of the question of regulating the packing interests I have firmly believed that the Federal Trade Commission should be the regulating body. I fail to see any just reason why any other instrumentality should be provided for the regulation and control of the packers than the Federal Trade Commission, and to that end, Mr. President, at the last session of Congress, when the live stock commission bill was under consideration, I offered a substitute substantially the same as the substitute now pending before the Senate. That substitute, I am glad to say, received a very good vote, but it did not prevail. I urge the Federal Trade Commission as the commission to handle this business and this question, both on the score of economy and on the score of efficiency. We already have the commission, with all the equipment and all the facilities necessary for the investigations contemplated under the terms of the act.

If the House bill should prevail and the Secretary of Agriculture be designated as the officer to administer this law, what will it mean? It will mean eventually the building up in the Agricultural Department of a great bureau equipped for the purpose of investigating the packers and bringing proceedings for violations of the law and of the rules and regulations made by the Secretary of Agriculture, and that, Mr. President, will mean a great and additional expense to the Government at this particular time, when we are demanding retrenchment and economy in the public service.

Mr. President, that is one thing. Another is the matter of efficiency. I want to say in passing to Senators that prejudice against the personnel of the Federal Trade Commission should not influence a vote, for it is permanent legislation we are enacting, and the personnel of the Federal Trade Commission will not always remain the same; it can not.

Then I think we have a right to rely upon this, too, as something that will govern the conduct and the investigations of the Federal Trade Commission as at present constituted; they have had vast experience, and they can not but have learned wisdom through that experience.

I call attention briefly, Mr. President, to some of the things they have done. They have made investigations, and from those investigations have come their six reports on practically every phase of the meat-packing industry, which reports have been printed and published. Altogether, including those reports, and including their annual reports, they have published about 60 reports of one kind or another, on the various industries and businesses of the country.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Mississippi?

Mr. STERLING. I yield just for a moment, because, of course, my time is very much limited.

Mr. WILLIAMS. I just want to ask the Senator a question, for information. I saw in the paper this morning that the only difference between the Senator's substitute and the Senate committee bill was that his substitute gave jurisdiction to the Federal Trade Commission, whereas under the Senate committee amendment jurisdiction was given to a commissioner. Is that the only difference between the two?

Mr. STERLING. I will not say that is the only difference, but aside from the provision in my substitute designating the Federal Trade Commission as the body to administer the law, the committee amendment, called the Senate bill, and my substitute are essentially the same.

Mr. WILLIAMS. The only difference, then, which would appeal to a legislator as essential is this question of jurisdiction?

Mr. STERLING. Yes.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Montana.

Mr. STERLING. I yield just for a question.

Mr. WALSH of Montana. I ask the Senator to yield until I prefer a request for unanimous consent, that the Senator from South Dakota be accorded 20 minutes in which to explain the features of his substitute.

Mr. SMOOT. I object.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that 20 minutes be given to the Senator from South Dakota in which to explain his substitute.

Mr. BRANDEGEE. I doubt if that can be done.

The PRESIDING OFFICER. Objection has been made.

Mr. WALSH of Montana. We can do anything by unanimous consent.

Mr. STERLING. Continuing the comparison of my substitute with the Senate committee amendment, I will say that the prohibitions and restrictions provided for in section 12 of the committee amendment are the same as are provided for in my substitute, with the exception of the last prohibition or restriction, designated as (g), which I omitted from my substitute, deeming it a repetition of the propositions involved in the other subdivisions of section 12.

Mr. President, there is just this one further question to which I want to allude: Do we want to clothe the Secretary of Agriculture with this great power, in addition to his other responsibilities and duties as Secretary of that great department of the Government? This is not an agricultural but a trade proposition; and should be under the regulation and control of the Federal Trade Commission.

So, Mr. President, I see no reason why we should not provide that the Federal Trade Commission should be the body to administer the law, and when we come to consider the facilities and equipment of that commission, the record made by it in its various reports, the fact that it has instituted proceedings, which are now or were lately pending against every one of the five great packers, it seems to me that the consideration of any other instrumentality for the administration is an attempt to show how not to do it, rather than how to do it.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. WADSWORTH. Mr. President, I know I venture somewhat when I make the assertion that I am quite sure that the Senator from South Dakota is not the sole author of this substitute, for if he were he never would have put in the para-

graphs which are found in the CONGRESSIONAL RECORD at the bottom of the first column on page 2681. Let us see for just a moment what they contain.

Mr. NORRIS. What section is that?

Mr. WADSWORTH. Section 9, subdivision (c), commencing, "It shall be the duty of the commission"—that is, the Federal Trade Commission. Now look at the second paragraph, defining the duties of the Federal Trade Commission.

Mr. STERLING. What section is it?

Mr. WADSWORTH. Section 9. I only have it in the CONGRESSIONAL RECORD. It says it shall be the duty of the Federal Trade Commission to—

Furnish to operators reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise.

And so forth. What is an "operator" under this bill? An operator is a commission man, a trader, or an owner of a stockyard. Why should the Federal Trade Commission be compelled to furnish to a commission man in the stockyards information concerning the freezing of food products? He has no interest in them whatsoever. He does not deal in them. Neither does a stockyard deal in them. Neither does a trader.

I do not know who draws these bills. Whoever draws them knows nothing about the business of stockyards and the handling of live stock. The thing is absurd upon its face.

Now let us see the next paragraph.

It shall be the duty of the commission to—

As far as practicable, when requested by any such operator, provide for the inspection by agents of the commission of the live stock, live-stock products, or perishable foodstuffs received or distributed by such operator to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection—

a matter with which operators have no connection whatsoever. I can not understand how things like this get into the bill. Who drafts them? Surely, the Senator from South Dakota is not the author of that language.

Mr. STERLING. The Senator from New York has seen that language before, has he not, in other bills?

Mr. WADSWORTH. Never have I seen that language—that an operator is regarded as a person who must receive information from the Government about the dehydration of food products. An operator or a commission man is nothing but a stockyards company buying and selling on commission in the yards,

Mr. NORRIS. Or a trader.

Mr. WADSWORTH. Or a trader. I imagine that the authors of the proposed amendment—and I do not include the Senator from South Dakota in that, because he could not have done it—must have meant that the Federal Trade Commission should give this information to packers. That is what must have been meant. See, if that is done. what would happen. It would be provided that packers shall have furnished them information, and that packers, upon the request of themselves, under this provision, shall be inspected in their packing plants as to the quality and sanitary condition of the plants.

That very thing is already being done by the meat-inspection service of the Department of Agriculture, and the Federal Government is appropriating $3,000,000 a year to carry it out. The meat-inspection service of the Department of Agriculture is doing that.

If the term "operator" was meant to include a packer, in this proposed substitute, then you run into the proposition that you are duplicating work which the Government to-day is doing.

Mr. FERNALD. Will the Senator from New York yield for a question, in my time?

Mr. WADSWORTH. Certainly.

Mr. FERNALD. Does the Senator know how many inspectors and how many Government agencies now inspect meat from the time it is received at the slaughter house until it is put on the table at a hotel?

Mr. WADSWORTH. No; Mr. President, I do not; but I know that the yards themselves are full of inspectors who are examining the animals, as to their condition and their health, before they are slaughtered, and that every concern in the United States which processes meats of any kind which go into interstate commerce has inspectors permanently stationed in the plants, inspecting every atom of meat that goes through.

Mr. FERNALD. There are 17 different Government agencies now.

Mr. WADSWORTH. I am surprised that there are so few.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. HARRELD. Mr. President, I desire to ask the Senator from South Dakota a question, and if he wishes to do so he may use the remainder of my time to answer it or in discussing the bill.

The first question is, Does not the law give to the Secretary of Agriculture power to call upon the Federal Trade Commission at any time to make an investigation of any sort that it wants made into these matters?

Mr. STERLING. Does not the law now provide that?

Mr. HARRELD. That is my question.

Mr. STERLING. The law provides that the Federal Trade Commission may investigate any case where unfair competition in trade is charged.

Mr. HARRELD. Of its own volition or on complaint?

Mr. STERLING. Yes; either on its own volition or on complaint.

Mr. HARRELD. If the House bill is passed, throwing this matter into the hands of the Secretary of Agriculture, would he not have the assistance and the cooperation of the very commission that the Senator is talking about in carrying out the terms of the bill?

Mr. STERLING. He might and he might not have the assistance of the Federal Trade Commission to carry it out. If it was purely a case of unfair competition, and that is embraced in the prohibition and restrictions provided for here against the packing industry, then the Federal Trade Commission might be called in possibly; but aside from that and unless it was clearly a case of that kind, I do not think the Federal Trade Commission under the provisions of the House text would have anything to do with it.

Mr. NORRIS. Mr. President, I think the substitute ought to be amended by striking out paragraph (c) on page 8 down to and including line 13 on page 9. That provides for a very useful lot of information that might be beneficial, and if we had time to work it out and provide that they should make those reports to somebody else I should not have any objection to it; but certainly the Senator from South Dakota does not mean that the Federal Trade Commission shall do what is outlined in that language. I hope he will move to strike it out.

Mr. STERLING. I agree with the Senator from Nebraska.

The PRESIDING OFFICER. Does the Senator from Nebraska submit an amendment?

Mr. NORRIS. I move, on page 8 of the substitute, commencing with line 13, to strike out down to and including line 13 on page 9.

Mr. STERLING. Allow me to suggest to the Senator that he do not make the amendment quite so comprehensive as that. Is there any advantage in taking out subdivision (1) under section (c), which reads as follows:

Prepare standardized plans and specifications for grounds, buildings, and other facilities.

And so forth?

Mr. NORRIS. I have no objection to that. I do not wish to do anything in the way of proposing an amendment that is objectionable.

Mr. WADSWORTH. Mr. President, has the Senator from Nebraska the floor?

Mr. NORRIS. I have not taken the floor on this amendment. As soon as it is stated, I wish to make a few remarks. I will modify my amendment by moving to strike out, commencing with line 20, on page 8, down to and including line 13, on page 9.

Mr. STERLING. So far as I can, I consent to that amendment.

The PRESIDING OFFICER. The Senator from Nebraska offers the following amendment, which will be stated:

The READING CLERK. Strike out lines 20 to 25 on page 8 and lines 1 to 13, inclusive, on page 9, reading as follows:

(2) Furnish to operators reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail persons experienced in such art to consult and advise with operators.

(3) As far as practicable, when requested by any such operator, provide for the inspection by agents of the commission of the live stock, live-stock products, or perishable foodstuffs received or distributed by such operator to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection; and in the conduct of such inspections to cooperate with duly authorized local authorities. Such certificates shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

Mr. BRANDEGEE. Mr. President, I had noticed the defect in the bill this morning, and underscored the definition of the term "operator" on page 2; but the difficulty alluded to by the

Senator from New York still would exist, I think, in paragraph (1) of the provision which is substituted here. As it is proposed to leave it on page 8, it would read:

It shall be the duty of the commission to—
(1) Prepare standardized plans and specifications for grounds, buildings, and other facilities suitable for the business conducted or to be conducted by operators.

And so forth.

But on page 2 where the term "operator" is defined, it is defined in this way:

The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce, and any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

The trouble is that the definition of an operator has vanished from the mind of the Senator who prepared the rest of the bill, and when he gets along in the bill he regards an operator as simply the manager or owner of a stockyard, whereas he is defined to be possibly a trader or commission man, and it results in confusion all the way through the bill.

Mr. WADSWORTH. If the first paragraph is left in as now suggested by the Senator from South Dakota, it will be the duty of the Federal Trade Commission to furnish plans and specifications for the offices in which a commission man does his business. A live-stock exchange building shall be designed by the Federal Trade Commission. Any group of men who wish to form a live-stock exchange or a new stockyard and put up a building will have architectural services free of charge.

Mr. SMITH. May I ask the Senator from Nebraska, the chairman of the committee, a question?

Mr. NORRIS. Certainly.

Mr. SMITH. Did I understand the Senator from Nebraska a moment ago to offer as an amendment to the pending bill to strike out of the section to which the Senator from New York has just referred, beginning with line 13 and down to and including line 25, on page 8? Is that the Senator's proposed amendment?

Mr. NORRIS. The amendment I offered is to strike out commencing with line 20 on page 8 and ending with line 13 on page 9.

Mr. SMITH. I misunderstood the Senator. I thought that he had proposed an amendment to strike out beginning with line 13 on page 8.

Mr. NORRIS. I did propose at first to amend by striking out beginning with line 13 on page 8, but at the request of the Senator from South Dakota, who I supposed had agreed to the amendment, I modified it.

Mr. SMITH. May I ask the Senator a further question? This is a matter that affects the live-stock region, and those who are more or less directly affected by such legislation should as a matter of course prepare the legislation and inform the Senate about it. However, I should like to have some one explain the objection raised by the Senator from New York, and why it would be necessary for the commission to become architects or to prepare plans or to provide the architects to prepare plans. I should like to have an explanation of why that is necessary in the bill. May I ask the Senator from Nebraska?

Mr. NORRIS. I beg the Senator's pardon; my attention was diverted at the moment.

Mr. SMITH. I will not disturb the Senator from Nebraska. I will ask the Senator from South Dakota [Mr. STERLING] why it is necessary to provide in the bill at this time that it shall be the duty of the Federal Trade Commission to prepare plans for the buildings where these people shall perform the functions of a stockyard business and a slaughtering business?

Mr. STERLING. I would rather say that the commission would know conditions in regard to sanitation and what would be sanitary buildings, and so forth, for a business of this kind. They would make a study of the question, and would be able to inform the operators as to the best kind of buildings to be used, and how they should be constructed.

I do not know that this is compulsory. That is not my construction of it. They only furnish such information when the operator gives assurance of undertaking the construction and operation of certain buildings and facilities, so it is optional with the operator, after all, whether or not he shall have that instruction, but he can get it if he gives assurance that he will construct buildings of the kind suggested by the commission.

Mr. SMITH. Mr. President, I do not care to enter into the discussion, because I have not made any very particular study of the conditions involved. I listened to the testimony that was given before the committee when the bill was before it a year ago, as to the fact that the packing houses do perhaps have virtually a monopoly of the meat-packing business. But when it comes down to a detail such as this, that the commission is to be empowered to draw plans and specifications for the architectural construction and also plans by which the stock may be quartered in the yards, and so forth, I rather think that if they perform their duties as otherwise laid down for them in the bill, they will be doing about all they should be expected to do. Certainly I do not think that this adds anything to the bill.

Mr. NORRIS. Mr. President, I desire to make a few remarks on the pending amendment that I have offered. I wish to say first, in answer to the Senator from South Carolina, that if I were offering the substitute I would not include anything that is in section (c) unless it was agreeable. I have not any objection whatever myself to having that in the bill. It is not necessary, however. It would probably be less objectionable to Senators if the Senator from South Dakota would leave it out, and my original motion to amend included striking it out. I suppose the theory is that when these men perform their duties under the bill, after several years of service they will become familiar with and expert on the conditions involved, and they will be useful in the planning of stockyards, and so forth, and that therefore they should furnish plans and specifications to any stockyard or to any body of men who were going to construct one, so as to make it modern in every respect.

But there is a good deal in what the Senator from South Carolina said. It is not a part of their duty. If I were the Senator from South Dakota, I would eliminate all of that language. It is not material, and it will do away with some of the objections that are made here. Personally I do not think the first paragraph under section (c) harms anything. As I said, I would not have any objection to it, and I would not have any objection to some of the others, as there might be some good come out of them; but in order to avoid any controversy, since it is not material to his amendment, I would suggest to the Senator from South Dakota to strike it all out.

Mr. STERLING. I think I would agree to that, but I wish to call the attention of the Senator from Nebraska to his amendment now and what it includes. I agreed to the striking out of subdivision (1) under section (c). I also agreed or attempted to agree to striking out subdivisions (2) and (3). In regard to subdivision (2) there is no question, but there is a question as to whether the whole of subdivision (3) ought to go out, beginning at the bottom of page 8. That reads as follows:

(3) As far as practicable, when requested by any such operator, provide for the inspection by agents of the commission of the live stock, live-stock products, or perishable foodstuffs received or distributed by such operator to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection, and in the conduct of such inspections to cooperate with duly authorized local authorities. Such certificates shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

I will say to the Senator from Nebraska that there are certain words that ought to come out of that paragraph. For example, in line 25, at the bottom of page 8, the words "live-stock products or perishable foodstuffs" ought to come out, because they are not an incident of the stockyard business. Those words ought to go out. In line 9——

Mr. NORRIS. What page?

Mr. STERLING. Page 9. The same words ought to come out in line 9, page 9, "live-stock products or perishable foodstuffs."

Mr. NORRIS. Mr. President, I will withdraw my amendment to permit the Senator from South Dakota to offer such amendment as he wishes.

The PRESIDING OFFICER. The Senator from Nebraska withdraws his amendment.

Mr. STERLING. Mr. President, on page 8 of my amendment, I move to strike out paragraphs 1 and 2 of subdivision (c). I also move to strike out the words "live-stock products or perishable foodstuffs" contained in lines 3 and 4, on page 9; and also to strike out the words "live-stock products or perishable foodstuffs," in line 12, on page 9.

The PRESIDING OFFICER. The Senator from South Dakota submits an amendment to the amendment, which will be stated.

The READING CLERK. On page 8, it is proposed to strike out from line 14 to line 25, both inclusive; on page 9, in lines 3 and 4, to strike out the words "live-stock products or perishable foodstuffs"; and also to make the same amendment in line 12, on page 9.

Mr. WATSON of Georgia. Mr. President, there has been no question before the Senate which has given me more trouble and more anxiety than the question now pending. I have made no secret of that; I make none now. It is a great question. It is a question that has two sides to it, as have all other questions, and I have been in great doubt which was the right side;

but, after weighing both sides and hearing the considerations which have been advanced for and against the measure, I have reached a decision, and by that decision I shall stand.

Mr. President, there has never been a time when a monopoly was not a crime and monopolists criminals. The old common law of England made them criminals. There never was a time when forestalling, regrating, and engrossing were not crimes, and laid down as such by the common law of England. The common law of England, as all lawyers know—so far as it applies to our country—is our common law.

Mr. President, the time has come when Uncle Sam has got to say to such combinations of capital as the packers, "I am going to determine whether you are bigger than I." These combinations defy the Government; they oppress and rob the people. In time of war they have done more slaughter in the ranks of our soldiers than enemy bullets have done. They did so in the Spanish-American War, where tainted meat and embalmed beef killed off our soldiers faster than did the bullets of the Spanish guns. They did it in the recent war. There is not an ex-service man who, in telling you of his experiences in Europe, does not inveigh against the kind of food that he got from the can, whether it were meat or soup or something similar—messes that were not fit for a dog.

These combinations are threatening the life of the Republic. They rob the rich, who can stand it; they rob the poor, who can not stand it. They rob the black as well as the white, the city as well as the farm. There is not a trade or a profession upon which these men do not levy an imperial tribute and compel payment. You can not live without a license from these combinations. They stand at the headwaters of life in this Republic and measure out to everyone, at their own price, the wherewith which sustains his life. They are almost in possession of the tree of life in this Republic, and they put the price on the fruit by which we live.

We are told that if we establish this control over the packing plants the next step will be the control of the coal plants. Well, when it comes let it come. If those combinations draw upon themselves the necessity for the Government to act in self-defense and on behalf of the oppressed people, we shall control them; we shall make them obey the law.

What is the use of enforcing the law against the petty thief, the gambler, the violator of the Volstead Act, and letting these high-handed criminals go unscathed?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCUMBER. Mr. President, when a bill similar to the one now pending was before the Senate in the month of January, 1921, I voted against it for three reasons: First, that the exclusively stock-raising contingent in my own State opposed it, while those engaged in cereal raising and the ultimate consumers generally seemed to favor it; secondly, because of my very natural aversion to the Government operating any kind of business; and thirdly, because I believed that the Federal Trade Commission had every power, if properly exercised, that was necessary to bring about any relief that was demanded.

Since that time some of the more paternalistic corners have been clipped off these bills; there have been some changes made in them; but I still feel that in the passage of such legislation we shall be taking a long step—and a little longer one than I should like to take—into the paternalistic field.

The objection that came to me from the western portion of my State was in these words:

> We, the undersigned stockmen, members of the North Dakota Stock Growers' Association of Western North Dakota, respectfully petition that you use your influence in opposition to this bill, as we consider said bill detrimental to the best interests of the live-stock raisers throughout the United States.

They then set forth the paternalistic features of the bill, which they themselves considered rather dangerous, and I certainly share with them their fear of "too much Government in business."

Government control and operation of the railroads for a few months only resulted in bankrupting every railway in the United States, notwithstanding the undreamed-of increase in the cost of transportation. Government interference in the operation of coal mines enormously enhanced the cost of fuel to the people of the United States, and Government building and operation of ships has proven to be one of the most colossal failures, financial and otherwise, that the world has ever witnessed. I know of nothing that the Government has attempted to do that it has not done in a most flagrant, expensive, and ineffective way.

I do not believe in any big business running itself just as it sees fit to run itself; I believe in proper control; I believe in laws directed against the particular thing which is wrong, and then that such laws should be rigidly enforced. I am not one of those who believes that we have reached a stage in which it is necessary to have a bureau to look into every line of business and to assist in its operation to see that no crime is committed. But I have no objection, if deemed necessary, that a bureau be created to keep watch upon and see that the laws are enforced; but I do always balk at the actual management of any business by any governmental agency.

But, Mr. President, I observe that the stock-raising industry generally is in favor of this bill; that the farmers are generally in favor of it. I do not believe that there is much contained in the bill over and above the authority that has heretofore been given to the Federal Trade Commission; I feel that it is duplicating much of the authority of that commission, and, in addition to that, the action of the Senate itself in continuing all the powers of the Federal Trade Commission makes certain this duplication of many of the things that are to be done; but I do not anticipate any great danger that will result from the operation of this bill to the interests of the stock raisers in my State, and I think that I shall vote for it, with the hope that some of the anticipated benefits may be realized. The fact that it receives the earnest support of all the Senators representing the stock-raising industry relieves me from some of the fears which seem to be in the minds of a number of the stock raisers of the western part of my State.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. STERLING. Mr. President, I desire to move another amendment. On page 7, lines 19 and 20, I move to strike out the words "live-stock products, or perishable foodstuffs." This provision relates to operators, and if those words are stricken out elsewhere in the bill, they should be stricken out here.

Mr. FLETCHER. Mr. President, may I inquire what became of the other amendments offered by the Senator from South Dakota?

The PRESIDING OFFICER. They were modifications of the Senator's former amendment?

Mr. STERLING. This is not a modification of the former amendment. It was my understanding that the former amendments had been agreed to.

The PRESIDING OFFICER. No; they have not been agreed to.

Mr. FLETCHER. Let us have one at a time.

Mr. NORRIS. I should like to suggest to the Senator from South Dakota that he has a right, has he not, to modify his own amendment?

Mr. STERLING. I thought that the other amendments to the amendment had been agreed to.

The PRESIDING OFFICER. They have not.

Mr. STERLING. Then, I ask that a vote be taken upon those amendments to the amendment.

Mr. LA FOLLETTE. Mr. President, I suggest to the Senator that it is not necessary for him to ask that a vote be taken upon any changes which he wishes to make in the amendment which he has proposed. He has the right under the rules and the practice of the Senate to perfect his amendment and to change it before the vote is taken upon it according to his liking.

The PRESIDING OFFICER. That right was accorded.

Mr. LA FOLLETTE. It is a continuing right until there is a vote upon the amendment.

Mr. FLETCHER. The point that I make is that we have to dispose of amendments, so that we may know what is disposed of and what is not, as we go along.

The PRESIDING OFFICER. The modifications of the amendment will be read.

Mr. FLETCHER. Let us have one at a time.

The READING CLERK. The Senator from South Dakota [Mr. STERLING] moves to modify his amendment, on page 7, lines 19 and 20, after the word "live stock," by striking out the comma and the words "live-stock products, or perishable foodstuffs"; on page 8, to strike out from line 14 to line 25, inclusive; on page 9, lines 3 and 4, after the word "stock," to strike out the comma and the words "live-stock products, or perishable foodstuffs"; and to make the same modification in line 12, on page 9.

The PRESIDING OFFICER. The amendment submitted by the Senator from South Dakota will be so modified. The amendment as modified is before the Senate. The question is on agreeing to the amendment as modified.

Mr. NORRIS. Mr. President, I want to say just a few words about this amendment.

As the Senator has modified the amendment, I think it is a very great improvement over the House bill; and Senators must remember that when the vote is taken on this substitute

it is a vote between the House bill and the substitute offered by the Senator.

The question was asked of the Senator a while ago whether the other bill, in substance, meaning the House bill, for which this is offered as a substitute, retained in it the power of the Federal Trade Commission. I called attention yesterday to the fact that the House bill practically wipes the Federal Trade Commission off the face of the earth.

It goes a good deal further than the language itself would indicate. It takes away from the Federal Trade Commission the power to investigate live stock, live-stock products, or anything that would come within the definition of the House bill, and the authority to regulate is given to the Secretary of Agriculture. This substitute gives to the Federal Trade Commission the supervisory authority of the act itself.

Personally, three years ago, when I started out upon the study of the packer question, I started out on the theory that the Federal Trade Commission was the one commission, without creating a new one, that was properly equipped for the purpose of doing the work provided for by any bill that might undertake to regulate the packing business, without going further, in my judgment, than any of the bills that have been introduced have gone. Now, the substitute offered by the Senator from South Dakota does that. I modified my views by contact with other members of the Senate Committee on Agriculture and Forestry, and brought in the bill that was defeated yesterday when we offered it as a substitute for the House bill. If I were drafting this bill, there are some things the Senator does not have in it that I would put in. It seems to me that it does not go quite as far in some respects as it ought to, but, in my judgment, it is a thousand times better than the House bill.

Yesterday, when I offered an amendment applying to the Senate bill by which I retained the jurisdiction of the Federal Trade Commission, objection was made that it made an overlapping of authority, and I admitted that it did, although I think I made a sufficient explanation of it, but that was one objection to it. That objection can not be made to this substitute. There is no overlapping of authority anywhere. The authority to administer the law is turned over to the Federal Trade Commission.

In my judgment, the Federal Trade Commission has shown its ability to do work of this kind better than any other bureau or commission that the Government has ever had; and I anticipate that if this amendment shall prevail, and this bill shall be substituted for the House bill, it will be a great improvement. In fact, in my judgment it will make a success of what is bound to be a failure if the House bill stands in its present form.

Mr. SMITH. Mr. President, I do not care to discuss the general features of this bill, but I do not like to have go unchallenged the statement made by the Senator from North Dakota [Mr. McCUMBER] that the Government operation of the railroads has resulted in wrecking the railroads of this country.

We are in the midst of an investigation of that situation now; and I, as a member of that committee, propose to insist that before this investigation shall have ceased we shall have all the facts that have led up to the present alleged condition of the railroads and shall know beyond a doubt where the responsibility for their condition lies.

It is hardly competent for any man at this time to say what force or combination of forces has resulted in the alleged disastrous condition that the railroads claim themselves to be in. When we shall have thoroughly and honestly investigated this matter and found just where the difficulty is, we shall have the courage to state where it is and what or who is responsible.

The Senator also calls attention to the fact, as he alleges, that our entrance into the shipping business has been disastrous. It was notorious before we made this attempt that we had no merchant marine. There were vast resources of this country that were absolutely throttled because of the fact that we had no facilities for transoceanic transportation; and the amount of money that we are expending now in order to get that business started is evidence of the fact that we are all entirely ignorant of the processes by which a practical and economical system of merchant marine may be run. Every man knows that at the beginning of a business the overhead charges are tremendous, but once the business is going we can recoup; and I for one shall stand as long as I am a Member of this body and fight for the development of an American merchant marine. I expect it to cost money. I expect it to lose money in the initial period of its installation, and for that reason I am willing to spend that money rather than give over the entire transportation of this country to a notorious monopoly that succeeded in driving every American ship from the sea. If it becomes necessary for the Government to give the people relief because they can not get relief on account of the monopolistic tendency that seems to be rampant, I shall be one to vote that the Government shall at least demonstrate that a merchant marine is a feasible and practical thing.

Mr. McCUMBER. Mr. President, I spoke a moment ago upon the merits of the bill. I wish to direct my few remarks now to the amendment of the Senator from South Dakota [Mr. STERLING].

I shall spend no time in answering the Senator from South Carolina [Mr. SMITH]. The Government operated the railroads. The Government went into the business of shipbuilding and ship operation. The facts will speak for themselves. I do not care where the fault lies. Every American knows what the condition is.

Mr. President, I want to suggest to the Senator from South Dakota [Mr. STERLING] one other amendment, and that is that he strike out every part of his substitute bill with the exception of that which places in the Federal Trade Commission the authority to conduct the operations under this measure. I agree with him that that is where it belongs. I would vote for his amendment if it simply transferred all of the powers which are transferred here, first to a bureau, and then by another amendment to the Secretary of Agriculture, simply to the Federal Trade Commission. We would then avoid the duplications; but after having voted to substitute the House measure I can not vote now to substitute again the Senate proposition because it carries with it the proposition that the authority exercised under the bill shall be under the auspices of the Federal Trade Commission. I think that is where it belongs; and we ought simply to stop there, and let the Senate make the kind of a bill that it wants to make, and let the Federal Trade Commission enforce it.

Mr. STERLING. Mr. President, I may say that when the Senator from North Dakota voted for the House bill he had but one other bill to compare with the House bill, and that was the Senate bill. The comparison to-day is between the House bill and the proposed substitute; and I do not think the Senator is under any obligation to support the House bill because he supported it yesterday, when the measure now under consideration was not before the Senate.

I realize the force of the Senator's suggestion that we simply clothe the Federal Trade Commission with the power that we would give the Secretary of Agriculture under the House bill; but, Mr. President, I think there should be some restrictions and some regulations, and substantially those that are provided for in this bill. I believe in them. I believe they are reasonable restrictions, and as we come to read each one of them I think they prohibit the doing of those things which should not be done by the packing industry.

Mr. NORRIS. I ask for the yeas and nays on the proposed substitute.

The yeas and nays were ordered.

Mr. STERLING. Mr. President, I wish to suggest a couple of further amendments.

On page 5, after the word "of," in line 4, insert a comma. As it reads now, it is:

> In the acquisition of buying, selling, or dealing in live stock.

The meaning is:

> In the acquisition of, buying, selling, or dealing in live stock.

I ask to have a comma inserted after the word "of."

Then, on the same page, in line 18, strike out the word "packer" and insert the word "person." This is an amendment that was made to one or the other of the two bills yesterday—I think the Senate bill—on motion of the Senator from Wisconsin. The provision is:

> (e) Conspire, combine, agree, or arrange with any other packer to engage in any course of business.

Of course, the word "person" would include any other packer, whereas the word "packer" would not include any other person with whom a combination might be made in violation of the law. Are these amendments agreed to?

The VICE PRESIDENT. The Senator has a right to modify his own amendment.

Mr. WADSWORTH. Mr. President, the Senator from South Dakota has just proposed to make the language in one portion of this bill comply with the language agreed upon by the Senate yesterday. I have two such amendments to offer to it.

On page 3, line 18, after the word "or," I move to insert the words "by-products of the live-stock industry." That complies with the amendment offered by the Senator from Wisconsin [Mr. LENROOT] upon yesterday to the print of the Senate bill after the Senate had refused to reconsider the vote upon

the amendment relating to the definition of the term "live-stock products." I assume, of course, that the Senator from South Dakota will not object to perfecting this bill so that it shall comply with the action of the Senate yesterday.

Mr. SMITH. Where would the Senator's amendment come in?

Mr. WADSWORTH. On page 3, line 18, after the word "or," insert the words "by-products of the live-stock industry." I am merely retracing the steps taken yesterday, tracing the same path.

Mr. FLETCHER. Would that be followed by a comma, then, or should it read "or distribution of live stock or by-products of the live-stock industry or live-stock products"?

Mr. WADSWORTH. The word "or" should come after "industry," so as to read "or live-stock products."

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from New York to the amendment of the Senator from South Dakota will be agreed to.

Mr. WADSWORTH. Mr. President, again, to make the bill comply with the action of the Senate on yesterday upon two votes taken by the Senate, I offer the following amendment: On page 2, line 11, strike out the words "and owned or controlled by a packer" and insert the words "and used for food."

Mr. KENYON. Mr. President, we do not want to have that amendment adopted without objection. I should like to have a vote on that.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York to the amendment of the Senator from South Dakota.

Mr. NORRIS. Mr. President, the Senator from New York suggests to the Senator from South Dakota that he assumes he does not want to do anything different from what we did yesterday with the Senate committee bill; but the Senator from South Dakota, in answer to the Senator from North Dakota, has already said that when we voted yesterday between the House text and the Senate committee amendment it was a different proposition from that which we are voting on now. If the suggestion of the Senator from New York is carried out, then the Senator from South Dakota will have to change his whole amendment and offer the amendment the Senate voted down yesterday. So that he does not want to perfect his amendment, I take it, according to the action of the Senate yesterday.

Although the amendment offered by the Senator from New York is the one which was adopted yesterday by the Senate, I can not help but believe that Senators did not realize the extent to which the amendment went in destroying the usefulness of the law. It takes out of the bill the language, in defining live-stock products, "owned or controlled by a packer," and inserts in lieu thereof, "and used for food." It eliminates from this law hides, oleomargarine, glue——

Mr. WADSWORTH. Oleomargarine is used for food.

Mr. NORRIS. I was going on the theory that it is not fit for food; but the Senator may use it. I will take that back. It eliminates clothing, stockings, shoes, and underclothing. It eliminates fertilizer. It eliminates all sorts of medicines, I presume, which were not considered good for food, which come out of the by-products of the packing business. It eliminates millions and millions of business, and turns it loose without any regulation. I call the Senator's attention to the fact now that in this bill the overlapping of the authority of one bureau by another can not be urged, because the Federal Trade Commission handles it all, and you would prevent them from making an investigation under this bill of any of the by-products of the packers.

Mr. WADSWORTH. Could they not do it under existing law?

Mr. NORRIS. If that be true, if they could do it under the existing law, then it can not hurt them if it is left in this bill. If that be true, that they can do it anyway, there will be no harm in leaving it here. Of course, the provisions of this bill go somewhat further than the Federal Trade Commission act.

Mr. WADSWORTH. Infinitely so.

Mr. NORRIS. I do not think infinitely further, but they go further. Suppose the Senator's theory is true, that under some other law they could investigate these packers, while under this law they could only investigate part of the packers; but under the other law, according to the Senator's own statement, they could not go as far, and the result would be that when they would investigate by-products that could not be used for food they would have to stop at a certain point before they got through.

I appeal to Senators; you may be against this bill, you may not want any investigation, you may not want anything done with these packers, or with any business that is allied with them, but you must admit that if you do want it done, you want it done right, and it would be perfectly foolish, it seems to me, to give the Federal Trade Commission, even on the Senator's own statement, authority to investigate part of these products clear through to the end, and authority for other products only part way, or authority for part of the products under one law, going in this direction, and authority to investigate the by-products which are in use for food going in the other direction. So we ought to vote it down.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WADSWORTH] to the amendment of the Senator from South Dakota [Mr. STERLING].

Mr. LA FOLLETTE. Mr. President, I ask that a letter which I referred to in the debate upon this bill yesterday be printed in full in the RECORD. This letter is signed by the legislative representatives of every important farm and labor organization in the United States. It was addressed to Chairman HAUGEN of the Committee on Agriculture and Forestry of the House of Representatives, and was presented to the committee by the signers, who were authorized to appear before that committee.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, *D. C., May 25, 1921.*

DEAR SIR: We, the undersigned, as authorized representatives of national organizations of farmers, of consumers, and of labor, have carefully examined the provisions of the Haugen bill (H. R. 6320) to regulate the interstate and foreign commerce in live stock, packing-house products, dairy products, etc., and we urgently protest that this bill in its present form is inadequate and needs important revision before it can command our confidence or support.

While we are in full sympathy with the object of the bill and recognize the earnest efforts that have been put into it by the committee, it as now reported falls seriously short of obtaining its objects for the reasons here set forth:

1. The most crying need of the live-stock producers and of the consumers of meats and other live-stock products is for authoritative current public information, made possible through the medium of uniform accounting systems on the industry, on the state of the markets, on the costs and profits of the packers, and other agencies operating between the producer and the consumer. We believe that unless information of this character is specifically provided for it will be impossible to secure that state of public confidence that is so sorely needed in this industry. This the Haugen bill does not do in its present form.

2. The bill inadvertently, we believe, but yet surely takes the packers out from under the Sherman law and the antitrust acts, while leaving other industries still under the penalties of those laws. The packer legislation considered by the recent and present committees of Congress is in the nature of supervision of the industry. It is frankly directed at some degree of administrative oversight of the business of the large packers, and it primarily relies on the supervision of these organizations rather than on the Sherman law. Nevertheless it would be a sorry outcome of the investigation and of the consent decree to relieve these five great packing companies from the Sherman law. The new legislation, until its operation has been successfully tried out, should not be left to stand alone. The antitrust act should be retained in the background unimpaired. The Haugen bill appears to preserve the antitrust laws, but its phrasing is so defective as to really destroy those laws as far as the packers are concerned.

Certain practices, conspiracies, agreements, etc., are made unlawful for packers by the Haugen bill and other practices are made unlawful by other bills. We believe that these enumerated practices in the different bills should be carefully correlated, the best provisions selected, and all of them tested as to the criterion of proof required, remembering that proof of intent is difficult. This makes it all the more necessary not to abandon the Sherman law until it is found how the courts will function on these new provisions.

3. The Federal Trade Commission performed the signal service to the country, to producers and consumers, and to the packing industry itself in its investigation of the packers; and all of the organizations we represent have again and again indorsed the public service rendered by the commission and expressed their confidence in it. We therefore emphatically object to any curtailment or limitation of the powers of that body.

Whatever agency is provided for administrating the proper legislation, we insist that the Federal Trade Commission and the Federal Trade Commission act be retained unimpaired and ready for service at the call of the President or either House of Congress, should the emergency arise. Like the Sherman law it should stand in the background as a bulwark until the new machinery has been tested and its efficiency and adequacy proven. If the bill is carefully drawn, this does not necessitate any duplication of effort or useless governmental expenditures.

4. The Haugen bill does not measure up to the needs of the times in that it does not provide for any constructive improvement in the system of marketing live stock and meat-food products. Our system of marketing of commodities in general does not stand the test of efficiency and low cost. Whatever the efficiency of the meat packers, there is great need of improvement in lessening the outrageous spread in price between what the farmer receives for his stock and what the products cost at the consumers' table. We therefore urge two forward-looking and constructive steps: (a) Adequate provision in the bill for farmers' cooperative live-stock commission firms operating in the stockyards under governmental supervision; (b) voluntary registration of stockyards, abattoirs, and warehouses, to secure all possible improvement in the marketing, slaughtering, processing, and storage systems by means of nonfinancial aid on the self-help principle.

These are our principal reasons for asking that your committee give further consideration to the bill before pressing for its consideration on the floor of the House or its passage in its present form. We be-

lieve that the packers can not reasonably object to the provisions we have above urged, and that those provisions are necessary to make the legislation effective or worth passing.

Respectfully submitted.

T. C. Atkeson, Washington representative National Grange; George P. Hampton, managing director Farmers' National Council; Benjamin C. Marsh, executive secretary People's Reconstruction League; E. C. Lasater, representing Livestock; Charles A. Lyman, secretary National Board of Farm Organizations; John A. McSparran, master Pennsylvania State Grange; C. S. Barrett, president Farmers' National Union; J. H. Kimble, legislative agent National Farmers' Congress; C. W. Holman, acting secretary National Milk Producers' Federation; Mrs. Florence Kelley, president National Consumers' League; Mrs. E. P. Costigan, chairman Food Supply Committee, League of Women Voters; W. M. Clark, vice president and national legislative representative Order of Railway Conductors; W. N. Doak, vice president and legislative representative Brotherhood of Railroad Trainmen; P. J. McNamara, vice president and national legislative representative Brotherhood Locomotive Firemen and Engineers; H. E. Wills, vice president Brotherhood Locomotive Engineers; E. F. McGrady, legislative committeeman, American Federation of Labor.

Hon. GILBERT N. HAUGEN,
Chairman House Committee on Agriculture, Washington, D. C.

Mr. LA FOLLETTE. Mr. President, we are considering legislation in the interest of agriculture, of live-stock growers, and of the consumers of this country.

The letter which I have here, signed by representatives of live-stock associations and all the farm associations and all of the labor and consumer organizations of the country, protests against the Haugen bill in the exact form in which it passed the House. That bill is now before the Senate. This letter was dated on May 25, the bill was then pending in the House, had already been reported from the committee, and was passed by the House unamended as reported from the committee. So that every word of criticism in this letter from the representatives of this great body of people in whose interest, very largely, this legislation is supposed to be enacted, is in protest against the pending bill.

I had an opportunity to read only one paragraph from the letter yesterday, and I want to read further from the letter at this time. I read from the letter:

The most crying need of the live-stock producers and of the consumers of meats and other live-stock products is for authoritative current public information, made possible through the medium of uniform accounting systems, on the industry, on the state of the markets, on the costs and profits of the packers and other agencies operating between the producer and the consumer. We believe that unless information of this character is specifically provided for it will be impossible to secure that state of public confidence that is so sorely needed in this industry. This the Haugen bill does not do in its present form.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. KENYON. Mr. President, I notice on page 2657 of the RECORD this morning a statement by the Senator from Utah [Mr. SMOOT], to which I desire to refer. I did not hear it at the time, or I should have challenged it. The Senator from Utah said:

I do not know whether it is worth while to call attention to the farming organizations which are in favor of the House bill as against the Senate bill—I would if I had the time—as shown by the testimony given before the House committee.

This is the point I challenge:

The Secretary of Agriculture was there. He helped frame the bill.

I would like to have the authority of the Senator from Utah for the statement that the Secretary of Agriculture had anything to do with framing the House bill.

Mr. SMOOT. Mr. President, my information was that the Secretary of Agriculture was before the committee, not one day but more than one day; that he discussed the provisions of the bill with that committee and made recommendations; that not only did he meet with the committee but he met with other Members outside for the purpose of discussing amendments, many of the amendments referred to yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. KENYON. Is the fact that he was called before the House committee and testified before the House committee regarding the bill the basis of the Senator's statement that he helped frame the bill? I make the assertion, to go in the RECORD side by side with the statement of the Senator from Utah, that the Secretary of Agriculture had nothing whatever to do with framing the House bill, though he did attend the hearings, and did testify, of course, as he was asked to do. I do not want that statement to go in the RECORD to the people of this country, especially the farmers of the United States, who have implicit confidence in the Secretary of Agriculture.

Mr. SMOOT. I, too, have implicit confidence in the Secretary of Agriculture. Mr. President, the statement I made yesterday was based on information which came to me from sources I have no reason to doubt. The Senator may be right; my information may be wrong. I will say to the Senator——

Mr. KENYON. The statement comes to me from sources which I know are correct.

Mr. SMOOT. The statement I had every reason to believe was right. I made it upon the information that was given to me. I do not like to refer to Members of the other House, but I got it from Members of the House of Representatives.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WADSWORTH] to the amendment in the nature of a substitute offered by the Senator from South Dakota.

Mr. NORRIS. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LA FOLLETTE. I ask to have the amendment stated, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. On page 2 of the proposed amendment of the Senator from South Dakota, line 11, it is proposed to strike out the words "and owned or controlled by a packer" and to insert in lieu thereof the words "and used for food," so that the paragraph will read:

The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and used for food.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. GOODING (when his name was called). On this vote I am paired with the junior Senator from Maine [Mr. HALE]. If I were privileged to vote, I would vote "nay."

Mr. STERLING (when Mr. NORBECK's name was called). I wish to announce the unavoidable absence of my colleague [Mr. NORBECK] and to state that if he were present he would vote "nay." He has a general pair with the Senator from Missouri [Mr. REED].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who is absent. I am unable to obtain a transfer and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SMITH (when his name was called). I have a pair on this bill with the Senator from New York [Mr. CALDER]. I am unable to obtain a transfer, and therefore I must withhold my vote. Were I at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT], which I transfer to the senior Senator from Michigan [Mr. TOWNSEND] and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL], who is absent. I am unable to obtain a transfer, and therefore I am not able to vote. If I were at liberty to vote, I should vote "nay."

Mr. CARAWAY. I have a general pair with the junior Senator from Ilinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. GOODING. I find that I can transfer my pair with the junior Senator from Maine [Mr. HALE] to my colleague [Mr. BORAH] and vote. I vote "nay."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Missouri [Mr. REED];

The Senator from Oregon [Mr. STANFIELD] with the Senator from Ohio [Mr. POMERENE];

The junior Senator from Ohio [Mr. WILLIS] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Brandegee	Fernald	McCumber	Shortridge
Broussard	Frelinghuysen	McLean	Smoot
Bursum	Harreld	Myers	Sutherland
Cameron	Keyes	New	Underwood
Curtis	King	Nicholson	Wadsworth
Dillingham	Knox	Oddie	Warren
Edge	Lodge	Phipps	Watson, Ind.
Ernst	McCormick	Poindexter	Weller

NAYS—31.

Ashurst	Harris	Lenroot	Sterling
Capper	Heflin	Norris	Swanson
Caraway	Johnson	Overman	Trammell
Cummins	Jones, N. Mex.	Owen	Walsh, Mass.
Dial	Jones, Wash.	Pittman	Walsh, Mont.
Gerry	Kendrick	Sheppard	Watson, Ga.
Glass	Kenyon	Spencer	Williams
Gooding	La Follette	Stanley	

NOT VOTING—33.

Ball	Harrison	Newberry	Simmons
Borah	Hitchcock	Norbeck	Smith
Calder	Kellogg	Page	Stanfield
Colt	Ladd	Penrose	Townsend
Culberson	McKellar	Pomerene	Willis
Elkins	McKinley	Ransdell	Wolcott
Fletcher	McNary	Reed	
France	Moses	Robinson	
Hale	Nelson	Shields	

So Mr. WADSWORTH's amendment to Mr. STERLING's proposed substitute was agreed to.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Amend the House text by adding a new section at the end thereof, as follows:

SEC. —. None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products.

Mr. PITTMAN. That language was reported out as a part of the Senate committee bill by the Senate committee. It is the same amendment which was offered at the last session to a similar bill and agreed to by the Senate. At that time it was thoroughly debated and understood. I do not think it is necessary to discuss the matter further unless there is some Senator who does not understand the purpose of the amendment.

Mr. KING. May I inquire of the Senator if we did not adopt that language yesterday as an amendment to the House text?

Mr. PITTMAN. I am not certain whether it was adopted yesterday or not.

Mr. STERLING. I understand the Senator offers the amendment to the House text?

Mr. PITTMAN. I do.

Mr. STERLING. Can it not be offered as an amendment to the substitute bill which is now under consideration? The proposed substitute for the House bill is under consideration and it can be agreed to as an amendment to the substitute now pending.

Mr. PITTMAN. I understand that under the parliamentary rule we have a right to perfect the House text, and it is for that purpose that I offer the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. LA FOLLETTE. Mr. President, the Senator from Utah [Mr. SMOOT] was somewhat vague in his answers as to the authority upon which he had asserted in the debate yesterday that the Secretary of Agriculture had taken an active part in the framing of the packer bill which came over from the House. Another Member of this body, the junior Senator from Oregon [Mr. STANFIELD], speaking in the Senate here on June 10, stated as one of his reasons for his supporting the Haugen bill that it was "backed by the Farm Bureau Federation and the grange." He said:

The Haugen or House bill, which it is proposed to substitute by amendment for the Norris bill, while not without objection is the lesser of the two evils, and, backed as it is by the Farm Bureau Federation, the Grange, and the unanimous report of the House committee, it seems to me better to accept the House bill.

Now, I have just presented to the Senate a letter which shows that the Haugen or House bill is not only not backed by the only representative of the National Grange that there is in Washington, Mr. Atkeson, but that he denounces it. The letter signed by Mr. Atkeson, speaking for the National Grange, says:

This bill (the Haugen bill) in its present form is inadequate and needs important revision before it can command our confidence or support.

So much for the grange backing referred to by the Senator from Oregon.

As to the Haugen or House bill having the backing of the Farm Bureau Federation, I read this telegram signed by J. R. Howard, president of the Farm Bureau, dated at Chicago, June 8, addressed to the Senator from Nebraska [Mr. NORRIS], at Washington, D. C.:

American Farm Bureau live-stock committee not satisfied with House packer bill. Desires conference Monday night with Senate leader. Can you arrange same?

Mr. President, we seem to struggle with a good deal of difficulty in getting before the Senate any definite information in support of the statement that the Secretary of Agriculture had anything to do with the drafting of the House bill, but there can no longer be any doubt that the authorized representatives of the Farm Bureau and the Grange were never in favor of the bill as it passed the House.

But, Mr. President, there is abundant evidence that the bill was satisfactory to the packers as it passed the House.

Mr. Thomas E. Wilson, one of the packers, testified before the House committee, and I have his testimony before me. He appeared on May 6, 1921, shortly before the Haugen bill was reported to the House. He refers first to the Williams bill—another House bill, which embodied the provisions which the packers desired. Then Mr. Wilson proceeds to say:

That bill, as I read it, is pretty much the Haugen bill with a few amendments, the one important amendment being the elimination of the Interstate Commerce Commission, throwing it all into the Department of Agriculture.

He said further:

There is probably one additional suggestion that I could make as to that bill, or to the Haugen bill, which, I think, in line with the tendency of the minds of the men here as I gathered it yesterday, and that would be to entirely eliminate the Federal Trade Commission from jurisdiction in the matter.

That is what the packers want.

Mr. NORRIS. That is what the House text provides.

Mr. LA FOLLETTE. That is what the House text provides, and that is why the House text is the packer bill, and that is why the packers are supporting it.

He was asked by Mr. VOIGT, a member of the House committee:

You say that the Haugen bill will pretty nearly cover the situation—

That is your exact language. The reply was:

The Haugen bill, with these few changes I have suggested.

That is, with the elimination of the Interstate Commerce Commission and the Federal Trade Commission.

The real trouble with any bill that leaves any authority to the Federal Trade Commission is that the packers are afraid of the Federal Trade Commission.

The VICE PRESIDENT. The Senator's time has expired.

Mr. SMOOT. Mr. President, I desire to take five minutes on the pending amendment and five minutes on the bill itself.

Mr. President, I at no time have claimed that the Secretary of Agriculture helped to draft the bill. In my remarks I did say that he helped to frame the bill, by which I meant he assisted in the amendments to the bill as it was introduced in the other House. There is no question about that at all.

After the speech which was delivered by the Senator from Wisconsin [Mr. LA FOLLETTE] last evening, in which he showed to the Senate a bill which was marked by an attorney of the packing company with interlineations and amendments, claiming that that meant that the packers made the bill so that it was satisfactory to them, I asked Mr. Lightfoot to prepare a statement of just what took place. I have that statement now, and I am going to read it to the Senate. Before doing so, however, I desire to say that I have here a letter from Mr. T. C. Atkeson, which is dated March 22, 1921, reading as follows:

MR. NORMAN DRAPER,
Institute of American Meat Packers,
Munsey Building, Washington, D. C.

DEAR SIR: The last time you were in the office, if I remember correctly, you stated in the talk we were having that you would try to put on paper or get from some of your people copy of some proposed legislation on the subject of the Government regulation of the packer industry which you people would not oppose if considered and passed by Congress.

I was much interested in this proposition, and have now come to the point where I am considering making some suggestions to Members of Congress on this subject, and would be very glad to have your memorandum or copy of any proposed bill.

If you can oblige me with such a copy, it seems to me that it will be a step in the right direction, as it appears inevitable from the present state of public opinion that the general public will insist upon Congress taking some action in this direction at this coming session.

Yours, sincerely,

T. C. ATKESON,
Washington Representative.

The request made in that letter was complied with; that is all. That is the history of the matter. After Mr. Atkeson had made that request, what would Senators have thought if it had been denied? Here is what happened, Mr. President. This is the statement of Mr. Lightfoot:

"During the last session of Congress the House Committee on Agriculture held hearings lasting 40 days, taking testimony covering 3,000 pages of printed record.

"Toward the conclusion of the hearing two of the packers' attorneys—M. W. Borders, representing Morris & Co., and J. P. Lightfoot, representing Wilson & Co.—were invited by the committee to discuss the law of the pending bills and their effect upon the industry. I closed the argument, which lasted two days. At the conclusion of my address, which thoroughly analyzed the bills and pointed out the destructive features, Mr. VOIGT, of Wisconsin, one of the most active members of the committee, in advocating regulation of the industry made the suggestion that I be invited by the committee to submit suggestions eliminating such objectionable features.

"The committee had before it all the bills which had been previously introduced on the subject, including the Sims, Kendrick, Kenyon, and other bills. Mr. ANDERSON, a member of the committee, who had introduced a companion bill to the Kenyon bill, thereafter rewrote the measure conferring all the administrative jurisdiction upon the Federal Trade Commission."

Mr. KENYON. May I ask the Senator from Utah from what he is reading?

Mr. SMOOT. I will say to the Senator from Iowa that this is a statement which was prepared at my request as to the steps which were taken in the preparation of the bill after various bills on the subject had been introduced into the other House.

Mr. NORRIS. Whose statement is it, may I inquire of the Senator from Utah?

Mr. SMOOT. I have stated that. The statement is by Mr. Lightfoot.

Mr. NORRIS. Who is Mr. Lightfoot?

Mr. SMOOT. The Senator knows; but I will tell the Senator, if he will just have patience.

Mr. NORRIS. All right, I will have patience.

Mr. SMOOT. He is attorney for Wilson & Co., packers of Chicago. The statement continues:

"Mr. HAUGEN wrote a bill along similar lines, conferring the jurisdiction over the packers to the Secretary of Agriculture and over the stockyards to the Interstate Commerce Commission. His bill was reported out by the committee at the close of the last Congress in the nature of a substitute for the Gronna bill, which had passed the Senate.

"At this session Mr. HAUGEN reintroduced his bill, and Mr. MCLAUGHLIN of Nebraska introduced the Gronna bill and Mr. WILLIAMS later a modification of the Haugen bill. Another hearing was held by the committee lasting a week, at which there appeared the Secretary of Agriculture, representatives of farm and labor organizations, the Consumers' League, packers, large and small, commission men, stockyards representatives, and others interested in the bills.

"The committee invited all these parties to offer suggestions for the improvement of the bill. Amendments were suggested by representatives of the Department of Agriculture, farm organizations, commission men, stockyard managers, and packers.

"During the course of the discussion the committee invited me to confer with the Secretary of Agriculture and see if any amendments could be worked out, and if so the Secretary and I should report them back to the committee for its consideration.

"A subcommittee of three, consisting of the authors of the three bills pending before the committee, was appointed to draft a bill, the subcommittee held hearings at which representatives of the Department of Agriculture, the farm organizations, packers, and others appeared and offered their suggestions for amendments. I am informed that some were adopted and others rejected. The committee was fully aware that I was conferring with and cooperating as far as possible with others interested in the bill. The subcommittee reported the Haugen bill as amended to the full committee unanimously, the full committee unanimously reported it to the House without further amendment. The House after full discussion lasting several days passed it without a single amendment, and it is now before this body.

"The House was aware that amendments had been offered by all those interests, including the packers. (See House Report No. 77.)

"Why should not the packers be consulted? They are the parties most affected by the legislation. From my reading of the bill the amendments adopted embodying the suggestions of the representative of the Secretary of Agriculture, the farm organizations, and the packers are all fair and reasonable, and improve the bill; yet, notwithstanding, if adopted the bill will be the most far-reaching of any bill ever enacted by Congress for the regulation of private business in times of peace as stated by the committee in its report.

"Has the time come in this country when business men can not be heard to make suggestions as to laws vitally affecting their business? We have witnessed the Federal Trade Commission denying a hearing and conducting an ex parte investigation upon which these measures are predicated. It is such tendencies that cause business men to tremble before such legislation and look with anxiety to the future.

"It should not be a matter of consequence to the Senate that an attorney of one of the packers conferred with some of the representatives of the farm organizations or made suggestions for amendments. That is neither novel nor extraordinary, especially when such conferences had been practically suggested by a committee of Congress.

"The House passed the bill with a full knowledge of the fact and conscious of the scope of its bill. The Senate is amply able to pass upon the bill and weigh its merits or demerits. It rather impresses me as an indication of extremity when such a criticism is made in an attempt to sway the judgment of the Senate. Let us consider for a moment what amendments were suggested by the attorney for one of the packers and their effect.

"The Haugen bill as introduced conferred the administrative jurisdiction over the packers to the Secretary of Agriculture, and over the stockyards, commission men, traders, and packer buyers to the Interstate Commerce Commission. The amendment suggested by the attorney was to amend the bill so as to give the Secretary of Agriculture jurisdiction over the whole subject, and not provide for a divided authority over two divisions of a business so intimately connected.

"What is wrong about that suggestion?

"Several bills have heretofore been introduced in the Senate by those interested in this legislation which did that precise thing. I am informed that a representative of the Department of Agriculture appeared before the subcommittee of the House in connection with the Haugen bill and found no fault with that suggestion. A representative of the American Farm Bureau Federation approved of it—in fact, a committee of the Farm Bureau Federation, which met in Washington in April of this year and before the House committee began its hearing on the present bill, adopted the following resolution:

"We recommend that there should be regulatory legislation concerning the meat-packing industry to insure live-stock production against unfair practices. We further believe that such regulatory powers should be vested in the Department of Agriculture. We reaffirm our previous resolution for fair and just measures in the interest of both the industry and the producers. (See p. 484, hearings before Committee on Agriculture, May, 1921.)

"This resolution was inserted in the hearings by a high official of the Farm Bureau and was passed by a representative committee of the bureau assembled in Washington to outline a legislative program in the interest of the farmers."

The VICE PRESIDENT. The Senator's time has expired.

Mr. SMOOT. Mr. President, I desire five minutes on the bill now.

The VICE PRESIDENT. The Senator has exhausted his 10 minutes.

Mr. LA FOLLETTE. I do not think the Senator can speak on the bill now.

Mr. SMOOT. The Senator from Wisconsin can not object, because he took 10 minutes himself yesterday.

The VICE PRESIDENT. The Senator has already spoken for 10 minutes.

Mr. SMOOT. Then, of course, I yield the floor; but, inasmuch as this is a statement in reference to a matter which has gone into the RECORD, I ask unanimous consent that the remainder of the statement may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The remainder of the statement is as follows:

"Mr. Atkeson, the representative of the National Grange, who furnished the bill with the interlineations referred to here, testifying before the House committee at its recent hearing, said:

"If I were writing this bill I would substitute for 'Interstate Commerce Commission' 'Secretary of Agriculture' clear through. The result of my own cogitation over the matter is in line with the statement made by Mr. ANDERSON yesterday. * * * Mr. Chairman, I was considering the bill purely from the standpoint of its being administered by the Secretary of Agriculture. I amused myself some time ago in preparing a packer bill, but I did not have the nerve to ask any Congressman to introduce it, because I did not think that Congress would pass the bill if I did, but it provided that the railroads should own the stockyards. That is our disposition of the stockyards problem. That means, of course, that they would be brought under the Interstate Commerce Commission for administration. But as I have studied Mr. HAUGEN'S bill, if the railroads are not to own the stockyards, and it does not so provide, it then seemed to me that if this law is to be administered by the Secretary of Agriculture, that the Secretary of Agriculture should be given administrative authority over the stockyards, including the commission men and all other things that pass

through the stockyards. This is not meant as a criticism at all. Maybe I am mistaken about it. If I were suggesting any changes in this bill, it would simply be that change, that the 'Secretary of Agriculture' be substituted for the 'Interstate Commerce Commission' throughout the bill, beginning with section 302. (See pages 77 and 78, House hearings, May, 1921.)

"The suggestions made to Mr. Atkeson by me were in response to his request for our views.

"The House committee agreed to the change and the bill was passed by the House, so it would seem that the suggestion of the attorney was in accordance with public opinion on that subject.

"The next amendment suggested by me to Mr. Atkeson was to amend the definition of the term 'live-stock products.'

"The definition as it originally appeared in the bill read as follows: 'The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived in whole or in part from live stock.'

"This definition, taken in connection with the definition of 'packer,' as provided in section 201 of the bill, would unquestionably have made a 'packer' out of many industries not engaged in the slaughter of animals, such as tanneries, fertilizer plants, woolen mills, automobile manufacturers, and many others using by-products of the packing industry and subject them to regulation under the bill. That definition was in identical language in the Gronna bill as it passed the Senate last session, and a lawyer for one of the packers was the first to call attention to it.

"It seems that the distinguished Committee on Agriculture of the Senate also concurs in the wisdom of the amendment, as it attempted to meet the criticism made by the packer attorney by changing the definition of the terms in the amendment now pending to the House bill, for by an amendment it is now made to read:

"The term 'live-stock products' means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer; the words 'and owned or controlled by a packer' is a very recent amendment offered by the Senate committee and is intended to safeguard the very point made by the packer attorney, whether it accomplished that purpose or not. It was also not criticised by the Secretary of Agriculture and was approved by the Farm Bureau.

"The next amendment suggested to Mr. Atkeson was to section 207 of the Haugen bill, which provided that the Secretary under certain circumstances should prescribe the manner and form in which the accounts, records, and memoranda of the packer should be kept, and thereafter any packer who keeps any other or different accounts, records, and memoranda than those prescribed by the Secretary shall be guilty of a penitentiary offense.

"There was no objection to keeping all the accounts or records that the Secretary might prescribe in the manner and form prescribed, which he has the power to make 'uniform' if he so desires, but in case the Secretary failed or refused to prescribe every form and account deemed essential in the operation of the business it was very objectionable to be charged with a felony if the Secretary found some account or record or memoranda he had not prescribed. It will be noted that the Farm Bureau also recommended this change in the law, and it was adopted by the committee; moreover, the section as amended corresponds in its scope with the same provision of the Senate amendment and is in consonance with it. It was also approved by the representative of the Secretary of Agriculture and seems to be fair, just, and reasonable. The power to prescribe uniform accounts and books is discretionary under the Senate bill, as under the House bill.

"Another amendment suggested was to section 205 (f). The bill as drawn made the finding of facts of the Secretary conclusive in any appeal from an order to 'cease and desist' if supported by evidence. The suggestion was made to change it to read by 'the weight of the evidence.'

"The representative of the Secretary of Agriculture and the Farm Bureau seem to favor it as fair. And the Senate at the last session adopted a like amendment to the Gronna bill from the floor, offered by Senator Smith of Georgia, who supported the bill.

"The Senate Committee on Agriculture evidently believed that this was a wise provision, as they have preserved it in the present amendment to the House bill. (See line 25, sec. 21, p. 44, of H. R. 6320, now under consideration.)

"I will not discuss this question further, but all the recommendations made are sound and fair. They do not weaken in any respect the bill, but are in accord with sound principle and fair and reasonable supervision and regulation, and, so far as analyzed, are in accord with many of the provisions of the Senate bill.

"In connection with the statement of Senator LA FOLLETTE that I suggested that the Secretary of Agriculture be given the jurisdiction of the Federal Trade Commission over the packing industry was in line with the announced policy of this administration to coordinate overlapping powers of different departments. It was also in accord with the sentiment of the Senate at the last session, because they amended the Gronna bill from the floor in that respect. The present Committee on Agriculture reported its own bill with the same provision in it transferring the powers of the Federal Trade Commission, and the Senate committee also in reporting its amendment as a substitute for the House bill contained a similar provision. So that my suggestion was in line with the sentiment which has existed in the Senate on that question. The banks and railroads are both especially exempted from the jurisdiction of the Federal Trade Commission, because they have agencies established completely supervising them. The same situation should be provided for the packing industry, which is quite as large as either, and this legislation is intended to establish as complete supervision as is provided for the banks and railroads. There is nothing but a sentimental reason why the jurisdiction of the Federal Trade Commission should be preserved, and the industry should not be subjected to conflicting authority, which will inevitably cause confusion and uncertainty in administering the law."

Mr. NORRIS. Mr. President, I have no objection to the speech of Mr. Lightfoot, the attorney for Wilson & Co., going into the RECORD complete. We have just listened to a 10-minute speech from Mr. Lightfoot, attorney for Wilson & Co., one of the big packers. It is a violation of our unanimous-consent agreement for a Senator to speak 10 minutes, and when I have spoken 5 minutes I have to quit; but we have accorded Mr. Lightfoot, the attorney for the packers, the privilege of talking 10 minutes.

Mr. SMOOT. Mr. President, the Senator is wrong. Under the unanimous-consent agreement, five minutes are allowed on the bill and five minutes on each amendment, and I have not spoken five minutes on the bill.

Mr. NORRIS. The Senator knows, and so does every other Senator, if he will think for a minute, that the pending question now is on an amendment offered by the Senator from Nevada. A Senator can not talk on the bill when that amendment is pending as a matter of parliamentary law, though, of course, he can talk about anything when he really has the floor. Others have done so; I am not complaining about that, for, of course, I could not, being a Member of the Senate, expect the same privilege to be extended to me that has just been extended to the attorney for the packers. I do not know any way that I can make a speech in the Senate without coming here and making it. I congratulate the packers that they have a means of making speeches here that is not open to anybody else.

This attorney, Lightfoot, who has just made this eloquent speech, and did not get through, the remainder of it being printed in the RECORD, comes from the same packer, Wilson & Co., whose testimony, given by Mr. Wilson, president of the company, was read here a few moments ago in reference to the same question that Lightfoot, the attorney, is talking about, and that is the hearings before the House and the House bill. Wilson testified—and, I repeat, his testimony was read not 15 minutes ago—that the Haugen bill was satisfactory to him with two exceptions. He wanted the authority of the Interstate Commerce Commission taken away and he wanted the authority of the Federal Trade Commission eliminated, and both of those changes were made in the bill. There is nothing left of the House bill that is objectionable to him; he is satisfied; and therefore, so far as he is concerned and others like him, if they are to have any legislation at all they are getting what they want. I congratulate them, Mr. President, that they are able to get what they want. They may be all right and the other people may be all wrong——

Mr. McCORMICK. May I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. McCORMICK. Did not the Senator say when he first addressed the Senate on the subject that the two bills were very much alike?

Mr. NORRIS. They are; in a great many respects they are exactly the same; and if they were alike, if the Senate bill were just like the House bill I should expect the Senator from Illinois to be voting for it instead of voting against it. The fact that he refuses to vote for any substitute for the House bill is pretty good evidence to me that he himself does not believe that they are alike in all respects, and they are not.

Mr. McCORMICK. The Senator from Illinois took some pains to examine the two bills to determine the difference, which is more than the Senator from Nebraska did before they were reported to the Senate.

Mr. NORRIS. That may be. Of course, I could not be expected to do what the Senator from Illinois can do. If I did examine them I could not explain the difference like he can. He thinks now, for argument's sake, that they are not very different; but I notice that when he did examine them, and got through, he came out just where Wilson of the packers came out, at the same place. He is there now.

Mr. LA FOLLETTE. Mr. President, I propose to add to the pending amendment the following:

Whose farm products in the aggregate do not exceed in value $50,000 per annum.

Upon that amendment I want to be heard.

Mr. WADSWORTH. Mr. President, may that be stated again? I did not hear it.

Mr. LA FOLLETTE. This does not come out of my time, does it, Mr. President? I was just putting a limitation upon the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add, at the end of the proposed amendment of the Senator from Nevada, the following words:

Whose products in the aggregate do not exceed in value $50,000 per annum.

Mr. LA FOLLETTE. Mr. President, I am very much gratified that we have, through the medium of the Senator from Utah [Mr. SMOOT], this elaborate statement from Mr. Lightfoot, the attorney for the packers, as to the making of the packer bill which passed the House. To Senators familiar with the proceedings in committees it will appear like an old story. First, the selection of a committee of three; and I was told by a member of the House committee the other day on this floor that that committee was pretty carefully selected. This committee takes the Haugen bill and writes into it seven important suggestions made by the attorney for the packers—radical suggestions, suggestions that completely changed the character of the bill as it was first introduced—and I hold in my hands here now the Haugen bill with interlineations in the handwriting of that attorney in the bill, which he turned over to Mr. Atkeson, with the changes that the packers desired to have made in the bill. Then the subcommittee was appointed. They adopted these suggestions. The measure was passed on to the full committee and, without a single change, reported by the committee to the House and passed by the House just as reported. Is not that rather remarkable?

The ways seem to be specially greased for swift action. Without a change, this bill goes from a subcommittee of three through the entire committee of the House, and then it goes through the House of Representatives without any further change whatever.

It is a most extraordinary record. I think the revelations made by the packers, through the Senator from Utah, are a valuable contribution to the legislative methods that are employed by big interests in securing what they want. They usually know what they want, and this is the system by which they secure it.

So that you have this bill with its remarkable history. Are you willing to accept the ipse dixit of the packers? You have this bill with their brand on it. You know that it came from their hands; that it contains the modifications that they wanted put into it; that it passed through the hands of a subcommittee and then was put through the full committee without any alteration and passed through the House of Representatives without an amendment. It is now before the Senate. It has been substituted for the Senate bill substantially as it passed the House. A few amendments were made to it by the Senate yesterday that improve it slightly; but the radical things that the packers wanted put in and that they secured before the bill came to the Senate, as I have stated, put upon it the packer stamp, so that it will go to the country as packer legislation if it is finally passed by the Senate in its present form.

The Senate has the opportunity to choose between that and the bill offered by the Senator from South Dakota, which I trust will be adopted in its stead.

I withdraw the amendment that I proposed.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. PITTMAN] to the amendment of the Senator from South Dakota.

The amendment to the amendment was agreed to.

Mr. McLEAN. Mr. President, my objection to the bill offered as a substitute by the Senator from South Dakota is found in section 10. I refer to the provision which authorizes the commission to fix the charges of the operators on its own initiative.

Mr. President, I believe in investigation and in publicity, but I do not believe in price-fixing. With all that has been said in favor of this bill, I still think there is one best way to punish the monopolist, and the more time we spend in experimenting in the wrong way, the longer we shall be before we find out how to punish him in the right way.

To punish a monopolist you must catch him, and then subject him to the penalties provided for his offense, but when in the process of capture you adopt regulations that interfere with the free operation of the natural law of supply and demand, you may punish the monopolist, but you will also destroy that particular business. Such has been the result to the railroad business of this country. To-day we are inviting and beseeching the railroads to do things which a few years ago were prohibited by law. I do not know but that it is too late to remedy the harm that has been done. I am not in favor of abolishing the Interstate Commerce Commission. Every well-regulated cemetery must be kept up, and my opinion is that the Interstate Commerce Commission is the best instrumentality that can be devised to take care of the transportation burying-ground; but, Mr. President, I know that democracies are expensive. In history, they have cost more than they have been worth. Certainly not one of them has lived to a ripe old age. The trouble is that governments of and for and by the people must keep the people contented, and when in order to secure that contentment you are driven to experiments in unsound economic principles, you begin to write the last page in the history of that country.

Mr. President, I know that this legislation is only an opening wedge. It does not go very far. It merely fixes the prices to be charged by the operators; but if it does anything of any consequence, it must lead to general price fixing, and next year the consumers of meat will come to Congress and want to know why your packer legislation is not of some benefit to them, and it will be as popular then as it is now to introduce legislation fixing the price which the packers shall charge, and then you must carry it to the consumer. There is no other legitimate end to this kind of legislation.

I congratulate my colleagues on the floor of this Chamber who have convinced themselves that the popular side of this bill is the right side. I can not agree with them.

Mr. President, when you begin to administer this sort of anodyne to a legitimate business, no man who is capable of conducting that business will remain in it. There is not a man who has a dollar's interest in the railroads to-day who would not get out if he could at a substantial loss; and when you follow up this legislation to its legitimate conclusion and apply it to the packers and retailers, it will not be five years before adjoining the transportation burying ground will be the burying ground of the meat industry of this country. Then will come the coal industry, then the butcher and the baker and the candlestick maker, until instead of a country where a free man can do business under the economic liberties and natural rights to which he is entitled you have a series of industrial graveyards, and then what? It will be popular then to say: "We must have a country where there are no poor and no rich," and to do that you must abolish private property; and then we shall be right where Mr. Lenin and Mr. Trotski have brought Russia, and I do not think the American people want that.

The VICE PRESIDENT. The time of the Senator from Connecticut has expired.

Mr. WALSH of Montana. Mr. President, before the substitute is voted on I desire to tender an amendment to the House bill. I think perhaps a provision in substance like this was inadvertently omitted from it. It is section 13 of the Senate bill and section 7 of the substitute offered by the Senator from South Dakota. I can not understand why it should have been left out of the House bill. I suggest that it be inserted after section 302 of the House bill, on page 12.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 12, after section 302, or following line 23, it is proposed to insert:

After two years from the date when this act becomes effective no packer engaged in commerce shall own or control or have any interest in, directly or indirectly, by community of stock ownership or otherwise, any stockyard unless the Secretary shall determine that such ownership or control or interest is not in violation of the purposes of this act, or that such packer has been unable, despite due diligence, to dispose of such ownership or control of or interest in such stockyard, in which case the Secretary may, by order, extend the period during which such ownership, control, or interest may continue.

Mr. WALSH of Montana. Mr. President, a question was addressed to the Senator from Wyoming yesterday as to the reason why the packers should be prohibited from owning at least a controlling interest in the stockyards. We need not really go very seriously into that question now, because that was one of the questions at issue in the suit brought against the packers, and the decree provides that the interests which they have in the stockyards should be disposed of. I read a few lines from the decree:

That within 90 days after the entry of this decree such of the defendants as have interests in public stockyard market companies, stockyard terminal railroads, or market newspapers shall file in this court, for the court's approval, a plan or plans for divesting themselves of all ownership or interest in (1) public stockyard market companies; (2) stockyard terminal railroads; (3) market newspapers—

And so forth.

The amendment simply gives expression to this decree, which the court determined was essential to prevent the objectionable control.

Mr. WADSWORTH. Mr. President, will the Senator yield just for a question?

Mr. WALSH of Montana. Certainly.

Mr. WADSWORTH. I have no objection to the adoption of the amendment, but I think I am right in saying that the decree applied only to the five packers. The amendment offered by the Senator from Montana applies to all packers.

Mr. WALSH of Montana. Undoubtedly, if it is wrong for these five packers to control at one and the same time the selling agency and the purchasing agency, it is wrong for anybody else to do it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment in the nature of a substitute offered by the Senator from South Dakota [Mr. STERLING].

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], who is necessarily absent, and I am unable to secure a transfer. If he were present, he would vote "nay"; and if I were allowed to vote, I would vote "yea."

Mr. GOODING (when his name was called). On this vote I have a pair with the junior Senator from Maine [Mr. HALE]. If I were privileged to vote, I would vote "yea."

Mr. NORRIS (when Mr. LADD's name was called). I am authorized to state that the Senator from North Dakota [Mr. LADD] is necessarily absent, and that if he were present and not paired he would vote "yea." He is paired with the senior Senator from Tennessee [Mr. SHIELDS].

Mr. STERLING (when Mr. NORBECK's name was called). I desire to announce the unavoidable absence of my colleague [Mr. NORBECK]. If he were present, he would vote "yea." He has a general pair with the Senator from Missouri [Mr. REED].

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and transfer, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SMITH (when his name was called). Making the same announcement as to my pair, and being unable to get a transfer, I withhold my vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement with reference to my pair and transfer as on the preceding vote, I vote "nay."

Mr. WILLIAMS (when his name was called). The announcement made by me upon yesterday concerning my pair with the senior Senator from Pennsylvania [Mr. PENROSE], and my right to vote in consequence of the transfer, applied to all votes upon this bill and substitutes and amendments thereto. I make that announcement now so as not to have to repeat it and take up the time of the Senate hereafter. On this question I vote "yea."

The roll was concluded.

Mr. CURTIS. I was requested to announce the unavoidable absence of the junior Senator from Ohio [Mr. WILLIS], and I ask that this announcement may stand for the day. He has a general pair with the Senator from Tennessee [Mr. MCKELLAR].

I also desire to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Missouri [Mr. REED];

The Senator from Oregon [Mr. STANFIELD] with the Senator from Ohio [Mr. POMERENE]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 31, nays 33, as follows:

YEAS—31.

Ashurst	Cummins	Harris	Jones, Wash.
Borah	Dial	Heflin	Kendrick
Capper	Gerry	Johnson	Kenyon
Caraway	Glass	Jones, N. Mex.	La Follette
Lenroot	Owen	Sterling	Walsh, Mont.
Nelson	Pittman	Swanson	Watson, Ga.
Norris	Sheppard	Trammell	Williams
Overman	Spencer	Walsh, Mass.	

NAYS—33.

Brandegee	Frelinghuysen	Myers	Sutherland
Brousard	Harreld	New	Underwood
Bursum	Keyes	Nicholson	Wadsworth
Cameron	Knox	Oddie	Warren
Curtis	Lodge	Phipps	Watson, Ind.
Dillingham	McCormick	Poindexter	Weller
Edge	McCumber	Shortridge	
Ernst	McLean	Smoot	
Fernald	McNary	Stanley	

NOT VOTING—32.

Ball	Hale	Moses	Robinson
Calder	Harrison	Newberry	Shields
Colt	Hitchcock	Norbeck	Simmons
Culberson	Kellogg	Page	Smith
Elkins	King	Penrose	Stanfield
Fletcher	Ladd	Pomerene	Townsend
France	McKellar	Ransdell	Willis
Gooding	McKinley	Reed	Wolcott

So Mr. STERLING's amendment in the nature of a substitute was rejected.

Mr. WADSWORTH. Mr. President, I have an amendment to offer to the House bill in Committee of the Whole. The amendment which I am about to offer is an amendment adopted by the Senate at the last session to the Senate bill just prior to its passage. It affects the term "live stock." The definition of "live stock" as contained in the House bill, as I read it, on page 2, line 4, is as follows:

> The term "live stock" means cattle, sheep, swine, horses, mules, or goats, whether live or dead.

I move to strike out the words "horses, mules, or goats" and to insert the word "and," after the word "sheep," on line 4, so that it would read:

> The term "live stock" means cattle, sheep, and swine, whether live or dead.

I suggest that amendment for this reason: I do not think the Senate intends that the purchase and sale of horses in auction stables all over the United States shall be regulated. Such dealing in horses has nothing whatsoever to do with the packing business. It has nothing to do with the food business whatsoever. As I read the House bill, were the word "horses" left in, every institution or stable or establishment of any kind at which men who make a business of buying and selling horses congregated to do their business would be regulated by the Secretary of Agriculture.

The same is true with regard to mules. The mule buying and selling business is utterly separate from the packing business, has nothing to do with it whatsoever, is an entirely separate business. It is done in different places.

There are mule barns in the Southwest and in the Central West, some of which I have visited, far removed from the stockyards, far removed from the packing industry or the general live-stock industry as we know it. Therefore I move to strike out the word "mules."

Mr. WALSH of Montana. May I interrupt the Senator to inquire where the language is found?

Mr. WADSWORTH. On page 2 of the House text, line 5. As for goats, I think they are so unimportant that they might well be left out.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. WALSH of Montana. Mr. President, the situation is not exactly as the Senator from New York has represented. About two years ago the Congress modified existing laws with relation to the inspection of meats by including mules and horses the flesh of which goes into interstate commerce, so that they are now slaughtered and their products are dealt with in exactly the same way as neat cattle. The legislation was enacted by Congress on the representation, in accordance with the fact, that a large number of horses on the western plains were practically valueless for draft purposes or for locomotion and that a profitable business could be established in the meat products of these animals if inspection were allowed under the law.

Those facts being represented to the Congress, there were then included, so that it seems to me that instead of striking out those words we ought to have some modification which would exempt as a matter of course all markets of these animals except those markets in which they are sold for the purpose of converting them into food products.

I think that the Senator from New York will appreciate that his amendment is rather comprehensive. It would be exceedingly profitable to be informed of the markets there are for meat products of that character and the extent to which the business goes, so that if found profitable it might be extended.

Mr. WADSWORTH. Will the Senator yield for me to make a statement in his time? I think I can speak but once in my own time.

Mr. WALSH of Montana. Certainly.

Mr. WADSWORTH. I recollect, as the Senator has stated, the amendment of the law which extends the Federal meat inspection act to horse meat. I did not realize it went as far as mule meat. Perhaps it does, although it would surprise me.

The thing is now covered by law, it seems to me, in an entirely satisfactory way. The sanitary condition of horse meat, especially in foreign commerce, is now vouched for by the Federal Government under the meat inspection act. The inspectors inspect that meat, so I think there is nothing needed in the bill to cover the situation which exists.

Mr. WALSH of Montana. Will the Senator from New York point to some provision in the bill in which the term "live stock" is used in such sense that it would require regulation in a market in which these animals were sold merely for draft purposes or for locomotion? For instance, at the top of page 3 I observe reference is made to the slaughter of live stock within the State and the shipment outside of the State of products resulting from such slaughter. The language is usually employed here in connection with the use of the products for food purposes.

Mr. WADSWORTH. On page 11, in Title III, of the House text, under the heading "Stockyards," it is provided:

The term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard.

The term "stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, marketing, feeding, watering, holding, delivering, shipment, weighing, or handling, in commerce, of live stock.

That brings the horse sales stable, the auction stable, the mule sales stable under the jurisdiction of the commission.

Mr. WALSH of Montana. I quite agree with the Senator. We have a very extensive horse market in the State of Montana, which I am sure no one intended to bring within the purview of the pending bill. At the same time, I insist that the language of the amendment offered by the Senator from New York is still too comprehensive.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I desire to offer an amendment to section 406 of the House text, and before doing so I wish to inquire if there has been any amendment agreed to relating to that section.

The VICE PRESIDENT. No amendment has been made to that section.

Mr. HARRELD. Then I offer the following amendment.

On page 28, at the end of line 12, I move to amend by adding the following:

And except when the Secretary of Agriculture, in the exercise of his duties hereunder, shall request of the said Federal Trade Commission that it make investigation and report in any case.

I wish to call the attention of the Senate to the language of this section, which I propose to amend at the top of page 28, which says:

On and after the enactment of this act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this act, complaint has been served under section 5 of the act entitled—

And so forth.

That clause as it stands absolutely takes away the jurisdiction of the Federal Trade Commission. It strikes me that these two bodies ought to cooperate; that they ought to be allowed to cooperate in carrying out the purposes of the bill. The Federal Trade Commission is equipped to make these investigations and can make them at times very acceptably, I presume, to the Secretary of Agriculture.

It seems to me we would avoid duplication of work by having the proposed amendment made to this section so they can cooperate and will cooperate in carrying out the purposes of the act. I offer the amendment for that reason.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. NORRIS. Mr. President, I desire to offer an amendment. The amendment has been printed and we are all familiar with it and unless some one desires it I shall not ask that it be read, because I can state in just a word what it is. I have no desire to delay the Senate further than to get a roll-call vote on the amendment, and then, so far as I am concerned, I am through.

The amendment that I wish to offer is a substitute. It is the Senate committee bill which the Committee on Agriculture and Forestry reported to the Senate, with all the amendments that were adopted in Committee of the Whole, excepting the amendment relating to the definition of live-stock products. That I have left just as the Committee on Agriculture and Forestry reported it. In other words, this will bring about another vote on the substitution of the Senate committee bill with the one modification that I have made. I send it to the desk and offer it as an amendment.

Mr. NORRIS's amendment was to strike out all after the enacting clause and to insert:

That this act may be cited as the "Federal live stock commissioner act."

TITLE I.—DEFINITIONS.

SEC. 2. When used in this act, unless the context indicates otherwise—

The term "person" includes a partnership, a corporation, or an association of two or more individuals, and the members of a partnership or the directors, officers, receiver, or other person charged with the duty of the management and operation of the business of a corporation, partnership, or association.

The term "commissioner" means the Federal live stock commissioner created by this act.

The term "Secretary" means the Secretary of Agriculture.

The term "commerce" means commerce among the several States or with foreign nations, or in any Territory or possession of the United States, or in the District of Columbia, or between any such Territory or possession and any State or foreign nation, or between the District of Columbia and any State, Territory, possession, or foreign nation.

The term "live stock" means live or dead cattle, sheep, and swine.

The term "live-stock products" means all products and by-products of the slaughtering and meat-packing industry derived from live stock and owned or controlled by a packer.

The term "stockyard" means any place, establishment, or facility maintained and conducted at or in connection with a public market and consisting of pens or other inclosures, and their appurtenances, in which live cattle, sheep, and swine are received, held, and sold for shipment or slaughter in commerce.

The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale in commerce, or of marketing live-stock products in commerce as a subsidiary of or an adjunct to any such slaughtering or preparing business.

The term "operator" means any person engaged in the business of conducting or operating a stockyard in which live stock is handled in commerce, and any trader or commission man or other person performing services wholly or partly in commerce with respect to live stock handled in or in connection with a stockyard.

The term "registrant" means any person to whom a certificate of registration has been duly issued under the provisions of section 25 and whose certificate remains in full force and effect.

The term "corporation" includes any public, quasi-public, or other corporation or cooperative association, and any agency controlled or operated by any State, Territory, District, or possession of the United States or any political subdivision thereof.

TITLE II.—POWERS AND DUTIES OF THE COMMISSIONER.

SEC. 3. There shall be in the Department of Agriculture a Federal live stock commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $7,500 a year, payable monthly.

The commissioner, under the direction of the Secretary, shall administer and enforce the provisions of this act and the rules, regulations, and orders issued hereunder.

The commissioner shall not be directly or indirectly interested in the business of any packer or operator. The commissioner may be removed by the President or by concurrent resolution of Congress for inefficiency, neglect of duty, or malfeasance in office.

SEC. 4. The commissioner is authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses, and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by Congress from time to time. All such appointments of officers, employees, and agents shall be made from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil service law.

The principal office of the commissioner shall be in the District of Columbia, but he may exercise all his powers at any other place. The commissioner may prosecute any inquiry necessary in connection with his duties in any part of the United States. The powers and duties conferred or imposed upon the commissioner by this act may be exercised by him through such agency or agencies as he may designate, subject to the approval of the Secretary.

SEC. 5. Nothing in this act shall affect or take away any of the power or jurisdiction of the Federal Trade Commission.

SEC. 6. The commissioner, upon his own initiative or in cooperation with existing governmental agencies, shall investigate and ascertain the demand for, the supply, consumption costs, and prices of, and all other facts relating to the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock, by-products of the live-stock industry, or live-stock products, including operations of and the ownership of stockyards. He shall likewise compile and furnish to producers, consumers, or distributors by means of regular

and special reports, or by such other methods as he deems most effective, information respecting the condition of the live-stock market and the supply, demand, prices, and other conditions affecting the market.

SEC. 7. The commissioner shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, records, and correspondence relating to any matter under investigation. The commissioner or any examiner designated by him may sign subpœnas, may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses and the production of such books, papers, records, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpœna the commissioner may invoke the aid of any district court of the United States within the jurisdiction of which such inquiry is carried on to require the attendance and testimony of witnesses and the production of such books, papers, records, and correspondence.

Such court may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring such person to appear before the commissioner, or to produce books, papers, records, and correspondence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 8. The commissioner may order testimony to be taken by deposition in any proceeding or investigation under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commissioner having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose, and to produce books, papers, records, and correspondence in the same manner as witnesses may be compelled to appear and testify and produce such evidence before the commissioner, as hereinbefore provided.

Witnesses summoned before the commissioner, or any examiner, as herein authorized, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like depositions or services in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, records, or correspondence before the commissioner in obedience to the subpœna of the commissioner on the ground or for the reason that the testimony or evidence required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence before the commissioner in obedience to a subpœna issued by him: *Provided*, That no natural person so testifying shall be exempt from prosecution for perjury committed in so testifying.

SEC. 9. Any agent or employee of the commissioner who, without his authority, unless directed by a court of competent jurisdiction, makes public any information obtained by the commissioner shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 10. The commissioner, with the approval of the Secretary, may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government or of any State or political subdivision thereof or with any person.

SEC. 11. The several departments and agencies of the Government, when directed by the President, shall furnish to the commissioner, upon his request, all records, papers, and information in their possession relating to any person subject to any of the provisions of this act and shall from time to time detail to the commissioner such officers and employees as the President may direct.

TITLE III.—DUTIES OF PACKERS AND OPERATORS.

SEC. 12. It shall be unlawful for any packer to—

(a) Engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products, where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce; or

(d) Conspire, combine, agree, or arrange with any other packer to apportion territory for carrying on business, or to apportion purchases or sales of any live stock or live-stock products, or to control prices thereof in commerce; or

(e) Conspire, combine, agree, or arrange with any other person to engage in any course of business or to do any act for the purpose of preventing any person from carrying on a competitive or similar business in commerce; or

(f) Otherwise act or conspire, combine, agree, or arrange with any other person to do or abet the doing of any act, contrary to the provisions of this act, or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to refuse, neglect, or fail to act in accordance with the provisions of this act; or

(g) Otherwise act or refuse, neglect, or fail to act, or conspire, combine, agree, or arrange with any other person to do or aid or abet the doing of any act, or to refuse, neglect, or fail to act contrary to the provisions of this act and the rules, regulations, and orders made hereunder.

SEC. 13. After two years from the date when this act becomes effective no packer engaged in commerce shall own or control or have any interest in, directly or indirectly, by community of stock ownership or otherwise, any stockyard, unless the commissioner shall determine that such ownership or control or interest is not in violation of the purposes of this act or that such packer has been unable, despite due diligence, to dispose of such ownership or control of or interest in such stockyard, in which case the commissioner may, by order, extend the period during which such ownership, control, or interest may continue.

SEC. 14. No operator shall engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce, or charge, collect, receive, or demand any unreasonable charge or rate for any service in commerce performed in connection with the business of such operator.

The commissioner, with the approval of the Secretary, may after hearing, upon complaint or upon his own initiative, determine and fix, and by rule, regulation, or order prescribe fair and reasonable practices, charges, and rates to be observed by operators, and fair and reasonable terms and conditions upon which the services of operators in commerce shall be rendered or performed.

SEC. 15. It shall be the duty of every packer and operator to comply with the provisions of this act, and the rules, regulations, and orders which the commissioner, with the approval of the Secretary, may from time to time prescribe in conformity with this act.

SEC. 16. Every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the commissioner shall require, as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stockholding or otherise, in such form and at such times as the commissioner shall by order require. The commissioner may, in his discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the commissioner may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

SEC. 17. For the efficient execution of the provisions of this act and in order to provide information for the use of Congress it shall be the duty of any packer or operator, or any officer, agent, or employee of such packer or operator, when requested by an officer or agent of the Government designated in accordance with the provisions of this act, to answer correctly to the best of his knowledge, under oath or otherwise, as may be required, all questions touching his knowledge of any matter authorized to be investigated under this act, or to produce any books, papers, records, or correspondence in his possession or under his control relating to such matter. Any information secured under this act, except secret processes or formulas, shall be available for the use of either House of Congress at its request, and the commissioner may cause such information to be published from time to time when deemed necessary.

SEC. 18. Any person who willfully—

(a) Fails or refuses to make full and true entries, or makes any false entry in the accounts or records required to be kept by a packer or operator; or

(b) Alters, mutilates, conceals, or destroys any such account or record; or

(c) Makes any false or fraudulent statement in a return or report required under this act; or

(d) Hinders, obstructs, or resists any duly authorized officer or agent of the Government in the performance of his duties under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 19. When construing and enforcing the provisions of this act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any individual, partnership, association, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such individual, partnership, association, or corporation as well as that of the person.

TITLE IV.—PROCEDURE FOR VIOLATIONS.

SEC. 20. Whenever the commissioner believes that any packer or operator is violating any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall cause notice in writing to be served upon such packer or operator, specifying the alleged violations, and requiring such packer or operator to attend and testify at a hearing before him at a time and place designated therein; and at such time and place the commissioner shall afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commissioner, with the approval of the Secretary, may prescribe. If, after such hearing, the commissioner finds that such packer or operator has violated any provisions of this act, or of any rule, regulation, or order issued hereunder, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on such packer or operator an order requiring such packer or operator to cease and desist from continuing such violations. The testimony taken at the hearing before the commissioner shall be reduced to writing and filed in the records of the Department of Agriculture. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by him.

SEC. 21. An order requiring a packer or operator to cease and desist from violating any provision of this act, or any rule, regulation, or order issued hereunder, shall be final and conclusive unless within 30 days after service the packer or operator appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the commissioner's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer or operator will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the commissioner, and he shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the packer or operator, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the commissioner, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such court may affirm or set aside the order of the commissioner or may direct him to modify his order. No such order of the commissioner shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight

of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such packer or operator for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commissioner.

If the court determines that the just and proper disposition of such an appeal requires the taking of additional evidence, the court shall order such additional evidence to be taken before the commissioner in such manner and upon such terms and conditions as the court may deem proper. The commissioner may modify his findings as to the facts, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his original order with the return of such additional evidence. If the circuit court of appeals affirms or modifies the order of the commissioner, its decree shall operate as an injunction to enjoin the packer or operator, and its officers, agents, and employees from further violating the provisions of the order or modified order.

SEC. 22. The United States circuit court of appeals shall have exclusive jurisdiction to review such orders of the commissioner, and may affirm, modify, or set aside any such order of the commissioner; but the decree of such court shall be subject to review by the Supreme Court of the United States upon certiorari, if such writ is duly applied for within 60 days after entry of the judgment or decree complained of, as provided in section 240 of the Judicial Code.

SEC. 23. Any packer or operator, or any of his or its officers, directors, agents, or employees, who fails, neglects, or refuses to obey any order of the commissioner issued under the provisions of section 20, or such order as modified, after such order, or such order as modified, has been sustained by the courts, as provided herein, or in case such order, or such order as modified, has been sustained by the circuit court of appeals, and no writ of certiorari has been applied for within 60 days thereafter, after the expiration of such period, or after the expiration of the time allowed for filing a petition in the circuit court of appeals to set aside such order, in case no such petition has been filed within such time, shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment for not less than six months or more than five years, or by a fine of not less than $500 or more than $10,000, or by both such fine and imprisonment.

SEC. 24. The commissioner shall report any violation of this act or of any rule, regulation, or order made hereunder to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay.

TITLE V.—VOLUNTARY REGISTRATION OF PACKERS AND STOCKYARDS.

SEC. 25. (a) The commissioner may, upon application by any individual, partnership, corporation, or municipality, issue to such applicant a certificate of registration to engage in or carry on, under this section the business, whether in interstate or foreign commerce, or both, of conducting or operating stockyards, or slaughtering live stock, or processing, preserving, or storing live-stock products or perishable foodstuffs, provided that—

(1) The location, character, and extent of ground, buildings, and other facilities provided or to be provided by the applicant are found suitable and adequate for the proper conduct of the business sought to be registered; and

(2) The financial resources, credit, and standing of the applicant are sufficient to assure the safe conduct of the business; and

(3) The applicant agrees as a condition to the granting of the certificate of registration to comply with and abide by the provisions of this section and the rules, regulations, and orders made hereunder. The certificate shall not be asignable, except with the approval of the commissioner, and shall be valid for such period as may be prescribed in rules and regulations made by the commissioner, with the approval of the Secretary.

(b) It shall be the duty of every registrant:

(1) To provide and maintain or secure, when necessary and practicable, adequate railroad connections with its place of business;

(2) To furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for such service and facilities: *Provided*, That it shall set aside such portion of the facilities of its business, as determined by the commissioner, as may reasonably be necessary to accommodate small shippers and local patrons;

(3) To impose only such charges and rates as are reasonable for the service or facility afforded;

(4) To exercise such care of the live stock, live-stock products, perishable foodstuffs handled by it as may be necessary to prevent undue loss in conection therewith;

(5) To maintain sanitary conditions in the conduct of its business;

(6) To refrain from unfairly discriminatory or deceptive practices or devices in the conduct of its business;

(7) To keep complete and accurate accounts and records of its business and to submit reports when called for and in such form as may be prescribed by the commissioner; and

(8) Otherwise to conduct its business in such manner as may be prescribed in rules, regulations, and orders issued under this section by the commissioner, with the approval of the Secretary, to carry out the purposes hereof.

(c) Reports of registrants, when filed with the commissioner, shall be open to public inspection. The commissioner may from time to time cause inspections to be made of the places of business and operations of registrants to determine their compliance with the provisions of this section and the rules, regulations, and orders issued hereunder.

(d) It shall be the duty of the commissioner to:

(1) Furnish to registrants reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail persons experienced in such art to consult and advise with registrants;

(2) Cooperate with registrants in procuring for them adequate services by common carriers, by rail or otherwise, including provision for special cars needed in the proper transportation of live stock, live-stock products, or perishable foodstuffs;

(3) Furnish to registrants all available information as to supplies of foodstuffs handled by such registrants and the location and movement and transportation costs of such foodstuffs; and

(4) As far as practicable, when requested by any such registrant, provide for the inspection by agents of the commissioner of the live stock, live-stock products, or perishable foodstuffs received or distributed by such registrant to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection; and in the conduct of such inspections to cooperate with duly authorized local authorities. Such certificates shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

(e) No registrant shall take title to any products handled by such registrant. The commissioner shall administer and enforce the provisions of this section and of all rules, regulations, and orders which he may issue hereunder.

(f) Any certificate of registration issued under this section may be suspended or revoked by the commissioner for any violation of this section or of any rule, regulation, or order issued hereunder, under such procedure as the commissioner may prescribe. Every person who shall forge, alter, counterfeit, or, without proper authority, use any certificate of registration issued under this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

TABLE VI.—GENERAL PROVISIONS.

SEC. 26. Nothing contained in this act, except as otherwise provided herein, shall be construed to prevent or interfere with the enforcement of, or the procedure under, the provisions of the antitrust acts, the acts to regulate commerce, the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918; or sections 73 to 77, inclusive, of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved February 27, 1894, as amended by the act entitled "An act to amend section 73 and section 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913; or with any investigation, proceeding, or prosecution begun and pending at the time this act becomes effective; nor shall anything contained in this act be construed to alter, modify, or repeal such acts or any part or parts thereof, except as specifically provided in this act.

SEC. 27. If any provision of this act or the application thereof to any person or circumstances be held invalid the validity of the remainder of the act and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 28. This act shall become effective, except as otherwise provided herein, on and after its passage.

SEC. 29. The sum of $75,000 is hereby appropriated, out of money in the Treasury not otherwise appropriated, available immediately and until expended, for carrying out the provisions of this act, including the compensation of attorneys, special experts, examiners, clerks, and other employees, and expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, stationery, furniture, office equipment, and other supplies and equipment as the commissioner may find necessary.

SEC. 30. None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska.

Mr. KENYON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement that I made on the last vote as to my general pair with the Senator from Delaware [Mr. BALL], who if present would vote "nay," I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. GOODING (when his name was called). On this vote I am paired with the junior Senator from Maine [Mr. HALE]. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. NORRIS (when Mr. NORBECK's name was called). I have been requested to announce that the Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If he were present, he would vote "yea." He is paired with the Senator from Missouri [Mr. REED].

Mr. SIMMONS (when his name was called). As I stated before, I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I am unable to obtain a transfer and in his absence I am compelled to withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. SMITH (when his name was called). Making the same announcement that I did before as to my pair and still being unable to obtain a transfer, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "nay."

Mr. TRAMMELL (when his name was called). Making the same announcement with reference to my pair and its transfer as before, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement with reference to my pair and transfer as on the last vote, I vote "nay."

The roll call was concluded.

Mr. BROUSSARD. I have a general pair with the Senator from New Hampshire [Mr. MOSES]. I understand that he would vote the same way that I would on this question. Therefore I am privileged to vote. I vote "nay."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Missouri [Mr. REED];

The Senator from Oregon [Mr. STANFIELD] with the senior Senator from Ohio [Mr. POMERENE];

The junior Senator from Ohio [Mr. WILLIS] with the Senator from Tennessee [Mr. MCKELLAR]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 31, nays 34, as follows:

YEAS—31.

Ashurst	Harris	Lenroot	Sterling
Borah	Heflin	Nelson	Swanson
Capper	Johnson	Norris	Trammell
Caraway	Jones, N. Mex.	Overman	Walsh, Mass.
Cummins	Jones, Wash.	Owen	Walsh, Mont.
Dial	Kendrick	Pittman	Watson, Ga.
Gerry	Kenyon	Sheppard	Williams
Glass	La Follette	Spencer	

NAYS—34.

Brandegee	Frelinghuysen	McNary	Stanley
Broussard	Harreld	Myers	Sutherland
Bursum	Keyes	New	Underwood
Cameron	King	Nicholson	Wadsworth
Curtis	Knox	Oddie	Warren
Dillingham	Lodge	Phipps	Watson, Ind.
Edge	McCormick	Poindexter	Weller
Ernst	McCumber	Shortridge	
Fernald	McLean	Smoot	

NOT VOTING—31.

Ball	Hale	Newberry	Shields
Calder	Harrison	Norbeck	Simmons
Colt	Hitchcock	Page	Smith
Culberson	Kellogg	Penrose	Stanfield
Elkins	Ladd	Pomerene	Townsend
Fletcher	McKellar	Ransdell	Willis
France	McKinley	Reed	Wolcott
Gooding	Moses	Robinson	

So Mr. NORRIS's amendment was rejected.

Mr. KENYON. Mr. President, when the bill was before the Senate, as in Committee of the Whole, I offered an amendment to the House text, which is known as the publicity section of the Senate bill. I now offer that amendment in the Senate. The amendment is to insert a new section, to be known as section 401½.

Mr. MCCORMICK. If we could have order, perhaps we could learn from the Senator from Iowa if he refers to section 6 of the Senate bill?

Mr. KENYON. Section 6 of the Senate bill was adopted as an amendment to the House text, I will say to the Senator from Illinois; that helps some; but section 16 should also be adopted in order to make the publicity and uniform accounting proposition complete.

I do not believe the Senate gave much thought to the matter when they voted on the amendment. I again offer the amendment in the Senate and ask for a yea-and-nay vote upon it.

The yeas and nays were ordered.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The ASSISTANT SECRETARY. On page 25, after line 20, it is proposed to add a new section to the bill, to be known as section 401½, as follows:

SEC. 401½. Every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the Secretary shall require, as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stockholding or otherwise, in such form and at such times as the Secretary shall by order require. The Secretary may, in his discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the Secretary may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa, on which the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement as heretofore as to my pair and its transfer, I will vote. I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as heretofore as to my pair and inability to obtain a transfer, I withhold my vote.

Mr. GOODING (when his name was called). Making the same announcement as previously as to my pair with the junior Senator from Maine [Mr. HALE], I withhold my vote. If I were privileged to vote, I should vote "yea."

Mr. NORRIS (when Mr. NORBECK's name was called). I desire to announce that the Senator from South Dakota [Mr. NORBECK] if he were present would vote "yea."

I also desire to announce that the junior Senator from North Dakota [Mr. LADD], who is unavoidably absent, would, if present, likewise vote "yea." The Senator from North Dakota is paired with the Senator from Tennessee [Mr. SHIELDS].

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair as upon the previous vote, I withhold my vote.

Mr. SMITH (when his name was called). Making the same announcement which I previously made as to my pair, I withhold my vote.

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement which I made upon the last vote as to my pair and its transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

The result was announced—yeas 41, nays 21, as follows:

YEAS—41.

Ashurst	Harreld	McNary	Swanson
Borah	Harris	Nelson	Trammell
Bursum	Heflin	Norris	Wadsworth
Capper	Johnson	Overman	Walsh, Mass.
Caraway	Jones, N. Mex.	Owen	Walsh, Mont.
Cummins	Jones, Wash.	Phipps	Watson, Ga.
Curtis	Kendrick	Pittman	Weller
Dial	Kenyon	Sheppard	Williams
Ernst	La Follette	Spencer	
Gerry	Lenroot	Sterling	
Glass	McCormick	Sutherland	

NAYS—21.

Brandegee	Frelinghuysen	Myers	Underwood
Broussard	Keyes	New	Warren
Cameron	King	Nicholson	Watson, Ind.
Dillingham	Knox	Oddie	
Edge	Lodge	Poindexter	
Fernald	McCumber	Smoot	

NOT VOTING—34.

Ball	Harrison	Norbeck	Simmons
Calder	Hitchcock	Page	Smith
Colt	Kellogg	Penrose	Stanfield
Culberson	Ladd	Pomerene	Stanley
Elkins	McKellar	Ransdell	Townsend
Fletcher	McKinley	Reed	Willis
France	McLean	Robinson	Wolcott
Gooding	Moses	Shields	
Hale	Newberry	Shortridge	

So Mr. KENYON's amendment was agreed to.

The VICE PRESIDENT. The bill is still in the Senate and open to amendment.

Mr. KENYON. Mr. President, on yesterday an amendment was adopted to the House bill under subsection (b) on page 11, which was designed to make certain that commission men were included within the provisions of the bill. I now intend to offer that same amendment in two places to make the remainder of the bill conform to the amendment to which I refer. I offer the amendment, on page 22, section 311, line 7, between the words "the" and "receiving," to insert "buying or selling on a commission basis," so that it will read:

SEC. 311. Whenever in any investigation under the provisions of this title, or in any investigation instituted by petition of the stockyard owner or market agency concerned, which petition is hereby authorized to be filed, the Secretary after full hearings finds that any rate, charge, regulation, or practice of any stockyard owner or market agency, for or in connection with the buying or selling on a commission basis receiving, marketing, feeding, holding,

And so forth.

I offer that amendment in order to make it certain that the commission man is not excluded. I think that probably no Senator will object to the amendment, in view of the adoption of the other amendment to which I have referred.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. KENYON. On page 23, line 2, between the words "marketing" and "feeding," I propose the same identical amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. Now, Mr. President, under subdivision (c) of section 405, on pages 26 and 27, as it appears in the House bill, there would be an opportunity left for the courts to hold that these subjects were taken entirely out from under the Sherman Act. I understand the Senator from Montana [Mr. WALSH] on yesterday offered an amendment, which was adopted, covering that question.

Mr. WALSH of Montana. I did offer such an amendment, and my understanding is that, without objection, it was adopted.

Mr. KENYON. Then I have no further amendments to offer.

Mr. McCORMICK. The amendment of the Senator from Montana, to which the Senator from Iowa has referred, was adopted as an additional section of the bill, as I remember.

The VICE PRESIDENT. That is correct.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. SMOOT and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement as before, I vote "nay."

Mr. CARAWAY (when his name was called). Making the same announcement of my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). I make the same announcement as on the previous roll call and withhold my vote.

Mr. GOODING (when his name was called). Making the same announcement as to my pair with the Senator from Maine [Mr. HALE], I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STERLING (when Mr. NORBECK's name was called). I again announce the unavoidable absence of my colleague [Mr. NORBECK], and wish to state that if he were present he would vote "yea."

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and my inability to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SMITH (when his name was called). Making the same announcement as before in reference to my pair and my inability to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement as made on the last vote with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Indiana (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. WOLCOTT] to the senior Senator from New Hampshire [Mr. MOSES] and vote "nay."

The roll call was concluded.

Mr. NORRIS. I desire to announce again the unavoidable absence of the Senator from North Dakota [Mr. LADD] and his pair with the Senator from Tennessee [Mr. SHIELDS].

Mr. CURTIS. I have been requested to announce the absence of the Senator from Michigan [Mr. TOWNSEND] on official business. If he were present, he would vote "yea."

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on account of official business.

Mr. SMITH. I desire to announce the unavoidable absence of the Senator from Tennessee [Mr. McKELLAR]. He is paired with the Senator from Ohio [Mr. WILLIS]. If the Senator from Tennessee were present, he would vote "yea."

Mr. GOODING. I find that I can transfer my pair to the Senator from Michigan [Mr. TOWNSEND]. I do so, and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from North Dakota [Mr. LADD] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Missouri [Mr. REED];

The Senator from Oregon [Mr. STANFIELD] with the Senator from Ohio [Mr. POMERENE];

The Senator from Ohio [Mr. WILLIS] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 45, nays 21, as follows:

YEAS—45.

Ashurst	Harreld	McCumber	Shortridge
Borah	Harris	McNary	Spencer
Bursum	Heflin	Myers	Sterling
Capper	Johnson	Nelson	Sutherland
Caraway	Jones, N. Mex.	Nicholson	Swanson
Cummins	Jones, Wash.	Norris	Trammell
Curtis	Kendrick	Oddie	Walsh, Mass.
Ernst	Kenyon	Overman	Walsh, Mont.
Frelinghuysen	La Follette	Owen	Watson, Ga.
Gerry	Lenroot	Pittman	
Glass	Lodge	Poindexter	
Gooding	McCormick	Sheppard	

NAYS—21.

Brandegee	Fernald	Phipps	Watson, Ind.
Broussard	Keyes	Smoot	Weller
Cameron	King	Stanley	Williams
Dial	Knox	Underwood	
Dillingham	McLean	Wadsworth	
Edge	New	Warren	

NOT VOTING—30.

Ball	Harrison	Norbeck	Simmons
Calder	Hitchcock	Page	Smith
Colt	Kellogg	Penrose	Stanfield
Culberson	Ladd	Pomerene	Townsend
Elkins	McKellar	Ransdell	Willis
Fletcher	McKinley	Reed	Wolcott
France	Moses	Robinson	
Hale	Newberry	Shields	

So the bill was passed.

The VICE PRESIDENT. The amended title reported by the committee will be disagreed to, the substitute bill reported by the committee having been rejected.

Mr. LA FOLLETTE. Mr. President, the amendments made to the House bill just before its final passage by the Senate make it a much better bill. The adoption of section 6 of the Senate bill as an amendment to the packer bill, the adoption of the publicity section of the Senate bill, section 16, the adoption of the provisions of the Senate bill for uniform accounting as proposed in the amendment offered by the Senator from Iowa [Mr. KENYON], and the adoption of the provision which makes the Sherman antitrust law applicable to the packers radically improve the bill.

I am very glad, Mr. President, that the Senate in the last moments of its consideration of the House bill felt constrained to make these important changes in it, even at the eleventh hour.

With these changes made in the bill, I voted for it.

CONDITIONS IN IRELAND.

Mr. NORRIS. I desire to give notice that on next Monday, as soon as I can obtain recognition after the morning business is disposed of, I shall address the Senate upon the subject of the resolution which I have heretofore introduced relating to Ireland.

SEASONAL COAL RATES.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT UNTIL MONDAY.

Mr. LODGE. I move that the Senate adjourn until noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, June 20, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 17, 1921.

SOLICITOR GENERAL.

James M. Beck, of New Jersey, to be Solicitor General vice William L. Frierson, resigned.

COLLECTOR OF CUSTOMS, DISTRICT NO. 18.

Matthew B. MacFarlane, of Tampa, Fla., to be collector of customs for customs collection district No. 18, with headquarters at Tampa, Fla., in place of James F. C. Griggs.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS AND ASSISTANT APPRAISER OF MERCHANDISE, DISTRICT NO. 4.

William S. Briry, of Melrose, Mass., to be special examiner of drugs, medicines, and chemicals and assistant appraiser of merchandise in customs collection district No. 4, with headquarters at Boston, Mass., in place of Dennis Flynn.

COLLECTORS OF INTERNAL REVENUE.

FIRST DISTRICT OF NEW YORK.

John T. Rafferty, of Brooklyn, N. Y., to be collector of internal revenue for the first district of New York, in place of Bertram Gardner.

DISTRICT OF RHODE ISLAND.

Frank A. Page, of Providence, R. I., to be collector of internal revenue for the district of Rhode Island, in place of George F. O'Shaunessy.

RECEIVER OF PUBLIC MONEYS, DEL NORTE, COLO.

Louis W. Burford, of Center, Colo., to be receiver of public moneys at Del Norte, Colo., vice Lee A. Ruark, whose term will expire July 12, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 17, 1921.

GOVERNOR OF HAWAII.

Wallace R. Farrington.

GOVERNOR OF VIRGIN ISLANDS.

Capt. Sumner E. W. Kittelle, United States Navy.

COLLECTOR OF INTERNAL REVENUE, DISTRICT OF MASSACHUSETTS.

Malcolm E. Nichols.

SUPERINTENDENT OF THE MINT, PHILADELPHIA, PA.

Freas Styer.

ASSAYER IN THE MINT, SAN FRANCISCO, CALIF.

John McCabe.

UNITED STATES CONSULS (CLASS 7).

James O. Murdock.
Gerhard H. Krogh.

HYDROGRAPHIC AND GEODETIC ENGINEER.

Benjamin Friedenberg.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 17, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, Thou art ever the same toward us; Thy mercy and years never fail; Thy dominion is from everlasting to everlasting, and herein lies our surety for all the future. Enable us to build into ourselves the simple and yet the divine realities of life. Sustain us in the exercise of those fine fidelities of noble practice, and may the very best that is in us always prevail. We ask it in the name of Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE TO ATTEND FUNERAL OF LATE REPRESENTATIVE MASON.

The SPEAKER announced the following committee to attend the funeral of the late Representative WILLIAM E. MASON: Mr. MANN, Mr. RODENBERG, Mr. RUCKER, Mr. SABATH, Mr. BRITTEN, Mr. SMITH, Mr. WILLIAMS, Mr. KING, Mr. CONNALLY of Texas, Mr. PURNELL, Mr. YATES, Mr. LUHRING, Mr. CHINDBLOM, Mr. LAMPERT, Mr. GORMAN, Mr. KUNZ, Mr. MICHAELSON, and Mr. SPROUL.

SPEAKER PRO TEMPORE.

The SPEAKER. I shall probably be absent the first three days of next week, and I designate the gentleman from Massachusetts [Mr. WALSH] to act as Speaker during my absence.

REQUEST FOR CONFERENCE—PEACE RESOLUTION.

Mr. PORTER. Mr. Speaker, I move to take from the Speaker's table Senate joint resolution No. 16, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Pennsylvania moves to take the peace resolution from the Speaker's table, insist on the amendment of the House, and agree to the conference asked by the Senate. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. PORTER, Mr. ROGERS, and Mr. FLOOD.

ARMY APPROPRIATION BILL—CONFERENCE REPORT.

Mr. ANTHONY. Mr. Speaker, I desire to call up the conference report on the Army appropriation bill, H. R. 5010.

Mr. GARNER. Mr. Speaker, has the gentleman discussed this with the gentleman from Mississippi [Mr. SISSON]?

Mr. ANTHONY. I have been talking with him about it for the last half hour.

The SPEAKER. The gentleman from Kansas calls up the conference report on the Army appropriation bill, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 15, 16, 19, 21, 22, 23, 24, 26, 27, 32, 34, 37, 42, 44, 53, 56, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 14, 17, 18, 20, 28, 29, 30, 31, 33, 39, 43, 47, 48, and 49, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same:

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or not to exceed three reserve officers in the Judge Advocate General's Department, or"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore all of the matter stricken out by said amendment with the exception of the following words in lines 20 and 21, on page 27 of the bill: ", and in any event not less than 10,000 of such animals shall be sold"; and the Senate agree to the same

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That not more than $10,000 of this appropriation shall be expended for the purchase of draft or pack animals or animal-drawn vehicles: *Provided further*"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That not to exceed $10,000 of this appropriation shall be expended for new construction work"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

The committee of conference have not agreed on the following amendments of the Senate numbered 3, 9, 10, 12, 13, 36, 38, 41, 45, 46, 52, 54, and 55.

D. R. ANTHONY, Jr.,
C. BASCOM SLEMP,
T. U. SISSON,
T. W. HARRISON,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
HARRY S. NEW,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report:

On Nos. 1 and 2: Appropriates $110,000, instead of $168,000 as proposed by the Senate and $75,000 as proposed by the House, for contingencies of the Army, and authorizes the use of $80,000 of that sum, instead of $118,000 as proposed by the Senate and $40,000 as proposed by the House, for civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims.

On No. 4: Strikes out the language, inserted by the Senate, authorizing the transfer from the War Department to the Treasury Department of the buildings and equipment and grounds at Fort Meade, S. Dak.

On No. 5: Appropriates $225,000, instead of $200,000 as proposed by the House and $300,000 as proposed by the Senate, for military intelligence.

On No. 6: Restores the limitations, proposed by the House and stricken out by the Senate, on the appropriation for the Signal Service of the Army.

On Nos. 7 and 8: Authorizes the detail of three reserve officers in the Judge Advocate General's Department, instead of five as proposed by the Senate.

On No. 11: Provides, as proposed by the House, that the Secretary of War shall be "directed" to grant applications for the discharge of enlisted men under certain conditions instead of "authorizing" him to grant such discharges, as proposed by the Senate.

On No. 14: Appropriates $4,600,000, as proposed by the Senate, instead of $3,500,000, as proposed by the House, for longevity pay of enlisted men.

On No. 15: Strikes out the increase of $100,000, proposed by the Senate, in the amount for the pay of nurses.

On No. 16: Strikes out the increase of $1,000,000, proposed by the Senate, in the amount for commutation of quarters and heat and light for officers and enlisted men.

On No. 17: Increases from $250,000 to $325,000, as proposed by the Senate, the appropriation for increase of pay of officers on foreign service.

On No. 18: Increases from $1,000,000 to $1,750,000, as proposed by the Senate, the appropriation for increase of pay of enlisted men on foreign service.

On No. 19: Strikes out the proviso, inserted by the Senate, authorizing the Secretary of War to determine what officers are required to be mounted within the meaning of the law authorizing the furnishing of mounts and horse equipment and the payment of additional pay to officers who furnish additional mounts at their own expense.

On No. 20: Makes a verbal correction in the text of the bill.

On No. 21: Strikes out the paragraph, inserted by the Senate, making retroactive to October 6, 1917, the act of December 17, 1919, providing for the payment of six months' pay to beneficiaries of officers or enlisted men of the Regular Army who died from wounds and disease not the result of their own misconduct.

On No. 22: Strikes out the increase of $1,000,000, proposed by the Senate, in the appropriation for subsistence of the Army.

On Nos. 23 and 24: Restores the limitations, proposed by the House and stricken out by the Senate, on the appropriation for regular supplies, Quartermaster Corps.

On No. 25: Restores the paragraph directing the sale of surplus horses and mules, modified so as to confine the sale to the number being held at remount stations and posts and not in actual use, instead of making mandatory the sale of not less than 10,000 animals.

On Nos. 26, 27, and 28: Strikes out the language, proposed by the Senate, making $100,000 of the appropriation for incidental expenses immediately available for the apprehension of draft evaders.

On Nos. 29, 30, and 31, relating to the appropriation for incidental expenses: Reduces from $2,500,000 to $2,450,000, as proposed by the Senate, the amount which may be expended for hire of laborers; reduces from $2,900,000 to $2,825,000, as proposed by the Senate, the amount which may be expended for civilian employees other than laborers; and increases from $75,000 to $100,000, as proposed by the Senate, the amount which may be expended for telegrams, cablegrams, and postage.

On No. 32: Strikes out the appropriation of $1,000, inserted by the Senate, for monuments and tablets in Cuba and China.

On No. 33: Makes a verbal correction in the text of the bill.

On No. 34: Restores the limitation proposed by the House and stricken out by the Senate on the appropriation for transportation of the Army and its supplies.

On No. 35: Restores the language, stricken out by the Senate, prohibiting the expenditure of any part of the appropriation for transportation of the Army for the purchase of draft or pack animals or animal-drawn vehicles, modified so as to authorize the use of not to exceed $10,000 for that purpose.

On No. 37: Strikes out the paragraph, inserted by the Senate, making $700,000 of the appropriation for transportation of the Army immediately available for the shipment of sodium nitrate from present storage points to the Savannah Proving Ground, Illinois.

On No. 39: Strikes out, as proposed by the Senate, the paragraph authorizing the transfer of six motor trucks from the War Department to the Interior Department.

On No. 40: Restores the language, striken out by the Senate, prohibiting the expenditure of any of the appropriations for water and sewers at military posts for new construction work, modified so as to permit the use of not to exceed $10,000 for that purpose.

On No. 42: Restores the language, stricken out by the Senate, prohibiting the use of the appropriation for barracks and quarters for the rent of offices for military attachés.

On No. 43: Inserts the language, proposed by the Senate, making the appropriation for military post exchanges available for the maintenance and conduct of hostess houses.

On No. 44: Strikes out the increase of $300,000, proposed by the Senate, in the appropriation for vocational training.

On No. 47: Increases from $35,000 to $45,000, as proposed by the Senate, the appropriation for maintenance of the Engineer School.

On No. 48: Reduces from $150,000 to $145,000, as proposed by the Senate, the appropriation for engineer equipment of troops.

On No. 49: Reduces from $225,000 to $220,000, as proposed by the Senate, the appropriation for engineer operations in the field.

On No. 50: Appropriates $100,000, instead of $150,000 as proposed by the House and $60,000 as proposed by the Senate, for pay and allowances of officers of the National Guard detailed with the Army.

On No. 51: Appropriates $110,000, instead of $150,000 as proposed by the Senate and $60,000 as proposed by the House, for expenses of sergeant instructors for the National Guard.

On No. 53: Strikes out the appropriation of $200,000, proposed by the Senate, for the commencing of the power project at Great Falls.

On No. 56: Provides, as proposed by the House, that the money appropriated in the bill shall not be available to pay any civilian employees an hourly wage or salary larger than that paid by private individuals for corresponding work in that locality.

On No. 57: Strikes out the paragraph, proposed by the Senate, providing for the exchange of Territorial lands in the Territory of Hawaii.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 3: Relating to the sale abroad of surplus military supplies and equipment.

On No. 9: Authorizing the transfer of funds from the Bureau of War Risk Insurance to the War Department for the payment of doctors and nurses to care for war-risk patients in Army hospitals.

On No. 10: Increasing the appropriation for pay of enlisted men from $72,678,659 to $81,000,000.

On Nos. 12 and 13: Providing for the repeal of the enlistment allowance.

On No. 36: Relating to the transfer of motor trucks and automobiles to the Department of Agriculture.

On No. 38: Relating to the payment of transportation of employees and materials in connection with the seacoast fortifications.

On No. 41: Creating a fund to be known as "General appropriations, Quartermaster Corps."

On Nos. 45 and 46: Relating to the payment of tuition fees of not to exceed 50 student officers at civilian technical institutions in addition to the number authorized by law.

On No. 52: Appropriating $200,000 to commence the work of providing additional water supply for the District of Columbia.

On No. 54: Authorizing the cancellation of the claim of $18,583.44 for United States property issued to the National Guard of Texas which was lost or destroyed by storm and flood at Corpus Christi, Tex., in 1919.

On No. 55: Authorizing the payment of $50 to an attorney at Berne, Switzerland, for services rendered the United States.

D. R. ANTHONY, Jr.,
C. BASCOM SLEMP,
T. U. SISSON,
T. W. HARRISON,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman what his disposition is toward a little debate on some of these items?

Mr. ANTHONY. I would be disposed to be very lenient in that regard. What items does the gentleman have in mind?

Mr. GARRETT of Tennessee. I have in mind particularly the pay of the Army, on which I would like a little time. I have not had any opportunity to confer with the minority conferees.

Mr. ANTHONY. I will be glad to yield to the gentleman on that.

Mr. Speaker, your conferees who have had under consideration the Army appropriation bill have reached practically a complete agreement with the conferees of the other body, with the exception of one item, that of pay of the enlisted men of the Army, and the amount in disagreement between the bodies in that item is $8,300,000 and some odd. The amount of the bill as it passed the House was $320,000,000. The amount of this bill as it passed the Senate was $334,000,000. The Senate receded from an aggregate of $2,884,000, and the House receded from an aggregate of $2,100,000.

It is interesting to take into consideration that the amount carried by the bill which was passed in March last and which failed of approval by the President at that time carried $346,000,000, so that this bill as it now stands carries $23,000,000 less than the bill which received the pocket veto. It is also interesting to note that the Army for the current year will cost us a total of $448,000,000; that is, there have been deficiencies aggregating nearly $60,000,000 in addition to the $392,000,000 appropriated by Congress for the current year. So that this bill as it now stands will make a saving for the next fiscal year over what the Army will cost us for the current fiscal year of $125,000,000. [Applause.] And I say with some degree of pride on the part of the members of the committee who have had this bill in preparation that it makes what, in my opinion, will be the largest aggregate saving of any of the appropriation bills that will be considered by the House. I want to say for the information of the House that probably to the gentleman from Virginia [Mr. SLEMP], who brought in the fortification bill, belongs the credit for having made the largest percentage of saving in the amount of money appropriated for the next fiscal year over what the bill carried for the current year. [Applause.]

I want to congratulate the House on the fact that the Senate has met the views of this body on what should be the size of the Regular Army. They have agreed to 150,000 men. [Applause.] So that proposition is really not before the House. What we do have to consider, however, and to which we should give most careful consideration, is the condition which confronts us that in order to reach the size of an Army upon which both the Senate and the House have agreed. The situation is that on July 1, when this bill goes into effect, we will find 220,000 enlisted men.

Mr. GARNER. Will the gentleman yield there?

Mr. ANTHONY. I will.

Mr. GARNER. It has been evident for the past 30 or 40 days that the Army was going to be reduced from 220,000 to 170,000 or 150,000. Can the gentleman tell us why it is that the present War Department declines to relieve men and have been declining to do so for the past 30 days?

Mr. ANTHONY. For the same reason, I will say to the gentleman, that the former Secretary of War and the former administration declined to relieve men. They take the position that the resolution passed by this body fixing the size of the Army at 175,000 men gives the enlisted man whose term of enlistment expires the right to reenlist. And they have been reenlisting those men.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. They have ceased to enlist new recruits, however.

Mr. GARNER. Now will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. GARNER. I recall an incident where, from that well of the House down there, Mr. Baker was criticized very severely for not carrying out the purposes of the Congress, and I agreed to that criticism. I take it that the same criticism applies to the present Secretary of War, Mr. Weeks, for the way he is administering the office of Secretary of War in regard to the discharge of these men.

Mr. ANTHONY. No matter what have been the delinquencies of the War Department, Mr. Speaker, we are confronted to-day with the fact of having 220,000 men to take care of in the Army on the 1st day of July next. It will be obviously impossible for the War Department to make a radical reduction on July 1 of the 70,000 men necessary to bring the Army down to 150,000, which both the Senate and the House have agreed upon. The only question is how soon that can be brought about.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. In a second. The Senate and the War Department contend that it will not be safe to do this until May 1, 1922, when, under the ordinary processes of the expiration of enlistments, they can reach 150,000 men, and the Senate has appropriated $81,000,000, which will be the amount required to carry the Army until that date. The House conferees have taken the position that we should bring the Army down to 150,000 in a much shorter time than that. The Senate declined to come near the House in its offer of a compromise on those figures, and has stood firmly for their figure of $81,000,000.

The gentleman from Michigan [Mr. CRAMTON], of the House conferees, in connection with the officers of the Finance Division of the War Department, has very carefully figured out that if we shall discharge 23,000 men a month for three months, from July 1—that is, up to October 1—with the Army brought down to 150,000 men on October 1, the amount of seventy-seven million and some odd hundreds of thousands of dollars will enable the department to pay the Army for the entire year, reducing it to 150,000 by October 1, and maintaining it at 150,000 for the full period of the fiscal year.

The committee feels that that is the shortest possible time in which this can be accomplished. The Senate conferees do not agree with us. They say it can not be done. We had the Secretary of War, Mr. Weeks, before us, and discussed the matter fully. He is much opposed to reducing the size of the Army in such a short period of time, and believes it can not be done. But the conferees on the part of the House believe it can, and when the matter is reached to-day, when we take up the amendments in their order, it is the purpose of the conferees on the part of the House to offer a motion to recede and concur with an amendment which will increase the amount previously appropriated by the House, namely, $72,000,000, to seventy-seven million and some odd thousands, which will carry out the program I have just spoken of, that of a reduction of 23,000 men each month for the next three months, bringing down the Army to the basis desired of 150,000 men on October 1.

Now I yield to the gentleman from Kentucky.

Mr. BARKLEY. What I wanted to ask the gentleman was this: It has been obvious for some time that the Congress would not authorize an Army exceeding in size 175,000 men, and probably would not authorize one exceeding 150,000 men. What has the War Department done during that time to reduce the Army down to the maximum even of what the Senate has required, of 175,000 men?

Mr. ANTHONY. I will say to the gentleman that our information is that from the 1st day of January to date only 2,000 men have asked for their discharge. It is obvious that a larger number would have asked for their discharge if they had thought their applications would be favorably considered. The Secretary of War tells us, however, that only 2,000 have asked for their discharge. Here is the situation that confronts the War Department and confronts us: Back in January the War Department told us that there normally would be a reduction in the Army of 7,000 men a month at the expiration of enlistments, and that we could look for a natural shrinkage by that amount; but, due to the economic conditions in the country, these men, instead of asking for their discharges, are applying for reenlistment and the War Department is reenlisting them under the terms provided by the two Houses.

Mr. BARKLEY. Is the War Department reenlisting them?
Mr. ANTHONY. Yes.
Mr. KAHN. Mr. Speaker, will the gentleman yield?
Mr. ANTHONY. Yes.
Mr. KAHN. I think the gentleman will bear me out in the statement that the provision as it now stands will not go below 150,000 men.
Mr. ANTHONY. You mean the amount of $77,000,000?
Mr. KAHN. The gentleman proposes to increase the appropriation so that we shall not go below 150,000 men.
Mr. ANTHONY. That was the proposition.
Mr. KAHN. I was going to ask the gentleman if the amount in the bill which the House put in in its provision would take care of 150,000 men?
Mr. ANTHONY. I will say to the gentleman that if the bill had received the approval of the President last month the amount appropriated by the House would have paid 150,000 during the next fiscal year, but it would have required a reduction in the size of the Army between March 1 and July 1 to 150,000 men.
Mr. KAHN. May I ask the gentleman how he proposes to discharge 23,000 men a month? By breaking the contract with the enlisted men?
Mr. ANTHONY. Oh, there is no contract, the committee believes, that will be broken. There will have to be arbitrary discharges, I will say to the gentleman.
Mr. KAHN. A man signs a contract with the Government to enlist for a certain time. If the man violates the contract by deserting, he is arrested and put into jail.
Mr. ANTHONY. If the gentleman refers to the contract of enlistment, of which I have a copy here, he will see that it is a jug-handled contract, and the War Department has the option of discharging a man before the expiration of the term.
Mr. KAHN. The War Department has not that right under the language. It only refers to cases where men are discharged for some sufficient reason, or dishonorably.
Mr. ANTHONY. I will say to the gentleman that I have taken up that phase of the matter with the Secretary of War. He has consulted the Judge Advocate's department, and under the language of this bill that is before us the Judge Advocate General believes that the Secretary of War will have unquestioned power to discharge men.
Mr. HULL. Right there, will the gentleman yield?
Mr. ANTHONY. Yes. I yield to the gentleman.
Mr. HULL. Then the gentleman's contention is that Congress has the right to break a contract by retroactive legislation?
Mr. ANTHONY. There is no contract, I will say to the gentleman.
Mr. HULL. There is no contract?
Mr. ANTHONY. No.
Mr. HULL. When the men have a contract of enlistment?
Mr. ANTHONY. And if there is a contract, we empower the Secretary of War to discharge the men.
Mr. HULL. Another question. The gentleman complains of the War Department having reenlisted these men. Could the War Department prevent reenlisting under the resolution that was passed by this Congress?
Mr. ANTHONY. I think it could have done so. I voted for that resolution, and I would not have voted for it if I had thought that it carried the right to the enlisted men to reenlist forever, and that is the way it has been construed by the War Department.
Mr. HULL. The resolution as originally introduced by myself did not provide for that, and your attention was called on the floor of the House to the fact that when you put in the amendment you provided for reenlistment, and you provided for paying a bonus for it.
Mr. ANTHONY. I agree with the gentleman that the resolution the gentleman from Iowa introduced early in December would have been a much wiser piece of legislation than the one that Congress finally adopted.
Mr. HULL. The Congress provided for reenlistment, and now says that the Army ought not to have taken into consideration our own resolution.
Mr. MONDELL. Will the gentleman yield?
Mr. ANTHONY. I yield to the gentleman from Wyoming.
Mr. MONDELL. I think we ought to clear up that matter while it is under consideration.
By no possible construction could the resolution that has been referred to give the enlisted man any right to reenlist. What the Congress had in mind was that there were certain men whose terms of service would expire, who were so valuable to the Army that it might be well to authorize the Secretary of War to allow them to reenlist.
Mr. KAHN. It gave the War Department in their discretion the right to reenlist experienced drill sergeants, and other noncommissioner officers who desired to try for commissions, but it gave no right to the enlisted men to reenlist.
Mr. MONDELL. The resolution authorized the Secretary in his discretion to reenlist such men as he saw fit to reenlist, but nothing in the resolution gave the enlisted man any right to a reenlistment, as the gentleman from Californi:. [Mr. KAHN] has just reminded us. It was necessary, in order to have experienced drill sergeants and skilled men, and to hold the men in the service who might desire to make an effort to secure commissions, to allow certain reenlistments. That is always wise, and in order to make it possible to allow those reenlistments the resolution was enlarged; but it did not give the enlisted man the right to reenlistment. It did not justify the War Department in reenlisting every man who asked to be reenlisted.
Mr. HULL. Will the gentleman yield?
Mr. ANTHONY. I yield to the gentleman from Iowa.
Mr. HULL. I can not agree with the distinguished gentleman from Wyoming, and I call the attention of the House to this fact, that not only did that resolution permit a man's reenlistment but that you paid a bonus to him to reenlist, and that your attention was called at that time to the fact that you ought to strike out the bonus; but the Appropriations Committee of the House, controlling the legislation at that time, refused to permit the striking out of the bonus.
Mr. GARNER. Will the gentleman yield?
Mr. REAVIS. Will the gentleman yield to me?
Mr. ANTHONY. I yield first to the gentleman from Texas.
Mr. GARNER. I understood the gentleman to say that since the 1st of April there had been only about 2,000 applications for discharge.
Mr. ANTHONY. Since the 1st of January.
Mr. GARNER. Can the gentleman tell us what number of those 2,000 were discharged?
Mr. ANTHONY. Fifteen hundred, I am informed.
Mr. GARNER. Does the gentleman know why the other 500 were retained?
Mr. ANTHONY. The gentleman knows as well as I do that the policy of the department has been to be very reluctant to discharge men.
Mr. GARNER. Let us get that clear before the House. That is my criticism of the department. I am well acquainted with the present Secretary of War. I have great respect for him. I think he is a man of capacity, but I do say that he, like the former Secretary of War, and as far as I know all former Secretaries of War, has been overcome and overpersuaded by the General Staff or some other influence in the War Department, who want not only to keep all they have but to get some more, and while Congress has expressed itself as desiring to cut down the Army, they have not responded in good faith to that expressed will of Congress.
Mr. ANTHONY. Of course the gentleman knows that that situation will be cured by the language carried in the present bill.
Mr. REAVIS. Will the gentleman yield?
Mr. ANTHONY. I yield to the gentleman from Nebraska.
Mr. REAVIS. The gentleman spoke of deficiencies to the extent of $60,000,000 in the past fiscal year. Is the Senate amendment, which prevents any deficiency, retained in this bill?
Mr. ANTHONY. The Borah amendment is retained in this bill, and it is the judgment of nearly everyone who has examined it that it will be impossible for the War Department to incur further deficiencies or any deficiencies during the next fiscal year. If that is accomplished, it will be the first time in the 14 years I have been connected with Army appropriation measures that they will not have had large deficiencies.
Mr. REAVIS. So the Members of the House, if they approve the action of the conferees—which I assume they will do—increasing this sum $5,000,000 may have at least a reasonable assurance that the appropriation carried in this bill will be all the money to be expended for the Army for the next fiscal year.
Mr. ANTHONY. As one of my colleagues expressed himself, the War Department is hog tied by this provision.
Mr. NEWTON of Minnesota. Will the gentleman yield?
Mr. ANTHONY. I yield to the gentleman from Minnesota.
Mr. NEWTON of Minnesota. Can the gentleman inform the House how many men have been reenlisted since the 1st of January?
Mr. ANTHONY. I have not that information. The discharges have been very few; in fact, nearly all enlistments that have expired have been allowed to reenlist.

Mr. NEWTON of Minnesota. While the discharges have been few the reenlistments have been many?

Mr. ANTHONY. As the gentleman from Virginia [Mr. SLEMP] says, the Army has recruited 236 men and they have dropped 220.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. KAHN. There is a good deal of talk about a bonus for reenlistment. The fact is that we have had the bonus provisions for years, only they were a little different than the present law provides for. Now they get a cash bonus. In former years enlisted men got a clothing allowance and other allowances, and whatever they were able to save out of those allowances were paid to the men at the time when the enlistment expired. Then, I believe, they were allowed to give them other inducements for reenlistment. That is the only way that we were able to maintain our Army; because when work is plentiful throughout the country it is exceedingly hard to get men to reenlist. These extra inducements were held out to the private soldier to join the Army. So that it is not a new thing by any means, but it has been in force for many years in this country.

Mr. ANTHONY. And the House might like to know that the bill, as it passed the House, contained a clause which prevents the payment of a bonus during the next fiscal year. The bill as it now stands repeals the law which authorizes the payment of a bonus.

Mr. JONES of Texas. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. JONES of Texas. The gentleman refers to the fact that only 2,000 applications for discharge had come in since the 1st of January. As a matter of fact, the reason for that is that only those who filed applications thought they had a legal ground for discharge.

Mr. ANTHONY. I think that is true.

Mr. JONES of Texas. Does not the gentleman think there would be many thousands of men who would make application if they thought they could get out?

Mr. ANTHONY. I think a much larger number.

Mr. JONES of Texas. Has the gentleman any idea how many?

Mr. ANTHONY. No; but the Secretary of War thought that it would not be as large a number as the committee thought.

Mr. JONES of Texas. That is natural.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Kentucky.

Mr. KINCHELOE. What would happen if the House should stand pat on $72,000,000? In view of the fact that the department has not responded very willingly to the policy of Congress, is it not a fact that if the House should stand for $72,000,000 they would have to discharge the men for lack of appropriation?

Mr. ANTHONY. They would, and they would have to discharge them in one day if they wanted to maintain the Army at 150,000 during the next year. If they concluded to take a reasonable length of time to reduce the Army, they would have an Army of 120,000 at the end of the year.

Mr. KINCHELOE. Why would they have to discharge them in one day?

Mr. ANTHONY. Because $72,000,000 will pay an average of 150,000 men for one year only.

Mr. TINCHER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. TINCHER. Can the gentlemen tell me whether there has been any reduction of the civilian employees in the Army?

Mr. ANTHONY. There has been quite a large reduction. Secretary Weeks informed the conference committee that when we reach July 1 he will have discharged 15,000 civilian employees during the 14 weeks he has been in office.

Mr. BLANTON. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. BLANTON. The gentleman from Iowa indicates that in making this reduction the Secretary of War would have to push the men out of the Army, violating contracts, and so forth. I want to tell the gentleman from Kansas why there has only been 2,000 applications for discharge. The men and their parents write us and want to know whether they can be discharged. We write them and send them the rules of the department that it must be a case of extreme dependence before it will be considered, and in many instances the men realize there is no chance and therefore make no applications. But even where applications have been filed, in cases of extreme dependence, the War Department has shut its eyes, gritted its teeth, and turned the application down and held the men against their will. The War Department will not have any trouble in getting rid of 70,000 if they will let the men know that they will be turned out on their application.

Mr. BANKHEAD. Will the gentleman yield?

Mr. ANTHONY. I will yield.

Mr. BANKHEAD. I understood the chairman of the committee to state that was the desire, either of the Secretary of War or the Senate conferees, I have forgotten which, but probably both, that the appropriations shall be enlarged so that they can by May 1, 1922, reduce the Army to a miximum of 150,000 men.

Mr. ANTHONY. That is correct.

Mr. BANKHEAD. Upon what basis does the Secretary of War state that it can be reduced by May 1, 1922—by arbitrary dismissal?

Mr. ANTHONY. By the natural process of the expiration of enlistment.

Mr. HARRISON. Will the gentleman yield?

Mr. ANTHONY. I will yield to my colleague.

Mr. HARRISON. I want to bring out the fact before the House that the Secretary of War stated that these men had a right to reenlist; that it was a part of their contract, as I understood the Secretary of War; that under the contract a soldier had the right to reenlist and the War Department, observing that right, reenlisted them on application.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CHINDBLOM. Do the House conferees concur in the opinion of the Senate conferees that with an appropriation of $81,000,000 for pay of enlisted men the natural reduction from expiration of enlistment will bring the Army down to 150,000 by the 1st of May, 1922? In other words, do you agree with them in their conclusion?

Mr. ANTHONY. I think that is correct; that is the work of the officers of the finance department, which is very accurate.

Mr. CHINDBLOM. So if we are to reduce the Army by natural expiration of enlistments and not by forced resignations and forced discharges, then we should appropriate $81,000,000?

Mr. ANTHONY. The gentleman is correct, and if we want to resort to arbitrary discharge, any amount less than that will force it.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McKENZIE. Is it not a fact that under existing law it is not possible for a soldier to be discharged on his own application? Is not that the law?

Mr. ANTHONY. Unquestionably the War Department has always interpreted the law in that way heretofore.

Mr. McKENZIE. Is it not the policy of Congress to provide by law the manner in which a soldier of our Government may be discharged, and is it not true that in the reorganization act we did modify the law and provide that where a soldier had enlisted, and after his enlistment a death occurred in his family, which required his presence at home, he might be discharged?

Mr. ANTHONY. Yes.

Mr. McKENZIE. Is it not a further fact that it is the sworn duty of the officers in the War Department when a soldier makes application for discharge to see to it that he is simply discharged according to law?

Mr. ANTHONY. Yes.

Mr. McKENZIE. And is it not true that that is just about what the Secretary of War has been doing? I do not agree with the statement of some of the gentlemen here this morning that the Secretary of War ought to be criticized for simply upholding the law enacted by Congress. Is not that the situation?

Mr. ANTHONY. I do not ascribe all of these delinquencies to the Secretary of War, and I can not agree with all that the gentleman says. I think that the policy of the War Department for the last year has been to throw cold water on every application for a discharge.

Mr. McKENZIE. The bill that is now before us provides a way whereby an enlisted man in the service may be discharged, and discharged legally, and I know that the gentleman from Kansas would never approve of a policy that would permit an enlisted man to walk out simply on his saying "I just want to go out," and the filing of his application.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STEVENSON. In attempting to get a young man discharged a week or two ago, his discharge was refused on the ground that the dependency was in existence when he enlisted, but the War Department in writing me about it stated that in the present bill there was a provision which, if carried out, if it be continued in the bill, would enable them to discharge

soldiers although the dependency arose subsequently. Is that provision still in the bill?

Mr. ANTHONY. There is nothing about dependency in this bill. The gentleman is referring to a provision in the reorganization act, which the gentleman from Illinois [Mr. McKENZIE] referred to.

Mr. STEVENSON. I am referring now to the Army appropriation bill, which was referred to by the War Department in a communication to me, that cases such as mine could be very readily handled if the provision in the bill when it left the House were continued. We have some provision here about a discharge on application.

Mr. ANTHONY. Absolutely. This bill will allow the Secretary to discharge the Army down to 150,000 men.

Mr. STEVENSON. And therefore discharges will not be dependent upon the dependency arising subsequent to the enlistment?

Mr. ANTHONY. No.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. DOWELL. Can the gentleman give us the policy of the department with reference to discharging men who desire to be relieved from the service?

Mr. ANTHONY. The committee knows of no policy of the War Department. Secretary Weeks states that they have not yet worked out a method and plan under which they will bring about these reductions. He stated that probably what they would do would be to refer to the commanding officer of every organization of the Army, scattered as it is in all the countries of the world, for a specific report as to what men of each separate organization they could best get along without, so that probably the men who are of the least value to the Army will be discharged first, and then the men who want to get out on their own application will come next.

Mr. DOWELL. That might indicate that those who desire to get out will not be relieved under such a policy.

Mr. ANTHONY. They will be relieved until the Army gets down to 150,000 men.

Mr. KAHN. Mr. Speaker, will the gentleman permit a suggestion there?

Mr. ANTHONY. Certainly.

Mr. KAHN. A great many men who enlist want to get out a short while after they enlist. They find that the Army is not what they thought it was going to be. It costs the Government from $60 to $70 whenever a man is enlisted, and the Army officers have been disinclined to grant discharges until the man shall have worked out for the Government that amount of money.

Mr. DOWELL. Mr. Speaker, if the gentleman will yield further, under the present ruling of the department, they are not permitted, they state, to release any applicants unless the application comes within the strict provisions of the statute. What I am getting at is this: After this bill is passed, will the War Department still maintain the ruling with reference to the discharge of those who make application and the discharge of those who desire to be released from the service?

Mr. ANTHONY. We do not prescribe the order in which the men shall be discharged. We leave that to the option of the Secretary, trusting the War Department will use wise discretion and judgment.

Mr. DOWELL. I hope it will.

Mr. ANTHONY. I hope so.

Mr. STRONG of Kansas. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. STRONG of Kansas. Does my colleague know whether or not there has been a reduction of the administrative expenses of the War Department since the 4th of March last?

Mr. ANTHONY. I know this, that when the Committee on Appropriations of the House held its hearings on this bill they were very complete. We went deeply into the questions of waste and extravagance in the different bureaus of the department as they came before us. We know that disclosures were made by the Quartermaster General as to lack of economy in the expenditures of the funds which we appropriate. Secretary Baker called him to an accounting.

In calling this officer to accountability as I say he demanded of him what recommendations he would make so as to obviate these large expenditures, and the Quartermaster General came back with certain specific recommendations, and I will say this of Secretary Baker that just a few days before he went out of office he adopted 19 of Gen. Rodgers's recommendations and put them into effect and from an early date in February when those orders went into effect up to July 1 next the sum of $61,000,000 will be saved for those months as compared with the corresponding months of last year.

Mr. MONDELL. It was very self-sacrificing on the part of Secretary Baker to put those reductions in operation as he went out.

Mr. ANTHONY. When the Quartermaster General called his bluff he did not have anything else to do.

Mr. HULL. If the gentleman will permit, I do not want the House to be unfair with the War Department. I criticize the War Department as severely as anyone, but I want to read to the gentleman from Kansas a resolution that this House passed on reenlistments, and I want to ask him if he thinks under that resolution the War Department could reduce the men and comply with this resolution that Congress itself passed?

Mr. CHINDBLOM. When?

Mr. HULL. Last February, and the President vetoed it and we passed it over his veto. We put this proviso in it:

That nothing contained herein shall be held to prohibit the reenlistment of those enlisted men who have had one or more enlistments and who desire to enlist in the Regular Army.

Now could the War Department under that resolution refuse a reenlistment?

Mr. ANTHONY. Certainly. There is nothing there prohibiting them. They had the option of doing it.

Mr. HULL. If they applied?

Mr. ANTHONY. They could have refused them.

Mr. MONDELL. Will the gentleman yield for just a second?

Mr. ANTHONY. I will yield to the gentleman from Wyoming, and then I propose to yield time to the gentleman from Mississippi.

Mr. MONDELL. I want to emphasize the matter while we have it before us and make it clear to all gentlemen that Congress legislated wisely in this matter and legislated understandingly. First, we provided that the Secretary of War should cease enlisting until the number of enlisted men should be reduced to 175,000. Then we provided that nothing contained in this provision of reduction should prohibit the reenlistment of men who desired to reenlist. In other words, if the Secretary in his discretion believed that it was for the good of the service for a man to reenlist he could be allowed to reenlist, but there is nothing in the resolution which gave a man any right to reenlistment whatever.

Mr. ANTHONY. How much time does the gentleman from Mississippi want?

Mr. SISSON. I would like about 10 minutes.

Mr. ANTHONY. I will yield 10 minutes to the gentleman from Mississippi [Mr. SISSON]. [Applause.]

Mr. SISSON. Mr. Speaker, there is really but one question now before the House. The conferees agree to all the items except the pay of the Army, which, by the way, means the size of the Army and the average during the year. The House and the Senate agreed on 150,000 men, therefore the only question now is when will you get the 150,000 men. The Senate insists that it will take $81,000,000 to do that. That will provide for an Army during the entire year of 170,000 men; that is, a few more than 170,000 men, on the average. The House insists that the Army should be reduced more rapidly than the Senate would have it reduced. In my judgment, the House should not agree to any amendment to its provision of $72,000,000, if for no other reason because we are in the better and more advantageous position in conference to retain our figures at $72,000,000 than to go to the $77,000,000 with the Senate having specifically in conference rejected the $77,000,000 proposition. It simply means that the House and the Senate make an effort to get together. The Senate rejects it and will require you to raise the limit above the $77,000,000 because the House, having made the proposition of $77,000,000, the Senate will say, "Now, the House gave that and we are not now yielding, because we want $81,000,000." Now, in my judgment there is a miserable excuse given on the part of the Army officers, and I fear it is a miserable excuse, about the difficulty and the leeway required in reducing the Army. Now, we reduced in a few months an Army of 4,000,000 men. Now, what I am endeavoring to call to the attention of the House is this: That if we accept the Senate proposition we must not overlook the fact that $1,960,000 has been added to certain items in the bill which may be used for pay of the Army. I do not know, nor do I think the Secretary of War or any member of the General Staff or any chief clerk could tell, what is needed in some of these items. For instance, longevity pay of enlisted men. The House fixed the amount at $3,500,000. The Senate and the House agreed—I do not think the House ought to have receded, but they did—making it $4,600,000, or an increase of $1,100,000. Now, if the money should not be used for longevity pay, under the provisions of the

Army bill $1,100,000 can be used for pay of enlisted men, for pay of the Army. Then below that you have another item of an increase from $250,000 to $325,000, $75,000 increase, pay of officers in the foreign service. There is $75,000 which may be used for pay of the Army. Seven hundred and fifty thousand dollars, pay of enlisted men, an increase. In other words, the Clerk told me a moment ago that the amount of increases of that character here was $1,960,000—practically $2,000,000. Therefore if any of these amounts should be used, and they probably will not, in my judgment, you have got $2,000,000 there for pay of the Army. Now, with that leeway it seems to me if the House will stand pat and make good with the country and say we are going to do what we said we would do, we want an Army of 150,000 men and the Senate wants an Army of 150,000 men, let us insist on our disagreement with the Senate. [Applause.]

Now, my attention is called to the fact to which I was referring when I was interrupted a moment ago, because of not being heard—and I beg the pardon of the House for not talking louder, this is the first time in the House I have been accused of not talking loud enough—that we did reduce the overseas Army; that when all these camps and cantonments were full of men, they melted back into the body politic in about three months. I want to tell you that I have great respect for the Army officer's viewpoint, because if he did not take that viewpoint he ought not to be an officer. But they are resorting to everything on earth to keep the Army from being reduced. Therefore, they are saying that it will disorganize things. I do not believe it. I think in 60 days you can reduce the Army to 150,000 men, and the boys will go home and be melted into the body politic of the country without any harm being done to anybody. I do not share their view of the disorganization which they predict. But the thing that is amusing to me is to hear lawyers get up on the floor of this House and assume the position that the War Department assumes, that you are violating a contract by discharging these men. Why, my dear friends, every private soldier knows that the contract which he signs, the enlistment contract, provides that he is enlisted for three years unless he is sooner discharged by the War Department. The War Department, and it is the law for the protection of the Government, reserves the right to discharge a man with or without reason, if the Government does not need him. Congress has the right if it sees fit and proper to repeal specifically any law at any time. When we fail to make an appropriation it amounts to repealing the law so far as enlistment is concerned. And yet you find men on the floor saying that we are violating a contract if we discharge men or fail to allow them to reenlist.

You hear it, notwithstanding the fact that it simply gives the War Department the right to enlist the men they want, contended on the floor, and seriously contended, that they, the men themselves, have the right to enlist whether the War Department wants them or not. Such a construction as that is not even good nonsense. [Laughter.] And yet those are the miserable excuses that the militarists use in order to burden us with a great standing Army.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANTHONY. I yield two minutes more to the gentleman.

Mr. SISSON. Mr. Speaker, there are many things I would like to say, but I want to call the attention of the Members to one thing. I do hope that Secretary Weeks will persist in his well-doing and reduce the civilian employees. Mr. Baker reduced them about 40,000, I might say, by way of parenthesis, but we still have 50,000 in the establishment of the Army now. That number looks to me too large.

I saw something yesterday that I wished this whole Congress could see, namely, some marines down here at work on their own training field, a 40-acre field, which they wanted to get a contract to have it put into a training field. The lowest contract to do the grading was something over $100,000. What happened? They did not have the money. What did Gen. Butler, the marine officers, and the marines do? They said, "We will do it ourselves." And on last Wednesday they commenced to move the dirt. And I state to you that I saw service rendered there that money could not buy [applause], under the command of Gen. Smedley Butler. And in the midst of those marines, who had on common overalls, I saw Gen. Butler, covered with dust, amid the trucks filled with earth, with all the machinery necessary to do the grading and surrounded by 3,000 marines at work, not one of them getting a single penny of extra pay and saving the Government at least $100,000. And I told Gen. Butler, "I wish Congress could see this."

You will find it as it was described to me by a young man who came out of the Army. He said, "Oh, I asked to be changed to the marines. I love this work. I am learning something here." He had his overalls on. He said, "In the Army when we were doing nothing we sat around shooting craps and telling dirty stories, but here we are finding something useful to do."

It was the spirit that was in it that impressed me. If you had that spirit on the railroads, you could run the railroads with 50 per cent of the men now running them. And you would get 100 per cent more efficiency, and the railroads would be run right. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISSON. I would like two minutes more.

Mr. ANTHONY. I yield to the gentleman two minutes more.

Mr. SISSON. If we did that in all the vocations of life, in our manufacturing, say, you would have a new order of things. Why, if we had the same efficiency in the army of the Lord, you would convert the whole world to the Christian religion in 12 months. If you had that sort of spirit in all our military men, you could end the World War.

The Marine Corps of the Army does not want any civilian employees. They do the work themselves. [Applause.] Now, I think great credit is due to these officers and marines. Gen. Butler was out there with the men, with dust all over him, and with other officers surrounding him, and they were saving Uncle Sam at least $100,000, and are doing the work in a week. I say all honor to the marines. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. ANTHONY. Mr. Speaker, as there are 13 amendments in disagreement, which have to be considered separately by the House at this time, I will move the previous question on the conference report.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman withhold his motion for a moment?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. I was not present when the gentleman from Kansas first presented the report. I notice on page 17 of the bill the eleventh amendment is to strike out the word "directed" and insert the word "authorized," simply authorizing the Secretary to discharge. May I ask the gentleman why that was done?

Mr. ANTHONY. That was done by the Senate. The conferees did not agree to that.

Mr. PARKER of New Jersey. Mr. Speaker, how many disagreements did the gentleman say there were?

Mr. ANTHONY. Disagreement on 13 amendments.

Mr. PARKER of New Jersey. Will opportunity be had to amend any of those items?

Mr. ANTHONY. The adoption of the conference report will not cut off opportunity to amend as to those items.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 3, page 2 of the bill, line 21, after the word "claims," insert: "*Provided further*, That the Secretary of War is authorized in his discretion to sell to any foreign state or government upon such terms as he may deem expedient any material, supplies, or equipment pertaining to the Military Establishment as, or may hereafter be, found to be surplus, which are not needed for military purposes and for which there is no adequate domestic market: *Provided further*."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves that the House recede and concur in the Senate amendment.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield for a moment?

The SPEAKER pro tempore. Does the gentleman from Kansas yield to the gentleman from New Jersey?

Mr. ANTHONY. I will yield in just a minute.

For the information of the House, I will state that this amendment was included in the bill as reported from the committee, but went out on a point of order made on the floor of the House. A separate bill has been reported favorably carrying this language from the Committee on Military Affairs.

Mr. PARKER of New Jersey. That is the point I wish to come to. The Committee on Military Affairs thought it was entirely too broad to allow the Secretary of War to sell all equipment that it pleased to any foreign country, whether we were at peace or not. They found upon a careful hearing that it was intended only to apply to food that was spoiling, and a provision was drawn to read as follows:

The Secretary of War is hereby authorized in his discretion to sell to any foreign State or Government with which the United States is at peace, upon such terms as he may deem advisable, any foodstuffs now on hand and found to be surplus, and not needed for military purposes, and which are likely to spoil.

I am going to move to recede and concur with that amendment. We found that that was all that was required by the War Department. We therefore agreed to amend it; and I hope the chairman of the committee will agree to this motion rather than to recede and concur generally.

Mr. ANTHONY. Mr. Speaker, our committee, which has investigated the matter, found that there were many millions of dollars' worth of surplus material for which there was no market in this country, which the Secretary of War feels he can dispose of to advantage if he is allowed to make sales outside of this country. I think it is a matter of good business policy to give this power to the department.

Mr. PARKER of New Jersey. Is not that a matter of military policy that ought to be determined by the Congress?

Mr. ANTHONY. The committee has considered the matter as a business policy.

Mr. PARKER of New Jersey. Mr. Speaker, I offer the motion as an amendment.

Mr. FROTHINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. FROTHINGHAM. I merely want to ask the gentleman for an explanation. This is practically the same amendment that I tried to offer when this bill was pending in the House. It is an amendment which was agreeable to the gentleman from Kansas, but which, unfortunately, could not come in because the section which it was sought to amend was ruled out on the motion of the gentleman from New York.

Now, the only difference, I would like to point out to the Members of this House, between what is here now and what the Committee on Military Affairs desires is that under the present clause this gives any future Secretary of War or the present Secretary of War the power to sell any materials that are not required in the future. The provision in the bill cited by the gentleman from New Jersey [Mr. PARKER] limits it to the power to sell surplus articles which are now on hand. If the words "now on hand" are not put in, then the War Department is authorized under its present Secretary or any future Secretary to sell any materials that may be found to be surplus in the future, and Congress is abandoning all power over it.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. KAHN. When this bill was before the Committee on Military Affairs it simply applied to foodstuffs, and the War Department was only asking for the sale of surplus foodstuffs for which there was no market in this country and which could be sold abroad to some advantage to our Government.

Mr. ANTHONY. The gentleman knows that when the War Department declares anything surplus they have mighty little use for it.

Mr. KAHN. Let me call this back to the gentleman's attention in that connection: They put that up to the Committee on Military Affairs on the assumption that they had something like 81,000,000 pounds, as I recall, of surplus beef, and then before they could have a hearing on their bill they sold all the surplus beef right in this country, for which they said there was no market, and the bill as it was finally reported by the Committee on Military Affairs was simply intended to allow them to sell a lot of dehydrated vegetables.

Mr. ANTHONY. Yes; that they could have sold, possibly, to a foreign Government to better advantage.

Mr. FISH. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from New York.

Mr. FISH. The gentleman from Kansas says that the War Department probably did not have any surplus material to sell, but that they might need it for themselves.

Mr. ANTHONY. No; I said that when the War Department does declare any article surplus, the gentleman can rest assured that the War Department can easily get along without it, and that it is not necessary, for the War Department is very reluctant to declare anything surplus.

Mr. FISH. I will point out to the gentleman from Kansas that the War Department did sell three or four million pairs of shoes at 20 per cent of their value, and that they have just recently ordered or made a contract for 250,000 pairs of shoes at $3 or $4 a pair. I think it is time that we should stop that sort of thing, and if this amendment will stop the War Department from doing it I am in favor of it. That is my only concern in the matter.

Mr. ANTHONY. This has no effect on any policy of that kind. It is not contemplated to sell to any foreign Government any shoes or any supplies at all that the Army can use.

Mr. FISH. They have already done it.

Mr. ANTHONY. I do not think they have sold any.

Mr. REAVIS. They have sold some under the bulk-sales agreement in France.

Mr. ANTHONY. Under the bulk-sales agreement probably in France.

Mr. REAVIS. I do not know that it is apropos of the subject matter under discussion, but with reference to the frozen beef that the gentleman from California [Mr. KAHN] has in mind, the War Department did try repeatedly to sell that. They advertised in perfect good faith under Secretary Baker.

Mr. KAHN. That was canned beef.

Mr. REAVIS. They were finally compelled to sell that beef practically for nothing, and at the same time the Navy Department was buying the same kind of beef at 28 cents a pound.

Mr. KAHN. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. KAHN. The beef that they wanted to sell or that they contemplated selling was canned beef.

Mr. REAVIS. There were millions of pounds of frozen beef that they made every effort to sell in good faith, and finally sold it at a very nominal figure, and at the same time the Navy was purchasing beef from the packers at a tremendous price. The Navy Department would not buy the beef that the War Department had for sale.

Mr. GRAHAM of Illinois. Will the gentleman from Kansas yield?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. I want to ask the chairman of the committee whether he does not think that this amendment which he now seeks to have approved by the House is too broad?

Mr. ANTHONY. No; we think it is carefully safeguarded. Let me ask the gentleman what would he do with surplus stores for which there is no adequate domestic market?

Mr. GRAHAM of Illinois. I will answer that in this way: You do not limit this equipment to what we now have. You give general powers to the Secretary in the future to exercise his discretion about it. It says "for which there is no adequate domestic market." Who is to determine whether there is an adequate domestic market? The Secretary of War makes up his mind and determines it. In the last two or three years in our investigations by our recent committee I have seen so many abuses arising from that sort of legislation that I have become convinced that we ought to safeguard every one of these provisions so that these things can not happen again which have been happening. [Applause.] It will not do to grant these broad and general powers any more. They must be limited and restricted to concrete cases and concrete instances. That is the only safe thing we can do. It seems to me that the amendment on which the Committee on Military Affairs has labored, and which seems to be safeguarded, ought to be adopted in lieu of the other provision.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. GREENE of Vermont. The gentleman makes a very worthy and altogether proper allusion to the amendment which the Committee on Military Affairs has prepared, which affords me the opportunity to say that jurisdiction concerning such matters as this, under the rules of the House belongs to the Committee on Military Affairs and is not a part of the province of the Committee on Appropriations, which simply brings us along to another milestone on the highway of busted rules, that is all. [Laughter.]

Mr. CHALMERS. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Ohio.

Mr. CHALMERS. I want to say that I have very little faith in the War Department as a selling agency, and that you can not change the personnel of that agency by changing the Secretary. When we had this bill up before I pointed out a particular case where a truck was sold near Baltimore for $150 and moved the next day to Baltimore and sold for $1,500. Now, the difficulty is with the men who determine that this property is surplus property. It is always some one away down the line. It is not the Secretary of War.

Mr. REAVIS. He never hears of it.

Mr. CHALMERS. It is some one down the line. The difficulty is that they can declare property surplus and make a profit on it. So I think, with the gentleman from Illinois [Mr. GRAHAM] that this is too broad a general power conferred both for the present and for the future, and that we should limit it.

Mr. REAVIS. The gentleman is absolutely right.

Mr. PARKER of New Jersey. Mr. Speaker, I want to point out to the gentleman from Kansas [Mr. ANTHONY] that in this amendment of the Senate it refers to any matériel, supplies, or equipment pertaining to the Military Establishment, and this is to be sold to any foreign power. It is an awfully dangerous thing. Matériel means everything, except arms, pertaining to the transportation, supplies, and equipment of the soldier. It would allow any foreign nation that was at war to be supplied at the discretion of the Secretary of War with military matériel which was never intended should be done. The War Department came before us and said that what they wanted to do was to sell food which would spoil, and we agreed that that should be done, and we so amended the resolution. I can not see the justice or the right in an appropriation bill giving power to sell any matériel belonging to the United States to foreign countries and thus preferring one foreign country over another in getting hold of matériel they could use. Military matériel is not intended to be given to foreign countries. I ask the gentleman again if he will not consent to an amendment to recede from the Senate amendment with an amendment as desired by the Committee on Military Affairs.

Mr. ANTHONY. We thought we could get a few million dollars into the Treasury which are badly needed for a lot of stuff that is probably junk and has been declared surplus by the War Department.

Mr. PARKER of New Jersey. But you are giving that matériel to foreign countries.

Mr. ANTHONY. I would just as soon sell to a foreign country as anybody else.

Mr. PARRISH. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Texas.

Mr. PARRISH. I would like to ask the chairman of the committee how the Secretary of War is going to determine whether there is or is not an adequate market. Can he do it by advertising in quantities, large quantities or small quantities? It seems to me that there is a great deal of power and discretion left to the Secretary of War which might be abused.

Mr. ANTHONY. I think the present sales method in the department is testing out every possible market in the country, and if there is a market they will be quite sure of finding it.

Mr. PARRISH. By advertising?

Mr. ANTHONY. Our investigations show that they were spending too much money in advertising, but with the general falling markets of the last year it has been exceedingly difficult to move anything.

Mr. McKENZIE. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McKENZIE. I want to suggest to the gentleman from Kansas that I believe the amendment offered by the gentleman from New Jersey [Mr. PARKER] ought to be adopted, because I think the proposition as it now stands is too wide. [Applause.] We have not forgotten, especially those of us who were present, that at the close of the war the packers came down from Chicago and went to the Secretary of War and protested against the sale in this country of any of the meat that was not needed, but that it should all be sold in foreign countries, and how the automobile dealers protested that any surplus should not be sold here.

Mr. ANTHONY. What we are trying to do is to enlarge the power of the Secretary of War, and the gentleman by refusing the amendment is trying to narrow it. We want to get the stuff out from the possession of the War Department and on the market.

Mr. McKENZIE. Oh, any of these men in the sales department will go to the Secretary of War and say that there is no adequate market.

Mr. ANTHONY. I am willing to trust John Weeks——

Mr. McKENZIE. I am willing to trust John Weeks, but I do not trust the men in the sales department.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. KAHN. The gentleman from Kansas refers to the fact that we need money in the Treasury, and that is why he is going to sell the material abroad. I would like to ask him how much money the foreign Governments have paid us for any material that they have bought?

Mr. ANTHONY. It is my information that much of this material will go to South America, and if that is true, South America's credit is pretty good at this time.

Mr. KAHN. Foreign Governments have been dealing with us, and they have given us promissory notes and not cash.

Mr. ANTHONY. I will tell you, we have got a good Yankee at the head of the War Department who can be depended upon to drive a good business bargain.

Mr. RAKER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. RAKER. May I ask the gentleman if this provision will allow the War Department to dispose of property now lying down at Norfolk in the open, which can only be used by the foreign Governments?

Mr. ANTHONY. I do not know to what property the gentleman refers.

Mr. RAKER. To railroad cars, trucks, wheels, and everything of that kind. I suppose there is half a million dollars' worth of property lying there in the open.

Mr. ANTHONY. And we have no adequate market for it in this country.

Mr. RAKER. It is going to waste, and we ought to sell the property.

Mr. GREENE of Vermont. Will the gentleman from California yield?

Mr. RAKER. I will.

Mr. GREENE of Vermont. If the rules of the House were being observed in this matter, and if a legislative policy like this was still being considered and determined by the Committee on Military Affairs, where it belongs, the gentleman could get the information he has asked for.

Mr. ANTHONY. I want to state for the benefit of the gentleman from Vermont that the rules of the House are being observed in bringing the item back to the House for separate consideration and a vote.

Mr. GREENE of Vermont. It is a rule that enables the House to commit suicide in another way, if the first poison does not take. [Laughter.]

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McLAUGHLIN of Michigan. I doubt the wisdom of this amendment carried in the bill put in by the Senate, the adoption of which is urged by the chairman of the committee. A few days ago the Director of the Vocational Education Bureau was before the Committee on Agriculture and the matter of supplies for that bureau came up. He stated that his bureau had made careful examination of supplies of all kinds and surplus of supplies on hand and owned by the War Department, and it was found that vast quantities of supplies, goods, and wares of various kinds that the bureau is now sadly in need of are among the stores of the War Department and have been declared surplus. Application had been made to the War Department to have some of these much-needed things turned over to the bureau, but the War Department refused, saying that it was going to advertise them for sale. Our committee asked the director to give an estimate of the value of those things which he could use, and if they were refused to him by the War Department that it would be absolutely necessary for him later to buy. He said the value had been estimated by the bureau at many hundreds of thousands of dollars—I think he said $2,000,000—of property that the Vocational Bureau could use and needs. The result is that on account of red tape between the War Department and the Vocational Bureau the department was unable, at least refused, to turn over the supplies.

We all know the experience of our War Department in the matter of advertising war supplies for sale, and we know something of the results that have been reached as far as receipts of sales is concerned, to say nothing of disgrace and scandal connected with such transactions. We all know the property will go for a song. Millions of dollars will be lost to the Government, while the Bureau of Vocational Education will be deprived of the opportunity of getting, and getting at once, supplies that it is in urgent need of. The amendment here approved by the gentleman from Kansas [Mr. ANTHONY] will permit the War Department to sell all of this stuff, preferably to foreign countries, regardless of prices offered for it. I think the provision is very unwise.

Mr. ANTHONY. Mr. Speaker, I can not yield any longer to the gentleman.

Mr. McLAUGHLIN of Michigan. I yield.

Mr. ANTHONY. But the gentleman is not yielding to me. I have been very liberal in yielding to the gentleman.

Mr. McLAUGHLIN of Michigan. Oh, I thank the gentleman. Perhaps there ought to be more here to see how gracious the gentleman from Kansas is, so I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Michigan makes the point of order that there is no quorum present. The

Chair will count. [After counting.] One hundred and fifty-one Members are present, not a quorum.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Fairfield	Larson, Minn.	Rouse
Bacharach	Favrot	Lee, N. Y.	Rucker
Bell	Fields	Lufkin	Sanders, N. Y.
Benham	Fisher	McFadden	Schall
Bixler	Freeman	MacGregor	Sears
Blakeney	Funk	Mann	Shaw
Bland, Ind.	Gallivan	Mead	Shelton
Bond	Good	Merritt	Shreve
Browne, Wis.	Gould	Mills	Siegel
Burdick	Graham, Pa.	Mondell	Snell
Burroughs	Griest	Moore, Ill.	Snyder
Butler	Griffin	Moore, Va.	Stedman
Byrnes, S. C.	Hawley	Morin	Steenerson
Campbell, Kans.	Hays	Mott	Stiness
Carew	Hicks	O'Brien	Stoll
Chandler, N. Y.	Himes	Oliver	Strong, Pa.
Chandler, Okla.	Houghton	Overstreet	Sullivan
Clark, Fla.	Hudspeth	Paige	Tague
Cockran	Husted	Parker, N. Y.	Taylor, Ark.
Codd	Hutchinson	Perkins	Taylor, Colo.
Cole	Ireland	Perlman	Ten Eyck
Cooper, Ohio	James, Va.	Peters	Treadway
Copley	Johnson, S. Dak.	Petersen	Vaile
Coughlin	Jones, Pa.	Rainey, Ala.	Vare
Cramton	Kelly, Pa.	Rayburn	Volk
Cullen	Kennedy	Reavis	Ward, N. Y.
Darrow	Kindred	Reed, N. Y.	Wheeler
Deal	Kitchin	Reed, W. Va.	Wise
Dempsey	Knight	Riddick	Wood, Ind.
Dunn	Kreider	Riordan	Yates
Evans	Langley	Rossdale	

The SPEAKER pro tempore. On this call 307 Members have answered to their names, a quorum.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. I desire to ask the gentleman a question or two in respect to this amendment. The amendment provides:

That the Secretary of War is authorized, in his discretion, to sell to any foreign State or Government, upon such terms as he may deem expedient, any material, supplies, or equipment pertaining to the Military Establishment as or may hereafter be found to be surplus, which are not needed for military purposes, and for which there is no adequate domestic market.

Now, has the expression "Military Establishment" been construed? Does it not include both the War Department and the Navy Department?

Mr. ANTHONY. I think not. I think as used in this connection it refers to the War Department.

Mr. COOPER of Wisconsin. But our Military Establishment does certainly include the Navy Department. The War Department is not the only element of our Military Establishment.

Mr. ANTHONY. In all legislation with which I am familiar that term refers to the Army when we use the term "military."

Mr. COOPER of Wisconsin. Then it ought to be so definitely expressed, and instead of "Military Establishment," it should be "War Department."

Mr. ANTHONY. In all of our legislation in organizing the Army we used the term "Military Establishment" in referring to the Army.

Mr. COOPER of Wisconsin. What part of the Government service is the Navy Department?

Mr. ANTHONY. That which pertains to the Navy and the Marine Corps.

Mr. COOPER of Wisconsin. But is not that a part of our Military Establishment?

Mr. ANTHONY. In a larger sense the gentleman is correct.

Mr. COOPER of Wisconsin. Then would not this amendment give the Secretary of War power to sell material belonging to the Navy Department?

Mr. ANTHONY. I think not, as it has been construed.

Mr. COOPER of Wisconsin. This would give the Secretary of War power to sell "any material," which would, of course, include war material—rifles, guns, and powder——

Mr. ANTHONY. Yes; that which has been declared surplus by the War Department.

Mr. COOPER of Wisconsin. It would include guns, rifles, powder, shells, of which they have more than they need.

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. In other words, this would permit the Secretary of War, in his discretion, to sell some of our surplus rifles, powder, shot, and shells, for example, to the Government of Germany or to the Government of Poland?

Mr. ANTHONY. None of the material of the kind the gentleman speaks of has been declared surplus.

Mr. COOPER of Wisconsin. No; but this amendment expressly includes all war material and equipment that may hereafter be declared surplus, and what shall be declared surplus, and when, is all left to the discretion of the Secretary of War.

Mr. ANTHONY. Our trouble is to get them to declare material surplus.

Mr. COOPER of Wisconsin. That does not meet the point. The gentleman says that none of the rifles, of which we have a great many more hundreds of thousands than to-day we have any need for, have been declared surplus; but this amendment includes not only such rifles, powder, shot, shells, military material or equipment as have already been declared surplus, but also all that may at any time hereafter be found to be surplus. In other words, at any time in the future, if this should become a law, the Secretary of War could find any of those things that we have on hand to be surplus. We have several million rifles, as I understand it, and a great quantity of powder, more of each than we will need for an Army of 150,000. There is no prospect of war. Very much of that material would immediately, of course, become surplus in the sound judgment of anyone.

Now, it is permissible for private citizens to sell war material to a foreign Government even though that Government be at war; but when a Government sells war material to a foreign Government at war, then, as I have said, the neutral Government selling such material becomes itself at once, in international law, a party to the war. This amendment puts no restrictions whatever upon the Secretary. Everything is left absolutely to him to sell to any foreign Government—to Poland or England or Germany or to Mexico. To me this is a power that ought not to be granted to any man even though, as the gentleman from Kansas remarked a few moments ago, the Secretary of War is a Yankee and a man of sound business judgment. I know him well and would not impute anything which could in anywise be considered as a reflection upon his acknowledged ability or patriotism, but in my judgment no such authority ought to be lodged in any man.

Mr. ANTHONY. Will the gentleman yield right there?

Mr. COOPER of Wisconsin. Yes.

Mr. ANTHONY. I think the House ought to know what it is doing, and I want to remind the gentleman that there is now on the statute books a law which gives the War Department much wider authority for the sale of these surplus articles than we are trying to give here.

Mr. COOPER of Wisconsin. Then why has the gentleman incorporated this provision if there is already wider authority?

Mr. ANTHONY. We are trying to limit this authority to those cases where an adequate market can not be found in this country.

Mr. COOPER of Wisconsin. Is there any adequate market for a million rifles in this country? That is not what I have been discussing.

Mr. ANTHONY. He could not sell them if the War Department does not want to sell them.

Mr. COOPER of Wisconsin. He could in his discretion sell those rifles to any continental European power.

Mr. ANTHONY. But they have not been declared surplus.

Mr. COOPER of Wisconsin. But they may at any time hereafter be declared surplus.

Mr. ANTHONY. Well, the War Department would be crazy to declare them surplus.

Mr. COOPER of Wisconsin. And yet the gentleman proposes to give the power——

Mr. ANTHONY. We are limiting the power, I will tell the gentleman. If the gentleman will permit me to read the current law, which was reported in the current appropriation bill from the Committee on Military Affairs, many gentlemen of which to-day are complaining against this provision which tries to limit the power which those gentlemen gave the Secretary of War:

The Secretary of War is hereby authorized in his discretion to sell to any State or foreign Government with which the United States is at peace at the time of the passage of this act, upon such terms as he may deem expedient, any Army supplies or equipment pertaining to the Military Establishment, except foodstuffs, as or may be hereafter found to be surplus, which are not needed for military purposes and for which there is no adequate domestic market.

The word "hereafter" makes it permanent law. Now, we are trying to limit the authority in this case to where the adequate market can not be found here, and some gentlemen are protesting against the proposition and by defeating this amendment you are throwing it wide open and leaving that act in force.

Mr. COOPER of Wisconsin. He has power now to declare a surplus.

Mr. ANTHONY. But if the House defeats the amendment on this bill it simply continues this wide-open authority.

Mr. COOPER of Wisconsin. May I have two or three minutes?

Mr. ANTHONY. I will yield the gentleman five minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, with all respect to the distinguished gentleman from Kansas, the objection to this amendment seems to me too plain to need argument. The question is not what Secretary Weeks would do nor what we should expect any other Secretary of War of good judgment to do. The question is not what a Secretary ought to do but what a Secretary can do if this amendment becomes law. Suppose Secretary of War Weeks should pass away and somebody else take his place. What would the next Secretary of War do? He, too, would have power in his discretion not only to declare a surplus, for example, of 500,000 or more rifles and 100,000 pounds of gunpowder and quantities of any other war material and equipment, but this amendment would also authorize him to sell all this war material and equipment to any foreign Government. Mark that language.

Our Government—not private individuals, but our Government—is to sell war material, supplies, and equipment to "any foreign government."

The gentleman from Kansas directs attention to the words "for which there is no adequate domestic market." But those words in the original act, to which he refers, apply, of course, only to foodstuffs and other articles of like character. They certainly can not mean a domestic market for cannon and rifles and shot and shell.

Mr. Speaker, should this Government, through one of its departmental officials authorized by law, sell war materials to a government at war, it would itself, in international law, become a party to the war.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. COOPER of Wisconsin. We propose to reduce the Army to only 150,000 men. Gentlemen can not deny that this amendment would give any Secretary of War the power to-morrow to declare a surplus of 500,000 rifles and to sell these rifles to any other Government. He is in plain, unqualified terms to be given that authority. Gentlemen simply rely upon his good judgment. But, as lawmakers for the Nation, we have no right in a matter of such tremendous possibilities as this to rely wholly on the discretion of an executive officer.

Mr. KAHN. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. KAHN. The gentleman is aware that the Army reorganization bill provides for the National Guard, the maximum of which shall be 800 men in every congressional district. Now, then, when that National Guard comes into being, and I am told that they are gradually enlisting, you will have use for every rifle that is available.

Mr. COOPER of Wisconsin. I am very glad the gentleman from California made that statement, because it completely refutes his argument for a bigger Army. If we are to have an Army of 400,000——

Mr. KAHN. Oh, no.

Mr. COOPER of Wisconsin. It absolutely does. The gentleman's statement that we will have a National Guard of upward of 400,000 men, with all the arms they need, does utterly refute all this attempt to show the necessity for a Regular Army of 175,000. I am very glad he interposed the objection.

Mr. KAHN. I will answer the gentleman in my time.

Mr. GREENE of Vermont. The gentleman says that under the authority contained by this proposed amendment, the Secretary of War will be authorized to sell material of war to a nation that is then at war with some other nation?

Mr. COOPER of Wisconsin. Or getting ready for war.

Mr. GREENE of Vermont. And this country would then become a party to that war?

Mr. COOPER of Wisconsin. If the purchaser were at war, that would be the result.

Mr. GREENE of Vermont. That is international law?

Mr. COOPER of Wisconsin. Yes.

Mr. GREENE of Vermont. Does not the gentleman apprehend that any Secretary of War who by such an act would make us a party to such war could be impeached?

Mr. COOPER of Wisconsin. Not at all. For this amendment would authorize him to sell to "any foreign Government." There is no restriction whatever. And if the Congress should give him such authority to sell he could not be impeached for doing a lawful act.

Mr. GREENE of Vermont. He might sell to our enemies. What would the gentleman say to that, then?

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas [Mr. ANTHONY] to recede and concur.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Speaker and gentlemen of the House, I want to emphasize what the gentleman from Michigan [Mr. MCLAUGHLIN] said a while ago in regard to a hearing before the Committee on Agriculture. Mr. Lambkin, who is the Director of the Vocational Educational Board, came before the Agricultural Committee on another matter and testified to a thing that is absolutely a revelation to me, and I think the House ought to know it. He says that there is to-day surplus property, declared surplus in the War Department, $2,000,000 worth of stuff, that the Vocational Educational Board is in dire need of; stuff that the War Department is going to sell on the market; that he has been to the Secretary of War; that he has been to the Military Committees of the House and the Senate, calling their attention to this fact, and yet the War Department is going to sell the property. And Mr. Lambkin says that when this $2,000,000 worth of stuff is sold on the open market it will not bring 20 cents on the dollar; and he says further that the National Vocational Board is so much in need of that identical kind of property that he is going to be compelled to go out and buy $2,000,000 worth of this stuff in the open market at 100 cents on the dollar.

Mr. ALMON. Did he indicate the nature and character of it?

Mr. KINCHELOE. He did not. He said it was the exact stuff the board wanted. I can not understand why Congress can not function so as to control the War Department of this Government. It seems to me that when a man becomes Secretary of War, whether he is a Democrat or Republican, in some hypnotic way somebody down there ties him up so that he soon becomes the worst autocrat in the country. Here are these boys with empty pant legs and empty sleeves by reason of the sacrifices they made in defense of the country, now in training in the vocational educational schools throughout the land, who are in dire need of this stuff, $2,000,000 worth, and yet the War Department sits autocratically and declares the stuff surplus and is going to sell it at a price that will not bring 20 cents on the dollar, which will be $400,000, while they have to go out in the open market and pay 100 cents on the dollar for the identical stuff, making an extra burden on the taxpayers of this country for those items alone of $1,600,000. For what? In order to bring the necessary supplies to these poor, helpless boys that are in these vocational educational training places, boys that have been diseased and maimed and wounded because they offered to sacrifice their lives to the country.

And here Congress sits, and somehow, some way, ceases to function, and lets the Secretary of War, at a loss of 80 cents on the dollar, sell this stuff in the open market. That is the situation, as Mr. Lambkin says. I say it is not only a great injustice to, and a lack of appreciation for, these brave boys but a crime against the taxpayers of this country, and I want the Secretary of War to know it.

Mr. J. M. NELSON. Is it the purpose of the War Department to hold it for sale in order to get that sum of money?

Mr. KINCHELOE. Absolutely not. Mr. Lambkin testified that it was already declared surplus. Then I asked him how much it would bring in the market, and he said that it would not bring over 20 cents on the dollar. And then he said, in reply to a question either by myself or some one else:

> We need every dollar's worth of it, and we have got to go out in the market and buy it at 100 cents on the dollar unless we can get this.

Mr. DAVIS of Tennessee. In this connection I want to state that after this bill passed the House before and was amended so as to make it optional with the War Department as to whether they should sell to the public, or deliver to the Agricultural Department certain equipment to be distributed among the States for road construction, an official in the department told me that they would not get a particle of it, because they would not deliver any of it to them.

Mr. KINCHELOE. Yes; that is bad enough; but here are these poor boys in dire need of the stuff, and they need it now. Mr. Lambkin says he has been to the Secretary of War and to the various committees and wants them to do something about it, and I think it is a crime to the country and to these boys that the Secretary of War does not turn it over, because he could get the authority of Congress any day he would ask for it, and he knows it.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired. The question is on agreeing to the motion of the gentleman from Kansas [Mr. ANTHONY].

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman from Kansas allow my motion to be reported?

Mr. ANTHONY. I will state that so far as I am concerned, and so far as the other members of the committee are concerned, we have no disposition to try to crowd anything over the wishes of the House. If I were satisfied that it was the desire of the House to limit the sale of these food products to foreign countries, which I understand is the purport of the gentleman's motion, I would be glad to see the change made.

Mr. PARKER of New Jersey. Will the gentleman allow it to be reported by the Clerk, so that it can come before the House? It was not reported before because I did not get the floor.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I yield three minutes to the gentleman from Wyoming.

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Mr. Speaker, it is not wise ordinarily to place permanent legislation upon an appropriation bill, and it should not be done unless there is unquestioned necessity, unless it is a matter the wisdom of which is beyond question, and unless it is in the nature of an emergency. The provision on this bill is permanent legislation.

Mr. ANTHONY. If the gentleman will yield, I will state that there is already permanent legislation. Practically the same language is carried on the appropriation bill by the use of the word "hereafter." It is already permanent legislation.

Mr. MONDELL. If that is so, then so much worse for the current appropriation bill, whatever it is. It is very, very doubtful whether it is wise to authorize the Secretary of War for all time, in his discretion, to sell to foreign governments, on such terms as he may deem expedient, any or all material or supplies or equipment pertaining to the Military Establishment found to be surplus. It is an extraordinary authority, questionable under any circumstances. If we are to do it at all, it should only be done after a very careful consideration, and on a bill debated as legislative bills are and should be.

Now, my understanding is that what is sought to be accomplished is the sale of certain foodstuffs. Is not that true? Does anyone deny that?

Mr. ANTHONY. Yes. They desire to have the power to sell any surplus material.

Mr. MONDELL. Oh, I can understand what the War Department may desire the power to do. The War Department would like to have the power to do almost anything and almost everything. [Applause.] It is quite another question as to whether we should give them authority to do it. I do not say that this might not be approved by the House as a legislative matter, if brought in in the usual way and discussed as a legislative matter. But there is no necessity for doing it now. This is not the way to legislate. [Applause.] It is very doubtful whether this ought to be done.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. KAHN. The War Department came before the Committee on Military Affairs and offered such a bill, but it was limited altogether to surplus foodstuffs.

Mr. MONDELL. If we take care of the present emergencies, the present situation, the present requirements, we shall do all that it is our duty to do.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Speaker, I ask that I may have one minute more.

The SPEAKER pro tempore. The gentleman from Kansas has control of the time.

Mr. ANTHONY. Mr. Speaker, I yield to the gentleman an additional minute.

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for one additional minute.

Mr. MONDELL. I think it would be the part of wisdom for the gentleman from Kansas, with whom we generally agree, who is generally right, and whom I always desire to follow, in this case to accept the judgment of the Committee on Military Affairs, which after all is the committee that ought to decide these questions. It is within their domain and within their jurisdiction. It is their affair. They ought to have the right to say how we shall legislate on a subject of this kind, and their amendment does all that it is necessary to do. It may not do all that the War Department wants to have done, but it does all that it is necessary to do in the public interest. [Applause.]

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. HARRISON].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for two minutes.

Mr. HARRISON. Mr. Speaker, this is no new question at all; it is no new provision in the law. At the last session of Congress, the Sixty-sixth Congress enacted into law, at the instance of the Committee on Military Affairs, almost identically the same statute. That is now on the statute books, and the only difference between the proposition now before the House and the law that is now in force is that it embraces foodstuffs.

Here is the statute passed by the Sixty-sixth Congress, at the instance of the Committee on Military Affairs, and it is now the statute law:

Provided further, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell to any State or foreign government with which the United States is at peace at the time of the passage of this act, upon such terms as he may deem expedient, any materiel, supplies, or equipment pertaining to the Military Establishment, except foodstuffs, as, or may hereafter be found to be surplus, which are not needed for military purposes and for which there is no adequate domestic market.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman give me a minute?

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas, to recede and concur.

Mr. ANTHONY. Mr. Speaker, I desire to let the gentleman from New Jersey have an opportunity to present his amendment.

The SPEAKER pro tempore. Does the gentleman from Kansas yield, to let the gentleman from New Jersey have an opportunity to present his amendment, so that the amendment may be reported for the information of the House?

Mr. PARKER of New Jersey. To be reported as a motion.

The SPEAKER pro tempore. Does the gentleman from Kansas yield for that purpose?

Mr. ANTHONY. Yes; not to lose the floor, however.

The SPEAKER pro tempore. The gentleman from Kansas will lose the floor if he yields for that purpose.

Mr. STAFFORD. Mr. Speaker, before the Chair rules, I think the Chair will find that while the gentleman loses the floor, he still retains the right to move the previous question at any time.

Mr. PARKER of New Jersey. I do not want to take that right away from the gentleman from Kansas. I only want my motion to be considered.

The SPEAKER pro tempore. The Chair has stated that the gentleman from Kansas will lose the floor if he yields to the gentleman from New Jersey to offer an amendment. The gentleman from Kansas has three minutes. He will lose those three minutes if he yields the floor.

Mr. PARKER of New Jersey. I ask him just to allow me to offer the motion.

Mr. CAMPBELL of Kansas. Mr. Speaker, if it could be arranged with the gentleman from New Jersey to offer his amendment under a restriction, that might be done, but if he is yielded to to offer his amendment he acquires the floor for an hour.

Mr. PARKER of New Jersey. I do not wish it.

Mr. ANTHONY. I ask unanimous consent, Mr. Speaker, that the gentleman from New Jersey may be permitted to offer his amendment, and have the House vote upon it without my losing the floor, without debate.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the amendment of the gentleman from New Jersey may be offered and voted upon without debate. Is there objection?

There was no objection.

The SPEAKER pro tempore. The clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Mr. PARKER of New Jersey moves to recede from the Senate amendment numbered 3 and concur with an amendment as follows: Strike out said Senate amendment and insert the following:

"*Provided further*, That the Secretary of War is hereby authorized, in his discretion, to sell to any foreign State or Government with which the United States is at peace, upon such terms as he may deem expedient,

any foodstuffs now on hand and found to be surplus which are not needed for military purposes, or which are likely to spoil, and for which there is no adequate domestic market."

The SPEAKER pro tempore. The question is upon the motion of the gentleman from New Jersey [Mr. PARKER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Amendment numbered 9: Page 16, in line 6, after the words "reserve corps," insert: "*Provided further*, That pay and allowances of such additional officers of the Medical Reserve Corps as are required to supplement the like officers of the Regular Army in the care of beneficiaries of the Bureau of War Risk Insurance treated in Army hospitals may be paid from the funds allotted to the War Department by that bureau under existing law."

Mr. ANTHONY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The gentleman from Kansas offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and agree to the same with an amendment as follows: After the word "officers," where it occurs in lines 2 and 4 of the matter inserted by said amendment, insert the words "and nurses."

Mr. ANTHONY. Mr. Speaker, there is room in the Regular Army hospitals for about 4,000 patients of the War Risk Bureau. It is proposed that these men shall have the privilege of treatment in these Regular Army hospitals. This language will give the Surgeon General the authority to put on active duty medical officers who are members of the Army Reserve, and nurses who are members of the reserve, or civilian nurses, and to pay for them out of moneys which have been appropriated by Congress and allotted to the War Department by that bureau under existing law.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Illinois.

Mr. McKENZIE. Does not the gentleman understand that if the Army is reduced to 150,000 we will have a very large surplus of medical officers in the Regular Establishment?

Mr. ANTHONY. Yes.

Mr. McKENZIE. And is it not true that those officers could be assigned to this character of duty?

Mr. ANTHONY. There will be about 150 medical officers in excess of the number authorized by law.

Mr. McKENZIE. Yes. Is the gentleman certain that this provision here will not impose needless expense on the Government by the calling in of reserve medical men when there are plenty of regular medical officers to do the work?

Mr. ANTHONY. No; the regulars would not be utilized by the Bureau of War Risk. The purpose of the language is this: It permits the Surgeon General to designate his own men to take care of these war-risk patients and to designate his own nurses, instead of having another bureau send their own employees into the Regular Army hospitals, which would result in conflict, as some employees would be under the control of the War Department and some under the Bureau of War Risk.

Mr. McKENZIE. I am asking for information.

Mr. ANTHONY. I know that.

Mr. McKENZIE. Does it not, however, open the door for putting on the pay roll of the Government reserve medical officers when at the same time we will probably have a surplus of 150 or 200 medical officers holding permanent commissions in the Regular Army?

Mr. ANTHONY. They desire these reserve officers for immediate use. The War Department takes the position that by the time the Army was reduced to 150,000 these surplus medical officers having been assigned to duty all over the world, it would take months to pull them in here to the hospitals.

Mr. McKENZIE. I understand that, but I want to know from the gentleman from Kansas if he is not satisfied in his own mind that while we are calling in reserve medical officers to go into these hospitals there are Regular Army officers holding commissions in the Regular Army who are off somewhere on vacation or held as surplus?

Mr. ANTHONY. I agree with the gentleman. I think that a large number of medical officers could be found to do this work if there were any way of compelling the War Department to withdraw them from the duties to which they are now assigned and to assign them to these duties; but the committee has no power to direct the specific assignment of particular officers.

Mr. McKENZIE. I want to ask the gentleman one other question in connection with this matter. If we did not appropriate the money they would have to withdraw them?

Mr. ANTHONY. The money is already appropriated.

Mr. McKENZIE. I notice in this Senate amendment it is provided that five reserve officers may be called into the Judge Advocate General's Department.

Mr. ANTHONY. Three. We compromised on three.

Mr. McKENZIE. Three. If I remember anything with great distinctness I remember the fact that when we were pressing the reorganization bill we felt that we were giving to the Judge Advocate General's Department more in proportion, perhaps, than to any other department in the Military Establishment. I can not understand now why it is necessary, especially when this bill before us provides for a number of civilian lawyers to handle the business of the War Department, that it is necessary to call in reserve officers.

Mr. ANTHONY. If the gentleman will recall, the House committee refused to give authority to the Secretary of War to retain five officers in the Judge Advocate General's Corps. The Senate insisted that there was a necessity for giving them such permission. We finally agreed to retain three on duty. The reason given was that in the settlement of all the outstanding claims of the Army in France there was not included in that settlement any provision for taking care of the admiralty claims. The French Government agreed to take care of all claims against our Army pertaining to military operations in France, but for some reason they left open a loophole for the French Government to say that they were under no obligations to take care of the admiralty claims that resulted largely from collisions between our ships and other ships in French ports.

These claims amount to over half a million; the gentleman from California says $900,000. They still remain to be adjusted. The officers of the old emergency army now in the reserve corps of the Judge Advocate's department are working on these claims, and the 1st of July will find them still unadjusted. We thought by allowing three men to work on the claims it would be a good business proposition.

Mr. McKENZIE. I will state that the Committee on Military Affairs has recently reported a bill authorizing the settlement of these admiralty claims. Of course, when we reported the bill we had men there capable of handling it.

Mr. ANTHONY. The War Department has the authority to settle them, but the question is whether you permit the same officers to work on them after July 1 that are now at work on them.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman.

Mr. GREENE of Vermont. Like a lawmaker of ancient days who tailed up every speech of his by the same sentiment, I want to say that Carthage must be destroyed. The Appropriations Committee must keep to its jurisdiction and let matters of legislative policy alone. I want to say that this was a question of military policy which once lay in the jurisdiction of the committee that gave up its whole congressional experience for the determination of such questions—whether reserve officers should work with the Regular Establishment; and if so, where and under what conditions? Carthage must be destroyed, and the rule must be lived up to or abandoned.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COOPER of Wisconsin. I would like to ask if the gentleman does not think that the language of lines 9, 10, and 11 ought to be transposed to make it read accurately—"may be paid from the funds allotted to the War Department by the bureau under existing law"? Should it not read "may be paid by that bureau from funds allotted to the War Department under existing law"?

Mr. ANTHONY. No; the money is already appropriated by Congress, and the War Risk Bureau is empowered to transfer these funds to various other departments of the Government.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas to concur with an amendment.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: Page 16, line 20, strike out the figures "$72,678,659" and insert "$81,000,000."

Mr. ANTHONY. Mr. Speaker, I offer the following motion.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to Senate amendment No. 10, and agree to the same with an amendment as follows:

In lieu of the sum proposed by the Senate amendment insert the sum of "$77,741,370."

Mr. SISSON. Mr. Speaker, I would like to ask the gentleman from Kansas if it might not be a good thing to have an agreement as to time?

Mr. ANTHONY. I have an hour to yield. Is there any demand for more time?

Mr. GARRETT of Tennessee rose.

Mr. ANTHONY. Does the gentleman from Tennessee desire time on this amendment?

Mr. GARRETT of Tennessee. I desire 10 minutes.

Mr. ANTHONY. I yield to the gentleman from Tennessee 10 minutes.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KAHN. Would it be proper to now offer a preferential motion?

The SPEAKER pro tempore. The gentleman is entitled to offer such a motion.

Mr. KAHN. Mr. Speaker, I offer the following preferential motion, that the House recede from its disagreement to Senate amendment and agree to the same.

Mr. GARRETT of Tennessee. I make the point of order that that is not a preferential motion.

The SPEAKER pro tempore. The gentleman from California offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. KAHN moves that the House recede from its disagreement to Senate amendment No. 10 and agree to the same.

Mr. GARRETT of Tennessee. I make the point of order that that is not a preferential motion to the one offered by the gentleman from Kansas. Under the uniform practice of the House a motion to recede and concur with an amendment will take precedence over a motion to recede and concur.

The SPEAKER pro tempore. The Chair would state that the rulings are to the effect that the stage of disagreement having been reached, as would appear to be the case here in this instance, a motion to recede and concur takes precedence over a motion to recede and concur with an amendment. The Chair, following that precedent, will overrule the gentleman's point of order. The gentleman from Tennessee is recognized for 10 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I am opposed to both of the motions. I think the House ought to understand the situation in which we find ourselves on this question. A few weeks ago, by a vote of 193 to 158, as I remember it, this House went upon record not only in favor of an Army not to exceed 150,000 men for the next fiscal year, but confined the appropriation to the amount necessary to support such an Army. Gentlemen who have the impression that the action of the Senate in agreeing to 150,000 men, without more, makes an Army of 150,000 men for the next fiscal year are laboring under a delusion that the people of this country will not labor under very long when they learn what the result will be.

It is stated here that it is not proposed to have this Army reduced to 150,000, if the War Department can have its way, earlier than the 1st of May next year, and the appropriation is included in this bill to continue an Army exceeding 150,000 men up until that time, and after that time it will not be below 150,000. So those who are proposing to support the Senate action and reverse the decision of the House made just a few weeks ago need not deceive themselves with the idea that they are voting for an Army of 150,000. I do not know how big an Army you are voting for. You start in with an Army, I believe gentlemen say, of some 220,000 now. It will not have to be decreased under this bill until the very last day of the next fiscal year. If the War Department chooses to exercise its authority to hold men in and not enforce the intent of Congress, as expressed in the provisions of the law, they can go on keeping an Army up to the limit provided in the $81,000,000 in which the gentleman from California [Mr. KAHN] wants to concur, or the $77,000,000 which the gentleman from Kansas [Mr. ANTHONY] wants the House to adopt.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. McLAUGHLIN of Michigan. Does the gentleman have in mind the very effective means by which the Secretary of War is going to reduce the Army? He is going to communicate with the commanding officers, so the chairman of the subcommittee tells us, and ask them how many men they are willing to let go. [Laughter.]

Mr. GARRETT of Tennessee. Yes. Mr. Speaker, what I am about to say is said without the slightest reflection upon the Secretary of War. I had the honor of service with the gentleman in the House of Representatives, and I watched his career as a Senator. He is an able man; but we know that the Secretary of War and the General Staff are not in sympathy with the position which this House has taken and which, in my judgment, is reflective of the sentiment of the country. The country is not interested in this matter of the reduction simply in order to make the difference between 150,000 and 175,000 because of any fear of the Army itself. They are not afraid that the country is going to the demnition bow wows, or that their liberties are endangered because you may have an Army of 168,000 men. They would be afraid of too large a standing Army, but they are not afraid of an Army of 175,000; but the people of this country are in favor of this reduction in order to get rid of a part of the burden of taxation. [Applause.] No man can safely predict that during the lifetime of this generation the annual budget of this country, moving along the lines of present expenditure, with the natural evolutions and developments, and without opening up a single new avenue, will amount to less than $4,500,000,000 to $5,000,000,000 unless somehow, some way, we can find a method of reducing the appropriations tremendously for the Army and the Navy. [Applause.]

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. I have just made a compilation of the figures involved in the appropriations made and those to be made for 1922, and they show the aggregate to be $3,700,000,000, including deficiencies.

Mr. GARRETT of Tennessee. Does that include interest?

Mr. MADDEN. That includes interest, sinking fund, allotments, pensions, and everything else that is involved in Government expenditures.

Mr. GARRETT of Tennessee. Mr. Speaker, I predict here and now that the gentleman will never realize that bright dream. The people of this country are tired of the burden of taxation. Here is an opportunity to at least relieve it to the extent of $9,000,000 by doing that which the House did before. We knew then all that we know now. There is not a single element that enters into this condition that confronts us now that was not before us when we voted before, unless it be the passage of the peace resolution the other day, and that, if it has any effect, ought to strengthen the position the House took at that time. I do not know whether gentlemen are ready to reverse themselves or not. The vote is very fresh. The facts were all before us then, just as they are now. If I am any judge of public sentiment, then the public sentiment of this country has been growing tremendously in the direction which the House then took, and was tending in that direction even at the time it took it.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. STAFFORD. Was it not the understanding, stated by the gentleman from South Carolina who opposed the amendment as to the amount of the appropriation for the pay of the Army, that it was predicated on the idea of having an Army of 150,000 men?

Mr. GARRETT of Tennessee. It was predicated upon the idea of having an Army not in excess of 150,000 men, and it was predicated upon going to 150,000 men just as quickly as possible, not leaving the possibility open of letting there be an Army of 185,000 or 175,000 men up to within two months of the close of the next fiscal year.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. We have 220,000 men in the Army now. Would the gentleman be in favor of discharging the entire 70,000 men on the 1st of July or the 30th of June next?

Mr. GARRETT of Tennessee. So far as I am concerned personally, yes. [Applause.] And I do not think the country would suffer in the slightest. What need have we for an Army under present conditions, will some gentleman tell me, of any 220,000 men? What danger now confronts us that necessitates this Army? What is it? If we are to have war, this is a mere handful.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Will the gentleman from Kansas give me three or four minutes?

Mr. ANTHONY. I yield the gentleman four minutes additional.

Mr. GARRETT of Tennessee. As I said in discussing this matter before, Congress is going to be in session practically all this year, and will meet again in December and will be in session long months. It will be here ready to meet any emergency that may arise. If the call of patriotism comes, this Congress has demonstrated again and again that it can lay

aside party divisions and wipe out the imaginary line that runs through the center aisle and stand shoulder to shoulder and meet all the requirements of the country overnight. [Applause.] We will do it again. The division here a few weeks ago was not along party lines; no partisan words were uttered in its discussion so far as I know, except here and there some one may have taken a fling at the former Secretary of War or a criticism of the present Secretary of War, but it was not then and is not now a party question. Republicans ought to be as much interested in relieving the people of this country of the heavy burdens of taxation as are the Democrats, and vice versa.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. GARRETT of Tennessee. I will.

Mr. BANKHEAD. The gentleman's advice, as I understand it, is to vote against both the motion of the gentleman from Kansas and the gentleman from California.

Mr. GARRETT of Tennessee. Correct; and stand upon what the House stood for on May 10 by a vote of 193 to 138. [Applause.] I yield back the remainder of the time.

Mr. ANTHONY. I yield 10 minutes to the gentleman from California [Mr. KAHN]. [Applause.]

Mr. KAHN. Mr. Speaker, I have seen repeatedly in this House conditions similar to the one we are confronted with at this time. When the national defense act came up before this House in 1916 and some of us tried to put preparedness provisions into the proposed law, Members arose, just as the gentleman from Tennessee [Mr. GARRETT] did, and asked, "Whom are you going to fight; whom are you getting ready for? There is no need to do this; there is no need to prepare." And yet within eight months we were in the World War. That war, by reason of our unpreparedness, in 19 months cost the taxpayers of this country in treasure alone $24,000,000,000. That does not take into consideration the lives of the men who were killed and who died from disease; it does not take into consideration the men who gave their limbs and their blood for their country; it does not take into consideration the hundreds of thousands of men who who have had their health impaired and who will be invalids during their whole life.

I have often said that if Congress had appropriated the enormous sum of $50,000,000 a year for preparedness, it would have taken this country 480 years to expend $24,000,000,000 which we had to expend in 19 months of war. It seems to me that in days of peace it is far better to keep our country measurably prepared by expending seven, eight, or even ten millions of dollars for preparedness than have to expend billions of dollars in war because we are unprepared. Now, I do not agree with the gentleman from Tennessee that things are as salubrious as he would have us believe. I do not want to discuss these matters, but the gentlemen of this House who keep informed as to problems that confront the American people to-day know that we are far from being out of the woods. I am not for a large Army. I think within a year perhaps we can come down to 150,000. God knows there is no Member of this House who is more desirous than I to come down to a reasonable Army, but I think it is unsafe to do it at the present time. I think these few million dollars you save will probably cost you a great deal more in the long run than that amount. If men will take the trouble to look at the reports of our Intelligence Service, they will see many problems that confront us, and I simply say to the House let us run along safely——

Mr. BLANTON. Will the distinguished gentleman from California yield?

Mr. KAHN. Let us take no chances. If the men are not needed, they will eventually be given their discharges; but until that can be definitely determined I think it unsafe to take a drastic, radical step at this time. I will yield to the gentleman.

Mr. BLANTON. Suppose we had had an Army of 200,000 trained men in the spring of 1917. Does not the gentleman know we would have spent $24,000,000,000, anyway?

Mr. KAHN. I do not think so.

Mr. BLANTON. Why, certainly we would.

Mr. KAHN. Well, that is the gentleman's opinion, and I do not always bow to the gentleman's opinion.

Mr. BLANTON. And neither do I do that of the distinguished gentleman from California.

Mr. KAHN. Now, I have always felt that if we had been prepared in 1914 when the World War broke out, there would have been no World War, because the Kaiser——

Mr. LITTLE. Will the gentleman yield for a question?

Mr. KAHN. I can not yield now; I have only 10 minutes, and I have a good many things to say—the Kaiser would never have taken a chance of this country probably going with the cobelligerents of this country. He had his set-to with us in Manila; he had had his set-to with us in Venezuela; and he found what the Americans were. If he had thought in his heart that we would go with the Allies against Germany, I seriously doubt whether there would have been a World War in 1914. But the war came, as I have said, and in 1917 we got into it. Now, the difference of 20,000 men is not a great one, so far as men and armies are concerned; but 20,000 trained men who can serve as a training cadre to drill the untrained men that will be called from our citizenry in case of war will be worth their weight in gold when war comes.

You want to remember always that it took us 13 months to get our first soldiers into the fighting line in the World War; that we were not ready to fight before that, and if we had not been fortunate in having France and England to hold the line while our men were getting ready the Lord only knows what we would have done. It is possible we may at some time get into a war when we will have no allies or cobelligerant nations to hold the line while we are getting ready.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. I ask unanimous consent that I be allowed to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, it appears that the gentleman from California [Mr. KAHN], with a few confidants that he seems to have, always has some hidden dangers that are going to envelop our country and make it necessary for a great standing Army. Gentlemen of the House, we ought to stand pat and vote against even giving one-quarter of a dollar more for the Army or the Navy than this House has. The Senate has seen proper to add more than $100,000,000 on the naval program. They come forward now with the pretense of standing with this House on the number of men in the Army, 150,000 men, and yet they put $81,000,000 as the pay of enlisted men instead of $72,000,000 that this House agreed to. And the gentleman from Kansas [Mr. ANTHONY] comes in with this conference report and proposes a motion here to increase that $5,000,000 more. It means, gentlemen, that the War Department will not reduce the number of enlisted men down to the 150,000 that this House by an overwhelming vote has stood for and that the American Senate, by a vote of reversal of 32 to 36, placed on at the other end of this Capitol.

Do we mean to be deceived by the motion the gentleman from Kansas is making? That is the crux of the whole business. Then every man who believes 150,000 men are ample—and I believe that is 50,000 more than we ought to have—should bear in mind when he goes to vote on this motion that he must vote against the motion the gentleman from Kansas has made here. I take it that nobody will pay any attention to the motion of my distinguished friend from California [Mr. KAHN]. [Applause and laughter.]

The American people are crying out on every hand to reduce this burden of taxation. The gentleman from California, two and one-half years after the armistice is signed, rises up and speaks for great preparations for some future war. Who is it that he is afraid of? Is it possible that he stands in with some of these great international financiers that are scalping the taxpayers of this country and are figuring on bringing on another war? Who is it that pays the taxes? When you come to the last analysis, it is the humble man in life, the great masses of common folks, that are bearing this heavy burden of taxation. The people who are riding in limousines are not suffering from it. I want to say to the gentleman from California [Mr. KAHN] that the newspapers bear the report that one of the necessities of life—sugar—is brought into this country and nets about 1.80 cents per pound. It comes in that cheap after paying the burden you put on it by the tariff. It comes here from Cuba at 4 cents a pound. But what are the people who are raising sugar in this country going to do, or the people who are raising cotton, or the people who are raising wheat, or all the farmers producing food and raiment, and all the laboring people of every kind producing output that will not pay the cost of production? What will the folks do who are on every hand crying that their wages be not reduced? What will the employers do who say they are compelled to reduce wages or shut down business? How will these farmers and laboring people of all kinds, as well as the employers of labor, be able to stand up under the increased load of taxes?

It is as clear as the noonday sun that if you keep up the great, big Army and Navy that are staring you in the face

now you are going to keep a continual burden of taxation on the backs of the people. You can not start the reduction at any better place than on this Army bill conference report that is before you. Vote down the motion of the gentleman. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Chairman and gentlemen of the House, I have but five minutes and I shall refuse to yield; and I ask unanimous consent to extend and revise my remarks. I want to publish a letter of the Secretary of War on this point—I will not have time to read it—in which he analyzes the situation and shows very conclusively if that amendment is agreed to it will cost this Government something like $9,000,000 more than if we agree to the Senate clause of $81,000,000.

Gentlemen of the House, you should realize this, that there is no question involved as to the size of the Army. That is agreed upon. It is about 150,000 men. The only question between the House conferees and the Senate conferees is a question of $4,000,000. That is a question of whether you are going to give the Army enough money to demobilize itself in an orderly, decent way, or whether you are going to so restrict it that it will be compelled to reduce the Army, and thereby break faith with the enlisted man.

Now, there is no one in this House who has been more severe in his criticism of the present General Staff of the Army than I. There is no one that has fought harder for a reduction in the Army than I. Every gentleman in this House knows it, and I say to you gentlemen to-day that if you sustain the House conferees and give the Army only $77,000,000, you slaughter all of that military policy that it has cost your Government hundreds of millions of dollars to build. Not only that, but you break faith with the enlisted man. You make the Government of the United States a piker; make it dishonest.

The enlisted man is entitled to some fair treatment, and I plead with you for him and not for the Army. He has his obligations. He has gone forth into foreign lands to defend you; he has come back home. He has gone home, and then has again reenlisted in the Army of the United States. And now for the mere matter of $4,000,000 you are going to break faith with your country's defenders; you are going to destroy the Army; you are going to say that 60,000 men must be discharged immediately, whether they want to get out or not.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HULL. I have not time. I would like to do so.

The one question is, Are you going to keep faith with the enlisted man? You have expended by legislation in this House billions of dollars to keep faith with a few contractors. I think you did right. I voted for it, because I believe that no government can break faith, either on an implied contract or otherwise, but I plead with you now for 60,000 enlisted men who have gone forth, and who have a contract with this Government. I say to you that they are honest, they believe that they have a contract with the Government, and you have no right in this bill to put in a provision that breaks that contract.

Now, stop and think. You have in the Army in continental United States only something like 150,000 men. You have something like 50,000 men in foreign lands to-day, perhaps a little more than that; and if you reduce your Army by 75,000 men, you have got to take them from the combatant army. You can not take them out of the auxiliary troops, out of the Coast Artillery, out of the Chemical Warfare Service, out of the Air Service. You must take those 75,000 men out of the Infantry; the Infantry that to-day protects your home. You will have nine divisions in this country, and you have probably got to keep them up with 50,000 men. Let me tell you something, my friends. Down on the border you will probably have five or six thousand men, making a division, to protect your homes. [Applause.] Is that sufficient?

The letter of the Secretary of War is as follows:

JUNE 16, 1921.

Hon. HARRY E. HULL,
House of Representatives, Washington, D. C.

MY DEAR MR. HULL: With reference to our conversation concerning the proposal of the House conferees to insert a provision in the Army appropriation bill making mandatory the discharge of some 70,000 men by October 1 from the Army in order to reduce its strength to 150,000 men by that date, I desire to emphasize again the results of such action.

In the first place, it is clear that no actual economy would result from such mandatory provision. If the Army is reduced to 150,000 men on October 1, recruiting must be resumed on that date. It may be estimated that approximately 6,500 new men must be obtained each month for the remainder of the fiscal year, requiring the opening of recruiting offices all over the country, and it is probable that the expense of obtaining each recruit under this system will be in the neighborhood of $100 per man for the nine remaining months of the fiscal year, at a cost of about $5,850,000. Furthermore, the 70,000 soldiers summarily discharged are entitled to approximately $50 per man as transportation allowances, etc., to their homes. The actual figures are somewhat in excess of this, but taking $50 as the amount, the additional cost of this transportation would be $3,500,000—a total cost of $9,350,000 for this change.

The result of such a discharge upon the Army itself is even more marked. The summary discharge of soldiers who are now stationed in the Philippine Islands, Coblenz, Hawaii, and Panama would be practically out of the question on account of the prohibitive cost of transportation back and forth of these individuals, if for no other reason; and the summary discharge of large numbers of what might be called auxiliary service troops, as, for example, the number of men necessary to care for the coast artillery guns now actually existing in the forts, leads to the belief that these men can not be discharged in large numbers with safety to the plant which has been authorized and is installed. The main loss, therefore, would be likely to come in the troops of the Infantry, Field Artillery, and Cavalry—the combatant arms—within the continental limits of the United States, and would reduce that force to a practically negligible quantity, certainly far below any force which would be competent to carry out the mandates of the act of June 4, 1920, as to the instruction of National Guard and the Reserve Corps, and at the same time be available for any duty connected with preservation of order and the national defense.

I certainly hope that this action will not be taken by the House of Representatives.

Sincerely, yours,

———— ————,
Secretary of War.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The time of the gentleman from Iowa has expired.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Wyoming.

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, I trust that the motion offered by the gentleman from Kansas [Mr. ANTHONY] will be adopted. We inherited from the last administration an Army of about 250,000 men. The Secretary of War has, since March 4, been endeavoring to reduce the enlisted force. I am rather inclined to think he has not had the cooperation of the General Staff to the extent that he should have had in that effort, but there has been some considerable reduction. The reduction would have been much greater if economic conditions had been different. Men have not been applying to get out of the service in any considerable number.

The Military Establishment has been reduced to about 250,000 men. Both the House and Senate have agreed that we are to bring the Army down to 150,000 men. How shall we do it? It is a very practical question. Manifestly there is no possibility of doing that between now and the 1st of July without wrecking the Military Establishment. No man on the floor can be simple-minded enough to believe that in 15 days you can dismiss 70,000 men from the Army, half of which is overseas, without wrecking the establishment. And then if you did it——

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. GARRETT of Tennessee. The gentleman does not contend that it would be necessary to discharge that many by the 1st of July?

Mr. MONDELL. It would be necessary to discharge that many by the 1st of July if we did not appropriate more than $72,000,000.

Mr. GARRETT of Tennessee. No; indeed not.

Mr. MONDELL. Oh, yes; $72,000,000 will pay for 150,000 men for a year, and no more.

Mr. GARRETT of Tennessee. If the gentleman will permit, it is true, of course, that it might have the effect later on to reduce the Army below 150,000 if they were not reduced to 150,000 by that time.

Mr. MONDELL. But the House has not expressed its view as to the reduction of the Army below 150,000.

I am glad the gentleman from Tennessee made the observation he did, because it makes clear the effect of the attitude which he now assumes. If we do not appropriate more than $72,000,000, the Army must be reduced to 150,000 men before the 1st of July or it must be reduced far below 150,000 men the latter part of the fiscal year; and no one who has studied the military situation believes that it would be wise or safe to reduce the establishment below 150,000 within the year, when we have garrisons in Hawaii which we should not reduce, when we have garrisons on the Isthmus which should not be reduced, and when the only possible reduction in the establishment in considerable number lies in the return of the troops from the Rhine, which we hope will be accomplished in the no distant future. That is only a matter of 18,000 men if every man of them were discharged. In order to pay the Army for the year $72,000,000 there must be 70,000 men discharged in 15 days or reduce the establishment far below 150,000 the latter part of the year, which would be a mistake.

Now, I have some sympathy with the amendment offered by the gentleman from California [Mr. KAHN], because a better way, everything considered, would be to allow the gradual re-

duction to 150,000 through voluntary retirement. But I believe the House is insistent that there shall be a reduction of the establishment more rapidly than could be secured by voluntary separations from the service. I am inclined to think that the amendment offered by the gentleman from Kansas [Mr. ANTHONY] is as far as the House is disposed to go. It is as far as I am disposed, under the circumstances, to ask the House to go. But that far we must go, unless we are utterly reckless of our Military Establishment; unless we are willing to publish to the world that, having a Military Establishment on our hands of 230,000 men, we expect to discharge 70,000 of them within 15 days. It can not be done without great loss and injury. I hope the proposition presented by the gentleman from Kansas will be agreed to. [Applause.]

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN].

The SPEAKER pro tempore (Mr. WALSH). The gentleman from South Carolina is recognized for three minutes.

Mr. McSWAIN. Mr. Speaker, I desire to submit my humble opinion, to the effect that if this House stands by the amendment which was proposed by my colleague [Mr. BYRNES of South Carolina] to reduce the Army to an average strength of 150,000 men for the next fiscal year, even though the effect of that may be to reduce the enlisted strength at the end of the year to a figure even below 150,000, it will not endanger the country and will not, in the language of the gentleman from California [Mr. KAHN], the chairman of the Committee on Military Affairs, be "unsafe." [Applause.]

I submit, gentlemen, that the argument of the gentleman from California, to the effect that one trained man prepared to drill, as he says, our cilivians in time of war "may be worth his weight in gold," may be true in theory, but it is not true in fact under the conditions that now confront this country, for the reason that I have mixed with thousands of men in the Regular Establishment as it exists to-day within the last few weeks, and I have found on the coat sleeves of very few of those men any indications, such as chevrons, that they saw service during the recent war.

I made inquiry at Camp Jackson and was told that less than 10 per cent of the men now in the service were in the service during the recent war. Therefore there are in civilian life to-day more than 1,300,000 men who heard the roar of artillery, who know the rattle of the machine gun, who know the fiery hell of actual combat, and those sergeants or corporals or privates, who are to-day working in factories, working in fields, and bearing the burdens of civil life, and thereby paying the debts and expenses of this Government, can teach these raw recruits in the Regular Army more in 10 minutes than these raw recruits can teach them in 10 years. [Applause.] The very idea of talking about these men who are now in the Army as being able to teach anybody anything, when only a few weeks ago on this floor I pleaded for many of them the right even to learn their a, b, c's. [Applause.] Think of the idea of these men being instructors of the civilians of this Nation who shall rush to arms in time of war, many of whom will be college graduates. [Applause.]

I think all will admit that in the event of actual war emergency an Army of even 220,000 men will be utterly inadequate. We must of necessity draw upon the civilian reserves for the emergency of actual war. It would be futile—a little short of insane—to maintain a standing Army sufficiently large to do war-time fighting. The standing Army can have but two functions in our country. First, to be that of a police force to cooperate with the State authorities upon demand of the State executives in the protection of life, liberty, and property. The second function is to form and start a nucleus around which a real fighting force may be built in time of war. Military men speak of this framework of an army as "cadre." But for the reasons that I have already stated the present standing Army, with the exceptions of the official personnel and with many noble exceptions among those enlisted men who saw actual service during the World War, the present standing Army can do but little toward training civilian recruits who might be called to the colors in time of war.

The hope of this Nation to escape the burdens of taxation and to respond to the popular demand that there shall be disarmament is in the reserve Army. To-day in the Office of The Adjutant General there are the names and addresses of about 4,000,000 men, of whom there were in the American Expeditionary Forces more than 1,300,000 men, who know from actual personal experience the mode and manner of modern warfare. The average age of these men is now about 25 years, and therefore these men will continue to be of military age for at least the next 10 years. And to talk about training these veterans from the fields of carnage and of death by the recruits who have come into the Army since the armistice is utterly ridiculous.

In the event of a war that shall appeal to the heart and conscience of the men and women of this Nation as justified, I belive that nearly 100 per cent of the men who were in the American Expeditionary Forces would be the first to offer themselves to vindicate their country's honor, to protect the lives and liberties of our people, and to become again champions of freedom, justice, and democracy.

If that be so, this spending our millions and hundreds of millions to feed and to fatten more than 150,000 men in peace times, to maintain men who are merely "marking time," to take men out of productive pursuits and put them on the pay rolls, to take them from amongst the producers and to mount them upon the backs of other producers, would be under the conditions of this country at this time the refinement of folly.

Mr. Speaker, there is going up from every quarter of this country a demand that this Nation shall lead in the crusade for peace, by leading not only in the propaganda but in the practical exemplification of disarmament. Congregations of churches are passing their resolutions. Within the last week I have received numbers of such resolutions passed by churches within my district. These people who make up these churches are loyal to the ideals of this Nation. They were loyal to the purposes of this Nation during the World War. They sent their members to the front and they supported them by their means and with their prayers. Many who had thought themselves pacifists, like Alvin York, of Tennessee, when they got the vision of a great Nation dedicating itself and hazarding its life in an unselfish crusade for righteousness, justice, humanity, and civilization, then they became "militant Christians," and as such many of them became heroes, and many of such heroes are decorated—a number wearing upon their breasts the insignia that testify to a Nation's honor—but many more of them demonstrated their devotion by pouring out their rich, warm, young blood upon the soil of Flanders and of France, sanctified by the sufferings of the millions of those defenders of all the blessings of civilization.

The people are staggering under the load of taxation. They have learned the truth—that it is the Army and the Navy that are swelling these expenses. They have learned that more than 90 per cent of the more than $4,000,000,000—which means more than $40 per head for every man, woman, and child in this Nation, which means more than $200 for the average family in this Nation—goes to pay tribute to the god of war. They will not complain about the payment of the war debts that have already been incurred. They gladly made contribution not only of gold but of broken bodies and of precious lives to the cause for which the whole Nation has fought. But they remember, as they never remembered before, that it is the civilian soldier, called fresh from the productive paths of peace, who does and must bear the chief burden in time of war.

I believe that Gen. Pershing, with the assistance of that great man who not only has a brain but has a warm heart, Gen. James G. Harbord, can by a classification of the men who were in the World War and by a registration of the young men who have become of military age since the war closed, keep their fingers upon the man power of this Nation while they are still in civilian clothes, and working for their personal improvement, and paying the past war debts of this Nation, and contributing to the civilization of their day and time, so that in the event of war these civilians, with their knowledge acquired during the war, and with their knowledge refreshed and their interest revived by short annual periods of training, furnished under this supply bill, they will be able to take their places almost instantly and to prove thus the equals, if not the superiors, in actual combat of those soldiers who have been hanging around military posts during the long, lazy weeks and months of peace, merely "marking time," and learning that acme of military mastery, "passing the buck."

The emergency civilian soldiers do not know how to "pass the buck." That is the reason why the emergency officer and enlisted man in time of war gets the "raw end of the deal." The Regular Army man knows of the game of how to get promotions. He knows how to shun the load. He knows how to dump the work on the other man. He knows how to turn up at the critical time and to jump upon the carcass of the dead bear and proclaim in stagy tones, "Behold the hero that slew our enemy!"

So, I think that we have a right to consider as an investment the training that our young manhood received during the war and to bank upon that training as a basis of national defense. We do so consider the thousands of artillery we acquired during the war as an asset of the present establishment. So do we consider the hundreds of thousands of machine guns and the millions of rifles and the millions of grenades that we became acquainted with and that we know very little about up to

the summer of 1917. Yet our mighty military men had been educated at the public expense and were being paid out of the Public Treasury to study the latest developments in warfare so as to instruct the civilians when war should break upon us.

It is a fact, I respectfully submit, that those civilians who volunteered in the Army after our entry into the World War and rushed into our training camps soon acquired a familiarity with the technical side of warfare that equipped them just as well to lead our men in battle as did the four years' of training of the cadets at West Point. Thousands of these civilian emergency officers were graduates of our best colleges and universities, and many of them left professions and businesses in which they were fast forging to the front ranks, and threw into the work of warfare that same mental training, that same fine enthusiasm, that high spiritual energy that characterized them in civil life. The result was that, so far as the technical side of modern combat is concerned, these emergency officers soon, to speak modestly for them, equaled the Regular Army officers who had been spending years and years in military training. It is obvious to any man of common sense that there is no mystery about warfare. It applies the same principles that are essential to success in the professional and industrial world. I deem it the highest duty that this Congress can perform to the country along the line of military preparedness, to encourage the reserve officers and enlisted men. These reserves should now be guaranteed, that upon condition that they will keep themselves acquainted with the very latest developments in warfare; that when they shall be called into actual service in time of war they will be given an equal chance to show their talents and will be given an equal chance at the honors as well as the chance to do the work.

From listening to the arguments of those who are in favor of receding from the position which this House took when it voted an appropriation of money that would support an Army of the average strength of 150,000 men, I gather that their arguments may be classified in three heads.

First, that it would be "unsafe" to run the risk of reducing our Army at the end of the next fiscal year below 150,000. I think what I have already said disposes of that argument and showed that about the only real service of a standing Army at present and under the peculiar conditions of investment in matériel and training so recently after the World War, about the only use of a standing Army now is for police duty. Certainly that is true, so far as continental America is concerned.

The second reason seems to be that to cut the strength of the Army would result in driving men out of the Army and thus in breaking an obligation to keep these men in the Army during the hard times. It is argued that since men can not get work outside of the Army they should be fed and clothed inside of the Army. But how such an argument can have any force when sought to be lined up with the third argument that is used by those who differ from me on this question I can not see. Their third argument is that to open the doors and to discharge within a short period 70,000 men would make it necessary to announce to the entire enlisted personnel of the Army the fact that about one out of every three would be discharged and that all might therefore apply and that the War Department would pass upon these applications in its discretion. In other words, the second argument is that the men do not want to leave the Army and that we should not compel them to leave and should not break our contract to feed and clothe them while work is scarce. But this third argument is that if the men only had a chance they would all leave the Army, and since one-third are to be discharged that the other two-thirds would be demoralized by having their applications for discharge denied. It surely can not be that the men want to stay in the Army and at the same time want to get out of the Army.

I can fully realize that there are many men in the Army who want to get out and that there are many who want to stay in the Army, and I think that the proportions are as about one to three, so that the morale of the men will not be broken and discipline will not be disturbed and the solidarity of the Army will not be shot to pieces by the discharge of the one-third who want to be discharged and by keeping in the service all the others that want to stay in the service.

So that, Mr. Speaker and gentlemen of the House, there is but one way for this Congress to economize and that is to "economize." We can not save money for the taxpayers by talking economy. But when the chance comes we must vote for the smallest figures. Professional soldiers must come to realize that this country is staggering under a burden of taxation during this period of economic depression.

Reports come to us that this condition is not sectional but is Nation-wide, and I believe it is the "backwash" of war, and that we are suffering now after the war whereas we prospered financially during the war. It was unavoidable that we should suffer some time. The European peoples suffered all during the long, trying months of the war, and they are still suffering. Those in charge of the Regular Establishment must recognize that there is a limit to the paying power and patience of the people.

There must be economy, not only in the Army and not only in the Navy but in all the executive branches of the Government. I was proud to hear from the lips of the gentleman from Mississippi [Mr. SISSON] that the Marine Corps, under Gen. Butler, down at Quantico are not afraid and are not ashamed and are not too proud to lay aside their shining uniforms and put on overalls and go out to do some real work. More of such common sense as that ought to prevail in our Army. Recently I found that, under the leadership of Gen. Butler, the marines had taken their saws and hammers and had converted wooden houses built for temporary barracks during the war into really convenient and beautiful residences for the marine officers, and the cost of the conversion to the Government was practically nominal. Those who were about the camps and cantonments during the recent war will remember how civilian employees were receiving five, six, and seven dollars a day, hundreds of thousands of them, as common laborers digging ditches, building roads, and mixing concrete, when that work could have been done and should have been done by the labor battalions of the Army. If the Nation was justified in conscripting the man power of the country to fight—and I think that it was justified in so doing—then I contend that it would have been justified in conscripting laborers to have done this work and to have saved not only money in the Treasury but to have saved the country from demoralization otherwise. Therefore I think that the Regular Army ought to take some lessons from Gen. Butler and his marines. We want to see the Regular Army roll up its sleeves and put on overalls and go out and do some work in peace time and help to cut down the appropriations that are now being made to keep it going.

So, Mr. Speaker, in conclusion I think that the House of Representatives should stand by its judgment already expressed. The gentleman from New York [Mr. COCKRAN] in a speech a few days ago reminded this House that it is subordinating itself too frequently to the continuing and persistent pressure from the other end of the Capitol. The Constitution imposes upon this House the duty of originating the bills for raising the revenue, and thereby there rests by implication upon us the duty to decide how much revenue shall be raised by taxation. If it is our duty to say how much revenue shall be raised, then it follows as a necessary corollary that we ought to have the last word in saying how this money should be appropriated. Therefore I think this House should begin to assert its independence and its solemn resolution to say how much money shall be appropriated in each particular case. The Senate has equal authority in legislative matters, but in matters of revenue and appropriation it seems to me that under the Constitution there is a primacy resting upon this end of the Capitol. But, waiving all constitutional refinements, I know that the people of this Nation look to this popular representative body, coming fresh from the people every two years, to determine the manner of raising the money and to say how much shall be spent. The people expect it, and they have a right to expect it, and I apprehend that if we disappoint their reasonable expectations they will be taking a hand in this matter. Therefore I, for one, want the people to understand just how this endless chain of give and take, just how this old system of checks and balances, just how this rule of comity and courtesy, usually results in writing the figures high and large. It is our duty who see these questions to inform the people just where the trouble is and to advise them just what steps may be taken and must be taken in order that the popular demand for economy and for steps away from militarism and for a return to the time of common sense and of reliance upon the patriotism and power of the civilian soldier in the emergency of war.

Mr. ANTHONY. I yield two minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Can not the gentleman give me five minutes?

Mr. ANTHONY. I regret that I can not, but I have only 12 minutes left. I yield to the gentleman two minutes.

Mr. JONES of Texas. I do not care to use the two minutes.

Mr. ANTHONY. I yield two minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I wish we might approach the discussion of this question without prejudice. It has not been the policy of our country to have a large standing Army; and, thanks to the wisdom of the United States Senate and the citizenship of this country last fall, we

will in the future stand by our traditions and not have a large standing Army. [Applause.] It will not be necessary for us to have armies to send abroad to enforce mandates in foreign lands, but we will have an Army sufficient to take care of the peace-time affairs of our own country. I want to say to you gentlemen that it is a practical question that confronts us. It is not whether we shall have an Army of 150,000 or 175,000. I am for an Army of 150,000 if you will make it 150,000 fighting men, but I want you to give the Secretary of War sufficient time to cut out such things as the Holabird motor transport repair shops. I want you to give him time to cut out the repair shops for typewriters down in South Carolina or Georgia, and to cut out your vocational training, and to cut out all of these unnecessary things, and let him organize an Army of 150,000 stripped fighting men. [Applause.] You gentlemen who have been voting to send out stallion operators and to increase the vocational-training appropriations and everything of that kind, the only thing you can strike at is the enlisted man in the Army. I hope that the motion of the gentleman from Kansas [Mr. ANTHONY] will not prevail. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. ANTHONY. I yield two minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, everybody in this House who has hitherto done me the honor to pay any attention to my remarks knows that I am not satisfied with an Army of 150,000, but I know that I am licked. [Laughter.] I know we are going to have an Army of 150,000 men, so I hope I still have philosophy enough to accept the situation.

If these two minutes could grow into an hour, and you and I could talk around the council table, and if, instead of being long-distance legislators, we were men directly charged with the responsibility for the administration of the Army and the maintenance of a proper policy of national defense, and if we stood where we could not escape the responsibility for our direct action—I should like to talk to you and to show you how it is not humanly possible to reduce an army of 220,000 down to 150,000 in 15 days and have an army left.

We know that perfectly well. All the rhetoric in these speeches can not change that one simple basic fact that it is impossible to do any such thing. What is the use in trying to bamboozle ourselves, even if some echoes of these speeches do go out and bamboozle part of the public? [Applause.]

The day has gone by when an army can consist of a row of men standing up in line with rifles in their hands. The Army now is composed of a great number of units, each so highly specialized that they are trained in their one particular department, and it is the proper coordination of all these units which goes to make up an efficient Army. We can not begin at the tail and chop off 70,000 men and say, "We have reduced the Army to 150,000 men." By doing that we shall have reduced it to a mob of 150,000 men, and that is all there is of it.

It takes time. It takes a complete change of the plans for our national defense, a complete change in the assembly and the character and the kind of the units that go to make up our Army. The specialists in all these different units must be fitted for their particular work. You can not transfer the duties from one of these units to another with equal efficiency and success, because particular and definite training in each one of these units is required. The air men can not go into the Artillery. The Artillery can not go into the Cavalry. Men can not be trained as soldiers in the different special arms of the service overnight. Let us, then, see if we can try to get at this thing in a businesslike way, and let us not do an inconsistent or impossible thing, but let us vote for one or the other of these amendments. [Applause.]

Mr. ANTHONY. I yield three minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, I am opposed to the motion offered by the gentleman from California [Mr. KAHN] and in favor of the one offered by the gentleman from Kansas [Mr. ANTHONY], grudgingly, in the last instance. I have been in favor and am now in favor of an Army of 150,000 men. I have voted as consistently as I knew how along that line; but during the last administration I watched and saw the Secretary of War openly flaunt the expressed ideas of Congress and recruit a large Army when he knew that the Congress of the United States did not want him to do so, and I saw him go out of office on the 4th of March last, leaving an Army of 230,000 men on our hands.

Then the present Secretary of War came in and that policy has been continued. I do not believe that it is the fault of the present Secretary of War; he has not been in office a sufficient time to gain knowledge of the many complicated problems of his office. The continuance of Secretary Baker's policy as to the size of the Army is due to the fact that surrounding the present Secretary of War are the same officers who advised Secretary Baker, pouring their appeals into his ears and to whom he has listened. [Applause.] I want to say to you very frankly that if the administration of the present War Department continues along the lines of the last administration of that department, in my opinion, in a year's time it will be as unpopular as the last. [Applause.] But what I have to say about this at this time has nothing to do with that matter particularly, except as incidental to the conclusion I have arrived at, and that is that at this time there is nothing to do but accept the proposition advanced by the gentleman from Kansas. At this time we have 220,000 men in the Army. Humanly it is not possible to release 70,000 men inside of the next three months. So I come grudgingly to the conclusion that I must vote for the proposition of the gentleman from Kansas to allow the Secretary of War three months, or until next October, during which time he can reduce the Army to 150,000 men, as he ought to do, as the judgment of this Congress has been expressed on repeated occasions, and as I believe is the demand of the country at large. [Applause.]

Mr. ANTHONY. Mr. Speaker, before moving the previous question and without consuming any more time in debate I simply want to say to the House that there is practically no difference between the House and the Senate, as I stated before, as to what the size of the Army will ultimately be. The only differences is the manner in which we shall reach the 150,000. Gentlemen have stated many times on the floor that it will be manifestly impossible by July 1 to release 70,000 men without severely injuring and perhaps wrecking the service. Your conferees believe that three months' time will permit the War Department to go through the process of unloading and discharging 73,000 men without interfering with the morale of the service. We propose to provide $5,000,000 additional money in order to take care of the overhead during that time. The Senate stands solidly that it does not want to reach the 150,000 mark until May 1 next. We believe that it can be reached by October 1 next, and if the House supports the recommendation of its conferees I believe that we can bring about that policy.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SUMMERS of Washington. I would like to know why the Secretary of War has not been able to make some reduction in the size of the Army, as he has known all along the wishes of Congress and the wishes of the people.

Mr. ANTHONY. I can not answer that. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The question is on the previous question on the pending motions.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Kansas to recede and concur with an amendment.

Mr. GARRETT of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. Is it in order to demand a division of the question?

The SPEAKER pro tempore. It is in order.

Mr. GARRETT of Tennessee. And the vote would come first on the motion to recede?

The SPEAKER pro tempore. The vote first would be on the motion to recede.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The question being a divisible one the first question is on the vote to recede.

The question was taken; and on a division [demanded by Mr. ANTHONY] there were 81 ayes and 72 noes.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present; the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 154, nays 135, answered "present" 2, not voting 139, as follows:

YEAS—154.

Ackerman	Beedy	Burtness	Clarke, N. Y.
Anderson	Begg	Burton	Classon
Anthony	Benham	Cable	Codd
Appleby	Bird	Campbell, Kans.	Cole
Arentz	Boies	Campbell, Pa.	Colton
Atkeson	Brennan	Cannon	Connolly, Pa.
Barbour	Brown, Tenn.	Chindblom	Curry

Dale	Hersey	McLaughlin, Pa.	Scott, Mich.
Davis, Minn.	Hickey	McPherson	Shaw
Dallinger	Hill	Madden	Sinnott
Denison	Hoch	Magee	Slemp
Dickinson	Hukriede	Maloney	Smith
Dunbar	Hull	Mapes	Sproul
Dupré	James, Mich.	Michaelson	Stafford
Edmonds	Jefferis	Michener	Stephens
Elliott	Johnson, Wash.	Miller	Strong, Kans.
Ellis	Kahn	Millspaugh	Summers, Wash.
Elston	Kearns	Mondell	Sweet
Faust	Kelley, Mich.	Moore, Ohio	Swing
Fenn	King	Moores, Ind.	Taylor, N. J.
Fess	Kirkpatrick	Mott	Temple
Fish	Kissel	Newton, Minn.	Timberlake
Fitzgerald	Kline, N. Y.	Newton, Mo.	Tincher
Focht	Kline, Pa.	Nolan	Tinkham
Fordney	Knutson	Norton	Towner
Foster	Kraus	Ogden	Vestal
Frear	Lawrence	Olpp	Walsh
Free	Lea, Calif.	Osborne	Walters
French	Leatherwood	Parker, N. J.	Watson
Frothingham	Lehlbach	Patterson, N. J.	Webster
Fuller	Lineberger	Porter	White, Kans.
Gernerd	Little	Pringey	White, Me.
Glynn	Longworth	Purnell	Woodruff
Gorman	Luce	Ransley	Wurzbach
Graham, Ill.	Luhring	Reavis	Wyant
Greene, Mass.	McArthur	Robertson	Young
Hadley	McFadden	Rogers	Zihlman
Hardy, Colo.	McKenzie	Sanders, Ind.	
Hawley	McLaughlin, Mich.	Schall	

NAYS—135.

Almon	Driver	Lanham	Rhodes
Andrews	Echols	Lankford	Ricketts
Aswell	Fairchild	Larsen, Ga.	Roach
Bankhead	Favrot	Larson, Minn.	Robsion
Barkley	Flood	Layton	Rose
Beck	Fulmer	Lee, Ga.	Sabath
Black	Gahn	Linthicum	Sanders, Tex.
Bland, Va.	Garner	Logan	Sandlin
Blanton	Garrett, Tenn.	London	Scott, Tenn.
Bowers	Garrett, Tex.	Lowrey	Smithwick
Bowling	Gensman	Lyon	Speaks
Box	Gilbert	McClintic	Steagall
Brand	Goodykoontz	McDuffie	Stevenson
Briggs	Hammer	McLaughlin, Nebr.	Summers, Tex.
Brinson	Hardy, Tex.	McSwain	Swank
Brooks, Pa.	Harrison	Montague	Taylor, Ark.
Buchanan	Haugen	Morgan	Taylor, Tenn.
Bulwinkle	Hawes	Murphy	Thompson
Burke	Hayden	Nelson, A. P.	Tillman
Byrns, Tenn.	Herrick	Nelson, J. M.	Tyson
Chalmers	Huddleston	O'Connor	Underhill
Christopherson	Jacoway	Oldfield	Upshaw
Clague	Johnson, Ky.	Overstreet	Vinson
Clouse	Johnson, Miss.	Padgett	Voigt
Collins	Jones, Tex.	Park, Ga.	Volstead
Connally, Tex.	Keller	Parks, Ark.	Ward, N. C.
Cooper, Wis.	Kendall	Parrish	Weaver
Crisp	Ketcham	Pou	Williamson
Davis, Tenn.	Kincheloe	Quin	Wilson
Dominick	Kinkaid	Rainey, Ill.	Wingo
Doughton	Kleczka	Raker	Woods, Va.
Dowell	Kopp	Ramseyer	Woodyard
Drane	Kunz	Rankin	Wright
Drewry	Lampert	Reece	

ANSWERED "PRESENT"—2.

Collier	Greene, Vt.

NOT VOTING—139.

Ansorge	Fields	Lufkin	Rucker
Bacharach	Fisher	McCormick	Ryan
Bell	Freeman	MacGregor	Sanders, N. Y.
Bixler	Funk	Mann	Sears
Blakeney	Gallivan	Mansfield	Shelton
Bland, Ind.	Goldsborough	Martin	Shreve
Bond	Good	Mead	Siegel
Britten	Gould	Merritt	Sinclair
Brooks, Ill.	Graham, Pa.	Mills	Sisson
Browne, Wis.	Green, Iowa	Montoya	Snell
Burdick	Griest	Moore, Ill.	Snyder
Burroughs	Griffin	Moore, Va.	Stedman
Butler	Hays	Morin	Steenerson
Byrnes, S. C.	Hicks	Mudd	Stiness
Cantrill	Himes	O'Brien	Stoll
Carew	Hogan	Oliver	Strong, Pa.
Carter	Houghton	Paige	Sullivan
Chandler, N. Y.	Hudspeth	Parker, N. Y.	Tague
Chandler, Okla.	Humphreys	Patterson, Mo.	Taylor, Colo.
Clark, Fla.	Husted	Perkins	Ten Eyck
Cockran	Hutchinson	Perlman	Thomas
Connell	Ireland	Peters	Tilson
Cooper, Ohio	James, Va.	Petersen	Treadway
Copley	Johnson, S. Dak.	Radcliffe	Valle
Coughlin	Jones, Pa.	Rainey, Ala.	Vare
Cramton	Kelly, Pa.	Rayburn	Volk
Crowther	Kennedy	Reber	Ward, N. Y.
Cullen	Kiess	Reed, N. Y.	Wason
Darrow	Kindred	Reed, W. Va.	Wheeler
Deal	Kitchin	Riddick	Williams
Dempsey	Knight	Riordan	Winslow
Dunn	Kreider	Rodenberg	Wise
Dyer	Langley	Rosenbloom	Wood, Ind.
Evans	Lazaro	Rossdale	Yates
Fairfield	Lee, N. Y.	Rouse	

So the motion to recede was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. GREENE of Vermont (for) with Mr. SISSON (against).

Mr. WASON (for) with Mr. MOORE of Virginia (against).

Mr. WINSLOW (for) with Mr. BYRNES of South Carolina (against).

Mr. JOHNSON of South Dakota (for) with Mr. KITCHIN (against).

Mr. SHELTON (for) with Mr. JAMES of Virginia (against).

Mr. EVANS (for) with Mr. CANTRILL (against).

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. DARROW with Mr. WISE.

Mr. RADCLIFFE with Mr. FISHER.

Mr. MERRITT with Mr. RAYBURN.

Mr. PETERS with Mr. CARTER.

Mr. PATTERSON of Missouri with Mr. RUCKER.

Mr. STINESS with Mr. GRIFFIN.

Mr. BURROWS with Mr. TEN EYCK.

Mr. BLAKENEY with Mr. SULLIVAN.

Mr. SNYDER with Mr. CULLEN.

Mr. WILLIAMS with Mr. DEAL.

Mr. STRONG of Pennsylvania with Mr. KINDRED.

Mr. GRIEST with Mr. COCKRAN.

Mr. BACHARACH with Mr. SEARS.

Mr. COUGHLIN with Mr. THOMAS.

Mr. DYER with Mr. TAGUE.

Mr. IRELAND with Mr. GALLIVAN.

Mr. REBER with Mr. MANSFIELD.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. SHREVE with Mr. MARTIN.

Mr. PERKINS with Mr. STEDMAN.

Mr. BUTLER with Mr. LAZARO.

Mr. BIXLER with Mr. CAREW.

Mr. PERLMAN with Mr. GOLDSBOROUGH.

Mr. MUDD with Mr. FIELDS.

Mr. PAIGE with Mr. BELL.

Mr. BROWNE of Wisconsin with Mr. TAYLOR of Colorado.

Mr. HUTCHINSON with Mr. MEAD.

Mr. STEENERSON with Mr. OLIVER.

Mr. KNIGHT with Mr. HUDSPETH.

Mr. KIESS with Mr. O'BRIEN.

Mr. FREEMAN with Mr. RAINEY of Alabama.

Mr. COLLIER. Mr. Speaker, I voted "no." I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. COLLIER was called, and he answered "Present."

A quorum being present, the doors were opened.

The SPEAKER pro tempore. The question now comes upon the motion to concur.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question now comes upon the motion to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 126, noes 101.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BEGG. Mr. Speaker, I ask unanimous consent that the Clerk again report the motion to recede and concur with an amendment.

There was no objection; and the Clerk again reported Mr. ANTHONY's motion to recede and concur with an amendment.

The question was taken; and there were—yeas 158, nays 128, answered "present" 2, not voting 142, as follows:

YEAS—158.

Ackerman	Crowther	Graham, Ill.	Lineberger
Anderson	Curry	Greene, Mass.	Little
Ansorge	Dale	Hadley	Longworth
Anthony	Dallinger	Hardy, Colo.	Luce
Appleby	Davis, Minn.	Hawley	Luhring
Arentz	Denison	Hersey	McArthur
Barbour	Dickinson	Hickey	McFadden
Beedy	Dunbar	Hill	McKenzie
Begg	Dupré	Hoch	McLaughlin, Mich.
Benham	Edmonds	Hukriede	McLaughlin, Nebr.
Bird	Elliott	Hull	McLaughlin, Pa.
Boies	Ellis	James, Mich.	McPherson
Brennan	Elston	Jefferis	Madden
Brooks, Ill.	Faust	Johnson, Wash.	Magee
Burtness	Fenn	Kahn	Maloney
Burton	Fess	Kearns	Mapes
Cable	Fish	King	Michaelson
Campbell, Kans.	Fitzgerald	Kirkpatrick	Michener
Campbell, Pa.	Foster	Kissel	Miller
Cannon	Frear	Kline, N. Y.	Millspaugh
Chindblom	Free	Kline, Pa.	Mondell
Clarke, N. Y.	French	Knutson	Moore, Ohio
Classon	Frothingham	Kraus	Moores, Ind.
Codd	Fuller	Larson, Minn.	Mott
Cole	Gernerd	Lawrence	Newton, Minn.
Colton	Glynn	Lea, Calif.	Newton, Mo.
Connolly, Pa.	Gorman	Lehlbach	Nolan

Norton	Robertson	Summers, Wash.	Walsh
Ogden	Rogers	Sweet	Walters
Olpp	Sanders, Ind.	Swing	Watson
Osborne	Schall	Taylor, N. J.	Webster
Parker, N. J.	Scott, Mich.	Temple	White, Kans.
Patterson, N. J.	Shaw	Thompson	White, Me.
Porter	Sinnott	Timberlake	Woodruff
Pringey	Slemp	Tincher	Wurzbach
Purnell	Smith	Tinkham	Wyant
Ransley	Sproul	Towner	Young
Reavis	Stafford	Upshaw	Zihlman
Rhodes	Stephens	Vestal	
Riddick	Strong, Kans.	Volstead	

NAYS—128.

Almon	Drewry	Lanham	Rankin
Andrews	Driver	Lankford	Reece
Aswell	Echols	Larsen, Ga.	Ricketts
Bankhead	Fairchild	Layton	Roach
Barkley	Favrot	Leatherwood	Robsion
Beck	Fordney	Linthicum	Rose
Black	Fulmer	Logan	Sabath
Bland, Va.	Gahn	London	Sanders, Tex.
Blanton	Garrett, Tenn.	Lowrey	Sandlin
Bowers	Garrett, Tex.	Lyon	Scott, Tenn.
Bowling	Gensman	McClintic	Sinclair
Box	Gilbert	McDuffie	Smithwick
Brand	Goodykoontz	McSwain	Speaks
Briggs	Hammer	Mansfield	Steagall
Brinson	Hardy, Tex.	Montague	Stevenson
Brooks, Pa.	Hawes	Morgan	Sumners, Tex.
Buchanan	Hayden	Murphy	Swank
Bulwinkle	Herrick	Nelson, A. P.	Taylor, Ark.
Burke	Huddleston	Nelson, J. M.	Taylor, Tenn.
Byrns, Tenn.	Jacoway	O'Connor	Tillman
Chalmers	Johnson, Ky.	Oldfield	Tyson
Christopherson	Johnson, Miss.	Oliver	Underhill
Clague	Jones, Tex.	Overstreet	Vinson
Clouse	Keller	Padgett	Voigt
Collins	Kendall	Park, Ga.	Ward, N. C.
Connally, Tex.	Ketcham	Parks, Ark.	Weaver
Cooper, Wis.	Kincheloe	Parrish	Williamson
Davis, Tenn.	Kinkaid	Pou	Wilson
Dominick	Kleczka	Quin	Wingo
Doughton	Kopp	Rainey, Ill.	Woods, Va.
Dowell	Kunz	Raker	Woodyard
Drane	Lampert	Ramseyer	Wright

ANSWERED "PRESENT"—2.

Collier	Greene, Vt.

NOT VOTING—142.

Atkeson	Fisher	Kreider	Rouse
Bacharach	Flood	Langley	Rucker
Bell	Focht	Lazaro	Ryan
Bixler	Freeman	Lee, Ga.	Sanders, N. Y.
Blakeney	Funk	Lee, N. Y.	Sears
Bland, Ind.	Gallivan	Lufkin	Shelton
Bond	Garner	McCormick	Shreve
Britten	Goldsborough	MacGregor	Siegel
Brown, Tenn.	Good	Mann	Sisson
Browne, Wis.	Gould	Martin	Snell
Burdick	Graham, Pa.	Mead	Snyder
Burroughs	Green, Iowa	Merritt	Stedman
Butler	Griest	Mills	Steenerson
Byrnes, S. C.	Griffin	Montoya	Stiness
Cantrill	Harrison	Moore, Ill.	Stoll
Carew	Haugen	Moore, Va.	Strong, Pa.
Carter	Hays	Morin	Sullivan
Chandler, N. Y.	Hicks	Mudd	Tague
Chandler, Okla.	Himes	O'Brien	Taylor, Colo.
Clark, Fla.	Hogan	Paige	Ten Eyck
Cockran	Houghton	Parker, N. Y.	Thomas
Connell	Hudspeth	Patterson, Mo.	Tilson
Cooper, Ohio	Humphreys	Perkins	Treadway
Copley	Husted	Perlman	Vaile
Coughlin	Hutchinson	Peters	Vare
Cramton	Ireland	Petersen	Volk
Crisp	James, Va.	Radcliffe	Ward, N. Y.
Cullen	Johnson, S. Dak.	Rainey, Ala.	Wason
Darrow	Jones, Pa.	Rayburn	Wheeler
Deal	Kelley, Mich.	Reber	Williams
Dempsey	Kelly, Pa.	Reed, N. Y.	Winslow
Dunn	Kennedy	Reed, W. Va.	Wise
Dyer	Kiess	Riordan	Wood, Ind.
Evans	Kindred	Rodenberg	Yates
Fairfield	Kitchin	Rosenbloom	
Fields	Knight	Rossdale	

So the motion to concur with an amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. GREENE of Vermont (for) with Mr. SISSON (against).

Mr. WASON (for) with Mr. MOORE of Virginia (against).

Mr. WINSLOW (for) with Mr. BYRNES of South Carolina (against).

Mr. JOHNSON of South Dakota (for) with Mr. KITCHIN (against).

Mr. SHELTON (for) with Mr. JAMES of Virginia (against).

Mr. EVANS (for) with Mr. CANTRILL (against).

General pairs:

Mr. TREADWAY with Mr. COLLIER.

Mr. REBER with Mr. HUMPHREYS.

Mr. LUFKIN with Mr. CRISP.

Mr. MOORE of Illinois with Mr. STOLL.

Mr. ATKESON with Mr. GARNER.

Mr. CRAMTON with Mr. LEE of Georgia.

Mr. STEENERSON with Mr. FLOOD.

Mr. KREIDER with Mr. HARRISON.

Mr. ATKESON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman from Missouri in the Hall of the House when his name should have been called?

Mr. ATKESON. No, sir.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. COLLIER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I voted "no." I would like to be recorded as "present."

The name of Mr. COLLIER was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12, page 17, after line 16, strike out the following language——

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that amendment No. 12 and amendment No. 13 be both reported and considered at the same time, as they both relate to the same subject.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that amendments numbered 12 and 13 be reported, considered, and acted upon as one amendment. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, that involves how many?

The SPEAKER pro tempore. Two.

Mr. ANTHONY. Mr. Speaker, I will say, for the information of the House, that House provision No. 12 merely did away with the bonus provision for the current year, whereas the Senate amendment entirely repeals the bonus law, and the conferees accepted that, so that by considering both and making the motion to recede and concur we will dispose of both.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

No portion of the appropriations contained in this act shall be used to pay, in accordance with the provisions of section 27 of the Army reorganization act, approved June 4, 1920, an enlistment allowance to any soldier who enlists or reenlists after the approval of this act.

The provisions of section 27 of the Army reorganization act, approved June 4, 1920, providing an enlistment allowance, are hereby repealed.

Mr. ANTHONY. Mr. Speaker, I yield to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, amendment No. 12, that portion of the bill on page 17 which is stricken out, is an amendment that might be regarded as consistent and altogether proper on an appropriation bill. It limits the effect and operation of its terms to the current year for which the appropriation is made. Whether that is a wise policy or not the House has already determined it and expressed itself unmistakably in favor of it. It was once incorporated into the House text in the way it should stand under those circumstances, merely an act of withholding certain appropriations for a definite and specific fiscal year. The Senate amendment No. 13 goes further than that. It makes an amendment in the form of permanent law, and it cites by chapter and verse the statute which it is sought so to amend.

Now, I submit to the House whether the House ought to make this repeal of the bonus a permanent proposition or not, a question which put alone by itself, one of policy, ought not to be decided on an appropriation bill. It is a question that presents something more than the mere matter of economy to be determined for this fiscal year, whether we shall expend that amount of money or not, because it is an upset and a reversal of a long-continued policy of the United States toward its Military Establishment and one which, if it is to be continued as a permanent law, should not be to set upon the statute books permanently until all the pros and cons have been deliberately inquired into, something that has not yet been done in this body.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. GREENE of Vermont. When I have made my statement, if the gentleman pleases.

There were many reasons why the so-called bonus upon reenlistment was written into the law. They do not pertain particularly to the present economic situation of the country. They do not relate peculiarly nor directly to it, but if the House in its wisdom sees fit to economize for this one year on that proposition it might be well enough to make that kind of an amendment on an appropriation bill. But here we set to work, after we have once determined that there shall be a new rule of this House leaving matters of legislative policies to the

committees that are intrusted with that field and jurisdiction, and undertake to write into this appropriation bill a positive and permanent repeal of the existing statute beyond the period for which this appropriation bill is written in the first place.

Not only that, but there is another question which may be regarded, perhaps, as subsidiary, but I leave to your good sense as legislators as to whether you would not under some other circumstances, at least, believe that it was a practical one. Just a year ago the Committee on Military Affairs, the committee of this House that is charged with jurisdiction of matters of military policy, had completed the Army reorganization act. That bill they gave one long year of consideration to before they brought it into this House, and they wrote into that bill this bonus on reenlistment. There are several other propositions contained in the Army reorganization act that from time to time since it has been suggested should be amended, but the policy of the committee and the policy of the War Department is that the Army reorganization act as a whole should have at least a year or two of fair trial before beginning to amend it at all. Naturally enough, the experience of a year or two will show whether it is wise to amend it in some detail; but if we start right out now in this, I may say, capricious manner to repeal parts of that Army reorganization act by amendments sprinkled down through the pages of this appropriation bill and those that may follow in the years to come, very soon that complete statute, the Army reorganization act, that it took a year for us to put together, will be riddled like a sieve, and then again, as in years past, nobody will easily know what the military law of this land is. Up to now we have got something tangible, and one can pretty clearly see how the military law stands. Ought we to start out now with amending it by piecemeal and in a haphazard way on the pages of an annual Army appropriation bill? I believe your good judgment would not sanction that kind of a thing, and plainly it is contrary to the spirit of the very rule we adopted separating the jurisdiction of the appropriating committee and the Committee on Military Affairs.

Mr. LITTLE. Will the gentleman yield?

Mr. GREENE of Vermont. I will be very glad to do so.

Mr. LITTLE. How long has this been in force in the Army?

Mr. GREENE of Vermont. I can not give you the number of years.

Mr. LITTLE. About how many?

Mr. GREENE of Vermont. About a dozen.

Mr. LITTLE. Does the department seek to have this embodied?

Mr. GREENE of Vermont. I do not know now what the department wants to do with it. I know at the time it was considered there were many phases of the general situation that commended it to the committee.

Mr. LITTLE. Which side of this do you want? Are you for abolishing the bonus? I did not hear the gentleman, because he looked the other way all the time.

Mr. GREENE of Vermont. Sometimes it is a relief to people not to have me look at them. [Laughter.]

Mr. LITTLE. It is a great pleasure to hear the gentleman. I do not say this in jest at all.

Mr. GREENE of Vermont. I do not think the gentleman could intentionally make a joke.

Mr. LITTLE. I am not joking now. What I am trying to find out——

Mr. GREENE of Vermont. Let us get to it.

Mr. LITTLE. I wanted to know if you want the bonus abolished. I will say again that I had some regard for the gentleman's opinion when we began. Before we get through I do not know whether I will care what his opinion is.

Mr. GREENE of Vermont. That will not disturb me particularly. I want to say this, that if the gentleman will strip facetia from his question and get down to the facts I have tried to set before him during the afternoon, before his hearing was restored, it might be proper to have the temporary repeal of the bonus in view of the present economic situation. Other gentleman heard me say that.

Mr. ANTHONY. Mr. Speaker, the conferees felt it was wiser to adopt the Senate provision absolutely repealing the bonus provision on account of the fact that the fear was expressed by lawyers in the Judge Advocate's Department that unless that were done, if we allowed the bonus provision to remain on the statute books we might be put in the position of refusing to appropriate this year to pay the bonus and yet have every man put in a claim the following year for the $90 bonus. In order to make it clear that there could not by any possibility be any comeback and a vast number of claims piled up against the Government for a bonus, we thought the short way out would be a repeal of the act. There is no longer any necessity for it, and it ought to be wiped off the statute books. We do not intend to pay the bonus as long as men will enlist freely in the Army.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MILLER. Did the committee conduct hearings and find out the amount of these claims?

Mr. ANTHONY. Yes. We shall save $1,800,000 a year.

Mr. MILLER. Whose figures are those?

Mr. ANTHONY. Those are Army figures. We talked with the Secretary of War and with The Adjutant General, and we had a number of officers before us.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman allow me to ask him this question?

Mr. ANTHONY. Yes; I yield.

Mr. GREENE of Vermont. Is this adopted from a particular necessity for a temporary let-up on the bonus this year? Does the gentleman think that as legislators it is a good policy for us to begin to riddle a statute which is the fundamental act of the Army by means of these little pepper-box amendments?

Mr. ANTHONY. As the gentleman knows, the committee was entirely agreeable to repealing it just for this year, until it was brought to our attention that if we allowed it to remain on the statute books and not repealed it would run into a lot of claims from enlisted men, and we thought it ought to be made clear.

Mr. GREENE of Vermont. I think we ought to make ourselves clear, and I think it ought to be made clear that now, with our eyes wide open, we are beginning to make haphazard amendments to the organic act governing the Army in a way that we would not do with respect to other affairs, in a way we would not follow if we were to sit down coolly and take up a matter of business at our own private tables in regard to our own private affairs. Then we would not do things in that way. These are the little foxes that spoil the vines.

Mr. ANTHONY. Mr. Speaker, I thought I had moved to recede and concur.

Mr. MILLER. Mr. Speaker, will the gentleman yield again for a question?

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur. The question is on agreeing to that motion.

Mr. ANTHONY. I yield to the gentleman.

Mr. MILLER. Did I understand the gentleman from Kansas to say that the bonus authorized by the act of June 4, 1920, is repealed for next year? This is a permanent repeal of the act, is it not?

Mr. ANTHONY. The language is not as positive in the House provision as the language of the Senate, under which there would be no doubt whatever about the intention of Congress.

Mr. MILLER. I ask the gentleman from Kansas if the act of June 4, 1920, section 27, is to be repealed for one year?

Mr. ANTHONY. No; it is a permanent repeal.

Mr. MILLER. It is to be a permanent repeal?

Mr. ANTHONY. Yes. It gets rid of the bonus forever.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Kansas, that the House recede from its disagreement to the Senate amendments numbered 12 and 13, the two amendments being considered as one amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: Page 35, line 24, insert the following: "or to dispose of by transfer to the Department of Agriculture under existing laws, for its own use and the use of the several States, in road work and maintenance of roads."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur in Senate amendment No. 36.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I thought amendment No. 14 was in disagreement. That is in regard to longevity pay.

Mr. ANTHONY. No. No. 14 was adopted in the conference report.

Mr. GARRETT of Tennessee. I got the impression from the gentleman from Mississippi [Mr. QUIN] this morning that that was in disagreement.

Mr. DAVIS of Tennessee. Mr. Speaker, will the gentleman yield five minutes to me on this item?

Mr. ANTHONY. I yield the gentleman five minutes.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. DAVIS of Tennessee. I thank the gentleman from Kansas. Mr. Speaker and gentlemen, if I remember correctly, when this bill was originally reported out of the House committee it provided for the transfer of this equipment to the Department of Agriculture, but was amended on the floor of the House so as to provide simply for the sale of it. The amendment in which the gentleman from Kansas [Mr. ANTHONY] has moved to concur places it in the alternative, either to sell certain equipment, motor trucks, and automobiles, or to transfer same to the Department of Agriculture. Now, we have existing law authorizing and directing the War Department to declare surplus equipment, and to transfer it to the Department of Agriture to be distributed among the different States to be used for road-construction purposes. Under that authorization, however, only a comparatively small quantity of equipment has been transferred, and I am advised by the officials in the Bureau of Public Roads that they have had very great difficulty in obtaining a sufficient amount of equipment. In order to obtain any more of such equipment, it is apparently necessary to adopt a provision directing the War Department to transfer a specific number of trucks and other equipment to the Agricural Department to be distributed among the different States.

Mr. ANTHONY. I think the gentleman is mistaken in saying there has been but little equipment transferred. There have been 29,000 trucks transferred from the War Department to the Department of Roads and distributed to the States.

Mr. DAVIS of Tennessee. I did not know there had been that much, but I am advised by officials in the Bureau of Public Roads that they now have pending numerous applications from various State highway commissions for additional equipment, which they are unable to fill because they are unable to get the equipment from the War Department. The Government has very properly entered upon a program—I trust a fixed policy—of Federal aid in highway construction in conjunction with the various States. The Government has contributed and is now contributing a large amount of money in the way of Federal aid to road construction.

These trucks are needed in that construction; and if they are transferred to the various highway commissions they can use them most advantageously. On the other hand, if the War Department officials are permitted to sell this equipment, which they will be under the bill as it stands or as it will read if the motion made by the gentleman from Kansas be adopted—that is, leaving it optional as to whether the War Department shall sell the trucks or transfer them to the Department of Agriculture—the State highway commissions will not get that equipment. The Agricultural Department will not get it, but it will be sold at a great sacrifice. It will doubtless be sold at 20 cents on the dollar, and then the different highway commissions, acting in conjunction with the Government in their road construction, will be required to go into the market and pay full price for similar equipment to be used by them. I want to ask the gentleman from Kansas to prefer a request for unanimous consent that I be permitted to offer this amendment without the gentleman yielding the floor.

Mr. ANTHONY. I will say to the gentleman that I would not like to do that.

Mr. DAVIS of Tennessee. The amendment that I have in mind is simply to leave it as it originally was.

Mr. ANTHONY. If the gentleman leaves it as the House passed it, the House directed the Secretary of War to sell all this equipment.

Mr. DAVIS of Tennessee. No; I mean as originally reported out of the gentleman's committee before it was amended in the House. In other words, my amendment would simply direct the transfer of this equipment to the Department of Agriculture, omitting the option to sell.

Mr. ANTHONY. The committee would feel itself obliged to follow the direction of the House.

Mr. DAVIS of Tennessee. That being so, I ask that the gentleman give the House an opportunity to vote on my amendment without the gentleman yielding the floor. If the House is in favor of it, it will so vote, and if opposed, will so vote; and the gentleman says he will not oppose the will of the House. I regret that the gentleman is unwilling for my amendment to be offered and voted upon.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired. The question is on the motion of the gentleman from Kansas to recede and concur in Senate amendment numbered 36.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Amendment No. 38: Page 36, line 24, after the word "purposes," insert: "*And provided further*, That hereafter the cost of transportation of civilian employees and of materials in connection with the construction or maintenance of seacoast fortifications, or the acquisition of land therefor, by the Engineer Department, or with the manufacturing and purchase activities of the Ordnance Department and the Chemical Warfare Service, shall be charged to the appropriations for the work in connection with which such transportation charges are incurred."

Mr. ANTHONY. Mr. Speaker, heretofore the expenses of those officers have been paid out of the item for transportation of the Army; but the comptroller has recently disapproved of such payments, and the committee thought it was to the interest of good business that the appropriations should be charged directly with all expenses connected with their administration. So therefore this language will permit these expenses to be charged to the appropriations which Congress specifies.

I move to recede and concur in the amendment.

The SPEAKER pro tempore. The gentleman from Kansas offers a motion to recede and concur in Senate amendment 38.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment 41: "*Provided further*, That all the money hereinbefore designated under the title 'Subsistence of the Army,' 'Regular supplies, Quartermaster Corps,' 'Incidental expenses, Quartermaster Corps,' 'Transportation of the Army and its supplies,' 'Water and sewers at military posts,' 'Clothing and camp and garrison equipage,' shall be disbursed and accounted for, except as specifically limited, as 'General appropriations, Quartermaster Corps,' and for that purpose shall constitute one fund."

Mr. ANTHONY. Mr. Speaker, I move to recede from the disagreement to the Senate amendment 41 and agree, with an amendment:

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ANTHONY moves to recede from the disagreement to the amendment of the Senate No. 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That there may be transferred during the fiscal year 1922 from the appropriations contained herein for 'Subsistence of the Army,' 'Regular supplies, Quartermaster Corps,' 'Incidental expenses, Quartermaster Corps,' 'Water and sewers at military posts,' and 'Clothing and camp and garrison equipage' to the appropriation for 'Transportation of the Army and its supplies' such amounts as may be necessary."

Mr. ANTHONY. Mr. Speaker, the language of the Senate amendment would have made all of these appropriations interchangeable. The House did not think that was wise. We all recognize the fact that in the discharge of 70,000 enlisted men between now and October 1 there will be a considerable expense. It has been estimated that for every soldier discharged in the continental United States we have to pay, on an average, $55 travel pay. That means that we will have to pay $3,500,000 from some place to pay the travel of these discharged men. We figured that possibly the decrease of the various items for the support of the Quartermaster's Department might save that amount, and if they save that amount the money can be applied to the transportation of these men to their homes.

The SPEAKER pro tempore. The question is on receding and concurring in the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment in disagreement.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that amendments 45 and 46 may be considered together, as they both refer to the same proposition.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that Senate amendments 45 and 46 may be considered together and voted upon as one amendment. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, will the gentleman explain the reason for his request?

Mr. ANTHONY. The present law permits them to send not more than 2 per cent to any of these institutions for instruction. They have the authority to do that without any special act, but in the Engineer Corps we find a large number of young officers graduated from West Point during the war without having completed the full course. In order that they may be brought up to the full standard which the Army requires in the Engineer Corps, they want to send 50 young men to the Boston Tech or the Rensselaer Polytechnic schools and one or two other institutions, so that they may have this education, and it will require more than the 2 per cent authorization. The Engineer Corps has agreed to accept a reduction for the supplies of the Engineer Corps for the amount which would be required, so that it will be no extra expense to the Government beyond the original appropriation.

Mr. GARRETT of Tennessee. I understand that the two amendments are directly connected, and that each is necessary to the other?

Mr. ANTHONY. The two are directly connected.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas that the two amendments, Senate amendments 45 and 46, be considered and voted on as one amendment? [After a pause.] The Chair hears none. The Clerk will report the two amendments.

The Clerk read as follows:

Senate amendment 45: Page 55, line 21, after the word "of," insert the words "not to exceed 50."

Senate amendment 46: Page 55, line 22, after the word "institutions," insert the following: "in addition to the 2 per cent of commissioned officers authorized to attend technical, professional, and other educational institutions as provided for in section 127a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920."

Mr. ANTHONY. I yield three minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, I simply want to say again that Carthage must be destroyed. Here is another question of military policy being determined by the Appropriations Committee—the education of officers.

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in Senate amendments 45 and 46.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur in Senate amendments 45 and 46.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment disagreement.

The Clerk read as follows:

Amendment 52: For the preparation of plans, the initiation of work, including the employment of all necessary engineering, technical, clerical, and other services, and for any and every purpose connected therewith, for an increased water supply for the District of Columbia, in accordance with Potomac project "E" described in the report submitted by Maj. M. C. Tyler, Corps of Engineers, $200,000, to be immediately available and to remain available until expended: *Provided*, That 60 per cent of this sum shall be paid from the revenues of the District of Columbia and 40 per cent from the Treasury of the United States.

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. May I make a short statement first, and then I shall yield. This is the same provision that was agreed to by the House in the last appropriation bill which we passed in March and which failed to become a law. This time the Senate had two propositions which it asked the House conferees to take over respecting water supply and water power in the District of Columbia. One is amendment No. 52, which is now before the House, for the augmentation of the District water supply, and there are many arguments to be made in its favor. The conferees carefully considered that, and we believed it was our duty to again present the matter to the House for its decision. So far as the water-power proposition is concerned, the conferees were unanimous in their opposition to its inclusion in the bill, believing there should be opportunity for further study and inquiry on the part of committees of the House.

I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, if you were to go to the gentleman from Wyoming [Mr. MONDELL] and ask him about the power project that was in this bill, or if you were to go to the gentleman from Kansas [Mr. ANTHONY] and ask him about it each would tell you that that power project is simply out of the question, that the House ought not to consider it for a moment, and yet they bring back to the House the other provision known as the water-project provision to appropriate the initial sum of $200,000, which, according to the report of Maj. Tyler on the proposition, means ultimately an expenditure of at least $9,523,000, and, coupled with the power, it may run up to $60,000,000.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. These two projects are inseparable, the water project and the power project. They are practically the same project, because out of the power project we expect to get the increased water supply. The proponents of the proposition know that if they can ever get Congress to appropriate $200,000 and start the matter they will get both projects.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In just a moment. The gentleman can get all of the time he wants.

Mr. MADDEN. Then the gentleman does not want to answer a question?

Mr. BLANTON. I am sure the gentleman will get me more time if I wish it. I yield to the very distinguished gentleman from Chicago.

Mr. MADDEN. I just wanted to ask the gentleman if he thinks that the statement he makes to the effect that you can not separate the water supply and the water-power project has any basis in fact?

Mr. BLANTON. If the gentleman will read this document with Maj. Tyler's report in it he will see that the two propositions are almost inseparable.

Mr. MADDEN. One further question. Does the gentleman think it is necessary to have a water-power project developed in order to get a water supply?

Mr. BLANTON. Does the gentleman know how they are going to get the water supply? They are fixing to put two dams on the Potomac River, one at the Chain Bridge and another at Great Falls. That makes the power and it impounds the water, and out of that impounded water we are to get the water supply for the District of Columbia. Maj. Tyler says that ultimately the water alone is to cost $9,523,000, and coupled with the power project it is going to cost $44,000,000 at least, and that is in his report in this book, and it may cost $60,000,000. We went all through the war, from April 6, 1917, until after the armistice was signed, with at least 100,000 transient people in the city of Washington, in the District of Columbia—at least 100,000 people more than we have to-day in this city—and not one single time did we ever get short of water. You can go into almost every house of any size right now in the District of Columbia and you will find water flowing out of leaking hydrants, with no attempt made to stop the waste or to conserve the water. If you could save the water that is wasted in this District every day, you would have enough almost to care for a large sized city. In this report it is said they hope ultimately to have a city here of 1,200,000 people, and that they must provide the water supply. We had plenty of water during the war when we had a big crowd of people here, and we have plenty of water now. The Government of the United States paid every single dollar for the expenditure that went to build the present water conduit in the city. Not one dollar was put up by the inhabitants of the District of Columbia. The people of the United States own that water conduit, and yet these people living in the District of Columbia are clamoring through the press every day to the effect that the Government ought to pay for the water it uses in its public buildings, as if the Government did not own the water in the first place.

It is the Government's water proposition, and the people here are using it now at a very low rate. I dare say you can search the United States to-day and you can not find a city of 437,000 people anywhere else in the United States where they have as cheap water rates as they have here.

Mr. MADDEN. I can find the gentleman one with 3,000,000 of people where the water rate is 25 per cent cheaper than it is here.

Mr. BLANTON. In Chicago?

Mr. MADDEN. Yes.

Mr. BLANTON. That is the first cheap thing I have ever heard of in Chicago.

Mr. MADDEN. Nevertheless it is there.

Mr. BLANTON. It is just a question of whether we are going to embark on a proposition that ultimately will cost at least $44,000,000, and maybe $60,000,000. Here is Maj. Tyler's estimate on this water project alone:

Potomac project E.

Intake gatehouse at Great Falls, complete	$123,000
Tunnel between Great Falls and Anglers' Club (including right of way)	962,000
Conduit (9 feet in diameter) between Anglers' Club and Dalecarlia Hill tunnel (reinforced concrete)	2,370,000
Dalecarlia Hill tunnel between conduit and Dalecarlia Reservoir	90,000
Gatehouse at Dalecarlia Reservoir inlet	106,000
Filtration plant at Dalecarlia Reservoir and pumping plant	1,821,000
Steam power plant at Dalecarlia Reservoir	499,000
Hydroelectric power plant	296,000
Distribution piping and tunnel connecting city mains and District of Columbia distribution reservoir	1,300,000
Distribution reservoir at Idaho Avenue	714,000
Total	8,281,000
Engineering and contingencies, 15 per cent	1,242,000
Grand total	9,523,000

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask for a division of the question.

The SPEAKER pro tempore. The gentleman from Texas demands a division of the question.

Mr. RAKER. Will the gentleman from Kansas explain what became of amendment No. 53, which is the next one?

Mr. ANTHONY. The Senate receded.

The SPEAKER pro tempore. The question being divisible, the question occurs upon the motion to recede.

Mr. BLANTON. Mr. Speaker, I asked for a division of the question.

The SPEAKER pro tempore. The question has been divided, and we are voting upon the motion to recede.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-nine Members are present, not a quorum.

Mr. BLANTON. It is an automatic vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state that the House has not divided.

Mr. BLANTON. The Chair put both the affirmative and negative and stated that the ayes had it, and I made the point of order that there was no quorum.

The SPEAKER pro tempore. The House had not divided.

Mr. ANTHONY. Mr. Speaker, I move a call of the House.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 108, noes 3.

So the call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Fairchild	Kleczka	Reed, W. Va.
Atkeson	Fairfield	Knight	Riddick
Bacharach	Fields	Kreider	Riordan
Bankhead	Fisher	Langley	Rosenbloom
Bell	Fitzgerald	Larsen, Ga.	Rossdale
Bixler	Focht	Larson, Minn.	Rouse
Blakeney	Freeman	Lee, Ga.	Rucker
Bland, Ind.	Fulmer	Lee, N. Y.	Ryan
Bond	Funk	Linthicum	Sanders, N. Y.
Bowers	Gallivan	Longworth	Scott, Mich.
Brinson	Garner	Lufkin	Sears
Britten	Gilbert	Luhring	Shelton
Brown, Tenn.	Goldsborough	Lyon	Shreve
Browne, Wis.	Good	McArthur	Siegel
Buchanan	Gould	McKenzie	Sinclair
Burdick	Graham, Pa.	McLaughlin, Pa.	Sisson
Burroughs	Griest	MacGregor	Snell
Butler	Griffin	Maloney	Snyder
Byrnes, S. C.	Hardy, Tex.	Mann	Stedman
Campbell, Pa.	Hays	Mead	Steenerson
Cantrill	Hersey	Merritt	Stiness
Carew	Hicks	Mills	Stoll
Carter	Himes	Moore, Ill.	Strong, Pa.
Chandler, N. Y.	Hogan	Moore, Va.	Sullivan
Chandler, Okla.	Houghton	Morin	Tague
Clark, Fla.	Hudspeth	Mott	Taylor, Ark.
Clouse	Hull	Nelson, J. M.	Taylor, Colo.
Cockran	Humphreys	O'Brien	Ten Eyck
Codd	Husted	Oliver	Thomas
Cooper, Ohio	Hutchinson	Paige	Tilson
Copley	Ireland	Parker, N. J.	Treadway
Coughlin	James, Va.	Parker, N. Y.	Vaile
Cramton	Johnson, Miss.	Perkins	Vare
Crisp	Johnson, S. Dak.	Perlman	Voigt
Cullen	Jones, Pa.	Peters	Volk
Darrow	Kahn	Petersen	Ward, N. Y.
Deal	Kelley, Mich.	Pou	Wheeler
Dempsey	Kelly, Pa.	Pringey	Williams
Dunn	Kendall	Radcliffe	Winslow
Dupré	Kennedy	Rayburn	Wise
Dyer	Kiess	Reavis	Wood, Ind.
Elston	Kindred	Reber	Woodyard
Evans	Kitchin	Reed, N. Y.	Yates

The SPEAKER pro tempore. On this roll call 256 Members have answered to their names; a quorum is present.

Mr. ANTHONY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The question is upon the motion of the gentleman from Texas to recede——

Mr. BLANTON. No, Mr. Speaker; I do not want to recede. A point of order, Mr. Speaker. I did not move to recede. I just asked for a division. I am against receding.

Mr. ANTHONY. I moved to recede and concur.

The SPEAKER pro tempore. The gentleman from Texas is correct; the question is on the motion of the gentleman from Kansas to recede, the question having been divided.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided.

The SPEAKER pro tempore. On this question the ayes are 142 and the noes are 38.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and I make that point of order.

The SPEAKER pro tempore. The gentleman from Texas objects to the vote because there is no quorum present. The Chair will count.

Mr. ANTHONY. Mr. Speaker, I make the point of order that the roll call just disclosed a quorum.

Mr. BLANTON. But the gentleman knows that the Members have gone home.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ANTHONY] makes the point of order that the call of the House just disclosed a quorum, no business having intervened. The Chair sustains the point of order.

Mr. WINGO. Mr. Speaker, if the Chair will refresh his memory he will find the rules provide that is where no quorum appears, and the gentleman makes the point of order on that. I think the language of the gentleman from Texas [Mr. BLANTON] was not a general point of no quorum, but he made the point of order on the vote and challenged that vote.

Mr. BLANTON. I objected to it, and put it in parliamentary language, according to the rule.

Mr. STAFFORD. There is no escape from the language of the rule.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and seventeen Members are present, a quorum.

So the motion to recede was agreed to.

The SPEAKER pro tempore. The question is on the motion to concur.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 162, noes 31.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and I make the point of order that there is no quorum.

The SPEAKER pro tempore. The gentleman objects to the vote because there is no quorum present. The Chair will count. [After counting.] Two hundred and sixteen Members are present, a quorum.

So the motion to concur was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment standing in disagreement.

The Clerk read as follows:

Amendment No. 54: On page 70, after line 11, insert:
"The War Department is hereby directed to cancel and abandon the claim in the sum of $18,583.44 for United States property issued to the National Guard of Texas and lost, damaged, and destroyed during and immediately after the storm and flood at Corpus Christi, Tex., and surrounding country in September, 1919, the property having been furnished for relief of the civilian population."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 55: Page 70, after line 18, insert:
"That the Secretary of War is authorized, in his discretion, to pay to Emil Hugli, an attorney of Berne, Switzerland, the sum of $50 as compensation for services rendered the United States at the request of an officer of the United States."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. DALLINGER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Kansas yield to the gentleman from Massachusetts?

Mr. ANTHONY. I yield.

Mr. DALLINGER. I want to take this opportunity, the last one I will have, to ask a question of the gentleman from Kansas in regard to amendment No. 56, page 92. I understand by the report that the Senate conferees receded from that amendment.

Mr. ANTHONY. They did.

Mr. DALLINGER. So there is no opportunity for a vote on it. I understand that under the provision as it will be in the bill the officers in charge of the arsenals are simply restricted from paying more to any employee than is paid in private establishments, and nothing said about the average of the establishments in the neighborhood. There is nothing in the language to prevent them paying very much less. As the law is and as the regulations are now, the wages in the arsenals are fixed by the wage board, which takes the average wage paid in similar establishments in the vicinity. I want to ask the gentleman from Kansas if it was the intention of the committee in leaving the law the way it is now in the bill to have

the employees of the arsenals receive less than they receive in private establishments?

Mr. ANTHONY. Not at all. The committee does not expect there would be anyone connected with the War Department who would so construe this language. They undoubtedly would take the general average.

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas to recede and concur.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the following resolution:

Senate resolution 94.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM E. MASON, late a Representative from the State of Illinois.

Resolved, That a committee of six Senators be appointed by the presiding officer, to join the committee appointed by the House of Representatives, to take order for the superintending of the funeral of Mr. MASON at Chicago, Ill.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii; and

H. J. Res. 82. Joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware.

The message also announced that pursuant to Senate resolution 94, agreed to June 16, 1921, the President pro tempore had appointed Mr. MCCORMICK, Mr. MCKINLEY, Mr. KENYON, Mr. ASHURST, Mr. CARAWAY, and Mr. HEFLIN a committee on the part of the Senate to join the committee appointed by the House of Representatives to take order for the superintending of the funeral of Mr. MASON at Chicago, Ill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAYS, for seven days, on account of important business.

To Mr. OSBORNE, for Monday, June 20, 1921, on account of official business.

ADJOURNMENT.

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House, under its previous order, adjourned until Monday, June 20, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

167. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Santa Barbara Harbor, Calif.; to the Committee on Rivers and Harbors.

168. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Grand Haven Harbor, Mich.; to the Committee on Rivers and Harbors.

169. A letter from the Secretary of War, transmitting urgent request that Congress pass the bill (H. R. 5756) authorizing an increase in the limit of indebtedness of the Philippine Government from $15,000,000 to $30,000,000; to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RODENBERG, from the Committee on Flood Control, to which was referred the bill (H. R. 1578) to provide a preliminary survey of the Puyallup River, Wash., with a view to the control of its floods, reported the same without amendment, accompanied by a report (No. 184), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 1577) to provide a preliminary survey of Cowlitz River, Wash., with a view to the control of its floods, reported the same without amendment, accompanied by a report (No. 185), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1934) granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway toll bridge across the Ohio River, between the city of Huntington, W. Va., and a point opposite in the State of Ohio, reported the same with amendments, accompanied by a report (No. 186), which said bill and report were referred to the House Calendar.

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 7102) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, reported the same without amendment, accompanied by a report (No. 188), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 6514) granting Parramore Post, No. 57, American Legion, permission to construct a memorial building on the Federal site at Abilene, Tex., reported the same with an amendment, accompanied by a report (No. 189), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 7103) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported the same with amendments, accompanied by a report (No. 190), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DYER, from the Committee on the Judiciary, to which was referred the bill (H. R. 6877) to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes, reported the same with amendments, accompanied by a report (No. 191), which said bill and report were referred to the House Calendar.

Mr. COLLINS, from the Committee on the Public Lands, to which was referred the bill (H. R. 2911) to provide for the disposition of abandoned lighthouse and life-saving stations, reported the same with amendments, accompanied by a report (No. 192), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER, from the Committee on the Territories, to which was referred the bill (H. R. 6674) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, Territory of Hawaii, reported the same with amendments, accompanied by a report (No. 193), which said bill and report were referred to the House Calendar.

Mr. SUMNERS of Texas, from the Committee on the Judiciary, to which was referred the bill (H. R. 6679) to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 195), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAWES, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6245) for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey, reported the same with an amendment, accompanied by a report (No. 187), which said bill and report were referred to the Private Calendar.

By Mr. KOPP, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 7210) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and

Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 194); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4231) to carry out the findings of the United States Court of Claims in the case of Abel J. Mosby; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4232) to carry out the findings of the Court of Claims in the case of William Harrow; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4233) to carry out the findings of the Court of Claims in the case of William Harrow; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7041) to carry out the findings of the Court of Claims in the case of Benjamin R. Waller; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4722) to carry out the findings of the Court of Claims in the case of Frank T. Foster; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHANDLER of Oklahoma: A bill (H. R. 7202) to refer the claims of the Delaware Indians to the Court of Claims with the right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

By Mr. SIEGEL: A bill (H. R. 7203) to punish the transportation of kidnaped children in interstate and foreign commerce; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 7204) to provide a Government-owned water-service system for the Fort Monroe Military Reservation; to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 7205) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900; to the Committee on the District of Columbia.

By Mr. LANGLEY (by request): A bill (H. R. 7206) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. WEAVER: A bill (H. R. 7207) for the purchase of a site and erection of a post office at Franklin, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. KITCHIN: A bill (H. R. 7208) to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 7209) to further regulate certain public-service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. KOPP: A bill (H. R. 7210) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House and ordered to be printed.

By Mr. WINSLOW: A bill (H. R. 7211) to distribute the commissioned line and engineer officers of the Coast Guard in grades in the same proportion as provided by law for the distribution in grades of commissioned line officers of the Navy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: A bill (H. R. 7212) to provide for examination by the Public Health Service of persons brought before the Juvenile Court of the District of Columbia; to the Committee on the District of Columbia.

By Mr. MORGAN: A bill (H. R. 7213) granting an increase of pension to certain soldiers, sailors, and marines of the Civil War, and to the widows of such soldiers, sailors, and marines; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 7214) to aid in carrying into effect the agreements of the United States with the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

By Mr. DENISON: A bill (H. R. 7215) to regulate the sale or disposition of securities through the United States mails or other agencies of interstate commerce and providing penalties for the violation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. LEATHERWOOD: A bill (H. R. 7216) to provide for the purchase of a site and the erection of a public building thereon at Lehi, Utah; to the Committee on Public Buildings and Grounds.

By Mr. RODENBERG: Resolution (H. Res. 120) authorizing a special messenger under the Doorkeeper of the House of Representatives; to the Committee on Accounts.

By Mr. RYAN: Resolution (H. Res. 121) authorizing the appointment of a committee of five Members of the House of Representatives to investigate certain charges of the New York American against the treatment of sick and disabled veterans of the World War at Fox Hills Hospital, Staten Island, and for other purposes; to the Committee on Rules.

By Mr. KAHN: Memorial of the Legislature of the State of California, urging legislation for the promotion of Maj. Gen. Hunter Liggett to lieutenant general; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of California, urging extension of franking privilege; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of California, urging establishment of bureau or department of publicity; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of California, urging protection for American-grown hops; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, urging construction of irrigation facilities as part of Truckee-Carson project in Long Valley, Lassen County, Calif.; to the Committee on Irrigation of Arid Lands.

By Mr. OSBORNE: Memorial of the Legislature of the State of California, forty-fourth session, relative to House bill 15854, establishing the grade of lieutenant general in the armies of the United States; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of California, forty-fourth session, relative to the memorializing and petitioning the President of the United States and Congress to establish by proper legislation a bureau or department of publicity; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of California, forty-fourth session, relative to the extension by Congress of the franking privilege; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of California, forty-fourth session, relative to the protection of American-grown hops; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, forty-fourth session, relative to the construction by the United States Reclamation Service or other public agency in Long Valley, Lassen County, Calif., of a unit of the Truckee-Carson project, under construction by the United States Reclamation Service in Nevada; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 7217) for the relief of George C. DeHart; to the Committee on Claims.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 7218) for the relief of the Sinclair Panama Oil Corporation; to the Committee on Claims.

Also, a bill (H. R. 7219) granting a pension to Martha F. Berry; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 7220) granting a pension to John V. Blum; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 7221) granting an increase of pension to Nellie A. Lovell; to the Committee on Invalid Pensions.

By Mr. ECHOLS: A bill (H. R. 7222) to adjust accounts of Capt. J. S. Carpenter, Supply Corps, United States Navy; to the Committee on Expenditures in the Navy Department.

By Mr. FREE: A bill (H. R. 7223) granting a pension to George Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7224) granting a pension to Mary Kester; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 7225) granting an increase of pension to James Wardwell Newton; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 7226) granting a pension to Ella J. Lovell; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 7227) to carry out the findings of the Court of Claims in case of Horace H. Walpole; to the Committee on War Claims.

By Mr. KUNZ: A bill (H. R. 7228) granting a pension to Bertel Pederson; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 7229) for the relief of Emma Kiener; to the Committee on Claims.

By Mr. LUHRING: A bill (H. R. 7230) for the relief of Frank Schultz; to the Committee on Military Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 7231) granting a pension to Sarah E. Rankin; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 7232) granting a pension to Anna M. Prendergast; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 7233) granting a pension to Alverdie Rush; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 7234) for the relief of Miles Swift; to the Committee on Naval Affairs.

By Mr. REECE: A bill (H. R. 7235) granting an increase of pension to Everett P. Springer; to the Committee on Pensions.

Also, a bill (H. R. 7236) granting a pension to David C. Maples; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 7237) granting an increase of pension to William H. Van Name; to the Committee on Pensions.

By Mr. SHELTON: A bill (H. R. 7238) granting an increase of pension to Sarah Elizabeth Burress; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 7239) for the relief of the estate of Elizabeth K. De Bus, deceased; to the Committee on Claims.

Also, a bill (H. R. 7240) providing for the appointment of Acting First Sergt. Ira A. Kilbury as captain in the Signal Corps, United States Army; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 7241) for the relief of George W. Lyle; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 7242) granting an increase of pension to Louisa S. Skaggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7243) granting a pension to Jane Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7244) granting an increase of pension to Mary J. Davis; to the Committee on Invalid Pensions.

By Mr. UPSHAW: A bill (H. R. 7245) for the relief of G. L. Adams; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 7246) granting an increase of pension to Frederick D. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7247) granting an increase of pension to John Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7248) granting a pension to William D. Warren; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 7249) granting a pension to Maria Afflick; to the Committee on Invalid Pensions.

By Mr. WARD of North Carolina: A bill (H. R. 7250) to authorize payment of claim of Marina B. Harding, widow (remarried) of Henry O. Handy; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1387. By the SPEAKER (by request): Petition of Newport News Chamber of Commerce, regarding the liability for goods while in transit; to the Committee on Interstate and Foreign Commerce.

1388. Also (by request), petition of Lakeside Presbyterian Church, of Storm Lake, Iowa, urging Congress to take the initiative in inviting an international conference to confer upon the question of armaments; to the Committee on Foreign Affairs.

1389. Also (by request), petition of Newport News Chamber of Commerce, protesting against legislation permitting Federal operation of private industry; to the Committee on Agriculture.

1390. Also (by request), petition of J. T. Rowan and 89 others of the State of North Dakota, favoring the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1391. By Mr. BRIGGS: Petition of J. E. Broussard, of Anahuac, Tex., protesting against any further increase in second-class mail rates until a thorough inquiry into the cost of handling newspapers in the mails can be made; to the Committee on the Post Office and Post Roads.

1392. By Mr. BURTNESS: Resolutions adopted by convention of Young People's Societies of the Grand Forks Circuit of the Norwegian Lutheran Church of America, urging Government and Congress to secure permanent relief and protection for the people of the Near East; to the Committee on Foreign Affairs.

1393. Also, resolution of mass meeting of Devils Lake, N. Dak., and petitions of J. T. Rowan and others and E. R. Forest and other residents of Fargo, N. Dak., urging recognition of the independence of the republic of Ireland; to the Committee on Foreign Affairs.

1394. By Mr. COOPER of Wisconsin: Petition of the Good Shepherd Church, Universalist, of Racine, and the Second Congregational Church of Beloit, both in the State of Wisconsin, urging the President to call a conference for reduction of armaments; to the Committee on Foreign Affairs.

1395. By Mr. CONNOLLY of Pennsylvania: Petition of the Cooperative Building and Loan Association of Philadelphia, Pa., favoring the proposed amendment to the revenue act, approved February 24, 1919, exempting from taxation income received from building and loan association shares to the amount of $500; to the Committee on Ways and Means.

1396. Also, petition of the Quane Lane Building and Loan Association, of Philadelphia, Pa., favoring the proposed amendment to the revenue act, approved February 24, 1919, exempting from taxation income received from building and loan association shares to the amount of $500; to the Committee on Ways and Means.

1397. By Mr. CURRY: Petition of Frank Tade and 93 others, residents of the third California congressional district, favoring enactment of House bill 7, providing for a department of education; to the Committee on Education.

1398. By Mr. DALLINGER: Resolution of the First Baptist Church, Watertown, Mass., favoring a calling of international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1399. By Mr. DRIVER: Memorial of Southern Wholesale Grocers' Association, Jacksonville, Fla., in regard to the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

1400. By Mr. FENN: Resolution of Methodist Episcopal Church of East Berlin, Conn., seeking relief of the Armenians; to the Committee on Foreign Affairs.

1401. Also, resolution of Connecticut Federation of Labor, favoring the Nolan $8 minimum wage bill; to the Committee on Labor.

1402. Also, resolution adopted by the Connecticut Federation of Labor, urging reclassification of United States service employees; to the Committee on Reform in Civil Service.

1403. Also, petition of Kate A. Hallock and others, of Cromwell, Conn., for relief of peoples in the Near East; to the Committee on Foreign Affairs.

1404. Also, resolution of Daly Council, No. 12, Knights of Columbus, New Britain, Conn.; the Connecticut Federation of Labor; and the Knights of Columbus, by J. M. Phillips, State secretary, of the State Council of Connecticut, urging recognition of the Irish republic; to the Committee on Foreign Affairs.

1405. Also, petition of Suffield Grange, No. 27, Suffield, Conn., against the Edge-Ackerman so-called daylight saving bill; to the Committee on Interstate and Foreign Commerce.

1406. By Mr. FULLER: Petition of the Celebrated Players Film Corporation, opposing a duty on film stock; to the Committee on Ways and Means.

1407. Also, petition of Western Pine Manufacturers' Association, favoring a tariff on lumber; to the Committee on Ways and Means.

1408. Also, petition of the congregations of the Methodist Episcopal Church of Roscoe and Harlem, Ill., favoring a conference on disarmament; to the Committee on Foreign Affairs.

1409. Also, petition of the American Farm Bureau Federation, for the passage of Senate bill 1072; to the Committee on Roads.

1410. Also, petition of American War Mothers of Ottawa, Ill., for relief of the disabled of the late World War; to the Committee on Interstate and Foreign Commerce.

1411. Also, petition of citizens of La Salle and Peru, Ill., for recognition of the Irish republic; to the Committee on Foreign Affairs.

1412. By Mr. GOLDSBOROUGH: Petition of congregation of the Protestant Episcopal Church of the Holy Trinity at Greensboro, Md., praying for the calling of a conference of the leading nations on reduction and limitation of armaments; to the Committee on Foreign Affairs.

1413. By Mr. JEFFERIS: Petition of John W. McGuire and sundry other citizens of Omaha, Nebr., urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1414. By Mr. KAHN: Resolution adopted by the Private Soldiers and Sailors Legion of California, to rectify some of the evils of the court-martial system and repayment of all court-martial fines of misdemeanor grades; to the Committee on Military Affairs.

1415. By Mr. KISSEL: Petition of Edward Cusack, Daniel Timoney, George Schulling, sr., all of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1416. Also, petition of 99 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1417. By Mr. MAGEE: Petition of citizens of Syracuse, N. Y., in favor of an international conference on reduction of armaments; to the Committee on Foreign Affairs.

1418. By Mr. MURPHY: Memorial of 43 citizens of Conotton, Ohio, praying for relief for the Armenians; to the Committee on Foreign Affairs.

1419. Also, memorial of Thomas Jefferson Council, of Bellaire, Ohio, urging recognition of the Irish republic; to the Committee on Foreign Affairs.

1420. By Mr. A. P. NELSON: Petition of the English Lutheran Congregation of Grantsburg, Wis., and the Bethany Lutheran Congregation of Burnett County, Wis., requesting a conference of the leading nations of the world on reduction of armaments; to the Committee on Foreign Affairs.

1421. By Mr. PATTERSON of New Jersey: Petition of American Association for Recognition of the Irish Republic, South New Jersey Branch, representing 20,000 American citizens, favoring recall and retirement of Rear Admiral Sims; to the Committee on Naval Affairs.

1422. By Mr. REBER: Views of H. F. Bright, wholesale lumber dealer of Ashland, Pa., on the subject of duty on finished lumber; to the Committee on Ways and Means.

1423. Also, personal views of G. T. Burd, of Pottsville, Pa., on the subject of disarmament of the leading nations of the world; to the Committee on Foreign Affairs.

1424. By Mr. SINCLAIR: Petition of North Dakota Farm Bureau Federation, opposing legislation permitting the admission of Canadian wheat to be milled for export with refund of tariff; to the Committee on Ways and Means.

1425. By Mr. SNELL: Resolutions of the members of the First Methodist Episcopal Church, Au Sable Forks, N. Y., favoring the Borah resolution for reduction of armament; to the Committee on Foreign Affairs.

1426. By Mr. SNYDER: Petition of the members and congregation of the Presbyterian Church at Westernville, N. Y., favoring the disarmament of nations; to the Committee on Foreign Affairs.

1427. By Mr. STINESS: Memorial of members of St. Philip's Episcopal Parish, of Crompton, R. I., urging that an international conference be held for the reduction of armaments; to the Committee on Foreign Affairs.

1428. By Mr. TINKHAM: Resolution of the executive committee of the Republican Club of Massachusetts, requesting the passage of the bill making October 12, Christopher Columbus Day, a national holiday; to the Committee on the Judiciary.

1429. Also, petition of the Foreign Policy Association of Massachusetts, favoring an international conference to discuss disarmament; to the Committee on Foreign Affairs.

1430. Also, petitions of West Roxbury Post, No. 167, the American Legion, and the Women's Auxiliary, Mission Hill Post, No. 261, of Boston, urging relief for the disabled of the late World War; to the Committee on Interstate and Foreign Commerce.

1431. By Mr. WATSON: Memorial of Gwynedd Monthly Meeting of Friends and the Seventh District Sunday School Union, Bucks County, Pa., favoring international disarmament; to the Committee on Foreign Affairs.

1432. By Mr. YATES: Petition of Ora Shankland, Chandlerville, Ill., protesting against repeal of the present postal zone law; to the Committee on the Post Office and Post Roads.

1433. By Mr. MAPES: Petition of the Home Economics Course of the Michigan Agricultural College, in favor of Rogers bill to prohibit the manufacture, sale, or transportation in interstate commerce of misbranded articles, to regulate traffic thereon, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1434. Also, petition of members of the Church of the Brethern, of Grand Rapids, Mich., favoring a reduction of armament and of the military and naval expenses of the Government; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *June 20, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that after the rest and the worship of yesterday we can assume the duties that belong to this high estate and ask from Thee guidance and help in every form of responsibility. The Lord bless us and cause His face to shine upon us, upon our land, upon the President and his official Cabinet, and all in authority. We ask in Jesus name. Amen.

The Vice President being absent, the President pro tempore took the chair.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes; that the House had receded from its disagreement to sundry amendments of the Senate and concurred therein; that the House had receded from its disagreement to sundry amendments of the Senate and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented resolutions of Ishpeming Lodge, No. 314, Free and Accepted Masons, of Ishpeming; the Cadillac Rotary Club, of Cadillac; Monitor Lodge, No. 163, Order of Vosa, of Ishpeming; Benevolent and Protective Order of Elks, of Ishpeming; and Ahmeek Lodge, No. 150, Independent Order of Odd Fellows, of Ishpeming, all in the State of Michigan, favoring the enactment of legislation providing adequate relief for disabled ex-service men, which were ordered to lie on the table.

He also presented a resolution of the Rotary Club of Marquette, Mich., protesting against an excess-profits tax law, which was referred to the Committee on Finance.

He also presented a resolution of the American Legion, Department of Michigan, of Detroit, Mich., favoring a proposal that suboffices of the Vocational Training Board, the Public Health Service, and the war-risk insurance be made more flexible rather than limited to 50, and also that such suboffices be made more in touch with the men who need their services, which was ordered to lie on the table.

He also presented a resolution of the Ladies' Literary Club of Grand Rapids, Mich., favoring the enactment of legislation to remove legal restrictions, etc., which may prevent parents from access to scientific knowledge on the subject of maternity, which was ordered to lie on the table.

He also presented a resolution of Detroit Branch, No. 1, National Association of Letter Carriers of the United States, of Detroit, Mich., favoring the enactment of legislation to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of Detroit Branch, No. 1, National Association of Letter Carriers of the United States of America, of Detroit, Mich., favoring the enactment of legislation providing for the establishment of a system to be under the jurisdiction of the United States Civil Service Commission to grant the right of appeal and hearing to Federal employees in the classified civil service when removal is sought or they are recommended for reduction in rank or compensation, which was referred to the Committee on Civil Service.

He also presented a resolution of Detroit Branch, No. 1, National Association of Letter Carriers of the United States, of Detroit, Mich., protesting against the enactment of legislation providing for a one-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Cooperton, Okla., praying that an appropriation of $50,000 be made to assist in building a road in the Wichita Forest Reserve,

which was referred to the Committee on Post Offices and Post Roads.

He also presented two resolutions of sundry citizens of Detroit, Mich., favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the League of Women Voters, of Carland; the pastor and congregation of the Congregational Church of Lake Linden; the pastor and congregation of the Hubbell Congregational Church, of Lake Linden; the paston and congregation of the First Presbyterian Church of Ypsilanti; the pastor and congregation of the Methodist Episcopal Church of Hastings; the pastor and congregations of the Methodist Episcopal Churches of Clarkston and Seymore Lake; sundry members of the First Presbyterian Church of Howell; the pastor and congregation of St. Paul's Protestant Episcopal Church, of Bad Axe; the pastor and congregation of the Marysville Community Church, of Marysville; the congregation of the Church of the Brethren, of Rodney; the pastor and congregation of the Methodist Episcopal Church of Litchfield; the congregation of the Plymouth Congregational Church, of Lansing; the Ingram County League of Women Voters, of Lansing; the pastor and congregation of the First Presbyterian Church of Alma; the pastor and congregation of the Methodist Episcopal Church of Dearborn; the congregation of the Union Church, of Cedarville; the pastor and congregation of the Congregational Church of Shelby; the pastor and congregation of Grace Episcopal Church, of Port Huron; the pastor and congregation of the First Baptist Church of Lansing; and the congregation of the First Baptist Church of Jackson, all in the State of Michigan, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Climax, Mich., praying that relief be afforded the imperiled and suffering people of the Near East, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Dimondale, Mich., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Dimondale, Mich., praying for the enactment of legislation for the protection of maternity and infancy, which was referred to the Committee on Education and Labor.

Mr. WARREN presented a telegram in the nature of a memorial from P. J. Quealy, chairman of a meeting of coal operators of southern Wyoming, dated North Kemmerer, Wyo., June 17, 1921, remonstrating against the enactment of Senate bill No. 1807, to aid in stabilizing the coal industry, which was ordered to lie on the table.

Mr. HARRIS presented petitions of the boards of commissioners of roads and revenues of Morgan, Richmond, and Thomas Counties, Ga., favoring the enactment of the so-called Dowell bill, to aid the States in the construction of rural post roads, which were referred to the Committee on Post Offices and Post Roads.

Mr. MOSES presented resolutions of the pastor and members and friends of the Methodist Episcopal Church of Conway; the congregation of the South Congregational Church, of Concord; sundry members and attendants of the Congregational Church of Epping; and the annual meeting of the South Division of the Merrimack Association of Congregational Churches held in Webster, June 2, 1921, all in the State of New Hampshire, favoring the calling of an international disarmament conference by the United States, which were referred to the Committee on Foreign Relations.

Mr. KING. I present a resolution adopted June 6, 1921, by a committee composed of A. L. Ayres, F. E. Kendrick, C. E. Ward, H. F. Gear, Peter Mundy, George Brewster, and James Francis, of the Protestant and Methodist Episcopal Churches of Eureka, Utah, in joint conference assembled, favoring the enactment of legislation requesting the President of the United States to call an international disarmament conference to meet in Washington, D. C. I move that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. McCUMBER (for Mr. LADD) presented a resolution of the Women's Auxiliary, P. F. Sczygiel Post, of Marion, N. Dak., favoring the enactment of legislation providing adequate relief for disabled ex-service men, which was ordered to lie on the table.

He also (for Mr. LADD) presented a resolution of the Women's Nonpartisan League Club, No. 291, of Blue Hill, N. Dak., favoring the calling of an international disarmament conference by the President and opposing the making of any further military appropriations pending such proposed conference, which was referred to the Committee on Foreign Relations.

He also (for Mr. LADD) presented a resolution of the Ramsey County (N. Dak.) Sunday School Association, favoring the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

Mr. CAPPER presented a resolution of the Senior Christian Endeavor Society of the Christian Church of Abilene, Kans., and a resolution adopted by the Rush County (Kans.) Sunday School Association at its annual meeting held June 9–10, 1921, at La Crosse, Kans., favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented resolutions of the pastor and Congregation of the First Methodist Episcopal Church of Winfield; the congregation of the Washington Creek Church of the Brethren, of Lone Star; the congregation of the First Baptist Church of Winfield; the pastor and sundry members of St. Mark's Lutheran Church, of Norcatur; and the pastor and congregation of the First Baptist Church of Lawrence, all in the State of Kansas, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented four resolutions of sundry citizens of Kansas City, Kans., favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a resolution of St. John's Lutheran Church, of Salina, Kans., favoring relief for the imperiled peoples of the Near East, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 224) authorizing the Secretary of the Interior to purchase a tract of land, with sufficient water right attached, for the use and occupancy of the Temoak Band of homeless Indians, located at Ruby Valley, Nev. (Rept. No. 125);

A bill (S. 901) for the payment of certain money to Albert H. Raynolds (Rept. No. 126);

A bill (S. 1111) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33 (Rept. No. 127);

A bill (S. 1738) for the completion of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz. (Rept. No. 128); and

A bill (S. 1926) to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians (Rept. No. 129).

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 926) to withhold from sale and to restore to the Indians of the Umatilla Reservation certain lands which were authorized to be offered for sale under the act of March 3, 1885, reported it with an amendment and submitted a report (No. 130) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 59) authorizing the Secretary of the Interior to protect certain restricted members of the Five Civilized Tribes, and for other purposes, reported it with amendments and submitted a report (No. 131) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 2089) authorizing the appointment of an additional judge for the district of Minnesota, reported it without amendment and submitted a report (No. 132) thereon.

Mr. KNOX, from the Committee on Rules, to which was referred the resolution (S. Res. 73) amending Rules XXXVII and XXXVIII of the Standing Rules of the Senate so as to provide for the consideration of nominations and treaties in open executive session unless otherwise ordered, reported adversely thereon, and the resolution was placed on the calendar.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 1355) to provide for the establishment, construction, and maintenance of a post road and interstate highway system, to create a Federal highway commission, and for other purposes, reported it with amendments and submitted a report (No. 134) thereon.

Mr. McKELLAR. I present a minority report, signed by Senators HEFLIN, DIAL, WATSON of Georgia, and myself, in opposition to Senate bill No. 1355, known as the Townsend post roads bill, just reported by the Senator from Michigan. I ask that it may be printed at the same time. [Views of minority, pt. 2, Rept. 134.]

The PRESIDENT pro tempore. Without objection, that order will be made.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 2109) to amend section 13a of an act entitled "An act to amend an act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. FERNALD:

A bill (S. 2110) granting a pension to Viola Grover Libby (with accompanying papers); and

A bill (S. 2111) granting an increase of pension to John Laurence (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2112) for the relief of the Northern Transportation Co.; and

A bill (S. 2113) for the relief of the Southern Transportation Co.; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 2114) for relief of the Southern Iron & Metal Co.; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2115) granting an increase of pension to Adam S. Bridgefarmer; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2116) supplemental to the national prohibition act; to the Committee on the Judiciary.

By Mr. NORRIS (for Mr. KENYON):

A joint resolution (S. J. Res. 78) authorizing the Secretary of War to loan to the Eighty-eighth Division Association for their reunion at Des Moines, Iowa, tents, cots, mattresses, blankets, and corrugated-iron buckets; to the Committee on Military Affairs.

BUREAU OF SUBMARINES.

Mr. KING. Mr. President, I offer a resolution which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs. It is for the purpose of investigating the charges which have been made—I have repeated them here on the floor—that our submarines are imperfect; that the mechanism and machinery are bad; and that they are not equal to the submarines which have been constructed in Germany and other European countries. I feel that an investigation should be had, especially with a view to determining whether there should be a bureau of submarines established in the Navy Department.

The resolution (S. Res. 95) was referred to the Committee on Naval Affairs, as follows:

Whereas it is claimed that the submarines which have been constructed and are being constructed under authority of Congress are defective and imperfect in their machinery and mechanical equipment, particularly for surface propulsion and maneuvering, and are inferior to the submarines of other navies, and are otherwise unfitted for service at sea with the fleet; and

Whereas it is further claimed that the proper development of submarines for coast defense and for service at sea, and the organization of an adequate and effective submarine force can only be accomplished by the creation of a bureau of submarines of the Navy Department, and the organization of a separate submarine corps or service in the Navy, which shall be under the direction of officers who are primarily interested in submarine construction and development, and who shall be specially trained for submarine warfare: Now, therefore, be it

Resolved, etc., That the Committee on Naval Affairs is hereby directed to investigate the question of the construction and mechanical effectiveness of the submarines and of their machinery and equipment, which have been and are now being constructed for the Navy, to ascertain whether or not such submarines are inferior to the submarines of other navies, and what means should be adopted for their improvement and perfection, and also to investigate the question of the policy and advantage of creating a separate bureau of submarines in the Navy Department, and of the organization of a separate submarine corps or service in the Navy, and to report their findings to the Senate; and that the committee is authorized to send for persons and papers, administer oaths, and employ such clerical assistance as may be necessary.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed. The calendar under Rule VIII is in order.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Caraway	Dial
Ball	Bursum	Culberson	Dillingham
Borah	Calder	Cummins	Ernst
Brandegee	Capper	Curtis	Fernald
Fletcher	Keyes	Oddie	Sutherland
Frelinghuysen	King	Overman	Townsend
Gerry	Knox	Poindexter	Trammell
Glass	La Follette	Pomerene	Underwood
Hale	Lenroot	Ransdell	Wadsworth
Harreld	McKellar	Sheppard	Walsh, Mass.
Harris	McNary	Shields	Walsh, Mont.
Harrison	Moses	Shortridge	Warren
Heflin	Myers	Simmons	Watson, Ga.
Johnson	Nelson	Smith	Williams
Jones, N. Mex.	New	Smoot	Willis
Jones, Wash.	Nicholson	Spencer	
Kendrick	Norris	Stanley	

Mr. CURTIS. I have been requested to announce the absence of the junior Senator from Arizona [Mr. CAMERON] on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent that the unfinished business, the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal, be placed before the Senate and proceeded with.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent that the Senate proceed to the consideration of Senate bill 1806.

Mr. UNDERWOOD and Mr. CURTIS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. UNDERWOOD. I should like to say to the Senator from New Jersey that I have not any objection to his taking up the bill, which is the unfinished business; but I do not know what is the condition of the calendar. This is Calendar Monday; a number of Senators are interested in the calendar, and I do not think the Senator should push his request until the calendar has been disposed of.

Mr. FRELINGHUYSEN. I have no desire to press the request. I understood the calendar was taken up on last Friday and that there are no measures on it pending. If there are, I shall certainly yield and withdraw my request.

Mr. UNDERWOOD. I have no measures on the calendar myself, but Calendar Monday only comes once a week and there may be other Senators interested. I do not think the Senator should request that his bill be pressed until the calendar is disposed of.

Mr. CURTIS. I rose to make the same suggestion as that made by the Senator from Alabama. This is Calendar Monday, and we ought to have the calendar called in the regular way.

Mr. FRELINGHUYSEN. Very well. I withdraw my request.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from New Jersey. The calendar is in order.

Mr. SMITH. Do I understand that we are to proceed with the calendar in order, or are we to take up only those measures to which there is no objection?

The PRESIDENT pro tempore. The calendar will be called under Rule VIII.

Mr. SMITH. Very well.

The bill (S. 656) to create a bureau of aeronautics in the Department of the Navy was announced as the first business on the calendar.

Mr. KING. Mr. President, reserving the right to object, may I inquire of the acting chairman of the Committee on Naval Affairs what provision is contained in the recent naval appropriation bill for the establishment of a bureau of aircraft or aeronautics in the Navy?

Mr. POINDEXTER. There is such a provision in one of the Senate amendments to the naval appropriation bill.

Mr. KING. In view of the fact that we have passed a bill which contains a provision for the establishment of a bureau of aeronautics, I ask the acting chairman of the Naval Affairs Committee whether it would be proper, in his judgment, to pass another bill providing for the same bureau?

Mr. POINDEXTER. When did a bill of this character pass, I will ask the Senator? I was not present at the call of the calendar the other day, but in reading the RECORD I notice that the bill for the establishment of a bureau of aeronautics was objected to and went over.

Mr. KING. I am asking the chairman of the committee whether, in view of our action with respect to the naval appropriation bill, he considers it now proper to pass this bill?

Mr. POINDEXTER. I think this bill might properly be passed, although the matter is under consideration in conference between the two Houses on the naval appropriation bill.

Mr. KING. I have no objection to the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. KING. Let the bill be read, Mr. President.

Mr. POINDEXTER. I see no objection in the Senate acting upon the bill, but I also see no object to be accomplished by its passage. In view of the status of the naval appropriation bill, I will ask that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1021) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. WADSWORTH. I think the Senator from Montana [Mr. WALSH] desires that that bill go over.

Mr. WALSH of Montana. Yes; I do.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as next in order.

Mr. DIAL. Mr. President, the junior Senator from Minnesota [Mr. KELLOGG], who is interested in this bill, is absent from the Chamber to-day and will not return until to-morrow. I therefore ask that the bill go over. I hope, however, it may be taken up and acted on in a day or two.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 724) for the relief of Henry J. Davis was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 725) for the relief of Orion Mathews was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 659) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 425) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I had wished to inquire of the Senator from Washington [Mr. JONES], had he been present, whether that bill relates to the so-called fifty-fifty plan of expenditures on the part of the United States and the District of Columbia, but that Senator not being present at the moment, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ARMY ORDNANCE STOREKEEPER.

The bill (S. 834) to authorize the appointment of an ordnance storekeeper in the Army was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT pro tempore. This bill was considered on last Friday, and an amendment to it was agreed to. The bill is before the Senate, as in Committee of the Whole, and open to amendment. If there be no amendment, the bill will be reported to the Senate.

Mr. BORAH. May I ask the Senator from New York what this bill is and what it proposes to do? Is it reported from his committee?

Mr. WADSWORTH. Yes. As I stated on last Friday when the Senator from North Carolina asked me about the bill, it is designed to reward an employee of the Ordnance Department who has been over 40 years in the service. There is no other method by which this man can receive his reward.

Mr. BORAH. I now recall the Senator's statement.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. BORAH. Mr. President, that is the sedition bill, so called. I should not have any objection to taking the bill up if we could take it up under circumstances in which we could consider some very important amendments to the bill, but I presume that that would be impossible under the 5-minute rule. I therefore ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. SMITH. Let the joint resolution go over, Mr. President.

Mr. SMOOT. The Senator from Iowa [Mr. KENYON] is not in the Chamber, it being impossible for him to be here on account of other public business. He desires to be present whenever the joint resolution is brought up, in order that he may make some comments on it.

Mr. WADSWORTH. Let me say to the Senator from Utah that the Senator from Iowa [Mr. KENYON] is heartily in favor of the measure.

Mr. SMOOT. I understood the Senator from Iowa to say that he desired to be present when the joint resolution was considered.

Mr. WADSWORTH. The Senator from Iowa voted to report the joint resolution from the committee. It is no betrayal of confidence, I think, to say that. The Senator from Iowa did have some opinions about another claim which it was proposed at one time to attach to the joint resolution, but which the committee refused to attach thereto. I am quite certain that the members of the Committee on Agriculture will bear me out in stating that the Senator from Iowa had no objection to the measure. I repeat, he voted to report the joint resolution from the committee. It has been twice reported from the committee unanimously, with the exception of one vote on a question which did not really go to the merits of the measure.

Mr. SMOOT. I may have misunderstood the Senator from Iowa, but he did say to me that he desired to make some comments on the joint resolution.

Mr. SMITH. I have asked that the joint resolution go over, because there are some of us who should like to have an opportunity to discuss it, and that would take a longer time than we have during the morning hour. As I remember, the committee were practically unanimous in reporting the joint resolution, but there are certain matters in connection with it that are of such importance that I think the Senate ought to be advised as to them, and that can not be done in the length of time which will be allowed this morning.

Mr. WADSWORTH. Of course, that same observation, or some observation similar to it, is made every time this measure is reached on the calendar. In the meantime the Senate makes other matters the unfinished business. If it goes on in this way,

the joint resolution will never get consideration and will never be passed.

Mr. SMITH. I want to say to the Senator from New York that I have no objection to the joint resolution, but I think that other matters ought to be considered in connection with it. I will join with the Senator at any time when the exigencies of the case are not such as they are now and help to put this measure through; but, I repeat, I do not think we will have time properly to consider the measure this morning. That is the reason I make my objection.

Mr. WADSWORTH. Does not the Senator think that after the calling of the calendar shall have been concluded and before the hour of 2 o'clock is reached we might not take up the joint resolution?

Mr. SMITH. I think we might do so.

The PRESIDENT pro tempore. The joint resolution will be passed over.

ELIJAH C. PUTNAM.

The bill (S. 904) fixing the term of service of Elijah C. Putnam during the Civil War was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. JONES of New Mexico. Mr. President, I should like, if it is consistent with the proprieties of the situation, to inquire of the Senator from Utah what his objections are to Senate bill 904?

Mr. SMOOT. Mr. President, I know of no case where a man with 80 days' service in the Civil War is receiving a pension. This bill means, if it shall pass, that with such a service the beneficiary will receive a pension.

Mr. JONES of New Mexico. The Senator, I am sure, has not read all of the bill. The bill is restricted to one thing, and that is to allow the veteran to receive the benefit of the additional homestead law. The bill is specifically restricted to that, if I understand the bill, and I think I do. Here is a situation——

Mr. SMOOT. I will say to the Senator that if that were all there was to the bill it would be quite a different proposition; but there is nothing in the bill that would prevent him from drawing a pension as well. The bill reads in this way:

That the service of Elijah C. Putnam, he having enlisted November 19, 1863, and being honorably discharged March 28, 1864, a period of over four months, is declared amply sufficient to entitle him or his assigns to the benefits of said section 2306, Revised Statutes, and the Commissioner of the General Land Office is hereby authorized to recognize the same.

This applies, of course, to section 2306 of the Revised Statutes, referring to homesteads only; but I am fearful that if this bill shall pass we shall have recognized that the beneficiary served over four months, whereas the official records show that he has not had such service, and he has not, according to all the precedents that have been followed in years past. I would not object for a moment to the consideration of the bill if it only applied to the homestead act.

Mr. JONES of New Mexico. I will say to the Senator that was my only object in framing the bill, and, if the Senator would like to have it made more specific in that regard, I have no objection to the bill being amended.

Mr. SMOOT. Let it be passed over temporarily; and I will say to the Senator that I shall have no objection if it is limited so to apply only to the homestead law.

Mr. JONES of New Mexico. Then let the bill be passed over temporarily and I will endeavor to frame an amendment to cover the Senator's objection.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act, amended by the act of June 21, 1917, amending the Federal reserve act, was announced as next in order.

Mr. OVERMAN. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 387) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was announced as next in order.

Mr. ASHURST. Mr. President, a similar bill has passed the House of Representatives and is now pending before the Senate Committee on Public Lands. I therefore ask that Senate bill 387 be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1890) authorizing the Secretary of Commerce to establish in the National Bureau of Standards a division to be known as the division of construction and housing was announced as next in order.

Mr. CALDER. Mr. President, I ask that that bill go over, because of the fact that it is substantially covered by a provision of the deficiency bill which passed the Senate several weeks ago.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. McLEAN. I inquire whether there was objection to the consideration of calendar No. 79, being Senate bill 831.

The PRESIDENT pro tempore. There was objection to the consideration of that measure.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 80) directing the Committee on Education and Labor to investigate the recent acts of violence in the coal fields of West Virginia and adjacent territory and the causes which led to the conditions which now exist in said territory was announced as next in order.

Mr. MYERS. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

MEMORIAL TO DEPARTMENT OF AGRICULTURE EMPLOYEES.

The joint resolution (S. J. Res. 52) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany was considered as in Committee of the Whole.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to grant permission to the Department of Agriculture War Memorial Committee for the erection in the Department of Agriculture grounds, situated in the Mall, between Twelfth and Fourteenth Streets SW., Washington, D. C., of a memorial to the former employees of the said United States Department of Agriculture who lost their lives while in the military or naval service in the war with Germany: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of this memorial.

Mr. SMOOT. I should like to have the Senator from Maine explain where it is proposed to erect the memorial which it is stated will be erected on the Mall, and if there is any objection to it at all from any department.

Mr. FERNALD. There is no objection from any quarter, so far as I know. The Secretary of Agriculture has recommended the bill. There is no appropriation called for. Nearly $10,000 have been raised to erect the memorial; but, of course, it is necessary to secure authority from Congress before it can be erected.

Mr. SMOOT. There appears to be no report accompanying the bill.

Mr. FERNALD. I understood there was a report prepared by the Senator from New Hampshire [Mr. KEYES]. I thought it was on his desk, but I could not find it there. The bill, however, explains the whole situation.

Mr. SMOOT. I will take the statement of the Senator that there was a favorable report from the Committee on Agriculture.

Mr. FERNALD. There was.

Mr. SMOOT. But the Senator does not know just where the memorial is to be located?

Mr. FERNALD. No; that matter is to be left to the Fine Arts Commission.

Mr. SMOOT. It is to be approved by the Fine Arts Commission?

Mr. FERNALD. Yes.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. SMITH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF PATENT LAW.

The bill (S. 1838) to amend section 4887 of the Revised Statutes relating to patents was announced as next in order.

Mr. BRANDEGEE. Mr. President, I will ask that that matter go over to-day. I have written the Secretary of War, who made a recommendation in behalf of the bill, for information about it, and I think he is advising with the Commissioner of Patents, and I should like to have the matter stand until I get

a reply from the Secretary. I do not know that I have any objection to the bill; but I received a letter from a very prominent patent lawyer calling attention to some of the features of it, and I want to get an explanation before it is acted upon.

Mr. STANLEY. Mr. President, if the Senator insists upon his objection, I am perfectly willing to have the bill go over; but I hope he will not object, in view of the fact that I have gone into my files, and I find that while the Secretary of War did not send the letter to which the Senator refers he has sent me a great mass of correspondence along with his letter in which the same objections made in the Fish letter are found.

The only change the bill makes in existing law is to this effect:

That any patent or patents issued to a person or persons not citizens of the United States shall contain a proviso to the effect that if such patent so granted is not worked or put in operation so as to result in actual production of the article in reasonable quantities embodied in such patent in the continental limits of the United States within the period of two years from the date of its issue, the United States reserves the right—

It does not come automatically—

to license any person or persons for purposes of manufacture in the United States, and to use and sell the subject matter thereof subject to the conditions hereinafter provided:

Then it provides:

That any license granted on any such patent shall be subject to the payment of the following royalties.

And then it provides the royalties usually paid; so that the only effect it has or can possibly have is to protect the Ordnance Department in a great number of patents that have been perfected by American engineers upon American ordnance. These same inventions which the Americans used during the war, and are now using, but which they did not patent, have been patented by foreigners and sold to the Krupps or other foreign concerns, so that we can not use our own patents for our own defense at this time; and the Secretary has very warmly urged the immediate passage of legislation of this character.

I have here a great number of letters from patent attorneys and others in which it is pointed out that we are the only country in the world that has no such legislation protecting our rights in the matter; but I do not believe there is any possible objection that can be urged to this character of legislation.

The objection to which the Senator refers, and I do not think that is well founded, is an objection to the granting of patents within two years to persons in the United States. I believe that ought to be done, and I believe that the junking of patents ought to be prevented. I believe that is one of the most fecund sources of corruption and of monopoly; but there is nothing of that kind provided in this bill. It only provides that foreigners shall within two years manufacture the article in the United States, or, in the discretion of the department, some other person may be granted a license to manufacture it. If there is any good reason why the license should not be granted, if an inventor in good faith has attempted to put his patent on the market, then it would not be done; and for that reason I hope the Senator will not object.

Mr. BRANDEGEE. Mr. President, I am constrained to object at this time. Of course I realize that debate upon the merits of the bill is out of order after objection has been made; but I simply want to say this, inasmuch as the Senator has given his views about the bill:

I am a member of the Committee on Patents, and I was unable to be present at the time this bill was reported. I had notified the chairman over the telephone authorizing him to count me for the purpose of making a quorum, and also to vote me. I did not know that this bill was coming up. Now, I do not know that I have any objection to the bill after I have an explanation from the Secretary. I do know that I received a letter from Mr. Frederick P. Fish, of Boston. If he is not the acknowledged leader of the patent bar of that section of the country, he is one of the most eminent patent attorneys in the State. He called my attention to what he called the danger of establishing a precedent and opening up this question of a time limit upon when the granting of a patent must result in putting the article or commodity so patented upon the market. His judgment was that it was very bad policy and was a new policy in the United States that might result very dangerously. He gave his reasons. I am not enough of a patent lawyer to appreciate the force of them, and I referred his letter to the Secretary of War and suggested that he consult with the Commissioner of Patents, who was also an eminent patent lawyer and I believe was president of the American Patent Law Association; and I asked him to advise me just as quickly as he could whether the Secretary was of the same opinion after reading this letter. I am waiting for that advice. I do not think it is any unusual or discourteous thing for me to ask the privilege of getting a reply to my letter and the views of the Commissioner of Patents before we are compelled to act upon this bill. If the department still favors it, I shall probably make no objection at all to it. That is the reason why I object for the present.

Mr. JOHNSON. Mr. President, I desire to add just one thing to what the Senator from Connecticut has said.

Last week a gentleman representing, I think, an organization of patent lawyers called upon me desiring some amendment to the bill, and I referred him to the Senator from Kentucky. I do not know whether he called upon the Senator, or whether he presented his amendment, or not.

Mr. STANLEY. I received a letter, which I have here, and which I presume is to the same effect, suggesting an amendment to the bill providing that all applicants for patents should make their application within two years. He approved of the bill, but did not think it was sweeping enough.

Mr. JOHNSON. Yes.

Mr. STANLEY. I entirely concur in that opinion, and I think that character of legislation should be enacted. It is eminently necessary for the protection of American industry.

Mr. JOHNSON. I was not entirely clear as to what amendment this gentleman desired; but he seemed to be thoroughly familiar with the subject, and not opposed to the general principle of the bill, but he wished some slight amendment to it.

Mr. STANLEY. He was exactly right in his position; but the bill had been reported, and I thought the amendment probably could be put on in the House, and I did not want to delay the legislation on that account. The bill would be improved, however, by the amendment suggested.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

BILL PASSED OVER.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ELIJAH C. PUTNAM.

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent to recur to Senate bill 904. I am prepared to suggest some amendments which will remove any doubt as to the construction of the bill on the part of the Senator from Utah.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent for the present consideration of Senate bill 904, fixing the term of service of Elijah C. Putnam during the Civil War. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 904) fixing the term of service of Elijah C. Putnam during the Civil War.

Mr. JONES of New Mexico. On page 2, lines 3 and 4, I move to strike out the words "he having enlisted November 19, 1863, and being," and to insert in lieu thereof the words "who was."

The amendment was agreed to.

Mr. JONES of New Mexico. And on line 5, I move to strike out the comma after the numerals "1864," and the words "a period of over four months."

The amendment was agreed to.

Mr. JONES of New Mexico. So that the bill will read:

That the service of Elijah C. Putnam, who was honorably discharged March 28, 1864, is declared amply sufficient to entitle him or his assigns to the benefits of said section 2306, Revised Statutes, and the Commissioner of the General Land Office is hereby authorized to recognize the same.

Mr. KING. Mr. President, may I inquire of the Senator from New Mexico whether this would entitle the beneficiary named in this bill to a pension?

Mr. JONES of New Mexico. Not at all, and the change has been made so as to specifically eliminate any thought of that result.

Mr. KING. Could it be construed by the Pension Bureau that this was a declaration that he had served the full 90 days, so as to entitle him to a pension?

Mr. JONES of New Mexico. The very purpose of the amendment is to eliminate any thought of that sort. I have made these amendments, at the suggestion of the senior Senator from Utah, to meet that very point.

Mr. KING. Then the Senator can assure us that it is not the basis for a pension, and can not be?

Mr. JONES of New Mexico. I give that assurance to the Senator.

The PRESIDENT pro tempore. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, I should like to have the preamble stricken from the bill.

Mr. JONES of New Mexico. I will say to the Senator that I doubt if the title is sufficient without the preamble. I am sure the title will have to be amended.

Mr. SMOOT. Why not have the title changed so as to read "A bill for the relief of Elijah C. Putnam"? At present the bill is entitled "A bill fixing the term of service of Elijah C. Putnam during the Civil War."

Mr. JONES of New Mexico. I am quite willing to make that change.

The PRESIDENT pro tempore. Without objection, the preamble will be stricken out.

The title was amended so as to read: "A bill for the relief of Elijah C. Putnam."

FORT BUFORD MILITARY RESERVATION LANDS.

The bill (S. 732) to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation, in the States of North Dakota and Montana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on line 5, after the word "to," to strike out the word "the," and to insert the words "all nonmineral," so as to make the bill read:

Be it enacted, etc., That the provisions of section 2455, Revised Statutes of the United States, be, and the same are hereby, extended to all nonmineral lands within the abandoned Fort Buford Military Reservation in the States of North Dakota and Montana, restored to disposal under the homestead, town site, and desert land laws under the provisions of the act of May 19, 1900 (31 Stat. L., p. 180).

The amendment was agreed to.

Mr. MYERS. Mr. President, I move that the bill be further amended by inserting, before the word "restored" and after the word "Montana," in line 7, the words "which were." It has been suggested that that amendment would make the intent of the bill a little plainer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RURAL HOMES.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DR. O. H. TITTMANN.

The bill (S. 136) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FREE TRANSIT THROUGH PANAMA CANAL.

The bill (S. 665) to provide for free tolls for American ships through the Panama Canal was announced as next in order.

Mr. KING. Let that go over.

Mr. BORAH. Mr. President, of course, this bill could not be disposed of under the morning-hour rule, but I desire to say that within a very short time I expect to be able to get the bill before the Senate for consideration. I make this statement because of the interest which some Senators have manifested in the bill, who have stated that they desire to be informed when it is to be brought up. I hope to get it up within a very short time.

Mr. KING. I hope the Senator can advise the Senate a few days in advance.

Mr. BORAH. That is what I am doing now.

Mr. KING. Can the Senator now state when he will call it up?

Mr. BORAH. No; but within a very short time, possibly when the pending coal bills are out of the way.

The PRESIDENT pro tempore. The bill will be passed over.

INTERNAL-REVENUE COLLECTION DISTRICTS.

The bill (S. 2051) to amend section 3143 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue, and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. OVERMAN and Mr. KING. Let the bill go over.

Mr. CURTIS. Mr. President, I have no desire to move to take up the bill this morning, but it is a measure drawn by the Secretary of the Treasury, and it ought to go through by the 1st of July if it is to pass at all. I should like to make a short statement, and then if Senators insist on their objection I will let the bill go over. But I serve notice that I shall move to have it taken up pretty soon if objection is made to its consideration this morning.

The measure increases the number of collectors from 64 to 74. That is done for this reason: When the number was reduced to 64 from about 100 there were only about 600,000 taxpayers in the United States. That number has increased now to 9,000,000. At that time there were about 600,000 reports made annually from these different taxpayers. Now the number has grown to over 15,000,000, and the department is away behind. An auditor told me the other day that if these reports could be sent to his office they could do about twice as much work as they are doing now. The department asks for this in the belief that it will reduce the expense of running the office. I hope, in view of the recommendation of the Treasury Department, no one will object to the passage of the bill this morning.

Mr. KING. Mr. President, I regret very much to take issue with my distinguished friend. He speaks of the large number of taxpayers. The number will be very much smaller in the coming years than during the period of the war. We managed to get along during the war with 64 districts. As a matter of fact, in some of the States there were three or four districts when there should have been only one. I object to the consideration of the bill.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. KING. Certainly.

Mr. CURTIS. The department is about two or three years behind, because they have not had sufficient force, and it is not fair to the taxpayers for the department to be so far behind in the consideration of their cases.

Mr. KING. If they are behind, it is because of the insufficient number of employees here, and the evil of which the Senator complains would not be cured by creating a number of other districts.

Mr. CURTIS. I stated a moment ago that an auditor in one of the departments here in Washington advised me just the other night that the employees in his office, if these reports could be sent in, could handle twice the number of cases they are now handling.

Mr. GLASS. Mr. President, may I ask the Senator when this reduction was made from 100 to 64 districts?

Mr. CURTIS. It was reduced from a hundred and odd down to eighty some odd, and then to sixty-three, and then one was added, making it sixty-four. That was done in about 1913 or 1914, I think.

Mr. OVERMAN. Before that time.

Mr. GLASS. It was done in either 1919 or 1920.

Mr. OVERMAN. It was under Mr. Taft's administration.

Mr. GLASS. It was when I was Secretary of the Treasury, just before I left the office.

Mr. CURTIS. I have a letter from the Secretary of the Treasury, and I will ask that it be printed. It gives the exact dates.

Mr. KING. Let the bill go over.

Mr. JONES of Washington. I want to ask the Senator a question.

Mr. OVERMAN. Regular order, Mr. President.

Mr. JONES of Washington. I will ask the question in my own time, then. I understand the bill contemplates the creation of about 10 more internal-revenue districts?

Mr. CURTIS. That is correct.

Mr. JONES of Washington. That involves not only the appointment of internal-revenue collectors but a large office force at each place.

Mr. CURTIS. Oh, no.

Mr. JONES of Washington. How can a new internal-revenue collector get along without an office force?

Mr. CURTIS. Take my own State, for instance. Before the war there were about 12 or 13 men employed to do the work. Now, my recollection is there are about 140. I suppose the increases in the States of New York, Pennsylvania, and Illinois are very much greater than in Kansas, and I judge if another collector were appointed, probably the force would be distributed, and part of them would work in one office and part in another. It would save a good deal of mileage, I should judge.

Mr. JONES of Washington. Take, for instance, the districts of Kansas. They would not have two collectors in the same office?

Mr. CURTIS. No.

Mr. JONES of Washington. Then, you expect to divide the office force?

Mr. CURTIS. I do not know anything about that. I am merely telling the Senator what I know about it from a letter

of the Secretary. In it he states why he desires this increase in the number of collectors.

Mr. JONES of Washington. Does not the Senator think that quite an important matter to consider in connection with this measure?

Mr. CURTIS. I do.

Mr. JONES of Washington. From what the Senator says, the committee did not give it any consideration.

Mr. GLASS. The reduction was made after the most careful investigation possible by the experts of the department brought here to Washington. The reduction was not made in 1914; it was made either in the latter part of 1919 or the early part of 1920, when Mr. Roper was Commissioner of Internal Revenue. The Senator from Utah [Mr. SMOOT] shakes has head. I know something about it. I made the reduction.

Mr. OVERMAN. The Senator is right as far as one reduction was concerned; but in Mr. Taft's administration the number was reduced from 100 to about 64.

Mr. NORRIS. I ask for the regular order.

The PRESIDENT pro tempore. The bill will be passed over.

The letter from the Secretary of the Treasury was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, June 1, 1921.

The PRESIDENT OF THE SENATE.

SIR: Since the passage of the revenue acts of 1913, 1916, 1917, and 1918 and the adoption of the eighteenth amendment to the Constitution the work, service, and needs of the Internal Revenue Service have been entirely transformed.

In less than 10 years the number of taxpayers filing returns with collectors of internal revenue has increased from less than 600,000 to an aggregate of approximately 9,000,000 annually.

Practically all of the 600,000 taxpayers dealt with collectors of internal revenue but once each year. With monthly returns required of sales, taxpayers and quarterly payments permitted to those filing income-tax returns, the 9,000,000 persons filing returns during 1920 had a total of more than 15,000,000 separate transactions with collectors of internal revenue during that year.

Because of this marked increase in the number of people who come in contact with collectors of internal revenue, it appears imperative that internal-revenue collection district offices be located at such points as will afford the greatest possible convenience to taxpayers. The increase in volume of work in the larger collection district offices also presents serious accounting difficulties.

The number of internal-revenue collection districts, now limited by law to a total of 64, is not sufficient to meet the increasing needs of the service. It is therefore recommended that the number permitted by law be increased to a maximum of 74.

An amendment to section 3142, Revised Statutes, as amended by section 1, act of July 16, 1914 (Stat., 454, 475), is suggested, as follows:

"On and after July 1, 1921, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 74."

It is imperative that consideration be given to the proposed increase in internal-revenue collection districts at the very earliest possible date.

Respectfully,

A. W. MELLON, *Secretary.*

HAWAIIAN FRANCHISES.

The bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii, was announced as next in order.

Mr. KING. Mr. President, the other day when this bill and its companion bills relating to the granting of franchises in the Hawaiian Islands were called up for consideration, the junior Senator from Iowa [Mr. KENYON] stated that it might take some time to consider these measures. I am not familiar with them.

Mr. WARREN. Mr. President, I have sent for the Senator from Indiana [Mr. NEW], in charge of the bills. In conversation with me a half hour ago he stated that perhaps he would have to let the bills go over in order to obtain some additional information. So perhaps the bill may be passed over for the time anyway.

Mr. KING. I have no objection if the Senators who are interested desire that these bills shall be passed over until the chairman of the committee is here.

The ASSISTANT SECRETARY. Senate bills 2063, 2064, 2065, 2066, and 2067 all relate to the Hawaiian Islands.

The PRESIDENT pro tempore. Senate bill 2062, together with the bills indicated, will be passed over temporarily.

Mr. NEW subsequently said: Mr. President, I am informed that in my temporary absence from the Chamber Senate bills 2062, 2063, 2064, 2065, 2066, and 2067, bills granting various franchises in the Territory of Hawaii, were temporarily passed over until I might return, so that I might be present when they are considered. I will merely state concerning those bills that they were all prepared by the public service commission of Hawaii, they have been favorably considered by the Territorial legislature, they were presented to the Committee on Territories and Insular Possessions by the attorney general of the Territory, accompanied by a delegation of considerable size from the Territory, including a number of officials; they have been presented to the House by the Territorial Delegate; they have the approval of Gov. McCarthy and the governor designate, and I have now referred them to the Department of the Interior in order to see if anyone there has any possible objection to them. Pending a report from that department, I shall not ask for their consideration; but that is the fact with reference to these bills.

Mr. WALSH of Montana. Before we pass from these bills I should like to ask the Senator from Indiana for a little information about them. Apparently they grant certain franchises and concessions to individuals and corporations in the Territory of Hawaii. Take Calendar 125, Senate bill 2062, for the purpose of illustration. It provides:

That D. C. Lindsay, of Kahului, county of Maui, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii, and its successors and assigns (he and they being hereinafter referred to as the association), are hereby authorized and empowered to manufacture, sell, furnish, and supply electric current for light and power purposes and gas for use as fuel—

And so forth.

It then goes on to specify what powers the association shall enjoy, exercising the right of eminent domain and similar powers. According to the statement of the Senator from Indiana, legislation has already been enacted by the legislature of the Territory. Why, then, should the Congress of the United States interpose in the matter?

I read from the organic act of the Territory of Hawaii, as follows:

SEC. 55. That the legislative power of the Territory shall extend to all rights and subjects of legislation not inconsistent with the Constitution and laws of the United States as locally applicable.

Of course, that is a general grant of power which, if it were not restricted as it is and as I shall show, would authorize the enactment of just such legislation as this by the Legislature of the Territory of Hawaii; but it continues:

The legislature at its first regular session after the census enumeration shall have been ascertained and from time to time thereafter shall reapportion the membership of the senate and house of representatives among the senatorial and representative districts on the basis of population in each of said districts who are citizens of the Territory, but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress.

But the bill before us expressly provides that the privileges and immunities and franchises thereby granted are not exclusive. I read from section 13 of the bill:

That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii with the approval of the Congress of the United States; and the rights, privileges, and powers by this act conferred shall not be construed to be exclusive.

Accordingly, it would seem that there is no occasion for any action by the Congress of the United States.

Mr. FLETCHER. That comes within the definition of "special"—"special or exclusive."

Mr. WALSH of Montana. I take it those words mean the same.

Mr. NEW. I did not hear what the Senator from Florida said, but, as I stated, I am not pressing for the consideration of the bills to-day. They are going over, anyhow, until I can get a report from the Department of the Interior, for which purpose I have submitted all of the bills to that department.

Mr. WALSH of Montana. Perhaps the Senator will be kind enough, then, to give the Senate at that time some information in relation to the subject to which I have now directed his attention.

Mr. NEW. I must beg the pardon of the Senator from Montana; I did not hear his last statement. There was conversation going on around me which prevented it.

Mr. WALSH of Montana. I am directing the attention of the Senator from Indiana to the organic act of the Territory of Hawaii, which authorizes that legislature to enact legislation generally, except that it can not grant an exclusive franchise or privilege without the consent of Congress, and the bill before us expressly provides that the grant shall not be exclusive. Accordingly, as I view it, there can be no occasion whatever for congressional action with reference to this particular bill.

Mr. NEW. I think that congressional action is necessary. However, I am not prepared to answer the Senator's question at this moment. Perhaps the Senator from Montana is correct. I think it is bootless for us to take up the time to discuss it now inasmuch as I have asked that the bills go over, anyhow. The Senator from Nebraska [Mr. NORRIS] and one or two others are desirous of reaching certain matters in which they are interested. So just let the bills go over.

The PRESIDENT pro tempore. The bills will be passed over.

GRAND RIVER IN COLORADO AND UTAH.

The joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River was announced as next in order.

Mr. BRANDEGEE. Mr. President, I have no objection to the joint resolution; I assume it is satisfactory to the legislatures of the two States, but I was wondering if we have any constitutional powers to name rivers.

Mr. KING. Mr. President, I shall object to the consideration of the joint resolution until I investigate it. The river goes through a State I have the honor to live in, and I desire to find out whether we want to abandon the name by which we have familiarly and lovingly known a stream for many years for some other name. We may prefer the other name, but let the joint resolution go over for the present.

The PRESIDENT pro tempore. The joint resolution will be passed over.

BILLS PASSED OVER.

The bill (S. 391) for the relief of Alfred Cluff and certain other settlers at Forestdale, Apache County, Ariz., who were evicted from their homes by reason of a change in the location of the north boundary of the White Mountain or San Carlos Apache Indian Reservation, was announced as next in order.

Mr. ASHURST. Mr. President, it is true that a similar bill passed in the Sixty-fourth, Sixty-fifth, and again in the Sixty-sixth Congress, but the favorable report was made from the Committee on Indian Affairs only last Friday. It is a voluminous and elaborate report of some 40 pages. I feel that Senators have not had time since Friday to read the report. I therefore ask, although it is my own bill, that it be passed over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, and for other purposes, was announced as next in order.

Mr. NEW. Let that go over.

Mr. KING. May I ask the Senator, reserving the right to object, to explain what the bill is?

Mr. NEW. It is known as the Hawaiian land rehabilitation bill, and its consideration will not be asked to-day. It may go over.

The PRESIDENT pro tempore. The bill will be passed over.

INDUSTRIAL SCHOOLS FOR OFFENDERS.

The bill (S. 1010) to amend sections 5549 and 5550, Revised Statutes of the United States, was announced as next in order.

Mr. KING. I reserve the right to object to this bill. Several of these bills have just been reported and are not on my file, and some of us have not seen them at all. Let the bill be read. I reserve the right to object.

The Assistant Secretary proceeded to read the bill.

Mr. KING. Let it go over, and let us have a chance to examine it.

Mr. WALSH of Montana. I hope the Senator from Utah will reconsider his objection. I can not really conceive of any valid objection to the measure.

Mr. KING. Let me say to the Senator that several of these bills have just been reported, and we have had no chance to examine them. I have followed the calendar and examined every bill that is on the calendar as handed to us here. This bill, I understand, has just been reported. I reserve the right to object, in order to permit the Senator to make an explanation.

Mr. WALSH of Montana. I think the plain reading of the bill will fully disclose the character of it. Under the existing law junior offenders may be incarcerated in the industrial schools and other places of reformation instead of being sent to jail or prison. The bill extends those provisions to female convicts charged with similar offenses against the law.

Mr. KING. That is the only change of existing law?

Mr. WALSH of Montana. Yes.

Mr. WATSON of Georgia. Mr. President, I must object. This is a very serious proposition. That system of slavery has gone on in this country quite long enough, and wherever it is proposed I intend to combat it.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

CHARLES K. BOND.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. It will go over.

ENFORCED NONPRODUCTION OF COTTON.

The joint resolution (S. J. Res. 72) for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm was announced as next in order.

Mr. SMITH. Mr. President, this is a joint resolution drafted and sent to the Senate by the Secretary of Agriculture, Mr. Wallace. In the present Agricultural appropriation act a provision was made limiting the use of some $400,000 therein appropriated. I am in receipt of a letter from the Secretary stating that if allowed to use the money as the joint resolution proposes to use it, he can more effectually combat this very destructive pest that has made its appearance in the cotton fields. If no one desires to know just what he has to say about it and will take his word for it through me, I should be glad to have the joint resolution acted on now, because if action is to be taken at all it must be taken now. The committee reported the joint resolution favorably and I was put in charge of it for the committee. It is a matter of very great importance.

Mr. KING. May I inquire of the Senator whether it increases the appropriation?

Mr. SMITH. Not a penny. It just gives the Secretary the right to use money already appropriated in the way provided in the joint resolution.

Mr. KING. May I inquire of the Senator if it could be tortured into a precedent that would in the future compel or create an obligation, moral or otherwise, on the part of the Government to duplicate the appropriation?

Mr. SMITH. Not at all.

Mr. WARREN. Let the joint resolution be read, so that we may know what it is.

The Assistant Secretary read the joint resolution, as follows:

Resolved, etc., That when any State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested or threatened by such pest, the said Secretary, under regulations to be prescribed by him, is authorized, out of the appropriation of $554,840 for "Eradication of pink bollworm" made by the Agricultural appropriation act of March 3, 1921, to utilize not to exceed $200,000, available until expended, in reimbursing such States for expenses incurred by them in compensating any farmer for his loss due to the enforced nonproduction of cotton within said zones: *Provided*, That such reimbursement of any State shall be based upon the fair rental value of said land; that such reimbursement shall not exceed one-third the amount actually paid by the State to any farmer, and in no event shall exceed $5 per acre; and that no reimbursement shall be made in respect of any farmer who has not complied in good faith with all quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm.

Mr. WARREN. Let it go over.

The PRESIDENT pro tempore. The Senator from Wyoming objects and the joint resolution will go over. The call of the calendar is completed.

Mr. WADSWORTH. Mr. President——

The PRESIDENT pro tempore. The Senator from New York.

Mr. SMITH. Mr. President, the Senator——

Mr. WADSWORTH. I yield to the Senator from South Carolina for a question only.

Mr. SMITH. I merely wish to call the attention of the Senator who objected to the joint resolution to the fact that this matter is one of such importance that the attitude of the Congress ought to be definitely fixed, and the joint resolution definitely disposed of this morning. There can be no discussion of anything, save the fact that the precedent of the destruction of tubercular cattle was followed.

Mr. NORRIS. May I inquire of the Senator——

Mr. WADSWORTH. Mr. President, I was recognized and I am not yielding for other Senators to indulge in debate. I have an exceedingly important matter to bring before the Senate, and it is my duty to bring it before the Senate at this time.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEFLIN. Has not the Senator from South Carolina the right in reference to the joint resolution to move to proceed to its consideration?

The PRESIDENT pro tempore. The Senator from South Carolina had the right to do so, but he did not do it, and the Chair recognized the Senator from New York [Mr. WADSWORTH].

Mr. SMITH. Mr. President, I recognize that the Senator from New York has the floor, but I was anticipating that some of those who are interested with myself in this joint resolution might have something to say and that the Senator from New York would consent that sufficient time might be allowed to consider the matter. I will certainly not interfere with the

Senator from New York, but I intend at the proper time, if we can dispose of the matter which he has in hand, to ask for the consideration of the joint resolution.

Mr. NORRIS. Will the Senator from South Carolina permit a brief interruption?

Mr. SMITH. Certainly, if the Senator from New York does not object.

Mr. NORRIS. I should like to ask that the Senator from South Carolina, for the information of Senators, request to have printed in the RECORD a letter from the Secretary of Agriculture, which is directed to me, and which I turned over to the Senator from South Carolina. I think when Senators read that letter the next time the calendar is called they will be satisfied to let the joint resolution pass.

Mr. SMITH. Rather than ask permission to have the letter printed in the RECORD, as soon as I obtain the floor I intend myself to read it. I thought, perhaps, the explanation which I have made might be sufficient, but I will in my own time, having the floor, read the letter referred to.

Mr. SMITH subsequently said: In connection with my proposal a few moments ago to take up the joint resolution referring to the pink bollworm, I ask to have printed in the RECORD the letter from the Secretary of Agriculture, in order that Senators may be advised as to the reason why the joint resolution has been introduced and why its passage is urged. I will not press the matter to-day, but at the first opportunity during the next morning hour I will call up the joint resolution and ask for action upon it.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, June 3, 1921.

Hon. GEORGE W. NORRIS,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR NORRIS: Some days ago I transmitted to Senator WARREN the draft of proposed legislation for inclusion in the deficiency appropriation bill authorizing this department to participate in the expense of maintaining noncotton zones in States where infestation by the pink bollworm of cotton has been found. Unfortunately my letter did not reach Senator WARREN until after the deficiency bill had been reported to the Senate. A revised draft of the item is inclosed herewith.

This legislation proposes the use of not to exceed $200,000 of the appropriation of $554,840 for pink bollworm eradication made available by the Agricultural appropriation act of March 3, 1921, for the purpose of reimbursing States for a portion of the expenses incurred by them in compensating farmers for losses due to the enforced nonproduction of cotton within the prescribed zones. On account of its great importance to the cotton industry of the country I am taking the liberty to suggest the advisability of dealing with the matter through special legislation, which will involve no additional appropriation.

We have come to the critical period in our fight against the pink bollworm. This is a more dangerous pest to the cotton plant than any of which we have knowledge. It first made its appearance in the United States in 1917, coming in from Mexico. Mexico got it from Egypt and Egypt from India. Careful investigations indicate that if once it spreads through our cotton belt it will destroy from 20 to 50 per cent of the crop, and possibly more at times.

The department agents detected its presence in this country promptly and set about measures of holding it in check or eradicating it. It has been held in check fairly well up to the present time, but all of our people are now convinced that safety lies in following the most approved methods of eradication. These methods require the establishment of zones in which no cotton shall be grown for a period of three years, and, of course, must have the full cooperation of the States. When we establish a noncotton zone, which means that we forbid the growing of cotton in that zone for the period fixed, we work a hardship upon some of the farmers in that zone who find cotton a much more profitable crop than any other they can grow. For this reason it is necessary and just that farmers who suffer in this way shall be partially reimbursed, on the same theory that we partially reimburse farmers whose live stock is killed in the process of stamping out a contagious disease.

This whole matter was brought to my attention shortly after I became the head of this department. I called a conference of representatives from the various cotton States. They met here a couple of weeks since and went over the whole matter with the scientific men in our department. The various State representatives indicated an earnest desire to cooperate in every way possible in an effort to eradicate this pest and promised to do everything in their power to secure in their respective States whatever legislation may be considered necessary. Some of them felt, however, that in view of the national menace it would be only fair that the Federal Government should participate to some extent with the States in partially reimbursing those cotton farmers who may suffer loss because of the measures necessarily adopted. This seems to me to be a reasonable view.

It is the opinion of our scientists, who are very familiar with this whole matter, that the use of some of this money for reimbursement purposes will result in saving money in the fight against this pest, for much of the area involved in the proposed reimbursement will not be a continuing charge. Either the pest will be eliminated in two or three years or the effort will have failed. It now costs approximately $10 per acre to clean infested cotton land of old cotton. In noncotton zones, which our present plan would permit us to establish, this cost would be eliminated, and we believe that the reimbursement proposed would be less than the clean-up cost.

The request I am now making comes after very full investigation of the whole matter both by the scientists of this department and by the scientists and authorities in the States invaded.

Very sincerely,

HENRY C. WALLACE, *Secretary.*

"ERADICATION OF PINK BOLLWORM—AUTHORITY TO PARTICIPATE IN SUPPORT OF NONCOTTON ZONES.

"(Amending item in the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, entitled 'Eradication of Pink Bollworm,' to enable the Secretary of Agriculture to cooperate with the States concerned in the maintenance of noncotton zones as a means of exterminating this cotton pest.)

"That when a State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested, or threatened, by such pest, the said Secretary, under regulations to be prescribed by him, is authorized, out of the appropriation of $554,840 for 'Eradication of pink bollworm,' made by the Agricultural appropriation act of March 3, 1921, to utilize not to exceed $200,000, available until expended, in reimbursing such States for expenses incurred by them in compensating any farmer for his loss due to the enforced nonproduction of cotton within said zones, subject to the following conditions and limitations: That such reimbursement of any State shall be based upon the fair rental value of said land; that such reimbursement shall not exceed one-third the amount actually paid by the State to any farmer, and in no event shall exceed $5 per acre; and that no reimbursement shall be made in respect of any farmer who has not complied in good faith with all quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm."

ARMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, I present the conference report on the Army appropriation bill and ask for its present consideration.

The PRESIDENT pro tempore. The Secretary will read the conference report.

The Assistant Secretary proceeded to read the report.

Mr. NORRIS. Mr. President, I, of course, have no objection to the Senator from New York presenting the conference report and having it printed in the RECORD, but I shall object to its present consideration. I wish to be heard on the conference report at some little length, and I am not prepared to go on to-day. I think under the rule the Senator from New York is entitled to present the report, and it may be printed in the RECORD, but I hope he will not try to have it taken up at this time, because it will provoke considerable debate.

Mr. WADSWORTH. Mr. President, of course I have no desire to make it difficult, much less impossible, for the Senator from Nebraska to discuss a certain item which failed to be incorporated in the report of the conference committee. The conferees are exceedingly anxious that this matter be disposed of, because every day which goes by means that we shall lose an opportunity to save money for the Government. There are legislative provisions in the Army appropriation bill which, when once they go into force, will operate to save money for the Government. I simply felt it my duty to present the report to the Senate and ask for its present consideration. I realize, of course, that it is within the power of the Senator from Nebraska to prevent its consideration, if he wishes to do so, unless I make a motion to proceed to the consideration of the conference report.

Mr. BRANDEGEE. My impression is that under the rule, while the Senator from New York may offer the conference report, except by unanimous consent, it can not be compelled to be considered on the same day but goes over under the rule.

Mr. LENROOT. Is a motion pending to proceed to the consideration of the report?

Mr. WADSWORTH. I have asked for its consideration.

The PRESIDENT pro tempore. May the Chair suggest that the Secretary has not yet concluded the reading of the report?

Mr. NORRIS. Mr. President, in order to save time, why does not the Senator from New York pursue the usual course and have the report printed in the RECORD? I have merely made a request that is always acceded to, and, in my judgment, I am entitled to prevent the consideration of the report to-day by a simple objection.

Mr. BRANDEGEE. No.

Mr. NORRIS. But if I am to be singled out especially I wish to give the Senator notice now that he will not be able to have the conference report agreed to to-day.

The PRESIDENT pro tempore. The Chair may observe that the presentation of a conference report is a privileged matter.

Mr. NORRIS. I agree to that.

The PRESIDENT pro tempore. But it can not be considered except by unanimous consent.

Mr. LENROOT. Mr. President——

Mr. BRANDEGEE. Mr. President, I am informed by the Senator from Wisconsin [Mr. LENROOT], who has the rule before him, that I am in error in the statement which I made as to the consideration of a conference report on the same day on which it is presented and that a motion may be made which, if it prevails, would force consideration by the Senate. I suggest to the Senator from Wisconsin that he read the rule.

Mr. LENROOT. I should like to call the attention of the Chair to Rule XXVII, which reads as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. WADSWORTH. In view of the statement just made by the Senator from Nebraska [Mr. NORRIS], it is perfectly apparent that it would be useless at this time to move to proceed to the consideration of the report. I therefore simply ask that the report be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD.

The report referred to is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 15, 16, 19, 21, 22, 23, 24, 26, 27, 32, 34, 37, 42, 44, 53, 56, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 14, 17, 18, 20, 28, 29, 30, 31, 33, 39, 43, 47, 48, and 49, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or not to exceed three reserve officers in the Judge Advocate General's Department, or"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore all of the matter stricken out by said amendment with the exception of the following words in lines 20 and 21, on page 27 of the bill: ", and in any event not less than 10,000 of such animals shall be sold"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That not more than $10,000 of this appropriation shall be expended for the purchase of draft or pack animals or animal-drawn vehicles: *Provided further*"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That not to exceed $10,000 of this appropriation shall be expended for new construction work"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

The committee of conference have not agreed on the following amendments of the Senate numbered 3, 9, 10, 12, 13, 36, 38, 41, 45, 46, 52, 54, and 55.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
HARRY S. NEW,
KENNETH MCKELLAR,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

D. R. ANTHONY, Jr.,
C. BASCOM SLEMP,
T. U. SISSON,
T. W. HARRISON,
Managers on the part of the House.

Mr. WADSWORTH. I give notice, in so far as a notice has any official status, that I shall exert every influence to-morrow to bring this report up and to dispose of the whole question.

RESTRICTED MEMBERS OF THE FIVE CIVILIZED TRIBES.

Mr. HARRELD. Mr. President, I ask unanimous consent for the present consideration of Senate joint resolution 59, which was reported this morning by the chairman of the Committee on Indian Affairs.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent for the present consideration of a joint resolution, which will be read by title.

The SECRETARY. A joint resolution (S. J. Res. 59) authorizing the Secretary of the Interior to protect certain restricted members of the Five Civilized Tribes, and for other purposes.

Mr. LA FOLLETTE. Let the resolution be read at length, Mr. President.

Mr. POINDEXTER. Let us have the report read.

Mr. HARRELD. The report is a rather long one.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 6, after the word "submit," to insert "through the superintendent of the Five Civilized Tribes"; and in line 12, before the word "depletion," to strike out the word "additional," so as to make the joint resolution read:

> *Resolved, etc.*, That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to make or approve contracts with competent and experienced firms or individuals to prepare and submit through the superintendent of the Five Civilized Tribes correct income-tax returns and corrected or amended income-tax returns covering previous years, for the restricted members of the Five Civilized Tribes of Indians in Oklahoma: *Provided*, That the compensation paid for the preparation and submission of such current and amended income-tax returns shall not exceed for any year 5 per cent of the depletion or other allowances secured in behalf of such restricted Indians as a result of the contract made in pursuance of this act: *Provided further*, That the Secretary shall make payment of such compensation out of the funds belonging to the several restricted Indians who shall be the beneficiaries of such contract.

Mr. POINDEXTER. I should like to ask the Senator from Oklahoma if the joint resolution authorizes the Secretary of the Treasury to make any compromise whatever that he may choose as to the income tax of these Indians?

Mr. HARRELD. No. The joint resolution merely proposes to authorize the employment of counsel to see that the Indians

are properly protected in their rights in regard to the income tax.

Mr. POINDEXTER. I did not so understand the joint resolution. From its reading I understood it in effect to authorize the Secretary of the Interior to make compromises and to effect settlements without restriction. If the Senator from Oklahoma states that that is not the case, I have no objection to the joint resolution.

The PRESIDENT pro tempore. The question is on the amendment to the joint resolution reported by the Committee on Indian Affairs.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES SUGAR EQUALIZATION BOARD.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic.

I make this motion in accordance with the suggestion which I made when the joint resolution was reached in regular order upon the calendar a little while ago.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read.

Mr. FRELINGHUYSEN. Mr. President, I desire to speak briefly at this time on the coal measures before the Senate.

Mr. WALSH of Montana. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Montana will state his parliamentary inquiry.

Mr. WALSH of Montana. I inquire whether we have not just voted, on motion of the Senator from New York, to take up for consideration Senate joint resolution 12?

The PRESIDENT pro tempore. The motion of the Senator from New York prevailed, and Senate joint resolution 12 is now before the Senate. The Secretary was about to read the joint resolution.

Mr. BRANDEGEE. Mr. President, may I ask the Senator from New Jersey a question?

Mr. FRELINGHUYSEN. Certainly.

Mr. BRANDEGEE. Unless the Senate should vote to continue the consideration of the calendar until 2 o'clock, probably, if the Senator makes a speech of any length, he could defeat action upon the joint resolution.

Mr. FRELINGHUYSEN. I have no desire to do that, I will say to the Senator from Connecticut. As I understand, the unfinished business will come up at 2 o'clock. I simply wish to make a statement in regard to the coal measure which I have introduced. I intend then to yield to the Senator from Nebraska [Mr. NORRIS], who desires to make some extended remarks on another subject. That has been the arrangement. The Senator from Nebraska gave notice last week, and it was understood that he would have that opportunity. I do not desire to interfere with the consideration of the joint resolution unless there is other objection.

Mr. NORRIS. Mr. President, I should like to suggest to the Senator from New York that there are Senators—I think the Senator from New Jersey [Mr. FRELINGHUYSEN] is one of them—who have amendments to offer to the joint resolution. I do not have the remotest idea that the Senator from New York will be able to secure the passage of the joint resolution before 2 o'clock, and, because I am aware that it will not pass before 2 o'clock, if the Senator from New Jersey does not take the floor I expect to do so myself. I do not want to shut off anybody else, but it will be a perfect waste of time to take up the joint resolution now, as I understand the situation, although I am not opposed to the joint resolution.

Mr. WADSWORTH. Will not the Senator permit it to pass right now?

Mr. NORRIS. There are other Senators who would not permit it to pass now, so I have been told.

Mr. CALDER. Let that opposition be developed.

Mr. WADSWORTH. Who is against it?

Mr. FRELINGHUYSEN. I understand the Senator from New Hampshire [Mr. MOSES] is against it.

Mr. NORRIS. I understand it is proposed by other Senators to undertake to amend the joint resolution. I understood that both the Senator from New Jersey and the Senator from New Hampshire are in favor of amendments, and I think there is a Senator on the other side who spoke to me to-day about it, who also thinks the joint resolution should be amended. It will lead to quite a debate. I do not care to participate in it myself, having heard the hearings taken before the Committee on Agriculture and Forestry, but it seems to me to be perfectly useless to take up time in considering the joint resolution now, with no other result except to prevent the Senator from New Jersey and myself from going on, as I have given notice that I wanted to do.

Mr. BRANDEGEE. Mr. President, of course nobody wants to interfere with the remarks of the Senator from Nebraska or other Senators; but we have only one day in the week when we can attend to the matters on the calendar, and then a very brief time.

Personally, I think this claim is a just claim. The Senate having voted to proceed to the consideration of this matter, if amendments are to be offered to it I do not see why the amendments can not be offered now, so that we can see what they are, and debate the measure for a half hour, until 2 o'clock. The Senator from Nebraska has all the rest of the day in which to make a speech upon anything he desires, but it is only once a week that Senators can get any consideration for matters on the calendar. If the debate on this matter is so extended that it can not pass in half an hour, the information that is contributed to-day will be of use the next time the matter comes up.

Mr. KING. Mr. President, let me say to the Senator, if I may interrupt him, that some of us desire to make an investigation of this matter. I have just received the minority report filed in the House, and upon the testimony which they had and which was the basis for this report I should feel constrained to oppose this joint resolution. I should like an opportunity to look into the matter further.

Mr. BRANDEGEE. I remember that the Senator asked some questions about it when the Senate passed the joint resolution at the last session of Congress; and the Senator from North Dakota, Mr. Gronna—who was then chairman of the committee, and I have his remarks about it here in the RECORD—was strongly in favor of the measure. I assume that the Senator may want to oppose this joint resolution, but suppose he does; why should the half hour be clipped off of this morning business, which, under the Senate rule, is dedicated to this purpose? After the Senate has determined to proceed with the consideration of the joint resolution, why not consider it for half an hour? As I say, Senators who have speeches of some length to make can make their speeches after 2 o'clock on the unfinished business, or whatever then happens to be before the Senate, all day long.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. BRANDEGEE. Yes.

Mr. FRELINGHUYSEN. I have an amendment to this joint resolution which proposes to treat in a similar manner certain interests that imported sugar. There is some question as to whether their legal standing is the same as that of those who are interested in this joint resolution. The committee passed upon the amendment and the claim of my parties, and voted by a very narrow margin not to include in this appropriation the claims that I have presented.

I do not care to ride in on other legislation the claims of people in my State. I feel, however, that the legislation should be uniform and general; and if the Government is to pay claims for sugar which was imported under the high inflated conditions when the Government encouraged these importers to import sugar for the benefit of the public market I feel that that legislation should be general, and their claims should be equally considered.

This measure, however, was presented before the claim of my parties, and I do not want to delay it. If the Senator will wait until I can get an agreement, I will withdraw my amendment and try to induce the people whom I am trying to assist to introduce a separate bill for reference to the Agricultural Committee. I feel, however, in view of the fact that I gave notice that I desired to offer an amendment which would make more general the appropriations for relief, that the Senator should postpone action upon the joint resolution.

Mr. WADSWORTH. Mr. President, the Senator gave that notice a week ago.

Mr. FRELINGHUYSEN. I have not the amendment here, and I am not prepared to submit it. It is in my office. I had intended to go on with another matter. However, if the Senator wishes to proceed, I am perfectly willing to allow him to do so without further debate or delay.

Mr. WALSH of Montana. Mr. President, I am not prepared by any means to give my assent to this measure. In fact, I have been endeavoring to study it with a desire to arrive at a satisfactory conclusion as to what ought to be done with it, and with the light before me I am disposed to oppose the passage of the joint resolution.

Apparently the Department of Justice entered into some kind of an arrangement with the beneficiaries of this bill. B. H. Howell Son & Co., by which this company assumed the character of an agent of the Department of Justice to go to the Republic of Argentina and there buy some thirteen to fifteen thousand tons of sugar for the Government of the United States, with a view to reducing the price of sugar to the consumers in this country. I have not been able, after a somewhat diligent search, to find any authority in the law for any such action upon the part of the Department of Justice, or any other department. Of course, if B. H. Howell Son & Co. were actually the agents of the Government of the United States, and made the contract as such agents of the Government of the United States, B. H. Howell Son & Co. are not responsible in the matter at all.

The Government of the United States bought this sugar, and the Government of the United States is the loser, and owns the sugar, as a matter of course. That, however, is not the situation. B. H. Howell Son & Co. can not prove that they were the agents of the Government of the United States, simply because there were was no law authorizing the appointment of them or anybody else as the agents of the Government of the United States for this purpose.

Then, Mr. President, it appears that having bought this sugar in Argentina, and it appearing that it was a losing transaction to bring it to the United States, they sought to dispose of the sugar in Argentina, taking whatever loss there was, but that in some way or other the State Department forbade them to sell the sugar in Argentina—a perfectly unjustifiable thing, so far as I can understand the matter, on the part of the Department of State. Apparently, these officers of the Department of Justice and the Department of State went into this thing without a shred of authority for whatever they did or tried to do in the matter.

I can not see how we can give our approbation to such plain usurpation upon the part of these departments of the Government. If the situation was such that it was in the public interest that the Government of the United States should buy, or authorize some one else to buy, in the Republic of Argentine or elsewhere, some 15,000 tons of sugar, Congress was the body to be appealed to. The requisite legislation ought to have been asked. Instead of doing that, the Attorney General, in some way or other, as a kind of guardian of the whole public interest, appoints Howell Son & Co., or purports to appoint Howell Son & Co., the agents of the Government of the United States to go down and buy this enormous amount of sugar. It is a losing transaction, and now the Government of the United States is asked to foot the bill and make them good for their losses upon the purchases which they made.

This is no time to appeal to the Congress of the United States in the matter. The Congress should have been appealed to when the exigency which the officers seemed to think was before the country required action upon their part. I look at it as a perfectly unjustifiable assumption of authority that this Congress ought not even to condone by its action. I may be wrong about it, but that is the situation as I gather it from the hasty consideration which I could give to the matter.

Mr. KING. Mr. President, will the Senator permit me to supplement his remarks by reading a sentence or two from the views of the minority in the House after an investigation?

Mr. WALSH of Montana. Certainly; but if the Senator will pardon me, let me call attention first to the views expressed by the Senate committee to show what it is that has been done.

The report says:

> The Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. J. Res. 12), which authorizes the President to require the United States Sugar Equalization Board (Inc.) to take over from the American Trading Co. and B. H. Howell Son & Co. a certain transaction involving the importation of 13,902 tons of sugar from the Argentine Republic, under the direction and as agents of the Department of Justice—
>
> Agents of the Department of Justice—
>
> and the Department of State, report favorably thereon with the recommendation that the resolution do pass without amendment.
>
> This resolution and the necessity for this action is the result of a campaign inaugurated by the Department of Justice to reduce the high price of sugar prevailing during the spring and summer of 1920.

I am utterly unable to recall any legislation by Congress which authorized the Department of Justice to engage in any kind of a campaign for the reduction of the cost of sugar or any other commodity.

> When sugar was selling at from 26 to 30 cents a pound at retail the Department of Justice attempted to secure a large supply from the Argentine Republic, with the aid of the State Department. There were two difficulties: First, there was an embargo in the Argentine against the exportation of sugar; and, second, the Department of Justice needed the cooperation of private agencies to have the sugar purchased and distributed. The State Department secured a verbal promise from the Argentine Government officials to suspend the embargo, and then the Department of Justice requested an American importing house, the American Trading Co., to proceed to the purchasing of the sugar, and an American commission house, B. H. Howell Son & Co., to act as distributing agents in this country.
>
> Upon the assurance by the Department of Justice that arrangements had been made through the State Department with the Argentine Government for the immediate lifting of the embargo as to sugar purchased at the request of the Department of Justice, the American Trading Co. forthwith proceeded to make the purchases requested.
>
> After 13,902 tons of sugar had been purchased it was found that there was difficulty and delay in obtaining the lifting of the embargo, and no further sugar was purchased, although it was the original plan to buy a much larger quantity.
>
> The permit for exportation, finally issued by the Argentine Government at the request of the State Department, to the American Trading Co. as purchasing agent of the Department of Justice, was not secured until more than two months after the transaction was initiated. Immediately upon the issuance of the export license and before the arrival of any part of the sugar in the United States, the agency selected by the Department of Justice and under its direction, offered the sugar first to canners and preservers and then to the retail trade. Due largely to the advertising given to the proposed importation by the Department of Justice, the price of sugar had declined very rapidly between the times when the purchases were made and the time when the export license was finally secured. Owing to this decline, during the delay in obtaining the export license, B. H. Howell Son & Co., who were acting as distributors under the direction of the Department of Justice, were able to dispose of only approximately 5,000 tons of the total purchases of 13,902 tons.

I had the impression, Mr. President, that the Food Administration was authorized to handle to some extent the food supplies of the country during the war. But it is news, to me at least, that the Department of Justice was clothed with any power whatever by the Congress in that regard.

This report further states:

> This fact was called to the attention of the Department of Justice by the American importing house, and they requested the department to authorize the selling of the sugar in the Argentine, the bulk of which had not then left the Argentine. But owing to advices from the State Department that it would be improper for the Government to sell the sugar in the Argentine after the United States Government had obtained a permit in its own name to export it from the Argentine, the Department of Justice refused to allow a resale by the American importing house.

By what right does the Department of State say to B. H. Howell Son & Co. that B. H. Howell Son & Co. can not sell sugar in the Argentine which it bought in the Argentine? Of course, the Government of the United States somehow or other got a license to export it. That is all they got. The thing is inexplicable to me. The whole transaction is in every sense forbidding.

Mr. BRANDEGEE. Mr. President, there is no doubt that this is an unusual transaction. It was a war measure. I do not claim that the Department of Justice or the Department of State, without any legislation authorizing them, could create this company their agent in law so as to make any agreement it might make a contract binding upon the Government. During the war and immediately after the war the departments were doing many things for the relief of the public which in ordinary times they would not do. Evidence was given before the committee by the then Attorney General, Mr. A. Mitchell Palmer, who personally appeared before the committee, according to the report; and letters between the parties, exchanged by officials of the Department of Justice and this company, are set forth in the report. Whether there was created in law the relation of principal and agent, it did result in the head of the Department of Justice and the head of the State Department utilizing this company and its purchasing power as an instrumentality for buying a large amount of sugar, trying to break the price of sugar in the market and lower it to the public, and furnish an adequate supply of sugar. All the departments admit that, and all their officials stand by it, and recommend this legislation. The Committee on Agriculture reported in favor of it. They reported in favor of it at the last session of Congress, and the Senate passed the bill at the last session of Congress.

I refer to the CONGRESSIONAL RECORD of February 24, 1921, on page 3758 and read therefrom as follows from remarks made by former Senator Gronna, then chairman of the Committee on Agriculture and Forestry:

> Mr. GRONNA. They were unable to get any sugar from Argentina. It was through the Government of the United States that they were able to have the sugar exported from Argentina, because there was an embargo placed upon the exportation of sugar from that country, and so the matter was taken up with the Department of Justice and with the Department of State. The Committee on Agriculture and Forestry held public hearings on this particular question, and the Attorney General, Mr. Palmer, appeared before the committee, as did also members of the Sugar Equalization Board, and all of them agreed that the joint resolution ought to pass.

Mr. KING. I am not quite clear from the Senator's statement that the individuals did not initiate the movement themselves.

Mr. GRONNA. Oh, no.

Mr. KING. They found themselves unable to get further sugar from Argentina and utilized the Government as an instrumentality to secure the sugar?

Mr. GRONNA. No; that is not the case.

Mr. KING. And because of their losses they want the Government to recoup them?

Mr. GRONNA. The Attorney General stated that he, together with other officials, asked the corporation which deals in sugar to go to foreign countries and buy sugar in order that the price of sugar might be made to decline. They did so, and letters to that effect are published in the hearings, with photographic copies of what I call real contracts approved by the Department of State and by the Department of Justice, so that the men were in fact agents of the Government of the United States.

I realize that it would be bad practice to begin to allow claims where the Government of the United States itself was really not responsible for the loss. The committee hesitated in taking up the matter at all until hearings had been held and until Mr. Palmer had made his statement, but he said there is no question about the matter and recommended strongly that the Government of the United States should pay. I think the amount will be somewhere about $2,750,000, which was the loss to those people.

Mr. President, I do not look upon this as a legal liability. I think the Senator from Montana [Mr. WALSH] may be quite right, that a Department of the Government, without the consent of Congress, can not legally bind the Government. But where a company responds to the request, in an emergency, of both the Department of Justice and the Department of State, I think the Government is morally bound not to compel those private individuals to bear the loss which they incurred at the invitation of the Government for a public benefit.

I know nothing about the facts except as they are contained in the report, and I ask that the report containing the letters of the Government officials be printed in the RECORD in connection with my remarks, so that the whole transaction may be understood.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate report No. 72, Sixty-seventh Congress, first session.]

DISPOSITION OF SUGAR IMPORTED FROM ARGENTINA.

"Mr. WADSWORTH, from the Committee on Agriculture and Forestry, submitted the following report, to accompany S. J. Res. 12:

"The Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. J. Res. 12) which authorizes the President to require the United States Sugar Equalization Board (Inc.) to take over from the American Trading Co. and B. H. Howell Son & Co. a certain transaction involving the importation of 13,902 tons of sugar from the Argentine Republic, under the direction and as agents of the Department of Justice and the Department of State, report favorably thereon with the recommendation that the resolution do pass without amendment.

"This resolution and the necessity for this action is the result of a campaign inaugurated by the Department of Justice to reduce the high price of sugar prevailing during the spring and summer of 1920. When sugar was selling at from 26 to 30 cents a pound at retail the Department of Justice attempted to secure a large supply from the Argentine Republic, with the aid of the State Department. There were two difficulties: First, there was an embargo in the Argentine against the exportation of sugar; and, second, the Department of Justice needed the cooperation of private agencies to have the sugar purchased and distributed. The State Department secured a verbal promise from the Argentine Government officials to suspend the embargo, and then the Department of Justice requested an American importing house, the American Trading Co., to proceed to the purchasing of the sugar, and an American commission house, B. H. Howell Son & Co., to act as distributing agents in this country.

"Upon the assurance by the Department of Justice that arrangements had been made through the State Department with the Argentine Government for the immediate lifting of the embargo as to sugar purchased at the request of the Department of Justice, the American Trading Co. forthwith proceeded to make the purchases requested.

"After 13,902 tons of sugar had been purchased it was found that there was difficulty and delay in obtaining the lifting of the embargo, and no further sugar was purchased, although it was the original plan to buy a much larger quantity.

"The permit for exportation, finally issued by the Argentine Government at the request of the State Department, to the American Trading Co. as purchasing agent of the Department of Justice, was not secured until more than two months after the transaction was initiated. Immediately upon the issuance of the export license and before the arrival of any part of the sugar in the United States the agency selected by the Department of Justice, and under its direction, offered the sugar first to canners and preservers and then to the retail trade. Due largely to the advertising given to the proposed importation by the Department of Justice, the price of sugar had declined very rapidly between the times when the purchases were made and the time when the export license was finally secured. Owing to this decline during the delay in obtaining the export license, B. H. Howell Son & Co., who were acting as distributors under the direction of the Department of Justice, were able to dispose of only approximately 5,000 tons of the total purchases of 13,902 tons.

"This fact was called to the attention of the Department of Justice by the American importing house, and they requested the department to authorize the selling of the sugar in the Argentine, the bulk of which had not then left the Argentine. But owing to advices from the State Department that it would be improper for the Government to sell the sugar in the Argentine after the United States Government had obtained a permit in its own name to export it from the Argentine, the Department of Justice refused to allow a resale by the American importing house.

"As a result of all of these proceedings, which were initiated for the purpose of reducing the price of sugar in the United States—and which had that effect—the two American houses which entered into this transaction in good faith at the request of the Government departments, and which were controlled by the Government in the entire transaction, found themselves with 8,902 tons of this sugar left on their hands in the United States and the Department of Justice unable to aid them in the disposition of it.

"The matter has been presented to the Sugar Equalization Board and has been investigated by it. The representatives of the board have stated that justice demands authorizing the board to take over this transaction. If this resolution is passed and the President directs such action, they will liquidate the entire transaction without profit or compensation of any kind to the companies who were the agents of the Government.

"The former Attorney General, the president of the Sugar Equalization Board, and the counsel of the board appeared before the committee, described the entire transaction, and stated that in their judgment it was the duty of the Government, through the Sugar Equalization Board, to take over the transaction, dispose of the sugar, and thus relieve its agents, the American Trading Co. and B. H. Howell Son & Co., of an intolerable burden. The committee, having examined and verified the official correspondence relating to this matter, is convinced that justice demands the taking over of the entire transaction as authorized by this resolution. This correspondence is set forth in full, in order that it may be clearly shown that the concerns handled the transaction as agents of the United States and not for their own profit.

ATTESTATION OF ATTORNEY GENERAL.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 20, 1921.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are true copies of the original letters on file in this department.

In witness whereof I have hereunto set my hand and caused the seal of the Department of Justice to be affixed on the day and year first above written.

[SEAL.] A. MITCHELL PALMER,
Attorney General.

EXHIBIT No. 1.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 11, 1920.

Mr. WALLACE D. FRANKLIN,
Vice President American Trading Co.,
25 Broad Street, New York City.

DEAR SIR: I was notified by State Department of the receipt of cable from the Argentine that upon proper presentation through official channels of the American Government that the Argentine would lift the embargo on present surpluses in that country, now amounting to some 150,000 tons. The American attaché, however, estimates the surplus at approximately 70,000 tons.

After talking this over with your representative, Mr. Linn, and Mr. Giddings, it was deemed advisable that your agent already on the ground should be advised to contract for or buy as much of the entire surplus as possible before any further request was made that the embargo be lifted, as of course upon the general knowledge that this has been done will create a speculative market.

I have made arrangements with very large interests to handle all or any part of this sugar that we may indicate. Our principal idea being, first, to secure sugar for the United States; second, to secure the sugar at the lowest possible price; and, third, to control or indicate the channels of distribution after arrival here.

It occurred to me that if your agent cooperated for all interests that expenses incurred by him could be prorated by the interests, as Mr. Giddings, and Mr. Linn, your representative, indicate. I have figured that your firm would handle approximately 10,000 tons of this sugar, the balance to be handled by firm or firms that I may indicate hereafter. I will give Mr. Linn copy of last cable from the Argentine tomorrow, which I think will assure you that permit will be granted when asked for.

I hope that you will give this your immediate attention, as we must work very rapidly to beat the speculators in the market.

Yours, very truly,

HOWARD FIGG,
Special Assistant to the Attorney General.

EXHIBIT No. 2.

[Paraphrase of cablegram.]

To: The American Embassy at Buenos Aires, Argentina.
Dated: May 13, 1920.
No.: 45.

With reference to the telegrams from the department, Nos. 39, 40, and 43, and to your telegram No. 113, regarding the lifting of the embargo on sugar from Argentina: This is strictly confidential. The American Trading Co. has been appointed purchasing agent by the Department of Justice and it is being instructed by that department to obtain quietly as many options as possible before the market is aware that the embargo has been lifted, in order to avoid unduly high prices, otherwise it will be impossible to buy Argentine sugar. By this method there will be an avoidance of profiteering at this end and the Department of Justice is safeguarding all steps so that the American household consumer may be protected.

Instructions are hereby given to you to bring this matter most confidentially to the attention of the Government of the Argentine for its information. The hope is expressed that the Argentine Government will be satisfied with this arrangement. In the near future the official request for the lifting of the embargo will be made. This is being done merely to avoid speculation, which might destroy the entire transaction, and there is no intention of preventing sugar interests in the Argentine from securing a price which is just.

POLK, *Acting.*

ATTESTATION OF ATTORNEY GENERAL.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 20, 1921.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are true copies of the original letters on file in this department.

In witness whereof I have hereunto set my hand and caused the seal of the Department of Justice to be affixed, on the day and year first above written.

[SEAL.]

A. MITCHELL PALMER,
Attorney General.

EXHIBIT No. 3.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 2, 1920.

Mr. W. S. FRANKLIN,
Vice President American Trading Co.,
25 Broad Street, New York.

DEAR MR. FRANKLIN: I am in receipt of your communication of July 29 in regard to disposing of a certain portion of the 14,000 tons of Argentine sugar contracted for by the B. H. Howell Son & Co., and in which the Department of Justice participated in distribution.

I am very sorry to inform you that under no circumstances could the Government concur in the thought even of allowing any portion of this sugar to be sold in the Argentine. You will find attached hereto paraphrase of cablegram received from Wiley, in charge of the embassy at Buenos Aires, which very definitely states the position of the Government in this transaction. But in spite of this I took the matter up with the State Department and found that Ambassador Stimpson, from Argentina, was here. I arranged a conference with him, which took place Saturday, and I can not begin to make you understand how deeply he feels on this subject.

He also brought to my attention a matter of seeming interest to you, and that was that if any portion of this sugar was sold in the Argentine it would be ruination to the American Trading Co., or any other American interests that might be involved, as well as a very serious thing for the United States Government.

I had a talk with Mr. Linn, your representative here in Washington, this morning and I tried to make him understand the seriousness of this thought.

I do not feel that there is an opportunity for you or the B. H. Howell Co. to lose any money on this transaction, but that you will find a ready sale for the sugar on its arrival here. I have been assured by a great many dealers over the country that they are ready to buy on delivery, but would not contract ahead of time. I not only think there will not be any loss but that your profits will be the same as you expected from the start.

I am leaving for a short vacation on Thursday and have left this matter entirely in the hands of Mr. Wilkins during my absence.

With kindest personal regards, I remain,

Yours, truly,

HOWARD FIGG,
Special Assistant to the Attorney General.

ATTESTATION OF SECRETARY OF STATE.

DEPARTMENT OF STATE.

No. 3978.

To all to whom these presents shall come, greeting:

I certify that the documents hereto annexed are true copies from the files and records of this department.

In testimony whereof I, Bainbridge Colby, Secretary of State, have hereto caused the seal of the Department of State to be affixed and my name subscribed by the chief clerk of the said department, at the city of Washington, this 19th day of January, 1921.

BAINBRIDGE COLBY,
Secretary of State.
By BEN G. DAVIS,
Chief Clerk.

EXHIBIT No. 4.

[Translation.]

D. No. 103.

MINISTRY OF HACIENDA OF THE ARGENTINE NATION,
Buenos Aires, June 23, 1920.

Having seen the request of his excellency the ambassador of the United States of America regarding the necessary authorization for the American Trading Co., purchasing agent of the Department of Justice, to export 13,909 tons of sugar of national production, and considering that the Government is animated by the desire to fulfill satisfactorily the foregoing petition made direct by a sister nation, the executive power of the nation, in general agreement with the ministers, decrees:

ARTICLE 1. That the necessary permission be given to the American Trading Co., purchasing agent for the Department of Justice of the United States of America, to export to the said country 13,909 tons of sugar of national production.

ART. 2. That this be communicated, published, and filed.

IRIGOYEN.
D. E. SALABERRY.

EXHIBIT No. 5.

[Paraphrase of cablegram.]

BUENOS AIRES, *July 29, 1920.*

SECRETARY OF STATE,
Washington, D. C.:

Urgent.

The price of sugar has gone up to plus 12 pesos paper per 10 kilos. The Government is being attacked bitterly by the opposition of press on account of the exorbitant price of sugar and the scarcity, which is claimed to be due to the permits granted for export and to graft. Sullivan is telegraphing to the American Trading Co. regarding their opportunity to sell at a big profit here. I urge that you direct the company not to sell any of the 14,000 tons obtained in the name of the Government under any circumstances. This would create a most unfortunate impression.

WILEY.

EXHIBIT No. 6.

[Paraphrase of cablegram.]

AUGUST 12, 1920—6 P. M.

AMERICAN EMBASSY,
Buenos Aires, Argentina:

Reference is made to your No. 185, of August 6, and No. 186, of August 9.

1. If approved by Sullivan, convey to the Government of Argentina that this Government desires to state again its appreciation of its favor in permitting the export of sugar to relieve necessities in this country, and that since the situation in the United States has been remedied in large measure through the courteous act of the Argentine Government and at the same time the market of Argentina appears to be suffering from a sugar shortage, this Government would be glad to resell to the Argentine Government, if it so desires, or on the market under the supervision, such quantities of sugar which have not already been exported to the United States; that the sugar is offered at 10 cents United States currency, and amounts to 4,383 tons. You may explain to the Argentine Government if you think advisable that the stated price is placed somewhat above purchase price in order to cover expenditures incidental to its handling, purchase, and storage.

2. Please be careful to avoid giving impression which you warned against in your cablegram of July 29, No. 178.

COLBY.

Mr. BRANDEGEE. I realize that the Senator from New York probably wants to talk on this matter, and I do not wish to consume his time. I simply want to say that I do not see how the Government, as an honest Government, can induce a man to do something for the public benefit and then leave him in the lurch to bear the expense. This did result in benefit to the people, for the price of sugar was actually reduced.

Mr. LENROOT. I would like to ask the Senator if he thinks the Government should compensate individuals for any and all losses made through unauthorized contracts during the war?

Mr. BRANDEGEE. If the Senator puts his question as broadly as that, I would unhesitatingly say no; but where the head of the Department of Justice, the qualified legal expert of the Government, the Attorney General of the United States; the head of the Cabinet, the Secretary of State; and the Sugar Equalization Board, another governmental instrumentality, go to a dealer in a commodity in time of public emergency, stress, and shortage, and beg him to act for them and use his professional skill in acquiring an amount of sugar and then, owing to embargoes put on by foreign countries, which we can not control at all, and such matters as that, the delivery is tied up until the price drops and the sugar is left upon the man's hands and he has to dispose of it at a loss, I do think we ought to assume that responsibility. I do not think it is acting in good faith to repudiate it, although I agree perfectly that if I had been Attorney General I think I would have come to Congress and asked them to pass a resolution authorizing me to take that action. But he did not, and it seems for us now to say that because the Government can not be sued for this, or because it was not strictly authorized in law, we will not compensate them would be assuming too technical a position and would result in injustice.

What private concern under the circumstances, I ask, would not take the advice of the Attorney General of the United States? They probably assumed that the Attorney General was acting within his authority, and most people who were not lawyers would not be inclined to question it.

Mr. FLETCHER. I want to call the Senator's attention to a letter, Exhibit No. 2, written by the special assistant to the Attorney General, found on page 4 of the report. It seems to me that it throws a great light on this matter in addition to all that these other letters disclose.

There were conversations between these parties, apparently, about which we have no information. In that letter, referring to his conversation with Ambassador Stimpson, he said:

He also brought to my attention a matter of seeming interest to you, and that was that if any portion of this sugar was sold in the Argentine it would be ruination to the American Trading Co., or any other American interests that might be involved, as well as a very serious thing for the United States Government.

This is a letter to Mr. Franklin, the vice president of the American Trading Co., by Howard Figg, special assistant to the Attorney General. He said further:

I had a talk with Mr. Linn, your representative here in Washington, this morning, and I tried to make him understand the seriousness of this thought.

And then he said further in the letter:

I do not feel that there is an opportunity for you or the B. H. Howell Co. to lose any money on this transaction, but that you will find a ready sale for the sugar on its arrival here.

In other words, it was their business, not the Government's. He said further:

I have been assured by a great many dealers over the country that they are ready to buy on delivery, but would not contract ahead of time. I not only think there will not be any loss but that your profits will be the same as you expected from the start.

In other words, the conversation evidently was that these people expected to make very much profit out of this transaction, and the Government was assisting in that regard by getting the removal of the embargo and allowing the sugar to be shipped. That is the impression which the letter would create in the ordinary mind, unless it can be explained in some way. It appears that the Attorney General was trying to convince these people that they did not stand to lose on this transaction.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Connecticut yield to the Senator from New York?

Mr. BRANDEGEE. I yield.

Mr. FLETCHER. The Senator from New York ought to answer that, it seems to me.

Mr. BRANDEGEE. He is about to try to do it.

Mr. WADSWORTH. The Senator has reached a conclusion absolutely contrary to the facts. These people never asked to go into this business. They were asked to go into it by the Government. The Government told them that they would get the embargo lifted in the Argentine. Depending on that assurance and agreeing absolutely to bring in the sugar in the manner prescribed by the department, which limited their profits to such a small figure that it would never tempt any commercial firm—only 1 cent a pound on a transaction of that size—they proceeded and bought the sugar in the Argentine, having established their credit to do so. Then the Government did not produce the license for the exportation of the sugar——

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. WADSWORTH. I can not yield. The Government did not produce the license which they had said they would produce. Weeks went by, and the Argentine Government would not act. Sugar had been advertised all over the United States by the Department of Justice as being on its way from the Argentine. The price all over the United States went to smithereens. Week by week it went down, down, down.

These people then asked the Department of Justice to let them sell the sugar in the Argentine, and the Department of Justice replied, "Under no circumstances can the Government concur in the thought even of allowing any portion of the sugar to be sold in the Argentine," and forced them to take the loss. They were helpless, and the letter, only a portion of which the Senator from Florida has read, simply reflects the struggle of these people, caught on the fishhook baited by the Government itself, to escape; and they were not permitted to escape. That is all there is to it.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. I yield the floor.

Mr. WATSON of Georgia. Mr. President, I ask the Senator from Connecticut if he is not really pleading ignorance of the law for those men who did what they knew was an illegal act?

Mr. BRANDEGEE. I think the Government is morally bound. I do not claim that we are legally bound. As I said before, I think these two great departments of the Government, State and Justice, having gone to a private plant and asked them to relieve an emergency, and when the private plant acted according to the wishes of the Government, it ought to assume the responsibility and compensate them for their losses.

SEASONAL COAL RATES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1806.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FRELINGHUYSEN. Mr. President, I shall at this time speak only briefly on the coal measures before the Senate, postponing any further remarks on the provisions of the bills until the Senator from Nebraska [Mr. NORRIS] has spoken on another subject. However, before yielding to him I wish to make a short statement in regard to the coal legislation proposed by me.

The bills to be considered by the Senate, Nos. 1806 and 1807, were introduced after hearings conducted by a subcommittee of the Interstate Commerce Committee, finally passed upon before the full committee, and ordered reported favorably. The Committee on Manufactures also carried on extensive hearings on the Calder bill, which was proposed last season, and in my opinion these hearings were of great value. All of these hearings show that the conditions now existing are uneconomic in the extreme, that abuses exist, and that relief in some measure is greatly needed. With a desire that something constructive be accomplished to remedy present conditions, these bills were introduced.

Next to the railroad question the coal problem is the most vital one confronting us. A sufficient supply of coal, distributed uniformly, produced at a reasonable price, is essential to the very life and energy of the Nation. It is vital to every human and industrial activity, for without coal the Nation would starve and freeze.

Within the past five years the country has suffered from a shortage of coal, caused by blizzard, switchmen's strike, and traffic jam. People have also suffered from high prices, while some persons in the coal trade without conscience have taken advantage of the situation to profiteer. The situation to-day is critical and conditions deplorable. While it is true that bituminous coal is cheaper, the mines are idle and labor is unemployed and production is far below normal. The people are indifferent and are not laying in their stocks. Freight rates are sky-high, and unless something is done to stimulate buying the panic price of last year in the late spring and summer may be repeated; next winter transportation may be overtaxed, and, if so, a shortage will occur. Then I firmly believe drastic Government action will be again demanded by the people. There was plenty of coal last year, enough labor to mine it, but a shortage of cars delayed deliveries and a buyers' panic was caused. This was entirely unnecessary. Had there been a Government agency charged with the responsibility of correctly informing the people, such as the pending legislation proposes, I believe the speculators would have been routed and the public saved from extortion.

The public expect the present Congress at this session to make some effort to relieve this situation. They will not endure another season of prices for coal delivered to the consumer for domestic and industrial purposes ranging from $15 to $30 per ton, a price that taxes every household; that is reflected in the cost of production in every factory, in railroad and trolley rates, in cost of power, gas, and electricity, and retards development of any housing plan. With enough mines and miners to produce 750,000,000 tons a year and 150,000 coal cars idle during the summer months, the condition is one which can and should be relieved.

Even now, with bituminous coal a drug on the market, the anthracite situation is complex. Anthracite for domestic purposes is selling at from $12 to $15 per ton, while other commodities are selling 20 to 40 per cent lower than during the war. The operators, the railroads, with high freight rates, and the dealers are complacent over the situation, and no one can tell why. No one seems to care except the consumer, who complains bitterly, as I will show by letters which depict deplorable conditions among those who need coal. Although the consumer is the largest part of human society, interest in him seems to lag at times.

A thorough study by a department of Government, with widespread publicity, will remedy many of the evils and abuses now existing. The proposed legislation provides for this.

In anthracite prices we know that high wages, increased cost of mining, royalties, and freight rates have largely added to the cost, but there seems to be an unduly large spread of cost between the car at point of origin and the bin of the consumer, and nobody can tell the reason or find out. This legislation proposes that the Department of Commerce shall find out and make public the facts.

I wish to state at the outset that I have no prejudice or enmity toward coal operators or dealers. I believe they should be treated fairly and permitted to make reasonable profits. But I also believe they should not treat the public unfairly or encourage conditions that cause unreasonable profits and oppose

publicity as to facts which reflect on the conditions I have mentioned.

There is nothing in the bill which controls or regulates their business. It does, however, compel full information and provides for the publication of all the facts regarding the production and distribution of this essential commodity. It does provide that it shall be the Government's duty to study the question and advise Congress and the public of all the essential details that make up the price of coal.

It has long been the duty of the Government to know something more regarding coal production—a duty which has been ignored for 50 years, while the facts regarding many other utilities and commodities have been carefully studied.

I have never advocated Government ownership, control, or drastic regulation. I do not believe the Government should compete with legitimate business enterprises or should interfere with the law of supply and demand. But I do believe the Government should compel full information for the public benefit in commodities essential for the life and comfort of the people.

There is a great slump in coal buying at the present time. The bituminous mines are losing money. Many mines are idle. The railroads have 150,000 cars idle at a time when they can carry the coal at less than the winter cost.

The first bill—Senate bill 1806—provides that the Interstate Commerce Commission may make seasonal reductions to stimulate the movement of coal. If relief is to be brought, the bill should be passed immediately. Coal is the most important freight item of the railroads, representing at least one-third of the entire business, including, of course, anthracite. The industry represents an annual turnover of billions of dollars. Without a sufficient supply of coal transportation is at a standstill and the people starve. To say that a branch of Government shall not study the question and compel information to stabilize the industry and bring relief in improved conditions is foolish, and to say that this is Government interference in business is ridiculous. Yet when any corporation, interest, or industry is in trouble they rush to Congress for aid. We pass emergency tariff bills, amend the Federal reserve act, extend the powers of the War Finance Corporation, until the statute books are cluttered with special legislation to relieve certain emergencies. In other words, every interest in the country when in doubt wishes help from the Government. Yet when the Government desires them to cooperate and pursue sane methods they distrust and decry the parenthood.

I do not take the gloomy view of portending disaster painted recently by the Senator from Connecticut [Mr. McLEAN]. I do not believe we shall ever visit the tomb of democracy in this country. I still believe this Republic shall live if we do our duty here.

The Senator mentioned this coal legislation, and I can not construe his inference other than that any Government approach to the coal industry is a regulation of commerce. My reply to him is that there is a clear-cut difference between a regulation of commerce under the interstate-commerce clause of the Constitution and action taken by the legislative body of the Government, directly or through a chosen agent, for the purpose of securing information merely. The securing of information is an inherent power of Congress, arising by necessary implication through its constitutional existence, and that even though the process of securing this information may have an indirect effect upon commerce, it is not in legal significance a regulation of commerce. Through the welfare clause of the Constitution the legislation is transferred from an appearance of regulation of interstate commerce to a measure for the promotion of the public's welfare.

The doctrine of implied power was one of Chief Justice Marshall's most powerful levers, by means of which he lifted Federal Government to a position of commanding authority. Therefore, while not a lawyer, I feel no insecurity in my position on this legislation, nor do I believe that the liberties of anyone will be overthrown or invaded by it.

Repeatedly has the Senate investigated the coal situation, each investigation arising from critical conditions. Nothing of a constructive character has ever been done. The Vardaman committee made an extended investigation, and much valuable information was secured, but no action was taken. Recently the committee on reconstruction gave attention to the subject and proposed legislation, which was referred to the Committee on Manufactures. Extended hearings were conducted, which I have carefully read, and much light was thrown on the situation.

Months ago the chairman of the Interstate Commerce Committee appointed a subcommittee to act under a resolution of investigation introduced by me. That subcommittee consisted of Senators ELKINS, TOWNSEND, MYERS, WOLCOTT, and myself, as chairman. The country was suffering from war conditions, as it has suffered ever since, which in part caused excessive prices for coal, shortage of cars, and labor troubles. The committee held exhaustive hearings and gave extended study to the situation. Previous to and during the strike the committee cooperated with the Director General of Railroads, the Interstate Commerce Commission, and the Fuel Administrator, Mr. Garfield, during his brief return to duty after the war. In addition to the hearings assistance was given in reporting car shortages at the mines. Through these efforts the supply of surplus coal was increased and some of the ill effects of the stagnation caused by the strike and severe weather conditions were avoided.

At the conclusion of these hearings the bills before the Senate were reported by the subcommittee to the full committee and were reported favorably by that committee to the Senate. They are numbered S. 1806 and S. 1807.

Senate bill 1806 amends the interstate commerce act and empowers that body to make seasonal reductions of freight rates on coal during the summer months and corresponding increases during the winter months, on their own initiative or after a hearing, as a means of inducing production and distribution when the mines, labor, and cars are idle.

Their powers are not limited as to locality or amount, but it is left entirely with the commission to adjust the rates to meet conditions in different localities.

This bill has received the approval of Chairman Clark, of the Interstate Commerce Commission, as well as the entire Interstate Commerce Committee.

Senate bill 1807, which I will move to take up following action on the seasonal coal bill now under consideration, empowers the Secretary of Commerce to procure facts as to production, distribution, and transportation (costs and profits) when found necessary by the President; to make a complete study of the storage of coal, statutory zoning, and the advisability of a central purchasing agency for Government coal. It empowers the Director of the Bureau of Mines to study standards of classification of coal and publish the facts concerning such classification. It is the committee's opinion, if the informative facts are procured and published, that, through common counsel and advice, with the cooperation of the operators and the consumers, much can be accomplished to stabilize the industry.

The coal industry is scattered throughout 33 States; 10,000 mines serve the people of the country; different conditions prevail in various sections, but all serve a common purpose; yet upon no one now is imposed the duty of helping them or the consumer to meet the problems which are arising daily; whereas in the case of the farmers the Agricultural Department and in the case of the railroads the Interstate Commerce Commission function.

Let coal be put under a department of the Government which can thoroughly study the question and inform Congress and the people of the facts. Those who buy coal and need coal are entitled to some consideration by the Congress. The people wish Congress to act.

Price fixing will not relieve the situation, but I believe legislation of the character proposed will compose present uncertainty and bring relief to the consumer and better conditions to the operators. I hear of no opposition from consumers. I will later present letters from those who buy coal in large quantities favoring this legislation.

I shall speak at length upon this subject after the Senator from Nebraska [Mr. NORRIS] shall have concluded.

In concluding, I wish to say that I have no antagonism to the coal operators; but I must frankly state that I believe a great many coal producers to-day are committed to the theory that the coal industry can be best exploited by maintaining the same seasonal speculative atmosphere, many of the producers resting complacently under the present depressed business situation in the belief that when the demand for fuel appears they will be able to employ the opportunity to recover with compound interest the losses now being sustained.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. NORRIS obtained the floor.

Mr. McCUMBER. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. From the Committee on Finance, I ask unanimous consent to report favorably with amendments what is known as the soldiers' adjusted compensation bill, being the bill (S. 506) to provide adjusted compensation for veterans of the World War, and for other purposes, and I submit a report (No. 133) thereon, which I ask may be printed.

The PRESIDING OFFICER (Mr. WILLIS in the chair). In the absence of objection, it will be so ordered.

Mr. WALSH of Massachusetts. May I suggest to the Senator from North Dakota that there probably will be a great demand for the report on this bill, and that perhaps the number usually printed ought to be increased?

Mr. McCUMBER. I presume that if I asked that the report be printed to the number to which would probably be desired, the matter would have to go to the Committee on Printing. I think there will be applications for probably about 50,000 copies; at least I am so informed; but possibly the chairman of the Committee on Printing, or some other member of that committee, can state the rule with reference to the printing.

Mr. JONES of Washington. The chairman of the Committee on Printing is not present at this moment.

Mr. McCUMBER. Then the usual number of the report may be printed now, and we shall later see how many copies will be required. Undoubtedly the type will be kept set up, and we can order the additional copies which we may think are necessary.

Mr. WALSH of Massachusetts. I feel very sure that there will be an immediate demand for a very large number of copies of the bill and report.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Rhode Island?

Mr. McCUMBER. I yield.

Mr. GERRY. How many copies does the Senator think may be needed?

Mr. McCUMBER. I think we shall need 50,000 copies.

Mr. GERRY. How many copies will be printed under the ordinary rule?

Mr. McCUMBER. I think about 5,000. I think that number may be printed without submitting the matter to the Committee on Printing.

Mr. WALSH of Massachusetts. Does the Senator from North Dakota intend to ask for action shortly on the bill?

Mr. McCUMBER. I intend to have the bill taken up within a day or two, if I can get the consent of the Senate to do so.

CONDITIONS IN IRELAND.

Mr. NORRIS. Mr. President, on the 16th day of April last I introduced a joint resolution, which I now ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read the joint resolution, as follows:

A joint resolution (S. J. Res. 27) protesting against violations of the laws of land warfare committed by the British forces against the Irish people in their struggle for independence.

Whereas there is a state of war existing between the Government of Great Britain and the people of Ireland; and

Whereas the armed forces of Great Britain in Ireland have violated the laws of warfare as set forth in The Hague Convention of 1907, to which the Government of the United States is a signatory power, in the following particulars:

(1) Prisoners of war are not treated as prisoners of the British Government but as prisoners of the individuals or corps that capture them.

(2) Such prisoners are subjected to cruel and inhuman treatment.

(3) Prisoners are assassinated without excuse, or under the pretext that they are attempting to escape.

(4) The property of prisoners is confiscated.

(5) Prisoners, as well as noncombatant civilians, are compelled by military force to perform excessive labor.

(6) Irish Nationals are forced to take part in the operations of war against their own people.

(7) Hostages are carried by the British forces when engaged in war operations.

(8) Irish Nationals are forced to swear allegiance to the Government of the invading forces.

(9) Irish citizens are forced under extreme torture to give information about their armed forces.

(10) Family rights and honor, the lives of persons, and private property are violated by arson, pillage, and assassination. Husbands and sons are killed in the presence of their wives and mothers. Innocent women and children are shot down in cold blood by soldiers driving through the streets in motor lorries.

(11) Penalties are laid upon towns and villages as the result of the acts of individuals for which they can not be held legally responsible; homes are broken into in the dead of night, the inhabitants terrorized, and the houses looted and burned. During the year 1920 more than 48,000 homes were thus violated.

(12) Factories, creameries, hay ricks, and other food of domestic animals, owned by noncombatants, are burned and destroyed, leaving thousands of people without means of gaining a livelihood and thus bringing on much suffering and starvation.

(13) A policy of reprisals has been instituted, by which villages are laid waste and homes are destroyed, contrary to the law of nations and of humanity.

(14) The property of religious, educational, and civic institutions is destroyed.

And

Whereas many thousands of loyal citizens of the United States are related by blood to the victims of these atrocities in Ireland; and

Whereas this situation is making it exceedingly difficult to maintain unimpaired and unembarrassed the long standing good will and common understanding between the United States and Great Britain, which the Congress is zealously desirous of fostering and perpetuating: Now, therefore, be it

Resolved, etc., That the Irish people are entitled to a government of their own choice; and

That the Congress views with horror and indignation the continued violation of the dictates of humanity and the laws of war by the armed forces of Great Britain in Ireland and most solemnly protests to the world against the continuation of such acts of uncivilized warfare.

Mr. NORRIS addressed the Senate. After having spoken for two hours and a half,

Mr. SMOOT. Mr. President, does the Senator intend to conclude his remarks to-night?

Mr. NORRIS. I should like to finish to-night.

Mr. SMOOT. I thought, since the Senator has been speaking two hours and a half, that perhaps he would prefer to suspend at this point and resume in the morning.

Mr. NORRIS. I am not particular. With the understanding that I can resume early to-morrow, I will yield the floor now. I think I can finish in a half hour.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. NORRIS. I do.

Mr. FRELINGHUYSEN. I understand that the arrangement is to adjourn until 12 o'clock to-morrow.

Mr. CURTIS. Mr. President, we want an executive session.

Mr. FRELINGHUYSEN. I would suggest to the Senator from Nebraska, who has spoken a long time now, that he take part of the time to-morrow to finish, and after that, if permitted, I will follow with the coal information that I have.

Mr. NORRIS. Mr. President, I will yield with the understanding that I may resume early to-morrow. I should dislike to be put off as I was to-day. I could have finished to-night if it had not been for that.

Mr. CURTIS. We will take a recess if the Senator prefers.

Mr. NORRIS. With that understanding, I yield the floor.

Mr. JOHNSON. Mr. President, I trust that we will take an adjournment and not a recess, because during the morning hour to-morrow I want to bring up the resolution in respect to the Mingo coal strike. I want to present it to the Senate and get a vote upon it one way or the other. I hope that the morning hour will be accorded so that that can be undertaken.

Mr. FRELINGHUYSEN. Mr. President, naturally I am interested in having the coal bills considered by the Senate as expeditiously as possible, but I feel that there is so much general routine business to be transacted that we ought to have the morning hour, and that the Senator from Nebraska ought to be permitted in the morning to continue and finish his remarks.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 21, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 20, 1921.

SOLICITOR, DEPARTMENT OF THE INTERIOR.

Edwin S. Booth, of Montana, to be Solicitor for the Department of the Interior, vice Charles D. Mahaffie, resigned.

UNITED STATES ATTORNEY, EASTERN DISTRICT OF TENNESSEE.

George C. Taylor, of Tennessee, to be United States attorney, eastern district of Tennessee, vice Wesley T. Kennerly, whose term will expire July 25, 1921.

COLLECTOR OF CUSTOMS, DISTRICT NO. 20.

Emile Kuntz, of New Orleans, La., to be collector of customs for customs collection district No. 20, with headquarters at New Orleans, La., in place of Murphy J. Foster, deceased.

COLLECTORS OF INTERNAL REVENUE.

DISTRICT OF IDAHO.

Evan Evans, of Grangeville, Idaho, to be collector of internal revenue for the district of Idaho in place of Lewis Williams.

DISTRICT OF UTAH.

James H. Anderson, of Salt Lake City, Utah, to be collector of internal revenue for the district of Utah, in place of David C. Dunbar.

ASSAYER IN CHARGE, ASSAY OFFICE AT SALT LAKE CITY, UTAH.

John L. May, of Salt Lake City, Utah, to be assayer in charge of the United States assay office at Salt Lake City, Utah, in place of Hugh T. Rippeto.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES.

Majors.

Capt. Thomas Gordon, Philippine Scouts, from November 25, 1920.
Capt. Arthur Peter von Deesten, Corps of Engineers, from November 26, 1920.
Capt. Henry Stehman Hostetter, Finance Department, from December 1, 1920.
Capt. Charles Burd Eckels, Quartermaster Corps, from December 2, 1920.
Capt. Wallace Fairchild Baker, Finance Department, from December 7, 1920.
Capt. Hardie Ambrose Violland, Finance Department, from December 10, 1920.
Capt. Hastie Alexander Stuart, Finance Department, from December 11, 1920.
Capt. Eugene Coffin, Finance Department, from December 11, 1920.
Capt. Francis Jewett Baker, Finance Department, from December 14, 1920.

Captains.

First Lieut. Arnold Melville Reeve, Quartermaster Corps, from November 24, 1920.
First Lieut. George Edward Kraul, Infantry, from November 25, 1920.
First Lieut. Lawrence Locke Clayton, Coast Artillery Corps, from November 26, 1920.
First Lieut. Joseph William Loef, Field Artillery, from November 26, 1920.
First Lieut. Horace Harding, Field Artillery, from November 30, 1920.
First Lieut. Royal Harry Place, Infantry, from December 1, 1920.
First Lieut. Fred Ernest Davis, Quartermaster Corps, from December 2, 1920.
First Lieut. George Darryll Gamble, Quartermaster Corps, from December 7, 1920.
First Lieut. Edmund Graham West, Quartermaster Corps, from December 7, 1920.
First Lieut. Joseph Idus Lambert, Cavalry, from December 9, 1920.
First Lieut. Clarence Nelson Iry, Corps of Engineers, from December 9, 1920.
First Lieut. Joseph Worth Timmons, jr., Quartermaster Corps, from December 10, 1920.
First Lieut. Clarence Cory Harshman, Ordnance Department, from December 11, 1920.
First Lieut. John McRae, Air Service, from December 11, 1920.
First Lieut. Oliver Grant Brush, Air Service, from December 12, 1920.
First Lieut. Roy Claire Wells, Cavalry, from December 14, 1920.

REAPPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES.

CORPS OF ENGINEERS.

Fred Sheaff Wells, late first lieutenant, Corps of Engineers, Regular Army, to be first lieutenant with rank from June 11, 1921.

FIELD ARTILLERY.

Thomas Houston Dameron, late first lieutenant, Infantry, Regular Army, to be first lieutenant with rank from June 10, 1921.

INFANTRY.

James Luke Frink, late captain, Infantry, Regular Army, to be major with rank from June 10, 1921.

UNITED STATES NAVY.

MARINE CORPS.

Lieut. Col. Charles C. Carpenter to be a colonel in the Marine Corps from the 6th day of April, 1921.
Maj. Walter E. Noa, assistant quartermaster, to be an assistant quartermaster in the Marine Corps, with the rank of lieutenant colonel, from the 6th day of April, 1921.
Edgar A. Poe, jr., to be a first lieutenant in the Marine Corps from the 4th day of June, 1920.
William D. Bassett to be a second lieutenant in the Marine Corps from the 4th day of June, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 20, 1921.

DEPARTMENT OF COMMERCE.

DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Julius Klein.

CUSTOMS SERVICE.

SURVEYOR OF CUSTOMS, CUSTOMS COLLECTION DISTRICT NO. 4.

Herman Hormel.

ASSISTANT APPRAISER OF MERCHANDISE, CUSTOMS COLLECTION DISTRICT NO. 4.

Osgood C. Blaney.

CONSULAR SERVICE.

CONSULS OF CLASS 7.

Alexander K. Sloan.
Walter A. Foote.

COAST GUARD.

LIEUTENANT COMMANDER.

William H. Shea.

IN THE ARMY.

ORDNANCE DEPARTMENT.

Captain.

David Wilson Craig.

COAST ARTILLERY CORPS.

Brigadier general.

Robert Emmet Callan.

Major.

Clarence Leslie Gilbert, Field Artillery.

FIELD ARTILLERY.

First lieutenants.

Maxwell Michaux Corpening.
Clarence Elmer Cartwright.

AIR SERVICE.

Colonel.

Theodore Anderson Baldwin, jr.

Captain.

Warner Beardsley Gates.

CHEMICAL WARFARE SERVICE.

Captain.

David Lee Hooper.

First lieutenants.

Raymond Henry Reece.
Edward Joseph Sullivan.

MEDICAL CORPS.

Captains.

Walter Francis Tolson.
Hugh Max Bullard.

DENTAL CORPS.

Captain.

John Rudolph Wikeen.

INFANTRY.

Captain.

Jesse Plez Green.

First lieutenants.

Charles Raymund Gross.
Edwin Clark Maling.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 20, 1921.*

The House was called to order at 12 o'clock noon, by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, offered the following prayer:

Almighty God, while clouds and darkness are round about Thy throne, yet in Thee there is no darkness at all. Thou art the giver of all light and the glory of all life. Let Thy ministry upon us this day be full of grace and full of truth. God be merciful unto us and cause His light to fall upon us. Lift the whole level of our lives to a plane where the human heart shall forget its troubles and all labor shall not be a burden. Then shall our weakness be transformed into strength and our ignorance into wisdom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, June 17, 1921, was read and approved.

THE LATE REPRESENTATIVE MASON, OF ILLINOIS.

The SPEAKER pro tempore. The Chair is in receipt of a cablegram from the President of the Senate of Porto Rico

expressing sorrow at the death of the late Representative MASON. Without objection, the Chair will have the cablegram read.

There was no objection.

The Clerk read as follows:

SAN JUAN, P. R., *June 19.*

SPEAKER HOUSE OF REPRESENTATIVES,
Washington, D. C.:

News of death of Porto Rico's great friend, Representative MASON, has caused painful impression. His last letter to president of this senate—June 8—offering his decided support to resolution introduced by Representative Williams in favor of Porto Rico has been entered on the record of this senate with the expression of the senate's deep sorrow over the great loss of that great Nation and this small island, so much in need of good and generous friends such as he.

BARCELO, *President of the Senate.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 775. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes;

S. 1590. An act to add certain lands to the Wyoming National Forest;

S. 843. An act to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes";

S. 667. An act for the relief of John B. H. Waring;

S. 1737. An act for the relief of Con Murphy;

S. 1254. An act providing for the appointment of an additional district judge in and for the eastern district of Michigan;

S. 1288. An act to provide for the appointment of two additional judges of the district court of the United States for the southern district of New York; and

S. J. Res. 36. Joint resolution authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood thereform to the United States.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that on June 18 they had presented to the President of the United States, for his approval, the following bill:

H. R. 4091. An act granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. To-day is unanimous-consent day under the rule. The Clerk will call the Calendar for Unanimous Consent.

EXCHANGE OF GOVERNMENT LANDS IN HAWAII.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 4598) to provide for the exchange of Government lands for privately-owned lands in the Territory of Hawaii.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. KAHN. Mr. Speaker, I ask unanimous consent that that bill be allowed to go over without prejudice.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

OPERATION OF GOVERNMENT RADIO STATIONS.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 7) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

HOSPITAL FACILITIES FOR WAR-RISK PATIENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6263) to amend an act entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Training, Division of Rehabilitation, and for other purposes," approved March 4, 1921.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration, during the consideration of bills on the Unanimous Consent Calendar, the deficiency appropriation act had not yet been approved. This bill is in the identic phraseology incorporated in a provision in the deficiency appropriation act, and I therefore object to its consideration on this calendar.

The SPEAKER pro tempore. The gentleman from Wisconsin objects to the consideration of the bill. The bill is stricken from the calendar.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill may be laid on the table.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill which has just been reported remain on the table. Is there objection?

Mr. ROGERS. Reserving the right to object, Mr. Speaker, does the gentleman from Wisconsin know by consultation with the author of this bill that it has been completely cared for in another way?

Mr. STAFFORD. I know by my own examination of the deficiency appropriation act that it has been, not by collaboration with any other.

Mr. ROGERS. I think that as a matter of courtesy to the gentleman from Kentucky [Mr. LANGLEY] he ought to be given an opportunity to pass upon this question, and I therefore object.

Mr. STAFFORD. If the gentleman will withhold his objection for a moment, I wish to say for the information of the gentleman from Massachusetts that when the bill was under consideration on the Unanimous Consent Calendar two weeks ago the gentleman from Nebraska [Mr. ANDREWS], who reported the bill, asked unanimous consent that it be passed over without prejudice because the same provision was incorporated in the deficiency appropriation act. At that time the bill had not passed both branches of Congress, I have no objection to its remaining on the calendar, but I thought it would be an expeditious way to dispose of it, after it had been incorporated in another act, to have it laid on the table.

Mr. ROGERS. I think that with respect to this bill, after it has reached the stage that it has, we ought to have the sanction either of the man who introduced the bill or the man who reported it.

Mr. STAFFORD. We had the sanction of the gentleman from Nebraska two weeks ago.

The SPEAKER pro tempore. Is there objection?

request I ask that the resolution be passed over without prejudice.

The SPEAKER pro tempore. The bill has been stricken from the calendar at the instance of the gentleman from Wisconsin. The Clerk will report the next bill.

REERECTION OF THE LINCOLN STATUE.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site.

The title of the resolution was read.

Mr. JAMES of Michigan. Mr. Speaker, the gentleman from Illinois [Mr. KING], the author of the resolution, is in Chicago attending the funeral of his colleague, Mr. MASON, and at his request I ask that the resolution be passed over without prejudice.

The SPEAKER pro tempcre. The gentleman from Michigan asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempote. The Clerk will report the next bill.

FURTHER RECLASSIFICATION OF POSTAL EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6573) to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this is a bill of some importance. I want to know if the gentleman from Minnesota [Mr. STEENERSON] is going to give us any chance to be heard on it?

Mr. STEENERSON. I shall be glad to do so.

Mr. BLANTON. So there will be liberal debate on it?

Mr. STEENERSON. Yes; whatever is desired.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That from and after July 1, 1921, postmasters of the fourth class shall be paid the same compensation as now provided by law, except that they shall receive 145 per cent of the cancellations of the first $75 or less per quarter, 70 per cent of the next $100 or less per quarter, and on the balance 60 per cent.

SEC. 2. That as a reward for faithful and meritorious service special clerks may be appointed in the executive, finance, money order, postal savings, registry, mailing, and other divisions of first-class post offices. Clerks in the executive, finance, money order, postal savings, registry, and other divisions of first-class post offices who were designated as special clerks, finance clerks, cashiers, foremen, bookkeepers, chief stamp clerks, chief mailing clerks, and stenographers on June 30, 1920, and who were, on and after July 1, 1920, assigned as clerks of grade 5 shall, from and after the passage of this act, unless they were demoted for cause, be given the designation and status of special clerks, and assigned to the first or second grade: *Provided*, That clerks who have been designated as special clerks shall not be demoted except for cause.

SEC. 3. That clerks and carriers in the intermediate or automatic grades who were appointed to regular positions before June 5, 1920, and are receiving less than the maximum grade of salary, shall receive credit for all time served as substitute on a basis of one year for each 306 days of eight hours served as substitute, and be promoted to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1.

SEC. 4. That, effective July 1, 1921, the minimum salary of foreman in first-class offices shall be $2,100 per annum.

SEC. 5. That, effective July 1, 1921, the minimum salary of assistant superintendents of mails in post offices with receipts of $1,000,000, but less than $2,000,000, shall be $2,300 per annum.

SEC. 6. That, effective July 1, 1921, the salary of assistant postmasters at offices of the second class, where the gross postal receipts are $8,000, but less than $12,000, shall be $1,850 per annum.

SEC. 7. That the Postmaster General is hereby authorized to pay to the clerks in first and second class post offices and letter carriers in the City Delivery Service the amount due them as overtime in lieu of compensatory time for work performed by them on Sundays intervening between June 5 and July 1, 1920.

SEC. 8. That the Postmaster General be, and he is hereby, authorized to pay to persons who have been retired under the act of Congress entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and who have since their retirement been employed in the Postal Service, the sums to which they are entitled for services heretofore rendered.

SEC. 9. That the paragraph in the act of Congress entitled "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis," approved June 5, 1920 (p. 1053, Stat. L., 2d sess. 65th Cong.), which reads as follows: "On and after July 1, 1921, no supervisory official or employee in the Postal Service shall be promoted more than $300 during any one year, except when appointed postmaster, inspector in charge, or superintendent of the Railway Mail Service," be, and the same is hereby, repealed.

The SPEAKER pro tempore. This bill is on the Union Calendar and the House automatically considers it as in Committee of the Whole. The Clerk will read the first section for amendment under the five-minute rule.

The Clerk read section 1.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I thought possibly the chairman was going to explain this bill in general debate.

Mr. STEENERSON. I shall be very glad to explain it.

Mr. BLANTON. While I have the floor I want to ask the gentleman a question or two. I notice that this bill is merely to cover little matters that were left out of the last bill in which postmasters and clerical help were reclassified.

Mr. STEENERSON. The object of the bill is to correct inequalities that arose in the administration of the general reclassification act passed June 5, 1920. That was the bill reported by the joint commission on salaries, which, as you know, held hearings all over the country. After the hearings were finished the bill was rushed through in a great hurry and some errors crept into it. Among other things fourth-class postmasters——

Mr. BLANTON. Were overlooked in large measure.

Mr. STEENERSON. For instance, the compensation of fourth-class postmasters was fixed at 145 per cent of the first $75 per quarter. That was, of course, more than their receipts. Then the bill provided that they should have a lower percentage on the next $50. When you come to figure it out you will see in the table in the report that the postmasters in some of these small offices received more when they canceled exactly $75 worth per quarter than they did when they canceled more.

Mr. WYANT. Mr. Speaker, a parliamentary inquiry. Who has the floor?

Mr. BLANTON. I have the floor, and I should like to control the line of interrogation.

Mr. WYANT. Will gentlemen please speak so they can be heard?

Mr. BLANTON. The gentleman will not have any trouble in hearing my voice, because I am going to make it reach him. I want to ask the gentleman from Minnesota whether or not, under this corrective bill, the fourth-class postmasters in small offices, who give all of their time and attention to their official duties, are to be paid salaries upon which they can live? They have not received such salaries in the past.

Mr. STEENERSON. This bill increases their compensation and makes it uniform in proportion to the amount of cancellations. Of course, there are many of these fourth-class postmasters who hold the office simply for the purpose of accommodating the public. I have fourth-class postmasters in my district who do not receive over $20 a quarter, or $80 per year. They do not cancel any more stamps than that. It only takes a few moments of their time. Now, it would not be feasible to pay such a postmaster a living wage out of the receipts of such an office. The object of the bill, as the title indicates, is to equalize the compensation and put these postmasters on an equitable basis. There was an error that crept into the classification bill in this, that after giving these postmasters 145 per cent of the first $75 a quarter, it then applied a lower percentage to the next $25, and that resulted in giving a man who canceled more than $75 less than one who canceled exactly $75 or less. Now, this corrects that, because it applies the percentage to the first $75 and then applies another percentage to the balance; and you will see by the table on the first page of the report exactly what that correction amounts to. The table is as follows and shows the present compensation and the compensation as it will be under the present bill:

Cancellation per quarter.	Act of June 5, 1920.	Amendment to 145 per cent on $75, 70 per cent on next $100, 60 per cent on remainder.
$75	$108.75	$108.75
$76	91.20	109.45
$80	96.00	112.25
$90	108.00	119.25
$100	120.00	126.25
$101	115.75	126.95
$110	122.50	133.25
$120	130.00	140.25
$130	137.50	147.25
$140	145.00	154.25
$150	152.50	161.25
$175	171.25	178.75
$176	172.00	179.35
$200	190.00	193.75
$210	196.00	199.75
$250	220.00	223.75
$251	220.60	224.35
$275	235.00	238.75
$300	250.00	253.75
$350	280.00	283.75

The SPEAKER pro tempore. The time of the gentleman from Texas [Mr. BLANTON] has expired. The Clerk will read the next section of the bill.

The Clerk read section 2, with the following committee amendment:

Page 2, line 6, after the word "shall," insert "from and after the passage of this act."

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. STEENERSON. Mr. Speaker, this amendment simply makes it certain that the provision is not retroactive. The Post Office Department desired that this amendment should be put into the bill prepared by the committee, and it was recommended unanimously by the committee. So I hope it will be agreed to.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read section 3.

Mr. STEENERSON. Mr. Speaker, unless there is a desire for an explanation, I will presume this matter is quite familiar to all the Members of the House.

Mr. DYER. We do not need any explanation. The fact that the gentleman from Minnesota reported it is sufficient.

The SPEAKER pro tempore. The Clerk will read the next section.

The Clerk read section 4.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. Where a carrier has reached the retirement age and has been retired under the law on the annuity due him from the Government, and thereafter he is employed by the postmaster to do regular service on a regular salary, and he performs the regular service, I understand that under this section he can get his salary in lieu of the annuity. Is that the fact?

Mr. STEENERSON. This applies to certain employees who were retired. They were actually retired under the retirement act, and during the emergency of the Christmas holidays—I think that covers most of the cases—these men were employed to help out at so much an hour, just the same as any other employee would be hired.

Mr. BLANTON. The gentleman has not quite caught my question. I want it understood, because I want to be sure that it reaches such cases. In my district, at Mineral Wells, Tex., a carrier who had been employed on a rural route, if I am not mistaken, was retired under the retirement act. Thereafter the postmaster, not being able to get help anywhere else, employed him on the regular service, and he performed that service for three months under contract with the postmaster that he was to receive the regular salary. Later he was informed by the Postmaster General that his salary could not be paid him because of the retirement act, unless the matter was corrected by Congress. Is this to correct such cases as that?

Mr. STEENERSON. Those cases will be corrected, as well as others.

Mr. BLANTON. And he will receive his pay?

Mr. STEENERSON. He will.

Mr. REAVIS. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. REAVIS. As I understand, the employee who is retired and after retirement is employed for service by the department, under the provisions of this bill he would get his retirement pay and in addition thereto pay for his employment as well.

Mr. STEENERSON. This only applies retroactively. The comptroller had ruled that you could not pay the man who did the work after he was retired.

Mr. REAVIS. My question was in these cases where it does apply, whether retroactive or not, the employee would get the retirement pay and also pay for his employment as well.

Mr. STEENERSON. He would get his retirement pay and the pay that they agreed to give him.

Mr. REAVIS. Then when he was retired and afterwards employed again he would get double salary.

Mr. STEENERSON. This does not apply to any case in the future. It was supposed when this occurred that when they hired a rural carrier for a few days it was legal; but the comptroller held that it was illegal, and the question is whether we should refuse to pay these men or not. Some of these rural carriers, while it is true they were retired, they were not retired on a pension. They had not served long enough to draw an annuity, but were over the age of 65 and were retired without pay. I had a case of that kind in my district. He did the work, but they could not pay him under the law as construed by the comptroller.

The Clerk read section 9 of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to strike out the last word. I should be glad if the gentleman from Minnesota will be so kind as to tell us what that section means.

Mr. STEENERSON. The classification act of June 5, 1920, fixed salaries of clerks, carriers, and supervisory officials at such and such a figure. It did not, as heretofore had been the case, say that they should receive not exceeding a certain amount. It then provided as follows:

No supervisory official or employee in the Postal Service shall be promoted more than $300 during any one year, except when appointed postmaster, inspector in charge, or Superintendent of the Railway Mail Service.

In many cases the difference in the salary between one position and the next highest is more than $300. The question arose as to one of these promotions, and the Comptroller of the Treasury decided that this clause applied to supervisory officials but not to the others. The question arose in the Second Assistant Postmaster General's office, where he wanted to promote an assistant chief clerk of the Railway Mail Service to the position of chief clerk. There was a difference, I think, of $600 in the salary.

The assistant chief clerk was the one logically to be promoted, because he was next in line of promotion and was experienced and could be said to be qualified for the position, but the comptroller held that they could not appoint him but could appoint a clerk that received $1,800. I have printed in the report a large list of positions where this is true. The department sent down a request to the committee saying that there were so many cases where the supervisory officials were the next in line for promotion where the difference in salary as fixed by Congress was more than $300, and the only way out would be to appoint somebody still lower to put into the higher place, and they asked that the provision be repealed. If the classification law had stated that the salary shall not exceed a certain sum, then there would be discretion in the Postmaster General to allow a man to be promoted to a $3,000 position at a lower salary for the first year or two and then advance him. But this can not be done now.

Mr. PARRISH. In other words, the provision interferes with the promotion of the assistant to the position of chief in many cases where the assistant has been one who has rendered efficient service and valuable service and his promotion is meritorious, and without it there could not be any promotion from assistant to a chief in these cases?

Mr. STEENERSON. The gentleman is right.

Mr. BLANTON. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BLANTON. Can there be more than 100 per cent of anything?

Mr. STEENERSON. That is a mathematical problem upon which I would like to have the opinion of Mr. Einstein.

Mr. BLANTON. The gentleman provides payment for the fourth-class postmaster, that he shall receive 145 per cent of cancellations. Of course I know what the gentleman means; he means 100 per cent and then an equivalent of 45 per cent more.

Mr. STEENERSON. This is an old law; it was not originated by me.

Mr. BLANTON. The Postoffice Department understands by this expression that they are to pay fourth-class postmasters 100 per cent of all the cancellations and then, in addition thereto, an extra amount equal to 45 per cent.

Mr. STEENERSON. Yes; and they have been doing that since the law was first passed. Such a provision was put in three or four years ago.

Mr. JONES of Texas. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. JONES of Texas. Does not the gentleman think that he should put in the words "equal or equivalent," so that it would read "he shall receive an amount equal or equivalent to"?

Mr. STEENERSON. Inasmuch as this is an old provision carried since 1918 and has been construed by the department to mean just what the gentleman has in his mind, I think it would not be well to change it.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RIGHT TO OVERFLOW LAND ON FORT GEORGE WRIGHT MILITARY RESERVATION, WASH.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 2861) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I renew the point of order that I made when this bill was up the last time, when it was passed over without prejudice, that it is a private bill.

The bill, as the Chair will note, seeks to confer upon an individual a right to flood Government lands so as to permit this individual to have the benefits accruing from the right of flooding Government lands. I do not know whether it is necessary for me to call the attention of the Chair to various citations which uphold the contention that this is a bill of private character and is erroneously on the Calendar of Public Bills. I direct the attention of the Chair to the fact that the rule as to bills of this character are more strictly construed than in time past, and yet we have exceptions where even bills grant-

ing to individuals rights of a public character have been held to be private bills.

Mr. WEBSTER. Mr. Speaker, I desire to be heard in opposition to the point of order. I find myself somewhat embarrassed in attempting to present a parliamentary question to one so expert in that subject as the present occupant of the chair, but I feel it my duty to submit a few observations which I trust may be pertinent and which I hope the Speaker will bear in mind in passing on the question. I understand that it is frequently a very difficult matter to draw definitely a line of demarcation between a public and a private bill. I take it that in each case the matter rests largely in the sound discretion of the Speaker, guided by the provisions of the particular bill under consideration. I note the Speaker has just read this bill, but I desire to direct his attention to the fact that the bill by its terms confers no right whatsoever on Mr. Gandy. If this bill should be enacted by the Congress, Mr. Gandy will have no greater right than he possesses at this moment. This bill authorizes the Secretary of War to discharge a public function with respect to one of the military reservations of the United States. It is true that in the exercise of that power he may take action which incidentally will result in a benefit to an individual, but the power itself is the thing in contemplation by this bill. In the absence of the bill the Secretary of War would have no jurisdiction in the premises at all.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WEBSTER. Not now. Not only is that true, but this bill authorizes the Secretary of War, in behalf of the United States Government, to accept title to certain real estate to be conveyed to the Government. The bill also empowers the Secretary of War to institute condemnation proceedings for the purpose of acquiring property to constitute a part of the public domain and to be included in one of the military reservations of the United States.

I do not imagine that it will be contended that this bill is a private bill, because it has no relation to the appropriation of Government property directly or indirectly under the rule, because I think it is settled under the precedents that a bill granting the right of way over Indian lands or the military reservations of the Government is held to be a public bill. The indirect authorization contemplates the granting of an easement which is nothing more than a right of way. In one case it may be for a railroad, in another for a wagon road, and in still another an easement for the overflowing of the land by water, but the principle involved is precisely the same. It is granting an easement in real estate the title to which is vested in the Federal Government. I submit that under the precedents I have had great difficulty in my own mind in determining the question presented, but I find comfort in the thought that it will be passed upon by one much more competent than I.

In this connection I call the Speaker's attention to this language, found in volume 4, Hinds' Precedents, page 248:

> Bills frequently contain provisions of a public character which at the same time are designed to benefit or promote private enterprise. It is difficult in such cases to determine with uniformity in which category these bills should be classed.
>
> Bills authorizing the construction of bridges and bills granting the right of way to railroads through Indian, military, or other reservations have frequently been treated as private, while similar bills have at other times been considered to be public bills.

Following that announcement the writer says:

> The practice of the House has been generally in accordance with these distinctions, although bills for the incorporation of companies, bills authorizing the construction of bridges, and bills allowing rights of way through Indian or Government reservations are now generally treated as public.

I submit that this bill has been reported to the House of Representatives four times by the Committee on Military Affairs with the recommendation that it pass. On each of those occasions the Speaker has referred it to the Calendar of the Whole House on the state of the Union. That occurred twice during the incumbency of the beloved ex-Speaker, Mr. Clark, and twice during the incumbency of the present Speaker of the House of Representatives. I cite that as persuasive, showing that two Speakers in assigning this bill to a calendar have assigned it to the calendar on which it now appears. I respectfully submit the question.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that the bill H. R. 2861, which has been reported by title, which authorizes the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes, is improperly upon the Union Calendar, because it is a private bill.

As the gentleman from Washington [Mr. WEBSTER] has stated, it is at times difficult to draw the line between bills of this character under the rules and to determine whether or not they belong upon one calendar or another. The Chair has examined the provisions of this bill, and in the view of the Chair the legislation proposed is such as to grant certain rights and privileges to an individual, and as an incident to that grant or benefit which is to be conferred certain powers are given to the Secretary of War, authorizing him to require the fulfillment of certain conditions and to require the beneficiaries to fill in some land or to erect certain structures made necessary by the grant of the particular privilege or benefit to the individual named in the bill. The Chair finds on examining the precedents that in the Fifty-ninth Congress, the Speaker—at that time the gentleman from Illinois [Mr. CANNON]—ruled upon the question as to what calendar certain bills similar in import to this belonged—Hinds' Precedents, volume 3, section 2614.

Mr. Speaker CANNON at that time stated that it had been the practice in Parliament and also in Congress to consider as private bills such as are for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality.

To be a private bill, it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill, but a bill granting pensions to such persons as a class instead of as individuals is a public bill.

The Chair has examined the citation to which the gentleman from Washington [Mr. WEBSTER] has referred, and feels that while this bill contains general provisions, the reason the general provisions are contained in the bill is because legislation is proposed granting a certain thing or benefit to an individual, and not to any particular class or any particular community. The right granted is for the benefit of Mr. Lloyd Gandy, of Spokane, Wash., or his heirs or assigns. While it is true it affects the military reservation or other Government property, the Chair feels that the bill clearly comes within the rule requiring that bills for the benefit or rights of certain individuals should be treated as private in their character.

The Chair sustains the point of order, and the bill is automatically transferred to the Private Calendar.

SENATE BILLS AND SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 36. Joint resolution authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States; to the Committee on Foreign Affairs.

S. 667. An act for the relief of John B. H Waring; to the Committee on Military Affairs.

S. 1288. An act to provide for the appointment of two additional judges of the district court of the United States for the southern district of New York; to the Committee on the Judiciary.

S. 1737. An act for the relief of Con Murphy; to the Committee on Claims.

S. 1590. An act to add certain lands to the Wyoming National Forest; to the Committee on the Public Lands.

S. 1254. An act providing for the appointment of an additional district judge in and for the eastern district of Michigan; to the Committee on the Judiciary.

S. 843. An act to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes"; to the Committee on Mines and Mining.

S. 775. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

EXTENSION OF REMARKS.

Mr. BROOKS of Illinois. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BROOKS of Illinois. To ask unanimous consent that my colleague [Mr. GORMAN] may have unanimous consent to extend his remarks in the RECORD on the subject of post offices and post roads.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that his colleague may have unanimous consent to extend his remarks in the RECORD on the subject of

post offices and post roads. Does the gentleman refer to the measure which has just passed?

Mr. BROOKS of Illinois. Yes, sir.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, can the gentleman inform us whether his colleague, in the extension of his remarks, will give us any information as to the exact method that is going to be followed in the appointment of postmasters of the presidential class?

Mr. BROOKS of Illinois. I can not say.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

EXTENDING LIMIT OF INDEBTEDNESS, PHILIPPINE ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5756) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5756) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916.

Be it enacted, etc., That the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, be amended, as follows:

That the proviso of section 11 of said act be, and the same is hereby, amended to read as follows: "*Provided, however*, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $30,000,000, exclusive of those obligations known as friar land bonds, nor that of any Province or municipality, a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine government, bonds not to exceed $10,000,000 in amount, issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEVENSON. Mr. Speaker, reserving the right to object, I would like to know what the limit is now.

Mr. TOWNER. The limitation, I will say to the gentleman from South Carolina, fixed by the fundamental act in 1915, was $15,000,000, and remains unchanged in the law at the present time.

Mr. STEVENSON. The proposition is now to raise it to $30,000,000?

Mr. TOWNER. Yes, sir; I will say to the gentleman——

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object, Mr. Speaker.

Mr. GARRETT of Tennessee. Will the gentleman from Texas withhold his objection?

Mr. BLANTON. I will withhold it, but does the gentleman think it ought to come up on unanimous-consent day?

The SPEAKER pro tempore. Does the gentleman from Texas withhold his objection?

Mr. BLANTON. I withhold it.

Mr. GARRETT of Tennessee. I will say to the gentleman that while it may be improper to call it up on unanimous-consent day, it is a unanimous report of the Committee on Insular Affairs after careful consideration, and it is a bill which I certainly think the House understands fully and has no objection to its passing. If it does not come up in this way it will probably come up by suspension, I will say to the gentleman.

Mr. BLANTON. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. The gentleman from Texas withdraws the objection. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was again reported.

Mr. TOWNER. Mr. Speaker, the extension which is asked for in this bill would be perfectly justified merely in the ordinary course, because the business of the Philippine Islands, the progress and development of their commercial interests, the increase of the wealth of the islands, would make $15,000,000 as a limitation altogether too small an amount. Conditions, however, warrant action outside of those considerations. The islands are, of course, really in the constructive stage. They need everything that a government needs. The islanders have made most marvelous progress and development during the brief period that the islands have been under American control. During the last few years, especially, they have made remarkable progress and improvement in their business conditions. When the act of August 29, 1916, was passed the annual revenues of the Philippine government were $13,000,000. In 1919 they were $36,000,000. The estimated revenues for the year 1920 will be about $42,000,000, so that in that brief period their annual revenues have increased more than three times over. The wealth of the islands has also increased three or four times since they have been under American occupancy. But we have this condition. As I said before, everything that a new government needs must be secured in the Philippines. They need roads, and they are building them as rapidly as they can. They need all kinds of public buildings, especially schoolhouses; all of the needs of a new government that can be imagined. In those islands they need very much indeed the development of water power and irrigation plants. The government has been almost compelled to desist from carrying out its propositions with regard to these matters. They have been compelled to use their resources for other purposes largely. They were compelled to take over the railroad and invest in that about $6,000,000, and I will say, Mr. Speaker, this is a remarkable fact, that even now under existing conditions that railroad is paying and bringing in a small profit. It is much better than most railroads are doing here. It was absolutely necessary, as they considered it, to take over the railroad as conditions were such that the railroad would go into bankruptcy unless the government took it over. They have been compelled to invest in other things. So that their funds have been for some time absolutely exhausted. Besides this, they have always been able to maintain a fund sufficient in the United States to keep up, within a reasonable limit, the parity of exchange between the peso and the gold dollar of our currency. However, they were compelled so closely to use all of their revenues for the extraordinary expenses in the islands that their exchange has been two or three times exhausted, and is now run down even as low as 16 per cent discount. In fact, exchange between the islands and the United States is practically prohibited. The peso is only worth in American currency 42 cents in the islands.

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WYANT. Is it the purpose to sell these bonds in the United States?

Mr. TOWNER. They will be sold in the United States.

Mr. WYANT. What effect will the sale of these bonds in the United States have directly or indirectly upon Philippine independence?

Mr. TOWNER. It will have no effect.

Mr. WYANT. Why not?

Mr. TOWNER. Everybody there, both those in favor of and those against independence, are in favor of this legislation. The Philippine Legislature, which is for independence, is for this legislation, and it provided before its adjournment for the issuance of $10,000,000 of these bonds which we are now giving them permission to issue. All American interests in the islands and all of those who might be called the opposition to the independence of the islands are in favor of this legislation. There is no division of opinion. Gen. Wood and Gen. Forbes have sent word over urging the immediate passage of this legislation.

Mr. WYANT. Mr. Speaker, will the gentleman yield for another question?

Mr. TOWNER. Yes.

Mr. WYANT. A statement has been made with reference to the favorable financial condition of these islands. Why is it that the Philippines are said to be bankrupt, if that is true?

Mr. TOWNER. They are suffering just as every other nation in the world is suffering, just as the United States is suffering, from conditions that exist now. They are suffering from the fact that the government, in order to support its functions, has used current funds rather more than has been justified to support its institutions and prevent a panic. Even if the Filipinos have acted unwisely, if as a matter of fact the present limit of indebtedness is too small, we should enlarge it in justice to them and in justice to ourselves. Then if disaster comes we will not have contributed by our refusal to such a result. In any event, we should do on our part the right and the just thing.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. STEVENSON. Can the gentleman give us the relation which these thirty millions will bear to the property of the Philippine Islands in comparison with the relation that the fifteen millions bore to the property when it was originally adopted?

Mr. TOWNER. Yes. The taxable property of the Philippine Islands is probably over a billion pesos, or over $500,000,000 at the present time. Compared with their wealth the amount provided for is small, and, indeed, it is small considered from any possible standpoint.

Mr. STEVENSON. When the $15,000,000 was fixed as the limit, the taxable property was very much less than what it is now, was it not?

Mr. TOWNER. Oh, yes.

Mr. STEVENSON. Can you give us what it was at that time?

Mr. TOWNER. No; I do not believe I can.

Mr. GARRETT of Tennessee. If the gentleman will yield, according to the report, the assessed value of taxable property in the islands at the time of the passage of the act was 555,000,000 pesos; half of that in dollars. Last year the taxable property was 802,000,000 pesos.

Mr. TOWNER. That should have been the year 1919.

Mr. STEVENSON. It is not quite double, then?

Mr. TOWNER. Practically so.

Mr. GARRETT of Tennessee. It is about half; that is, the taxable property?

Mr. TOWNER. Yes; and the taxable property value given in 1915 was more nearly the taxable value than that given now.

Mr. STEVENSON. What about the income?

Mr. TOWNER. I have given the income. The revenues of the Philippine government last year were about $42,000,000.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BLANTON. I understand that this is an entirely Philippine proposition?

Mr. TOWNER. Yes.

Mr. BLANTON. The credit of the United States is not behind these bonds at all?

Mr. TOWNER. Not at all.

Mr. BLANTON. But the bonds are expected to be sold in the United States?

Mr. TOWNER. I presume so; yes.

Mr. BLANTON. Has the gentleman taken into consideration what effect that may have upon the market for our farm loan bonds?

Mr. TOWNER. I do not think it will affect it at all, because the amount is so comparatively small. Fifteen million dollars is but a drop in the bucket compared with the total of tax-exempt bonds in the United States. All municipal bonds are tax exempt. Almost every day there is placed on the market more than is represented here. We shall give at least a little greater care and consideration to these people, representing struggling communities over there, than we should give to established communities in this country.

Mr. STAFFORD. Why should we?

Mr. COOPER of Wisconsin. Mr. Speaker, I would like the gentleman to yield to me two minutes.

Mr. TOWNER. Mr. Speaker, I yield to the gentleman from Wisconsin such time as he may need.

Mr. DYER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DYER. Has the gentleman from Iowa time to yield, under the rule?

The SPEAKER pro tempore. The gentleman from Iowa has an hour under the rules of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say only a word about this bill.

Two weeks ago when it was brought up I objected to its consideration on the Unanimous Consent Calendar. I entered that objection because I never, until 10 minutes before the bill was called up, had heard of it and because upon reading it the language presented to me a question too important to be hurriedly considered. I would not, without very serious consideration, vote to permit the raising of the limit for municipal indebtednes in my own State, and much less, I then thought and still think, ought any of us to consent, without proper consideration, to permit the doubling of the debt of a people, helpless and in our power, who live 10,000 miles away.

Since I entered that objection I have consulted with one of the Commissioners from the Philippine Islands and also with the chairman of the Committee on Insular Affairs, Mr. TOWNER, and both of them assure me that it is the wish of the legislative authority in the Philippine Archipelago that this legislation shall be enacted. In view of the assurances of these two distinguished gentlemen and inasmuch as I am in favor of granting complete self-government to the Philippines, and so voted some years ago, I shall not, of course, object to the present consideration of the bill.

I wish, however, in conclusion, to say that were I permitted to make a suggestion to the Filipino people, it would be to remind them that as they wish to be independent the question of the bonded indebtedness of the islands is of tremendous importance to them, and that they ought to be exceedingly watchful not only as to the language in the bonds but also as to who are the holders of the bonds.

Mr. TOWNER. Mr. Speaker, I desire to make this further statement with regard to the matter: This legislatior has been most carefully considered by everyone having an immediate interest in it. The Insular Bureau has made the most careful inquiries regarding the conditions not only over in the Philippine Islands but here in America. The Secretary of War considers that the proposition is an emergency measure and that it is urgent not only that it pass but that it pass as quickly as possible. It has been before the Committee on Insular Affairs and has received their unanimous approval.

I yield to the gentleman from Tennessee [Mr. GARRETT], the ranking minority member of the Committee on Insular Affairs, five minutes, or such time as he desires.

Mr. GARRETT of Tennessee. Mr. Speaker, I really do not know that I have anything to say in addition to what has been said by the gentleman from Iowa, Judge TOWNER, unless there be some gentlemen who failed to catch his remarks and who might care to ask me some question about the bill.

As a matter of fact, this bill received very thorough and careful consideration by the Committee on Insular Affairs, both in the last Congress and in the present Congress. A bill similar in character was reported out in the last Congress, but owing to the condition of business it was not reached on the calendar, and early in this session, appreciating the situation which exists in the Philippine Islands, the committee met and considered this bill and reported it out. It was unanimously reported.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. Mr. Speaker, I am quite in sympathy with the purpose of the bill. I note that there has already been an authorization for a bond issue. Is that by the Legislature of the Philippine Islands?

Mr. GARRETT of Tennessee. I understand that in anticipation of the passage of this act the Philippine Assembly has passed an act authorizing the issue.

Mr. SANDERS of Indiana. I was just wondering if there might not be a reason for placing in this bill some retroactive clause that would cover that authorization. Or is that sufficiently covered?

Mr. GARRETT of Tennessee. It was the opinion of the Committee on Insular Affairs—and I may say that so far as I personally was concerned that opinion was derived from the statements made before the committee by Gen. McIntyre and by the Resident Commissioner from the Philippines—that the passage of the act by the Philippine Legislature is entirely sufficient, if this act passes, and that there is no necessity for any other action by Congress than the passage of this act in order to enable them to issue the bonds.

Mr. SANDERS of Indiana. Of course, the limitation in the act is only a limitation on the indebtedness, and since that indebtedness will accrue until the bonds are issued, I suppose really there would be no need of a retroactive clause covering that authorization.

Mr. GARRETT of Tennessee. That was the view of the Bureau of Insular Affairs, of the Resident Commissioner, and of the committee.

I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman yields back two minutes.

Mr. TOWNER. Mr. Speaker, I think I have nothing further to say about this bill, unless some gentleman desires to ask me a question.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. TOWNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill on the Unanimous Consent Calendar.

MEMORIAL TO AGRICULTURAL DEPARTMENT EMPLOYEES.

The next business on the Calendar for Unanimous Consent was H. J. Res. 112, authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. WILLIAMSON. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Massachusetts [Mr. LUCE] whether this matter has been presented to the Commission on Fine Arts and discussed with them?

Mr. LUCE. Mr. Speaker, under the last three lines of the bill no action can be taken without the advice and recommendation of the Commission of Fine Arts.

Mr. WILLIAMSON. I have read the bill and I understand that, but lines 6 and 7 restrict the location to the Mall, between Twelfth and Fourteenth Streets SW. The beauty of a memorial may easily be destroyed by being unsuitable for the purpose for which it is intended and it oftentimes happens that a memorial is neither adequate nor suitable to the location selected nor to the subject which it seeks to commemorate. It is proposed to use only $10,000 for this memorial. Another thing, I do not think the Fine Arts Commission should be limited to erecting this memorial between Twelfth and Fourteenth Streets SW. If that limitation is stricken out of the bill I shall be favorably disposed toward it.

Mr. LUCE. Mr. Speaker, the gentleman will notice that in line 5 the permission is for the erection in the grounds of the Department of Agriculture. There was presented to the Committee on the Library a sketch showing the location. If I am rightly informed, it is proposed that in the course of time the brick building which is there shall be removed.

Mr. WILLIAMSON. I understand that.

Mr. LUCE. And this memorial will be located with reference to that expectation, in order to be in harmony with the permanent buildings of the department and close to them.

Mr. WILLIAMSON. I shall not object, Mr. Speaker, if the Fine Arts Commission is given a free hand.

Mr. STAFFORD. Reserving the right to object, along the line suggested by the gentleman from South Dakota [Mr. WILLIAMSON] and in accord with the policy adopted in the bill providing for a memorial to be erected to the First Regiment, what is the necessity of designating the site on the Agricultural Department grounds, as specified in the bill in this instance? Why not leave it to the Fine Arts Commission to determine the site on the grounds of the Department of Agriculture, without saying that it shall be on the Mall between Twelfth and Fourteenth Streets?

Mr. LUCE. I presume that is put in largely for sentimental purposes. The money for this memorial is contributed by the employees of the Department of Agriculture, and naturally they desire to have the memorial close to the place where they work.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McLAUGHLIN of Michigan. If it was left simply that the memorial be put on the grounds of the Department of Agriculture, it might be put away over in Georgetown where the Weather Bureau, which is a part of the Department of Agriculture, is located. I think it is very properly provided here that it shall be on the grounds between Twelfth and Fourteenth Streets.

Mr. STAFFORD. I question whether the Mall should be occupied by monuments. Within two weeks I have noticed a monument on the Mall in the form of a marble vase erected many years ago, the inscriptions obliterated by the elements, and this vase surrounded by an iron or steel fence. It is perfectly out of keeping and out of harmony with the new idea of preserving the Mall without any monuments upon it at all.

If we are going to carry out the ideas of the Fine Arts Commission I think they should be given a free hand to locate these monuments, in conjunction with the Committee on the Library, where they deem proper. I do not think we should designate that it should be placed on the Mall.

Mr. LUCE. It would seem as if that was adequately provided for by the lines on page 2, which provide that the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, with the advice and recommendation of the Commission of Fine Arts.

Mr. STAFFORD. But Congress by this bill states that it shall be on the Mall. As I understand the program for the beautification of the Mall it is not intended to have any monuments whatever on the Mall proper. Why not leave the Commission on Fine Arts freedom in locating this monument on the ground of the Agricultural Department, subject to the approval of the Joint Committee on the Library as the proviso states?

Mr. LUCE. So far as we could gather from the expression of opinion of those who were in charge of raising the funds for this memorial, it was the desire that it should be close to the building where the men who gave up their lives had worked.

Mr. STAFFORD. I can not see any reason why the gentleman should not take the same position that he did two weeks ago and why he should not be willing to strike out the words "situated in the Mall between Twelfth and Fourteenth Streets SW."

Mr. LUCE. The other bill related to a memorial for the First Division of Regulars, who were the first sent abroad. It is not especially appropriate that the memorial to that brigade should be placed in any particular spot, unless it be that the memorial might well be near the building housing the Secretary of War and the Army Department. This memorial is in memory of men who worked in the building of the Agricultural Department, and certainly it is appropriate, natural, and in my mind desirable, that it should be close to the building where they had passed their working hours. It is to be an inspiration to those who continue to work in that building, and it would seem absolutely undesirable that this memorial, probably a fountain, should be placed in any other part of the Mall except close to the building designated.

Mr. STAFFORD. I quite agree with everything the gentleman has said, but the bill as drawn says that the memorial shall be near the building and in the Mall. I have grave objections to having a bill passed by Congress authorizing the erection of a memorial in the Mall proper.

Mr. LUCE. Does not the gentleman notice in the fifth line it says "for the erection in the Department of Agriculture grounds"?

Mr. STAFFORD. I have no objection to that language remaining, but my objection is to the language "situated in the Mall between Twelfth and Fourteenth Streets SW."

Mr. LUCE. It can not be in the Department of Agriculture grounds, close to this building, unless it is in the Mall.

Mr. STAFFORD. There are plenty of grounds tributary to the building in the Mall. You still leave it to the discretion of the Commission of Fine Arts to locate it in the Mall. Congress has directed that it shall be located in the Mall regardless of the judgment of the Fine Arts Commission.

Mr. LUCE. I can not understand that suggestion in view of the fact that the memorial can not be located near this building without being in the Mall.

Mr. STAFFORD. The different parts of the bill must be construed together. The bill directs that the memorial shall be located in the Mall between Twelfth and Fourteenth Streets SW. It is directory to the Commission on Fine Arts, and they are obliged to locate it in the Mall, and in that specific location to that extent their discretion is taken away completely. Unless the gentleman is willing to take the same position that he did two weeks ago, I shall feel constrained to object. I think in harmony with the position taken by the gentleman two weeks ago, the language "situated in the Mall between Twelfth and Fourteenth Streets SW." should be eliminated.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to call attention to the fact that there are a number of bills now pending for a similar purpose. I am in favor of all such bills passing, if the purpose as stipulated in the closing part of this bill and the last similar bill passed is carried out. It says in this bill "and the United States shall be put to no expense in or by the erection of this memorial." I want to call attention to the fact that we provide that the United States Government, with respect to all these memorials, is to be put to no expense concerning erection. But how about the maintenance all through the years that are to come? The gentleman from Massachusetts indicates that this will probably be a fountain. He will remember that until recently we have been appropriating every year $1,200 to maintain what was known as the Dupont Memorial, in Dupont Circle, a memorial to a member of one of the richest families in the United States. After that had been erected it cost the Government $1,200 every year to maintain it. Does not the gentleman believe that this clause should be amended so as to read, "provided that the Government shall be put to no expense concerning erection and maintenance"?

Mr. LUCE. I can hardly conceive it possible that the gentleman should think that in the case of a memorial of this nature, not to cost probably more than $8,000 or $10,000, we should ask the employees of the Agricultural Department to contribute the cost of the water that might run through the drinking fountain.

Mr. BLANTON. If it was only one, two, or three, the Government could maintain them, but I take it that in the coming years there will be numerous organizations building memorials on other parts of Government property and the Government will be called upon to maintain them. If it was of a general character concerning the soldiers or ex-service men who lost their lives in behalf of their country, I would be one of the first to say that the Government should not only build it but should

maintain it. But where it is with respect to one particular organization, or one particular group of citizens to build a separate memorial, to be erected and maintained, I do not think it should be done by the Government.

Mr. MONDELL. Does the gentleman object?

Mr. BLANTON. No; I do not object; I was asking the gentleman a question.

Mr. MONDELL. I think I shall have to demand the regular order if some one is going to object, and I assume that some one of these gentlemen who are protesting so much is going to object.

The SPEAKER pro tempore. The gentleman from Wyoming calls for the regular order.

Mr. MONDELL. I will withdraw that.

Mr. LUCE. Mr. Speaker, the elimination of the words to which the gentleman from Wisconsin [Mr. STAFFORD] objects will, in my judgment, have no material effect on the result, and if he prefers to have those words stricken out I shall not insist upon their remaining.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the joint resolution.

The Clerk read as follows:

House joint resolution 112.

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to grant permission to the Department of Agriculture war memorial committee for the erection in the Department of Agriculture grounds, situated in the Mall, between Twelfth and Fourteenth Streets SW., Washington, D. C., of a memorial to the former employees of the said United States Department of Agriculture who lost their lives while in the military or naval service in the war with Germany: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, with the advice and recommendations of the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of this memorial.

Mr. STAFFORD. Mr. Speaker, I move to amend, in lines 6 and 7, page 1, by striking out the language:

Situated in the Mall, between Twelfth and Fourteenth Streets SW.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 6, after the word "grounds," strike out "situated in the Mall between Twelfth and Fourteenth Streets SW."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House joint resolution.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to strike out the last word. I voted for the amendment which has just been adopted. I am in favor of memorials to the soldier dead, commemorative of their heroism; but before gentlemen vote to put them here, there, and everywhere in the city of Washington, they should, I think, if they will permit me to offer such a suggestion, make a study of the plan devised by the famous Burnham Commission for the improvement of the city of Washington. During recent years all of the great Government structures—with a few unfortunate disfiguring exceptions—and some important private structures have been located in accordance with that plan. If the plan be carried out—and there is no good reason why it should not—it will in time make Washington incomparably the most beautiful city in the world, as, in my judgment, the Capital of this Nation—the world's greatest example of free government—ought to be.

I am sure that gentlemen who perhaps have not before had this subject brought to their attention will, after studying the plan, agree that it is very important indeed that these memorials be not located haphazard in this city. Gentlemen have seen the magnificent Lincoln Memorial and the work underway on the near-by lagoon. All that is a part of the Burnham plan. And yet it was only after a great struggle on this floor that we succeeded in locating the Lincoln Memorial where it is. What is contemplated is an avenue, 600 feet broad, from the Capitol to the river, with a memorial bridge across to Arlington. Near the foot of Capitol hill stands the impressive monument to Grant, in what is to become Union Square; and experts declare that Union Square, which will be a part of the avenue and occupy the space where now is the little Botanic Garden, will be the finest, the most beautiful square of its size in the world. The visitor standing on the Capitol terrace and looking over Union Square and down the 2 miles of that wonderful tree-bordered avenue will see within it only the towering shaft to George Washington and the superbly beautiful memorial to Abraham Lincoln. On the other side of the river will be Arlington, where sleep in dreamless sleep the Nation's dead. The Capitol, Washington, Lincoln, the Memorial Bridge, Arlington—it is a glorious conception! No other avenue in all the world—no other avenue that can ever be in the world—will mean so much to lovers of liberty. [Applause.]

On the Mall now are temporary structures covering several acres of ground and before long to be torn down. They necessitated the cutting down of many trees. When these buildings are taken away very much of that ground will have been leveled off, so that the expense will be comparatively small to complete the avenue in accordance with the Burnham plan. And, therefore, these soldier memorials, though it is right that they should be erected, should not be put anywhere that this man or that man might wish to see them located, but only in accordance with the splendid plan of the Burnham Commission. [Applause.]

Mr. LUCE. Mr. Speaker, I can assure the gentleman that I conceived it to be one of my first duties as a member of the Committee on the Library to acquaint myself with the Burnham plan. I share completely his admiration for it. I envy the gentleman because he had an opportunity to join in laying the foundations for this great scheme, and if I in my turn may have the opportunity to share in building on those foundations I shall, indeed, be grateful. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LUCE, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CAMP EUSTIS, VA.

The next business on the Calendar for Unanimous Consent was H. J. Res. 138, to repeal so much of the act of Congress approved February 28, 1920, as provides for Camp Eustis, Va.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would inquire whether the War Department, in this measure which seeks to continue a military camp which has heretofore been recommended for discontinuance by Congress, has reported upon the measure and approves of it.

Mr. McKENZIE. It has.

Mr. STAFFORD. No such recommendation is found in the report of the committee.

Mr. McKENZIE. Mr. Speaker, the chairman of the committee, Mr. KAHN, has been called away. He wrote the report of the committee, and I presume he expected to explain the matter in detail. However, Secretary Weeks has written a very strong letter to me, and I presume to other members of the Committee on Military Affairs, urging that this resolution be enacted into law and that Camp Eustis be retained.

Mr. STAFFORD. Then will the gentleman incorporate that letter in the RECORD, so that Members of the House may have the benefit of it in considering this resolution whenever it comes up again—say, two weeks hence?

Mr. McKENZIE. I hope the gentleman from Wisconsin will not object, because on the 30th of June the time limit for the retention of Camp Eustis expires. This is a matter of business policy for the Government. This is a matter of real consequence, and I hope the gentleman will not object when we are taking up so much time of the House considering matters of very little importance.

Mr. STAFFORD. I read the report carefully and noticed the recommendation of the committee was based on the one idea that this camp is to be utilized and is valuable for the development of heavy railway artillery. Have we not a very large camp at Aberdeen, Md., which is utilized for the same purpose by the Army?

Mr. McKENZIE. We have not.

Mr. STAFFORD. When I was over there some years back, during the war, as a member of the Committee on Appropriations, actual demonstrations were being made of artillery mounted on railways, and the grounds there certainly were ample enough.

Mr. McKENZIE. In reply to that I would state that you might have an exhibition of firing railroad artillery anywhere in the country, but that does not involve the question of the best place to have your camp situated for the purpose of training your artillerymen who are going to operate the field artillery.

Mr. STAFFORD. When I read this bill it seemed to me that this was a military policy of the Military Affairs Committee rather than a military policy of the War Department. Until something is presented definitely showing the reasons why the War Department wishes more camps after the Congress has adopted the policy of discontinuing camps in its plan of economy, I will feel constrained to object.

Mr. McKENZIE. Will the gentleman reserve it for a moment?

Mr. STAFFORD. I have no objection to having it go over without prejudice.

Mr. McKENZIE. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will.

Mr. McKENZIE. If the gentleman from Wisconsin [Mr. STAFFORD] would only contain himself to permit us to get this bill up for consideration, I think we could even satisfy so critical a gentleman as the gentleman from Wisconsin.

Mr. STAFFORD. Under the reservation of objection, I have no objection to the letter of the Secretary being read for information.

Mr. McKENZIE. I happen to be a member of the committee that is taking an invoice of all the real estate belonging to the Military Establishment, and we hope to dispose of a great deal of it. But as one member of that committee I do feel that we have a right to exercise our judgment in recommending the disposal of certain tracts and properties belonging to the War Department and the retention of others, especially of those tracts which our ordinary common sense tells us it would be economy for the Government to retain.

Mr. STAFFORD. I have no objection to reserving the objection so that the gentleman can have read the letter of the Secretary of War.

Mr. McKENZIE. I do not know that I have that with me.

Mr. MONDELL. Mr. Speaker, it seems to me there is no special object in spending much time on this bill if objection is to be made. And I hope in the near future that we will have an opportunity to consider this and another bill which has been reported, a general bill, from the Committee on Military Affairs. And if objection is to be made, we are taking up time uselessly, it seems to me.

Mr. BLAND of Virginia. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. STAFFORD] withhold his objection?

Mr. MONDELL. How much time does the gentleman want?

Mr. BLAND of Virginia. About five minutes.

Mr. MONDELL. I have not made the objection. But if it is to be made, there is no object in discussing the matter now.

Mr. BLAND of Virginia. The situation is this, and I think a short statement would probably satisfy the gentleman from Wisconsin as to the importance of this measure and action on it at this time: A bill has been passed which expressly provides that the Secretary of War shall sell Camp Eustis. As the bill passed the House it provided for sale without limitation. Then when the bill went to the Senate there was a proviso attached to that bill to the effect that such sale should not occur before June 30, 1921. So the necessity for passing upon this bill at this time arises because of the express mandate of the bill that was passed in February, 1920.

Mr. STAFFORD. May I ask the gentleman in that particular whether there is anything in the act of February 28, 1920, that compels the Secretary of War to sell this ground before July 1 of this year?

Mr. BLAND of Virginia. The act expressly provides that the Secretary of War shall make sale of the property at Camp Eustis.

Mr. STAFFORD. But there is no mandatory direction that compels him to sell the property before July 1?

Mr. BLAND of Virginia. On the other hand, the direction is to sell, but the limitation against sale expires on June 30, 1921. The express mandate of the statute is for sale.

Mr. STAFFORD. Unless the gentleman wishes to move to have the bill passed over without prejudice, I will have to object.

Mr. McKENZIE. Mr. Speaker, I shall not ask for any such thing.

Mr. MONDELL. Mr. Speaker, we hope to have this measure and a general measure providing for some of these camps considered in the near future.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

CADETS AT UNITED STATES MILITARY ACADEMY.

The next business on the Calendar for Unanimous Consent was the bill (S. 1358) to provide for maintaining the Corps of Cadets at the United States Military Academy at its maximum authorized strength, and for other purposes.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, it does not seem to me that under the conditions that now exist there is any necessity for the passage of this act designed to increase considerably the number of Army officers.

Mr. PARKER of New Jersey. May I ask the gentleman to withdraw his objection to that? There is nothing more necessary than this bill, and I think I can explain it satisfactorily.

The SPEAKER pro tempore. Does the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from New Jersey.

Mr. PARKER of New Jersey. Mr. Speaker, we have a provision now for 1,300 men at West Point. We do not ask to have any more, but we have got a very much less number, namely, 919. The reason we have so much fewer there is that the men do not pass their examination in certain districts in certain States. It is very essential that the Point should be full. We need the officers in our Army.

Mr. GARRETT of Tennessee. Will the gentleman yield just there?

Mr. PARKER of New Jersey. Yes.

Mr. GARRETT of Tennessee. That is just the point. I suppose the Army will be reduced by the end of the next fiscal year to 150,000, in accordance with the action taken by the House a few days ago. I have an idea that the sentiment of this country is going to insist, unless some emergency arises, upon its being reduced still further next year, and kept at a pretty low number. And I have the impression that we are top-heavy with officers now, and that is one of the troubles.

Mr. PARKER of New Jersey. I will say to the gentleman we still need more educated officers in civil life.

The Civil War was fought, as the Mexican War was fought, by Grant and McClellan and Sherman, and Jackson on the other side, West Pointers who had gone into civil life, and who came back from that life and made the best officers. The education of officers is the first thing for the defense of this country. I now see the gentleman from Pennsylvania [Mr. MORIN] in the Chamber. I did not know that he was here. He is in charge of the bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. PARKER of New Jersey. In a moment. This bill does not provide that West Point shall be any larger than is now provided by law. What this bill does is this: If in a State there are, say, 10 men to be appointed and in 6 districts there are 6 men who get in as principals and there are several alternates that qualify and in other districts none of the principals or alternates qualify, it allows the alternates who have qualified in one district in that State to be qualified in the other districts, so that they are entered in there, but without taking away the right of a Congressman to appoint next time, next year, just as he does now, because there are always more who drop out during the term and make vacancies than will provide for that. Then this bill goes on a little further. If after you have used all the men who have qualified in that State, there are still vacancies in appointments from that State, men who have qualified from other States as alternates may be put under competitive examination, and the best of them taken into West Point to fill those vacancies.

Even with all this, they do not expect to get within two or three hundred of the full 1,300 cadets now provided for at West Point. But every additional member costs less than the ones that were there before, because the overhead charges have to be paid anyhow, and by having a West Point that is full it costs less for each cadet, and in the meanwhile we are giving the country the benefit of a military education.

I hope they will not all go into the Army. I agree with the gentleman from Tennessee [Mr. GARRETT]. I have always insisted that the policy pursued in 1815 was the right policy. At that time we enlarged the number of cadets at West Point to 250 members. We had then only 5,000 men in the Army. Two-thirds of those who were educated at West Point went into civil life. We had then less than 10,000,000 population, and if we had a proportionate number of cadets at West Point now to what we had then we would have to have an academy of 2,500 instead of 1,300.

Mr. BLANTON. I object, Mr. Speaker.

Mr. PARKER of New Jersey. I hope the gentleman will not object.

Mr. BLANTON. The gentleman will not permit a question.

Mr. PARKER of New Jersey. I will permit a question. I will yield to the gentleman from Texas.

Mr. BLANTON. The time to yield is passed.

Mr. PARKER of New Jersey. I did not intend any discourtesy to the gentleman.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLANTON] objects.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The bill retains its place on the calendar.

Mr. MADDEN. Mr. Speaker, I object to its being passed over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

APPORTIONMENT OF THE WATERS OF THE COLORADO RIVER.

Mr. DYER. Mr. Speaker, I move that the rules be suspended and that we pass the bill, H. R. 6877.

The SPEAKER pro tempore. The gentleman from Missouri moves that the rules be suspended and that the bill, H. R. 6877, be passed. The Clerk will report it.

The Clerk read the bill by title, as follows:

A bill (H. R. 6877) to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes.

The SPEAKER pro tempore. Is a second demanded?

Mr. GARRETT of Tennessee. I demand a second.

The SPEAKER pro tempore. The gentleman from Tennessee demands a second.

Mr. STAFFORD. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. The bill has not been reported yet.

The SPEAKER pro tempore. The point of order is sustained. The Clerk will report the bill.

The Clerk read as follows:

Whereas the Colorado River and its several tributaries rise within and flow through or from the boundaries between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; and

Whereas the territory included within the drainage area of the said stream and its tributaries is largely arid and in small part irrigated, and the present and future development necessities and general welfare of said States and of the United States require the further use of the waters of said streams for irrigation and other beneficial purposes, and that future litigation and conflict respecting the use and distribution of said waters should be avoided and settled by compact between said States; and

Whereas the said States, by appropriate legislation, have authorized the governors thereof to appoint commissioners to represent said States for the purpose of entering into a compact or agreement between said States respecting the future utilization and disposition of the waters of the Colorado River and of the streams tributary thereto; and

Whereas the governors of said several States have named and appointed their respective commissioners for the purposes aforesaid, and have presented their resolution to the President of the United States requesting the appointment of a representative on behalf of the United States to participate in said negotiations and to represent the interests of the United States: Now, therefore,

Be it enacted, etc., That consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1923, providing for an equitable division and apportionment among said States of the water supply of the Colorado River and of the streams tributary thereto, upon condition that a suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations, as the representative of and for the protection of the interests of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into, and the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated to pay the salary and expenses of the representative of the United States appointed hereunder: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

SEC. 2. That the right to alter, amend, or repeal this act is herewith expressly reserved.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] demands a second.

Mr. DYER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. TILLMAN], a member of the Committee on the Judiciary, may have control of the time on this side.

The SPEAKER pro tempore. The gentleman from Missouri will be entitled to 20 minutes, and the gentleman from Arkansas [Mr. TILLMAN] to 20 minutes. The gentleman from Missouri is recognized.

Mr. DYER. Mr. Speaker, this bill is reported unanimously by the Committee on the Judiciary. The bill was introduced by the gentleman from Wyoming [Mr. MONDELL]. I yield five minutes to him.

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, the Colorado River flows through or is a part of the boundary of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. It lies wholly in the arid region, and the waters of the river or its tributaries have been used to a greater or lesser extent for irrigation purposes in all of the States named. Eventually the waters of the river will be used to a much greater extent for irrigation purposes than heretofore, and it has been deemed wise to secure at an early date if possible an agreement among the States affected relative to an equitable distribution of the water among them. Each of the States has passed practically identical legislation providing for a joint conference, and I think all of the States have appointed commissioners.

This bill first authorizes or gives the consent of the Congress to negotiations on the part of the States, and in order that the interests of the United States may be guarded, provides for a commissioner to represent the United States. After an agreement is reached the commissioner will of course report to Congress, and it will then be for Congress to say whether or no assent should be given to the adoption of the agreement by the States interested.

That is about all that I care to say, Mr. Speaker, unless some gentleman desires to ask me questions with regard to the legislation.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MICHENER. Is it the gentleman's opinion that this will be completed within the year?

Mr. MONDELL. It is my hope that it will be completed this summer.

Mr. MICHENER. Can the gentleman, from his knowledge of the matter, give the House any assurance that we will not be asked next year to appropriate an additional sum for the purpose of continuing this commission?

Mr. MONDELL. I can assure the gentleman that all of the people interested in all of the seven States are hopeful and anxious that an agreement be reached this summer. It is highly important that it should be. It is not to the interest of anyone that the proceedings be delayed. It is to the interest of all to have the matter disposed of speedily. I hope that if this bill passes at an early date the conference may be held and the agreement reached before the December session.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Texas.

Mr. GARRETT of Texas. The bill carries an appropriation of $10,000.

Mr. MONDELL. It authorizes an appropriation.

Mr. GARRETT of Texas. It authorizes an appropriation of $10,000, to be taken care of, of course, by the Committee on Appropriations, for the person who is to sit in on this transaction for the Government. I notice in the report it is stated that that is the difference between this bill and other similar bills, that the Government has not heretofore had persons to represent it in matters of this kind. Why do you provide this $10,000? Why can not the Department of the Interior designate a person to go out and look after this for the Government on the salary that he now receives?

Mr. MONDELL. No agreement of this kind has ever been entered into. The States have been authorized to conduct negotiations with regard to boundaries and fisheries and matters of that sort, but they were not matters in which the Federal Government had any special interest.

Mr. GARRETT of Texas. Would not a matter of this kind properly come under the Land Office in the Department of the Interior?

Mr. MONDELL. It might; and it would be within the power of the President to appoint some one connected with the public service, although in that event, of course, they could not draw additional compensation.

Mr. GARRETT of Texas. I know; but they could draw the compensation that they now draw and have their expenses defrayed by the Government, could they not, and save this $10,000, or a good portion of it?

Mr. MONDELL. Not a penny of this money will be spent, I will say to my friend, except on an appropriation recommended by the Appropriations Committee after a full hearing of the matter.

Mr. GARRETT of Texas. I understand that.

Mr. MONDELL. As the Government has important interests to guard, it is desirable that there be a representative of the

Government. There will probably be some expenditures in connection with the holding of the conference, but no expenditure can be made except on an appropriation.

Mr. GARRETT of Texas. I understand that very well, but the appropriation will come afterwards.

Mr. MONDELL. Is it the gentleman's idea that the Government should not spend a few dollars in a matter of this kind, however important it may be to the Government?

Mr. GARRETT of Texas. Not at all. The gentleman's idea is that there are very competent men in the Land Office to-day, in the Department of the Interior, who know more about this project perhaps than any man you could designate to go out there unless you got a man of that character. The thing I want to know of the gentleman is, why not send a man of that character out there, and not pick up some fellow somewhere else whom the President may want to send?

Mr. MONDELL. The gentleman whom the gentleman from Texas is addressing will not have anything to say about who shall be sent. The President can appoint whomsoever he sees fit.

Mr. GARRETT of Texas. Then why not omit the $10,000 and let the President appoint some one who is now on the rolls?

Mr. MONDELL. There are certain to be some expenditures, and while we are economizing, we have not quite reached the point where we can not spend a few dollars to take care of the important business of the Government.

Mr. DYER. Mr. Speaker, I will state for the benefit of the gentleman from Texas and other Members that this matter has been submitted to the Interior Department by the Committee on the Judiciary, and there is no objection there.

Mr. GARRETT of Tennessee. It will make a good job for somebody.

Mr. GARRETT of Texas. I do not object to any necessary expenditure, but my idea is that some one who is familiar with this matter and who is an expert on these questions who is already in the employ of the Interior Department could be sent to represent the Government.

Mr. DYER. We feel that the method provided in this bill is the better one.

Mr. GARRETT of Texas. I am not disputing that the gentleman may think so, but the question is, Do we think it is the better way? Have you consulted the taxpayers of the country to see whether they consider it the better way?

Mr. DYER. Will the gentleman from Arkansas use some of his time?

Mr. TILLMAN. I yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, this matter was recently considered at Denver, Colo., at a conference of the governors of the Western States affected by this bill, at which time resolutions were passed requesting Congress to pass legislation of this character. The legislatures of all the States concerned have passed the necessary laws authorizing the appointment of commissioners on behalf of the States, and to complete the organization there should be a commissioner appointed by the President to represent the United States, because the Colorado River is a navigable stream, interstate and international in character, and Federal interests are therefore involved.

My first impression was that no action by Congress was necessary, but that the irrigation development along the Colorado River might proceed as had been done on other streams, and inasmuch as the principal use of its waters must of necessity be along the lower reaches of the river in Arizona and California I could see no particular need for an agreement with the upstream States. But the more I studied the question the more certain I became that this legislation should be passed. I found that there had been serious controversies between other States similarly situated; for instance, the famous case between Kansas and Colorado, which went to the Supreme Court of the United States, to settle a dispute over the waters of the Arkansas River, and a like disagreement between the States of Wyoming and Nebraska over the waters of the North Platte.

I recently conferred with the Director of the United States Reclamation Service relative to this matter and left with him a newspaper article which expressed some opposition to this bill. Mr. Davis has written to me as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., July 14, 1921.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: I have examined the clipping from the Mohave County Miner which you handed me and the House bill intended to cover the subject of providing for an equitable division and apportionment of the water supply of the Colorado River and its tributaries.

I do not share in the apprehensions of the Mohave County Miner and believe the proper arrangement could be reached by some kind of diplomatic procedure. I think that any arrangement entered into by agreement with all the States would be safe, because under the State laws this arrangement would be subject to ratification by the State legislature, and would be invalid unless so ratified. The question is largely one of psychology, upon which you are perhaps a better judge than I, but I should be inclined to favor some diplomatic arrangement between the States.

Very truly, yours, A. P. DAVIS, *Director.*

If the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming can agree upon an equitable division of the waters of the Colorado River, and that agreement is ratified by Congress, it is certain that much litigation will be obviated. There will be no cause for an appeal to the courts because the matter will be determined in advance in a way that will avoid great expense and loss of time.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. COOPER of Wisconsin. Has the gentleman or the committee considered the possibility of a complaint being made by the Government of Mexico unless that Republic is authorized to enter into negotiations in regard to a stream running into Mexico?

Mr. HAYDEN. The Federal Government is the only party that could agree with Mexico and any representation made by the Mexican Government could be transmitted by the State Department for consideration by the Federal representative who will be appointed if this bill is passed.

Mr. COOPER of Wisconsin. Any agreement between the two countries would have to be ratified.

Mr. HAYDEN. If it is found to be necessary to give consideration to any claim made by Mexico for a share of the waters of the Colorado the commissioner authorized to be appointed by this bill as the representative of the United States would be better qualified to advise the State Department than anyone else whenever diplomatic negotiations with Mexico are undertaken.

Mr. COOPER of Wisconsin. As the gentleman from Wyoming suggests, this committee will secure the information and the United States will know precisely what, if any, claims are made by Mexico.

Mr. HAYDEN. In an opinion rendered by Judson Harmon, Attorney General of the United States, on December 12, 1895, in the Rio Grande case it was held that a diversion of water for irrigation in the United States can not be the cause of a complaint by the Republic of Mexico to which serious consideration need be given by the United States. If there is a place in the United States where the waters of an international stream can be beneficially used for irrigation and a diversion is actually made, Mexico has no rights other than those which the United States may voluntarily grant. In that opinion the Attorney General said:

The fundamental principle of international law is the absolute sovereignty of every nation as against all others within its own territory. Of the nature and scope of sovereignty with respect to judicial jurisdiction, which is one of its elements, Chief Justice Marshall said (Schooner Exchange *v.* McFaddon, 7 Cranch, p. 136):

"The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction, and an investment of that sovereignty to the same extent in that power which could impose such restriction.

"All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source."

It would be entirely useless to multiply authorities. So strongly is the principle of general and absolute sovereignty maintained that it has even been asserted by high authority that admitted international servitudes cease when they conflict with the necessities of the servient State. (Bluntschli, p. 212; see criticism by Creasy, p. 258.) Whether this be true or not, its assertion serves to emphasize the truth that self-preservation is one of the first laws of nations. No believer in the doctrine of natural servitudes has ever suggested one which would interfere with the enjoyment by a nation within its own territory of whatever was necessary to the development of its resources or the comfort of its people.

Mr. ARENTZ. Will the gentleman yield?

Mr. HAYDEN. I yield to my good friend from Nevada.

Mr. ARENTZ. Is it the gentleman's idea that a commission might be appointed later on to investigate the international conditions on the Colorado River and that the commission mentioned in this bill will do nothing more than to get data?

Mr. HAYDEN. If that should be found necessary.

Mr. ARENTZ. Does not the gentleman think that it should be done now, and could not this commission's powers be enlarged so as to take that in?

Mr. HAYDEN. I am decidedly not in favor of enacting any legislation by Congress containing an acknowledgment that the Republic of Mexico has any rights whatever in the waters of the Colorado River. If anything of that kind is done, it should be accomplished through diplomatic channels by a treaty with Mexico to be negotiated by the Secretary of State and ratified by the Senate.

In conclusion, let me express the hope that none of the States mentioned in this bill will adopt a dog-in-the-manger attitude, but that broad-minded men, experienced in irrigation development, will be appointed as commissioners and that they will promptly reach a fair and just agreement. When fully conserved there is water enough in the Colorado River to fully reclaim at least 6,000,000 acres of the most fertile land on this continent, located in a region blessed with more sunshine and a longer growing season than can be found anywhere. We are taking a legislative step to-day toward the creation of an irrigated empire which will yield untold agricultural wealth to the American people.

Mr. TILLMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I do not suppose there is a man in the House opposing the intent and purpose of this bill to permit these States to properly adjust this water supply. All of us are in favor of it, but it is getting so that we can not pass hardly a week in Congress without appointing some man to a new high-salaried position. It is this feature to which I object. Such appointment is unnecessary. The Secretary of the Interior could act. If it is necessary to appoint a man to be designated by the President to attend to this work, why should he receive a salary any higher than you receive or that which a United States Senator receives? Why should he receive a salary of $10,000?

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MONDELL. There is nothing in this bill fixing the salary of the man to be appointed. There is a maximum of $10,000 for all expenses connected with the negotiations on the part of the Federal Government.

Mr. BLANTON. Yes.

Mr. MONDELL. The Committee on Appropriations will be called upon to determine what is the value of the services rendered.

Mr. BLANTON. The gentleman from Wyoming knows as well as I do that after we pass this measure the President down in the White House can designate some good friend of ours out in Wyoming, some constituent of the leader of the House, to act for the Federal Government; and when the President notifies us that he has done that you will find the Appropriations Committee come in and back him up, because we always back him up. If he sould notify us that he had appointed a man at the salary of $10,000 authorized by this measure I would vote myself to pay the bill, and the gentleman knows it.

Mr. MONDELL. I do not want the gentleman from Texas to get the impression that the gentleman from Wyoming has any candidate or has the slightest notion that anybody among his constituents could be appointed.

Mr. BLANTON. No; but I feel satisfied that the constituents of the gentleman from Wyoming are just as hungry for $10,000 jobs as the constituents of any other Member of the House. I was giving them credit for that.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARRETT of Tennessee. Does the gentleman from Texas see any reason why the constituents of the gentleman from Wyoming could not legitimately aspire to this new place?

Mr. BLANTON. No; because he would have an enthusiastic and able advocate at court to speak in his behalf when he put in the application.

Mr. Speaker, if I could offer an amendment to the bill I would move to strike this high-salaried appointment provision out, but when the gentleman from Wyoming, the leader of this House, proposed to pass this measure under suspension of the rules he knew that we could not amend it, as no amendment is in order, and he knew that there was no chance to strike out the $10,000 position from the bill.

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. In a moment. I am going to ask unanimous consent and then I will yield. Mr. Speaker, under the rules of the House I ask unanimous consent that the following amendment, striking out this high-salaried appointment, and authorizing the Secretary of the Interior to act for us, which I send to the desk, may be considered in order on this bill. Then I want to see whether or not the distinguished gentleman from Wyoming will give us a chance under the rules to vote on whether or not we will call on the Secretary of the Interior to pass on this matter or whether he will insist that we will employ a man at a salary of $10,000 a year.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that an amendment which he sends to the desk may be considered. Is there objection?

Mr. VARE. I object.

Mr. MONDELL. Will the gentleman from Texas yield to me?

Mr. BLANTON. I will.

Mr. MONDELL. As I introduced the bill it carried no authorization whatever. I was informed, both by the members of the committee and by the department of the Government interested in having the matter carefully considered, that there should be a provision for an appropriation.

Mr. BLANTON. I am sure the gentleman did not have it in the bill when he introduced it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Will the gentleman from Arkansas please let me have a little more time?

Mr. TILLMAN. My time has all been apportioned.

Mr. BLANTON. Will the gentleman from Missouri give me one minute? I yielded most of my time to the gentleman from Wyoming.

Mr. DYER. Mr. Speaker, I yield one minute to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] knows that he can arrange matters afterwards as well as beforehand, as, for instance, the time he used his snickersnee in the committee to cut the surveyors general out of a bill, and after they were cut off came back in on the floor of the House and put every last one of them back into the bill by his persuasive powers. All of that money has been paid out of the Treasury since. It is these $10,000 a year jobs that I am going to vote against, and I am going to vote against this bill because of that one fact, if I am the only man on the floor of the House who does it. We ought to stop creating these high-salaried positions. You ought to begin the economy that you preach every day, and which you are pledged to the people of the United States to bring about.

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

Mr. TILLMAN. Mr. Speaker, I yield the remainder of my time to the gentleman from California [Mr. RAKER].

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

Mr. RAKER. Mr. Speaker and gentlemen of the House, the purpose of this bill is and should be apparent to Members if they will look to the report and the bill and if they are familiar with the conditions of the Colorado River as it affects the States named in the bill, namely, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. It will permit these States to settle this water difficulty and present it to Congress for approval. The upper reaches of the Colorado River affect these States and then flow down through Colorado, California, on to Lower California, the Gulf of Lower California, and then into the Pacific Ocean. Considerable litigation has grown up over the water of the Colorado River. Considerable retarding of the development of the States mentioned has been occasioned by virtue of the litigation regarding the waters of the Colorado River. One of the main features now is relative to the division of the water as between the United States, or the States bordering on the Colorado River, and those through which it flows, including California, Colorado, Arizona, and New Mexico, and Mexico. Many hundreds of thousands of acres of land to-day lie idle, unirrigated, with the waters running to the sea, because there has been no adjustment of the water rights as between the United States and Lower California—Mexico. I spent two days last year in Lower California with a committee of the chambers of commerce of the Imperial Valley, who met the governor of Lower California, Mexico, and went over this situation clear down into Lower California. Those in the Chicawalla Valley and the Palasedo and others are desirous of obtaining these waters and those farther toward the headwaters of the river.

Further there is a question as to where you may use the waters, because the decisions of the Supreme Court as to the State wherein they arise. That brings about a complication, that by virtue of the States named, through their sovereign power and their official head, the governor and the legislature, a commission has been appointed in each of the States, so that the duly delegated commissioners may meet in joint meeting and determine in respect to the divisibility and the division of the waters of the Colorado River.

One of the most important things in the bill is to allow the President to appoint a representative of the Government of the United States. It should be remembered that in all of these States there is public land and the Government of the United States is a riparian owner in the waters of many of these streams in all of the States, as well as in the waters as they finally flow on into the Gulf of California. The Federal Government at all hazards should have a representative to sit in

with these commissioners from these States, to the end that a clear, intelligent report might be made to Congress. If the Federal agent or representative of the President can agree, then the report can be sent to Congress so that, if it is satisfactory, it may be approved once and for all and this whole question settled. When that has been done it will be easy because we will have united action as to what can be done with the water, to enter into negotiations with Mexico and get this question adjusted as it ought to be at an early date.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. BARBOUR. The United States is just as much interested in the division of this water as any of the States or all of them.

Mr. RAKER. I believe the Government of the United States to-day is interested more than any of the States, because on all of these streams toward the headwaters the Government owns the public lands and is a riparian owner in the waters.

Mr. BARBOUR. Can the gentleman state to the House whether these States have provided in the laws passed by the various legislatures for the payment of the expenses of their various commissions?

Mr. RAKER. I think so.

Mr. DYER. They have.

Mr. MONDELL. They have.

Mr. BARBOUR. Then that is an answer to the argument made by the gentleman from Texas [Mr. BLANTON].

The purpose of this bill is to permit the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to enter into an agreement for the equitable division and apportionment of the water supply of the Colorado River. The necessity for this grows out of the possibility of conflict in the diversion and use of the waters of the Colorado River in the various States through which the river and its tributaries flow. Without an agreement between the States interested respecting the division and apportionment of the waters for irrigation purposes, conflicts as to the amount of water which may be diverted on the various portions of the river and its tributaries, without interference with diversion and use elsewhere, are certain to occur and to lead to expensive litigation, in the meanwhile holding up and preventing development. Most irrigation projects on the Colorado River and its tributaries involve large expenditures, and complete or even considerably further development can not be had or secured without an agreement under which development can be carried on without conflict and litigation.

In view of this condition the States named have passed similar legislation under which commissioners have been appointed to represent them in negotiating some agreement for the solution of this difficulty. Considering the interests of the United States in this water supply, these statutes authorize and provide for participation on the part of the Government in these negotiations, so as to give to the United States an opportunity to protect its interests. Hence a provision is made in this bill authorizing the President to appoint some suitable person to represent the National Government, but this representative is not given power to bind the Government. It is evident that it would be an advantage to have a person present at the negotiations between the States.

In such negotiations the need for water in any locality, the supply available as well as other factors, must be discussed, with their bearing upon any interests the United States may have in the matter, and his presence at the negotiations will naturally aid in composing the differences that may arise between the various States in adjusting their different claims. His report of the negotiations and of the contract entered into will assist Congress in determining whether such contract should be finally approved by Congress.

Legislation is necessary, because under the Constitution a State can not enter into any covenant or agreement with another State without the consent of Congress. The Congress has on many occasions given its consent to such covenants or agreements between different States. This bill differs from the ordinary like legislation only in that the Government of the United States is to participate in the negotiations, that being necessary because of its interest in the controversy.

It was not deemed wise to simply authorize the States to enter into a contract. It was believed that Congress should have the exact terms of the contract before it finally approved it. For that reason whatever contract is finally entered into must be submitted to Congress for its approval.

There is no question of navigation or water power involved in the legislation. The part of the river affected by this bill is not navigable in fact, and the question of water power is so largely of a local character that it would hardly be considered within the scope of such a contract. If the agreement should involve either of those questions, that matter would properly be considered when an agreement is submitted for approval by Congress.

This measure will very greatly aid in the development of the States affected.

Mr. RAKER. While the gentleman from Texas makes some statements at times that are good, the statement he makes this time is not involved in the matter at all. When all of the States having interests involving many millions of dollars are ready and willing to pay their part for the purpose of protecting their interests and their citizens, then the Government of the United States should not hesitate and should not be small enough or picayunish enough or should not play peanut politics sufficient to prevent the President from appointing a competent man to represent the Government at this meeting, and this Congress should provide the means whereby the interest of the United States Government shall be protected.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I yield.

Mr. BLANTON. Is not the Secretary of the Interior just such a man for just such a purpose, and do we not pay him now a salary of $12,000 a year?

Mr. RAKER. But the Secretary of the Interior has all that he can attend to. Let us appoint a man, if it does cost a few dollars, to look after our interests.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. What about Brig. Gen. Dr. Sawyer? [Laughter.]

Mr. RAKER. I prefer not to answer that question at this time, although, of course, it is a pertinent one. But I would say in that connection that for this particular job undoubtedly the President will appoint an engineer who has had experience in the Reclamation Service for 10 or 15 years and who understands the rights of the Government, and therefore will be in a position to do the work.

Mr. MADDEN. Would not the gentleman from California who has the floor just now be a good man?

Mr. RAKER. I am not a civil engineer, and then again——

Mr. MADDEN. The gentleman knows all these things very well.

Mr. RAKER. I know from first-hand information that this kind of legislation is right. Even if the President of the United States happens to be a Republican, I believe in upholding his hands and passing legislation that will protect our Government. That is my attitude. [Applause.]

Mr. DYER. Mr. Speaker, I yield the balance of my time, or so much as the gentleman may desire, to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, the House has passed a number of bills very similar to this. The Constitution provides that the States can not enter into agreements one with the other without the consent of the Congress, and the object in coming to Congress for this legislation is to comply with that constitutional provision. We have a precedent in a case very much like this one, where the Government appointed a person to act for the National Government. When the bill came to the committee we considered it very carefully, and it was apparent to us that it was proper and necessary to have the Government represented. I think that my friend from Texas [Mr. BLANTON] ought not to object to paying for his services, because that man, while he may aid the States, has a more important function, that of protecting the rights of the United States. Our Government has a good deal of interest in this stream, as it is the chief source of water for irrigation in the States affected. We ought to have some one for the purpose of seeing that none of our public lands are unfairly dealt with. And in addition to that he ought to be there because there is an international feature connected with this matter.

Mr. BLANTON. Will the gentleman yield?

Mr. VOLSTEAD. Just for a question.

Mr. BLANTON. Does not the gentleman believe that the Secretary of the Interior could send a man out there who will know more about it when he goes out there than this new commissioner, at $10,000 a year, will ever learn?

Mr. VOLSTEAD. Just a minute. It may be true that the Secretary can select a man of that kind. Whether he could get one inside of the department who would be fair under the circumstances I do not know. Whether appointed from inside or outside of that department, there is nothing in the bill that calls for paying him $10,000, or anything like that sum. Whatever is necessary we ought to pay, because the gentleman will have to look after the interests of the United States and protect its interests. We certainly should not ask the States to pay the one who represents the National Government.

Mr. DYER. Mr. Speaker, I do not desire to use any further time.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Speaker pro tempore announced that in the opinion of the Chair two-thirds had voted in the affirmative.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 76, noes 5.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and I make the point of order there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas objects to the vote on the ground that there is no quorum present, and it is evident there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of suspending the rules and passing

the bill will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 237, nays 15, answered "present" 2, not voting 176, as follows:

YEAS—237.

Ackerman	Dupré	Lankford	Rankin
Almon	Dyer	Larsen, Ga.	Ransley
Andrews	Echols	Lawrence	Rayburn
Arentz	Elliott	Lazaro	Reavis
Aswell	Ellis	Lea, Calif.	Reece
Bacharach	Elston	Leatherwood	Rhodes
Bankhead	Fairchild	Lee, Ga.	Ricketts
Barbour	Fairfield	Lineberger	Roach
Barkley	Favrot	Linthicum	Robertson
Beedy	Fenn	Little	Robsion
Begg	Fess	Logan	Rogers
Bell	Fisher	Lowrey	Rose
Benham	Fitzgerald	Luce	Sanders, Ind.
Bird	Flood	Lyon	Sandlin
Bixler	Foster	McFadden	Scott, Mich.
Black	Free	McKenzie	Scott, Tenn.
Blakeney	French	McLaughlin, Mich.	Shaw
Bland, Ind.	Fuller	McSwain	Shelton
Bland, Va.	Fulmer	MacGregor	Shreve
Bowling	Funk	Madden	Siegel
Box	Gahn	Magee	Sinclair
Brand	Garner	Mapes	Sinnott
Briggs	Garrett, Tenn.	Martin	Sisson
Brinson	Gensman	Michener	Smithwick
Brooks, Pa.	Gernerd	Miller	Speaks
Brown, Tenn.	Glynn	Mills	Stafford
Buchanan	Goodykoontz	Millspaugh	Stedman
Bulwinkle	Graham, Ill.	Mondell	Steenerson
Burtness	Greene, Vt.	Montague	Summers, Wash.
Burton	Hammer	Montoya	Swing
Butler	Hardy, Colo.	Moore, Ohio	Taylor, N. J.
Byrnes, S. C.	Hardy, Tex.	Moores, Ind.	Taylor, Tenn.
Byrns, Tenn.	Harrison	Morgan	Temple
Cable	Hayden	Morin	Ten Eyck
Campbell, Kans.	Herrick	Mott	Thompson
Campbell, Pa.	Hersey	Mudd	Tillman
Cannon	Hickey	Murphy	Timberlake
Chandler, N. Y.	Hill	Nelson, A. P.	Tincher
Christopherson	Hoch	Nelson, J. M.	Towner
Clague	Huddleston	Newton, Minn.	Vinson
Clouse	Hukriede	Nolan	Volstead
Colton	Humphreys	Ogden	Walters
Connolly, Pa.	James, Mich.	Oldfield	Weaver
Cooper, Ohio	Johnson, Wash.	Oliver	Webster
Cooper, Wis.	Jones, Pa.	Olpp	White, Kans.
Cramton	Kearns	Padgett	White, Me.
Crisp	Keller	Park, Ga.	Williamson
Curry	Kelley, Mich.	Parker, N. J.	Wilson
Dale	Kelly, Pa.	Parks, Ark.	Wingo
Dallinger	Ketcham	Parrish	Winslow
Darrow	Kincheloe	Patterson, Mo.	Wood, Ind.
Davis, Minn.	Kinkaid	Patterson, N. J.	Woodruff
Deal	Kirkpatrick	Porter	Woodyard
Dickinson	Kissel	Pou	Wright
Dominick	Kline, Pa.	Pringey	Wyant
Doughton	Knight	Quin	Young
Dowell	Knutson	Radcliffe	Zihlman
Drane	Kopp	Rainey, Ill.	
Drewry	Kraus	Rakér	
Driver	Lanham	Ramseyer	

NAYS—15.

Blanton	Jacoway	Norton	Swank
Collins	Johnson, Ky.	Sanders, Tex.	Thomas
Davis, Tenn.	Johnson, Miss.	Steagall	Tyson
Garrett, Tex.	Jones, Tex.	Strong, Kans.	

ANSWERED "PRESENT"—2.

Schall	Stevenson

NOT VOTING—176.

Anderson	Dunbar	James, Va.	Moore, Ill.
Ansorge	Dunn	Jefferis	Moore, Va.
Anthony	Edmonds	Johnson, S. Dak.	Newton, Mo.
Appleby	Evans	Kahn	O'Brien
Atkeson	Faust	Kendall	O'Connor
Beck	Fields	Kennedy	Osborne
Boies	Fish	Kiess	Overstreet
Bond	Focht	Kindred	Paige
Bowers	Fordney	King	Parker, N. Y.
Brennan	Frear	Kitchin	Perkins
Britten	Freeman	Kleczka	Perlman
Brooks, Ill.	Frothingham	Kline, N. Y.	Peters
Browne, Wis.	Gallivan	Kreider	Petersen
Burdick	Gilbert	Kunz	Purnell
Burke	Goldsborough	Lampert	Rainey, Ala.
Burroughs	Good	Langley	Reber
Cantrill	Gorman	Larson, Minn.	Reed, N. Y.
Carew	Gould	Layton	Reed, W. Va.
Carter	Graham, Pa.	Lee, N. Y.	Riddick
Chalmers	Green, Iowa	Lehlbach	Riordan
Chandler, Okla.	Greene, Mass.	London	Rodenberg
Chindblom	Griest	Longworth	Rosenbloom
Clark, Fla.	Griffin	Lufkin	Rossdale
Clarke, N. Y.	Hadley	Luhring	Rouse
Classon	Haugen	McArthur	Rucker
Cockran	Hawes	McClintic	Ryan
Codd	Hawley	McCormick	Sabath
Cole	Hays	McDuffie	Sanders, N. Y.
Collier	Hicks	McLaughlin, Nebr.	Sears
Connally, Tex.	Himes	McLaughlin, Pa.	Slemp
Connell	Hogan	McPherson	Smith
Copley	Houghton	Maloney	Snell
Coughlin	Hudspeth	Mann	Snyder
Crowther	Hull	Mansfield	Sproul
Cullen	Husted	Mead	Stephens
Dempsey	Hutchinson	Merritt	Stiness
Denison	Ireland	Michaelson	Stoll
Strong, Pa.	Tilson	Vestal	Watson
Sullivan	Tinkham	Voigt	Wheeler
Sumners, Tex.	Treadway	Volk	Williams
Sweet	Underhill	Walsh	Wise
Tague	Upshaw	Ward, N. Y.	Woods, Va.
Taylor, Ark.	Vaile	Ward, N. C.	Wurzbach
Taylor, Colo.	Vare	Wason	Yates

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. KITCHIN.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. APPLEBY with Mr. TAGUE.
Mr. PAIGE with Mr. SEARS.
Mr. GRAHAM of Pennsylvania with Mr. FIELDS.
Mr. BRENNAN with Mr. RIORDAN.
Mr. COLE with Mr. SULLIVAN.
Mr. FORDNEY with Mr. SABATH.
Mr. LUFKIN with Mr. COCKRAN.
Mr. KING with Mr. WOODS of Virginia.
Mr. IRELAND with Mr. RAINEY of Alabama.
Mr. FOCHT with Mr. TAYLOR of Arkansas.
Mr. BURROUGHS with Mr. CONNALLY of Texas.
Mr. KIESS with Mr. UPSHAW.
Mr. LEHLBACH with Mr. CAREW.
Mr. FREAR with Mr. SUMNERS of Texas.
Mr. BROWNE of Wisconsin with Mr. STOLL.
Mr. COUGHLIN with Mr. RUCKER.
Mr. NEWTON of Missouri with Mr. SANDERS of Texas.
Mr. KREIDER with Mr. TAYLOR of Colorado.
Mr. DENISON with Mr. CANTRILL.
Mr. ANTHONY with Mr. OVERSTREET.
Mr. PETERS with Mr. CARTER.
Mr. PERKINS with Mr. MEAD.
Mr. ANSORGE with Mr. CULLEN.
Mr. PERLMAN with Mr. GALLIVAN.
Mr. SMITH with Mr. JAMES of Virginia.
Mr. VOLK with Mr. GOLDSBOROUGH.
Mr. TREADWAY with Mr. COLLIER.
Mr. GRIEST with Mr. McDUFFIE.
Mr. OSBORNE with Mr. KUNZ.
Mr. MOORE of Illinois with Mr. MOORE of Virginia.
Mr. VESTAL with Mr. GRIFFIN.
Mr. WILLIAMS with Mr. HUDSPETH.
Mr. REBER with Mr. MANSFIELD.
Mr. WASON with Mr. HAWES.
Mr. STRONG of Pennsylvania with Mr. O'BRIEN.
Mr. SNYDER with Mr. McCLINTIC.
Mr. YATES with Mr. LONDON.
Mr. STINESS with Mr. KINDRED.
Mr. MERRITT with Mr. O'CONNOR.
Mr. HUSTED with Mr. WARD of North Carolina.
Mr. FREEMAN with Mr. GILBERT.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

CENTENNIAL OF THE INDEPENDENCE OF PERU.

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 34.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to suspend the rules and pass Senate joint resolution 34. The Clerk will report it.

The Clerk read as follows:

Joint resolution (S. J. Res. 34) creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru.

Resolved, etc., That a commission is hereby created, consisting of six members and a secretary, to be appointed by the President of the United States, to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru in said Republic during the month of July, 1921.

That to meet the expenses of the commission the sum of $15,000 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended at the discretion of the Secretary of State.

The SPEAKER pro tempore. Is a second demanded?

Mr. FLOOD. Mr. Speaker, I do not know that I care to demand a second.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. FLOOD. Then I demand a second.

The SPEAKER pro tempore. The gentleman from Virginia demands a second.

Mr. BLANTON. Is the gentleman from Virginia against the bill?

Mr. FLOOD. No.

Mr. BLANTON. I am. Mr. Speaker, I ask for recognition.

The SPEAKER pro tempore. The gentleman from Texas, who is opposed to the bill, is recognized to demand a second.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is entitled to 20 minutes. The gentleman from Texas [Mr. BLANTON] is entitled to 20 minutes. The gentleman from Pennsylvania is recognized.

Mr. PORTER. Mr. Speaker, this measure has been recommended by President Wilson and President Harding and by the Secretary of State, Mr. Hughes. I ask that the Clerk read those letters out of my time. They are attached to the report.

The SPEAKER pro tempore. Without objection, the correspondence will be read in the time of the gentleman from Pennsylvania.

There was no objection.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State recommending the resubmission to the present Congress of the invitation from the Government of Peru for participation by the Government of the United States in the ceremonies incident to the celebration of the first centennial of the proclamation of the independence of Peru which are to take place at Lima in July next.

The matter was presented to the Sixty-sixth Congress by my predecessor, whose message on the subject and the accompanying report of the then Secretary of State are contained in Senate Document No. 370, Sixty-sixth Congress, third session, a copy of which I attach hereto.

As pointed out by the present Secretary of State in his accompanying recommendation, the cordial relations which have always existed between the United States and Peru and the equality of treatment which we desire to accord to all the American Republics alike would seem to emphasize the importance of Congress making provision for a no less imposing participation by the United States in the Peruvian celebration than it had in similar celebrations of other Latin-American countries. I have, therefore, no hesitation in adding my own commendation of the matter to that of my predecessor and in recommending to the Congress the passage of the joint resolution he transmitted.

WARREN G. HARDING.

THE WHITE HOUSE, *April 14, 1921.*

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THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President a copy of Senate Document No. 370, Sixty-sixth Congress, third session, containing a message from President Wilson commending to the favorable consideration of Congress the passage of a joint resolution to create a commission to represent the United States in the celebration, in July, 1921, of the first centennial of the proclamation of the independence of Peru, and to provide for the expenses of the commission, as well as a report by the then Secretary of State presenting reasons why, in his judgment, fitting representation by the United States in the celebration was advisable. Probably due to the pressure of business upon it during the last month of its session and the advanced stage of the regular appropriation bills, no action was taken by the last Congress on the recommendation.

The undersigned Secretary of State deems representation by the United States at the Peruvian celebration, in keeping with its representation at similar celebrations of other Latin-American countries, advisable; and, believing such representation desirable and important not only as evidencing a no less cordial friendship for Peru but as being consistent as well with that impartiality and equality of treatment which it is desired should characterize the policy of this Government in its relations with the American Republics, he heartily recommends the submission of the matter anew to the present Congress.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, April —, 1921.

Mr. PORTER. Mr. Speaker, I ask that the Clerk read the translation of the letter of the Peruvian Minister of Exterior Relations.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

[Translation.]

LIMA, *October 30, 1920.*

MR. SECRETARY: On July 28, 1921, Peru will celebrate the first centennial of the proclamation of her independence by the illustrious Argentine, Gen. don José de San Martin, which marked the ending of the colonial rule, and our entering the family of sovereign and free nations. During the century that has gone by the nation has strained its energies in the direction of constituting a democratic foundation of a government which, while guarding the law and right, would promote the development of the great national resources seeking the expansion of its industries and commerce, internal and external, and establish with the other countries permanent ties of brotherhood and peace.

At the close of this century stage of the indefatigable although hardly begun exertion the Government of Peru would be highly pleased if the other friendly Governments, whose valued relations it always jealously cultivated, and whose cooperation exercises great influence on the progress of our nation, would join in its rejoicing.

With that end in view, I have been instructed by the President of the Republic to extend a special invitation to the Government of the United States of America to be officially represented at the ceremonies that will take place in this capital from the 24th to the 31st of July of the coming year, which invitation I have the honor, formally, to present in this communication.

In order to take adequate measures for the housing and the attentions due to the representatives whom the Government of your excellency will, no doubt, be pleased to send, I shall be thankful if it will, at the earliest convenience, deign to favor me with the names of all the persons that it may see fit to designate.

I take pleasure in offering to your excellency the assurances of my highest and most distinguished consideration.

A. SALOMÓN,
Minister of Exterior Relations.

Mr. PORTER. Mr. Speaker, I assume that the gentleman who demanded a second desires some time.

Mr. BLANTON. Yes. When the gentleman from Pennsylvania gets through I desire some time.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the remainder of his time. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, ordinarily no Member of Congress would object to a resolution of this kind—to appoint a commission from our Government to participate in such a centennial celebration. The fact that it is a small country like Peru would not cut any figure in the matter at all. It is proper that our Government——

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Washington. Peru is not a small country, the gentleman should understand.

Mr. BLANTON. Well, it is not as big as Great Britain, or Japan, or Russia, or America.

Mr. JOHNSON of Washington. But it is very important to the United States in a commercial sense, and it is quite as large, if not larger, in the business it does with the United States than many other countries.

Mr. BLANTON. I was speaking only of its size or importance as one of the world powers, compared with the larger countries, when I spoke of it as "a small country." It is a small country, is it not?

Mr. JOHNSON of Washington. It certainly is not in relation to its business with the United States.

Mr. BLANTON. That may be. But my remark would apply just the same. I repeat again, for the benefit of my excellent friend from Washington, that ordinarily no one could object to this kind of a resolution. But those things we would readily do ordinarily in normal peace times we must be a little careful about just now.

When an individual gets deeply in debt and can not make ends meet, when his income is not sufficient to pay the necessary expenses that must come out of his pocket, he can not sometimes go to wedding ceremonies of members close to him; he can not take the usual trips in the summer time.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Or sometimes when a member of his family dies, even he can not go to the funeral. [Applause.]

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. In just a moment. He has to watch himself. The murmurs I hear in the rear benches do not disturb me a bit. I have been out on the prairies of Texas where I have heard coyotes howl at night, and they did not bother me at all. [Applause.]

I am going to speak now on the question of economy. That is more than lip deep with me every day that we meet in this House. If it is necessary for individuals under extraordinary circumstances and on extraordinary occasions to economize on every single point, it is necessary not only for this Nation but for every single nation in the world just now. [Applause.] We have to pass up some ceremonies individually, and the Nation must pass up some ceremonies that mean expense to the people, the same as in the case of individuals and families. We hear economy preached here on the floor every day, and we hear what we have done in this respect and in that respect; yet we have not done a thing that I know of that stops the everlasting expense that is draining us forever and that is continually coming out of the Treasury. It has not been but a very few weeks since by your votes you increased the salary of the Assistant Secretary of War, who all of these years has been drawing $5,000. Yet you increased it to $10,000, or $2,500 a year more than any United States Senator gets, if you please. It has not been many weeks since this House by an almost unanimous vote created a new position for a politician in Ohio, Mr. Brown, at $7,500 per annum, to come in and advise a committee of Congressmen and Senators on reorganization. Just the other day you created the new office of Assistant Secretary of the Treasury at $10,000 per year, and then you created

the new office of Undersecretary of the Treasury at $10,000 per year.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Ohio.

Mr. BEGG. I should like to ask the gentleman two very short questions. Suppose we should deny this appropriation, does the gentleman think that would stop the centennial celebration in Peru?

Mr. BLANTON. No.

Mr. BEGG. Does he think it would stop the other nations sending their representatives?

Mr. BLANTON. No.

Mr. BEGG. All right. If we can not stop the centennial celebration there, and if the other nations are going to be represented, would the gentleman have the United States stay away?

Mr. FAIRCHILD. On the ground of poverty?

Mr. BEGG. On the ground that we could not afford the $10,000?

Mr. BLANTON. The gentleman's question shows that he has not studied the bill as he usually studies these questions.

Mr. BEGG. I will say to the gentleman that I was on the committee that reported out the bill.

Mr. BLANTON. It shows just how little the gentleman on the committee knows about his bill, because the bill appropriates $15,000 instead of $10,000. [Laughter.] The gentleman is two-thirds correct, and that is just how careless his party is in spending the people's money. It is true this $15,000 is a mere little bagatelle, but you have got to begin saving the dimes, and the dollars will take care of themselves.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I will yield again if the gentleman can explain it.

Mr. BEGG. Will the gentleman answer my question? I will admit that the amount is $15,000 instead of $10,000.

Mr. BLANTON. I am going to answer it.

Mr. BEGG. Answer it "yes" or "no."

Mr. BLANTON. I am going to answer it in a minute.

Mr. BEGG. Will the gentleman answer "yes" or "no" whether he would have the United States remain away and deny this $15,000 if all the other nations are going to participate?

Mr. BLANTON. I would have the United States remain away under the present crisis and save this $15,000, and I would have Great Britain remain away and send us that $15,000 as a penny payment on the interest she owes us. I would have France, Italy, and Belgium each stay away and each send us that $15,000 as an interest payment on the huge sums of money they owe us. I would have Japan stay away, and I would have every other nation on the globe stay away except those in the immediate neighborhood, and I would have them economize and use this money to pay their honest debts. That is what I would do.

Mr. BEGG. Will the gentleman yield for a further question?

Mr. BLANTON. Yes.

Mr. BEGG. What procedure would the gentleman enter into to keep Belgium and England and Japan at home?

Mr. BLANTON. I would suggest to them that they make a small payment of interest on an overdue debt which they honestly owe us.

Mr. BEGG. The gentleman admitted that Peru will have this centennial celebration with the other nations present whether we are represented or not?

Mr. BLANTON. Yes; but somebody has got to set the example. Some country has got to start the example of saving money and applying it to their debts, and stop the heavy burden of taxation that is upon the shoulders of our people to-day. Somebody has got to begin, and that is the reason I am raising my humble voice in the House. It has got to be started here.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLANTON. In just a minute. I have got to answer the gentleman from Ohio [Mr. BEGG] first. Whenever I get to telling the people of the country about some $10,000 political job specially created for an Ohio politician somebody wants to ask me a question and thus try to get me off on another subject. I have not gotten away from that subject yet. You know our good friend down in Ohio, Mr. Brown, who is a splendid campaign manager, had to have a job, but what does he know about reorganization as compared with the knowledge of the congressional committee composed of Members of the House and of the Senate, Members who are well up on these propositions, some of whom have been studying this question of reorganization carefully? Yet you have got to create a position and put in an outsider. Is it to do the work for them? Is that what he is there for? He is to get $7,500 a year, and I am here to tell you that that committee could do that work just as well without that gentleman.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from California.

Mr. BARBOUR. We all know that the gentleman is advocating economy, but does the gentleman realize that the time he has already consumed on this bill has cost the Government practically as much as it would cost to send the commissioners to Peru? [Laughter and applause.]

Mr. BLANTON. Do you know that is the biggest poppy-cock that I know of with which a Congressman ever excused himself for voting away the people's money.

Mr. FAIRCHILD. There is a good deal of truth in it.

Mr. BLANTON. Consuming time! My God, gentlemen, we waste the whole of every Saturday here when the House adjourns over from Friday afternoon to Monday and nothing is going on here except regular expenses. Next Friday there will be a motion passed to let us all go and spend a week end at home, and there will not be anything going on here on Saturday except expenses, and the first thing you know, when the Senate begin their three months' debate on the tariff bill, you will find this House under a gentlemen's agreement adjourning three days at a time for weeks and even months, with nothing to do, and the expense goes on just the same. All of our expenses go on just the same whether we work or adjourn.

It would be better for the people of the country if we took more time to discuss each proposition to take money out of the Treasury, even in little driblets of $15,000 each, each one a small item, but which put together make an enormous sum at the end of the year. If you do not stop spending the $15,000 driblets that so often come out of the Treasury unnecessarily you never will begin to save or to reduce taxes. Talk about it being a small matter! Why, $15,000 is too small for some Congressmen to consider at all. They would not delay the passage of a bill to talk about a $15,000 item. When this other political job came up here to-day, another politician had to have a $10,000 job. Those seven States out West want to adjust the question of the water in the Colorado River. The Secretary of the Interior knows all about that question. He has his servants paid out of the Treasury who are out there on the ground in every one of those States, familiar with all the conditions, from the Reclamation Service. Instead of letting the Secretary of the Interior look after that whole matter, with only 17 votes against the bill, you passed the bill here a few minutes ago to create another unnecessary job and authorized an expenditure of $10,000, which the President under that authorization could authorize in salary to some political constituent.

Mr. WINGO. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Arkansas.

Mr. WINGO. I understand the gentleman to preach economy to his Republican friends——

Mr. BLANTON. It is not to my colleagues on this side; I used to preach to them when we were in power, but with little avail. I am preaching now to the fellows on the other side of the aisle who have the power.

Mr. WINGO. The gentleman did not let me finish my question.

Mr. BLANTON. I will let the gentleman finish his question.

Mr. WINGO. I understand the gentleman is preaching economy to the Republicans. Does he not know that that flies in the face of the Biblical injunction:

> Give not that which is holy unto the dogs, neither cast ye your pearls before swine, lest they trample them under their feet, and turn again and rend you.

Mr. BLANTON. Well, I am not as well up in Biblical quotations as my good friend from Arkansas, but I want to say that you can sometimes control even the way that a hog goes by putting certain limitations on both sides and behind him. I am putting the limitations upon you, my colleagues on the other side of the House, the limitations of your campaign pledge of economy that you made on the hustings last fall when you asked the people to put you in power. You did promise them economy. No matter how much you preach economy it takes votes to put it into effect. It takes votes to stop extravagance; it takes votes to stop having to pay 5½ per cent interest on Treasury certificates for one and two years that our Treasurer is issuing almost monthly to get money to pay the bills.

Mr. MADDEN. Who created that obligation?

Mr. BLANTON. The gentleman from Illinois voted for almost every bill that took it out of the Treasury, and I admire him for it. Some of them were foolish bills, but during the war he stood there like a patriotic citizen, he and his associates, and voted for the necessary amount of money to win the war,

and I admire them for it. The war is now over; nearly three years have passed and you must now forget it. We must get out of the war-time proposition and watch every single bill that comes on the floor that takes money out of the Public Treasury. Every bill that is reported from a committee I look over and question myself is it necessary, can we get along without it, is it one that must pass for the benefit of the country? These questions I put to myself on every single bill reported out of the committee. Even though I am only one man, every single bill that we can get along without, that is not absolutely necessary, I am going to vote against, and I am going to put you gentlemen on record if you do not anticipate me, and get a quorum here first to prevent a record vote. I know that I can not always get the yeas and nays, but if you do not anticipate me and get a quorum here first, I am going to put you on record every time when you want to take money out of the Public Treasury and let the people at home know who votes their money away.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass Senate joint resolution 34.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 106 ayes and 17 noes.

Mr. BLANTON. Mr. Speaker, I object to the vote, because there is no quorum present, and I make the point of order that no quorum is present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 207, nays 42, not voting 181, as follows:

YEAS—207.

Ackerman	Dupré	Kline, Pa.	Rainey, Ala.
Andrews	Dyer	Kopp	Rainey, Ill.
Arentz	Echols	Kraus	Raker
Atkeson	Elliott	Lanham	Ramseyer
Bacharach	Ellis	Lankford	Ransley
Barbour	Fairchild	Lawrence	Rayburn
Barkley	Fairfield	Lazaro	Reavis
Beck	Favrot	Lea, Calif.	Reece
Beedy	Fenn	Leatherwood	Ricketts
Begg	Fess	Lee, Ga.	Roach
Benham	Fisher	Lineberger	Robertson
Bird	Fitzgerald	Linthicum	Robsion
Bixler	Flood	Little	Rogers
Black	Focht	London	Rose
Blakeney	Foster	Lowrey	Sanders, Ind.
Bland, Va.	Free	Luce	Sandlin
Boies	Fuller	Lyon	Schall
Bowling	Funk	McFadden	Scott, Tenn.
Box	Garner	McKenzie	Shaw
Brinson	Garrett, Tenn.	McLaughlin, Mich.	Shelton
Brooks, Pa.	Garrett, Tex.	McLaughlin, Nebr.	Shreve
Bulwinkle	Gensman	MacGregor	Siegel
Burtness	Gernerd	Madden	Sinclair
Burton	Glynn	Magee	Sinnott
Byrns, Tenn.	Goodykoontz	Maloney	Speaks
Cable	Graham, Ill.	Mapes	Stafford
Campbell, Kans.	Greene, Vt.	Martin	Stedman
Campbell, Pa.	Hammer	Michener	Steenerson
Cannon	Hardy, Tex.	Miller	Strong, Kans.
Chandler, N. Y.	Harrison	Mills	Sweet
Christopherson	Hawes	Millspaugh	Swing
Clarke, N. Y.	Hayden	Mondell	Taylor, N. J.
Clouse	Herrick	Montoya	Temple
Cole	Hersey	Moore, Ohio	Ten Eyck
Colton	Hickey	Moores, Ind.	Thompson
Connolly, Pa.	Hill	Morgan	Tincher
Cooper, Ohio	Himes	Morin	Tinkham
Cooper, Wis.	Hoch	Murphy	Vinson
Cramton	Hukriede	Nelson, A. P.	Volstead
Crisp	Humphreys	Nelson, J. M.	Walters
Curry	James, Mich.	Newton, Minn.	Weaver
Dale	Jefferis	Norton	Webster
Dallinger	Johnson, Wash.	Ogden	White, Kans.
Darrow	Jones, Pa.	Oldfield	White, Me.
Davis, Minn.	Kearns	Olpp	Williamson
Davis, Tenn.	Keller	Park, Ga.	Winslow
Dickinson	Kelly, Pa.	Parker, N. J.	Woodruff
Doughton	Kendall	Patterson, Mo.	Wright
Dowell	Ketcham	Patterson, N. J.	Wurzbach
Drane	Kinkaid	Porter	Wyant
Drewry	Kirkpatrick	Pringey	Zihlman
Dunbar	Kissel	Radcliffe	

NAYS—42.

Almon	Dominick	McSwain	Summers, Wash.
Aswell	Driver	Parks, Ark.	Swank
Bankhead	Fulmer	Parrish	Taylor, Ark.
Bell	Huddleston	Quin	Taylor, Tenn.
Blanton	Jacoway	Rankin	Thomas
Brand	Johnson, Ky.	Rhodes	Tillman
Briggs	Johnson, Miss.	Sanders, Tex.	Underhill
Brooks, Ill.	Jones, Tex.	Sisson	Wingo
Brown, Tenn.	Kincheloe	Smithwick	Woods, Va.
Collins	Larsen, Ga.	Steagall	
Deal	Logan	Stevenson	

NOT VOTING—181.

Anderson	Bland, Ind.	Britten	Burke
Ansorge	Bond	Browne, Wis.	Burroughs
Anthony	Bowers	Buchanan	Butler
Appleby	Brennan	Burdick	Byrnes, S. C.
Cantrill	Griest	McDuffie	Scott, Mich.
Carew	Griffin	McLaughlin, Pa.	Sears
Carter	Hadley	McPherson	Slemp
Chalmers	Hardy, Colo.	Mann	Smith
Chandler, Okla.	Haugen	Mansfield	Snell
Chindblom	Hawley	Mead	Snyder
Clague	Hays	Merritt	Sproul
Clark, Fla.	Hicks	Michaelson	Stephens
Classon	Hogan	Montague	Stiness
Cockran	Houghton	Moore, Ill.	Stoll
Codd	Hudspeth	Moore, Va.	Strong, Pa.
Collier	Hull	Mott	Sullivan
Connally, Tex.	Husted	Mudd	Sumners, Tex.
Connell	Hutchinson	Newton, Mo.	Tague
Copley	Ireland	Nolan	Taylor, Colo.
Coughlin	James, Va.	O'Brien	Tilson
Crowther	Johnson, S. Dak.	O'Connor	Timberlake
Cullen	Kahn	Oliver	Towner
Dempsey	Kelley, Mich.	Osborne	Treadway
Denison	Kennedy	Overstreet	Tyson
Dunn	Kiess	Padgett	Upshaw
Edmonds	Kindred	Paige	Vaile
Elston	King	Parker, N. Y.	Vare
Evans	Kitchin	Perkins	Vestal
Faust	Kleczka	Perlman	Voigt
Fields	Kline, N. Y.	Peters	Volk
Fish	Knight	Petersen	Walsh
Fordney	Knutson	Pou	Ward, N. Y.
Frear	Kreider	Purnell	Ward, N. C.
Freeman	Kunz	Reber	Wason
French	Lampert	Reed, N. Y.	Watson
Frothingham	Langley	Reed, W. Va.	Wheeler
Gahn	Larson, Minn.	Riddick	Williams
Gallivan	Layton	Riordan	Wilson
Gilbert	Lee, N. Y.	Rodenberg	Wise
Goldsborough	Lehibach.	Rosenbloom	Wood, Ind.
Good	Longworth	Rossdale	Woodyard
Gorman	Lufkin	Rouse	Yates
Gould	Luhring	Rucker	Young
Graham, Pa.	McArthur	Ryan	
Green, Iowa	McClintic	Sabath	
Greene, Mass.	McCormick	Sanders, N. Y.	

So, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KNUTSON with Mr. WISE.

Mr. HUTCHINSON with Mr. PADGETT.

Mr. PURNELL with Mr. SULLIVAN.

Mr. MCPHERSON with Mr. OLIVER.

Mr. WALSH with Mr. POU.

Mr. LONGWORTH with Mr. BYRNES of South Carolina.

Mr. SPROUL with Mr. MONTAGUE.

Mr. EDMONDS with Mr. BUCHANAN.

Mr. WATSON with Mr. TYSON.

Mr. NEWTON of Missouri with Mr. WILSON.

The SPEAKER pro tempore (Miss ROBERTSON). On this vote the yeas are 207 and the nays 42. A quorum is present. The Doorkeeper will open the doors. Two-thirds having voted in the affirmative, the rules are suspended and the joint resolution is passed.

Mr. WALSH resumed the chair as Speaker pro tempore.

BRIDGE ACROSS MAHONING RIVER, OHIO.

Mr. COOPER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4976) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio, with the committee amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Trumbull Steel Co. and its successors and assigns, to construct, maintain, and operate at a point suitable to the interest of navigation a dam across the Mahoning River near the city of Warren, in the county of Trumbull, in the State of Ohio: *Provided*, That the work shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That no dam constructed under the consent hereby granted shall be used to develop water power nor to generate electricity: *And provided further*, That the authority hereby granted shall cease and be null and void unless the actual construction of the dam herein authorized be commenced within one year and completed within three years from the date of the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Tennessee demands a second.

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Speaker, this is a bill granting the consent of Congress to the Trumbull Steel Co. to erect a dam across the Mahoning River in the State of Ohio. The Mahoning River is a very small stream, although it is classed as a navigable stream. It is full of dams from one end of it to the other,

and in the dry season the water gets so low that there is not enough water in the stream to supply the industries along its banks. There are a great many steel industries along the banks of this river, and they are compelled to erect little dams and impound the water to give them enough for their industrial purposes. The War Department has approved it with the amendment. This is a matter that should be attended to now, because it is holding up a $3,000,000 steel plant at the present time.

Mr. GARRETT of Tennessee. The gentleman says that it is not a navigable stream?

Mr. COOPER of Ohio. It is classed as one, although it is one of these creeks that has not enough water in it to pull a canoe over in the dry season.

Mr. GARRETT of Tennessee. I was wondering how it ever came to Congress if it were not a navigable stream.

Mr. COOPER of Ohio. We are sorry that it is classed as a navigable stream.

Mr. HUMPHREYS. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. HUMPHREYS. This is wholly within the State of Ohio?

Mr. COOPER of Ohio. The stream runs into the State of Pennsylvania.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and, in the judgment of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I move to suspend the rules and pass House joint resolution 153, permitting the admission of certain aliens who sailed from certain ports on or before June 8, 1921, and for other purposes, as amended by the committee, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That aliens of any nationality who are brought to the United States on vessels which departed from foreign ports on or before June 8, 1921, destined for the United States, and who apply in the month of June, 1921, for admission to the United States, may, if otherwise admissible, be admitted to the United States although the limit prescribed by section 5 of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, may have been reached before such application for admission. The number of aliens of any nationality so admitted shall be deducted, under such regulations as the Secretary of Labor may prescribe, from the number of aliens of that nationality admissible during the fiscal year beginning July 1, 1921, under the provisions of such act of May 19, 1921, but nothing in this resolution shall prohibit the admission of otherwise admissible aliens of any nationality during the month of July, 1921, up to 20 per cent of the number of aliens of that nationality admissible during such fiscal year under the provisions of such act of May 19, 1921, as heretofore promulgated.

The SPEAKER pro tempore. Is a second demanded?

Mr. RAKER. Mr. Speaker, I demand a second.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

Mr. BOX. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. RAKER. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. BOX. Yes; I will withhold it for a moment.

Mr. RAKER. Mr. Speaker, reserving the right to object, would the gentleman from Washington have any objection to extending the time for debate 10 minutes on a side, making it 30 minutes on each side instead of 20?

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection to considering a second as ordered? [After a pause.] The Chair hears none. The gentleman from Texas makes a point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-one Members present, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on ordering a call of the House.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 108, noes 46.

So a call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Boies	Browne, Wis.	Butler
Ansorge	Bond	Buchanan	Cantrill
Anthony	Bowers	Burdick	Carew
Appleby	Brennan	Burke	Carter
Bland, Ind.	Britten	Burroughs	Chalmers
Chandler, N. Y.	Haugen	McPherson	Sanders, N. Y.
Chandler, Okla.	Hawley	McSwain	Sears
Chindblom	Hays	Mann	Slemp
Clauge	Hicks	Mansfield	Smith
Clark, Fla.	Hogan	Mead	Snell
Classon	Houghton	Merritt	Snyder
Cockran	Hudspeth	Michaelson	Sproul
Codd	Hull	Moore, Ill.	Stephens
Connally, Tex.	Husted	Moore, Va.	Stiness
Connell	Hutchinson	Mott	Stoll
Copley	Ireland	Mudd	Strong, Pa.
Coughlin	James, Va.	Newton, Minn.	Sullivan
Cullen	Johnson, S. Dak.	Newton, Mo.	Sumners, Tex.
Davis, Minn.	Kahn	Nolan	Tague
Deal	Kennedy	O'Brien	Taylor, Colo.
Dempsey	Kiess	O'Connor	Taylor, Tenn.
Denison	Kindred	Ogden	Ten Eyck
Dunn	King	Osborne	Thomas
Edmonds	Kirkpatrick	Overstreet	Timberlake
Elston	Kitchin	Padgett	Tincher
Evans	Kleczka	Paige	Towner
Faust	Kline, N. Y.	Parker, N. Y.	Treadway
Fenn	Knight	Parrish	Upshaw
Fields	Kraus	Perkins	Vaile
Fordney	Kunz	Perlman	Vare
Frear	Lampert	Peters	Vestal
Freeman	Larson, Minn.	Petersen	Voigt
Frothingham	Layton	Pou	Volk
Gahn	Lee, N. Y.	Purnell	Walters
Gallivan	Lehlbach	Reber	Ward, N. Y.
Goldsborough	Little	Reed, N. Y.	Wason
Good	Longworth	Reed, W. Va.	Watson
Gorman	Lufkin	Riddick	Wheeler
Gould	Luhring	Riordan	Williams
Graham, Pa.	McClintic	Rodenberg	Wise
Green, Iowa	McCormick	Rosenbloom	Wurzbach
Griest	McDuffie	Rossdale	Yates
Griffin	McFadden	Rouse	Young
Hadley	McKenzie	Rucker	
Hardy, Colo.	McLaughlin, Nebr.	Ryan	
Harrison	McLaughlin, Pa.	Sabath	

The SPEAKER pro tempore. There are 247 Members present, a quorum. The Doorkeeper will open the doors.

Mr. JOHNSON of Washington. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Washington [Mr. JOHNSON] is entitled to 20 minutes and the gentleman from California [Mr. RAKER] to 20 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to be notified when I have consumed five minutes.

The SPEAKER pro tempore. The Chair will notify the gentleman.

Mr. JOHNSON of Washington. Mr. Speaker, this House joint resolution No. 153 is offered in an effort to correct a situation in connection with the 3 per cent quota law, which arose owing to the fact that a portion of the present month of June was added to the one-year suspension bill. At the time the bill was passed I think the majority of the members of the Immigration Committee knew there would be some confusion in connection with the June arrivals. But it was not feasible to propose in the bill then any form of flexibility, for the reason that whatever margin we proposed would serve only to invite further crowding. June was not even given the benefit of a 20 per cent maximum which the other months have. The House will remember that when a bill from the House committee was proposed for the temporary restriction of immigration 60 days were allowed in which to clear the seas of ships which might be carrying immigrants. We accepted the Senate bill which came to us after some delay, so that when both Houses had finally passed the bill and it had become a law by the signature of the President, the time remaining until the 1st of July was very short. The bill as finally passed allowed but 15 days in which the seas might be cleared and in which the quotas of immigrants from various countries determined. In fact, the 3 per cent bill became a law on May 19. It provided that the part of it which set up the machinery should be effective at once, and it was part of the duties of the three Secretaries named in the bill to establish and promulgate the quotas of aliens admissible from various countries. That turned out to be a difficult task on account of new geographical boundaries in central Europe. The result was that the notices of established quotas were given out in three lots, and one lot, including the country of Italy, was promulgated here in the city of Washington as late as the night of June 2, whereas the part of law establishing and requiring adherence to the quotas went into effect on June 3.

The bill, as I said, allowed 15 days for the clearing of the seas. Quite a number of ships, including small sailing ships from various countries, had set sail prior to May 19, when the law itself was passed, and failed to reach port within 15 days.

Among these ships were some arriving at Boston and subports—the *St. Vincente*, which left Lisbon on May 20, or one day after the law was signed by the President; the schooner *William H. Draper*, which left Cape Verde April 30, or nearly

three weeks before the President signed the bill; the schooner *Emma and Helen*, which left Cape Verde May 7. All of those had immigrants in small numbers. So in the consideration of this measure you must consider the fact that the immigrants from Spain and Portugal had set out for the United States before the act of May 19 was the law, and that they brought immigrants from countries whose quotas were filled by the first arrivals.

Now, then, in addition to that, several ships of regular lines left Italy, departing prior to June 3 or soon thereafter on their regular days of departure, bringing immigrants. Some of these ships arrived on June 2, one day before this 3 per cent law went into effect; these immigrants, of course, were not counted. Another arrived a day later than its schedule on June 3, the very day the law became effective; others arrived two or three days later, with sufficient immigrants to exceed the quota of 3,000 allowed to Italy for that fraction of the month of June. These ships had had neither time nor information to permit them to prorate Italy's June quota of immigrants.

Gentlemen, your committee, after holding hearings and giving a good deal of attention to the matter, decided not only on account of humane considerations but on account of the fact that the law did not give the time in which to clear the seas and because we were unable to distribute the quotas in time, brought in this resolution, which permits aliens who set sail prior to a certain date, in the fore part of June, coming here as immigrants, to be admitted to the United States and to be charged against the quotas within the 3 per cent for the fiscal year which begins on July 1. An amendment provides that the July quotas shall not be disturbed. The gross admissions allowed for June and for all of the next fiscal year remain exactly as they were. Not one additional alien is admitted.

I think my statement covers the case exactly. I will reserve, Mr. Speaker, the balance of my time.

Mr. RAKER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. JOHNSON].

Mr. JOHNSON of Mississippi. Mr. Speaker, in the time allotted me I can not say what I wish to say about this bill. On May 19 last the President of the United States signed the immigration bill, which we passed a few days prior to the signing. That bill, while it did not express my views regarding immigration entirely, will do a great deal toward checking immigration if properly enforced and not meddled with by Congress. That bill was passed in answer to the mandate of the people last year who demanded that Congress pass an immigration law that would really restrict immigration.

On the 3 per cent basis as provided for in the immigration bill the quota of immigrants for the month of June was exhausted many days ago. The resolution we have before the House now is inspired by the owners of the ships engaged in transporting immigrants from Europe to the United States of America. During the hearings before the Immigration Committee it was developed that the owners of the ships carried the immigrants who now seek entrance into the United States in excess of the quota allowed under the immigration bill, and the immigrants on the said ships were informed of the passage of the law and knew of the conditions that prevailed in this country regarding immigration; but dsregarding the information that they could not enter the United States, they raced across the ocean to Ellis Island, and now we have nearly 10,000 aliens who are undertaking to force their entry into the United States.

No doubt this resolution will pass, because the Republican Party has always, during the last few years especially, catered to the big interests to the detriment of the masses in the United States. There has been a lobby at work in Washington to influence the passage of this resolution. If the resolution does not pass, the owners of the ships will, under the law, be required to carry the immigrants back to the countries from whence they came without charge. If the resolution passes, these aliens will be permitted to land in the United States in violation of the solemn judgment of Congress a few weeks ago.

No wonder the people are becoming disgusted already at the way this Republican Congress is handling the affairs of the Nation. When Congress passes a bill that is worth anything great publicity is given it, as was done when the immigration bill was passed, but now you have undertaken to nullify the bill which the people demand that you pass, and I dare say that you will not court much publicity on the passage of this resolution, for you know that the people of the United States are tired of the influx of immigrants from Europe to this country.

Mr. Speaker, there are millions of people out of employment in the United States to-day, especially in the large industrial centers. To allow more immigrants to come into this country at this time only makes greater competition for the laborers who are trying to find employment. The laboring classes are protesting against Europeans coming to this country. They know that it means competition to them; that it means reducing the standard of American living for the working men. Mr. Speaker, our first duty here is to guard well the interests of those who produce. Of course I realize that the great steel corporations, the big mining interests and railroad interests of the country will be glad to see as many immigrants as possible, because they can work the illiterate European for less money than demanded by the American laborer.

Mr. Speaker, there is not nor have I ever heard of a bolshevist, anarchist, or syndicalist in this country who was born and reared here. They come from Europe to our country to enjoy the privileges and immunities of this great Government; but, Mr. Speaker, on account of the lax enforcement of the immigration laws of this country thousands of anarchists and men who do not believe in our laws and our form of government have been dumped upon society. It is time that we put the bars up. The aliens now detained at Ellis Island knew when they left Europe that they could not enter America lawfully. The shipowners knew it. There is a law to penalize the owners of the ships for bringing these people to our shores. It should be enforced. The aliens now at Ellis Island should be required to return to their homes and the shipowners should be required under the law to carry them back without charge. If this resolution does not pass, the shipowners will be forced to return the immigrants to Europe.

Mr. Speaker, I am opposed to the passage of this resolution. It establishes a bad precedent. If it passes it will return in the near future to annoy those who passed it. I am in favor of preventing all immigration to the United States for at least 10 years, and I dare say that I voice the sentiment of a large majority of the American people when I say this. Gentlemen of the House, I sincerely trust this resolution will be defeated. [Applause.]

Mr. RAKER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen of the House, within 15 days after the passage of an act enacted with due deliberation, considered deliberately by both branches of the Congress, approved by the President, and published to the world, we are receding; we are taking back what we said. This situation and this proposed action can only be accounted for on one of three theories: First, that the legislation itself was so bungling as to be futile and as to force Congress and the executive branches to admit its futility and, to the extent here proposed, to abandon efforts to enforce it; or, second, that the executive branch, charged with the performance of the duties of computing and promulgating quotas, has been guilty of some such default as to make it inequitable and inhumane to enforce it. Or we did not mean what we said and have not the courage to stand by it in the face of the situation that naturally results, and which might have been, and really was, anticipated, and are here to-day in the name of the United States undoing what we deliberately did.

Now, I respectfully request that the Members of the House read the report, because I had something to do with writing the minority views. I would like to have you read that.

First, is the law futile? Shall we admit that it is? Shall we admit that it is so much of a bungle as to be unworkable? That is what we are proposing to do. One thing is certain. We know now that the coming of those people was unlawful. We knew it and they knew it just as well 15 and 30 days ago as they know it now. What new light, what process of clarification or explanation, has enabled us to know now that the law is being violated that did not enable these people to know it then?

As to whether or not the executive departments have taken the steps which the law requires them to take, the Secretary of State, the Secretary of Labor, and the Secretary of Commerce promulgated and published these quotas with reasonable promptness and completed the work before the law went into effect, so that no default can be charged to them.

We are left, then, with the last theory, and that is that we passed the law and did not mean it, or have not the courage to enforce it in the face of a situation created by men who violated the law with their eyes open to relieve them of the consequences of having come in conflict with the law. They are conclusively presumed to have known it.

Now, did the steamship people know that this law was passed and know what these quotas were? The percentage plan, involving the 3 per cent, was discussed on the floor of this House nearly six months ago. It was published in the RECORD. It was published in the committee hearings. The Commissioner General of Immigration stated that he had told them in advance what it was. The fact is, they watched your doings carefully.

They have a well-equipped organization here, and they know more about what is being done with regard to immigration legislation here than any Member of this House, and it is a pitiful thing for us and the executive departments to say now that because the steamship companies did not know what the law was we will not enforce it against them.

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. WYANT. What number of people will be affected by this proposed law?

Mr. BOX. There are some thousands of them, I will say; something like 10,000 people, but I greatly fear this is the beginning of a more serious weakening of the law. In the generosity of the relief we are granting the steamship companies and aliens violating this law and expecting to violate it we do not stop with admitting those who started before the law went into effect or immediately after the law went into effect, but we have jumped ahead five days and said everybody who started June 8 or before that time shall be admitted. The Secretary of State, representing the dignity and majesty of the law of the United States, on being inquired of by a foreign power, told them before the law went into effect—told the ambassador of Italy—that if they brought more than the number stated they would not be admitted.

Look at the hearings. If anybody is to crawfish on that statement of Secretary Hughes, it will not be this member of the Committee on Immigration and Naturalization.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. JOHNSON of Washington. Would it not be fair to state that the Department of State urges legislation of this kind, and admits that the quotas were sent out at the very last moment, and says further that the quotas could not be distributed among the steamship companies that make it a business of transporting these people?

Mr. BOX. I can not yield further, much as I would like to favor the genial gentleman from Washington. The Secretary of State did not so advise the committee. I understood he desired it, but I do not understand why. I know that the Commissioner General of Immigration testified that Secretary Hughes wired the Italian ambassador before this law went into effect—he was told before the 1st of June—that the numbers which the steamship companies then proposed to bring could not be admitted. In defiance of that statement by the Secretary of State they came. They either did not wait to get the answer or they came after receiving it. In either case they knew that they were violating our law. If he now wants them admitted, his attitude is a distinct disappointment to me.

Mr. GRAHAM of Illinois rose.

Mr. CANNON. Mr. Speaker, will the gentleman allow me to ask him a question in good faith?

Mr. BOX. Yes.

Mr. CANNON. Did the immigrants know?

Mr. BOX. I think they did; as well as the poor creatures can ever know.

Mr. CANNON. If they were——

Mr. BOX. The gentleman will pardon me for seeming to be impolite. My time is limited. The gentleman knows my great respect for him. The steamship companies admitted to Commissioner General Husband that they knew it, and that they placed it before the immigrants.

Mr. CANNON. If they were taken back now, would it be competent for them to come again? Are they otherwise qualified to be admitted?

Mr. BOX. They would have to be examined, if the gentleman please, to determine whether they would otherwise be qualified for admission.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield now?

Mr. BOX. I yield to the gentleman.

Mr. GRAHAM of Illinois. I am interested in what the gentleman says. What serious effect will come to the country if these people are charged to the next year's quota, in general results now?

Mr. BOX. The primary thing is the fact that the people who have been violators of our immigration laws as far back as the history of our immigration laws goes have, with the law before them, defied it; and if absolutely nothing else were involved, after the United States said "We want and will admit so many people coming in a certain way and in certain numbers," stating that if they do not comply with the law they will be excluded, I would demand that they accommodate themselves to the law. It should not now be retroactively made to accommodate their profit-seeking purposes; such action compromises national self-respect. We are now saying, "If they appear they shall be admitted." Again, I greatly fear that this is the beginning of a weak and cowering attitude on our part and on the part of those who are expected to enforce the law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker and gentlemen of the House, I had a part in the writing of the minority report, signed by me, the gentleman from California [Mr. RAKER], and the gentleman from Alabama [Mr. RAINEY], which I incorporate as a part of my remarks herein.

The act of Congress preventing the admission during any one year of immigrants from any country numbering more than 3 per cent of the people of that country within the United States passed the House on the 22d day of April, 1921, and passed the Senate with some minor amendments on the 3d day of May, 1921. The conference report was agreed to by the House and Senate on the 13th day of May, 1921; the President approved it May 19, 1921, upon which the portions providing for administrative arrangements went into immediate effect. By its own unconditional terms it went into full effect 15 days after its approval. All of its provisions became effective June 3, 1921.

It has been disregarded by aliens and by steamship companies, most of which are owned by Europeans. Friction and inconvenience has resulted to those who violated the law. It is now proposed that for the convenience and profit of those who created this situation the United States repeal a part of a law regularly and deliberately enacted.

This situation and the proposition based upon it rests upon one or more of the following hypotheses:

1. That the act of both branches of the present Congress, approved by the President, is such a bungle that at the suggestion of corporate interests and alien peoples whose action concerning us it was designed to regulate, but who have disregarded it, we must now rectify the blunder; or

2. That there has been some such blunder or default by those charged with carrying out the provisions of the law as to make the enforcement of its provisions as intended and written futile and inequitable or inhumanely harsh; or

3. That corporate interests, chiefly alien, and alien peoples affected have contemptuously disregarded our law, and the executive and legislative branches of the Government now propose to weaken and accommodate the law to the convenience and profit-seeking purposes of those who held it in such light regard that they neglected or willfully ignored it.

As to the clumsy and bungling character of the law, it is our judgment that it should not be admitted to be unworkable. Indeed, we believe that good faith, firmness, and diligent effort will enable the United States to enforce its will as expressed in this law.

This measure for its impairment by modification is not entitled to favor on the theory as to the second hypothesis mentioned above—that because of some dereliction of our administrative officers charged with the performance of the duties of computing and publishing the quotas to be admitted from various regions. The Secretary of State, the Secretary of Commerce, and the Secretary of Labor computed and published the quotas of all regions before June 3, when the law went into full effect.

The quotas of the various nationalities were published as follows:
Northwestern European countries: Danzig, Finland, and Africa—May 28.
Southern and eastern European countries: Australia and New Zealand—June 1.
Other countries—June 2.

The record suggests not the slightest dereliction on the part of those charged with the duty of computing and publishing the quotas, as required by the act.

We think the foregoing shows that this situation and the proposition based on it does not result from fatal vices in the law, nor from any default on the part of those who were to compute and publish the quotas. This leaves us no basis on which to account for this situation and for this proposition to change the law for the benefit of those who have already come in conflict with it now before the House, other than the fact that the steamship companies and the immigrants now to be relieved are alone responsible for a situation created by them in disregard of our law, with full knowledge of the consequences

in their possession, or properly imputable to them, and that it is now proposed by this resolution that we compromise the majesty and dignity of the law for the profit and convenience of those who acted in contempt of our Government.

This measure is for the benefit of two groups—the steamship companies and the immigrants they have brought. The steamship lines are in the main foreign ones; they are associated together, and continuously maintain representatives, secret and known, in Washington for the purpose of influencing legislation, including, of course, knowledge of what is proposed and done. They are usually, if not always, present at the meetings of your Committee on Immigration and Naturalization. Frequently their reporters take down the proceedings of the committee, including the words of its members, to be reported to their foreign masters. We have no doubt they watch the Senate committee as closely. They watch the proceedings in the House and probably in the Senate. The representatives of some of the individual lines have been vigorously, continuously, and persistently opposing this legislation. They appeared before the Senate committee last winter, when the measures then involved in it were pending in the Sixty-sixth Congress. Hon. W. W. Husband, now Commissioner General of Immigration, appeared before the Senate committee during those hearings and testified, inserting tables, showing an approximation of the quotas of many countries, including Italy. His testimony, with these tables, was published in the hearings and newspapers, then, along with the testimony of the many representatives of the steamship lines appearing in opposition to it. We are perfectly safe in saying that no person connected with either branch of Congress or with the executive branch of the Government had more minute, accurate, or earlier information as to every phase of immigration legislation or administration than they had.

To set aside our law now on the pretense that they did not know all of the restrictions which it imposed upon them is a self-abasing, hypocritical pretense, wholly inconsistent with truth or a proper appreciation of the dignity and honor of our Government.

We are advised that the Italian Government has protested to our Government against the enforcement of the law as to this particular lot of immigrants, and against the entire act, but we are not advised as to the exact grounds of the protest.

The Government of Italy during last winter advised our Government that it had discontinued the issuance of passports to persons intending to emigrate to the United States until it could learn what kind of immigrants we desired. This advice was communicated by the Department of State to the chairmen of both the House and Senate committees dealing with the subject, as was doubtless anticipated, but it did not stop these committees nor Congress in their purpose to enact restrictive legislation. We have discovered no evidence that Italy did in fact discontinue the issuance of such passports, but we have discovered evidence that Italy and some other European countries are anxious to get rid of some of the less productive and less desirable portions of their population.

Very soon after the President approved the act of the present session, on May 19, and before June 1, and also before the sailing of the Italian vessels now asking for relief, the Italian ambassador communicated with Mr. Secretary Hughes on this subject, using substantially the following language:

> We have in Italian ports ready booked, berths assigned, and everything prepared to sail approximately 11,000 steerage passengers and about 1,000 others.
>
> The Secretary, of course, told them that they could not. (Testimony, Commissioner General Husband, Hearings, p. 86.)

But they either did not wait for the answer or sailed after receiving it. In either event, they evidently relied upon a weakness of the United States Government which would enable them to defy its laws and the statement of its State Department.

The resolution now before the House indicates that their appraisal of our strength was correct.

The other beneficiaries of this measure will be the immigrants themselves. If they know that, their numbers will be in excess of the June quota fixed under the law? We know that their Government knew it and that the steamship lines did, but it is less certain that individuals among the emigrants did. What shall we do, then?

First, we must remember the rule that we apply to our own people, "Ignorance of the law excuses no one." Why should foreign steamship lines and aliens of whom other countries are trying to get rid have the benefit of an exemption from this sound and necessary rule?

We can come as near showing that they knew this fact as we can of showing that excess arrivals of the future will know it.

Upon the hearings on this resolution the chairman of the House committee said:

> The CHAIRMAN. That these quotas, under the 3 per cent plan for the fiscal year, were printed at various times in the record and elsewhere from December until March. (Hearings, p. 82.)

Commissioner General Husband testified on the same point as follows:

> Mr. HUSBAND. * * * Let me illustrate by taking the two countries most affected—Italy and Poland. The tentative statement of the probable quota under the law was published, I think, in March, on the 3 per cent basis. It has been repeated in debates in Congress and appears in the CONGRESSIONAL RECORD, I think, in several places, and in the hearings of the Senate committee. (Hearings, p. 82.)

Both of these statements were fully warranted. In addition, all the world affected by the act was charged with knowledge that it was approved by the President May 19, and in force after June 2. The Governments of Europe, including those affected, knew it. The correspondence between the Italian Government and Secretary Hughes proves that that Government knew it, and that it was in touch with the steamship lines, and knew how many emigrants they were bringing, and that they were in excess of the number admissible. The steamship companies knew it, and admitted that they told the emigrants. Commissioner General Husband testified before the committee that the steamship people admitted to him that they had presented this very matter to the emigrants themselves.

Their knowledge was probably indistinct and confused, but just as clear as is the knowledge of those who have been continuously embarking since June 3, and of those who will continuously embark hereafter. A few of them will know distinctly what they are doing; many will know it dimly, as these did; but they will continue to come, bringing a mixture of ignorance and contempt, and finding that they can trample upon the law at the threshold, will have an increased disposition to say, "Damn the United States!" which these latter-day immigrants have often been heard to say when slightly crossed in their desire to rush into our abundance, regardless of our feeble restraints.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes of my time to the gentleman from Kansas [Mr. WHITE].

The SPEAKER pro tempore. The gentleman from Kansas is recognized for five minutes.

Mr. WHITE of Kansas. Mr. Speaker and gentlemen, even if we should admit the indictment brought against the steamship companies by the gentleman from Texas [Mr. BOX], and if he had made it stronger than he made it, it would not relieve this emergency. Let me say to the gentleman from Texas and to the Members of this House that there is no purpose in the minds of the committee, and there is no purpose in the departments charged with the administration of this law, that one jot or one tittle shall pass from the law, but that all shall be fulfilled. The passage of this bill marks a new policy in American Government and administration. The day has passed when we can sing as we did 50 years ago—

> Come along, come along, make no delay;
> Come from every nation, come from every way,
> Our lands are broad enough,
> So don't you be alarmed,
> For Uncle Sam is rich enough
> To give us all a farm.
> But not so now.

The public domain is gone. A wicked and vicious philosophy has taken possession of the minds of many of the people of the Old World, and if there ever was a time when we should safeguard the civilization of America and the spirit of Americanism that time is to-day. [Applause.] Gentlemen, it was expected that there would be difficulties in the administration of our new law. The only wonder is that they have not been greater. Let me call attention, if I have the time, to a paragraph in the minority report. In the second paragraph they say:

> That there has been some such blunder or default by those charged with carrying out the provisions of the law as to make the enforcement of its provisions as intended and written futile and inequitable, or inhumanely harsh.

Gentlemen, the man who opposes this resolution votes to make the administration of this law inhumanely harsh and inequitable.

Mr. BOX. Will the gentleman yield?

Mr. WHITE of Kansas. I can not yield. I call the attention of gentlemen to the fact that the numbers arriving here in excess of the quotas are to be charged to the quotas of the different countries for next year. The views of the minority make no mention of this fact. I say to you gentlemen that the only purpose of this resolution is to relieve a distressing emergency, and not, as the minority has stated, to relieve from responsibility any steamship company. Gentlemen have not considered the difficulties in the way of administering this law or of disseminating this information. The gentlemen of the minority admit in their report in discussing this proposition that the depart-

ments have done their full duty. I quote again from that report:

> The record suggests not the slightest dereliction on the part of those charged with the duty of computing and publishing the quotas, as required by the act.

Gentlemen, it is not reasonable, it is not human, it is not fair to hold these poor people responsible who seek our country for the liberality of its laws and for the opportunities which it presents. I am not in the least surprised that there should have been some friction and that there should have been much difficulty in the administration of this law in the beginning, when it marks for the first time in the history of this great Republic a new policy of government for which the people of America have been clamorously insistent. [Applause.]

Mr. JOHNSON of Washington. I yield two minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, the question is whether you are going to hold absolutely to the letter of the law or whether you are going to observe the spirit of it; whether you are going to insist upon your pound of flesh, or whether you are going to have mercy on these few people, not exceeding 7,000 in number, who have come to this land of promise. Whether you are going to disappoint them and turn them back because of no fault of their own, but because somebody raises the question whether the steamship companies have observed the letter of the law. Perhaps this affects my district more than any other in the United States, my district or those immediately near by. I have had letters from fathers and mothers and from sisters and brothers and sons and daughters asking me to aid in the passage of this emergency legislation, which will allow families to be reunited a few months earlier than they would be otherwise. It does not increase by one poor soul the number who will be admitted to this country eventually, but it does give them just a few days more to enjoy the privileges they are entitled to under this law a little later. It will save relatives, many of them our citizens, expense, annoyance, worry, and disappointment. It will give freedom to a few thousand immigrants who must remain in detention camps or take a long, tedious ocean journey with its attendant discomforts. I prefer to help these people out of their difficulties rather than to appeal to your prejudices or punish the steamship companies for a situation which may or may not be due to their negligence. Surely you can not hold the immigrant is at fault, and it is the women and children who are to be punished and who will suffer if you refuse this relief.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. UNDERHILL. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. If the steamship companies next month should violate the law just as they have in this case, with full knowledge, as the record shows, and bring immigrants here contrary to the provisions of the law, would the gentleman be willing to suspend the law in that case and let the others in?

Mr. UNDERHILL. I think that is a contingency which will not arise. If it should, I would be willing, and I think the committee would be able to handle the situation without prejudice.

Mr. JOHNSON of Washington. Let me answer that. The bill allowed 20 per cent maximum for July, but for June there was no maximum.

Mr. JOHNSON of Mississippi. The hearings show that these people had full knowledge.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of Washington. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has eight minutes.

Mr. JOHNSON of Washington. I yield four minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I suppose I have as consistent a record for restricting immigration as any Member of the House or any member of the Immigration Committee. I see no reason myself why the passage of this resolution in its present form will break down or destroy the present immigration law. It does not add a single immigrant to the number that may come to this country under the law, and it does not increase the number from any country, and there is not anything in the hearings, in my judgment, that will fix the responsibility for this overplus of immigrants for June on anyone. Of course, the law may be in some respects defective. I rather think there was an oversight in arranging the quota that could come in for June. In the month of July, for instance, 71,000 may come, and for the month of June, the way the law is written, only 27,000. So I think it most natural that immigrants seeking to come to this country, knowing this restrictive law was likely to be passed, would crowd the ships so that the first month would find the greatest rush. I do not know, the steamship companies may be at fault, but there is little proof of that. I think the Department of Labor published the regulations as early as possible. Some of these immigrants had sailed before the regulation was published.

Mr. CRISP. Will the gentleman yield?

Mr. WILSON. Yes.

Mr. CRISP. From what country have most of these immigrants come?

Mr. WILSON. Most of them from Italy. The quota that can come in June from that country is a little over 3,000, and the quota that could come in July will be something over 8,000. So if this law had been written so as to make each month equal, we would not have had this trouble. I see no reason why we should increase the burdens of these people, since the effect here is the same.

Mr. JOHNSON of Mississippi. Where do the most of the immigrants come from?

Mr. WILSON. The greater portion from Italy. Some from Portugal, some from Poland, but there is not anything in the testimony anywhere that fixes the responsibility for this surplus for June on these people. It is true that the ships could go back, or they could back out into the ocean and wait until the 1st of July and then float in, but it would probably be better to admit these now who are anxious to come, are already here, and who sailed before the law was passed, than to send them back and let others take their place. The same number will be admitted if we pass this bill or if we do not.

Mr. BLANTON. Will the gentleman yield?

Mr. WILSON. Yes.

Mr. BLANTON. Is it not true that most of the Italians do not go to the farms?

Mr. WILSON. Just as many will go to the farms out of these immigrants as those who would come in July or any other month. We have passed a law which admits 388,000 to come here while the law is in operation, and this resolution does not increase that number. It is simply a business, humane proposition.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

Mr. RAKER. Mr. Speaker and gentlemen of the House, the unfortunate thing on behalf of the committee is that we were denied the opportunity before the committee to present the facts relative to the information on the part of the steamship companies and to the immigrants. Ten million aliens trying to come to the United States to-day, and from the latest report 5,000,000 of unemployed laborers in the United States to-day! There are soup houses, bread lines, unemployed, and then the wail and sympathy for those who have deliberately and contemptuously violated the act of May 19, 1921, as the hearings show. The testimony shows that the Italian Government, through its ambassador, early in May appeared at the department and was advised that its excess of quota could not land. The steamship companies were notified every day and every hour of the day from Washington just how the legislation and matters affected by it stood; every steamship company that was sailing from the ports of New York and Boston and foreign ports was notified; and there is no denial of that fact. On the 2d of June, as the Commissioner of Immigration testified, these ships were racing across the ocean to see who could land his ship and unload their cargo of humanity first. And on the 4th, 5th, 6th, 7th, 8th, and 9th these companies were sending their ships loaded from Italian and other ports to land their cargo four and five days after the act became effective. That is the testimony before the committee. The testimony shows that way back in December these ship companies appeared before the Immigration Committee of the Senate, and thereafter had knowledge of this law, and every day from that time on they had the information. The Commissioner of Immigration appeared before the committee on the 10th of this month, saying that they had a cablegram on the 9th saying that about a thousand had been embarked at Palermo to come over here. They wanted to make it on the 9th, but finally the committee made it on the 8th, when the parties could enter if they sailed at any time before the 8th of June, 1921.

Those that were riding on the high seas with the knowledge of the steamship company, and the individuals themselves, over 10,000 of them, embarked and started for this country in defiance of your law and rules and regulations, and now gentlemen come in here with a sympathetic plea that these people be admitted to the United States under the conditions that now exist. I call the attention of Members on the Republican side

of this House to another fact: That sympathetic plea is all imagination. Why not be frank and fair? On the 10th of this month an order was made landing these people, and they are all landed now. They are not upon the ships. The Commissioner General of Immigration testified before the committee that under the law he had authority to land them, and that he was going to land them, and that they were being landed, and to-day they are landed, and held under a temporary order.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CRISP. If this law is not passed, will not the steamship companies be compelled to transport these people back to the countries from which they sailed?

Mr. RAKER. Yes. The record shows that these people have landed, and the steamship companies have to pay for guards at the rate of $4 a day, and they have to pay for their maintenance and upkeep, and that is the crux of this resolution. Otherwise they would have to be sent back. There is where the emergency exists. The Commissioner of Immigration, under the act of 1917, has admitted these people, and under this condition, under bonds of their own recognizance, he is holding them, and on the 1st day of July, if they are otherwise admissible, they will be admitted before the others that come in July, 1921. So there is no question of sympathy, but it is simply a question of dollars and cents of the steamship company that has deliberately defied the laws of this country. [Applause.]

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes. I yield to the gentleman.

Mr. MADDEN. If these people are admitted, does the gentleman concede that they will be charged against the percentage of the nationality to which they belong?

Mr. RAKER. I think so, yes; but I will tell the gentleman this, as the commissioner said before the committee—and we did not have time to get it all. On the 15th of July if the quota will be filled, every quota that they have, and across the ocean from Palermo and every other port, there will be coming 10,000 more to land on the 20th of July, and those people will come here with their representatives, pleading on the ground of humanity that they be permitted to enter, when as a matter of fact they have knowledge and notice, and they will be here at the time for that purpose, and again on the 1st of August and the 15th of August these steamship companies who have defied this law and this Congress, when they knew the facts, will again have filled their quotas, and they will again by the 10th or the 15th of the month send another 5,000 or 10,000 to land in our ports, to come down here pleading that they be let in, when it is purely and entirely from the record here, a plea of the steamship companies. If you pass this bill their expense—that is, the expense to the steamship companies—will be wiped out. They know what the law is and they say, "We can go to Congress when we want to." If we refuse to pass this law, the steamship companies will pay for the retention of these immigrants at these various stations where they are now being cared for in the proper way, having all the light and heat and clothing and provisions to which they are entitled, and upon the 1st day of July, if they are otherwise admissible, and the order has already been made landing those who have applied—temporarily to be returned—they will be permitted to land before the others that are now on the high seas, racing over here to try to land on the 2d day of July.

That is the situation, and I think the American people ought to at once and for all time settle their own right to pass laws that shall not be broken down by an appeal for sympathy on behalf of foreigners, who know the law, and encouraged by the steamship companies who get pay for bringing them here. I do not know how many, but many of these people the moment they come here are ready to destroy the very Government that they claim they want to live under. With your own house not in order, clear your own conscience first of these five millions who are out of employment, and correct the other conditions that confront us before you spend your sympathy on what are called immigrants, when, as a mater of fact, the steamship companies all knew of the situation. I want to treat these people right, but they should not defy our laws and come when they know they can not be admitted.

Here W. W. Husband, Commissioner General of Immigration, stated before the committee hearings, pages 81–82:

Mr. WILSON. Mr. Commissioner, the public press carries a statement that the Secretary of Labor has authority, under the immigration law, to handle this excess and to temporarily admit all immigrants producing the excess. Now, I read from the New York World of Friday, June 10, the following statement:

"The Secretary of Labor, Mr. Henning said,"—Mr. Henning is the Assistant Secretary, is he not?

Mr. HUSBAND. Yes.

Mr. WILSON. "Has power under the law to admit 'otherwise inadmissible' aliens under such conditions as he sees fit, but it has been used only in emergencies. Crowded conditions on ships on which the immigrants are being held in New York and Boston, Mr. Henning said, have created such an emergency."

Do you know, as a matter of fact, whether the Department of Labor has reached the conclusion that it may admit this excess of immigrants, amounting to between 6,000 and 8,000, under the provisions of the immigration law, as indicated by that statement?

Mr. HUSBAND. I think the Assistant Secretary, and perhaps the Secretary also, have reached the conclusion that they have the power to admit these aliens temporarily under the ninth proviso of section 3.

Mr. WILSON. Of the immigration law?

Mr. HUSBAND. Of the immigration law; yes, sir.

Mr. WILSON. Do you know if they purpose to carry out that conclusion by admitting them?

Mr. HUSBAND. If that is the purpose?

Mr. WILSON. Yes.

Mr. HUSBAND. That has not been determined, as I understand it. I talked with Mr. Henning after I left the State Department and my attention was called to this newspaper statement—you mentioned it, Mr. Chairman—I talked to Mr. Henning about it, and he said that it was not his intention or purpose to admit all who were here or to admit all who were now on the way; that if it was shown that they—the steamship companies, I presume he meant—did not know that the law had gone into effect, and had not had sufficient notice of the quotas available, that he would be inclined to admit the immigrants coming under those circumstances, but, on the contrary, if it was shown that they did have knowledge of the enactment of the law and, presumably, of the quotas allotted, he would not admit them.

Mr. WILSON. Well, has the department taken any steps to find out if these steamship companies did have knowledge of the ones sailing since the quotas were promulgated?

Mr. HUSBAND. Not to my knowledge, beyond the fact that they have asked me what I knew about it, which is not very definite, my knowledge on the subject.

Let me illustrate by taking the two countries most affected, Italy and Poland. The tentative statement of the probable quota under the law was published, I think, in March, on the 3 per cent basis. It has been repeated in debates in Congress, and appears in the CONGRESSIONAL RECORD, I think, in several places, and in the hearings of the Senate committee.

The CHAIRMAN. Earlier than March; in January, was it not?

Mr. HUSBAND. Possibly so, but anyhow in March.

Mr. WILSON. What was that? I did not understand that.

The CHAIRMAN. That these quotas, under the 3 per cent plan for the fiscal year, were printed at various times in the RECORD and elsewhere, from December until March.

Mr. HUSBAND. And since that time, in the public press. It was obvious that under the percentage law the quota of Italy would be changed only very slightly. It was obvious that it would be changed by a portion of the quota which in these published papers was assigned to Austria, for the reason that certain Austrian territory had been transferred to Italy as the result of the war. But they were officially notified of that by the department, or by the knowledge which was simply common knowledge, and I think they must have known that the law was going to be enacted at a very early date. I think the surprise was that it was not enacted at an earlier date than it was, and so, had they cared to do so, they had ample opportunity to make their plans to keep within the Italian quota, but they apparently elected not to do so. I have no doubt that some of these ships that came into the ports on the third of the month, started out with the intention of getting in on the second, if possible. Others have sailed since that time with an excess of the quota.

Now, the other example is Poland. The quota of Poland was in doubt until June 2, when it was finally published by the Secretary of Labor, at the direction of the three Secretaries who prepared it. I know that Poland expected a very much larger quota than they received. I saw one estimate from a Polish source of more than 58,000 who would be accredited to Poland. They have a few over 20,000 instead of the 58,000. If they went on the assumption that they were to have an annual quota of 58,000 during the year, I see quite well that is what the June quota would have been, but they counted as a part of Polish territory certain provinces or governments of Russia which the State Department does not consider to be a part of Poland.

Mr. BOX. And they did that counting, knowing your board was the one to do the computing?

Mr. HUSBAND. Yes; but I say that if in making plans ahead two, three, or four weeks, as they were obliged to, they probably appealed, or might have appealed, to the best possible source of information, that source of information very probably would have suggested to them that the quota would have been 58,000 for the year, instead of 20,000.

Again, hearings, pages 83–84, 85:

Mr. RAKER. Just this, Mr. Chairman. Mr. Husband, with east Galicia and Poland proper, it would only make 25,000 anyhow.

Mr. HUSBAND. It would only make 25,000; 58,000 could only be arrived at by adding a considerable part of western Russia.

The CHAIRMAN. Now, let me interrupt to say that I was just in touch with the Assistant Secretary of Labor, Mr. Henning, by telephone, and he states, in response to inquiry as to the correctness of this and other interviews, that the newspapers have given his statement a little different twist from what he actually said; that he said that he thought he might have authority to admit some of these. That clears that up. Further, Mr. Henning has agreed to come up as quickly as he can get away down there. He is tied up for half an hour.

Now, I want to ask Commissioner General Husband if the resolution which is before the committee, No. 153, which reads, "That aliens of any nationality who are brought to the United States on vessels which departed from foreign ports on or before June 8, 1921, destined for the United States, and who apply in the month of June, 1921, for admission to the United States, may, if otherwise admissible, be admitted to the United States, although the limit prescribed by section 5 of the act entitled 'An act to limit the immigration of aliens into the United States,' approved May 19, 1921, may have been reached before such application for admission," would not be broken down if we undertake to consider a vessel which sailed, according to the report which is presented, on the 9th, and if we considered that date to include that date, if we then would not have, by the time we got this resolution on the floor of the House, to lift the date of the 10th to read the 11th?

Mr. HUSBAND. I think not, Mr. Chairman. That vessel which sailed on the 9th will arrive probably between the 21st and the 29th, and if they were obliged to wait until after the 1st of July it would not be a

serious matter. The only other vessel reported as bringing immigrants is one which leaves—I will not say when it leaves, but it is due to arrive here on the 28th of June. That clearly could wait for three days, until the 1st of July.

Mr. FREE. Do you not think it would be a mighty salutary lesson to some of these steamship companies to have some regard for the United States laws if we refused to help them in this situation and made them take these people back?

Mr. HUSBAND. Yes; I do, Mr. Congressman, if it would work out that way, but it is a situation which I think should be looked at from a practical viewpoint, and for several reasons it would be practically impossible to accomplish that.

Take our own service. Supposing there were 6,000 in excess, or 6,000 who might be in excess. Perhaps 10 per cent of those would be admitted under the exceptions to the law. A thousand might be admitted. That would leave 5,000. That means that 5,000 individuals have the right to an examination under the immigration law, and if an inspector examines them, and, in his opinion, they are not entitled to land, it is his duty to refer the list to a board of special inquiry consisting of three persons. The board of special inquiry would have to hear each case formally and make its recommendation, which would be to exclude. An appeal lies in the case to the Secretary of Labor, and the chances are that every one of those 5,000 cases would be appealed to the Secretary of Labor, and with the legitimate work, the normal work that is coming along, I doubt if those 5,000 cases could be handled before September or possibly October.

Mr. FREE. What would happen to these people in the meantime, Mr. Husband?

Mr. HUSBAND. In the meantime—I will speak of that phase—if they are once examined by an immigration inspector and held, they are detained immigrants. They must be held, fed at the expense of the steamship company, and otherwise cared for by the Immigration Service under the law. The detention quarters at Ellis Island will accommodate 2,000. Those will be in use with the ordinary traffic which comes through most of the time during the summer. That is about the only detention place they have that could begin to take care of them, and there is no place to detain them.

Mr. FREE. Outside of that, the food is taken care of by the steamship company?

Mr. HUSBAND. They are fed at the expense of the steamship company.

Mr. FREE. Then the expense to this Government would be sort of policing them?

Mr. HUSBAND. Policing and guarding, and furnishing them with a place to eat and a place to sleep.

Again, on page 86 of hearings:

Mr. FREE. As I understand, Mr. Husband, your information is that these steamship companies did admit they knew of the passage of this act, and their only excuse is that they were not satisfied as to what the quotas would be.

The CHAIRMAN. Not fully informed, you mean, instead of satisfied?

Mr. HUSBAND. Not fully informed. I am inclined to think that they possibly thought this way, "We know nothing about this law until we are officially informed; we know nothing about the quota until we are officially informed what the quota will be, consequently we will go ahead with our business in the ordinary way." I can not see any other reason for it.

Mr. CABLE. Did the Government take specific steps to notify these steamship companies, except what they learned from the CONGRESSIONAL RECORD and the newspapers? Did they send out telegrams, or write any letters, or have you not any records at all of notification?

Mr. HUSBAND. The only records in the case—I think it was on the day of Justice White's funeral. Now, if we can fix that date——

Mr. BOX. That was prior to June 1.

Mr. HUSBAND. It was prior to June 1. It was soon after May 19, I think. I was out of the office, and Mr. Claude Bennett, who represents the steamship companies here, or his bureau of information represents them, came to the office with a telegram which included a telegram which the steamship lines had sent to me, the lines bringing immigrants from Italy. Because it was a holiday I did not receive the telegram that day, but Mr. Bennett brought in a copy of it. I did the best I could in figuring out the probable quota for June. I could not do it officially at all, because the population basis had not been published at that time, but I did tell him what the minimum number would be. It was somewhere about 3,000.

Mr. BOX. Did you do that in writing, or by word?

Mr. HUSBAND. I just gave him that by word. Then on the same day the Italian ambassador sent a telegram to the Secretary, which was likewise delayed because of the holiday, to perhaps three days later. The specific question put up was this: "We have in Italian ports ready booked, berths assigned, and everything prepared to sail, approximately 11,000 steerage passengers, and about a thousand others"—anyhow, the total was approximately 12,000, and asking if they could not be admitted if they were to arrive in June. The Secretary, of course, told them that they could not.

Mr. FREE. Then they sent them anyway, did they not?

Again, on page 96 of hearings:

Mr. RAKER. But if on the 15th of July, 1921, the quota has been filled, and on the 17th a thousand arrive, we are just where we are today, are we not?

Mr. HUSBAND. Oh, yes.

Mr. RAKER. So if the steamship companies can pull this off and they have got their minds made up they can just do about what they please with Congress, because from the testimony before the committee, which appears from the publication, their agents had absolute notice of this, and not only that but the companies abroad; is not that right, Mr. Husband?

Mr. HUSBAND. I think that applies to the Italian quotas, as I said before. I can see no excuse for bringing in a great number of Italians from Italy in excess of the quota. In the case of Poland—I think you were here when I explained the situation there?

Mr. RAKER. Yes; I heard your explanation.

Mr. HUSBAND. I can see how, with the lack of knowledge as to what the quota was going to be, they would take what they considered to be the best available information on the subject, and arrange their business accordingly.

Mr. RAKER. What I am getting at is this. I am getting down now to the steamship companies and their agents. It would hardly be conceivable that any of these steamship companies did not know when this bill passed the House, when it passed the Senate, when the conference report was adopted by the House, when it was adopted by the Senate, when it went to the President, when it was signed, and when it became a law, and then they had 15 days after it was signed before it became effective.

Mr. HUSBAND. Yes.

Mr. RAKER. There is not any possibility of doubt but what they all knew it, is there?

Mr. HUSBAND. Well, they knew that, they knew the law, and in some of the countries they knew, or might have known, the quota, and very probably did know the quota. But in the case of Poland, Greece, Rumania, Hungary, Austria, and Russia, it would have been practically impossible for anyone to have told them.

Mr. RAKER. They got the quota?

Mr. HUSBAND. They got the quota; yes.

Mr. RAKER. What I am getting at is this: When they started, say, on the 3d, 4th, 5th, or 6th of June, the steamship companies, or their agents, clearly knew that there was a limitation, and they would have to comply with it?

Mr. HUSBAND. Yes.

Again, on pages 97, 98, and 99:

Mr. RAKER. Right in that connection, that brings up a question suggested this morning, that under the immigration law they can be fined for trying to bring immigrants in that are not admissible, and they can be compelled to provide for them while they are being held and before they are disposed of.

Mr. HUSBAND. Yes.

Mr. RAKER. In section 4 of this act of May 19, 1921, it provides:

"That the provisions of this act are in addition to and not in substitution for the provisions of the immigration laws."

Is it your view that the penalties and provisions relative to steamship companies, providing for the care and maintenance of the immigrants before they are admitted and until they are admitted, and the penalties also provided after the immigrants are admitted to land, are applicable if they violate the provisions of this act of May 19, 1921?

Mr. HUSBAND. Yes; I think, Judge RAKER, that it is certainly very clear that all ordinary expenses that are provided for in the law of 1917 are applicable to this, except the matter of fines for bringing them here. Those are more specific in the law, a fine of $25 for this class of case, $200 for another class of case, and that fine would not be applicable in this. That is my understanding, is it not yours, that it would not be applicable to those who are brought in in excess of the quota?

Mr. RAKER. In section 8 of the immigration law it is provided as follows:

"That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, * * * any alien not duly admitted by an immigrant inspector"—

shall be subject to a fine.

Mr. HUSBAND. Yes. That is for illegal landings; that is not for bringing them to a port. That is one class of fine for illegal landing. The other class of fine is for bringing to a port certain inadmissible classes.

Mr. RAKER. Well, let us get it clear. The steamship companies bringing to the port of New York immigrants that are not admissible under the law would not be subject to the penalties provided in the immigration act?

Mr. HUSBAND. I am not absolutely clear on that. I believe that all of the fines for bringing to a port in the United States are for specific classes. There is no general fine for bringing in inadmissible immigrants. If they attempt a landing without examination, then the section that you have read applies.

Mr. RAKER. What do you mean, Mr. Husband, that a steamship company can bring to the United States and land in the port of New York, or offer to have landed, 2,000 immigrants, all of whom can not be admitted because this law would not admit them, by reason of the quota having been exhausted, without a penalty being attached to it at all?

Mr. HUSBAND. I think they can, Judge RAKER.

Mr. FREE. They do not get them landed, Judge.

Mr. RAKER. I know.

Mr. HUSBAND. I think no provision was put in here for penalizing steamship companies for bringing an excess quota.

Mr. RAKER. Then they could with impunity start on the 2d, 3d, 4th, or 9th of June, and run the risk of getting the people landed, without being subject to any penalty?

Mr. HUSBAND. I think so.

Mr. FREE. Except that they would have to feed them if we refused to give this relief?

Mr. RAKER. I want to get the penalty. So the steamship companies can just work ad libitum and run the risk of landing?

Mr. FREE. What they have done in this instance.

Mr. RAKER. I want the record to show this fact. Some of us thought there was a penalty.

The CHAIRMAN. No; there is no penalty put in the act. Now, let us get it very clear. In the latter part of section 9 of the old law it says:

"It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, or who is excluded by the terms of section 3 of this act as a native of that portion of the continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded, etc."

Mr. SABATH. All fines apply to nonadmissible aliens.

The CHAIRMAN. Then it says:

"*Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section 3 hereof exempted from the excluding provisions of said section."

Mr. RAKER. I wanted the commissioner, before he goes, to give an answer on section 8.

Mr. SABATH. He has given a definite answer.

Mr. RAKER. I want to know if a steamship brings to the port of New York immigrants who can not be admitted under this act because the quota has been exhausted, goes to the wharf and has those immigrants landed on the wharf, with the purpose of having them admitted, is not guilty under the provisions of section 8 of the immigration act.

Mr. HUSBAND. I think, Judge RAKER, that it would be necessary to specify in the act the penalties imposed by section 8 of the immigration law would apply in this case, because they seem to be in section 8 applicable to excluded classes mentioned in section 3 of the law.

Mr. RAKER. I will read the section again:

"That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, * * * any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or reside within the United States under the terms of this act, shall be deemed guilty of a misdemeanor."

Mr. HUSBAND. Well, that is a penalty for illegal landing of an immigrant, but landing in that sense means admission to the United States and being free to go wherever you choose.

Mr. KLECZKA. Judge RAKER, how could these companies know that the limit is exhausted until they land at our ports? That is the practical side. That is something that is physically impossible to determine in the last days of the expiring months until they come here, and unless they are going to have a clearing house through this Trans-Atlantic Association, or in some other way, there will be a repetition of this very condition every month.

Mr. RAKER. That is the point I am trying to get at, to see whether this law is defective, and will allow the steamship companies to continue the method they have started now of openly, boldly, and continuously, irrespective of the law that has been debated now in all Congresses for years, there being no criminal penalty, or none sufficient to penalize them, bringing these people over here and expect, the moment they get into port, that every organization and sympathetic fellow among the nationalities of these people will immediately appeal to Congress and their Representatives for the poor unfortunates.

Hon. E. J. Henning, Assistant Secretary of Labor, before the Committee on Immigration and Naturalization, page 101 of hearings:

Mr. HENNING. Mr. Chairman, I do not know what you have been covering in your discussion. I take it you have been discussing the provisions of that proposed resolution. Of course, we in our office are bombarded by the evidence of the suffering and difficulties of these people on the ships in the ports, and their prayers for relief, and it is evident that unless they are unloaded there will be a whole lot of suffering. People will be born on board ship if they are kept there for two or three weeks, or sent back, and then carried back again so as to get back on the 1st of July. They are congested and crowded on these ships unduly, and no one can tell what may be the result of some epidemic breaking out among the passengers, and what may happen to the poor victims of the greed and avarice of the steamship companies. Quoting Grover Cleveland, we are confronted by a condition, not a theory.

I take Mr. RAKER'S view somewhat, that the ship companies can be fined. I think from a hop, skip, and jump reading of that part of the law, which I do not deal with, that they can be fined when they bring an alien whom they know to be inadmissible, but you have got to bring to their knowledge that they knew when they started with him that he was inadmissible, and our boards make the findings when they have that sort of a case. We further find that this condition could have been known before the alien started, and that is the basis for the fine we impose on the steamship companies.

Mr. RAKER. Would there not be a little bit of evidence that they knew, if there are already landed 3,000 more than the quota provides, and if there are on the road 10,303?

Mr. HENNING. Of course, I take it you are a judge, and, after all, that becomes a question for a court ultimately, if we go to the limit, and just what the proof may be that can be adduced I do not know. It would be pretty hard to bring it home to them that they actually knew.

I notice that Congressman KLECZKA suggests that this condition will be repeated from month to month. I think there is this to be said in that regard: A great many people had the idea when this bill was passed, and people connected with the Immigration Department, who studied it closely, I assume, that in June you could bring 20 per cent of the yearly quota. Why that should have gotten out I do not know. There were men in my own office that had that idea, that the June quota would be the full 20 per cent quota. I do not doubt that the steamship companies probably knew better, but that would be a very resourceful defense.

Again, pages 105, 106, and 107:

Mr. RAKER. The astounding thing that has appeared before the committee this morning, to my mind, is what the Assistant Secretary has just given us a little while ago—that the Italian ambassador or the Polish ambassador were interested to find out how many of their people could come to this country. I understood all the time that those Governments were not inclined to have their nationals come to the United States.

The CHAIRMAN. That is the Italian Government only?

Mr. HENNING. No; the Polish—it was the Polish, not the Italians, I was speaking of. Of course, there is some condition there that would explain that. I think perhaps you understand that Poland proper does not issue passports; at least, they are not granted to Poles. They are the Jewish residents of Poland who get passports, and it is more or less a race question, and Poland is trying to eliminate certain races from Poland.

The CHAIRMAN. I did not mean penalize in the legal sense. What I want to get at is that some ship undertakes to keep faith with the 3 per cent we have fixed and its virtue is its own reward. A ship that did not bring immigrants, knowing it would be beyond the quota, is a victim if we pass this legislation here about June 8. Now, then, if we should make 20 per cent apply for all June, any ship that has sailed or will sail can bring its immigrants up to 20 per cent, the same as they might do in July. Is not that the practical way of looking at this thing?

Mr. HENNING. When you talk about ships not taking cargo, I do not think there is a ship in a European port that is not being loaded.

The CHAIRMAN. With immigrants?

Mr. HENNING. Yes, sir. I do not think they are losing any time. It will take them nearly to the 1st of July to bring them here. There are only 20 days to the 1st of July, and they figure it will take them that to get across.

The CHAIRMAN. I am getting at the fairest way to do it, if we may do it. It must be clear to you that several of these ships undertook to treat these immigrants as common merchandise and beat this law.

Mr. HENNING. Certainly.

The CHAIRMAN. Just the same as so much cargo of wool.

Mr. HENNING. The immigrant, as an innocent bystander, gets the worst of it.

Mr. BOX. The press carried quite a number of statements about how the department would have to deal with this. What is the idea of the department in dealing with them?

Mr. HENNING. Of course, the newspaper boys must have news stories. What I said was that in my judgment it could be handled under the emergency provision of the immigration law, which gives the Secretary of Labor power to land temporarily otherwise inadmissible aliens. He could admit those that are admissible under bond under the provisions of the immigration law, accept the percentage limitations temporarily for 30 days, or until the 1st of July or the 1st of August, and then by a blanket order admit them at that time and it would count against the quota of that month.

Mr. KLECZKA. In other words, Mr. Henning, you think that by an order they could be admitted under bond?

Mr. HENNING. Yes; the same as we admit individuals under bond who are otherwise inadmissible temporarily, and, as you will see, the regulation made in pursuance of that section contemplates an extraordinary situation—an emergency situation. It is a safety valve on the law of 1917, which provides for the temporary landing under bond on such regulations as may be provided for otherwise inadmissible aliens temporarily.

Mr. BOX. And you think that provision could be applied to this situation?

Mr. HENNING. I think it is a real emergency. I mean where the ships are in port and there is this situation. We are really up against a serious thing in several instances. I think it would be justifiable to consider that action.

Mr. BOX. Mr. Secretary, what would you do with that provision where they were just temporarily admitted, to be returned within a fixed time? Are those people coming here to be returned?

Mr. HENNING. Yes; and the order would be to be returned August 1.

Mr. BOX. You mean that they should be returned actually?

Mr. HENNING. No. But whenever that order is made, as, for example, take the case of trachoma—an eye disease—hospital treatment is permitted; and sometimes, instead of returning, they are admitted temporarily, to be returned, and in six or seven months, whatever the term is. At the end of that time a reexamination is permitted, and the alien who is then no longer under that disability is passed.

Mr. BOX. In that case you actually intend if a man does not get well to return him. In that case you intend to admit him if he gets well.

Mr. HENNING. Intend to return him if we find we can not admit him under the 3 per cent law. If we can admit him under the 3 per cent law, I think it is entirely within the clause of that law which was made to meet an emergency that involved great hardships.

Mr. RAKER. I will ask a question that involves that and following up what you have stated so clearly. Is it not your view as a practical proposition that the department should use its power as far as it can relieve the situation, if the emergency now exists, and that before the committee amends or attempts to amend the present existing act of May 19, 1921, that we should go on further and find out just how far and to what extent the violation of the law by the steamship companies was, so that we may know where we stand rather than throw up our hands to start with?

Mr. HENNING. Of course, that is a matter of policy.

Mr. RAKER. Is not that a pretty good policy?

Mr. HENNING. Sounds good to me.

The CHAIRMAN. That is the whole thing. I am sorry that I was not in at the moment he explained that. I remember the law, and I think Judge Wilson is familiar with the efforts to write it under Judge Burnett, that that particular provision was intended for an emergency coming down to individuals. It was not intended to be a blanket.

Mr. WILSON. Is this your clause of section 3, where it says that the Commissioner General of Immigration, under the direction of the Secretary of Labor, shall issue rules and prescribe conditions, including the exaction of such bond as may be necessary for the control and regulation of the admission and return of otherwise inadmissible aliens applying for temporary admission?

Mr. HENNING. Yes, sir.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, on Monday, June 6, and on Friday, June 10, I proceeded to Ellis Island for the purpose of seeing what the status of affairs was there. I found hundreds of women and children who had arrived and who could not be landed on account of the fact that the act of May 19, 1921, which we passed here provided that only twenty-seven three hundred and sixty-fifths out of the 3 per cent could land in the month of June. When the Johnson bill was up on the floor of the House we provided 60 days' time in which to put the law into effect, but when this law was passed we provided 15 days of time, with the result that it has caused more suffering than the human mind can possibly conceive.

Mr. Speaker, the gentleman from California [Mr. RAKER], who has just taken his seat, told us that 10,000,000 were on their way here or desirous of coming over. Why did he tell this

House only a few weeks ago when the 3 per cent bill was under consideration that only 356,000 immigrants could come in one year if he believes the statements he made to-day. The truth of the matter is that the resolution which we are considering now does not permit a single additional immigrant more to enter than is provided in the act of May 19, 1921. All it does is to permit the entry of those who were on the high seas before June 8, and then provides that they shall be counted as part of the quota for the fiscal year commencing on July 1, 1921. When I was over at Ellis Island there were eight arrivals from Luxemburg, all mentally, morally, and physically fit to enter. The quota for June was seven, and so the question arose as to whether seven out of the eight were to be picked by lot in order to know who was to be permitted to land. The Secretary wisely determined to take advantage of the 1917 immigration act and admit one under bond.

Much is constantly said here about the immigrants coming from Italy. They always have done the real rough, hard work of the laborers to their own credit and to the benefit of our country. In the war they showed the real metal they were made up of. They fought and died for America as gallantly as did the native born. If some of the harping critics of Italy would learn something of her art, paintings, literature, and opera they would respect the men of Italy who come here to do their level best to help build up this country. The sooner we look at the kind of service men are giving the Republic and not at the place of their nativity, the quicker will we appreciate the good qualities which are to be found in the average individual.

Mr. Speaker, in April there was some discussion here as to what was being done in New York in our public schools, and an extract which appeared in Warsaw was read here, reading as follows:

Warsaw: Extracts from articles appearing in the press of Warsaw show that propaganda favoring unrestricted immigration is contemplated. According to these articles, this spring great celebrations will take place in New York with a view to showing in what measure immigrants took part in the general development of the country. A great exhibition will be opened in which different races will take part. The exhibition will attempt to prove that America has profited more from the immigrant than the immigrant from America.

Knowing there was no truth in the statements so contained and given wide publicity, I wrote to Dr. Ettinger, superintendent of New York's public schools, and this is what he answered:

BOARD OF EDUCATION, THE CITY OF NEW YORK,
OFFICE OF THE SUPERINTENDENT OF SCHOOLS,
April 27, 1921.

Hon. ISAAC SIEGEL,
The House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I am returning herewith marked copy of report of the Committee on Immigration and Naturalization.

I am also sending you a copy of my circular to all members of the teaching and supervising staff with reference to the celebration known as America's Making. I have marked several passages in this circular for ready reference. I think you will agree with me that it is a complete answer to the vicious statements contained in the articles appearing in the press of Warsaw.

Very respectfully, yours,
W. L. ETTINGER,
Superintendent of Schools.

The extracts to which he refers in his letter are as follows:

1. Resolution: The board of education "desires and directs that, under direction of the superintendent of schools, the pupils, the teachers, and the supervising staff contribute to the best of their ability that the enterprise, America's Making, may achieve its commendable and patriotic purpose."

2. Purpose: America's Making is a festival and exhibit celebrating the contributions of immigrant races to the development of this Republic from the earliest times to the present. It aims to impress the great idea of American unity and the broad meaning of the national motto "E pluribus unum." It designs to teach the later immigrant, as well as all people, his respectable share in our material and civic prosperity, to remove unbecoming condescension of earlier toward later immigrants, and to dislodge new immigrants' consciousness of such condescension. It aims to promote the civic equality proclaimed in the original document of our Nation, the Declaration, and emphasized by leading Americans from 1776 to 1921. It intends an increase in the spirit of brotherhood and good will; an abatement of racial animosities aroused by the World War. It proposes a closer relation between public education and the large problems of citizenship. It plans to promote a more perfect American Union, an increase in the blessings of peace, of prosperity, and of the general welfare.

7. Auspices: The celebration, promoted by the State and city departments of education, has the indorsement of the governor, the mayor, and a large committee of citizens. The managing committee, with offices at 7 West Sixteenth Street, is officered by Franklin K. Lane, honorary president; John H. Finley, president; W. L. Ettinger, vice president; Mrs. H. Edward Dreier, secretary; H. D. Walbridge, treasurer; John Daniels, general director. The office telephone is Chelsea 4594.

38. Only the American flag used: It has been agreed by the adult societies participating in the armory festival that no national flag other than the American will be displayed. This places no limit upon the national costumes used. Please observe this agreement in the school celebrations.

39. Salute to the flag: I recommend that the flag salute be made an impressive feature of each performance, and especially with the large masses of participants sent to the armory.

42. Good Americanism: Every program should surely impress the ideals of the best Americanism: Equality, brotherhood, mutual respect, tolerance, team play, unselfishness, public spirit, etc. The proponents of "America's making" request us to remember that what America has done for the immigrant has been stressed so much that what valuable gifts the immigrant has brought America is to be made prominent in this festival.

43. Education of the community to an understanding of school service: This occasion offers an opportunity too valuable to be slighted for impressing upon our public the value and variety of the service rendered by schools. Especially the school's recognition of the value of all children and its welcome to them and its democracy for them should be illustrated.

56. Interesting to parents: I am sure experience has taught you that the schools are the nation's most potent influence upon the homes of the people. As I have frequently reminded you, the children can be made treasure bearers of a generous enthusiasm for the best in American life. Let me urge upon you to encourage the children to tell frequently at home what they are doing in this project and why, also to enlist the cooperation of the parents in answering the question, What worth-while things have the different races contributed to America's making?

Mr. Speaker, one should be careful in what he says here in debate, because the day the remarks are carried in the press they are read very frequently by readers who may never see the refutation. This House by its action to-day is placing itself on record as being prepared to rectify its errors whenever made, and those who vote against this resolution do so because they refuse to see the light and to answer humanity's call.

Mr. JOHNSON of Washington. I hope the House membership will look at this proposition fairly. The measure is meritorious and it is necessary. I doubt if I have heard any short speech in my eight years' service here which contained as many imaginative statements as the one delivered by the gentleman from California [Mr. RAKER] who just preceded me. He described a situation with which this resolution has nothing to do. This bill does not admit a single solitary one of the great numbers of alien people tending this way. We passed the 3 per cent bill to halt them. We do not reopen the gates. We correct a situation without disturbing the totals.

We still believe in restriction. We want more restriction, or, rather, both control and restriction, of all immigration. We have a right to do all we can to make the 3 per cent bill as workable as possible with the least friction, cutting out this unnecessary hardship to 6,000 or 8,000 aliens who are caught in the June rush. We admit them and deduct the numbers from future quotas.

Some one asked from whence they came. The principal excess is from Italy. Others come from countries where the quotas were very small. Albania and Czechoslovakia, which have small annual quotas, sent small excess in June. Eight aliens arrived from Luxemburg. The quota for June was 7, and no one could say who should be the odd person to be sent back. And there are Portugal, Rumania, eastern Asia, and perhaps one or two other countries with small excess of quotas for June. The whole total that will come in as the June excess will be about 8,000, and they will be counted in the quotas of the new fiscal year but not in the month of July. You will find an amendment added to this bill by the committee which provides that the 20 per cent maximum is properly retained, so that the 20 per cent will mean 20 per cent less the June overflow admitted by this resolution. The number of aliens to be admitted in the full year is 355,000, and no more. The steamship companies have not made any special appeal for this bill; the big appeal comes from many Congressmen and is requested by the Secretary of State and the Secretary of Labor. The latter, it is true, has taken advantage of a clause in the previous law and has set ashore women and little children, expectant mothers and sick people, and the like of that, and numerous others, all under bond.

To pass this act saves the United States the expense of examining every one of these people at some future time with a view to deporting them. This act will avoid unnecessary hardship, it will save the Government money, it will relieve the Bureau of Immigration, and it will not upset the 3 per cent restriction by so much as a single Polish boy or one Italian baby.

I might add a little information gained since the hearings were closed. The steamship lines are making a real effort to keep within the quotas. They have cabled all agents to refuse tickets to aliens who apply in other than their native countries. That is causing migrating aliens to bank up in some ports which are assembly places for mixed travel, but there are no tickets for them, because the steamships in order to be sure that quotas are not exceeded in the future must prorate the business. There are reasons, and good reasons, for this bill; there are good reasons for the steps taken by Secretary Davis, but these reasons will not apply on August 1 or September 1.

And, Mr. Speaker, when the fiscal year is up—a year from this 30th of June—there will be no banking up, for unless we pass

some substitute for the present temporary 3 per cent restriction measure the bars will be down and aliens will be flowing in from all central Europe, as they would be now, not a few thousand per month but 70,000, 80,000, or 100,000, no matter whether times here happened to be good or bad. We did well to order the restriction; we do well to correct the flaw caused by the June quota having no flexibility; we will do well to start work at once on a permanent, selective, and restrictive bill, with Uncle Sam's original inquiry on the other side of the water.

Mr. Speaker, no man of my generation has worked harder for restriction of immigration. I have been at it for 20 years, a dozen years before I was honored with election to Congress. We have got something. We have restricted immigration heavily. We have established the fact, Mr. Speaker, that the United States is no longer the asylum for all the rest of the world. The dumping-ground game is played out. The melting pot is going to have a chance to fuse the material now on hand. We have gone far for the future good of the United States, I feel sure. For the part I have taken in securing these restrictions I have been derided and lampooned in many newspapers and in certain high-brow magazines. I have been called the "champion alien hater." The deportations of Emma Goldman, Alexander Berkman, and others, which deportations I urged, have been called "banishments." I have even been called a "Jew baiter," and all that. I know I am none of these things. I have neither malice nor hatred for any race, any people, any person; but, Mr. Speaker, when I discover something in our immigration laws as we progress with them that need correction, I hope I may always have the courage to come before the Congress with a request for legislation to make the correction. And Congress will grant relief, I think. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired. The question is on the motion of the gentleman from Washington [Mr. JOHNSON] to suspend the rules and pass the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. RAKER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 101, noes 43.

Mr. RAKER. Mr. Speaker, the record shows there is not a quorum present, and I object to the vote on that ground, and make the point of no quorum.

The SPEAKER pro tempore. The gentleman objects to the vote on the ground that there is no quorum present. There is no quorum present. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. As many as are in favor of suspending the rules and passing the resolution will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 189, nays 71, answered "present" 1, not voting 169, as follows:

YEAS—189.

Ackerman	Echols	Jones, Pa.	Morgan
Anderson	Elliott	Kearns	Morin
Andrews	Ellis	Keller	Mott
Arentz	Fairchild	Kelly, Pa.	Mudd
Aswell	Fairfield	Kendall	Nelson, A. P.
Atkeson	Favrot	Ketcham	Nelson, J. M.
Barbour	Fenn	Kinkaid	Nolan
Beck	Fess	Kirkpatrick	Norton
Beedy	Fish	Kissel	Ogden
Begg	Fisher	Kleczka	Olpp
Benham	Fitzgerald	Kline, Pa.	Parker, N. J.
Bird	Focht	Knutson.	Patterson, Mo.
Bixler	Frear	Kopp	Patterson, N. J.
Black	Free	Kraus	Porter
Bland, Va.	French	Lawrence	Radcliffe
Brooks, Ill.	Fuller	Lazaro	Rainey, Ill.
Brooks, Pa.	Gahn	Lea, Calif.	Ramseyer
Burke	Gernerd	Leatherwood	Ransley
Burtness	Gilbert	Lineberger	Rhodes
Burton	Glynn	Little	Roach
Cable	Goodykoontz	Logan	Robertson
Campbell, Kans.	Graham, Ill.	London	Rogers
Campbell, Pa.	Green, Iowa	Luce	Rose
Cannon	Greene, Mass.	McArthur	Sanders, Ind.
Chandler, N. Y.	Greene, Vt.	McFadden	Sandlin
Christoperson	Hadley	McLaughlin, Mich.	Schall
Clague	Hardy, Colo.	McLaughlin, Nebr.	Scott, Mich.
Clarke, N. Y.	Hardy, Tex.	MacGregor	Shaw
Cole	Haugen	Madden	Shelton
Colton	Hawes	Magee	Shreve
Cooper, Ohio	Herrick	Maloney	Siegel
Cooper, Wis.	Hersey	Mapes	Sinclair
Cramton	Hickey	Martin	Sinnott
Crowther	Hill	Michener	Speaks
Curry	Himes	Miller	Stafford
Dale	Hoch	Mills	Steenerson
Dallinger	Huddleston	Millspaugh	Strong, Kans.
Darrow	Hukriede	Mondell	Summers, Wash.
Davis, Minn.	James, Mich.	Montague	Sweet
Dowell	Jefferis	Montoya	Swing
Dunbar	Johnson, Ky.	Moore, Ohio	Taylor, Tenn.
Dupré	Johnson, Wash.	Moores, Ind.	Temple
Thompson	Walsh	White, Me.	Wyant
Tinkham	Walters	Williamson	Young
Towner	Ward, N. C.	Wilson	Zihlman
Underhill	Watson	Winslow	
Voigt	Webster	Woodruff	
Volstead	White, Kans.	Woods, Va.	

NAYS—71.

Almon	Doughton	Lankford	Robsion
Bankhead	Drane	Larsen, Ga.	Sanders, Tex.
Barkley	Drewry	Lee, Ga.	Scott, Tenn.
Bell	Driver	Lowrey	Sisson
Blanton	Flood	Lyon	Smithwick
Bowling	Foster	McSwain	Steagall
Box	Fulmer	Oldfield	Stevenson
Brand	Garner	Oliver	Sumners, Tex.
Briggs	Garrett, Tenn.	Park, Ga.	Swank
Brown, Tenn.	Garrett, Tex.	Parks, Ark.	Taylor, Ark.
Bulwinkle	Hammer	Parrish	Tillman
Byrnes, S. C.	Hayden	Quin	Tyson
Byrns, Tenn.	Humphreys	Rainey, Ala.	Upshaw
Clouse	Jacoway	Raker	Vinson
Collins	Johnson, Miss.	Rankin	Weaver
Crisp	Jones, Tex.	Rayburn	Wingo
Davis, Tenn.	Kincheloe	Reece	Wright
Dominick	Lanham	Ricketts	

ANSWERED "PRESENT"—1.

Collier

NOT VOTING—169.

Ansorge	Fields	Lehlbach	Rossdale
Anthony	Fordney	Linthicum	Rouse
Appleby	Freeman	Longworth	Rucker
Bacharach	Frothingham	Lufkin	Ryan
Blakeney	Funk	Luhring	Sabath
Bland, Ind.	Gallivan	McClintic	Sanders, N. Y.
Boies	Gensman	McCormick	Sears
Bond	Goldsborough	McDuffie	Slemp
Bowers	Good	McKenzie	Smith
Brennan	Gorman	McLaughlin, Pa.	Snell
Brinson	Gould	McPherson	Snyder
Britten	Graham, Pa.	Mann	Sproul
Browne, Wis.	Griest	Mansfield	Stedman
Buchanan	Griffin	Mead	Stephens
Burdick	Harrison	Merritt	Stiness
Burroughs	Hawley	Michaelson	Stoll
Butler	Hays	Moore, Ill.	Strong, Pa.
Cantrill	Hicks	Moore, Va.	Sullivan
Carew	Hogan	Murphy	Tague
Carter	Houghton	Newton, Minn.	Taylor, Colo.
Chalmers	Hudspeth	Newton, Mo.	Taylor, N. J.
Chandler, Okla.	Hull	O'Brien	Ten Eyck
Chindblom	Husted	O'Connor	Thomas
Clark, Fla.	Hutchinson	Osborne	Tilson
Classon	Ireland	Overstreet	Timberlake
Cockran	James, Va.	Padgett	Tincher
Codd	Johnson, S. Dak.	Paige	Treadway
Connally, Tex.	Kahn	Parker, N. Y.	Vaile
Connell	Kelley, Mich.	Perkins	Vare
Connolly, Pa.	Kennedy	Perlman	Vestal
Copley	Kiess	Peters	Volk
Coughlin	Kindred	Petersen	Ward, N. Y.
Cullen	King	Pou	Wason
Deal	Kitchin	Pringey	Wheeler
Dempsey	Kline, N. Y.	Purnell	Williams
Denison	Knight	Reavis	Wise
Dickinson	Kreider	Reber	Wood, Ind.
Dunn	Kunz	Reed, N. Y.	Woodyard
Dyer	Lampert	Reed, W. Va.	Wurzbach
Edmonds	Langley	Riddick	Yates
Elston	Larson, Minn.	Riordan	
Evans	Layton	Rodenberg	
Faust	Lee, N. Y.	Rosenbloom	

So, two-thirds having voted in the affirmative, the rules were suspended and the joint resolution was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. COLLIER with Mr. TREADWAY.

Mr. WOODYARD with Mr. POU.

Mr. BACHARACH with Mr. STEDMAN.

Mr. TAYLOR of New Jersey with Mr. TEN EYCK.

Mr. CONNELL with Mr. HARRISON.

Mr. ROSSDALE with Mr. THOMAS.

Mr. CONNOLLY of Pennsylvania with Mr. BRINSON.

Mr. BUTLER with Mr. DEAL.

Mr. DUNN with Mr. LINTHICUM.

Mr. FAUST with Mr. MOORE of Virginia.

Mr. COLLIER. Mr. Speaker, I have a standing pair with the gentleman from Massachusetts, Mr. TREADWAY. I voted "no." I wish to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

Mr. MALONEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks upon the resolution. Is there objection?

Mr. GARNER. Reserving the right to object, is it the gentleman's own remarks?

Mr. MALONEY. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I make the same request.

Mr. JOHNSON of Mississippi. And I make the same request.

The SPEAKER pro tempore. The gentleman from Washington and the gentleman from Mississippi make the same request. Is there objection?

Mr. GARNER. Unless it is confined to their own remarks, I shall object.

Mr. JOHNSON of Washington. These are extensions of remarks made this afternoon; extensions and revisions.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DENISON, for three days, on account of important official business;

To Mr. ROSENBLOOM (at the request of Mr. GOODYKOONTZ), for four days, on account of official business;

To Mr. FROTHINGHAM, on account of death in his family; and

To Mr. SUMNERS of Texas, for 10 days, on account of official business.

ORDER OF BUSINESS.

Mr. MONDELL rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. To submit a unanimous-consent request. I ask unanimous consent that after the conclusion of business in order to-morrow it may be in order to take up bills unobjected to on the Unanimous Consent Calendar and to consider them.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that at the close of the business in order to-morrow it may be in order to take up business on the Unanimous Consent Calendar that is not objected to.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COOPER of Wisconsin. Does the request of the gentleman from Wyoming include bills which went over to-day?

The SPEAKER pro tempore. The Chair so understands the request.

Mr. COOPER of Wisconsin. The bills are to be called up day after to-morrow again?

Mr. MONDELL. I will modify my request—to begin at the point where we left off consideration to-day.

The SPEAKER pro tempore. The gentleman from Wyoming modifies his request and asks that at the close of the business in order to-morrow it may be in order to take up bills on the Unanimous Consent Calander that are unobjected to, beginning at the point in the Unanimous Consent Calendar where we left off to-day. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I should like to ask the gentleman from Wyoming if this will clear the way so that it will expedite the consideration of the tariff bill?

Mr. MONDELL. Well, Mr. Speaker, we expect to be so busy in the consideration of the tariff bill in the very near future that it is rather important that these minor bills of some consequence to some gentlemen on both sides should be disposed of before the tariff bill reaches us.

Mr. GARRETT of Tennessee. Well, Mr. Speaker, the minority, of course, never desire to interfere with the program as arranged by the majority, which is responsible, but I want to state to the gentleman from Wyoming that there is growing up from this side a very great anxiety to take a look at that tariff bill.

Mr. MONDELL. Well, I will state to the gentleman that that is natural, as some one suggests, and there is a disposition on this side to be curious, at least, and interested. We realize, however, that the majority of the Committee on Ways and Means are working very diligently, very constantly, very earnestly, and we hope and trust very wisely and intelligently, in preparing the bill for our consideration.

Mr. GARRETT of Tennessee. Well, Mr. Speaker, I know the gentleman from Wyoming is very modest and does not mean to hold out a hope that possibly he may not be able to live up to; but proceeding on the assumption that this is to clear the way for the tariff bill, and also on the assumption that only unanimous-consent bills will be in order and no suspensions, I think there will be no objection.

Mr. GARNER. Mr. Speaker, I do not desire to object, but——

Mr. MONDELL. I thought the gentleman from Tennessee [Mr. GARRETT] had asked all the questions there were. [Laughter.]

Mr. GARNER. What does the gentleman mean by "the near future"?

Mr. MONDELL. That depends somewhat upon the gentleman who interprets that term.

Mr. GARNER. I want the gentleman from Wyoming to interpret that term of "the near future."

Mr. MONDELL. Out in my country when the Indians want to refer to something that is quite near they say "mee-teet-se." If it is a little farther away they say "mee-teet-se," and if it is very far away it is "mee-teet-se," with a somewhat different intonation. [Laughter.]

Mr. GARNER. Can the gentleman interpret that as the near future? How many days?

Mr. MONDELL. I said promptly and without hesitation "in the near future."

Mr. GARNER. But let me get the gentleman down to some exact information for the House.

Mr. MONDELL. It will be about the first of the month.

Mr. GARNER. About how many days does the gentleman think it will be?

Mr. MONDELL. About the first of the month.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 21, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

170. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Starlings Creek, Va., and channel to and connecting said creek with Pocomoke Sound; to the Committee on Rivers and Harbors.

171. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou Tigre, La.; to the Committee on Rivers and Harbors.

172. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Tensas River, La. (H. Doc. No. 95); to the Committee on Rivers and Harbors and ordered to be printed.

173. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou Chene, La.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. A. P. NELSON, from the Committee on Banking and Currency, to which was referred the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, reported the same with an amendment, accompanied by a report (No. 196), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 7251) to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Mississippi: A bill (H. R. 7252) to prohibit female persons in the District of Columbia from smoking cigarettes in any public place and to prohibit owners of public places from permitting female persons to smoke on premises controlled by said owners or lessees, and prescribing penalties therefor; to the Committee on the District of Columbia.

By Mr. ROACH: A bill (H. R. 7253) granting the consent of Congress to Old Trail's Bridge Co. to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

Mr. WARD of North Carolina. A bill (H. R. 7254) to purchase a site and erect a post office building at Hertford, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. FISH: A bill (H. R. 7255) authorizing the bestowal upon the unknown unidentified American to be buried in the Memorial Amphitheater of the National Cemetery at Arlington, Va., the congressional medal of honor and the distinguished service cross; to the Committee on Military Affairs.

By Mr. TINCHER: A bill (H. R. 7256) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed and for other purposes; to the Committee on Agriculture.

By Mr. KALANIANAOLE: A bill (H. R. 7257) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish a Hawaiian homes commission, and for other purposes; to the Committee on the Territories.

By Mr. KRAUS: A bill (H. R. 7258) to provide for the acquisition of additional land for the enlargement of the public building site at Marion, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 7259) to amend an act approved October 22, 1919, entitled "An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes"; to the Committee on Irrigation of Arid Lands.

By Mr. REAVIS: A bill (H. R. 7260) to amend section 12, paragraph 2, of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 7261) to provide a preliminary survey of Columbia River between the mouth of Lewis River and Martins Bluff, Wash., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. BRIGGS: A bill (H. R. 7262) to authorize aids to navigation in Galveston Harbor, Tex., and adjacent waters, and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 7263) to establish rates of pay for enlisted men of the insular force of the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 7264) providing for the transfer to the Regular Navy of certain chaplains of the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. ROSENBLOOM: A bill (H. R. 7265) further to amend section 1318, Revised Statutes; to the Committee on Military Affairs.

By Mr. KALANIANAOLE: Joint resolution (H. J. Res. 158) providing an emergency remedy for the acute labor shortage in the Territory of Hawaii; to the Committee on Immigration and Naturalization.

By Mr. UPSHAW: Joint resolution (H. J. Res. 159) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McFADDEN: Resolution (H. Res. 122) for the immediate consideration of Senate bill 1837, amending the Federal farm loan act; to the Committee on Rules.

By Mr. KAHN: Resolution (H. Res. 123) directing the Secretary of State to furnish the House certain information; to the Committee on Foreign Affairs.

By Mr. RAKER: Memorial of the Legislature of the State of California, relative to immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of the State of California, relative to tariff on olives; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, relative to the protection of the almond industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 7266) granting a pension to Walter Barbo; to the Committee on Pensions.

By Mr. BULWINKLE: A bill (H. R. 7267) granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar; to the Committee on Foreign Affairs.

By Mr. DAVIS of Minnesota: A bill (H. R. 7268) authorizing the Secretary of War to donate to the city of Lakeville, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DUNBAR: A bill (H. R. 7269) granting a pension to Flora Victoria Lowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7270) granting a pension to Spencer Woods; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 7271) granting a pension to Mathilde Eck; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 7272) for the relief of Monroe B. Shealy; to the Committee on Claims.

By Mr. FUNK: A bill (H. R. 7273) granting three months' pay proper to Thomas J. Larison; to the Committee on War Claims.

By Mr. GENSMAN: A bill (H. R. 7274) granting a pension to Peter F. Fleming; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 7275) for the relief of the legal representatives of Owen Thorne, deceased; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 7276) authorizing the Secretary of War to donate to the town of Covington, State of Pennsylvania, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 7277) granting a pension to Margret Huckleberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7278) granting a pension to Anna D. Clinch; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 7279) granting a pension to Mallie C. Fikes; to the Committee on Pensions.

By Mr. OGDEN: A bill (H. R. 7280) granting a pension to Hester Weston; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 7281) granting a pension to Mary F. Grady; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 7282) granting an increase of pension to Hannah Bailey; to the Committee on Invalid Pensions.

By Miss ROBERTSON (by request): A bill (H. R. 7283) for the relief of Daniel D. Stocton; to the Committee on Military Affairs.

By Mr. ROBSION: A bill (H. R. 7284) granting a pension to Winnie Runyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7285) granting a pension to Maude Woods; to the Committee on Pensions.

Also, a bill (H. R. 7286) granting a pension to Katherine Moore; to the Committee on Pensions.

By Mr. ROGERS: A bill (H. R. 7287) granting a pension to Emelie Caron; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7288) granting a pension to Sinia A. Collins; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 7289) granting a pension to Henry Horton; to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 7290) to confirm private land claim of widow and heirs of Joseph Etier; to the Committee on the Public Lands.

By Mr. WINGO: A bill (H. R. 7291) granting a pension to Mary C. Reeves; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 7292) for the relief of Samuel Bittner; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1435. By the SPEAKER (by request): Petition of Catherine M. McMeel and 1,079 others of the United States, urging the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1436. Also (by request), resolution of the Gunpowder monthly meeting of the Religious Society of Friends, Baltimore monthly meeting of Friends, Park Avenue, Baltimore, and the Baltimore quarterly meeting of Friends, urging a conference of the leading nations to discuss disarmament; to the Committee on Foreign Affairs.

1437. Also (by request), petition of the American Federation of Labor, through Samuel Gompers, opposing House bill 6754; to the Committee on the Merchant Marine and Fisheries.

1438. By Mr. FENN: Petition of 5,000 members of the Connecticut Woman's Christian Temperance Union, for assistance for the stricken peoples of the Near East; to the Committee on Foreign Affairs.

1439. By Mr. FROTHINGHAM: Resolution of the Methodist Episcopal Church of East Braintree, Mass., urging a conference for disarmament; to the Committee on Foreign Affairs.

1440. By Mr. FULLER: Petition of the American Association of State Highway Officials, favoring Senate bill 1072; to the Committee on Roads.

1441. Also, petition of the American Farm Bureau opposing a tariff on lumber; to the Committee on Ways and Means.

1442. Also, petition of the Presbyterian Church of Grand Ridge, Ill., favoring a conference of the nations to bring about disarmament; to the Committee on Foreign Affairs.

1443. By Mr. GOODYKOONTZ: Resolution of the Martinsburg (W. Va.) Chamber of Commerce, urging the passage of the Dowell road bill; to the Committee on Roads.

1444. By Mr. GREEN of Iowa: Petition of certain citizens of Iowa favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

1445. By Mr. HERSEY: Petition of congregation of Church of the Advent, Limestone, Me., and the congregation of St. Luke's Episcopal Church, Caribou, Me., urging limitation of armament; to the Committee on Foreign Affairs.

1446. By Mr. KAHN: Resolution adopted by San Francisco Post, No. 1, American Legion, relative to the sick and disabled World War veterans at the Palo Alto Hospital; to the Committee on Interstate and Foreign Commerce.

1447. By Mr. KIESS: Resolution adopted by the Trinity Evangelical Lutheran Church of Hughesville, Pa., favoring conference of leading nations looking to reduction of armaments; to the Committee on Foreign Affairs.

1448. By Mr. KISSEL: Petition of 99 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1449. Also, petition of Mrs. Bridget Cogen, T. Murphy, Mrs. P. W. Griffin, Mrs. Mary Maher, and F. J. Coogan, all of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1450. By Mr. LYON: Resolutions adopted by the Chamber of Commerce of Wilmington, N. C., favoring the enactment of House bill 3726, introduced by Hon. WILLIAM B. BANKHEAD, of Alabama, May 10, 1921, providing for the development of agricultural resources and establishment of rural homes through Federal and State cooperation; to the Committee on Irrigation of Arid Lands.

1451. By Mr. MALONEY: Petition of citizens of Lawrence, Mass., urging Congress to order the suspension from duty, and after substantiation of charges to direct the dishonorable discharge from service in the United States Navy of Admiral William S. Sims; to the Committee on Naval Affairs.

1452. By Mr. PARRISH: Petition of people of Seymour, Tex., urging an international conference on disarmament; to the Committee on Foreign Affairs.

1453. By Mr. RAKER: Petition of R. H. Arnold Co., of California, urging support of House bill 6678; to the Committee on Naval Affairs.

1454. Also, petition of C. A. Akin and others, of Los Angeles, Calif., urging permanent relief for the Armenians; to the Committee on Foreign Affairs.

1455. Also, petition of Pacific Aluminum Co., Fresno, Calif., urging a protective tariff on aluminum cooking utensils; to the Committee on Ways and Means.

1456. Also, petition of California State Church Federation, urging the United States to lead the way in international disarmament; to the Committee on Foreign Affairs.

1457. Also, petition of San Francisco Zone, Western Confectioners' Association, urging Federal support for relief for Pueblo, Colo.; to the Committee on Appropriations.

1458. Also, petition of H. L. Moody, of Redding, Calif., protesting against the abolition of the zone postal law or changing thereof; to the Committee on the Post Office and Post Roads.

1459. Also, letter of I. H. Morse, of San Francisco, Calif., urging the passage of the Sterling bill (S. 1253); to the Committee on Immigration and Naturalization.

1460. Also, letters from 70 citizens of northern California, indorsing the Towner-Sterling bills (H. R. 7 and S. 1252); to the Committee on Education.

1461. By Mr. SANDERS of New York: Petition of the congregation of the Methodist Episcopal Church of Pavilion, N. Y., urging the calling of a conference of the leading nations of the world for the consideration of disarmament; to the Committee on Foreign Affairs.

1462. By Mr. SHREVE: Petition of Presque Isle Commandery, No. 499, Knights of Malta, Erie, Pa., indorsing the action of Admiral Sims; to the Committee on Naval Affairs.

1463. Also, petition of Commodore Perry Council, American Association for Relief of Ireland, requesting the removal of Admiral Sims; to the Committee on Naval Affairs.

1464. By Mr. SINCLAIR: Petition of Ramsey County (N. Dak.) Sunday School Association, indorsing the Smith-Towner bill; to the Committee on Education.

1465. Also, petition of Women's Study Club and citizens of Wildrose, N. Dak., protesting against the passage of legislation granting the use of the waters of our national parks for commercial purposes; to the Committee on the Public Lands.

1466. Also, petition of Women's Nonpartisan League Club, No. 18, of Donnybrook, N. Dak., urging disarmament; to the Committee on Foreign Affairs.

1467. Also, petition of Women's Nonpartisan League Club, No. 72, of Parshall, N. Dak., urging disarmament; to the Committee on Foreign Affairs.

1468. By Mr. SNYDER: Petition of Middleville (N. Y.,) Women's Christian Temperance Union, favoring the Volstead bill for the enforcement of prohibition; to the Committee on the Judiciary.

1469. By Mr. SWING: Resolutions of Methodist White Temple Church, of Anaheim, Calif., requesting the President and the Congress of the United States to call an international conference to devise and carry out a general plan for disarmament; to the Committee on Foreign Affairs.

1470. By Mr. THOMPSON: Resolution of congregation of St. Mark's Evangelical Lutheran Church, Van Wert, Ohio, in favor of definite action of the United States toward disarmament; to the Committee on Naval Affairs.

1471. Also, petition of Myrtle A. Conant and other constituents of the county of Van Wert, Ohio, to secure permanent relief for the imperiled peoples of the Near East; to the Committee on Foreign Affairs.

1472. By Mr. WILLIAMSON: Petition of the Methodist Episcopal Church of Winner, S. Dak., urging a world conference of the nations of the world for the purpose of arranging for an immediate disarmament of nations; to the Committee on Foreign Affairs.

1473. Also, resolution of the South Dakota State Council, Knights of Columbus, indorsing the objects and work for the recognization of the republic of Ireland in its efforts to have the Government of the United States recognize the republic of Ireland, etc.; to the Committee on Foreign Affairs.

1474. By Mr. WOODYARD: Petition of the ladies of the Grand Army of the Republic, Department of West Virginia, relative to Senate bill 742, regarding pension legislation; to the Committee on Pensions.

SENATE.

TUESDAY, *June 21, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we bless Thee that Thou art so accessible, no far-away deity but near to us, so that the breathings of our souls are understood and interpreted by Thee. Mercifully direct our ways this day, and so help us to live that the record shall be acceptable in Thy sight. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the joint resolution (S. J. Res. 34) creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru.

The message also announced that the House had passed bills and joint resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 4976. An act granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio;

H. R. 5756. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for these islands," approved August 29, 1916;

H. R. 6573. An act to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes;

H. R. 6877. An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes;

H. J. Res. 112. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany; and

H. J. Res. 153. Joint resolution permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. McCUMBER. Mr. President, I wish to give notice at this time that on Thursday morning next, immediately after the close of the routine morning business, I shall ask the indulgence of the Senate to submit some remarks on the bill (S. 506) to provide adjusted compensation for veterans of the World War, and for other purposes, with the intent at that time, as clearly as I can, to call attention to the provisions of the bill and the reasons which actuated the Committee on Finance in reporting it favorably to the Senate.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented resolutions of the pastor and congregation of the Methodist Episcopal Church of Arlington, and the Hebrew congregation of Wichita, both in the State of Kansas, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Independence, Kans., praying that relief be afforded the imperiled people of the Near East, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Brooks Elevator Co., of Minneapolis, Minn., remonstrating against the enactment of legislation imposing a tariff duty on blackstrap molasses, which was referred to the Committee on Finance.

Mr. FERNALD presented a petition of sundry citizens of Gardiner, Me., praying that relief be afforded the imperiled people of the Near East, which was referred to the Committee on Foreign Relations.

Mr. KEYES presented a resolution of sundry citizens of Berlin, N. H., favoring the recognition of the republic of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Women's Auxiliary, Gordon Bissell Post, No. 4, American Legion, of Keene, N. H., favoring the enactment of legislation for the relief of disabled ex-service men, which was referred to the Committee on Finance.

Mr. ODDIE presented a resolution of the Chamber of Commerce of Reno, Nev., favoring the enactment of the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented a petition of sundry citizens of Fowler, Dewitt, and Eagle, Mich., praying for the enactment of the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry members of the First Presbyterian Church, of Northville, Mich., praying that relief be afforded the imperiled people of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Public School Defense League, of Flint, Mich., commending the recent speech of Rear Admiral William S. Sims in England in relation to conditions in Ireland and favoring free speech without reservations, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution of Edgewood Grange, No. 1970, Patrons of Husbandry, of Tiro, Ohio, opposing the so-called Ralston-Nolan bill, placing a 1 per cent Federal tax on all real estate in excess of $10,000 valuation, and also the enactment of a sales or turnover tax law, etc., which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution of the Kansas State League of Local Building and Loan Associations, of Topeka, Kans., favoring the enactment of legislation exempting domestic building and loan associations from income tax where the income derived by a member from savings in shares does not exceed $500, which was referred to the Committee on Finance.

He also presented resolutions of the pastor and congregation of the Church of the Brethren, of Sabetha; the congregation of the First Church of Brethren, of Conway; and a resolution adopted by a mass meeting of citizens at Rose Hill on June 13, 1921; all in the State of Kansas, favoring the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Independence and Ada, Kans., praying that relief be afforded the imperiled people of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Linn, Kans., remonstrating against the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of Memphis, Tenn., praying for the enactment of legislation providing for physical education, which was referred to the Committee on Education and Labor.

He also presented a resolution of sundry citizens of Greenleaf and Linn, Kans., favoring the recognition of the Irish republic, which was referred to the Committee on Foreign Relations.

Mr. McKELLAR. I ask unanimous consent to have printed in the RECORD four telegrams on the subject of the pending coal bill, including the names.

There being no objection, the telegrams, with the names, were ordered to lie on the table and to be printed in the RECORD, as follows:

NASHVILLE, TENN., *June 17, 1921.*

Hon. KENNETH McKELLAR,
United States Senate, Washington, D. C.:

For reasons with which you are familiar all coal interests in this section are naturally very much opposed to governmental regulation as expressed in the Frelinghuysen bill, No. 1807, which I understand comes up for action to-day. It is estimated that we have represented in Nashville $100,000,000 in the coal industry. I hope you can find it consistent to vote against this bill.

WM. H. LINDSEY,
President Crescent Coal Co.

—

MEMPHIS, TENN., *June 20, 1921.*

Hon. KENNETH McKELLAR,
United States Senate, Washington, D. C.:

We vigorously protest the passage of Senate bill 1806, being the so-called Frelinghuysen coal industry stabilization bill. We view with alarm the constantly menacing encroachment of the Government in essentially private industries. The public is already amply safeguarded by National and State legislation preventing combination in restraint of trade or price fixing. As your constituents we urge that you register your most vigorous protests against the passage of this law. We will always cooperate with the Government and furnish freely any information or statistics needed.

W. T. C. Berlin, C. S. Eberhart, M. S. Lemman, M. A. Whitten, J. H. Rudisill, W. J Prescott, Pettus Davis, J. J. Darragh, J. P. Ridgeway, M. W. Connelly, F. W. Billingsley, Guy S. Turner, R. G. Watkins, C. S. Page, L. S. Laws.

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KNOXVILLE, TENN., *June 21, 1921.*

Hon. KENNETH McKELLAR,
Senate Office Building, Washington, D. C.:

I am relying upon you to oppose the passage of the Frelinghuysen Senate bill 1807. Its enactment would mean chaos in the mining industry in this State, which employs approximately 8,000 persons, all of whom would be adversely affected. It is an attempt to establish Government control over private industry, the beginning of Government paternalism that will stifle initiative and become a blight upon further progress. It is an altogether unnecessary measure as well as a violation of constitutional guaranties. A large number of mines in this State are now down for lack of market; others operating at a loss. I feel sure that you are opposed to any form of Government control which would add to the cost of production and that you will oppose this measure because it is unnecessary and un-American in principle, and I believe and hope you will vigorously oppose its enactment.

L. I. COLEMAN.

—

KNOXVILLE, TENN., *June 21, 1921.*

Senator KENNETH D. McKELLAR,
Washington, D. C.:

We are relying upon you to oppose the passage of Frelinghuysen Senate bill 1807. In your State there are substantially 150 coal-mining operations with an aggregate investment of more than $15,000,000, employing substantially 10,000 persons that would be adversely affected by such a law. The measure is manifestly an attempt to establish governmental control over private industry, generally the beginning of Government paternalism that stifles initiative and is a blight upon further progress and is an altogether unnecessary measure as well as a violation of constitutional guaranties. Senator FRELINGHUYSEN evidently knows that the inexorable law of supply and demand is gradually assuming control not only of coal but all other commodities, and no doubt conceives that his bill, if enacted, will give him credit for lowering prices, which are now, wages considered, relatively lower than prewar prices. At present time 70 per cent of coal operations in your State are operating at a loss. I feel sure that you are opposed to any form of Government control which would add further to the cost of production, and that your interest in the welfare of your constituents, together with the unnecessary and un-American principle involved in this measure, will justify your vigorous opposition to its enactment.

JOHN L. BOYD.

DECLINE IN PRICE AND PURCHASING POWER OF FARM PRODUCTS.

Mr. SMITH. Mr. President, I have received from the Secretary of Agriculture a table showing the purchasing power of farm products as of the 1st of May, 1921, compared with the price and purchasing power of certain other staple articles. I wish to read just a few of these figures to the Senate before having the table printed in the RECORD.

The index price for May, 1921, is based upon its relation to the prices of May, 1913, which is the average for the five years preceding, so that the May 1, 1913, price is used as 100.

Lumber, as compared with the index price of 100, is 182. The purchasing power of farm products, the 10 leading crops, expressed in terms of lumber, is 59.3 as compared with its purchasing power based on the 5-year average.

Steel is 143, and the purchasing power of farm products, as compared May 1 with the 100 per cent basis of 1913, is 75.9.

Petroleum to-day is 194.6, as compared with the prewar price, and the purchasing power of farm products in terms of petroleum is 56.

Coal is now 220, and the purchasing power of farm products, expressed in coal, is 49.4. Anthracite is 192.7, and the purchasing power of farm products, expressed in anthracite, is 56.5.

Cotton goods, bleached sheeting, is 277.3, and cotton, raw (Texas), 79, as compared with the prewar basis of 100, and its present purchasing power is 28.4 as expressed in terms of bleached sheeting.

Shoes are 232 per cent, and hides 77 per cent, and the purchasing power of hides, expressed in terms of shoes, as is explained here in a footnote, is 33.2.

Freight rates are 180, and the purchasing power of farm products expressed in terms of freight, as compared with the prewar basis, is 60.

Railway wages are 252, and the purchasing power of farm products expressed in railway wages all included is 43.2.

Coal mines 204.4, and the purchasing power is 53 per cent.

As to all commodities except farm and food products, the purchasing power, as compared to the prewar basis, is 157, and the purchasing power of farm products is 69.4 as of date of May 1, 1921.

The Secretary then gives a list of corn, oats, wheat, barley, and so forth, running down through the whole list of things produced on the farm, and gives the five-year average before the war for the same month, the price index for the five-year average before the war as 100, and the purchasing power for the five-year average before the war as 100, and compares the purchasing power now with that situation.

We find corn on May 1 was 59 and a fraction cents per bushel, as compared with 64.7 cents per bushel, or a purchasing power of 92, before the war and now a purchasing power of 59.

Oats were 36.8 cents on May 1, the five-year average was 41 cents; the purchasing power for the five-year average before the war was 80 and the present purchasing power is 57.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH. Certainly.

Mr. McCUMBER. In order that we may understand the basis of the table, will the Senator inform us whether the retail or wholesale price of the articles is taken as the basis of the computation?

Mr. SMITH. This was sent to me by Secretary of Agriculture Wallace, and on the last page I see he refers to the wholesale price:

> The general wholesale price level of all commodities for April as given by the Bureau of Labor is 57 per cent above the 5-year average before the war. This method of calculation eliminates questions of season, for in all cases May prices are compared with May prices, etc. The purchasing power is the price index divided by the general price level of all commodities. If a farm product had a price index of 157, its purchasing power would be 100; that is, exactly the same as it was before the war.

So that the Secretary is taking the wholesale price and giving the general average, which, in place of being 157 compared with the prewar average, is 69 for all farm products.

Mr. McCUMBER. I merely desire to say to the Senator that there is such an enormous spread between wholesale prices and retail prices of the ordinary manufactured products as contradistinguished from food or farm products that the divergence would be almost double even what is given there.

Mr. SMITH. I think the Senator is well within a conservative estimate. Heaven knows this is bad enough.

I note that the purchasing power of beef cattle is 71. I note that the purchasing power of a horse raised on the farm is 43. I wish to have these tables, which have been computed by an expert, incorporated in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C.

Index of prices for May, 1921.

[Prices for May, 1913=100.]

Commodity.	Price index.	Purchasing power of farm products in terms of other commodities.
Ten leading crops and live stock combined	109.0	.....
Lumber	182.1	59.3
Steel, Bessemer billets	143.5	75.9
Petroleum, refined	194.6	56.0
Coal:		
Bituminous	220.5	49.4
Anthracite	192.7	56.5
Cotton goods, bleached sheeting	277.3	39.3
Cotton, raw (Texas)	79.0	[1]28.4
Shoes (wholesale)	232.0	46.9
Leather	144.0	78.6
Hides (country)	77.0	[2]33.2
Freight rates	180.0	60.5
Wages:		
Railway	252.0	43.2
Coal-mine (inside labor)	204.4	53.3
All commodities except farm and food products	157.0	69.4

[1] Purchasing power of raw cotton in terms of manufactured sheeting, wholesale.
[2] Purchasing power of country hides in terms of shoes, wholesale.

NOTE.—Farm price indices taken from Monthly Crop Reporter for June; for other commodities, from reports of the Bureau of Labor Statistics.

Farm prices.

[Prepared by Prof. George F. Warren, Cornell University, New York. May 26, 1921.]

	Unit.	Months.	Price latest month.	5-year average before the war for the same month.	Price index 5-year average before the war 100.	Purchasing power 5-year average before the war 100.
Corn	Bushel	May 1	$0.595	$0.647	92	59
Oats	do	do	.368	.412	89	67
Wheat	do	do	1.107	.898	123	78
Barley	do	do	.492	.649	76	48
Rye	do	do	1.053	.721	146	93
Buckwheat	do	do	1.159	.731	159	101
Flaxseed	do	do	1.257	1.763	71	45
Beans	do	Apr. 15	2.69	2.19	123	78
Broom corn	Ton	do	69.00	105.00	66	42
Cotton	Pound	May 1	.094	.126	75	48
Cotton seed	Ton	Apr. 15	17.23	22.70	76	48
Hay	do	May 1	13.08	12.23	107	68
Timothy seed	Bushel	Apr. 15	2.84	4.12	69	44
Clover seed	do	do	10.80	9.73	111	71
Cabbage	Hundredweight	do	2.03	2.04	100	64
Onions	Bushel	do	.98	1.27	77	49
Potatoes	do	May 1	.68	.695	98	62
Sweet potatoes	do	do	1.272	.978	130	83
Peanuts	Pound	Apr. 15	.035	.05	70	45
Apples	Bushel	May 1	1.422	1.223	116	74
Chickens	Pound	do	.217	.118	184	117
Eggs	Dozen	do	.202	.167	121	77
Butter	Pound	do	.386	.247	156	99
Milch cows	Head	Apr. 15	64.35	49.42	130	83
Beef cattle	Hundredweight	do	6.08	5.50	111	71
Veal calves	do	do	7.73	6.76	114	73
Sheep	do	do	5.11	5.07	101	64
Lambs	do	do	7.55	6.46	117	75
Wool	Pound	do	.179	.18	99	63
Hogs	Hundredweight	do	7.96	7.59	105	67
Horses	Head	do	100.00	146.00	68	43
Average 31 products	.....	.....	.....	.....	[1]106	67

[1] The weighted average according to amounts usually sold is practically the same (Index 110).

MAY 27, 1921.

METHODS OF COMPUTATION USED.

The latest month is for either May 1 or April 15, as indicated. The figures are from the Monthly Crop Reporter for May, 1921.

The 5-year average before the war is calculated from reports of the Bureau of Crop Estimates for the same months for five successive years ending with 1914.

The price index is the present price divided by the 5-year average before the war.

The general wholesale price level of all commodities for April as given by the Bureau of Labor is 57 per cent above the 5-year average before the war.

This method of calculation eliminates questions of season, for in all cases May prices are compared with May, etc.

The purchasing power is the price index divided by the general price level of all commodities. If a farm product had a price index of 157, its purchasing power would be 100; that is, exactly the same as it was before the war.

G. F. WARREN.

Mr. SMITH. Mr. President, while I am on my feet I wish to call the attention of the Senate to the fact that in the last three market days the price of raw cotton has declined about $10 a bale, or 2 cents a pound. I have a telegram here from the president of the American Cotton Association, Mr. J. S. Wannamaker, received this morning, indicating a condition that should attract the attention of every Senator and call for his earnest cooperation to avert what is an inevitable disaster unless some aid is given. It is needless for me to attempt to tell the Senate the importance of the cotton industry to America's welfare. Yet here is this article, upon which every nation on the globe depends for the clothing of the great masses of the people, and for its supply depends upon America, that is 50 per cent below the cost of production. Banks have extended their paper as long as they can extend it. Merchants have this year gone practically on a hand-to-mouth policy, and yet here in June is the incoming crop practically cut 50 per cent and the price of it declining to where the banks of the country, unless they get relief, will be forced into liquidation and a panic will ensue the like of which the country has never seen. We can not arbitrarily wipe out $1,000,000,000 of credit, and this is the average commercial value of the cotton crop of the South, or $1,000,000,000 of hard cash, without there being precipitated a crisis that every man would be appalled even to contemplate.

Here are our rediscounts held almost at the same level, barring one or two districts, that existed during the peak of the call for deflation. Here is our gold reserve piling up every day, now approximately 56 per cent, when only 42 per cent is required under the law. Here they are boasting of the fact that our reserves in the Federal reserve system are higher than they ever were before, the world burning up and they boasting of the fact that there is more water in the tank than ever before. What would the Senate think if the city of Washington were to catch fire, was burning up, and we called the fire department to account for the disaster, and they were to coolly admit that they had not used a hydrant, had not used any hose, and boasting that they had more water in the tank than they had ever had before?

What is our financial system for if it is not to come to the relief of distressed commerce in the situation that now confronts us, tending toward an appalling disaster? Why could not the rate of discount, based upon staple and nonperishable products of the farm, be lowered, the farm paper renewed, the time extended, and these people relieved until such time as the market may be adjusted and the normal flow of trade be resumed? It is the paramount duty of the Senate to investigate the financial situation, ascertain where the wrong is, and heroically apply the remedy. Is it possible that by the passage of the Federal reserve act we created a frankenstein that is to destroy us, or did we create the Federal reserve system to meet just such an emergency as now confronts the basic industry of this country—agriculture?

I sat in a conference only a few days ago which met to frame a plan for the relief of the cattlemen of this country. Prominent financiers were present. It did not take very long for them to realize the situation, nor did it take them long to agree to underwrite $50,000,000 worth of paper and to present it to the Federal Reserve Board for rediscount in order to relieve that situation. I cooperated heartily with the cattlemen. The meat supply of the country was jeopardized by these very terrible conditions. Now the clothing industry, America's monopoly, is being jeopardized, and there is no relief in sight.

It is a fact, which is officially stated, that the reserves of our Federal reserve system are greater than they have ever been in its history. The Federal reserve banks are boasting that they have $2,400,000,000 of gold and have a larger deposit on hand than ever before in the history of the system, while the people are going bankrupt and are starving. We sit here in the Senate responsible for having put the banking interests of America in the hands of seven men.

Senators may argue as they please, they may speak as they please, but the fact remains that the banking interests of America are lodged wholly in the hands of the seven men who compose the board of governors of the Federal reserve system. That board fixes the rate of discount; they can determine where credit shall be extended and where it shall not be extended

Therefore, Mr. President, I am going to read to the Senate a portion of the telegram to which I have referred. I am going to ask the powers that be, first, if relief may be given outside of legislation? If it can not be so given, we should address ourselves here in this body to framing such legislation as shall make a recurrence of the present condition impossible in the future. We can do it; it is our duty to do it. We can not say that the Government should not go into the banking business, for the Government has already gone into the banking business, and to-day the policy of the United States Government must of necessity be the policy of the banking interests of this country. The telegram reads, in part, as follows:

I urge you immediately canvass leaders Senate and through strong committee lay true condition confronting South before President, stating unless governmental relief immediately extended means absolute certainty complete financial crisis seriously affecting not only agriculture but every line of business in South and have far-reaching effect upon business entire Nation. Will result in even closing schools and colleges of South. Insist that necessary governmental relief be extended immediately in interest of South and Nation or that he state positively no such relief can be extended.

Now, reading another part of his telegram, it is suggested:

Governmental relief lowering rediscount rates, renewal agricultural loans, and more liberal extension credits necessary save situation.

Mr. President, I know it will be answered to that telegram that a statement has already gone forth from the Federal Reserve Board, and that they are asking the banks in the agricultural districts through the member banks and the nonmember banks to extend what relief they can; but if the Federal Reserve Board would issue a statement that the rate of rediscount is to be lowered to 5 per cent or less, and that those districts that have a plethora of money would be urged to take these securities, renew their loans, extend the time, and let the statement go broadcast over the country that the resources of the Federal reserve system have come to the rescue of bankrupt and ruined agriculture, it would be the greatest force for good that could possibly be exerted at this time.

Mr. POMERENE. Mr. President, assuming for the sake of the argument that the Federal Reserve Board should reduce the rate of discount to 5 per cent, what assurance should we have that the borrower would get the benefit of that? We know, of course, that the local banks would get the benefit; but what assurance would we have that the rates would be reduced to the borrower?

Mr. SMITH. My experience with the banker throughout the agricultural region is that he is more than willing to give to his patrons whatever benefit may accrue to him in the way of lowering of rediscount rates. I remember in 1914, when the terrible calamity struck us by virtue of the World War, unexpectedly disrupting all the channels of trade and demoralizing business, when the Secretary of the Treasury issued his statement that Government funds would be used temporarily to relieve the situation by lending to the banks at 5 per cent, with the understanding that the banks handling the loans should not charge in excess of 1 per cent in addition thereto, every bank in my State accepted the proposition.

Mr. POMERENE. Mr. President, I had occasion to go into this subject a few months ago, and I found that there were 10 States in the Union in which the legal rate of interest was 12 per cent, and that there were 12 States in the Union in which the legal rate of interest was 10 per cent. It seems to me that if the legislatures of the several States would get busy and reduce those rates of interest down to reasonable rates, such action on their part would give more direct relief to the local people.

Mr. SMITH. Mr. President, I have not the shadow of a doubt that if the Federal Reserve Board, which is the omnipotent power in the banking world to-day, were to issue a statement that in all agricultural districts where distress prevails—and it prevails in all of them—they would accept properly executed farm paper upon a basis of rediscount of 5 per cent, there is not a banker in this Union, regardless of the State rate, who would not accept it at cost to relieve the situation. If the Federal reserve system, as we have been advised by the comptroller, has earned something over 100 per cent upon rediscount rates of 6 and 7 per cent, and their reserves now are larger than ever before, why, in the name of reason, can they not lower the rediscount rate in order to save a disastrous condition and to bring relief to the people? Have we come to the point in our country's affairs that the banks of the country are a sacred institution that must jeopardize nothing, although the country goes into bankruptcy and ruin and the farming industry be paralyzed?

I state here and now, without fear of successful contradiction, that, in view of the condition in which the stock raisers, the woolgrowers, and the cotton growers, and the raisers of general farm products find themselves, with the very best treatment from now on it will take them half a generation to recover not only from the actual losses which they have incurred but from the consequent psychological lack of confidence in their Government.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. SMITH. I yield.

Mr. FLETCHER. If the Federal reserve banks decide to reduce the rates on rediscount to 5 per cent, could not they provide conditions whereby the benefit thus accruing could be extended to the borrower? In other words, that it should only apply to those banks that made not more than a certain profit out of the transaction?

Mr. SMITH. They could under the general powers granted by the Federal reserve act. The Federal Reserve Board could issue an order to the effect that as to certain paper rediscounted at 5 per cent discounting banks would only get that rediscount upon the condition that they did not charge more than a certain additional percentage for the primary discount.

The conditions now are calling for this kind of relief. How do Senators suppose the citizens of this country who toil in the fields from 12 to 14 hours a day to produce the food and clothing of the Nation feel when they pick up the balance sheet of the Comptroller of the Currency and see that our reserve is greater than ever before, and that the resources of our banks are larger than ever before, while the country is bankrupt and facing ruin?

If we can not meet the situation, I hope and trust to God that the people will have sense enough to send men here who can meet it and make it impossible for a condition like that which now confronts us ever again to arise. It does not behoove us to sit here and say that this is a world condition. That may be true so far as war-ridden Europe is concerned, but America never felt the tread of a foreign foot, nor did she ever hear the sound of an enemy's gun. She financed the world during the war, and now can not finance her own people during times of peace and reconstruction.

Mr. President, I have said this much. I hope that the conference that we are to have immediately in reference to this subject will result in preparing and providing some kind of immediate relief, and I trust that every Senator in this body will join hands with the distressed people in my section, who produce that out of which the balance of trade of America has been made, to see that their great industry is not utterly destroyed.

Mr. HEFLIN. Mr. President, I desire to say a few words in line with what the Senator from South Carolina has just said. I contributed as best I could to bringing about an arrangement by which the cattlemen could be relieved of the distress in which they found themselves. I rejoice that arrangements have been made to relieve them of the terrible condition that is upon them.

Mr. President, it is absolutely necessary, as I have said before, for the Government to take a hand in bringing about relief to the farmers. merchants, and bankers of the cotton-growing States. There is serious distress in that section. Our farmers, merchants, and bankers, who were doing business and fairly prosperous on a 40-cent basis for cotton, have seen that price tumble down and down until it has reached the low and unprofitable price of 12 cents per pound. That price is far below the cost of production. Our farmers had borrowed money on cotton, and were holding it for a better price. While they were doing that the cotton exchanges were gambling in futures, selling short, not making delivery of cotton, merely selling the name of cotton, and beating down the price of that which the farmer was holding in the hope that the price would go back and that he could obtain a price that would at least cover the cost of production.

Mr. President, this is a serious situation that confronts our people. Let me get this situation clearly in your minds. A farmer holding 20 bales of cotton has borrowed money on it, and he is hoping to see the price advance so that he can get back the money he has expended in producing it, and get a little profit if possible. Now, then, behold the cotton exchanges getting all the money that the bear gamblers want. Not a dollar has been withheld from them. They have obtained all the money they needed to beat down the price of wheat, corn, and cotton. Somehow they are enabled to raise every dollar they want when it is for the purpose of beating down the price of farm products; but how about those who are on the bull side? They can not obtain any money, and therefore they do not go upon the exchanges, and the bear speculators are simply offering this stuff for sale and fake bidders are going through the farcical performance of pretending to buy. Frequently the same fellow who sold to-day buys to-morrow, and it is a wash-sale game that they have. No cotton is delivered. The producer is not called on for cotton with which to fill the contract, and the spinner has no cotton delivered to him.

Senators, that is the situation you have going on to-day in the New York and New Orleans Cotton Exchanges. It can not be defended and should not be tolerated.

Let me read you a notice that appeared in the Washington Post this morning:

NEW YORK, *June 20.*

There was a continuation of the recent selling movement in the cotton market, which carried prices into new low ground for the session during to-day's trading. October contracts, for instance, sold off to 11.22, making a net decline of 83 points and a break of over 2⅜ cents per pound as compared with the high price touched on the bullish crop conditions of last month.

A decline in price of nearly $15 a bale, while the farmer is holding his cotton and refusing to sell at the already low price prevailing. They have beaten down the price nearly $15 a bale by a few men walking upon the floor of the exchange and saying, "I will sell 500 bales of July or August" at so much, while others repeat, "I will take it." Then this farcical performance is reported in the columns of these papers that there is a heavy selling movement and the price has gone down. What sort of a selling movement was it? There was no sale or delivery of cotton. They have no cotton; they do not handle real cotton, and yet the papers say that there is a selling movement on, when nothing is sold and nothing delivered, and nothing but the name of cotton is dealt in by men who use this fictitious stuff to beat down the price of cotton. Again I call upon the Government to compel the cotton exchanges to sell and deliver real cotton and comply with the law or close their doors at once.

Mr. President, this organized raid of bear gamblers on the cotton exchanges, with no resisting power on the part of the cotton producer, is like stabbing a crippled man bound hand and foot and prone upon the ground. Unless the cotton exchange is helpful and of service to both the producer and spinner, there is no excuse for its existence. During the World War the President suspended the operation of the grain exchanges, and it may be that the cotton exchanges should now be closed.

Mr. President, I want to present another phase of the cotton question. Suppose a man comes up and borrows money on cotton at 20 cents a pound when the price was higher than that. The bear gambler comes and beats the price down to 19 cents, then to 18 cents, and so on, and the banker says, "Why, the price of your produce is lower than it was when you borrowed the money on it, and I must insist that you pay your loan. The borrower says, "Why, I can not do it. Two bales of cotton now would not pay what one would a few days ago"; but the miserable game goes on.

I tell you, Mr. President, the Senator from South Carolina is right. Something has got to be done to lift the business of the cotton-growing States out of the mire of distress and gloom to which it has descended. The Government will run no risk. Cotton is as good as gold. It is the only product in the country every pound of which is converted into money. Every dollar's worth of it contributes to the wealth of the Nation. Now, what risk do we run by the Government going to the rescue of the cotton industry, as it has gone to the rescue of the cattle industry? I rejoice that our cattlemen are going to be taken care of, and the cotton producers are entitled to the same character of relief.

If the Federal Reserve Board will not act in the interest of the great agricultural army of the country, as it does act in the interest of Wall Street every time it crooks its finger, I call upon the Congress to go upon record as ordering it to act.

Where does the Federal Reserve Board get the power to arrogate to itself the right to gather up the gold supply and sit on it while the cry of distress is ringing around the country? The illustration of the Senator from South Carolina is the aptest thing that I have ever heard—a city burning down, and the fire department sitting back with folded arms, not coming to extinguish the flames, but boasting, when the conflagration is ended, "We have more water in our tanks than we ever had before." How ridiculous!

Mr. President, I want to serve notice on the Federal Reserve Board that unless it shows more consideration for the business of agriculture than it is now doing I am going to be forced to come upon this floor and discuss something that I know about the lending of the people's money to certain interests in Wall Street.

Mr. President, J. Pierpont Morgan, the older Morgan, now deceased, once said, "If you give me control of the credit of the country I care not who makes your laws," and he was right. The concern that controls the credit of the country has the power of life and death over the business of the country.

I make the assertion here to-day that there is more money in the United States at this hour than ever before in the history of the country, and yet the channels of circulation are choked, stopped up. This money is not permitted to go where it can serve the needs of the people and relieve them of dire distress. The Government will not let you or me coin money. If it did, you would coin all you wanted to, and so would I, but

the Government reserves that right to itself; and when it does, the Government ought to see to it that nobody can corner it or control it so that it will not flow out into the legitimate channels of business. If partiality or favoritism is shown by the Federal Reserve Board one business will be helped and another hurt.

Look at what we have done for the cattle people, and that is proper. If the Government had not come in, they would not have been relieved, and the cattle industry would probably have been destroyed in the United States while we were sitting here in session in both branches of Congress. Now since we have gone to the rescue of that situation, let us go to the rescue of the agricultural industry. Should we sit back and permit a few people to control the instrumentalities of the Government to the detriment, injury, and ruin of millions of people?

Here is the farmer down here, who responded to the call of his country in the hour of its peril. He produced in abundance as the Government called on him to produce. He sent his boys to the battle front. Some of them are sleeping in France to-day; others are wounded here in our hospitals, or back home. There he is now with his produce on his hands, worth hundreds of dollars a few months ago, now a drug on the market. Why? Because he can not be aided so that he can hold it for a price that will yield a profit.

The Old World is yearning for our produce. If this Government will extend credit, they will buy our goods and pay us for them with money loaned by this Government. We can extend these credits. We are the richest Nation in the world. We have here in America half the wealth of the world, and yet here we are with the farmers of the West and the farmers of the South crying out in their distress for deliverance from conditions that grip and hold them in the throes of financial disaster. Senators, the people do not understand why we do not relieve the situation. They know that we are the richest Nation in the world. They know that we can relieve them, and they wonder why we do not. That is the truth of it. I am not speaking of normal times and rules for business in ordinary times, but I am speaking of a people who rallied to the call of their country and saved it in the hour of its distress, and now suffer from the evil effects of the aftermath of that Great War. I am calling on the country to come to their rescue and save them and their business from poverty and ruin.

Senators, we owe it to them; and I trust, as the Senator from South Carolina has said, that we will wake up to a full realization of the fact that something has to be done or you are going to have a panic in this country. Some people may think that a panic in the South will not affect you. It will affect the East, the North, and the West. We buy your automobiles. We buy your buggies, your wagons, implements, and machinery. We are your customers in various lines. We buy grain, meat, and mules from the West, so whenever you strike down the purchasing power of the South you hurt the whole country. If a panic grips the South, its evil influence will be felt in the other sections of our great country.

So, Senators, I appeal to you, in the name of thirty-odd millions of people in the cotton-growing States, to join us in extending relief to those who are greatly embarrassed and sorely distressed because they can not obtain the money necessary to carry on their business. The Government has it in its power to relieve this situation, and I pray that it will see the necessity for immediate action.

PROTECTION OF TIMBER IN OREGON AND CALIFORNIA.

Mr. McNARY. Mr. President, on the 13th day of this month I introduced Senate bill 2084. The purpose of that measure is to make appropriation for the prevention of loss of timber from insect infestations on reserved and unreserved public lands in Oregon and California. Through inadvertence the bill was referred to the Committee on Appropriations. I think properly it should go to the Committee on Agriculture and Forestry, because there is a provision in the annual Agricultural appropriation act which deals with this situation. I ask that the Committee on Appropriations be discharged from the further consideration of the bill and that it be referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. I ask that the Senator defer his request until the chairman of the Committee on Appropriations can be here or I can consult with him about it. I do not know that he has any desire to retain the bill in the Committee on Appropriations.

Mr. McNARY. I would like to comply with the suggestion of the Senator from Kansas, but this is emergency legislation, and should properly go promptly to the Committee on Agriculture and Forestry. I am sure the chairman of the Committee on Appropriations would not have any objection to the change of reference.

Mr. CURTIS. Very well; I withdraw my suggestion.

The PRESIDENT pro tempore. Is there objection to the change of reference requested by the Senator from Oregon? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. JOHNSON. I move that the Senate proceed to the consideration of Senate resolution 80, directing the Committee on Education and Labor to investigate the recent acts of violence in the coal fields of West Virginia and adjacent territory and the causes which led to the conditions which now exist in said territory.

Mr. CURTIS. I make a point of order against that. No such motions are in order during this part of the morning hour. I demand the regular order.

Mr. SMOOT. It will take just a few minutes to get through with the morning business.

Mr. UNDERWOOD. The morning business has not been disposed of.

The PRESIDENT pro tempore. The order of business is the presentation of petitions and memorials. The Senator from Kansas makes a point of order that the motion of the Senator from California is not in order at this time, as the Chair understands it. The Chair is in some doubt about it, but is inclined to sustain the point of order.

Mr. CURTIS. I demand the regular order now.

The PRESIDENT pro tempore. If there are no further petitions or memorials, reports of committees are next in order.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 1168) to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes (Rept. No. 136); and

A bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico (Rept. No. 137).

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 1894) to amend section 26 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs," and so forth, reported it with an amendment, and submitted a report (No. 138) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 513) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla. (Rept. No. 139);

A bill (S. 902) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913 (Rept. No. 140);

A bill (S. 1732) for the relief of Mrs. Benjamin Gauthier (Rept. No. 141); and

A bill (S. 1829) for the relief of Walter Runke (Rept. No. 142).

Mr. SPENCER. From the Committee on Claims I report back favorably without amendment the bill (S. 154) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump. I shall present the report when prepared.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1251) providing for investigations for irrigation works in Green River, Wyo., reported it without amendment.

Mr. KING. From the Committee on Naval Affairs I report back favorably without amendment the resolution (S. Res. 70) directing the Committee on Naval Affairs to investigate the case of former Capt. Edmund G. Chamberlain, United States Marine Corps, and I submit a report thereon.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

ALLEGHENY RIVER BRIDGE.

Mr. CALDER. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 5616) granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania, and I submit a report (No. 135) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of Venango County, Pa., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at Oil City, Pa., connecting Petroleum Street, on the south side of the river, with North Petroleum Street, on the north side of the river, in the county of Venango, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 2117) for the relief of R. W. Branson (with an accompanying paper); to the Committee on Claims.

A bill (S. 2118) granting a pension to Hester A. Record, or Ricketts (with an accompanying paper);

A bill (S. 2119) granting a pension to Anna D. Blackford (with an accompanying paper);

A bill (S. 2120) granting a pension to Sarah Burford (with an accompanying paper);

A bill (S. 2121) granting a pension to George Coghill; and

A bill (S. 2122) granting a pension to Vina Cochran (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 2123) to direct the Secretary of the Treasury to loan to the Federal Farm Loan Board the sum of $200,000,000, and for other purposes; to the Committee on Banking and Currency.

By Mr. UNDERWOOD:

A bill (S. 2124) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama; to the Committee on Public Lands and Surveys.

By Mr. BURSUM:

A bill (S. 2125) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands"; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 2126) granting a pension to Richard H. Thomas; to the Committee on Pensions.

By Mr. GLASS:

A bill (S. 2127) for the relief of the widow of W. J. S. Stewart; to the Committee on Claims.

By Mr. KING:

A bill (S. 2128) to establish a bureau of submarines in the Department of the Navy; to the Committee on Naval Affairs.

By Mr. FRELINGHUYSEN:

A joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture and Forestry.

By Mr. TOWNSEND:

A joint resolution (S. J. Res. 80) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress; to the Committee on Appropriations.

PROPOSED VETERANS' BUREAU.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 6611) to establish in the Treasury Department a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act, which was referred to the Committee on Finance and ordered to be printed.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. McCUMBER. I ask for an order for the printing of 24,000 copies of Report No. 133, on the veterans' adjusted compensation bill. I am informed by the Senator from Utah [Mr. SMOOT], after looking over the report, that this number can be printed for the use of the Senate without a concurrent resolution. I ask that the order be made.

The PRESIDENT pro tempore. If there is no objection, it will be so ordered.

The order was reduced to writing, as follows:

Ordered, That 24,000 additional copies of Senate Report 133 be printed for use of the Senate.

ADDITIONAL JUDGE FOR THE DISTRICT OF MINNESOTA.

Mr. NELSON. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2089) authorizing the appointment of an additional judge for the district of Minnesota.

Mr. JOHNSON. Mr. President, I am perfectly willing that that should be accorded if there is to be no debate upon the subject.

Mr. NELSON. I do not think there will be any debate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the judicial district of the State of Minnesota, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judges of said district.

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the district of Minnesota by the retirement, disqualification, or death of a judge in said district, such vacancy shall not be filled, and thereafter there shall be but two district judges in said district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The morning business is closed.

CONDITIONS IN THE COAL FIELDS OF WEST VIRGINIA.

Mr. JOHNSON. Mr. President, I move that the Senate proceed to the consideration of Senate resolution No. 80.

The PRESIDENT pro tempore. The Senator from California moves that the Senate now proceed to the consideration of Senate resolution 80, which, for information, the Secretary will state.

The Assistant Secretary read the resolution by title, as follows:

A resolution directing the Committee on Education and Labor to investigate the recent acts of violence in the coal fields of West Virginia and adjacent territory and the causes which led to the conditions which now exist in said territory.

The PRESIDENT pro tempore. The question is on the motion of the Senator from California.

The motion was agreed to, and the Senate resumed the consideration of the resolution, which, as amended June 13, 1921, was read as follows:

Whereas conditions of violence at present exist along the border between West Virginia and Kentucky; and

Whereas for a long period in the past in the coal fields of West Virginia there have been disturbed conditions which have led to turbulence and violence and bloodshed; and

Whereas the conditions referred to are a menace to orderly democratic government and to the general safety and welfare of the people living in the territory affected: Therefore be it

Resolved, That the Senate Committee on Education and Labor, or any subcommittee thereof, to be appointed by it, is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the coal fields of West Virginia, in the territory adjacent to the border of West Virginia and Kentucky; that said committee ascertain the causes of the recent acts of violence upon said border and of the conditions which have existed and do now exist in the said coal fields, and generally investigate thoroughly the causes which have led to conditions which have obtained in the past and which now exist in said territory and report its findings and conclusions thereon to the Senate. The committee, or any subcommittee thereof, is authorized to sit at such time and place as it may deem necessary; the expenses of said investigation to be paid out of the contingent fund of the Senate.

Mr. JOHNSON. Mr. President, I will delay the Senate but a moment or two in reference to this resolution. Some debate ensued upon it when last it was before the Senate. It has been reported favorably, first by the Committee on Education and Labor, secondly by the Committee to Audit and Control the Contingent Expenses of the Senate.

The design of this resolution is to prevent, so far as it may, and those who favor it believe that it will go a very great way in that direction, the civil war which is now proceeding in certain parts of West Virginia. If the resolution had been passed when it was before the Senate the other day, I do not think I speak extravagantly in saying that it would have saved one life, possibly more, because on the day following the debate here, when it was obvious that there was opposition to the passage of the resolution, and when it was assumed in West Virginia that the Senate would not take cognizance of conditions there, again occurred a shooting, which is described as a most brutal murder by some of the interested parties in this specific controversy.

There exists in West Virginia to-day an unthinkable and an intolerable condition. I am not disposed, because I am asking

that a committee be appointed for that purpose, to lay the blame in any particular direction, but wherever the blame may rest, whether it be with one party to the controversy or another, what exists there is something that can not be tolerated in a democracy, and no body such as ours should for an instant permit it to continue if in any degree it can be arrested.

In this territory in West Virginia the only law which has in the past existed is that law which is enforced by the dominant power there. It is claimed to me that in certain places there when one got off a railroad train he was inspected by a detective in the employment of mine owners and only permitted to get off if he could pass that inspection. It is a matter which can not be controverted that the deputy sheriffs of certain counties are paid by the mine owners and those deputy sheriffs therefore yield their allegiance to the people who thus pay them. The result of course is obvious. Under such circumstances, there is no such thing as a Constitution. There is no such thing as protection of the law. There is no such thing as the pursuit of happiness. There is no such thing as that which is guaranteed by the laws and the Constitution of this land.

Not only that, sir, but some of those deputy sheriffs who are thus in the pay of the mine owners, some of those men who are thus sworn as deputy sheriffs to uphold the law, are private detectives employed by the mine owners' association. These facts have been proven and therefore I dare speak of them. I do not speak of the outrages said to have occurred in that district because it may be asserted there is a controversy respecting them, but when I say that the law has been enforced by the paid detectives of privately owned mines I speak by the record, the record of the investigation made by the governor of West Virginia himself.

I mention not only that, but I mention as an uncontroverted fact the existence of a state of civil war now in that territory. The day after our debate, when the resolution was previously before the Senate, a man was killed. Here is the story of his killing as related by two eyewitnesses. A guard held him up. He was told to raise his hands. He raised them. The guard told him to advance. He advanced and got within 6 feet of the guard with his arms uplifted. He was told to raise them higher. He did so, and then the guard said, "You have got a minute to live. What have you got to say?" The man with his hands in the air said, "God have mercy on my soul," and a soft-nosed bullet penetrated his body and killed him at once. Not alone that, but these witnesses assert—I am not vouching for all that they say, but the witnesses at least assert the fact—they took this man by the heels and dragged him down into the village as an object lesson to others, and would not even permit his wife to go near his remains after thus they had brutally shot him.

This occurred the day after the resolution was before the Senate last week. It never would have occurred if we had passed the resolution and had a senatorial investigating committee appointed. Do Senators wish to see some of the scenes from the places where this civil war exists? I have before me photographs taken within the past week of the tent colony there, showing men and women living simply under God's canopy in tents, and in many cases guards have wantonly slashed them so as to destroy the only abode that these poor people have; their scanty furniture has been smashed and their little household goods have been wantonly destroyed.

You cry about the atrocities beyond the sea and the cruelty over there. Do you know that what these men say they can prove? They claim that the women and the children of that tent colony were marched in front of the tents and the men who are there fighting one side of this civil war scattered themselves among those women and children, firing their guns into the hills where they supposed might be the husbands, the fathers, or the relatives of the women and children, and stood there firing from the very ranks of the women and children so there could be no return fire, or if a return fire, that the women and children would be killed.

I listened to the thrilling and eloquent words yesterday of the Senator from Nebraska [Mr. NORRIS] concerning Ireland. I heard him tell of the cruelties there. I have read in the past of that which transpired in the war where women sometimes were taken as hostages by one of the combatants, but there never has been in our history, if these stories be accurate, anything like the conditions that obtain to-day in this territory at our very doors. It is because thus they obtain that I am speaking to get a senatorial investigation.

Senators on the other side of the aisle ask what good can we do? Another Senator said, "Oh, the cost of this." Ten or fifteen or twenty thousand dollars, as the case may be, it may cost, but lay this against conditions which strike at the very fundamentals of democracy. What good can we do? The instant that a senatorial investigating committee is appointed that very instant this civil war will cease, and that very moment the good will be accomplished. I do hope that the resolution will pass, and that there will be a committee sent without delay into that territory to develop what is transpiring there.

I should like some of the Senators on the other side who do not believe in the investigation and who wonder what we could do, to look at the photographs which I have here of the humble tents in that territory, to look at the people who are down there, and then to say that they will not render the modicum of aid that we are able to render in this instance. I trust the Senate will no longer delay in the passage of the resolution.

Mr. MYERS. Mr. President, when this resolution was before the Senate last week I expressed my opposition to it and said at that time about all I cared to say on the subject. I do not care to say much more and do not know that there is need to say much more to show that the resolution should not be adopted.

There is a complete answer to what the Senator from California has so eloquently said, and there is a perfectly constitutional way of proceeding in the matter under discussion. If the conditions which the Senator from California has described exist in the territory involved in the pending resolution, it is the duty of the State government of West Virginia to remedy them and to suppress the lawlessness and insurrection, if able to do so. If the State government of West Virginia is unable to do so, the governor of that State should call upon the President of the United States to declare martial law in the territory involved and send United States troops upon the scene. The governor of West Virginia should lay before the President of the United States the conditions which the Senator from California has so eloquently described, if they exist as portrayed to us. If those conditions exist and if they should be laid before the President of the United States by the governor of the State of West Virginia, and if the governor in that connection should assert that the government of West Virginia is unable to overcome those conditions, and upon that state of facts should appeal to the President of the United States to take action and to send troops there to uphold law and order and constitutional government, I have no doubt the President of the United States, if convinced of the correctness of the statement, would do so, and would furnish all power necessary to restore peace and uphold order.

That, in my opinion, would be the constitutional, the legal, the regular, and the proper method of procedure. If it be true that the State of West Virginia does not have a republican form of government and can not uphold one, it is the duty of the President of the United States, upon being informed and convinced thereof, to see that it has a republican form of government.

There is a constitutional way to do this and it should be done in that way and that way only, if attempted at all. The Constitution of the United States guarantees to every State in the Union a republican form of government, and if West Virginia does not at this time have a republican form of government and is unable to provide one, it should call upon the President of the United States, the Chief Executive, to supply one, and I have no doubt in that event the President would do so. I fully trust the President in this matter. I believe he will do his duty.

As I said, the Constitution of the United States guarantees to each State in the Union a republican form of government. The President of the United States is sworn to uphold the Constitution of the United States. He has taken an oath to do so, and I have no doubt he is ready and willing to do so, and will do so whenever circumstances may require him to take action.

In regard to the question of what good can come of an investigation by the Senate, last week, when the subject was under discussion before the Senate, it was admitted by the Senator from California [Mr. JOHNSON] and the Senator from West Virginia [Mr. SUTHERLAND] that no good can come of a congressional investigation of the subject, except publicity, to give publicity to the facts.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. MYERS. Certainly.

Mr. JOHNSON. If the Senator will permit me, he either misunderstood what I said or I did not correctly state the view that was mine. Of course, publicity would come; but the very fact, as I stated last week, that there should be a committee appointed would stop this civil war, and if we saved only one life it would be worth the $10,000 that it would cost.

Mr. MYERS. The Senator from California contends now and no doubt did contend last week, as he says, that publicity would

stop lawlessness. I know the Senator from West Virginia [Mr. SUTHERLAND] was questioned quite closely by one of the Senators on this side of the Chamber as to what could be expected from a senatorial investigation of this condition, and he stated very frankly, nothing but publicity. I think the Senator from California virtually admitted the same thing by being unable to point out what Congress could do except to investigate, what Congress could do beyond an investigation, or what Congress could do as a result of an investigation.

It was admitted by both Senators, I believe, who advocated the passage of the resolution, that Congress could not enact any law to control the situation and that it could not send any armed forces into the field to remedy the condition complained of, and that so far as constitutional action is concerned the Congress could do nothing but investigate and give publicity. That was brought out, and it has to-day again been acknowledged that all Congress can do is to bring about publicity.

I am glad that fact has been made plain to the Senate. If the Senate wishes to expend quite a sum of money, quite a few thousand dollars, at the expense of the people, for the purpose of giving publicity to an industrial disturbance in the State of West Virginia, I suppose it has the power to do so, and there is no way to prevent it, if the Senate wishes to go into the publicity business; but I am glad that issue is before the Senate and that it is admittedly only a question of publicity, and whatever publicity could bring about, that may result from the proposed investigation.

I am opposed to investigations of this kind, as a rule, unless there be some strong and exceptional circumstances which make them necessary and particularly urgent. I am opposed to such investigations because I do not believe that they result in the accomplishment of any good. I think they simply consume time and money for no good purpose.

I would have opposed the motion of the Senator from Iowa [Mr. KENYON] a year or so ago to authorize a committee of the Senate to investigate the steel strike which was in existence at that time had I been on the floor of the Senate when the matter was brought before the Senate. I was not then here, and therefore could not oppose the motion, but I did happen to be here when the Senator from California brought up the pending resolution. Being opposed to it and being opposed to such investigations in general, I deemed it my duty to oppose his resolution. I personally regret to launch my objection to these indiscriminate resolutions for investigations on the particular resolution offered by the Senator from California, for whom I have very high personal regard, but if we are going to take a stand against useless investigations we have to begin somewhere; and I think the resolution offered by the Senator from California affords an excellent and most appropriate opportunity to voice disapproval of useless investigations.

It is admitted that the passage of this resolution is urged by both sides to the controversy, by the mine operators as well as by the striking miners; so in opposing the adoption of the resolution no discrimination can be charged in those who oppose against either the mine operators or the striking miners; no prejudice can be exhibited against either side, for both say they want the investigation.

So I think this an excellent opportunity to oppose investigations of this kind, of which there are entirely too many. I do not think either side is entitled to an investigation by the Senate. I think the public and the rights of constitutional government are entitled to more consideration than is either side of this controversy. I do not believe that the situation in West Virginia offers one exceptional or extraordinary circumstance which would make it an unusual case, requiring investigation by a senatorial committee. There are too many useless and expensive investigations by Congress.

It has become the custom of late years every time there is a strike or an industrial disturbance in the country for one side or both sides to fly to the United States Government and to ask for relief; it is the first move of one or both sides to fly to the Federal Government and ask for interference or support of some kind; if nothing more, for an investigation. I think the sooner employers and employees learn that neither side can expect support in controversies of this kind from the United States Government or from any branch of that Government, and the sooner they learn that they can not expect any interference from the United States Government the sooner they will learn to settle and adjust their differences amongst themselves, according to natural economic laws and in a constitutional manner. If the United States Government would quit interfering in differences between employers and striking employees, in my opinion there would not be nearly so many or frequent strikes.

Of late years it has become a practice every time a strike of any consequence occurs in the United States for the strikers, particularly, to fly to the United States Government or to some branch of it and ask the United States Government to take their side, and for quite a number of years past they have been getting considerable support from one branch or another of the United States Government until workmen have been encouraged to believe that every time they go on a strike the strikers will get the sympathy or the support of some branch of the United States Government, and enable them thereby to win their point, or to win at least a considerable part of what they are demanding.

I think the sooner the strikers learn that they are not going to get the United States Government to fly to their rescue every time they precipitate a strike the sooner strikes will wane, and the sooner there will be industrial peace and prosperity in the country. When they learn that they are not going to get active support and sympathy and interference from some branch of the Federal Government, they will be a little slower about striking and precipitating industrial disturbances. I think the time has come when they should learn that lesson.

The section of the country which is covered by this controversy is under martial law, I understand, at the present time, by proclamation of the governor of West Virginia.

Mr. SUTHERLAND. May I interrupt the Senator?

Mr. MYERS. I yield with pleasure. If I am not correct, I should like to be corrected.

Mr. SUTHERLAND. I will say to the Senator from Montana that there was a proclamation of martial law, but the Supreme Court of West Virginia within the past week has declared that martial law in that district or any district was an incident to military occupation, and it therefore declared the proclamation null and void. So there does not now exist martial law in that district.

Mr. MYERS. That decision was rendered by the supreme court of the State, the Senator says?

Mr. SUTHERLAND. By the Supreme Court of West Virginia.

Mr. MYERS. And it declared the proclamation of the governor null and void?

Mr. SUTHERLAND. The Supreme Court of West Virginia so decided.

Mr. MYERS. I am glad to have that information. However, the affair is still in the hands of the State authorities.

Mr. SHIELDS. Mr. President, will the Senator from Montana allow me to ask the Senator from West Virginia a question in relation to this matter?

Mr. MYERS. I yield with pleasure.

Mr. SHIELDS. About six years ago there was, on Paint Creek and Cabin Creek, trouble similar to that now existing, and the Senate passed a resolution along the lines of that now pending. As I recall, in that case the resolution was passed practically after the strike troubles were over. I was a member of the committee appointed under the resolution, which went up to that district and spent several days and heard a great deal of testimony. I wish to ask the Senator from West Virginia, because he fully understands the situation, whether that investigation did any good in West Virginia?

Mr. SUTHERLAND. It is very difficult to say, Mr. President, whether or not that investigation produced the condition of quiet which followed or which, perhaps, existed at the time the investigation took place. There has not been since that time, however, a serious disturbance on Cabin Creek or Paint Creek where the strike took place which was investigated by the committee of which the Senator from Tennessee was a member.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield with pleasure to the Senator from Idaho, to make an inquiry, with the consent of the Senator from Tennessee.

Mr. SHIELDS. Certainly; the Senator from Idaho was a member of the committee to which I have referred.

Mr. BORAH. I was a member of the committee and introduced the original resolution providing for an investigation. A similar resolution was afterwards introduced by the then Senator from Indiana, Mr. Kern.

Mr. SHIELDS. I had forgotten about the Senator from Idaho introducing the original resolution, but I know that Senator Kern pressed the resolution, although he never stated any very good reason why it should be passed by the Senate.

Mr. BORAH. He succeeded in having it passed, at any rate; and I have no doubt at all that the investigation accomplished

an immense amount of good. The fact that no law was passed is beside the question; the investigation was the controlling factor in adjusting a very serious situation.

Mr. SHIELDS. That is where the Senator and I differ. I took a great deal of interest in it at the time; but, as I remember, the strike was practically over when the committee went to West Virginia, as was conceded by everyone; and the only result of the action of the committee was that we disturbed the peace of the community and revived a good deal of bad feeling. The committee came home and did not file any report for a long time. The Senator from Virginia [Mr. SWANSON] was chairman of the committee and divided up the work and had different members of the committee prepare reports on the various aspects of the situation, and then he compiled the individual reports and presented them all as one report to the Senate. It was published at a cost to the Government of considerable money.

Mr. MYERS. And that was the end of it, I take it?

Mr. SHIELDS. Oh, no; that was not the end of it. It cost the Government considerable money to print the report, and then the report lay in the document room for a good while until it was taken out and burned or sold as junk, or something of that kind. That was the end of it.

Mr. OVERMAN. Did anybody ever read it?

Mr. SHIELDS. I never heard of a man who ever read it. I know I spent a week in preparing my part of it, but if anybody ever read it he never said anything to me about it. I thought I had done something, but it amounted to practically nothing, and I always thought that there were about three weeks of my time thrown away.

My observation then was that West Virginia was able to take care of herself. As a member of the committee, I met the governor of the State, and I remember very well he did not give us a very warm reception. I thought he was pretty icy when we called at his office. He thought he was able to take care of West Virginia himself, and my observation was that he was able to do so, and that we were there invading West Virginia and interfering with the police power of West Virginia in a very offensive and improper way. That is the conclusion that I came to when I left there, and I was sorry I went there.

Mr. BORAH. Mr. President, I was glad the Senator went. I enjoyed his company. However, it was the expression upon all sides there, both of the laboring men and of the mine owners and of the police, that the investigation did assist in settling the situation; that it did stop the disturbance; that it led to an agreement and understanding which, I believe, is still in existence, for there has never been any disturbance to amount to anything at Paint Creek since then. I must say—and for the Senator from Tennessee I have the most profound respect—that this is the first time I have ever heard it contended that that investigation did not result in great good in settling the situation.

Mr. President, the Senator stated that the State of West Virginia was able to settle the matter itself. The State of West Virginia was not able to settle it. What was the State of West Virginia compelled to do in order to deal with the situation?

The governor of West Virginia declared a state of martial law to exist; he undertook to suspend the laws of the State, and undertook to suspend the laws of the United States. Men were gathered in groups of 25, 50, or 100, tried in herds, and sentenced to the penitentiary for crimes and offenses undefined by and unknown to the laws of West Virginia.

Mr. MYERS. Mr. President, I should like to ask the Senator a question there.

Mr. BORAH. I yield.

Mr. MYERS. If the State government of West Virginia is unable to uphold law and order, is it not the duty of the governor of West Virginia, by proper constitutional methods, to lay the facts before the President of the United States and ask the President for aid to enforce the laws and to keep the peace?

Mr. BORAH. That is one way to settle it.

Mr. MYERS. Is there any other constitutional way?

Mr. BORAH. Yes; there is another constitutional way.

Mr. MYERS. I should like to know what it is.

Mr. BORAH. A man is not only a citizen of West Virginia, but he is a citizen at the same time of the United States, and we have just as much right to investigate concerning his condition and to protect his citizenship as has the State of West Virginia.

Mr. MYERS. What can Congress do to protect it after the investigation is over?

Mr. BORAH. If it is necessary, it can do a great deal, as it did in this instance.

Let me go a little further. As I have said, men had been sent to the penitentiary not according to any defined crime known to the statutes of West Virginia and not in accordance with any punishment provided by the laws of West Virginia, but they had been sent according to the will and discretion of the drumhead court-martial which was sitting to try men never indicted and charged with no offense defined by statutes.

Mr. MYERS. Did the supreme court of the State ever pass upon that action?

Mr. BORAH. They did.

Mr. MYERS. What was the result?

Mr. BORAH. I regret to say it upheld it.

Mr. MYERS. The Senator may, of course, disagree with the conclusions of the court, but a court of last resort has the last word on the rights of citizens.

Mr. BORAH. For the first time in 300 years under Anglo-Saxon jurisprudence a court in the United States held that a drumhead court-martial trial of a civilian in time of peace was a legal proceeding. I challenge the Senator to point to a precedent for such a decision during the last 300 years of Anglo-Saxon jurisprudence.

Mr. MYERS. If it involved the Federal rights of citizens, could there not have been an appeal to the Supreme Court of the United States?

Mr. BORAH. There could have been an appeal if the men had been in a position to take an appeal, but the Senator can understand that here were 25, 50, or 100 men congregated as so many cattle in a corral, brought in and tried by men who had been fighting them with guns a few days before. What opportunity did these men have? Is it the business of the United States Government to remain silent and inactive when the constitutional rights of its citizens are being taken from them in that way?

Mr. MYERS. I think the Senator from Idaho knows fully as well as anybody that, as a rule, labor unions have plenty of funds with which to defend their members who are accused of crime and to take appeals if necessary. I have no reason to believe that there was an exception in this case. Defendants such as those were do not, as a rule, lack funds.

Mr. BORAH. I will tell the Senator one thing that happened. They took these men, tried them by court-martial, and shaved their heads and sent them to the penitentiary like criminals.

Mr. MYERS. Every man who goes to the penitentiary is treated as a criminal.

Mr. BORAH. But they were not criminals under any procedure known to the laws of the United States. They were not criminals under any procedure known to the laws of West Virginia. They were only criminals because a drumhead court-martial said they were.

Mr. MYERS. They were only criminals according to the last word of the Supreme Court of West Virginia, then.

Mr. BORAH. But I was going to say that the moment we arrived there, as the Senator from Tennessee [Mr. SHIELDS] knows, they began to turn these men out of the penitentiary. They knew that they had no means of holding them there except by force, and the moment publicity was turned upon the transaction they turned the men loose.

Mr. WALSH of Montana. Mr. President, I am very glad to attest the fact that in a similar case coming before the supreme court of my State it was adjudged that the decrees of a court-martial consigning men in similar conditions to the penitentiary were wholly without jurisdiction and were annulled by the supreme court of the State.

Mr. BORAH. The State of Idaho has had some trouble about these situations. It is perfectly useless to say to those of us who have passed through these scenes, and who have seen the bloodshed and the riot and the crime upon both sides, that the presence of the Federal Government is not a steadying and a desirable presence, and one that has a good effect upon the situation. There is no reason in the world why the Federal Government, when its citizenship is thus being treated, should not inquire into the situation. What it can do in the way of legislation depends upon what it finds; but it had the effect in West Virginia, I venture to say, of turning out of prison hundreds of men who were there in violation of every law known to the State of West Virginia and the United States.

Mr. MYERS. Mr. President, I should like to ask the Senator a question.

Mr. BORAH. Very well.

Mr. MYERS. If these lamentable conditions exist there again, as the Senator says they existed there once before, is not the President of the United States the proper party to apply Federal power, and is it not the duty of the governor of West Virginia to apply to the President of the United States for assistance; and if he is applied to upon a proper showing, does not the Senator from Idaho believe that the President of the United States will grant it?

Mr. BORAH. Mr. President, if the President of the United States has a right to look after the citizenship of the United States in West Virginia, the Congress of the United States has the same right.

Mr. MYERS. But the Constitution of the United States vests the President of the United States with the sole power to declare martial law and send Federal troops into a State.

Mr. BORAH. That is true enough; but why does the Senator want to resort to martial law? If we can go there, have an investigation, uncover the situation, let in the daylight, turn on the publicity, and it has its effect, why does the Senator want a declaration of martial law?

Mr. MYERS. The Senator proposes that we shall administer some soothing sirup in a way not recognized by the Constitution.

Mr. BORAH. No; it is recognized by the Constitution.

Mr. MYERS. I do not know of any section of the Constitution which gives the Congress that power.

Mr. BORAH. I know that the Constitution of the United States recognizes a citizenship both Federal and State, and it is just as much our duty to look after it as it is the duty of the State of West Virginia.

Mr. MYERS. And the Federal Constitution names the way in which those rights shall be protected by the Federal Government; the only way and the exclusive way. Let us proceed in that way.

Mr. BORAH. Mr. President, I did not intend to take any particular part in this discussion. I simply wanted to say that I have never had any doubt as to the beneficial effect of the investigation which we had. I have never talked with a mine owner or a labor leader or a laboring man in regard to it who did not believe that it had a beneficial effect. Before we had proceeded to the conclusion of it the entire matter was settled, a contract was entered into which was satisfactory to the different parties, and the entire matter was adjusted. Bloodshed ceased, riots ceased, and the disturbance ceased. What else would you want to accomplish?

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. MYERS. I yield with pleasure again to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, of course no man's memory is infallible, but the Senator from Idaho and I remember the facts of this Cabin Creek and Paint Creek investigation entirely differently. As I remember it, when the investigation was begun the whole disturbance was practically over, as I understand it is in this matter. These parties came down here and wanted an investigation. I had forgotten the resolution of the Senator from Idaho, but I do remember Senator Kern agitating it here in a manner that did not appeal to me at the time, because it looked to me as if there was too much demagoguery in it; but I was then on the Committee on Education and Labor and was appointed a member of the committee. I have always been very much interested in the denial of the constitutional rights of any man. I went out there very much interested; but, according to my recollection, I found out that the whole matter had been practically settled between these parties and peace restored. The Senator from Virginia [Mr. SWANSON], the chairman of the committee, distributed the work among the several members of the committee to report upon the different subjects of the resolution.

I believe the matter of martial law was what the Senator from Idaho was to write about. I have forgotten what he wrote. I was so disgusted with the uselessness of the whole thing that, while I always like to hear everything he says and read everything he writes, I have no recollection of what he wrote on the subject. My assignment was the alleged violation of the Sherman antitrust law by both parties in the matter. I wrote what I thought was a very learned report about it, but I do not think anybody ever read it.

Mr. BORAH. Yes; I read the Senator's report. I read all the reports before they went in, because that was a part of the duty which was assigned to each of us. While we were supposed to write them separately, we were supposed to go over them collectively. I have no doubt that the Senator went through mine, although it did not impress him sufficiently for him to remember it.

Mr. SHIELDS. I never heard any more of it afterwards. It occurred to me that it was about the most useless expenditure of public money that I ever knew. Of course, I was rather new in the Senate at that time. I have seen a good many things since.

Mr. DIAL. Mr. President, may I ask the Senator a question?

Mr. SHIELDS. Certainly.

Mr. DIAL. Was this a joint commission of the House and Senate?

Mr. SHIELDS. No; this was a committee of the Senate. I took a good deal of interest in it at that time. As I say, there had been reports here that men had been deprived of their constitutional rights, and I looked into that phase of the matter, and I agree with the Senator from Idaho that there were some things done there that I did not approve—that I thought were wrong and unjust—some very arbitrary proceedings, and I found that there was most violent conduct upon both sides of the affair.

I found first from the evidence that there were some four or five hundred men imported there in order to organize a country that had not been unionized, and that they incited and committed all sorts of crimes, and that the operators imported a lot of men—I have forgotten what they called them; mine guards, I believe—from other States, that retaliated, and it was a bad state of affairs. They had fought it out before we got there. We excited a good deal of feeling there, and I really thought the Senator from Idaho was disgusted with the matter before I was, because he left and came home a day before I did. I stayed one day longer; but there were three others of the committee—there were five of us altogether—that visited the mines and had their photographs taken up there at the mines.

Mr. BORAH. I left when the business was over and came home.

Mr. SHIELDS. I do not think the Senator from Idaho was in that picture, and I want to say right now that I was not. I did not go up to the mines. I thought that the business of the committee was down there at Charleston, where we had our headquarters. I realized the uselessness of the whole thing, and thought that we ought to have stayed away. I have never heard that the investigation did any good, because the good was already done and the settlement made before we got there, as I remember. I may be mistaken, and the Senator from Idaho may be right, but I should have to look up the record before I agreed with him that he was right.

I understand that that is practically the situation here. I understand that the Senator from West Virginia has stated that this trouble is all over. Am I correct about that?

Mr. MYERS. I do not know as to that, but I understood the Senator from West Virginia so to say.

Mr. SHIELDS. That was my understanding from reading the RECORD. I was not present at the discussion the other day. I understand in this case that both the operators and the miners want a committee to go up there and hear the evidence and give publicity to the matter. Now, that might be very beneficial both to the operators and to the miners. It has been argued here, as I understand, that because both consent to it it ought to be done. It takes more than the consent of both the parties to a controversy to loot the United States Treasury in investigations of this kind. I do not know of anything that Congress can do. It did not do anything in the former investigation. This is a similar one. It is almost a case in point, and I do not understand that they can do anything now. I have not heard that it is proposed to do anything.

I do not remember that there were hundreds of men sent to the penitentiary from West Virginia before, as the Senator from Idaho does, but that is a matter of record. It can be easily ascertained. There were some, and some I thought wrongfully, upon the investigation and the record that I read.

Mr. BORAH. Mr. President, if the Senator will refer to the testimony, he will see that they were brought in by twenty-fives and fifties and a hundred and tried in groups. The drumhead court-martial sat, and finally it rendered its judgment, and it sent them in droves to the penitentiary at a time. It was a most intolerable procedure. It had no sanction in law and should never have been thought of in a government of law. It was rank militarism, it was government by a military despot. That is the plain truth about it.

Mr. SHIELDS. When the Senator made his part of that report did he specify any such facts as those?

Mr. BORAH. They are testified to in the report. It is all there.

Mr. SHIELDS. In the evidence, the Senator means; not in the report.

Mr. BORAH. Well, in the evidence. It is all bound now as a two or three volume report.

Mr. SHIELDS. The Senator's recollection and mine are entirely different about that. There were some such cases, and there were too many. I believed those officers were arbitrary, and while they were under great provocation they were not justified in violating the law or the Constitution; but the Senator's idea that those men were without any remedy is entirely at fault. Every one of them had a right to sue out a writ of

habeas corpus and be relieved from an unconstitutional judgment—one not authorized by law. They had a clear, unembarrassed remedy. There is no doubt about that. The Senator will agree with me that from the evidence a great many of those men ought to have been in the penitentiary, and some on both sides ought to have been in the penitentiary.

Mr. BORAH. Yes; I think there were some on both sides that ought to have been in the penitentiary, but they ought to have been sent there according to legal methods.

The PRESIDENT pro tempore. Does the Senator from Montana yield, and, if so, to whom?

Mr. MYERS. I yield to the Senator from Idaho and the Senator from Tennessee, both, to exchange remarks; each in turn, as they may desire.

The PRESIDENT pro tempore. Does the Senator yield for an inquiry?

Mr. MYERS. Yes; I yield for an inquiry of any length by either.

Mr. SHIELDS. I just want to say further in regard to this matter that I do not believe in expending money for this investigation merely to accommodate the parties, although both of them want it and agree on it. It takes something more than the consent of two opposing parties to justify all this expense and all this trouble. I do not believe in these investigations unless Congress can see how it can pass some legislation based upon the result of the investigations to remedy the evil.

There is no one here, so far as I have heard, who has asserted that there is any possibility—that there is any warrant under the Constitution for interfering with the police power of West Virginia by such a proceeding. It is holding out a false hope and deluding those interested. It is not calculated to shake the confidence of the people in the authority of the State government and cause censorship.

The PRESIDENT pro tempore. The question is upon agreeing to the resolution as amended.

Mr. DIAL. Mr. President, it seems that they must have a good many investigations down in West Virginia. I asked the Senator from Tennessee if the investigation he referred to was a joint one, and he said not. I was talking with a Congressman just a few minutes ago, and he said that he was a member of an investigating committee several years ago which investigated conditions in that State, and that he was satisfied it was a useless expenditure of money; and he said that hereafter he would oppose any such investigation; that it was entirely out of place and unnecessary.

Mr. OVERMAN. Mr. President, if the Senator from Montana will allow me, I desire to inquire of the Senator from West Virginia whether this trouble is all over and quiet reigns there now? That was suggested, and I would like to have the Senator inform us whether the trouble is over.

Mr. SUTHERLAND. Mr. President, replying to the Senator from North Carolina, the trouble is not over; that is, I can not say there is no violence nor threats of violence in that territory. So far as the strike itself and the working of the mines is concerned, it is true, I am told by those who are in that territory, that they have all the men in the mines they need; that the mines there are producing all the coal for which they have orders, and are getting out more nearly a normal percentage of coal than is being produced in any other region in that State. The men who went on strike are, however, living in tent colonies near by. They are being supported by the national mine organization, and, of course, they have nothing much to do except to sit by and watch the proceedings.

Mr. OVERMAN. What I want to know is whether there is quiet there, or whether disorder and mob rule prevail at this time.

Mr. SUTHERLAND. I will say to the Senator that the trouble extends over only a comparatively small portion of one county, and there is no great outbreak of violence. Occasionally some hot-headed person does an act that is not at all creditable, and the one described by the Senator from California a while ago, of course, is indefensible if the facts are as stated. But there are events that lead up to those outrages on both sides.

The Senator has described the condition of these tent colonies. I do not defend the cutting of those tents or the firing upon the men or women who are in the tent colonies; yet, on the other hand, there has been firing upon the houses of the miners who are attempting now to work the mines. There has been firing upon the miners who are working to get out coal, and, of course, that creates a bitter feeling of hostility between the contending factions, as is always the case in such disturbances, no matter in what State they occur. Such incidents occur in Philadelphia, and in New York, and in the country generally. The Senator from Idaho has stated that they occur out in Idaho. No State is immune from them when clashes take place between employers and employees.

Mr. OVERMAN. That is true, but I wanted to know particularly whether the governor of the State and the authorities there have not handled the matter in such a way that now quiet reigns in that part of the county.

Mr. SUTHERLAND. I believe that quiet generally reigns throughout that territory. I want to correct, in this connection, a statement made by the Senator from California [Mr. JOHNSON]. He stated that there was no force there endeavoring to uphold the laws of the State except mine guards, privately paid. That is not the case. I know the Senator made that statement inadvertently and without proper information.

Mr. JOHNSON. No; Mr. President, permit me to correct the Senator. What I was endeavoring to assert was that the conditions down there had been due to the fact that the law was administered by those who were in the pay of private corporations. There is to-day, of course, another force in the field besides the deputy sheriffs in the pay of the mine owners—I grant that very readily.

Mr. SUTHERLAND. I misunderstood the Senator, and I did not want intentionally to misinterpret anything he said. I understood the Senator to state that there is no force down there upholding the laws of the State except these mine guards, privately paid. There is a State force down there, the State constabulary, a very efficient force, and it is due to their presence in that territory now, very probably, that there is a condition of comparative peace and quietude.

The Senator also stated that there was no constitutional law there. He was referring, possibly, to the condition which exists when two men armed get together and fight, for they are not obeying the Constitution. The population of that entire territory is living under constitutional guaranties. Williamson, the county seat of that county, is carrying on its accustomed business. The people of the county generally, while they deplore the situation and are disturbed by it, yet go about their ordinary avocations.

Yet I believe, Mr. President and Senators, that an investigation into this situation would have a quieting effect upon it, and might tend to compose the differences between the belligerent factions. I believe that it so resulted possibly in the case of the Paint Creek and Cabin Creek clash. I believe that the appointment of the committee which investigated the Colorado strike, of which I was a member, had such a quieting effect. I know from personal experience, as a member of that committee, that during the time the committee was in Colorado no violence of any kind occurred. The people on both sides were put upon their good behavior because a body of men representing the legislative authority of the General Government was there on the ground, ready to listen to any grievances which either side might have. It had a decidedly quieting effect, and there was very little if any trouble after that investigating committee concluded its labors and made its report. Whether that followed as cause and effect I can not say, any more than I can say whether the settlement of the strike difficulty in the Cabin Creek and Paint Creek sections was effect following cause. But they were certainly coincident, and there is a fair presumption that both of those investigations did some good.

Mr. SHIELDS. I desire to ask the Senator from West Virginia a question. Is West Virginia able to administer its own police laws and preserve the peace of the State?

Mr. SUTHERLAND. Mr. President, in reply to the Senator, I will say that I believe the State of West Virginia is abundantly able, under ordinary conditions, to maintain law and order. The State is somewhat at a disadvantage just at this time, due to the war. When we entered the war West Virginia had a splendid militia organization, consisting of two regiments of militia. They were taken down to the border. Later they were taken to Europe in the Great World War and afterwards disbanded, as were the militia of almost all the States.

Since the reorganization act was passed last June there has not been an opportunity to reorganize our State militia; and, as a matter of fact, it is stated to me that the boys who were in the service refuse now to enlist in the militia, and those who were not in the service, particularly in view of the fact that a strike trouble is pending down in a section of the State, do not want to go into the militia, and it has been impossible to organize the State militia. Their mothers and fathers, too, do not want their boys to go down into that territory.

Mr. SHIELDS. They are opposed to any more wars?

Mr. SUTHERLAND. They are opposed to any more wars.

Mr. SHIELDS. Those are the same men who were opposed to the League of Nations—to sending our boys over to maintain order and peace in Europe—are they not?

Mr. SUTHERLAND. Some of them are. Two years ago the legislature passed a law providing for a State constabulary, not a large force, but quite an expensive one to maintain, which cost a great deal more money than the militia did.

It was thought, following the example of Pennsylvania and some other States, that that was the very best way to preserve peace and quietude, particularly where there was a large area to be covered, and it was the design of that law to prevent the employment of private mine guards, which the Senator has mentioned. I will say, further, that the legislature which has just adjourned extended that law and provided for an additional force, but it has not been possible as yet to organize that force. So the State has at this time only a small force of 75 to 100 men available for this duty.

Mr. SHIELDS. Mr. President, does the Senator mean to intimate that the sheriffs of these several counties have not the right possessed by sheriffs in every other State to summon a posse comitatus to maintain law and order, and could not the sheriffs of the counties in that way bring there 100,000 men, if necessary, to preserve order?

Mr. SUTHERLAND. I was going to speak of that feature of the case, Mr. President, when the Senator interrupted me.

The sheriff of Mingo County summoned to his aid a large number of citizens, and citizens have, to the number of a hundred or more, come forward and volunteered to become members of the posse of the sheriff of that county in order to maintain order. When the President, in his wisdom, saw fit not to send the Federal troops down there, that is the action which was taken. The governor proclaimed martial law. That act has since been declared by the Supreme Court of West Virginia to be without authority of law; it has been declared null and void.

So we have the State constabulary and a large force of deputy sheriffs, most of whom are citizens of the county where the trouble exists, who are interested in preserving order for the benefit of the general public and who represent the police power of the county.

Mr. SHIELDS. I take it for granted, Mr. President, that at least 90 per cent of the citizens of that county are law-abiding men and believe in law and order. I have that much confidence in the citizenship of West Virginia.

Mr. SUTHERLAND. I think a very much larger percentage of the citizenship of that county are in favor of maintaining law and order and stand for law and order.

Mr. SHIELDS. Are not 90 per cent of the people able to maintain law and order? Can they not compete with and control the other 10 per cent?

Mr. SUTHERLAND. They are doing so at this time with a fair degree of success.

Mr. SHIELDS. Then there is no use of a committee of the Senate going there and interfering with the internal and domestic affairs of West Virginia. It is in the governor's power to enforce the police powers of the State.

Mr. SUTHERLAND. Of course, Mr. President, the main questions at issue there are not settled. These men are being maintained there in idleness in these tent colonies, and of course the men who are working in the mines are under constant threat of violence. There is no doubt that some violence has been done to the men in the tent colonies, and some of those in the tent colonies have been strongly suspected at times of inciting and committing acts of violence. There have been acts of violence on both sides which are absolutely indefensible.

So while there is a condition of comparative quietude there, yet the threat is still there, and if the Senate should in its wisdom order this investigation, I believe it would have a good effect in quieting the general situation, by enabling these people to get together and thrash out their differences face to face, and to reach some amicable basis of settlement.

Mr. SHIELDS. Mr. President, I think the Senator has announced the real purpose of both the parties in this case in asking for this investigation. They want their differences settled at the expense of the United States, instead of settling them themselves in the ordinary way and at their own expense. I do not know of any special privilege that coal operators and coal miners have to have publicity given to their differences and settlements made of them any more than other classes of people in the United States have. Why can they not get together and give publicity to their respective views? Why can they not meet and settle these matters themselves, without calling on the Government to resort to this extraordinary and expensive proceeding? Does the Senator know of any just reason, if both of them are honest and want to come to a fair agreement about this matter, why they can not do it? Can they not give publicity to their differences in other ways? Do they not know the facts, without Senators going up there and swearing them and making them tell them, as we did in the Paint Creek and Cabin Creek matter?

Mr. SUTHERLAND. They could do it, but they do not do it.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate bills and joint resolutions from the House of Representatives for reference.

MEMORIAL TO DEPARTMENT OF AGRICULTURE EMPLOYEES.

The joint resolution (H. J. Res. 112) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the War with Germany was read twice by its title.

Mr. FERNALD. Mr. President, on yesterday a Senate joint resolution of similar character passed this body. It has been slightly changed by the House; it is entirely satisfactory to me, and I ask that the measure be placed upon its passage.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent for the present consideration of the joint resolution.

Mr. WILLIAMS. Mr. President——

Mr. FRELINGHUYSEN. Mr. President, I am not going to object, because there is a good deal of routine business to be conducted by the Senate. Yesterday when we adjourned it was understood that the Senator from Nebraska [Mr. NORRIS] should have the opportunity to-day to finish his speech on the Irish question. Following him, I wish to speak on the pending coal bill, which is the unfinished business. I desire to obtain consideration of that bill by the Senate as soon as possible, but if the Senator from California [Mr. JOHNSON] wishes temporarily to lay aside the unfinished business——

Mr. WILLIAMS. Mr. President, I think I rose before the Senator from California and claimed the floor.

Mr. FRELINGHUYSEN. I am simply making a statement; I am not going to interfere——

Mr. WILLIAMS. If the other side is going to be heard, I wish to be heard, too.

Mr. FRELINGHUYSEN. I understand the Senator from Mississippi [Mr. WILLIAMS] wishes to speak on this question. Therefore I shall follow the Senator from Nebraska if I have the opportunity to do so to-day—if not to-day, then on to-morrow—and I shall move a recess of the Senate to-night.

The PRESIDENT pro tempore. Does the Senator from New Jersey ask that the unfinished business be temporarily laid aside?

Mr. JOHNSON. Mr. President, I wish to ask unanimous consent that the business now before the Senate, the unfinished business, be laid aside temporarily and that we may proceed further with the resolution we have just been debating.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California?

Mr. MYERS. Mr. President, in accordance with my attitude toward the resolution, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. ASHURST. Mr. President, the Senator from California has a right to move to proceed to the consideration of the resolution if he sees fit.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state the parliamentary inquiry.

Mr. SMOOT. I should like to know what is before the Senate at this time. Is it not the House joint resolution just laid before the Senate by the Chair?

Mr. FERNALD. It is a joint resolution passed yesterday by the House and——

The PRESIDENT pro tempore. The Senator from Utah addressed his inquiry to the Chair, and the Chair responds that the business now before the Senate is Senate bill 1806, the unfinished business.

Mr. NORRIS. Mr. President——

Mr. FERNALD. May I inquire what became of my request?

Mr. KING. I object.

Mr. FERNALD. Mr. President, a parliamentary inquiry. What became of my motion?

The PRESIDENT pro tempore. The Senator's motion was not in order at the time it was made. The Chair lays before the Senate bills and joint resolutions from the House of Representatives, and those must be submitted to the Senate before anything else is done. House joint resolution 112 will be referred to the Committee on Public Buildings and Grounds.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 4976. An act granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio; to the Committee on Commerce.

H. R. 5756. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916; to the Committee on Territories and Insular Possessions.

H. R. 6573. An act to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 6877. An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes; to the Committee on Irrigation and Reclamation.

H. J. Res. 153. Joint resolution permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes; to the Committee on Immigration.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state the inquiry.

Mr. WILLIAMS. What is the Senate bill which the Chair a moment ago said is now before the Senate? He described it by number only.

The PRESIDENT pro tempore. It is a bill introduced by the Senator from New Jersey [Mr. FRELINGHUYSEN] and reported by the Committee on Interstate Commerce, relating to rates on coal.

Mr. WILLIAMS. I thought there was a request to lay it aside temporarily.

Mr. KING. That was objected to.

Mr. WILLIAMS. Very well.

CONDITIONS IN IRELAND.

Mr. NORRIS resumed and concluded the speech begun by him yesterday. His speech entire is as follows:

Monday, June 20, 1921.

Mr. NORRIS. Mr. President, on the 16th day of April last I introduced a joint resolution which I now ask the Secretary to read.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will read as requested.

The reading clerk read the joint resolution, as follows:

A joint resolution (S. J. Res. 27) protesting against violations of the laws of land warfare committed by the British forces against the Irish people in their struggle for independence.

Whereas there is a state of war existing between the Government of Great Britain and the people of Ireland; and

Whereas the armed forces of Great Britain in Ireland have violated the laws of warfare as set forth in The Hague Convention of 1907, to which the Government of the United States is a signatory power, in the following particulars:

(1) Prisoners of war are not treated as prisoners of the British Government but as prisoners of the individuals or corps that capture them.

(2) Such prisoners are subjected to cruel and inhuman treatment.

(3) Prisoners are assassinated without excuse, or under the pretext that they are attempting to escape.

(4) The property of prisoners is confiscated.

(5) Prisoners, as well as noncombatant civilians, are compelled by military force to perform excessive labor.

(6) Irish nationals are forced to take part in the operations of war against their own people.

(7) Hostages are carried by the British forces when engaged in war operations.

(8) Irish nationals are forced to swear allegiance to the Government of the invading forces.

(9) Irish citizens are forced under extreme torture to give information about their armed forces.

(10) Family rights and honor, the lives of persons, and private property are violated by arson, pillage, and assassination. Husbands and sons are killed in the presence of their wives and mothers. Innocent women and children are shot down in cold blood by soldiers driving through the streets in motor lorries.

(11) Penalties are laid upon towns and villages as the result of the acts of individuals for which they can not be held legally responsible; homes are broken into in the dead of night, the inhabitants terrorized, and the houses looted and burned. During the year 1920 more than 48,000 homes were thus violated.

(12) Factories, creameries, hayricks, and other food of domestic animals, owned by noncombatants, are burned and destroyed, leaving thousands of people without means of gaining a livelihood and thus bringing on much suffering and starvation.

(13) A policy of reprisals has been instituted, by which villages are laid waste and homes are destroyed, contrary to the law of nations and of humanity.

(14) The property of religious, educational, and civic institutions is destroyed.

And

Whereas many thousands of loyal citizens of the United States are related by blood to the victims of these atrocities in Ireland; and

Whereas this situation is making it exceedingly difficult to maintain unimpaired and unembarrassed the long-standing good will and common understanding between the United States and Great Britain, which the Congress is zealously desirous of fostering and perpetuating: Now, therefore, be it

Resolved, etc., That the Irish people are entitled to a government of their own choice; and

That the Congress views with horror and indignation the continued violation of the dictates of humanity and the laws of war by the armed forces of Great Britain in Ireland and most solemnly protests to the world against the continuation of such acts of uncivilized warfare.

SHALL IRELAND BE FREE?

Mr. NORRIS. Mr. President, in urging the Senate to pass this joint resolution, I desire at the beginning to say that I have no ill-will against the British people. I have no desire to disrupt the British Empire. I want to live, and I want my country to live in entire peace and harmony with all the peoples of the earth, and I am urging the passage of this joint resolution because I believe its passage will tend to bring about such peace and harmony and continued friendship and good will among the nations of the world. I desire not only that my country should remain at peace with the world but I am particularly anxious that such peace should exist between us and the great English-speaking nation whose territory reaches around the world. I am anxious that no steps should be taken by my country that will in any way interfere with the good understanding and the friendly relations existing between us and Great Britain. I want to avoid, if I can, taking any action that would offend the sensibilities of the English people, and I shall make no criticism of the British Government that I would not make with equal candor against my own country did I believe similar conditions warranting such criticism existed.

While the criticisms I shall offer have as their primary object the alleviation of the sufferings of the Irish race, they are nevertheless made in the hope and in the belief that they will appeal to the fair-mindedness of the British people themselves and to the liberty-loving people of the civilized world. I will not be dissuaded, however, or deviate from the course that I have outlined by any fear of danger or of censure that many honest people entertain that we must not speak the truth for fear of bringing upon us and our country the enmity and the ill-will of any nation or people, however great and powerful. I hope that what I shall say may be accepted in a spirit of kindliness and friendliness, but I will not be dissuaded from saying it even though the unreasonable and the unfair shall cry out that we must not raise our voices in behalf of downtrodden and suffering humanity lest we give offense.

The crime of permanently holding in subjection against their will a people or a nation who are able and competent to govern themselves, is second only to that of human slavery. It is, in effect, slavery upon a large scale. The right of a people to be free is just as sacred as the right of an individual to be free. Human freedom is an impulse of the soul. It is the sacred right of every person and of every nation. It may be mainly a sentiment, but it is a controlling spirit that is fostered and nourished in the breast of every civilized human being. It is more sacred than life itself, and the struggle of any civilized nation for freedom and self-government is one that should appeal, and does appeal, to all honest and intelligent people. Good government is desirable and is the aim of the common people of every civilized nation, but free government is the inalienable right of every civilized nation of the earth. It is just as unjust, just as unholy, and just as reprehensible for one civilized nation to hold another civilized nation in subjection as it is for an individual to own the flesh and blood of his fellow being and to sell and traffic in human slavery.

THE STRUGGLE OF IRELAND FOR FREEDOM.

For more than seven centuries the Irish people have struggled to be free. During all those years the Irish nation, against its will, has been held in national subjection by Great Britain by force and intimidation. No one who has given any study to history and to present conditions has any doubt but what the Irish people possess all the qualifications necessary for self-government. They have never yet willingly submitted to British rule. During the centuries that have passed they have been crying out to a sympathizing world for self-determination, for their liberty and their freedom. They have suffered during

these years the unjust and the humiliating rule of military power. Under the control of a foreign Government, they have not been able to develop their industries or enact the laws for their own government, but, on the other hand, have been compelled, to a very great extent, to see the results of their labors and their energy devoted to the upbuilding of the powerful nation that holds them in subjection against their will. Their natural resources remain dormant; their trade and their commerce exist mainly for the purpose of helping and assisting their conquerors and their masters. During the years of toil and strife they have seen their population dwindle and disappear until one-half of the people of their fertile island have vanished.

The appeal of Ireland ought to come with particular force to the people of America, the people whose forefathers rebelled from the same mother country and who obtained their freedom upon the battle field on account of persecutions that in their severity can not begin to compare with the afflictions that have been suffered and are being suffered by the people of Ireland. We hold in sacred remembrance and the entire civilized world looks with admiration upon our forefathers who became traitors to the mother country in order to be free. Those who believe in the sacred principles enunciated by our forefathers in the Declaration of Independence can not close their ears to Ireland's cry. Mindful of our own freedom and our own history, and jealously believing in the righteousness of our forefathers' cause, we can not do less than in the words of the pending resolution protest to the civilized world against the holding in national bondage, without their consent, one of the civilized races of the world.

We have recently emerged from a great war in which we were one of the Allies of Great Britain. We announced to the world and Great Britain announced to the world that the war was being fought for the protection of the rights of weak nations; for the self-determination of peoples. The American soldier and the British soldier who fought side by side upon the battle fields of Europe believed that they were fighting, yes, that they were dying, for the principle of freedom and the right of every people to govern themselves. Not only the soldiers but the men, women, and children who sacrificed in every way at home to keep the Army at the front, all believed that their sacrifices were being made for humanity, justice, and civilization. We were all justified in this belief. Whatever disagreement might have existed at the beginning it was soon abated by the slogans of the leaders of our country and of Great Britain, who continually proclaimed in the face of the world that such were the objects to be attained by the war, and that human freedom would be secured and cared for when the belligerent nations met around the peace table.

It is unnecessary for me to review the official messages and the promises to humanity made by our own President. They are familiar to all of us, but the promises of righteousness made to us were only a duplication of the promises that were made by British statesmen to their people, to the people of Ireland, and to the world.

PROMISES BY THE BRITISH GOVERNMENT AND BRITISH STATESMEN AS TO THE OBJECTS AND AIMS OF THE WAR.

I want to read, Mr. President, a few extracts from some of the leading statesmen of Great Britain.

On April 17, 1917, the British cabinet sent a message to America, from which I take the following quotation:

The glowing phrases of the President's noble deliverance illumine the horizon and make clearer than ever the goal we are striving to reach. * * * These words represent the faith which inspires and sustains our people in the tremendous sacrifices they have made and are still making. They also believe that the unity and peace of mankind can only rest upon democracy; upon the right of those who submit to authority to have a voice in their own government; upon the rights and liberties of nations, both great and small, and upon the universal dominion of public right.

This message, sent by the British cabinet, was in response to the famous message of President Wilson in which the noted "14 points" were included and is an official expression not only of the sentiments of Great Britain, as expressed through her official cabinet, but an official approval of everything that President Wilson said.

On September 19, 1914, Lloyd-George made a speech, from which I take the following:

The heroic deeds that thrill humanity through generations were the deeds of little nations fighting for their freedom. Yes; and the salvation of mankind came through a little nation.

And again Lloyd-George, in the House of Commons, on April 16, 1919, used the following language:

Supposing you * * * reorganize Russia, what manner of government would you set up there?

You must set up a government which the people want; otherwise it would be an outrage on all the principles for which we fought in the war.

How true, Mr. President, as applied to Ireland! Let me read it again, and instead of saying "Russia" let me say "Ireland." With that one change, it will read as follows:

Supposing you * * * reorganize Ireland, what manner of government would you set up there?

You must set up a government which the people want; otherwise it would be an outrage on all the principles for which we fought in the war.

On November 9, 1914, the great Englishman, Arthur Balfour, speaking in behalf of his country, used the following language:

* * * We fight, not for ourselves alone, but for civilization, drawn to the cause of small States, the cause of all those countries which desire to develop their own civilization in their own way, following their own ideals without interference from any insolent and unauthorized aggressor. That is the cause for which we fight.

On September 6, 1917, Lloyd-George said:

* * * But if this is the day of great empires it is also preeminently the day of little nations. It is around them that the greatest struggle for liberty centers.

And on January 5, 1918, the same statesman used the following language:

The settlement of the new Europe must be based on such grounds of reason and justice as will give some promise of stability. Therefore it is that we feel that government with the consent of the governed must be the basis of any territorial settlement in this war.

Those fundamental principles laid down by the leading statesmen of Great Britain, if carried out to-day, would without question give absolute independence and freedom to Ireland.

On January 12, 1917, the allied nations, which, of course, includes Great Britain, sent a note to the American Government, from which I take the following quotation:

The allied nations are confident that they are fighting, not for selfish interest, but above all to safeguard the independence of peoples, right, and humanity. * * *

Their war aims necessarily imply the reorganization of Europe, guaranteed by a stable régime and based at once on respect for nationalities and liberty of economic development possessed by all peoples, small and great.

On March 22, 1915, Sir Edward Grey spoke as follows:

We wish the nations of Europe to be free to live their independent lives, working out their own forms of government for themselves and their own national developments, whether they be great States or small States, in full liberty. That is our ideal.

On September 24, 1914, Mr. Winston Churchill laid down the following as one of the aims of Great Britain in the World War:

We want a natural and harmonious settlement which liberates races, restores the integrity of nations, and subjugates no one. * * * Let us war against the principle of one set of Europeans holding down by force and conquest against their wills another section.

And on May 23, 1917, Lord Robert Cecil expressed the same idea in this language:

I laid special stress on the fact that our aims and aspirations were dictated solely by our determination to secure a peace founded on national liberty and international amity, and that all imperialistic aims based on force or conquest were completely absent from our program.

On September 4, 1914, Mr. Bonar Law, in a speech, gave to the world Great Britain's position, as follows:

We are fighting for the moral forces of humanity. We are fighting for the respect of public law and the right of public justice, which are the foundations of civilization. We are fighting, as the prime minister said, for right against might.

On August 6, 1914, Premier Asquith said:

We are fighting to vindicate the principle that small nationalities are not to be crushed, in defiance of international good faith, by the arbitrary will of a strong and overmastering power.

And on September 25, 1914, Premier Asquith, speaking in behalf of Great Britain, used the following language:

It means that room must be found and kept for the independent existence and free development of the smaller nationalities, each with a corporate consciousness of its own.

And again this same statesman, at a banquet at Guildhall, made a speech from which I quote the following:

Perhaps I might say primarily a war for the emancipation of the smaller States * * *.

The peace must be such as will build upon a sure and stable foundation the security of the weak, the liberties of Europe, and the free future of the world.

On January 24, 1917, Mr. Bonar Law said:

What President Wilson is longing for we are fighting for.

And on April 19, 1917, just after America went into the war, Mr. Bonar Law, in a speech, used the following significant phrase:

America's aims and ideals are those of the Allies.

On November 9, 1915, the premier of Great Britain, Mr. Asquith, spoke as follows:

But, be the journey long or short, we shall not pause or falter until we have secured for the smaller States of Europe their charter of independence, and for the world at large its final emancipation from the reign of force.

And on January 7, 1917, this same premier of Great Britain maintained that his Government was in the war for no selfish purpose by using the following language:

We have believed and we have maintained from the first day of the war that we are fighting for no selfish purposes, but in the general service of civilization and humanity.

Sir Edward Grey, on the 23d day of February, 1917, made the following promise:

This war * * * will secure to Europe * * * a peace in which each nation will be able to live its own life.

On February 4, 1917, Lloyd-George, in a political speech in England, said:

The Liberal Party has special interest in the causes for which we are struggling in this great war and the principle that the rights of nations, however small, are as sacred as the rights of the biggest empires.

Mr. Asquith, on September 26, 1917, in a public address, described the war aims of Great Britain as follows:

This war * * * is the creation of a world-wide policy uniting the peoples in a confederation of which justice will be the base and liberty the corner stone.

And on July 26, 1917, Mr. Bonar Law described the unselfishness of Great Britain in the great contest as follows:

We are not only fighting for the freedom of ourselves, we are fighting for the rights of other nations * * * to live their own way * * *. The one thing we are fighting for is peace and security for peace in the time to come.

As late as July 21, 1920, Lloyd-George made a speech in the House of Commons, from which the following is taken:

Poland has chosen her own government by universal suffrage, and it is intolerable that any country from outside should come in and impose upon her a government which she does not want.

Mr. Asquith, on September 29, 1917, described the peace that must come at the close of the war in the following language:

An international system in which there will be a place for great and for small States and under which both alike can be assured a stable foundation and an independent development.

On January 5, 1918, Lloyd-George, at a labor conference, outlined the object of Great Britain, as follows:

The sanctity of treaties must be established; a territorial settlement must be secured based on the right of self-determination, or the consent of the governed.

The English Government issued a statement on August 3, 1918, that was read at all places of entertainment, from which the following quotation is taken:

We are in this war for no selfish ends. We are in it to recover freedom for the nations who have been brutally attacked.

And on August 9, 1918, Lloyd-George delivered an address at the Castle Hotel, from which the following profession of unselfishness is quoted:

* * * The world is a world for the weak as well as for the strong. If not, why did God make little nations?

I want to read one more. On the 5th day of July, 1918, Lloyd-George used this language in an address to American troops:

President Wilson yesterday made it clear what we are fighting for.

What had President Wilson said the day before that was thus given world-wide approval by England's Prime Minister? It was the speech that President Wilson made in a place that is sacred to the patriotic heart of every American. It was on an occasion that is likewise sacred to America, and President Wilson had on this occasion as his audience the entire civilized world. The speech was made at the tomb of George Washington, and in it the President made on behalf of all the Allies the following demand:

The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery * * *. What we seek is the reign of law based upon the consent of the governed, and sustained by the organized opinion of mankind.

While the war was on, and when England was straining every nerve to meet the onslaught of the enemy; when she was doing everything possible to recruit her army, and for the purpose of influencing Irishmen to enlist under her banner, the War Office of Great Britain circulated through Ireland the following circular—and this was after the United States had gone into the war:

"IRELAND AND AMERICA."

The Star-Spangled Banner is unfurled for the fight. There is not the slightest ambiguity about the language of President Wilson:

"Territory, sovereignty, or political relationship—any or all of these—to be settled upon the basis of the free acceptance of that settlement by the people immediately concerned."

The President also said: "We are concerting with our allies to make not only the liberties of America secure but the liberties of every other people as well."

No man can read these words without applying them to Ireland as well as to Belgium, Poland, the Jugo-Slavs, and the Ukraine. The Allies (and America clearly states this) can not undertake to free the peoples under Germany and Austria and leave other peoples under a system of government which they resent. America, speaking through its President, declares that "the liberties of every other people" are as valued and are to be made secure, aye, as the liberties of America. Will Ireland fight for this freedom? America will see her rights are secured.

The object of this circular was to play upon the friendship between Ireland and the United States. It was to induce Irishmen to fight under the British flag, on the theory that such sacrifices would bring independence and freedom to Ireland. It was holding out to Ireland that if her sons would enlist and fight, the freedom of Ireland would be one of the results of victory; and it was pointed out to Ireland that America was in this fight and that America would see that Ireland obtained justice as one of the results of victory. I wonder, Mr. President, if America will see, according to the British circular, that Ireland obtains her rights and her freedom.

The entire world believed these promises. Relying upon them, many an Irishman enlisted under the British flag and gave up his life at the battle front. Thousands of American boys lie buried on foreign soil who gave their lives in answer to these sacred promises and representations. Hospitals throughout our land are filled with the sick and wounded who went through the fires of hell to make these promises good. The people of the world are bowed down with the burdens of taxation because they believed the promises that were made. Unborn generations must toil and suffer because the leaders of our day in England and America promised this sacred boon to a suffering, bleeding world.

THE PEOPLE ARE BETRAYED.

But the victory that was won on the battle field on account of these sacrifices for humanity was surrendered and given away by the autocrats who sat in secret around the peace table at Versailles. When the truth emanated from that secret chamber it was discovered that the same British statesmen who urged the soldiers on to battle and who proclaimed the doctrine of self-determination to the workers behind the lines had their pockets stuffed with secret treaties, by which in the day of their supremacy and their power every promise made to a civilized world was betrayed and nullified. Ireland found that the freedom and the liberty for which she had struggled for centuries and for which in this war many of her sons had given their lives was not only denied to her but that the very power which this victory gave to her oppressor was to be used in further subjecting her by a cruelty and inhumanity greater than she had ever suffered before. Her sons who dared to ask for freedom were thrown into jail; the homes of her people were wrecked and destroyed; her factories that gave employment to her sons and daughters were confiscated and burned to the ground; and Irishmen were imprisoned and compelled to suffer all manner of cruelties and inhuman punishments. All these things were done by the military forces of Great Britain, under the command of her officers, and in violation of every rule of war, peace, or humanity, and Ireland is to-day held in subjection by the brute force of military rule.

The treatment of the Irish people by the British forces almost beggars description. These military forces now in control resort to methods and practices that violate every rule of civilized warfare and can not be defended before any honest tribunal anywhere. No parallel for existing conditions in Ireland can be found in civilization, and in order to make any comparison with these conditions it would be necessary to go back into the darkest days of barbarism. Human rights are trampled underfoot, property is destroyed almost without limit, the homes and firesides of innocent and unoffending people are invaded in the dead of night, and women and children against whom no charge whatever is made are driven from their firesides only to see their homes and all their earthly possessions going up in flames.

EVIDENCE OF THE BRITISH PEOPLE.

We are not confined alone to the evidence of Irishmen as to the terrible conditions existing in that unhappy land, but there is an abundance of testimony from Englishmen themselves. Men prominent in the councils of Great Britain have unhesitatingly condemned the action of the British Government in Ireland. Various English organizations of men and women have made investigation on the ground and have, without exception, condemned their own Government and have demanded that Ireland be accorded the right to govern herself.

OPINIONS OF ENGLISH LEADERS ON BRITISH POLICY IN IRELAND.

I want to give, now, the opinions of some eminent English statesmen and leaders.

On the 22d day of February this year the Archbishop of Canterbury, the head of the Protestant English Church, in an address in the House of Lords, used this language, speaking of Ireland:

What is now being done is exactly what we condemned the Germans for in Belgium. When the Germans perpetrated cruelties in Belgium it was said that the German people could not be blamed, and the reply

was that the German people acquiesced. Exactly the same charge can be brought against the British people if they acquiesce without protest in what is being done in Ireland to-day.

The Rev. Duncan D. MacGregor, moderator of the Presbyterian Church of England, in a speech used this language:

The result of the present policy is that British rule is a byword and a scoff in every country in Europe and across the Atlantic. One might despise the infamous cartoons that appear in the comic papers of every languaue. They are detestable; but the worst is they are partly true.

For the good name of Britain is it not high time that these crimes, committed in the name of law and order, should cease? Voices of vastly greater authority than mine have uttered their solemn protest, as yet without effect. I wonder whether the whole church of God can not speak with united voice on so clear and crying a moral issue as this.

The bishop of Southwark, in a sermon at St. Swithin's Church on February 20, 1921, used this language:

There is no nation in the world to-day that does not condemn us for our treatment of Ireland. * * * The present conditions in Ireland are bringing disgrace on the British name throughout the world.

Gen. Sir Hubert Gough, in a signed statement published in the papers of Great Britain on the 1st day of March, 1921, used this language:

Law and order has given place to a bloody and brutal anarchy.

That was said by an Englishman, Mr. President, by a general in the English Army, who fought through the World War. I repeat:

Law and order has given place to a bloody and brutal anarchy, in which the armed agents of the Crown violate every law in aimless and vindictive and insolent savagery. Is there a single Irish man or woman whose blood does not boil at these things and who does not demand the end of English rule and the right of the Irish to govern themselves?

England has departed further from her own standards and further from the standards even of any nation in the world, not excepting the Turk and the Zulu, than has ever been known in history before. She is doing irreparable harm to the interests of her own Empire and to her own good name by the circulation of accounts which are daily proved to be only too true of what is being done from day to day. In an impoverished and bankrupt world she has recklessly added another area of ruin and destruction.

Lady Sykes, one of the leading women of the world, in a letter published in England on February 21, 1921, used this language:

No crimes or bloodshed committed by the Irish can excuse the methods now being employed by the Government to enforce obedience to English rule and to break the national spirit of the people.

The accepted laws of Christianity and civilization have been set aside and in their place an attempt is being made to crush the Irish people by methods identical with those employed by the Germans in Belgium and universally condemned. I have seen for myself some of the destruction wrought by the forces of the Crown, official and unofficial reprisals, upon the Irish population; I have seen the ruins in Cork city, the blackened remains of creameries, of cooperative stores, of houses in towns and country villages. I have spoken with the mothers of sons who have been shot at sight without trial. I have seen in a prison hospital a boy of 18, against whom there was no charge, who had been beaten about the head and body with the butt ends of rifles till unconscious. I have heard from the lips of a sergeant of police that the place where he was stationed was quiet, but that he had just been out to a village near with some of his men to give a dozen young fellows a good beating.

These things are happening daily, and of the brutal and frequent murders committed by the "Black and Tans" no mention is allowed to be made in the English press.

Mrs. Despard, sister of Lord French:

Deeply as I feel for Ireland, I feel more deeply for England, whose honor is being dragged in the dust and whose flag is being stained with the blood of the innocent. (Address at King's Way Hall, London, Nov. 15, 1920.)

Hon. Henry Herbert Asquith, former prime minister of Great Britain:

While this make believe (the home rule bill) was being pushed through both houses of Parliament, Ireland itself, as you know, was being subjected to an administrative tyranny which for shortsightedness and for cold-bloodedness—there is no question of hot blood about it—has no parallel even in the annals of our almost persistent mishandling of the affairs and fortunes of that unhappy country." (Address before the convention of University Liberal Societies, Jan. 7, 1921.)

Viscount Bryce, former ambassador to the United States:

Ireland is being treated as an enemy whose population is presumed to be hostile. We hear daily of cases in which persons are shot at random, or persons not caught red-handed and against whom no evidence is produced have been shot without trial. Many cases of house burnings and wanton destruction and downright robbery have been admitted. * * * Neither can we afford to ignore the public opinion of other countries. Eminent Americans—warm friends of England—tell me: "It is not the Irish propaganda in the United States that is hurting you there; we are accustomed to that, and we discount it. It is the impression which the news of what is daily happening in Ireland makes upon native Americans who have always been your friends and who know that you can not yield to the demand for Irish independence." Everywhere—in Australia, in Canada, and on the European Continent—the old reputation of Britain for justice and statesmanship is being tarnished and her influence in the world is suffering. (Letter to London Times, Feb. 25, 1921.)

Hon. C. F. G. Masterman, former British minister:

Speaking with a full sense of my responsibility as a former cabinet minister, I declare the evidence is overwhelming that a systematic policy of terror is being pursued. It is being defended by Mr. Lloyd-George, backed up by the flagrant lies of Sir Hamar Greenwood, and organized by officials in high places in Dublin. The attempt is not merely to punish the guilty, but to break the whole spirit of Ireland by inflicting punishment upon people who are as innocent as babes unborn. That was the system which, under the German invasion of Belgium, turned the whole world against Germany. Yet in every particular the things going on in Ireland to-day are a replica—in some cases they are worse than the things the Germans did in Belgium. (Speech at Macclesfield, reported in Christian Science Monitor, Jan. 5, 1921.)

Earl of Denbigh:

One thing is certain to my humble thinking, and that is that the policy of reprisals as now carried on will never be successful, and that Cromwellian brutality will neither be tolerated in this country nor achieve its intended end in Ireland. As an Englishman I feel convinced that if the English people as a whole realized the hateful things done ostensibly in their name, sometimes officially, sometimes by irresponsible and uncontrolled individuals, a wave of indignation and sympathy with Ireland would spread over the country. If allowed to continue, more harm will be done to the British Empire and its reputation abroad than the average man has any idea of. (Signed statement quoted in New York Evening Post, Mar. 17, 1921.)

Lady Bryce (chairman), Lady Frances Balfour, Lady Robert Cecil, Lady Henry Somerset, and others on March 10, 1921, issued the following statement as a call for a protest meeting of several thousand representative British women: "As women citizens, to whom the principles of humanity and of national morality should be peculiarly important, we believe that the system of reprisals practiced in Ireland is uncivilized and un-Christian."

Maj. Gen. Sir F. Maurice: "The result is that our methods in Ireland differ only in degree but not in kind from the methods of the Germans in Belgium. Our national honor is impugned and the honor of the army is smirched, for these outrages are attributed often indiscriminately to the forces of the Crown in general, and foreigners, nor indeed many Irishmen, do not distinguish between the Black and Tans, the auxiliaries, and the regular troops." (Signed statement in London Daily News, Feb. 21, 1921.)

Sir William Watson to Sir Hamar Greenwood:

"No thin, pale fame; no brief and poor renown
Were thy just due. Of these shall wise Time say:
'Chartered for havoc 'neath his rule were they
Whose chastisement of guilt was to burn down
The house of innocence in fear-crazed town
And trembling hamlet. While he had his way
Converts uncounted did he make each day
To savage hate of law and King and Crown.'"

(From London Daily News.)

Hon. Walter Runciman (former British minister): "The policy of terrorism in Ireland is similar to that practiced in Belgium by the Germans, and has brought discredit on the British name and interfered with their good relations with America." (Address at Amble, Northumberland, Feb. 28, 1921.)

Lord Henry Cavendish-Bentinck: "In fact, the fullness of waste is written over the Government's whole Irish policy. They have been wasting money, wasting the lives and properties of the Irish people, and frittering away the honor and reputation of the governing and sovereign people. What were they getting for it all? Nothing but disgrace, shame, and defeat." (Speech in House of Commons, Mar. 7, 1921.)

Rev. J. Scott Lidgett (honorable secretary National Council of Evangelical Free Churches of Great Britain): "Even if force, organized, disciplined, and under complete control, were a remedy, to give reign to lawless and undisciplined forces, to take matters into their own hands, to shoot, to burn buildings, to reduce the whole system of government to chaos is the worst application that can possibly be imagined.

"The conscience of this country will not stand it, and if the conscience of this country would stand it, the conscience of the civilized world would rise up in judgment, whatever party be in power.

"We were told by the lord chancellor the other night that the sublimities of the Sermon on the Mount would not carry on the movement in Ireland. That was his answer to the very weighty and Christian speech made by the primate of all England, who, not for the first time, represented the judgment of all his fellow Christians.

"And when the Government, speaking through its supreme law officer, makes light of the Sermon on the Mount as giving the marching orders in Christian civilization he shows that his Government and its policy is founded on a fallacy. It will prove itself equally to be a fallacy in the case of the British Empire generally, and in the special case of Ireland in particular.

"Therefore we denounce and we are out to do our utmost to stop the policy or practice of reprisals." (Address before Assembly of Evangelical Free Churches in Manchester, Mar. 10, 1921.)

Lord Parmorr: "Reprisals in Ireland appear to be wholly inconsistent with the fundamental principles on which the maintenance of law and order in the true sense depends, and the plea of provocation is not admissible. When murder, arson, and theft are allowed to go unpunished, where the offenders are Government agents, there is an end of law and anarchy takes its place." (Presidential address at annual meeting of Peace Society in London, Mar. 9, 1921.)

Lord Hugh Cecil: "The methods alleged to have been adopted by the police in Ireland have no precedent whatever in the story of the restoration of law and order by previous governments in the nineteenth century and can end in no way but the widespread demoralization of the Irish people and, to a degree, the English people as well." (Speech in House of Commons, Mar. 1, 1921.)

Sir Leo Chiozzamoney: "I am constrained to wonder whether what is sometimes called 'the man in the street' casually realizes that whereas if a body of Germans had ambushed our men in the late war and had been captured it would have been contrary to the laws of war to shoot them, but that Irishmen under similar conditions are officially shot, if not already shot unofficially, as at Cork this morning, or that while it does not appear to be on record that the Germans in Belgium ever threatened the Belgians with punishment if they did not actually become informers against their fellow countrymen, the British authorities in Ireland have made it a crime for a friend not to inform against a friend, or even for a woman not to inform against her brother, husband, or lover." (Letter in Westminster Gazette, Mar. 1, 1921.)

Gen. Crozier (commandant of the auxiliary forces of the Royal Irish Constabulary) in his letter of resignation, dated February 19, 1921: "I still consider that theft on the part of policemen in the course of their duties is unpardonable, and I can not honestly associate myself with a force in which such acts are condoned."

Hon. A. Baldwin Raper (Unionist Member of Parliament): "On the following day I was walking down Patrick Street (Cork) between 3.30 and 4.30 when, without the slightest provocation, so far as I could see, a number of shots were fired by Crown forces over the people's heads, as a result of which, I understand, one civilian looking through a window was shot dead.

"It must be obvious to any impartial observer who has had an opportunity of visiting the south of Ireland that measures and incidents such as these can never have the desired effect of bringing peace, and must, in fact, deepen the cleavage between the British and the Irish peoples." (Letter to London Times, Mar. 9, 1921.)

Bishop Gore: "The Government is engaged in the perpetration of crime in Ireland against justice and the foundations of civil liberty and order. This accursed policy of reprisals must not be allowed to go on any longer." (Address at St. Mark's Hall, Feb. 28, 1921.)

Gilbert K. Chesterton: "The whole world thinks that England has gone mad. * * * We are not ruling Ireland. We are simply raiding Ireland, exactly as men raid across a frontier. Our rulers are invading Ireland exactly as the Prussians invaded Belgium." (Article in Manchester Guardian, Mar. 6, 1921.)

Lord Gladstone (in letter to Sir Hamar Greenwood): "I detest your system of reprisals and a policy which gravely and in all parts of the world compromises the fame of Great Britain for justice and common sense." (London Times, Feb. 24, 1921.)

Right Hon. Alexander M. Carlisle, privy councilor (leading shipbuilder in Belfast): "It is not merely that the Government have made mistakes—gross, unpardonable mistakes of which they were fully warned—it is that they have endeavored to hide those mistakes by shameless duplicity and infamous dishonesty." (New York Evening Post, Mar. 17, 1921.)

A. G. Gardiner: "The story of English rule in Ireland is the darkest tragedy on earth, with the single exception of the tragedy in Armenia. We have assassinated the Irish nation for 600 years; we have burned its towns and put its people to the sword. We have destroyed its manufactures. Again and again we have placed in Ireland garrisons to overawe the population. We have driven the people from the soil, so that to-day the population is only one-half what it was a century ago. There is no tale of corruption so sustained, so malignant, in the annals of civilized Europe." (Signed article in London Daily News, Nov. 26, 1920.)

Lord Robert Cecil: "Anything which attacks justice, equity, and freedom attacks the basis on which the British Empire stood. The supremacy of the law is the guaranty of freedom and for that all lovers of freedom in our history have fought. Reprisals are the negation of that supremacy." (New York Evening Post, Mar. 17, 1921.)

Lieut. Gen. Sir Henry Lawson, K. C. B.: "It probably would have been impossible, had I tried, to find out to what extent the policy of collective reprisals so widely carried out by the Black and Tans and cadets was suggested and approved from above. That it received something more than tacit approval is obvious from many public utterances. * * *

"It has further to be remembered that the instruments of this policy had had as a whole no previous touch with Ireland; probably the vast majority had never crossed the Irish Channel before; they were specially enlisted for a repressive job, and in the eyes of most of them they were engaged in a campaign against the Irish people for the suppression of acts of violence against police and soldiery. So far as one can judge they appear to have treated the whole population on the same lines, just and unjust, landlord, shopkeeper, farmer, and their point of view seems to be that of military forces operating in an enemy country against guerrilla warfare, very much like the Germans in France in 1870 and in Belgium in 1914–1918." (Report to Lord Henry Bentinck, chairman Peace With Ireland Council, Dec. 27, 1920.)

Lord Buckmaster (former lord chancellor of Great Britain): "It is only after careful sifting of information that I have come to the conclusion that Government forces have been guilty of murder, robbery, and arson." (Speech in House of Lords, Feb. 22, 1921.)

Lord Northcliffe: "A settlement can only be reached when the English public realize the futility of maintaining by force and under world-wide condemnation an absolute form of government such as we have always been the first to denounce in foreign empires." (Article in Nineteenth Century and After, March, 1921.)

I wish now to take up a few extracts from organizations of English people. I am considering English evidence and confining myself for the time being to the testimony of Englishmen about conditions in Ireland. I wish to read an extract now from a manifesto issued by an organization of educated men in Great Britain, a manifesto on Ireland by leaders of intellectual life in Great Britain. This is the way they commence:

We the undersigned, practicing the arts, the humaner letters, and the abstract sciences, or belonging to the churches and the learned professions of this country, being neither active nor interested politicians, view with profound humiliation the present state of the kingdom of Ireland.

I ask unanimous consent to print as an appendix to my remarks the entire statement, including the signatures. Those who care to examine it will find the leading clergy, the leading professors, the leading universities all over England are appended to the statement which I have quoted.

The PRESIDENT pro tempore. Without objection it is so ordered.

[See Appendix A.]

Mr. NORRIS. One of the English generals over in Ireland was Gen. Crozier. The world was startled some time ago by his resignation and his return to England. I have a dispatch here from London, taken from the New York World of May 25, giving a synopsis of what Gen. Crozier said when he returned to England and when he demanded an investigation of conditions in Ireland. I quote from the article as follows:

Gen. Crozier asserts cases of murder, arson, looting, and other forms of terrorism were practiced by the Crown forces during the six months he held his Irish command, and it was in consequence of his determination to enforce discipline and put an end to police crime that his position was deliberately rendered impossible and resignation forced upon him.

In other words, where there was a general who wanted to stop the lawlessness, the barbarity, and the criminal conduct of British military forces he was compelled to resign. He states in the article an instance where members of the British military forces disguised themselves as members of the republican army and robbed the post office. He states another case where a priest was deliberately murdered and his body buried in a vault and false reports given out on account of it. He tells somewhat of the truth about what happened at Croke Park, where the military authorities interrupted a football game and shot promiscuously into the crowd and killed a great many people. I shall not take the time to read it, but it is from the highest English authority, one of the English generals. I ask that the entire article be printed as an appendix to my remarks.

The PRESIDENT pro tempore. Without objection it is so ordered.

[See Appendix B.]

Mr. NORRIS. There is in the world an international organization of women's clubs, the International League. Every Government or country has an organization that is a part of the international organization. The British branch, composed entirely of English women of the International League, all English citizens, at a meeting appointed a committee of 10 women to go to Ireland and make an investigation on the ground. They went. I hold in my hand a copy of their report from which I desire to quote. They said in one place:

The Government campaign against the Sinn Fein is carried on in the following way:

1. Terrorism.
2. Destruction of Irish agriculture and manufactures and trades.
3. Propaganda.

They wind up their report by saying:

We therefore advocate the immediate liberation of Irish political prisoners.

It might be well to pause here and say that the jails and internment camps in Ireland are filled with this kind of prisoners.

We therefore advocate the immediate liberation of Irish political prisoners.

That is a unanimous report signed by all the members of the committee and all English, let me add.

There is another international organization of a religious nature, the Society of Friends, the Quakers of the world. The international organization is composed of delegates from the various national entities of the international body. The British branch of the international organization of Friends or Quakers selected a committee, all Englishmen, all living in England, to go to Ireland and investigate conditions on the ground. I have before me a copy of the report of that committee. I wish to read an extract or two from it.

At its September meeting the executive committee of the Society of Friends (England) had before it the disturbed condition of Ireland. After serious consideration it was decided to send a deputation to visit the country to gather facts and impressions and report to a subsequent meeting as to the possibility of relief, reconstruction, and reconciliation. The deputation numbered three, of whom the writer was one. It may fairly be claimed that they went with open minds, anxious to receive light from whatever quarter it may shine. It is thought that some account of what was seen and what impressions were received may be of general interest.

That is the introduction to the report. It shows who they were and the scope of their work. I wish now to read the conclusion of their report:

As Friends we must deplore the violence and the bloodshed on both sides that take place in such a state of war. As English citizens we must surely chiefly feel the shame of the direct responsibility of our Government for the policy of reprisal by the so-called black and tan, led by their officers, during which town after town is being ravaged and burnt and women and children are driven terror stricken into the fields and weeds to seek safety at night.

That from a religious organization, from the Quakers of England, who have been there and made investigation on the ground.

There is still another English organization that sent a deputation to Ireland. One of the great political parties of England, the Labor Party, decided that they would investigate what was going on in Ireland, and they sent a committee over to Ireland to make an investigation. I have in my hand a copy of their report. I wish to read a few extracts from it. In one place in their report they say:

In some places members of the Crown forces have compelled shopkeepers to obliterate the Irish signs over their doors and windows. This, we know, has happened at Killarney, Pralee, and Listowel. Such petty tyranny creates ill feeling.

One species of terrorism to which reference must be made is the publication in the newspapers or by means of typewritten circulars of notices threatening punishment to the general public if certain things are done or not done.

In another place they say:

The following statement was given to the commission in evidence by a lad of 18 who had been searched and a post-card photograph of the late lord mayor of Cork found in his possession.

Bear in mind this young man, this lad, was found having in his possession a post-card photograph of the lord mayor of Cork. That was his offense. This is the statement:

The Black and Tan who had searched me said I had a photo of MacSwiney. The man in charge told me to go down on my knees. I did not go down. He struck me across the face with his clenched fist. Then he told me again to go down on my knees. I did not go down, and three or four of the Black and Tans who were around pushed me down on my knees. The leader then took a bound book about the size of a novel from under his arm. He gave it to me and told me to hold it above my head and repeat the following words: "I swear that I will have nothing to do with the Sinn Fein in future." I took no notice. Then the leader of the Black and Tans put the barrel of his rifle to my forehead and told me to repeat the oath. All this time I had said nothing. I repeated the oath. The leader then said, "Say 'God bless the R. I. C.'" I said nothing, and the leader struck me with his fist on the face and said, "Repeat 'God bless the R. I. C.' three times." I said "God bless the R. I. C." Then he took a large framed photo of De Valera from under his arm and told me to spit in De Valera's face three times. I took no notice. The leader again struck me on the face with his fist. I made an attempt to do what I was told, but didn't actually do it, and one of the Black and Tans said, "They are very dry." The leader again struck me on the face. Then they all went away.

In another place in the report this committee say:

This rough and brutal treatment of women—

They had been describing some brutal treatment of women just above this quotation—

This rough and brutal treatment of women is by no means the worst that is to be said against men in the service of the British Crown. It is, however, extremely difficult to obtain direct evidence of incidents affecting females, for the women of Ireland are reticent on such subjects. The following case, which came under our notice, is, we fear, but an isolated instance: A young woman who was sleeping alone in premises which were raided by the Crown forces was compelled to get out of bed and her night dress was ripped open from top to bottom.

In another place in this report it is stated:

The chief secretary—

That is, speaking of the member of the British cabinet, the chief secretary for Ireland—

The chief secretary has identified himself with a policy which is a disgrace to the British people and which we believe to be unparalleled in this country. The criminal nature of this policy of violence is clearly seen by considering the essential features of reprisals and violence.

In another place they say:

Months of oppression, coercion, and physical violence can not but have far-reaching effects upon the people who suffer. The future alone will bring to light the complete results of the awful events which have followed in rapid succession in Ireland, particularly during the past 12 months. We may, however, point to some of the consequences which are now obvious to all who have come into close touch with the Irish people.

It is clear that the terrorism which prevails has had serious effects upon the health of people. We may leave out of account the obvious consequences likely to follow to the members of a household who have been the horrified witnesses of bloodshed and violence in their own homes, and consider the effects of the terror upon those who have never experienced such an ordeal. There is medical testimony to show that the fear inspired by Black and Tans and auxiliary police has had the most adverse effects upon pregnant women. Children naturally suffer from the effects of a terror-laden atmosphere, and we are informed that the number of such diseases as Saint Vitus's dance has considerably increased. A large section of the population is "all nerves." The strain has begun to tell, especially in those areas where the excesses of the Crown forces have been most frequent.

Let me read a portion of the conclusion of this report:

We can not close this report without an appeal to the British labor movement and to the British public. Things are being done in the name of Britain which must make her name stink in the nostrils of the whole world. The honor of our people has been gravely compromised. Not only is there a reign of terror in Ireland which should bring a blush of shame to every British citizen, but a nation is being held in subjection by an empire which has proudly boasted that it is the friend of small nations. Let the people of Britain raise their voices in a united demand for the rescue of the Irish people from the rule of force and for the establishment of peace and freedom and a new brotherhood between the peoples of the British Isles. Only by repudiating the errors of the past and the infamies of the present can the democracy of Great Britain recover its honor. Only by granting to Ireland the freedom which is her due can our people fulfill their great responsibilities toward our sister nation.

Mr. President, I ask unanimous consent to print as an appendix to my remarks the entire report of that committee.

The PRESIDENT pro tempore. Without objection, permission is granted.

[The report will be found as Appendix C at the end of the speech of Mr. NORRIS.]

Mr. NORRIS. Mr. President, I have been giving the Senate English evidence. In every instance I have stated what it was and the person who or the organization which gave it. I could continue to pile that evidence mountain high, but I think I have given enough to show that the great common people of England, if they could only know, if they could only realize, what is being done in Ireland in the name of Great Britain, would, every one of them, as this report says, "blush with shame" or would rise up as one man and demand that these cruelties and barbarities cease.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield.

Mr. LA FOLLETTE. Did I understand the Senator from Nebraska to say earlier in his address the testimony which has been furnished by various prominent English men and English women and various organizations from which he has quoted had been denied publication in the English newspapers?

Mr. NORRIS. Considering the statements themselves, I should judge they had been, but some of them were published in certain newspapers in England.

THE REPUBLIC OF IRELAND.

Mr. President, Ireland has never voluntarily submitted to the rule of Great Britain. For centuries she has been crying aloud for independence and striving to be free. During all these years she has been held in subjection—in practical national servitude—by the superior military power of Great Britain. After the Great War, when it became evident that the promises made to weak nations were not going to be kept, when it became apparent that the very power the victory gave to Great Britain was going to be used to further subdue and hold the Irish race in subjection without their consent, the Irish people formally proclaimed their independence. This occurred in January, 1919. The members of Parliament elected from Ireland, with the exception of a few in Ulster, proceeded to form a government. They elected a president and established various heads of departments similar to our Cabinet, and, with the exception above noted, all the officials—county, district, and municipal—recognized and gave allegiance to the new government. They proceeded to carry on the business of government in Ireland through the instrumentality of these officials, who were elected under laws that had long been on the statute books, and the courts and the county and municipal officials, under these laws that had existed for many years, proceeded to function and do business. Among other things, an army was organized and trained. All the activities of government were in full force and effect, and all Ireland needed was to be let alone by the balance of the world. A new government, complete in all details from top to bottom, was functioning and performing all the public duties necessary in any civilized country.

Then began a program of intimidation and terror, and this program increased in barbarity and inhumanity as time went on. It was made illegal for anyone in Ireland to bear arms. Under the decrees of the British Government it became criminal for any body of men to train in uniform. It was a crime to be found in possession of any arms or munitions. It was unlawful for any Irishman to have in his possession any literature, letters, or memoranda that in any way were connected with the new government. It soon became impossible, on account of the British military power which spread over Ireland, for the officials of the government who were elected under laws that had long been in existence to function or to perform their duties. A systematic and well-ordered reign of terror was planned and carried into execution. Men against whom there existed any suspicion of sympathy for the new government were hunted down as criminals. They were arrested, confined in prison, and treated with a cruelty and inhumanity that must forever put the brand of disgrace upon the military authorities of Great Britain. Under the pretense of hunting for arms and munitions private homes were raided during all hours of the night. The inmates were driven out into the street, the windows were smashed, the furniture destroyed, and in many cases the houses with all their contents were burned to the ground. Men were taken from their homes, stripped, flogged, and all kinds of punishments inflicted upon them in an attempt to compel them to divulge information of the whereabouts of some prominent official of the Irish government.

RAIDS BY THE MILITARY.

Nearly fifty thousand instances of the raiding of private homes by the British military authorities occurred in the year 1920. Almost all of these raids took place in the nighttime. In most instances the windows were smashed, the doors were broken, the furniture was destroyed, and in many cases the houses were burned to the ground. It was part of the plan to terrorize the Irish people—to break them down. The home of every man who was in any way prominent in the Irish movement for freedom was a special target. Very often no ostensible reason for the raids appeared, and there could have been no other object than to terrorize the people in general and the inmates of the home raided in particular.

On the 27th of November, 1920, between 4 and 5 o'clock in the morning, the house of Alderman Coughlan, at 19 Pine Street, Cork, was raided by the British military authorities. It was not the first time this house had been raided by the soldiers. On this occasion it was apparent from what occurred that they were searching for the alderman. There was no crime charged against him; there was no warrant out for his arrest, but he was a member of the city council, and the city council was loyal to the new Irish republic. The alderman was not at home. He was, as the usual phrase goes in Ireland, "on the run," which means that the military authorities were hunting for him. He and his family live above a store, on the second floor of the building, and operate the store on the ground floor—a very common condition in the cities of Ireland. The soldiers broke in the glass windows of the storeroom and rushed upstairs, compelling Mrs. Coughlan to get out of bed and dress in their presence. The soldiers carried revolvers and flashlights. They made a complete search of the house for the husband, but were unable to find him. They searched all the bureau drawers for papers and documents. They robbed the place of more than $100 worth of tobacco and then left. It was a common thing for these soldiers when they raided a place to supply themselves with anything they needed, and if the residence raided was over a liquor store they always imbibed freely of the liquor, and as a rule carried away with them that which they did not drink or destroy.

I might mention the case of Mrs. O'Grady. She is a woman of international reputation and is known by many American people. She has devoted her life to the development of the poultry industry, and in 1913 took a special prize of £1,000 that had been offered by the Poultry World. Mrs. O'Grady lives with her husband near the city of Cork. Between midnight and daylight on the night of March 20, 1920, her house was raided by the British military authorities. In a sworn affidavit that she makes she says that they broke into the house and came into her room while she was still in bed. They demanded that she get out of bed, and she asked that they leave the room while she dressed herself. This they refused to do, and made her get out of bed and dress in their presence. They were armed with revolvers and guns. They tore everything to pieces in the residence, and made a complete search of the house, ostensibly to find arms or munitions and documents. Her husband was placed under arrest. Mrs. O'Grady had £63 in money in the house, which money the soldiers took. This was money that she had saved from her poultry business. Jewelry and silverware to the value of several hundred dollars were taken by the soldiers and carried away. Furniture in the house was broken and destroyed. The jewels which were stolen, Mrs. O'Grady testifies, were mostly inherited from her dead mother. Her husband, after being held in jail for five or six days, was released without any charge ever having been lodged against him. It might be well to add that Mrs. O'Grady has a son who enlisted and fought under the British flag in the recent World War.

On the 28th day of October, 1920, the residence of Mr. Courtney, in Cork, was raided by the British soldiers. The raid took place about 2 o'clock in the morning. Mr. Courtney in a sworn affidavit says that there were 16 soldiers in the party, 6 of whom were officers. They broke in the door and smashed the windows. They kept him and his wife standing in the cold in their night clothing while they proceeded to cross-examine them. The soldiers tore up the floors of the house; they emptied the contents of cupboards on the floor; they took family photographs and tore them to pieces. They asked Mr. Courtney if he was a loyalist, and he bravely said he was not. They asked him if he was a republican, and he admitted it. One of the soldiers placed a revolver at his right temple and demanded that he tell the whereabouts of a man whom they seemed to be desirous of capturing. He refused to give them the information. Then they unbuttoned his clothing and, placing a revolver over his heart, threatened to shoot him instantly unless he gave them the information they demanded. While the revolver of one soldier was thus placed against him another soldier discharged his revolver, with the evident intention of frightening Mr. Courtney and his wife, who was standing by dressed only in her night clothes. When Mr. Courtney still declined to give them any information they ordered him to dress, and took him away. They marched him down the street in the darkness, prodding him with bayonets, and making threats against his life. After they had taken him away from home, they went through the same performance again in an effort to induce him to give them information. When he was finally liberated and went home, about daylight, he found his wife in a dazed condition, still in her night clothes. She was unable to speak, sitting among the torn and shattered fragments and other belongings of their home. She, of course, never expected to see her husband again. In most instances where the soldiers took away a member of a household, it was the last time that any of the members of the family saw him alive.

On the 14th day of October, 1920, John Egar, a clerk in the city hall at Cork, was searched when a military raid was made upon the offices in the city building. Upon his person was found a ballot ticket for a drawing, the prize at which drawing was to be a 32-caliber revolver and 50 rounds of ammunition, and because he was found in possession of this ticket he was arrested. He was taken to the military barracks and placed in prison. The military authorities attempted to get some information from him, which he declined to give. He was then locked up and kept without food until the next day, and was told that he would be killed unless he gave the information which they desired. He was kept in a cell for 14 days, and when they were unable to extract any information from him he was finally released.

On the 27th day of August, 1920, at about 1 o'clock in the morning, a raid was made by 25 soldiers upon the Buckley home in Ballyedmond, Middleton. The house was thoroughly searched by the soldiers, but nothing was found. Nevertheless the two Buckley boys were placed under arrest, both of them handcuffed and taken to the barracks. The next morning they were placed in a lorry with several soldiers, both young men handcuffed as before, and while driving along were shot by the soldiers. One of the boys lived only a few minutes after being shot, and the other was so badly injured that he has practically lost the use of his right leg and right arm. No charge was ever filed against either of these men, and no claim has ever been made that either one of them violated any law.

On the night of the 28th of September, 1920, the home of Patrick Noonan was raided. The soldiers placed the son of Mr. Noonan under arrest. There were no firearms in the house, no charge of any kind was made against these people, but at the point of a revolver the young man was compelled to hold up his hands. While they held him in this condition other soldiers hit him in the face with their fists and with the butt ends of their revolvers. They searched his person and found nothing. All this happened in the presence of his father and mother. Then the officer in charge ordered that he be taken out of the house and shot. This order was obeyed, and the young man was taken out and shot three or four times and then left for dead. Although he had a very close escape, he finally recovered. I have seen the sworn affidavits of both the father and the son, in which they allege the facts to be as I have stated.

On November 23, 1920, Mr. Coleman, a business man in Cork, who owns a mineral-water factory, and in connection with his business operates a bar, refused to sell liquor to the soldiers, for the reason that they usually became intoxicated, and in a state of drunkenness committed all kinds of depredations. On this date at about 3 o'clock in the morning, Mr. Coleman was awakened by a loud pounding upon the door of his place of business. He and his wife both got up and came downstairs. He opened the door, and there, in the presence of his wife, without any excuse whatever, he was shot dead. In addition to his wife, he left two children, the youngest child being about 5 months old. No claim was even made that this man was connected in any way with the new Irish republic. His only public affiliation was that he was a member of the Cork Industrial Development Association, and the only offense that he committed, even in the eyes of the British soldiers, was to refuse to supply them with intoxicating liquor. This incident was only a part of the general reckless plan of terrorizing the people.

Kevin Barry, 18 years of age, a Dublin medical student, was cruelly tortured before he was hanged in October, 1920. He was arrested as one of the participants in a raid made upon the British soldiers. While he was in jail awaiting the execution of his sentence, he made an affidavit before a justice of the peace who went into the prison for the purpose of taking Mr. Barry's affidavit. In this affidavit he states that shortly after his arrest he was asked to give the names of his companions in the raid. This he refused to do. A bayonet was then placed at his stomach and he was told that he would be killed at once unless he answered the questions he was asked and gave the names of his companions. He again refused. His face was then turned to the wall and the bayonet was placed at his back. Again he was notified that death would result if he refused to give the officers the information they demanded. He still refused. Let me quote from his affidavit:

He (referring to the officer in command) ordered the sergeants to put me face down on the floor and twist my arm. I was pushed down on the floor after my handcuffs were removed by the sergeant, who went for the bayonet. When I lay on the floor one of the sergeants knelt on the small of my back, the other two placed one foot each on my back and left shoulder, and the men who knelt on me twisted my right

arm, holding it by the wrist with one hand while he held the hair with the other to pull back my head. The arm was twisted from the elbow joint.

Mr. Barry states in his affidavit that this twisting continued for five minutes, and that during all this time the officer in charge was demanding of him that he answer the questions regarding his associates. But, like thousands of other Irishmen under the same kind of conditions, he still remained true and refused to divulge any information. He was told, so he says in his affidavit, that he would be let off if he gave the information, but even with the promise of freedom on one hand and the practical certainty of a conviction on his coming trial on the other, he remained steadfast and kept his silence. This treatment occurred before Mr. Barry was tried, but the affidavit in which he describes the treatment was made just after he had been given official notice of his conviction, and that the date of his execution had been fixed for the following Monday, so it must be said in support of his affidavit that it was made with the practical certainty of almost immediate death.

I have an affidavit made by Thomas Hales, of Bandon, County Cork, who described the treatment that he and another prisoner by the name of Harte received at the hands of their British captors. The affidavit of Mr. Hales is not directly corroborated by other witnesses, and I have not seen or talked with any person having personal knowledge of the treatment that these two men received. Mr. Hales in his affidavit, however, gives dates, places, and the names of other witnesses who saw part of the treatment that was given them, and he also gives the name of the British officer who had charge of him while he was under arrest. Then, too, the incidents described therein are so similar to the experience of so many hundreds of other prisoners that I have no hesitancy in giving it publicity. The affidavit was given to me by Lord Mayor O'Callaghan, of Cork.

According to this affidavit, Mr. Hales and Mr. Harte were arrested on the 27th day of July, 1920, at a farmhouse occupied by a man named Hurley. Hales was taken to an outhouse by British soldiers under the command of Capt. Kelly, where all of his clothes were removed and searched for documents. Hales says that some documents were found in his clothing, and that the officers claimed to have found some cartridges, but Hales denies that he had any cartridges in his possession. With Capt. Kelly was a Lieut. Keogh.

After Hales and Harte had been stripped, their hands were tied behind their backs with leather straps and other straps put around their necks and mouths. While in this condition, Lieut. Keogh struck Hales several times in the face and on the body with his fist. After a while the two men were again dressed and their hands tied behind their backs as before. They were then tied together and marched 200 yards and put in a lorry. During this time they were continually prodded with bayonets and Hales was hit in the nose by the butt end of a gun. Hales said that he was nearly blind from blood that was running down his face from his injuries. They were taken to the military barracks and lined up to be shot. While they were still tied with their hands behind their backs the soldiers hit them with their fists. Hales affirms that his sight was getting dim owing to the loss of blood and that he was exceedingly weak. They were pounded and pummeled while they were marched around the yard of the barracks. Their arrest took place about 5 o'clock in the afternoon, and this treatment continued until after dark. He says that about midnight he was taken to another room and that there were six British officers present, four of whom he names in his affidavit. While his hands were still tied he was informed that he was about to be tried. I quote from his affidavit:

> Kelly took up a book which he said was a Bible, and opened it and placed it in my hands behind my back. He told me to repeat the oath which he was going to say. I said, "For what purpose?" He said, "We want your name, and for you to answer other questions on oath. If you do not, you will be handed over to the R. I. C., and they will quickly identify you and deal with you." I, of course, was well known to Capt. Kelly. He had seen me many times before, and of course knew my correct name. I had previously given a false name when I was arrested—that was before I knew Kelly was present. I said, "I have no objection to giving my name." They let my trousers down round my feet, my hands still being behind my back. "Now," said Kelly, "repeat the following words after me." He then started saying some form of oath and included in it the name of the Blessed Virgin. I did not repeat the name of the Blessed Virgin, and two of the officers took their canes and beat me on my bare legs for about five minutes. I was powerless to do anything. Kelly then asked my name. I said "Tom Hales." He said, "You are commander of a brigade." I said I was one time. He asked me who was the man next in command to me. I said I refused to tell him. I said, "You are foreigners to me, but I appeal to you, if you are gentlemen, to go ahead and get on with the shooting part of it. I am quite ready." Kelly then told one of the officers to go out and get the pliers. He then said, "You are an anarchist and a murderer. You have organized all the murder and attacks on barracks in this part of the country." He said, "Where were you on Sunday? Were you at mass, and at what mass?" I said, "I was at mass at Rossmore." He then asked me was I not responsible for raiding the training camp at Glandore last year. I refused to answer. The two officers then gave me about 40 cuts each on my bare legs. Kelly then said, "Will you refuse to tell me was Prof. Gerald Sullivan commander of the camp?" I told him I did not know such a man. He said, "You are a damned liar." The two officers then gave me vicious blows on the leg, and the blood was flowing down my legs from several wounds in them. (Dr. Shannon, civilian doctor of Cork prison, saw the scars that were on my legs.) The scars were visible for three weeks after this night's event. * * * He asked me what rank did John Buckley of Bandon hold in the Irish Republican Volunteers. I said, "He is a builder, and a good Sinn Feiner at that." I was again viciously whipped for the statement. He said, "What position does your brother John hold and where is he staying?" I said, "I refuse to give you any information about him." He then turned to the officer whom he had sent for the pliers, and he started bending and twisting and pinching my fingers at the back. He gripped them at the back, placing one portion of the pinchers against one side of my nail and the other portion of the pinchers against the other. He brought the blood to the tops of several of my fingers, and for some time afterwards my fingers were black on the tops, owing to congealed blood there. I was feeling extremely weak, almost fainting, and the blood was dropping down my legs. I was asked several questions about other individuals and about military matters, but I refused to give any information. Kelly also put the pinchers on my thighs, but my senses were becoming quite numb.

Later on in the affidavit he states that his hands were untied and his trousers were pulled up and that they were "sopping wet with blood." He was ordered to stand up because his knees were trembling, but he was almost too weak to stand. Lieut. Kelly then struck him a terrific blow in the face with his fist. He hit him several times in different parts of the body and knocked four teeth out of his upper jaw. He was then knocked down on the ground absolutely exhausted and fainting. Mr. Hales states that his comrade, Harte, was treated in a similar fashion and that the effect on him was such that it caused him to go insane.

The next morning at daybreak, on the 28th day of July, he and Harte were again mistreated. They were put up against a wall and notified that they were to be shot. They asked if they might be permitted to see a chaplain, but were refused. The officer placed a pistol against the temple of Hales and said:

> One question, and on the answer of this question depends your life. Give me the names of the six battalions.

To which Mr. Hales affirms he replied:

> Even if I knew the names of the six battalions, I would not tell you.

He was then informed by Kelly that he would give him one more chance, and that if he did not give him the names of the battalions he would shoot him dead, and Hales still refused to give the information. After that Hales says they were taken to the hospital, where, he states, they were given good treatment. The prisoners were afterwards tried and sentenced to two years at hard labor.

In order to show the reckless conduct of the British military forces, it might be of interest to consider the story of Emil Pezolt, an American citizen. Mr. Pezolt was born in the city of Chicago, and he is 21 years of age, a bright, intelligent, fine-looking young man. During the recent war he enlisted in the Marine Corps and when he was mustered out at the close of the war he went into the merchant marine and shipped out of San Francisco to various places on one of the American Shipping Board's vessels. On November 6, 1918, he shipped on the vessel *West Cannon* with a cargo of wheat from Portland, Oreg., to Cork, and he arrived in Cork on the 17th day of November. He was a junior engineer on this ship and his ship remained in Cork for five weeks. He says that when he went ashore it was a common thing for him to be held up by the military authorities. It got to be quite common to hear the word "Halt" and the cry "Hold up your hands." It was a very common occurrence to be thus held up by the British authorities and searched. Mr. Pezolt had in his possession, of course, a seaman's passport and, as a rule, when they discovered who he was and that he belonged to a ship in port he was permitted to go. The harbor town formerly known as Queenstown and now called Cove by the Irish, which, as I understand it, is really a suburb of Cork, was in a very dilapidated condition.

Whole streets of stores had their windows broken in and had been looted, plate-glass windows were smashed, and all kinds of depredations were committed by the military authorities. Everybody on the ship, this man says, understood that they must not walk the streets of Cork with their hands in their pockets without danger of being shot. He states that it was a very common thing to be stopped and halted by the soldiers. When they were stopped they were compelled to hold their hands above their heads while they were being searched. He says he has seen instances where whole crowds were held up and all of them were compelled to hold up their hands until the entire crowd was searched. On December 11, 1920, this man was held up while on the way to his ship by three British soldiers. He was compelled to hold his hands up above his head while they searched him. They found his seaman's passport,

and he told them he was an American citizen and that he belonged to a ship in port, to which ship he was then going. Each of the three soldiers pressed a gun up against his body, and while they were thus holding him up and searching him other soldiers came upon the scene and one of the soldiers struck him in the face with brass knuckles. They took everything that he had on his person, including his fountain pen, his comb, his passport, and all the money that he had. They beat him and knocked him down several times and kicked him while he was down. Part of the time he was unconscious on account of his head striking the sidewalk when he fell. They backed him up against a wall and held him there. They told him to go, and then made him come back. They did this several times, all the time abusing him with vile and indecent language. He was dragged on the ground, his clothing was torn, his face was bruised and covered with blood. Complaint was made to the American consul, and through him to the British authorities, but it was claimed in reply that they were unable to identify the soldiers who were guilty of this dastardly conduct. He had on his person British money to the value of $20 and $10 in American money, all of which was taken.

A former member of the Royal Irish Constabulary, who resigned from the force because he could not conscientiously be a party to the cruelties of British military rule, has made an affidavit of instructions that were given to him and others as to their conduct and as to their duty. Among a great many other things testified to in this affidavit of a cruel and inhuman nature the officer in charge in giving instructions issued the following:

If the persons approaching carry their hands in their pockets and are in any way suspicious looking, shoot them down. You may make mistakes occasionally and innocent persons may be shot, but that can not be helped and you are bound to get the right persons sometimes.

In carrying out their program of terror and shooting promiscuously at houses and residences without any particular object in view except to frighten the people and break down their will and determination for a free country, the case of Mrs. Quinn is an illuminating incident. The shooting of Mrs. Quinn was reported in the daily papers of November 6, 1920, and was afterwards admitted by Sir Hamar Greenwood, a member of the British Cabinet, so there can be no doubt of the truth of the report. Mrs. Quinn was standing near her house in Gort, a small Irish village. The military authorities were passing in a motor lorry and following the usual practice of shooting indiscriminately at houses along the street. Mrs. Quinn was holding a small child in her arms and was within two months of another confinement. She was shot by the soldiers from the lorry as they were passing rapidly through the street. She fell to the ground, and, while severely wounded and bleeding profusely, she crawled into her house, dragging her baby with her, and died a few hours afterwards, after suffering great agony, and during which time her husband fainted, and the gathering neighbors and friends grieved over her prostrate form.

I would like to tell the story of John Derham. John Derham was a member of the town council of Balbriggan. Balbriggan is a little town of 2,500 people. It was inhabited mostly by laboring people, who earned their livelihood and supported their families from the employment they were given by a hosiery factory located in that town. Mr. Derham had a wife and eight children. He was a shopkeeper, and he and his family lived in the rear and in the second story of the stone building where his business was conducted. On the night of September 20, 1920, between 11 and 12 o'clock, after he and his family had gone to bed, their home was raided by the British military authorities. They broke in the windows and doors, and 15 or 20 soldiers came into the house. The family did not have time to fully dress. Mr. Derham was taken from his family by the soldiers, rushed into the street, pounded upon the head with the butt end of muskets and revolvers, struck in the face by the soldiers, insulted in every possible way, and marched to the barracks. He was bareheaded and barefooted. He suffered all kinds of abuse and ill treatment during the night.

When he got to the barracks he found two of his neighbors there. One of them was the father of seven children, and with him were two of his children, one 4 years old and the other 3, both barefooted and clothed only in their little nightdresses. These two neighbors during the night were both killed; not shot, but prodded with bayonets until they died. One of them was stabbed many times in almost all parts of the body. One had a bayonet gash in each hip so that the blood ran down each leg, and finally bayonets were thrust through their bodies. Between 6 and 7 o'clock, Derham was released and in a half-dazed condition he wandered back to his home. He found it burned to the ground; nothing but the stone walls were standing; all of his property, all of his furniture, and practically all of the clothing of himself and family had been absolutely destroyed. Seventeen other houses in the same row with Mr. Derham's residence were destroyed in the same way. The inhabitants had been driven out without time even to fully dress, and all their belongings were fed to the flames.

In addition to this, there were 56 residences in this town destroyed; nearly all the windows of the other houses were broken into; business houses were burned and other places of business had been entered by the soldiers, such as grocery stores and the like, and the entire stock of goods dumped on the floor and trampled under foot by the soldiers. Nearly all the women and children of the town had been driven out of their homes, and several of the people had been killed. In desperation and in fright the women of the town fled to the country carrying their babies dressed only in their night clothes, while the larger children, barefooted and nearly naked, were clinging to them frightened beyond description. It was a cold, frosty September night, and hundreds of barefooted and scantily clothed women and children spent the night in the fields resting beside hayricks, crouching in barns and outbuildings, all expecting that their husbands, fathers, and sons had probably met death at the hands of the military. The next day many of the wanderers, without food and suffering from cold, went back to the deserted village and to their ruined homes.

During every night for several days thereafter the military kept up a continual firing of guns and muskets and bombs. They carried gasoline to the hosiery factory and then set it on fire, and it burned to the ground with all its machinery and all its contents. The people had not only been rendered homeless and naked, but the only means of employment by which the men of the town supported their families had been taken away. Several of the children and women died a few days later on account of the exposure. The inhabitants had to be supported by charity and by a people who were already suffering near to starvation, but this was not the end of it. When the good people of the town gathered together the dead bodies of members of their families, the military added insult to injury by interfering with the last rites that it was desired to hold over the bodies of the dead. The interference with funerals by the military is not an exception, but is the general rule. When the people meet at the place of worship to pay the last respect to departed relatives they are met there by the glittering bayonets of British soldiers. The colors of the Irish republic are not permitted to be placed upon the coffins of those who die that the republic might live. The soldiers enter the places of worship and see that no demonstration of hostility to the British Government takes place. The officer in command usually announces the number that can march in the funeral procession, and those who are permitted to go are continually within the range of pointed revolvers and machine guns. British motor lorries and British tanks armed to the teeth march with the funeral procession and stand guard around the open grave to prevent the friends of Irish freedom from making any demonstration in favor of their own liberty.

Is it possible that this can happen in this day of civilization without at least a solemn protest going up from civilized humanity? Can such conduct be paralleled or equaled anywhere in the world? Does Belgium offer anything to compare to it? Is the cruelty and the inhumanity of the Turk in the same class? Can we find a parallel anywhere this side of the days of barbarism? And all this is happening just after we have fought a victorious war for the self-determination of peoples, for the rights of the poor and the protection of the weak. Not only this but it is taking place under the direction of the military officers who represent the great nation that during all this strife proclaimed so loudly to all the world that the peace would bring us the millenium of justice and equality.

THE FUNCTIONING OF THE IRISH GOVERNMENT.

As I have stated before, immediately after the declaration of independence by the Irish people the new government became an actual reality in all details. The executive, the legislative, and the judicial departments were completely organized, and the people of Ireland, with the exception of portions of Ulster, declared allegiance to the new government with practical unanimity. There was more universal and unqualified allegiance to the new government than existed in our own country when our forefathers issued the Declaration of Independence. This proposition has been officially admitted by the British Government. On Tuesday, the 15th day of February, 1921, in a debate in the House of Commons, Lloyd-George, the prime minister of Great Britain, used the following language:

That was the condition of things a few months ago, and that is not all. The Irish republican organization had all the symbols and they had all the realities of a government. The courts of the Crown were superseded. They were deserted by witnesses; they were boycotted by jurors. Jurors never came there and litigants never appeared. Sinn Fein courts were held openly, attended by litigants, jurors, and advocates, and their decisions were respected.

Remember that is Lloyd-George. Do not forget the date. He said that on the 15th day of February, 1921. He was speaking of the condition that had preceded that time, as Senators will note from the quotation.

In addition to this admission by Great Britain's prime minister, I quote from an affidavit sworn to by Gen. MacReady, the British general, and filed in the John Allen case. I read as follows:

> The said rebel forces are organized as a trained and disciplined military force under a scheme modeled on the former organization of the British Army, divided up into brigades, battalions, and companies. The chiefs of the said rebel organization issue military orders, have a general headquarters, and are continuously engaged in levying guerrilla warfare against the forces of the Crown. The scheme of the said warfare does not entail fighting in distinctive uniforms or in accordance with laws of war, but under a system of guerrilla attacks in which inhabitants, apparently pursuing peaceful avocations, suddenly come together and carry out guerrilla operations, which often result in the death of, or serious injuries to, members of His Majesty's forces and police at the hands of the people who are posing as peaceful civilians.

The Irish Republic continued to function and is functioning to-day, except where it is interferred with by the army of Great Britain. At first all the operations of the government were conducted in public. Courts were held in the courthouses. Aldermen met in the city halls. But gradually the forces of Great Britain were spread over the country and the governmental operations of the proper and legally elected officials were more or less secret. To an ordinary person it is difficult to imagine how a court can perform any of its functions when the officials are being hunted down by the military forces.

We can hardly see, for instance, how such a court would be able to render a judgment of imprisonment in a criminal case with any hope that the person could be confined in prison, or that losing parties in a civil suit would not refuse to obey the judgment by simply appealing to the military authority. Notwithstanding this, however, the courts have continued to dispense justice and the officials are still performing the duties of their various offices, and the fact that this can be done and is being done and the judgments of the courts are being carried out is one of the greatest demonstrations that could possibly exist to show the unanimity of the people in their allegiance to the new government and their determination to obey the mandates and the decrees of heir own officials.

All kinds of cases are being tried and tried in secret. It must be remembered that the parties to the suit and their witnesses must all be told of the place where the trial is to take place. They are all so loyal to Ireland that they maintain the secret inviolate, and when they lose they abide by the decision and still keep secret from British authorities all that has transpired. In the entire history of civilization there can not be found an instance where the people of all classes, high and low, have with such unanimity refused to divulge to the authorities of the enemy of their country any evidence of any kind that would give any information valuable to the enemy and injurious to their own cause. The men constituting the British authorities, trying to overthrow the Irish government, are, of course, strangers in the community where they are operating, and in hunting for an individual whom they do not know they must depend, of course, upon information of people in the locality to enable them to identify the person sought. The Irishman "on the run" is safe from exposure in any Irish home or in any assembly of Irishmen. I am told that there are instances where British military officers have been hunting for Irishmen and have made inquiry in hotel lobbies where men living in the locality were present and where the person wanted was among the number; that the British official might be talking with the very man he was hunting for, in the presence of dozens of people who knew him, and still remain in utter ignorance of his whereabouts. The loyalty of the Irish people to the new government and the universal obedience that is given by all classes of people to the judgment of the Irish courts is well illustrated by an instance that happened in a criminal case tried before one of these Sinn Fein courts. The defendant was found guilty of some minor offense, and the judgment of the court was that he should be held in imprisonment for a stated time. It was impossible, of course, to put him in a public jail, so the sentence was carried out by taking him to a small, desolate island near the coast where the trial took place. The British military authorities in some way discovered what the facts were, and two or three soldiers were detailed to go over to this island in a boat and release the prisoner. They reached the island and found the prisoner, but he refused to be released and announced to them that he had been sentenced to imprisonment on this island for a certain length of time by the Irish courts and that he was going to obey the mandate of the court which he respected, and he declined the proffered assistance to set him free.

There is one exception to the rule that the Irish people refuse to go into the British courts. Under the laws enacted a great many years ago there is a statute that permits any person whose property has been destroyed to bring an action for its value against the Government.

In order that the people of Ireland may be able to demonstrate from official British records the wanton and illegal destruction of their property, Irish citizens whose property has been destroyed under the ruthless régime of British military power have been encouraged to bring actions under this statute in the English courts. A great many such actions have been brought. The principal object, as I have stated, in bringing such actions is to give official demonstration from British authority of the claims which are made against Great Britain as to her conduct in Ireland. They do not expect to recover on the judgments which they obtain, because one of the peculiarities of this statute is that when judgment is rendered it is paid by the levying of a tax upon the community where the destruction has taken place, so that in effect the owners of homes and business places that have been wrecked are, together with their more fortunate neighbors whose property escapes destruction, compelled to pay by taxation upon themselves the damages inflicted under British military authority. I have in my hand a copy of an official report made by one of these British judges. The report is directed to the Right Hon. Sir Hamar Greenwood, a member of the British Cabinet and the chief secretary for Ireland. In this report the judge says that in the county of Clare there were 356 claims for compensation, amounting in all to over £466,000. Please bear in mind that this is pounds, not dollars, and if we convert it into American money at the rate of exchange existing prior to the war we would have claims in this one county alone amounting to over $2,000,000. The judge's report shows that at this session of court he tried 141 cases. He rendered judgment against the Government in 139 of these cases. He found for the Government in one case and he continued one case for further hearing. The total amount allowed in the 139 cases was £187,046 19s. 3d. This judge condemns in severe terms the action of the military authority of his own country. He describes the looting of stores and the burning of towns, all similar to those that I have narrated but none of them the same. In speaking of the looting at Lahinch, he says:

> * * * The town of Lahinch was attacked by a large body of the armed forces of the Government. Rifle shots were fired, apparently at random in the streets, and a very large number of houses and shops were broken into, set on fire, and their contents looted or destroyed. The inhabitants, most of them in their night clothes—men, women, and children, invalids, old people over 80, and children in arms—were compelled at a moment's notice and at the peril of their lives to fly through back doors and windows to the sand hills in the neighborhood of the town, where they remained during the night, returning in the morning to find their homes completely destroyed.

Referring to the raid that was made on Ennistymon, the judge says:

> On the same night the town of Ennistymon was similarly invaded by the armed forces of the Government. Shots were fired in the streets. The town hall and a large number of houses and shops were broken into, set on fire, and, with their contents, destroyed. As in Lahinch, the inhabitants were compelled to fly for their lives. A young married man named Conole was seized in the street by a party of men under command of an officer. His wife, who was with him, pleaded on her knees with the officer for the life of her husband, but he was taken away a short distance, shot, and his charred remains were found next morning in his own house, which had been burnt. Another young man named Linnane was shot dead in the streets while attempting to extinguish the flames.

This report shows that prior to these cases referred to, in the trial of other cases in this county, awards have been rendered to nearly a quarter of a million pounds. The judge then makes this recommendation:

> * * * This constitutes, in my humble judgment, an impossible burden on the ratepayers of the county, many of them already hopelessly impoverished by the loss of their property and means of livelihood, and I would strongly recommend that in the cases in which it is clearly proved that the criminal injuries were committed by the armed forces of the Government the compensation should be paid out of the public treasury.

Mr. President, I ask unanimous consent to have printed as another appendix to my remarks the entire report of Judge Bodkin, from whose official report I have just quoted.

The PRESIDENT pro tempore. Without objection, it is so ordered.

[The report referred to will be found as Appendix D at the end of the speech of Mr. NORRIS.]

A STATE OF WAR.

Mr. NORRIS. Mr. President, there can be no question but that a state of war exists now and has existed between Great Britain and Ireland ever since Great Britain undertook to overthrow by armed force the Irish government. It has been officially determined by the British courts that a state of war exists. In the case of John Allen, who had been sentenced to death by the military authorities because he was found in possession of a revolver and what was claimed to be some seditious literature, the court of the King's bench, consisting of the

lord chief justice and four other justices, upon an application for habeas corpus presented to them in behalf of John Allen, held that—

It was impossible not to come to the conclusion that at the time of the lord lieutenant's proclamation a state of war actually existed and continued to exist at the time of the arrest of John Allen, and since then down to the present time.

This case was decided in February, 1921. To my mind, whether you take either horn of the dilemma, there can be no justification for the conduct of the British military authorities. No rule of law or humanity of either peace or war can justify the inhuman and barbarous treatment that has been inflicted upon the Irish people. If war exists, then those captured must under the rules of civilized warfare be held as prisoners of war. If war does not exist, then persons charged with crime, whatever may be its nature, and captured must be tried according to the laws that govern in the country where the alleged offense is committed. There can be no justification for what has happened and is happening in Ireland under any rule, law, or regulation existing anywhere in civilization.

HOSTAGES.

It has become the custom in Ireland for the British military authorities, when they go out on a raid, to take as captives with them in the military lorries in which they travel one or more well-recognized friends of the Irish republic, in order to make the military squad safe from attack by members of the Irish republican army. When it was announced to the world that in the name of the British Government such inhuman things were being done the horror of it was so appalling that civilized people could not believe it to be true. Like many of the other atrocities, the honest American citizen put them down as falsehoods. He could not believe that the great British nation, boasting of its civilization and its justice, could be guilty of such inhuman conduct. But the evidence continues to accumulate, and we are now able to prove from British official sources that the reports are true. I have copies of a large number of proclamations in which the practice is officially announced. Proclamations by British officers that hostages would be carried in military lorries have been made in the counties of Clare, Cork, Kerry, and Dublin. A news item appeared in the Dublin paper of February 5, 1921, stating that Col. Maurice Moore was, a few days before, taken as a hostage.

I read from a portion of that item, as follows:

Col. Maurice Moore described to-day his experience last Saturday and Sunday, when he was arrested by soldiers and driven around Dublin in a military lorry as a hostage against Irish attacks, and finally released without any charge being made against him.

Col. Moore is more than 70 years old, a brother of George Moore, the novelist, and head of a great landowning family. He has a splendid military record, having been commanding officer of the Connaught Rangers, and holds the decoration of C. B. (companion of the bath), conferred by the King for gallant services in the South African war. While he is sympathetic with Irish nationalist demands, he has taken no part in any rebellious movement. His only political activity is chairman of the commission of inquiry into the industrial resources of Ireland.

It was the design of the British authorities to give as much publicity as possible to the fact that they were carrying hostages. In this way it made them safe from attack, and while they went out to shoot and burn and destroy they protected themselves by carrying with them as captives well-known friends of the Irish cause. It has even occurred that such hostages have been killed by the British themselves while thus held in captivity. In one instance, referred to in the British Parliament, it was shown that two hostages who had been taken in a lorry were brought back dead. The officials in charge of the lorry announced that the hostages were shot in an attack by members of the Irish republican army, but the remarkable coincidence existed that no one else had been injured, and one is irresistibly led to the conclusion that while the hostages were kept in captivity they were murdered by their captors.

But to set the matter finally at rest and to show conclusively that the British Government is engaging in this inhuman method of warfare, I want to read a portion of a statement issued to the public press of the United States by the British ambassador at Washington. This statement was issued the day after the so-called commission on conditions in Ireland made its report, and was intended to be an answer to that report. From this statement I quote the following:

The practice recently adopted of carrying hostages has entirely fulfilled its purpose, namely, to minimize murderous attacks on Crown forces and to prevent loss of life. Captured documents show clearly its restraining effect. No woman has ever been carried as a hostage.

It thus appears that the great and powerful Government of Great Britain, in fighting against a subject people, has thus resorted to this barbarous method of warfare for the purpose of minimizing attacks made on its forces. In other words, its military forces go out to attack the enemy that is in rebellion, and in order to make themselves safe from danger while they are engaging in military operations they carry hostages in order to prevent the enemy from firing upon them—and they defend themselves before the civilized world by saying that they do not carry women as hostages. This argument is, in effect, that while they are barbarous they are not as bad as they might be. I presume from this argument that if the carrying of men as hostages did not make their soldiers safe from attack they would, of course, feel justified in taking women as hostages, and if that did not prevent the attack of the enemy it would follow, I presume, that each British soldier would take an Irish child strapped upon his back whenever he went into battle, in order to make him safe.

What a great satisfaction it ought to be to the women of Ireland in particular and the women of the civilized world in general to hear from the lips of the British ambassador in America that in the prosecution of the war against Ireland "no woman has ever been carried as a hostage." But I want to warn these women that this great English statesman has given no assurance that women will not be carried as hostages. Great Britain has not admitted that she has not the right to carry women as hostages. She has simply announced to the world that so far "no woman has been carried as a hostage." The women of Ireland are as patriotic as the men. They are making as many sacrifices as the men. They are suffering starvation and often death for the Irish cause; and as Miss MacSwiney, the sister of the late lord mayor of Cork, has stated from many an American rostrum, if the men of Ireland should surrender, the women of Ireland would still fight to the death; they would take up the cause even though they knew they could not win, and fight until the last life was sacrificed.

When the British military authorities send the soldiers out in lorries they claim that they are liable to be ambushed; that Ireland had no army in uniform bearing arms; that her army, while organized according to the British military tactics, is dressed in civilian clothes and scattered throughout the country; that by some means or secret communication, understood only by them they are able to assemble in squads at designated places and at an appointed hour without anyone having any notice of it. They claim, therefore, that they are not fighting an army, and that for this reason they are justified in the course they are pursuing.

Let us admit for the sake or argument that the Irish are murderers and assassins. What justification does that give for taking innocent people with them for the purpose of preserving the lives of the officials who go out to arrest the murderers and assassins? Suppose that in an American city the police were going out to capture a man against whom a charge of murder had been laid, and for fear that they might find the man armed and that he might resist arrest, they were to take some innocent person, preferably a friend of the man they were seeking, and put him in front when they approached the locality of the alleged murderer. Where is the civilized man, in America or elsewhere, who would condone such a practice? Where is civilization, in any jurisprudence, can be found any precedent for such a course? What right has any official to injure the life or endanger the safety of any person by thrusting him in front when an attack is made on some alleged criminal?

For sake of the argument we might be willing to admit that these Irish soldiers were barbarians—yes, we might admit that they were cannibals—and still the military practices of Great Britain in Ireland must be condemned by the civilized world.

But, Mr. President, the condition of the Irish army as to uniforms and arms can be traced and laid directly at the feet of Great Britain. At the beginning Ireland's army were dressed in uniform; they bore arms; they drilled in public; but one of the first things that Great Britain did was to decree by military order, without any law, without any statute having been passed to authorize it, that the bearing of arms on the part of any Irishman would be punished by death. Even to be dressed in the uniform of the Irish army meant death—not death after a trial before a jury, but death by the decree of military authority, the decree of the oppressors of Ireland. Under these decrees, Irish are being hanged and shot down by British military authority every day for the simple reason that they are found in the possession of a revolver or a gun or some ammunition, or in possession of some literature unfriendly to the British Empire and friendly to the Irish republic.

Mr. LA FOLLETTE. And yet, Mr. President, the highest court of England, the chief justice sitting, has decreed that a state of war exists.

Mr. NORRIS. Yes; as I have already read.

So it appears that Ireland is driven to her method of warfare, not by choice but by compulsion, and that compulsion has come from the very power that now objects to the very thing that its own act has brought about—the very power that uses that con-

dition to hang and shoot men for no other reason than that they have within their bosoms the spirit of liberty and of freedom.

It must be remembered also that the Irish army is not guilty of the British method of warfare. It is not charged even by the British Government that the Irish carry hostages, although they have had ample opportunity to do so, because they have captured a great many British soldiers. No British soldier has even been taken prisoner by the Irish and punished for the offenses for which the British authorities are inflicting the death sentence. Before the making of these military decrees on the part of the British the Irish army was in the open and wore a uniform. They captured in many instances the barracks where British soldiers were stationed, and their universal practice was to disarm all the prisoners they took and then give them their liberty. This despised nation, alleged by the British authorities to be murderers, were giving an example to their British tormentors of their civilization and upright honor and manhood. Until these decrees practically announced that whenever the British took prisoners they would be killed the Irish had not engaged even in ambushing any British military squads. They have never carried hostages. They have not killed their prisoners simply because they belonged to the other army, and are not doing so now.

The idea of the Irish was to obtain their independence by peaceful means. They had established a government that was functioning in all its details. They asked only to be let alone. They had no way after war actually commenced of getting arms except as they captured them from the British Army. Their army was supplied to quite an extent with ammunition that had been taken from the British soldiers. It was only when, by these merciless decrees of British military authorities, all the rules of war, peace, and humanity were set aside, and it appeared that the Irish were going to be killed, and their homes and property destroyed, simply because they were unwilling to live under British rule, that the Irish were driven to conceal their arms, to drill their soldiers in secret, to dispense with a uniform, and to pursue a method of warfare that was made absolutely necessary by the action of the British military authorities. The hanging and shooting of Irish prisoners by the British military authorities is going on daily. Almost every day the newspapers carry accounts of the fact that Irishmen have been executed by the British because of attacks made on British soldiers, or because they have been found in possession of firearms or literature friendly to the Irish cause.

I read from the Associated Press dispatch contained in the papers of February 28, 1921:

CORK, *February 28.*

Despite the appeal for clemency made recently by the Cork corporation, the six Irishmen in jail here, whose death was fixed for to-day on charges of levying war against the Crown forces, were duly executed by the military this morning. The men were shot in batches of two each at intervals of 15 minutes.

Then follow the names of the six men executed, and the dispatch continues:

* * * The men executed were condemned for an attack upon the Crown forces at Dripsey, County Cork, in January. Allen, whose home was in Tipperary, was sentenced for possessing a revolver and ammunition.

And thus the massacre goes merrily on, and as it increases in barbarity and wretchedness the spirit for Irish freedom grows stronger and greater in the hearts of those who survive.

[At this point Mr. NORRIS yielded the floor for the day.]

Tuesday, June 21, 1921.

Mr. NORRIS. Mr. President, when the Senate adjourned on yesterday I had reached the point in my address where I desired to take up the subject of reprisals.

REPRISALS.

The story of the reprisals of the British military authorities against the Irish people would fill a volume. There is no dispute whatever that the policy of reprisals was regularly and deliberately inaugurated by the British authorities and is still kept up and carried on. Sometimes the reprisals are carried out against individuals and sometimes against whole communities. I have never been able to find a single instance where any investigation was made in advance of these reprisals in order to ascertain whether there was in fact any connection between the owners of the property destroyed and the persons who were guilty of the alleged crime.

Like the taking of hostages, the British officials seem to have given as much publicity as they could to the fact that the Government which they represent had embarked upon a reprisal policy in order, as they claimed, to prevent attacks on the armed forces of Great Britain. On January 22, 1921, an order was issued by the brigade major at Cork openly announcing a policy of reprisals without parallel in modern or ancient history. The announcement of this officer, given publicity by him, that a policy of reprisals had been carried out in the case noted, reads as follows:

As a result of the ambush and attack on the police at Midelton and the Glebe House it was decided by the military governor that certain houses in the vicinity of the outrages were to be destroyed, as the inhabitants were bound to have known of the ambush and attack, and that they neglected to give any information either to the military or police authorities. The following houses were duly destroyed between 3 p. m. and 6 p. m. on January 1.

Then follow the names of the owners of seven homes which had been destroyed, and the announcement continues:

Previous to the burnings notice B was served on the persons affected, giving them one hour to clear out valuables, but not furniture. No foodstuffs, corn, or hay were destroyed.

This notice is similar to all others where individual homes were destroyed. It will be observed that it is not even claimed that any investigation was made.

The people who are to be deprived of their homes and all their earthly possessions are not even given an opportunity to be heard in their own defense. They are conclusively presumed, without any investigation, to have had prior knowledge of the alleged attack and to have neglected to give notice thereof to the proper authority. It is not even claimed that these people participated in the attack complained of. It is simply assumed that because they lived in the vicinity of the place of the attack they must be driven from their homes and their earthly possessions destroyed. This particular case was called to the attention of Sir Hamar Greenwood in the House of Commons shortly after it occurred, and Sir Greenwood, representing the Crown, not only admitted that it had occurred but that it had his full approval. But if additional evidence were needed to show that Great Britain has been and is engaged upon a course of reprisal against the Irish people, it can be furnished from the testimony of the British ambassador in Washington. In the statement from which I quoted earlier in my speech he makes a definite admission that British authorities are guilty of reprisals and that it is the policy of the British Government in Ireland. I quote from the same statement referred to before, as follows:

The military authorities have destroyed, as a legitimate penalty, the property of persons who are known to have been able to prevent serious outrages but did not do so.

Of course, the ambassador has in this statement modified the policy just a little. The facts are that in no case that I have discovered has the British Government taken any pains to make an inquiry even to ascertain whether the persons whose property they were about to destroy knew or could have known of the contemplated attack. All the evidence goes to indicate that parties in the vicinity would not under any circumstances have been able to know of the contemplated attack. If these attacks were secretly planned, as they surely were, and as it is conceded they were planned, the authorities who arranged them would certainly know that publicity of their plans would have brought certain failure, and they would have given no information of the attack or the place thereof to any person to whom such notice was not absolutely necessary in carrying it out.

On February 2, 1921, a similar reprisal took place in Glengoole district, near Killenaule, and on that occasion the following official typewritten notice, dated February 2, was served on the owners of the property to be destroyed:

Whereas attacks by rebels were made on the forces of the Crown 1 mile north of New Birmingham on January 24; and whereas it is considered that you were bound to have known of the same, and that you neglected to give information to the police or military authorities, now, therefore, I, Col. Commandant N. J. G. Cameron, C. B., C. M. G., A. D. C., commanding Sixteenth Infantry Brigade, and military governor, have ordered the destruction of your house. From the time of receipt of this notice you have one hour's notice to remove from your house any valuables, foodstuffs, hay, or corn, but not furniture.

How any nation can lay claim to respectable standing in civilization and be guilty of such unholy and unmerciful conduct is more than I can understand. If some weak nation like poor unoffending, downtrodden China should be guilty of such conduct against any people on earth, the whole world would rise up in condemnation. Must we condone it because the guilty one is great and powerful? Must we forgive crime when perpetrated in the name of Great Britain for fear of giving offense to a nation upon whose territory the sun never sets and whose armed naval vessels ride upon every sea? Has justice disappeared since our Great War for humanity and the sword been enthroned in its place? Let every American mother, when she tucks her little babe safely in bed, remember that the greatest nation in the world has driven thousands of mothers just like her out of their homes with their crying babes in their arms and then destroyed every vestige of the fireside that has been the work and the toil and the sacrifices of years.

Sometimes the British authorities were more merciful and did not destroy the homes, but satisfied their avarice by the

destruction of their contents. I have a copy of a sworn affidavit made by Miss Madge O'Daly, whose home is in Limerick. She is a woman of ample means and until the 9th day of April, 1921, she lived in a beautiful and expensively furnished home in the suburbs of Limerick. In Miss O'Daly's family there were no men, but she lived with her mother, who was quite old and in delicate health, her mother's sister, 83 years of age, and Miss O'Daly's two sisters. Her brother and her sister's husband, who had formerly lived in the house with her, had both been executed by the English more than a year before this date. Prior to this particular attack, and a long time after the execution of her brother and her brother-in-law, her house has been raided several times. In one week during the month of August, 1920, her home was raided five different times, each time in the dead of night. The rugs were torn up and in some instances the floors were even torn up, and their furniture, bedding, books, letters, clothing, and everything searched and minutely examined by the soldiers. Often the inmates of the house were abused by the soldiers, and on one occasion most of the soldiers participating in the raid were so drunk they could hardly stand. One night in October, 1920, another raid was made on this home of these defenseless women at about midnight. On this occasion both of the sisters of Miss O'Daly were maltreated by the soldiers. They were both frightened by putting revolvers into their faces. One of the sisters was knocked down and dragged out of the house by her hair, and after she had been dragged out of the house they cut off her hair, and in the struggle against this attack her hand was severely cut, an artery being severed, so that her life was endangered for some time.

I might say that the cutting off of women's hair is not an exception; there are many cases where similar assaults have been made upon women. On the 9th day of April, 1921, another attack was made by the soldiers. The ordinary notice, similar to those I have already read, was served on the occupants of the house, and in that notice they were informed that an ambush had taken place the day before in that vicinity, and that the owner of this house had not given any notice to the British authorities, and that they were, therefore, to have their furniture destroyed. This was given as the excuse for what happened. It was another case of reprisal, and in this case Miss O'Daly makes affidavit that at the time the alleged ambush took place she was not at home, and could not as a matter of fact have known anything in regard to it. She was not only not at her home at the time, but had been out of the city for several days. The house where she lived was more than a mile from the place where it is alleged the ambush took place. Usually the notice served upon the owners of homes to be burned gave them an hour's notice to vacate. In this case they were given but 15 minutes, and even before the 15 minutes had expired they were forced out of the house, and for two and a half hours they stood there and watched their home being wrecked. The soldiers broke all the windows, destroyed the gas fittings, and carried all the furniture and every particle of clothing out into the middle of the road and set fire to it. When they were driven out of the house one of the ladies undertook to carry with her a sealskin coat, but a British officer saw it, took it away from her, and fed it to the consuming flames. The soldiers destroyed all their books, all their letters, and even their jewelry and other family heirlooms that were precious, not for their intrinsic value but for the memories that surrounded them. They performed all kinds of antics. One of the soldiers took a corset, put it on, and danced around the house. Another took a silk hat that had belonged to the dead brother, put it on, and danced about the premises before he threw it into the flames. While the house itself was not burned, there was not a vestige of any kind of furniture or fixtures left in it. There was not a window or a glass anywhere in the house that was not broken, and these women, two of them very old and one an invalid, were left standing around the ashes of all the personal property they possessed. A servant in the house who made some effort to interfere with the soldiers was beaten and kicked until she was completely disabled, and was under the doctor's care for some time afterwards. Incidents like this could be repeated almost without end; repeated, in fact, until the hearer would become calloused to the repeated narrations of depredations that would disgrace a barbarian.

But these reprisals did not stop with individuals. They sometimes included whole communities, whole villages. On the 27th day of September, 1920, the town of Mallow was sacked and a good portion of it burned. At 10 o'clock in the morning of that day an attack was made on the British barracks by the republican forces. All the incidents surrounding the attack go to show that it was not the intention of the Irish forces to kill any of the soldiers in the barracks. Their object was to obtain arms and ammunition. They made a surprise attack and in the fight which followed one soldier was killed. As a reprisal for this the town of Mallow was attacked by soldiers coming from two other villages in military lorries. The attack took place at 10.30 o'clock at night. The troops were equipped with incendiary bombs and gasoline sprays, and they sacked and burned the town, destroying most of the houses and public buildings and a condensed-milk factory located about a mile from the city, which gave employment to quite a large number of the inhabitants of Mallow. When the volunteer fire department of the town attempted to put out the fire British soldiers fired shots at them and drove them away. The people were terrified and were driven from their homes. Many of them fled to the cemetery. There was a certain woman in the town who had given birth to a child but a few days before. She dragged herself and carried her babe with her into the cemetery. She remained in the graveyard all night watching the destruction of her home and the homes of her neighbors, suffering untold agonies. As a result of the exposure she died a few days later and was buried in the cemetery where this night of horror and hell was passed. She was, however, not the only person who perished on account of exposure through the long hours of this night. It happens in this case that the condensed-milk factory was owned by Englishmen whose homes were in England. Whether the military authorities knew this or not I can not say, but even if they did know it it is probable that it would have been destroyed for the simple purpose of putting out of employment the Irishmen who earned their livelihoods on account of its existence.

The burning of the town of Lisburn illustrates the desperate and heartless character of the men who controlled the British military authorities in Ireland. While I am not able to say that the burning of Lisburn was done directly by the soldiers themselves, it was a direct and logical result of the reign of terror that was inaugurated and carried on throughout Ireland.

In order to understand the reason for this reprisal it is necessary for me to briefly refer to the murder of Lord Mayor MacCurtain in the city of Cork. Lord Mayor MacCurtain, it should be remembered, was almost idolized by the Irish people. He left a wife and five children, the oldest child being 10 years of age. His house was raided many times before he was killed. On one occasion it was raided just a few days after he had buried one of his children and but three days before Mrs. MacCurtain's confinement in the birth of another child. After the death of the lord mayor the home still occupied by his widow was raided 15 or 20 times by the Imperial British forces. It was on the 20th day of March, 1920, that the lord mayor was murdered. At this time no military order had been issued preventing the holding of inquests. An inquest was held over the dead body of Lord Mayor MacCurtain under laws that had existed for many years. It was held by the duly elected and qualified officials. It was held in public and a large amount of testimony was taken. Everybody knew of it, and, because the murdered man was the lord mayor of Cork, it, of course, attracted a great deal of attention. It was attended by a large number of people. The military authorities of Great Britain knew of it and were invited to be present and give any testimony they might have or that might be required.

This, however, they refused to do. After the evidence was all in, the jury, having been duly impaneled and sworn, agreed upon a verdict, and in this verdict they named several British military officials as the parties guilty of the murder of the lord mayor. It should be remembered that Lord Mayor MacCurtain was murdered in his own home in the presence of his family. Among the British officers named by the verdict of the jury as being guilty of this murder was a man by the name of Swanzy, a British inspector of police. It was, of course, impossible for the authorities of Cork to arrest Swanzy or any of the other military officials. It was therefore an impossibility to try them under the law for murder. They were protected by the British military authorities. Of course, the citizens of the great city of Cork were very much aroused. The feeling was terribly intense, and when it became known that the British authorities were going to take no action, and that it would be, therefore, impossible to try those guilty of the murder of the lord mayor, several of the parties named by the coroner's jury as guilty of the crime were killed and the British authorities were unable to discover any clue as to the identity of those who had killed the soldiers charged with this murder. It was feared that Swanzy might be thus assassinated, and to prevent it the British authorities transferred him from Cork, in the south of Ireland, to Lisburn, in the north of Ireland. Lisburn is a town near Belfast. It is inhabited, or was inhabited, mostly by poor people who earned a livelihood in the various factories in that vicinity.

Some time after Swanzy had been transferred to Lisburn, one Sunday morning in September, 1920, as he came out of church he was shot dead by unknown persons who had driven up in front of the church in three automobiles. The murder of Swanzy took place in the presence of practically the entire congregation as they were emerging from the church, but no one was able to identify any of the men who did the shooting. There was no question but what they were strangers in the town, and as far as I know the British officials have never been able to get any clue as to their identity. It was generally supposed, and I think it is true, that the men who killed Swanzy were members of the Irish republican army, and that they had come up from southern Ireland for this purpose.

As a reprisal for this the town of Lisburn was burned. The fire was started from a large number of places in the town, and burned all night and part of the next day. Although the fire lit up the heavens for miles, and although it was only a very short distance from Belfast, no attempt was made to extinguish the flames.

The fire was allowed to burn itself out. The women and children of Lisburn were driven out of their homes and fled to the hills, many of them not fully dressed, a great many barefooted. Some of the women carried babies in their arms. They trudged over the country and over the stony roads until their pathway was marked with the blood of their torn and lacerated feet. Many of them wandered into the town of Belfast the next morning, some of them almost unable to travel. Most of them had lost everything that they possessed on earth—their homes, that represented the years of toil and sacrifice, all the clothing except that which they wore—in fact, all that they had in the world they saw go up in flames as they were wearily trudging their way over the hills.

They were, of course, objects of charity. Families were divided and distributed among people who would care for them and give them succor. The charitably inclined people of Belfast rented a vacant hall in the town, filled it with beds, and in this room many women with their little broods were housed and fed and cared for. A woman perhaps with from three to five children had an improvised bed, with only a few feet surrounding it, where she and her children had to sleep and live.

The condition of these people was described by Mrs. Robinson, an Englishwoman, and a member of the orthodox Church of England, and who was one of the committee of ten that was sent by the English branch of the International League of Women into Ireland to study conditions. She was there just a few days after the fire, and she declares that the condition of these women and children was perfectly beyond human description and almost beyond the imagination. In this hall, filled with several hundred women and children, where they had to eat and sleep and live, there was no place for the children to play, no place for mothers to go; they occupied a bed at night and sat on the edge of the bed during the day. There were no chairs, there were no toilet facilities, and the suffering and agony was simply indescribable.

It is unnecessary to defend the murder of Swanzy in order to defend the atrocities that followed. No one has ever charged that the people who suffered were in any way responsible for Swanzy's death. It is admitted that these people were entirely innocent of any plot to murder Swanzy. Very few of them knew him, and I presume of those who did there were very few who knew anything about his history. The inflicting of suffering upon innocent women and children and the destruction of the homes of hundreds of the poor, driving them out into the streets homeless and almost naked, all these things were brought about entirely and solely because of the indefensible program of the British authorities to break the will of the Irish people and to quench in the hearts of the citizens of Ireland the flame for freedom and for liberty; but it should be said, I think, that the killing of Swanzy was likewise the natural and logical result of this same policy. It is true that his guilt had not been determined by any tribunal that had jurisdiction to try him for the crime with which he was charged by the verdict of the jury at the coroner's inquest. He was entitled to a trial; but the Irish people, while anxious to give him such a trial, were deprived of that right by the military power of Britain; and when a Government denies to a subject people the right to try men charged with crime it is natural, it is human nature, that these people will take the law into their own hands.

If a case similar to that of the murder of Lord Mayor MacCurtain had occurred in America in 1776, and this same British Government had protected the man who was charged with the murder, and taken him to another part of the country, he would have been murdered by our forefathers just as the Irish people murdered Swanzy, and had such a thing occurred in our Revolutionary days the story of the murder would be read in American history by every school child and would have been defended by every American citizen.

It is useless to go on and give incidents of these horrible atrocities. I have undertaken to give only a few which illustrate the general rule of raids, of hostages, of reprisals, of cruelty, and of inhuman treatment. I think I might refer briefly to one military order, the cruelty and inhumanity of which is so outrageous that it ought to be considered.

One of the military proclamations that has been issued by the British military authorities in Ireland reads, in part, as follows:

(d) That a state of armed insurrection exists; that any person taking part therein or harboring any person who has taken part therein, or procuring, inviting, aiding, or abetting any person to take part therein, is guilty of levying war against His Majesty the King, and is liable on conviction by a military court to suffer death.

It must be remembered that a large part of Ireland is practically unanimous in favor of Irish independence. This order would not only punish those who actually engaged in insurrection but it would punish the wife if she did not report to British authority in case her husband was a member of the Irish republican army. He could not remain all night in his own home without making his own wife liable to the punishment of death if she did not report him. It would deprive the mother of permitting her own son to sleep in her home. It is, in effect, a death warrant that applied in some portions of Ireland to all its inhabitants. The fact that it was not universally enforced is not the fault of the British Government. The facts are that the people of Ireland were so loyal that although orders like this made them traitors, they still refused to divulge any information or give evidence as to the whereabouts of any republican.

The world was terribly shocked a few years ago when Edith Cavell, a well-known English woman, was tried, condemned, and shot by a German military tribunal in Belgium because she had violated an order made by Germany that was to all intents and purposes exactly the same as this one. A civilized world condemned the German Government. All over Christendom no voice could be heard in defense of the action of the German military authorities, and Edith Cavell's death was mourned throughout the civilized world. If we are to defend Great Britain in the proclamation of this order, then if we are fair we ought to apologize to the German authorities whom we condemned for the death of Edith Cavell. If this order is just, then the killing of Edith Cavell was right; and if the murder of Edith Cavell under a similar order made by Germany was murder, and I believe it was, then the making of a similar order by the British Government ought to place her in the same category with Germany.

In this connection, and as bearing directly on this proposition, I want to read a portion of an editorial that appeared in the London Nation of January 15, 1921. The editorial is headed "The Belgian Parallel," and reads, in part, as follows:

A document that moved the whole world was published five years ago by a commission appointed by Mr. Asquith's Government to report on the German atrocities in Belgium. * * * These were the early days of the war, and the indictment of Germany revealed to a horrified world what militarism really means, and the reckless thoroughness with which it sacrifices every human right to military success. It was widely read in all countries; in England with burning indignation. But, like all such literature, it was soon pushed out of most people's minds by the events of the war. Those who read it now will be startled to find how exact is the parallel between Germany's reasoning in Belgium and ours in Ireland.

The editorial then quotes a portion of this report, as follows:

An invading army may be entitled to shoot at sight a civilian caught red-handed, or anyone who, though not caught red-handed, is proved guilty on inquiry. But this was not the practice followed by the German troops. They do not seem to have made any inquiry. They seized the civilians of the village indiscriminately and killed them, or such as they selected from among them, without the least regard to guilt or innocence.

Then the article proceeds to compare the condition in Ireland with that in Belgium according to the Bryce report, using this language:

In how many towns and villages of Ireland have men or boys been shot out of hand on this same principle? The three men murdered at Cork last October, to take an example, were chosen not because they had been associated with any crime but because they were representative Sein Feiners. The commissioners, after turning over various explanations of the conduct of the German troops, hit upon a sentence which exactly describes the policy defended and expounded by Sir Hamar Greenwood in his speeches to the House of Commons and in the columns of his paper, the Weekly Summary.

The editorial then quotes again from the Bryce report on conditions in Belgium:

The explanation seems to be that these excesses were committed—in some cases ordered, in others allowed—on a system and in pursuance of a set purpose. That purpose was to strike terror into the civil population and dishearten the Belgian troops, so as to crush down resistance and extinguish the very spirit of self-defense.

In the minds of Prussian officers war seems to have become a sort of sacred mission, one of the highest functions of the omnipotent State, which is itself as much an army as a State. Ordinary morality and the ordinary sentiment of pity vanish in its presence, superseded by a new standard which justifies to the soldier every means that can conduce to success, however shocking to a natural sense of justice and humanity, however revolting to his own feelings.

And then the editorial in the London Nation proceeds further to compare conditions in Ireland to those described by Mr. Bryce in Belgium:

What better description could be written of the shooting of Mr. Gwynn, or the girl killed in the Dublin streets, or of the speeches in which Hamar Greenwood told the House of Commons that the right way to pacify Ireland was not to control the armed servants of the Crown, but to leave the Black and Tans to use their own methods?

In detail, almost everything that is done in Ireland was blamed by the commission in reporting on Belgium. The commissioners report, for example, that a woman was shot by some German soldiers as she was walking home, and for no apparent reason. Doubtless the Reichstag would have been told, as the House of Commons was told by Sir Hamar Greenwood, that the soldiers were in the habit of shooting as they moved about in case there might be an ambush in the neighborhood. * * * In the case of incendiarism the parallel is remarkably close. In Ireland houses have been burned in towns and villages by the hundreds on the excuse that somebody has been shot in the neighborhood. Turn now to Belgium:

"At Morlanwitz * * * the Germans burned the Hotel de Ville and 62 houses. The usual accusation of firing by civilians was made."

Later on in the editorial the writer proceeds, as follows:

For in our war on the Irish people, which is the consequence of racial pride, we are copying the spirit which Lord Bryce and his colleagues described as the spirit of Prussia. We represent that spirit in Ireland, and nothing else.

Then the writer of the editorial quotes the conclusion of the Bryce report:

We venture to hope that as soon as the present war is over the nations of the world in council will consider what means can be provided and sanctions devised to prevent the recurrence of such horrors as our generation is now witnessing.

The editorial, in concluding, comments thereon, as follows:

Those are the concluding words of the Bryce report. None of the signatories—Mr. Fisher least of all—can have imagined that when the war was over the world would witness such a "recurrence" and that its author would be their own land and Empire.

The editorial needs no comment from me. It is the word picture of a deadly parallel between German atrocities in Belgium and British atrocities in Ireland. It ought to bring from the British Government either a promise to the Irish people that they would in the future be treated with some humanity, or, if England refuses to do that, it ought to bring from that great Government an apology to the Kaiser. It ought to acknowledge that the laws of humanity that were disregarded in Belgium, and about which the British Government complained, have no application when the British Government is the aggressor and the Irish people are the sufferers. It ought to bring an acknowledgment to the world from the British Government that the murder by the Germans of Edith Cavell was justified according to British rule in Ireland.

BRITISH OBJECTIONS TO IRISH FREEDOM.

It has become apparent to all men and women who have studied the Irish situation that the Irish will never submit willingly to English rule. The history of centuries has demonstrated that while Ireland may be exterminated she will never consent to be governed by a foreign power. This should be as apparent to Englishmen as to anyone else, but it is said, and said by many honest men both in England and elsewhere, that England can not agree to Irish independence because her own safety as a nation would thereby become endangered.

IRELAND'S PROXIMITY TO ENGLAND.

It is claimed that one reason why England can not agree to Irish independence is that Ireland is so close to England that she might become the rendezvous for England's enemies, and that after getting a foothold in Ireland the enemy could use that country as a base for an attack upon England. If Ireland were independent, she could at least offer no greater inducement for the landing of England's enemies than is offered at the present time under English control. England has not fortified the coast of Ireland against outside attack. She relies upon her navy for defense, and if Ireland were independent conditions then would at least be no worse than they are now. On the other hand, if Ireland were independent and built fortifications on her own coast these fortifications would be an added security to England, because Ireland is ready to enter into any kind of an agreement that will guarantee her neutrality, and being neutral she, of course, would do everything possible to repel invasion of her territory.

Aside from this, there is absolutely no logic or reason in the argument that the safety of England would be jeopardized to have an independent nation like Ireland as close to her as Ireland is. Ireland is not as close to England as France. She is not as close to England as Belgium. Her principal ports from which an enemy could attack England are farther from England than is Holland, and nearly as far as Denmark, Norway, and Sweden. If England must hold Ireland because Ireland is so close to her, then for the same reason England must take France and hold that country in subjection. She must take Belgium, and if we carry the argument still further, she must take the United States, because the United States lies closer to a British possession than Ireland does, and if England must be protected by owning everything that is close to her, why should not the same argument apply to every other nation? If we apply this reasoning to our own country, then the United States should take Canada, on the one hand, and Mexico on the other, and after we have acquired Mexico we should for the same reason take Central America, and continue on until we have captured everything down to Cape Horn, at the southern extremity of South America. And England, after she has taken France, would be compelled for the same reason to take Spain, Germany, and so forth, until in the end England would have all Europe, Asia, Africa, and America, so that the argument, followed to its natural conclusion, means that England must have under her flag the entire world.

THE ENGLISH CLAIM THAT THE RELEASE OF IRELAND WOULD ENDANGER THE EXISTENCE OF THE BRITISH EMPIRE.

The English opponents of Irish freedom, while in many cases admitting that Ireland should have the right to govern herself and be independent, yet claim that Ireland's domination by Great Britain is necessary in order to preserve the Empire. While most strenuously denying this proposition, yet for the purpose of the argument let us for the moment admit it, and what is the conclusion that we must draw? Must one nation become the unwilling subject of another nation simply because the people of that other nation believe that such subjection is necessary for their own preservation? Are the rights, privileges, and liberties of Englishmen superior to the rights of other peoples? In order to preserve English liberty must Ireland be the unwilling subject of England? Has civilization the right before God and before the world to decree the subjugation of one people in order that another people may be free? Has our civilization sunk so low that one individual shall have the right to enslave another, simply to prevent his own enslavement by some other person? Is the spirit of liberty in the heart of an Irishman inferior to the same spirit that breathes in the breast of an Englishman? Is the world so degraded that Ireland must be enslaved in order to make England free? By what right of God or man has one nation the privilege to rule another unwilling nation in order to increase its own power? In this day of an enlightened world, is freedom such a precarious and uncertain thing that to retain it we must enslave some one else? Is it not possible that all peoples can be free and all men enjoy freedom? Is self-determination and the preservation of the rights of the weak for which the World War was fought nothing but a myth? This proposition is founded upon a most barbarous theory. If carried from nations to individuals it must follow that one man has a right to the services of another without his consent. It is an approval in principle of the doctrine of human slavery. All history disproves it, and our own country is a living example. Our forefathers became rebels to the British Crown in order that our country might be free. They tore from the British Empire her most valuable possession, and England has lived for more than a century more prosperous, more happy, more independent, and more powerful than though she had won the Revolutionary War. The holding of unwilling peoples under the control of a dominating nation is always a source of weakness, and sometime, somewhere, under God's rule of justice, the weakness will be shown and the dominating power overthrown. The right of a nation to be free involves the same principle of justice as does the right of an individual to be free. No one, not even in Ireland, wants to dismember the British Empire. We have a portion of the British Empire adjoining us for nearly 4,000 miles, inhabited by a people that differ no more from us than the people of New Jersey differ from the people of Nebraska. Our aspirations are the same. We are separated only by an imaginary line along which there is no threatening gun or cannon. As long as Canada is satisfied to remain in the British Empire there is a unanimity among American citizens that she should so remain.

But if Canada were striving for her independence, if she desired to throw off her allegiance to the mother country, the American people, while remaining neutral, would almost unanimously sympathize with her aspirations, not because they have any hatred or ill will against England but because of the indescribable but certain sentiment that exists in every civilized heart that every people and every nation have the right to govern themselves according to their own will.

IT IS CLAIMED THAT GREAT BRITAIN CAN GOVERN IRELAND BETTER THAN IRELAND CAN GOVERN HERSELF.

This is another proposition that I unqualifiedly deny, but even if it be true, it constitutes no defense to England's control of Ireland. It is not a question of good government so much as it is a question of self-government. I will concede that before Ireland is entitled to her freedom it must appear that she is able to govern herself, but it is not necessary that she should prove herself able to govern herself better than England could govern her. As far as I know, it is not claimed anywhere in the world that the Irish people are not competent for self-government, and, being thus competent, they should not be denied the right to govern themselves because some other nation claims they could do a better job of governing them. I presume it is true that the average Englishman prefers his Government to ours and honestly believes that it is a better form of government, but if by some upheaval of earthly powers England should again get control of America, would we pay any attention to that argument, even though we felt that the Englishman was honest in his belief, and even though we thought that England would give us a better government than we had when we governed ourselves? There are perhaps some American citizens—I think I know a few—who are honest in their belief that the British Government is better than ours, but has anybody offered that as an argument why we should ask for readmission into the British Empire, and if England or some other power should by some unfortunate occurrence get possession of our Government, would we listen to that kind of an argument? So long as there was a man alive, so long as there was a gun to be had, America would be fighting for her independence and her freedom, and we would never argue the question as to whether the conquering power would give us a better government than we were ourselves able to inaugurate. Under such conditions we would teach to our children when they first commenced to lisp the words of our language a hatred against the dominating power. This hatred would grow and be implanted in the hearts of children yet unborn, and it could only be subdued by the death of all the American people.

There is but little doubt, however, that Ireland would be able to govern herself much better than she has been governed by England. During her struggle for independence through the centuries that have passed she has been used for the enrichment and the glory and the power of the British Empire. Her people have been bowed almost to the earth in poverty. Surrounded by the most remarkable harbors in the world, her commerce is nullified and destroyed. She must pay tribute to the commercial glory and prosperity of her conqueror. With a soil as fertile as any on earth, capable of supporting four times the population she now has, she has been despoiled and has seen a large portion of the reward of her toil and her labor taken away from her people and given to England. Her population during her struggle for freedom has been reduced by one-half. Notwithstanding this subjection her people are recognized all over the world as shrewd, able, patriotic, brave, and courageous. Her soldiers, her scholars, her writers, her economists, and her poets are second to none in all Christendom. In spite of the destruction of her commerce and her wealth, and even of her population, her people have developed in intelligence, in wisdom, and in ability second to no other people in the world. In all civilization there can not be found a nation that has retained its identity pure and unsullied, through centuries of struggle and toil, to as great an extent as has Ireland.

With these qualities of self-government, the question of the kind of government should be left to the Irish people themselves, and it is sufficient to know that possessing these qualities the Irish people have been struggling for their independence for more than seven centuries. If England would to-day acknowledge the independence of Ireland without further struggle, she would give an example of justice to the world without parallel in history. Such an act on her part would command the universal respect and commendation of all the world. It would be a milestone in the progress of civilization that would be pointed to with pride and satisfaction by every writer of history and every student of history as long as the world is inhabited by man. It would be a precedent of a great nation marking the greatest step in human progress in history, and it would bring to England the commendation, the respect, and the approbation of millions of liberty-loving people still unborn. It would establish her on a pedestal among the nations of the earth and give her a power and a prestige in the diplomacy of the world such as no other human act could bring about.

In addition to this, it would bring her the respect and the love of the Irish people. Her wrongs and sins of the past, however great, would be at once forgotten, and Ireland would become immediately the friend of England, a neutral nation standing out in the ocean beyond her borders, stopping the progress of any evil-disposed power that any time in the future might undertake to attack the British Empire. But if England refuses to grant this independence, if she still persists in her cruelty and her inhuman treatment, she increases the bitterness, if that be possible, that now exists between the two nations; she makes every Irishman individually her enemy, and she makes an enemy collectively of the Irish people. If she continues to refuse this honest and just request, every Irish child born in the future will be taught at its mother's knee to hate England. This hatred will grow and continue to increase. It will live as long as an Irishman survives, and it ought to be apparent to England now and it should be apparent to the world that this condition must grow worse and can not be changed for the better.

No act of man can change the human heart; no statute of Great Britain, however liberal, can ever make the slave satisfied who is intelligent enough and has the desire to be free, and in the end the freedom of Ireland will be brought about even though England fights it at every step. It will come about because under the rule of a just God there can be no other conclusion. It may take time; it may bring untold and unlimited suffering; it may cause the soil of Ireland to run red with human blood, but sometime, in some way, the freedom of Ireland will prevail; it must prevail because it is just, because it is right, and because the spirit of human freedom never dies. There is only one way that Ireland can always be held in subjection, and that is by the extermination of the Irish race.

England ought to realize that she is facing the proposition that she can never hold Ireland in willing subjection. The history of the past centuries has demonstrated that, and if she continues in her present course and in order to hold her sway and her control and exercises her great military strength and ability at the expense of her unwilling subjects in Ireland, she will all the time demonstrate to the world her injustice, and as she proceeds further in the extermination of the Irish race the public sentiment of civilization will face her at every turn, and after all public sentiment when once aroused, once recognized, is the most powerful force among nations and among peoples that exists in the universe. Before its onward march the crowns of monarchs will fall from the heads of unholy rulers, the arms of autocracy and subjection will be crumbled and swept away, and the scepters of such power will vanish from the earth as the morning dew fades before the rising sun.

Ireland free will be England's friend; Ireland in subjection will be England's enemy. It will require an army of Englishmen to hold Ireland in subjection, and this must go on all the time, and when the days of trouble come, if in the future England gets into difficulty with any other nation and is so unfortunate as to get into war, it will be perfectly natural and logical for the Irish people to embrace the day of Great Britain's trouble and make another struggle for Irish freedom. The future safety of the British Empire depends upon England doing justice to Ireland. Injustice and suppression, however well backed up by power and against a people however weak, will always bring ruin in the end. It may at the time be beyond the view of mortal man, but under the decres of God and according to His laws there will come a time when the unjust ruler will be overthrown, when justice will be established, and when freedom will prevail.

THE RELIGIOUS QUESTION.

A propaganda has been spread over the world, and particularly over the United States, that, after all, the contest in Ireland is simply a question of religion. This propaganda has been industriously circulated throughout the United States with the particular view and object of influencing ministers of the Protestant churches. It is claimed that wherever the Catholics in Ireland are in control the Protestants are boycotted and persecuted, and that it is the aim of these Catholics to set up an independent government where they will be able to establish by law a Catholic religious autocracy, and that in the new government the Catholic religion will be established by law.

I am a Protestant. There flows in my veins not a single drop of blood but what is Protestant. All my family are Protestants. All my ancestors, so far as I know anything about them, were Protestants. I am not conscious of having any prejudices on the religious question, but if unconsciously I have any such prejudices I would be led to favor the Protestant government as against the Catholic government. I am opposed to any religion having control of any government. I am opposed to the establishment of any religion by law, but I would surrender my life before I would be a party to holding in unwilling subjection any people because of their religion. I deny that there is any religious question involved in the Irish situation. The fight there is a fight for freedom. It is joined in by people of

all religions, and in those who oppose the Irish cause can be found the Roman Catholic as well as the Protestant.

The only reason why there are more Catholics struggling for Irish freedom than there are Protestants is because there are more Catholics in Ireland than Protestants, but in every struggle that has ever taken place and in the struggle that is going on now some of the greatest leaders in the movement, some of the most beloved by the Irish people, are pronounced and well-known Protestants. Some of the bitterest enemies that Ireland has in England to-day are Catholics. The names of the leaders of the fight for Irish independence now and during the years that are past are well known to the American people, but the American people do not know, in fact, these English propagandists have carefully concealed the fact that the most notable leaders for Irish freedom were and are Protestants. The names of Tone, of Fitzgerald, of McCracken, of Davis, of Butt, of Parnell stand out in the past history of this strife for freedom on the part of Ireland. Every one of them was Protestant. In the present struggle we hear of Arthur Griffith, Dr. Irwin, Countess Markowitch, Ernest Blythe, of the Irish Parliament; Capt. Robert Barton, and Mr. Erskine Childers; but we do not hear that Griffith is a Methodist; that Irwin is a Presbyterian minister, coming, by the way, from Ulster; that Countess Markowitch is a member of the established English Church; and that Blythe, Capt. Barton, and Mr. Childers are all Protestants.

Mrs. Frances Hackett, assistant editor of the New Republic, traveled with her husband several months ago through Ireland with a view to getting first-hand evidence of the situation. She went to Belfast, where Protestants are in the majority, and she has said that she was told by quite a number of manufacturers in Belfast that the religious question was a bogey man and that it had been deliberately aroused among the workers in the past to keep them divided. Some of these very manufacturers, she said, expressed amazement at the fruits of violence that the labors of these propagandists have brought forth by resorting to this unjust method of exciting prejudice against Ireland.

The committee representing the English branch of the Woman's International League say in their report, from which I have already quoted, that they were not able to find in Ireland the religious differences and prejudices that have been advertised to the world. They state in that report that they—

found an almost entire absence of ill feeling between members of the different denominations; that such members work harmoniously together on public bodies, cooperative societies, etc.; that they united in raising funds for the victimized families of Belfast, and gave no signs of the commercial rivalry or boycott that we had been warned to expect.

That is a quotation from the report of the committee, Protestants every one of them. They describe the bitterness in Ulster, which we have been led to believe as religious, as being political and not religious, and state that this sentiment has been inflamed from outside sources and that the withdrawal of such unwarranted propaganda would bring about harmony and cooperation even in Ulster. I have talked with two members of this committee of ten, and they both agree that there is no religious question involved. Mrs. Robinson, a member of this committee and a member also of the orthodox Church of England, as well as a native of that country, traveled through the northern part of Ireland. Miss Wilkinson is a member of the Methodist Church. She is an Englishwoman and her brother is a Methodist minister in England, and it might be incidentally remarked that another brother fought in the British Army in the recent war. When Miss Wilkinson started for Ireland she took with her a letter directed to the Methodist ministers in that country written by her minister brother, and in the towns which she visited she hunted up the Methodist ministers and presented this letter of introduction. She says that in all her travels, investigations, and conversations with the various Methodist ministers whom she met and with whom she was by this letter placed in a quasi-confidential relationship she never found a single instance where it was claimed that anywhere in the southern and western parts of Ireland, where Catholics predominated everywhere by a large majority, Protestants were ill treated by the Catholics. She was traveling constantly in portions of Ireland where, if there had been any such ill feeling, if there had been any such boycotting, she would have been able to locate it. I have talked with Dr. Irwin, a Presbyterian minister from Ulster, who came over to this country and made a speaking campaign of several weeks in behalf of Irish independence. He says that there is no religious question involved. He substantiates the testimony of Mrs. Hackett to the effect that this alleged religious controversy has been brought about for political and commercial purposes—and he lives and has spent his life in that portion of Ireland where Protestants predominate. He comes from that portion of Ireland where this propaganda originates. I desire to quote just briefly from a portion of a speech that this Presbyterian minister made while he was here in America. I might add that when Dr. Irwin went back to Ireland he was arrested and thrown into jail and remained in prison for several weeks.

I read first a sentence from Dr. Irwin which does not bear directly on the religious question, but does bear directly on the Irish question. He says:

The whole question of Ireland is not merely a question for Ireland and England; it is a question for the whole world. What did your sons and fathers and brothers fight for?

Remember he was making this speech in America.

Was it not for liberty, for democracy, for freedom of nations great and small? And you have applied some of these principles to the nations of the Central Empire, to Poland, to Jugo-Slavia, to Czecho-slovakia, to Belgium, and the world is asking, "Why, in the name of common sense, do you not apply the same principles to Ireland?"

He says further:

I want to say more: If every single British soldier was removed from Ireland to-morrow there would not be a single drop of blood shed. I want to say further that it is the presence of these British soldiers that is the cause of all the crime and all the outrages to-day.

Now, I quote the doctor on the religious question. He says:

Further, in regard to the religious question, I have sat on committees for over 15 years with Roman Catholics and Protestant Orangemen of all denominations, dealing with questions affecting all creeds and classes, and never once in all these years did the question of religion crop up to give us any trouble whatever.

Or, if you look at it from another point of view, the Presbyterian Church has in the south and west of Ireland a hundred or more congregations scattered amongst preponderatingly Catholic populations, and never in our experience have these people or their ministers suffered any annoyance, intolerance, or interference in their work there from their Roman Catholic fellow countrymen. I knew this perfectly well, but I wanted to make sure that I was right, and I wrote to four of our ministers, one in the extreme south, one in the west, one in the midlands, and one in Dublin. I asked them each two questions: First, "Have you or your people ever experienced any trouble, annoyance, intolerance, or interference from your Roman Catholic fellow citizens?" Second, "Do your people fear or anticipate any form of persecution or annoyance in any form under Irish self-government in the future?" The answer was in all four cases: "We have never experienced any annoyance, intolerance, or interference—rather the reverse; we have experienced the very greatest kindness and courtesy, and often we have had help, financial and otherwise. Neither do we anticipate any annoyance, interference, or intolerance from Irish self-government."

Later on he says:

As a matter of fact, our divisions in Ireland are like the divisions in any civilized country in the world—political and economic, and not religious.

After discussing that question at some considerable length, he says:

If you only reflect for a moment, it shows you that all this talk of Catholic and Protestant is downright insincerity.

Mr. President, in Ireland there were, according to the census of 1911, 1,147,594 Protestants and 3,242,570 Catholics. This includes the population of Ireland entire, both the Protestants and Catholics of the so-called Protestant section known as Ulster. In Ulster proper there are 890,880 Protestants and 690,816 Catholics. This leaves in the remainder of Ireland, outside of Ulster, 2,551,754 Catholics and only 256,714 Protestants. If the Protestants were being abused, coerced, and boycotted, would we not hear from this small minority of Protestants—in round numbers only about 250,000 against 2,000,000 Catholics—making a claim of such coercion; and yet, since the declaration of independence in January, 1919, there is not on record a single case of attack upon the life or the property of any Protestant by any Catholic. These Protestants, scattered through that part of Ireland where Catholics are in such a large majority, without exception, so far as I have been able to find, ridicule the idea that there is any religious question involved in this struggle. They are as enthusiastic for the independence of Ireland as are their more numerous Catholic neighbors. Miss O'Brien, who is head organizer in Ireland of the Gaelic League, is a Protestant, and I have seen a letter from her in which she states that the rising spirit of Irish nationalism is uniting Catholic and Protestant in a common bond of unity.

I have no patience with the religious bigot, whether he be a Catholic priest or a Methodist minister. I know that there are members of the Catholic Church who, were they placed in power, would be oppressive to Protestants, and I know that there are Methodist clergymen and Presbyterian ministers who would oppress the Catholics if they had a country in their power. While I am not questioning the honesty of these religious fanatics, yet we are to be congratulated, the world is to be congratulated, that in every Christian church, Protestant or Catholic, such people are in a small minority. The Irish Catholics and the Irish Protestants are not thinking of their religions in this great strife. They are working side by side for human freedom. They respect each other's religion, but there is no religious quarrel between them. Freedom is not a question of religion. It springs up in the breast of the Catholic and the

Protestant alike. It thrives and grows in the bosom of the atheist. It is a common heritage of civilized man. Every civilized person wants to be free, and his desire for freedom is entirely independent of his religious views. Protestant, as I am, I would be ashamed of Protestantism if I were not willing to extend the same political freedom to the Catholic that I claim for myself. The desire for freedom is no such thing that any person or any sect can have a monopoly of it. It is not something that can be measured in quantity. It exists in the air we breathe. It is exemplified in the rippling brook as it winds its way to the sea. Its song is heard among the rustling branches of the trees and its gentle voice breathes through the soul a message of love and fraternity to all mankind. The heart that is imbued with the real spirit of human liberty seeks to give the same boon to his fellow men wherever they may be and whatever may be their condition and their belief. Like the grace of God, it grows upon itself. It spreads and promotes its silent influence wherever civilization prevails. The real spirit of liberty is absolutely unselfish. The heart that is imbued and controlled by its influence desires instead of impeding its growth that it be implanted in the hearts of all men. It is the highest symbol of civilization. It is the connecting link between God and man.

In conclusion, it can safely and truthfully be said that the Irish people, without any question whatever, are competent and able to govern themselves;

That there is almost a unanimous judgment amongst them that they should be permitted to do so;

That the giving of freedom to Ireland would not injure the British Empire, but, on the other hand, would greatly strengthen her and extend her influence for good throughout the world and through all the coming years;

That there is no religious question involved in the issue;

That there is a strong and growing sentiment in England herself among her greatest and her best people that Ireland should be permitted to make her own laws for her own government in her own way;

That the acknowledgment by England of Irish independence would be hailed with delight and satisfaction over the entire civilized world and that Ireland, like the American colonies, has the right to be free and independent.

This being true, what shall America say? What shall the descendants of the forefathers of our Republic do? If we are worthy followers of the courageous fathers of Revolutionary days, shall we not, at least, protest to the world in favor of Ireland? What condition of oppression existed in our fathers' days with reference to our country that does not exist now with reference to Ireland?

Our forefathers said, referring to the King of Great Britain:

He has plundered our seas, ravaged our coasts, ruined our towns, and destroyed the lives of our people.

In this sentence they summed up the charges contained in the immortal Declaration of Independence. Every charge made against Great Britain on behalf of America then is true of Ireland now, and shall we, the descendants of such forefathers, having enjoyed for more than a century the liberty brought about by their courageous acts, remain silent without protesting while Ireland suffers ten times greater than our forefathers suffered? Having obtained our own freedom, shall we selfishly close our eyes to the last English-speaking nation that is now held in subjection against its will? Can we fully enjoy the liberty which by the sacrifices of our forefathers we have inherited while listening to the cry of stricken Ireland? Do we really appreciate that had it not been for succor that has been sent from America and other parts of the world to Ireland, a large portion of her women and children during the winter that has just passed would have died of starvation? Can we enjoy our own firesides in the midst of our families while we know that Irish women and Irish children are being driven hungry and naked from their homes and are subjected to all kinds of ill treatment as they watch through blinding tears the destruction of hearthstones that are the result of years of toil and strife?

In the name of liberty and the freedom for which our forefathers fought; in the name of the silent voice of conscience that breathes forth from the soul of every free man and woman; in the name of Christian civilization; in the name of progress and humanity, I appeal to the Senate to express the sentiment of the American people by protesting before a suffering, waiting world against the cruelties that are being heaped upon the Irish people and demand for this long-suffering but courageous and determined race the same freedom, the same liberty that by the will of Almighty God and the sacrifices of our forefathers we ourselves enjoy.

APPENDIX A.

MANIFESTO OF LEADERS OF THE INTELLECTUAL LIFE OF GREAT BRITAIN ON IRELAND.

We, the undersigned, practicing the arts, the humaner letters, and the abstract sciences, or belonging to the churches and the learned professions of this country, being neither active nor interested politicians, view with profound humiliation the present state of the kingdom of Ireland.

We see our country, which in the past and until very lately made great sacrifices, thinking that it made them for the cause of oppressed peoples, now presenting to the world the aspect of a land hardly equaled in the past for ignorant and unavailing coercion, that coercion being practiced upon a nation that coequally with ourselves has inherited our traditions of individual liberty. This not because of any native ferocity, greed of gain, or thirst for rapine in our people, but because of irresolution, incapacity, and misreading of facts by those who hold the reins of our Government.

We therefore call upon the present ministry to find immediate means of arbitration or mediation between ourselves and the people of Ireland. And if the organized shedding of blood, whether by the natives of Ireland or His Majesty's forces, or arsons, robberies, and requisitions by either party shall continue, we demand the resignation of His Majesty's government, and declare ourselves resolved in that case to leave unmade no effort to substitute one that will have for its first and most urgent business that of finding the means of mediation until permanent peace shall be restored to the sister kingdom.

Prof. Charles R. Beazley, University of Birmingham; Arnold Bennett; Edwyn Bevan; W. Lyon Blease; Wilfrid Seawen Blunt; Bernard Bosanquet, fellow of British Academy; Edward Carpenter, G. K. Chesterton; Margaret Llewelyn Davies; W. H. Davies; Walter de la Mare; G. Lowes Dickinson; John Drinkwater; Havelock Ellis; Arthur Evans; E. Forster; Roger Fry; Prof. W. M. Geldert, University of Oxford; Wilfrid Wilston Gibson; Douglas Goldring; Jane Harrison; Ralph Hodgson; Ford Madox Hueffer; Augustus E. John; J. M. Keynes, fellow, King's College, Cambridge; J. N. Keynes, registrar University of Cambridge; Rose Macauley; H. J. Massingham; Alice Meynell; Harold Monro; T. Sturge Moore; Prof. Ramsay Muir, University of Manchester; Prof. Gilbert Murray, Oxford University; Charles S. Myers, director of the Psychological Laboratory, University of Cambridge; Conrad Noel, Vicar of Thaxted; Alan Odle; Dr. W. E. Orchard, King's Weigh House Church; Prof. J. S. Phillimore, University of Glasgow; Prof. Sir Arthur Quiller-Couch, University of Cambridge; Lady Rhondda; Dorothy M. Richardson; Siegfried Sassoon; May Sinclair; Prof. M. A. Smith, University of Oxford; Prof. Frederick Soddy, University of Oxford; R. H. Tawney, fellow of Balliol College, Oxford; Prof. J. Arthur Thomson, University of Aberdeen; Sybil Thorndike; Prof. A. J. Toynbee, University of London; Virginia Woolf.

APPENDIX B.

[May 25, 1921.]

CROZIER ACCUSES CROWN FORCES OF MURDER AND ARSON IN IRELAND—DECLARES CADET CONFESSED TO KILLING OF FATHER GRIFFIN IN GALWAY—SWEARS HIGH OFFICIALS SUPPRESSED EVIDENCE—GIVES MANY INSTANCES OF TERRORISM.

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LONDON, *May 24*.

Sensational charges are made in the Daily News by Brig. Gen. Crozier, lately commander of the auxiliary division of the Royal Irish Constabulary, against the authors and instruments of the present régime in Ireland.

Gen. Crozier asserts cases of murder, arson, looting, and other forms of terrorism were practiced by the Crown forces during the six months he held his Irish command, and it was in consequence of his determination to enforce discipline and put an end to police crime that his position was deliberately rendered impossible and resignation forced upon him. These accusations are embodied in a bulky dossier, each supported by sworn evidence, and many affidavits have already been taken.

The charges are specific in character and are made, in several instances, against men occupying high positions whose names are set down. The disclosures are set forth as follows:

1. Disguised as members of the Irish republican army a company of auxiliaries, Gen. Crozier says, held up the post office at Kilkenny last September, gagged and bound the mail sorters, and opened 20 bags of mail. All the money found—a considerable sum—except £29, which was returned to police headquarters, was stolen and the letters thrown in the river. Telephone wires were cut and the district isolated by the police themselves as a blind.

The company commander resigned soon after this operation took place. The auxiliary division had only recently been formed, and its development, the charges assert, dates from the precedent officially set on this occasion.

2. A captain resigned his command after a fortnight on account of what he described as "the methods in vogue." Information as to the nature of these methods was subsequently obtained, and was found to relate to the treatment of prisoners.

3. Gen. Crozier says he is prepared to swear he was informed, after leaving the force, by a certain cadet that he (the cadet) had murdered Father Griffin in county Galway, and that a certain officer, whose name is given, stood by and later buried the body in a bog. The officer is now alleged to occupy a position of great responsibility in Ireland.

The general states that a very highly placed official in Dublin Castle and a police officer of standing in the west were directly involved in the suppression of evidence bearing on the murder. He was himself, he says, intrusted with a message between these two persons conclusively proving this charge.

4. Gen. Crozier is in a position to supply important information relative to the murder of Michael O'Callaghan, former mayor of Limerick.

5. Gen. Crozier alleges a former member of the auxiliary division who threatened an exposure of the circumstances under which three men were killed at Killaloe "while endeavoring to escape" was "squared" by the Irish Government. The officer who executed this mission is now in London, the charges claim.

SQUARED EVIDENCE.

6. Gen. Crozier is prepared to swear that in the course of a serious conversation at Dublin Castle on February 17 with an officer in high command the Drumcondra case was mentioned. This is the case in which two men were said to have been taken at night in a car from the castle and murdered at a lonely spot on the outskirts of Dublin.

Gen. Crozier also charges the following words, or words to precisely the same effect, were used to him by the officer referred to:

"We managed to square the evidence in the guardroom, but I am afraid we can not do it here. However, I did my best to fix up Bland and convinced him, I think, that he was an accessory before the fact."

The general further declares some of the police evidence in the case was, as a matter of fact, arranged and that he was himself present at the rehearsal of a portion of the proposed evidence before a prominent intelligence officer. The trial resulted in an acquittal for the Crown officers and men concerned.

7. With regard to the Croke Park massacre, which followed the murder of eight officers in Dublin, Gen. Crozier states that one of his most trusted officers came to him directly from Croke Park after the shooting and reported:

"It was the most disgraceful show I have ever seen. Black and Tans fired into the crowd without any provocation whatever."

These seven items are merely selections from the mass of detailed evidence gathered by the general, tending to show the conditions with which he had to deal. Faced with the imperative necessity of restoring discipline and checking the police crime, one of his most valuable weapons was the power of dismissal from the ranks of the auxiliary division. Of this he was deprived early in November, and his resignation was the sequel to still further limitation of his authority.

Hugh Martin, the Daily News correspondent, says Gen. Crozier's charges call for a public inquiry by a select committee of the House or a joint committee of the Lords and the Commons. The general, he declares, should be called upon to produce his evidence and most thorough measures taken to protect the lives and property of any witnesses brought from Ireland to testify at the inquiry.

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APPENDIX C.

REPORT OF THE BRITISH LABOR COMMISSION TO IRELAND.

The situation in Ireland to-day is nothing short of a tragedy, whether from the point of view of the Irish people or from the standpoint of British honor and prestige. British labor is vitally interested in the Irish situation from two points of view. It is concerned with the problem of Irish government and the bestowal upon the people of Ireland of the freedom which they passionately desire. It is concerned also with the degradation which the British people are now suffering in consequence of the policy of repression and coercion which has been carried out in its name. On the general problem of the settlement of the political problem in Ireland, the Labor Party has declared its policy. The manifesto embodying this policy is reprinted as an appendix to this report. Labor representatives in the House of Commons have protested against the policy of physical force applied to Ireland, as the Labor Party regards recourse to methods of violence as a confession of bankruptcy of statesmanship.

On October 25 Mr. Arthur Henderson moved in the House of Commons: "That this House regrets the present state of lawlessness in Ireland and the lack of discipline in the armed forces of the Crown, resulting in the death or injury of innocent citizens and the destruction of property; and is of opinion that an independent investigation should at once be instituted into the causes, nature, and extent of reprisals on the part of those whose duty is the maintenance of law and order."

This proposed vote of censure condemned the action of the British Government and its agents in Ireland and asked for an independent inquiry. The request for an inquiry was refused. The situation in Ireland did not improve. Indeed it grew worse, and the Labor Party, therefore, decided to set up a commission under its own auspices to inquire into the whole question of reprisals and violence in Ireland.

THE PERSONNEL OF THE COMMISSION.

The Parliamentary Labor Party appointed three of its members, Right Hon. Arthur Henderson, M. P., Mr. J. Lawson, M. P., and Mr. W. Lunn, M. P., to serve on the commission, whilst the executive committee of the Labor Party appointed its chairman, Mr. A. G. Cameron; its vice chairman, Mr. F. W. Jowett; and Mr. J. Bromley to represent the executive of the party. At the first meeting of the commission Mr. Henderson was unanimously elected as chairman. In view of the importance of the delegation's work and opportunities which it was thought might arise to assist the establishment of peace in Ireland, the Right Hon. W. Adamson, M. P., was persuaded to join the commission. Brig. Gen. C. B. Thomson became military adviser, and Capt. C. W. Kendall legal adviser. Mr. W. W. Henderson accompanied the commission as press secretary and Mr. Arthur Greenwood was appointed secretary of the commission. Mr. Tom Johnson, secretary of the Irish Labor Party and Trade Union Congress, was attached to the commission and the services of Mr. E. Rooney as stenographer were placed at the disposal of the commission by the Irish Transport Workers' Union.

Sir Hamar Greenwood, chief secretary to the Lord Lieutenant of Ireland, gave every possible assistance to the commission. As a result of his instructions we were supplied with permits to enable us to travel by motor anywhere we wished to go and at any hour. We were everywhere received with the utmost courtesy by responsible officials, both civil and military. We wish, therefore, to place on record our sense of obligation to the chief secretary, to the officials of Dublin Castle, and to the responsible military and police officers with whom we came into contact. We do so the more earnestly because the main burden of our report is a denunciation of the Government's policy.

THE DIARY OF THE COMMISSION.

The commission left for Dublin on Tuesday, November 30. That evening it met the secretary of the Irish Labor Party and Trade Union Congress. On the following day a long discussion took place between representatives of the Irish Labor Party and the commission on labor policy regarding Ireland, the possibilities of securing a suspension of acts of violence, and the detailed work of the commission. Both the commission and the Irish Labor representatives were in perfect accord, and the latter proffered every possible help to the delegates. They placed at our disposal the services of Mr. Tom Johnson, whose assistance was invaluable. During the time we were in Ireland Mr. Johnson acted as a liaison officer between the commission and Irish labor, both in Dublin and elsewhere. The attitude of the Irish labor movement toward the promotion of peace in Ireland is dealt with later in this report, and need not therefore be referred to here.

The commission made Dublin its headquarters for several days. During this time evidence was taken at the Shelbourne Hotel, and visits were paid to Balbriggan, Skerries, Croke Park, and other places in Dublin itself. At Balbriggan—the scene of a reprisal on a large scale—the delegates visited the hosiery factory which was destroyed by fire, and the many houses and other premises which were burned in the attack upon the town

on September 20. The evidence of eyewitnesses was taken in the town hall.

At Skerries witnesses were examined with regard to the shooting of individuals there. At Croke Park the commission reconstructed the scene of Sunday, November 21, and took evidence on the spot. In Dublin visits were paid to the Painters' Trade Union Club and the Women's Trade Union Club, both of which premises had been raided, and some of our members investigated incidents which had occurred in private houses.

In the meantime Mr. Henderson and Mr. Adamson interviewed Mr. Arthur Griffiths in Mountjoy Prison, and visited the Archbishop of Dublin. Mr. Henderson also traveled to Armagh and interviewed Cardinal Logue.

On Saturday, December 4, the commission visited Dublin Castle and had an interview with the chief secretary for Ireland. The chief military, police, and civil officers of Dublin Castle were present at the interview.

On Sunday, December 5, Mr. Adamson returned to Scotland to fulfill an important engagement in Fifeshire, and on the following morning Mr. Henderson left for London. Mr. A. G. Cameron acted as chairman of the commission during the remainder of his stay in Ireland. The evening prior to the departure of Mr. Henderson the commission met members of the executive committees of the Irish Labor Party and Trade Union Congress for the purpose of reviewing the Irish situation from the point of view of the establishment of peace.

On Monday morning, December 6, the commission traveled by train to Cork. We met the Lord Mayor, the senior Sinn Fein member for the city, and several members of the city council. The Lord Mayor kindly placed a room in the City Hall—since totally destroyed by fire—at our disposal, and offered to supply the commission with all the information collected by the city council concerning incidents in Cork.

We investigated several unfortunate occurrences which took place during our stay in the city, and a large number of witnesses were examined with regard to reprisals carried out during the past few months. We paid visits to buildings which had been burned, and to houses and shops where furniture, fittings, and other property had been destroyed. Members of the commission traveled by motor car from Cork to Bandon to see the hosiery works and other property which had suffered destruction, and to take the evidence of witnesses.

On Wednesday, December 8, we left Cork for Killarney. Owing to the suspension of the passenger service on the railways, we traveled by motor car through the southwest of Ireland. On Thursday we reached Tralee, which place provided us with abundant evidence of reprisals and terrorism. On the way to Tralee we investigated the circumstances of the burning of the cooperative creamery at Ballymacelligott and the so-called "Battle of Tralee," which is said to have taken place there.

From Tralee members of the commission motored out to see the Abbeydorney Cooperative Creamery and take evidence concerning its destruction by fire, whilst other members journeyed to Ardfert to investigate the shooting of a girl there. In this case, however, the commission was not able to obtain sufficient evidence to warrant the conclusion that the girl was shot by a member of the Crown forces.

The following morning, Friday, December 10, we set out for Limerick, passing through Listowel, where we observed the shop signs from which Irish names had been obliterated by order of members of the Crown forces. On the way we called at Foynes, where a cooperative society's store and a workingmen's club had been burned down, and at Shanagolden, where the cooperative creamery had also been destroyed by fire and damage done to other buildings, and where an old man had been shot.

Arriving at Limerick we proceeded to take evidence, and on the following morning—Saturday—certain members of the commission met the mayor and members of the town council at the Town Hall, where further evidence was taken. Other members of the commission traveled to Hospital and Tipperary, at both of which places evidence was taken.

The two sections of the commission reassembled later in the day at Limerick Junction and entrained for Dublin. The motor cars then returned to Cork. At Dillon's Cross the chauffeurs were held up, searched, and imprisoned until Sunday afternoon. On their release they found that certain motor car accessories, clothing, and personal effects had disappeared.

On our return to Dublin we completed our investigation into the Croke Park case and took evidence in other cases. Members of the commission visited Dublin Castle and interviewed officials there.

On Sunday, December 12, we received news of the burning of many buildings in Cork, and at the request of the commission two members visited the city on the following day.

On Tuesday, December 14, Messrs. Cameron, Jowett, and Bromley left for London to attend the meeting of the executive committee of the Labor Party, the remainder of the commission leaving Dublin the following day.

It will be seen that our inquiries were confined to Dublin and neighborhood and to the southwest of Ireland, which is the most disturbed area of the country. We were unable, without prolonging the inquiry, to visit districts in which incidents have taken place that merit close investigation. We believe, however, that the evidence we have been able to obtain is more than sufficient to justify the strongest condemnation of the policy of the British Government.

The work of the commission falls into two parts—the inquiry into reprisals and the efforts which were made toward a cessation of acts of violence as a necessary preliminary to negotiations for a permanent settlement of the problem of Irish government. The first part of the report is concerned with reprisals, and the second section to the larger problem of peace. Before embarking upon a discussion of reprisals, however, we feel it to be necessary to explain the method of inquiry which we pursued.

METHOD OF INQUIRY.

Before our departure to Ireland we had received numerous letters calling attention to "reprisals" which were alleged to have taken place. We had, of course, in our minds the various occurrences in Ireland which had been the subject of questions or debates in Parliament. During the whole of our stay in Ireland cases for inquiry were constantly being brought to our notice. By every post there came suggestions or appeals for investigation into "reprisals" of which the writers had knowledge. Telephone messages and telegrams called attention to acts of violence committed in various places in Ireland by armed forces of the Crown. Personal callers came to bring "reprisals" to our notice.

It was obvious from the commencement of our investigation that to attempt to inquire into all the allegations of "reprisals" which in one way or another were forced upon our attention was to attempt the impossible. Some method of selection of cases for investigation was essential. We therefore decided to examine various types of cases. We could, of course, have done this within easy reach of Dublin; but we were unanimous in the view that our inquiry would not be complete unless we visited the more disturbed areas in Ireland. Our representative cases are drawn, therefore, from Dublin and from the southwest of Ireland, though we have received sworn statements relating to "reprisals" in other parts of the country.

The cases dealt with in this report fall into two groups—outrages committed upon the police and other armed servants of the Crown and upon those associated with the Crown forces, and reprisals committed by the Crown forces. The latter fall under six main heads:

(1) General terrorism and provocative behavior.
(2) Arson.
(3) The willful destruction of property otherwise than by fire.
(4) Looting.
(5) Cruelty to persons.
(6) Shooting.

Often enough the various types of violence are to be found combined in the same occurrences.

It was made clear to us at the outset that we could not accumulate evidence merely by relying upon witnesses coming forward voluntarily. We may say, however, that at every place at which we stayed people did present themselves to give evidence. It was, of course, necessary to visit many places to make observations on the spot and to take evidence from witnesses on the scene of the occurrences. But, in addition, we had on many occasions to go to the homes of people who could of their own knowledge assist us in our investigations.

In some cases we found it difficult or impossible to obtain sufficient reliable evidence, either through the absence of important witnesses, who were perhaps "on the run," or through the fear of possible consequences if facts were disclosed. The atmosphere of terrorism which prevails in many parts of Ireland renders it extremely difficult to gather information. Those who were eyewitnesses of incidents deserving of inquiry have been threatened with violence, and even death, if they disclose what they saw. We have information of one case where a firm of solicitors declined to swear an affidavit through fear of the consequences which might ensue.

The number of places to be visited and witnesses to be examined led us at times to divide the commission into groups. This had distinct advantage when it was necessary to visit private houses and small shops, and it also enabled more cases to be examined than would otherwise have been possible.

We should have been glad to receive the fullest possible evidence from official sources. Whilst responsible officers, civil and military, have been willing to discuss with members of the commission cases investigated by us, we were not supplied with copies of the official reports bearing on such cases. These documents are confidential, and we were informed that in consequence we could not be provided with copies of them. The chief secretary offered to arrange for the police or military concerned in cases we wished to examine to appear before us, but as in very many cases the men concerned have been removed to other parts of the country since the occurrences on which we desired their statements took place, time did not permit us to take evidence from them.

THE ARMED FORCES IN IRELAND.

There is a state of war in Ireland, and what are called "outrages" and "reprisals" are but incidents in a bitter campaign. On the one hand, there are the armed forces of the Crown; on the other, the Irish republican army. It will be well before describing the reprisals we have investigated to provide a background by explaining the composition, character, and temper of the opposing forces in Ireland. Only in this way is it possible to bring individual incidents into relation with the general situation.

The Government forces in Ireland consist of:

(a) The military garrison.

(b) The Royal Irish Constabulary.

(c) The auxiliary division.

In regard to (a), some 50,000 soldiers are at present quartered in Ireland; they are in the main young and inexperienced; few of them have had the training given to a recruit in prewar days before joining a service unit. The majority of the junior officers are equally ignorant of their professional duties; many in infantry battalions have not passed through the Royal Military College at Sandhurst. Under the conditions existing in Ireland up to and during the visit of the commission, these lads were continually being called upon to support the police against the civil population, a task which has always been distasteful to regular soldiers and should be confided only to highly disciplined troops. As a result training has been neglected, discipline has become lax, youths at the most receptive period of their lives have been brutalized and demoralized, and all this has been done at enormous cost to the taxpayer.

Until the proclamation of martial law the military forces of the Crown had a purely passive rôle in Ireland. They were widely scattered and undertook no independent action; they formed a sort of second line to the Royal Irish Constabulary and the auxiliary division. Under martial law, the military authorities should, in theory, assume supreme command, and the rôles of the soldiers and police would be reversed. Although this would be a marked improvement on the existing state of affairs, since some order and coherence would be imparted to the activities of the forces of the Crown, unless martial law is applied to the whole of Ireland (and this it is estimated would require 200,000 troops) it would cause deep resentment in the areas singled out for special treatment and do more harm than good. Undoubtedly, martial law, applied without distinction or discrimination, offers the most humane method of coercion. The cost of this policy, however, must be reckoned not only in terms of money but by the effect produced on the British Army as a whole. If a force exceeding in size the expeditionary force sent to France in 1914 is to be employed for purposes of repression, it can only be raised by taking all the men from the garrison towns in England and Scotland and exposing them to the demoralizing influences inseparable from civil war.

Under heading (b) are included the so-called "Black and Tans." Originally the Royal Irish Constabulary was recruited from men of Irish birth, but during the recent troubles resignations from the Irish Constabulary were so numerous that it became necessary to enroll Englishmen, Scotchmen, and Welshmen to keep the force up to strength. Most of these new recruits were ex-soldiers and at first retained their khaki while wearing constabulary caps and belts, which are of so dark a green as to appear almost black. Hence the expression "Black and Tans," a name whose point and humor have made it a catchword, although the khaki uniforms have now nearly disappeared.

Whilst we wish to avoid making any general accusation against a body of men with so distinguished a record as the Royal Irish Constabulary, we feel compelled to express the opinion, based on our personal observation, that a by no means negligible proportion of the force as at present constituted are men of intemperate habits and utterly unsuited to their duties. It may be that not more than 1 per cent of the Royal Irish Constabulary are men of really bad character. Nevertheless this small fraction has discredited the whole force as an instrument of policy by making it an object of general dread and detestation. Evidence in support of this statement was found in every district visited, though in some a distinction was made between members of the old constabulary and the Black and Tans.

The auxiliary division of the Royal Irish Constabulary is recruited exclusively from ex-officers. Perhaps for this reason a license is permitted among the "cadets" (the rank and file of the division) which makes their conduct depend more on the personality of local commanders than on instructions from headquarters. In Tralee the auxiliaries enjoyed a reputation for good behavior and moderation among the inhabitants, but in other districts which we visited they inspired terror as the authors of reprisals whose brutality and destructive effects were only equaled by the skill and forethought with which they had been planned.

In the auxiliary division the men who matter are those possessed of ability and education, who are inflamed by political passion, and who, so far as could be seen during the visit of the commission, were being given a free hand in the south and west of Ireland. Wherever reprisals have been scientifically carried out so as to cause the maximum economic and industrial loss to an Irish countryside or city, they have almost invariably been the work of detachments of cadets. Several cases investigated by the commission revealed the fact that these detachments had worked independently of, and brooked no interference from, the other forces of the Crown. In view of the recent conduct, after the orders published in the press forbidding all reprisals, they do not seem to recognize even the authority of Dublin Castle, and the question suggests itself: Under whom, then, do they serve? Some obvious deductions can be made from much that is uncertain and confused. This division is essentially undemocratic in its composition. It is a class weapon which is being forged in Ireland and could be used in England. Further, the method of its employment at the present juncture gives color to the suspicion that it is the instrument of those reactionary forces which dictate the Irish policy of the British Government. Hitherto reprisals by auxiliaries have been hushed up as far as possible, and efforts have been made to impute the blame for their misdeeds to innocent civilians. Evidently this force enjoys special and powerful protection. Now that martial law has been proclaimed in certain parts of Ireland, it will be interesting to see how far the detachments of cadets in those regions will come under military control.

THE IRISH REPUBLICAN ARMY.

The forces of the Crown in Ireland are opposed by the Republican volunteers. To speak of the forces of Sinn Fein as an army is misleading. The Irish republican army may consist of 216 battalions, whose strengths vary from 100 to 1,000 men, but it is an army only in name. This remark implies no disrespect for the Irish republican army, which, in point of fact, is a far more formidable organization than any army raised from a population of at most 3,000,000 could ever be.

The Irish republican army is formidable because it is intangible; if it functioned as an army it would have to concentrate to fight, and then it could be defeated without difficulty. But in its present form it lives and fights dispersed; it is everywhere all the time and nowhere at any given moment. Without the sympathy and support of the vast majority of the population, it could not exist. This support is probably more general and effective to-day than it has been at any previous period. Irish volunteers are fed and harbored by people who three years ago were certainly not Sinn Feiners, and some of whom were Unionists. So great has been the provocation by the forces of the Crown that 80 per cent of Irish men and women now regard the shooting of policemen and throwing of bombs at lorries with the same philosophic resignation that Mr. Lloyd-George displays toward arson, pillage, and the shooting of civilians at sight in the presence of their wives and children. Under such conditions it is practically impossible to bring the Irish republican army to bay. It might be driven underground by the use of overwhelming military force, but it will spring up again when that force has been withdrawn. Executions and torture are not deterrents; they have, indeed, the opposite effect. It is reported on good authority that the day Kevin Barry was hanged several hundred undergraduates of Dublin University enrolled themselves as volunteers. The destruction of creameries and manufactories only serves to stimulate recruiting by increasing the number of desperate men. The policy of reprisals by destruction, if carried to its ultimate conclusion, will ruin Ireland outside Ulster, but will not defeat the volunteers.

ATTACKS UPON MEMBERS OF THE CROWN FORCES.

Members of the Royal Irish Constabulary have been shot both on and off duty. These cases are regarded by Sinn Feiners, whether they approve of them or not, as "reprisals" rather than "outrages." They were, it is said, the outcome of the British Government's policy of coercion and repression manifested in the imprisonment of people without trial, the prohibition of public meetings, and similar acts. The shooting of members of the constabulary and the subsequent resignations which took place were largely responsible for the "dilution" of the old Royal Irish Constabulary by newcomers of a less desirable type and for the enrollment of the auxiliary division of the Royal Irish Constabulary, though, on the other hand, it is clear that the resort by a section of the Sinn Fein movement to a policy of physical force was itself but the outcome of a coercive policy on the part of the British Government.

Since the introduction into Ireland of reinforcements of the Royal Irish Constabulary and the embodiment of the auxiliary division attacks by members of the Irish republican army upon the forces of the Crown have increased in number, whilst the scale of operations has been enlarged. There have been several ambushes in which many members of the Crown forces have been killed or wounded. These incidents have been fully reported in the British press. But regrettable as these operations are, they appear to us less reprehensible than the murder of British officers and civilians in their beds on "bloody Sunday," November 21. Sinn Feiners have, as we shall show presently, been shot in cold blood; but "two wrongs do not make a right," and by whomsoever it is carried out and whoever is the victim, the murder of individuals unable to defend themselves is murder, whether committed by members of the British Crown forces or by Irish volunteers.

VICTIMIZATION OF PEOPLE ASSOCIATED WITH THE ROYAL IRISH CONSTABULARY.

The commission has obtained statements relating to acts of victimization committed upon persons related to or associated with members of the Royal Irish Constabulary. We have not had an opportunity of personally investigating any of these cases. Those to which our attention has been drawn are for the most part cases of what may be called petty victimization, though they are undoubtedly calculated to embitter the Royal Irish Constabulary. There are a number of cases where women employed as Royal Irish Constabulary barrack servants or women on friendly terms with the constabulary have received threatening letters. In some cases women have had their hair cut off. There are instances also of the wives or families of members of the Royal Irish Constabulary being turned out of their homes, which have been burned. Some official police reports concerning cases of victimization are printed in the appendix.

So far as we have been able to ascertain, the terrorization of persons in some way connected with the Royal Irish Constabulary has not been carried out on a scale comparable with the terrorization of the mass of the Irish people. Nevertheless the policy of victimization is most regrettable and has tended to embitter the relations between the constabulary and the Irish people.

THE GOVERNMENT AND REPRISALS.

We shall in this report deal in some detail with a number of the recent tragic occurrences in Ireland. The Government has repeatedly condoned reprisals, and the chief secretary has defended the action of the armed forces of the Crown. On numerous occasions in the House of Commons he has given a point-blank denial to statements made by members of the House on the basis of information received from nonofficial Irish sources. He has made assertions a few of which he has ultimately been driven, most grudgingly, to withdraw. The attitude of the Government, judged by its spokesmen, is that many of the unhappy events in Ireland of which the British public has heard during the past few months were either figments of the imagination or incidents in which the acts of the Crown forces were justifiable. The results of our investigations will show how much truth there is in this point of view.

GENERAL TERRORISM AND PROVOCATIVE BEHAVIOR.

In every part of Ireland that we visited we were impressed by the atmosphere of terrorism which prevailed. This is due to some extent to uncertainty; people are afraid that their houses might be burned; they fear that they might be arrested or even dragged from their beds and shot.

But terrorism is accentuated by other less direct methods. Lorries of armed men with their rifles "at the ready" are frequent sights in the towns and even in the country districts. We are aware that the Irish secretary would have us believe that these "brave men" might be shot by "cowardly assassins" in the streets, but we can not believe that for men to carry rifles "at the ready" is a means of protection against the possibility of being shot from a window or at a distance. This display of arms assists to spread the feeling of terror. The sight of "tin hats," drawn bayonets, and revolvers, and here and there of sandbags or machine guns or powerful searchlights is calculated to terrorize the civilian population.

But the insolent and provocative conduct of certain sections of the Crown forces is even more likely to inspire fear or to incite reprisals. In at least one town to our own knowledge the Royal Irish Constabulary often carry Black and Tan flags on their motor lorries, glorying in the title which has spread fear throughout the land. Sometimes below it will be found a small Sinn Fein flag, or the flag of the Irish republic will be trailed at the tail of the lorry in the dust or mire of the road. We would submit that no disciplined force would so deliberately encourage bitterness of spirit or inflame feelings of retaliation in this way.

We have witnessed with feelings of shame the insolent swagger of individual Black and Tans in the streets of Irish towns. We have heard raucous voices, to the accompaniment of the rumble of a police lorry, bawling the Royal Irish Constabulary song:

> We are the boys of the R. I. C.;
> We are as happy as happy can be.

Incidents such as these may not seem to be important, but who can doubt that in Ireland to-day they intensify the hatred of the British Government and its ways?

It is unfortunate also that the civilian population should witness, as many have done, members of the Crown forces under the influence of drink. A member of the commission stated to his colleagues that he had seen in the street an auxiliary cadet, revolver in hand, distinctly the worse for liquor.

At a railway station the members of the commission saw a number of Black and Tans (they wore the Royal Irish Constabulary uniform and were certainly not, to judge by their general appearance and accent, members of the old Royal Irish Constabulary) invade the refreshment room. We use the word "invade" advisedly. Their behavior was unmannerly, to say the very least. They shouted out the Royal Irish Constabulary song and, in general, made the room intolerable for the travelers who were inside when the Black and Tans appeared. Some of the uniformed men were worse for drink, and one Black and Tan lurched along the platform of the station, using his rifle, presumably loaded, as a walking stick. Again it may be said that these incidents are but small affairs. But such conduct must arouse feelings of resentment or fear, or both, amongst the civilian population.

In some places members of the Crown forces have compelled shopkeepers to obliterate the Irish signs over their doors and windows. This we know has happened at Killarney, Tralee, and Listowel. Such petty tyranny creates ill feeling.

One species of terrorism to which reference must be made is the publication in the newspapers or by means of typewritten circulars of notices threatening punishment to the general public if certain things are done or not done. These notices are not signed by any responsible officer, but bear a signature such as "Black and Tans" or "Secretary of Death or Victory League." Notices of this kind have been set up by printers at the point of the revolver. Some of these notices are reprinted in the appendix.

Perhaps the most potent method of spreading terror is that which is frequently adopted during raids and searches. It is said that these must be conducted quickly, as the representatives of the police or military taking part in them are exposed to considerable risk. But this explanation does not seem to us to excuse the forcing of doors and breaking of windows, the flinging of papers about the rooms in which they are found, and the reckless destruction of household or office effects. Much less does it excuse the attitude only too often adopted toward persons. A peremptory order to "put 'em up" is, until it becomes a frequent occurrence, an unpleasant ordeal, but on night raids the procedure may be much more trying.

As an illustration we may quote the case of a local trade-union official. We do not for one moment believe that the Government can prove anything against him—unless to be a trade-union official is a crime—and we are convinced of his veracity. Some months ago he was arrested and imprisoned for five days without any reason being assigned. More recently he was visited by armed men after he had retired to bed. His wife and children were told to leave the bedroom. The man, whose only garment was his shirt, was told to put up his hands and, with the end of a rifle barrel placed to his bare chest, he was interrogated for a space of 25 minutes on matters of which he had no knowledge.

These are the methods of the inquisition. Intimidation of this kind but terrifies or embitters innocent citizens and particularly women and children who have in some cases witnessed it.

After curfew in Dublin we heard on several nights the firing of shots. As civilians out after 10 p. m. run the risk of being shot at sight, and as the police and military utilize the curfew hours for raiding purposes, it is a fair assumption that shots during the night are generally fired by them. We have been told that often this firing is not intended for purposes of destruction, in which case we can only conclude that its purpose is terrorism.

We have no desire to overstate the facts; but the atmosphere of terrorism which has been created and the provocative behavior of armed servants of the Crown, quite apart from specific reprisals, are sufficient in themselves to arouse in our hearts feelings of the deepest horror and shame.

THE BURNING OF PROPERTY.

A large number of buildings in Ireland have been destroyed by fire, but the Government has admitted only a very few cases of arson committed by members of the Crown forces. Generally, as, for example, in the recent great fire at Cork, the chief secretary denies the existence of evidence showing that the fires were caused by forces which, theoretically, are under his control. There is, however, ample evidence, in our judgment, to show that buildings have been deliberately burned and in many cases utterly destroyed by servants of the Crown. The premises which have been destroyed include creameries, factories, and other large business premises, as well as shops, private houses, and farms.

We give in the appendix to the report a statement showing particulars of 42 attacks made upon cooperative concerns, mainly creameries. In the large majority of cases the buildings were wholly or partially destroyed by fire. The economic aspect of this destruction we shall deal with later in this report. For the moment we are concerned more especially with the question of the responsibility for these reprisals.

(A) TUBBERCURRY AND ACHONRY CREAMERIES.

The Chief Secretary for Ireland declared in the House of Commons on October 20 that he had "never seen a tittle of evidence to prove that the servants of the Crown have destroyed these creameries." Over a month later, however (on November 25), he admitted that in the case of the Tubbercurry and Achonry creameries "the burning was committed by members of the police force on October 1 in an outburst of passion evoked by the brutal murder of District Inspector Brady and the wounding of another of their comrades on the evening of the previous day."

In the face of this admission it is not unjust to infer that other creameries have also been burned by the Crown forces. We do not need, however, to rely upon inference, for we have a volume of direct evidence that many creameries, besides those already referred to, have suffered destruction or damage at the hands of servants of the Crown.

In the cases of Tubbercurry and Achonry we do not know of the existence of any proof that members of the two societies were concerned in the death of District Inspector Brady. It is, however, clear from the chief secretary's statement that the destruction of the two creameries was a reprisal and that, either with or without authority, members of the Royal Irish Constabulary took vengeance upon the farmers of the district.

(B) BALLYMOTE CREAMERY.

We reproduce in this volume a copy of a telegram, dated November 3, from the district inspector of the Royal Irish Constabulary at Sligo, instructing the head constable of Ballaghadreen to "inform all available auxiliary force to proceed at once to Ballymote, where a sergeant has been shot." There appears to us to be no reason why auxiliaries should be sent to a place where a police sergeant had been shot, unless for purposes of revenge. On November 3 the Ballymote cooperative creamery was destroyed by fire. The society has no fewer than 980 members. We have not personally investigated this case, but we can not refrain from remarking upon the coincidence of the date of the telegram with the date of the burning of Ballymote creamery.

(C) ABBEYDORNEY CREAMERY.

The circumstances of the destruction by fire of the Abbeydorney creamery were the subject of investigation by the commission. There can, in our opinion, be no doubt that the buildings were fired by uniformed men, who used petrol for the purpose of setting the creamery buildings alight more speedily and effectively. The store, which contained a good deal of inflammable material, was completely gutted. The manager was ill-used. After the departure of the incendiaries 300 pounds of butter and two 80-pound cheeses had disappeared.

About a fortnight after the attack on the creamery at Abbeydorney two policemen were fatally shot. Later in the day a body of Royal Irish Constabulary men inflicted damage to property in the town. Since then the houses of the manager and the foreman employed at the creamery have been burned.

(D) SHANAGOLDEN CREAMERY.

The commission visited the village of Shanagolden. On August 24 an attempt was made to fire the cooperative creamery there. We were not able to ascertain the reason for this first attack on the building. We were told that the attempt to burn the creamery was made by Black and Tans from the neighboring village of Foynes. The cheese shed was actually set alight, but the flames were extinguished. Next day the local volunteers arrested a Black and Tan and a policeman in connection with the occurrence of the previous evening and marched them up and down the village street without their boots.

As a reprisal, it is assumed, two lorries of Black and Tans arrived at the village in the evening. They shot dead an old man of 75 years. At the inquest a verdict of willful murder against the police was returned. They burned a house and attempted to burn a house and shop, but the occupier's wife succeeded in saving it.

The Black and Tans were seen to sprinkle petrol inside the creamery. A 5-gallon tin of petrol was left behind by the party. Immediately after they left the building there was a loud explosion and the creamery burst into flames. A cardboard box, bearing the name and official address of a sergeant of the Royal Irish Constabulary, was subsequently found in the shrubbery. It is assumed locally, though there is no proof, that the box had contained explosives.

The county court judge awarded £12,000 damages. Cheese to the value of £4,000, which had been made for export to Great Britain, was destroyed. Prior to its destruction the creamery had been receiving from 200 farmers in the district about 6,500 gallons of milk per day.

On the night following the burning of the creamery four young men of the village were arrested by Black and Tans and roughly handled. One of them was stripped naked and, it is said (though we have not direct evidence), left 5 miles away from the village. On the same evening an attempt was made to burn the local library.

The destruction of buildings in a district other than creameries at the time the latter are destroyed and other acts of violence are not confined to Shanagolden. At Ballymacelligott men were shot and houses and other buildings and hayricks set on fire, as well as the creamery. A more detailed account of the incidents at Ballymacelligott is given in a later section of this report.

(E) BALBRIGGAN HOSIERY WORKS.

Creameries are by no means the only business premises which have been fired by members of the Crown forces. The Government has admitted that the fires at Balbriggan were caused by servants of the Crown. There were two hosiery works at Balbriggan. On the night of September 20 one of them (belonging to an entirely English company) was destroyed by fire. The company employed 109 people in the factory and at least 120 outworkers. The other hosiery works would probably have met a similar fate had not the Royal Irish Constabulary been dissuaded by a local resident.

(F) BANDON HOSIERY WORKS.

Whilst we were in Cork some members of the commission visited Bandon and there saw the remains of the factory of the Bandon Hosiery Co., whose premises were burned down on October 24. Two nights previous an attempt was made to fire the factory, but only slight damage was done. The company employed about 70 persons. The factory and stock were completely destroyed at the second attempt, and the damage caused was estimated at £50,000. At the military inquiry 14 witnesses deposed that the fire was the work of the military, and it is understood that the authorities admit this to be the case. The Balbriggan factory was destroyed, with other property in the town, as a reprisal for the death of a police officer, but we have not been able to discover any similar motive for the attack on the Bandon works, though it is suggested as a possible explanation that some of the employees were Sinn Feiners.

(G) PRINTING WORKS AT TRALEE.

Members of the commission saw the ruins of a printing works in Tralee. The damage done by the Crown forces is estimated at over £50,000. At the works two newspapers were printed and 30 persons were employed. The destruction of the premises is ascribed, though there is, of course, no positive proof of this, to the fact that the editor of one of the papers had criticized the action of the authorities.

(H) DESTRUCTION OF SHOPS.

The examples given above—all of them the subject of inquiry by the commission—will give some indication of the damage done to industrial concerns. Large business premises of other kinds and shops have been burned down in many places. We need do no more than refer at this stage to the wholesale destruction by fire of the premises of many important business firms in the center of Cork on the night of December 12. Before this disaster occurred we had visited other shops in Cork which had suffered a similar fate. We refer to incendiarism in the city of Cork later in the report.

At Bandon inquiry was made into the burning of a large haberdashery, stationery, and boot store. Men in uniform were seen to throw petrol on the shop windows and doors, and bombs through the windows. These exploded and flames broke out. The upper part of the building was used as a dwelling and several people were in bed when the fire occurred. They succeeded in escaping, the girls clad only in their nightdresses. The house and shop were entirely destroyed.

(I) DESTRUCTION OF FARMS AND PRIVATE HOUSES.

Other cases of arson in which shops and stores suffered serious damage or entire destruction could be given. But our purpose is to give examples which we investigated. The commission made inquiries into the burning of a farm, the tenant of which was an aged and bedridden woman of 75 years. Members of the commission found the house and farm buildings in ruins, with the exception of a small fowl house. This shelter, without windows and lighted only when the door is open, was occupied by the two daughters of the old lady, and a boy of about 8 years, their nephew. They are living now under deplorable conditions. The tenant of the farm has been removed to the workhouse. Two policemen and a number of men in civilian dress came to the farm and asked for a son of the tenant. He was not at home. The occupants of the house were told to "clear out." The old lady, who was ill, was taken outside, and the two sisters, partly dressed and without boots, together with the small boy in his nightshirt, left the house. The men poured petrol on the beds and furniture, on the outhouses and pigsty, and even on the pigs and poultry. The buildings were burned to the ground, the fowls were all burned to death, but the pigs were rescued. The family spent the night in the fields. On the morning after the fire two full tins of petrol and some empty tins were found in the farmyard.

In Balbriggan many small cottages have been destroyed by the Crown forces. Many citizens of Cork have suffered the loss of their homes. The countryside has not escaped, for in our inquiries we came across hamlets where cottages here and there had been burned, usually by the Black and Tans or other Crown forces, as part of a night's program. In how many small country towns there are to be seen the charred remains of homes we can not say, but it is beyond doubt that arson has been committed on a large scale.

Burning is not confined to business premises, shops, farms, and private houses. Public and quasi-public buildings have also suffered. It would appear that places where people gather together are special objects of destruction, as we have already seen in the case of creameries. The effect of destroying public buildings is clearly to render almost impracticable the administration of public affairs, and to impose serious obstacles to the fulfillment by local bodies of their public responsibilities.

Before the final destruction of the Cork City Hall several attempts had been made to fire the municipal building, which had suffered partial damage before it was razed to the ground.

(J) TRALEE COUNTY HALL.

The Tralee County Hall, together with a theater attached to it, were burned out during the early hours of the morning of November 1. The hall contained the county council offices, the urban district council offices, and the offices of the harbor board. Uniformed men were responsible for the fire. An officer said to a person who had been roused out of bed by the fire, "Bad work in Kerry to-night. Three of the Crown forces have been killed, but Tralee will pay for it." During the fire there was shooting from the police barracks near by, and the soldiers on the scene of the conflagration had to take cover. It is reported, though we have no direct evidence of the truth of the statement, that a military officer was wounded by shooting from the barracks. After the fire the military assisted people to take back the furniture which had been removed from their houses in case the fire spread.

(K) INCENDIARISM AS A POLICY.

In the foregoing statements regarding the destruction of property by fire we have confined our attention to cases we investigated. In every instance, except those of the Achonry and Tubbercurry creameries, evidence was taken on the spot. We have received information of many cases into which we were not able to inquire. But we consider the material which we have collected to be sufficient for our purpose.

The forces of the Crown in Ireland have been guilty of arson. As we have pointed out, in a few instances the Government has admitted as much, and we have no doubt that, if the chief secretary were pressed to declare the facts in other cases, he would be driven, however reluctantly, to make similar admissions. Incendiarism is part of the policy of the Black and Tans and auxiliaries. It is, we believe, one of their methods of terrorism and revenge.

In face of the admissions of the Government as to the origin of the fires at Balbriggan, Achonry, and Tubbercurry, the general public may well suspect the truth of the denials of the British Government as to the complicity of their servants in other cases, even if direct evidence were not available. Such evidence, however, there is, and the legitimate surmises of those who mistrust the Government's statements are proved to be well-founded.

It has been represented to us, however, that the presence of uniformed men at a fire is no proof that Crown forces are responsible for the outbreak. It has been suggested that Sinn Feiners have obtained police and military uniforms, and that the fires might be the work of republicans bent upon creating hatred of the British Government. We can not believe that there is much substance in the argument. It is to be remembered that in many places the curfew is in operation. During the hours when most of the burnings have taken place the police and military were in possession of the streets, and any fires which broke out must soon have become known to them, and they would have been able, had they chosen, to drive off the incendiaries. We have not received evidence of any street battles, which might reasonably be expected to occur in these circumstances. Moreover, if it were true that arson was generally the work of Sinn Feiners, it is reasonable to suppose that the patrols of Crown forces in the streets at night would not have allowed the incendiaries to complete the work of destruction. They would, we believe, have taken all possible steps to subdue outbreaks of fire caused by men to whom they are opposed. In point of fact, however, there is overwhelming evidence to show that in the case of many fires, not only have the Crown forces taken no steps to suppress the outbreaks, but that, on the contrary, they have actually hampered those who desired to extinguish the fires. In a later section of this report, dealing with occurrences in the city of Cork, we refer to the cutting of fire hose by persons who clearly did not desire that the fires should be subdued. We also received evidence from the responsible fire brigade officials in another town of the cutting of hose by men who, it would seem, were members of the Crown forces.

Many of the fires which have occurred both in town and country districts have been those of houses occupied by known Sinn Feiners. Sinn Fein halls have been destroyed by fire. Public buildings in places where there is a Sinn Fein majority, or at least an anti-British majority, on the local authority have met the same fate. To suggest that such burnings are the result of deliberate Sinn Fein activity seems to us unreasonable and, indeed, stupid, more especially as in many of these cases people have been shot or ill-treated. We can not conceive even the most extreme and violent Sinn Feiners operating a policy which would result in destroying property of value to their own supporters and subjecting their friends to physical hurt.

As regards Cork, where there has been arson on a large scale, we understand that the Government take the view that the work might be that of a loosely organized body of people acting without authority. There is in Cork a body calling itself the Anti-Sinn Fein Society. We have no authentic information as to the composition of this intangible and nebulous organization, but it is suggested that it is composed of discontents in the town, many of them ex-soldiers, and also of individual members of the Royal Irish Constabulary and the auxiliary division. We do not know how far this is the case. But if the facts are as stated, the burning of the buildings by men, some of whom are servants of the Crown, argues the existence of an indiscipline for which the Government must be held responsible. This argument, we may observe, is inconsistent with the view that in Cork the fires are the work of Sinn Feiners.

Even if only a tithe of the fires which have admittedly occurred in many parts of Ireland during the past few months were caused by Government agents, the case against the forces of the Crown and the Government would, in our judgment, be amply proved.

DESTRUCTION OTHER THAN BY BURNING.

Fires are not the only method of destruction employed by the British forces in Ireland. We have investigated cases in which valuables of all kinds, including furniture and other household

effects and documents, have been wantonly destroyed. During our stay in Cork certain houses and shops were entered by auxiliaries and shop fittings, mirrors, furniture, pictures, ornaments, and crockery were smashed wantonly and thoroughly. Members of the commission visited some of these places and with their own eyes saw the havoc which had been wrought. We leave aside for the moment the looting which took place. Even if nothing had been taken away the destruction in the shops and in the houses of people who had evidently taken great pride in their home is in itself sufficient to merit the strongest possible condemnation. It is said that the excuse which is offered for this wicked destruction is that people in these premises jeered at the auxiliaries who were engaged in holding up and searching people in the street. According to the Government, the reason was that the police had been fired on in the vicinity.

To our astonishment, we find that Mr. Denis Henry's reply to a question by Mr. T. P. O'Connor in the House of Commons on December 8 stated that "the allegations of looting and of wanton destruction of property in this case, and in the other cases referred to, are absolutely unfounded." We can not doubt what we have seen with our own eyes, and we can not do otherwise than assert emphatically that the reports on which Mr. Denis Henry based his answer are untrue.

During our stay in Dublin members of the commission visited the head office of the Irish National Painters and Decorators' Union, which was raided on November 24. The secretary was arrested and the office searched for correspondence. In making the search the military succeeded in wrecking many of the office fitments.

The three rooms of the office had been left undisturbed since the date of the raid, and we were therefore able to see the disorder which prevailed. Books, papers, and correspondence were thrown in heaps about the floors of the three rooms; tables were overturned, pictures smashed, and cabinets pulled to pieces. A register of members was torn up, as well as other papers and correspondence. Even if the necessity of searching for documents be admitted, it appears to us unreasonable and vindictive to act in the manner in which the military clearly did act at the painters and decorators' office.

LOOTING.

It is within the knowledge of the British Government that there have been cases of looting. We understand that certain members of the Crown forces have been punished for this offense, but looting is carried on more extensively than the Government would be prepared to admit. Members of the commission heard from an auxiliary of cases where allegations of theft had been made against the Crown forces and where subsequently the articles assumed to have been stolen had been found. No doubt there are cases of this kind. On the other hand, the evidence we have received goes to show that a considerable amount of looting has actually taken place. There are obviously opportunities for theft where raids are being made on premises. We took evidence from a witness who stated that over £300 worth of goods had been taken from his shop. Shortly before the raid on his premises—which, it may be pointed out, was undertaken with a view to arresting a person in his employ—the dealer in question and his assistants had taken stock. The morning following the raid the assistants again took careful stock, allowing for the sales since the previous stock taking, and goods to the value named above were found to have disappeared. Sir Hamar Greenwood has stated that there is no truth whatever in the assertion that goods were taken from the shop; presumably, the chief secretary's information is obtained from members of the Crown forces who took part in the raid, or their superior officers. The choice is between accepting the word of the accuser or the word of the accused. We have formed the opinion with regard to this case that the allegations made against the servants of the Crown are true, as we can not believe that the witness and his assistants have deliberately invented a story of looting.

Witnesses who saw the burning of creameries assert that butter and cheese were in some cases taken away by attacking parties. In some instances we know that the produce of the creameries was destroyed or damaged by fire. It is also beyond doubt that in others the Crown forces looted the stores of the creameries before they were fired.

We have referred above to the destruction of property in houses and shops in Cork. On this occasion articles were taken from the shops, though Mr. Denis Henry, in the House of Commons on December 8, denied this. In many cases which came under our personal notice witnesses affirmed that during raids articles were taken from their houses. We can not believe that all the many statements we have heard to this effect, coming as they do from different parts of Ireland, are devoid of truth. On the contrary, we are convinced that there has been a very large number of thefts from houses and shops. We have also heard of cases where Black and Tans have entered shops, obtained goods, and departed without paying for them.

During our stay in Cork we received reports that whilst we were in the city people searched in the streets had been robbed of money and other articles. We were not able to investigate all the cases of which we had information. The cases in which we did inquire, however, were, in our opinion, conclusive. We may quote the evidence taken in one case, where we had corroborative information:

> At between 9 and 9.15 p. m. on December 6, 1920, I had just left my friend ——— at his door in ——— Street, Cork. I was walking toward my home when I was stopped by some auxiliary police. They ordered me to take my hands out of my pockets and hold them up.
>
> I did so and one of the auxiliaries searched me and took everything from my pockets except my watch. The searcher handed the contents of my pockets to the men behind him. They were then handed back to me in one packet and I was told to retrace my steps and go home by another route or I would be shot. When I arrived home I examined my papers and wallet and found that £48 in £1 notes, belonging to my firm, was missing; also £35 in four £5 notes, one £10 note, and five £1 notes, private money, together with £16 10s. 4d. in an envelope, being my salary for one month, had disappeared. I have not reported the matter to the police, as I fear the consequences.

Mr. Denis Henry, on the occasion above referred to, stated that he had communicated with the police authorities, who had informed him that "the auxiliaries conducted a general search of people in the streets of Cork on Monday and Tuesday (Dec. 6 and 7), but that the allegation of theft of money, or any other property, is entirely untrue." Unfortunately for the Government and its agents, there were too many well-substantiated cases of theft in the streets of Cork for this blank denial to be accepted. Frankly, we do not believe that a number of people would at the same moment suddenly fabricate stories about thefts. We are not surprised that the auxiliaries would not admit to the police that they were guilty of robbing persons whom they searched.

There are so many undoubted cases of looting and theft that the commission must add these crimes to those of burning and destruction with which we have already dealt. We were filled with shame that, in the name of law and order, servants of the British Government should be guilty of besmirching in the eyes of Ireland the honesty of the British people.

PHYSICAL VIOLENCE AND BRUTALITY.

Many cases of beating and other forms of brutality came to our notice, some of which we were able to investigate. Whilst we were in Cork we heard on the second day of our visit that during the afternoon auxiliaries with whips of the kind used by drivers of jaunting cars had struck pedestrians with them. We did not actually see the occurrence, but we took evidence from a town councilor who had witnessed the incident. The auxiliaries appear to have driven people before them, lashing the while with the whips. Most of the people who were struck did not protest, probably through fear of worse consequences; but one man who did was called "An Irish swine"—an epithet commonly applied by many members of the Crown forces to the people of Ireland. The event naturally created deep resentment in the city.

In some places there has been a good deal of flogging of people. We had before us in one town a witness with a record of 14 years' service in an Irish regiment. He served through the late war and was a company sergeant major. Whilst in the street he was seized by five police and searched. The statement he made may be given in his own words:

> Then they accused me of teaching Sinn Feiners the use of machine guns. This I at once denied and said, "You should arrest me and put me on trial if you make such a serious charge against me." One of the police then called me ——— bastard, and used other very vile language to me. I was compelled at rifle point to kneel in the mud, and on threat of death made to take an oath that I was not a Sinn Feiner. A framed photo of De Valera was then shown me by one of the policemen, and I was ordered to spit on it three times or be shot. I was struck and kicked. I was then ordered to get up and clear off. I did so, but was followed by about 12 policemen, who again set on me and very severely beat me with rifles, fists, and feet. I was knocked to the ground and kicked whilst there. These men were not English; they all spoke with an Irish accent, and one who spoke with a strong brogue served me worst. He said after a time, "Let him go; he has had enough," but when the others desisted and I rose, he felled me again. I was eventually allowed to go, but two of them continued to follow me, kicking and beating me. I believed they desired to get me away from the other people and shoot me. Four or five soldiers, members of the regiment, came up and prevented the police doing me any further injury. When handing back my papers, they said, "Here, take your rubbish, and we have taken no quids from you, so don't write and tell Lloyd-George that we have done so." They said they were going to shoot every ex-soldier in ———.

At the time we saw this man he bore the bruises caused by the brutal treatment of the police.

The Black and Tans, at any rate in some places, appear to have taken to themselves the power to administer oaths. The following statement was given to the commission in evidence

by a lad of 18 who had been searched and a post-card photograph of the late lord mayor of Cork found in his possession:

The Black and Tan who had searched me said I had a photo of MacSwiney. The man in charge told me to go down on my knees. I did not go down. He struck me across the face with his clenched fist. Then he told me again to go down on my knees. I did not go down, and three or four of the Black and Tans who were around pushed me down on my knees. The leader then took a bound book about the size of a novel from under his arm. He gave it to me and told me to hold it above my head and repeat the following words: "I swear that I will have nothing to do with Sinn Fein in future." I took no notice. Then the leader of the Black and Tans put the barrel of his rifle to my forehead and told me to repeat the oath. All this time I had said nothing. I repeated the oath. The leader then said, "Say 'God bless the R. I. C.'" I said nothing, and the leader struck me with his fist on the face and said, "Repeat 'God bless the R. I. C.' three times." I said, "God bless the R. I. C." Then he took a large framed photo of De Valera from under his arm and told me to spit in De Valera's face three times. I took no notice. The leader again struck me on the face with his fist. I made an attempt to do what I was told, but didn't actually do it, and one of the Black and Tans said, "They are very dry." The leader again struck me on the face. Then they all went away.

For refinement of cruelty it would be difficult to find a worse case than that of a witness we examined on the treatment he had received at the hands of men who clearly were members of the Crown forces. This man was taken from his home by masked men with revolvers. He was asked questions which, he says, he was unable to answer. He was kicked and thumped, and later received blows on the head from revolvers, and kicked again whilst on the ground. He was asked whether he preferred to be shot or drowned. He could not swim. He replied that he would rather be shot. The masked men decided that he should be drowned, and he was thrown into the river. Fortunately, the tide was low and he was able to keep his head above water. Two shots were fired after him. Then one of the men said, "He's gone where MacSwiney's gone," and left the witness, in the belief that he was drowned.

We give these cases as illustrations of occurrences which are not infrequent and for which we can find no justification whatever. Even if the individuals ill used were notorious and prominent Sinn Feiners and "gunmen," we should regard such inhuman treatment as a disgrace to those directly and indirectly responsible for it.

Unfortunately, in their work of hunting down people the agents of the British Government often act in a way which is terrifying to women. We took evidence in a case where a party of five or six men dressed in the uniform of the R. I. C.—one of them drunk—called at a house after 1 o'clock in the morning in search of a man of over 70 years of age. His wife and a girl were the only persons in the house. There was a violent knocking at the door and some one called out, "Hurry up or the door will be broken in." The woman opened the door as quickly as possible, and she was asked whether her husband was at home. Her reply was to the effect that he was not. The evidence of the witness continued:

One of the men then asked if there was any correspondence between myself and my husband. I answered "No," whereupon I was jeered at and asked, "Is it likely that a husband and wife do not correspond?" A man of about 30 years of age, dressed in civilian clothes, with his hair brushed back and his face smeared with some grayish-looking stuff, was with the party. He was more offensive and violent than any of the uniformed policemen. He brandished a revolver in our faces and abused and scolded the girl, asking her why she stayed in my house, and finally shouted at me that "If it is two years we will do for him." I noticed that this particular man had an English accent of the north of Ireland. After this, all the men went out; then one returned and came upstairs. A window was suddenly broken. I feared shooting, and told the girl to lie down. We both lay down until we heard the motor lorries going off amidst much laughter. After a bit, when all was quiet I looked out and found that two thatched buildings belonging to our farm were on fire, also some hay. There was a cow and a calf in one of the buildings, but I managed to let them out. I found two paraffin lamps overturned in the house, also a candle near the burned buildings. The next day I found that a large coal shovel, two pairs of gloves, a flash lamp, and a fat hen—but a very old and, I hope, tough one—had disappeared. It is a very trying experience for a woman of my age. For two hours, from 1.15 to 3.15 a. m., I was in fear for my life, to say nothing of my home. I live in constant dread of another attack.

Some members of the commission visited the home of a widow whose house has been twice raided. On the first occasion, about a dozen auxiliaries rushed into the house and asked for her son. Some of them terrified a delicate daughter whom they covered with revolvers and asked where two of her brothers were. As the auxiliaries were unable to obtain any information they went away. On the following night at 11.30 p. m., auxiliaries again came to the house. They broke in the panel of the door and shouted for the son for whom they had inquired on the previous day. The widow replied that the boys had been home to tea but she had not seen them since. One of the party went upstairs and sat on the bed. He pointed a revolver at the daughter who was ill in bed and demanded to know the whereabouts of her brothers, but she could not tell them. Downstairs the men roughly handled the old widow, saying that if she did not tell them where her boys were they would burn down the house. They placed a tin of petrol on the floor. The woman then told the auxiliaries that her son —— was in prison, but she did not know where —— and —— were. The widow told one of our members who visited her that she prayed for mercy. The men left the house swearing that there was "no bloody God."

This rough and brutal treatment of women is by no means the worst that is to be said against men in the service of the British Crown. It is, however, extremely difficult to obtain direct evidence of incidents affecting females, for the women of Ireland are reticent on such subjects. The following case which came under our notice is, we fear, but an isolated instance. A young woman who was sleeping alone in premises which were raided by the Crown forces was compelled to get out of bed and her nightdress was ripped open from top to bottom.

The cases of physical violence and brutal treatment which we have cited are, like the examples of other crimes which we have given, but examples. We could refer to more cases, but we believe that the reader of this report will agree with us that they suffice to show the infamous deeds which have been done in the name of law and order.

SHOOTING.

The people of Ireland have become accustomed to the display of arms. Men who are being searched or interrogated are frequently covered by rifles or revolvers. The Crown forces are "gunmen" ever ready to brandish their weapons in order to inspire fear or elicit information. Unfortunately, their arms have been used for a much deadlier purpose.

One of the most important cases of shooting on a large scale was the indiscriminate firing which took place at the Croke Park Football Ground, Dublin. This incident is dealt with more fully elsewhere in the report. We may point out here, however, that there were far more casualties at Croke Park than at Peterloo. The killed and injured—numbering 73 persons in all— included both women and boys, who it is safe to say were perfectly innocent victims. If the police succeeded in shooting a "gunman," they did so by a pure accident. The brutal murder of British officers on the same day appears to have overshadowed in the minds of the British public the equally callous murder of innocent people at Croke Park. We believe the second crime to be every whit as bad as the first.

We received evidence of a considerable number of cases of shooting—far more indeed than we can refer to here. We give, however, one or two examples. The following evidence was given by a father relating to the shooting of his son:

I was awakened by a loud knocking at our house door. I opened it and saw a group of men standing outside. One of them asked me where my son was, and I answered, "In the British Army." The man then asked me where my other son was, but before I could answer the boy himself shouted from his bedroom, "All right, father, I am here." Three men in the uniform of the Royal Irish Constabulary then rushed in past me to my son's room; they told him to get dressed and hurry up. He put on a pair of trousers and his coat. The policemen then informed us that they only wished to ask our son a few questions and would not keep him long, after which they took him away. There was a man in a trench coat and soft hat with the party and, from the way in which he spoke to the others, I concluded he was an officer.

After some three hours, as my son did not return, I went to look for him, and eventually on looking over a wall saw his body lying in a field a few yards away. I carried him back to the cottage. He was quite dead and had several wounds in his body, one in the left wrist and one at the back of his head. So far as I am aware he was not a member of the Irish Republican Army.

Another case which we investigated was that of a man who was taken from his home by men in khaki. Later during the night his dead body was brought back to the house and the doctor who came with it said, "They have shot the wrong man." At the inquest, which was held subsequently, a verdict of willful murder against the military was returned.

An eyewitness told us that he saw two policemen walk up to a man at the corner of a street. One policeman struck him with his rifle and the other deliberately shot him. The man died shortly afterwards in hospital. It is worth noting that the medical men at the hospital who attended the wounded man did not give evidence at the military inquiry.

Another case of shooting in cold blood relates to the attempted murder of a labor man. His wife told us that "at about 2.30 a. m. a party of military called at our house. My husband let them in. They asked him his name. The party searched the house and then left. The officers were polite, but the men were rough." Less than a month later "at about 12.30 a. m. I heard a lorry stopping outside the cottage and then somebody banging at the outer door until it was smashed in. I opened the inner door and saw two men in the uniform of the Royal Irish Constabulary. My husband was standing just behind me, and the men in doorway asked him his name. He told them; they then

asked him if he was a Sinn Feiner. He answered that he was a labor man and councilor, whereupon both men shot at him with revolvers. He fell and I helped him to a chair and one of the policemen fired in another shot after me. My husband, beyond answering the questions put to him, never said a word to the policemen; he did not interfere with them in any way whatever. My husband sympathized with Sinn Fein, but was not a member of the Irish Republican Army."

In these and other similar cases into which we have inquired, members of the Crown forces have deliberately shot men in cold blood. These crimes occurring singly and often not reported in the British press are as revolting as the murder of British officers in their beds and deserve equally thorough denunciation. Even if the Irish victims were "gunmen," we do not think that this in any way lessens the guilt of those who committed the murders.

The chief secretary for Ireland has referred on several occasions to men having been shot whilst trying to escape. We have information which goes to show that prisoners alleged to have been fired upon and killed in an attempt to escape have been shot in cold blood. Where men are killed the production of evidence from eyewitnesses is impossible, though it is sufficient to know that in at least one case an examination of the dead body showed that bullets had entered in front and not in the back. In another case where two men were shot in circumstances which made an attempt to escape the maddest folly, one survived. An Irish lawyer has informed us that he has evidence from the survivor that there was no effort made to escape, but that the two men were deliberately shot.

We have heard of cases, though we have not taken direct evidence on the matter, where men have been shot in mistake for some other person. Such tragedies are the inevitable result of the policy of shooting men without making adequate inquiries as to their identity and throw light upon the methods of terrorism which are now in operation.

There is a large number of men in Ireland who are "on the run." We met many such men. Some of them were armed republicans and active supporters of the Sinn Fein movement. A proportion of them were members of the Irish volunteers. Others "on the run" are men who have little connection with the organized Sinn Fein movement. Amongst these are active trade-unionists. Those who are not extreme Sinn Feiners and are yet "on the run" are victims of police or military stupidity.

Men who are "on the run" do not necessarily disappear entirely. For example, in one important town all but five of the town councilors are men to whom the term could be applied. Yet they do not, unless special danger threatens, absent themselves from the meetings of the council. Naturally, however, it is difficult for men in this predicament to play their part fully in public affairs. Many men "on the run" walk abroad openly in the daytime, fairly secure in the knowledge that they will not be recognized by the Black and Tans or auxiliaries, as the case may be. The Crown forces, however, possess their addresses, and the innumerable raids which have taken place during curfew hours have been made, very often, in order to find men who are "on the run." The only hope of securing them is to find them in their homes. The result is that men in whom the agents of the British Government are keenly interested, in order to avoid being "looked up," as the phrase is, keep away from home. In some cases men have had to leave the districts in which they lived altogether. There are, of course, varying degrees of being "on the run," but almost all of those who are so described fear that if they once fall into the hands of the Black and Tans or auxiliaries they will be shot where they stand. Many men are "on the run" not because of anything which might be proved against them, but because experience of men, whom perhaps they knew, being shot at sight has led them to the view that once arrested they would have no opportunity of disproving any charges. Probably the attitude of such men is unwarranted, but it is a sad commentary on the way law and order is maintained in Ireland that men should be driven to a belief that, if arrested, they would be murdered without trial.

A GENERAL VIEW OF REPRISALS.

In the foregoing section of this report we have given examples of cases of reprisals and evidence of different kinds coming under the notice of the commission. We have not endeavored to search out merely the very worst cases. The majority of incidents selected for mention are typical of many similar occurrences. A number of the cases with which we have dealt do not fall under a single heading, and therefore, in order to give an idea of the various elements of terrorism entering into particular incidents or practiced in particular localities, we propose to refer to three incidents—those at Balbriggan, Croke Park, and Ballymacelligott—and to the conditions prevailing in the town of Tralee and the city of Cork.

CORK.

The atmosphere of Cork prior to the latest acts of incendiarism was beyond description. During the time we were in the city terrorism was at its height. Cork has perhaps suffered longer from the brutal domination of ill-disciplined armed forces than any other town in Ireland, probably because it has been regarded as one of the most important Sinn Fein centers. Within the past 12 months there have been three lord mayors of Cork. Lord Mayor MacCurtain was murdered in the presence of his wife. Mr. Terence MacSwiney died in prison. His present successor is "on the run" and carrying out his duties as best he can.

The proper administration of the city of Cork by the local authority has been rendered well-nigh impossible. Many members of the council have been marked down for attention by the Crown forces, and are able to attend the various meetings of committees only at considerable risk. Attempts have been made to set on fire the City Hall, and several raids have been made on the municipal offices.

The whole of the civilian population has been in varying degrees under the terror. During the month of November alone we were informed by the Cork city council that over 200 curfew arrests had been made, 4 Sinn Fein clubs burned to the ground, 12 large business premises destroyed by fire, in addition to attempts made to fire others, including the City Hall; 7 men shot dead, a dozen men dangerously wounded, 15 trains held up, 4 publicly placarded threats to the citizens of Cork issued, and over 500 houses of private citizens forcibly entered and searched. This by no means completes the list of incidents which occurred in Cork in the space of a single month. There were, in addition, attempted arrests which were unsuccessful, much indiscriminate shooting, and many minor outrages upon the people of Cork.

During the time that we were in the city there was provocative behavior on the part of auxiliaries, a large number of searches of individuals, a number of cases of theft from persons searched, the wanton destruction of property, and the incident of whipping pedestrians in the street. It is not surprising in these circumstances that the economic life of Cork has suffered considerably. As an illustration of the effect upon trade of the prevailing unsettlement and terrorism, we may refer to the information which we received that the receipts of certain traders in the city had during the past three months fallen by 60 to 75 per cent. This economic stagnation arises directly out of the state of terror which exists in Cork. There is, of course, unemployment in the city. People are indisposed to make purchases other than those which are absolutely essential, and few people from the surrounding districts care to come into the city of Cork to shop.

The commission was impressed by the sense of impending disaster which overhung the city of Cork during the time it was staying there. This uncertainty was ended by the tragic occurrences on Saturday, December 12, when the Regent Street of Cork was destroyed by incendiaries. By this date the commission had returned to Dublin, but it decided to send two members of the commission to Cork to make immediate investigations. The newspaper reports of the Cork fires conveyed but a faint impression of the terrible havoc wrought in the city. The most valuable premises in the town were utterly destroyed, large business houses and massively fronted shops were reduced to piles of smoldering débris, charred woodwork, and twisted iron girders.

Shortly after 9 p. m. on Saturday, December 12, auxiliary police and Black and Tans appeared in large numbers in the streets of the city, and at the revolver point (before actual firing took place) drove people to their homes earlier than the curfew regulations required. This was regarded by the citizens as ominous and increased the nervousness which had been caused by the ambush at Dillons Cross and the apprehensions of reprisals that were naturally entertained by the people. The streets were soon entirely deserted and the work of destruction begun.

The first of the burnings took place at Grant's extensive premises in Patrick Street, and during the night new fires broke out. At 4 a. m. the city hall was fired, and the efforts of the firemen failed to save it. It was completely gutted. But a few days previously the commission had taken evidence in the city hall of the unfortunate occurrences in Cork during the past few months. The city library adjacent to the hall was also destroyed.

The members of the commission made special inquiries regarding the origin and cause of the fires, and numerous witnesses

were interviewed. They were unanimous in stating that the fires were caused by the Crown forces. Some persons had witnessed the entry of members of the forces into buildings which shortly afterwards were on fire. In some cases explosions occurred. Others, again, saw them engaged in looting. The smashing of glass and doors was heard as men forced their way into business premises for the purpose of looting.

Firemen of the local brigade received assistance from the military engaged on patrol duty during curfew hours. The old Royal Irish Constabulary men (as distinct from Black and Tans) were engaged mainly in conveying information to the brigade of further outbreaks of fire occurring from time to time during the night. Two members of the brigade were slightly wounded by bullets whilst carrying out their duties.

We would point out that the fires occurred after the Crown forces had driven the people indoors, and that during the greater part of the time that outbreaks of fire took place the curfew regulations were in operation. Eyewitnesses observing the fires from adjacent premises positively state that the incendiaries were agents of the British Government. We are of opinion that the incendiarism in Cork on December 12 was not a reprisal for the ambush which took place on the same date at Dillons Cross. The fires appear to have been an organized attempt to destroy the most valuable premises in the city, and we do not think that the arrangements could have been carried out if they had been hastily made after the unfortunate occurrence at Dillons Cross.

On receiving the report of the delegates who had visited Cork, the commission dispatched the following telegram on December 15 to Mr. Henderson:

Statements made by chief secretary in House of Commons yesterday concerning the burning of Cork are grossly inaccurate. Parliamentary members of labor commission who visited Cork yesterday convinced that fires were work of Crown forces. Suggestion that fire spread from Patrick Street across the river to city hall, a distance several hundred yards, can not be entertained by anyone knowing topography of Cork. We stand by our statements regarding the fires in Cork, and can, if safety of witnesses guaranteed, produce reliable evidence on subject. We therefore demand independent inquiry into recent incident in Cork. If Government refuse inquiry, British public will form its own conclusions.

The Government is undertaking a military inquiry, presumably on lines similar to those usually held, except that the report is to be published. We shall await the report with interest, but we doubt whether the court of inquiry will have at its disposal the nonofficial information which is essential to a true finding of the cause of the fires.

We may here refer to the misfortune which befell the chauffeurs who had driven the commission through the southwest of Ireland after they were dispatched home to Cork from Limerick Junction Station. The four chauffeurs with their empty cars happened to arrive at Dillons Cross about the time of the ambush. They were arrested by auxiliaries and placed against a wall. The auxiliary police refused to listen to their explanation or to allow them to show their special permits. They were told that they were about to be shot. An officer, however, then came up and said that they were not to be shot until they had been searched in the barracks.

They were ordered into their cars and told to drive to the barracks, three members of the force with revolvers accompanying each driver. They were then taken to the guardroom and searched, after which they were put into a small cell with seven other persons and detained until 2 p. m. on the following day. On returning to their cars they found that a number of motor accessories and personal belongings, amounting in value to nearly £40, were missing. So far as we know at present the missing property has not yet been returned.

BALLYMACELLIGOTT AND THE "BATTLE OF TRALEE."

The commission made a very close investigation into the circumstances surrounding the burning of Ballymacelligott creamery and the shooting which took place. In the first instance it will be well to give the statement made by the Government on the Ballymacelligott case. The chief secretary, in the House of Commons on November 24, said:

Let me come to the case of the creamery destroyed at Ballymacelligott, County Kerry. Here, happily, we can check the evidence printed in a paper that gives a certain qualified support to the right honorable gentleman. That evidence can be checked by officers of the Auxiliary Division who were in the attack; and it happened also that a very gallant officer from my own office was present, in addition to two journalists and two photographers. Let us give the story. It gives an idea of the facts of these creamery cases. * * * At Ballymacelligott, in Kerry, a number of policemen were fired at on the morning of November 12 from the creamery. They attacked the creamery, wounded one or two men, and killed one or two men. On the afternoon of the same day along comes this party of journalists and photographers, escorted by Auxiliary Division men, to the total number of 16. As they came near the creamery, which was within 20 yards of the road, I am told dozens of rifle shots rang out. There was an ambush. The trench part of the ambuscade is still there. These men got out of their cars, attacked the attackers, killed several, wounded several, and captured several others. They were fired at from the creamery; they were fired at from the manager's house of the creamery. That is not the end of the story. Those who formed the ambush got reinforcements and came back, and toward 5 o'clock in the evening the police retired to Castleisland for reinforcements. They came back this morning and went into the creamery. They found a number of spent cartridges in it; they knew they had been fired at from it; and, I say, as an act of war, they were justified in burning a portion of it down. It was within 20 yards of a road along which policemen had to patrol frequently every day. It was the center of an ambush. More than that, I had looked at the record of the manager of this creamery. He was a rebel in 1916 and * * * was sent to jail for nearly a year. He is the organizer of all the raids in that neighborhood. * * * These Auxiliary Division men went to the manager's house, knowing his record, and knowing that they had been fired at from the house, but they found a wounded Sinn Feiner inside; and naturally, being chivalrous British soldiers, they did not touch the house, but left it over the head of the wounded Sinn Feiner.

On November 17, in answer to a question in the House of Commons referring to the incidents at Ballymacelligott, the chief secretary stated:

I have received a report regarding this occurrence, from which it appears that a police escort, with a party of journalists, while traveling from Castleisland to Tralee, in County Kerry, on the 12th instant, were attacked at Ballymacelligott by about 70 armed men concealed near the creamery, and were actually fired upon from the creamery. The police defended themselves, and in so doing killed four of their assailants and wounded others, but the exact number of wounded is not known. Seven arrests were effected, including a doctor and his servant, who were attending a wounded man inside the creamery. The doctor and his servant were subsequently released, but the other prisoners have been retained for trial. The creamery and two or three adjoining homesteads, from which heavy fire was directed upon the police, and a quantity of hayricks were burned. The creamery was found to contain petrol and a number of spent cartridges. It was probably the headquarters of the local Irish republic in Ireland. The hayricks burned with explosions, due undoubtedly to concealed ammunition.

In answer to a further question, Sir Hamar Greenwood replied:

I have spoken to a gentleman who was in the ambush, and I am quite sure of my facts. During this particular day there were three fights in the vicinity of this creamery, and I am convinced of the facts that I have stated in the house. I am glad that I have been able to interview one of my own staff who was in the ambush, and happily escaped with his life, who was able to give me an exact description of one of these ambushes, and an exact account of how one creamery, at any rate, was destroyed.

We are not for the moment concerned with the chief secretary's code of ethics. Our main concern is with his statements. The information supplied to Sir Hamar Greenwood on the case at Ballymacelligott is, as we shall show, untrue in certain important particulars. Indeed, we would go so far as to say that the account of the occurrences given by the chief secretary is a caricature of what actually happened, supplied to him, apparently, by a member of his own staff. The actual story of the occurrences, so far as we have been able to reconstruct it from evidence which is well corroborated, is as follows:

On Friday morning, November 12, a number of lorries containing police and military stopped on the road outside the creamery. So far as can be ascertained, no shots were fired from the creamery or the neighborhood by other than Crown forces. It may be pointed out that none of the men who were killed or wounded were carrying arms, and that no arms or ammunition of any kind were found in the creamery. We are convinced that had any arms or ammunition been discovered, the fact would have been stated by the chief secretary for Ireland in the House of Commons.

The members of the Crown forces jumped out of the lorries and the workmen in the creamery took to their heels and ran up the fields away from the road. It is not surprising that these men should have fled at the approach of armed men in uniform, especially in view of the events which had occurred prior to this date in the district. A railway worker had been shot through the neck two days previously, and a young farmer named Hoffman, of Farmers Bridge, had also been shot, and died from his injuries. The Black and Tans fired upon the retreating men. Two men, John MacMahon and Patrick Herlihy, were shot dead. The former was a farmer and a member of the committee of management of the cooperative society. He had brought a quantity of corn to the creamery that morning and was waiting to have it ground at the mill attached to the society's building. The latter was employed as a dairyman at the creamery. Two men were wounded. The first, Tim Walsh, the engine driver at the creamery, was very seriously wounded in the abdomen, and will probably not recover; the second was John McEllistrim * * * John McEllistrim, the creamery manager, sustained a compound fracture of the arm. The police appeared to have acted in an aggressive manner, except when in the presence of the officer in charge of the military escort. This officer telegraphed for the doctor and assisted with the wounded. A soldier standing near the dead body of MacMahon was heard to say: "Disgraceful; it's a shame." Shortly after the shooting the parish priest and a

nurse appeared on the scene and gave assistance. The doctor, who had been sent for, arrived on the scene early in the afternoon, and after attending to the two wounded men who had been moved to the manager's house, departed to make a further call and promised to return for McEllistrim and take him to the hospital at Tralee. The Crown forces left and traveled toward Castleisland. On this occasion no prisoners were taken.

At about 4 o'clock in the afternoon of the same day (Friday, November 12) there came along the road from Castleisland two Crossley motor cars and two lorries. In the cars were Capt. Pollard and Capt. Jones, the former an ex-journalist who is on the staff at Dublin Castle, and the latter, Capt. Jones, the personal secretary of Sir Hamar Greenwood. There were from 15 to 20 men in the party, of whom about half were in civilian clothes. There were a few men about the creamery at the time, but certainly not anywhere approaching the 70 men who are alleged to have been present.

On this occasion also shots were fired by the party who had arrived by motors. We have discovered that three men with rifles and bandoliers were seen walking up the road away from the creamery and the main road between Castleisland and Tralee. Some little time after the Dublin Castle party had opened fire shots were fired in reply from the higher ground on the left of the main road from Tralee. The return fire, however, did not consist of more than half a dozen shots. A search was made for the wounded, but not a single wounded man was found.

The doctor, who had returned and was waiting for McEllistrim to be dressed and prepared for his journey to Tralee, was arrested, as also was his chauffeur. Five men who were found about the creamery were also arrested. The party with its prisoners proceeded to Castleisland. On this occasion the creamery was searched and books and papers in the office were scattered about.

On Saturday afternoon, November 13, motor cars and lorries were seen approaching the creamery from the direction of Castleisland. At Ballymacelligott the party stopped, it is said, to look for the dead; apparently, however, no dead bodies were found. A few shots appeared to have been fired, but none by local people. Capt. Pollard and others who had taken part in the previous afternoon's proceedings were again in the party.

The creamery was set on fire by some member or members of the party from Castleisland. We have reason for believing that it was not the military who were acting as escorts, nor can it have been the prisoners taken the previous day who were being taken to Tralee. The Black and Tans tried to put out the fire. Those who would have attempted to save the butter in the creamery were prevented from doing so by the person who appears to have been in charge of the party.

As to the question of the trenches referred to by the chief secretary, it is undoubtedly true that there had been between Ballymacelligott and Castleisland, about 3 statute miles from the creamery, a trench across the road 3 or 4 feet wide and 3 feet deep. On the other side of the creamery, between Ballymacelligott and Tralee, there had been a shallow trench about 1½ feet wide across the road. But we have positive knowledge that both these trenches were filled in at least four days before the occurrences at Ballymacelligott. At Farmers Cross, some distance away, there was also a trench which had been filled in before the attack on the creamery.

The facts, as outlined above, do not harmonize with the statements made by the chief secretary for Ireland in the House of Commons. We do not believe that there was any ambush on either day. The story of an ambush is due, apparently, to the hectic imagination of those from whom the chief secretary obtained his information. It is said that spent cartridges were found in the creamery on Saturday, November 13. This may well be, as it is asserted that the police fired after the retreating men on Friday morning from the creamery. It is untrue to say that the Dublin Castle party were attacked by about 70 armed men. The statement that on the afternoon of Friday, November 12, four people were killed and a number wounded is without foundation.

The burning of the creamery and the killing and wounding of four persons are not the only incidents in connection with the Ballymacelligott affair. Sir Hamar Greenwood has admitted that two or three homesteads were burned.

These acts of incendiarism were committed on Saturday, November 13. We took evidence on these events and incidentally discovered that from one of the houses a small purse was taken containing four sixpences, a half crown, and 1s. 7½d. in coppers. The purse was afterwards found in the farmyard. The chief secretary suggested that there were explosions from the hayricks due to concealed ammunition. One of the soldiers told a witness who was alarmed at the repeated explosions from the direction of three burning hayricks that they were only explosives that the Black and Tans had put there.

The commission is strongly of the opinion that there are certain sinister features in connection with the incidents at Ballymacelligott on November 12 and 13, which should be the subject of an independent inquiry. We do not think that the Government should rely for its information in this case upon the ex parte statement of servants of the Crown, who appear to have acted recklessly and without a sense of responsibility. On the basis of the unchecked statements of one of the officials, the chief secretary has stated quite definitely that the burning of the Ballymacelligott creamery was justified. In our view, the Ballymacelligott incidents are as discreditable to the Government as any of the occurrences for which the Government or its agents have been responsible.

THE MASSACRE AT CROKE PARK.

The commission took considerable pains to elucidate the case of the Croke Park shootings. Certain points of fact had been admitted by the Government in official statements, and it was, therefore, unnecessary to obtain substantiation of points which were not in dispute. The commission were more concerned to secure reliable evidence on those points on which the official statements conflicted with unofficial versions or which the Government had categorically denied or glossed over or ignored. The evidence accumulated by the commission from actual eyewitnesses who were interviewed reveals certain important discrepancies between the official and unofficial accounts. In his official statement in the House of Commons on November 23, Sir Hamar Greenwood said that—

> The round-up and search of spectators was carried out by the authorities according to a preconcerted plan with the object of securing Sinn Fein gunmen who had taken part in the assassinations of that morning of 14 British officers in Dublin. * * * It had been arranged that after the military had surrounded the field an officer should announce to the crowd through a megaphone that a search was to be made by the police, and that no anxiety need be felt by innocent persons. The police force approached the neighborhood of the field while the military were encircling it, but before the military cordon was complete the police were observed by civilians who had evidently been specially posted to watch the approaches to the field. The police were fired upon from two corners of the field. Simultaneously men rose from their places on the grand stand and fired three quick shots from revolvers into the air. Of this there is indisputable evidence. It seems quite clear that these shots were a prearranged signal of warning to certain sections of the crowd. A stampede was caused not by the firing alone, which caused considerable alarm, but also by a rush of men seeking to make their escape from the field. They hurried mostly to one side of the field where a corrugated-iron railing was the only barrier to be surmounted. Through the fall a number of people were crushed. Meanwhile the armed pickets outside, joined, no doubt, by gunmen escaping from inside the ground, were maintaining a fire in the direction of the police, who returned the fire. The firing lasted not more than three minutes. About 30 revolvers, thrown away by men who had formed part of the spectators, were picked up on the ground.

The commission have no hesitation in recording their opinion that the Croke Park tragedy was not in the nature of a premeditated "reprisal." It is quite possible that the authorities had for some time been contemplating a round-up at Croke Park when the match between the Dublin and Tipperary teams took place.

But it would appear from Sir Hamar Greenwood's statement that the decision had been finally determined by the assassinations of officers earlier in the day. It is inconceivable that the forces employed in the round-up would not be affected by those assassinations, and accordingly it is only reasonable to expect that special precautions would be taken against any hitch in the carrying out of the plan for the encircling of the field by the military. Sir Hamar Greenwood states that the police arrived before the military cordon was complete, and it would appear from this admission that the round-up instead of working to plan was partially disorganized in its preliminary stages. Even if this initial blunder had not taken place the commission find it difficult to concur in the view of the authorities that the scheme was a sound one. Mass psychology is often a sensitive and uncertain factor, and mob fears are quickly aroused. This is particularly true in Ireland where the sudden arrival of Crown forces, particularly the Royal Irish Constabulary, has so often been followed by tragedy.

With regard to Sir Hamar Greenwood's assertion that the police were fired on from two corners of the field, particular attention was given to the point by the commission and every effort was made to bring to light evidence in support of it. The commission are, however, compelled to declare that in the light of the mass of evidence available this charge would appear to be quite untrue. Not one of the many witnesses examined corroborated it. On the contrary, evidence was submitted to the effect that the police commenced to fire almost immediately the lorries came to a halt. Rifle fire was directed down Russell Street whence the lorries had come, and also over the turnstile entrance to the football field at the spectators inside. The con-

sequence of this was that a man was mortally wounded about half way down Russell Street, a young woman was shot dead at her fiance's side near the center of the field, and a small boy perched in a tree just inside the turnstile entrance was brought down wounded.

The commission was unable to obtain evidence to support or to disprove the contention that signal shots were fired from the stand into the air, and it is quite possible that if this incident did occur the reports of shots from the stand might have so synchronized with those on the bridge as to be practically indistinguishable to anyone at a little distance. That large numbers of spectators stampeded is but natural, and the indiscriminate shooting of panic-stricken men can not be even partly justified or defended on the ground that there might have been "gunmen" among them trying to escape. It was manifestly folly to expect the crowd to disperse in an orderly fashion after firing had taken place from the bridge. It would not have been an easy matter to have secured an orderly clearing of the field even if no firing had taken place and the officer had according to plan, issued police instructions through a megaphone. Finally, it is difficult to understand why, if pickets and "gunmen" "maintained a fire in the direction of the police," there were no casualties among the police or among the militant civilians and no prisoners with arms captured.

Our conclusion is that the scheme in itself was dangerous, that its execution was a lamentable failure, and that there was no justification for what occurred. Not even panic, itself a sufficiently serious reflection in the case of a disciplined force, can excuse the action of the police amongst whom there appears to have been a spirit of calculated brutality and lack of self-control which, as has been officially admitted, resulted in 12 innocent persons losing their lives, 11 being injured seriously enough to be detained in hospital, and 50 others being more or less slightly hurt—a grand total of 73 victims. According to the evidence furnished to the commission, the operations were conducted by the Royal Irish Constabulary and auxiliaries. The soldiers took no part. Finally, the central point of the Government's defense, namely, that the police were fired on from two corners of the field, does not in face of the evidence submitted to the commission appear to be tenable. Croke Park was a ghastly tragedy resulting from official errors of judgment and incompetence.

TRALEE.

Tralee, more than any other place visited by the commission, exemplifies the demoralizing effects of coercion, repression, and reprisals. The whole population seemed to be sunk in the depths of morbid fear and contagious depression. There is no curfew in Tralee, but the streets become bare soon after the hour of darkness sets in. The roads are narrow and in bad condition. There is little evidence of active public services. It is not to be wondered at. We were told that the local council, instead of meeting at the town hall, was compelled to meet in secret in some hidden ravine. Tralee had been the victim of reprisals early in November, the principal public buildings being destroyed by fire. When the commission visited the town the situation was comparatively calm. But the effects of the operation of "official determination" were very obvious. Petty tyranny, beatings, intimidation, raids, threats of violence against husbands uttered to wives, brutal assaults to make boys forswear Sinn Fein, to denounce the Pope, to spit on photographs of the late lord mayor of Cork, to chant the "battle cry" of the Royal Irish Constabulary, and innumerable other methods of terrorization, which were reported to the commission, had left their marks upon the inhabitants. We do not believe that any official document would be worth the paper it was printed upon if Mr. Hugh Martin were to meet some of the policemen who displayed a keen anxiety as to his whereabouts. Names printed above shops in Irish characters have had to be obliterated under penalty of vengeance. The Black and Tans used to drive about in lorries trailing a Sinn Fein flag through the mud. Even in Cork, where the commission found a noticeable nervous tension and a dread of what "seemed about to happen," the people were not nearly so reduced in spirit as those in Tralee. The very atmosphere in Tralee was deadening. The conditions there spoke eloquently of what the people had suffered under the Black and Tans. These have now been partly replaced by auxiliaries, and it is only fair to state that the commission were informed that the latter were conducting their duties with greater consideration for the inhabitants than they had been accustomed to experience prior to their introduction.

THE GOVERNMENT AND THE TRUTH ABOUT REPRISALS.

The answers given by the chief secretary for Ireland in reply to questions concerning events in Ireland, and the statements made by ministers of the Crown, have been characterized by a disregard for truth. The official view of some of the occurrences with which we have dealt in this report is diametrically opposed to the view taken by the commission after investigation. The Government, on its side, bases its statements solely upon information received from its own agents. We fear that often the sources from which this information comes are tainted by prejudice. Moreover, the Crown forces involved in incidents which would reflect little credit upon them are unlikely voluntarily to report with accuracy the occurrences in which they have played a part. We can not imagine a body of Black and Tans guilty of the conduct described in this report, in connection with cases which the commission made the subject of inquiry, presenting a report to their superior officers in accordance with the facts. These considerations render the statements made by the chief secretary untrustworthy.

The sources on which we mainly relied, on the other hand, were unofficial. As was to be expected we have had pressed upon us the point of view of the victims of reprisals. Though we endeavored wherever possible to obtain the testimony of independent people and the official view on cases coming under our notice, we drew much of our evidence from people who had actually suffered from the actions of the Crown forces. No doubt some of our evidence was prejudiced by political bias against the British Government, as the evidence of the Crown forces is prejudiced by bias against the Sinn Fein movement. But we have, wherever we detected it, allowed for the bias of witnesses whom we examined.

We had every desire to state the facts as we have found them, fairly and without exaggeration. But even if the weight of evidence which we have collected is somewhat colored by feelings of hostility against the British Government and its armed servants, we think that it bears the stamp of truth in all essentials. Most of the evidence which we submit in this report rings true. The statements made on behalf of the Government, on the other hand, do not carry conviction.

But what, in the opinion of the commission, is even worse than the misrepresentation of facts is the attitude of the Government toward reprisals. Terrorism and outrage on the part of members of the forces of the Crown in Ireland are condoned, defended, and justified. Deeds of a similar character perpetrated by other people in Ireland are denounced by the men who give their support to "reprisals," by Black and Tans and auxiliary police, as brutality, murder, and assassination.

The fact that men are alleged to be acting in support of law and order under the authority of a Government do not place them above the law. It does not elevate murder to the level of a virtue. Murder in cold blood, callous and brutal treatment of innocent children, incendiarism, and theft are crimes and offenses against the moral law, even when they are committed under the auspices of the British Empire and in the name of law and order. Sir Hamar Greenwood has applied the term "murder gang" to the "gunmen" of Ireland. The epithet can be applied to those individuals who, in the pay of the British Government, kill people in cold blood. The chief secretary has identified himself with a policy which is a disgrace to the British people and which we believe to be unparalleled in this country. The criminal nature of this policy of violence is clearly seen by considering the essential features of reprisals and violence.

WHAT ARE REPRISALS?

The burning of Balbriggan is regarded by the chief secretary for Ireland as a reprisal for the shooting of a police officer. Men were shot, houses and other buildings were burned, women and children terrified and driven to the fields. The police may or may not in this terrible havoc have punished those guilty of the death of the police officer. But even if they do, it is a frightful procedure to inflict so much injury upon the many who are innocent in order that the very few who are guilty may suffer. The destruction of the creameries at Achonry and Tubbercurry in revenge for the death of a district inspector of police struck at the whole countryside about the two creameries, yet the burnings may not have struck at the individuals implicated in the shooting of District Inspector Brady. Reprisals of this kind are a cruel and inhuman policy, the resort of those whose bankruptcy of statesmanship is equaled only by their incompetence to deal with the situation which they have largely created.

Besides reprisals for specific occurrences there are the more general sort of reprisals—reprisals against all and sundry, not for this or that particular crime, but for the general attitude of the bulk of Irish people toward the British Government and its paid servants in Ireland. The policy of sheer terrorism and of brutal treatment to individuals is directed against the people as a whole. Again, the innocent certainly suffer and the guilty may or may not suffer with them. Reprisals and the whole policy of violence are condemned because they are inhuman,

and also because by driving the people to revolt or sullen despair they but intensify the problem they are designed to solve by crushing it out of existence.

THE GOVERNMENT'S RESPONSIBILITY FOR REPRISALS.

Unable or unwilling to cope with the growing bitterness and violence which its policy of repression had enormously strengthened, the Government resorted to the reinforcement of the Royal Irish Constabulary by ex-service men and the establishment of a new type of armed force consisting of ex-officers. We do not wish to make any sweeping accusation against the Royal Irish Constabulary and the auxiliary division. But there are individuals in both forces—and the number we fear is not small—whose actions merit the strongest condemnation.

The worst elements in the two forces—notwithstanding the praise bestowed upon the Royal Irish Constabulary and the auxiliary division by the chief secretary—are undesirable characters. Disciplined control might have restrained them. But the outstanding fact regarding lots of the Black and Tans and auxiliaries is that they are not under control. The Government has created a weapon which it can not wield. It has liberated forces which it is not at present able to dominate. The men have got out of hand, and the Government can not truthfully deny it.

The result has been seen in the tragic occurrences which we have described in this report. The Government had no choice but to support its servants. It was represented to them that any other course would dishearten the Crown forces in the pursuit of their dangerous duties and play into the hands of the physical force section of the Sinn Fein movement. We do not believe that the Government directly and definitely inspired reprisals and violence. But it brought into existence a new constabulary, with its auxiliary division, which was undisciplined and virtually uncontrolled. The Government must take full responsibility for its own offspring. Moreover, whilst it has perfunctorily denied certain occurrences which are beyond doubt, it has associated itself with and defended the crimes committed by the Crown forces in Ireland. The blame for the present situation does not rest primarily with the members of the Crown forces, but with the Government.

THE RESULTS OF THE GOVERNMENT'S POLICY.

(A) THE HEALTH OF THE PEOPLE.

Months of oppression, coercion, and physical violence can not but have far-reaching effects upon the people who suffer under them. The future alone will bring to light the complete results of the awful events which have followed in rapid succession in Ireland, particularly during the past 12 months. We may, however, point to some of the consequences which are now obvious to all who have come into close touch with the Irish people.

It is clear that the terrorism which prevails has had serious effects upon the health of people. We may leave out of account the obvious consequences likely to follow to the members of a household who have been the horrified witnesses of bloodshed and violence in their own homes, and consider the effects of the terror upon those who have never experienced such an ordeal. There is medical testimony to show that the fear inspired by Black and Tans and auxiliary police has had the most adverse effects upon pregnant women. Children naturally suffer from the effects of a terror-laden atmosphere, and we are informed that the number of such diseases as St. Vitus's dance has considerably increased. A large section of the population is "all nerves." The strain has begun to tell, especially in those areas where the excesses of the Crown forces have been most frequent.

(B) ECONOMIC LIFE.

Equally disastrous has been the effect of the existing conditions in Ireland upon the economic life of the country. The creeping paralysis which has attacked Irish trade and industry is not without its influence upon Great Britain. Last year Ireland imported goods to the value of £158,000,000, whilst her exports amount to £178,000,000. The great bulk of this trade was with Great Britain. Instead of expanding (as with settled peace it undoubtedly would) it may diminish to the detriment of both the Irish and British peoples. At a time when unemployment is increasing, Ireland's economic activities are being slowly strangled. If Ireland were able to satisfy her needs, the effect upon British trade and upon employment in this country would be appreciable, whilst the payment she would make in the form of bacon, butter, eggs, cattle, and other produce would not be without their effect on the cost of living.

The stagnation of trade in Ireland is due partly to the destruction of industrial capital (in the shape of buildings, machinery, and other equipment), partly to the general atmosphere of terrorism, and partly also to the actual suspension of the railway service over a large part of the country. Fortunately, however, the railway service is to be resumed.

We have referred in earlier sections of the report to the destruction of creameries, about 40 of which have been totally or partially destroyed. To these creameries comes the produce of the farmers in the neighborhood. The number of suppliers of milk to a creamery may be a few or several hundred. The destruction of a creamery, through which a farmer reaches the market, obviously strikes a heavy blow at the agriculturists in an area, apart from the actual loss sustained to the cooperative society by the loss of buildings, equipment, and stock. The cooperative movement in Ireland has been built up in the face of enormous difficulties, and with great sacrifice and enthusiasm. It is in some ways one of the most remarkable developments of recent years in Ireland, and the destruction of cooperative creameries has inflicted a grievous blow on a movement full of promise.

The destruction of factories, such as those at Balbriggan and Bandon, to which we have already referred, of printing works, as at Tralee, Athlone, and elsewhere, of other workshops, and of large distributive stores (such as has taken place on a large scale in Cork) has meant both the loss of a considerable amount of wealth and a growth of unemployment.

The suppression of markets in many places has increased Ireland's economic troubles and inflicted serious injury, particularly upon the peasant population. In Killarney, for example, fairs have been prohibited, and the poorer sections of the community who fattened pigs for the sale have no means of transporting them to adjacent markets.

Moreover, the prevailing uncertainty has had an adverse effect upon trade everywhere. We have already pointed out, for example, that distributive stores in Cork have suffered very considerably in recent months.

One of the most distressing features of the economic situation in Ireland is the discouragement of enterprise. As an example we may quote an instance which was brought under the notice of the commission. A scheme was inaugurated for the erection of an abattoir at Waterford to serve the farmers in five counties. The enterprise was to be on a considerable scale, and £500,000 was needed for the purpose. Over half of this sum was raised when cooperative creameries began to be burned. The effect was to render it impracticable for the promoters to proceed with the scheme. If small creameries were destroyed, there was no certainty that larger enterprises would be secure. This important new development of Irish industry has therefore been killed in the birth. To put the situation in general terms, existing conditions in Ireland are creating stagnation and preventing the growth of new economic activities.

(C) THE SPIRIT OF THE PEOPLE.

The Government has stated that it is "breaking the terror" created by the "murder gang." The effect of their policy can not be so simply described. There are signs here and there that the Government's policy, and the intimidation and cruelty for which the Crown forces are responsible, might force a section of the people into a sullen acquiescence in the political government imposed on Ireland by Mr. Lloyd-George's coalition, and that the spirit of these people might be broken. We shall not count it for righteousness in the British Government if it achieves this end. On the contrary, we should regard it as the worst of the crimes which could be charged against them.

We do not think, however, that the real danger lies in this direction. One of the most fundamental results of coercion and violence is the intensification of the spirit of revolt and the increased bitterness against British dominion. We ask what effect the harrying of Irishmen is likely to have upon their minds. It is more likely to engender deeper hostility than to encourage conciliatory feelings. Even if such men were to abjure their faith—which is not likely—it would not insure their safety. Moreover, the murder or ill treatment of husbands and sons and brothers, the indignities to which large numbers of people have been subjected, the threats which have been hurled at them, and the provocative behavior of members of the armed forces in Ireland are creating a new bitterness of spirit which a stern and relentless policy of violence will only strengthen and can never allay.

FAILURE.

Whatever the Government may assert to the contrary, the policy is a failure. It may yield an apparent and temporary success, but the rising generation is being nurtured in an atmosphere of hatred for all things British, and until reasonableness and generosity supersede repression and violence the Irish problem will remain insoluble. The urgent question which lies before the British people is that of peace in Ireland.

BRITISH LABOR'S PEACE EFFORTS.

The national executive of the Labor Party and the Parliamentary Labor Party have been concerning themselves for a considerable period with the possibilities of bringing about an

honorable and durable settlement of the problem of Irish government. The resolution adopted at the annual conference of the Labor Party held at Scarborough in June aimed at defining the general principles which British labor regarded as the essential basis of any solution that the majority of the Irish people were likely to accept.

On the occasion of the third reading of the government of Ireland bill in the House of Commons on November 11, the Right Hon. William Adamson, M. P., chairman of the Parliamentary Labor Party, made an important new pronouncement on labor's Irish policy which was in strict harmony with the Scarborough resolution and removed any doubts that may have existed regarding the interpretation of that resolution. Briefly, the policy outlined by Mr. Adamson was as follows:

1. That the British army of occupation be withdrawn.

2. That the question of Irish government be relegated to an Irish constituent assembly elected on the basis of proportional representation by free, equal, and secret vote.

3. That the constitution drawn up by the assembly be accepted provided—

(a) It affords protection to minorities; and

(b) Prevents Ireland becoming a military or naval menace to Britain.

The importance of this new declaration lay in the fact that it represented in clear and unequivocal terms the considered views of the political wing of British organized labor and carried with it the unanimous support of both the national executive and the Parliamentary Labor Party.

The political effects of this official presentation of definite policy began to manifest themselves almost immediately. On November 16, the Irish Labor Party and Trades-Union Congress held a national conference in Dublin, at which over 1,000 properly accredited delegates were present. This conference which spoke in the name of the combined political and industrial labor movement in Ireland took cognizance of the British Labor Party's Irish policy, as it had been outlined by Mr. Adamson, and unanimously adopted the following resolution:

This conference declares, on behalf of the Irish labor movement, its readiness to advocate the acceptance of this policy as being the fulfillment of Ireland's demand for the right to choose and decide its own form of government, and assures the British workers that the realization of the policy outlined will lead to good will and fraternity between the two peoples; and further we indorse the statement already made by our national executive to the leaders of the British trade-union movement that the only obstacle to peace and good order is the presence of the British armed forces; and we indorse with confidence the assurance they have given that the withdrawal of these forces from any district, leaving responsibility and power for the maintenance of order to the popularly elected representatives, will secure peace and good government in that district.

This resolution was remarkable in its significance. For the first time since 1914 the British and Irish labor movements were in true alignment on the great issue of Irish self-government. It is not without interest to remark that this rapprochement was the consequential result of British labor's initiative. Irish labor came into line with British labor in support of a definite set of proposals emanating not from Ireland but from England for the solution of what is primarily an Irish problem. Unity of purpose and, as will be seen, uniformity of method had been achieved between the workers of Great Britain and their comrades in Ireland.

British labor was not alone in recognizing the great political importance of this resolution. The prime minister, in reply to a question in the House of Commons on November 25, said:

I have carefully considered the resolution in question and welcome it as expressing a desire on the part of Irish labor organizations for a constitutional settlement. * * * Undoubtedly this body represents a very powerful section of Irish opinion, and to that extent it is a valuable contribution.

The prime minister added that he did not believe that Ireland would accept an expression of opinion from a labor conference as an expression of opinion of the whole nation. Irish labor was apparently not the body whom the prime minister regarded as being able "to deliver the goods"; nevertheless he conceded that the conference declaration was "a valuable contribution."

It had been intended that the labor commission of inquiry into reprisals, and their moral and economic effects, should leave London for Dublin on November 23. On November 22 a meeting of the Parliamentary Labor Party was held at the House of Commons to discuss the question of the departure of the commission in the light of the unhappy events which occurred in Dublin during the previous week-end. At this meeting it was decided that the commission's departure should be postponed until the following week. The prejudicial effects of all acts of violence to the restoration of peace in Ireland and to the opening up of negotiations for a settlement by agreement of the political problem were discussed and the following resolution was passed:

This meeting of the Parliamentary Labor Party expresses its deep horror of the brutal assassination of British subjects, civilian and military, in Dublin during the past week end. The Labor Party has already emphatically denounced the British Government's inhuman policy of reprisals, but the parliamentary party, whilst associating itself fully with such denunciation, also condemns acts of violence committed against agents of the British Government and others, under whatever provocation. It holds that, from the political point of view, such acts embitter public opinion, provide the Government with apparent justification for their policy of reprisals, and jeopardize the efforts that are being made by the Labor Party under grave difficulties to bring about an early and honorable settlement of the Irish question.

The Parliamentary Labor Party appeals to both sides for an immediate truce. It calls upon the leaders of Sinn Fein movement to repudiate the outrages committed in the name of Irish nationalism, and to take every possible step to bring them to an end, and upon the British Government to discontinue its policy of physical repression. Outrages and reprisals, by whomsoever committed, have thrust into the background the real problem, and until they are terminated there can be no progress made toward the inauguration of an era of peace and freedom in Ireland.

In this resolution the Parliamentary Labor Party indicated what it regarded as the chief obstacle in the path of peace, and it gave utterance to the above twofold appeal in the hope that it would afford both sides an opportunity to make a frank and dignified response which would lead to a cessation of acts of violence and other provocative acts, and so pave the way for the opening up of negotiations.

On November 23 Mr. Henderson, who had been appointed chairman of the commission of inquiry, and Mr. Adamson took part in a private discussion with Mr. George Russell ("Æ") and Mr. James MacNeill, brother of Prof. John MacNeill, one of the most influential and responsible of the Sinn Fein leaders. On the following day Mr. Henderson and Mr. George Russell breakfasted with the prime minister when an extended conversation took place regarding the situation in Ireland.

Following upon these informal discussions Mr. Henderson suggested that it was desirable the commission should extend the scope of its activities in Ireland to include conversations with representative leaders regarding the possibilities of a truce being arranged as a preliminary step toward official negotiations. Mr. Adamson, who had been associated with Mr. Henderson in some private discussions in London, and who was not one of the original members, became an additional member of the commission, it being understood that Mr. Henderson and Mr. Adamson should devote their time and attention to the peace issue, leaving the other members of the commission to carry on the inquiries concerning reprisals.

No definite plans had been arranged prior to the commission leaving London regarding the steps to be taken with a view to exploring the possibilities of a cessation of acts of violence being brought about. An informal consultation with members of the executive committee of the Irish Labor Party and Trades Union Congress had, however, been arranged with a view to discussing the general work of the commission. It was hoped that this meeting would afford an opportunity to touch upon the wider issue of a truce. The reason for this limited move was that the commission were strongly averse from taking any step that might not meet with the approval of the Irish labor representatives, and considered that it would be quite useless to attempt any act of mediation unless they were able to count upon the benevolent support of Irish labor. The newly established unity between the two national movements was not to be endangered by any precipitate action, however well-intentioned, on the part of the British Labor Commission.

During the train journey from London to Hollyhead the commission noticed in the press the remarkable letter issued by Mr. Roger Sweetman, Sinn Fein M. P. for North Wexford. In this letter Mr. Sweetman suggested an immediate conference between the British Labor Commission, the Irish Labor Party, the Roman Catholic Hierarchy, and the Irish Peace Conference, with the object of considering steps to put a stop to bloodshed in Ireland. He stated:

I am absolutely convinced that the methods of warfare now being employed are deplorable in their results to our country, both from a material as well as a moral standpoint. I therefore take it upon myself in this great crisis to make this suggestion solely on my own responsibility.

This letter, it will be observed, contained a direct reference to the labor commission, and it was regarded as affording a valuable opportunity for the issue of a statement dealing with the greater issue with which a portion of the commission proposed to concern themselves. Accordingly, Mr. Henderson made the following communication to the press, as a tentative response to Mr. Sweetman's suggestion:

We have seen the proposal made by Mr. R. M. Sweetman, Sinn Fein M. P. for North Wexford, suggesting an immediate conference between the Irish Labor Party, the Roman Catholic Hierarchy, the Irish Peace Conference, and ourselves, with the object of bringing to an end acts of violence in Ireland. The suggestion is both courageous and timely, and will certainly be most carefully considered at our first meeting as a commission.

Whilst the specific purpose of our visit is to inquire into allegations which have been made with regard to outrages and reprisals, we desire to say to the Irish people that we are less concerned with apportioning responsibility for violence in Ireland than with proposals for terminating violence and disorder; and they may rely upon us to give all the assistance in our power to any suggestion for reestablishing peace in Ireland. We should, indeed, be only too happy if in any way our commission could become an instrument toward this end.

If the bodies mentioned by Mr. Sweetman express any desire to secure our cooperation they will find us ready to meet them. We do not wish to prejudice any chances there may be of terminating the reign of violence in Ireland, and we must therefore wait until our good offices are invited. Moreover, before committing ourselves to any particular method of helping forward the cause of peace, we should wish to confer with our Irish labor colleagues, whose policy for the settlement of the Irish question is in complete accord with that formulated by the British Labor Party.

We are convinced that once a halt is called to the murderous strife which is now rending the living body of Ireland in twain, it will be possible to attain a permanent settlement on the lines of conciliation and consent.

The reception of this statement by the press, and especially the Irish press, was on the whole both sympathetic and encouraging.

On Wednesday, December 1, the commission held its first meeting in Dublin, which was attended by Messrs. McPartlin (chairman), William O'Brien, Farren, O'Farrell, and T. Johnson (secretary), representing the executive of the Irish Labor Party and Trades Union Congress. Mr. Henderson explained that the primary purpose of the commission was to inquire into the whole question of reprisals. But they were of the opinion that it was especially desirable to secure a cessation of all acts of violence, so as to create a suitable atmosphere in which official negotiations for an official truce and subsequently for a political settlement might be conducted between the representatives of the British Government and accredited delegates from the elected representatives of the Irish people. He further declared that the commission were only concerned to use their good offices in the capacity of mediators desirous of helping toward this end, provided they were acceptable to both sides. Care would be taken to make it perfectly clear that the initiative in the matter had been taken by the British Labor Commission, who were anxious to avoid the impression being created that Ireland alone was desirous of a truce established, or that any steps which might be taken by the commission were inspired by any supposed "weakening" on the part of the Irish people.

As the Irish labor representatives had not been informed that it was the intention of the commission to broach the question of a truce, and consequently had not come prepared to express any official view in the matter, the commission retired in order that their Irish colleagues should have an opportunity fully and freely to discuss the proposals in private. On reassembling the commission were acquainted with the official views of the executive committee of the Irish Labor Party and Trades Union Congress.

The next step taken by Messrs. Henderson and Adamson was to seek a personal interview with Dr. Walsh, Archbishop of Dublin. The meeting took place on the morning of Thursday, December 2. In the afternoon of the same day they paid a visit to Mountjoy Prison, where, by the courtesy of the chief secretary for Ireland, they had an extended private consultation with Mr. Arthur Griffiths, the acting president of the Sinn Fein Council. On Sunday, December 5, Mr. Henderson, who motored from Dublin to Armagh, was received by Cardinal Logue, the Irish Primate. The proposals discussed at each of these several interviews were in strict accord with those outlined by the commission to the representatives of the Irish labor movement.

In addition to seeing the foregoing, Messrs. Henderson and Adamson met a number of representative persons connected with Irish trade and industry, the higher professions, or political parties other than Sinn Fein, and individual citizens who took a deep personal interest in the national problem of Ireland but who were not associated with any political organization.

The general conclusions formed by the commission as the result of these inquiries may be summarized as follows:

1. There was undoubtedly a general desire among the Irish people for an immediate and complete cessation of all acts of violence and all provocative acts.

2. There did not appear to be any grounds to justify the belief held in certain quarters that Sinn Fein is almost ready to surrender unconditionally or is becoming anxious for peace at any price.

3. The attitude of responsible leaders of different branches of organized thought and opinion is not one of unqualified opposition to the suggestion of a truce. We hold the opinion almost to the point of conviction that the leaders of Sinn Fein will only enter any conference provided they are recognized as being on terms of equality—as the elected representatives of one nation negotiating with the elected representatives of another nation.

4. That, provided there is a real disposition on the part of the British Government to respond to the general call for a truce, there would be an equally ready disposition on the part of those in Ireland who wield enormous power to exert their influence with the extremists in the direction of bringing a period of calm and tranquility in their country.

5. That, in the event of both sides earnestly endeavoring to give effect, in the first instance, to an informal policy on these lines, there were reasonable grounds for believing that a cessation of strife could be effected, provided it was understood that negotiations for an official truce, to be followed by negotiations for a political settlement, would be inaugurated within a reasonable period.

6. The bulk of the Irish population regard the British Labor Party as the final hope of rendering possible a settlement by agreement.

Fortified by the views which had been expressed to them in Ireland, Messrs. Henderson and Adamson returned to London in the belief that if the Government were sincere in their expressed desire for peace in Ireland and were not irrevocably fixed to their policy of ruthless repression as to the only means whereby they believed peace would be realized, they were in a position to make suggestions which would materially help toward an expeditious settlement.

On Tuesday, December 7, they were received by the prime minister, who listened to their proposals and their views on the Irish situation in the light of the information they had gained and the impression they had formed during their visit to Ireland. The prime minister at this interview was noncommittal. He gave his reply on Friday, December 10, in the House of Commons, when he outlined the Government's new policy, of proclaiming martial law in certain districts, while encouraging every effort toward peace. The two principal features of his statement were:

1. A promise of safe conduct to all Sinn Fein M. P's. not accused of serious crime to meet to discuss peace; and

2. Martial law and intensified war against the militant members of the Irish Republican Army in the southwest of Ireland.

This official statement appeared to indicate that labor's efforts for peace in Ireland had been rendered at least temporarily abortive. Notwithstanding this, however, the commission made yet another effort to influence the mind of the prime minister. On Thursday, December 16, at a joint meeting of the national executive of the Labor Party, the Parliamentary Labor Party, and the full commission, which had returned from Ireland, it was decided to request the prime minister to receive the members of the commission as a deputation. The interview took place at the House of Commons at 5.30 p. m., the prime minister being accompanied by Mr. Bonar Law and Sir Hamar Greenwood. Mr. Henderson and Mr. Adamson represented to the prime minister the situation in Ireland as it had been appraised by the commission, and reiterated their appeal to the Government to declare their willingness to participate in an all-round cessation of acts of violence as an essential stepping stone to official negotiations. The prime minister's reply, however, made no appreciable advance from the position which he had taken up in his statement in Parliament on the previous Friday, though he did encourage the commission to proceed with its peace endeavors.

While, in view of the latest ministerial declarations, the commission were not very sanguine of immediate success, they decided to persist in their mediatory efforts which had proceeded so satisfactorily in the early stages. The proposal which the commission had submitted to the Irish labor representatives and to Cardinal Logue and the archbishop of Dublin was that the commission should prepare an appeal to be issued over the signatures of its members and to be countersigned by representatives of the Irish Labor Party and Trades Union Congress and by the Irish hierarchy or responsible representatives thereof. It was proposed that the appeal should be directed to the British Government and the recognized leaders of Sinn Fein, urging the cessation of all acts of violence and all other provocative acts committed by responsible or irresponsible members of either the Crown forces or the Sinn Fein movement, in order to produce a period of quiet in Ireland; that when this unofficial truce had operated for an agreed period, official negotiations should be commenced for (1) a regular truce, and (2) a peaceful settlement of the political question by agreement. While it was suggested that the preliminary truce should be unofficial and in the nature of an earnest of good intention, it was intended that it should be the first of three related steps to which tentative agreement should be secured in advance from the responsible

parties on both sides. The reception of this threefold plan by the heads of the Roman Catholic Hierarchy in Ireland and by the Irish labor representatives was so favorable as to encourage Mr. Henderson and Mr. Adamson in the view that if on their return to London they could obtain a satisfactory response from the Government it would be possible to make a beginning in the direction of peace by the issue of the labor commission's proposed appeal, countersigned by the responsible leaders of the two national bodies referred to above. The Government, however, neither definitely rejected nor actually accepted the proposals. The effect of this noncommittal attitude and of the prime minister's statement in the House of Commons was prejudicial to British labor's endeavors at conciliation, as will be gathered from the following text of a communication addressed to the prime minister on Thursday, December 23:

When you received the labor commission on Ireland you suggested that we might continue our efforts in the direction of peace and the cessation of the policy of violence. As the result of your statement to the House of Commons on Friday, December 10, the commission were in considerable doubt as to whether the representatives of the Irish Labor Party and Trade-Union Congress would join in the appeal which, in the more promising circumstances existing when the commission was in Dublin, they and the heads of the Catholic Hierarchy had promised to do, provided that there were reasonable assurances that such an appeal would meet with a response on both sides.

Notwithstanding our doubts, the commission, after our interview with you, Mr. Bonar Law, and Sir Hamar Greenwood, felt that they must act in harmony with your suggestion to go forward with our peace effort. Accordingly, we communicated with the executive of the Irish Labor Party and Trade-Union Congress, who have replied to the effect that, judging by your speech of Friday, December 10, there seems to be no prospect of the Government making an immediate response to the suggested appeal, and that in existing circumstances for them to associate with the labor commission in any such appeal would be calculated to do more harm than good.

We are not surprised at the reply to our letter, and feel bound, most regretfully, to say that as the matter stands now there is a deadlock which can only be removed by the Government. We beg you most earnestly to consider whether it would not be possible for you, for a limited period from a given date after the issue of an appeal for a cessation of all acts of violence indorsed by the heads of the Catholic Hierarchy and the Irish Labor Party and Trade-Union Congress, to undertake that, so far as the Crown forces are concerned, there should be no acts of provocation or violence. On our side, we would endeavor to obtain a similar undertaking from Sinn Fein, it being understood that you would call off reprisals only if Sinn Fein called off all acts of violence.

We suggest also that you should undertake during this unofficial truce to meet those who can speak for the elected representatives of the Irish people for the purpose of agreeing upon the terms of an open truce to continue, say, four months, and that during this period the 71 elected representatives should be allowed to meet to elect their delegates and formulate proposals for discussion with representatives of the British Government of the general question of a permanent settlement, each side being free to state its demands.

We feel sure that on these lines the present unhappy condition of Ireland could be terminated, and if you will on behalf of the British Government accept the proposals we have outlined you may rely upon the Labor Party and ourselves to give every assistance in our power.

ARTHUR HENDERSON.
WILLIAM ADAMSON.

The commission deeply regret that their efforts have not met with that measure of immediate success for which they had hoped. It has to be borne in mind, however, that the commission occupied the difficult position of unofficial mediators engaged in the voluntary task of attempting to create a set of circumstances that would render probable a conference between the representatives of the British Government and those of Sinn Fein. It is true that for the time being they have not achieved their object, but they believe their endeavors have not been entirely fruitless. Labor can render valuable service not only by helping to create the right atmosphere but also by pursuing its purpose of endeavoring to establish direct contact and official relations between the British Government and the Sinn Fein movement. The final solution of the Irish problem will not be found through a policy of violence or of vengeance. Ultimately it will have to be found along the lines of conciliation and consent by the more enlightened method of negotiation. The Irish people have faith in British labor alone among the political parties in this country, and we believe that if the labor movement will persist in its efforts for peace it will be able to make an effective contribution toward the settlement of the most difficult problem now confronting the British people.

CONCLUSION.

We have already expressed our indebtedness to the executive committee of the Irish Labor Party and Trades Union Congress, and to Mr. Tom Johnson, their secretary, and to the Irish Transport Workers' Union for their kindness in placing Mr. E. Rooney at our disposal to act as stenographer to the commission. To Mr. Rooney personally we owe our thanks. We wish that our thanks could be carried to the large number of people in Ireland who in various ways assisted our inquiry, for without their cooperation our task would have been difficult, if not impossible.

We can not close this report without an appeal to the British labor movement and to the British public. Things are being done in the name of Britain which must make her name stink in the nostrils of the whole world. The honor of our people has been gravely compromised. Not only is there a reign of terror in Ireland which should bring a blush of shame to every British citizen, but a nation is being held in subjection by an empire which has proudly boasted that it is the friend of small nations. Let the people of Britain raise their voices in a united demand for the rescue of the Irish people from the rule of force and for the establishment of peace and freedom and a new brotherhood between the people of the British Isles. Only by repudiating the errors of the past and the infamies of the present can the democracy of Great Britain recover its honor. Only by granting to Ireland the freedom which is her due can our people fulfill their great responsibilities toward our sister nation.

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APPENDIX D.

To the Right Hon. Sir HAMAR GREENWOOD,
Chief Secretary for Ireland.

SIR: I beg to report that there came before me at the Hilary Sessions for the county of Clare 356 claims for compensation for criminal injury amounting, in all, to over £466,000. In a very large number of these cases it was alleged that the criminal injuries had been committed by the armed forces of the Government. I, therefore, directed that notice should be served by telegram on the proper authority so that the military and police might have an opportunity of being represented at the inquiry, and I adjourned the hearing until the following day. On the following day Mr. Cullinan, Crown solicitor, stated in court that he had instructions to attend as representing the military. A sworn verbatim shorthand report was taken of the evidence in these cases, a typed transcript of which I forward herewith.

LOOTING AT LAHINCH.

It was proved before me on sworn evidence in open court that on the night of September 22 "the town of Lahinch was attacked by a large body of the armed forces of the Government. Rifle shots were fired apparently at random in the streets and a very large number of houses and shops were broken into, set on fire, and their contents looted or destroyed. The inhabitants, most of them in their night clothes—men, women, and children, invalids, old people over 80, and children in arms—were compelled at a moment's notice and at peril of their lives to fly through back doors and windows to the sand hills in the neighborhood of the town, where they remained during the night, returning in the morning to find their homes completely destroyed." In the course of this attack a man named Joseph Sammon was shot dead.

There were, in all, before me 38 claims for the criminal injuries committed on that occasion, and after full consideration of the claims I awarded a total sum of over £65,000.

MEN SHOT AT ENNISTYMON.

On the same night the town of Ennistymon was similarly invaded by the armed forces of the Government. Shots were fired in the streets. The town hall and a large number of houses and shops were broken into, set on fire, and, with their contents, destroyed. As in Lahinch, the inhabitants were compelled to fly for their lives. A young married man named Conole was seized in the street by a party of men under command of an officer. His wife, who was with him, pleaded on her knees with the officer for the life of her husband, but he was taken away a short distance, shot, and his charred remains were found next morning in his own house, which had been burnt. Another young man named Linnane was shot dead in the streets while attempting to extinguish the flames. For the criminal injuries committed in the progress of this attack there were 13 claims, and I awarded upward of £39,000 compensation.

MURDER AT MILTOWN-MALBAY.

On the same night the town of Miltown-Malbay was similarly invaded by the armed forces of the Government. A large number of houses and shops were broken into, set on fire, and destroyed, the inhabitants escaping with difficulty and danger. An old woman named Lynch proved that during the course of this raid, just before the burning of her house, her husband (an old man of 75), while standing beside her at their own doorway was shot dead by a soldier in uniform, distant about 10 yards. She made no claim for the murder of her husband. I awarded £414 for the destruction of her home and property.

It is right to add that in this town some of the military and police endeavored to extinguish the flames. There were before me in respect of the raid at Miltown-Malbay 28 claims, and I awarded upward of £45,000.

DIRECTED TO CALL FOR BODY.

A farmer named Daniel Egan applied to me for compensation for the alleged murder of his son. It was proved that a number of men arrested his son and three other men at his residence, on the shores of Lough Derg, bound them with ropes, and carried them away in a boat. The next that the father heard of his son was a telegram from the police informing him that he had been shot on the bridge at Killaloe and directing him to come to Killaloe for the corpse. On going to the police station he found his son's dead body in a coffin. There was a number of military and police present, but the only one he knew was District Inspector Gwynne. I allowed the case to stand for a week for the production of the district inspector. The district inspector did not appear, and I adjourned the case to next sessions.

COMPLAINT OF AUXILIARIES.

Mrs. McDonnell, of Kielty, Tomgranny, claimed compensation for the burning of her house, furniture, and other property on December 3 by the armed forces of the Government. Mrs. Bridget McDonnell, daughter of the applicant, proved the burning of the property and the harsh treatment to which she and her mother and sister had been subjected by the raiders. The house, she swore, had been previously raided and searched on several occasions by auxiliary forces under the command of officers. On the night of the burning she recognized two of the auxiliaries who had been there on previous occasions.

She went to the Lakeside Hotel, Killaloe, after the burning to complain to Col. Andrews, in command of the auxiliaries at their headquarters there. While she was speaking to the colonel she recognized one of the men she had seen at the burning, and requested that the men should be paraded for indentification after having pointed out the man she had recognized. The colonel made no reply, and the men were not paraded.

APPLICATION DISMISSED.

Patrick Fennessy applied for compensation for the burning of hay by men in uniforms. After the burning had been proved Head Constable Hillard deposed that the hay had been burned by a mixed force of police and military, he being in charge of the police on the occasion. In the hay had been found a number of rifles, including one that had been taken from a murdered policeman some time before. There was ammunition in the hay, which exploded during the burning. He directed the hay to be burnt as a precaution. I decided that this was not a criminal injury, and dismissed the application.

JURISDICTION NOT "OUSTED."

In four other cases, after proof of the burning of houses, hay, and other property by the Government forces, military officers attended in court and proved that the houses, etc., had been burned by the military, in two of the cases (applicants O'Gorman and Honan) by the express direction of the officer in command, and in the other two (applicants McCarthy and Moloney) by the verbal authority of the competent military authority. There was no evidence or suggestion that any of the occupants of the houses or the owners of the property had been guilty of any offense. It was argued by Mr. Cullinan, Crown solicitor, that the privy council decision in the case of Marais during the Boer War ousted my jurisdiction. I held after argument that martial law not having then been proclaimed my jurisdiction was not ousted, and that the authority of the military was limited by the restoration of order in Ireland regulations. I held that I had jurisdiction in the cases.

I found on the facts that the burnings were in the nature of reprisals, and I decided that "the ordinary avocations of life and enjoyment of property had been interfered with," and that these burnings were not necessary or at all calculated to secure the maintenance or restoration of law in Ireland.

PEOPLE TREATED WITH VIOLENCE.

On November 1 a raid was made on the village of O'Briens Bridge by the armed forces of the Crown. A large number of the inhabitants, including women and children, were treated with great violence, and their houses, with the contents, burned. There were in all 25 applications in respect of this occurrence, and I awarded compensation to the amount of upward of £13,000.

On November 7 the town of Feakle was similarly invaded by the armed forces of the Government. During the progress of this raid a postman was wounded in the face by gunshot. There were nine applications in respect of this attack, and I awarded compensation to upward of £7,000.

NO CHARGES AGAINST VICTIMS.

A large number of other criminal injuries were committed by Government forces either in continuous raids or isolated cases. The total amount of the awards in cases in which it was proved that Government forces committed the criminal injuries amounted to £187,046 19s. 3d. There were in all 139 cases in which it was proved that the criminal injuries were committed by the armed forces of the Government, and only in the 5 cases already mentioned were any witnesses examined to justify, deny, or explain. In no case was there any evidence to suggest that the victims had been guilty of any offense.

TOO HEAVY FOR RATEPAYERS.

The compensation already awarded in this county in criminal injury claims amounts, I am informed, to well over a quarter of a million. "This constitutes, in my humble judgment, an impossible burden on the ratepayers of the county, many of them already hopelessly impoverished by the loss of their property and means of livelihood, and I would strongly recommend that in the cases in which it is clearly proved that the criminal injuries were committed by the armed forces of the Government the compensation should be paid out of the public treasury."

In addition to the verbatim shorthand report, I also furnish herewith a detailed list of the cases in which I found on the evidence that the criminal injuries were committed by the armed forces of the Crown, acting without lawful authority, showing the amount of compensation awarded in each case.

In conclusion I venture to repeat an opinion expressed at a previous session three months ago that law and order can not be restored or maintained by what I felt constrained to describe as a competition in crime.

M. McDONNELL BODKIN,
County Court Judge for County Clare.

ARMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. FRELINGHUYSEN. Mr. President, I understand that the Senator from New York [Mr. WADSWORTH] desires to move the consideration of the conference report on the Army appropriation bill. Knowing how important that measure is, I am perfectly willing to yield the time which I had intended to take to address the Senate on the coal question for the consideration of the conference report. I will therefore ask that the unfinished business be temporarily laid aside, and to-morrow, after the convening of the Senate, I shall address it on the coal situation if, as I understand from the Senator from Kansas [Mr. CURTIS], a recess will be moved.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Jersey that the unfinished business be temporarily laid aside?

Mr. UNDERWOOD. For what purpose?

The PRESIDENT pro tempore. For the consideration of the conference report on the Army appropriation bill.

Mr. NORRIS. Mr. President, I shall have to object to that. I do not want to be discourteous, but I am going to talk on that report at some length, probably an hour or such a matter, and there are some other Senators whom I do not see in the Chamber now who have, I understand, said that they are going to oppose the conference report. I am not able to do it to-day. I should not object to taking it up even during the morning hour to-morrow. I do not want to delay it, but it will not take any longer to consider it to-morrow than it will to-day. It will not take any more time one day than another, and simply for the reason that I do not feel able to take up that matter now, and because I want to gather together some few things before I start in on it, I shall have to object.

The PRESIDENT pro tempore. Objection is made.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Stanley
Broussard	Frelinghuysen	McNary	Sutherland
Bursum	Harris	Moses	Townsend
Calder	Harrison	New	Trammell
Capper	Heflin	Norris	Underwood
Caraway	Jones, N. Mex.	Overman	Wadsworth
Cummins	Kendrick	Ransdell	Walsh, Mont.
Curtis	Knox	Sheppard	Warren
Dillingham	La Follette	Shields	Williams
Elkins	Lenroot	Smith	Wolcott

Mr. CURTIS. I have been requested to announce that the Senator from Arizona [Mr. CAMERON] is absent on account of illness, and that the Senator from Washington [Mr. JONES] is necessarily detained on official business.

Mr. SUTHERLAND. I desire to announce that the junior Senator from Massachusetts [Mr. WALSH] and the senior Senator from Ohio [Mr. POMERENE] are absent on official business of the Senate.

The PRESIDENT pro tempore. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. GERRY, Mr. KING, Mr. NELSON, Mr. NICHOLSON, Mr. ODDIE, Mr. SPENCER, and Mr. WILLIS answered to their names when called.

Mr. HALE, Mr. POINDEXTER, Mr. DIAL, Mr. SIMMONS, Mr. WATSON of Indiana, Mr. GLASS, Mr. HARRELD, Mr. KEYES, Mr. SWANSON, Mr. PHIPPS, Mr. POINDEXTER, and Mr. JOHNSON entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

ENFORCED NONPRODUCTION OF COTTON.

Mr. SMITH. Mr. President, I would like to have the Senate take up and consider a matter which surely can not lead to any debate. It relates to the use of funds appropriated in the last agricultural appropriation act for stamping out the pink bollworm.

The Senator from Wyoming [Mr. WARREN], who objected yesterday to the consideration of the joint resolution, after looking over the letter of the Secretary of Agriculture in relation to the matter, has withdrawn his objection and is perfectly willing to have it passed. It is a pressing matter, one urged by the Secretary of Agriculture, and I ask unanimous consent for the present consideration of the joint resolution, so that the Secretary may avail himself of $200,000 of the amount appropriated.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. FRELINGHUYSEN. Mr. President, I have no objection, if it will not take too long. I understand that the Senator from New York [Mr. WADSWORTH] is desirous of bringing up the conference report on the military appropriation bill to-morrow and wants to make a suggestion regarding it. If this is going to lead to extended debate——

Mr. SMITH. It can not; there is nothing to debate. The question is whether we shall grant the authority or not.

Mr. FRELINGHUYSEN. I have no objection.

Mr. MOSES. What is the number of the resolution?

Mr. SMITH. It is Senate joint resolution 72, introduced as a result of a request from the Secretary of Agriculture that he be allowed to use $200,000 of the $400,000 that was appropriated for stopping the ravages of the pink bollworm. The letter of the Secretary was printed in the RECORD at the request of the Senator from Wyoming [Mr. WARREN], who has read the letter and is satisfied that the Secretary of Agriculture is correct.

Mr. MOSES. He asks authority to transfer money appropriated for one purpose to another?

Mr. SMITH. No; it merely grants him authority to use the amount named in a method different from that prescribed in the law; and the Secretary sets forth his reasons in the letter to the Senator from Nebraska. The money is already appropriated. It does not add a penny and establishes no precedent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 72) for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm, which was read, as follows:

Resolved, etc., That when any State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested or threatened by such pest, the said Secretary, under regulations to be prescribed by him, is authorized, out of the appropriation of $554,840 for "Eradication of pink bollworm" made by the Agricultural appropriation act of March 3, 1921, to utilize not to exceed $200,000, available until expended, in reimbursing such States for expenses incurred by them in compensating any farmer for his loss due to the enforced nonproduction of cotton within said zones: *Provided*, That such reimbursement of any State shall be based upon the fair rental value of said land; that such reimbursement shall not exceed one-third the amount actually paid by the State to any farmer, and in no event shall exceed $5 per acre; and that no reimbursement shall be made in respect of any farmer who has not complied in good faith with all quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, I desire to make a very brief statement at this time. At the earnest request of the Senator from Nebraska [Mr. NORRIS], who has delivered a rather long address, and who desires to be heard upon the conference report on the Army appropriation bill, I shall not press that report for consideration this afternoon; but it is my duty, Mr. President, to press for its consideration to-morrow, for various reasons. There are certain legislative provisions in the Army appropriation bill which, as soon as they become law, will operate to save the Government thousands and thousands of dollars, which will continue to be spent by the Government until the bill becomes a law. As soon as the Senate reconvenes to-morrow I intend to ask unanimous consent to lay aside temporarily the unfinished business and present the conference report, and I expect to urge the Senate to accept the House amendment and close the entire incident.

CAPT. EDMUND G. CHAMBERLAIN.

Mr. KING. I ask unanimous consent for the present consideration of Senate resolution 70, this day reported unanimously from the Naval Affairs Committee. If it leads to any discussion, I will withdraw it.

There being no objection, the resolution, which had been submitted May 7, 1921, by Mr. SHEPPARD, was read, considered, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs is authorized and directed to investigate the facts leading to the court-martial as well as the court-martial proceedings and all the findings in the case of former Capt. Edmund G. Chamberlain, United States Marine Corps, and report to Congress.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate took a recess until to-morrow, Wednesday, June 22, 1921, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21, 1921.

DEPARTMENT OF JUSTICE.

SOLICITOR GENERAL.

James M. Beck.

UNITED STATES ATTORNEY, DISTRICT OF NEBRASKA.

James C. Kinsler.

INTERNAL REVENUE SERVICE.

COLLECTOR OF INTERNAL REVENUE, FIRST DISTRICT OF NEW YORK.

John T. Rafferty.

COLLECTOR OF INTERNAL REVENUE, DISTRICT OF RHODE ISLAND.

Frank A. Page.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 21, 1921.*

The House met at 12 o'clock noon, and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O merciful God, Thou hast said they that wait upon the Lord shall renew their strength. We approach Thee with all of our needs and without self-defense. May our chief delight be in the law of the Lord; and then bring to all of our hearts the memories, the hopes, and the joys of Thy loving presence. Enable us this day to do our little best, and then whisper the sweet resignation, namely, "Even so, Father, so it seemeth good in Thy sight." We beseech Thee to direct with great wisdom the executive, the legislative, and the judicial branches of our Government. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LABOR SHORTAGE IN HAWAII—CHANGE OF REFERENCE.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that House joint resolution 158, introduced by the Delegate from Hawaii [Mr. KALANIANAOLE], providing an emergency remedy for the acute labor shortage in the Territory

of Hawaii, may be rereferred from the Committee on the Territories to the Committee on Immigration and Naturalization.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent for the rereference of House joint resolution 158, which provides for the admission into the Territory of Hawaii of aliens otherwise inadmissible, as the Secretary of Labor may deem necessary to meet the emergency existing in the shortage of agricultural labor. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, I will ask the gentleman if he takes this action by authority of the committee?

Mr. JOHNSON of Washington. I do, and I will say that I think the reference to the Committee on the Territories came about from the fact that various memorials of the Territorial Legislature of Hawaii addressed to Congress were referred, properly as regards most of the memorials, to the Committee on the Territories, but the Immigration Committee believes it has jurisdiction of this joint resolution. Therefore I ask the unanimous consent.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. Reserving the right to object, has the gentleman consulted with the chairman of the Committee on the Territories and with the ranking Democratic member of that committee?

Mr. JOHNSON of Washington. I have consulted with the chairman of the Committee on the Territories, and in the absence of the ranking Democratic member I have consulted with the gentleman from Georgia [Mr. LANKFORD], who is a member.

The SPEAKER pro tempore. Is there objection to the rereference of the joint resolution?

There was no objection.

PENSIONS.

The SPEAKER pro tempore. Under the previous order of the House private pension bills and bills relating to pension legislation are in order for consideration to-day.

Mr. KNUTSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and, pending that, I would like to ask if we can make some arrangement as to the time for general debate?

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5214.

Mr. BLANTON. Mr. Speaker, I make the point of order that that is inconsistent with the order of the House yesterday that unfinished business on the Unanimous Consent Calendar should be in order this morning.

The SPEAKER pro tempore. The order of yesterday was that business on the Calendar for Unanimous Consent unobjected to should be taken up for consideration to-day at the conclusion of the business in order to-day, so when the pension business is concluded we will return to the Unanimous Consent Calendar.

Mr. BLANTON. I withdraw the point.

Mr. KNUTSON. Mr. Speaker, can we make some arrangement about time for general debate? I suggest one hour.

Mr. ROGERS. Reserving the right to object, will the gentleman be able to give me 15 minutes of the hour?

Mr. GARRETT of Tennessee. There is a request on this side for 20 minutes.

Mr. MONDELL. Can the gentleman from Tennessee give 10 minutes of his 30 to the gentleman from Massachusetts [Mr. ROGERS]?

Mr. GARRETT of Tennessee. Yes. We have a request for only 20 minutes. I can give the gentleman from Massachusetts 10 minutes.

Mr. KNUTSON. I ask unanimous consent that the general debate terminate in one hour, one half the time to be controlled by the gentleman from Virginia [Mr. DEAL] and the other half by myself.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that debate close in one hour, one-half to be controlled by the gentleman from Virginia [Mr. DEAL] and one-half by the gentleman from Minnesota [Mr. KNUTSON]. Is there objection?

There was no objection.

The motion of Mr. KNUTSON was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House, with Mr. FESS in the chair.

The Clerk read the title of the bill H. R. 5214.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Hattie Hjelmberg, widow of William Hjelmberg, late of the Fourth Company, United States Coast Artillery Corps, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Julia M. Porter, widow of Clinton A. Porter, late of Company F, First Regiment New Hampshire Infantry, War with Spain, and pay her a pension at the rate of $20 per month.

The name of Annie N. Sullivan, widow of Calvin Sullivan, late of Captain Yoakum's Tennessee Volunteers, Indian war, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Lurany McClellan, widow of William E. McClellan, late of Captain Durrance's company Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel W. Moore, late of Company G, Seventeenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Edward Halloran, late of Company I, Twenty-seventh Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Hansen, late of Company H, Thirteenth Regiment Minnesota Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James H. Scollin, late of Company G, Twenty-second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fred J. Griffin, late of the United States Navy, War with Spain, and pay him a pension at the rate of $18 per month.

The name of Julia Godon, dependent mother of Joseph L. Godon, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Louisa H. Highley, dependent mother of Robert A. Highley, late of Company M, First Regiment Missouri Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lula Lee Abbott, widow of Fred D. Abbott, late of Company G, First Regiment Montana Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving and $2 per month additional on account of the minor children of said Fred D. Abbott until they reach the age of 16 years.

The name of Ella G. Brock, widow of Christopher C. Brock, late of Battery A, Fourth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Charles G. Baum, dependent father of Albert J. Baum, alias Elbert J. Baum, late of Battery A, Third Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles B. Wilson, late of Troop B, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dorothea Hoefling, widow of William Hoefling, late of Battery M, First Regiment United States Artillery, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan M. Gregory, former widow of John R. Sherry, alias John Fitzgerald, late of Troop F, Fifth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Maurice Roach, late of the One hundred and twelfth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Jennie S. Avery, dependent mother of Frank E. Moulton, late of Troop G, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Timothy O'Neill, late of Company F, Twenty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Margaret P. Long, dependent mother of Willie Long, late of Troop A, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Margaret A. Osborn, widow of Charles E. Osborn, late of Company A, First Regiment Kentucky Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John A. Poe, late of Lieut. W. Riley Wood's company, Texas Minute Men, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Bristow, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Christina Stenger, widow of Ferdinand Stenger, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month.

The name of Andrew J. Duncan, formerly known as Andrew J. Revels, late of Capt. Willard's company, First Regiment Florida Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of May E. Bunn, widow of George B. Bunn, late major and brigade surgeon, United States Volunteers. War with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Fletcher Duling, late of Company D, Thirty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Wheaton, late of the Sixty-third Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Elmer H. Weddle, late of Company H, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William M. Edwards, late of the One hundred and forty-fifth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of John D. Jones, late of Company A, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles Eversole, late of Company I, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George D. Hendrickson, late of Company K, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Hugh Sizemore, late of Companies C and H, Twenty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Simpson Hornaday, late of Company H, Sixth Regiment, and Troop B, Seventh Regiment, United States Cavalry, Indian war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving, to include special pension of $10, medal of honor roll.

The name of Elmer F. Miller, late of One hundred and fourth Company United States Coast Artilley Corps, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of Florence Hall, widow of Ernest Hall, late of United States Navy, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Ernest Hall, until he reaches the age of 16 years.

The name of Emma M. H. Haas, widow of Charles Haas, late of Company D, Twenty-third Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Charles Haas, until they reach the age of 16 years.

The name of Alice A. Warner, widow of John C. Warner, late of Company I, Sixth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Grimes, late of One hundred and forty-ninth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Charles Ingle, late of Company C, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James A. Haley, late of Company K, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Annie Flowers, dependent mother of Frank C. Flowers, late of Second Company United States Coast Artilley, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Willis D. Clark, dependent father of Forrest L. Clark, late of Company F, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John J. Powers, late of the Fortieth Company United States Coast Artilley, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Henry Oelhoff, late of Company D, Eighteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Valentine B. Proehl, late of the United States ship *Montana*, United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Olive Dixon, widow of William Dixon, late scout and guide, United States Army, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Willie E. Persell, late of Troop I, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of John H. Dale, late of Troop G, Second Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph J. Johnson, late of Company B, Thirty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name o. Jerus S. Dickinson, late of Company I, Fifth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harry Franklin Hastings, late of Company I, First Regiment Delaware Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alice L. Collins, widow of Charles S. Collins, late of Capt. A. J. Hembree's Company E, First Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Rolle, late of Troop I, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clara L. Conklin, dependent mother of Ray R. Conklin, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carl Olsen, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month, this pension being in addition to the Navy pension he is now receiving under section 4756, Revised Statutes.

The name of James M. Wilson, late of Troop A, Nineteenth Regiment Kansas Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank M. Schmehr, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ackley R. Plumstead, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of William W. Jordan, late of Capt. Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Flood, late of Capt. Johnston's independent company, Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Crate, widow of Loren H. Crate, late of Company F, Fifteenth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of August Richards, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Marguerite B. Fitzgerald, widow of John Fitzgerald, late of Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William H. Baird, late of Company I, Fourth Regiment Infantry, Alabama National Guard, border defense, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Elijah P. Higgins, late of Capt. G. W. Steven's company, Wise County (Tex.) Rangers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Mulford, late of Companies E and M, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jacob Amberg, late of Troop D, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elias B. Hill, dependent father of Frank L. Hill, late of Company G, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that which he is now receiving.

The name of Bruce E. Townsend, late of Forty-seventh Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth Leher, widow of George Leher, late of Company A, Seventh Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patrick W. O'Donnell, late of Company M, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of David F. Mansfield, late of Company M, First Regiment Maine Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Cornelius Conley, alias Cornelius Connelly, late of Troop B, Second Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Washburn, late of Company G, Fourteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Dilden, alias James Carman, late of Company A, Thirty-sixth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth B. Rebhun, widow of William H. Rebhun, late of Company E, Fifteenth Regiment Pennsylvania Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Ira D. Bryant, late of Company E, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James Sullivan, late of Company E, Fourth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rachel Bledsoe, dependent mother of William B. Bradley, late of Company K, Seventh Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Norman F. Henry, late of Company D, Second Battalion, Eighteenth Regiment United States Infantry, and Company D, Twenty-seventh United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph McClosky, late of Troop I, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edith Z. Pyles, widow of Richard A. Pyles, late major and surgeon First Regiment District of Columbia Infantry, War with Spain, and pay her a pension at the rate of $37 per month: *Provided*, That in the event of the death of Helen E. Pyles, helpless and dependnt daughter of said Richard A. Pyles, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Edith Z. Pyles the name of said Helen E. Pyles shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Edith Z. Pyles.

The name of Sarah A. Evans, widow of Thomas C. Evans, late of Marine Corps, United States Navy, War with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Edward McClellan, late of Company G, Seventh Regiment United States Infantry, and Company L, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving.

The name of Charles Hurrle, late of Troop E, Sixth Regiment United States Cavalry, and Companies C and G, Thirteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Burnham Gibson, late of Company E, Second Regiment Kentucky Infantry, Regular Establishment, border defense, and pay him a pension at the rate of $12 per month.

The name of Clark P. Hoskins, late of Hospital Corps, United States Army, and Fifth Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Biram Smith, late of Company E, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Sally, late of Troop H, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John E. Stidham, late of Company D, Twenty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Owen Combs, late of Company L, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mary C. Parsons, widow of Martin Parsons, late of Troop C, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Giles A. Woolsey, late of Company H, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin J. Close, late of Company H, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Gue M. Allen, late of Company A, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Maggie Crouch, widow of William C. Crouch, late of Company K, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said William C. Crouch until they reach the age of 16 years.

The name of Malcolm G. Brenholtz, alias Malcolm Brenholt, late of Company D, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick W. Gruber, dependent father of Daniel E. Gruber, late of Company C, Eighth Regiment, United States Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles Payne, late of One hundred and twenty-third Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of James Cantrell, late of Company H, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Earle W. Brown, late of Troop B, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth L. M. Miller, widow of William H. Miller, late of Company C, Third Regiment Tennessee Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Alexander B. Murphy, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William Sondergaard, late of Company M, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Keesey, late of Company M, Fifth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Linda C. O'Connor, widow of Joseph A. O'Connor, late of United States Navy, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Joseph A. O'Connor until he reaches the age of 16 years.

The name of George Sheehan, late of Troop M, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick H. Thompson, late of Troop C, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Berry, late of Capt. E. J. Harding's Company A, First Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah G. London, widow of Michael London, late of Company D, Twenty-second Regiment United States Infantry, and Company H, Thirteenth United States Infantry, Indian wars, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Margaret O'Hara, widow of Charles O'Hara, late of Troop F, United States Mounted Rifles, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sallie M. Cohen, widow of Henry Cohen, late of Capt. Moses Curry's and John F. Broer's companies, Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Helen L. Greene, widow of Edward M. Greene, late of Company B, First Regiment Wisconsin Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and a continuance of the $2 per month being paid her on account of the minor child of said Edward M. Greene until she reaches the age of 16 years.

The name of Charles B. Ross, late of Troop I, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catharine Fitzgerald, widow of Thomas Fitzgerald, late of Troop B, First Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Sanborn, former widow of John S. Kiernan, late of Company M, Fifth Regiment Ohio Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Isaac E. McClure, late of Troop A, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Della A. Cooter, late of the Sixty-ninth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Burleson, late of Company A, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelia A. Deal, dependent mother of Lyman A. Deal, late of Company L, Second Regiment North Carolina Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Edward A. Branham, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu if that he is now receiving.

The name of James Lacey, late of Troop C, Fifteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of George R. Robinson, late of Troop F, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary St. Clair, widow of Caleb St. Clair, late of Company B, Eleventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Emma E. McCready, widow of Henry McCready, United States Marine Corps, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ignatz Welzbacher, late of Company E, Twenty-second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Annie Dougherty, widow of Daniel Dougherty, late of United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles L. McClure, late of Company M, Second Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Pinkham, widow of Chester E. Pinkham, late of Troop H, First Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Julia Tomlin, dependent mother of Archie Tomlin, late of Company A, Fourth Regiment Missouri Infantry, War with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary M. Whitford, dependent mother of James E. Whitford, alias James E. McCarrick, late of the United States Marine Corps, and the Fifty-second Company, United States Coast Artillery, War with Spain, and pay her a pension at the rate of $20 per month.

The name of Lena Fitzgerald, widow of Robert Fitzgerald, late of Capt. Pickett's Company, Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Lee F. Pixley, late of Company C, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month

The name of M. Davis, late of Company D, Texas Frontier Battalion, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Walter J. Hawthorne, late of Company I, First Regiment Connecticut Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Weddington, late of the Eighteenth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa Spurgeon, widow of George S. Spurgeon, late of Company H, Ninth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank R. Wall, late of the First Company, Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Michael Balenti, late of Company G, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Ellen Bealer, widow of William Bealer, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John Coyne, late of Company E, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret A. Storie, widow of William C. Storie, late of Company C, First Regiment Tennessee Volunteer Cavalry, War with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Sarah M. J. Bertram, widow of Francis Bertram, late of the United States Navy, War with Mexico, and pay her a pension at the rate of $35 per month.

The name of Thomas J. Reynolds, late of Troop D, First Regiment Ohio Cavalry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dustin D. Elsie, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Isabelle Barnett, widow of Theophilus Barnett, late of Troop H, Nineteenth Regiment Kansas Cavalry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob James, late of Companies L and C, Ninth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

This bill is a substitute for the following bills referred to the Committee on Pensions:

H. R. 400. Hattie Hjelmberg.
H. R. 416. Julia M. Porter.
H. R. 424. Annie M. Sullivan.
H. R. 436. Lurany McClellan.
H. R. 470. Samuel W. Moore.
H. R. 493. Edward Halloran.
H. R. 509. Theodore Hansen.
H. R. 550. James H. Scollin.
H. R. 587. Fred J. Griffin.
H. R. 588. Julia Godon.
H. R. 621. Louisa H. Highley.
H. R. 622. Lula Lee Abbott.
H. R. 628. Ella G. Brock.
H. R. 652. Charles G. Baum.
H. R. 661. Charles B. Wilson.
H. R. 783. Dorothea Hoefling.
H. R. 930. Susan M. Gregory.
H. R. 956. Maurice Roach.
H. R. 957. Jennie S. Avery.
H. R. 970. Timothy O'Neill.
H. R. 977. Margaret P. Long.
H. R. 978. Margaret A. Osborn.
H. R. 1006. John A. Poe.
H. R. 1016. James B. Bristow.
H. R. 1020. Christina Stenger.
H. R. 1029. Andrew J. Duncan.
H. R. 1030. May E. Bunn.
H. R. 1031. Fletcher Duling.
H. R. 1078. William D. Wheaton.
H. R. 1098. Elmer H. Weddle.
H. R. 1099. William M. Edwards.
H. R. 1100. John D. Jones.
H. R. 1102. Charles Eversole.
H. R. 1103. George D. Hendrickson.
H. R. 1104. Hugh Sizemore.
H. R. 1123. Simpson Hornaday.
H. R. 1247. Elmer F. Miller.
H. R. 1248. Florence Hall.
H. R. 1250. Emma M. H. Haas.
H. R. 1358. Alice A. Warner.
H. R. 1359. William H. Grimes.
H. R. 1360. Charles Ingle.
H. R. 1361. James A. Haley.
H. R. 1363. Annie Flowers.
H. R. 1451. Willis D. Clark.
H. R. 1465. John J. Powers.
H. R. 1535. Henry Oelhoff.
H. R. 1549. Valentine B. Proehl.
H. R. 1583. Olive Dixon.
H. R. 1591. Willie E. Persell.
H. R. 1592. John H. Dale.
H. R. 1623. Joseph J. Johnson.
H. R. 1646. Jerus S. Dickinson.
H. R. 1651. Harry Franklin Hastings.
H. R. 1654. Alice L. Collins.
H. R. 1663. Thomas Rolle.
H. R. 1718. Harry W. Feldman.
H. R. 1737. Clara L. Conklin.
H. R. 1755. Carl Olsen.
H. R. 1781. James M. Wilson.
H. R. 1792. Frank M. Schmehr.
H. R. 1821. Ackley R. Plumstead.
H. R. 1937. William W. Jordan.
H. R. 1938. Patrick Flood.
H. R. 1944. Mary A. Crate.
H. R. 1950. August Richards.
H. R. 1957. Marguerite B. Fitzgerald.
H. R. 1958. William H. Baird.
H. R. 1966. Elijah P. Higgins.

H. R. 1967. James E. Mulford.
H. R. 1968. Jacob Amberg.
H. R. 1993. Elias B. Hill.
H. R. 1995. Bruce E. Townsend.
H. R. 1998. Elizabeth Leher.
H. R. 2011. Patrick W. O'Donnell.
H. R. 2072. David F. Mansfield.
H. R. 2078. Cornelius Conley, alias Cornelius Connelly.
H. R. 2109. Francis M. Washburn.
H. R. 2110. Charles Dilden, alias James Carman.
H. R. 2118. Elizabeth B. Rebhun.
H. R. 2128. Ira D. Bryant.
H. R. 2133. James Sullivan.
H. R. 2137. Rachel Bledsoe.
H. R. 2140. Norman F. Henry.
H. R. 2145. Joseph McClosky.
H. R. 2146. Edith Z. Pyles.
H. R. 2147. Sarah A. Evans.
H. R. 2148. Edward McClellan.
H. R. 2149. Charles Hurrle.
H. R. 2152. Burnham Gibson.
H. R. 2153. Clark P. Hoskins.
H. R. 2154. Biram Smith.
H. R. 2155. William Sally.
H. R. 2156. John E. Stidham.
H. R. 2157. Owen Combs.
H. R. 2628. Mary C. Parsons.
H. R. 2644. Giles A. Woolsey.
H. R. 2699. Benjamin J. Close.
H. R. 2700. Gue M. Allen.
H. R. 2701. Maggie Crouch.
H. R. 2751. Malcolm G. Brenholtz, alias Malcom Brenholt.
H. R. 2752. Frederick W. Gruber.
H. R. 2806. Charles Payne.
H. R. 2808. James Cantrell.
H. R. 2824. Earle W. Brown.
H. R. 2825. Elizabeth L. M. Miller.
H. R. 2843. Alexander B. Murphy.
H. R. 2862. William Sondergaard.
H. R. 2953. Adam Keesey.
H. R. 2980. Linda C. O'Connor.
H. R. 3014. George Sheehan.
H. R. 3019. Frederick H. Thompson.
H. R. 3020. James M. Berry.
H. R. 3022. Sarah G. London.
H. R. 3075. Margaret O'Hara.
H. R. 3264. Sallie M. Cohen.
H. R. 3278. Helen L. Greene.
H. R. 3296. Charles B. Ross.
H. R. 3297. Catherine Fitzgerald.
H. R. 3391. Elizabeth Sanborn.
H. R. 3427. Isaac E. McClure.
H. R. 3493. Della A. Cooter.
H. R. 3494. George W. Burleson.
H. R. 3519. Cornelia A. Deal.
H. R. 3880. Edward A. Branham.
H. R. 3881. James Lacey.
H. R. 3893. George R. Robinson.
H. R. 3920. Mary St. Clair.
H. R. 4182. Emma E. McCready.
H. R. 4187. Ignatz Welzbacher.
H. R. 4222. Annie Dougherty.
H. R. 4287. Charles L. McClure.
H. R. 4327. Margaret Pinkham.
H. R. 4333. Julia Tomlin.
H. R. 4363. Mary M. Whitford.
H. R. 4371. Lena Fitzgerald.
H. R. 4434. Lee F. Pixley.
H. R. 4461. M. Davis.
H. R. 4464. Walter J. Hawthorne.
H. R. 4466. William Weddington.
H. R. 4535. Louisa Spurgeon.
H. R. 4614. Frank R. Wall.
H. R. 4655. Michael Balenti.
H. R. 4712. Elizabeth Ellen Bealer.
H. R. 4713. John Coyne.
H. R. 4715. Margaret A. Storie.
H. R. 4759. Sarah M. J. Bertram.
H. R. 4765. Thomas J. Reynolds.
H. R. 4766. Dustin D. Elsie.
H. R. 4839. Isabelle Parnett.
H. R. 4968. Jacob James.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KNUTSON. I yield 25 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I picked up a copy of last night's Star and in it I found that the Democratic national committee has begun its campaign of vituperation. One of the things said in the first article issued by that committee is this:

> The Republican Party in the last campaign promised to reduce Federal taxes. A Republican Congress has increased them, the appropriation bills carrying $6,000,000,000 for 1921 and a like amount for 1922 (which would be $7,500,000,000 by the addition of bonuses). This means that this administration will spend three times as much on an Army in 1921 as it spent in 1916, and more than three times as much on the Navy in 1921 as it spent in 1916, when nearly all of Europe was at war.

To nail the first misstatement, I wish to say that the appropriations made for 1921 amounted to $4,780,829,510.35. Of this sum $186,492,383.45 was for deficiencies for the fiscal year 1920 and prior years, with the conduct of the business of which the Republicans had nothing whatever to do.

It also included $800,000,000 on account of governmental management of railroads with which the Republicans had nothing whatever to do. Five hundred millions of this was on account of the Federal control and $300,000,000 for new loans to the carriers. So that it will be seen at the outset that the appropriations for 1921, leaving out the extraordinary obligations created prior to the induction of the Republicans either into the control of Congress or the administrative side of the Government, were $3,794,337,126.90 instead of $6,000,000,000, a difference of $2,205,662,873.10 between the statement printed by the Democratic national committee and the actual fact.

Now, what is the fact as to 1922? The total appropriations for 1922 amount to $3,538,206,618.57, and are as follows:

Agricultural	$36, 404, 259. 00
Diplomatic and Consular	9, 326, 550. 79
District of Columbia	19, 412, 412. 99
Fortification	8, 038, 017. 00
Indian	9, 761, 554. 67
Legislative, executive, and judicial	110, 345, 018. 75
Pension	265, 500, 000. 00
Post Office	574, 057, 552. 00
River and harbor	15, 250, 000. 00
Sundry civil	384, 196, 760. 41
Total, regular measures enacted	1, 432, 292, 125. 61
REGULAR ANNUAL APPROPRIATION ACTS STILL PENDING.	
Naval (in the amount as passed by the House)	396, 001, 249. 23
Army (in the amount as agreed upon in conference and counting pay of enlisted men—still in dispute—at the House figures)	322, 950, 818. 80
Total, regular measures enacted and pending	2, 151, 244, 193. 64

PERMANENT AND INDEFINITE APPROPRIATIONS.

Interest on the public debt	$922, 650, 000. 00
Sinking fund	265, 754, 864. 87
Construction of roads	1, 000, 000. 00
Customs service, repayments, etc	27, 000, 000. 00
Indian funds and interest on Indian funds	23, 475, 000. 00
Miscellaneous items	60, 896, 496. 00
Increased compensation ($240 bonus)	35, 000, 000. 00
Total, permanents and indefinites	1, 335, 776, 360. 87
Appropriations carried in miscellaneous appropriation and other acts	20, 897, 018. 02
Miscellaneous appropriations for 1922 in deficiency act approved June 16, 1921	30, 289, 046. 04
Grand total	3, 538, 206, 618. 57

Making a total of $3,538,206,618. There is quite a difference between that and $6,000,000,000—a difference of $2,500,000,000.

These figures do not include the $351,000,000 of deficiencies appropriated for in the last two deficiency bills. These deficiencies have nothing whatever to do with the appropriations for 1922. They had little or anything to do with the activities of 1921; they were obligations created before by the preceding administration.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS of Tennessee. The gentleman will recall that the last deficiency bill just passed carried something over $30,000,000——

Mr. MADDEN. I have included that $30,000,000.

Mr. BYRNS of Tennessee. Has the gentleman figured up how much reappropriations have been made in the various bills?

Mr. MADDEN. No; I have not.

Mr. BYRNS of Tennessee. The gentleman knows that every bill that we have passed has made reappropriations. Take the sundry civil bill—one item alone, the Shipping Board—no one can say how much has been appropriated.

Mr. MADDEN. Twenty-five million dollars.

Mr. BYRNS of Tennessee. That was a direct appropriation, but the bill carried authority to use——

Mr. MADDEN. Use money from the sale of ships; but they are not selling any ships and are not likely to and there will be no appropriation.

It has been charged by the Democrats that we have been spending money at the rate of $6,000,000,000 a year. Everybody knows that expenditures have nothing to do with the state of appropriations. It can well be that appropriations would not exceed $3,000,000,000 in a given year, and yet the expenditures might be $6,000,000,000. Why? There are obligations pending against appropriations made in past years which are still available, in connection with which expenditures must be made. The mere fact that expenditures are being made is no indication whatever that the obligation that is levied against the people by whom the tax must be paid is new. The things against which a tax must be levied are the obligations created in the appropriation bills; that is, the expenses for the year with which we deal. It may be that for 10 years gone by bills unsettled have been pending, the appropriations for which are still available, and when adjudicated and the accounting is made the Secretary of the Treasury draws his draft to meet the obligation.

Mr. MAGEE. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MAGEE. Does the gentleman contend that the total probable expenditures for 1922 will exceed $4,000,000,000?

Mr. MADDEN. I said $3,538,000,000, and if there is to be adjusted compensation allowed for soldiers, of course, it would add whatever that amounts to. What it will amount to I do not know. It probably would amount in total to $1,500,000,000 or $500,000,000 a year for three years.

In the statement made by the Secretary of the Treasury a short time since to the chairman of the Ways and Means Committee he indicated that the payments through the Treasury during the last year amounted to $5,600,000,000; and also indicated that the probable payments to be made during the year 1922 would be $4,014,000,000, but in his calculation he estimated that there would be necessarily under the appropriations to be made by Congress an expenditure of $1,100,000,000 for the Army and the Navy.

The fact is, however, that the Army and Navy appropriations combined for 1922 will not exceed $700,000,000; so that there we have a saving of $400,000,000 in the estimated payments to be made through the Treasury Department. My own judgment is that we will not need to raise by internal revenue taxation more than $2,500,000,000. It has been said by many that we would have to raise $4,000,000,000. I believe that the estimated miscellaneous receipts from the Government average about $500,000,000 a year, and it is estimated that we will

receive from the customs revenue under the new tariff act $500,000,000.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. Will the gentleman repeat that statement?

Mr. MADDEN. It is estimated we will receive $500,000,000 under the new tariff act.

Mr. GARRETT of Tennessee. Under which new tariff act?

Mr. MADDEN. Under the tariff act that is being considered and which will be reported for the consideration of the gentleman and others in a very few days.

Mr. GARRETT of Tennessee. On what is that estimate based?

Mr. MADDEN. That estimate is based on figures supplied by the Treasury Department to those who are giving consideration to the tariff bill.

Mr. GARRETT of Tennessee. Does the gentleman mean that the schedules have been so prepared in that committee now that it may be reasonably estimated that it will raise that amount of money?

Mr. MADDEN. From the best information I have it will.

Mr. GARRETT of Tennessee. Or is that what they are trying to raise?

Mr. MADDEN. That is what they are trying to raise and it is beyond question that that is what they will raise. That makes $3,500,000,000, and we will receive from postal revenues not less than $500,000,000.

Mr. BLACK. Mr. Chairman, will the gentleman yield right there?

Mr. MADDEN. In a moment. That would then show that we would have by virtue of the proposition of $2,500,000,000 income tax and the other revenues I have indicated a prospective revenue of $4,000,000,000, and with appropriations not exceeding $3,500,000,000, with possible payments, according to the Secretary of the Treasury, of not to exceed $4,014,000,000, I see no reason why we ought not to be able in the new revenue act when it comes up for consideration to take off the excess-profits tax, the high bracket of income taxes, the railroad freight and passenger tax, which amounts to $300,000,000 a year, and all of the obnoxious soda water fountain taxes and things of that sort and substitute for them nothing but economy. [Applause on Republican side.]

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK. If I understood the gentleman correctly, he stated that we would probably receive $500,000,000 this fiscal year from the postal revenues—or is it for the fiscal year 1922?

Mr. MADDEN. I am talking about 1922.

Mr. BLACK. If I recall correctly the appropriations to the Postal Service, the expenses will be about $574,000,000.

Mr. MADDEN. $574,000,000 is what they were.

Mr. BLACK. Then that will leave a deficit.

Mr. MADDEN. I assumed when we framed the appropriation bill, and so stated on the floor, that if the revenues from the Postal Service maintained the standard which existed then we would receive about $525,000,000.

Mr. BLACK. Then it is true that we are confronted with a deficit in the Postal Service that will very likely approach $75,000,000. The question I wanted to ask is this: I understand that there is a proposition under way to repeal the zone postal raise which takes place on July 1. I wanted to ask the gentleman if he believes, in view of a $75,000,000 deficit in the Postal Service, that we ought to relieve the big publishers from the increased rate that takes place on July 1?

Mr. MADDEN. When the legislation to which the gentleman refers comes to the House for consideration I shall be then glad to give him my opinion about it.

Mr. GARNER. Why can the gentleman not give it now?

Mr. BLACK. I thought the gentleman might give it at this time.

Mr. MADDEN. I do not know what the legislation is, and until I can give it some consideration I have no opinion to offer upon it. I wish to say to the gentleman from Texas [Mr. BLACK] that while it has been definitely understood that the revenues from the Postal Service would not be sufficient in 1922 to meet the appropriations, it is also fairly well understood that the continued increase in these revenues will more than offset in 1923 any deficiency that might exist in 1922, and while it was said by the outgoing administration, by the Postmaster General in his various reports—and, by the way, I wish to record my very earnest friendship for the Postmaster General of past years, and I have no criticism to make of him, for he did the best he could—that there was a surplus until the final year of his administration, when he said there was a deficit of $17,000,000 and odd, yet when the actual facts were disclosed, as we were able to disclose them, they showed that for the period of his administration there was a deficit not of $17,000,000 but of $105,000,000, for which he and his assistants came to the Committee on Appropriations and obtained deficiency appropriations.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I am not complaining, but am just stating the facts. I yield to the gentleman.

Mr. BLACK. Will the gentleman further explain that that deficit was occasioned by a decision on the part of the Interstate Commerce Commission which raised the rates for carrying the mail 35 per cent?

Mr. MADDEN. Of course, that is true; but the gentleman from Texas will also admit, I am sure, that until that decision was rendered the Post Office Department was not paying anything like what it ought to pay for the work that is done by the railroads in the transportation of the mail.

Mr. BLACK. I am not complaining of the decision of the commission, but I just wanted to get the facts before the House.

Mr. MADDEN. I agree that the time has come for the most rigid system of economy in Government, and for one I propose to exercise every influence and power that I have to put that system into effect. The people of the United States are demanding economy; they are demanding a reduction in taxes; and to the extent that it is possible to give it to them they ought to have it, but it must be realized by everyone who wants to be fair that this administration inherited a legacy of obligations that it must meet. The railroad companies were controlled by the Government of the United States for a period of 26 months, and during that period that control cost the American people $4,006,000,000.

Some people say it did not cost that much; other people say we do not know how much it cost. I have made many calculations on the cost, and my figures show $4,006,000,000. That is more than it cost to run the Government for every activity during the same period of time before we went into the war. And there never was a time when the railroads did not function before they were taken over by the Government. They could have functioned better if they never had been taken over, and we would not have had this enormous charge against the people.

We all realize that the business conditions of the country are not very good. The industrial side of American life is very much depressed. Men are out of work. The agricultural sections of the country are not as prosperous as they might be, and every element of our citizenship is looking forward with hope to a change in conditions. But until we find a lower level in cost, in wages and material and supplies of all kinds, that enter into the life of the Nation we are not going to be able to realize the benefits that we are hoping for and looking forward to. But the time is coming when everybody must realize that the war is over and that peace conditions must prevail and that expenditures of government must be in keeping with the economies necessary by the average man outside of the Government. We have a great responsibility placed upon us. We ought to meet it with courage and fidelity. We will not shrink from this responsibility, but in the performance of our duty under the responsibility we should never hesitate to do that which will bring the greatest economy in government and the greatest happiness and prosperity to the homes of the land. I have no fear but that we will meet the conditions that confront us and meet them to the satisfaction of the people. And when the revenue act is passed—and I wish it had been one of the first things done—I believe the people of the country will realize that we have been forward-looking; that we have had the vision necessary to see their needs; and that we have had the patriotism to do what should be done to bring about the stabilization of all activities and bring back peace and comfort and employment and prosperity and happiness to every home.

Mr. McKENZIE. Will my colleague yield?

Mr. MADDEN. Yes.

Mr. McKENZIE. I have heard it stated that the payment of income tax for the quarter that is now about ended will amount only to about one-fourth of what it did for a similar period last year. Now, if that is true, will we not have to be very careful in reducing the amount of income tax? I wanted to have the gentleman's opinion as to whether or not there was any truth in that statement.

Mr. MADDEN. Of the excess-profits tax, I wish to say to my colleague, in 1919, if I recall, there was collected a little over $3,000,000,000. In 1920, if I recall, it fell to a billion and

three and some odd millions. It is estimated now under the present excess-profits tax it will not yield more than $450,000,000. Now that is, of course, due to the depression in business, due to the fact that people who are engaged in business are not making war profits any more. But all these things will be taken into consideration in the legislation that is to be enacted. It is foreseen that if the excess-profits tax continues it will finally get to a point where no money whatever will be raised from that source. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Will the gentleman on the other side use some of his time?

Mr. DEAL. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I think the following communication from Mr. William H. Anderson, State superintendent of the Antisaloon League of New York, should be made public. It reads as follows:

["The church in action against the saloon." The Antisaloon League of New York, William H. Anderson, State superintendent, sixteenth floor, 906 Broadway, northeast corner Twentieth Street, New York City.]

MR. DINWIDDIE'S BETRAYAL OF PROHIBITION—A STATEMENT BY WILLIAM H. ANDERSON, A MEMBER OF THE NATIONAL EXECUTIVE AND LEGISLATIVE COMMITTEE OF THE ANTISALOON LEAGUE OF AMERICA.

As superintendent of the antisaloon league of the largest State, the center of nullification activity in America, whose liquor interests have just been given aid and comfort as per advance information in our possession, by Rev. Edwin C. Dinwiddie, once national legislative superintendent of the league, it becomes my unpleasant duty to protect the cause by giving the public some facts respecting him, in order that his present attitude may be properly appraised. Since the prominence given his hostility to the dry program is due mainly to the fact he was once connected with the antisaloon league the reason why he is no longer with it becomes pertinent.

That Mr. Dinwiddie has much ability in certain directions and in the past has performed much valuable service while acting for the antisaloon league is admitted. He has also received large credit for victories that came because of the aggressiveness of league men throughout the country, who were willing to be unpopular in order to advance the cause, while allowing Mr. Dinwiddie to pose at Washington as a diplomat, disparaging work of a sort he could neither do nor comprehend, but which was responsible for much of the constructive achievement in his department.

One of the reasons why many league workers were glad when Mr. Wheeler was sent to Washington was because of a growing feeling that it was not safe longer to trust legislative interests and the administration of its policies entirely to Mr. Dinwiddie. Nearly three years ago, during the handling of a situation due to his resentment over this and the exercise of necessary control by the responsible league committee, I told him frankly in the presence of the national executive committee that there was a feeling in many quarters among league workers that he was not playing the game, but looking out for and trying to serve himself first, and advance the cause of prohibition and the league as its exponent, which employed him, second. He announced he would have much to say in reply, but he never said it openly.

Some two years ago, on the basis of definite information, I confronted Mr. Dinwiddie before the league national executive committee with the proposition that he was seeking to be appointed Federal prohibition commissioner under the proposed pending enforcement measure, precisely as the wets were charging in an effort to discredit the sincerity of the league and obstruct enforcement legislation. He could not and did not deny it. This led to the reaffirmation by the national executive committee, national board of directors, and national convention of the league's policy of opposing the appointment of any salaried league staff worker to any position created by any legislation promoted by the league. Notwithstanding this action he persisted in his efforts and was opposed by sincere prohibitionists for the additional reason that he was not adapted for that kind of work and his failure would discredit prohibition, and he was not appointed.

By this time Mr. Dinwiddie's position with the league was absolutely untenable, but because of past services there was no disposition to crowd him. In this sense his statement yesterday that he resigned voluntarily is true. When he did resign over a year ago, his resignation, by its suggestion in substance that the need for such work was over, apparently an effort to save his face and satisfy his grudges by giving the impression that he was dropping the league, was calculated to increase the difficulty of the prohibition work which he evidently thought he was leaving. The national committee in accepting his resignation repudiated his gratuitous dictum while acknowledging the numerous good things he had done. Now he is back in the prohibition fight as a de facto ally of the wets, opposing strengthening enforcement amendments which experience has proved necessary, and favoring the proposal, covered in a bill introduced by the same Congressman who is leading in the fight to repeal the whole Federal enforcement law, to turn prohibition matters entirely over to the Department of Justice. And, if it becomes pertinent, I have the facts to show that these are not the only instances where he has tried to sacrifice the cause of prohibition for his own supposed personal advantage.

Mr. Dinwiddie's defection is not a "split" as jubilantly claimed by the wets. It is only a splinter. The two great nationally recognized prohibition agencies, the Women's Christian Temperance Union and the Anti-Saloon League, are solidly against his liquor-assisting proposals, as are the temperance agencies of the largest denominations. Mr. Dinwiddie represents: (1) A purely paper organization that is supposed to head up in New York; (2) a national reform association which, whatever it stands for and whoever is back of it, has no standing as a material constructive factor in either securing or protecting prohibition; (3) the Good Templars, a small but splendid group with an honorable history, who would undoubtedly repudiate his present attitude if he dared risk a complete personal membership referendum based on briefs prepared by himself and Mr. Wheeler, accompanied by this statement.

The real danger lay in the fact that Mr. Dinwiddie's opposition to what is desired by the churches generally, unless discounted by publication of the facts, might have been used as an excuse for voting to delay or defeat action, by conservative, timid, or shifty Congressmen who come from districts where public sentiment demands prompt, thorough action, and who would have to vote right unless furnished a pretext in the form of a so-called "split" on the dry side. Since, whatever his motive, this was plainly Mr. Dinwiddie's purpose, the public has a right to the protection involved in knowledge of the facts. Those opposed to allowing honest enforcement to be blocked by timid or selfish business interests, with some that are lawless and which could well afford liberally to finance some kinds of so-called "true prohibition" work, need only to close ranks and fight harder to frustrate this surprising attempt at a flank attack, timed for delivery at a supposedly critical moment.

WILLIAM H. ANDERSON,
State Superintendent Anti-Saloon League of New York.

Mr. Chairman, we are told that unless a supplemental measure is passed within a few days, which has been prepared by the gentleman from Minnesota [Mr. VOLSTEAD] and known as the Volstead Supplementary Act, the brewers over the country who have already gone out of business—I am speaking of the ones that have gone out; some of them have not, but I am speaking of the ones that have gone out of business, who have resigned themselves to the inevitable, who have realized that the people of the United States of America are done with the liquor business—unless this measure passes, are going to open up again their breweries and will be in full blast in a few days. I think that kind of an emergency ought to bring out that legislation, and I do not think——

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. BLANTON. Oh, yes; I yield.

Mr. CAMPBELL of Kansas. Does the gentleman know what kind of legislation he is talking about just now?

Mr. BLANTON. Yes; I do.

Mr. CAMPBELL of Kansas. Will he describe the bill that he thinks ought to be brought out and tell what it contains?

Mr. BLANTON. If the gentleman will give me sufficient time, I will.

Mr. CAMPBELL of Kansas. The gentleman is speaking out of order, and I think he ought to be permitted to tell what he knows about the bill.

Mr. BLANTON. I do not want the chairman of the Rules Committee, who could bring out this bill to-day if he wanted to, to take up my time trying to excuse himself for not bringing it out.

Mr. CAMPBELL of Kansas. I am not doing it. I would if I alone could do it.

Mr. BLANTON. They could bring it out if they wanted to.

Mr. CAMPBELL of Kansas. But they do not want to. [Applause.]

Mr. BLANTON. That is what is the matter.

Mr. CAMPBELL of Kansas. And they will not.

Mr. BLANTON. And I am glad that the prohibition—dry—element of this country knows why it is not coming out, and they will put the blame accordingly.

Mr. CAMPBELL of Kansas. Now, will the gentleman tell what is in the bill that he thinks ought to come out?

Mr. BLANTON. In just a moment.

Mr. PARKS of Arkansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BLANTON. I can not yield just now. The gentleman from Kansas has stopped other measures from coming before the House.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. I will tell the gentleman what is in that bill. If he will bring that bill here under special rule and let us pass it, as desired by Mr. VOLSTEAD and the dry forces of this country, we will stop the manufacture of beer designated for medicinal purposes, but really designed for beverage purposes, and to be sold under the guise of medicine. That is what we will do.

Mr. CAMPBELL of Kansas. That is not the only thing you will do.

Mr. BLANTON. The gentleman has stopped other legislation. I admit that. Why, the great Judiciary Committee of this House once reported out a measure unanimously to stop sedition in this country, and the bill went to the Committee on Rules, and the report was given out that our good friend from Kansas, the genial chairman of the Committee on Rules, whom I like, was going to report a rule out at once for its passage, and when it went into the press the next morning the press told us that Mr. Gompers had sent instructions to that committee that he must have a hearing before the rule was passed and that he was not going to let it come out. And he did not let it come out. He went in there with his big attorney, Mr. Ralston, and had hearings for several days, and when he got through the bill was as dead as Hector.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Oh, the Rules Committee can kill legislation when it wants to. [Applause.]

Mr. CAMPBELL of Kansas. It did a good job that day.

Mr. DEAL. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. KNUTSON. And I yield to the gentleman from Massachusetts the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. ROGERS. Mr. Chairman, we hear a good deal in the House concerning the needs of the disabled soldiers and the problems which attend their care, and the righteousness of action by the Congress and by the people to help their lot as much as is possible. Of course, we are all in sympathy with those statements. Of course, we are all anxious to convert them, if we can, into something more practical than language. In my time to-day I want to discuss with the House and present to the House a matter as to which I think we can be of practical use and helpfulness to the disabled soldiers.

I have on the blackboard here a map of Walter Reed Hospital. I am sorry it is not larger and more distinct, but perhaps it will enable the members of the committee more clearly to grasp the points that I want to make. Along the east side of the hospital reservation is Georgia Avenue. To the west is Sixteenth Street, which becomes Alaska Avenue, turning toward the northeast. Fern Street is on the north. To the south the country is largely an undeveloped, sparsely settled region. The original Walter Reed Hospital site ran to the west from Georgia Avenue, with the big brick administration building at about the center of the area as then constituted.

That was the situation when we entered into the war. In 1917 it was seen that we should need to expand the buildings tremendously. So early in 1918 we purchased the tract running all the way over to Sixteenth Street and made that an integral part of the Walter Reed property. At about the same time we added certain triangles to the north.

Two years ago Congress made up its mind that it was to make permanent at the Walter Reed Hospital a great military medical establishment, not merely a hospital site, but a great medical center for the United States Government and the United States Army; and in the Army appropriation act approved July 11, 1919, we appropriated $350,000 for the purchase of land contiguous to Walter Reed Hospital, of about 27 acres in area, for the final location of the Army Medical Museum, the Surgeon General's Library, and the Army Medical School, and for the improvements on the land to be purchased. This provision was expanded somewhat by an amendment to the Army appropriation act approved on the 28th of February of last year.

The property just mentioned is the property to the north of the former site, comprising about 27 acres, and bounded on the north by Fern Street, on the east by Georgia Avenue, and on the northwest by Alaska Avenue. Fourteenth Street, at present, stops about a mile and two-tenths south of the southern line of the Walter Reed Hospital reservation. The intervening country, as many Members of the House will recall, is largely made up of unimproved property, covered with underbrush, with a series of ravines traversing it, and with very few houses anywhere upon it.

This yellow line on the map is the line of Fourteenth Street prolonged. When thus prolonged it passes through the midst of the hospital reservation. The region I am indicating to the south is outside the Walter Reed Reservation, and is in general of the character I have indicated. Fourteenth Street has never been opened through the Walter Reed Hospital site. There has never been a Fourteenth Street on any part of the original Walter Reed property. But up here in the new part in the north, which was purchased under the authority of Congress two years ago, there is a Fourteenth Street, in prolongation of the line of Fourteenth Street, though separated from it by nearly 2 miles. Within a very recent time the proposal has been made to extend Fourteenth Street north from where it stops near Brightwood, right through the Walter Reed Hospital grounds, to make it one of the main arteries of travel out from Washington; to lay street car tracks upon it; and ultimately to create a rival boulevard parallel to Sixteenth Street, two blocks away.

It is that proposal, in so far as it involves cutting Walter Reed Hospital in two, against which I want to protest emphatically to-day. I hope that I can convince Members of the House who have not already considered the matter that it would be criminal for us to authorize or tolerate the extension of Fourteenth Street through the Walter Reed Hospital grounds. We all know the volume of travel on Sixteenth Street and similar highways on a Sunday afternoon, and on almost any pleasant afternoon in the summer, when the motor cars are so numerous. A Fourteenth Street boulevard would be the counterpart. When you think that this hospital is dedicated to disabled soldier patients, many of them crippled, many of them dependent on wheel chairs, to my mind it is a shocking proposal that we shall run a great boulevard through the midst of those hospital grounds to the peril of every disabled soldier who is there. This hospital property to the west, between Fourteenth and Sixteenth Streets, is largely wooded property. It is perhaps the most desirable part of the entire reservation, both because of the lay of the land and because of the presence of the trees which lend themselves to attractive development both for the soldiers' quarters and for the large buildings that are to be erected there under the recent authority of Congress. The project would cut this off from the rest of the reservation by a heavily traveled boulevard.

To separate the two halves of the hospital by a great artery of through travel to and from Washington, with street cars upon it, to my mind is one of the most outrageous things that we can conceive.

It is proposed as an alternative that Fourteenth Street shall be depressed; that is, that it shall run in a cut as it goes through the Walter Reed Hospital grounds. I do not know whether it is practicable to run a cut for that distance without prohibitive cost. To put the street on a lower level would perhaps remove some of the danger to the patients, but the noise of motors and street cars and the stench from the gasoline fumes coming out of the cut would materially affect and impair the value of that property to the soldiers. We establish everywhere "Zones of quiet" near hospitals. This project is to establish a "zone of noise." Walter Reed should be a great soldiers' park system, and I can not for the life of me understand how in the world it can be seriously proposed that it should be bisected by a motor and trolly thoroughfare.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. How would such a street be opened? Would the consent of Congress have to be obtained first, or is there power in the commissioners of the District to institute proceedings for its opening?

Mr. ROGERS. I am coming to that. I am glad to answer the gentleman's question. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes left.

Mr. ROGERS. As I understand the situation there is a highway commission made up of the Secretary of War, the Chief of Engineers, and the Secretary of the Interior. That highway commission takes cognizance of these cases in the first instance. It is to give a public hearing in the District Building on Thursday on this very question. I understand that that commission has not the power to open Fourteenth Street. It never has been opened through the original hospital area and there is no power in the commission to open it. That commission can only recommend to Congress. I am speaking of the matter at this time, perhaps prematurely, because I want to stop this movement before it gets a real start.

Mr. McKENZIE. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. McKENZIE. I want to say to the gentleman from Massachusetts that the Committee on Military Affairs this morning ordered a bill reported prohibiting the opening of this street and ordering it closed.

Mr. ROGERS. I am very glad to hear that. I discussed the matter yesterday with the chairman of the Military Affairs Committee and knew that he shared my view on the subject of the opening of Fourteenth Street. On the other hand, I know that there are exceedingly powerful interests behind the project to open Fourteenth Street. I do not know who or what those interests are, but the War Department has stated positively that very powerful pressure from very influential interests was being brought to bear. I, therefore, thought it wise to bring this matter to the attention of the House early, before men who had not understood the situation might get committed the wrong way on this question.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. I was wondering if the gentleman could tell us who would seriously propose opening a street through Walter Reed Hospital?

Mr. ROGERS. There is a bill before the House now to authorize the opening of Fourteenth Street. That bill was introduced, as it states on its face, by request of the Commissioners of the District of Columbia. I hope that statement on the bill itself conveys the implication that the introducer of it is at least doubtful of its propriety; but the fact that the bill is officially

proposed and apparently sponsored by the city government of the District of Columbia gives it a certain importance, and I think a danger, as to which the House ought promptly to be warned.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. The newspapers of the city are carrying notices of meetings and of action by civic associations which are demanding the opening of the street through the hospital grounds, giving as a reason the great distance between Sixteenth Street and Georgia Avenue, and stating that it is inconvenient and undesirable from all standpoints according to them that there is no street between Sixteenth Street and Georgia Avenue. So there is a demand for it and a strenuous effort made to bring it about; that is, to put through Fourteenth Street.

Mr. MADDEN. If the hospital was not there, it would be justifiable to open Fourteenth Street, but with the hospital there it is not.

Mr. ROGERS. That is true. Of course, no one wants to impair or impede the proper development of a great section of the city. There is no impropriety in opening Fourteenth Street as far north as the hospital grounds. It is a mile and two-tenths from the present end of Fourteenth Street up to that point. I think it would be an excellent thing to open Fourteenth Street up to the southern boundary of the hospital area. That is certain to come within a few years. The street car line may also come in time. But there is no earthly reason why either the street or the street cars should ever run through the hospital grounds. The line can be diverted to Sixteenth Street, which is two blocks to the left, or to Georgia Avenue, which is two blocks to the right. That would serve the hospital fully. It would afford a new means of ingress to Rock Creek Park. It would permit an extension to the north, which would gradually serve any suburban development that may later come as the city develops to the north.

If a great trolley and motor highway cuts through the midst of the Walter Reed Hospital grounds it will be a constant menace to the life and limb of every one of the hundreds of disabled veterans who are or are to be patients at the hospital in the years to come. Even if it should run on a lower level, the noise and the gasoline fumes would seriously militate against the health and happiness of the men, especially the numerous cases suffering from mental or nervous disorders. Furthermore, either solution would prevent for all time the beautiful park development of the Walter Reed area, which Congress has deliberately decided to make a reality. If there were any real reason for cutting these hospital grounds in two, possibly the foregoing arguments, although they seem to me conclusive, might have to be reconsidered. But, as I have shown, the fact is that the trolley and motor highway can run to the southern edge of the hospital property and then deflect two blocks either to the west or east and thence run north as far as desired upon existing highways outside the hospital limits. I hope that the Members of the House will bear in mind this extraordinary proposal and will use their efforts to stop the insidious movement before it gets a fair start. [Applause.]

Under leave granted me to extend my remarks, I print a memorandum prepared for me by Col. Glennan, the commanding officer of the hospital:

WALTER REED GENERAL HOSPITAL,
Washington, D. C. June 20, 1921.

Memorandum on the proposal to open Fourteenth Street through the Walter Reed Reservation.

An appropriation was made by Congress for the purchase of additional land for the Walter Reed Hospital for the purpose of enlarging the permanent hospital, building the Army Medical School, library, and museum, and making a medical training center.

The larger part of the land has been purchased, only those lots which require condemnation being now in the courts.

The streets in this new section to the north had been dedicated to the District of Columbia. The cross streets are unimportant. The only street under discussion is Fourteenth Street, the upper portion of which was dedicated to the District of Columbia, the lower portion being the property of the United States.

House bill 5824, introduced by Mr. KAHN, provides for closing the dedicated streets so that the land may be used as desired by the Government. House bill 5579, introduced by Mr. FOCHT, provides for opening the southern portion of Fourteenth Street, now belonging to the Government, for street traffic and for the Fourteenth Street railroad line, which now ends about 1.2 miles south of the hospital.

The various propositions which have been discussed are as follows:

1. Opening Fourteenth Street through the reservation for surface street and railroad traffic.

This section would be ruinous to the hospital and contrary to all the plans which have been made a study for several years and which were implied in the action of Congress. It is desired to make a parklike reservation where sick and wounded soldiers will be able to go about in chairs and on crutches with safety and in the zone of quiet which is as essential to the hospital and to the schools it is proposed to establish.

2. It has been proposed to lower the grade of Fourteenth Street, with bridges where crossings are desired. This method is about as bad as the first one. It will divide the reservation, and the noise will be as great as in the first method. Both methods also interfere with the plan of the architecture for the development of the medical center.

3. It has been proposed to turn the car line west to Sixteenth Street south of the reservation, run up in the parking on the east side of Sixteenth Street and Alaska Avenue to Fourteenth Street.

It is less objectionable than going through the reservation, but makes a dangerous crossing at the entrance to the hospital and at Alaska Avenue.

4. It has been proposed to bring the car line west, south of the reservation, run under Sixteenth Street at a point where there is now a natural ravine, run north on the side of Rock Creek Park to some point where an exit may be made.

This method is the least objectionable to the hospital, would give an opportunity for a park entrance, and would not seem objectionable, as one way to Rock Creek Park.

5. It has also been proposed to turn the car line east, south of the reservation, to Georgia Avenue and use the present Georgia Avenue tracks to any part desired; as a variation or addition to this method to turn a small loop west to Sixteenth Street and have a park station at the east side of Sixteenth Street.

Either the fourth or fifth methods would be best for the hospital. Fourteenth Street and Sixteenth Street are so near together that ordinary motor traffic would usually go on Sixteenth Street. The car line is practically the only part under discussion.

J. D. GLENNAN,
Colonel, Medical Corps, United States Army, Commanding.

The CHAIRMAN. Does any other gentleman desire recognition?

Mr. DEAL. We have no one else who wishes to speak.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of Julia M. Porter, widow of Clinton A. Porter, late of Company F, First Regiment New Hampshire Infantry, War with Spain, and pay her a pension at the rate of $20 per month.

Mr. KNUTSON. Mr. Chairman, on page 2, line 4, after the word "month," I desire to offer an amendment to insert the words "in lieu of that she is now receiving."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 2, line 4, after the word "month," insert "in lieu of that she is now receiving."

The amendment was agreed to.

The Clerk read as follows:

The name of Christina Stenger, widow of Ferdinand Stenger, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month.

Mr. KNUTSON. Mr. Chairman, I offer the following amendment:

Page 6, line 2, after the word "month," insert "in lieu of that she is now receiving."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 2, after the word "month," insert the words "in lieu of that she is now receiving."

The amendment was agreed to.

The Clerk read as follows:

The name of Simpson Hornaday, late of Company H, Sixth Regiment, and Troop B, Seventh Regiment, United States Cavalry, Indian wars, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving, to include special pension of $10, medal of honor roll.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to comment for a few moments on the speech made on this floor by the distinguished gentleman from New York, the Hon. BOURKE COCKRAN, a week or 10 days ago, in relation to the power of oratory in the House of Representatives in by-gone days, the strength of the House now, and the rules of the House.

I presume, Mr. Chairman, that many an American schoolboy, if asked to define the function of the Roman Senate, would be tempted to reply that the institution existed for the purpose of listening to the speeches of Cicero. Perhaps that is what Cicero himself thought. It is a far cry from the Rome of 2,000 years ago to the United States of America of the present, but those who listened to the eloquent burst of oratory from the lips of the gentleman from New York, the Hon. BOURKE COCKRAN, in the House recently—June 11, pages 2439 to 2441 of the CONGRESSIONAL RECORD—could but gather that, in the speaker's opinion, the House of Representatives should exist, primarily, for the purpose of enabling youthful orators to burst into fame.

In his eloquent way the gentleman from New York made a comparison between the House of to-day and the House of previous years that had a rather bitter tinge of pessimism.

The House had declined in importance, he said, during the last 20 years, and he attributed its decline to the fact that the Members limited their powers by means of abject rules which were designed for the purpose of expediting business instead of letting the eagles of oratory soar at will through the wide stretches of the empyrean. He told us how, in other days, Henry Clay and James G. Blaine and William Jennings Bryan established their reputations upon the floor of the House, how the wealthiest business men, the most astute journalists, and the greatest lawyers burned with desire to leave their businesses and professions behind them and get into Congress, and how the whole country sat spellbound under the sway of their eloquence.

"But it's all over now," sighed Mr. COCKRAN. The glory has departed. The House has shrunk in popular esteem. The newspapers pay little attention to the debates. Nobody is able to boost himself into fame by a speech from the floor. The people do not know "who's who" in Congress, and they care less. And the congressional oasis has become a desert because the Members have thrown away their ancient privileges "by a series of ill-considered rules," the very worst of which he was protesting against at that particular moment. As a word artist BOURKE COCKRAN is remarkable, and as a word artist everybody admires and enjoys him. But the House did not accept his point of view.

An odd feature of the speech of the gentleman from New York [Mr. COCKRAN] was its self-contradictory quality. After he had told us all about the great men who sat in the House in other years, and the vast amount of space the press gave to their utterances and doings, he tipped over the apple cart by presenting another word picture in the form of a comparison between the Congressmen of to-day and yesterday. In the days when the House was flooded with oratory, when the rapt rhetorical eagles soared their loftiest, and the whole country listened to their tiniest whispers with bated breath, the House itself "took refuge in flight." The House, he said,

gave the man who took the floor the attendance of the Speaker, of the Clerk, of the official reporter; it gave him everything but attention. * * * To-day I find the daily attendance largely increased. Members gathered together within range of the man's voice who is speaking, and the speakers have risen to the opportunity afforded by this closer attention.

Evidently the gentleman from New York, in the autointoxication of his remarkable oratory, did not perceive that, in the words just quoted, he gave his whole case away. [Laughter.]

But, Mr. Chairman, that is just what he did do. Out of his own mouth it was demonstrated that the House had become a more efficient body than ever before as a result of adopting the limiting rules which he so strenuously deplored. By shutting off the stream of talk, which threatened to become a Pueblo flood, the Members of the House have been enabled to act, to perform the proper functions of a governing body. The gentleman from New York admitted that in the old days the Members of the House addressed their constituents in their speeches, not each other. It was for him a fatal admission. Of course, it is but natural that a great orator like the gentleman from New York [Mr. COCKRAN] should enjoy the mellifluous sound of his sonorous voice, for each one of us, being human, enjoys showing off any little bag of tricks he may possess, but the business of a governing body is not to listen to platform oratory—no matter how eloquent and engaging—but to perform its labors as efficiently and expeditiously as possible. And the gentleman from New York [Mr. COCKRAN] unconsciously demonstrated the worth of the rules which he sought to condemn. [Applause.]

The Clerk read as follows:

The name of Jacob Amberg, late of Troop D, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Minnesota, Are all of the cases in this bill in exact conformity with the rules of the committee as heretofore adopted—are there any exceptional cases in this bill?

Mr. KNUTSON. No; the Committee on Pensions has a set of rules which it tries to live up to in the consideration of all measures. There is one case, called to the attention of the committee by the gentleman from Georgia [Mr. CRISP], where the applicant is forced to wear a plaster cast reinforced with steel, day and night, and we have given him $50.

The Clerk read as follows:

The name of Sarah G. London, widow of Michael London, late of Company D, Twenty-second Regiment United States Infantry, and Company H, Thirteenth United States Infantry, Indian wars, Regular Establishment, and pay him a pension at the rate of $12 per month.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to substitute the word "her" for the word "him," in line 8, page 21. It is a grammatical error.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to substitute the word "her" for the word "him," in line 8, page 21. Is there objection?

There was no objection.

The Clerk read as follows:

The name of George R. Robinson, late of Troop F, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

Mr. KNUTSON. Mr. Chairman, I offer the following amendment. On page 23, line 14, strike out the figures "20" and insert "30."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 14, strike out the figures "20" and insert in lieu thereof "30."

Mr. KNUTSON. That is a typographical error.

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. KNUTSON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be adopted and the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH, Speaker pro tempore, having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 5214, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KNUTSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 6507, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill H. R. 6507, and asks unanimous consent that the bill be considered in the House as in Committee of the Whole House. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, there are several formal committee amendments, and I ask unanimous consent that they may be offered en bloc after the reading of the bill has been completed and voted upon en bloc.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that certain formal committee amendments may be reported and voted upon en bloc after the reading of the bill has been completed. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that they are just formal amendments?

Mr. FULLER. That is all.

The SPEAKER pro tempore. The Chair hears no objection and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary M. Lytel, helpless and dependent daughter of Isaac Lytel, late of Company D, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Esther H. Drake, widow of George F. Drake, late of Company D, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Zuill, widow of Henry Zuill, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harrietta C. Dickey, widow of Lyman A. Dickey, late of Company I, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Bettie Spencer, widow of Dennis Spencer, late of Company G, Fiftieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma P. Davis, widow of Seth Davis, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Tanner, widow of Judson A. Tanner, late of Company K, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elmira Hedding, widow of George W. Hedding, late of Company K, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Netta Peck, former widow of William Spearse, late of Company L, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

The name of Elizabeth M. Green, widow of Thomas M. Green, late of Company C, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clarissa Wilkins, widow of James M. Wilkins, late of Company C, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Marshall, widow of John Marshall, late of Company G, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Scofield, widow of Charles H. Scofield, late of Company F, Twenty-second Regiment New York State Volunteer Militia Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Elizabeth B. Howard, widow of Edward Howard, late of Company G, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Lathrop, widow of Richard S. Lathrop, late of Company F, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Adolphus Sterling, late of Company A, Ninety-fourth Regiment New York Volunteer Infantry, and Company D, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Lillian S. Dodds, widow of James Dodds, late of Company G, Fourteenth Regiment Rhode Island Colored Volunteer Heavy Artillery, and Company L, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Esther Ann Mitcheltree, widow of John W. Mitcheltree, late of Company C, One hundred and seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucy Wells, widow of Isaac Wells, late of Company H, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rhoda Meacham, widow of Elem S. Meacham, alias Edward M. McAna, late of Company G, Ninety-eighth Regiment New York Volunteer Infantry, and Company L, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Delia E. Nelson, widow of Edwin H. Nelson, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Betsey Lahiff, widow of Dennis Lahiff, late of Company H, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah M. Chalmers, widow of James L. Chalmers, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Viola Lawrence, widow of Melvin Lawrence, late of Company K, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Terressa R. Wood, widow of Joseph Wood, late of Company K, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Robert A. Ayers, helpless and dependent son of Jonathan Ayers, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary F. Lukecart, helpless and dependent daughter of John Lukehart, late of Company A, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Helen M. Dannat, widow of George H. Dannat, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary J. Hayes, widow of George W. Hayes, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Beda A. Godby, widow of William R. Godby, late of Company E, Thirteenth Regiment Kentucky Voluuteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Charlotte Myers, widow of Henry W. Myers, late of Company A, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda Ruble, helpless and dependent daughter of Palser Ruble, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Livingston, widow of Sherman Livingston, late of Company C, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Viola S. Cook, widow of John B. Cook, late of Company K, Seventh Regiment Maine Volunteer Infantry, and Company ———, Twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Tabitha Lewis, widow of Charles W. Lewis, late of Twenty-sixth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Arzila Wolf, helpless and dependent daughter of John Wolf, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ella Cowgill, helpless and dependent daughter of James R. Cowgill, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Emma Townsend, widow of William A. Townsend, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Georgiana Ballard, former widow of Richard Ballard, late of Company A, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Angeline H. Hompe, helpless and dependent daughter of Martinus H. Hompe, late of Company A, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month.

The name of Martha J. Morris, former widow of Jordan Keen, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Benjamin H. Sellars, helpless and dependent son of John H. Sellars, late of Company B, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Emily Eliza Duncan, widow of Thomas Duncan, late of Company F, Twelfth Regiment Tennessee Volunteer Cavalry, and Company D, Twenty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie Crill, widow of George T. Crill, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia A. Marcum, daughter of Hiram C. Marcum, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Bordwell, widow of Joseph Bordwell, late of Company I, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth E. Ellicott, widow of Frank Ellicott, late of Battery M, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Clara H. Farnsworth, widow of John A. Farnsworth, late of Company H, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nannie S. Pickett, widow of Hiram Pickett, late of Company F, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Cordelia A. Robbins, helpless and dependent daughter of Samuel Robbins, late of Company I, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Daniel Lynch, late of Company I, Sixth Regiment Pennsylvania Volunteer Reserve Infantry; Company E, First Regiment United States Cavalry; Company F, Seventh Regiment Pennsylvania Volunteer Cavalry; and Company K, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary A. Clegg, widow of Jerome L. Clegg, late of Company B, Eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Schonemann, widow of Godfrey Schonemann, alias Godfrey Myer, late of Capt. Lerick's company, Thirtieth Regiment, and Company I, Third Regiment, Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan L. Paul, widow of John Paul, late of Company G, Seventh Regiment Michigan Volunteer Cavalry, and Company A, First Regiment Michigan Volunteer Veteran Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Hicks, widow of Samuel W. Hicks, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month.

The name of Charles McHugh, late private unassigned, Ninth Regiment Massachusetts Militia Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary Ella Crout, helpless and dependent daughter of William B. Crout, late of Company C, Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Demmie Inman, widow of Nelson Inman, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jane Hughes, widow of William H. Hughes, late of Company C, Seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Jarrett, widow of John Jarrett, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Bradley, widow of William A. Bradley, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edgar F. Bradley, helpless and dependent son of said Sarah A. and William A. Bradley, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sarah A. Bradley, the name of said Edgar F. Bradley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah A. Bradley.

The name of Katie Berry, widow of William T. Berry, late of Company G, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Penelope Morton, widow of James Morton, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Jennings, widow of Calvin Jennings, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen B. Thomas, widow of Dexter S. Thomas, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eugenie B. Bohnemann, former widow of Charles Thies, late of Company L, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Christine Miner, widow of Daniel Miner, late of Company H, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Isola Foster, helpless and dependent daughter of Gideon W. Foster, late of Company H, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Jesse A. Smith, helpless and dependent son of William Smith, late of Company F, Phelps Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of George E. Hyde, helpless and dependent son of George W. Hyde, late of Company K, First Regiment Wisconsin Volunteer Infantry, and the Forty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $20 per month.

The name of Ruth E. Russell, widow of Dennis L. Russell, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John Linean, late of Company C, Tenth Regiment Illinois Volunteer and Veteran Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Harrison Lantz, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary Hollingsworth, widow of John B. Hollingsworth, late of Company H, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Terrissa N. Hunter, widow of Andrew J. Hunter, late of Company A, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Eliza F. Platt, widow of William H. Platt, late of Company E, Thirteenth Regiment New York State Militia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Pierce Platt, helpless and dependent son of said Eliza F. and William H. Platt, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Eliza F. Platt the name of said Pierce Platt shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Eliza F. Platt.

The name of Elisha R. Kenyon, helpless and dependent son of Benjamin R. A. Kenyon, late of Company G, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Louisa Lee, widow of James Lee, late of Company C, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles W. Lee, helpless and dependent son of said Louisa and James Lee, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Louisa Lee, the name of said Charles W. Lee shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Louisa Lee.

The name of Johanna Lords, widow of Hubert C. Lords, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Arthur E. Lewis, helpless and dependent son of Cicero A. Lewis, late of Company D, Second Regiment Missouri Volunteer State Militia Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Carrie M. Campbell, widow of Richard B. Campbell, late landsman, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Juliet Ratchford, widow of James Ratchford, late of Company I, Thirty-fifth Regiment New York Volunteer Infantry, and Company M, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Almira Mason, widow of Thomas Elwood Mason, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Swails, widow of Josiah Swails, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ethel Walker, helpless and dependent daughter of Robert R. Walker, late of Company F, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary L. Rodman, widow of Carson P. Rodman, late of Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Minnie M. Field, helpless and dependent daughter of Barnett A. Field, late of Company A, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary J. Landes, widow of John R. Landes, late of Company A, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary T. Bailey, widow of Lewis H. Bailey, late of Company L, Fifteenth Regiment New York Volunteer Cavalry, and Company L, Second Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nancy A. Taylor, widow of William Taylor, late of Capt. Hurst's Company B, Osage County Regiment Missouri Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Enlisted Militia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Parthena S. Tennant, widow of Joseph Tennant, late of Company B, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza Hoffman, widow of Albert B. Hoffman, late of Company B, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna M. Bohn, widow of George F. Bohn, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank A. Bohn, helpless and dependent son of said Anna M. Bohn and George F. Bohn, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Anna M. Bohn the name of said Frank A. Bohn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Anna M. Bohn.

The name of Laura E. Pengelly, former widow of Hewitt Dickson, late of Company F, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $35 per month.

The name of Annie V. Benedict, widow of David E. Benedict, late of Company C, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lydia B. Ellis, widow of William Ellis, late of Company C, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ollie M. King, widow of James H. King, late of Company B, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Millard F. Lash, helpless and dependent son of Jacob S. Lash, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lizzie J. Levensaler, widow of William H. Levensaler, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rosa Glass, helpless and dependent daughter of Peter Glass, late of Company I, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alice D. Day, widow of George P. Day, late of Company M, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Herbert A. Mecham, helpless and dependent son of Leonard Mecham, late of Company F, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Adaline M. Hannaford, widow of Thomas J. Hannaford, late of Company F, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Evelyn R. Barlow, widow of Willard W. Barlow, late of Company B, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of George F. Harter, late of Company A, Seventh Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month, and that he be given pensionable status under the act of May 1, 1920, for further relief under the provisions of that act.

The name of Hattie Gorse, widow of John W. Gorse, late of Company K, Tenth Regiment, and Company F, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Jennie Hutton, widow of William C. Hutton, late of Company C, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Pauline Tanner, widow of Frederick Tanner, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucia Biddison, widow of John Biddison, late of Company B, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Priscilla J. Raisbeck, widow of Alphonzo Raisbeck, late of Company A, Fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen E. Rose, widow of Truman Rose, late of Second Brigade, Second Division, Sixth Army Corps, and pay her a pension at the rate of $30 per month.

The name of Lucinda Casler, widow of William A. Casler, late of Company B, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Savira Hutchins, widow of Frederick A. Hutchins, late of Company D, One hundred and fifteenth Regiment New York Volunteer Infantry, and Company B, First Regiment New York Volunteer Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charles H. Scribner, helpless and dependent son of Oscar A. Scribner, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Joseph Lambert, alias Joseph Lumbra, late of Company H, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Loretta J. Rhoads, widow of Jacob H. Rhoads, late of Company H, Thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jessie F. Evans, helpless and dependent daughter of Henry J. Evans, late of Company G, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ora Agnes Carter, helpless and dependent daughter of Samuel Carter, late of Company B, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abby J. Lewis, widow of George C. Lewis, late of Company I, Fifth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Hiram B. Wilson, late of Company B, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $50 per month, and that he be given pensionable status under the act of May 1, 1920, for further relief within the provisions of that act.

The name of Emma Hotchkiss, widow of Florentine Hotchkiss, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Sarah J. Thompson, widow of Robert G. Thompson, late of Company D, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William A. Hartley, helpless and dependent son of John Hartley, late of Company M, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Edith S. Schwartz, widow of Abraham Schwartz, late of Company B, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary S. Lowe, widow of Robert F. Lowe, late of Company D, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Henderson, widow of George Henderson, late of Company C, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mayne Quigley, widow of James Quigley, late of Company F, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet B. S. Soliday, widow of Isaac Soliday, late of Company I, One hundred and sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria Dell Schooley, helpless and dependent daughter of Thomas C. Schooley, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Effie Wall, helpless and dependent daughter of Daniel Wall, late of Company F, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Pauline Gove, widow of Horace S. Gove, late artificer, C Battery, First Battalion, Maine Volunteer Light Artillery, and Seventy-first Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Eleanor Peel, widow of Andrew P. Peel, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia Hollingsworth, widow of James P. Hollingsworth, late of Company A, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Flora Moore, helpless and dependent daughter of Materson A. Moore, late of Company G, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, without restrictions as to any possible future allowance to any widow of soldier.

The name of Mary B. Perkins, widow of William R. Perkins, late of Company G, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nannie Roberts, widow of Levi H. Roberts, late of Company D, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of F. W. Gerding, late special agent Ordnance Department, United States Army, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nora Meridieth, widow of John M. Meridieth, late of Company G, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Esterline, widow of La Fayette Esterline, late of Company H, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia T. Griswold, widow of Samuel J. Griswold, late of Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha A. Warner, widow of John J. Warner, late of Company K, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah S. Morse, widow of Charles L. Morse, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary J. Milton, widow of Alfred Milton, late of Company A, Third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Susan Fuller, widow of William H. Fuller, late landsman, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Minnie J. Cogle, helpless and dependent daughter of James A. Cogle, late of Company G, Eighth Regiment Missouri Volunteer State Militia Cavalry, and Company K, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month.

The name of Laura Hamilton, widow of James A. Hamilton, late of the Signal Corps, United States Army, and pay her a pension at the rate of $30 per month.

The name of Hattie Barnes, widow of Philip S. Barnes, late of Company H, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Yeatts, widow of Howard S. Yeatts, late of Company G, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah M. Burnside, widow of George W. Burnside, late of Company C, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Kate R. Harner, helpless and dependent daughter of Romandes Harner, late of Company C, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Angie E. Leslie, helpless and dependent daughter of Frederick Leslie, late of Company D, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Loudica Howard, widow of Stephen G. Howard, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Lofton, widow of William A. B. Lofton, late of Company B, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Goldman, former widow of Henry C. Collins, late of Capt. Lamb's company, Indiana Volunteer Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of James A. Collins, helpless and dependent son of said Mary E. Goldman and Henry C. Collins, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary E. Goldman the name of said James A. Collins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Goldman.

The name of Rosa Marchant, widow of Enoch Marchant, late of Company F, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennie Harris, helpless and dependent daughter of John B. Harris, late of Company D, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia Beckley, helpless and dependent daughter of Benjamin F. Padgitt, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Harriet U. Webber, helpless and dependent daughter of Samuel H. Webber, late of Company E, Eleventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Adeline Fender, widow of Benjamin F. Fender, late of Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John Henderson, helpless and dependent son of Justus Henderson, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sarah A. Stoddard, former widow of Willard Wilder, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lugenia M. Stuller, widow of William Stuller, late of Company D, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Margaret Mason, widow of Andrew Coon, afterwards known as Charles A. Mason, late of Company X, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Harwood, widow of Thomas Harwood, late chaplain Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phebie Hamilton, widow of George W. Hamilton, late of Company F, Fortieth Regiment, and Company I, Fifty-first Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Georgia A. Hamilton, helpless and dependent daughter of said Phebie and George W. Hamilton, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Phebie Hamilton the name of said Georgia A. Hamilton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Phebie Hamilton.

The name of Lorilla Downhour, former widow of Amos T. Richards, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Barnett, widow of Winfield S. Barnett, late of Company C, Thirty-third Regiment Ohio Volunteer Infantry, and Company B, First Battalion Cavalry, Mississippi Marine Brigade, and pay her a pension at the rate of $30 per month.

The name of Tillie Parkhurst, widow of Ryerson J. Parkhurst, late of Company D, First Battalion, Twelfth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah M. Suthers, widow of William S. Suthers, late of Company D, Seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George E. Wycuff, helpless and dependent son of George Wycuff, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Lillie M. Peairs, widow of Isaac N. Peairs, late of Company H, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa Watson, widow of Albert A. Watson, late of Company E, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah M. Youngs, widow of Frank Youngs, late of Company C, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Virginia Saum, widow of William Saum, late of Company E, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William Saum, helpless and dependent son of said Virginia and William Saum, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Virginia Saum the name of said William Saum shall be placed on the pension roll, subject to the privisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Virginia Saum.

The name of Frances Wilson, incompetent (James R. Wetherby, guardian), widow of David Wilson, late of Company B, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lola E. Hutsonpillar, helpless and dependent daughter of David H. Lovett, late of Company G, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lucy M. Tilson, widow of James S. Tilson, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Kerr, widow of Samuel C. Kerr, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elena N. Medina, widow of Pedro Jose Medina, late of Company C, First Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria Manuelo Lobato, widow of Deciderio Lobato, late of Company D, Third Regiment New Mexico Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha A. Anderson, widow of Jesse Anderson, late of Company B, Fourteenth Regiment, and Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jacob Shultz, helpless and dependent son of Conrad Shultz, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Hattie E. Boyd, widow of Cyrus F. Boyd, late of Company G, Fifteenth Regiment, and Company B, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John H. Stewart, late first-class pilot, United States Navy, and pay him a pension at the rate of $50 per month.

The name of Usley Akers, widow of Caleb Akers, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Welker, widow of George Welker, late of Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Judson, widow of Charles O. Judson, late of Company A, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Rose A. Jones, widow of Benjamin T. Jones, late of Company G, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ettie McPeck, helpless and dependent daughter of Nathan McPeck, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Angeline Wilson, widow of Joseph S. Wilson, late commissary sergeant, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elmer E. Wilson, helpless and dependent son of said Angeline and Joseph S. Wilson, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Angeline Wilson, the name of said Elmer E. Wilson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Angeline Wilson.

The name of Sarah J. Vanfossan, widow of James Vanfossan, late of Companies C and I, Mississippi Marine Brigade, and pay her a pension at the rate of $30 per month.

The name of Katherine Schone, widow of Charles F. Schone, alias Henry Warrenburg, late of Company C, Second Regiment Missouri Volunteer Cavalry, and Company G, Fourth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary O. Horton, widow of William H. Horton, late of First Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie E. Gore, widow of Dennis W. Gore, late of Company G, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lelia Stuart, widow of James Stuart, late of Captain Ahls Independent Battery, Delaware Volunteer Heavy Artillery, and pay her a pension at the rate of $42 per month: *Provided*, That from the date either Georgia A. Stuart or J. Pauline Stuart, minor daughters of said Lelia and James Stuart, arrives at the age of 16 years, or in the event of the death of either of said minor daughters, $6 per month of the pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Lelia Stuart, said minor daughters of soldier shall receive the benefits of the provisions of section 4 of the Pension Act of May 1, 1920, accruing to minor children of a soldier in the event of death or remarriage of such soldier.

The name of John L. Ware, helpless and dependent son of James B. Ware, late of Company A, Thirty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary E. Burdick, widow of William H. Burdick, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Isa Ann Boyd, widow of Thomas H. Boyd, late of Company C, Fifty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lydia Humes, widow of Washington Humes, late of Company I, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Phoebe Miller, helpless and dependent daughter of Abraham Miller, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary F. Kinser, widow of Rufus M. Kinser, late of Company F, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth C. McClain, widow of Walker W. McClain, late of Company K, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Pratt, former widow of John Garner, late of Company I, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucy Alexander, widow of Perry Alexander, late of Company G, One hundred and ninth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Marion B. Patterson, widow of Robert F. Patterson, late lieutenant colonel, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Sutterfield, widow of James M. Sutterfield, late of Company I, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Skinner, widow of Isaac Skinner, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Minnie J. Miner, widow of Wesley D. Miner, late of Company C, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah Koch, widow of Christian J. Koch, late of Company A, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Prettyman, widow of Charles G. Prettyman, late of Company A, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan A. Bailey, widow of John F. Bailey, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ethel Bailey, helpless and dependent daughter of said Susan A. and John F. Bailey, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Susan A. Bailey, the name of Ethel Bailey shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Susan A. Bailey.

The name of Cora A. Sprague, helpless and dependent daughter of William H. Sprague, late of Company M, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Ella L. Quenell, widow of Moses Quenell, late of Company A, Ninety-second Regiment, and Company D, Ninety-sixth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy A. North, widow of Christopher C. North, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Celenda Oxford, widow of Elihu Oxford, late of Company E, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice Gillon, widow of John Gillon, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Susan Hixson, widow of David Hixson, late of Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Bindhammer, widow of Michael Bindhammer, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Augusta L. Benzing, former widow of Richard Papendieck, late of Company E, Forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Catherine Leonard, widow of George H. Leonard, late assistant surgeon, Fifty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna B. McCurley, widow of Felix McCurley, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Orpha Teagarden, widow of Albert Teagarden, late of Company G, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary J. Boo, widow of Adam Boo, late of Company L, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary Gibbens, widow of Jacob Gibbens, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Noah L. Gibbens, helpless and dependent son of said Mary and Jacob Gibbens, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary Gibbens, the name of said Noah L. Gibbens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary Gibbens.

The name of Mary E. Duncan, widow of Hugh Duncan, late of Company H, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Guy, widow of William Guy, alias Andrew J. Guy, alias Charles G. Artz, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and Company C, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eva Deck, widow of Charles S. Deck, late of Company A, Sixty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie J. Haynes, former widow of John S. McIntire, late of Company K, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Heck, former widow of Oliver C. Martin, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catherine R. McVay, helpless and dependent daughter of James H. McVay, late of Company B, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary M. Wentworth, widow of Reuben A. Wentworth, late of Company E, Third Regiment, and Company F, Nineteenth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Willey, widow of William W. Willey, late of Company K, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna S. Elgin, helpless and dependent daughter of John Elgin, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rachel Going, widow of William Going, late of Company G, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lydia E. Krugh, widow of William H. Krugh, late of Company G, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Snyder, former widow of Simon A. Snyder, late of Company K, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie Turner, widow of James M. Turner, late of Company G, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mamie Dell Turner, helpless and dependent daughter of said James M. Turner, stepdaughter of Jennie Turner, the additional pension herein granted shall cease and determine: *Provided further*, That the additional amount of pension herein granted, $20 per month, shall cease from such time as soldier's widow, Jennie Turner, helpless child's stepmother, does not take proper care of said child: *And provided further*, That in the event of the death of Jennie Turner the name of said Mamie Dell Turner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Jennie Turner.

The name of Archie S. Blackmer, helpless and dependent son of William A. Blackmer, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and Company I, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Nicholas Schiller, helpless and dependent son of Nicholas Schiller, late of Company K, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Levi S. Seeley, late of the First Regiment New York Dragoons, also known as the Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Philo Lewis Kelsey, helpless and dependent son of Philo Kelsey, late of Company E, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of George W. Ganung, helpless and dependent son of George W. Ganung, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Alice Haskins, widow of Charles Haskins, late of Company G, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary J. Cordon, former widow of Isaac Cordon, late of Company B, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Margaret Dexter, widow of Knight Dexter, late of Company C, Tenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Schuette, helpless and dependent daughter of Frederick Schuette, late of Company E, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary H. Lauderbaugh, widow of Jesse Lauderbaugh, late of Company E, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Price, helpless and dependent daughter of Thomas Price, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah J. Little, widow of Henry C. Little, late paymaster, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Ella Day, widow of William H. Day, late of Company A, Thirty-fourth Regiment, and Company G, One hundred and fifty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hannah Barrett, widow of William E. Barrett, late of Company D, Twenty-third Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie Shanahan, widow of Winfield S. Shanahan, late of Company K, First Regiment Michigan Volunteer Sharpshooters, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Violetta F. McCool, widow of Jeremiah McCool, late of Company I, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Sanders, widow of James Sanders, late unassigned, Forty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The name of Louisa Powell, widow of James C. Powell, late of Company I, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Thompson, widow of George W. Thompson, late of Company F, First Regiment unassigned detachment, Wisconsin Volunteer Cavalry, Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennie Tann, widow of Charles H. Tann, late of Companies F and G, Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of H. C. Taylor, helpless and dependent son of William B. Taylor, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Louisa Brown, widow of John S. Brown, late of Company D, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sallie Massengale, widow of Jordin Massengale, late of Company G, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Emily J. Wales, widow of Elias C. Wales, alias George Clark, late of Company B, Twenty-fourth Regiment Connecticut Volunteer Infantry, and Company E, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Myra M. Dasher, widow of John W. Dasher, late of Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida L. Fay, former widow of Clinton B. Fay, late of Company C, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Kate A. Phillips, helpless and dependent daughter of William Phillips, late of Company D, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Malinda A. Robinson, widow of Thomas Robinson, late of Company I, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lizzette Hichborn, helpless and dependent daughter of Henry Hichborn, late of Company H, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Barrett, helpless and dependent son of John Barrett, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Fifty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Helen I. Tilton, helpless and dependent daughter of Edwin A. Tilton, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and One hundred and sixty-eighth Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month.

The name of Ella G. Hamrick, helpless and dependent daughter of Thomas H. Hamrick, late of Company K, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph S. Hamrick, helpless and dependent son of Thomas H. Hamrick, late of Company K, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary M. Strong, widow of Thomas J. Strong, late lieutenant colonel Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Crosson At Lee, widow of Goodwin Y. At Lee, late of Company A, Third Battalion District of Columbia Volunteer Militia Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary J. Martin, widow of Jonathan Martin, late of Company E, One hundred and ninety-third Regiment, and Company B, One hundred and sixty-first Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phoebe P. Roberts, widow of Thomas Roberts, late of Company A, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Petty, widow of William A. Petty, late of Battery B, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Joseph S. Penland, late of Company A, Eleventh Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary E. Coon, widow of Jacob S. Coon, late of Company E, Fourth Regiment, and Company B, Second Regiment, West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Burket, widow of Joseph Burket, late of Company E, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, upon her appointment as legal guardian of Daniel Burket: *Provided*, That in the event of the death of Daniel Burket, helpless and dependent son of said Elizabeth and Joseph Burket, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Elizabeth Burket, the name of said Daniel Burket shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Burket, to be paid to duly appointed guardian.

The name of Mary A. Duncan, widow of Jonah Duncan, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Thaddeus Clarkson, late of Company K, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Elizabeth H. Williams, widow of Richard Williams, late of Company I, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alice D. Knight, former widow of Henry Knight, late of Company I, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie J. Clark, former widow of Thomas H. Dayton, late of Company G, Sixty-first Regiment, and Company H, Sixty-first Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mont Musgrave, helpless and dependent son of Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frances Melcher, widow of Henry Melcher, late of Company A, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John W. Hays, late of Company B, National Guard, East Tennessee, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Minnie Baker, widow of James S. Baker, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Agnes B. Earl, widow of Wesley Clark Earl, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month.

The name of Mary A. Lavery, widow of Hugh Lavery, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $35 per month.

The name of Ellen Bridge, former widow of Franklin Hart, late of Company H, Fifth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Patient Wilder, widow of Nel Wilder, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Sarah P. Dobbins, widow of Joshua Dobbins, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The name of Maria J. Loop, widow of Charles B. Loop, late major, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emeline Johnson, former widow of George S. Prior, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The name of James Steele, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month, and the Commissioner of Pensions is hereby directed to give the said James Steele pensionable status under act of May 1, 1920, for the purpose of further relief as provided by said act.

The name of Delia Diehl, widow of Abel T. Diehl, alias Henry Jones, late of Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and Company K, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of E. Dora Cutler, widow of Alfred D. Cutler, late of Company B, Sixth Regiment Massachusetts Volunteer Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Wingerd, helpless and dependent daughter of Samuel Reed, late of Company G, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

Mr. FULLER. Mr. Speaker, I offer the following committee amendments, which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. FULLER:
Page 9, line 13, strike out the period, insert a comma, and add "under certificate No. 309334."
Page 10, line 5, strike out the Christian name "Cordelia" and insert in lieu thereof "Cerelda."
Page 16, strike out lines 20, 21, 22, 23.
Page 23, strike out lines 9, 10, 11, 12.
Page 25, line 22, strike out "$20" and insert in lieu thereof "$30."
Page 38, line 4, strike out the word "soldier" and insert "widow."
Page 45, strike out lines 13, 14, 15, 16.

Mr. FULLER. Mr. Speaker, in the last case the claim of the proposed beneficiary has been allowed by the Bureau of Pensions, as was the case in the amendments on pages 16 and 23.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 308. Mary M. Lytel.
H. R. 309. Esther H. Drake.
H. R. 401. Mary F. Zuill.
H. R. 415. Harrietta C. Dickey.
H. R. 437. Bettie Spencer.
H. R. 440. Emma P. Davis.
H. R. 441. Anna Tanner.
H. R. 442. Elmira Hedding.
H. R. 443. Netta Peck.
H. R. 444. Elizabeth M. Green.
H. R. 446. Clarissa Wilkins.
H. R. 494. Mary Marshall.
H. R. 549. Anna Scofield.
H. R. 582. Elizabeth B. Howard.
H. R. 584. Mary Lathrop.
H. R. 585. Adolphus Sterling.
H. R. 607. Lillian S. Dodds.
H. R. 623. Esther Ann Mitcheltree.
H. R. 629. Lucy Wells.
H. R. 630. Rhoda Meacham.
H. R. 631. Delia E. Nelson.
H. R. 632. Betsey Lahiff.
H. R. 633. Hannah M. Chalmers.
H. R. 634. Viola Lawrence.
H. R. 635. Terressa R. Wood.
H. R. 649. Robert A. Ayers.
H. R. 653. Mary F. Lukecart.
H. R. 663. Helen M. Dannat.
H. R. 664. Mary J. Hayes.
H. R. 666. Beda A. Godby.
H. R. 667. Charlotte Myers.
H. R. 767. Amanda Ruble.
H. R. 834. Mary E. Livingston.
H. R. 860. Viola S. Cook.
H. R. 877. Tabitha Lewis.
H. R. 912. Arzila Wolf.
H. R. 913. Ella Cowgill.
H. R. 914. Emma Townsend.
H. R. 915. Georgiana Ballard.
H. R. 928. Angelina H. Hompe.
H. R. 1005. Martha J. Morris.
H. R. 1025. Benjamin H. Sellars.
H. R. 1026. Emily Eliza Duncan.
H. R. 1077. Annie Crill.
H. R. 1106. Julia A. Marcum.
H. R. 1118. Mary A. Bordwell.
H. R. 1119. Elizabeth E. Ellicott.
H. R. 1164. Clara H. Farnsworth.
H. R. 1218. Nannie S. Pickett.
H. R. 1221. Cordelia A. Robbins.
H. R. 1249. Daniel Lynch.
H. R. 1253. Mary A. Clegg.
H. R. 1254. Mary Schonemann.
H. R. 1255. Susan L. Paul.
H. R. 1256. Mary A. Hicks.
H. R. 1275. Charles McHugh.
H. R. 1288. Mary Ella Crout.
H. R. 1376. Demmie Inman.
H. R. 1378. Jane Hughes.
H. R. 1411. Rebecca Jarrett.
H. R. 1412. Sarah A. Bradley.
H. R. 1413. Katie Berry.
H. R. 1414. Penelope Morton.
H. R. 1415. Elizabeth Jennings.
H. R. 1453. Ellen B. Thomas.
H. R. 1454. Eugenie B. Bohnemann.
H. R. 1455. Christine Miner.
H. R. 1471. Isola Foster.
H. R. 1485. Jesse A. Smith.
H. R. 1553. George E. Hyde.
H. R. 1621. Ruth E. Russell.
R. R. 1643. John Linean.
H. R. 1644. Harrison Lantz.
H. R. 1647. Mary Hollingsworth.
H. R. 1655. Terrissa N. Hunter.
H. R. 1659. Eliza F. Platt.
H. R. 1667. Elisha R. Kenyon.
H. R. 1710. Louisa Lee.
H. R. 1738. Johanna Lords.
H. R. 1744. Arthur E. Lewis.
H. R. 1746. Carrie M. Campbell.
H. R. 1753. Juliet Ratchford.
H. R. 1814. Almira Mason.
H. R. 1831. Elizabeth Swails.
H. R. 1832. Ethel Walker.
H. R. 1833. Mary L. Rodman.
H. R. 1834. Minnie M. Field.
H. R. 1836. Mary J. Landes.
H. R. 1886. Mary T. Bailey.
H. R. 1910. Nancy A. Taylor.
H. R. 1943. Caroline I. Minneley.
H. R. 1951. Parthena S. Tennant.
H. R. 1991. Eliza Hoffman.
H. R. 1992. Anna M. Bohn.
H. R. 2000. Laura E. Pengelly.
H. R. 2007. Annie V. Benedict.
H. R. 2008. Lydia B. Ellis.
H. R. 2009. Ollie M. King.
H. R. 2013. Millard F. Lash.
H. R. 2070. Lizzie J. Levensaler.
H. R. 2073. Rosa Glass.
H. R. 2074. Alice D. Day.
H. R. 2075. Herbert A. Mecham.
H. R. 2076. Adaline M. Hannaford.
H. R. 2079. Evelyn R. Barlow.
H. R. 2102. George F. Harter.
H. R. 2103. Hattie Gorse.
H. R. 2104. Jennie Hutton.
H. R. 2105. Paulina Tanner.
H. R. 2120. Lucia Biddison.
H. R. 2129. Priscilla J. Raisbeck.
H. R. 2130. Ellen E. Rose.
H. R. 2131. Lucinda Casler.
H. R. 2132. Savira Hutchins.
H. R. 2138. Charles H. Scribner.
H. R. 2139. Joseph Lambert, alias Joseph Lumbra.
H. R. 2514. Loretta J. Rhoads.
H. R. 2629. Jessie F. Evans.
H. R. 2635. Ora Agnes Carter.
H. R. 2641. Abby J. Lewis.
H. R. 2642. Hiram B. Wilson.
H. R. 2647. Emma Hotchkiss.
H. R. 2739. Sarah J. Thompson.
H. R. 2740. William A. Hartley.
H. R. 2745. Edith S. Schwartz.
H. R. 2747. Mary S. Lowe.
H. R. 2748. Nancy J. Henderson.
H. R. 2749. Mayne Quigley.
H. R. 2750. Harriet B. S. Soliday.
H. R. 2764. Maria Dell Schooley.
H. R. 2765. Effie Wall.
H. R. 2772. Pauline Gove.
H. R. 2774. Eleanor Peel.
H. R. 2801. Julia Hollingsworth.
H. R. 2803. Flora Moore.
H. R. 2807. Mary B. Perkins.
H. R. 2809. Nannie Roberts.
H. R. 2823. F. W. Gerding.
H. R. 2826. Nora Meridieth.
H. R. 2828. Emma Esterline.
H. R. 2836. Julia T. Griswold.
H. R. 2837. Martha A. Warner.
H. R. 2839. Sarah S. Morse.
H. R. 2842. Mary J. Milton.
H. R. 2925. Susan Fuller.
H. R. 2935. Minnie J. Cogle
H. R. 2952. Laura Hamilton.
H. R. 2955. Hattie Barnes.
H. R. 2956. Elizabeth Yeatts.
H. R. 2972. Sarah M. Burnside.
H. R. 2978. Kate R. Harner.
H. R. 2982. Angie E. Leslie.
H. R. 2984. Loudica Howard.
H. R. 2985. Mary E. Lofton.
H. R. 2986. Mary E. Goldman.
H. R. 3010. Rosa Marchant.
H. R. 3011. Jennie Harris.
H. R. 3012. Julia Beckley.
H. R. 3023. Harriet U. Webber.
H. R. 3043. Adeline Fender.
H. R. 3045. John Henderson.
H. R. 3072. Sarah A. Stoddard.
H. R. 3073. Eugenia M. Stuller.
H. R. 3074. Margaret Mason.
H. R. 3079. Mary E. Harwood.
H. R. 3084. Phebie Hamilton.
H. R. 3085. Lorilla Downhour.
H. R. 3087. Sarah Barnett.
H. R. 3089. Tillie Parkhurst.
H. R. 3090. Sarah M. Suthers.
H. R. 3091. George E. Wycuff.
H. R. 3219. Lillie M. Peairs.
H. R. 3221. Louisa Watson.
H. R. 3248. Sarah M. Youngs.
H. R. 3271. Virginia Saum.
H. R. 3282. Lola E. Hutsonpillar.
H. R. 3286. Frances Wilson, incompetent, James R. Wetherby, guardian.
H. R. 3288. Lucy M. Tilson.
H. R. 3291. Mary Kerr.
H. R. 3294. Elena N. Medina.
H. R. 3295. Maria Manuelo Lobato.
H. R. 3309. Martha A. Anderson.
H. R. 3323. Jacob Shultz.
H. R. 3340. Hattie E. Boyd.
H. R. 3373. John H. Stewart.
H. R. 3374. Usley Akers.
H. R. 3396. Rebecca Welker.
H. R. 3411. Sarah A. Judson.
H. R. 3418. Rose A. Jones.
H. R. 3419. Ettie McPeck.
H. R. 3420. Angeline Wilson.
H. R. 3422. Sarah J. Vanfossan.
H. R. 3433. Katherine Schone.
H. R. 3436. Mary O. Horton.
H. R. 3437. Annie E. Gore.
H. R. 3468. Lelia Stuart.
H. R. 3495. John L. Ware.
H. R. 3498. Mary E. Burdick.
H. R. 3510. Isa Ann Boyd.
H. R. 3542. Lydia Humes.
H. R. 3543. Phoebe Miller.
H. R. 3684. Mary F. Kinser.
H. R. 3788. Elizabeth C. McClain.
H. R. 3790. Sarah J. Pratt.
H. R. 3827. Lucy Alexander.
H. R. 3832. Marion B. Patterson.
H. R. 3833. Mary Sutterfield.
H. R. 3834. Mary E. Skinner.
H. R. 3835. Minnie J. Miner.
H. R. 3875. Hannah Koch.
H. R. 3878. Sarah C. Prettyman.
H. R. 3921. Susan A. Bailey.
H. R. 3930. Cora A. Sprague.
H. R. 3931. Ella L. Quenell.
H. R. 3964. Nancy A. North.
H. R. 3978. Celenda Oxford.
H. R. 3999. Alice Gillon.
H. R. 4013. Susan Hixson.
H. R. 4151. Catharine Bindhammer.
H. R. 4177. Augusta L. Benzing.
H. R. 4181. Catherine Leonard.
H. R. 4224. Anna B. McCurley.
H. R. 4242. Orpha Teagarden.
H. R. 4330. Mary J. Boo.
H. R. 4345. Mary Gibbens.
H. R. 4346. Mary E. Duncan.
H. R. 4375. Mary J. Guy.
H. R. 4430. Eva Deck.
H. R. 4433. Annie J. Haynes.
H. R. 4440. Sarah A. Heck.
H. R. 4480. Catherine R. McVay.
H. R. 4500. Mary M. Wentworth.
H. R. 4556. Mary J. Willey.
H. R. 4557. Anna S. Elgin.
H. R. 4567. Rachel Going.
H. R. 4615. Lydia E. Krugh.
H. R. 4639. Mary E. Snyder.
H. R. 4640. Jennie Turner.
H. R. 4656. Archie S. Blackmer.
H. R. 4657. Nicholas Schiller.
H. R. 4674. Levi S. Seeley.
H. R. 4676. Philo Lewis Kelsey.
H. R. 4678. George W. Ganung.
H. R. 4726. Alice Haskins.
H. R. 4727. Mary J. Cordon.
H. R. 4842. Margaret Dexter.
H. R. 4847. Emma Schuette.
H. R. 4859. Mary H. Lauderbaugh.
H. R. 4865. Margaret Price.
H. R. 4884. Sarah J. Little.
H. R. 4887. Ella Day.
H. R. 4921. Carrie Shanahan.
H. R. 4931. Hannah Barrett.
H. R. 4953. Violetta F. McCool.
H. R. 4961. Elizabeth Sanders.
H. R. 5041. Louisa Powell.
H. R. 5114. Mary E. Thompson.
H. R. 5154. Jennie Tann.
H. R. 5194. H. C. Taylor.
H. R. 5202. Louisa Brown.
H. R. 5204. Sallie Massengale.
H. R. 5209. Emily J. Wales.
H. R. 5238. Myra M. Dasher.
H. R. 5316. Ida L. Fay.
H. R. 5322. Kate A. Phillips.
H. R. 5365. Malinda A. Robinson.
H. R. 5370. Lizzette Hichborn.
H. R. 5416. William Barrett.
H. R. 5455. Helen I. Tilton.
H. R. 5478. Ella G. Hamrick.
H. R. 5479. Joseph H. Hamrick.
H. R. 5487. Mary M. Strong.
H. R. 5494. Mary Crosson At Lee.
H. R. 5502. Mary J. Martin.
H. R. 5550. Phoebe P. Roberts.
H. R. 5552. Sarah A. Petty.
H. R. 5613. Joseph S. Peniand.
H. R. 5672. Mary E. Coon.
H. R. 5735. Elizabeth Burket.
H. R. 5773. Mary A. Duncan.
H. R. 5785. Thaddeus Clarkson.
H. R. 5866. Elizabeth H. Williams.
H. R. 5912. Alice D. Knight.
H. R. 5930. Mattie J. Clark.
H. R. 5993. Mont Musgrave.
H. R. 5995. Frances Melcher.
H. R. 5998. John W. Hays.
H. R. 6062. Minnie Baker.
H. R. 6091. Agnes B. Earl.
H. R. 6104. Mary A. Lavery.
H. R. 6136. Ellen Bridge.
H. R. 6243. Patient Wilder.
H. R. 6267. Sarah P. Dobbins.
H. R. 6334. Maria J. Loop.
H. R. 6336. Emeline Johnson.
H. R. 6416. James Steele.
H. R. 6464. Delia Diehl.
H. R. 6465. E. Dora Cutler.
H. R. 6489. Martha Wingerd.

Mr. COLE. Mr. Speaker, I call up the bill H. R. 6569, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House.

The SPEAKER pro tempore. The gentleman from Ohio calls up the bill H. R. 6569 and asks unanimous consent that the bill may be considered in the House in the Committee of the Whole House. Is there objection?

There was no objection.

Mr. COLE. Mr. Speaker, I ask unanimous consent that certain formal committee amendments to the bill may be considered and voted upon en bloc at the conclusion of the reading of the bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that certain formal committee amendments may be considered and voted upon en bloc at the conclusion of the reading of the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Lewis K. Allen, late of Company E, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel L. Portley, late of Company C, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eva R. Smailes, widow of Edward M. Smailes, late of Company D, First Regiment Florida Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month addi-

tional on account of the minor child of said Edward M. Smailes until he reaches the age of 16 years.

The name of Charles G. Sullivan, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Robert Hicks, late of Company H, Second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Nathaniel Holt, late of Company H, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ben Dockery, late of the Thirty-first Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John W. Adkins, dependent father of Earl W. Adkins, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Rosco Wilkins, late of the Eleventh Recruiting Company, general service, Infantry, United States Army, Regular Establishment, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Anna Kendrick, widow of Herbert N. Kendrick, late of Company G, Twelfth Regiment Minnesota Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of William M. Bainbridge, late of Company E, Twentieth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Isaac Tierson, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Peter Thommensen, late of the United States ship *Hartford*, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Addie Evans, widow of Louis M. Evans, late of Company K, Thirty-third Regiment Michigan Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Sarah J. Nagel, widow of John F. E. Nagel, late of Company M, Second Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy Hunt, widow of Evert J. Hunt, late of Twenty-fourth Battery, United States Field Artillery, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James La Rue, late of Troop F, Ninth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of John N. McCreary, dependent father of Hampton McCreary, late of the Twenty-first Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles M. Green, late unassigned recruit, United States Army, and pay him a pension at the rate of $17 per month.

The name of Mary D. Jenness, dependent mother of Herbert T. Jenness, late of Company B, Fifth Regiment Massachusetts Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Rosie E. Crabtree, widow of John F. Crabtree, late of Company K, Twelfth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said John F. Crabtree until they reach the age of 16 years.

The name of Louis G. Murray, late of Battery D, Fourth Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Claude H. Dean, late of Company I, Forty-ninth Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lucinda J. Henry, widow of William Henry, late of Company E, First Regiment Ohio Volunteers, War with Mexico, and pay her a pension at the rate of $30 per month.

The name of Julia E. Sherrill, widow of Landon Sherrill, late of Company K, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Fred J. Driftmeyer, late of Company G, One hundred and fifty-seventh Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $18 per month.

The name of Levina Baize, widow of Charles E. Baize, late of Company A, Thirteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Arthur S. Hurlburt, late of United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Morris Adler, late of the band, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert G. Clark, late of Company E, Third Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Mendenhall, late of Company E, Thirty-fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John Ferriter, late of Battery H, Second Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles E. Benson, late of Company E, First Regiment New York Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ole L. Rindahl, late of Capt. Stone Olson's Company, Lake Prairie Rangers, Capt. A. Stark's company, Minnesota State Militia (Scandinavian Guards), and Lieut. William Huey's company, St. Peter (Nicollet County) Minnesota Home Guards, and pay him a pension at the rate of $20 per month.

The name of George E. P. Mitchell, late of Company K, First United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $50 per month.

The name of Harmon E. Deck, late of Troop B, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Hulda Flatt, former widow of David S. Beach, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Walter A. Fleming, late of Company I, Fifty-first Regiment Iowa Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lawson Ellsworth, late of Company C, One hundred and sixtieth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank J. Griesbaum, late of Twenty-fourth Battery, United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel E. Blevins, late of general service, Infantry, United States Army, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anson C. Douglas, late a wagoner, Supply Company, Sixth Regiment Ohio Infantry, Regular Establishment, border defense, and pay him a pension at the rate of $30 per month.

The name of Emily E. Patison, widow of William W. Patison, who served in Capt. Joseph Bailey's Company A, Second Regiment Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel W. Eveland, late of Company D, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Allen, late of Company F, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Hiram M. Graves, late of Company B, Twenty-sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James M. Farris, late of Troop D, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria Tighe, widow of Michael F. Tighe, late Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Oscar M. Simpkins, late of Troop —, First Separate Cavalry, Oklahoma National Guard, border defense, Regular Establishment, and pay him a pension at the rate of $50 per month.

The name of Herman F. Oakes, late of Troop H, Fifteenth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elias L. Banta, late of Battery B, Fourth Regiment United States Artillery, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eva Bassett, widow of Edward Bassett, late of Company E, Sixth Regiment Illinois Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Elias J. Quick, late of Capt. Clinton M. Tylers Rangers, Colorado Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Alonzo Tomlinson, late of Company F, Second Indiana National Guard Regiment Infantry, border defense, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Mary Rafferty, widow of Joseph Rafferty, late of Company I, Seventh Regiment Illinois Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Joseph Rafferty until they reach the age of 16 years.

The name of Beulah Hopkins, widow of John Hopkins, late of band, and Troop I, Tenth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child of said John Hopkins until she reaches the age of 16 years.

The name of William Stall, late of Troop F, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of George W. Rathman, alias William Kerper, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Matilda J. Henderson, widow of Hiram Henderson, late landsman United States ships *Ohio* and *United States*, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Russell F. Oliver, late of Company M, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Vance K. Stewart, late of Company G, Twenty-second United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas Purcell, late of the United States Navy, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Delbert R. Spice, late of Company M, Second Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Vida V. Johnson, widow of Charles W. Johnson, late private of Battery K, Fourth Regiment of Artillery, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Charles W. Johnson until she reaches the age of 16 years.

The name of Robert Hopson, late of Company C, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Rose Davidson, dependent mother of Cliff Davidson, late of One hundred and fifty-ninth Company United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Lewis Speie, late of Troop A, Ninth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John H. Doremus, late second lieutenant of Company D, Second Regiment New Jersey Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Elmer E. Finley, late of the Seventeenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James H. Hornsby, late of the Seventh Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George W. Mason, late of Company A, First Regiment Kentucky Cavalry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adelia A. Dell, widow of Valentine Dell, alias Valentine Tell, late of Company G, Seventh Regiment United States Infantry, Seminole Indian War, and pay her a pension at the rate of $20 per month.

The name of Claude S. Kellogg, late of Company G, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Wesley Sweet, late of Company K, Fifth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $18 per month.

The name of Frank C. Lee, late of Company C, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Fred O. Hamilton, late of Company M, Fourth Regiment Missouri Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Benjamin Blackburn, late of Capts. Bennett and Fellows' Company F, First Regiment Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eugene Augustus Gosling, alias James Gaslin, late of Company L, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Buzan, late of Capt. R. E. Eastland's Company B, Second Regiment Oregon State Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Claudie O. Neff, late of Troop I, Fifteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Carrie E. Aram, former widow of John T. Aram, late of Company B, Second Regiment Idaho Volunteers, Indian wars, and pay her a pension at the rate of $12 per month.

The name of John W. Cornell, late of Company F, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Francis Van Name, dependent mother of Charles G. Van Name, late of Company L, Third Battalion Engineers, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bessie P. Leffel, widow of Perlie H. Leffel, late of the Hospital Corps, United States Army, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child of said Perlie H. Leffel until he reaches the age of 16 years.

The name of Samuel M. Griffith, late of Company A, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Peter Urban, late of Company F, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George A. Thompson, late of Troop F, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Wilson, late of Company A, Fourth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Fanny F. Robertson, widow of James M. Robertson, late major, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Antoine Tisdelle, dependent father of Joseph E. Tisdelle, late of Company E, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jacob J. King, late of Company H, Second Infantry, North Carolina National Guard, Regular Establishment, border defense, and pay him a pension at the rate of $30 per month.

The name of Lizzie M. Worster, widow of Isaac H. Worster, late of Company H, Sixteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wade Bledsoe, late of Company K, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John R. Ward, late of the Thirteenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Christine Siehl, dependent mother of Fred Siehl, late of Company K, Third Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John Burke, Battery I, First United States Artillery, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Charles W. Willis, late of Troop B, First Regiment Kentucky Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy I. Wainscott, widow of Hiram Wainscott, late of Company U, Montague County, Tex., Minute Men, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Emma P. Coffey, widow of John Coffey, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Earl S. Reeves, late of Company D, Second Regiment Indiana Infantry, National Guard, Regular Establishment, border defense, and pay him a pension at the rate of $12 per month.

The name of Bridget J. Snody, widow of Frederick Snody, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Harry Elkins, late of Company F, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Thomas Roy, late of Company A, First Regiment New Hampshire Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret Hickman, widow of William Hickman, late of Troop G, Second Regiment United States Dragoons, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Levi F. Howell, late of Company C, Battalion Eighteenth Regiment Kansas Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma C. Blackshear, widow of Cicero S. Blackshear, late of Captain Stewart's company, First Regiment Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert Petritz, late of Battery L, Second Regiment United States Artillery, Indian wars, and pay him a pension at the rate of $20 per month.

The name of George C. Emmert, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Joseph H. Glover, helpless and dependent child of John Glover, late of Company I, Sixteenth Regiment United States Infantry, War with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary C. Whalen, dependent mother of Joseph J. Whalen, late of Company B, First Regiment South Dakota Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of George Foos, late of Troop L, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Angus J. MacDonald, late of Company M, Ninth Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank P. Lilley, late of the band and Company M, Fourth Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $18 per month.

The name of Melissa F. Procter, widow of Robert G. Procter, late second lieutenant, Fifth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elmira E. Sheldrake, widow of John T. Sheldrake, late of Company E, Thirty-seventh Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Allen Kirk, late of Capt. J. K. Kelly's Company C, First Regiment Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Mary Elizabeth Wilson, Frances Wilson, Vitula Wilson, Otto Wilson, and Woodrow Wilson, minor children of Ott Wilson, late of Battery M, First Regiment United States Artillery, War with Spain, and pay them a pension at the rate of $12 per month and $2 per month additional on account of each of the five minor children of the said Ott Wilson until they reach the age of 16 years.

Mr. COLE. Mr. Speaker, I offer the following committee amendments which I send to the desk.

The Clerk read as follows:

Page 3, strike out lines 17, 18, 19, 20.

Page 4, line 20, after the word "Army" insert "Regular Establishment."

Page 6, line 17, after the word "States" insert "volunteer."

Page 8, line 24, after the word "month" add "in lieu of that he is now receiving."

Page 9, line 13, after the word "troops" insert the word "first" and strike out the word "first" on line 14 on the same page.

Page 9, strike out lines 17, 18, 19, 20.

Page 11, line 24, after the word "regiment" strike out the word "of" and insert "United States."

Page 17, line 5, after the word "first" insert "regiment."

Page 18, line 4, after the word "month" add "in lieu of that he is now receiving."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. COLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to said committee.

H. R. 311. Lewis K. Allen.
H. R. 313. Daniel L. Portley.
H. R. 435. Eva R. Smalles.
H. R. 503. Charles G. Sullivan.
H. R. 504. Robert Hicks.
H. R. 510. Nathaniel Holt.
H. R. 656. John Adkins.
H. R. 658. Ben Dockery.
H. R. 662. Rosco Wilkins.
H. R. 835. Anna Kendrick.
H. R. 876. William M. Bainbridge.
H. R. 929. Isaac Tierson.
H. R. 961. Peter Thommensen.
H. R. 1004. Addie Evans.
H. R. 1018. Sarah J. Nagel.
H. R. 1095. Lucy Hunt.
H. R. 1096. James LaRue.
H. R. 1101. John N. McCreary.
H. R. 1105. Charles M. Green.
H. R. 1272. Mary D. Jenness.
H. R. 1408. Louis G. Murray.
H. R. 1409. Rosie E. Crabtree.
H. R. 1477. Claude H. Dean.
H. R. 1487. Lucinda J. Henry.
H. R. 1488. Julia E. Sherrill.
H. R. 1648. Fred J. Driftmeyer.
H. R. 1712. Levina Baize.
H. R. 1716. Arthur S. Hurlburt.
H. R. 1756. Morris Adler.
H. R. 1824. Robert G. Clark.
H. R. 1858. William Mendenhall.
H. R. 1928. John Ferriter.
H. R. 1954. Charles E. Benson.
H. R. 1959. Ole L. Rindahl.
H. R. 1970. George E. P. Mitchell.
H. R. 1994. Harmon E. Deck.
H. R. 1997. Hulda Flatt.
H. R. 2014. Walter A. Fleming.
H. R. 2111. Lawson Ellsworth.
H. R. 2136. Frank J. Griesbaum.
H. R. 2150. Samuel E. Blevins.
H. R. 2513. Anson C. Douglas.
H. R. 2712. Emily E. Patison.
H. R. 2744. Daniel W. Eveland.
H. R. 2811. William Allen.
H. R. 2815. Hiram M. Graves.
H. R. 2816. James M. Farris.
H. R. 2838. Maria F. Tighe.
H. R. 2863. Oscar M. Simpkins.
H. R. 3021. Herman F. Oakes.
H. R. 3035. Elias L. Banta.
H. R. 3071. Eva Bassett.
H. R. 3287. Elias J. Quick.
H. R. 3324. Alonzo Tomlinson.
H. R. 3395. Mary Rafferty.
H. R. 3439. Beulah Hopkins.
H. R. 3706. William Stall.
H. R. 3838. George W. Rathman.
H. R. 3851. Matilda J. Henderson.
H. R. 3968. Russell F. Oliver.

H. R. 4146. Vance K Stewart.
H. R. 4159. Thomas Purcell.
H. R. 4184. Delbert R. Spice.
H. R. 4188. Vida V. Johnson.
H. R. 4324. Robert Hopson.
H. R. 4353. Rose Davidson.
H. R. 4493. Lewis Speie.
H. R. 4501. John H. Doremus.
H. R. 4533. Elmer E. Finley.
H. R. 4538. James H. Hornsby.
H. R. 4541. George W. Mason.
H. R. 4562. Adelia A. Dell.
H. R. 4568. Claude S. Kellogg.
H. R. 4677. Wesley Sweet.
H. R. 4728. Frank C. Lee.
H. R. 4773. Fred O. Hamilton.
H. R. 4846. Benjamin Blackburn.
H. R. 4916. Eugene Augustus Gosling.
H. R. 4935. George Buzan.
H. R. 4969. Claudie O. Neff.
H. R. 4970. Carrie E. Aram.
H. R. 5039. John W. Cornell.
H. R. 5115. Francis Van Name.
H. R. 5237. Bessie P. Leffel.
H. R. 5256. Samuel M. Griffith.
H. R. 5311. Peter Urban.
H. R. 5314. George A. Thompson.
H. R. 5315. William D. Wilson.
H. R. 5317. Fanny F. Robertson.
H. R. 5333. Antoine Tisdelle.
H. R. 5366. Jacob J. King.
H. R. 5381. Lizzie M. Worster.
H. R. 5398. Wade Bledsoe.
H. R. 5402. John R. Ward.
H. R. 5407. Christine Siehl.
H. R. 5417. John Burke.
H. R. 5480. Charles W. Willis.
H. R. 5508. Nancy I. Wainscott.
H. R. 5510. Emma P. Coffey.
H. R. 5534. Earl S. Reeves.
H. R. 5558. Bridget J. Snody.
H. R. 5606. Harry Elkins.
H. R. 5615. Thomas Roy.
H. R. 5701. Margaret Hickman.
H. R. 5807. Levi F. Howell.
H. R. 5842. Emma C. Blackshear.
H. R. 5921. Robert Petritz.
H. R. 5922. George C. Emmert.
H. R. 5929. Joseph H. Glover.
H. R. 5963. Mary C. Whalen.
H. R. 5983. George Foos.
H. R. 6003. Angus J. MacDonald.
H. R. 6005. Frank P. Lilley.
H. R. 6089. Melissa F. Procter.
H. R. 6129. Elmira E. Sheldrake.
H. R. 6181. Allen Kirk.
H. R. 6441. Mary Elizabeth Wilson, Frances Wilson, Vitula Wilson, Otto Wilson, and Woodrow Wilson.

Mr. KOPP. Mr. Speaker, I now call up the bill H. R. 7210.

The SPEAKER pro tempore. The gentleman from Iowa calls up the bill H. R. 7210, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7210) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KOPP. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7210) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Florence E. Foster, widow of David M. Foster, late of Company I, Ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James W. Robinson, late of Company M, Twenty-sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Richard Stevens, late of Company E, Fifth Regiment United States Volunteer Infantry, Indian wars and Civil War, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James R. Carson, late of Battery D, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Eliza Hook Hinkle, former widow of James T. Hook, late of Company G, Third Regiment Indiana Volunteers, War with Mexico, and pay her a pension at the rate of $30 per month.

The name of Annie M. O'Brien, widow of Bernard J. O'Brien, alias Barry McLaughlin, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Nellie Masters, dependent mother of John D. McGinty, late of Company E, First Regiment California Infantry, War with Spain, and pay her a pension at the rate of $20 per month.

The name of Addison Holmes, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Bess, late of Companies H and I, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $80 per month in lieu of that he is now receiving.

The name of James D. White, late of Capt. H. Clay Davis's company, Texas Volunteers. Indian wars, and pay him a pension at the rate of $20 per month.

The name of Jasper Johnson, late of Company D, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion A. McCartney, widow of Ted W. McCartney, late of Company M, Second Regiment Wisconsin Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Ted W. McCartney until they reach the age of 16 years.

The name of James A. Wolfe, late of Battery A, First Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of William P. Grimm, late of Company C, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas M. Stroud, late of Lieut. Willingham's Company U, Montague County, Texas Minute Men, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Maston Harris, late of Troop H, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Neal, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Glen L. Jones, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of Emilie Draves, widow of Michael Draves, late of the U. S. S. *Constellation, Monongahela, Franklin, Kearsarge, Wabash*, and *Abarenda*, United States Navy, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Michael Draves until they reach the age of 16 years.

The name of Lizzie K. Thorpe, widow of John J. Thorpe, late of Company D, Eleventh Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Albert E. Alexander, late of Capt. Nelson Miner's Company A. Dakota Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Elizabeth Welsh, widow of Abram Welsh, late an unassigned recruit, Fifteenth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month.

The name of Ella E. Carbonell, widow of Emil Carbonell, late of Company B, Twenty-second Regiment New York Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Emil Carbonell until he reaches the age of 16 years.

The name of John Murphy, late of Battery B, First Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of William Washburn, late of Battery K, Second Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Anna B. Mount, dependent mother of Edward W. Mount, late of Company L, First Regiment West Virginia Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Isaac B. Butler, late of Company E, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William O. Taylor, late of Troop A, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fred Stanley, late of Troop M, Eleventh Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis Corey, late of Company B, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Melville M. Gordon, late of Company H, Third Regiment Nebraska Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Amanda Ellen Howell, widow of John C. Howell, alias John C. Howard, late of Troop B, Second Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Polly A. Blair, widow of William M. Blair, late of Company F, Fourth Regiment Tennessee Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Laura E. Daniels, widow of Charles E. Daniels, late of Troop K, First Regiment Illinois Cavalry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles Dueber, late of Captains Louis's and Schaefer's companies of Minnesota Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Richard M. Van Dervort, late of Captain James Atkinson's company, Minnesota Volunteers and Scout Minnesota Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Alonzo Sidman, late of Company I, Fifth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herbert G. Hoots, late of Company F, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of 17 per month in lieu of that he is now receiving.

The name of Nancy Adams, dependent mother of Joseph W. Adams, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Ballmann, late of Company K, First Regiment Ohio Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary Berry, widow of George W. Berry, late of Troop L, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen E. Alger, widow of Ernest L. Alger, alias Frank L. Snow, late of Company C, Seventh Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $24 per month, and $2 per month additional on account of the minor child of said Ernest L. Alger until she reaches the age of 16 years: *Provided*, That in the event of the death of Ernest E. Alger, helpless and dependent son of said Ernest L. Alger, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Ellen E. Alger the name of Ernest E. Alger shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Ellen E. Alger.

The name of Juana M. Lopez, widow of Antonio Lopez, late of Captain Gonzales's Company B, Saint Vrain's Battalion, New Mexico Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. McDowell, late of Troop E, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of William Johnson, late of Company H, Thirty-eighth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward S. Coffin, late of Company C, One hundred and Fifty-eighth Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $18 per month.

The name of George Archambault, late of Company C, First Regiment Field Artillery, Minnesota National Guard, border defense, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Willie Brown, late of Company B, Instruction, General Service, Recruits, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of George M. Perry, late of the United States Marine Corps, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Melvina Parker, widow of Frank H. Parker, late of Company M, Twenty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $24 per month: *Provided*, That in the event of the death of Irving Peter Parker, helpless and dependent son of said Frank H. Parker, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Melvina Parker the name of said Irving Peter Parker shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Melvina Parker.

The name of Charles B. Clark, late of Company L, Fifth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $18 per month.

The name of Poppy Trammell, dependent mother of James Trammell, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John G. Patton, late of Company D, First Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Moorehead, widow of James Moorehead, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katherine Raumbeller, widow of August Raumbeller, late of Troop G, Eighth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of William E. Slimp, late of Company M, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Robert Vaughn, late of the Sixty-ninth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James Craig, late of Troop H, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jennie Fleming, former widow of James M. Vaughan, late of Troop E, Sixth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of William Hays, late of Company B, Twenty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Patrick Newell, late of Troop E, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Arthur E. Prager, late of Company I, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of John Sopher, late of Troop C, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Christian S. Mathison, late of Company H, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Reinhard Deibel, late of Battery L, Third Regiment United States Light Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Alex H. Burns, late of the Seventeenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Curt T. Spicer, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Vivian Powers, widow of Frederick J. Powers, alias Fred J. Rew, late of Company K, Third Regiment Connecticut Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and to continue the pension of $2 per month for each minor child of said Frederick J. Powers until they reach the age of 16 years.

The name of James F. Dakins, late of Company G, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William F. Slack, late of Company K, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of William T. North, dependent father of James M. North, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Emil J. Olsen, late of Company G, Third Regiment, and Company G, Thirteenth Regiment, United States Infantry, and Company E, United States Signal Corps, Regular Establishment, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Eugene F. Rose, late of the One hundred and sixteenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 545. Florence E. Foster.
H. R. 1094. James W. Robinson.
H. R. 1097. Richard Stevens.
H. R. 1490. James R. Carson.
H. R. 1574. Eliza Hook Hinkle.
H. R. 1664. Annie M. O'Brien.
H. R. 1768. Nellie Masters.
H. R. 2108. Addison Holmes.
H. R. 2570. James W. Bess.
H. R. 2759. James D. White.
H. R. 3984. Jasper Johnson.
H. R. 4185. Marion A. McCartney.
H. R. 4326. James A. Wolfe.
H. R. 4344. William P. Grimm.
H. R. 4460. Thomas M. Stroud.
H. R. 4462. Maston Harris.
H. R. 4542. William R. Neal.
H. R. 4564. Glen L. Jones.
H. R. 4664. Emilie Draves.
H. R. 4835. Lizzie K. Thorpe.
H. R. 4841. Albert E. Alexander.
H. R. 4849. Elizabeth Welsh.
H. R. 4955. Ella E. Carbonell.
H. R. 5112. John Murphy.
H. R. 5265. William Washburn.
H. R. 5335. Anna B. Mount.
H. R. 5371. Isac B. Butler.
H. R. 5399. William O. Taylor.
H. R. 5409. Fred Stanley.
H. R. 5457. Lewis Corey.
H. R. 5654. Melville M. Gordon.
H. R. 5670. Amanda Ellen Howell.
H. R. 5733. Polly A. Blair.
H. R. 5787. Laura E. Daniels.
H. R. 5793. Charles Dueber.
H. R. 5794. Richard M. Van Dervort.
H. R. 5803. Alonzo Sidman.
H. R. 5997. Herbert G. Hoots.
H. R. 6191. Nancy Adams.
H. R. 6406. John C. Ballmann.
H. R. 6455. Mary Berry.
H. R. 6458. Ellen E. Alger.
H. R. 6461. Juana M. Lopez.
H. R. 6462. John C. McDowell.
H. R. 6467. William Johnson.
H. R. 6477. Edward S. Coffin.
H. R. 6488. George Archambault.
H. R. 6493. Willie Brown.
H. R. 6520. George M. Perry.
H. R. 6547. Melvina Parker.
H. R. 6549. Charles B. Clark.
H. R. 6553. Poppy Trammell.
H. R. 6560. John G. Patton.
H. R. 6580. Margaret Moorehead.
H. R. 6581. Katherine Raumbeller.
H. R. 6593. William E. Slimp.
H. R. 6594. Robert Vaughn.
H. R. 6596. James Craig.
H. R. 6661. Jennie Fleming.
H. R. 6692. William Hays.
H. R. 6693. Patrick Newell.
H. R. 6697. Arthur E. Prager.
H. R. 6706. John Sopher.
H. R. 6727. Christian S. Mathison.
H. R. 6728. Reinhard Deibel.
H. R. 6760. Alex H. Burns.
H. R. 6761. Curt T. Spicer.
H. R. 6799. Vivian Powers.
H. R. 6831. James F. Dakins.
H. R. 6938. William F. Slack.
H. R. 6982. William T. North.
H. R. 7018. Emil J. Olsen.
H. R. 7174. Eugene F. Rose.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KOPP, a motion to reconsider the vote by which the bill was passed was laid on the table.

MONTHLY PAYMENT OF PENSIONS.

Mr. BLAND of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2158, and pending that I would like to make some agreement as to time.

The SPEAKER pro tempore. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2158, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2158) to provide for the monthly payment of pensions.

Mr. BLAND of Indiana. I would like to make some agreement as to time.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Is this bill within the class of bills that the Committee on Pensions may call up as a matter of right? It changes the law in certain respects.

The SPEAKER pro tempore. The Chair assumes that the gentleman calling it up will claim that right.

Mr. BLANTON. It is a change of law, as I understand, from quarterly to monthly.

Mr. BLAND of Indiana. I will say that this makes the payment of pensions monthly, except as to veterans of the late war. It comes from the Invalid Pensions Committee and is proper.

Mr. BLANTON. Is it a privileged bill?

Mr. BLAND of Indiana. I think so.

Mr. BLANTON. I do not think it is.

Mr. GARRETT of Tennessee. I do not know how that is. I hope unless the gentleman from Texas objects that the Chair will not be asked to pass upon the question. There has been no objection made to calling it up.

The SPEAKER pro tempore. The Chair has not passed upon it. Has the gentleman from Indiana [Mr. BLAND] any request to make?

Mr. BLAND of Indiana. I would like to make a request to have an hour—30 minutes on this side and 30 minutes on the other.

Mr. DAVIS of Tennessee. I think that will be satisfactory.

Mr. BLANTON. I do not want to make a point of order unless it is necessary. But I would like to ask the gentleman whether or not it is a fact that this bill will increase the expenses of the United States about $200,000 annually, and that the only benefit that will be derived from such an expense will be that the pensioners will receive their payments monthly instead of quarterly?

Mr. BLAND of Indiana. Answering the questions in the order asked, I will say that it will not cost $200,000.

Mr. BLANTON. How much will it cost?

Mr. BLAND of Indiana. I think to install the necessary adding machines and new machines that ought to have been installed a long time ago in order to save labor it might cost something like $100,000. The arguments for it are so many that I would not undertake to give them all to you in this short time. But the report that is filed here with the bill, and the letter from Secretary Fall, together with a letter from Mr. Saltzgaber, the ex-Commissioner of Pensions, goes into the matter very fully, and I think the gentleman will be convinced that great injustice is being done to those who are drawing their pensions once in three months, whereas the veterans of the late war are drawing them every month or two weeks under the vocational board.

Mr. BLANTON. One further question——

The SPEAKER pro tempore. Will the gentleman let the Chair state the unanimous-consent request? The gentleman from Indiana [Mr. BLAND], if the Chair understands him, asks unanimous consent that general debate be limited to one hour, one-half to be controlled by himself and one-half to be controlled by the gentleman from Tennessee [Mr. DAVIS].

Mr. BLACK. Mr. Speaker, I make the point of order that the bill is not privileged.

Mr. BLAND of Indiana. If the gentleman makes the point of order, I want to be heard on it.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLACK] makes the point of order that the bill is not privileged. Does the gentleman from Texas desire to be heard on the point?

Mr. BLACK. I have nothing to say.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BLAND] is recognized.

Mr. BLAND of Indiana. Mr. Speaker, this legislation comes from the Committee on Invalid Pensions. I understand there has been a decision that certain legislation coming from the Pension Committee, which does not have jurisdiction of Civil War matters, does not have a privileged status. Rule LVI makes legislation from the Invalid Pension Committee of a general character privileged. It specifically says that general pension bills are privileged. This is a general pension bill. While it is administrative in character, it provides generally for the payment of all pensions, and therefore under Rule LVI is privileged. Going upon that assumption, I was authorized by the Invalid Pension Committee to report this bill from the floor of the House. The bill was reported from the floor of the House without objection or any reservation of a point of order against it. It would be my judgment that it is too late to raise a point of order against the bill, even if it was out of order, but I think it is clearly a privileged matter and has a privileged status at this time.

Mr. BLACK. I do not understand that the rules of the House prevent a Member from raising the question of privilege merely because a bill has been reported to the House. For example, there are many bills that have been reported and that are now on the Union Calendar and the House Calendar that are not privileged bills. And in the event that some gentleman should now call up one of those bills, I do not understand that a Member would be precluded from raising the question of privilege.

Now, this is strictly a legislative bill. Under the present law pensions are paid quarterly and the purpose of this bill is to change the method of payment and make these payments monthly. That would be a question of legislation. That, I think, is not contemplated by the rule, and therefore the bill would not be in order. So I make the point that it is not a privileged bill as contemplated by the rule.

Mr. FULLER. I take it that any pension bill coming from the Invalid Pension Committee that is not a private bill is a general pension bill, and under the rules of the House general pension bills reported by the Committee on Invalid Pensions have the same status as appropriation bills or any other privileged bills. There can be no doubt under the rule that this is a general pension bill and has a privileged status under the rules of the House.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BLACK] makes the point of order that the bill reported and called up by the gentleman from Indiana [Mr. BLAND] is not a privileged bill under the rule, and therefore that the motion that he has made is not in order at this time.

The rules of the House give to certain committees the right to report certain bills within their jurisdiction at any time. Among the committees that have that privilege is the Committee on Invalid Pensions, to report general pension bills. In the reporting of private bills the jurisdiction of the Committee on Invalid Pensions is restricted to cases and over which jurisdiction is not given to the other pension committee, the Committee on Pensions. But in giving the Committee on Invalid Pensions the right to report at any time specific reference is made to general pension bills.

The Chair construes that to mean bills or legislation general in character, as distinguished from bills of a private character, or restricted in their purpose or effect.

The precedents seem to hold that the right to report legislation at any time carries with it the right to have it considered at any time, provided it is not in conflict with other rules of the House governing the procedure and precedence of legislation. The Chair upon examining the provisions of this bill finds that while it deals chiefly with the administration of the Pension Bureau, in that it authorizes the payments to be made monthly on the fourth day of each month, beginning not later than July, 1921, as distinguished from quarterly payments, as has heretofore prevailed for some time, yet this provision seems to be general in its character. It is not restricted to any particular class of cases. Furthermore, by its second section it repeals legislation which has heretofore been enacted which may be inconsistent with the provisions of this bill, seemingly dealing with general legislation which is now in force covering the same subject.

The Chair feels that under a strict and fair construction of the rule, having in mind the idea that the rule when adopted was evidently so framed and phrased as to expedite the business of the House, this bill can fairly be considered as a general pension bill, being general in its character, and therefore comes within the provisions of the rule conferring authority upon the Committee on Invalid Pensions to report at any time general pension bills, and the Chair overrules the point of order.

Mr. BLAND of Indiana. Mr. Speaker, I renew my request for unanimous consent.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the general debate on this bill be limited to one hour—one-half to be controlled by himself and one-half to be controlled by the gentleman from Tennessee [Mr. DAVIS]. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Indiana [Mr. BLAND] that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2158.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOWELL] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2158, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2158, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 2158) to provide for the monthly payment of pensions.

Mr. BLAND of Indiana. Mr. Chairman, let the bill be reported.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That payment of pensions shall be made monthly, on the 4th day of each month, beginning not later than July, 1921.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. BLAND of Indiana. Mr. Chairman, there are 771,000 pensioners to-day drawing pensions from the Government roll, including veterans of the late war who are drawing compensation. Of these there are 225,000 soldiers other than World War veterans, and about 281,000 are widows and dependents of such soldiers. Of course, the number of pensioners is decreasing very fast. The 200,000 pensioners who are on the compensation rolls from the World War raise the total to 771,000 pensioners.

The 200,000 men and dependents who are drawing compensation from this war are being paid monthly, for the most part. Some of them are being paid every two weeks. Those that are drawing through the Federal Board for Vocational Education get their pay every two weeks. I think during the war when this Congress passed the law definitely specifying that the veterans of the late war should be paid monthly we recognized a good business principle. Business generally is run by the month. Payments are made by the month or semimonthly. It is quite difficult for one who depends for his sole income upon the Government to adjust himself to a condition where he is paid only once in three months. There are more reasons for paying the soldiers and the survivors of the earlier wars monthly than there are for paying the survivors of the late war monthly, because those drawing for the earlier wars are more dependent upon their pensions.

It is generally known that if a Civil War veteran or a soldier of the Spanish-American War dies now, if he dies after two months of his pension has run and only one month remains to be drawn, if he has no widow and no children, no one can draw that pension. It does not go to his estate, and unless it is shown that the money is spent by some one to bury the soldier the accrued pension can not be drawn. As a result the grocery man does not want to take him as a risk for credit, because the grocery man or storekeeper understands that he has no status as a creditor if the soldier should die. Therefore the soldier becomes a creditor who is not in good favor, and he has to go to some one who will take the risk that he will live three months, and this insurance or risk taken by the merchant costs

the old fellows some money, because the grocer is not going to take the risk unless he charges a higher price for his goods; and so frequently you find these old fellows in the hands of the loan sharks.

You often find the old veteran at the mercy of some grocery man who mistreats him, who charges him more than he charges others, because he takes the risk of not getting his pay at all. As a result it is a discrimination against the old fellow and a great hardship. There is no good reason advanced why these checks should not be made payable monthly. A great many of you gentlemen voted in favor of paying the soldiers of the late war every month and every two weeks. I can not understand why anyone who is willing that the veterans of the late war should receive their pensions monthly should object to paying the Spanish-American veterans or the Civil War veterans monthly when their needs are greater and when they are more dependent.

Mr. BLACK. Will the gentleman yield for a question?

Mr. BLAND of Indiana. Gladly.

Mr. BLACK. In reading the report I see that the Secretary of the Interior has this to say:

> Owing to the vast amount of preparation, changing of the records, ordering new machinery, procuring more spacious quarters and desks for an additional clerical force, at least five months should elapse between the date of the approval of the act and the date the actual operations thereunder should commence.

I notice in the bill it is provided that these payments shall begin monthly after September, 1921. Is it the purpose of the gentleman to offer an amendment postponing that time, so that this confusion will not arise in the Pension Office?

Mr. BLAND of Indiana. If the gentleman will note, this bill was reported in May.

Mr. BLACK. Yes; I know that.

Mr. BLAND of Indiana. Personally I do not think it will take five months to do it. I want to be quite frank with the gentleman, because the question has been raised here with reference to the expense. I do not think the Committee on Appropriations will permit the Pension Bureau to spend any sum of money like that mentioned in the report. I know something about the machinery that is required. I have made a very careful study of it. I do not think it will take any five months to put the new system in operation there.

Mr. BLACK. The gentleman, of course, has made a great deal more careful study of it than I have. I was just wondering, however, whether it would not be necessary to amend this bill.

Mr. BLAND of Indiana. I hardly think so. If it is necessary I am sure it will be amended at the other end of the Capitol. And let me say in that connection that I do not think it will require anything like the sum of money requested. I know it will require an additional expenditure; there is no doubt about that; and I do not raise any objection to the creation of more expense. There will be more work, and it will have to take more clerks.

Mr. BYRNS of Tennessee. The gentleman says he does not think it will require much additional expenditure. Has the gentleman any idea, or has the Pension Commissioner stated to the gentleman's committee, just how many more clerks he will need?

Mr. BLAND of Indiana. Yes; he said it will take 167 additional clerks, and he figures them out, and in the report you will find the number of clerks and the salaries they are to receive, and the total amount of money required.

Mr. BYRNS of Tennessee. What is the total amount?

Mr. BLAND of Indiana. One hundred and sixty-seven clerks, at $1,440 apiece. I have not the time to figure that.

Mr. BYRNS of Tennessee. That additional number of clerks will be required each year?

Mr. BLAND of Indiana. Yes; that is what he says—that it will require that many for the first year.

Mr. BYRNS of Tennessee. And that it will amount to about $250,000.

Mr. BLAND of Indiana. If you gentlemen give them that much they will spend it.

Mr. BYRNS of Tennessee. The gentleman of course knows that it will necessarily require a great many more clerks to issue these checks monthly than it will to issue them quarterly.

Mr. BLAND of Indiana. If the gentleman, who is a member of the Appropriations Committee and is usually very efficient in that regard, will undertake to investigate the Pension Bureau, in my judgment he will find that by the installation of some time-saving machinery down there they can do away with a great many clerks that they already have.

Mr. BYRNS of Tennessee. I think the gentleman is clearly correct in that statement, but I have an idea that if this bill becomes a law—and I have no disposition to oppose it, because I appreciate the force of what the gentleman has said in favor of it—the gentleman will find that the present force will be very much increased.

Mr. BLAND of Indiana. If you gentlemen make the appropriation for it, the number will be increased, but I hope that this statement will be sufficient to call the attention of the Committee on Appropriations, two of whose distinguished members sit before me, to the fact that you ought not to give them all they ask. When they came before this committee they asked for considerable more than they afterwards agreed to take, but we decided to cut the appropriation out of the bill and let you fellows fight it out. I am satisfied that to install the necessary machinery will cost some money. They have got to have an increased number of adding machines and tabulating machines and check-writing machines, but they ask for $6,000 worth of desks, when there are acres and acres of desks that were taken out of the War Department offices after the close of the war. If they can get you gentlemen to appropriate for new desks they will not use those which are already in possession of the Government, and that is one of the expenditures included in the estimate of $250,000, and there are a great many other items in there that they can get along without.

Mr. BYRNS of Tennessee. There is a law on the statute books which requires them to take any surplus desks that there may be.

Mr. BLAND of Indiana. But they figure that in their estimates, because they will buy them if you let them.

Mr. BYRNS of Tennessee. I am quite sure that this Congress desires them to use the surplus desks, if there are any.

Mr. BLAND of Indiana. There are tens of thousands of them.

Mr. BYRNS of Tennessee. I was wondering how the gentleman could figure that this change would cost very little money, when the Pension Commissioner states that he will probably require $250,000 in clerk hire in addition to what he now has, and then, in addition thereto, that he will require some of these various mechanical devices.

Mr. BLAND of Indiana. If you go on in the same old way and do not put in any time-saving machinery, but continue hiring clerks in the old way and do not disturb the lack of efficiency, you will have a $200,000 appropriation.

Mr. BYRNS of Tennessee. I will say to the gentleman that the force has been reduced by several hundred clerks.

Mr. BLAND of Indiana. You have got not only to reduce the force but put in up-to-date machinery that will save employees, but I am not sure that the bureau will want to do that.

Mr. BYRNS of Tennessee. They have some machinery there, but not as much as they need.

Mr. McKENZIE. Will the gentleman yield?

Mr. BLAND of Indiana. I will.

Mr. McKENZIE. As I understand, one of the objects of the bill is to put the Civil War veterans and the Spanish War veterans on the same level as the boys in the recent Great War in the matter of monthly payments. I do not know that I have any serious objection to that; but I want to ask the gentleman from Indiana, inasmuch as we have provided by law that a soldier totally disabled who served in the recent war shall receive approximately $100 per month, if there has been any agitation in the Committee on Invalid Pensions to put the veterans of the Civil War on the same basis and to give to those old fellows $100 a month instead of $72 a month which they now receive under the general law.

Mr. BLAND of Indiana. I will say that under the present law the pensions are so liberal for a veteran of the Civil War that they draw $72 a month if they never had a gunshot wound or saw the enemy, if their physical infirmities are sufficiently serious. That is not on a basis of wounds but on the basis of service. There is a difference between a man's pension on the basis of service and on the basis of actual wounds received in the service. Under existing law the soldier of the Civil War can receive $100 for certain disabilities received in the service.

Mr. McKENZIE. Do not misunderstand me. I make no objection to these boys in the recent war getting $100, and it may not be enough. I am for the most liberal treatment of the boys who took part in the late war, but I can not see the difference between the old soldier who is paralyzed, who, perhaps, is unable to help himself, who received wounds, and a man who is helpless from wounds received in the late war.

Mr. BLAND of Indiana. I think the gentleman's point is well taken, and, in my judgment, there are a great many Civil War veterans who were wounded in the service and who we are not and never have been treating half so well as the veterans of the recent war, and to that extent I think the Government has been remiss in its duty. The gentleman asked if there were any

complaints coming to the committee. Our chairman has received more than I have, probably, but I will say that I do have a great many complaints coming from old soldiers and their friends who think the veterans of the Civil War should receive the same amount of pension as the younger veterans.

Mr. McKENZIE. May we have reason to hope that the Committee on Invalid Pensions will take the matter up in the near future and deal with it?

Mr. BLAND of Indiana. I am not the chairman of the committee, but I recall that the legislative representatives of the Grand Army of the Republic appeared twice before our committee since I have been a member, and in each instance when the Smoot-Bland bill passed at $40 and the Fuller bill at $50, they assured us that they never again would appear and ask for an increase. So if they never appear again and ask for an increase and are satisfied, possibly there will be no more legislation of that character.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, we are now considering a bill, a new departure, a change of the present law, which, according to the gentleman from Indiana, who has charge of the bill, will increase the expenses of the Government at least $100,000 annually and which other gentlemen have figured will increase our expenditures at least $200,000 annually, and with only 42 Members present here in the House. That situation is what the country is facing to-day under the present régime.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. BLANTON. Not now. I want to make some remarks, and then I will yield in a few minutes. That is the fact. This important measure that is going to take at least $100,000 out of the Treasury annually, and we are considering it with only 42 Congressmen present. If we want to vote on it and should call them in, 42 would understand what had been going on and the balance would depend on the door pages to tell them how they should vote.

Is this legislation and incident expense necessary? That is the question. The Secretary says that it will require 167 new clerks in the Pension Department alone at an average of $1,440 a year, which amounts to $29,178. He says that it will require $44,075 to buy the necessary machinery which he must have installed in the Pension Bureau under this different plan. He then says this:

> It should be noted that this estimate provides only for the additional cost in the Bureau of Pensions. The increased number of checks would affect the work in the Post Office Department and in three branches of the Treasury Department, viz, the Treasurer's office, the Bureau of Engraving and Printing, and the office of the Auditor for the Interior Department.

That is extra expense in addition to the $29,178 for clerk hire and $44,751 for machinery. Now I will yield to the gentleman from Indiana.

Mr. BLAND of Indiana. We could save money by paying the pensions yearly?

Mr. BLANTON. Oh, now, I am coming to that. The gentleman from Indiana said that there was a reason why this law should be passed; that when they died the amount of money that was due, if they had no wife or children, could not be paid to anybody, and that the merchants would not credit them because of that fact. That is a good reason if you did not have a way to get around it. I admit that the gentleman was using good logic and that that is a reason why it should be passed, if such condition could not otherwise be corrected, but let me ask the distinguished gentleman from Indiana, who usually looks around for various ways to meet the situation, if it would not accomplish the same end if he had brought in a bill to authorize the payment of the accrued pension to the creditors pro tanto where they had furnished credit to the pensioner before his death.

If he will bring in a little bill authorizing these creditors to be paid, he would meet the very question that he has raised as a reason for the passage of this legislation, which he admits is going to cost the people of this country at least $100,000 a year.

I present this question to the distinguished gentleman from Nebraska [Mr. REAVIS] who is at the head of the reorganization committee, as to whether or not this expense to be added to our present expenses is necessary just now.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. REAVIS. I have very great hopes that the reorganization committee by reallocating the services of the different departments so as to be in harmony with the main purpose of the department will decrease materially the employees in the Pension Bureau.

Mr. BLANTON. I feel sure the gentleman is going to do that, because he is earnestly engaged in the work that he is accomplishing.

Mr. BLAND of Indiana. The gentleman seems to be opposed to the bill upon the theory that it will cost more money to pay these men monthly than every three months. Would the gentleman be in favor of a bill to pay the veterans of the late war every three months, and in that way save some money? We are paying 200,000 of them monthly now, and properly so.

Mr. BLANTON. No; I would not, because these men have been in the habit of getting their money monthly, as they had been working on salaries before they went into the war, and that plan exists under the present law. The State pensioners in practically every State receive their pensions quarterly. The pensioners in my own State, the Confederate veterans, paid by the State of Texas, receive their pensions quarterly.

Mr. BLAND of Indiana. Some of them receive them yearly, but they in no sense depend upon these small pensions, do they?

Mr. BLANTON. If we could not arrange in some other way to give them full credit for their pensions each month, then I would be in favor of this bill, because they must have the credit at the end of each month; but suppose we were to bring in a little measure that would authorize any creditor who furnishes them with groceries or dry goods or any of the necessities of life, in case of the death of the pensioner, to receive sufficient of the accrued pension to satisfy the debts, that would meet the emergency.

Mr. BLAND of Indiana. Oh, no; because the creditor would have to go through some court to have an adjudication of his claim, and he would have to file his claim with the Government, and there would be an indefinite delay and expense, and the soldier would necessarily be discriminated against because he was a three months' pensioner rather than a monthly pensioner.

Mr. BLANTON. We could provide that that could be paid on a voucher, duly authenticated, just like an authenticated account in court on which you sue.

Mr. REAVIS. Does not the gentleman believe that in determining the issue of just who was in fact a creditor, and in apportioning the amount due from the pensioner to the various creditors, that it would require a personnel which would add greatly to the number of employees?

Mr. BLANTON. Oh, we could provide in this bill some regulations that anyone furnishing any commodity to the pensioners, such as groceries or dry goods, or medicines, in the way of a credit, could have a voucher signed at the time, in the nature of a receipt, showing the receipt of the goods, and that he could attach that authenticated voucher under his oath to his account in presenting it to the bureau, and that where it was so authenticated it should be allowed. That matter can be very easily handled. We could thus give these pensioners the benefit of their annuities each month without going to this expense of $100,000 a year, or, according to some of the Members who have figured it up, at least $200,000 a year.

Mr. BLAND of Indiana. Of course, the gentleman understands that a large part of that is for the installation of machinery, and only goes for the first year.

Mr. BLANTON. And the gentleman realizes that the Pension Bureau wants 167 additional clerks itself.

Mr. BLAND of Indiana. It wants them; yes.

Mr. BLANTON. And he realizes that the Post Office Department has got to have additional clerks, and that three branches of the Treasury Department have to have additional clerks, right at a time when we promised the country we were going to send 40,000 of the surplus ones home. And I call the attention of the gentleman from Illinois [Mr. MADDEN] to the fact that, however glibly he can take a pencil and a piece of paper and figure out that we are not spending very much money, and that we are in good shape financially, that we can take the income taxes off the shoulders of the people, yet the money is going out just the same, and although it was stated that the 40,000 surplus clerks here in the city of Washington were going to be sent home, up to date only about 4,000 of them have been sent home.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Chairman, I believe there is almost as much reason for paying these pensions every month to those who are accounted worthy as there is for paying Congressmen their salaries every month. I do not believe that the gentleman from Texas [Mr. BLANTON], who has just taken his seat, or anyone else who may vote against this measure, would be at all willing to have his pay postponed for three months. I do not know, but I am told, that there are mighty few Members of Congress

who do not appear often before the "mourners' bench" down here at the Sergeant at Arms' office and secure a loan of three months' salary, because they are not able to get along with what comes to them every month. I merely mention that fact to remind the gentlemen of this House how much it means to be pinched with financial inconvenience; but it has been suggested that a Congressman earns his salary while the pensioners receive their checks as a gratuity.

Mr. DYER. Does not the gentleman think it is just the other way?

Mr. UPSHAW. I think that Congressmen, for the most part, earn more than they are getting, and I would heartily vote for an increase in salary. I frankly believe, from what I have learned, that there are few men in this House who are really able to live in Washington, however modestly and earnestly they try, and meet the tremendous demands upon them with their present salaries.

Mr. BURKE. Now you are talking.

Mr. UPSHAW. But that is not the question. If it be objected that Congressmen have earned their salaries by hard, efficient work and ought to be paid every month, I answer that these soldiers who are to receive these pensions earned their right to receive them; they earned it defending the Stars and Stripes [applause]; they earned it on the long and trying march; they earned it while keeping the sentinel's lonely vigil; they earned it on the crest of the soldiers' glory as they charged their country's foemen amid the battle's blazing hell; and those who are dependent upon them should be the inheritors of their bravery and their consecration. [Applause.] And I feel, Mr. Chairman and gentlemen, that a great Government like this, that boasts its dower of history and its plentitude of patriotism, ought not to stand on a little matter of expense when these brave old heroes and their dependents need this money every month.

Mr. BLANTON. Will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. BLANTON. Why has the gentleman waited for 25 years before passing this bill?

Mr. UPSHAW. Because the gentleman from Georgia has not been in Congress.

Mr. BLANTON. But he has been a very energetic spokesman for the people of the country during the last 25 years.

Mr. FOSTER. Mr. Chairman, in that connection I want to call attention to the fact that in my own district there are 1,447 veterans of the Civil War still living, at the average age of 77 years. The fact that it was not done 20 years ago does not help those old men. I agree with the gentleman from Georgia entirely.

Mr. UPSHAW. Let me add these other words. I have personally observed the pinch of poverty with many of these old soldiers. I remember one grand old man, Uncle Thornton Burke, 90 years of age, preacher, soldier, and patriot, who used to visit my bedside during the seven years I was bedridden, and I remember how he and his dependent loved ones used to be anxious for the belated pay day to come, and how hard it was for him to make ends meet. And I will say this, gentlemen, that I think it would be the part of a big-hearted, farseeing, grateful Government to reach out the hand of ungrudging liberality to these noble old heroes and those who inherit both their valor and their poverty. If they deserve any pension at all, they deserve it in such a way as not to give them any financial embarrassment. They ought to have their checks as often as a Congressman draws his salary. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield to the gentleman from Texas [Mr. SANDERS].

Mr. SANDERS of Texas. Mr. Chairman and gentlemen of the committee, availing myself of the broad latitude permitted under general debate, I desire to briefly discuss a matter which I deem of vital importance to this Congress and to the people of this Nation. I refer to the Interstate Commerce Commission act as amended by the transportation act of 1920, which amendment emasculated the constitution and laws of many of the States of this Union, centralized the powers to control these important arteries of commerce in the Interstate Commerce Commission at Washington, destroyed State rights, and attained an accomplishment in centralization undreamed of by Hamilton in his palmiest days. This subject has been discussed to some extent at this session of Congress, and I refer to it now for the reason that I have introduced a bill seeking to amend the Interstate Commerce Commission act as amended by the transportation act of 1920, so as to expressly recognize the jurisdiction and power of the several States to regulate intrastate commerce, and I want to keep this agitation going until State rights in this particular are restored to the several States or until we are made to realize that there is absolutely no hope, and that there is inscribed on every State line in this Union the words which Dante saw over the doors of the doomed and damned, "All hope abandon, ye who enter here."

In discussing this question, I want us to keep in mind that the Federal Government is a Government of delegated powers, and that all the rights not delegated to the Federal Government were reserved to the States, and that the transportation act of 1920 assumed powers and jurisdictions in the several States over matters exclusively under State control. While the transportation act of 1920 has dealt a severe blow to the constitution and laws of many of the States, it is my purpose at this time to consider said act only in relation to the constitution and laws of the State of Texas. Like a killing frost, it not only struck down some of our laws but laid its withering blight upon our State constitution, handed down to us by the heroes of Goliad and San Jacinto, who threw off of us the galling yoke of Mexican oppression, and under which constitution we have worked out our own destiny and placed upon our statute books as splendid a system of laws as there is to be found in any State in this Union. Very often in the heat and rush of legislation laws are enacted which fall far short of accomplishing the purposes intended, and sometimes they go further than was anticipated. The transportation act, in my judgment, belongs rightfully in the latter class. If the transportation act of 1920 runs the gantlet of the courts and is held valid, then a part of the constitution of the State of Texas and many of the laws of that State and the United States antitrust laws are nullified. In order to demonstrate that this is true I will make some comparisons. The constitution of Texas, in section 1 of article 10, provides:

> That any railroad corporation or association organized under the laws for the purpose shall have the right to construct and operate a railroad between any points within this State.

Is there anything wrong about that provision in our Constitution? Is there anything in it which in any way interferes with the rights of any other State or of the Federal Government? And yet the transportation act of 1920 knocks it as high as Gilroy's kite, in this: Section 1 of paragraph 18 of the Interstate Commerce Commission act, as amended by said transportation act, provides that "No new railroad can be built or old line extended in any State without a certificate of convenience and necessity from the Interstate Commerce Commission." Why should the Interstate Commerce Commission be empowered to exercise control over the construction or the extension of a railroad wholly within the State of Texas? But not only does that act make provision as I have just stated, but it prescribes a lot of red tape and leaves the commission the right to prescribe more red tape about the procedure in getting that certificate of "convenience and necessity." There is a short line of railroad, part of which is in my district, running from Timpson, Tex., to Henderson, in Rusk County, Tex., a short distance of about 30 miles, owned and controlled, as I understand, by local capital. Suppose these people wanted to extend that line over to Tyler, Tex., the county seat of an adjoining county, they would have to hike off to far-away Washington, at a great expense and loss of time, and go through all kinds of red tape, lay around Washington and pay hotel bills, and procure finally if they could a certificate of "convenience and necessity." Such a law as that is an outrage and an unjustified and unwarranted interference with State rights. Texas has managed to get along very well with her own railroad construction for many years before a certificate of "convenience and necessity" was ever dreamed of. But that is not all. Article 6625 of the Revised Civil Statutes of Texas prohibits the "abandonment of any railroad once established and built, except to shorten the line or lessen the grade." This law is repealed by that section of the transportation act which provides that "all or any portion of a line of railroad may be abandoned upon the granting of a certificate of convenience and necessity by the Interstate Commerce Commission." More trips to Washington, more expense, and more endless red tape. Why should the Federal Government in this way interfere with purely State matters? But that is not all. Sections 5 and 6 of article 10 of the Texas constitution prohibits the consolidation of parallel and competing lines and also the consolidation of any railroad in Texas with any railroad organized under the law of any other State or of the United States. But these very reasonable, salutary provisions in our own State constitution are set aside by section 4 of paragraph 4 of the interstate commerce act, which requires the Interstate Commerce Commission to prepare and adopt plans for the consolidation of the railway prop-

erties of the United States into a limited number of systems, while paragraph 6 of said act provides that carriers can so consolidate without violation of law.

And remember that this act applies to all railroads, whether wholly within one State or not, and relieves them of any violation of the antitrust laws of Texas or of the United States. And let me say in this connection that the antitrust laws of the United States ought to be enforced rather than repealed. If the trusts and combines of this country which are controlling prices and exploiting the general public were put out of business and the rascals who direct and control them put in the penitentiary it would be a happy day for this Republic and considerably ameliorate the deplorable condition of the people. The antitrust laws of the State of Texas are based on that provision in our State constitution which declares "that monopolies and perpetuities are contrary to the genius of a free people and shall never be allowed." But the transportation act goes further and virtually repeals section 3 of article 10 of our State constitution, requiring all railroad companies organized or doing business in Texas to maintain a public office in the State. Section 20a of the interstate commerce act provides that all stock, bonds, and other securities issued by railroads may be issued only after approval of the Interstate Commerce Commission, while paragraph 7 provides that the jurisdiction "shall be exclusive and plenary and a carrier may issue securities and assume obligations or liabilities in accordance with the provisions of this section without securing approval other than as specified herein." That provision nullifies the stock and bond law of Texas, which has been upon our statute books for nearly a quarter of a century, and which has been almost universally regarded by our people as a wholesome law. Under the interpretation of the Interstate Commerce Commission, section 15a and section 13 of paragraph 4, the Interstate Commerce Commission has assumed jurisdiction over purely State rates in this: They have held that all State rate increases, both passenger and freight, must be increased the same percentage over existing rates as interstate rates are increased, regardless of whether or not there exists any unjust discrimination. These provisions are contrary to section 2 of article 10 of the Texas constitution, which requires the Legislature of Texas to pass laws regulating freight and passenger rates and fares and to establish adequate agencies clothed with full power to carry out this provision. It was under this article of the Texas constitution that the Railroad Commission of Texas was created, and after it was created the Hon. John H. Reagen, who was at that time serving Texas and the Nation with honor and ability in the United States Senate, resigned his seat in the Senate and became the chairman of the Texas Railroad Commission. The provision of the interstate commerce act which I have last mentioned also nullifies article 6618 of the Revised Civil Statutes of Texas, which fixes passenger fares at 3 cents per mile, and I am informed that more than 3 cents per mile is now being charged in Texas. Section 1, paragraphs 15 and 16, of the Interstate Commerce Commission act provide that in the event of car shortage the Interstate Commerce Commission shall have authority, either upon complaint or its own initiative, to make regulations with respect to car service, locomotives, and so forth, without respect to ownership.

This provision nullifies all laws of Texas bearing upon the furnishing of cars and equipment to move Texas freight, and practical illustration of the hardships and injustice of such procedure was given by several of my colleagues from Texas at the time that transportation act was passed.

From the comparison of the laws which I have given it seems to me that it is quite plain that the Interstate Commerce Commission act as amended by the transportation act of 1920 is an unjustified and unwarranted interference with State rights as expounded by Jefferson and Madison. By the provisions of that act our State commission has practically been put out of business and about all there is left for them to do is to regulate spurs and see that closets are properly maintained. But the tragedy of the matter is that the people are having to suffer on account of excessive freight rates and inadequate transportation facilities. I do not maintain that if this law is amended and the powers of the railroad commission of Texas are restored that it will solve all of the problems of transportation, but I do believe that it will be a long step in the right direction. To put the railroads on a basis where they can earn a fair return on the capital invested and at the same time serve the public adequately and at a reasonable cost I realize is some problem, but I do think that we can get along better and serve the people better with the powers of State regulation restored. With freight rates so high that the farmer is unable to get his produce to market, it means his financial ruin; and when you injure the farmer you injure the Nation, for he produces that upon which the world lives and he is the backbone of civilization. He has not had a square deal in the past. He wants no special favors. He seeks no special legislation. But he does claim the right to a square deal, and everyone should not only be willing but anxious to accord him that right, for on his prosperity depends the prosperity of the Nation and of the world.

Mr. BLAND of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Chairman and gentlemen, I want to compliment this committee for bringing out this bill and doing tardy justice to the old soldiers who fought for this country.

We have 641,000 employees on the Government pay roll and all are paid every 30 days. About the only persons to whom the Government is paying money who do not receive the same every 30 days are the men who fought to sustain and preserve it. It does seem to me that for a great Government to say it can not afford the little extra expense there would be to pay the men that fought for it every 30 days instead of every 90 days is a peculiar kind of economy.

I have tried to vote for every economy that I could since I came to Congress. I want to lessen the burden of taxation on the backs of the people of this country, but I know the people of my district would feel that I had dishonored them if I should attempt to save them a few paltry cents by saying that the old soldiers who went out in 1861 and fought for them could not have the same treatment that the 641,000 employees of the Government receive. These grand old boys are passing away very rapidly. They saved the Nation by fighting for it. I want to see them have every favor this Government can grant, as I want to see every man who enlisted to fight for this Nation in every war receive every favor its people can bestow.

Mr. ANDREWS. Will the gentleman yield?

Mr. STRONG of Kansas. I will be glad to do so.

Mr. ANDREWS. I wish to say to the gentleman that most of the clerks in the departments in Washington receive their pay every 15 days.

Mr. STRONG of Kansas. Yes; and they work only seven hours a day, and they only want to work five and one-half days a week, and they get 30 days' vacation and sick leave with full pay. I want to see these old soldiers get their money every 30 days, the same as do all others who receive money from our Government. I know lots of them in my district who are dependent on their pensions and now have to run accounts for 90 days at the grocery stores. They need this monthly payment of their pensions. They have asked for it; they are entitled to it; and I want to again compliment the committee for bringing out this bill, and I hope it will speedily pass. [Applause.]

Mr. UPSHAW, Mr. FOSTER, and Mr. SANDERS of Texas were granted leave to extend their remarks in the RECORD.

Mr. DAVIS of Tennessee. Mr. Chairman, I consider this an entirely meritorious measure. I think the reasons for its passage far outweigh the sole objection to its passage. Aside from the suggestion made by the gentleman from Kansas [Mr. STRONG] and others that Government employees, as well as pensioners of the World War, are paid every month or every 15 days, that is true throughout all vocations. It is an exceptional case where any class of men are paid only quarterly. And I think that this discrimination in the case of the old soldiers should be done away with.

Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. Mr. Chairman and gentlemen of the committee, it is not my purpose at this time to discuss the merits or demerits of the pending measure, but in view of the fact that we are now dealing with the subject of ex-service men, the subject of the Government doing its duty to those who have served the Government, I think it fitting that at this time I should make a few remarks concerning Camp Logan and reply to some of the criticisms that have been made of Hospital No. 25, located in the city of Houston, my home town. And I want to say, gentlemen, that I believe that wherever criticism is deserved that criticism should be made. And I believe that wherever men have done their duty or tried to do their duty they should be given due credit for the performance of that duty.

A great deal of criticism has been made concerning Camp Logan or Hospital No. 25. Some of it has been made on the floor of this House. Some of it has been made in the press of the country. I want to ask unanimous consent to extend my remarks in the RECORD by inserting a special report on United States Public Service Hospital No. 25, Houston, Tex., by the chief general inspector of the service, as a part of my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. BLANTON. Mr. Chairman, coupled with that request I ask permission that those who have criticized the hospital, including myself, be permitted to extend their remarks by putting their side of the case in the RECORD. There have been several adverse reports sent here by legions.

Mr. STAFFORD. Mr. Chairman, I think it is a very poor practice to permit the coupling with a unanimous-consent request another unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GARRETT], aside from the request of the gentleman from Texas [Mr. BLANTON], that he may be permitted to insert certain matter?

Mr. STAFFORD. I demand the regular order, Mr. Chairman. The gentleman has no right to couple with that request another request. He can submit his request separately.

The CHAIRMAN. The gentleman's point is well taken. Is there objection to the request of the gentleman from Texas [Mr. GARRETT]?

There was no objection.

Mr. GARRETT of Texas. Mr. Chairman, I hope that every Member of the House will read the report, every line of it. It is short and to the point.

Also in that connection I will say that the gentleman from Texas, my colleague [Mr. BLANTON], put into the RECORD a very voluminous document and a number of affidavits on April 20 last and criticized very severely an officer of that camp. And now, in order that the House may understand the situation, I would like to read a letter signed by my colleague from Texas, addressed to Gen. Hugh S. Cumming, dated April 29, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 29, 1921.

Gen. HUGH S. CUMMING,
Surgeon General United States Public Health Service,
Washington, D. C.

MY DEAR GEN. CUMMING: Evidence furnished me from several sources has convinced me that Maj. Herbert Caldwell, at Hospital No. 25, Houston, Tex., was in no way actuated by any personal feeling in re his action concerning Thomas E. Pinkerton, concerning whom I sent you a report on April 15. I find that Maj. Caldwell is an excellent gentleman, with deep sympathy for the present trials of our ex-service men, and I feel sure that Maj. Caldwell was sincere, honest, and conscientious in whatever action he took, whether mistake or not was made. I feel that justice to him demands that this statement be filed with the record.

Very sincerely, yours,

THOMAS L. BLANTON.

I had hoped and had waited for some time for my colleague to rise upon the floor of the House and seek to right the wrong in the place where he had committed it, by putting the above letter in the RECORD himself; but inasmuch as he has not done so, I feel, in justice to Camp Logan, in my city, and in justice to the men there in charge, to insert it myself.

Miss ROBERTSON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Texas. Certainly.

Miss ROBERTSON. I have criticized that camp very severely, as to conditions last year, but recently the information has come to me that the camp has been cleaned up and is now in perfect condition. I am glad to make that statement. I did not say the camp was a swamp. Bad conditions did exist, but have been rectified. [Applause.]

Mr. GARRETT of Texas. I thank the lady. Mr. Chairman, before leaving my home for Washington, about the 20th of March, having heard a good deal of criticism of Camp Logan, I made an inspection of it. Mr. Chairman, I have no greater interest in the camp than the interest and general welfare of the boys who are located there. I went through that camp from one end of it to the other, and I want to say for Maj. Axline, in charge of that camp, that never was there a man more open to inquiry and inspection. Everybody who went out to investigate that camp—every ex-service man, every man representing the Legion, and everybody else—was allowed free access and opportunity to make a full and complete investigation into every detail of the management and operation of the camp and conditions as they existed. Mr. Chairman, now I will tell the House the cause of the dissatisfaction with Camp Logan. It is not the buildings and it is not the place where it is located. No person, I dare say, who ever went out in that beautiful grove in which Camp Logan is situated, with its beautiful trees, and rested under those beautiful skies will ever complain. This is the case not only with regard to the general patients there, but men afflicted with tuberculosis, who were said to have requested that they be removed to other places, but when the time came to go they asked to be permitted to remain there, to hear the birds sing and to have the cool Gulf breezes fan their fevered brows. [Applause.]

The trouble with Camp Logan is the same trouble that exists in every camp in this Union, namely, that the men there are not getting their compensation and are not getting the treatment that they should receive from Washington. I had a list of every disabled enlisted man at Camp Logan, compiled by the Red Cross under the supervision of Maj. Axline. It was mailed out of Houston on the 1st day of April. It came to Washington and went to the office of the Surgeon General of the Public Health Service, and from there it was transmitted to the Bureau of War Risk Insurance, where it has been since perhaps the 15th day of April.

That list showed that out of 840 men in Camp Logan entitled to compensation, out of 840 patients, there were only 398, I believe it was, who were drawing compensation. Since that time I have been at work with the Bureau of War Risk Insurance to get that list worked out and to secure to these men their compensation. I have been trying to work for the men; I have not sought any political advantage or anything of that kind. I do not get up on the floor of the House and read every letter I get from an ex-service man about his compensation. If I get a letter from an ex-service man I go to the Bureau of War Risk, and try to get the relief which he is entitled to. That is what I have been doing. [Applause.] For one solid week the Bureau of War Risk Insurance has had a special force at work on that list, and to-day they have asked for a continuation of one week more, as they say then they will have the trouble straightened out and that these men will receive justice.

That is the thing, gentlemen, that these men have been complaining of, and not the location of Camp Logan. It is a beautiful place. I wish you could all go there and see it. I wish you could go there to-night. I wish you could go there on some of the hot nights in July and August, when you will be burning up here in Washington. I wish you might move away down into the State of Texas and go out under the trees at Camp Logan, where these boys are rolling on the grass and enjoying the balmy breezes from the Gulf. You would understand then why those poor tubercular patients do not want to leave Camp Logan.

Mr. Chairman, I have other letters here that I would like to insert in the RECORD. Mr. Chairman, I do not contend that everything has gone right at Camp Logan at all times. It has not gone right all the time anywhere—people do err, and until humanity reaches a state of perfection will continue to err.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Texas. I ask unanimous consent to include in the RECORD a letter from Gen. Cumming, addressed to myself, transmitting a copy of the special report and one concerning the conduct of Surg. John M. Holt, who was at one time stationed at Camp Logan Hospital. I am not informed as to the facts in the case, but will say without hesitation, if he has been guilty of misconduct, he should have meted out to him full punishment, and I am putting the letter with reference to him in the RECORD because I want the House to know all the facts so that you may read them and know them and understand them all. [Applause.]

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The documents referred to are as follows:

TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, July 1½, 1921.

Hon. DANIEL E. GARRETT,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In reply to your inquiry as to the status of the case of Surg. John M. Holt, United States Public Health Service, against whom allegations of financial irregularities have been made, I have the honor to state that information was received by this office on May 16, 1921, that the Department of Justice had been investigating into certain allegations which had been made against the actions and the character of Surg. John M. Holt, of this service.

An investigation was immediately ordered by the general inspection service. A report of this investigation, together with a report of the investigation conducted by the Department of Justice, was received on May 27, 1921. Upon the request of the Secretary of the Treasury, the Attorney General of the United States detailed an officer of the Department of Justice to formulate charges against Surg. Holt. These charges were received at this office on June 10.

A board has been convened by the Secretary of the Treasury before which Surg. Holt will be brought to answer these charges, and the matter will be promptly and vigorously prosecuted.

Yours, very truly,

H. S. CUMMING,
Surgeon General.

TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, June 11, 1921.

Hon. DANIEL E. GARRETT,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to transmit herewith copy of the special report made on the general conditions existing in the United States Public Health Service Hospital No. 25, Houston, Tex. This report is drafted from a very large number of reports of inspections

and special investigations conducted at the above-mentioned hospital subsequent to September 1, 1920, documents previous to that date not having been used in the compilation of this report.

The basic documents are on file in the office of the general inspection service of this bureau, and are, of course, open to the inspection of any Member of Congress who is interested.

Very truly, yours,

H. S. CUMMING,
Surgeon General.

SPECIAL REPORT ON UNITED STATES PUBLIC HEALTH SERVICE HOSPITAL NO. 25, HOUSTON, TEX.

(By Chief, General Inspection Service.)

TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, June 11, 1921.

Memorandum to the Surgeon General United States Public Health Service, Washington.

1. In compliance with instructions, I have the honor to submit the following information with regard to United States Public Health Service Hospital No. 25, Houston, Tex.:

2. This hospital is located in the city of Houston, which has a population of 150,000 and which, with its numerous lines of railway, is one of the principal railroad centers of the Gulf coast. The hospital proper is located 3½ miles outside of the city of Houston, being reached by paved roads in good condition, a trolley line which runs from the city into the reservation, and also by jitney service.

3. The reservation contains 209 acres of ground, 75 acres of which are devoted to lawn and 2½ to garden, ample space being allotted for recreation, tennis court, basket-ball court, croquet court, and baseball diamond being provided.

4. The soil is sandy, with a clay subsoil, and while the elevation is only about 80 feet above sea level, the drainage, which at the time the cantonment was taken over from the Army was not ideal, has been, by ditching and filling, immeasurably improved until now it is entirely satisfactory.

5. The hospital was built by the Army as an emergency military camp, and consists of some 74 buildings of the wooden-pavilion type on concrete pillars, 16 of the buildings being of the 2-story variety, with fire escapes (ladders attached to buildings) at each end. All buildings have been recently painted and most of them are connected by covered, screened ambulatories, and though not rat proofed, are completely screened, and the screening on all of them is new and in good condition.

6. The grounds contain a large number of pine and oak trees, and the lawn and grounds are clean and well kept, illuminated by electricity, and altogether the plant presents a neat and attractive appearance.

7. With regard to the suitability of the climate, the following is a quotation from a special report made in January, 1921, by George Thomas Palmer, attending specialist in tuberculosis:

8. "A definite and perhaps unfounded prejudice against the climatic conditions at Houston unquestionably prevails. * * * I am impressed that tuberculosis can be satisfactorily treated at Houston, although the weather conditions are not ideal. It appears that the most definite prejudice in regard to the climatic conditions at Houston is entertained by a class of physicians who have an equally unreasoning prejudice in favor of the climatic conditions of Arizona and New Mexico."

9. In this connection attention is respectfully invited to the official records of the United States Army which show that the cantonment (Camp Logan) during its occupation by the Army had a most enviable record. It is true that Houston is situated in a subtropical climate, and the charge has been made that malaria-bearing mosquitoes were breeding on the hospital grounds and that "frogs were croaking under the buildings." Under the Public Health Service practically no case of malaria has originated at this hospital. But few cases have occurred, and these were either imported or were recurrences of previous attacks. Mosquito breeding has been prevented by proper drainage, by oiling, and by the stocking of streams and ponds with minnows, which devour the mosquito larvae, and by other methods of the sanitary engineer.

10. This hospital was inspected by a general inspector of the Public Health Service on February 1 to 5, inclusive, 1921; by a different inspector general of the Public Health Service on March 5 to 9, inclusive, 1921; and on May 22, 1921, the acting chief of the General Inspection Service made an inspection of the hospital, at which time the previous reports by the general inspectors referred to above were checked up and the condition stated by them to exist were found to be correct.

11. This hospital has a capacity of 1,035 patients, and at the time of the May inspection there were on duty at this hospital 33 commissioned officers of the Public Health Service, 42 nurses, with a sufficient number of orderlies, attendants, and other noncommissioned personnel.

12. The hospital is inspected daily by the officer of the day, inspections being made at meal times as well as at unannounced hours during the day. The formal weekly inspection is made by the medical officer in charge, who also holds daily conferences with the chiefs of the various departments of the hospital.

13. The fire-fighting apparatus consists of 33 axes, 172 pyrene extinguishers, 29 3-gallon pony extinguishers, 11 hand-pump extinguishers, 36 pails, 650 feet of 2-inch hose in buildings, 900 feet of 2½-inch hose on reels, 2 35-gallon pony chemical extinguishers with 50 feet of hose, 2,100 feet of 2½-inch hose in fire station. The hospital has its own fire department under a competent chief.

14. Water is supplied from artesian wells through the mains of the city of Houston and is examined monthly.

15. The sewerage system is connected with the system of the city of Houston, and has been inspected and approved by the city engineers and health department.

16. The dining room is clean, well ventilated, electrically lighted, and accommodates 800; enlargement has been recommended. The chipped enamel ware of which complaint was made at one time has been replaced by suitable table ware.

17. The equipment of the kitchen is not as complete as it should be for the most convenient and economic administration, but is functioning well; a bakery is being installed; dishes are sterilized and washed in Crescent washing machine, and food is conveyed on carts with hot-water jackets to the dining room.

18. Abundant food of good quality is served, including ample fresh milk, fresh vegetables, and eggs, the diet list being prepared under the direction of the chief dietitian assisted by four assistant dietitians.

19. Eight different diets are served to meet the needs of the different classes of patients treated at this hospital, namely, liquid, light, regular, special tubercular, vegetable, nephritic, and diabetic. These diet lists are prepared especially each day and are submitted to the medical officer in charge for his approval.

20. The quarters for both officers and nurses are inadequate, but recommendations have been transmitted for the correction of this condition.

21. This hospital has been the source of a great many complaints from patients and from other individuals not patients in the hospital. Each of these has been promptly and very thoroughly investigated, not only by general inspectors of the General Inspection Service, but by officers of different posts of the American Legion and other disinterested investigators. The hospital has been open to inspection by these various inspectors at all times, and the medical officer in charge has given them the fullest cooperation and all possible facilities to aid them in obtaining the desired information, and in practically every instance the complaints have been found to be not only more or less trivial in character but without any foundation in fact.

22. Of the various reports of inspections which have been submitted to the bureau the most favorable have been rendered by an officer of the Public Health Service, who is himself not only an ex-service man, and who has been connected with the Public Health Service since his discharge from the Army 18 months ago, but who is also a very prominent citizen of the State of Oklahoma.

23. Upon the occasion of his last inspection, which was made in March of the present year, he caused to be posted the following notice:

"Surg. T. H. Scott, General Inspection Service, United States Public Health Service, is on the station and will be in his office at the Administration Building, Sunday, March 6, at 10 a. m.

"Any officer, employee, or patient having complaints to make or other matters which they wish to bring to the attention of the inspector should report to him at this hour.

"T. H. SCOTT, *Surgeon (R.),*
"U. S. Public Health Service, General Inspection Service."

24. In response to this notice, out of a hospital population which at that time numbered 1,026 only 2 patients came forward with complaints. One of these complaints was with reference to the fit of an orthopedic shoe, and the other was from a patient who differed with the surgeons as to what the proper treatment of his case should be, an operation for chronic appendicitis having been recommended, to which the patient objected because of his confessed fear of the knife.

25. One case which has caused extensive comment was that of a patient, Thomas I. Pinkerton. This case was referred by Mr. A. B. Culbertson, adjutant, Brady Shelton Post 173, American Legion, Athens, Tex., to the Hon. THOMAS L. BLANTON, seventeenth Texas district, and by Mr. BLANTON referred to the Surgeon General.

26. This case was made the basis for an attack on the officers of United States Public Health Service Hospital No. 25, on the floor of the House, in the early part of the present year, and subsequently the subject of an attack upon the administration of the hospital, also from the floor of the House. (See CONGRESSIONAL RECORD, vol. 61, No. 9, p. 466.)

27. As the result of the complaint referred by Mr. Culbertson, and subsequent to the attacks upon the officers of the hospital, and upon the administration of the institution, and at the request of the Hon. THOMAS L. BLANTON, Mr. Culbertson was requested to make a personal complete inspection of the hospital, and render a personal report to Mr. BLANTON. In response to this request, the following report was submitted by Mr. A. B. Culbertson over his official signature as adjutant Brady Shelton Post 173, American Legion, under date of April 27, 1921:

ATHENS, TEX., *April 27, 1921.*

Hon. THOMAS L. BLANTON,
Washington, D. C.

MY DEAR MR. BLANTON: I take pleasure in handing you herewith my complete report of conditions as I found them at Camp Logan. In this connection I have the honor of conveying the thanks of this post for the thoroughness with which you handled the Pinkerton case which was placed in your hands by me. Your splendid efforts merit the commendation of our post as manifested in the vote of thanks and appreciation that you have doubtless received by this time.

I had the privilege of making a thorough investigation of this case and conditions generally at United States Public Health Service Hospital No. 25, and have compiled this report for your information. From the intimate knowledge you have of Mr. Pinkerton's view of the question as presented to me, together with such reports as were obtained by you, I am quite certain you know I went to Houston fully determined to avenge the alleged cruel treatment of our former comrade in arms.

It is not necessary for me to state that I was thoroughly prejudiced against the authorities at Camp Logan, believing, as I did, that militarism existed there in the rankest form. Frankness compels me to admit that the many reports that had come to us that Thomas Dismuke Post, No. 52, at Houston, and its commander, R. R. Lewis, were neglecting their duty, convinced me that they were refusing to cooperate with us in this investigation. Indeed, reports you sent me from other posts indicated, by inference, that such reports as had been made by that post had been influenced by concealed motives or as a result of a meager knowledge of conditions at Camp Logan.

In the light of all this information, and being adjutant of the post, where Pinkerton holds his membership, I naturally placed little credence in the reports made by Commander R. R. Lewis in my first conference with him. However, I consented to go with him to Camp Logan, determined, however, to conduct my own investigation in my own way.

We arrived at the hospital about 10 o'clock a. m., on April 21, 1921. It being a holiday, most of the personnel were not on duty. We were cordially received by Maj. Axline, who gave us permission to make any investigation we cared to and interview whomsoever we cared to. I asked Maj. Axline to give me his version of the disturbance which had been the basis of the complaint in question. It was essentially as follows:

"It was requested by the Red Cross that all personnel of the hospital attend a dance at the Red Cross Hall on the night of September 1, 1920. Military officers of near-by camps were invited. Some of the patients protested against this, giving as their reason that the Red Cross Building was for patients as well as officers, and inasmuch as we were not in the Army, there should be no distinction between officers and enlisted men. I informed them that none of the officers of the hospital were in the military service and that rank did not enter into the arrangements. The Red Cross had complete charge of invitations and could invite anyone they wanted to come.

"I had been in charge of this hospital only a few weeks. Previous to my coming here there seems to have been little discipline and it seemed that some of the boys did not care for the rights of others. So

an attempt was made to break up the dance. This was averted, however, but the following day a riot would have ensued had there been leadership among the boys. It therefore devolved upon me to take immediate action in order to protect Government property and protect hundreds of innocent people.

"The day following the dance I had four psychiatric cases arrested and placed in jail charged with being of 'unsound mind'; among these was Mr. Pinkerton. He had previously been under observation and was a psychiatric patient. His actions had been such as to convince us that he was of a violent type. On one occasion he became angry and attempted to strike a man Hughes with a chair. Other patients took the chair from him and he then threw himself on the floor in a rage and lay there for some time. He frequently had difficulties with other patients.

"In order to prevent further trouble we arrested these men because we knew that their mental condition was such as to cause them to participate in this disturbance or any other that might occur. Although they might stay in the hospital an indefinite time and not give any trouble, yet when excited they are violent. Pinkerton was not in bed at the time this disturbance occurred. He had been instructed that he should remain in bed and would do so when it was convenient. He stayed in bed long enough to have his breakfast served but would then get up and go to town. We have three affidavits that he was not in bed and not even in the ward but was seen going toward the Red Cross Building.

"When men arrested on lunacy charges would agree to transfer, we dismissed their charges and transferred them to institutions where they could receive the proper treatment. In this case we made request on the district supervisor for transfer of Pinkerton to California. The transfer was made and the charges dismissed, but Pinkerton refused to go. We then made request to have him transferred to Wisconsin. Pending this transfer he was held in the county jail four days after the former complaint had been dismissed. I do not think I ever requested the county officials, either verbally or in writing, to hold him after the complaint was dismissed, but we did not call for them; they just held him.

"He was arrested with my full knowledge and consent. I should do one or two things under the circumstances—prefer criminal charges against them for attempting to incite a riot, which would have, on conviction, sentenced them to the penitentiary, or do as I did."

I passed through the wards in search of Charles H. Ramsey, one of the men Mr. Pinkerton requested me to see. He reports as follows:

"Pinkerton was my 'buddie.' There is nothing I would not do for him, but the fact is he was not in his ward that night. I saw him go toward the Red Cross Building that night, and he was protesting loudly against the dance.

"He was a psychiatric patient and exceedingly nervous. I was in the same ward with him for several weeks. He frequently had difficulties with other patients and would fight a circular saw when mad. Dr. Caldwell was very good to Pinkerton. On one occasion I saw him take his fan out of his own office and place it on a box by Pinkerton's bed. Dr. Caldwell is one of the finest men and doctors I have ever seen. There is nothing he would not do for us and would grant us any request in reason. He always listens to our complaints patiently and will assist us when possible."

I then interviewed another of Pinkerton's witnesses, Miss Hayse, who was his night nurse at the time of the trouble. She stated that he obtained a pass that night and was absent from the ward for some time. She said he was a psychiatric case and was very nervous. He frequently had arguments with other patients and, it was reported, had trouble with former nurses. She never argued with him and got along well with him.

I found that every patient I talked to would fight for Dr. Caldwell. He was liked by all the patients, they reported.

This investigation convinced me, in spite of my extreme prejudice, that the case deserved no further serious consideration.

I am convinced, however, that the executive was not justified in placing these men in jail, even though they had taken part in the disturbance, and although they had been insane. The Government should provide adequate doctors, nurses, and attendants to care for these nervous cases without having to lock them up. I think this rule would apply as to cells in hospitals except in extreme cases. With proper attention and careful continuous observation, I believe that little restraint would be necessary. Without defending any action taken in this case, I think the Government is committing an unpardonable crime in not providing Camp Logan, and every other hospital in this Nation caring for soldiers, with all the assistance necessary to care for its patients. These cases are now confined, when necessary pending transfer, in ward 17 B at Camp Logan. With adequate assistance most of these cases would not have to be confined.

After a thorough investigation I reported to Maj. Axline that if claims for compensation could be promptly handled, 90 per cent of his troubles would be over. Less than one-half of the patients are receiving compensation. The Red Cross filed claims and has all necessary papers executed, but no action is taken in Washington for months. In one ward we found 33 men. Sixteen of this number drew no compensation. Of this number 4 drew $80 per month, 1 $90, and the other 12 drew from $8 to $34. The Bureau of War Risk Insurance should be decentralized and a branch located at Houston fully empowered to issue checks there to all men entitled to receive it. There are over 1,000 patients in this hospital, which means that over 500 are receiving no compensation notwithstanding their claims have been filed for months. A preliminary report is sent by the hospital of each man's case within five days, and this report is accompanied by a report by the Red Cross as to his status as regards compensation. With the thorough knowledge of the requirements, the Red Cross anticipates what the bureau will ask for in each case, and send this information at once. Therefore there is no excuse for these claims being delayed so long except the departmental red tape. We need action now, immediate and conclusive, before many of these loyal American soldiers pass over the great divide.

Before concluding this report I want to comment on the general conditions at Camp Logan. My report will vary but little from that of Mr. E. A. Moreno, of Houston, which is attached hereto. The matter mentioned in paragraph 4 of his report has been attended to according to his suggestions. In regard to paragraph 5 of said report, I was informed by Maj. Axline that requisition had been placed for enameled tops for all tables but they had not yet been received. All knives and forks were clean. Dishes are steam sterilized, and the conditions mentioned in paragraph 7 of his report have been remedied as per his suggestion. As to paragraph 10 of his report, I was unable to see where any improvement could be made on the grounds, except that a few small gutters should be cleaned out. The menus had been changed. I ate the following menu at noon:

Chicken gumbo, chicken fricassee and dumpling, steamed rice, butter beans, bread and butter, preserved peaches, coffee, milk.

The mess for the personnel was as follows:

Chicken and noodle soup, baked chicken, herb dressing, mashed potatoes, butter beans, preserved peaches, coffee, milk, buttermilk.

In this connection I might add that Commander Lewis keeps a menu in his office and can keep a check on whether mess is served according to menu.

Paragraph 23 in the attached report has been corrected by receipt of new plate and other dishes, for which requisition was made last September.

As stated in paragraph 24 no officer was on duty when I was at mess.

Everything was absolutely sanitary the day I was there except the officers' refrigerator and floor around it. It needed supervision and necessary scrubbing. The store rooms were well supplied with the very best quality of foods, such as I am not able to have in my home. All patients reported that food was plentiful and well cooked. The only complaints they made were that they were not receiving their compensation or that they wanted to be discharged. Officers are not permitted to apprise patients of their troubles or how long they may be required to stay there. This causes dissatisfaction.

If there is anything more you would like to know about conditions at Camp Logan or any cases that are referred to you, I am sure you will find Commander Lewis and Thomas Dismuke Post No. 52 ready to serve you. I do not believe that you will find a man in Texas aside from the personnel of the hospital that knows more about this hospital than does Mr. Lewis, and this despite the fact that I would not take his word and conducted my own investigation.

Under conditions with all the red tape and delay at Washington I do not believe that United States Public Health Service Hospital No. 25 could be run with better system and management.

All tuberculosis patients are to be transferred to Arizona at an early date. You doubtless know that this transfer is necessary inasmuch as you have been trying to effect these transfers.

Assuring you of our continued good will and deep appreciation for your efforts, I am

Yours, very truly,

A. B. CULBERTSON,
Adjutant, Brady Shelton Post 173, the American Legion.

28. The perusal of the above report will convey conviction to any unbiased mind that the attacks which have been made upon the hospital and upon its administration have been unjustified.

29. It will be recalled that Mr. Culbertson himself originated the complaint with reference to the treatment of Thomas I. Pinkerton, and that he states frankly in his report that at the time of his arrival at the hospital for the purpose of making this investigation, he was thoroughly prejudiced against the authorities at Camp Logan, believing that militarism existed there in the rankest form, and that the favorable reports rendered by another post commander were of such a nature as to lay that officer open to the charge of neglecting his duty in refusing to cooperate in the proper investigation of the hospital.

30. The records of the investigations, of all complaints against United States Public Health Service Hospital No. 25, of all general inspections of the institution, and of all special investigations made by officials of the bureau of the Public Health Service are of record in the office of the Surgeon General, United States Public Health Service, and are open to the inspection of anyone entitled to public records at all times.

31. While it is admitted that because of the semitropical climate of the city of Houston, and of the prolonged summer season, and because of the temporary character of the buildings, and the consequent added fire hazard, the hospital possibly is not the most ideal; at the same time it is as favorable as that of a great many other Government institutions against which no complaint whatsoever has been lodged on account of situation, and it is submitted that the hospital is as efficient and in as good physical condition as any other hospital of the service of a like character and construction, and that it is functioning smoothly and obtaining good results for the patients who are hospitalized there.

32. On the 31st day of March, 1921, the records of the institution showed the presence of 251 cases of tuberculosis. Of these 19 were reported as unable to travel, 15 were awaiting reservation, and 200 others were eligible for transfer. On April 6, 1921, the medical officer in charge was requested to arrange for the transfer of as many patients as practicable on account of the approaching hot weather, "taking due cognizance of the desires of the patients to be transferred or to remain."

33. It is very difficult to secure the consent of tuberculous patients at this hospital to be transferred to the National Sanatorium, Johnson City, Tenn.; to United States Public Health Service Hospital No. 55, Fort Bayard, N. Mex.; and to United States Public Health Service Hospital No. 50, Prescott, Ariz., and many of the patients are not cases suitable for transfer to the two latter hospitals on account of the elevation, more than a mile above sea level.

34. As a result of the authority quoted above, all patients eligible for transfer and suitable for transfer have been transferred to other hospitals, so that those cases of tuberculosis at present remaining in the institution are either cases unable to travel or prefering to remain at Houston.

Respectfully,

WM. S. TERRIBERRY,
Assistant Surgeon General,
United States Public Health Service,
Acting Chief General Inspection Service.

Mr. BLAND of Indiana. I yield to the lady from Oklahoma [Miss ROBERTSON] five minutes. [Applause.]

Miss ROBERTSON. I wonder if anybody on either side of the House was ever a postmaster? I was for eight years in Oklahoma, where there are people from all over the United States. I learned many things from the quarterly pension checks that came into my hands. I wonder if the gentleman from Texas—Texas, down on the Mexican border, where an Army went in 1848 made up of the flower and the chivalry of the South—I wonder if he knows how many southern gentlewomen look forward to that quarterly check? At first I could not understand

how United States pension checks were coming to the widows and daughters of the most unreconstructed Confederates I had ever known, until I found out that they were 1848 checks. Do you begrudge those gentlewomen the payment of those checks monthly? Not many of them are left. But do you know what it means to a woman to have a little money of her own, no matter how happy she is in her surroundings with the children who care for her most tenderly? Let those widows of 1848 get their money monthly. Do not object, you Texans! [Applause]

I say nothing about the war of the sixties. I am of Yankee blood, they say, but next to my father the best man I ever knew wore the Confederate gray. I pinned on the big silent heart of that Confederate soldier the cross of honor that no one after him was worthy to wear. So I say nothing about the pensioners of the sixties, those old men, some of whom used to think I was not really just and honest with them, and that I was holding back the pension check. Their anxiety was pathetically painful to me. Then, sometimes they died just before the end of the quarter, and there was trouble. Many a time I have spent hours and hours hunting for that quarterly check. I knew what it meant to them. But I pass over that.

I am perhaps one of three women in the United States wearing not an auxiliary badge but a member's badge of the Spanish War Veterans. [Applause.] Because my camp at home made me a member in good standing. One of the pledges that we of the auxiliaries take is that as the men of 1898 died to wipe out sectionalism, as they came together, North, South, East, and West, in the common cause of our country, so we will do all in our power to wipe out sectionalism. So these people who bore and suffered and had little glory, those men of 1898 who did work for their country that will be appreciated later, shall they not get their pay monthly?

I am not going to talk any more. I try not to talk very much, for silence is golden [applause], and I realize that every extra word we speak here makes that much more expense to the United States Government. [Laughter.] Some of us might begin, as I shall begin right now, to save money by stopping. [Laughter and applause.]

Mr. BLAND of Indiana. I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, every complaint that I have ever put in the RECORD concerning Camp Logan, Hospital No. 25, has come from ex-service men in sworn affidavits, from complaints made by commanders and adjutants of the American Legion posts in Texas, and from investigating committees, some of whom were headed by women who went there to inspect this hospital in behalf of the soldiers.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. BLANTON. No; I can not yield. The gentleman would not yield to me.

Mr. GARRETT of Texas. The gentleman is mistaken.

Mr. BLANTON. I hope the Chair will not take this out of my time. I found out in connection with these numerous complaints that there were over 200 tubercular patients there, nearly all of whom were clamoring to get away from that hospital, away from damp climate near the coast, out into the Western States, and I got the Health Department to issue an order transferring 200 of these tubercular patients West—to hospitals in western Texas and into Colorado, New Mexico, and Arizona—200 at one time.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] declines to yield.

Mr. BLANTON. As soon as I personally investigated and found out concerning this officer—Maj. Caldwell—I exonerated him of the charge soldiers had made that he had acted through malice. Some patients claimed that he was actuated by personal motives. I investigated the matter and found that that was incorrect, and immediately I sent a letter to Maj. Caldwell himself exonerating him and telling him that the investigation showed that he was not guilty of the charge of acting through personal malice, and I sent a similar letter down here to the Health Department. And I did this without anyone requesting it.

What more could I do? I want to say that these bad conditions existed at that hospital in a large measure, but that the hospital has been cleaned up now, though it is still no place for tubercular patients. I am glad the men made the complaints, because it caused the camp to be cleaned up and the men to get better treatment. All this little flurry by the gentleman from Texas is put in the RECORD—he disclaims that it is political, but I think it is more politics than anything else. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD.

Mr. DYER. Reserving the right to object, does the gentleman want to put in anything except his own remarks?

Mr. BLANTON. My own remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I thank my colleagues for this privilege, as it is impossible in two minutes' time to adequately answer this sudden outburst of the gentleman from Texas [Mr. GARRETT], the first expression of any length we have had from him on the floor this Congress since he has come back among us this last time, except when, on June 3, 1921, he obtained consent to extend his remarks in the RECORD, page 2107, and exercised such privilege by placing in the RECORD of June 6, 1921, pages 2107 to 2109, not an "Extension of remarks," but what he designated as "Speech of Hon. DANIEL E. GARRETT of Texas, in the House of Representatives, Friday, June 3, 1921," while, as a matter of fact, he then made no speech, but merely said, "Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD," which was granted.

There was no occasion whatever for this outburst, Mr. Chairman. If the gentleman from Texas [Mr. GARRETT] had known the one-hundredth part of what I have been doing during the last 12 months to better the conditions of this hospital and to assist the eight hundred and odd ex-service men there he would have maintained his usual silence.

If I had reflected in any way upon the city of Houston, I would hold him blameless, for I admire any man who defends his home, native or adopted, from attacks. But I made no attack whatever upon the city of Houston. I would defend its good name far quicker than would the gentleman from Texas [Mr. GARRETT]. It is much nearer and dearer to me than it is to him. It means much more to me than it does to him.

It is my birthplace. It is my old home. He is not a native of Houston, but it is his adopted home city. He is not even a native of the State, as Texas is his adopted State. I am a native Houstonian and a native Texan, while he is an alien to both. The house in which I was born, nearly 49 years ago, is still standing in the heart of Houston. The house in which my dear mother died, when I was a small boy, is still standing at the corner of Fannin and Lamar Streets, in the city of Houston. It is a magnificent city of magnificent people, but it is no place for people afflicted with tuberculosis.

The gentleman from Texas [Mr. GARRETT] has no occasion to get angry with me because people from Houston have called on me for help. When his constituent, Mr. R. I. Smallwood, of 3120 Liberty Street, Houston, Tex., wrote me asking for certain information and data, I immediately sent it to the gentleman, addressing him as "My dear colleague," and telling him that in accordance with our courtesy regulation here I was sending him the letter from our mutual friend, which I was sure he would give his usual prompt attention, and I sent a copy of such letter of transmittal with my reply to Mr. Smallwood. But, lo and behold, much to my surprise the gentleman from Texas [Mr. GARRETT] returned Mr. Smallwood's letter to me, calling on me to answer his constituent. Thus he increased my heavy correspondence by two letters concerning one case.

HOSPITAL NO. 25.

On January 26, 1921, Hon. F. W. Galbraith, jr., then national commander of the American Legion, from national headquarters at Indianapolis, Ind., sent a memorial to Congress, in which he reported the condition of this Hospital No. 25, at Camp Logan, Tex., as ascertained by him through a special investigation made, and he then reported to Congress that its location was poor, that it was mosquito ridden, that it had bad surface drainage, that it was overhot in summer, that the buildings were dilapidated, that the roofs leak, that the plumbing was unsatisfactory, and in summing up he said that this hospital never could be made satisfactory even if sufficient funds for repair were available. He said nothing about birds singing.

Hon. W. L. Thompson, adjutant of Travis Post, No. 76, American Legion, at Austin, Tex., stated that before life would be worth while at this Hospital 25 Congress would have to make an investigation and have a general clean-up, stating that it is useless to say that Houston is no place for a man suffering with tuberculosis. He said nothing about birds singing.

Dr. George Thomas Palmer, president of the Illinois Tuberculous Association and the leading expert authority on that dreaded disease in the United States, who was sent by the Government on a tour of inspection in the South and Southwest to pass on hospital conditions, reported to me in April, 1921, that this Hospital 25 was distinctly the most unsatisfactory of all the numerous hospitals visited by him on his

inspection trip throughout the South and Southwest. He also then reported that its location is not good; that the buildings were dilapidated, and the general air of the place unsatisfactory for the housing of tuberculosis patients, who require a cheerful and pleasing environment during their long period of treatment, stating that he was then impressed that the climate there would be disagreeably hot in summer and damp all the year. He said nothing about birds singing.

The United States Weather Bureau advised me that during the year commencing May 1, 1920, and ending April 30, 1921, the total rainfall at Houston, Tex., was 58.54 inches, and including the days that there was a trace of rain there were 164 days on which there was rainfall during that year. The Weather Bureau did not report any birds singing during these 164 damp days.

I had been beseeching the Public Health Service for months to transfer at least 200 of these tubercular patients, who wanted to be transferred, to western hospitals, but the excuse was given me that there was no room. I entered into an exhaustive investigation to check up all the hospitals in west Texas, New Mexico, Arizona, and Colorado to see how many tubercular patients they had already, how many vacant beds they had for such patients, and what was the capacity of each hospital for tubercular patients, and I found that on January 1, 1921, the San Angelo Sanatorium, at San Angelo, Tex., had 31; the Southwest Sanatorium, at San Angelo, had 11; the Grace Lutheran Sanatorium, at San Antonio, had 3; the Van Ormy Cottage Sanatorium, at Von Ormy, Tex., had 14; the Hendricks Laws Sanatorium, at El Paso, Tex., had 48; the Wiley Sanatorium, at El Paso, Tex., had 46; the Sunny Crest Sanatorium, at El Paso, Tex., had 8; the El Paso Sanatorium, at El Paso, Tex., had 9; the Homan Sanatorium, at El Paso, Tex., had 9; the Long Sanatorium, at El Paso, Tex., had 22; the Mountain Sanatorium, at El Paso, Tex., had 2; the Finn Sanatorium, at El Paso, Tex., had 2; the Rolston Sanatorium, at El Paso, Texas., had none; the Texas Sanatorium, at El Paso, Tex., had none; the Baptist Sanatorium, at El Paso, Tex., had none; the United States Public Health Service Hospital No. 55, at Fort Bayard, N. Mex., had 893, but still had 107 vacant beds, and had a capacity for 1,000 tubercular patients; the United States Public Health Service Hospital No. 9, at Stanton, N. Mex., had 26; the St. Mary's Hospital, at Roswell, N. Mex., had 9, with a few vacant beds; the St. Mary's Hospital, at Gallup, N. Mex., had 15, with a few vacant beds; the St. Anthony's Sanatorium, at Las Vegas, N. Mex., had only 1; the Mountaineer Sanatorium, at Alamogordo, N. Mex., had 6, with 13 vacant beds; the St. Joseph Sanatorium at Albuquerque, N. Mex., had 7; the Methodist Sanatorium, at Albuquerque, N. Mex., had 3; the Valmora Sanatorium at Valmora, N. Mex., had 14; the Tucumcari Hospital at Tucumcari, N. Mex., had 2; the St. Vincent's Sanatorium at Santa Fe, N. Mex., had 1; the Albuquerque Sanatorium at Albuquerque, N. Mex., had 2; the Baptist Hospital at Clovis, N. Mex., had none; the Grant County and Ladies' Hospital at Silver City, N. Mex., had none; the Fitzsimons General Hospital at Denver, Colo., had 329, and then had 171 vacant beds, and had a capacity for 500 tubercular patients; the United States Naval Hospital at Fort Lyon, Colo., had 37, and then had 63 vacant beds, and had a capacity for 100 tubercular patients; the Bethesda Sanatorium at Denver, Colo., had 2; the Swedish National Sanatorium at Denver, Colo., had 5; the Agnes Memorial Sanatorium at Denver, Colo., had 1; the St. Joseph Hospital at Denver, Colo., had none; the St. Luke's Hospital at Denver, Colo., had 1; the St. Anthony's Hospital at Denver, Colo., had 2; the Sunny Rest Sanatorium at Colorado Springs, Colo., had 19; the St. Francis Hospital at Colorado Springs, Colo., had 3; the Bethel Hospital at Colorado Springs, Colo., had 1; the Star Ranch in the Pines Hospital at Colorado Springs, Colo., had 21, with 29 vacant beds, with a capacity for 50 tubercular patients; the Cragmore Sanatorium at Colorado Springs, Colo., had none; the Bonny View Sanatorium at Colorado Springs, Colo., had 16, with 16 vacant beds; the Modern Woodmen Sanatorium at Colorado Springs, Colo., had 17; the Ebenezer Mercy Hospital at Brush, Colo., had 2; the Glenwood Springs Sanatorium at Glenwood Springs, Colo., had none; the Bates Hospital at Ouray, Colo., had none; the University Hospital at Boulder, Colo., had none; the Mennonite Sanatorium at La Junta, Colo., had 1;: the District Hospital at Victor, Colo., the John T. Morrison Hospital at Fort Collins, Colo., and the St. Mary's Hospital at Pueblo, Colo., were not open on January 1, 1921, for tubercular patients, but later, on March 1, 1921, had 1, 2, and 2, respectively.

I besieged the Public Health Service until finally it issued an order to have 200 of the tubercular patients transferred from Hospital 25 at Houston to western hospitals. Before I got this order I showed the Public Health Service that from December 1, 1920, to the latter part of April, 1921, 23 patients had died of tuberculosis in Hospital 25, and that on April 26, 1921, there were 25 tubercular patients bedridden in Hospital 25, 16 of whom became bedridden within a little over four weeks after admission.

And where tubercular patients had willfully refused to stay in such hospital longer, and had gone away without leave, and because of such disobedience of orders were refused transportation to other hospitals, Col. R. G. Cholmeley-Jones, then Director of the Bureau of War Risk Insurance, on April 29, 1921, issued an order reciting that because of the fact that Service Hospital No. 25, Houston, Tex., was found to be in unsatisfactory condition and not a desirable place for the treatment of tuberculosis cases, is considered sufficient excuse for Mr. Hargis's refusal to remain at this institution after July 31, 1920, and his case was reconsidered, and the supervisor of District No. 14 was ordered on that date to issue transportation to said George F. Hargis, C-437536-R, from his home to whatever hospital in the West it was deemed advisable to designate.

During the month of December, 1920, alone, 44 tubercular patients were admitted; 77 in January, 1921; 69 in February, and 60 in March, and during the month of April, 1921, 72 tubercular patients were admitted, and during the month of May, 1921, 98 tubercular patients were admitted to said Hospital 25, at Houston, Tex. And at this hospital, during December, 1920, 6 patients died with tuberculosis; during January, 1921, 7 died there with tuberculosis; during February, 1921, 3 died there with tuberculosis; and during March, 1921, 5 died there with tuberculosis.

In the month of April, 1921, 64 tubercular patients were transferred from Houston to western hospitals, and during the month of May, 1921, 74 tubercular patients were transferred from Houston to western hospitals. And with all the additions to this Hospital 25, which is used as a kind of clearing house, on May 29, 1921, there were only 118 tubercular patients remaining in said institution, and of this number arrangements had then been made to transfer 22 within a few days. The bedridden ones could not be moved. And some were so afflicted that they could not stand a high altitude, and where they demanded transfers, their requests would be denied, as it was considered that such a move would be fatal to them.

On May 5, 1921, after the transfer to the War Risk Bureau, executive officer of the Public Health Service, Surg. J. D. Long, acting for the Surgeon General, advised me that while an effort was being made to discontinue the use of Hospital 25 for tubercular patients so far as is practicable, it would probably be impossible to avoid sending patients from the immediate vicinity to that hospital for observation in instances where the diagnosis had not yet been made, or for temporary hospitalization in emergency, and this policy was carried out by the Director of the Bureau of War Risk Insurance, after the Secretary of the Treasury had transferred such functions to it from the Public Health Service on April 19, 1921.

Following a conference I had with Col. C. R. Forbes, the present Director of the War Risk Insurance Bureau, on May 13, 1921, he sent instruction by wire to Dr. Tarleton F. Moore, supervisor of district No. 14, with headquarters at North Akard Street and Pacific Avenue, Dallas, Tex., to arrange transfer of patients from Hospital 25 at Houston, Tex., to Hospital 50 at Prescott, Ariz., for all patients able to travel and who desired transfers.

At such time when Dr. Moore was threatening to retransfer some of the tubercular patients from El Paso to Johnson City, Tenn., and they rebelled, I got him on that same day to send orders to Dr. Moore not to transfer any tubercular patients from El Paso against their wishes. Some had wired me, and some had wired my colleague, Mr. HUDSPETH, from other hospitals there, and he also got such an order issued.

The gentleman from Texas [Mr. GARRETT] intimated that I got a few letters from some of the ex-service men in Hospital 25, and every time I got one I put it in the RECORD, for political purposes. During the months that I endeavored to get these men transferred to Western hospitals I did from time to time on the floor of the House criticize the Health Department for not making the transfer, and did read a few letters from the men who were suffering, hoping thereby to force action. But I have helped hundreds of ex-service men in Hospital 25, who appealed to me for assistance, some with tuberculosis and others with various other afflictions. They did not tell me where they lived when they wrote, and I did not know in whose district they resided; but when an ex-service man called on me for help, and said that his case was urgent, I could not stop to ask him where he lived, but proceeded immediately to have the bureau act on his case. A great majority of these men lived in other

States than Texas, and my helping them was of no political benefit to me whatever. They were men in trouble. They appealed to me. I could not turn them down. I went to the War Risk Bureau and Health Department with their cases, and got action for them. They told their comrades in each hospital where they went that I had gotten their compensation, which resulted in numerous others writing me for help. It has caused my office force as well as myself to work late at night sometimes, and on Sundays and on holidays, but I have gladly performed this extra work. And it little becomes the gentleman from Texas [Mr. GARRETT], who refused to attend to the business of his own constituent which I courteously sent him, but returned it to me for attention, to question my action or motives.

Just to give the gentleman an idea of the extent of the help I have rendered to men in his Hospital 25 at Houston, the following are some of the tubercular patients with whom I have had correspondence and have tried to assist in getting their claims adjusted, to wit:

William Aaron, of Garland, Ark.; Russell B. Adams, of Waco, Tex.; John Aggers, of Houston, Tex.; Gordon R. Alderman, of Waco, Tex.; Arid H. Anderson, of New Orleans, La.; George K. Anderson, of Rising Star, Tex.; James E. Anderson, of Bayside, Tex.; Leslie L. Anderson, of Watts, Okla.; Lloyd A. Andrew, of Stillwater, Okla.; Louis Arnold, of Waco, Tex.; Sherman E. Aynes, of Pottsboro, Tex.; Thomas Bagwell, of Kenefick, Okla.; Willie R. Baker, of Jarrell, Tex.; Loman A. Ballard, of Tallassee, Ala.; William Ballew, of Dallas, Tex.; Ed. Barnes, of Houston, Tex.; Isaac O. Barrett, of Garvin, Okla.; James H. Barrett, of Texarkana, Tex.; George E. Baskins, of Houston, Tex.; Clyde Bays, of Santa Anna, Tex.; Leslie M. Bays, of Houston, Tex.; John F. Bednarowicz, of Houston, Tex.; John Bell, of Okolona, Ark.; Albert Berkley, of Navasota, Tex.; Paul B. Blackburn, of Oklahoma City, Okla.; George H. Blankenship, of Walnut Ridge, Ark.; Grover E. Bomar, of Greenbrier, Ark.; Thomas E. Bonds, of Nocona, Tex.; Wesley Bonner, of Forest City, Ark.; Will Boyd, of Aubrey, Ark.; Joe Bridges, of McRae, Ark.; Evans I. Brooks, of Cushing, Tex.; Frank M. Brown, of Cisco, Tex.; James Brown, of Muskogee, Okla.; John L. Brown, of Houston, Tex.; Sam Brown, of Montrose, Ark.; Walter Brown, of Newkirk, Okla.; Willie Brown, of Pine Bluff, Ark.; James Bunt, of Austin, Tex.; Aaron Burrell, of Beaumont, Tex.; Danile D. Burkhalter, of Timpson, Tex.; Robert H. Burney, of Waco, Tex.; Lonnie Butler, of Houston, Tex.; Cordia B. Cabe, of Houston, Tex.; Allen R. Cannon, of Colt, Ark.; Isaac M. Capps, of Houston, Tex.; Robert Carroll, of Quanah, Tex.; Benjamin A. Carruth, of Hamburg, Ark.; Ervin Carter, of Richland, Tex.; Ivey B. Chambless, of Houston, Tex.; James Sidney Chapel, of Delight, Ark.; Zib T. Chapel, of Murfreesboro, Ark.; William J. Coffey, of Denton, Tex.; Marcel S. Coger, of Jonesboro, Ark.; James L. Coker, of Paris, Tex.; Richard Collins, of Denver, Colo.; Charlie Cooper, of Seguin, Tex.; George M. Cosby, of Paragould, Ark.; Thomas J. Couch, of Vera, Tex.; Raymond Cox, of Lott, Tex.; Virgil H. Cox, of Huntsville, Ark.; Ernest R. Craft, of Houston, Tex.; William H. Crow, of Lubbock, Tex.; Vorace Dartas, of Beaumont, Tex.; John Otis Davis, of Waynesboro, Miss.; John H. Dawn, of California, Ky.; Aaron Dinwiddie, of Augusta, Ark.; Joseph T. Dirion, of Marie, Ark.; Clarence Dorton, of Prescott, Ark.; Arthur Driscoll, of Indianapolis, Ind.; John V. Duckworth, of McKinney, Tex.; Claude Dunn, of Sallisaw, Okla.; Alfred Edmonds, of Denver, Colo.; Jesse Eldridge, of Richmond, Tex.; William M. Elwood, of El Paso, Tex.; Will Dolphus Emison, of Little Rock, Ark.; Adolph Emmert, of Corpus Christi, Tex.; Charles Evans, of Benton, Ark.; John T. Felts, of Clarksville, Tex.; Charles D. Ferguson, of Heber Springs, Ark.; John T. Ferrell, of McKinney, Tex.; Leon E. Fitts, of Durant, Okla.; Benj. F. Forshee, of McKinney, Tex.; Fred Frizzell, of Donna, Tex.; Carlton D. Fulmer, of Dilley, Tex.; Leander Gabriel, of Nowata, Okla.; Ben Carlton Gann, of Thornton, Tex.; David L. Garner, of Lamesa, Tex.; Horace Garrison, of Mangum, Okla.; Simon Gibson, of Savannah, Okla.; Adolphus Gill, of Houston, Tex.; Henry Gordon, of Little Rock, Ark.; John Alfred Grace, of New York City; Lewis Gray, of Judsonia, Ark.; George J. Green, of Springtown, Tex.; William Greenfeather, of Ramona, Okla.; Lee Spurgeon Gregg, of Dallas, Tex.; Jesse E. Gregory, of Texarkana, Ark.; Bonnor H. Hall, of Little Rock, Ark.; William S. Hamblen, of Huntsville, Tex.; Peter Hanna, of Fort Worth, Tex.; Joel Jackson Harbin, of Slim, Okla.; Daniel M. Hardin, of Jennie, Ark.; Henry G. Hardin, of Cotton Plant, Ark.; Luther M. Harriman, of Aurora, Ark.; Erwin Harris, of Batesville, Ark.; John Harris, of Muskogee, Okla.; Tom Harris, of Dallas, Tex.; Willie Hart, of Gilmer, Tex.; James H. Harvey, of Canton, Tex.; Lewis Hawthorne, of Houston, Tex.; Rufus Haynes, of Houston, Tex.; Amos Hemphill, of Dodge, Tex.; Allie T. Hendricks, of Hunter, Okla.; Felix Hester, of Rison, Ark.; Irvin E. Higgins, of Wolfe City, Tex.; Raymond Hogan, of Farmersville, Tex.; Oliver R. Holbrook, of Ardmore, Okla.; Charles G. Hilland, of Little Rock, Ark.; Max R. Hillins, of Houston, Tex.; John K. Holsapple, of Temple, Tex.; Van Hoover, of Childress, Tex.; William E. Hoover, of Fort Worth, Tex.; Sam J. Hoskins, of Wilmer, Tex.; Jasper C. Houck, of Earlesboro, Ark.; James E. Houser, of Senath, Mo.; George W. Hutchings, of Healing Springs, Ark.; Taylor Andrew Ivy, of Grubbs, Ark.; Sylvester Crow, of Higginson, Ark.; William T. Harlan, of Mart, Tex.; Billie D. Johnson, of Houston, Tex.; Eugene Johnson, of Dallas, Tex.; Preston Johnson, of Atlanta, Tex.; Walter Jones, of Round Pond, Ark.; William R. Jure, of Fort Worth, Tex.; Ulus E. Kelley, of Lulisa, Tex.; Reuben T. Kellum, of Telephone, Tex.; Eddie Kelly, of Helena, Ark.; Verner J. Keown, of Rome, Ga.; Frank H. Kern, of Cooper, Tex.; Thomas E. Keys, of Houston, Tex.; Eldridge C. Kilgore, of Fort Smith, Ark.; Jim Kincaid, of Cartersville, Okla.; J. W. King, of Bonham, Tex.; W. V. King, of Ferris, Tex.; Willis Kirilko, of Little Rock, Ark.; Albert Kuehne, of Seymour, Wis.; Leonard C. Kyzer, of Dike, Tex.; Fred La Font, of Hot Springs, Ark.; Thomas E. Lambert, of Swift, Tex.; William T. Lawrence, of Gideon, Okla.; Lee Leatherwood, of Austin, Tex.; Amos J. Lee, of Waco, Tex.; June L. Leeper, of Rockdale, Tex.; William M. Leonard, of Hydor, Okla.; Almos G. Lewis, of Hillsboro, Tex.; Thomas A. Lewis, of Bedias, Tex.; Hiram C. Limerick, of Houston, Tex.; Byron C. Link, of Canton, Okla.; James E. Little, of Brinkman, Okla.; Kenneth Lockhart, of Stephenville, Tex.; Earl Lockman, of Charlotte, N. C.; John P. Logan, of Booneville, Ark.; John A. Lohman, of Houston, Tex.; James W. Long, of Sherman, Tex.; Claude C. London, of Tulsa, Tex.; Catorimo Lopez, of Hillsboro, Tex.; Kimble Love, of Dodge, Tex.; Alfred T. Lovelace, of Rochester, N. Y.; Ben Loyd, of Tupelo, Okla.; Moss McAdams, of Gorman, Tex.; Frank D. McCourt, of Little Rock, Ark.; Thomas J. McCoy, of Stamp, Ark.; James McDougle, of Paducah, Tex.; Henry McEachern, of Pine Bluff, Ark.; Eddie McGarrity, of Houston, Tex.; Aaron McGrouder, of Prairie View, Tex.; Elgie McKay, of Park Springs, Tex.; Clarence N. McKee, of Hampshire, Tex.; Jesse McLelland, of Glenwood, Ark.; Dwight McLeod, of Winnsboro, Ark.; Jesse McMillan, of Dallas, Tex.; Findley Mapps, of Tatum, Tex.; Charles B. Martin, of Hope, Ark.; Willie Neal, of Wilbourne, Tex.; Thomas W. Neck, of Miami, Okla.; Michael Newman, of Scranton, Ark.; Willie O'Connor, of Houston, Tex.; Alva M. Odem, of Stonewall, Okla.; George Oakley, of Noble, Okla.; Arthur I. Orr, of Bartlesville, Okla.; Nigle C. Outlaw, of Taylor, Tex.; Clark B. Owen, of Eustace, Tex.; Renfro M. Pack, of Bartlett, Tex.; Alvie Page, of Valiant, Okla.; Creed S. Payne, of Truman, Ark.; James D. Plymale, of Fort Smith, Ark.; James Powell, of Gladewater, Tex.; Bailey Pruitt, of Royce City, Tex.; John J. Ratcliff, of Overton, Tex.; John Reeder, of Little Rock, Ark.; Lee Reynolds, of Little Rock, Ark.; Vernon Richards, of Dallas, Tex.; Jim B. Richardson, of Scott, Ark.; Samuel Richardson, of Adamsville, Tex.; Charles Ridingup, of Pawnee, Okla.; Columbus Riptoe, of Houston, Tex.; Winfield L. Ritchey, of Muskogee, Okla.; James Rivers, of James, Tex.; Eliza Robinson, of Clear View, Okla.; Henry G. Rogers, of Paris, Tex.; Walter L. Rogers, of Muldrow, Okla.; John Allen Rose, of Bokchito, Okla.; John Rutledge, of Donna, Tex.; Jesus Salinas, of Kenedy, Tex.; Clement Salter, of Eudora, Ark.; Robert Sampson, of Carmine, Tex.; John H. Sanders, of Zent, Ark.; Leland L. Sanders, of Pawhuska, Okla.; Alvie C. Sanford, of Judsonia, Ark.; Lester E. Sanford, of Non, Okla.; Alexandria Saylor, of Brasfield, Ark.; Ralph Scott, of Hannah, Okla.; Ralph B. Selph, of Seminole, Okla.; William Setzer, of Flippin, Ark.; Henry Sherrill, of Batesville, Ark.; Joseph Shores, of Gerard, Ark.; Joe Simmons, of Pine Bluff, Ark.; Alexander Sinclair, of Marshall, Tex.; Connie T. Slaven, of Broom, Tex.; Lawrence E. Slocum, of Dallas, Tex.; William A. Small, of Oklahoma City, Okla.; Alfred L. Smith, of Paris, Tex.; Hugh E. Smith, of Cleora, Okla.; Seth D. Smith, of Indianapolis, Ind.; William D. Smith, of Mountain Air, N. Mex.; Asberry Spivey, of Montcalm, Tex.; Anzelm Sprencel, of Falls City, Tex.; William Stanley, of Edinburgh, Scotland; Carl Steplock, of Warren, Ark.; Felix Steussey, of Conroe, Tex.; Robert M. Stewart, of Heber Springs, Ark.; John R. Sturdivant, of Houston, Tex.; William A. Summer, of Paragould, Ark.; George Swyden, of Mooreland, Okla.; Lawrence Taylor, of Batesville, Ark.; Willie E. Taylor, of Ivanhoe, Tex.; John E. Terry, of Wilburton, Okla.; Lawrence Terry, of Houston, Tex.; Elijah O. Thacker, of Randolph, Tex.; William Thomas, of Altus, Ark.; Charles C. Thompson, of McBeetie, Tex.; Isaac A. Tosh, of Batesville, Ark.; Emmett Trant, of Bryan, Tex.; George Treat, of Rea Valley, Ark.; Theo. Ulanakopulos, of Houston, Tex.; Albert L. Wade, of Houston, Tex.; James Walters, of Thurber, Tex.; Clifford A. Watkins, of Mellette, Okla.; Numon H. Watkins, of Knoxville, Ark.; Roy J. Watson, of Newcastle, Tex.; Charles C. Weatherford, of Roans Prairie, Tex.; William E. Weatherspoon, of King Mills, Ark.; Henry O. Webb, of Jasper, Tex.; John W. Wells, of Lookeba, Okla.; William H. Wesoon, of Nashville, Ark.; Marvin M. Whisenant, of Pittsburg, Tex.; Harry Whitaker, of Corsicana, Tex.; Joe M. White, of Corpus Christi, Tex.; Nathan Williams, of Houston, Tex.; Roger M. Williams, of Casper, Wyo.; Henry P. Wilson, of Baton Rouge, La.; James L. Wilson, of Fort Smith, Ark.; George C. Woodard, of Bardwell, Tex.; Robert C. Wootan, of Parkin, Ark.; Hal Wright, of Dallas, Tex.; Phillip A. Wright, of Deport, Tex.; Virgil B. Wright, of Houston, Tex.; Aug. A. Yacken, of Lepanto, Ark.; Alberto Ybarra, of La Faria, Tex.; Irl H. Young, of Little Rock, Ark.; Frank J. Zachery, of Beaumont, Tex.

The foregoing are some of the tubercular ex-service men only whom I have tried to help and assist. At least 25 of the above are now dead. But I have helped many other men afflicted with tuberculosis. Write the 35 men at the San Angelo Sanatorium, the ones at El Paso, in Colorado, in Prescott, Ariz., and Fort Bayard, N. Mex., and see if you can find a single one who has ever appealed to me in vain. Write the many still at Hospital 25, Houston, Tex., both those afflicted with tuberculosis and others with many other afflictions, and see if you can find a single one who has come to me for assistance and whom I have not tried to help. I have written them all that I do not know where they live, and do not care, because they are entitled to help, and having appealed to me I am not going to stop to find out where they live.

Mr. Chairman, I respectfully submit that if my colleague from Texas [Mr. GARRETT] had known these facts, or if he had conferred with Mr. Ivey B. Chambles, C–511093; Mr. Roy Kirkpatrick, C–522715; Mr. W. R. Cowart, C–657557; Mr. Hyman Sobol, C–247653; Mr. James Charles McMaster, C–288037; Mr. Britton F. Morgan, C–287757; Mr. Willie Lee Taylor, C–559055; Mr. Eugene Johnson, C–510640; Ray Mills, C–601872; Mr. George Roberson, C–605131; Mr. Lewis Hawthorne, C–490647; Mr. William H. Morgan, C–513601; Dean Adams, C–354715; Albert T. Hockaday, C–385091; Mr. Felix Hester, C–393424; Mr. Hayne S. Strong, C–546883; Mr. Jesse J. Lucas, C–294540; Mr. George C. Gamble, C–601166; Mr. Eugene Lewis, C–426251; Mr. Barney Head, C–602871; Mr. Albert Kuehne, C–565026, and the many, many others there in Hospital 25, Houston, Tex., he would have found out that I had been working day and night presenting their various claims, with but one purpose in view, to render some assistance to our ex-service men, and he would never have made this attack on me. But I will forgive him, if he does not do it any more.

Mr. BLAND of Indiana. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. Mr. Chairman, in reply to what the gentleman from Texas has just said, I will take only a moment. I made an inspection of Camp Logan before the gentleman ever put anything in the RECORD concerning it, and

it was not then and never has been in such condition as the gentleman has tried to convince the country it was in. The gentleman says, concerning his criticism of Maj. Caldwell of Hospital No. 25, "What more could I do than to write the letter and say that this man ought to be exonerated?" I will tell the gentleman what he could have done. He could have come upon the floor of this House where he committed the wrong, and retracted it, and here on the floor of this House righted the wrong which he committed against this officer of the Army. That is what he could have done, instead of slipping around and sending a letter through the mail to the Surgeon General with an apology. He did not commit the offense before the Surgeon General; he made it before the country and the House of Representatives and on the floor of the House of Representatives. He could at least have taken time here on the floor, where he appears so often, to apologize to this gentleman whom he had wronged.

Now, Mr. Chairman and gentlemen of the House, I deny the gentleman's statement that I am trying to play politics with the boys down there, because a great many of them live in other States, and most of them live out of my congressional district, and they could not vote for me or render me any political aid for my services to them and I know they would never consider the matter on so low a plane. I am trying to represent these boys regardless of where they come from and trying to help them. I got a list of all of them, and have it up now before the Bureau of War Risk Insurance, and am advised that it will be worked out in another week and all claims be given proper attention. How many did the gentlemen get? A letter now and then, and he read it in the RECORD. [Laughter and applause.]

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That payment of pensions shall be made monthly, on the 4th day of each month, beginning not later than July, 1921.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

With the following committee amendment:

On page 1, line 4, strike out the word "July" and insert "September."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BLAND of Indiana. Mr. Chairman, I move that the committee do now rise, report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore, Mr. WALSH, having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2158) to provide for the monthly payment of pensions, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. DYER) there were 93 ayes and 1 no.

Mr. DYER. I make the point of order that no quorum is present.

Mr. BLANTON. I object to the vote, because it shows that there is no quorum present, and I make the point of order that no quorum is present.

The SPEAKER pro tempore. The gentleman from Missouri and the gentleman from Texas make a point of order that no quorum is present, and the gentleman from Texas objects on that account. It is obvious that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 267, nays 6, answered "present" 4, not voting 153, as follows:

YEAS—267.

Ackerman	Barbour	Bland, Va.	Brooks, Pa.
Almon	Barkley	Boies	Brown, Tenn.
Anderson	Beck	Bowling	Buchanan
Andrews	Begg	Box	Bulwinkle
Appleby	Bell	Brand	Burtness
Arentz	Benham	Brennan	Burton
Atkeson	Bird	Briggs	Butler
Bacharach	Bixler	Brinson	Byrnes, S. C.
Bankhead	Bland, Ind.	Brooks, Ill.	Byrns, Tenn.
Cable	Graham, Pa.	McSwain	Sanders, Tex.
Campbell, Kans.	Greene, Mass.	Madden	Sandlin
Campbell, Pa.	Hadley	Magee	Schall
Cantrill	Hammer	Maloney	Scott, Tenn.
Carter	Hardy, Colo.	Mansfield	Shaw
Chalmers	Hardy, Tex.	Mapes	Shelton
Christopherson	Hawes	Martin	Shreve
Clague	Hawley	Michener	Siegel
Clouse	Hayden	Miller	Sinclair
Cole	Herrick	Mills	Sinnott
Colton	Hersey	Millspaugh	Smithwick
Connell	Hickey	Mondell	Speaks
Connolly, Pa.	Hoch	Montague	Stafford
Cooper, Wis.	Huddleston	Montoya	Steagall
Cramton	Hukriede	Moore, Ohio	Stedman
Crisp	Humphreys	Moores, Ind.	Strong, Kans.
Cullen	Jacoway	Morgan	Strong, Pa.
Curry	James, Mich.	Mott	Summers, Wash.
Dale	Johnson, Ky.	Mudd	Swank
Dallinger	Johnson, Wash.	Murphy	Sweet
Darrow	Jones, Pa.	Nelson, A. P.	Swing
Davis, Tenn.	Kahn	Nelson, J. M.	Taylor, N. J.
Deal	Kearns	Newton, Minn.	Taylor, Tenn.
Dominick	Keller	Newton, Mo.	Temple
Doughton	Ketcham	Nolan	Ten Eyck
Dowell	Kincheloe	Norton	Thomas
Drane	Kindred	Oldfield	Thompson
Drewry	Kinkaid	Oliver	Tillman
Driver	Kissel	Olpp	Timberlake
Dunbar	Kleczka	Overstreet	Tincher
Dupré	Kline, N. Y.	Paige	Tinkham
Dyer	Kline, Pa.	Park, Ga.	Towner
Echols	Knight	Parker, N. J.	Tyson
Elliott	Kopp	Parks, Ark.	Upshaw
Ellis	Kraus	Patterson, Mo.	Vare
Elston	Kreider	Perkins	Vestal
Fairchild	Lanham	Petersen	Vinson
Fairfield	Lankford	Porter	Voigt
Faust	Larsen, Ga.	Pou	Volk
Favrot	Larson, Minn.	Pringey	Volstead
Fess	Lawrence	Quin	Walsh
Flood	Layton	Radcliffe	Walters
Focht	Lazaro	Rainey, Ill.	Ward, N. C.
Foster	Lea, Calif.	Raker	Watson
Free	Leatherwood	Ramseyer	Webster
Fuller	Lee, Ga.	Ransley	White, Kans.
Fulmer	Lineberger	Rayburn	White, Me.
Gahn	Linthicum	Reavis	Williamson
Garner	Little	Reber	Wilson
Garrett, Tenn.	Logan	Reece	Wingo
Garrett, Tex.	London	Reed, W. Va.	Woodruff
Gensman	Luce	Rhodes	Woods, Va.
Gernerd	Lyon	Ricketts	Woodyard
Gilbert	McArthur	Roach	Wright
Glynn	McFadden	Robertson	Wyant
Goldsborough	McKenzie	Rogers	Young
Goodykoontz	McLaughlin, Mich.	Rose	Zihlman
Graham, Ill.	McLaughlin, Nebr.	Sanders, Ind.	

NAYS—6.

Aswell	Blanton	Parrish	Rankin
Black	Jones, Tex.		

ANSWERED "PRESENT"—4.

Cannon	Collier	Johnson, Miss.	Knutson

NOT VOTING—153.

Ansorge	Frear	Langley	Rucker
Anthony	Freeman	Lee, N. Y.	Ryan
Beedy	French	Lehlbach	Sabath
Blakeney	Frothingham	Longworth	Sanders, N. Y.
Bond	Funk	Lowrey	Scott, Mich.
Bowers	Gallivan	Lufkin	Sears
Britten	Good	Luhring	Sisson
Browne, Wis.	Gorman	McClintic	Slemp
Burdick	Gould	McCormick	Smith
Burke	Green, Iowa	McDuffie	Snell
Burroughs	Greene, Vt.	McLaughlin, Pa.	Snyder
Carew	Griest	McPherson	Sproul
Chandler, N. Y.	Griffin	MacGregor	Steenerson
Chandler, Okla.	Harrison	Mann	Stephens
Chindblom	Haugen	Mead	Stevenson
Clark, Fla.	Hays	Merritt	Stiness
Clarke, N. Y.	Hicks	Michaelson	Stoll
Classon	Hill	Moore, Ill.	Sullivan
Cockran	Himes	Moore, Va.	Sumners, Tex.
Codd	Hogan	Morin	Tague
Collins	Houghton	O'Brien	Taylor, Ark.
Connally, Tex.	Hudspeth	O'Connor	Taylor, Colo.
Cooper, Ohio	Hull	Ogden	Tilson
Copley	Husted	Osborne	Treadway
Coughlin	Hutchinson	Padgett	Underhill
Crowther	Ireland	Parker, N. Y.	Vaile
Davis, Minn.	James, Va.	Patterson, N. J.	Ward, N. Y.
Dempsey	Jefferis	Perlman	Wason
Denison	Johnson, S. Dak.	Peters	Weaver
Dickinson	Kelley, Mich.	Purnell	Wheeler
Dunn	Kelly, Pa.	Rainey, Ala.	Williams
Edmonds	Kendall	Reed, N. Y.	Winslow
Evans	Kennedy	Riddick	Wise
Fenn	Kiess	Riordan	Wood, Ind.
Fields	King	Robsion	Wurzbach
Fish	Kirkpatrick	Rodenberg	Yates
Fisher	Kitchin	Rosenbloom	
Fitzgerald	Kunz	Rossdale	
Fordney	Lampert	Rouse	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. CANNON with Mr. RIORDAN.

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. BROWNE of Wisconsin with Mr. SEARS.
Mr. PERLMAN with Mr. JAMES of Virginia.
Mr. COUGHLIN with Mr. JOHNSON of Mississippi.
Mr. BURROUGHS with Mr. SUMNERS of Texas.
Mr. FREEMAN with Mr. MCCLINTIC.
Mr. IRELAND with Mr. PADGETT.
Mr. GRIEST with Mr. GRIFFIN.
Mr. LEHLBACH with Mr. TAGUE.
Mr. ANTHONY with Mr. FIELDS.
Mr. KIESS with Mr. GALLIVAN.
Mr. BEEDY with Mr. O'BRIEN.
Mr. LUFKIN with Mr. COLLINS.
Mr. DAVIS of Minnesota with Mr. STEVENSON.
Mr. KING with Mr. HARRISON.
Mr. DENISON with Mr. KUNZ.
Mr. PATTERSON of New Jersey with Mr. CAREW.
Mr. DICKINSON with Mr. MOORE of Virginia.
Mr. BLAKENEY with Mr. TAYLOR of Arkansas.
Mr. PETERS with Mr. STOLL.
Mr. SNYDER with Mr. MCDUFFIE.
Mr. LAMPERT with Mr. WEAVER.
Mr. MERRITT with Mr. SULLIVAN.
Mr. STEENERSON with Mr. CONNALLY of Texas.
Mr. MOORE of Illinois with Mr. MEAD.
Mr. HOUGHTON with Mr. LOWREY.
Mr. STINESS with Mr. COCKRAN.
Mr. HUSTED with Mr. SABATH.
Mr. OSBORNE with Mr. RUCKER.
Mr. HUTCHINSON with Mr. RAINEY of Alabama.
Mr. SMITH with Mr. O'CONNOR.
Mr. YATES with Mr. HUDSPETH.
Mr. WILLIAMS with Mr. SISSON.
Mr. WASON with Mr. WISE.
Mr. WINSLOW with Mr. TAYLOR of Colorado.
Mr. VAILE with Mr. FISHER.

Mr. COLLIER. Mr. Speaker, I have a pair with the gentleman from Massachusetts, Mr. TREADWAY. I voted "aye." I wish to withdraw that vote of "aye" and vote "present."

The name of Mr. COLLIER was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. BLAND of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. The Clerk will call the Calendar for Unanimous Consent, beginning where we left off yesterday.

PERIOD FOR DOING ANNUAL ASSESSMENT WORK ON UNPATENTED CLAIMS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 4813) changing the period for doing annual assessment work on unpatented mineral claims from the calendar year to the fiscal year ending June 30 each year.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HAYDEN. Mr. Speaker, in the temporary absence of the gentleman from Wyoming [Mr. MONDELL], the majority leader, and at his request, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS ARKANSAS RIVER, OKLA.

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6652) to extend the time for the construction of a bridge across the Arkansas River, Muskogee County, Okla.

The SPEAKER pro tempore. The lady from Oklahoma asks unanimous consent for the present consideration of the bill, H. R. 6652, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress, approved May 27, 1920, to be built by the county of Muskogee, State of Oklahoma, across the Arkansas River, at a point near Fort Gibson, in said county and State, between sections 16 and 21, township 15 north, range 19 east, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that this bill is upon the calendar?

The SPEAKER pro tempore. It is. [After a pause.] The Chair hears none, and the lady from Oklahoma is recognized.

Miss ROBERTSON. Mr. Speaker, the gentleman from Texas [Mr. GARRETT] spoke a few moments ago of how the mocking birds sing. The mocking birds sing to-day in the old National Cemetery at Fort Gibson, where these days we are burying the boys of the World War beside the boys of the Spanish War, the boys of the Civil War, and the boys of 1848, and the boys of 1812. Every vehicle that goes to that cemetery must pay a heavy toll. To relieve that situation the citizens of the county of Muskogee stand ready to construct this bridge. They have the money already waiting, and this must be attended to by the day after to-morrow. The bill calls for no money, but will simply enable these people to put that bridge across the river at that point, and I ask that this bill be passed now. [Applause.]

The SPEAKER pro tempore. The question is upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS ARKANSAS RIVER NEAR WEBBERS FALLS, MUSKOGEE COUNTY, OKLA.

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the next bill on the calendar (H. R. 6653), to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.

The SPEAKER pro tempore. The lady from Oklahoma asks unanimous consent for the present consideration of the bill H. R. 6653. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the construction of a bridge, authorized by act of Congress approved May 27, 1920, to be built by the county of Muskogee, at a point near Webbers Falls, in section 18, township 12 north, range 21 east, in the said county of Muskogee, State of Oklahoma, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, strike out "time" and insert "times."

Page 1, line 5, after word "Muskogee," insert "State of Oklahoma, across the Arkansas River."

Page 1, line 8, after the word "county," insert the words "of Muskogee"; and on page 2, line 1, strike out the words "State of Oklahoma" and insert the words "and State."

Miss ROBERTSON. Mr. Speaker, this is a bill for a similar purpose, and I think it is unnecessary to take up the time of the House further in explanation of it. I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Miss ROBERTSON, a motion to reconsider the votes by which the preceding bills were passed was laid on the table.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. The Clerk will resume the calling of the Calendar for Unanimous Consent.

ADDITIONAL JUDGE, DISTRICT OF NORTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (S. 78) authorizing the appointment of an additional judge for the district of North Dakota.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WILLIAMSON. Mr. Speaker, reserving the right to object, I would ask the gentleman in charge of the bill whether or not it is the intention to make this a permanent position or simply a temporary one?

Mr. DYER. Mr. Speaker, it is provided in the bill that this appointment of a new judge shall be for the purpose of relieving the situation which is there now, and that when the present judge retires or dies this other judge to be appointed under this bill shall be the judge and the only one. The bill provides for only one judge.

At present, I will state to the gentleman, there is only one United States district judge. That judge is physically unable to perform the work. In fact, he has not been in the State

to hold court for more than two years, and the only way in which business can be transacted at all is by having judges from other States sent into North Dakota to attend to the business of the court.

Mr. WILLIAMSON. The thing I have in mind is this: Anybody who has had any experience on the bench knows that court work comes in waves, and my idea would be that if a judge was competent and physically able to do the work, with the ordinary run of litigation, there would be no necessity for another judge in North Dakota except to tide over an emergency. If it is simply to take care of an emergency, I shall not object.

Mr. DYER. That is the situation, Mr. Speaker.

Mr. BLANTON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BLANTON. I reserve the right to object.

Mr. DYER. Mr. Speaker, this bill is to provide for a judge for North Dakota, which now has only one judge. The present judge of the United States district court for North Dakota has been upon the bench there for some 25 years. He is now, I think, 67 years of age. Under the law he can not retire, although he is physically unable to perform any portion of the work of his office. He is not able even to live within the State on account of the climate and his condition of health. The result is that he has not been in the State to hold court for more than two years, and the situation there is very bad, and the necessity for a judge to be sent there is an emergency matter entirely.

Mr. RAMSEYER. Did we not pass a bill through this House about two years ago to take care of cases just like that?

Mr. DYER. I do not recall it, I will say to the gentleman from Iowa.

Mr. YOUNG. That would take care of only the cases where the judge had reached the retirement age of 70 years.

Mr. RAMSEYER. Not before?

Mr. YOUNG. Not before.

Mr. DYER. The bill we passed provided that where the judge had reached 70 years of age and was physically unable to perform work a judge could be appointed to take his place. This does not provide an additional judge for North Dakota, because when the present judge retires or dies there will be only one judge that is appointed under this bill, and it will not create any additional judge except for the time being.

Mr. BLANTON. Will the gentleman yield?

Mr. DYER. I yield.

Mr. BLANTON. The gentleman will remember that just such a case was in existence in my own State a few years ago, where the district judge was sick and unable to attend to the business, and Congress created an extra judge, but stipulated that there should be no extra district. Now, there is a bill before Congress to provide this extra judge with a district; in other words, to create a new district. I wanted to ask the gentleman from Missouri further if he does not think that some of the Federal district judges over the country, who open court at 10 o'clock and hold until 12 and then adjourn for noon until half past 2 and then hold from half past 2 to about 4 or 5 and then adjourn, and then sometimes take a recess for two or three days extra, ought not to go to work and clean up the docket?

Mr. DYER. I will say to the gentleman from Texas that I do not know of any such cases as he refers to, but from the information that has come to the committee of which I am a member—the Judiciary Committee—there is great overwork in many places in this country now by the Federal judiciary, growing out of extraordinary work that has come to them.

Mr. BLANTON. The gentleman has practiced around Federal courts, has he not?

Mr. DYER. I used to be a practitioner.

Mr. BLANTON. And he has seen with what great deliberation some of them, at least, transact business, has he not?

Mr. DYER. Well, I can not say anything in criticism of the judges whom I have had the honor to appear before. I will say to the gentleman that in my own district the work is so great that the present judge is unable to perform it, and one of the judges who retired under the law the gentleman from Iowa [Mr. RAMSEYER] referred to, and who is now 84 years of age, an uncle of mine, is working practically every day to help relieve the situation in that district.

Mr. STEVENSON. The gentleman is on the Judiciary Committee, but it seems to me from his statement of the case that it comes entirely within the statute we passed, which provides where the judge is unable to perform his duties the President may appoint a judge for the time being, who shall be the ranking justice of that district, and shall assign the disabled judge to such work as he can do, and with the final retirement of the disabled judge the new judge who is appointed becomes the sole judge in the district.

Mr. DYER. I am acquainted with the statute the gentleman refers to, but it provides that the judge must have reached the age of 70 years, which is the age limit.

Mr. STEVENSON. I think the gentleman is in error about that, but I may be mistaken. I never do swear to what is in a statute.

Mr. DYER. That is the case.

Mr. STEVENSON. That is the retirement act. We passed a subsequent act two years ago under which Judge Webb was appointed in the western district of North Carolina because the judge had become incapacitated to discharge his duties, and Judge Boyd and Judge Webb are both holding courts there now. Judge Webb designates Judge Boyd from time to time to hold such court as he is able to hold.

Mr. DYER. The judge must have reached 70 years of age under that act, I will say to the gentleman.

Mr. WARD of North Carolina. Judge Boyd has passed the age of 70.

Mr. DYER. He must have reached the age of 70 years. But the judge in North Dakota is 67 years of age. He has been on the bench 25 years and has been unable to retire by reason of existing law. This, Mr. Speaker, is a real emergency, and I hope the gentleman from Texas will not object.

Mr. BLANTON. I am sure the gentleman from South Carolina [Mr. STEVENSON] is correct in his statement, that the act passed two or three years ago authorized the appointment of a temporary judge to take charge of the business.

Mr. DYER. He was not able to do it.

Mr. BLANTON. Until we look up that statute I shall have to object.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore Is there objection?

Mr. BLANTON. I object.

Mr. DYER. The statute referred to by the gentleman, upon which he bases his objection to this bill, is as follows:

In the event any circuit judge or district judge having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years, as aforesaid, shall nevertheless remain in office and not resign or retire, as aforesaid. The President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate, an additional circuit judge of the circuit or district judge of the district to which such disabled judge belongs. And the judge so retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority. In districts where there may be more than one district judge, if the judges or a majority of them can not agree upon the appointment of officials of the court, to be appointed by such judges, then the senior judge shall have the power to make such appointments.

Upon the death, resignation, or retirement of any circuit or district judge so entitled to resign, following the appointment of any additional judge, as provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

ENROLLING CLERK OF THE HOUSE.

Mr. CANNON. Mr. Speaker, I ask the present consideration of the following resolution.

The SPEAKER pro tempore. The gentleman from Illinois asks for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 124.

Resolved, That the enrolling clerk of the House, so long as that office is held by the present incumbent, be paid additional compensation at the rate of $1,000 per annum, beginning April 9, 1921, payable out of the contingent fund of the House until otherwise provided by law.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire of the distinguished ex-Speaker as to the reason why this should be presented at the present time, and not go through the Committee on Accounts for report?

Mr. CANNON. I have it in black and white and can vouch for the accuracy of the statement.

Mr. STAFFORD. Can the gentleman inform the House as to the reason why this should not go through the Committee on Accounts?

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

The present enrolling clerk of the House was appointed April 9 of this year, succeeding Mr. Hempstead, who resigned, and who succeeded Mr. McKenney in the Sixty-second Congress when Champ Clark was elected Speaker.

February 26, 1917, during the second session of the Sixty-fourth Congress, the then enrolling clerk was given an increase of $1,000 per annum. The resolution was offered by Mr. MANN, who realized the importance of having a competent man in that office and also recognized efficiency irrespective of political affiliation. The resolution was later made permanent law as regards the then incumbent, and from that time up to the beginning of the present Congress the enrolling clerk has received $4,000 per annum.

The present enrolling clerk is thoroughly efficient in every respect. He served as assistant enrolling clerk during the Sixtieth and Sixty-first Congresses and also during the last Congress. He took a vacation while Mr. Clark was speaker. He understands every detail of the office and has rendered very satisfactory service. The Clerk of the House and the last enrolling clerk recommend him very highly and do not hesitate to state that a better man for the place could not have been found.

The office of enrolling clerk is one of the most responsible and important in Congress, and his salary should be equal to that of those serving at the desk. Much devolves upon him to keep the machinery of legislation running smoothly. The least slip may result in serious consequences. Very few are aware of the responsibilities of the enrolling clerk. Those who are familiar with his duties must agree that he should be paid a salary commensurate to the work he performs.

The resolution simply calls for the same salary that has been paid the enrolling clerk for the last three Congresses, and will perpetuate efficiency in that office.

Mr. McKenney held the office of enrolling clerk for more than 20 years and Mr. Hempstead for 10 years, until he resigned at the beginning of the present Congress. Efficiency has always been considered first in selecting a man for the place. The office was practically removed from patronage when two years ago the Republican caucus passed a resolution to retain the Democrat who was then holding that place.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GARRETT of Tennessee. Mr. Speaker, I have no desire to object. As I caught the reading of the resolution, it simply provides that this salary shall apply during the incumbency of the present incumbent of the office?

Mr. CANNON. Yes; and until otherwise provided for. It is a resolution.

Mr. GARRETT of Tennessee. Does it make it permanent law?

Mr. CANNON. Oh, no. It does not make it permanent law.

Mr. GARRETT of Tennessee. The reasons set out in the memorandum read at the desk are quite persuasive, and it should be made permanent law.

Mr. CANNON. This is a resolution similar to what was offered by Mr. MANN when Mr. Hempstead took the office, in a Democratic House, and held that office until he resigned. The present incumbent, who was appointed to succeed him, had in two prior Congresses served as assistant enrolling clerk, and in the last Congress as assistant enrolling clerk. It does not change the law.

Mr. GARRETT of Tennesee. As I say, I am not objecting to the resolution, but the reasons given would be very persuasive toward having a law fixing the salary of that position permanently.

Mr. CANNON. But it would require legislation to make it permanent.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will again report the resolution.

The resolution was again read.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL JUDGE, DISTRICT OF NORTH DAKOTA.

Mr. DYER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. DYER. I ask unanimous consent to again take up the bill for the North Dakota judgeship. I call attention to the statute which is now the law, which says the President can not act until the judge has reached the age of 70. The gentleman from Texas [Mr. BLANTON] will not object. I think the bill ought to be passed. It is a very great emergency. Public business is entirely suspended.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to return to the bill S. 78, No. 41 on the Calendar for Unanimous Consent. Is there objection to the return?

There was no objection.

The SPEAKER pro tempore. The Clerk will again report the bill.

The Clerk read as follows:

A bill (S. 78) authorizing the appointment of an additional judge for the district of North Dakota.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the judicial district of the State of North Dakota, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and the judge so appointed shall be held and treated as the senior judge and shall exercise such powers and perform such duties in that judicial district as may be incident to seniority.

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the district of North Dakota by the retirement, disqualification, or death of the judge senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DYER, a motion to reconsider the last vote was laid on the table.

EXTENDING LIMIT OF INDEBTEDNESS, PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. To ask unanimous consent to have printed in the RECORD the speech of Mr. DE VEYRA, one of the Commissioners from the Philippine Islands, on the bill to increase the limit of indebtedness of the Philippine Islands.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the Resident Commissioner of the Philippine Islands, Mr. DE VEYRA, may print in the RECORD a speech on the increase of the limit of indebtedness of the Philippine Islands. Is there objection?

There was no objection.

Following is the speech referred to:

SPEECH OF MR. DE VEYRA.

Mr. Speaker, there is very little to add to the report of the committee on the measure extending the limit of indebtedness of the Philippine Islands now before the House. The report is almost an exhaustive presentation of the circumstances that makes the passage of this measure imperative.

I wish only to say that both the people and the government of the Philippine Islands are behind the legislative project. They are desirous to see it approved without unnecessary delay. In fact, this bill was presented here on their request. We, the Resident Commissioners, were explicitly instructed to advocate its passage, and I have so stated to the committee during the two hearings on the bill.

It might be claimed that on principle the enactment of this law is unwise. Some distinguished Members of the House are of this opinion. I have been asked whether the increase in the public indebtedness of the Philippine Islands would not result in a durable economic tie between our country and yours that might affect unfavorably the question of our independence, since the bonds to be issued would have to be sold in this country.

I believe that this argument is not tenable. The bill before the House is merely an amendment to the Jones law or autonomy act of August 29, 1916. It does not seek to alter the fundamental principle of the Jones law. The Philippine Government is still empowered to incur indebtedness. Instead, however, of making the limit of that indebtedness only $15,000,000, the present measure seeks to raise the limit to $30,000,000. Philippine trade and industrial activities, generally, have developed to such a degree that makes the increase of our indebtedness absolutely essential. The present limitation of $15,000,000 was fixed at a time when the foreign trade and currency in circulation in the Philippines were about one-third their present size. We need ample leeways for our unprecedented development.

Neither does the present proposed amendment to the Jones law react on the independence question. The consistent policy of the United States with regard to the Philippine Islands remains unimpaired. It is still the case that a more autonomous government is to be in operation in the islands as a step toward the concession of that independence which is expressly promised in the autonomy act.

It is true, Mr. Speaker, and I do not hesitate to state here, that before the policy of the United States as regards the

Philippine Islands has been so defined, the Filipinos have looked with apprehension at every American dollar invested in the Philippines. Since the passage of the Jones law, however, this attitude underwent a radical change. We no longer are aroused to suspect that every American dollar invested in the Philippines might be a nail driven into the coffin of our independence. We have confidence now in American capital; we entertain good will toward American investors, and we invite American business men to do business in the islands.

In short, we believe that notwithstanding the opposition of vested interests created in the islands in favor of Americans, the promise made for and on behalf of the American people by their chosen representatives must stand as the unalterable policy of the American Nation—the plighted troth that you are in honor bound to live up to. We know that the element of trade will not be permitted to enter into any consideration of our freedom. We know too that the American people will not permit the honor of the Nation to be measured in terms of dollars and cents. I emphatically repeat that we have faith in the spirit of liberty of the American people and their Congress; we have faith in the fulfillment of your promise to grant us independence; and, with this faith, we refuse to look upon American money as the arch enemy of our freedom; we prefer to look upon it as an unselfish factor in the development of our natural resources—something that makes your policy of altruism all the more resplendent. It is in this sense that we prefer American capital to any other foreign element of our economic development. It is in this sense too that we have willingly aligned our interests with those of America. We believe that American capital as well as the American Government, in their simultaneous reach across the Pacific, are actuated by the same benign motive—the setting up of a republic, at once prosperous and respected, that will reflect credit on the Mother Republic.

So sure was the Philippine Legislature that there would be no danger involved in the enactment of this bill that, anticipating favorable action by Congress, it had passed at its last session a law authorizing the War Department of the United States, in accordance with the usual practice, to negotiate for the sale of the bonds which will be floated upon the approval of this law.

The Philippine government can sustain an indebtedness that is even much heavier than the limit set by this bill. The estimated value of our resources reaches into the billions and the total receipts of the Philippine government, according to the last yearly report of the insular auditor, is almost a hundred million pesos. Our present indebtedness also is much less than the indebtedness of almost all of the small independent countries of the world. It is less than that of Argentina, that of Belgium, Bolivia, Bulgaria, Chile, and Denmark. Ecuador, Norway, Peru, Rumania, and Switzerland also have a greater indebtedness than the Philippine Islands.

The report of the committee also shows that the measure now under consideration is of such an emergency nature that it should appeal to the sympathy of the Members of this distinguished body. The best reason for its immediate enactment is the present economic condition prevailing in the archipelago. For besides the urgent needs of public improvements there is also the vital necessity of placing sufficient gold funds in this country in order to stabilize the exchange market and to restore the parity of the Philippine peso.

Before the present trade crisis throughout the world ensued, trade between the United States and the Philippines was increasing steadily. Last year's importations and exportations between the United States and the Philippines have reached over 60 per cent of the total Philippine trade. Due to the general crisis, however, that is now being felt, and with the abrupt lowering of prices of all commodities, the foreign commerce of the islands has been so affected that our trade with this country is only a little short of being virtually paralyzed. Consequently, the value of our money has depreciated as has every other money in the world, with the possible exception of the Japanese yen. The rate of exchange has gradually increased, to the detriment of the Philippine peso, resulting in the impairment of American trade with the islands.

The government of the Philippine Islands, under the inspiration and guidance of the Government at Washington, years ago proceeded to make reforms in our monetary system in order to alleviate the unstable situation of exchange, and has practically given to the public assurances of its financial stability. Both Governments, therefore, are under a moral duty to provide means of relief, and so far as human eye can see, under the present circumstances, the immediate adoption of the measure now under consideration is the only effective remedy.

Mr. Speaker, I emphasize that it is not only in the interest of my country, but just as much in the interest of American trade in the Philippines, that I strongly urge the enactment of this measure without unnecessary delay.

The SPEAKER pro tempore. The Clerk will report the next bill on the Unanimous Consent Calendar.

CLERKS AND DEPUTY CLERKS TO UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3205) to amend an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," approved March 4, 1921.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, may we have it reported?

The SPEAKER pro tempore. The Clerk will report the bill for the information of the House.

The Clerk read as follows:

Be it enacted, etc., That that portion of the fifth paragraph under the heading "United States courts," in section 1 of an act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, approved March 4, 1921, reading as follows, be, and the same is hereby, repealed: "*Provided further*, That no clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be appointed by the court other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from private litigants."

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. McARTHUR. Mr. Speaker, will the gentleman from Wisconsin withhold his objection?

Mr. STAFFORD. Yes.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves the right to object.

Mr. McARTHUR. Mr. Speaker, I wish to make a brief statement in regard to this measure.

One of the reasons why this bill was introduced and acted upon favorably by the Committee on the Judiciary is because in many of the States, particularly in the larger States of the West that are not subdivided into judicial districts, the Federal courts sit in a number of places. It is necessary for the clerk of the court to have deputies at these places. Under the provision contained in the last legislative bill the Government will have to dispense with the services of these deputies, and every time court meets in one of these outlying places it will be under the necessity of paying the mileage and expenses of deputies sent from the headquarters clerk's office to the place where the court sits. In my State, for example, the headquarters of the Federal court are in the city of Portland. There are two terms of court held in Pendleton, in eastern Oregon, 225 miles distant from Portland. There are also two terms of the Federal court each year held in Medford, 325 miles south of Portland toward the California line. It is for the best interests of the court and for the best interests of the orderly transaction of business that the clerk have deputies residing in Pendleton and in Medford who will stay there all the time, getting the papers ready and having things in shape for the sessions of court. It is impossible to secure the services of deputies in these towns, on the salary that is allowed, if they are prohibited from doing other work; and if this bill or some similar bill does not pass this Congress, then we will be under the necessity of dispensing with the services of these men, and the clerk of the court will have to send deputies from the headquarters of the court, at great expense to the Government. I think this bill ought to pass.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, the provision carried in the sundry civil bill which it is sought to repeal was modified at the suggestion of the Department of Justice, because they thought it was too broad, in the deficiency appropriation act that has now become a law. The provision in that act excepts deputy and assistant clerks where the emoluments do not exceed $2,000 a year. That, in the opinion of the Committee on Appropriations, met the difficulty cited by the gentleman from Oregon. For that reason I object to the consideration of this bill.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. McARTHUR. I ask unanimous consent that this bill be passed without prejudice.

Mr. STAFFORD. In view of the fact that we have modified the law at the suggestion of the Department of Justice, I see no reason why this bill should continue on the calendar.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the bill may be passed without prejudice. The gentleman from Wisconsin objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 59. Joint resolution authorizing the Secretary of the Interior to protect certain restricted members of the Five Civilized Tribes, and for other purposes;

S. 904. An act fixing the term of service of Elijah C. Putnam during the war;

S. 732. An act to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation, in the States of North Dakota and Montana; and

S. 834. An act to authorize the appointment of an ordnance storekeeper in the Army.

The message also announced that the Senate had passed without amendment the bill (H. R. 5616) granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River in the State of Pennsylvania.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 834. An act to authorize the appointment of an ordnance storekeeper in the Army; to the Committee on Military Affairs.

S. 904. An act for the relief of Elijah C. Putnam; to the Committee on the Public Lands.

S. 732. An act to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation in the States of North Dakota and Montana; to the Committee on the Public Lands.

S. J. Res. 59. Joint resolution authorizing the Secretary of the Interior to protect certain restricted members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

FLOOD CONTROL SURVEY OF THE YAZOO RIVER.

The SPEAKER pro tempore. The Clerk will report the next bill upon the Calendar for Unanimous Consent.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5651) to survey the Yazoo River, Miss., with a view to the control of its floods.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the measure?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire of the gentleman from Mississippi [Mr. HUMPHREYS] whether under the general law the House Committee on Flood Control would not have authority to call upon the commission for a survey, as provided in this bill?

Mr. HUMPHREYS. No; they will not. Under the law the Rivers and Harbors Committee might do that, but when we passed the flood control act of March 1, 1917, we changed that provision in so far as it related to surveys for flood control, for this reason: A preliminary survey may be ordered to determine whether or not a river is worthy of improvement for the purposes of navigation. If the Chief of Engineers upon that preliminary survey thinks favorably of the proposition he orders a survey. Now, a survey for the purposes of determining questions of flood control would frequently involve a considerably larger outlay of money than an ordinary survey for navigation purposes; and so, that being true, we thought that the Chief of Engineers ought not to have that power, and we provided in the act that on all preliminary surveys the report should be made to Congress setting forth what the survey would cost, so that Congress might pass on that proposition, rather than to leave it to the Chief of Engineers.

Mr. STAFFORD. The gentleman has had considerable acquaintance with this subject and had a large part in passing the original flood control bill. I direct his attention to the last paragraph of section 3:

All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request by the Committee on Rivers and Harbors relating to works or projects of navigation shall, in like manner, be made upon request of the Committee on Flood Control on all works and projects relating to flood control.

Mr. HUMPHREYS. Yes; but the law does not authorize the Committee on Rivers and Harbors, by resolution, to order a preliminary survey.

Mr. STAFFORD. What is the purpose of the paragraph I have just read? I thought that language was broad enough to authorize the Committee on Flood Control to provide for surveys.

Mr. HUMPHREYS. No. Under the law now the Chief of Engineers can not make any supplemental report to the committee or to Congress after he has once made a report, unless there is a resolution passed by the committee requesting him to give that information.

Mr. STAFFORD. May I inquire whether the Yazoo River is considered, under the general terms of the flood control act, as a part of the Mississippi River project?

Mr. HUMPHREYS. No; it is not.

Mr. STAFFORD. Is that the reason why the gentleman desires this special legislation?

Mr. HUMPHREYS. Yes. The Yazoo River is not a part of the Mississippi River project at all. The Mississippi River Commission has jurisdiction of the Yazoo Canal, as it is called, which is simply a short canal running up from the Mississippi River where there was a cut-off, the Centennial as it is called, in front of Vicksburg, perhaps 3 or 4 miles long. That part of it was put under the Mississippi River Commission, but the Yazoo River and its tributaries run up three or four hundred miles and the Mississippi River Commission has no jurisdiction over it.

Mr. STAFFORD. The passage of this bill will not commit the Government to a broader policy as to flood control than has heretofore been adopted?

Mr. HUMPHREYS. Oh, no. This simply asks the Chief of Engineers to tell us what a survey would cost; that is all. He has the data in his office and he can make the report.

Mr. STAFFORD. I withdraw the reservation of the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Yazoo River, Miss., with a view to the control of its floods, in accordance with the provisions of an act entitled "An act to provide for the control of the floods of the Mississippi River and the Sacramento River, Calif., and for other purposes," approved March 1, 1917.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

On motion of Mr. HUMPHREYS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 694) providing for the appointment of an additional judge for the southern district of the State of West Virginia.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the southern judicial district of the State of West Virginia, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and the judge so appointed shall be held and treated as the senior judge and shall exercise such powers and perform such duties in that judicial district as may be incident to seniority.

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the southern district of West Virginia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. GOODYKOONTZ, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSPORTATION FROM EUROPE FOR DISCHARGED SOLDIERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1019) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I notice that the authority limiting this act is contained in the proviso in the original bill and although it might be construed to apply to the second section I suggest that it would be better to take the proviso out and have the provision come in as a new section at the end of the bill. I have no objection to the substance of the bill.

Mr. KAHN. I shall have no objection to that.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to furnish transportation on United States Army transports from Europe to the United States, and subsistence en route, to any person who served in the Army of the United States and was honorably discharged therefrom in Europe, and who is now in Europe and is or becomes destitute, and to the wife and children of such person: *Provided further*, That if such person, his wife or children, are not at a port of embarkation of United States Army transports in Europe the Secretary of War is further authorized to furnish transportation to such person, his wife, or children, to such port of embarkation and subsistence en route: *Provided further*, That all such transportation and subsistence shall be furnished without cost to such person, his wife, or children: *And provided further*, That the authority conferred by this act shall cease and determine six months after the approval thereof.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1 line 9, after the word "person," insert: "and transportation and subsistence en route to such person and his wife and children from point of debarkation in the United States to the point of enlistment of such person or his home of record or to any other point to which he may desire to be furnished transportation for himself, wife, and children: *Provided*, That such point is of no greater distance from the point of debarkation than is his point of enlistment or home."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 7, strike out the word "or" and insert the word "and."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, after the word "transport" insert the words "in Europe."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 10, strike out the word "or" and insert the word "and."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 12, strike out the word "all."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 13, after the word "furnished" insert "to such person, his wife and children."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 14, after the word "to" strike out "such person, his wife or children," and insert "them."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment:

Page 2, line 14, after the word "them," strike out the colon and insert a period, and strike out the last proviso, beginning on line 14.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, insert a new section, section 2, as follows:

"SEC. 2. That the Secretary of War is hereby further authorized to furnish transportation and subsistence en route, as contemplated above in the case of destitute former soldiers in Europe, to any person who was honorably discharged from the Army of the United States in Siberia and who is now in Vladivostok or its immediate vicinity and is or becomes destitute, and to the wife and children of such person: *Provided*, That the Secretary of War is authorized, in transporting such persons to the United States, to procure transportation and subsistence for them on vessels other than United States Army transports from Siberia to Japan."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, to follow section 2, as section 3.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD. Page 3, after line 2, insert a new section, as follows:

"SEC. 3. That the authority conferred by this act shall cease and determine six months after the approval thereof."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. KAHN. Mr. Speaker, I move to amend the title by inserting after the word "Europe" the words "and Siberia."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. KAHN moves to amend the title by inserting after the word "Europe" the words "and Siberia."

The amendment to the title was agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

USE OF CERTAIN TITLES ON TABLETS AND OTHER MEMORIALS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5013) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in his discretion, to sanction the use upon monuments, tablets, or other memorials erected to persons who have died or may hereafter die from wounds, injuries, or disease incurred in the line of duty while members of the naval service, of the designation of the rank for which qualified and to whom appointments to such ranks would have been issued in due course except for their death.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CAMPBELL of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

BIOLOGICAL STATION IN THE STATE OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1475) providing for a grant of land to the State of Washington for a biological station and general research purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the title and fee to portions of sections 1, 2, 11, and 12 of township 35 north, of range 3 west of the Willamette meridian, being a military reservation at San Juan Island, in the county of San Juan, State of Washington, containing about 484 acres, be, and the same are hereby, granted to the State of Washington for the use of the University of Washington, for the purpose of a biological station and for general university research purposes; subject, however, to the right of the United States to at any and all times and in any manner assume control of, hold, use, and occupy without license, consent, or leave from said State or university any or all of said land for any and all military, naval, or lighthouse purposes, freed from any conveyances, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said State or university: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said State of Washington or the University of Washington for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes: *Provided further*, That if said lands shall not be used for the purposes hereinabove mentioned, the same or such parts thereof not so used shall revert to the United States.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HADLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SURVEY OF CALAVERAS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1269) to make a preliminary survey of the Calaveras River in California, with a view to the control of floods.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I take it that this is more or less a companion bill to that just passed relating to the Yazoo River?

Mr. CURRY. That is correct.

Mr. STAFFORD. I wish to inquire whether the passage of this bill will impose any policy on the National Government in respect to flood control in the Calaveras River?

Mr. CURRY. It will not.

Mr. STAFFORD. I am not acquainted with the geography of California sufficiently to know whether the Calaveras is in any way a tributary to the Sacramento River, which the general flood act covers. Can the gentleman give the information?

Mr. CURRY. The Calaveras River is a tributary of the San Joaquin River, south of the Sacramento. It is in the San Joaquin Valley and rises in the Sierra Nevada Mountains and flows into the San Joaquin River through Mormon Channel, by the city of Stockton.

Mr. STAFFORD. As I read the report, the Government has done some work of a public nature in providing a canal along the Stockton Mormon Channel.

Mr. CURRY. Yes.

Mr. STAFFORD. So as to prevent erosion and the filling up of the stream.

Mr. CURRY. Yes.

Mr. STAFFORD. And this is more or less a supplement of that project?

Mr. CURRY. To a certain extent; yes. Last fall the Board of Army Engineers for Rivers and Harbors and the Assistant Chief of Engineers, Col. Taylor, were at Stockton and spent two days there. They examined the diverting canal and the San Joaquin and the Calaveras Rivers.

There is a project for the survey of the San Joaquin, which was reported from the Committee on Rivers and Harbors, and it was supposed that when that was passed there was sufficient authority to include the survey of the Calaveras. Most of the floods of the San Joaquin are caused by the Calaveras. The San Joaquin silts up with the erosion from the Calaveras floods. The assistant chief of engineers and the board did not think that they had sufficient authority to perform this preliminary survey, although they wished to do it very much. I therefore introduced this bill to give them the authority. The War Department has all of the information and records necessary to make the preliminary survey and report. It will not cost the Government anything, and probably even if the work should be authorized, under the policy of the War Department all of the expense would be borne by the city of Stockton, the county of San Joaquin, and the State of California, together with the owners of the lands affected by the floods, which without the survey demonstrates that the navigation interests of the San Joaquin would justify Federal cooperation.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the Calaveras River in California with a view to the control of its floods, in accordance with provisions of an act entitled "An act to provide for the control of the floods of the Mississippi River and the Sacramento River, Calif., and for other purposes," approved March 1, 1917.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker, reserving the right to object, I ask the gentleman who is in charge of the bill to let the bill go over for this time. I do not like to go into the reasons now, but I think I could easily convince the gentleman why it ought to go over.

Mr. FRENCH. Possibly the objections that are in the gentleman's mind may be explained away.

Mr. RAKER. Unless the gentleman amends his bill clear through he can not explain them away.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. FRENCH. Mr. Speaker, I shall be compelled to acquiesce in the request.

The SPEAKER pro tempore. The only question is, Is there objection?

Mr. RAKER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAKER. Can a gentleman, sitting in his seat, make a demand for the regular order?

Mr. MADDEN. Mr. Speaker, I rise and make the demand for the regular order.

Mr. RAKER. Mr. Speaker, will the gentleman let it go over?

The SPEAKER pro tempore. The gentleman from Illinois rises and demands the regular order. Is there objection?

Mr. RAKER. I shall have to object unless the gentleman wants to let it go over.

The SPEAKER pro tempore. The gentleman from California objects and the bill is stricken from the calendar.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent that the bill retain its place on the calendar. Is there objection?

There was no objection.

GAS AND ELECTRIC LIGHT SERVICE, COUNTY OF MAUI, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6673) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, has this bill the approval of the Delegate, the gentleman from Hawaii [Mr. KALANIANAOLE]?

Mr. BROOKS of Pennsylvania. It has the approval of the Delegate from Hawaii. The bill has also been passed by the governor and is now here for the approval of the Congress of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6673) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii.

MANUFACTURE AND SUPPLY OF GAS AND ELECTRICITY.

Be it enacted, etc., That D. C. Lindsay, of Kahului, county of Maui, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or them shall cause to be incorporated under the laws of the Territory of Hawaii, and its successors and assigns (he and they being hereinafter referred to as the association), are hereby authorized and empowered to manufacture, sell, furnish, and supply electric current for light and power purposes and gas for use as fuel, for illuminating purposes, and other purposes, which the association may deem advisable, in the districts of Wailuku and Makawao, county of Maui, for the term of 50 years from the date of the approval of this act by the Congress of the United States, subject to the limitations in this act contained.

ERECTION OF BUILDINGS, ETC.

SEC. 2. That the association shall have the right to erect, construct, operate, and maintain at such place, within the limits mentioned in section 1, as the board of supervisors of the county of Maui shall approve, such buildings, machinery, and appurtenances, and such poles, lines, wires, cables, lamp-posts, conductors, and such other appliances as may be necessary for the production, manufacture, and storage and distribution of gas and the transmission, distribution, and supply of electric current to the consumer thereof, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

PIPES, WIRES, POLES, LINES, CONDUITS, ETC., IN AND OVER HIGHWAYS.

SEC. 3. That the association, for the purpose of distributing such gas and electric current, shall have the right from time to time to lay pipes or other conduits and erect poles, lines, wires, cables, lamps, lamp-posts, conductors, and conduits in, under, or over the streets, roads, and public places in the said districts of Wailuku and Makawao, and whenever supply pipes and mains, lines, conduits, and conductors shall be laid connection shall be made and pipes shall be laid from said mains and lines to the property line of the highway for the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be with stopcocks inside of such property line: *Provided*, That nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads, and places are to be used shall be subject to rules, regulations, and approval of the board of supervisors, and all instructions and directions made by said board shall be strictly followed to the end that the general public shall be inconvenienced as little as possible: *And provided also*, That whenever any street, road, or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing, or repairing such pipes, conduits, or connections, or poles, lines, or conductors, such holes or trenches shall be safeguarded and refilled as soon as possible, and the pavement, if any, and such street, road, or other place shall be replaced in good order and like condition by the association: *Provided*, That if such repair or restoration shall not be made to the satisfaction of the board of supervisors within a reasonable time whereof they shall be the judge, they may cause it to be done at the expense of the association: *And provided further*, That the association may be required to furnish to the board of supervisors, before making any street excavation or alteration, a good and sufficient bond for a sum to be fixed by the board of supervisors to insure prompt replacement of such portions of the streets and pavements therefor.

METER; RATES.

SEC. 4. That the association shall also have the right to maintain and use gas and electric meters or other means for measuring the amount of gas and electric current used from time to time and in such

places as may be deemed necessary, and to operate the same for all purposes connected with the use of such gas and electric current, and shall also have the right to charge, receive, and collect from all consumers of gas and/or electric current reasonable prices as it may from time to time fix and determine: *Provided, however,* That the prices charged to all consumers substantially under the same conditions and circumstances shall be equal, and said association shall also have the right to charge consumers or intended consumers of gas and/or electric current for the cost and expense of making connections between the mains and premises where such gas and electric current is to be used, and may also include the price for all connections, pipes, gas fixtures, wires, cables, and other materials necessary.

CUTTING OFF SERVICE.

SEC. 5. That the association shall also have the right to cut off the supply of gas and electric current from any consumer who shall refuse or fail to pay amounts due for gas or electric current so supplied by the association within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the association from using any remedies now or which may hereafter be authorized by law for collecting debts.

SEC. 6. That the rights and powers hereby granted shall be exercised in such manner as to cause the least inconvenience to the public, and the association shall provide gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the public utilities commission shall from time to time deem necessary, and current of proper and sufficient voltage and amperage, and the buildings and machinery, with all appurtenances to be erected, and general plant to be maintained in connection therewith, together with the offices, books, and accounts of the association, shall be open to examination and inspection at all times by the public utilities commission of the Territory of Hawaii and the board of supervisors, or some one duly authorized by them for that purpose.

TIME OF COMMENCING WORK.

SEC. 7. That it is further provided that the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or conduits in any of the streets, roads, or places and installing machinery or making suitable arrangements for the supply of electric current and purchase, erection, and installation of poles, lines, wires, and cables within two years from and after the date of approval of this act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply gas and electric current, and if gas and electric current is not supplied within two years after such commencement.

MORTGAGES; BONDS.

SEC. 8. That the association shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, pipes, conduits, poles, lines, wires, cables, and conductors and appurtenances, and the manufacturing and supplying of gas and electric current as provided by this act.

EXEMPTION FROM TAXATION.

SEC. 9. That all property of every kind and nature forming or used as part of such gas and electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the date of approval of this act by the Congress of the United States: *Provided, however,* That if the association shall purchase or otherwise acquire the property and/or franchise of the Maui Electric Co. (Ltd.), an Hawaiian corporation now carrying on the business of producing and selling electric light and power in the county of Maui, the property so purchased or otherwise acquired shall not be entitled to the tax exemption herein provided for.

PAYMENT TO THE COUNTY OF MAUI.

SEC. 10. That one month after the expiration of each calendar year there shall be payable to the treasurer of the county of Maui, for and on behalf of said county, 2½ per cent of the gross receipts of the association for all gas and electric current furnished to consumers under the terms of this act during the preceding 12 calendar months.

SEC. 11. That the association shall, within one month after the expiration of each calendar year, file with the board of supervisors a detailed statement showing all of its receipts and expenditures during the preceding calendar year.

RIGHT TO ACQUIRE PROPERTY, LIMITATIONS.

SEC. 12. That the said association shall have the right to acquire, hold, or take over, either by purchase or lease, property both real and personal, or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SEC. 13. That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii with the approval of the Congress of the United States; and the rights, privileges, and powers by this act conferred shall not be construed to be exclusive.

SEC. 14. That the Territory of Hawaii, the county of Maui, or any political subdivision thereof, within or including the districts of Wailuku and Makawao, may at any time after the expiration of 20 years from the date of the passage of this act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, acquire by purchase all the property of the association, subject to the then existing charges thereon. The amount to be paid to the association for such purpose shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificates shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal the supreme court may in its behalf take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court of appeal.

PUBLIC UTILITIES COMMISSION.

SEC. 15. That this franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices, and charges, and in all other respects, to the provisions of chapter 128 of the Revised Laws of Hawaii, 1915, and amendments thereto, creating a public utilities commission in the Territory of Hawaii.

SEC. 16. That the public utilities commission of the Territory of Hawaii is hereby granted power to order the company to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of the company, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided,* That all orders of the public utilities commission herein provided for shall be subject to review by the courts of the Territory as provided by law.

SEC. 17. That this act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress, to be secured within two years from the date of such approval by the governor.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that, as the committee amendments are all of an informal character, striking out the titles to the various sections, they may be considered at one time and voted upon en bloc.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 1, line 3, strike out the words "Manufacture and supply of gas and electricity."

On page 2, line 6, strike out the words "Erection of buildings, etc."

On page 2, lines 19 and 20, strike out the words "Pipes, wires, poles, lines, conduits, etc., in and over highways."

On page 4, line 9, strike out the words "Meter; rates."

On page 5, line 3, strike out the words "Cutting off service."

On page 6, line 1, strike out the words "Time of commencing work."

On page 6, line 16, strike out the words "Mortgages; bonds."

On page 6, line 24, strike out the words "Exemption from taxation."

On page 7, line 12, strike out the words "Payment to the county of Maui."

On page 7, line 24, strike out the words "Right to acquire property, limitations."

On page 10, line 1, strike out the words "Public Utilities Commission."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. In the bill I think there are some obvious typographical errors. I did not follow the reading by the Clerk to see whether or not it was the same in the bill that was read. I wish to make an inquiry of the gentleman having the bill in charge. For instance, on page 4, line 17, there appears both the conjunctive and the disjunctive, and the same instance in line 22 on the same page, and again on page 7, line 6, where the same language occurs; also again on page 8, line 4. I wish to inquire what was the purpose of using both the conjunctive and the disjunctive, or is that a typographical error?

Mr. BROOKS of Pennsylvania. This is the bill as it passed the Legislature of Hawaii. It has not been changed a bit except as amended here by striking out the subtitle.

Mr. STAFFORD. I direct the gentleman's attention to the first instance that I called his attention, on page 4, line 17. The phraseology is as follows:

And shall also have the right to charge, receive, and collect from all consumers of gas and/or electric current reasonable prices.

What does it mean, with the conjunctive and the disjunctive?

Mr. BROOKS of Pennsylvania. This provides for the manufacture and sale of gas, or both.

Mr. STAFFORD. If it is the purpose to have both the conjunctive and the disjunctive, I can then see that there may be some purpose in it. I do not recall of ever seeing a bill framed where the language is used as it is here, both in the conjunctive and disjunctive.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. PARKER of New Jersey. I think it means a person may use both gas and electricity or may use one of them.

Mr. STAFFORD. With that explanation, it has a meaning.

Mr. PARKER of New Jersey. I have seen it used in that way, but I think not in a bill before.

Mr. SANDERS of Indiana. On one or two occasions during the last term of Congress we passed bills using this form.

Mr. STAFFORD. I am not up with the modern methods as introduced in the last Congress, but, of course, having obtained the information, I withdraw the pro forma amendment.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BROOKS of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

CREDIT TO DISBURSING CLERK, BUREAU WAR RISK INSURANCE.

The next business on the Calendar for Unanimous Consent was House joint resolution No. 31, authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman having the bill in charge, whether it is purposed to legalize by this bill payment of insurance in the coming fiscal year where the premiums have not been kept up?

Mr. SWEET. It is not. It is simply a question of bookkeeping, and to get by the question of a certificate which is required by the Auditor for the Treasury Department to the effect that all premium payments due to date of death have been paid. In many instances it has been impossible to get a certificate that the insurance premiums have been paid, although they know positively they have been paid.

Mr. STAFFORD. Then, as I understand it, the insurance will not be paid to any beneficiary unless the premiums have been paid?

Mr. SWEET. That is true.

Mr. STAFFORD. And the insurer is in good standing?

Mr. SWEET. That is true.

Mr. STAFFORD. I withdraw the reservation of the objection.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, I still want to ask the gentleman from Iowa if the payments of premiums are in arrears how does the War Risk Insurance Bureau ascertain that the policy is still in force?

Mr. SWEET. The situation is this: While the boys were over in Europe the insurance premiums were taken out of their pay. Now, that was certain. In order to get that evidence before the Auditor for the Treasury Department it takes time. They are sure it was paid, because the soldier was in the Army and it was being taken out of his pay.

Mr. BLACK. What I wanted to be sure about is that the War Risk Insurance Director in each and every one of these cases definitely ascertained that the deduction has been made?

Mr. SWEET. Yes; he does. And for the reason just given he is not in a position to present a certificate to that effect.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 31) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

Resolved, etc., That for such reasonable time as may be fixed by the Secretary of the Treasury, but not extending beyond the fiscal year ending June 30, 1922, the accounting officers of the Treasury are hereby authorized and directed to allow credit in the accounts of the disbursing clerk of the Bureau of War Risk Insurance for all payments of insurance installments heretofore or hereafter made under the provisions of article 4 of the war risk insurance act in advance of the verification of the deduction on the pay rolls or of the payment otherwise of all premiums.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SWEET, a motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

NO QUORUM.

Mr. BLANTON. Mr. Speaker, I make the point that we have not a quorum.

The SPEAKER pro tempore. The gentleman from Texas makes the point that there is no quorum present. Evidently there is no quorum present.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 22, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill (S. 1574) authorizing the Secretary of War to exchange, with foreign nations desiring the same, samples of arms and equipment in use by the Army of the United States, reported the same with amendments, accompanied by a report (No. 197), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOCHT, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6775) to regulate marine insurance in the District of Columbia, reported the same without amendment, accompanied by a report (No. 207), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6380) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, reported the same without amendment, accompanied by a report (No. 208), which said bill and report were referred to the House Calendar.

Mr. CURRY, from the Committee on the Territories, to which was referred the bill (H. R. 7257) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish a Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes, reported the same without amendment, accompanied by a report (No. 209), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLASSON, from the Committee on the Judiciary, to which was referred the bill (S. 395) providing for an additional judge for the district of Arizona, reported the same without amendment, accompanied by a report (No. 210), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SUTHERLAND, from the Committee on the Public Lands, to which was referred the bill (H. R. 6262) to add certain lands to Mount McKinley National Park, Alaska, reported the same without amendment, accompanied by a report (No. 211), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 997) conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claim of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 198), which said bill and report were referred to the Private Calendar.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 1733) for the relief of W. R. Grace & Co., reported the same without amendment, accompanied by a report (No. 199), which said bill and report were referred to the Private Calendar.

Mr. WOODS of Virginia, from the Committee on Claims, to which was referred the bill (H. R. 1370) for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army, reported the same without amendment, accompanied by a report (No. 200), which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill (H. R. 2620) for the relief of Welch, Fairchild & Co. (Inc.), reported the same without amendment,

accompanied by a report (No. 201), which said bill and report were referred to the Private Calendar.

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 1460) for the relief of the William Gordon Corporation, reported the same without amendment, accompanied by a report (No. 202), which said bill and report were referred to the Private Calendar.

Mr. SPEAKS, from the Committee on Claims, to which was referred the bill (H. R. 927) for the relief of Capt. Fred S. Johnston, reported the same without amendment, accompanied by a report (No. 203) which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1862) for the relief of Leroy Fisher reported the same without amendment, accompanied by a report (No. 204), which said bill and report were referred to the Private Calendar.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 3270) for the relief of Estella Barnett reported the same with an amendment, accompanied by a report (No. 205), which said bill and report were referred to the Private Calendar.

Mr. BULWINKLE, from the Committee on Claims, to which was reported the bill (H. R. 3057) for the relief of George Van Derburgh Brown reported the same with an amendment, accompanied by a report (No. 206), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5655) granting a pension to Charles A. Evans; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6372) granting an increase of pension to William Coleman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6983) granting a pension to Rose Creighton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6937) granting a pension to Ellen A. Phillips; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 7293) to amend sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: A bill (H. R. 7294) supplemental to the national prohibition act; to the Committee on the Judiciary.

By Mr. KLINE of New York: A bill (H. R. 7295) to increase from 30 years to 35 years the age limit for appointments in the grade of second lieutenant in the Regular Army of persons who served as officers in the United States Army in the World War; to the Committee on Military Affairs.

By Mr. BLANTON: A bill (H. R. 7296) to amend the act pensioning survivors of certain Indian wars, approved March 4, 1917, by including Company A, Frontier Battalion, Texas Rangers; to the Committee on Pensions.

Also, a bill (H. R. 7297) amending an act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, approved March 4, 1917; to the Committee on Pensions.

By Mr. SIEGEL: A bill (H. R. 7298) providing for the printing and distribution of a list of civilian employees of the Government; to the Committee on Printing.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 7299) to incorporate the Women's Overseas Service League; to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 7300) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress; to the Committee on Appropriations.

By Mr. LAMPERT (by request): A bill (H. R. 7301) to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. HAWLEY: A bill (H. R. 7302) making appropriations for the prevention of loss of timber from insect infestations on reserved and unreserved public lands in Oregon and California, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 7303) granting a pension to Nora E. Billstein; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 7304) granting an increase of pension to Roscoe Caudill; to the Committee on Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 7305) granting a pension to Mary E. Cole; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Mississippi: A bill (H. R. 7306) granting a pension to Cora Dixie Willett; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 7307) for the relief of Henry S. Kiersted; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 7308) granting an increase of pension to Jacob J. Boyer; to the Committee on Invalid Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 7309) granting an increase of pension to Lucy Jane Lucke; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 7310) granting an increase of pension to Gustave Domras; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 7311) for the relief of William J. Wilson; to the Committee on Military Affairs.

By Mr. PARKS of Arkansas: A bill (H. R. 7312) for the relief of legal representatives of Dr. W. D. Barnett; to the Committee on War Claims.

By Mr. REECE: A bill (H. R. 7313) granting an increase of pension to Evaline Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7314) to correct the muster roll of William H. Nelson; to the Committee on Military Affairs.

By Mr. ROSE: A bill (H. R. 7315) granting a pension to Addison H. Barbour; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7316) granting a pension to Salada Moses; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 7317) granting a pension to Dorcas B. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7318) granting a pension to Sadie E. Younkin; to the Committee on Invalid Pensions.

By Mr. UPSHAW: A bill (H. R. 7319) for the relief of John Wesley Clark; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 7320) granting a pension to Alice Meeks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7321) granting a pension to Robert Wiley; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 7322) for the relief of John F. Homen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1475. By the SPEAKER (by request): Petition with 470 signatures of members of Uncle Sam Council of the American Association for the Recognition of the Irish Republic, and of George Hayes and 89 others favoring recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1476. By Mr. APPLEBY: Petition of First Baptist Church, First Presbyterian Church, and Trinity Church, of Asbury Park; First Presbyterian Church and First Baptist Church of Red Bank; 34 Baptist Churches of Newark and vicinity; Christ Church, of Shrewsbury; congregation of All Saints Church, Navesink; Walter C. Reynolds, of Manasquan; congregation at the union services of the churches of Keyport; and members of the First Baptist Church of Metuchen, all in the State of New Jersey, urging appropriate action by Congress looking to speedy reduction of armament among the nations of the world; to the Committee on Foreign Affairs.

1477. Also, papers to accompany House bill 7164, for the relief of the owners or legal representatives of the canal boats *Swan* and *Lewis* and *Butler;* to the Committee on Claims.

1478. By Mr. ARENTZ: Petition of citizens of Reno and Sparks, Nev., asking that Congress take the necessary action to bring about the recognition of the existing duly elected gov-

ernment of the republic of Ireland; to the Committee on Foreign Affairs.

1479. By Mr. BARBOUR: Resolution adopted by the congregation of the First Methodist Church of Oakdale, Calif., urging a conference on the subject of a reduction of armaments; to the Committee on Foreign Affairs.

1480. By Mr. BRAND: Petition of Woman's Missionary Society of the Madison Methodist Episcopal Church South, Madison, Ga., urging Congress to place the United States on a peace basis; to the Committee on Foreign Affairs.

1481. By Mr. BRENNAN (by request): Petition of Albert Maloney and 99 other citizens of Detroit, Mich., recommending legislation to standardize the price of farm products; to the Committee on Agriculture.

1482. By Mr. CULLEN: Resolution of the Southern Wholesale Grocers' Association heartily indorsing and commending the purpose of bills to have common carriers issue 1,000-mile mileage books at substantial reductions under the regular passenger fares; to the Committee on Interstate and Foreign Commerce.

1483. Also, resolution of the Southern Wholesale Grocers' Association in regard to section 20, paragraph 11, of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

1484. Also, resolution of the Southern Wholesale Grocers' Association indorsing the Logan bill (H. R. 92); to the Committee on Interstate and Foreign Commerce.

1485. Also, resolution of the Southern Wholesale Grocers' Association indorsing a bill by Senator Joseph T. Robinson, of Arkansas, in regard to common carrier rates, fares, and charges; to the Committee on Interstate and Foreign Commerce.

1486. By Mr. DALLINGER: Resolution adopted by members of the Pilgrim Congregational Church of Cambridge, Mass., favoring the calling of an international conference to discuss the question of disarmament; to the Committee on Foreign Affairs.

1487. By Mr. FENN: Resolution of Patrick Sarsfield Branch, Irish National Foresters, Hartford, Conn., asking recognition of the Irish republic; to the Committee on Foreign Affairs.

1488. By Mr. FULLER: Petition of congregation of the First Presbyterian Church of Rockford, Ill., favoring a conference of the leading nations for a naval holiday; to the Committee on Foreign Affairs.

1489. By Mr. GALLIVAN: Petition of Patrick J. Conlan Council, St. Leo's, Dorchester, Mass., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1490. By Mr. KINKAID: Resolutions of the First Presbyterian Church of Alliance; Valentine Presbyterian Church, of Valentine; J. J. Tawzer and W. J. Neal, of Kearney; Niels C. Anderson, of Scottsbluff; Lincoln Civic League of World Disarmament, of Lincoln; Travel Club, of Lincoln; Presbyterian Church, of Scottsbluff; United Body of Christians, of Chambers; Nebraska Women's Educational Club, of Kearney; Presbyterian Church of Bushnell; Swedish Methodist Episcopal Church, of St. Paul; citizens of Kilgore, and the First Presbyterian Church of Sidney, all in the State of Nebraska, urging the President and Congress to call a conference of the leading nations in behalf of the reduction of armaments; to the Committee on Foreign Affairs.

1491. By Mr. KISSEL: Petition of 99 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1492. Also, petition of Rev. Wilfred L. Greenwood, rector, Church of Ascension, Brooklyn, N. Y., favoring a conference to discuss disarmament; to the Committee on Foreign Affairs.

1493. By Mr. LAMPERT: Petitions from citizens of Oshkosh and Winnebago County, Wis., urging upon the President and Congress to cooperate with other nations for the reduction of armament; to the Committee on Foreign Affairs.

1494. Also, petition of citizens of Oshkosh and Winnebago County, Wis., urging Congress to do its utmost to cooperate with other nations for the reduction of armaments at the earliest possible date; to the Committee on Foreign Affairs.

1495. By Mr. LARSON of Minnesota: Resolutions of the Lakeside Presbyterian Church, Twentieth Century Club, Woodland Methodist Episcopal Community Church, First Methodist Church, Glen Avon Presbyterian Church, Trinity Cathedral, First Unitarian Church, Second Presbyterian Church, and First Baptist Church, of Duluth; Rev. John W. Schenck and 49 other members and representatives of the Methodist Episcopal Church, of Proctor; Episcopal Church at Coleraine; congregation of the Church of the Holy Communion, of Grand Rapids; Methodist Episcopal Church of Two Harbors; and of Christ Memorial Church of Hibbing, all in the State of Minnesota, urging the Government to take the initiative in securing a conference at which the chosen representatives of Great Britain, Japan, and the United States shall discuss the question of the reduction of armaments; to the Committee on Foreign Affairs.

1496. By Mr. MACGREGOR: Resolution of the Erie County League of Women Voters of Buffalo, N. Y., urging a conference to help bring about disarmament; to the Committee on Foreign Affairs.

1497. Also, resolution adopted by the military policy committee of the American Legion, disapproving House resolution 14; to the Committee on Rules.

1498. By Mr. RAKER: Petition of Fred Medart Manufacturing Co., San Francisco, Calif., urging the passage of Senator Capper's bill on physical training; to the Committee on Military Affairs.

1499. Also, petition of Frank N. T. Cummings, of Tampico, Mexico, opposing cash bonus for service men; to the Committee on Ways and Means.

1500. Also, petition of William Bancroft Hill, of Pasadena, Calif., urging the passage of the Sterling immigration bill; to the Committee on Immigration and Naturalization.

1501. Also, petition of William Donohoe, of San Francisco, Calif., urging support of recognition of the republic of Ireland by the United States; to the Committee on Foreign Affairs.

1502. Also, petition of California Bean Growers' Association, of San Francisco, Calif., relative to relief for ex-service men; to the Committee on Ways and Means.

1503. Also, petition of Auxiliary to United Spanish War Veterans, Department of California, of Los Angeles, favoring the passage of House bills 4 and 283; to the Committee on Pensions.

1504. Also, petition of citizens of Baskenta, Tehama County, Calif., urging the United States to lead in the reduction of armaments by international agreement; to the Committee on Pensions.

1505. By Mr. SWING: Resolutions of California Bean Growers' Association indorsing the legislative program of the American Legion; to the Committee on Interstate and Foreign Commerce.

1506. By Mr. WOODYARD: Petition of St. Andrews Methodist Episcopal Church, Parkersburg, W. Va., favoring disarmament; to the Committee on Foreign Affairs.

1507. By Mr. YOUNG: Resolution adopted by the members of the First Congregational Church, of Jamestown, N. Dak., favoring measures to be adopted looking to international reduction of armaments; to the Committee on Foreign Affairs.

1508. Also, resolution of the Women's Nonpartisan League Club, No. 225, of Ypsilanti, N. Dak., favoring international reduction in armaments; to the Committee on Foreign Affairs.

1509. Also, petition of Women's Auxiliary, F. X. Sozygill Post, American Legion, of Marion, N. Dak., praying for the enactment of legislation for the relief of disabled war veterans, etc.; to the Committee on Interstate and Foreign Commerce.

1510. By Mr. WARD of North Carolina: Petition of Council of the Episcopal Church of Diocese of East Carolina, favoring a reduction of armament; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *June 22, 1921.*

(Legislative day of Tuesday, June 21, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overlue, its enrolling clerk, announced that the House had passed without amendment Senate bills of the following titles:

S. 78. An act authorizing the appointment of an additional judge for the district of North Dakota; and

S. 694. An act providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia.

The message also announced that the House had passed with amendments the bill (S. 1019) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children, in which it requested the concurrence of the Senate.

The message further announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 1269. An act to make a preliminary survey of the Calaveras River in California, with a view to the control of its floods;

H. R. 1475. An act providing for a grant of land to the State of Washington for a biological station and general research purposes;

H. R. 2158. An act to provide for the monthly payment of pensions;

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials;

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 5651. An act to survey the Yazoo River, Miss., with a view to the control of its floods;

H. R. 6507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 6569. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla.;

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.;

H. R. 6673. An act granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii;

H. R. 7210. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 31. Joint resolution authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

CONDITIONS IN THE COAL FIELDS OF WEST VIRGINIA.

Mr. JOHNSON. Mr. President, I ask unanimous consent temporarily to lay aside the unfinished business and proceed with Senate resolution 80, directing the Committee on Education and Labor to investigate the recent acts of violence in the coal fields of West Virginia and adjacent territory, and the causes which led to the conditions which now exist in that territory.

The VICE PRESIDENT. Is there objection?

Mr. WADSWORTH. Reserving for a moment the right to object, may I ask the Senator from California how long he expects it will take to dispose of his resolution?

Mr. JOHNSON. I think it will take a very few minutes.

Mr. OVERMAN. Mr. President, I think we ought to have a quorum here. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Spencer
Ball	Harreld	Moses	Stanley
Borah	Harris	Nelson	Sutherland
Brandegee	Harrison	New	Swanson
Broussard	Heflin	Newberry	Townsend
Cameron	Johnson	Norris	Trammell
Capper	Jones, N. Mex.	Oddie	Underwood
Caraway	Jones, Wash.	Overman	Wadsworth
Culberson	Kellogg	Phipps	Walsh, Mass.
Curtis	Kendrick	Poindexter	Walsh, Mont.
Dial	King	Pomerene	Warren
Dillingham	Knox	Ransdell	Watson, Ga.
Ernst	La Follette	Sheppard	Watson, Ind.
Fernald	Lenroot	Shields	Williams
Fletcher	McCumber	Shortridge	Willis
Frelinghuysen	McKellar	Simmons	Wolcott
Gerry	McKinley	Smith	
Glass	McLean	Smoot	

The VICE PRESIDENT. Seventy Senators having answered to their names, there is a quorum present.

Mr. JOHNSON. Mr. President, I withdraw temporarily the request that I made just before the call for a quorum in order that the conference report on the Army appropriation bill may be proceeded with.

THE MILK INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in response to Senate resolution 431, agreed to March 1, 1919, a report of that commission on milk and milk products in the United States during the World War, which was referred to the Committee on Interstate Commerce.

FUNERALS OF TWO RAINBOW DIVISION VETERANS.

The VICE PRESIDENT laid before the Senate a communication from J. Bentley Mulford, of the District of Columbia Chapter, Rainbow Division Veterans, which was read and ordered to lie on the table, as follows:

JUNE 22, 1921.

Hon. CALVIN COOLIDGE,
President of the United States Senate, Washington, D. C.

SIR: The District of Columbia Chapter of the Rainbow Division Veterans extends to the Members of the Senate an invitation to attend the funeral services of the late Mortimer H. Jordan, captain Company K, One hundred and sixty-seventh (Fourth Alabama) Infantry, Forty-second (Rainbow) Division, and of the late Corpl. Byram, of Los Angeles, who served in the One hundred and seventeenth Engineer Train of this division.

Services to be conducted at 2.30 o'clock in the afternoon of Thursday, June 23, in the Arlington National Cemetery. Both of these men made the supreme sacrifice overseas.

Respectfully,

J. BENTLEY MULFORD,
District of Columbia Chapter, Rainbow Division Veterans, Northbrook Courts, Washington, D. C.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 1269. An act to make a preliminary survey of the Calaveras River, in California, with a view to the control of its floods; to the Committee on Commerce.

H. R. 1475. An act providing for a grant of land to the State of Washington for a biological station and for general research purposes; to the Committee on Public Lands and Surveys.

H. R. 2158. An act to provide for the monthly payment of pensions; to the Committee on Pensions.

H. R. 5013. An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials; to the Committee on Naval Affairs.

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 5651. An act to survey the Yazoo River, Miss., with a view to the control of its floods; to the Committee on Commerce.

H. R. 6507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 6569. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla.; and

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.; to the Committee on Commerce.

H. R. 6673. An act granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii; to the Committee on Territories and Insular Possessions.

H. R. 7210. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. J. Res. 31. Joint resolution authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases; to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Sheridan (Wyo.) Building and Loan Association, favoring the enactment of legislation exempting domestic building and loan associations from income tax where the income derived by a member from savings in shares does not exceed $500, which was referred to the Committee on Finance.

Mr. CAPPER presented a petition of 30 members of the Philathea Class and 45 members of the Woman's Christian Temperance Union, all of Augusta, Kans., praying that protection

and relief be afforded by the United States to the imperiled peoples of the Near East, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented 21 resolutions of sundry citizens of Cleveland, West Park, Elyria, Akron, and Wellington, all in the State of Ohio, favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented resolutions of the congregation of the First Congregational Church of Colchester; the official board of Trinity Methodist Episcopal Church of New Haven; and the Woman's Foreign Missionary Auxiliary, Woman's Board of Missions, of the First Congregational Church of Colchester, all in the State of Connecticut, favoring the extension of relief to the imperiled people of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

He also presented petitions of M. B. Lord, pastor of Methodist Episcopal Church of West Granby; the Woman's Christian Temperance Union of Danielson; and Marvin S. Stocking, pastor of the Methodist Episcopal Church of Danielson, all in the State of Connecticut, praying that relief be afforded the imperiled people of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the State Council of the Friends of Irish Freedom, meeting at New Haven, Conn., June 12, 1921, favoring the disciplining of Rear Admiral William S. Sims and supporting the Secretary of the Navy in such measures as he may take to punish Admiral Sims for his recent utterances in England in relation to the Irish question, which was referred to the Committee on Foreign Relations.

He also presented resolutions of White Cross Council No. 13, Knights of Columbus, of Norwich, and the Patrick Sarsfield Branch, Irish National Foresters, of Hartford, both in the State of Connecticut, favoring the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Thomas Francis Meagher Branch, Friends of Irish Freedom, of Bridgeport, Conn., favoring the collection of all war debts owed to the United States by the allied Governments, which was referred to the Committee on Finance.

He also presented a resolution of Thomas Francis Meagher Branch, Friends of Irish Freedom, of Bridgeport, Conn., favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

Mr. NEWBERRY presented a memorial of the Current Topic Club, of Detroit, Mich., remonstrating against the enactment of legislation commercializing the national parks, which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Kalamazoo, Mich., remonstrating against the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented two petitions of sundry citizens of Detroit, Mich., praying for the calling of an international disarmament conference, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Young Women's Christian Association, of Jackson, Mich., praying for the enactment of legislation providing for the protection of maternity and infancy, which was ordered to lie on the table.

He also presented resolutions of the Women's Auxiliary, Unit No. 176, American Legion, of Clinton; Marlette Post, No. 162, American Legion, of Marlette; Wyandotte Council, No. 1802, Knights of Columbus, of Wyandotte; Women's Auxiliary of W. T. Leenhouts Post, No. 6, of Holland; and Ahlmeek Lodge, No. 150, Independent Order of Odd Fellows, of Ishpeming, all in the State of Michigan, favoring the enactment of legislation providing adequate relief for disabled ex-service men, which were referred to the Committee on Finance.

Mr. NEWBERRY presented a concurrent resolution of the Legislature of Michigan, which was referred to the Committee on Foreign Relations, as follows:

STATE OF MICHIGAN,
FIFTY-FIRST LEGISLATURE.

Senate concurrent resolution 4, relative to conditions in Mexico.

Whereas there has existed in the past in our neighboring Republic of Mexico a period of revolution, bloodshed, and misunderstanding in which life, liberty, and commerce were at all times in jeopardy; and

Whereas in an election recently held in that Republic there was elected to the Presidency the most honorable, Gen. Alvara Obregon, a man of the people who has devoted himself most vigorously to the task of bringing order out of chaos: and

Whereas President Obregon enjoys the entire respect, confidence, and whole-hearted backing of all classes of his countrymen; and

Whereas a new era of peace, prosperity, and friendly relationship has been brought about by his excellency, President Obregon; and

Whereas the people of the great State of Michigan are overjoyed at the splendid manner in which President Obregon is directing the affairs of his country, and therefore the State of Michigan joins her sister States in a formal expression of friendship to the people of Mexico, and commendation and confidence in President Obregon: Now, therefore be it

Resolved by the senate (the house of representatives concurring), That the Legislature of the State of Michigan declares itself to be most pleased with the election of and the administration by President Obregon, and takes pleasure in congratulating the people of Mexico upon the new era of peace and prosperity, and particularly for the friendly relationships which have been established: And be it further

Resolved, That the secretary of the senate and the clerk of the house of representatives are hereby directed to forward copies of this resolution to the President of the Senate of the United States and the Speaker of the House of Representatives, and to each of Michigan's Senators and Representatives in Congress: And be it further

Resolved, That the secretary of the senate and the clerk of the house of representatives be, and are hereby, directed to send to President Obregon a copy of this resolution.

Adopted by the senate, June 2, 1921.

DENNIS E. ALWARD,
Secretary of the Senate.

Adopted by the house of representatives, June 2, 1921.

CHARLES S. PIERCE,
Clerk of the House of Representatives.

Mr. NELSON presented a joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Public Buildings and Grounds, as follows:

Senate joint memorial 9, in the Legislature of the Territory of Alaska, fifth session.

To the honorable the Senate and House of Representatives of the United States, in Congress assembled, and to the Secretary of the Interior:

We, your memorialists, the Legislature of the Territory of Alaska, respectfully represent that—

"Whereas the city of Juneau is the present capital of Alaska, and there are no government-owned buildings at Juneau suitable for the many offices of the government, all such offices, except that of the governor, now being quartered in rented apartments and scattered through the various parts of the city, whereby they are inconvenient and inadequate for the public service and are a great expense to the government, as the aggregate rentals for such offices amount to about $25,000 per year, and the rented quarters lack vaults for the safe-keeping of valuable government documents and records, so that such records and papers are in constant danger of destruction; and

"Whereas all of the general government offices of the Territory of Alaska should be located in one building or group of buildings, suitably constructed and containing vaults for the safe-keeping of all public documents and records; and

"Whereas since the location of the capital of Alaska at the city of Juneau conditions in the Territory have greatly changed as to industry and population, and by the construction of Government roads and railroads, rendering necessary, before the expenditure of any money in or upon a permanent capital building, a reexamination of the question as to the place where the capital of Alaska is to be finally and permanently located, so that it may be located at the most advantageous place for the people of Alaska and for the transaction of the government business; and

"Whereas the Congress of the United States could act with greater knowledge and more definite information upon this subject if a congressional committee were appointed and sent to Alaska to investigate and report as to the best place for the location of the permanent capital of the Territory: Now, therefore

"We, your memorialists, respectfully urge that the Congress appoint a special congressional committee to visit Alaska during the summer of the year 1921, and that such committee examine into the question as to the most advantageous place for the permanent location of the capital of Alaska, and that upon receiving the report of such committee, or upon such other advice and information as the Congress may require, that one of the cities of Alaska be designated as the permanent location of its capital, and that in such city a suitable capitol building be erected or dedicated to that purpose.

"And your memorialists will so ever pray."

Passed by the senate, ———.

———, ———,
President of the Senate.

———, ———,
Secretary of the Senate.

Passed by the house of representatives, ———.

———, ———,
Speaker of the House.

———,
Chief Clerk of the House

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Interstate Commerce, to which was referred the bill (S. 574) to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended, reported it without amendment and submitted a report (No. 143) thereon.

Mr. WOLCOTT, from the Committee on Claims, to which was referred the bill (S. 1951) for the relief of John Hickson, jr., reported it with an amendment and submitted a report (No. 144) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, reported it with an amendment and submitted a report (No. 145) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 2129) to establish additional fish-cultural subsidiary stations in the State of Michigan; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 2130) changing the name of Vernon Street in the county of Washington, D. C., to U Street; to the Committee on the District of Columbia.

By Mr. BALL:

A bill (S. 2131) to extend for the period of seven months the provisions of Title II of "The food control and the District of Columbia rents act," approved October 22, 1919, and for other purposes; to the Committee on the District of Columbia.

By Mr. CALDER:

A bill (S. 2132) to amend section 1 of an act entitled "An act to incorporate Gonzaga College, in the city of Washington and District of Columbia"; to the Committee on the Judiciary.

AMENDMENT TO INTERSTATE HIGHWAY BILL.

Mr. McKELLAR submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1355) to provide for the establishment, construction, and maintenance of a post roads and interstate highway system, to create a Federal highway commission, and for other purposes, which was ordered to lie on the table and to be printed.

ARMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may proceed to the consideration of the conference report on the Army appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

The VICE PRESIDENT. The conference report will be read.

The reading clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 15, 16, 19, 21, 22, 23, 24, 26, 27, 32, 34, 37, 42, 44, 53, 56, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 14, 17, 18, 20, 28, 29, 30, 31, 33, 39, 43, 47, 48, and 49, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or not to exceed three reserve officers in the Judge Advocate General's Department, or"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore all of the matter stricken out by said amendment with the exception of the following words in lines 20 and 21, on page 27 of the bill: ", and in any event not less than 10,000 of such animals shall be sold"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided further*, That not more than $10,000 of this appropriation shall be expended for the purchase of draft or pack animals or animal-drawn vehicles: *Provided further*"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That not to exceed $10,000 of this appropriation shall be expended for new construction work"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

The committee of conference have not agreed on the following amendments of the Senate numbered 3, 9, 10, 12, 13, 36, 38, 41, 45, 46, 52, 54, and 55.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
HARRY S. NEW,
KENNETH McKELLAR,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

D. R. ANTHONY, Jr.,
C. BASCOM SLEMP,
T. U. SISSON,
T. W. HARRISON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. NORRIS. Mr. President, I should like to ask the chairman of the committee a question. This is not a full agreement, I understand?

Mr. WADSWORTH. Not in this report. There is a message from the House, however, in which the House makes certain proposals in the way of amendments, which I intend to ask the Senate to accept later on.

Mr. NORRIS. Will that make a further conference unnecessary?

Mr. WADSWORTH. It will.

Mr. NORRIS. If the Senate accepts the proposition of the House on the disagreed-to amendments, it will settle the entire controversy?

Mr. WADSWORTH. Yes; it will.

Mr. NORRIS. I want to ask the Senator whether amendment numbered 53, the amendment involving the Great Falls water-power provision, was sent back to the House for consideration or was the action taken without sending it back to the House?

Mr. WADSWORTH. That amendment was not sent back to the House for a separate vote. The conferees on the part of the Senate could not persuade the House conferees to take such action.

Mr. NORRIS. Mr. President, I should like to have the attention of the Senate for a few moments on this amendment.

Mr. KING. The Senator from Nebraska refers to the Great Falls power development amendment?

Mr. NORRIS. I refer to the Great Falls water-power project amendment.

The chairman of the Committee on Military Affairs has just stated that this amendment was not sent back to the House for the action of the House on it, but that many other amendments were so sent back, and that the House had taken action on some other amendments. It seems to me that the members of the committee of conference representing the Senate on the bill owed it to the Senate to insist that the House conferees should take this amendment back to the House for action. They took other amendments back. The excuse can not be offered that they were trying to save time, because they did take quite a large number of other amendments back to the House for consideration of each particular amendment by the House.

The Great Falls power development proposition has been twice passed by the Senate, but in each instance the Senate conferees have receded and the House has never yet had an opportunity to vote separately on the proposal. On the last occasion previous to the present, when the proposition was adopted by the Senate in the preceding Congress, there was an excuse which to my mind was not sufficient, but I concede it possessed some merit, namely, that the proposition had not

been considered for quite a number of years by the engineers of the War Department. The conferees on the part of the Senate, therefore, agreed to a substitute amendment, which provided that a commission should be appointed to reexamine the Great Falls project and report to this Congress.

Twenty-five thousand dollars were appropriated for that purpose. In pursuance of that authorization, which became law when the bill passed Congress and was approved by the President, $25,000 was expended for a reexamination of the project, and the same conclusion was reached as previously; a favorable recommendation was made that the power at Great Falls be developed. So when the provision looking to that end was put on the bill when it passed the Senate the project had the approval and recommendation freshly made of the engineers of the War Department after an expenditure of $25,000 for that purpose. Under those circumstances, the House never having had an opportunity to act upon the matter, it seems to me that good faith to those in the Senate who favored the proposition would require that inasmuch as the appropriation bill was going back to the House for action on other amendments, this amendment ought also to have been included and the House afforded an opportunity to vote on it. I have no doubt, Mr. President, that if the House of Representatives had a fair opportunity to vote on this proposition, after a reasonable debate it would approve it. I have been told within the last day or so by Members of the other House that they had no doubt whatever if it had been taken back to the House by the conferees, as other amendments were, that this particular Senate amendment would have been approved.

Mr. President, I notified the chairman of the Committee on Military Affairs when the bill went to conference, and stated specifically to him, that it seemed to me, under the circumstances, if the House conferees would not agree to the Great Falls amendment the conferees on the part of the Senate should insist that the conferees on the part of the House should take the amendment back to the House for instructions.

There is nothing new in the matter; it is an old subject, one which has been passed upon by the Senate on two occasions; and yet, after a fresh investigation and the expenditure of $25,000 of public funds, the conferees on the part of the Senate recede, despite the fact that they are sending the very bill with other disagreements back to the House for the consideration of the House. I submit, Mr. President, that is not fair.

If the House refuses to agree to the amendment, if the House after reasonable debate and consideration of the proposal to develop the Great Falls water power will not agree to it, of course, I could have nothing further to say; but I do protest, after the Senate has twice adopted the proposition, after we have just spent $25,000 for reinvestigation, the bill having to go back to the House in any event for consideration of other amendments, that it is not just or fair that the Senate conferees under those circumstances should recede and, in connection with the House conferees, absolutely deny to the House of Representatives an opportunity to pass on the question.

Mr. NELSON. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. NELSON. Can the Senator give us any information as to how much the Federal and the District Governments now spend in the District of Columbia for electrical power, including coal used in the generation of power at plants operated by the Government? I should like to ask the Senator further if the development of the water power at Great Falls would not involve the saving of millions of dollars to the Federal Government and to the District government?

Mr. NORRIS. That is true beyond any doubt, Mr. President. The Senator from Minnesota has touched upon the point which, to my mind, is vital—the saving of money and of coal. The report on the Great Falls project, fresh from the Engineers, sets forth that, counting labor and materials at the peak of war-time prices, on December 1, 1920, if the development of Great Falls were carried out, the price of electricity in the District of Columbia would be cut in two; the project would pay 6 per cent interest on the investment, allowing a liberal charge off for depreciation and for maintenance, and would pay back the entire expenditure in 30 years.

Mr. OVERMAN. Mr. President, did I understand the Senator to say the conference report had to go back anyway to conference?

Mr. NORRIS. No; not necessarily. What I said was——

Mr. OVERMAN. Did I not understand the Senator to say that the chairman of the committee was going to ask that the report be sent back in connection with some other amendments?

Mr. NORRIS. No; this is what I said: That when the conferees had the disputed amendments under consideration they did not agree as to quite a large number of them, and those amendments not agreed to were sent back to the House, to be voted on and considered by the House separately. That was done. The Great Falls amendment was not included, but the Senate conferees receded, and so, of course, it was not sent back to the House for a vote.

Mr. WADSWORTH. Mr. President, may I interrupt the Senator for just a moment?

Mr. NORRIS. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator is mistaken about that.

Mr. NORRIS. If I am mistaken, I should like to be corrected.

Mr. WADSWORTH. The conferees agreed upon all the amendments in conference except one.

Mr. NORRIS. That one was sent back to the House?

Mr. WADSWORTH. It was; it had to be.

Mr. NORRIS. It does not make any difference about the number, so long as any one of them was going back to the House the Great Falls amendment might have gone with it. What was the number of the amendment which was sent back to the House?

Mr. WADSWORTH. It was the amendment relative to the pay of enlisted men.

Mr. FLETCHER. The amendment in which the Senator from Nebraska is interested is amendment numbered 53.

Mr. NORRIS. Yes; that is the Great Falls water-power amendment. I read from the report of the conferees, on page 3, as follows:

> The committee of conference have not agreed on the following amendments of the Senate: Nos. 3, 9, 10, 12, 13, 36, 38, 41, 45, 46, 52, 54, and 55.

That is more than one.

Mr. WADSWORTH. Yes; but the Senator does not comprehend the situation.

Mr. NORRIS. Probably the Senator from New York did not comprehend the situation to which I referred when he said the conferees had agreed on all amendments but one.

Mr. WADSWORTH. They did agree on all except one.

Mr. NORRIS. They have submitted a report to the Senate in which they state they have not agreed on 13. If there had been one more, the number would have been 14, and would have become sacred.

Mr. WADSWORTH. That report does not reflect the exact situation at all. The only item in difference between the conferees of the two Houses themselves was the amendment relative to the pay of enlisted men of the Army. The House receded on several Senate amendments each with an amendment, and under the House rules many of those had to be submitted to a separate vote of the House. They are nominally termed to be in disagreement, but the conferees had agreed upon them all. The House rules have changed the whole procedure in connection with conference reports very materially from what it was two years ago.

Mr. NORRIS. The disagreement between the Senator from New York and myself is absolutely immaterial. He concedes that the House conferees took certain amendments—or even one—back to the House. I have read the record of the House proceedings, and if Senators will turn to the CONGRESSIONAL RECORD—I do not have the date before me—in which the amendments that I have enumerated were taken up and which the conference report says are still in disagreement, they will see that the House considered them one at a time on the floor of the House, debated them, and voted on them, and had several roll calls on some of them. So if the conferees had agreed on all but one, they were certainly playing a joke on the House, because the House considered the amendments which I have enumerated in the House and took up a whole lot of time in debate and roll calls in their consideration. But, as I have said, I do not care about that. It is conceded that certain amendments in disagreement went back to the House, and it would have been just as easy to have taken amendment numbered 53 back, with whatever else the conferees did take back, if the Senate conferees had obeyed the mandate of the Senate, rather than followed their own wish as to what the legislation should be.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield to the Senator.

Mr. LA FOLLETTE. Recurring to the answer that the Senator made to the question propounded by the Senator from Minnesota [Mr. NELSON], if I understood the Senator from Nebraska he stated that in the first place if this project were carried out it would cut the present Government expense with

regard to electric lighting in two in the middle; that it would pay maintenance charges, provide for depreciation, and after doing all that would in 30 years pay back the entire investment.

Mr. NORRIS. The Senator has left out one item. It would pay 6 per cent interest in the meantime on all the money invested.

Mr. LA FOLLETTE. Indeed? Now, then, there is just one question that I wanted to ask in addition.

The Senator from Nebraska stated that it would cut the present expense of the Government in two in the middle. Will the Senator state how much that represents in dollars of saving to the Government?

Mr. NORRIS. Mr. President, I think I stated that it would cut the price of electricity in two in the middle.

Mr. LA FOLLETTE. Well, whatever it is.

Mr. NORRIS. I want to say, Mr. President, that, as Senators know, for the last two days I have been on the floor most of the time; and on yesterday, in order to get a little time to look into this matter, I had to object to the laying aside of the unfinished business. I can not give the details in figures. I have to speak mostly from memory. I am going to read a little from the report, but I am not able, therefore, to give details. I can say this, and any man can easily compute it in his mind, on the coal proposition: In addition to the things that the Senator from Wisconsin included in his question, it will save in the District of Columbia every year 240,000 tons of coal.

In a word it means this:

First. It will cut the price of electricity in half.

Second. It will save 240,000 tons of coal per year.

Third. It will pay maintenance charges, costs of operation, depreciation charges, interest at 6 per cent on all expenditures, and set aside a sinking fund sufficient to repay all expenditure in 30 years. This is the conclusion of the experts of the Government who spent the $25,000 in the investigation.

Mr. President, most of the Senators and Members of the House have seen Great Falls. They realize that it is a young Niagara within sight of the dome of the Capitol of the United States; and for 20 years the experts have been asking us to develop this water power. Somewhere in the neighborhood of 15 or 20 years ago we appropriated $20,000 to make an examination. It was made. One of the greatest hydroelectric engineers in the world had charge of that part of the investigation. The engineers made a complete and minute report in every detail. There are a dozen or fifteen other reports of less magnitude and less detail that have been made from time to time during the years that are past on this proposition; and then just last year because Senators thought we ought to reinvestigate the matter we spent $25,000 more and the same favorable report came back; and still the conferees on the part of the Senate do not even insist after we have passed it through the Senate twice that this amendment shall go back to the House for the consideration of the House when as a matter of fact the bill had to go back anyway.

Mr. President, before the Pilgrim Fathers landed on American soil the waters of the Potomac River were tumbling down over Great Falls and over the rapids between there and what later became the District line, winding their way to the sea—power enough to turn every wheel in the District, power enough to run every elevator in the Government departments, power enough to light every Government building, power enough to light every humble home in the city of Washington, power enough to propel every street car—and yet nothing is done to utilize this wasted power. Its power and its possibilities have been known for 75 years. Everybody who looks at it realizes the economic loss involved—the power that is going to waste and that ought to be put to use for the benefit of man.

What is this, Mr. President, that everybody wants and nobody can get? Where is the unseen and the hidden power that stays the hand of Congress and prevents the development of this wonderful water power for the benefit of the Capital City? Somewhere it has always been sufficiently potent and powerful to prevent action.

The Senate acts. Several Members of the House have told me that they were anxious to take up the matter and to act on it there; but the hand of Congress is stayed from time to time, and for 15 years the proposition was put off, put off with one excuse and another, until finally the Senate passed it; and then they used the very delay that this secret power and influence had brought about as an argument for further investigation. They said, "Let us investigate it again"; and when it is investigated again, and when approval comes again from the experts, then it is turned down arbitrarily, by main strength, by conferees who are supposed to represent the Senate in this conference.

It can not be claimed that it would have involved delay. Not one day of delay would have been made necessary by the sending of that item back to the House; but it went out. The approval of this conference report sounds the death knell to the development of Great Falls.

Mr. President, how long can we go on disregarding the plain mandates of duty without getting into trouble? How long are we going to delay developing a water power the waste of which is a disgrace to the Capital City? Some say there is no demand in Washington for it. There is something in that argument, Mr. President. If it lay by the side of the Senator's great city up in Minnesota, where they have developed one of the great water powers in the world, the patriotic citizens of that city would not sleep until they took steps to develop it, as they did up there in that progressive State. There are too many men of wealth in Washington who are interested in the street railway companies, who are interested in the gas company, who are interested in the electric light company. There are too many and too powerful men all over the country interested in similar institutions who do not want the example set before the country of the development of Great Falls in the Capital City, where it will stand as an illustration to the whole country, and so it must be killed. Some way, somehow, there is always a way to kill it.

Mr. President, eight years ago, after I had made an unsuccessful attempt to secure the passage of a bill that would develop Great Falls, there was a change in the position of Secretary of War, and a man was placed in that office who had had a great reputation in Cleveland for the upbuilding of things similar to this for the benefit of municipalities, and I anticipated that he would be favorable to it. A man came into my office about that time and said: "Do you know that Col. Langfitt is going to be taken away from Washington?" Let me say that Col. Langfitt was an Army engineer who had charge of the investigation of Great Falls that was made about 15 or 20 years ago. He was an expert on that particular development. He knew it in detail. He has control of all the investigation that was made, and had charge of the expenditure of $20,000 of public money in making it. He was then in the city of Washington.

I said to the man, "Why, no; I have not heard of his going away." He said, "I have not, either, but he is going." He said, "I know nothing about it; but you have made another move to develop Great Falls. The man in the Army who knows more about it than anybody else is Col. Langfitt. Naturally, any bill introduced and referred to the War Department would be in turn referred to him, because he had spent years in making that investigation; but," he said, "he will not be here."

I said, "What do you know about it?" He said, "I do not know a thing, except that there are powerful interests all over the country that do not want Great Falls developed, and they will find some way of getting Col. Langfitt away, and when that bill goes to the War Department it can not go to him. It will go to some new man who knows nothing about it, who never has investigated it, and who necessarily will have to take a great deal of time to make a further investigation."

He said, "I am not charging anybody with doing anything wrong. I am not saying that the President or the Secretary of War are in on it, but there will be influences brought to bear to remove Col. Langfitt to some other field of operations. They will not say that they want to remove him in order to get him away from Great Falls, but there will be some other reason. It may be in reality a promotion, but you will find when your bill gets to the War Department that Langfitt will not be there and will not have an opportunity to say a word about it."

I knew nothing about it; but I did learn later, before anything further was done, when the bill got into the War Department for some consideration, that Col. Langfitt was away down in Florida, Alabama, or Georgia, somewhere, engaged in river and harbor work, trying to make some dry creek navigable, and of course was not here to have anything to say about Great Falls.

Secretary Baker, who, as I said a while ago, I had a right to think would be favorable to something of this kind, was against it for some reason. He sent a couple of officers out in a limousine to drive up and down the shores of the Potomac River, and they came back and made a report which made two objections to the development of the Great Falls water power. Let us see what they were. One was that the reason why the Government of the United States had a right to develop it was to get power and light for the use of the Government, and they said, "When this is developed, it will produce a great deal more power than the Government can use, and therefore we will have to pay a high price, because we will have to figure the cost on the amount of electricity which the Government uses"—a silly proposition, of course. Nobody expected the Government was going to use it all. Everybody who was interested in it thought that the people who live in the city of Washington would get some benefit in the matter of electric

light, that they would get reductions, and that the street car companies would use it.

But these great gentlemen had another objection, that if we developed Great Falls, it would come in competition with electric light companies already in existence, which, of course, I have to admit was true. The Secretary of War approved their recommendations for the reasons, in substance, I have given.

Later on, when it was reexamined and reinvestigated, Secretary Baker approved it, and his official approval is before the Senate now in an official document.

Mr. NELSON. I believe we have in this city a commission composed of men who make it their business to agitate for the beautifying and improving of Washington. Has that commission ever turned a hand about improving this water power?

Mr. NORRIS. I have not heard of it. And the Senator's question reminds me that when the Langfitt report was up there was a great outcry that we were going to destroy the beauty of Great Falls, but when we came to examine that report we found that the development did not touch Great Falls; that it utilized only the power of the river between the base of Great Falls and the District line. My own idea is that it should utilize it all. But that argument was made.

Mr. President, if we are going to wait to develop Great Falls until such time as its development will not mean the making of electricity which will come in competition with existing plants manufacturing electricity, of course everybody knows we will never develop it. If that argument is good, then there is not a waterfall under the shining sun that can be developed.

Mr. President, the query is percolating through my brain as to how long this can go on. How long can Congress close its eyes to these conditions, and how long do you expect people to submit if Congress continues to close its eyes?

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not think that the best way to get at this matter is by the introduction of a bill taking care of it, its reference to a proper committee, and consideration by that committee of all the merits and objections, and what not, instead of attempting to put it on an appropriation bill? Of course, it is legislation on an appropriation bill. That was the serious objection to its inclusion in this bill. I feel very much inclined to agree with the Senator about the importance of this water-power development. I am in hearty sympathy with his views on the subject. I feel that we ought to develop that power, and I hope it can be done.

But we are in this situation with reference to the pending bill: Here is an Army appropriation bill. There is put upon that appropriation bill this item of legislation in the Senate by amendment.

We meet the conferees on the part of the House, who promptly disagree to all our amendments, and they insist upon their disagreement. They have the vital objection to this amendment that it is legislation on an appropriation bill, that they are not authorized to agree to it, that they could not agree to it if they wanted to. They could have agreed to submit it to the House and have a separate vote on it in the House, but we have no way of compelling the House to take a separate vote on it. If the House conferees insist upon disagreeing to it, either we have to recede or there can be no coming together at all, and we get nowhere in our conference.

But the chief objection, as the Senator can see, is that it is legislation on an appropriation bill, and legislation which may lead eventually to the expenditure of $44,000,000 by the Government.

Mr. NORRIS. Just about the cost of one battleship.

Mr. FLETCHER. Exactly; but it is quite a little item. The question is whether we ought not to take care of this whole matter by a separate measure, proceeded with in the usual way. It was the chief objection, I think, on the part of the House conferees, that we are attempting to put on an appropriation bill a piece of legislation with respect to another subject not related at all to the Army and the needs of the Army.

Mr. NORRIS. Mr. President, I will take up the Senator's objections, and if I can not demonstrate that there is not anything in them I will be sorely disappointed.

First, I accept the Senator's statement in full that he favors this proposition. There is not any doubt about it. Yet his position illustrates the methods by which somebody, some way, somehow, always beats a proposition of this kind.

Put it in a separate bill, he says. Very good. It has been in a separate bill. It is slumbering yet, after years of suffocation, in pigeon holes in committees of the Senate.

Bring it in as a separate proposition, he says. Very good. But you can not get it across the threshold. Something happens. It should not be on the Army appropriation bill, the Senator says. Yet it is always conceded that the investigation of it must always be made by the War Department, as it always has been. Every official investigation that has been made, so far as I know, has been by the War Department.

What bill would we put it on? I have tried it on five or six, and it always meets the proposition, "It does not belong here; put it on some other measure."

Mr. WADSWORTH. Will the Senator state what committee a separate bill is now pending before?

Mr. NORRIS. None at present that I know of; but I have in past Congresses introduced bills that have suffered and died a lingering death in various pigeon holes.

Where would we put it? Upon what bill could we put it? Not on the naval appropriation bill, because they would say at once, "This investigation has been made by the War Department; we do not know anything about it. We do not want it. We do not build dams and bridges; the War Department does. We do not look after harbors; the War Department does."

All right. Put it on the sundry civil appropriation bill, and the same objection is made; and it is the same way all around. Put it on the District of Columbia appropriation bill, and they say "This is not a District proposition. Fundamentally the peg on which its constitutionality is hung is that the Government of the United States uses electricity, light, and power, and therefore it has a right to develop this water power. So it must not be on the District bill," although I had it referred several years ago to the District Commissioners, and they made a favorable report on it, and that was as far as it got.

The Senator from Florida says it is legislation on an appropriation bill. Let us take that up. I am glad he reminded me of it. This is an appropriation bill, and the amendment is legislation. The committee brought into the Senate an amendment to that bill in the identical words used in this amendment up to the point of the statement of the object of the expenditure, for the increased water supply of the District of Columbia. The Army appropriation bill, with some legislation on it put in by the Committee on Military Affairs, provided for the increased water supply of the District of Columbia. The Senator's own theory drives him clear out of court into the back yard.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. In just a moment; I am not quite through with the Senator's objections.

That is not all. By the way, here is another little incident which, to my mind, is peculiar; it may have been just an accident. When the amendment providing for an increased water supply for the District of Columbia was before the Senate, I offered the amendment now in dispute as an amendment to that one; in other words, the foundation of the amendment for increasing the water supply came out of the very report this amendment comes out of. The very man, the very commission, the very engineer, investigated and made a favorable report upon both of them. The committee adopted it as to one and rejected it as to the other; and now they say, "You must not put it on this bill, because it is legislation on an appropriation bill." I was only following their own lead.

Mr. WADSWORTH. Mr. President, the Senator knows that the water-power proposition was never laid before the Committee on Military Affairs. So how can the Senator say the committee rejected it?

Mr. FLETCHER. Mr. President, I want to say to the Senator, too——

Mr. NORRIS. Let me say a word to the Senator from New York in regard to that. Technically, the Senator may be right, although the amendment was offered and was referred to the committee. I did not appear there and call it up, it is true, and the reason why I did not, Mr. President, was because, as foolish as I am and as unimportant as I am, my time is too important to waste in appearing before committees when I know in advance what is going to happen to me.

Now I yield to the Senator from Florida.

Mr. FLETCHER. The Senator is not altogether correct in his statement with regard to these two amendments.

Mr. NORRIS. I am not through with them yet.

Mr. FLETCHER. His statement ought to be followed with this statement. Of course, if the Senator were making his argument to the House, I think it would be very much more effective, perhaps, than here, because that is the body which has to be convinced on this subject. The House conferees were willing to agree to amendment No. 52, providing for the increased water supply, subject to a vote of the House.

Mr. NORRIS. Exactly; that is all I asked the Senate conferees to do with amendment No. 53.

Mr. FLETCHER. But they were not willing to agree even to take this amendment to the House. They were willing to take the other amendment to the House, and they did take it there, and it was discussed and voted on there.

Mr. NORRIS. Yes; but that is just a part of the amendment, and it was agreed to in the House.

Now I come to the other part of this question. The Senator from New York refers to this as a separate amendment from the other. It is not. It is marked so in the print, it is true, but I challenge anyone to show why it is thus marked. As a matter of fact, the records of the Senate will show that when the amendment brought in by the committee providing for an increased water supply was before the Senate I offered the Great Falls amendment as an amendment to the committee amendment, and it was agreed to. The Senator now sitting right at my left [Mr. JONES of Washington] was in the chair at that time, and if I make a statement that is not true in regard to it I want him to rise in his place and correct me.

That amendment to the committee amendment was agreed to. Then the Senator from Washington, as presiding officer of the Senate, put to the Senate the question on agreeing to the amendment as amended, and it was agreed to. There were not two amendments; there was only one amendment. That amendment provided for the increase of the water supply and the development of Great Falls. I challenge any Senator to contradict that statement. That is what the records of the Senate will show. But when the bill was printed and sent to conference it was in the form of two amendments, and that is what the conferees took. It was not right. It was not fair. It was not true. It was not a correct statement of the action of the Senate. There was only one amendment.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. Certainly.

Mr. JONES of Washington. I merely desire to say that I assume the RECORD shows what the Senator states. My recollection is very clear that the facts are as the Senator has stated, that he did offer his amendment as an amendment to the committee amendment. and it was so acted on by the Senate.

Mr. NORRIS. I thank the Senator. I have never looked at the RECORD. I assume the RECORD will show what the facts were. I can prove it, if I may have an opportunity, before any tribunal of justice. Let me subpœna the witnesses and I will prove it under oath, and I will prove it so conclusively that no one will dare contradict it.

Now, we are confronted with the fact that the House conferees were willing to go back to the House with one amendment but not with the other. The amendments were both legislation and they are both on an appropriation bill. As a matter of honesty, they were one amendment, and when they went back with one of them they could not in all honor and honesty go back without both. Had they gone back with both, in my judgment the one I am discussing would be in the bill now. I may be wrong, but at least in all fairness that ought to have been presented to the House.

Now, Mr. President, men get weary and tired of continually expending their lives and their time upon things that everybody seems to want and that nobody can get, and after a while they quit. Life is too short to spend it all on one thing like this. Compared with the whole great country it is a small item, I admit, but at least it is connected with the development of every great institution of similar nature in the United States.

I noticed while the bill was in conference that Secretary of War Weeks either sent a statement to the conferees or gave it out to the newspapers in regard to this amendment. I read it in the papers. I think he gave three reasons why it ought not to be on the bill. I do not know that I can state them now, but one was that it ought not to be on the Army appropriation bill. That is technical, of course, and I do not care to debate it further than I have already done. He could have made the same assertion in regard to the other one that everybody approved, and I approved, too, about the increased water supply for the District of Columbia. Perhaps that ought to have been in a separate bill. Why did not the Senator from Florida [Mr. FLETCHER] introduce a bill for that purpose and make a separate measure of it and let a committee consider it and report upon it like he said we ought to do with this one? Why should they pick out something that is going to benefit the people when they want to be technical? When they want something they can avoid all the technicalities on earth to get it at once and by the shortest cut.

Secretary of War Weeks thought it ought not to be on the Army appropriation bill. That was one reason. I think another reason was that it was legislation on an appropriation bill, and the third reason was that he was not in favor of it. I concede to him his right to be opposed to it. There is no man here who has greater respect for Secretary of War Weeks than I. Opposed to it as he is, I would be perfectly willing if it were put into law to have him placed in absolute and supreme charge of its development. I think he would do the square thing, and do it right.

But must the Congress halt, must the conferees lie down, whenever Secretary Weeks says, "I do not like that legislation"? It would have been appropriate for some Senator or Member of the House to have said that, because he has something to do with the legislation, but Secretary Weeks evidently has forgotten that the last time he ran for the Senate he was defeated and that he is not now a Member of this body. He is just an ordinary Secretary of War. He is not legislating, and it is not for him to say whether Congress shall authorize the development of Great Falls. Suppose he is opposed to it? I would assume, without having talked with him, that he would be opposed to it. Lots of other good men like him, who get only a certain viewpoint, would not want to develop the water power of Great Falls because it might interfere with vested wealth, like the Potomac Electric Power Co. or the street car company or the gas company.

But that ought not to control the action of Congress. We can say to Secretary Weeks, "We have perfect respect for you, and you have a right to be opposed to this, but you are not a Member of the Senate, and while we should like to have your advice when we ask for it, valuable as it often is, we are not tying ourselves up as slaves to follow you or any other executive officer. We ought to have some brains and we ought to know something. If we do not, we ought not to be here. We ought to know something about legislation and we ought to follow our own convictions."

I know that many men, great men, honest men, able men, dislike to do anything of this kind for fear they will interfere with some one else in some investment he may have made in the business line. I remember I was in the House of Representatives when the first attempt was made to put a typesetting machine in the Government Printing Office, and there was an awful cry against it from honest men, misled, I think. They said, "You are going to throw a lot of these poor printers out of a job. They do not know anything but how to set type, and now you are going to put in a machine to do that work." There was a great propaganda brought about to compel Congress to legislate against putting typesetting machines in the Government Printing Office.

That is one of the steps in the progress of civilization, an improvement over present conditions. Sometimes it hurts an individual here or there, but very seldom it even does that. But if it does, for the good of the whole, for the good of humanity, we must not stop the progress of civilization in order to give some one a job or to protect some man's investment. Those printers who were thrown out of jobs got better jobs. It did not hurt anyone to have the typesetting machines put in the Government Printing Office. The laws of God and the laws of progress are such that in the end all are benefited if they are honest and fair. So when a man stands up and says that we must not develop Great Falls because it will interfere with the Potomac Electric Power Co., I say it will not. When it is said that we must not put typesetting machines in the Government Printing Office because it will throw some printer out of a job, I say it will give him a better job. I could not tell you just how, I could not tell you just where, I could not tell you just when, but those things right themselves. We must not stop progress and close our eyes to advancing civilization.

I remember when I was just a boy at home, working out among the neighboring farmers, there was one time when I and all the fellows like me made more money than at any other season of the year, and that was during harvest, when every farmer who had a quantity of wheat to cut had to hire a whole lot of men. We used to get the magnificent sum of $2 a day and board. We wanted the harvest to last just as long as possible in order that we might draw that mammoth salary. About that time along came some Yankee who had invented a self-binder, and in the community where I lived, honest, prosperous, patriotic citizens of northern Ohio, every one of them trying to do the best he could for himself and his family and his country, in that community where all the farmers raised wheat, one farmer a little more wealthy than the others bought a self-

binder. I remember that it bound the wheat with wire instead of twine, as they do now. Everybody was talking about it. We knew about it before it came into the community. It came in the midst of harvest and was set to work, and it worked a day. Most of us thought it would not work at all. We did not think any man on earth could tie a knot by machinery around a sheaf of wheat, but this machine did it. It worked all day. That night, when the farmer who owned it was fast asleep, some one came into the wheat field, piled a lot of sheaves of wheat around it, and set it afire and burned it up.

Now, there was quite a feeling in that community among the poor who had to work out and who were always able to get a good wage during the harvest time. They thought that with the introduction of the self-binder their occupation was gone. They thought they were all going to become paupers. They were thinking of their friends, their mothers, their relatives, who were poor. Perhaps if they were older they thought of their children and their wives. They thought, "We have lost the most profitable season of the year by this mad, crazy invention that ties up a sheaf of wheat by machinery."

I remember well when I got home on the next Saturday night my poor old mother met me at the door, and the first thing she said was, "Willie, did you hear about the burning of John Marsh's self-binder?" I said, "Yes, I heard about it." She said, "Isn't it awful?" I said, "Yes, I think it is, mother." "Well, Willie," she said, "I am sorry about it; but, after all, what are the poor people going to do if all these new inventions get started?" She was, honest and true, the best woman that ever lived. She knew it was wrong; she was sorry they had burned it; she could not reach a conclusion that would approve that action; and yet down in her honest heart there came the doubt, "What are we going to do? We are going to become paupers. How are we going to live if these new inventions come into general use?"

Mr. President, the self-binder did not hurt the poor. The hired man does not now know how to make a band or to bind a sheaf of wheat. It was all for the good of the poor as well as for the good of everybody else. It was one of the steps in human progress. It was a sin and it was wrong to try to block it. Senators here who are opposed to the Great Falls development condemn such action; they have no sympathy with the poor printer who might be put out of a job by the installation of a machine, and yet in a bigger way, in a broader way, they are blocking human progress and making the people suffer because of their refusal to permit the development of the natural resources that God has given us. They are doing the very thing that the men did who burned up the self-binder; they are doing the very same kind of an act as that of the men who tried to prevail on Congress to prevent the putting into the Government Printing Office of typesetting machines; they are blocking human progress. We can not burn self-binders; we can not prevent the use of machines where they can do better work than human labor; and we can not prevent the development of water power without thereby affecting injuriously all humanity.

The sins of those who oppose such development will come home to trouble them. They are standing in the way of the onward march of civilization. Sooner or later they must go down beneath the waves of human progress, which they are only succeeding in backing up and making more powerful when the dam does break.

This is only a little matter, but the methods that have been adopted, the things that have happened for 15 years to block this legislation, are not creditable to the men who are responsible for them. The electric light company in Washington will get along, and the street car companies, if they only knew it, ought to want this development completed. God knows it would help those who have to pay the fares. Thousands and thousands who live in humble homes in this city and who would get the benefit of a reduced price for electric light and electric power and electric heat are thinking about it. We can not prevent progress without in the hearts of men who know the fact sowing the seeds of anarchy and revolution. It can not be done.

The destruction of the great Empire of Russia came about not because of some little thing that suddenly happened, not because of something that occurred yesterday or last week, but it resulted from an accumulation of causes that went back through the centuries. The men and the women who had grown gray working for somebody else without a chance to get anything but their board and clothes had begun to think. They had been thinking for years; they knew that they were downtrodden; they knew that above them was an aristocracy that was not just, that was living off their toil and their sweat and their brains. They were subdued for hundreds of years, but gradually, little by little, their resentment became stronger, and the opportunity came during the World War for them to throw off the yoke. They went further than many of us desired to see them go; and yet if I or you, Mr. President, had lived all our lives toiling 16 hours a day for somebody else, and we knew that our fathers and our mothers and our grandfathers and our grandmothers before us had done the same thing, and that as the result of our toil we had built up a class of aristocrats who were living off the sweat of our faces and of our forefathers' faces, we, too, would have been bolsheviks; we, too, would have revolted.

That instance affords a lesson in psychology, and the pending controversy presents another. What has happened in another place will happen here. It is an interesting study in psychology, Mr. President, to endeavor to ascertain how long it will take to make an honest, patriotic, educated, intelligent man into an anarchist; but it can be done. There is not a Senator here who, if the influences in that direction surrounded him long enough, would not become an anarchist.

Several years ago, Mr. President, I boarded a street car to ride to my residence. I was hanging on to a strap, as was usually the case with me. The car was not being operated very carefully and the passengers were jostled around a good deal. I was jostled up against another man who was hanging to a strap. We accepted our bumping against each other as a kind of introduction and began conversing. I found that he was a very bright and fine looking man, about 35 years of age or, perhaps, 40. He was an educated man, and he expressed to me some very bitter sentiments against the street car company. He said, "I have been hanging to these straps for now nearly 20 years and I am getting tired of it. I pay for a seat, but I never get one." The upshot of it was that I became interested in the man and, out of pure curiosity, in pursuance of a sort of psychological study, when he got off the car I got off with him. I conversed with him there for more than an hour. He told me that when he was a growing boy he had come to Washington with his father, who at that time was a Member of the House of Representatives. If I should mention the father's name Senators who are here would remember him, because he had a national reputation. My acquaintance said, "I married the daughter of a Member of Congress in Washington; our fathers are both dead and neither one of them left us any money to speak of. I have had a job ever since my father was in Congress. I have been put under the civil service and my job is secure." He told me the salary he was receiving. He had five children, and he lived in one of a row of houses which he had bought but which was quite heavily mortgaged. He had recently had considerable sickness in his family. He said, "I have sentiments now that I almost blush to hold even in the dark. They are as different from what my father taught me and what I believed when I grew up as anything possibly could be." He said, "Formerly I hated such things as union labor; years ago I had no sympathy with the man who had been thrown out of his job; I had no sympathy for any cry for better wages or working conditions; but," he continued, "I have been hanging on to that strap for 20 years, and, I am sorry to say it but the truth is that if a street car passed here now and ran off the track and caught fire I would not cross the street to put it out." Think of the spirit of anarchy that had grown up in this man's heart! He had suffered from what I call "strapitis," a disease that afflicts most of the people in the city of Washington who do not ride in automobiles. It had had no effect at first, but "strapitis will get you, if you don't watch out." It wore on his nerves; day after day when tired and he felt that he ought to be sitting down he was holding on to a strap until he lost his respect for property—a very lamentable condition; in my judgment one to be very much regretted.

I kept track of that man for a while. He was still in the civil service when the war broke out, but shortly thereafter was discharged from the Government employ. In my conversation I told him who I was and he kept track of me, to some extent. When he got into difficulty he came to my office about his position. He had lost his home, the mortgage being foreclosed; his wife had died; and he wanted me to try to keep him in his position; but when he told me his sentiments and what he had said at various times I refused to aid him. I said, "You are not true to your country; if I were in authority over you, I would discharge you to-day; you have no business to be in the Government service; every drop of my blood goes out in sympathy to you, because you are the victim of a system that is wrong. Your own statements show you are disloyal. We must not give up to such things; we must not surrender to influences of that kind and lose our patriotism, even though we lose every battle and in the end lose our lives. We must have more faith."

This man was a disloyal anarchist, made so by years of injustice. Unfair treatment of the common people will always in the end bring ruin to the powerful influences which perpetrate it. Those of you who prevent the development of such things as Great Falls are sowing to the whirlwind, and sooner or later either you or your descendants will reap the fruits of your unjust conduct.

Mr. President, the point is that every man, woman, and child in their minds will be influenced by years of abuse and coercion until reason will fly from the brain and they will become murderers and anarchists.

Mr. President, I know that what I am preaching now and what I have taught previously, even before I came to this body, meets severe condemnation by many great and good people. While it is never very agreeable to speak particularly of one's self, I think I ought to give another instance that happened to me here in the Senate. When I came to the Senate from the House of Representatives I was not aware that I was looked upon with suspicion by Members of this body because of the attitude which I had taken in connection with matters that had happened in the House of Representatives in a weak effort to right what I believed to be wrong there; what I believed to be machine control there. I was not aware that that had given me an unsavory reputation here in this Chamber. There was a Senator here whom I will use to illustrate the thought I have in mind, one of the best men who ever lived. He is yet a Member of this body. I would not be afraid to trust my life in his hands; and yet he has the other viewpoint; he has the same viewpoint as that of Secretary Weeks: "Do not do this thing. Let George do it, because George can make some money out of it. Do not let the Government do it."

He has that viewpoint. It is perfectly proper if he wants it. I am not complaining; and after I had been here for two or three months, that good Senator confessed to another one, who himself told me the story, and he said, "I have watched that man"—referring to me—"ever since he came here, and, do you know, I have finally come to the conclusion that he is honest."

I did not know that he had an idea that I was dishonest. I was innocent of the fact that I suppose every time I came into his vicinity he clapped his hand on his pocketbook. I did not know that he was afraid to trust me or take my word, and yet I did not believe then that he ever thought I had committed robbery. I do not suppose that man really thought that I was a murderer. I do not suppose he really believed that I would steal another fellow's automobile if I got a chance down here on the street, or that I would lie to another Senator on the floor of the Senate; and yet he had the viewpoint that there was something wrong—the viewpoint of the man who sees nothing except through the eyes of big business; the viewpoint of the man who himself, good and holy though he is, is a member of the political machine. He always followed his leader, and I did not always. He always obeyed the command of the political machine. He believed that was the best way to govern the people; and if the machine took one position to-day, he stood for it. If it took the opposite position to-morrow, he stood for that without a blush, in the first place, because it relieved him from thinking; and, in the next place, because he did not feel responsible for it anyway. That was his point of view. He was just a cog in a great, big political machine, and he has rolled around in the grease and the oil of that machine day after day and year after year, and he is perfectly satisfied. He can not see out for the grease.

He has a perfect right to have those views; but that is the viewpoint that the big man is a great patriot who will give a job to a poor fellow, even though he makes a thousand per cent and the poor fellow has hardly enough to live on. It is the doctrine that the fellow who has a job that pays enough to provide his board and his clothes ought to be satisfied; and when he raises up his hand like Oliver Twist, and comes back for another bowl of soup the man who has this viewpoint is shocked. He does not think the fellow understands what is good for him, and so he goes on the theory that the big fellow ought to dish it out as he sees best.

Mr. President, we are doing those things. We are saying here, "You must not put this item on this bill, because it is legislation on an appropriation bill," when, as a matter of fact, the very amendment to which it honestly ought to be attached is likewise an amendment in the nature of a legislative proposition on an appropriation bill. "That is all right, because we want it; but this is all wrong, because we do not want it, although the reason is just the same. Be technical and put it off when big business does not want it; dispense with technicality and put it on when big business is satisfied."

Mr. President, I have not any idea that I can defeat this conference report. I realize that it is nearly the 1st of July. I realize that the charge can be and probably will be made that by my delay I am increasing the expense of the Government. That charge is usually made against anybody who undertakes to do anything of this kind; but I want to warn the Senate that we can not keep on always, that a suffering people will not always suffer silently, and that while this in itself is a little thing, it is one of many thousands of things; and when the Senate of the United States has expressed its will after a full debate, once upon a roll call, we ought not to cast it aside just because somebody says, "Oh, this is not the way to do it. Do it some other way." I promise you, Mr. President, that it is coming home to roost again. You will have a chance to do it in some other way; and then listen to the fellows, as you have heard them to-day, say, "Do it still some other way."

Just before this report came in the cry was, "Oh, investigate some more. We have only spent $20,000 of the people's money investigating it. That was quite a while ago. Let us spend some more"; and so we will keep on with technicalities and delay and delay and delay, until five or six years from now you will be able to say, "Let us investigate it again. Maybe Great Falls has disappeared in the meantime. Maybe God has moved the falls. Maybe they are running uphill now, instead of down. Let us have an expert out there, at a cost of $25,000, to see"; and so on around and around and around and around, until the people get disgusted and get tired of going from the Democratic Party to the Republican Party, and from the Republican Party to the Democratic Party, jumping out of the frying pan into the fire and from the fire into the frying pan, and finding always the same kind of a dish served up to them, and say, "To hell with both of your parties"; and they will do it if you keep on. Then the time will come when you fellows who think more of big business than you do of your religion will be on your bended knees to such men as shall follow me—because I shall not be here then—praying for protection against the mob. The men who are called radicals and progressives now will be the conservatives to whom the weeping, suffering world will plead for justice; and it may be that the pendulum will have swung so far that justice will be impossible.

Mr. WADSWORTH. Mr. President, I shall detain the Senate but a very few moments on this matter.

I think the Senator from Nebraska can disabuse his mind of any suspicion that vested interests, mysterious, secret, sinuous, have had anything to do with the action of the Senate conferees upon this matter. I am not going to discuss the inference that he drew, a very clear inference, before the Senate. It is not worthy of discussion; and I think, too, that he can disabuse his mind of the idea that the Secretary of War exercised any influence upon the Senate conferees by the letter to which the Senator from Nebraska has alluded. The truth is that that letter reached the chairman of the Senate conferees after the conferees had passed upon this question, and the letter was never alluded to in the conference meetings.

Mr. President, I think I can relate exactly what happened. I know, of course, that the Senator is disappointed and many other Senators are disappointed at the failure of the Senate conferees to maintain this item in the bill. The Senator is not alone in his disappointment. The Senator from New York has suffered from some disappointments in this matter just as severe and perhaps even more severe than that suffered by the Senator from Nebraska. There are some things, however, that human beings can not accomplish under the legislative procedure of the House and the Senate relating to conferences.

This matter was placed upon the Army appropriation bill by a vote of the Senate. When it was reached in conference it was discussed in connection with the amendment next preceding it, having to do with the water-supply proposition.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. The Senator may.

Mr. NORRIS. On that very question, does the Senator know how it happened that this went as two amendments instead of one, which the Senator must admit it ought to be?

Mr. WADSWORTH. I have not the slightest idea.

Mr. NORRIS. The Senator admits, does he not, that it was all one amendment?

Mr. WADSWORTH. I have read the RECORD since the Senator made that observation in his speech, and I notice that the Presiding Officer presented the question as an amendment to the amendment.

Mr. NORRIS. I offered the amendment as an amendment to the amendment.

Mr. WADSWORTH. I recollect it. I have not the slightest idea how they happened to be numbered separately, but whether numbered separately or together made no difference whatsoever in the conference. The attitude of the House conferees would

have been exactly the same, and the amendment, had it been one amendment, would have been divisible, and they would have insisted upon it just as they insisted upon their action on amendment No. 53.

Mr. NORRIS. If it had been one amendment, as it ought to have been, as in reality it was, then it would have gone back to the House as one amendment, would it not?

Mr. WADSWORTH. If we could have compelled them to take it back.

Mr. NORRIS. Well, they took the other part back.

Mr. WADSWORTH. We succeeded in compelling them to do it.

Mr. NORRIS. This is exactly on all fours with the other as far as any technicality is concerned.

Mr. WADSWORTH. They did not think so. Now, the Senator is not persuading me. The Senator should persuade the House conferees. We did our best. We did not make one inch of progress with them.

We had a good deal of difficulty in persuading them to take amendment 52 back to the House. It required a long discussion and a lot of pleading to get them to do that, and they only did it because Congress had at the last session adopted that same amendment.

Mr. McKELLAR. Was it not true that a number of the House conferees said very frankly they did not know but that they would favor the proposition of the Senator from Nebraska, but inasmuch as it was a project which would probably cost as much as $44,000,000, they thought it should not be put as a rider on the Army appropriation bill? While I favor the project, it seemed to me that there was a good deal of reason in that contention made by the members of the conference committee on the part of the House, and that was one of their contentions on which they seemed to feel very strongly.

Mr. NORRIS. The Senator from New York just said that this other part of the amendment—about the water supply—they took back for the reason that it had passed the Senate at the last session.

Mr. WADSWORTH. That was one of the potential reasons.

Mr. NORRIS. That was true of my amendment, was it not?

Mr. WADSWORTH. No; it was not.

Mr. NORRIS. It passed the Senate.

Mr. WADSWORTH. On another bill, and passed the Senate alone; but the amendment embodying the water-supply project passed both Houses at the last session on the Army appropriation bill.

Mr. NORRIS. I am not contending that my amendment passed the House; but it did pass the Senate.

Mr. WADSWORTH. The other one did, and my statement still holds. There shall be no misunderstanding about it. We finally persuaded the House conferees after a great deal of difficulty to submit to the House the water supply amendment, and the factor in the discussion which I believe was influential in gaining their consent to that line of action was the fact that both Houses had passed it at the last session on the Army appropriation bill, in the same connection.

While the conference was going on the Senator from Nebraska asked me how we were progressing with respect to the water power amendment. At that time the House conferees had notified us that under no circumstances would they take it back to the House; and they are the masters of that situation. They do not have to do it unless they are willing. The Senator from Nebraska asked me if I would not plead with them at the next meeting to take it back for a separate vote, without committing themselves, as House conferees, for or against the proposition. We tried that, but they refused.

The Senator from Tennessee [Mr. McKELLAR] has mentioned one of the arguments which the House conferees presented. I think the Senate ought to realize the effect of the new House rules when it comes to judge of the activity or the faithfulness of the Senate conferees. It is not pleasant, may I say to the Senator, to have him infer that we lay down, that we were faithless to the mandate of the Senate. The Senator has to come to understand, if he has not already done so, what these House rules on conferences are to-day. They were changed last year, and the result is that you no longer have a free and open conference. The Senate is helpless, and will continue helpless until it changes its rules in certain respects, so that in a measure we can retaliate and defend our rights.

Mr. JONES of Washington. Does not the Senator think that the time has now come for us to refuse to go into a conference until we know it is to be a full and free conference?

Mr. WADSWORTH. That is a question of very grave policy on the part of the Senate. When the House rules were changed so as to put the appropriating power solely in the hands of the Committee on Appropriations of the House, the chairmen and members of the standing committees, which up to that time had had the function of appropriating for the several departments, insisted that they would surrender that appropriating power to the single committee, the Appropriations Committee, upon one condition, a condition which must never be violated, namely, that the Appropriations Committee should never, upon its own initiative, attempt to legislate; that it should confine itself only to appropriating.

The House conferees, when they encounter in bills amendments inserted by the Senate of a legislative or semilegislative character, instantly resist, and say, "We have no right to take back to the House anything in the nature of legislation unless we can show that the House itself is familiar with the thing, and has passed it in one way or another." The House rules do not contain such a provision, but that is the attitude taken by the House conferees. The House conferees assert that if they should yield to legislative amendments of vast importance inserted by the Senate committing the Government to a line of policy extending some distance into the future, the House itself would turn and rend them. They refuse positively and absolutely to take back any such amendment.

Every time the Senate, or the Senate Committee on Military Affairs, has inserted amendments in the Army appropriation bills since the new rules of the House were adopted we have had to carry the burden of proof that the submission of such an amendment to a separate vote in the House would not present to the House something new and unheard-of and undiscussed prior to that time. We failed to persuade them, in two or three other instances, to submit to the House legislative amendments inserted by the Senate.

When it came to this one they took this attitude, "The House has never discussed this thing; no committee of the House has ever reported upon this thing; the House does not know anything about this thing. The House will turn and tear us to pieces if we try to put this thing over. We refuse absolutely to take it back to the House." What can the Senate conferees do? That is the attitude of the House conferees, and apparently the conferees of the House have the backing of the House in pursuing that general policy.

Mr. LENROOT. The Senator from Washington [Mr. JONES] suggested that perhaps the time had come when the Senate should refuse to go into a conference under existing conditions. If the Senate would observe its own rule with reference to appropriation bills, conferences would be full and free between the two Houses to-day, would they not?

Mr. WADSWORTH. In a much larger extent.

Mr. LENROOT. Would they not?

Mr. WADSWORTH. Yes. Of course, the Senate has a rule forbidding legislation upon appropriation bills, and nearly all the legislation that is inserted in the Army appropriation bill by the Senate is inserted by unanimous consent, except in this case, when the rule of the Senate was voted down on a point of order, and the Senate put the amendment in regardless of the rule.

Mr. JONES of Washington. Mr. President, I think the Senator is wrong about that; and the suggestion of the Senator from Wisconsin, I think, carries a wrong impression. These provisions are put in according to the rules of the Senate, taken as a whole.

Mr. WADSWORTH. By unanimous consent.

Mr. JONES of Washington. Yes. The Senate has a rule that by unanimous consent it can do business, and when it votes such an amendment in a bill it does it in accordance with the rules of the Senate.

Mr. WADSWORTH. Certainly.

Mr. JONES of Washington. This was done under a rule of the Senate which authorized the Presiding Officer to submit the point of order to the Senate.

Mr. WADSWORTH. Certainly.

Mr. JONES of Washington. That was done, and the Senate, acting as it saw fit, took that action.

Mr. WADSWORTH. The Senate had a perfect right to do it. But the House is watching the Senate every time it does it, and when the conferees on the part of the Senate go into conference with the House conferees, who are apparently representing a body which is intent upon defending itself, as they see it, against the tactics of the Senate, they find themselves absolutely powerless to persuade the House conferees to take back to the House for a separate vote legislative amendments of far-reaching character.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER (Mr. WATSON of Indiana in the chair). Does the Senator from New York yield to the Senator from Wisconsin?

Mr. WADSWORTH. I yield.

Mr. LENROOT. I wish to ask whether the Senator from New York and the Senator from Washington will not both agree that the Senate itself, by vote, very often violates its own rules?

Mr. WADSWORTH. Certainly. It has a right to do so by a vote, and does it occasionally.

Mr. McKELLAR. I desire to ask the Senator from New York a very practical question. If the Senate conferees had held out for this amendment, is it not true that we would be in hopeless deadlock now, and probably in hopeless deadlock six months from now?

Mr. WADSWORTH. We would be sitting in the room of the Committee on Military Affairs right now.

Mr. McKELLAR. It was impossible, because the Members of the House had said that they would not under any circumstances agree to a $44,000,000 proposition brought in in this way. That is all there is to it. We had to agree if we were going to get a bill. That is the practical side of it.

Mr. WADSWORTH. Mr. President, that is the history of the transaction in the conference committee. I regret exceedingly that Senators are disappointed in this matter. As I said a moment ago, I personally have suffered exceedingly great disappointment in the conference on this bill. My disappointment will be stated a little later, if, in its judgment, the Senate adopts the report of the conference committee.

Mr. JONES of Washington. Mr. President, I do not want the Senator from New York to think that I am joining in criticism of the Senate conferees. I feel satisfied that under the circumstances the Senate conferees did about the only thing they could do with reference to this matter. I should have been very glad indeed if they could have secured the agreement of the House conferees to this item. But I am satisfied it would have been useless for them to hold out longer; and, furthermore, the condition is a little different from what it will be some other time with reference to these appropriation bills. This bill must be enacted into law by the 30th of this month or we will have to continue the appropriations by resolution or some other way. I have no criticism to make of the Senate conferees. I feel that they did the very best they felt they possibly could do; and I think they did the very best they could do. I have had some little experience with House conferees, and I can sympathize with our conferees in the situation which confronted them.

I am not going to discuss this item. I should have been very glad, as I said, if it had been kept in the bill. I hope the Senator from Nebraska [Mr. NORRIS] will, if he has not already done so, introduce a separate bill and have it referred to the Committee on the District of Columbia, if that is the proper committee to consider it, and I assure him that so far as I am concerned, I shall do everything I can to have action taken by that committee on such a bill. Of course, I am only one member of the committee, and I can not speak for others, but that is a course which can be taken without waiting for another appropriation bill to come up next winter. We may not get very far, but we can agitate the matter at any rate, and if we can get a favorable report from a committee of the Senate upon a bill providing for this water-power development, I think it will be a step in the right direction.

Mr. NORRIS. The Senator is a member of the District Committee?

Mr. JONES of Washington. I am.

Mr. NORRIS. I assure the Senator now that I will follow out his suggestion. I shall hold him to his promise, and I know when the Senator gives his word he will keep it, and I know that if he keeps it he can have something done. I will introduce the bill, and will have it referred, if I can, to the District Committee, and I will depend on the Senator to see that something happens to it beside slow death.

Mr. JONES of Washington. As I have said, I am only one member of the committee; but I will do the very best I can. Of course, I will expect the aid and assistance of the Senator from Nebraska in presenting the matter to the committee. There are some good Senators on that committee who probably do not agree with me with reference to this measure, and the principle embodied in it, and I shall expect them, of course, to oppose a favorable report. I may be the only one on the committee in accord very largely with the views of the Senator from Nebraska.

I have wondered time and again why it is that for the ages past this great water power has been going to waste. There has been a great deal of talk, especially here in the East, about conservation of water power, and yet right at the very door of the National Capital, where a great many of these fulminations have been generated and formed and made, we have a water power that has been going to waste since time began. It seems to me that it is time for us to make some use of it, to conserve it in a proper way, and, as I said, I shall do everything I can in the committee to have action taken.

I desire to ask the Senator from New York about another amendment in this report, amendment No. 56. I find from the report that the Senate conferees agreed on that amendment. That is the amendment which provides that—

> No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government,
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> an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

Now, the Senator, of course, remembers the provision that the Senate put in which took care of the situation where the wages had been adjusted by wage boards. As I understand the effect of this language of the House, it will be something like this. Take some locality, or take almost any locality for that matter, where there is a Government institution, a navy yard, and where there are civilian employees engaged in work; if the prevailing rate of wages in the locality is a certain amount for a 10-hour day, then the wages paid to the civilian employees will be reduced proportionately below that wage because the Government employee works an 8-hour day. Is that correct?

Mr. WADSWORTH. I am not sure that I understand the Senator. Would it not be increased?

Mr. JONES of Washington. Wages of persons in certain employment in the locality are based upon 10 hours' work, because that is the prevailing day in such institutions.

Mr. LENROOT. It is so much an hour?

Mr. JONES of Washington. No; as a general rule they get so much a day, but it is for 10 hours a day in many cases. Government employees work only 8 hours, so that they will get a similar wage except it will be reduced by the proportion of 2 hours, or in the proportion that 8 bears to 10.

Mr. WADSWORTH. That is not my understanding of the situation.

Mr. JONES of Washington. I am constrained to believe that will be the effect of the language, and that it means a reduction of the wages of Government employees in a way that Congress does not contemplate. We have taken the position in a legislative way that 8 hours is a proper day's work. We have done that very largely on the theory that a man will do about as much in 8 hours as he will in 10. So we have based our wage on that theory, and the wage boards have regulated the wages on that basis. In other words, where they fix the wages at the same as those paid by similar establishments in the neighborhood, they give to the Government employees the same wage for an 8-hour day that a man in a civilian establishment gets for 10 hours. Now, if we take away the provision for wage-board establishments and say that no part of the money appropriated in this act shall be used for paying to any civilian employee of the United States Government an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality, it seems to me we compel them to reduce the wage in the proportion that 8 bears to 10.

In my judgment, that is what this language requires. I do not think that is right, I do not think it is fair, I do not think it is just. I do not think that is what our past legislation contemplates. It seems to me that the language of the Senate amendment ought to have been maintained if it was possible to maintain it.

Mr. WALSH of Massachusetts. Mr. President, my view is in accord with that of the Senator from Washington, that the language not only reduces the wage of all civilian employees in the arsenals of the country but it reduces the wages of clerks, stenographers, and typists, because the language referred to fixes the wage on a per hour basis. It means that while they work they shall be paid the same wage per hour as that paid other employees in private enterprises.

That has not been the policy of the Government in the past. Young ladies working in clerical positions who work seven hours a day will be paid a less wage per day than stenographers and typists who work eight or nine hours in private employment. It is a very serious matter and one that means a decided cut in wages to every civilian employee of the War Department. It not only means a cut in wages but a deduction for half holidays and possibly vacations or sick-leave time.

I am very sorry that the conferees on the part of the Senate yielded and agreed to the House amendment. I think the amendment which the Senate proposed and which the Senator from New York originally favored would have protected them by reason of the provision that the wage board should still have authority, and that this per hour wage would not be binding in certain cases. I am sure that very serious condemnation

of the action of Congress will follow the enactment into law of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. KING. Mr. President, may I make an inquiry of the Senator from New York? As I understand the conference report, the Army, after September of this year, will be reduced to 150,000 enlisted men. Is that the result of the conference report?

Mr. WADSWORTH. That will be the result of the action of the Senate if it complies with my request relative to the House action. The report which is now before the Senate leaves in disagreement the item "Pay of enlisted men." That is the item which controls the size of the Army for the next year.

Mr. KING. Does the Senator intend to discuss that after the adoption of the report?

Mr. WADSWORTH. I do. The report carries in effect agreements upon everything else. The House in the meantime has voted separately on some amendments which it took with amendments.

Mr. KING. I shall ask the Senator about that a little later.

Mr. WADSWORTH. The status to-day is just this: There is only one thing in disagreement between the two Houses at this moment, and that is pay of enlisted men of the Army. That is the way I am stating it as a practical proposition. There are one or two little technical differences, but they do not amount to anything.

Mr. JONES of Washington. Mr. President, I should like an expression from the Senator for the RECORD in reference to the proposition I have just discussed. My idea is that the Senator from New York does not think that should be the construction given to the language.

Mr. WADSWORTH. I do not.

Mr. JONES of Washington. I should like to have that appear in the RECORD.

Mr. WADSWORTH. When this language appeared in the bill as it was passed by the House we were somewhat confused as to just what its effect would be, and I think I said so on the floor in a little colloquy with the Senator from Utah [Mr. KING]. I myself proposed the Senate amendment, saying at the time that it seemed entirely reasonable to me as an original proposition, but that it would throw it into conference, and we could discuss the exact meaning of the language. The House conferees discussed quite freely and openly with us the two provisions. Their interpretation of their own language is that it will have no effect whatsoever except to prevent the Government making wages now paid or to be paid in the future—and when I say "wages" I mean the full wage—higher than are paid for similar work on the outside.

We had a long talk about it. It can be read in one or two different ways, and we can figure out just what its effect will be. There is very little difference between the two Houses on it. We only put in the words "other than those whose pay is adjusted from time to time through wage boards." Wage boards would still be subject to the existing custom. I do not think it is going to have the effect suggested by the Senator from Massachusetts. If it does, if it is construed by the administrative officers to justify a cut and slash on the basis suggested by the Senator from Washington, Congress can cure it very quickly by a joint resolution.

Mr. WALSH of Massachusetts. Does not the Senator think the fixing of the wage on a per hour basis in this way amounts to an annulment of the powers of the wage board? If wage boards are paying civilian employees more than similar employees are paid per hour in private industries, and we pass legislation to prevent such payment, we practically nullify the operations and judgment of the wage board. That is the effect of the language. I really think the Senator from New York does not appreciate the importance of this change.

I have in my hand a memorandum prepared by the representatives in Washington of the organized employees of the arsenals and other divisions of the War Department which I ask to have printed in the RECORD, and which will tend to show just how they consider this law will operate. I ask permission to insert that in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The memorandum is as follows:

JUNE 15, 1921.

MEMORANDUM SHOWING REASONS WHY SENATE AMENDMENT NO. 56, ON CIVILIAN WAGES IN ARMY APPROPRIATION BILL, SHOULD BE ADOPTED AND HOUSE PROVISION REJECTED

1. The House provision states in effect that civilian employees paid from this bill shall receive as a maximum the hourly wage paid by private individuals in the same locality. A department head can therefore pay as much below that as he wants to.

2. There is no law compelling the War Department to even pay the prevailing rate. This requirement is covered only by department regulations. Hence, inasmuch as the House provision prohibits payment in the event the prevailing rate is exceeded, any error in this regard would have to be made up by the disbursing officer. This is a powerful deterrent as against a mere direction to pay the prevailing rate.

Disbursing officers would be disposed to pay less than the prevailing rate to be on the safe side.

3. For practically a generation, or ever since the 8-hour law was enacted for work performed by the Government, it has been the rule for the Government to pay for an 8-hour day whatever was paid by private concerns for their regular workday, whether that workday was 8, 9, or 10 hours. At present many private employers operate their shops on an 8-hour basis, others on a 9-hour basis.

Under the House provision the Government could pay its employees only eight-ninths of the day's pay obtaining in private shops in the vicinity where the 9-hour day was in vogue. Clerks in the Government service working seven hours would receive only seven-eighths of the pay received in private shops where eight hours are worked.

4. For a long term of years it has been customary for the Government to be a model employer and pay a wage equivalent to what the better class of employers were paying in private industry, not the very highest wages paid, but the average high wages paid.

The House provision has already been interpreted by officials of the War Department to mean that they must not exceed the average rate which compels them to take into consideration rates of pay obtaining in shops operated by the most illiberal and mercenary employers in the community.

5. The Civil Service Committees of the Senate and House are at present holding hearings with the object in view of having enacted a reclassification measure. Employees of the Government are expecting Congress to be acting in good faith and not to allow amendments of this kind to be slipped through which, in effect, will reduce wages to a point where the Government will become the most illiberal large employer of labor. What can Government employees expect if while waiting for reclassification laws are enacted to place as a maximum rate in the Government service the average obtaining in private industry, the basis being the hourly rate? This appears to be the most restricted and illiberal construction that could be adopted as a basis for wage adjustment.

6. Congress has been insisting that the employees should be satisfied with wage boards. As a result of this thought, the $240 bonus was abolished for these very employees whom the House provision would still further restrict as to wages.

If employees are to rely upon wage boards, Congress should not at the same time arbitrarily reduce wages and, in effect, take the setting of wages out of the hands of wage boards.

Employees in the arsenals would be directly affected by this House provision in the Army bill. Wage boards have recently been convened at the arsenals. In most cases their decisions have been reached, and awards put into effect in some instances. In other instances they probably will be effective not later than July 1 next.

At the Frankford Arsenal, Philadelphia, for instance, the wage board consisted of three Army officers and four foremen. Employees had been denied the right of representation or the privilege of presenting data or arguments several months before, and although this privilege has been restored by the Ordnance Office, the employees have never been so advised. The result was that a wage scale was set without even giving the employees a hearing. This resulted in a drastic cut in pay. For instance, the maximum pay set for machinists is $5.04 per diem. The average pay for machinists, tool makers, and instrument makers is $4.92 per day, in addition to which they will receive the $240 bonus until July 1. On July 1 their average pay will be $4.92 per day. This rate is $1.24 per diem below the average rate which will be received by machinists in the railroad service on July 1, as recently determined by the Railroad Labor Board. These facts are undisputed and show a most illiberal policy pursued by the Government. Instead of Congress attempting to further place the Government employees at a disadvantage, it ought to come to their rescue and insist upon a fair rate being set.

As a direct comparison, on July 1 machinists on the railroads will receive $6.16 per day. Machinists, tool makers, and instrument makers at the Frankford Arsenal will receive rates as follows:

Ten per cent will receive $5.44.
Forty per cent will receive $5.04.
Thirty-five per cent will receive $4.64.
Fifteen per cent will receive $4.24.

7. The House provision was an amendment by Congressman LUCE, of Massachusetts. The illustration he used (see CONGRESSIONAL RECORD of May 10, p. 1279) in justification of this amendment would allow Government clerks working seven hours only $14.826 in the Government service, whereas in the private shop, from which her wages were set, she would receive $18 per week. Thus the Government would pay less and enable private employers to obtain all skilled Government workmen.

Mr. WALSH of Massachusetts. May I ask the Senator from New York if he does not think that this is of sufficient importance to justify recommitting the report?

Mr. WADSWORTH. No; I do not. A recommittal of the report would cost the Government millions of dollars. If harm has been done, and I am not persuaded that it has, it can be cured very quickly and restitution made to those who have been unjustly treated.

I do not know whether I have seen the memorandum which the Senator has just placed in the RECORD, but I, too, had a memorandum furnished me, and I also conversed with some of the representatives to whom the Senator has referred. At that time they did not bring up the point which the Senator has brought up, but they brought up quite a different one. We had an entirely frank and friendly conversation about it. It was at their suggestion originally that I offered the amendment. They were uncertain themselves as to what the effect would be. All they complained against was the uncertainty of the House language. The House conferees felt absolutely certain what it would do, and we had a long talk about it. Both sides were entirely friendly to the arsenal employees. I think they

are not injured. If they are, that injury can be cured very quickly, I can assure the Senator, and it can be cured in a way which will make the cure retroactive to the commencement of the injury.

Mr. WALSH of Massachusetts. I do not share the Senator's optimism about curing quickly legislative mistakes of this kind. My experience has been that it is very difficult to get legislation through Congress, especially legislation tending to increase wages after they have been once reduced.

I do not wish to take the position of advocating increases or decreases in wages. I am willing to have Congress either decrease or increase, but I want it done in the open; I want it done so that labor will have a chance to be heard. I do not want it done by a conference committee without any chance for labor to present their views and their objections. That is what is happening here now. Under the proposed legislation the wage boards have been absolutely eliminated from any general discussion in fixing rates of wages. The wage boards' powers under the law are so absolutely curtailed that even if they think an employee deserves to be paid more than he is getting they can not grant it, because here is a law, not a rule or regulation, which limits the wages of any civilian employee, male or female, in a clerical position or mechanical position, to the amount paid by private employers in that local community per hour, not per day.

It means that a man working for the Government in a Government plant eight hours per day and other employees in a private industry where the men work nine hours per day will not get an equal wage. Employees working in the Government plant will get eight-ninths of the wage paid to those working in private employment. Can anyone possibly dispute that? Does the Senator from New York dispute that?

Mr. WADSWORTH. I doubt if that is a proper interpretation of the language.

Mr. WALSH of Massachusetts. What does the language mean, if it does not mean that? The language provides that the Government empioyee shall be paid the rate of wage per hour, not per day, that is paid in private industry; so that if a private employee is working nine hours and the Government employee is working eight hours, the wage paid the Government employee for eight hours will be eight-ninths of the wage paid the private employee for nine hours' work. There can not be any dispute about that. That is why I again ask the Senator to take the report back for further consideration, because of the possibility that he has not appreciated that the provision involves a cut in wages. I want it known that it means a reduction of wages to every civilian employee, and that such action is taken by this administration. The consequences must fall where they will. I do not believe the Senator appreciates that, or he would not consent to it without at least giving these people a chance to be heard.

This is not the time for the Government to cut wages by legal enactment. The wage boards were created for the purpose of hearing wage disputes and reducing and increasing wages, dependent upon what the cost and expenses of living might be from time to time and in different places. There is no necessity of discussing the matter that the purpose and intent is to reduce the wages of every civilian employee who is working under the War Department of the Government. This action will accomplish that result, and there will be a very serious and very great reaction, and the Government will be the loser, because it will breed dissatisfaction among all employees.

I hope the Senator from New York, in view of the discussion here and the suggestions which have been made, will take the matter up further with the House conferees. It will not take very long, if the report is sent back, to reconsider this matter.

The wage-adjustment boards might just as well go out of existence if the bill shall be permitted to remain as it is. The wage boards were created for the purpose of exercising discretion in the fixing of wages. Here is a proposed law which provides that there shall be no discretion in the wage boards, but that the rate per hour shall be what is paid in the locality by private employers. We might just as well abolish the wage boards. Why pay salaries and maintain the boards when they will not have any power? I hope the Senator from New York will consent to having the conference report go back so that the conferees on the part of the House may reconsider the matter and the Senate conferees may insist upon the insertion of the language which the Senate formerly inserted. The Senator must have had some doubt about the meaning of the House language when he and his committee, when the bill was before the Senate, inserted language which narrowed the scope of the House provision, or else he would not have taken such action. Now, the Senate conferees have yielded to the House conferees their own suggestion that the provision should not be so sweeping as adopted by the House, but that it should be modified so as to leave the matter to the wage boards to determine and settle.

May I again ask the Senator from New York if he does not think that the matter is of sufficient importance to again take it up with the House conferees?

Mr. WADSWORTH. I really do not. I think if it turns out that a mistake has been made, of which I am not at all sure, it can be cured later on.

Mr. SMOOT obtained the floor.

Mr. LENROOT. Mr. President——

Mr. SMOOT. I yield to the Senator for a question.

Mr. LENROOT. I should like to ask the Senator from Massachusetts a question. I think there is much merit in what he says, but would it be open to the conferees to correct the situation of which the Senator speaks? All the conferees could do would be to deal with the question of wage boards. There would be nothing else before the conference, so far as this amendment is concerned.

Mr. WALSH of Massachusetts. Could not the Senate conferees insist upon the Senate amendment?

Mr. LENROOT. They could insist upon the Senate amendment, but if the Senate amendment were adopted, unless there were a wage board to fix a certain salary or wage, the same evil would exist of which the Senator from Massachusetts now complains.

Mr. WALSH of Massachusetts. I do not think so.

Mr. LENROOT. Oh, I think it would.

Mr. WALSH of Massachusetts. The Senate amendment provides:

> No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government, other than those whose pay is adjustable from time to time through wage boards or similar authority, an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

Mr. LENROOT. Where there is no wage board, even though the Senate amendment were adopted, the same evil would exist.

Mr. WALSH of Massachusetts. I think the Senator has called my attention to the omission of the language which formerly appeared in the original amendment, which did leave the matter to a wage board; but still the Senate amendment is very much broader and more satisfactory than the House provision.

Mr. LENROOT. It would cover cases where there were wage boards.

Mr. WALSH of Massachusetts. Let me read the House provision. It is as follows:

> SEC. 2. No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

Why is that language put into the bill if it is not intended to reduce wages? It is certainly not designed to increase wages. It is put into the bill purposely and deliberately to reduce the scale of wages of civilian employees who are working under the War Department to correspond to the wages of private employers paid on a per hour basis. Everybody knows that the Government has been more generous as to hours of labor than has any employer in private industry. Therefore, this proposed legislation means a reduction in wages—a very substantial reduction, I am informed—in the wages of a great many civilian employees of the War Department.

I repeat what I said. Let us not do this in a hidden way. Let us cut the wages by a direct vote, if that is desired, and tell the employees that we are doing so; but do not cut wages by a provision agreed to in a conference committee which looks innocent upon its face but which will absolutely mean a sweeping reduction in wages without any of the employees or their friends or anybody else having an opportunity to be heard.

That is the objection I am making.

Mr. SMOOT. Mr. President, we heard no objection from the employees of the navy yards and the arsenals when wages in the industries outside of yards adjacent to those institutions were increasing by leaps and bounds and the wages of the employees of the Government were being increased correspondingly. The provision as agreed to means that in the matter of wages the department will have to follow out the same law that is on the statute books to-day. The employees evidently are not willing now to follow the labor market down as they were willing to follow it up. That is all there is to this whole question. The matter was thrashed out when the appropriation bill was before the Senate.

Mr. WALSH of Massachusetts. Does the Senator agree that the House provision means a reduction in wages?

Mr. SMOOT. I should think it would mean that the wage board will have the power to do, and will no doubt do, just as the law now on the statute books provides that they shall do when they meet; that is, to pay the wage that is paid for similar work outside of the Government service.

Mr. WALSH of Massachusetts. Are the wages paid to Government employees larger than those paid to private employees doing the same kind of work in the same locality?

Mr. SMOOT. Yes; they are larger.

Mr. WALSH of Massachusetts. Very well. The Senator agrees, then, that the House provision means a reduction of their wages?

Mr. SMOOT. Yes; and the law as it stands on the statute books to-day would bring that about, if the wage board would meet at once. The wage board will not meet and pass upon the question until the fall, as Mr. Alifas told me, and, therefore, there will be nothing done until then, and the employees in the meantime will continue to draw the higher wages they have been drawing up to this time.

Mr. WALSH of Massachusetts. Have not the wage boards the power to fix wages for Government employees at a less rate than is paid in private industry?

Mr. SMOOT. No; under existing law they have not.

Mr. WALSH of Massachusetts. They have not such power and they can not take such action?

Mr. SMOOT. They can not.

Mr. WALSH of Massachusetts. Where is the law which requires them to pay the same amount of wages to Government employees as are paid in private employment?

Mr. SMOOT. In the appropriation bills which have been passed by Congress.

Mr. WALSH of Massachusetts. Will the Senator call my attention to any act or law which requires a wage board to pay the same wage for Government work as that paid by private industries?

Mr. SMOOT. I think if the Senator will look at the appropriation bills of the last few years, at least since the war, he will find in every appropriation bill that such a provision has been made.

Mr. WALSH of Massachusetts. Then why insert this provision if that is the general law now on the statute books?

Mr. SMOOT. In this appropriation bill, I think, it means that it shall not apply.

Mr. WALSH of Massachusetts. Yet the Senator has just told me that, in his opinion, the House provision means a reduction of wages.

Mr. SMOOT. I think that the employees in the navy yards and the arsenals expect a reduction of wages; there is not any doubt about that.

Mr. WALSH of Massachusetts. Why do not the wage boards reduce the wages?

Mr. SMOOT. They will this fall when they meet; and I am inclined to think they will have to meet, if this provision passes, and decide that question right away.

Mr. WALSH of Massachusetts. Are the wage boards in session now?

Mr. SMOOT. No; they are not in session.

Mr. WALSH of Massachusetts. Can they not be called in session?

Mr. SMOOT. I do not know who would call them if this item is not adopted.

Mr. WALSH of Massachusetts. So, because nobody will call the wage boards, because they can not be called together, Congress must pass a law attempting to regulate wages over the head of the wage boards?

Mr. SMOOT. I think it is well known to the employees that the wage boards will not meet until next fall, and the employees do not want them to meet until the fall. I said to their representative, "If you want the wage board to meet, I will take the matter up with the President of the United States, and I will see that the board is called, if there is power in the President to call it," but they frankly said they did not want the board to meet; that they wanted their wages to remain just as they are. There is no wrong done by this provision to the employees, if they want to be paid as they have been paid in the past and on the same basis.

Mr. WALSH of Massachusetts. Mr. President, I think this question so important that I should like to have the yeas and nays upon it.

The PRESIDING OFFICER (Mr. WATSON of Indiana in the chair). The question is on agreeing to the conference report, on which the Senator from Massachusetts demands the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and will vote. I vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. COLT], but on this question I feel at liberty to vote, and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], who is absent to-day. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am given to understand reliably that if he were present he would vote as I am about to vote. I therefore feel at liberty to vote, and vote "yea."

The roll call was concluded.

Mr. FRELINGHUYSEN (after having voted in the affirmative). I find that my general pair, the junior Senator from Montana [Mr. WALSH], is absent from the Chamber. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. MOSES. I desire to announce that my colleague [Mr. KEYES] is necessarily absent on business of the Senate.

Mr. SMITH. May I inquire if the Senator from South Dakota [Mr. STERLING] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. SMITH. I have a general pair with that Senator, which I transfer to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. KENDRICK. I have a general pair with the senior Senator from Illinois [Mr. MCCORMICK], which I transfer to the senior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from South Dakota [Mr. NORBECK] with the Senator from Missouri [Mr. REED]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 58, nays 13, as follows:

YEAS—58.

Ball	Glass	Moses	Spencer
Brandegee	Gooding	Myers	Stanley
Broussard	Hale	Nelson	Sutherland
Bursum	Harreld	New	Swanson
Calder	Harris	Newberry	Townsend
Cameron	Heflin	Oddie	Trammell
Capper	Kellogg	Overman	Underwood
Caraway	King	Phipps	Wadsworth
Cummins	Knox	Poindexter	Warren
Curtis	Lenroot	Ransdell	Watson, Ind.
Dillingham	McCumber	Sheppard	Williams
Elkins	McKellar	Shortridge	Willis
Ernst	McKinley	Simmons	Wolcott
Fletcher	McLean	Smith	
Frelinghuysen	McNary	Smoot	

NAYS—13.

Ashurst	Johnson	Norris	Watson, Ga.
Borah	Jones, Wash.	Pomerene	
Gerry	Kendrick	Shields	
Harrison	La Follette	Walsh, Mass.	

NOT VOTING—25.

Colt	Jones, N. Mex.	Norbeck	Stanfield
Culberson	Kenyon	Owen	Sterling
Dial	Keyes	Page	Walsh, Mont.
Edge	Ladd	Penrose	Weller
Fernald	Lodge	Pittman	
France	McCormick	Reed	
Hitchcock	Nicholson	Robinson	

So the report was agreed to.

The VICE PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 17, 1921.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 12, 13, 36, 38, 45, 46, 52, 54, and 55 to the bill (H. R. 5010) entitled "An act making appropriations for the Army for the fiscal year ending June 30, 1922, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 3, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: ": *Provided further*, That the Secretary of War is hereby authorized, in his discretion, to sell to any foreign State or Government with which the United States is at peace, upon such terms as he may deem expedient, any foodstuffs, now on hand and found to be surplus, which are not needed for military purposes, or which are likely to spoil, and for which there is no adequate domestic market."

That the House recede from its disagreement to the amendment of the Senate No. 9, and concur therein with an amendment as follows:

After the word "officers," where it occurs in lines 2 and 4 of the matter inserted by said amendment, insert the words "and nurses."

That the House recede from its disagreement to the amendment of the Senate No. 10, and concur therein with an amendment as follows:

In lieu of the sum proposed by the Senate amendment insert the sum "$77,741,370."

That the House recede from its disagreement to the amendment of the Senate No. 41, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That there may be transferred during the fiscal year 1922 from the appropriations contained herein for 'Subsistence of the Army,' 'Regular supplies, Quartermaster Corps,' 'Incidental expenses, Quartermaster Corps,' 'Water and sewers at military posts,' and 'Clothing and camp and garrison equipage,' to the appropriation for 'Transportation of the Army and its supplies,' such amounts as may be necessary."

Mr. UNDERWOOD. Mr. President, does the message that is sent over here embrace one amendment or a number of amendments?

Mr. WADSWORTH. Four amendments. In just a brief statement I think I can explain the situation.

The conference report which the Senate adopted a moment ago still left a number of items in disagreement. In the meantime, however, the House of Representatives has considered the conference report and has agreed to accept without change several of the amendments which had been originally proposed by the Senate, and to accept four others with further modifications.

The first one has to do with the authority given to the Secretary of War to sell surplus property to foreign States. The Senate provided that he should have authority to sell any sort of surplus property to any foreign State. The House has suggested an amendment to that, limiting the authority to the sale of foodstuffs to foreign States with which the United States is at peace. The Senate conferees have reached an understanding to the effect that they will ask the Senate to agree to that House amendment; and I therefore make that motion on that amendment now.

Mr. FLETCHER. In other words, the Senator moves to have the Senate concur in the House amendment?

Mr. WADSWORTH. To concur in the House amendment, or agree to it.

The VICE PRESIDENT. The question is on the motion of the Senator from New York that the Senate concur in the amendment of the House to the amendment of the Senate numbered 3.

The motion was agreed to.

Mr. WADSWORTH. Mr. President, the next one of the four amendments with which the House has come into agreement with an amendment is numbered 9. In that amendment the Senate authorized the ordering to active duty of officers of the Medical Reserve Corps for duty in Army hospitals to take care of war-risk insurance patients, and to be paid their salaries not out of Army funds but out of War Risk funds. The House gladly accepts that amendment, but also proposes to add the words "and nurses," so that Medical Reserve Corps nurses may be put upon active duty in addition to Medical Reserve Corps officers, and both be used in taking care of War Risk patients at the expense of War Risk funds; and I move that the Senate concur in that House amendment.

The VICE PRESIDENT. The question is on the motion of the Senator from New York that the Senate concur in the amendment of the House to the amendment of the Senate numbered 9.

The motion was agreed to.

Mr. WADSWORTH. Mr. President, the third and infinitely the most important amendment is now reached.

The House of Representatives originally appropriated for pay of enlisted men the sum of $72,678,659. The Senate, as Senators will remember, amended the provision of the House by striking out $72,678,659 and substituting $81,000,000. When the Senate did that, they did it upon the theory and with the desire that the Army should be reduced down to 150,000 men by normal processes—expirations of enlistment, resignations, disabilities, and any other normal process which would reduce the Army in the absence of all recruiting until it reached 150,000 men—and then be held there, at that strength, for the balance of the fiscal year. It would take until approximately the end of April or the 1st of May next to reach the figure of 150,000 by normal shrinkage.

The figure appropriated originally by the House would compel the Army to be reduced to 120,000 men within the next fiscal year. The conferees could not agree; the House conferees would not accept the $81,000,000, and the Senate conferees would not accept the $72,000,000. The House conferees stood pat, as it were, upon their $72,000,000, and submitted it to the House. The House thereupon voted to accept the Senate amendment with an amendment striking out $81,000,000 and substituting $77,741,370 for pay of enlisted men.

Mr. POMERENE. It was a compromise, was it?

Mr. WADSWORTH. A compromise suggested by the House of Representatives itself.

Mr. POMERENE. What was the basis of the compromise?

Mr. WADSWORTH. Here is the effect: I said, I think, to the Senator from Nebraska [Mr. NORRIS] a little while ago that he is not the only person who suffers severe disappointments in this bill. If the figure $77,741,370 is finally agreed to—and I intend to ask that it be agreed to—as the item for pay of enlisted men, the Secretary of War must discharge between July 1 and October 1, 70,000 men from the Army to reduce it to 150,000 men on October 1, and to hold it at that strength for the rest of the fiscal year and still remain within the appropriation in accordance with the terms of the so-called Borah amendment. Of these 70,000 men who must leave the service, approximately 20,000 will leave the service by normal shrinkage, expirations of enlistment, and other causes.

Approximately 50,000 must be arbitrarily discharged before their terms of enlistment have expired. It is treatment administered to the Army which has never been administered before. In its cruelty, and I use that word advisedly, it surpasses anything that has ever been proposed, I think, in the Congress of this country.

Morally, it is a breaking of the contract with the man; technically, the Secretary of War is informed by his Judge Advocate General that he has the right, under the terms of the Borah amendment, to arbitrarily discharge a soldier, even though the soldiers' conduct may be good and his term of enlistment not expired.

Mr. WILLIAMS. Mr. President, if the Senator has anything upon which to base an answer, I would like to know the number of applications for discharge made by soldiers who want to be discharged. What is the number per month?

Mr. WADSWORTH. I can tell the Senator what the record has been since January 1. Since January 1, out of an Army which has averaged in the neighborhood of 230,000, there have been 2,200 applications for discharge.

Mr. WILLIAMS. Each month?

Mr. WADSWORTH. No; the total number. The Secretary of War is limited in his authority, by existing law, and may grant an application only when the soldier proves a condition of dependency in his family. So of the 2,200 applicants approximately 1,500 have been discharged. The remaining 600 or 700 could not be discharged under the law. But when this bill passes the Secretary will have the authority to discharge those 600 or 700 and any other soldiers who voluntarily apply. How many will apply no one can tell. It is safe to say, however, that fewer are applying now than ever before in the history of the Army, proportionately.

Mr. WILLIAMS. Mr. President, I asked that question because I have had a good many applications sent to me by soldiers from my State who wanted to be discharged and whose parents, principally their mothers, thought they needed them at home to help in the farming.

Mr. WADSWORTH. They may go under this bill.

Mr. WILLIAMS. Of course, my State is an agricultural State. I have found exceeding great difficulty in getting the men out who wanted to be discharged from the Army. The Senator tells me that there is a rule about dependency.

Mr. WADSWORTH. It is a statute.

Mr. WILLIAMS. Well, a statute. But when that statute comes in conflict with another statute providing for a reduction of the Army, it seems to me the easiest way to reduce the Army is to let the men who want to get out of it get out.

Mr. WADSWORTH. That is just what this bill does. The committee has anticipated the wishes of the Senator.

Mr. WILLIAMS. By the way, I wish to add that a good many of those boys went into the Army when they thought their breasts would be needed as ramparts against a common enemy, and after the war was over they were tired of the routine of being ordered around and uplifted and nursed as if they were children.

Mr. KING. May I inquire of the Senator, appropos of the subject just discussed, whether there will be a reduction proportionately of the officers in the Army?

Mr. WADSWORTH. There will not be. They are short of officers now, and the appropriation will not permit them to materially increase the number of officers.

Mr. KING. Do I understand the Senator to state that after we have gotten the Army down to a basis of 150,000 men, we will still have an inadequate number of officers?

Mr. WADSWORTH. If the Army performs the missions confided to it by law, the number of officers will still be too low. If the Congress will repeal many of the acts which confide missions, and mandatorily so, upon the regular commissioned personnel, then you can reduce the number of officers; but so long as the law reads that officers shall be assigned to colleges and universities, shall be assigned as inspectors and instructors

to the National Guard, shall do river and harbor work, and various other things, then you must have the officers.

Mr. WILLIAMS. Mr. President, if the Senator will permit an interruption, the Senator from Utah suggests that we might possibly have an overadequate number of officers, and I wish to say that I hope we always shall have. If we are to keep up a peace establishment which might be turned into a war establishment upon short notice, the only way in the world to do it at the least expense possible to the people is to keep up as small an Army as possible, with as large a corps of trained commissioned officers as the skeleton of the Army permits.

I for one hope that there will be turned out every summer in the United States numberless men—I do not care how great their number may be—suited to take commissions as second or first lieutenants or captains in the future Army, and I hope that may be done by training in camps, and that we may not again have to go through three months of training to get officers in order to train the private soldiers six months longer. We can save in any great war at least three months of the preparation period by having a sufficient number of trained officers, and I hope that the peace Army of the United States will always be top-heavy in the lower grade of commissioned officers—second lieutenants, first lieutenants, and captains. If we have them we will always have the morale of the Army, and we always will have the capacity in the Army to train raw recruits in the shortest time possible.

I am very glad the bill does not make its main reduction in the commissioned personnel. Of course, I understand, as well as anybody could understand, that when you go before a popular audience and say that you are reducing the number of privates but multiplying the number of officers, that is very fine food for a fine pronunciamento of demagogy of one sort or another. But the truth is that, for a people who do not want to keep a standing Army, but who do want to keep comparatively well prepared for war, the best thing is always to have a superabundance of lower-rank commissioned officers who can train recruits. If it were possible to keep at the same time a superabundance of noncommissioned officers, that would be just as well, perhaps even better.

Mr. WADSWORTH. Mr. President, I will continue my statement, which will be very brief, and I hope to complete it without interruption, except as to matters having to do with this particular item.

As I was saying, it is with the greatest reluctance that I rise in my place and ask the Senate to approve of a proposition which will result in the arbitrary discharge from the Army of 50,000 men, the breaking of the moral contract entered into between them and the Government, the turning of those men loose on the streets without notice, and with no chance to prepare themselves for gainful occupation.

But, Mr. President, it must be done or there can be no bill, such is the attitude of the House of Representatives. I and my colleagues on the conference committee have canvassed the situation, and we have come to this unanimous conviction, that the House of Representatives can not be persuaded to appropriate one penny more than $77,741,370. It would be futile for me and the other conferees on the part of the Senate to ask the Senate to still insist upon its $81,000,000. We would go back into conference, and there we would sit in deadlock, and in the meantime those legislative provisions in this bill which, as soon as it is enacted, will result in saving large sums of money to the Government, would be delayed, nothing accomplished, and in the long run I believe we should have to come and meet the House, just as I propose that the Senate meet it to-day.

The discharge of 50,000 men arbitrarily, in addition to the 20,000 who will normally leave the service in the three months period, of course, will incapacitate the Army of the United States for any kind of service within this country for that period of time. No sensible man can deny that. I want to enter my personal protest against it, as a matter of public policy, and my protest against it as a matter of economy, on the purely dollars and cents side. When you reduce your Army to 150,000 men by October 1, you will then have to renew recruiting in order to maintain the Army at that figure for the remaining months in the year. The normal shrinkage per month will be between 4,000 and 5,000 men after October 1. So, to hold the Army at the figure of 150,000 for the months yet remaining in the year after October 1 you must recruit between 4,000 and 5,000 men per month, at a cost of $100 per man. In other words, you are firing out of the Army thousands and thousands of men, and turning around and immediately reenlisting them at a cost of $100 per man. We will not save more than $1,000,000, net, by that operation. But it is the best the Senate conferees can procure from the House at this session of Congress. We must have the legislation by July 1. It would be a pity and a disaster if we did not have it. Therefore, Mr. President, I move that the Senate concur in this amendment of the House.

Mr. WILLIAMS. Mr. President, the Senator answered the question which I asked him a few moments ago by giving the number of men who have actually, within a given time, applied for discharge. I have every reason to believe that that number is not one-tenth of the number of men who would have applied for discharge if they had had the slightest hope in their minds of securing their discharges. The number of men who were discontented, wanted to go home and help their fathers and mothers and brothers and sisters to raise crops upon the farms, which are needing laborers very much, was many times the number given by the Senator.

I think when the Senator says that this would result in arbitrarily cutting off from the Army 50,000 men, he is wasting his sympathy on the 50,000. I am not a prophet or the son of a prophet, but I venture to say right now that if the news goes broadcast in the Army that every man who wants to be discharged can be discharged, there will not be 10,000 of the 50,000 left.

The average American citizen does not much like the domineering air of the officer. He goes into the Army when great public need requires it, or when patriotism calls him; but in ordinary peace times he is trying to get out. I do not know what the average New York soldier in the Army, perhaps from the large cities, New York, Brooklyn, and Buffalo, may think, a class of men who have come into the Army for various reasons which do not prevail in my section of the country, but I know that the average private soldier in the Army from the State of Mississippi to-day wants to get out of it because he never joined it for a peace establishment, and would be very glad to get out.

I desire the prophecy which I now make, pseudo prophecy or quasi prophecy, or whatever it may be, to go upon the record, that if the War Department will announce that every private soldier who applies for a discharge shall have his discharge without proving dependency or anything else that there will not be 15,000 men discharged from the Army by the sole authority of the Secretary of War without their own volition. I am tempted to go a step further and say that there will not be one. In the present Army, in my opinion, there are at least 70,000 private soldiers who would like to get out of it.

The Senator tells me that in a given period there were only 2,200 discharges. The Senator knows, or perhaps he does not know, but I know in my section of the country that frequently I discourage an application to get out of the Army upon the ground that the boy has not the right cause to give under the law. If the Secretary of War will merely announce the general order and have it published in the newspapers that every private soldier in the Army who wants a discharge can have it until the Army is reduced to 150,000, I prophesy right now that he will get so many applications that he will have to terminate the notice within six months, and I dare him now to make that announcement.

Mr. WADSWORTH. Mr. President, there is just one correction which I beg leave to make of one statement of the Senator. Of course this matter of the number of men who may apply for discharge is a matter of guesswork.

Mr. WILLIAMS. I understand that, of course.

Mr. WADSWORTH. The Senator can not make any better guess than I can, nor I than he; but the Senator has stated that many of the men in the Army to-day are there because they enlisted during the war to defend the country. That is not true.

Mr. WILLIAMS. They either enlisted or reenlisted.

Mr. WADSWORTH. Will the Senator let me complete my statement?

Mr. WILLIAMS. Perhaps they reenlisted.

Mr. WADSWORTH. But they reenlisted voluntarily.

Mr. WILLIAMS. I know several of them who are there.

Mr. WADSWORTH. As a matter of fact, they need not have reenlisted. Every man who is in the Army who enlisted in the service at the outbreak of the war against Germany has either left the Army or has reenlisted since the armistice. So they are not caught in the way the Senator suggested.

Mr. WILLIAMS. Perhaps the Senator is right about that, because his technical knowledge of the provisions of the bill is, of course, very much superior to my own; but I do know that a great many men in the Army want to get out who have not been able to get out. I have tried to help a lot of them out, and they were not able to get out even with my help. Of course, my help does not amount to much.

I undertake right now to predict that if the Secretary of War will announce to the country that every private soldier in the Army who wants to be discharged can get a discharge by making application within 60 days, he will not have to discharge arbitrarily, as the Senator said—I started to say 15,000 men, but I will say 1,000.

The VICE PRESIDENT. The question is on the motion to concur in the amendment of the House to the amendment of the Senate No. 10.

The motion was agreed to.

Mr. WADSWORTH. The fourth amendment which the House accepts with an amendment is No. 41. The Senate provided that the funds appropriated under the general heading "Quartermaster Corps" should all be regarded as one fund and should be administered as such with the effect that if a saving was made in one item that saving could be had for use under another subhead. The conferees on the part of the House refused to accept that "one-fund" provision, although it has been contained in the Army appropriation bills for several years past, insisting upon the itemization; but finally the House itself agreed, upon the request of their own conferees, to permit any saving made in the Quartermaster items to be used for transportation of troops and supplies, thereby making it possible, or more possible, for the Secretary of War to pay the enormous expense which is going to be charged to the transportation item as a result of this drastic reduction of the Army.

Under the law all the soldiers who are to be discharged have to be sent home with their expenses paid, and the average cost of sending a man home in continental United States is $55.88. The discharge of 70,000 men is going to cost over $3,500,000. I said a moment ago that there is no economy in this thing at all, and I prove it. In order to make it possible or barely possibly for the Secretary of War to meet this terrible burden thrust upon the transportation appropriation we permit him to use for that purpose any saving he can make out of other Quartermaster appropriations.

I move that the Senate concur in the House amendment to the Senate amendment.

Mr. WILLIAMS. I understand the Senator to say that it costs $55, on an average, to send a discharged soldier home?

Mr. WADSWORTH. It does.

Mr. WILLIAMS. How much would it cost to keep him in the service a year?

Mr. WADSWORTH. Oh, much more.

Mr. WILLIAMS. About $1,400 per year, would it not?

Mr. WADSWORTH. Under the pay item alone, it would cost $488.

Mr. WILLIAMS. So the plea that we are spending money uselessly by paying $55 to send a man home rather than to keep him in the service for a year at an expense of $1,400 is rather a "lame and impotent conclusion."

Mr. WADSWORTH. The Senator has not taken into consideration all the facts. I can not quite admit that last charge of a "lame and impotent conclusion." The difficulty is that when we get down to 150,000 enlisted men in three months, we shall have to start recruiting again, and the recruiting costs over $100 per man. We are going to discharge the man and give him $55.88 to put in his pocket and then reenlist him at a cost of one hundred-odd dollars, with all the transportation piled upon that again, give him a new uniform, new clothing from top to bottom, and with only two or three or four months left in the fiscal year to make use of it. I claim we save nothing by that.

Mr. WILLIAMS. The plea that we have to reenlist the man goes by the board, because by the Senator's own argument the man will not willingly retire and would not need to be reenlisted.

Mr. WADSWORTH. The man has no choice. He is going to be fired.

Mr. WILLIAMS. Of course, not if he is going to be fired.

Mr. WADSWORTH. He has to be fired.

Mr. WILLIAMS. If he is fired, it will cost the Government $55 to send him home, and yet the Senator has said that it will cost the Government $1,400 to keep him in the service for another year.

Mr. WADSWORTH. Nothing of the sort. It will cost $488 for a full year, and in the meantime a goodly portion of the year will have gone by. The pay is $488 on the average.

Mr. WILLIAMS. It costs at the rate of $1,400 a year to keep him in the Army, and that depends on how long he is kept in the Army. I remember before the war started it cost a thousand dollars to keep a man in the Army for a year, and I heard afterwards that the expense of keeping him in had gone up 40 per cent. Therefore I said $1,400. Of course, the Senator can not say that $55 per man amounts to as much as the pro rata share of $1,400, which would constitute his compensation for the number of months that he served in the Army before his enlistment expired.

As to reenlistment and all that, if the Army had such a hard time being reduced to 150,000 men as the Senator contends that it would have without arbitrarily doing injustice to a private soldier who, according to the Senator, wants to stay in and is awfully anxious to stay in, then why should anyone bother himself about the question of reenlistment, because we would have our 150,000 men who would all be anxious to stay, and who would all stay until the end of their terms?

The Senator shakes his head, but his head shakes in one direction and his voice wags in a different direction. As I understood him, he said the men did not want to leave the Army, that they would have to be arbitrarily put out, and that they would be floating upon the surface of circumstance for support. Now, he tells me that there will be an immense expense for the men who want to reenlist. Either one or the other position must be wrong. Either there are not all of these men, over the 150,000, who want to stay, or there are not all these men who want to reenlist. But whether they want to reenlist or not the cost of sending them home and the total cost of reenlistment and the total cost of uniforms and the total cost of everything else per man will not be one-fifth the cost per year of keeping the men in the Army.

Mr. WADSWORTH. It is not for a year. It is only for the last few months of the fiscal year. That is the situation. The Senator seems to forget that a good portion of the year will already have gone by. It is only for the last few months of the fiscal year that we shall be keeping them in.

Mr. WILLIAMS. I understand that a good part of the year has already gone by, and that in consequence of that the Government has missed saving a lot of money that it might have saved if we had enacted this legislation six months ago.

Mr. WADSWORTH. I was speaking of the next fiscal year, may I say to the Senator—not this year, but the next fiscal year. I am sorry I have such difficulty in making myself understood by the Senator. I almost suspect he does not wish to understand me. This thing will not occur until several months have gone by in the next fiscal year.

Mr. WILLIAMS. I understand that none of the next fiscal year has thus far gone by, at any rate.

Mr. WADSWORTH. But we are appropriating for the next fiscal year.

Mr. WILLIAMS. We come back to what the Senator said a moment ago as to this being a sort of guess as to what might happen. I have made my guess and he has made his. I venture to say that at the end of two years the Senator will admit that my guess was better than his.

Mr. LENROOT. Mr. President, I am sure the chairman of the committee inadvertently made a statement that he does not wish to have appear upon the RECORD, wherein he said that it costs the Government only $488 per year per man to keep men in the Army. The chairman, of course, meant for pay.

Mr. WADSWORTH. For pay. I was only discussing the matter of pay.

Mr. LENROOT. Of course, the cost to the Government for a soldier who remains in the service is much more than $480 per year.

In addition, I can not agree with the chairman that there will be the amount of recruiting the chairman speaks of after the 1st of October. Presumably, in making these arbitrary discharges the Secretary of War would, as a matter of economy, discharge those whose terms would expire during the fiscal year. It clearly would be his duty to do so. Therefore, when we get the Army reduced to 150,000 men the number then remaining whose terms of enlistment would expire during that fiscal year will be comparatively few, certainly nothing like the enormous number of expirations of enlistments. So, in my judgment, there will not be anything like the expense of recruiting that the chairman referred to.

The VICE PRESIDENT. The question is on agreeing to the motion to concur in the amendment of the House to the amendment of the Senate.

The motion was agreed to.

Mr. WADSWORTH. Mr. President, may I be informed of the parliamentary situation? I am of the opinion that this brings the legislation to a conclusion. The Senate having concurred in the amendments presented by the House as evidenced in the message from the House, it avoids further conference,

and if I am not very much mistaken the bill may now proceed through the usual channels to the Chief Executive.

The VICE PRESIDENT. The Senate has taken final action on the bill.

CONDITIONS IN THE COAL FIELDS OF WEST VIRGINIA.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of Senate resolution No. 80.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate resumed the consideration of the resolution, which, as amended June 13, 1921, was read as follows:

Whereas conditions of violence at present exist along the border between West Virginia and Kentucky; and

Whereas for a long period in the past in the coal fields of West Virginia there have been disturbed conditions which have led to turbulence and violence and bloodshed; and

Whereas the conditions referred to are a menace to orderly democratic government and to the general safety and welfare of the people living in the territory affected: Therefore be it

Resolved, That the Senate Committee on Education and Labor, or any subcommittee thereof, to be appointed by it, is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the coal fields of West Virginia, in the territory adjacent to the border of West Virginia and Kentucky; that said committee ascertain the causes of the recent acts of violence upon said border and of the conditions which have existed and do now exist in the said coal fields, and generally investigate thoroughly the causes which have led to conditions which have obtained in the past and which now exist in said territory and report its findings and conclusions thereon to the Senate. The committee, or any subcommittee thereof, is authorized to sit at such time and place as it may deem necessary; the expenses of said investigation to be paid out of the contingent fund of the Senate.

The VICE PRESIDENT. The question is on the adoption of the resolution as amended.

The resolution as amended was agreed to.

Mr. JOHNSON. I move the amendment to the preamble of the resolution which I send to the desk.

The VICE PRESIDENT. The amendment proposed to the preamble of the resolution by the Senator from California will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the preamble of the resolution so as to read:

Whereas there have been conditions of violence in the coal fields along the border between West Virginia and Kentucky: Therefore be it

The VICE PRESIDENT. Without objection, the amendment to the preamble is agreed to.

The preamble as amended was agreed to.

Mr. KING subsequently said: Mr. President, I stepped out of the Chamber a moment ago for the purpose of answering a call on the telephone, and I understand that during my absence the Senator from California [Mr. JOHNSON] called up for consideration what is known as the West Virginia coal investigation resolution, which was passed. There are several Senators who, I have understood, desire to be heard on the resolution, and I give notice that I shall move to reconsider the vote whereby it was adopted.

The VICE PRESIDENT. The motion to reconsider will be entered.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FRELINGHUYSEN. Mr. President, in speaking of the legislation in relation to the coal industry I desire to say that, of course, there is a great deal of opposition to it among certain of the coal operators and wholesalers and retailers. I have received a great many telegrams in opposition to the so-called coal bills. There is another side of the story, however. I have also received many letters from consumers of coal complaining of present conditions. I shall not undertake to insert all of these communications in the RECORD. I have simply selected three examples to place in the RECORD, which have been reflected many times over during the past two years that the subcommittee of the Interstate Commerce Committee has been investigating this subject. Here is a letter from Rahway, N. J., which is dated June 6, 1921, and reads:

Hon. JOSEPH FRELINGHUYSEN.

HONORABLE AND DEAR SIR: We can not pay the present price of coal per ton $13.50 and the advancing cost to October. What are the poor people to do when winter comes? It is an awful thing to be cold. You have no more important duty to the country than to see the people do not suffer for want of coal through its exorbitant cost. I hope you will not think me presumptuous in this, but I do feel a horror of the coming winter.

Sincerely and respectfully,

JOHN E. CONNOLLY.

I read also a telegram which is signed by W. J. Payne, of Richmond, Va.:

NEW YORK, N. Y., *June 8, 1921.*

Senator FRELINGHUYSEN,
Washington, D. C.:

I have always been strongly opposed to legislative regulation of business, but your proposal to regulate the coal industry—producer and dealer—and protect public against the worst extortion existing in this country to-day will receive universal approval. With mine price of $3 and freight of less than $2.60 net ton, the people of Richmond are forced to pay $13 per net ton for soft coal. Complaint is universal and Congress should give relief.

I also read a letter from Secretary Hoover, of the Department of Commerce, as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, June 13, 1921.

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I take the liberty of inclosing to you another letter as a sample of the kind the department is receiving from day to day; but I have no doubt that you are receiving them also.

Faithfully, yours,

HERBERT HOOVER.

This is the letter inclosed by Secretary Hoover:

NEW YORK, *June 9, 1921.*

HERBERT HOOVER, Esq.

DEAR SIR: Approximately 6,000 families in New Rochelle, Westchester County, N. Y., want to buy their winter's supply of coal, but there would appear to be a coal ring, all the local dealers quoting the same prices, namely, $14 to $15 a ton, according to size.

Quotations by your department in the local papers, Evening Standard and Press, of the cost of egg, stove, nut, and pea coal at the mines, and the freight rate to New York, would enable the people to know if the present prices are fair, and if so, they would place their orders; and if not, pitiless publicity would pull down the price.

This is a public duty for the citizens and the coal miners who are out of work.

Count on me for any assistance.

J. PRYSE GOODWIN.

Mr. President, I desire to have printed in the RECORD certain telegrams and letters which have been received by me from time to time supporting the legislation with reference to seasonal coal rates. The first telegram is from the Southern Ohio Coal Exchange, and is signed by W. B. McKinney, secretary.

I may say that some of these telegrams relate to the original bill which was introduced which provided for specific differentials. The bill has been amended and now gives broad powers to the Interstate Commerce Commission to make such seasonal rates on coal as in their judgment they may deem advisable without limiting their jurisdiction. I also present telegrams and letters from Pickands, Brown & Co.; from the Milwaukee Coke & Gas Co.; from the Springfield Traffic Association, of Springfield, Ohio; from the Rome Coal Co., of Columbus, Ohio; from the Chamber of Commerce of Dubuque, Iowa; from the Cumberland County Gas Co., of Millville, N. J.; from the Heller & Merz Co., of Newark, N. J.; from the Utah Coal Producers' Association, of Salt Lake City, Utah, together with a copy of their resolution; from the Penn Fuel Co., of No. 1 Broadway, New York; from the Society for Visual Education (Inc.), of Chicago, Ill.

Mr. POMERENE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. FRELINGHUYSEN. I yield.

Mr. POMERENE. Do those communications refer to the seasonal rate bill or to the other bill?

Mr. FRELINGHUYSEN. They refer to the seasonal rate bill. I am speaking of that measure.

I also present letters and telegrams from commercial traffic managers of Philadelphia, of Wilmington, Del.; the Oklahoma Industrial Traffic League, of Oklahoma City, Okla.; the Milwaukee Coke & Gas Co., of Milwaukee, Wis.; the Lower Lignite Coal Mining Co., of Middlesboro, Ky.; the Chamber of Commerce of Creston, Iowa; Thomas S. Watson & Co., engineers, Milwaukee; and I. A. Barber & Son, Indianapolis, Ind.

Mr. President, I ask unanimous consent that these communications to which I have referred, together with certain resolutions and newspaper clippings, be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COLUMBUS, OHIO, *June 20, 1921.*

Senator JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.:

Referring to your Senate bill 1807, to aid in stabilizing the coal industry, the Southern Ohio Coal Exchange, as expressed in its declaration of purposes, as well as by acts and resolutions in the past, has been ready and willing at all times to cooperate with the State and Federal authorities in the endeavor to stabilize the mining industry, particularly as to southern Ohio, and to that end has been willing to furnish information as to mining, distribution, transportation, and the sale of coal. It is therefore proper and consistent with our past and present

position to cooperate with you, the Federal Government, and its officers in their endeavor to perfect such legislation as may be necessary to accomplish the objects of your bill, namely, the stabilization of the coal industry, it always being understood that all legislation shall safeguard data and information which would separately disclose the business transactions of any person, as indicated in your bill.

SOUTHERN OHIO COAL EXCHANGE.
W. D. MCKINNEY, *Secretary.*

—

CHICAGO, ILL., *March 22.*

Senator JOSEPH S. FRELINGHUYSEN,
Senate Office Building, Washington, D. C.:

We think bill establish seasonal rates on coal should include coke; that fuel is used extensively for domestic purposes, and summer sales are given benefit of lower prices.

PICKANDS, BROWN & CO.

—

MILWAUKEE, WIS., *March 20, 1920.*

Senator JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

HONORABLE SIR: We wired you to-day regarding a bill reported to have been introduced by you to stabilize coal production and distribution by the establishment of seasonal freight rates.

Our telegram was to request the inclusion of coke in your bill. This commodity has become a household fuel in this middle western district, and it is equally important to stimulate its movement during the summer months.

We hope, therefore, you will make this addition to your bill.

Yours, very truly,

THE MILWAUKEE COKE & GAS CO.
By C. N. TURNER.

—

THE SPRINGFIELD TRAFFIC ASSOCIATION,
Springfield, Ohio, April 20, 1920.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

DEAR SIR: Through your courtesy we have duly received copy of Senate bill 4087, introduced by Mr. FRELINGHUYSEN, providing for what is popularly known as "seasonal coal rates."

The board of directors of this association, whose membership embraces practically all of the shippers and receivers of freight in the city of Springfield, has carefully considered the provisions of this bill and has unanimously approved the same.

The writer has been instructed to communicate this information to you. We respectfully solicit your favorable consideration and support.

Yours, truly,

G. L. CORY, *Manager.*

—

COLUMBUS, OHIO, *May 15, 1920.*

United States Senator FRELINGHUYSEN,
Washington, D. C.

MY DEAR SIR: I write to express my conviction that the enactment into law of your seasonal freight rate plan, as outlined in Senate bill No. 4278, will permanently benefit and stabilize the coal industry.

These seasonal freight charges ought to be based, in my judgment, on a sliding scale.

The enactment of this proposed legislation is bound to aid all concerned—the public, the miners and mine owners, the railroads, and the manufacturers.

It will provide the means to permanently establish fair selling prices during both the summer and winter seasons and insure to the miners steady employment at all times provided the railroads are obliged to and actually furnish the cars.

Railroads will be helped by this legislation as it will greatly lessen the burden now placed on them by the usual adverse climatic conditions during the winter months. When coal is in greatest demand, the roads can not then haul 50 per cent of the tonnage which they can transport during the summer months at much less cost.

This law would benefit the miners and mine owners by shifting the now usual winter pressure for coal to the summer months. The summer output would be doubled at half the cost.

This is not mere guesswork or a case where the individual or personal wish is the parent of the thought expressed. These statements are made because seasonal mining rates have been tried in the Hocking Valley, in this State, during two years from April 1, 1874, to April 1, 1876, and the mining rates then in force caused that valley to blossom and prosper as she has never prospered before or since.

The miners were kept very busy during the four summer months, filling Lake contracts. During the two spring and two fall months the railroads and manufacturers kept the mines busy and during the four winter months the demands from the domestic markets gave the miners all the business they could handle. In short, the arrangement, as outlined above, proved to be a blessing to all, and the Hocking Valley and her miners lost out when that contract was not renewed.

The contract in force during the two years provided for a yearly average mining rate of 75 cents per ton for pick mining. During March and April the rate paid was 75 cents. During May, June, July, and August the rate was 62½ cents per ton. During September and October the rate was 75 cents, and in November, December, January, and February the rate paid was 87½ cents per ton, thus making the yearly average mining rate 75 cents.

The writer himself was mining coal during that period as well as before and for some years later. Everybody was satisfied and a renewal of the contract was hoped for. Nonunion men had signed the original contract. All miners who desired work were requested to subscribe to the terms of that contract. By the time the contract expired the union membership had grown to proportions that would not be denied and these forces were against a renewal.

The seasonal mining rates have proven their real value. What the seasonal mining rates did for the Hocking Valley is an established fact, which indicates to me that seasonal freight rates will accomplish very much more for the benefit of our great country.

Your proposal, in my judgment, is fundamentally sound and pregnant with great good.

Very truly, yours,

THE ROME COAL CO.,
By FRANK KOEHNE,
Superintendent.

My home is at 75 East Eighteenth Avenue, Columbus, Ohio.

CHAMBER OF COMMERCE,
Dubuque, Iowa, May 21, 1920.

Senator FRELINGHUYSEN,
Senate Chambers, Washington, D. C.

DEAR SIR: The board of trustees have considered Senate file No. 4278, which is designed to equalize the coal-mining season and give steady employment in the mines. We have decided that this bill is worthy of our indorsement. The coal situation in the United States is extremely serious, and action should not be delayed until the winter months are upon us. Steady production at the mines the year round will largely relieve the coal shortage and the unrest among miners.

We are therefore asking you to give this bill your support and to do all in your power to secure its passage.

Yours, very truly,

DUBUQUE CHAMBER OF COMMERCE,
D. B. CASSAT, *Executive Secretary.*

—

MILLVILLE, N. J., *May 20, 1920.*

Senator JOSEPH FRELINGHUYSEN,
Washington, D. C.

MY DEAR SENATOR: We see that you have introduced in the Senate of the United States bills S. 4088 and S. 4278, one in regard to differential rates of freight in the summer time and the other to prevent the confiscation of utility companies' coal when in transit.

We presume that it is not necessary for us to write you on this subject, but we wish to say to you that both bills are good bills and meet with our approval and that we hope you will continue to urge the passage of these bills and that you will finally succeed.

We are also writing to say that we will do all in our power, with the other Senators and Congressmen, to support these measures, as they are both needed by utility corporations to a great extent.

Very truly, yours,

CUMBERLAND COUNTY GAS CO.,
MILLVILLE WATER CO.,
MILLVILLE ELECTRIC LIGHT CO.,
By S. J. FRANKLIN, *General Manager.*

—

NEWARK, *May 12, 1920.*

BOARD OF TRADE,
128 Market Street, Newark, N. J.
(Attention of Mr. C. J. Fagg.)

GENTLEMEN: In reply to yours of May 7 in reference to Senate bill No. 4087 on the subject of seasonal coal freight rates: We are not familiar with the terms of the bill introduced by Senator FRELINGHUYSEN, but judge of it from the context of your letter.

It has been our policy for years to buy coal during the summer months. We were fortunately situated in having plenty of yard space. The advantages of buying in the late spring, summer, and early fall months have been sufficient to justify the extra handling involved.

1. We never received frozen cars.
2. Cars came in promptly.
3. We were never in danger of a shutdown, due to lack of fuel.

In conversation with many manufacturers, the writer has urged this policy, and was astonished to find that many manufacturers were reluctant to invest the amount of money necessary, and to go to the expense of rehandling the coal. They took their chances on coal deliveries during the winter season.

We believe that the plan of a differential freight rate will be an extra bonus on being foresighted. It will be a relief to the railroads. It will in that way help every shipper, and the plan is to be commended on that account.

It must be borne in mind, however, that there are many industries so located that they can not store their winter supply of coal if received in the summer months. Industries located in the city can hardly take in four months' supply, and the differential between summer and winter freight rates must be so proportioned as not to work undue hardship.

Yours, truly,

THE HELLER & MERZ CO.

—

UTAH COAL PRODUCERS' ASSOCIATION,
Salt Lake City, Utah, April 22, 1920.

Hon. JOSEPH S. FRELINGHUYSEN,
Chairman of Subcommittee on Interstate Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR: We to-day wired you, as per inclosed confirmation of telegram, quoting resolution unanimously adopted in meeting of our association yesterday, in which our members have placed themselves on record as favoring the enactment of legislation, such as proposed in your pending bill, providing for seasonal freight rates on coal.

Being unable to appear in person at the hearings now being conducted by your committee on this bill, we take this opportunity of placing before your committee the views of our membership who produce four-fifths of the tonnage shipped from Utah mines.

Yours, respectfully,

H. E. RHEIN, *Secretary.*

—

SALT LAKE CITY, UTAH, *April 22, 1920.*

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.:

The Utah Coal Producers' Association, whose members produce 4,000,000 tons annually, in meeting yesterday adopted by unanimous vote the following resolution favoring seasonal freight rates:

"Whereas the States of Washington, Oregon, California, Nevada, Idaho, Utah, and part of Montana are largely dependent for their coal supply upon the mines operated in the State of Utah; and

"Whereas the coal consumers of the Western States dependent upon Utah mines for their fuel supply have undergone great suffering and damage through inability to obtain sufficient coal during the fall and winter months, caused by failure to store during the spring and summer months and by shortage of cars and labor during the fall and winter months; and

"Whereas the failure to store coal during the spring and summer months is due entirely to the want of proper differentials in freight rates sufficient in amount to cover interest on investment, insurance, double handling of coal, and deterioration; and

"Whereas we believe the adoption of seasonal freight rates on coal as provided in a bill recently introduced in the United States Senate by Senator FRELINGHUYSEN will be the means of greatly stabilizing the coal industry and relieving the conditions set forth herein by stimulating summer storage on the part of dealers and consumers, thus providing more uniform operation of the mines throughout the year, increasing production, reducing the average cost of coal per ton, relieving the car situation during the periods of great demand, improving the labor situation by protecting the miners from loss of time caused by lack of orders during spring and summer months, and insuring the public an ample supply of coal during the severe winter weather: Now, therefore be it, and it is hereby,

"*Resolved*, That the Utah Coal Producers' Association and all of the members thereof favor the enactment of legislation providing for seasonal railroad freight rates on coal and providing proper differentials to encourage the shipment of coal during the spring and summer months; and be it further

"*Resolved*, That a copy of this resolution be telegraphed to Senator FRELINGHUYSEN, chairman of subcommittee of the Committee on Interstate Commerce, United States Senate, which is now conducting hearings on this question, and that copies of this telegram be mailed to the Utah Representatives in the Senate and House of Representatives at Washington, urging their support of the measure when the same comes up for consideration."

(Adopted Apr. 21, 1920.)

H. E. RHEIN, *Secretary.*

—

PENN FUEL CO.,
New York, April 30, 1920.

Senator FRELINGHUYSEN,
Senate Office Building, Washington, D. C.

DEAR SIR: I have read with interest your advocacy of lower rates for summer shipments of coal, which I favor strongly, as it is just a simple way of getting enough hay in, while you can handle it, to last for the hard period of winter; but I would also like to have you see or ask these coal railroad men and operators, if you think it a wise thing to do, that if in the year 1918, when the largest production of bituminous coal was mined and transported, and this in a period of war, when the Government had thousands of urgent shipments of essential commodities for manufacturing of war material and shipbuilding, moving men and equipment, etc., and that since 1918, with the motive power that has been turned over to the railroads by the Government, cars, equipment, etc., the railroad should be in better shape to transport coal to satisfy the needs of the country now than in the above period?

It looks to me as if there is some little manipulation and somebody is mussing with the cards.

Yours, very truly,

JOSEPH P. O'CONNOR.

—

SOCIETY FOR VISUAL EDUCATION (INC.),
327 SOUTH LA SALLE STREET,
Chicago, Ill., April 30, 1920.

THE BLACK DIAMOND,
431 South Dearborn Street, Chicago, Ill.

GENTLEMEN: I have before me your issue of the 24th, under the caption "Seasonal freight rate plan discussed." I desire to make comment.

How could it be possible to precipitate chaos in the present coal-rate structure, for in several cases they are not in keeping with the distance involved nor the terminals through which they are handled, and are all out of proportion to the service involved?

As to the present differentials which, it is alleged, could not be disturbed without serious effect, that is all bosh, for they could be reduced proportionately on the basis of a seasonal rate just the same as they were arrived at on the present rate basis. I am of the opinion that this matter has not been properly weighed.

There is mention of equity between coal-producing groups and fair and reasonable rates to the consumers. This in many instances does not exist at the present time, and the subject should be given serious thought by some conservative person of sound thinking and reasoning.

The car supply should be so arranged that every mine would have an equal chance. What difference does it make who gets the coal? It is up to the operator to fill his contracts, and the price he receives at the mine is just the same, whether the coal is consumed within the district in which it is mined or travels hundreds of miles distant from the point of production.

Relative to the question of discrimination by the coal operator: If he were instructed (providing such instructions were necessary) to apply an equal percentage of his orders to the various districts, this would eliminate it. The fellow in Manitoba needs coal just the same as the fellow who is at the mouth of the mine. As to a greater decrease in the car supply at the mines, this would be impossible. For instance, how often do the mines work three days per week? The mines I have in mind rarely work more than twice per week. The railroads, so they say, are always short of cars.

Regarding the excessive demand for delivery during the low-rate period, the answer is, you can not get blood out of a crab. In the history of railroading thus far they never have been able to supply the required amount of cars in any one given day. It can not be done, for were it possible it would cause a blockade and the situation would be a hard one to handle, regardless of the size of the line.

The subject of storing coal in the summer for the winter supply is a question which should be given much thought, for coal, unless properly stored, deteriorates very rapidly. Also, the cost of storage must be considered, and the question arises, Would the difference in the freight rate warrant the loss and expense thus sustained? As to the general storage, why, just as in any other business, the concerns who expand should not be tempered by ones who do not. I can remember a few years back when the railroads, on certain commodities, every summer reduced the rate to attract the commodity to storage points, in order that during the winter months the commodity could be nearer the point of consumption. There was no cry then of discrimination. Why should there be now, for things can be equalized now as well as then?

Regarding the car supply, naturally the more coal moved in the summer months would have a tendency to relieve in a measure the open-top equipment to the loading of such other commodities which require this kind of equipment.

In conclusion, would say that some of the arguments as set forth in your issue above referred to are open to attack and could be shot full of holes. This, however, is a serious question, and should be given careful consideration. In my opinion the bill as presented by Senator FRELINGHUYSEN, with a few changes and proper amendment, would be a good one, and I sincerely hope that it will be adopted.

Very truly,

W. C. VAN ALLEN,
1130 East Forty-sixth Street.

C. C.: To Senator FRELINGHUYSEN.

MY DEAR SENATOR: This for your information.

W. C. VAN ALLEN.

CHICAGO, May 2, 1920.

—

COMMERCIAL TRAFFIC MANAGERS OF PHILADELPHIA,
Wilmington, Del., April 15, 1920.

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

DEAR SIR: The Commercial Traffic Managers of Philadelphia, representing many important shippers in the Philadelphia rate basis territory, at their last meeting indorsed the bill submitted to the Senate by you on behalf of the subcommittee of the Senate Committee on Interstate Commerce amending section 15 of the interstate commerce act to provide for seasonal coal rates.

We fully believe with you in its beneficial effects. Letters are being addressed to the Senators representing the Philadelphia rate basis territory urging their support of the bill.

Yours, very truly,

CHARLES A. BAMBERGER,
Chairman Legislative Committee, Traffic Manager
Joseph Bancroft & Sons Co., Wilmington, Del.

—

THE OKLAHOMA INDUSTRIAL TRAFFIC LEAGUE,
Oklahoma City, Okla., April 27, 1920.

Hon. J. S. FRELINGHUYSEN,
Member of Senate, Washington, D. C.

DEAR SIR: I am herewith inclosing a resolution passed by the Oklahoma Industrial Traffic League at its April meeting last Saturday relative to the bill which you have introduced relative to seasonal rates on coal.

It was the consensus of opinion of all members of the league that such legislation would greatly stimulate the production of coal the year round and would be of material assistance and help to the coal operators in operating the mines, as well as give more steady employment to the miners and permit them to realize a better living wage by being able to work more than at the present time.

The proposed legislation would be of great help to the carriers in that it would tend to keep coal cars moving during the summer months, whereas they now stand idle for days at a time, and then when the cold weather begins the coal-car shortage is felt.

The league was unanimously in favor of the resolution, and earnestly hope that Congress will pass the legislation.

Yours, very truly,

H. C. MCCORD, *Secretary.*

—

Resolution.

Whereas it is apparent that the wide seasonal fluctuations in the supply and demand for coal should be equalized by a more even distribution of demand throughout the different months of the year; and

Whereas in the Oklahoma coal-producing fields and the territory served by the Oklahoma mines the normal demand for coal is much greater than production during the winter months and very much below production during the spring and summer months; and

Whereas manufacturing industries, the carriers, the retail coal dealers, and consumers alike have been strongly urged to equalize demand by storing reserved supplies during the spring and summer months; and

Whereas the fairest and most effective way to accomplish stabilization of demand, in our opinion, is by means of graduated, seasonal freight rates and mine prices; and

Whereas it has been for years and is still the policy of the Oklahoma coal producers to graduate their prices to encourage and stimulate the early buying and storing of fuel, and believing that on account of increased cost and selling price and increased volume of freight rates applicable to coal a greater financial inducement to manufacturers, dealers, and consumers is necessary to encourage and justify the storage of coal in advance of the needs for same:

Now, therefore, we, the Oklahoma Industrial Traffic League, at this meeting urge the Congress of the United States to enact a law to provide for graduated, seasonal coal rates, the effect of which will be to make applicable reductions in the prevailing base rate, as follows:

	Cents.
On shipments made in February	10
On shipments made in March	25
On shipments made in April	25
On shipments made in May	25
On shipments made in June	15
On shipments made in July	5

and that in order to compensate the carriers for loss of revenue brought about by these reductions that carriers be authorized to add to the prevailing base rate in effect from time to time the following amounts per ton:

	Cents.
On shipments made in August	5
On shipments made in September	15
On shipments made in October	25
On shipments made in November	25
On shipments made in December	25
On shipments made in January	10

Resolved further, That the secretary of this organization forward a copy of this resolution to the chairmen of the Interstate Commerce Committees of the Senate and House of Representatives, to the chairman of the Interstate Commerce Commission at Washington, and also to the traffic officials of the various railroads participating in the transportation of coal to points in Oklahoma and Texas.

H. C. MCCORD, *Secretary.*

Approved:

H. D. DRISCOLL, *President.*

MILWAUKEE, WIS., *March 20, 1920.*

Senator J. S. FRELINGHUYSEN,
Senate, Washington:

We request your bill establishing seasonal rates on coal be amended to include coke. Coke is extensively used as domestic fuel in this middle western district. We always make lower summer rates to stimulate summer movement, and any railroad rate changes to help summer movement should also apply to coke.

MILWAUKEE COKE & GAS CO.

—

LOWER HIGNITE COAL MINING CO. (INC.),
Middlesboro, Ky., March 19, 1920.

Senator FRELINGHUYSEN,
Washington, D. C.

DEAR SIR: In regard to seasonal freight rates on coal, it would be better to leave two months in winter (January and February) unchanged and two months in summer (July and August) unchanged.

This would avoid a sudden change in the plus 15 per cent to the minus 15 per cent rates.

In the way the subject is now arranged it would tend to make the month before the raise very active and the first month after the raise dull. There would also be a dull month just before the decrease of 30 per cent occurred.

I am in favor of the plan. It would help the railroads as well as the mine operator and miners.

As far as this field is concerned, the rates shown on inclosed list of months would be the best.

Yours, truly,

W. E. GUNN.

	Per cent of freight rate.
January	100
February	100
March	85
April	85
May	85
June	85
July	100
August	100
September	115
October	115
November	115
December	115

W. E. GUNN.

—

CRESTON, IOWA, *May 28, 1920.*

Senator J. S. FRELINGHUYSEN,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR FRELINGHUYSEN: At a meeting of the Creston Chamber of Commerce the subject of Senate bill No. 4278 was taken up and considered very carefully.

The secretary was instructed to write you and the Senators from Iowa that the Creston Chamber of Commerce indorsed the bill and urged its passage.

Very truly, yours,

CRESTON CHAMBER OF COMMERCE,
By ROY L. EMRY, *Secretary.*

—

SEASONAL COAL RATES.

MILWAUKEE, *March 27, 1920.*

Senator JOSEPH SHERMAN FRELINGHUYSEN,
Washington, D. C.

DEAR SIR: Referring to your bill for seasonal coal rates, I wish to say that I have given this matter considerable study and have reported on the conditions to a number of coal operators and users of coal.

The seasonal rates do not accomplish the desired results unless suitable storage plants are provided. As you are well aware, there is considerable coal stored at ports on the Great Lakes in large quantities up to 1,000,000 tons on single docks, and this plan, I think, is quite wrong though it answers the purpose to a certain extent.

Have advised a system of district and industrial storage which would store the coal in smaller quantities and nearer to the ultimate users.

Have estimates and recommendations which I would be glad to give you or to anyone that you suggest.

I am strongly in favor of your bill and am writing to our Senators and Congressmen accordingly.

Yours, very truly,

T. S. WATSON.

—

INDIANAPOLIS, IND., *March 26, 1920.*

Senator FRELINGHUYSEN,
Washington, D. C.

DEAR SENATOR: While we know this is but one small voice in the millions you represent, we could not but write you after reading of your bill introduced in Congress in regard to a reduction of freight rates on coal during the spring and summer months and an addition in freight rates during the winter months.

We know this is the very best bill that has been introduced in Congress relating to coal in any way.

We don't mean to throw any bouquets, but this bill shows more gray matter used in the framing of it than any piece of legislation on coal that has ever been before Congress.

You have put the incentive there that will make the coal users act at the time when they need to act to get the most out of the labor, equipment, etc., of the entire force from the time the coal leaves the ground until it goes into the furnace.

Your bill solves more problems at one stroke than anything that has yet come up—you are striking right at the foundation of the high cost of coal, viz, labor could work for a lower wage and make more money in a year if employed steady; the operator can afford to make a reduction parallel to your freight rate, with a raise during winter, in order to give his mines steady running time; the retailer can do the same thing and make more money on a less profit per ton than he is now getting if he can use his labor, capital, and equipment equally over the entire 12 months of the year; and the sum of all of this is, more money per year for the miner, more money per year for the operator, more money per year for the railroads, more money per year for the retailer, and less per ton to the consumer for his coal because we can all use the greatest amount of efficiency in handling our business under your bill.

We wish to thank you for your effort in behalf of everyone affected by your bill—which is every American citizen; it is the only logical way to get the highest working power out of every unit, and we heartily pray that this bill may pass, and we believe it will.

Again we thank you.

Yours, truly,

I. A. BARKER & SON,
Per I. A. BARKER.

—

SHENANDOAH, PA., *March 19, 1920.*

Hon. FRELINGHUYSEN.

HONORABLE AND DEAR SIR: I clipped the following from the editorial page of the Philadelphia Evening Bulletin of March 18, 1920:

They seem to forget that there is several ways that the price of hard coal can be reduced. I would call your attention to the report of a senatorial committee that visited our district about one year ago and one corporation for one opening swore, if the daily papers are true, that they paid some $660,000 royalty to the greatest octopus in the State of Pennsylvania, namely, the Girard estate. We notice that the land is assessed at a few hundred dollars per acre, and always kicking at paying a few dollars tax to keep the schools in proper repair, etc.; in fact, the district is away in debt, and only a 9-month term.

We claim if they can get ten times the value of the valuation in one year that the royalty should at least be either cut in half or half the royalty should go to the school district that the operation is in. Stove coal is $7.45 in your cellar right here at the mine.

COMMITTEE.

—

[From the Philadelphia Evening Bulletin of Mar. 18, 1920.]

STOCKING THE COAL BIN.

Senator FRELINGHUYSEN'S prospectus of a 30 per cent reduction in the summer price of coal to the consumer, to be secured by enforcing a 15 per cent reduction in transportation rates during the summer and penalizing winter traffic at a similar rate, is alluring, but the plan lacks a surety of its promise.

The objective is to be commended. Hand-to-mouth production and distribution of such an essential as coal, which leaves even a community within as easy reach of the mines as is Philadelphia subject to a scarcity of supply which may develop into actual famine because of a temporary embargo resulting from a strike or storm, is obvious folly.

After the trying experience of the winter of 1917, the consumer appeared to have learned the lesson, and the 1st of the succeeding October there was probably a larger stock of coal in the household bins of Philadelphia—and in other communities as well—than there ever had been at that time of the year before.

Last year there was a slackening of the summer orders from the mass of consumers, and this year, with the prospect of the abandonment of the preferential spring prices, which for some years had stimulated early buying, the results bid fair to be even less satisfactory. The fear of advancing prices now seems to be the chief incentive on which reliance is placed for encouraging the virtue of forehandedness.

The scheme of the seasonal price was wholly logical. The individual who stocked his coal bin in the spring of the year, relieved the distributor of his carrying charges, interest on the investment, and storage costs, and, moreover, enabled delivery at a minimum expense. He was fairly entitled to his discount from winter prices and might reasonably have been granted more than the 50 cents a ton which was the maximum concession.

But if this natural business arrangement is to be withdrawn, popular interest in the proposed modification in transportation rates is not likely until the promised results can be traced with a degree of certainty.

—

[From the New York Commercial, Apr. 26, 1920.]

THE QUESTION OF SEASONAL COAL RATES.

Senator FRELINGHUYSEN, of New Jersey, is making an earnest attempt to avert further troubles of coal shortage in the winter months. His idea is that there should be seasonal freight rates established to make summer shipments more attractive in order to pile up reserves in the months of light consumption.

The Senator's intentions are highly commendable, but it is not at all certain that the method he proposes would accomplish the desired object. In the present demoralized state of rail transportation it is doubtful if anything more can be hoped for than a continuation of a steady movement of coal from the mines. To stimulate it above the recent average is likely to be almost impossible of accomplishment, because of the shortage of railway cars.

It is a notable fact that during the period of Government operation equipment repairs were kept down to a minimum, and now that the present owners have got the roads back in their own control they find a great deal of equipment that must be scrapped, and a great deal more that has had to be withdrawn from service for elaborate repairs. Railroad workshops are swamped with repair work, and a great deal of it has had to be turned over to the car-building concerns as the quickest way of getting these cars back into service.

Those who oppose Senator FRELINGHUYSEN'S plan declare that the law of supply and demand can be depended upon to regulate shipments. Mr. E. H. Hurd, representing the Pittsburgh Vein Operators' Association, of Ohio, adhered to this view, declaring that we got along pretty well before we began to regulate business. It is quite true that the law of supply and demand can be depended upon, except when supply is influenced by outside conditions, such as strikes and severe weather.

It depends entirely upon how this natural law is to be applied. Abnormal conditions affecting supply must necessarily regulate shipments as well as prices. On the other hand, if demand can be stimulated in the off months it will be of substantial benefit to shippers as well as consumers.

Governmental investigations have revealed the fact that at times mine operators have curtailed production, in instances to one day a week, in order that they could trade on a short market. The labor element has come in for a great deal of condemnation for its absolute disregard for public necessities, but while this may be absolutely true it does not follow that the operators themselves are sprouting wings.

Government interference with private business should, on general principles, be decried, but if private enterprise mismanages public necessities and can be reached only through Government regulation the matter assumes a different aspect. Every case must be judged upon its individual merits in the light of the greatest benefit to the community.

Mr. FRELINGHUYSEN. Mr. President, I have gone far enough into the details of the coal industry to know that the subject is so vast and so complex that it can not have too careful, too extensive, or too detailed consideration, not only by a few committees but by every member of this body. Indeed, the vital importance of the subject is my reason for asking your indulgence to-day while I discuss it.

While public hearings by the committee of which I was chairman were suspended in May of last year, I continued through personal efforts to keep closely in touch with every development in the coal trade. This intensive study has brought to light certain facts not generally known. However, they are in the main merely details of the larger story which you all know. These details have persuaded me that what happened after the middle of May was but a natural expression of tendencies which our committee had noted in the coal trade and had studied carefully in the spring. Indeed, I go so far as to say that we not only understood them but knew the causes from which they sprang. There was nothing new in the coal situation in 1920, except a set of external factors. The response of the unstable coal trade and of the uninformed consuming public to those factors was the same as it always had been, the same as it always will be, unless some form of harmonious cooperation between the interests involved can be worked out by the Congress, unless something is done to stabilize this industry. We knew that the bituminous coal industry is poorly organized, that it lacks leadership, that it can not unite in support of a constructive policy. We foresaw clearly that when a peculiar set of circumstances, to which I shall refer later, produced a temporary shortage the producers and dealers of coal would be unable to keep prices within reason. We knew that the many large and responsible operators who preferred to do business conservatively would be unable to hold in line other operators whose consciences set no limit to what they would accept for coal. We knew that with the customary restraints of competition broken down the large sober element in the coal industry would be unable to check looting by the irresponsible element. On the other hand, we had come to know the state of ignorance prevailing among the buyers of coal. We realized that if the coal trade was without unified leadership the consumers were a helpless mob. We saw that there was no agency of Government responsible for informing the public, no responsible officer to whom the coal-buying public might come for counsel and assistance. When weaknesses are present in a machine it is not surprising to see it break under a strain. Therefore, when our committee had realized the fundamental weaknesses in our national coal economy we were not surprised to see $20 coal in August.

Because the members of our committee have studied all phases of this industry—the normal as well as the abnormal—and because we believe we understand the subject, we have faith to believe that we can prescribe a remedy which will prevent the abnormalities without injuring a great industry.

I desire to attack this great problem, if I can, without showing passion toward and certainly without becoming a partisan of the men who are to-day the responsible managers of the coal industry. Individuals are temporary influences at best. They soon pass on, leaving the problem behind. I can not consent, therefore, to decide a great question on merely the evidence as to the conduct of the men who temporarily control a situation. Whatever else I do, I must see the problem by the light of the obligations which rests upon me, a sworn officer of this Government. I want, if I can so far dissociate myself from the violent passions aroused by recent practices, to discuss this question from the point of view: What is the proper relation which a vital natural resource sustains to the people?

This is distinct, as I see it, from the point of view of those who are trying to make money out of coal. It is quite different from the view of those who were recently struggling to pay a less price for their coal. Both of these partisans would, if left alone, destroy their own best interests by giving rein to their selfishness. The coal men would gouge the people until they lost their properties, and the people out of revenge would turn the coal mines over to political management, and pay a fearful price forever thereafter. Thus, by abandoning the point of view of both I believe I truly serve both; so I want to study the problem that is involved in establishing a proper relationship between an essential fuel and the people rather than trying to arbitrate a clothesline quarrel between buyer and seller.

I confess to you frankly that it is a difficult task to get at the most simple fact about coal. Volumes upon volumes have been written on the subject, but in the main they are merely words. Learned men talk volubly about coal, but in the end you get few or no undisputed figures or facts.

I am frank to say to you, touching recent happenings, that the buyers of coal have, in their resentment against prices, grossly overstated some situations the simple truth about which was bad enough. They have studiously left the impression that the total tonnage was purchased at the highest price they paid for any single lot of coal.

I am sorry to say that the coal producers and dealers, when driven to defend themselves, have resorted to the deception of quoting averages. In an effort to defend themselves they have completely wiped out the high prices which are known to have been paid. Indeed, in some instances their averages come so close to the prices at which coal commonly sold on contract that they lead one to believe that the average was figured on contract sales alone, ignoring the high "spot" market quotations.

In what I shall have to say immediately about the comparisons between prices in two recent periods—namely, just before and just after the Great War—I shall try to avoid the cases of great loss in one period and the cases of very great profits in the other. I take the mean, because I want to avoid the rôle of the scandal monger, and because I want the Senate to come to understand the abiding forces in the coal trade with which we, in a legislative sense, will have alone to deal.

I avoid the cases of great and spectacular losses in business, because I believe that this Government can not be led into the paternal undertaking of guaranteeing to incompetent managers of mines a profit when they can not earn it by their own skill.

Attacking the price problem from the other end, I say that this Government can not with safety go further than to put its restraining hand upon extortion. To attempt more would be to undertake to indemnify the buyer of coal against any faulty forecast on his part of market conditions.

I believe—yes; I know—that in the last year extortion was practiced in the coal industry. I believe it is perfectly proper for this Government, which has always striven to safeguard the people against extortion, to draw the line which divides profit and extortion. I believe it is possible to make extortion a criminal offense.

When you come to consider calmly what course we should pursue in connection with coal, I want to ask that you give most careful thought to a few figures which I am about to lay before you. I want you to visualize the tremendous increase in the size of the Nation's coal bill which has come about in seven years' time. I want you to realize that as yet the men of the coal trade have made little progress in shrinking that inflated bill back to normal proportions.

Broadly speaking, there are two kinds of elements in the national coal bill—costs and profits. The profits are an elastic element. Last year we know they were very large, in some instances scandalously large. The coal men tell us that last year was exceptional and that profiteering can never happen again. The other element in prices—the cost of mining and transportation—is not so elastic and the coal men and railroads give us no encouragement that costs are coming down.

As nearly as I can arrive at it, the price which was paid at the point of discharging the railroad car for the 556,500,000 tons of bituminous coal which we produced in 1920 was about two and one-half billions. No one knows what the figure was exactly, but we can approximate it, and the approximation will at least indicate the vastness of the Nation's coal bill. This sum is merely a measure of the money that was paid for the coal itself to the producer and wholesale merchant. At that rate the average price was about $4.50 per net ton.

In addition to the cost of the coal itself, the average freight rate by the end of 1920 was something like $2.50 per net ton. At that rate the transportation bill on 556,500,000 tons would be about $1,400,000,000.

If you total these figures you find that there was paid in America to produce and transport the 1920 coal crop the tidy sum of nearly $4,000,000,000, or within reasonable distance of the total cost of running this Government for one year, with all of its load of war debt. Reducing this figure to the average, also, it will be found that the total wholesale cost of coal at the point of discharging the railroad car was in round numbers $7 per net ton.

These figures are, I admit, astounding; but still you fail to get the perspective unless I carry you back to the last year before the war, and give you the figures as they then stood. In 1914 the amount collected at the mine for the 422,703,970 tons of bituminous coal produced was $493,000,000. On that basis, the average price was $1.17 per net ton. To this the commission of the wholesaler added about 7 cents, making the total to operator and wholesale merchant $1.24 per ton, or $525,000,000 in all.

The amount paid in 1914 for transportating that coal was about $576,000,000, or a rate per ton of $1.41.

The total of the coal and transportation bill in 1914 was, according to these figures, in round numbers, $1,101,000,000. The average cost of the coal at the point of discharging the railroad car was $2.61 per net ton.

I find by these figures that the wholesale coal bill of the people of the United States grew from 1914 to 1920 by about two and a quarter billion dollars per year. All they have received to offset this expense is a matter of 133,000,000 tons of increased output.

It is more imposing to speak of these changes in terms of billions of dollars and hundreds of millions of tons, but I find that if I really want to understand them I have to reduce them down to dollars and cents and to single tons. On that basis they come within easy reach of my own comprehension.

I find that we started in 1914 with a cost of producing coal of something like $1.14 per net ton. It may have been a little less than that in many places, but it was enough more in others to make that a fair average.

I find that after the last advance given the miners in August, 1920, the cost of producing the same coal was easily $3. Since then there has been no material reduction in wages.

That, Senators, means that the increased cost of merely producing a ton of coal, without adding even the interest on the borrowed money, was in the neighborhood of $1.86 per net ton. That is, the increase was 72 per cent per ton greater than the total cost in 1914. The average cost for the whole year 1920 was about $2.87 per net ton. Getting the matter into even more simple form, I find that the out-of-pocket cost of producing a ton of coal at the end of 1920 was perhaps 160 per cent greater than at the end of 1914.

The abiding element in this cost is the increase in pay. As to the exact increase, the testimony is not unanimous; but, in general, I find that in 1914 it ranged between 82 cents and 92 cents per ton, and is now between $2.09 and $2.19 per ton.

Still resorting to the same simple terms, I find that we started in 1914 with an average cost of transporting a ton of coal of $1.41 and ended at the close of 1920 with an average cost of $2.51. This is an increase of 77 per cent. I find further that we have gained nothing by paying out this large sum. Instead, in 1914 we had plenty of transportation.

I believe it about time that this Government should insist that if we are to be liberal in our grants of increases we should get something for them.

These are items which in future we are not going easily to escape. They mean that even if we rob the producer of the interest he must pay on borrowed capital of all his profit, and if we allow not a single penny for the service of distribution, the average cost of coal at the point of discharging the railroad car will be at least $5.51. Making even scanty allowance for the items which I have ignored—interest, profit, and cost of distribution—it is seemingly impossible to escape a future bill for our coal, on the average, of $6 per ton at the point of discharge. Assuming that we shall come to use 550,000,000 tons of bituminous, this will make the national coal bill at the point of discharge from the railroad car the tidy sum of, roughly, $3,300,000,000.

I say to you frankly that I am far more concerned over future economics in this industry and in transportation than I am in digging into the scandalous matter which concerns itself only with the profits which the coal men made in 1920. The latter is a matter which has passed for the time being. Those profits, large and unreasonable as they were, are interesting as a matter of history; but the coal trade assures us that this particular bit of history will not repeat itself. This other matter concerns me vastly more. I am frankly amazed when I realize that, doing our utmost to effect economies and eliminate profits, we can in a year of subnormal business reduce the outturn price of coal to the user by less than $1 below what it was in the year of the most extravagant prices in our history. We have simply loaded this industry with costs to the gunwale, and unless we can jettison some of that disagreeable cargo I am genuinely fearful that we will fare roughly at the hands of the people, as we should.

I have said that in the face of this more serious situation the profits which the operators made in 1920 sink into relative insignificance. Still you may be interested in the results of my calculations on that entertaining subject.

My estimate of the "gross margin" retained by the coal men in 1920 was $918,000,000. This compares with a gross margin of $63,000,000 in 1914. The increase in gross margin was therefore $855,000,000. This means that the average margin per ton was $1.65.

I find, however, that of this gross margin the foreign buyers of some 38,250,000 tons paid $255,000,000. This leaves the American public to carry a burden of margin of perhaps $600,000,000, or about $1.15 per net ton. This profit taking, reduced to the per capita basis, means that the industry took from the people a matter of about $5 per person.

It may, of course, salve your wounded feelings a little if I tell you that the Government may expect to collect from these gentlemen in excess-profits taxes a sum approaching $400,000,000.

Mr. President, I want to speak directly on the bills to-morrow, and I desire to use the charts to indicate the seasonal differentials in coal, the differences in production, and the differences in transportation and distribution. I wish to do that in defense of the bill I have introduced to give the Interstate Commerce Commission power to make seasonal freight rates, which I believe will go a long way toward equalizing the distribution of coal, taking the low peak and the high peak of the transportation systems in the winter months, and taking it into the summer months, when the railroads can carry coal for much less than in the winter months, and even up the coal load of the country.

I would like very much to have more Senators listen to these figures and this information, and if I may be permitted at this time to make a suggestion to the Senator from Kansas [Mr. CURTIS], I should like to resume on this subject in the morning.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Thursday, June 23, 1921, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 22 (legislative day of Tuesday, June 21), 1921.

STATE DEPARTMENT.

AMBASSADOR.

Cyrus E. Woods, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Spain.

TREASURY DEPARTMENT.

APPRAISER OF MERCHANDISE.

John Grimm, jr., of Buffalo, N. Y., to be appraiser of merchandise in customs collection district No. 9, with headquarters at Buffalo, N. Y., in place of John T. Ryan.

INTERIOR DEPARTMENT.

RECEIVER OF PUBLIC MONEYS.

Henry Clay Provinse, of Red Lodge, Mont., to be receiver of public moneys at Billings, Mont., vice Edward J. McLean, whose term will expire July 31, 1921.

BOARD OF CHARITIES FOR THE DISTRICT OF COLUMBIA.

John Joy Edson, for a term of three years from July 1, 1921. A reappointment.

George M. Kober, for a term of three years from July 1, 1921. A reappointment.

POSTMASTERS.

MARYLAND.

Harry A. Dawson to be postmaster at Rockville, Md., in place of Joseph Reading, whose commission expired January 18, 1920.

NEW HAMPSHIRE.

George E. Danforth to be postmaster at Nashua, N. H., in place of Henri T. Ledoux, whose commission expired March 16, 1921.

NEW YORK.

Edward M. Morgan to be postmaster at New York, N. Y., in place of Thomas G. Patten, whose commission expired March 16, 1921.

WEST VIRGINIA.

John J. Denham to be postmaster at Clarksburg, W. Va., in place of J. Horner Davis, whose commission expired March 16, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22 (legislative day of Tuesday, June 21), 1921.

DEPARTMENT OF COMMERCE.

COLLECTOR OF CUSTOMS.

Emile Kuntz to be collector of customs for customs collection district No. 20.

TREASURY DEPARTMENT.

COLLECTORS OF INTERNAL REVENUE.

Evan Evans to be collector of internal revenue for the district of Idaho.

James H. Anderson to be collector of internal revenue for the district of Utah.

ASSAYER.

John L. May to be assayer in charge of the United States assay office at Salt Lake City, Utah.

DEPARTMENT OF JUSTICE.

UNITED STATES MARSHAL.

Clarence G. Smithers to be United States marshal, eastern district of Virginia.

COAST AND GEODETIC SURVEY.

John William Cox to be junior hydrographic and geodetic engineer.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 22, 1921.*

The House met at 12 o'clock noon, and was called to order by Mr. WALSH as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the birth of the morning and the glory of the day are manifestations of Thy holy providence, for which we humbly thank Thee. Give the presence of Thy holy spirit, that our best thoughts and purest desires may be intensified. Grant us the presence of the Lord, that we may walk worthily this day, bearing fruit in every good work. May we know of the sweet peace that follows personal rectitude and the high honor given self-sacrifice. Continue to guide us in all truth, that we may have a correct understanding of all things necessary to make us upright, loyal, patriotic citizens of the country that we love. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the Committee on the Merchant Marine and Fisheries.

Mr. GREENE of Massachusetts. Mr. Speaker, I call up House joint resolution No. 7, on the Union Calendar.

Mr. LINEBERGER. Mr. Speaker, will the gentleman yield to allow me to prefer a request for unanimous consent?

Mr. GREENE of Massachusetts. I yield to the gentleman from California.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to address the House for 45 minutes on the subject of limitation of armaments.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to address the House for 45 minutes on the subject of limitation of armaments. Is there objection?

Mr. BANKHEAD. Reserving the right to object, is this satisfactory to the chairman of the Merchant Marine and Fisheries Committee?

Mr. GREENE of Massachusetts. I am perfectly willing.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. I understand, Mr. Speaker, that by this we are going to clear the way for the tariff bill. [Laughter.]

Mr. STAFFORD. We are going to expedite the consideration of the tariff bill.

The SPEAKER pro tempore. The Chair hears no objection. The gentleman from California [Mr. LINEBERGER] is recognized for 45 minutes. [Applause.]

LIMITATION OF ARMAMENTS.

Mr. LINEBERGER. Mr. Speaker and Members of the House, in rising to address this distinguished assembly, which has been characterized as the greatest representative legislative body the world has ever known, I am deeply mindful of the great responsibility that rests upon this Congress as the duly elected Representatives of the American people at what, to my mind, is one of the most critical and most crucial periods in all history.

We have only recently emerged from the most cruel and devastating war of all time, in which all the world has been in a state of flux and turmoil, and civilization, standing on the brink of destruction, surrounded by the hordes of greed and military despotism, has been saved from the cauldron below by the copious shedding of precious American blood, accompanied by the unprecedented and unstinted expenditure of American treasure.

Our material loss has been our spiritual gain, for America has again lived up to her highest traditions and, unbound and unfettered, has fulfilled her highest obligations toward mankind. [Applause.]

We must now devote ourselves toward preserving that which we have saved, for in the hands of the American Nation largely lies the weal or woe of the present as well as future generations of men.

Mars, the unbridled god of war, still stalks unrestrained at large in the world to-day, and our plain duty—a duty which will permit of no subterfuge or evasion—demands that this country, with its traditional high purpose, with prudence and practical idealism, devote itself to the task before us, and, with other nations of the world, meet in conference with a view to circumscribing and limiting by mutual agreement the instruments of destruction, commonly known as armaments.

Mr. Speaker, in discussing a matter of such far-reaching and vital importance as an international conference to limit armaments, I am, indeed, conscious of my inability to do the subject justice, but in the time allotted to me and in my humble way shall touch only upon some of the high points which, to my mind, are particularly applicable to the phase of the subject now under consideration.

It is a well-known fact that the subject is intricate and involved to an unusual degree and the leading humanitarians and statesmen of the age have devoted their best efforts and thought to a proper solution of this great enigma. Among these, I am proud to say, is a distinguished Member of this House, an ex-Member of the Senate of the United States, the Hon. THEODORE E. BURTON, of Ohio. [Applause.]

This venerable American, who is the peer of any Member of either House of Congress in statesmanship and ability, has devoted almost a lifetime to study in the field of international relationship, and it has been the good fortune of the Committee on Foreign Affairs, of which he is a member, to have the full benefit of his counsel and advice during the discussion and drawing of the Porter resolution, or House joint resolution 143, as it is officially known.

Our able chairman [Mr. PORTER] in drafting this resolution had, I believe, the full approval of the entire committee, at least this is true so far as the majority membership is concerned.

Thinking men of all nations are agreed that the staggering burden of armament is the millstone of destruction which, if not lifted in the very immediate future, will carry down into the depths of despair and ruin the entire human race, and our modern civilization, which a patient and long-suffering humanity has wrought from the hands of time, will rise to strike us and be the very instrument of our annihilation.

I read upon your faces that this is clear to the membership of this House, but it is just as clear that reduction of armament, so far as this Nation is concerned, can not be a unilateral proposition, for, as the President of the United States has said, "merest prudence forbids that we disarm alone."

Let not the world misunderstand our motives; let us in true American fashion be frank with our neighbors and ourselves, thereby rendering the greatest service to humanity.

Let no idle dreams of self-illusionment enter here.

True to our traditions, we Americans recognize that amid the realm of lofty ideals we can not lose sight of the practical and essential if we are to survive and perpetuate our nationality.

As I have said before on the floor of this House, and as I repeat here now, to my mind our most striking national trait, and one that the nations of the world have long since discerned, is that while keeping both "eyes on the stars" we nevertheless recognize the necessity of keeping "both feet on the ground," and thus in the realm of practical accomplishment are great goals achieved and the Nation goes steadfastly forward toward a manifest destiny. [Applause.]

Our distinguished Chief Executive, President Harding, with his keen sense of perception and common touch, with an inti-

mate knowledge of the great American people, to whose desires and wishes he seeks to give expression, has again demonstrated the truth of this statement and very aptly voiced the national mind when, in referring to disarmament, in the historic address which he delivered at the opening of the Sixty-seventh Congress on April 12, 1921, he gave utterance to the following statement:

> The Government is in accord with the wish to eliminate the burdens of heavy armament. * * * We are ready to cooperate with other nations to approximate disarmament, but merest prudence forbids that we disarm alone.

What could better illustrate our proverbial idealism and at the same time be more expressive of our sense of the practical? What more typical of the spirit of Americanism and sound political doctrine? [Applause.]

What could better express the intent of the President to place his administration at its outset in line with an historical American policy and show to the world that he was fully conscious of the responsibility devolving upon the United States in international affairs?

Again, speaking a week later before the statue of the great South American patriot-statesman, Bolivar, in New York, he recalled with pride the progress that had been made toward judicial and arbitral settlement of international differences between the nations of the Americas, and in connection therewith made the following statement:

> It presents an example well worthy of earnest consideration and affords us assurance which will justify our purpose to invite present-day civilization to cast aside the staggering burden of armament.

Thus does the President at the very beginning of his administration, in his vigorous and concise manner of doing things, enunciate his policy and express his determination for action. [Applause.]

It seems to me that our duty is plain and our line of action clearly defined; knowing the constitutional rights and prerogatives vested in Congress, and jealous of any invasion of the same, we are none the less mindful of those of the Executive; we should not do more and can not do less than confine ourselves to the proprieties and demands of the situation and adopt the Porter resolution, wherein the House "expresses its full concurrence" in a declared purpose and intent already expressed by the President.

We should have no pride of opinion in this House, but strive to do only that which will redound to the highest and greatest benefit of our common country, and incidentally to mankind throughout the world.

I have no quarrel with the spirit of the Borah amendment as such, for I believe we are all aiming at the same target, but from a different angle, and therefore with a somewhat different perspective.

As a matter of transcendent international character and of more than domestic importance, I do not believe that it should be attached to the present naval appropriation bill, but I feel that to further the idea, and in the interest of harmony we should, if necessary, waive this objection, but I am convinced that it is not broad enough in its scope, either as to character of armament or of the nations included in the call. It is restrictive in that it attempts, by implication at least, to fix or indicate some of the terms of the agreement to be arrived at.

No auhorization or request to the President is necessary or proper in the premises.

His rights are constitutional and inherent to the high office which he occupies, and a questionable invasion should be avoided.

He has already taken the lead in the matter and has declared his policy and intent to act.

Congress should not, even by inference, attempt to suggest or to seize the initiative which has already been supplied by the Executive, moved by deep conviction, as he is, and exercising in the premises an unquestionable prerogative which, under our system of government, is peculiarly and exclusively an Executive function. [Applause.]

I fear the country will not understand nor will it approve of such action on our part.

It is our function to concur and approve, if we deem proper, the action already proposed, and not to authorize and request that which, because of the steps already taken, is at least in process of partial achievement. [Applause.]

Let us face the situation as it is and acknowledge the leadership of our President in the field of international affairs, so long as he does not seek to violate any of the sacred traditions to which we are committed. Congress can sacrifice none of its dignity or prerogatives by adopting a resolution of concurrence and approval as against one of authorization and request.

While I have the greatest respect for the sincerity and patriotism of the distinguished Senator from Idaho [Mr. BORAH] I can but feel that a resolution calling a conference for the purpose of discussing the reduction of armaments would carry greater weight if not attached to an appropriation bill and particularly not to a naval appropriation bill.

The purpose of such a conference is so unique and its import of such singular interest to all mankind that I feel that it should be disassociated from other legislation and is deserving of enactment by means of a separate bill.

This and more is accomplished by the Porter resolution.

It is unimpeachable in language, clear of purpose and concise in content, and, greatest of all, in full harmony with the best ideals and traditions of the American people.

I wish to beg the indulgence of the House, if I may, for a moment, for the purpose of drawing an historical comparison and to caution against even the remote possibility of an historical parallel.

In the matter of international leadership, respecting this question of armaments, the United States to-day is curiously in the position which the German Empire was shortly after the end of the Franco-Prussian War.

It is quoted that the elder Liebknecht, speaking in the Reichstag in May, 1890, said:

> If the German Empire—and its position in Europe would make the thing easy—resolved to convoke an international congress to search out methods for reducing military charges, it could then be said with reason that Germany marches at the head of civilization.

But this did not happen and, dominated by a strong military party and a war-mad Kaiser, she "goose stepped" over the precipice to her doom, and is now paying just penalty for her treachery to civilization, traceable direct to her neglect of opportunity to serve the highest interests of mankind in days of power, influence, and prosperity.

Thus again doth "paths of glory lead but to the grave," and God forbid that this beloved Nation of ours refuse to recognize the lessons of history.

World conditions are propitious and the time is now ripe, overripe, by international agreement to limit armaments, which are the implements of war, and thus to restrict war. This is no Utopian dream if we will but fulfill our obligations and take steps to call a conference before the existing psychological moment has passed.

The burdened taxpayers cry out against the cost and preparations for war; the mothers and wives that are and are to be lift their hands toward heaven in divine supplication that they may be spared its horrors and sacrifices; the hallowed dead that lie in Flanders field, who gave their all and died to end all war, sleep in silence but to rise and in solemn requiem chant to remind us of our duty to do all in our power to see that a similar holocaust does not again overtake mankind; to these are added the voice of the living, the visible human débris of the conflict, the scarred and maimed veterans in the hospitals throughout the land, bearing as they do physical and mental evidence of the hell of war through which they have passed.

Mr. Speaker and Members of the House, the conditions to which I refer are not in the least overdrawn, I assure you, for if you will pardon the personal reference, I will say that in the dire days of 1917 and 1918 it was my great privilege to humbly serve, as did thousands of other American citizens, on the battle fields of France, and in so doing I believe I have acquired the right to say that I know whereof I speak.

Only recently the President of the United States, in New York, standing uncovered and with bowed head in the presence of the last mortal remains of 5,000 of our heroic dead just returned from the crimson-soaked fields of France said, "It must not happen again," and his words were echoed in millions of hearts from the Atlantic to the Pacific and beyond the seas.

America needs but to turn to her own history to find guaranties of peace full and effective enough to have the most practical bearing on the extent of armaments, and fate—no; I will say a providential destiny—has brought to America the responsibility of being the strongest among the armament competitors left by the World War. [Applause.]

But this great responsibility, like all great responsibilities, carries with it a corresponding obligation of even greater import, because it is predestined to be of the greatest service to mankind.

Conscious of her power, which she will never use except in defense of the right, America looks steadfastly and confidently toward the future; she has never been a slacker either in peace or in war, and she will not now seek to evade her plain duty, having at various times in her history developed substitutes for war in her championship of justice, she can not now do less than call a conference to reduce or limit armaments, thus fulfilling in these latter days Washington's farewell injunction to

"give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence." [Prolonged applause.]

Mr. Speaker and Members of the House, in the remarks which have preceded I have devoted myself to a general discussion of the merits of a resolution or amendment for the limitation of armaments, and I desire now to devote some time to a more thorough and careful analysis of the technical and statistical phase of the subject.

In the broad realm of study presented by this interesting and all-absorbing subject, I do not presume to have more than scratched the surface, but having lived abroad in foreign lands for the period of a decade in my life and having studied and viewed at a close-up range—at an altogether too close-up range at times—the matter of armament, I trust that my humble observations and study of this subject may be of interest to the House.

In proceeding I shall quote quite freely from such eminent authorities in the field of international political and military circles as Gen. Pershing, Gen. Bliss, Brig. Gen. Mitchell, Admiral Sims, and others of equal eminence and distinction.

For the compilation of the accompanying statistics and many of the observations which I shall submit I am indebted to the World Peace Foundation, of Boston, Mass., which has ever been in the vanguard for the limitation of armaments by international agreement.

As a premise for the observations which are to follow, I will again say that among the clearest results of the World War are, first, the decrease in the number of the nations with competing armaments, and, second, the concentration of responsibility for armament of a few of the victorious nations.

The financial ability of the United States to lead in this competition and the present expenditures for its naval program place upon it a tremendous responsibility for the intolerable burden which is thereby being forced upon an exhausted civilization.

In order to obtain the proper perspective of the armament problem it must be viewed internationally and the facts and figures which I shall attempt to present are submitted with the hope that they may shed some definite light upon this all-absorbing subject, which might well be called the "problem of the ages," and while the facts and figures are, to be sure, mostly drawn from national sources, their purpose is to illuminate international conditions, and I wish to make it clear by way of reiteration that they are not presented as arguments for national reduction independent of other nations of the earth nor to in anywise suggest that the problem is of greater importance to the United States than to other countries.

The financial aspect of armament may properly be first considered in connection with the great World War. The total direct cost in the war, not counting interest charges, is officially given at $186,000,000,000 for all belligerents.

The capitalized value of human life destroyed, soldiers and civilians, on a conservative basis, is given in round numbers as $67,000,000,000.

The claims for damages against Germany constituting part of the price she pays for attempting to enslave civilization by the use of her armament, preferred under the treaty of Versailles by the parties thereto as officially reported to the Reparation Commission, but without review, was approximately $47,600,000,000, or about $1,000,000,000 a month for the duration of the war.

Shipping and cargo losses are given at $6,800,000,000; loss of production at $45,000,000,000; war relief and loss to neutrals at $2,750,000,000. It may be said that roughly $355,000,000,000 is the financial handicap that the world has taken on since 1914.

The Danish Research Society, on the social results of the war in Europe, has compiled very interesting data on the loss of life, which is given in the following statistics:

	Decrease in birth rate.	Loss through increase of death rate.	Among those killed in war.	Total loss.
Germany	3,600,000	2,700,000	2,000,000	6,300,000
Austria-Hungary	3,800,000	2,000,000	1,500,000	5,800,000
Great Britain, Ireland	850,000	1,000,000	800,000	1,850,000
France	1,500,000	1,840,000	1,400,000	3,340,000
Belgium	175,000	400,000	115,000	875,000
Italy	1,400,000	880,000	600,000	2,280,000
Bulgaria	155,000	130,000	65,000	275,000
Rumania	150,000	360,000	159,000	510,000
Servia	320,000	1,330,000	690,000	1,650,000
Europe	8,300,000	4,700,000	2,500,000	13,000,000
Russia and Poland	20,250,000	15,130,000	9,829,000	35,580,000

The worst of these percentages is not their size. The worst of it is that these post-war figures would only be cut about 15 per cent if the world were to return to its former habits. The United States, which at this moment is setting the pace in armament competition, used to spend more than 70 per cent of its total annual budget for war purposes, not in a single year only, but on the basis of the running of the Government since 1870. I submit herewith the figures:

Expenditure for armed peace and war.

	1870–1916—Omitting Spanish American and World Wars—47 years.	1870–1919—Including Spanish American and World Wars—50 years.
Army	$3,956,346,000	$19,334,031,000
Navy	2,594,530,000	6,229,612,000
Interest	2,455,865,000	3,294,001,000
Pensions	4,906,803,000	5,492,874,000
	13,913,544,000= 71.5%	34,327,578,000= 76.4%
All other purposes	5,543,727,000= 28.5%	10,672,148,000= 23.6%
Total	19,457,271,000=100.0%	44,937,065,000=100.0%

The burden of this debt brings it about that every belligerent has such staggering taxes as to hamper all the processes of national and individual life.

I call to your observation that for the first time in history a nation, dismembered Austria, has practically gone into the hands of a receiver. More than 11 out of 12 of the European States, even with tremendous taxation, are spending far beyond their incomes, and three out of four countries in the world are unable to raise the taxes to meet their running expenses. The United States, widely heralded as the richest nation in the world, this year shows an estimated Treasury deficit of about $2,005,037,000, and in 1922, with all of her economies, it is estimated that the minimum deficit which can be shown is $1,448,581,000, taking into account as a part of expenditures refunding operations of the fiscal periods. The situation in Europe is so bad that any nation which can even approach normal conditions of solvency regards the same as a triumphal achievement.

Italy, for instance, after herculean effort in paring down national expenses proudly announces that this year's deficit has been cut from 14,000,000,000 to 10,000,000,000 lire, and the cabinet gets a vote of confidence for what is regarded as a wonderful accomplishment.

Contrary to the idea which is all too prevalent, the United States is little better off than Europe.

The year after the war Congress appropriated 92 per cent of the total amount of money for the year ending June 30, 1920, for purposes of war, past, present, and future, leaving the munificent (?) remaining 8 per cent for the rest of the Government.

By a certain amount of luck and the national demand for economy the expenditures fell below the appropriation, and the percentage of disbursement for that year was 86.4 per cent for war purposes and 13.6 per cent for the normal activities of civilization. The strange, but true, had happened. The Army and Navy had acquired billion-dollar habits, and the percentages since then stand as follows:

Current financial condition of the United States.

[By the United States Bureau of Efficiency.]

	1921 appropriations.	1922 estimates.
Past wars	$2,838,118,400=67.9%	$1,794,575,915=44.10%
National defense (Army and Navy)	855,956,962=20.5%	1,548,025,312=38.05%
Total, past wars and present defense	3,694,075,362=88.4%	3,343,601,227=82.15%
General purposes (except Post Office)	481,744,726=11.6%	725,848,630=17.85%
Total for all purposes (except Post Office)	4,175,820,088=100.0%	4,068,449,857=100.0%

It is a notable fact that after every war expenditures for naval and military purposes have tended to rise. The reason is not far to seek. The "experts" who before the war explained that their current weapons were absolutely necessary on emerging from the war discovered that much of the armament they went in with was a broken reed. The guns did not shoot far enough, ships were not big enough, and expenses took another jump. It is not necessary for a nation to be a participant in a war for this to be true.

The effect is the same upon the nation which is only an onlooker, and so after each conflict the danger of "bleeding to death in time of peace" is increased.

The World War is no exception to the rule, as witness these figures:

Growth of armaments after war.

Country.	Army.		Navy.	
	1912	1921	1912	1921
Belgium	$13,119,000	$107,823,000	[1]	[1]
France	177,656,000	1,148,331,000	$81,693,000	$167,799,000
United Kingdom	134,850,000	710,713,000	216,194,000	410,605,000
Italy	83,284,000	80,815,000	41,859,000	45,712,000
Japan	47,066,000	106,285,000	46,510,000	176,072,000
United States	107,787,000	771,530,000	136,390,000	651,222,000

[1] No navy.

Only recently a Member of Congress figured out the cost of our Army per capita, based on the Army appropriation bills for the last 12 years. These comparative figures are submitted herewith:

Cost of Army per capita.

Year.	Officers and enlisted men.	Army appropriations.	Per capita cost.
1909	84,133	$94,371,000	$1,121
1910	84,500	100,459,000	1,189
1911	81,363	95,341,000	1,171
1912	87,094	92,587,000	1,033
1913	91,384	90,907,000	994
1914	94,890	94,241,000	993
1915	103,403	101,019,000	976
1916	105,120	101,959,000	969
1917	141,420	267,801,000	1,893
1918	1,358,713	5,248,708,000	3,863
1919	2,516,719	12,271,868,000	4,876
1920	294,015	772,324,000	2,630
1921	187,946	392,558,000	2,088

It is perhaps neither new nor consoling to learn that armies have been constantly increasing in size, and the progress toward the military system of universal draft in case of hostilities is most interesting and enlightening.

The Napoleonic, Crimean, and Franco-Prussian wars of 1800, 1854, and 1870, respectively, present figures worthy of consideration and attention.

The year 1921 marked the period in which both Germany and Austria ceased to be what they had long been—the European pivot of the armament race. The following table shows the growth attending the Army in the United States and leading European nations at the different high points between 1800 and 1921:

Growth of standing armies.

	1800	1854	1870	1880	1900	1906	1921
Great Britain	169,428	417,046	302,405	307,494	513,863	445,731	425,000
France	160,230	260,000	393,500	609,983	672,565	677,581	735,000
Austria	280,000	539,000	800,000	291,876	375,291	409,638	22,000
Russia	433,000	677,000	733,000	947,000	1,119,000	1,225,000	1,500,000
Germany	220,000	127,000	315,000	427,000	495,000	610,000	150,000
United States	5,000	10,000	54,000	25,000	65,000	67,000	222,000

I regret that I am unable to furnish figures for the Japanese Army during the corresponding period, but we may rest assured that this enterprising nation of the Rising Sun, quick to imitate in recent years, and more often disposed to lead than to follow, does not prove an exception to the rule.

The world has just been through a great war, a World War, widely and officially called "impossible" before it happened.

The next war will start in where this one left off, plus the advantage of military experience in the interval. To depict the next conflict if, or when, it comes, is a fascinating temptation to a vivid imagination. To him who yields to that temptation only one thing is certain—he will fall short of the mark.

To summarize, this past war is a sufficient forecast of these conflicts of the "absolute type," to use the phrase of Clausewitz, the standard schoolmaster of military theory. Gen. Tasker H. Bliss, who was our member of the supreme military council during the operations of the allied armies and who later became a member of the American Commission to Negotiate Peace, summarized the situation as follows:

First. It is a world war, such as we have just passed through, which is necessarily one involving the great civilized powers, that constitutes a menace to our existing civilization.

Second. Such a war depends upon a few so-called powers.

Third. A war between any two of them, which formerly created relatively only a ripple on the surface of the great deep, now has an irresistible tendency to draw them all into the roaring maelstrom.

Fourth. To meet this, these few nations must stagger under an increasing burden during the years of armed peace, solely to train what, if we can find some other method satisfactory for our purpose, is an unnecessary number of men in purely destructive arts; and to accumulate enormous quantities of costly material which does not add a penny to our permanent wealth, and which when used for the only purpose for which it can be used is finally represented by an atmosphere of stinking gas and by the destruction of every form of real and otherwise permanent wealth.

Fifth. Such wars resulting in the application of every ounce of accumulated energy on both sides, must result in the practical destruction of one by the other, even if both are not ruined.

Sixth. Such wars, necessarily characterized by an intensity of national passions heretofore unknown, come to be regarded by each side as wars for life or death, in which each, to save his life and destroy his adversary, will use every agency of destruction available to him; and therefore such agencies as the absolute blockade to starve people who heretofore were regarded as noncombatants, noxious and toxic gases, night and day bombing of cities from airplanes, the submarine, have come to stay until replaced by more destructive agencies.

Seventh. Various causes will operate to draw neutrals into the struggle.

Eighth. When war comes it will be without warning, and everyone must be ready.

Ninth. All of this is due to the acceptance by a few Governments of the military doctrine of a nation in arms; to their belief that no way can be found to guarantee their rights except universal preparedness, no guaranty against a general war except a general preparation for it.

And, lastly, with all that staring us in the face, the fact that after the last ounce of strength has been accumulated and the last combination of powers has been made, one side or the other must strike or forfeit every dollar and every hope bound up in its preparation.

In such a war there will be no "first 100,000." Gen. Pershing furnishes this testimony as to numbers:

It is evident that a force of about 1,000,000 is the smallest unit which in modern war will be a complete, well-balanced, and independent fighting organization.

War is not only colossal in scale and scope henceforth, but it is three dimensional, whether we view it as military or naval or take the point of view of the civilian. On land, war is already conducted on, above, and under the ground; at sea, it is on, above, and under the water. Back home the sons go to the front, civilians turn their industries over to war purposes, and everybody bends every effort to fight the enemy with literally all weapons from dollars to bread crumbs. The noncombatant has been abolished, and war projects itself in time of peace into every nook and cranny of the industrial world in preparation for the next outbreak of hostilities.

The next war will not confine itself to trenches in devastated France. Its impact will not only be upon those within range of the guns, even though the range has risen to scores of miles. For every man on the firing line there are four at home furnishing equipment of all kinds to him. But even if that were not true, the distinction between combatant and noncombatant is not as valid as it used to be. The mobility of warlike operations has so increased that military objectives have completely changed. Aircraft traveling under ordinary conditions 100 miles an hour on tracks of their own choice are responsible for the expansion of warfare to include potentially every human being in the countries at war.

Quoting from the testimony of Brig. Gen. William Mitchell, in a recent hearing before the House Committee on Naval Affairs, he said:

Gas bombs were not used in Europe because if one side had started it the other side would have started it and the loss of life among women and children in the back areas would have been terrific. However, that is contemplated as a possible use of the airplane in the future, and we find * * * that we can use certain amounts of certain gases for covering areas where the gas will continue to be effective for a period of time. If we wanted to cover an area of 10 miles, such as New York—New York is a very easy target—we may use about 2 tons of crying gas once in every eight days. If we wanted to use mustard gas, we would use about 70 tons once in every eight days. If we wanted to use phosgene gas, 200 tons. This, of course, is very deadly.

And this is the latest, the quotation being from D. B. Bradner, Chief of the Chemical Research and Development Division, United States Chemical Warfare Service:

The Chemical Warfare Service has discovered a liquid approximately three drops of which, when applied to any part of the skin, will cause a man's death. * * * One plane carrying 2 tons of the liquid could cover an area 100 feet wide by 7 miles long in one trip and could deposit material to kill every man in the area by action on his skin. Where men were not protected by gas masks, which would be the case if attack were made on a city, the fatal area would be several times as great. * * * The only limit to the quantity of this liquid which could be made is the amount of available electric power, as nearly every nation has practically an unlimited supply of the necessary raw materials. It would be entirely possible for this country to manufacture several thousand tons each day provided the necessary plants had been built. * * * During the Argonne offensive in the past war the entire First American Army, of one and a quarter million men, occupied an area of 40 kilometers long by 20 kilometers wide. If Germany had had 4,000 tons of this material and 300 or 400 planes equipped for its distribution, the entire First Army would have been annihilated in 10 to 12 hours. * * *

During the past war gas produced over 30 per cent of our casualties. In the future the percentage will be far higher. New methods of defense will be devised to meet this particular new development.

The gas referred to, commonly known during the war as the "mystery gas," was invented by Prof. W. Lee Lewis, head of the chemistry department of Northwestern University, in a series of experiments, costing about $250,000, conducted during the war by direction of the President. Speaking at West Point on April 20 last, Prof. Lewis is reported as saying:

We face the possibility in naval warfare of the future of armor-piercing, toxic, and tear shells; smoke screens, toxic smoke screens, and invisible toxic fumes. We may also consider in this connection parallel defensive measures, such as gas mask for a whole battleship. Gas weapons are capable of a much finer adaptation to purpose than explosive weapons, and the future will see worked out a degree of scientific refinement in the development of gas weapons for all types of military operations. Future battles will not be to the strong but to the superior in intelligence. Warfare will become less a matter of brute strength and relative man power and more and more a matter of scientific acumen.

Gen. Pershing, commander in chief of our armies, who considers such probabilities, has the following to say:

It would appear that recent experience should be enough to convince everybody of the danger of renewal of this competition. But one nation can not reduce armament unless all do. It is time that enlightened people everywhere should undertake to reach some rational agreement which would not only relieve the world of its heavy financial burden but which in itself would go far toward the prevention of war.

We are not a warlike people. We do not wish to expand at the expense of any other nation, and we have no designs on anybody. If other people feel the same toward us and toward each other, it seems unreasonable that they will be unwilling to consent in principle to some limitation of armament to be carried out when certain nations succeed in establishing stable governments and are willing to recognize the wisdom of such a course. Otherwise, may we not seriously ask ourselves whether civilization is a failure and whether we are to regard war as a normal and inevitable scourge that mankind must suffer?

"In some future years," said Sir Edward Grey, in accepting the American invitation in 1911 to negotiate an unlimited arbitration treaty, "great nations of the world may discover, as individuals have discovered, that law is a better remedy than force, and that in all the time they have been in bondage to this tremendous expenditure the prison door has been locked on the inside."

That is the exact truth, and conditions have brought it about that America is found to have the key. Let us sketch the sequence of events. The World War, no reader needs to be reminded, was widely and quite properly heralded as a crusade against militarism, as a war of peace. Statesmen, with civilization hanging in the balance, called upon their peoples to hold fast to the end that this agony would not again come upon the world—and the people believed them, you and I among them. Unquestionably the allied leaders on land and sea also believed this to be true. Witness Admiral Sims, who was head of the United States naval forces in Europe and was in continual conference with all the naval chiefs of staff and who, speaking of reducing armaments as an aftermath of the war, says:

These things were continually discussed and one of the commonest remarks was that when we should get done with this war we will all be pretty faulty if we can not find some means by which we can get along peaceably in the world, and save the world the enormous expenditures of a country like France, which needed a great army to protect itself from invasion from the east, and countries like Great Britain, needing protection on the sea.

That the idea did not die when the armistice halted the warriors when the zero hour of a hoped-for peace was struck is evidenced by the testimony of Gen. Bliss from the inside of the peace conference:

In the conduct of the peace conference the military committee, representing all the nations concerned, and particularly the five great powers, was charged with the work of drawing up the military, naval, and air terms to be imposed upon Germany and the other Central Powers. It was originally intended to embody these terms in a preliminary treaty. The committee in a short time agreed upon these terms and submitted them to the conference. After a great deal of delay they were finally approved, but the delay, although there was some difference of opinion as to the character of one of the terms, was mainly caused by the intervention of other matters. The peace terms, as drawn up by the military committee, prescribed what it was proposed to impose upon Germany for the purpose of destroying the military machine which she had built up and completely destroying the military system which alone enabled the machine to exist and operate. When the peace conference accepted these terms it agreed upon the introduction of a preamble to them, the exact words of which, as I now recall them, are as follows:

"In order to render possible the initiation of a general limitation of armaments for all nations, Germany undertakes strictly to observe the military, naval, and air clauses which follow."

The preamble was signed without hesitation by the representatives of 34 nations, including those of the existing five great powers, and in addition to those of the Central Powers.

The soldier-statesman might have gone further. He might have said that therein the victors had given the first real gauge of battle to the god of war; that in cutting down the arms of the vanquished they had one and all pledged themselves to do likewise. Without attempting to turn back the water which has now forever gone over the mill, many plain Americans find themselves asking, What would have happened if the President of the United States had only bent sufficiently from his program of determined action to have permitted the "associated power" to participate to the extent of its judgment in the peace? No one can say with certainty what the outcome would have been, but many believe that we would have been much further advanced in the solution of the problem which we are now endeavoring to meet.

As the association of nations that won the war thus lost its strongest partner, the condition of Europe has gone from bad to worse, and throughout the world, once the peace was signed, no man knew in the morning what the day's Gethsemane would be.

First of all, respecting armaments, the United States followed logically the stand of aloofness which by a series of complications she had been forced to take. The rest of the effective world was bound by certain understandings, pledged to talk before they fought, pledged to aid each other under certain conditions, and pledged to substitute law for force; but we find the anomalous situation of countries who were in a technical state of peace continuing in a more or less actual state of war, and our own country in a technical state of war but in an actual condition of peace. To be sure, the United States had, in fact, blazed the trail, but all the other victors by a peculiar "circumstance of history" had forged ahead of her by signing a single document at one and the same time.

The American people are peculiarly constituted, but above all are disciples of the god of things as they are and not as some might have wished them to have been or as they may have been. Whatever the merits or demerits of the case may have been, whether we were kept out by internal dissension or pride of opinion in high places, matters not now. The United States, the giant of the Western Hemisphere, a Nation surrounded by wide oceans and friendly or impotent neighbors, proceeded with an extensive naval program of several years' standing because the opinion of the General Board of the Navy prevailed in our legislative bodies. Without criticizing the sincerity of the words, I find the following in a recent report of the Secretary of the Navy, quoting from a memorandum of the General Board of the Navy:

Our present Navy is not sufficient to give due weight to the diplomatic remonstrances of the United States in peace nor to enforce its policy in war.

Putting it that way immediately shocks the patriotic American, who knows full well the honorable and generous history of his country, but in the matter of armament rivalry, involving the life or death of nations, it is not the domestic opinion, though true, that counts, but the international effect of the country's action. As an inheritance of past warfare and strife, linked with diplomatic duplicity, we find that international suspicion is deeply ingrained in the historical sense of nations, and the procedure of the United States, most unfortunately, has been viewed in that light. It would appear that the facts and experiences of history are cumulative, and that the mistakes of nations, like those of individuals, rise to hamper and restrict progress, peace, and good will in the world. Fear in nations, like fear among people, is the bugaboo of mankind. However unreal such fear may be, it exists, not only against us but with us against others. Being more or less intangible, it is one of the most difficult things to dissipate. There is only one way to do it. Take all national fears into the open and let the sunlight of reason and publicity dissipate them so that there remain only the legitimate requirements of defense, all the better for being understood instead of being misunderstood. One way to do this is to call a conference—a conference of sunlight on international relations. The keen mind of Gen. Bliss analyzed the result of such a meeting from the point of view of the United States in the hearings before the Committee on Naval Affairs, House of Representatives, Sixty-sixth Congress, third session, pages 595 and 596. I quote him as follows:

I know that you gentlemen are thinking of the interests of the people of the United States. You are asked to appropriate large sums for preparedness. When representatives of our military agencies come here to tell you what they need the money for, they do not tell you that they desire to build up our military system for any vague purpose, but that it is necessary to do so in order to protect our own Nation. They tell you that they fear something, and if you ask them what it is, they will tell you exactly what it is they fear. If they do, they will tell you everything that has been told every Government for 50 years. For 50 years they have been explaining their bills needed to get the money necessary to prepare, not as many say for aggression, but for defense. And so you, like other Governments, have been told what it is that we fear and whom we are afraid of, but neither you nor they have been told what the people really fear, and I do not think that either you or they will ever know until there is a conference, such as has never been held, in respect to which the peoples of all nations will know day by day exactly what the representatives propose to do and why they propose to do it. The result of such a conference will enable us, for the first time, to actually know what nation or nations, if any, we must prepare ourselves against. In such a conference we should make a reasonable proposition tending to remove national fear. We would know that any nation which declined to accept it is likely to be,

as far as we are concerned, the next Germany, whose aggression we must be prepared to resist. We can then go to the people of the United States with a clear conscience and demand their billions for defense against such a nation.

But some ask, should we really take the lead in calling such a conference? My answer is this: If you agree with me that we occupy the key position in the world respecting reduction of armaments, how can we fail to act and live up to our full responsibility toward ourselves and toward mankind? The answer, to my mind, is clear. The conference must and will be called. The people of the country desire it, Congress has been pushing the matter, and the President himself has spoken. It is a part of a definite policy dating back to the very inception of the Naval appropriation bill of 1916 authorizing the naval building program now under way. I quote from that document:

It is hereby declared to be the policy of the United States to adjust and settle its international disputes by mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon the general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength. In view of the premises, the President is authorized and requested to invite at an appropriate time, not later than the close of the war in Europe, all of the Governments of the world to send representatives to a conference which should be charged with the duty of formulating the plans for a court of arbitration or other tribunal to which disputes common between nations should be referred for adjudication and peaceful settlement, and to consider the question of disarmament, and submit their recommendations to their respective Governments for approval. The President is hereby authorized to appoint nine citizens of the United States, who in his judgment shall be qualified for the mission by eminence in law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of such representatives and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

If at any time before the construction authorized by this act shall have been contracted there shall have been established, with the cooperation of the United States of America, an international tribunal or tribunals competent to secure peaceful determination of all international disputes, and which shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals may be suspended, when so ordered by the President of the United States.

This is an ample precedent, but it is not the first similar declaration of policy. As far back as June 25, 1910, a resolution of similar import was adopted and stands of record in a joint resolution which I do not deem it necessary to quote.

The United States has had an historical policy in forwarding international disarmament, and Congress has always given to the Executive sympathetic assistance in all such moves when they fell within America's range of international relations. So it is that while the policy is an historical one, the unfortunate position of certain European powers which have now disappeared from the field of dominant European politics did not permit of an appropriate presentation. The intervention of a European war, of course, further limited our opportunity to act, but now the responsibility is fairly upon us and the Government has shown a realization of its duty. For the initiation of this new development we are greatly indebted to Senator BORAH, of Idaho. By a vote of 58 to 0 the Senate on March 1, 1921, passed an amendment to the bill, which eventually failed, to make appropriations for the naval service, in these words:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain and Japan to send representatives to a conference which shall be charged with the duty of entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

The same text was again introduced in the Senate on May 4 by Senator BORAH, and we now find the Senator, whose activities and sincerity I must heartily commend but with whom I do not agree as to detail, offering substantially the same resolution as a Senate amendment to the present naval bill.

The chairman of the Committee on Foreign Affairs of this House, Mr. PORTER, who is none the less persistent and vigilant in furthering this great idea, on June 6 introduced the following joint resolution, with which, I am frank to say, I am in complete accord, and which, I trust, will be adopted, either as a separate resolution or as a substitute on the present naval bill in lieu of that presented by the distinguished Senator from Idaho [Mr. BORAH]. This is merely a matter of personal opinion, however, and I shall loyally support whichever of these resolutions Congress may, in its wisdom, decide to adopt.

The Porter resolution is as follows:

Resolved, etc., That the Congress hereby expresses its full concurrence in the declaration of the President in his address to Congress on April 12, 1921, that "We are ready to cooperate with other nations to approximate disarmament, but merest prudence forbids that we disarm alone," and, further, fully concurs in his declared purpose and intention to call an international conference to consider the limitation of armaments, with a view to lessen materially the burden of expenditures and the menace of war, and that for the expenses preliminary to and in connection with the holding of such conference the sum of $100,000, to be expended under the direction of the President, is hereby appropriated.

There is a school of opinion which maintains that in the pressing matter of reducing armaments the problem is one for statesmen and not for legislators to settle. To a certain degree I am in accord with this idea, but not entirely so. Legislators reflect the opinion of the people, and should be encouraged to do so. Perhaps it is not their duty, solely and alone, to appraise the international political elements which must be considered in deciding when and in what way to initiate the necessary conference. It will be noted that the Porter resolution does not assume to initiate, but simply seeks to concur and indorse, and in this respect I feel that it is a more appropriate form to adopt than that which comes to us from the other end of the Capitol.

It is not too much to presume that the very best statesmen will be selected for the task of representing the United States in the conference. Military and naval officers undoubtedly will be included as technical experts, but should not predominate. It has been said that the military and naval profession is comprised of men "whose sole business is to think in terms of war." Their domination in a conference such as is proposed might serve to stimulate the international fears to which I have referred and work to a minimum reduction of armament and in a sense nullify the opportunity for constructive solution of the problem before us. I have the highest regard for the patriotism and ability of the military and naval authorities of this Nation, who have so well and faithfully served our common country, but their business is to employ force when called upon to do so and to have their force ready for action in a case of need. Their point of view is fundamentally and properly different from that of the statesman and the civilian.

In the high theory of military and naval circles, the war game as a form of strategical exercise is a normal and inevitable thing. For the purpose of working out a problem an assumption is made that the United States is at war with France or some other foreign country. The officers of the Navy War College, for example, intensively study the naval situation of the two countries, with respect to possibilities of attack and defense, work out a tactical campaign with model warships under the command of officers. There develops in the course of such exercises certain advantages of a French type of vessel, which exists in no other navy, over an American one. The result of that in the next Congress may well be an insistent demand that that certain change be made in construction, all of which is quite valid from the technical point of view, but is invalid from the political point of view because it does not take into consideration the practical impossibility of war between the two countries involved. I simply cite this illustration to bring out the point in question.

It is obvious that policy must take some account of the military conditions. In the United States the Executive is superior to the military or civil power. The Constitution, as you well know, provides "That the President shall be Commander in Chief of the Army and Navy." It being equally obvious that military requirements are dependent upon policy and that in the State Department lies the duty of determining the dangerous elements in policy, it seems that there should be closer coordination between the conduct of the Nation's foreign affairs and the military and naval branches of the Government. But aside from whatever discussion takes place in Cabinet meetings, nothing of the sort seems to occur. In fact, before the war, there were highly organized and exceedingly efficient Divisions of Military and Naval Intelligence, but nothing similar in the State Department. There now exists in the latter a Division of Political Intelligence, the principal business of which is to coordinate the various elements of foreign policy for the use of those who conduct the daily work of the department. From the point of view of armaments this still leaves something to be desired. The President, the Secretaries of State, War, and Navy, and possibly the chairmen of the corresponding committees of the two Houses of Congress might, with great profit to the Nation, be constituted a national defense committee.

Our great trouble in this matter in the minds of many is that the branches of the military have not been in practice properly coordinated in their relations to other branches of the Government. The State Department should be consulted about the size of the Navy and also of the Army. Aside from the President and Congress, no other persons should be permitted to intrude. These, on the other hand, however, should not have any opinion as to whether the Navy should be made of battleships or submarines, or any other technical type, but should

rely upon the Navy Department for proper determination of these professional subjects.

As far as the United States is concerned, the chief problem in the reduction of armaments is naval. The oceans increase mutual fears. It is usually possible to be friendly with a neighbor nation and there is a natural democratic deterrent to building up a great army from among a peaceful folk because of the sheer number of men required, but a navy needs comparatively few men, and it is easy to fear nations far away.

Navies are more closely allied in the public mind with foreign wars than armies. Differences between nations that are contiguous with a few notable exceptions are comparatively few. They will not raise the question of employing armies. All other differences have had the Navy in the background as a final resort, and there is a notable tendency on the part of the naval men to bank on that circumstance.

This explains the statement of the American General Board of the Navy when its experts inform us "our present Navy is not sufficient to give due weight to the diplomatic remonstrances of the United States in peace," or other words to that effect.

There was a time when that attitude was unquestioned and when the number of naval powers was great enough to justify it in some degree.

But the situation is changed. The World War has given the naval rivalry an entirely new aspect. Just before it some figures were carefully compiled with the object of showing the monetary investment of the world in navies.

It was found that the eight powers had combined fleets with a conservatively estimated worth of around $4,000,000,000, while the other powers having fleets of any size could value them only at about four hundred million, or substantially one-tenth. Obviously any possible rivalry was then confined to the leading eight, but after the World War there emerged but five powers with major fleets, and their naval armaments is rather relatively larger than before the war in comparison with the minor fleets. In fact, on the basis of tonnage, the British Empire in 1914 had the only fleet as big as the total minor navies, while to-day four out of the five majors have navies which outrank all the minors together.

Not only is the discrepancy between the minors and majors increased but the differences among the majors have become notably larger.

The war, generally speaking, effected great reductions in tonnage by rendering ships obsolete, so that only Great Britain and the United States show increase in 1914 and 1921.

Fleet tonnage, 1914 and 1921.

MAJOR.

	1914	1921	Percentage of 1921 to 1914.
Great Britain	2,188,250	2,412,146	114
Germany	951,713	Minor.	
United States	765,133	1,196,281	156
France	665,748	514,581	77
Japan	519,640	492,652	94
Russia	270,861	Dispersed.	
Italy	285,460	145,891	51
Austria-Hungary	221,526	No navy.	
	5,868,331	4,761,554	81

MINOR.

Argentina	120,760	59,680	49
Brazil	117,591	46,600	39
Chile	113,508	38,630	34
Denmark	37,197		
Greece	55,950	41,004	73
Germany	Major.	94,964	
Netherlands	95,907	4,766	4
Norway	39,288	1,623	4
Peru	19,122	7,000	36
Portugal	21,919	1,846	8
Spain	117,819	46,804	39
Sweden	89,179	1,880	2
Turkey	70,560	7,000	9
	898,800	351,791	39

What the war did to fleets was to send practically everything of any age to the junk pile, or to the intermediate purgatory of being out of commission. The British naval list of March, 1914, gives 76 battleships. The United States naval intelligence now credits her Navy with 26, while the British return to Parliament of March, 1921, accounts for only 22.

Current statistics are discrepant, showing the doubt in the minds of even experts.

The British return to Parliament referred to arranges ships according as they do or do not embody war lessons.

Rear Admiral Long, director of naval intelligence, writes that—

It is not possible to state definitely what vessels embody the lessons learned at Jutland, but the office can furnish you with what is believed to be the correct numbers of total ships in the various classes.

This statement follows:

Strength of major navies, May 1, 1921.

	Great Britain.	United States.	Japan.	France.	Italy.
Battleships, first line	26	16	6	7	5
Battleships, second line	6	16	4	10	3
Battle cruisers, first line	6		4		
Battle cruisers, second line	4				
Cruisers, first line	2				
Cruisers, second line	4	10	5	7	3
Light cruisers, first line	45		8	4	5
Light cruisers, second line	14	3	1	1	3
Destroyer leaders	20				
Destroyers, first line	237	286	35	10	14
Destroyers, second line	16	21	12	36	29
Submarines	147	102		62	23
Aircraft carriers	6				

In connection with the fleets as a whole, one of the most frequent arguments used is the necessity of defending the coast lines. At first glance it seems clear that the relation between sea exposure and sea power is fundamental, but on closer examination no such conclusion follows.

The character of the coast, the number, size, contour of the harbor, for instance, may throw the fantastic theory away.

For example, on our Atlantic seaboard there are several good harbors to one on the Pacific, therefore it follows that from a strategical point of view a larger number of ships would be required to defend our Pacific coast than to defend the Atlantic coast, although the Atlantic coast exceeds considerably in miles of length the Pacific coast.

The British Atlantic coast includes not only the British Isles but South Africa and the West Indies.

The Dutch colonial coast is twenty-four times the length of Holland itself, and thousands of miles away from the homeland.

So it would seem that no general conclusions could be drawn from such figures, but, as a matter of interest to the House, they are presented herewith for what they are worth:

Seacoast of the various countries of the world.

	Statute miles.				
	Pacific.	Atlantic.	Indian.	Arctic.	Total.
Argentine Republic		2,418			2,418
Belgium		71			71
Brazil		4,007			4,007
Central American States	904	887			1,791
Chile	2,883	58			2,890
China	3,604				3,604
Colombia	1,002	1,071			2,073
Cuba		2,855			2,855
Denmark		2,503		1,842	4,346
Ecuador	835				835
France	2,291	4,941	3,017		10,250
Morocco		1,082			1,082
Germany		1,989			1,989
Great Britain	11,487	15,303	17,394	5,320	49,504
Greece		1,301			1,301
Crete		415			415
Haiti		737			737
Holland	12,503	607	4,698		17,811
Italy		2,815	1,347		4,163
Tripoli		1,048			1,048
Japan	5,286				5,286
Korea	1,393				1,393
Liberia		1,082			1,082
Mexico	3,777	1,675			5,452
New Hebrides and Santa Cruz Islands	449				449
Norway		1,559		794	2,353
Oman			1,520		1,520
Persia			967		967
Peru	1,762				1,762
Portugal	282	2,320	1,825		4,427
Rumania		138			138
Russia	7,210	2,637		10,571	20,417
San Domingo		668			668
Spain		3,025			3,025
Sweden		1,458			1,458
Tonga (Friendly) Islands	311				311
United States	2,410	10,467			12,877
Alaska	15,132				15,132
Philippine Islands	10,850				10,850
Porto Rico		362			362
Guam	84				84
Hawaiian Islands	810				810
Panama Canal Zone					29
Samoan Islands	91				91
Uruguay		345			345
Venezuela		1,330			1,330

The cost of the Navy is constantly rising and types of vessels constantly multiplying. The latest figures for naval materials is given in the House and Senate hearings for January and February last, as follows:

Cost of naval vessels.

Battleship, with ammunition	$43,145,000
Battleship, without ammunition	38,500,000
Airplane carrier, 35,000 tons	28,000,000
Airplane carrier, 25,000 tons	21,600,000
Cruiser, 10,000 tons	9,900,000
Submarine chaser	5,900,000
Fleet submarine	4,000,000
Transport	4,000,000
Mine-laying submarine	2,500,000
Destroyer	2,000,000
Gunboat	1,100,000

Cost of aircraft.

HEAVIER THAN AIR.

Ships' spotting planes	$41,000
Ships' fighting planes	38,910
Tordepo planes	87,400
Reconnaissance planes	34,540
Pursuit planes	34,980
Practice planes	40,090

LIGHTER THAN AIR.

Nonrigid airship	160,000
Small touring airship	60,000
Kite balloons	15,000
Free balloons	5,000

Another phase of naval cost is deterioration. Vessels are retired after a period of service which is constantly decreasing in length. A battleship can not be expected to hold its place these days for more than 10 years, but may not be written off completely for a much longer time. Some of our obsolete battleships are even now doing service in the Greek Navy, and the German battleships, by the treaty of Versailles, may not be replaced for 20 years.

In time of peace "obsolete" is the epitaph erected to a naval vessel that has passed into the discard. The very special character of naval craft is illustrated by the fact that they are worth practically nothing except for their designed purpose—the Eagle boat for instance.

The following table, drawn from British sources (American figures not being readily available), shows that 10 years ago the junk value was negligible:

What obsolete means in money.

[British warships sold in 1909-10.]

Name.	Year of completion.	First cost.	Sale price.	Value of gear removed.
Rodney	1877–88	$3,741,825.78	$103,761.00	$25,680.24
Collingwood	1886–87	3,431,534.22	93,340.00	2,629.26
Snap	1872–73	43,944.12	4,568.40	466.56
Anson	1888–89	3,525,570.36	103,032.00	15,969.96
Benbow	1887–88	3,765,484.26	103,032.00	18,543.70
Thunderer	1877–78	2,151,070.02	94,770.00	8,733.42
Defiance II	1861	304,979.58	6,925.50	105.92
Hornet	1894–95	181,768.86	5,832.00	3,353.40
Torpedo Board	1887–88	81,432.28	1,458.00	340.20
Submarine	1907–03	234,567.90	86,623.88	53.46
Gladiator	1899–1900	1,397,757.44	73,507.50	.....
Lee	1900–1901	277,885.08	315.90	10,045.62
Mooring Lighter No. 77	1827	Not known.	73,507.50	.....
Harpy	1845–46	83,557.98	972.00	.....
Daisy	1878–79	6,546.70	315.90	.....
Total	.....	19,227,914.58	676,207.38	85,922.74

Total receipts from sale	$762,130.12
Expenses of sale	2,721.84
	759,408.28

Sir Percy Scott, who has been referred to as the greatest naval brain in Europe, writing in the London Times of March 15 last said:

I have asked the question, "What is the use of a battleship?" and have received one direct reply. A midshipman has told me, "It is no damned use at all." I sincerely hope that some member of the house will elicit where we shall store away our battleships in the event of our going to war? Shall we construct a safe harbor for them in Iceland?

Admiral Scott has repeated this in one of those famous discussions of public affairs conducted by the London Times, extending from November to February. In an early letter he put the English case against the battleship:

You must admit that in the war we were nearly forced to submission by starvation. You must admit that the German battleship played no part in reducing us to starvation. You must admit that if our battleships' superiority had been double what it was it could not have protected us from starvation. You must admit that the dominant arm of the war was the submarine. Strange as it may appear, I believe that this blunder (of building the wrong weapon to combat the submarine) won the war for us. Looking over some German correspondence in 1914 which has reference to my letter in your paper proclaiming that the battleship is dead, I believe that the Germans with astute minds thought that I was insincere, so they went on with their program and did not build submarines.

Flag officer reminds us of the fact that before the advent of the submarine the battleship did not feel very comfortable by night, owing to the possibility of attack by torpedo, but when the submarine came on the scene she did not feel comfortable either by night or day.

The new weapons have naturally revolutionized warfare, and up to the present they have favored defense much more than offense. They gave power to a weak country and have taken it away from the strong.

The rulers of our navy must call in a doctor and cure them of that complaint, "pig-headedness."

The submarine has adopted the tactics of all birds and animals. The brain of these creatures tells them, I suppose, that the greatest secret against attack is not to be seen. I am inclined to think that it is not a bad idea. By experience I have found that the animal very often imposes his will of not wishing to be dead on the sportsman who wishes him to be dead. How clever the animals are! I wish that they could speak, for they might be able to tell me what the use of a battleship is.

And all of this, my friends and colleagues, from such a high authority as Admiral Sir Percy Scott, of the British Navy.

But we find ourselves amid confusion by confusion confounded when the British first lord of the Admiralty, in a statement explanatory of the naval estimates of 1920–21, says that—

In our opinion, the capital ship remains the unit on which sea power is built up.

What are we poor mortals who are inexperienced to believe, anyway?

But it is significantly added, after discussion of the value of airplanes and submarines and of counter measures against them, "that it is even possible that the present battleships will change to one of submersible type and even of a flying type." In other words, when is a battleship not a battleship? Will some one please answer?

In other words, that the battleship, the capital ship of the future, may not be a battleship at all, but a submarine or an airplane, or possibly a "who knows what."

Having defined the battleship in theory, the Admiralty suavely turn to the building of real airplane carriers.

Then along comes the American General Board of the Navy, citing the British Admiralty in its annual report on September 24, 1920, with complete approval and added battleship credentials of its own.

On February 2, 1921, the General Board, on behalf of the Committee on Naval Affairs, again reached the same conclusion, in a report which was based on the historical (?) fact that—

The general principle of concentration of power in ships that can take and keep the sea at all times and in all weathers, that can deliver and receive the heaviest blows, and that can overcome the strongest ships that may be brought against them will continue as long as navies exist.

The report assumed by oblique criticism of their craft that these qualities were permanently inherent in the present type of battleship. It estimated that during the war "it was upon the potential power of these ships that the activities of all other naval craft was based," and then explained that it was "sea power vested and latent" in battleships situated at Scapa Flow and other bases which destroyed "by inaction" the offensive power of the German fleet.

The report repeated the 1920 quotation from the British Admiralty, but for some strange reason, strange at least to me, it did not mention the current British policy respecting capital ships which had been stated by the chancellor of the exchequer in Parliament two months before, in December, 1920.

White determined to maintain the Navy at a standard of strength which shall adequately secure the safety of the Empire and its maritime communications, the cabinet before sanctioning a program of reconstruction are bound to satisfy themselves that the lessons of the war have been definitely ascertained, more particularly as regards the place and usefulness of the capital ship in future naval operations. They, however, therein decided, and I am glad to say the Admiralty recommends the desire, that the committee of imperial defense should institute at once an extensive investigation into the whole question of naval strength as affected by the latest developments of naval warfare. They will present no program for capital-ship construction to Parliament until the results of this inquiry have been considered.

The United States and Japan are therefore the only present builders of battleships. It is proper in the course of this discussion, without going into the technicalities as to sea power, to set forth some of the salient facts respecting the use of battleships when there is a war to fight.

Our own rear admiral, Henry T. Mayo, in a paper describing the work of the Navy during the war, states when the various elements of the Navy were pressed into service, and gives dates which, arranged chronologically, show that the battleship was next to the last type of ship to go into the fight:

March, 1917, merchant ships armed. Gun crews assigned from the Navy.
April, 1917, destroyers sent to Europe.
June, 1917, cruiser convoys established.
September, 1917, decided to send battleships to Europe.
November, 1917, 14-inch naval guns assigned to land forces.
April, 1918, mine layers began work.

It is admitted that the battleship was not able to participate actively in combating the U-boat. The Germans during the war had in commission 399 submarines at different times, but they never had as many as 200 in commission at any one time.

A total of 207 submarines, worth at the outside $500,000,000, were sunk. Only 10,000 men were employed in the German submarine personnel, out of whom not more than 1,500 were adrift at any one time.

Against these forces was opposed the navies of Great Britain, France, Italy, Japan, and the United States, with a personnel of at least a million men, and there were daily pitted against the Germans 5,000 antisubmarine craft.

The shipping loss of the world ran to 12,750,000 tons, with an aggregate monetary value of seven billions. Our Navy built more than 750 vessels to fight the submarine.

It is absolutely absurd—

Says Admiral Sims in his book—

to say that a belligerent which was losing 800,000 or 900,000 tons of shipping a month, as was the case with the Allies in the spring of 1917, was the undisputed mistress of the seas.

A little study of this subject will give to some people who talk glibly about "control of the seas" a fundamental knowledge of the subject.

Says Rear Admiral Fullam, testifying before the Senate committee:

Subsequent to the armistice and two years after Admiral Sims went to England a new naval force, then in its infancy, has been developed—the Naval Air Force—and to-day this force operates with the other forces to decide who shall and who shall not control the seas.

The backbone needs still more assistance.

The surface fleet and the hitherto easy path of controlling the seas needs another ally—a force above it as well as a force below it. Without these two forces—if the enemy possesses both—the surface fleet can control nothing.

The value of the airplane based on what is in reality a capital ship, a 35,000-ton airplane carrier, is equally evident to the layman. As a weapon its encounter with the battleship would be a foregone conclusion dollar for dollar. The bombing experiments now taking place off the Virginia Capes furnish an interesting confirmation of this statement. The battleship costs $39,000,000 without ammunition. The fighting plane costs $39,000. A thousand airplanes for the cost of a single battleship.

The airplane travels five times as fast as the capital ship, carries six 1,000-pound bombs, and fires them by letting them drop. The bombs will penetrate all decks down to the protective deck, and then explode with such force as to put out of action any ship now built or designed, or acting as a depth bomb they will sink or put out of action any ship if they fall in the water within 60 feet of her hull.

The plane is relatively immune from antiaircraft guns, whose record of hits in the late war in Europe was 1 in 1,000 on land, and still less at sea.

Admiral Sims gives as his conclusion from all the facts and claims that an airplane carrier "would be unharmed, and a few, if any, of her planes would be shot down, while a duel would inevitably result in the destruction or disablement of the battleship," but the admiral's war game contemplates one airplane carrier would handle 80 planes on board. Such a vessel costs $28,600,000, and its 80 planes, $3,120,000, so that for $31,720,000 it is expert judgment that $39,000,000,000 can be knocked out.

The war purpose of a battleship is to carry explosives to a point where they can be delivered most certainly at the enemy from the deck as a gun platform. It is mobile artillery on the water. It has twelve 16-inch guns, and the latest models fire 1-ton shells up to 200 discharges. The total is 5,000,000 pounds of explosives for the enemy.

Then the guns are worn out.

The monetary equivalent of the capital ship, 1,000 airplanes, can carry 6,000,000 pounds of explosives on one trip. They have no rifling to wear out; they lose but 1 craft out of 1,000 on each trip by direct fire, and they can make five times as many trips as the fastest surface ship.

Efficiency would seem to lie with the flying ship.

This comparison is extremely interesting, and only to-day my distinguished colleague from Mississippi [Mr. RANKIN], like myself a new Member of this House, and I were discussing with great interest this very phase of the naval armament situation.

At the present time the United States has a most rapidly expanding Navy, and coming as I do from the Pacific coast, so long as the mad race for armament is on it is not my desire that my country shall lag behind other nations, but I am discussing this question at such length because I believe we would not be keeping the faith toward ourselves and posterity were we not to take full cognizance of the desperate situation which is even now upon us

The Navy Department has rejected every effort to halt construction of the 1916 program of 156 warships, and it is being fulfilled practically intact, with the exception of the substitution of two airplane carriers for 18 smaller vessels, and perhaps some minor changes of which I am not informed.

Great Britain is at a standstill, and Japan is trying to find the resources for its so-called 8-8 program—that is, eight battleships and eight battle cruisers.

France is standing still, and Italy, the other power, is really no longer in rivalry.

What, then, is the policy behind the three largest fleets?

The General Board of the Navy Department, on November 9, 1915, made a report which establishes both the basis and the purpose for the current building program.

Europe was aflame in the first throes of the World War. How long are we to continue to use the yardstick designated as a measure for conditions which no longer exist?

A resolution was passed by the Senate on January 25 last calling upon its Committee on Naval Affairs—

to report to the Senate whether, in its opinion, it is practicable and also a sound policy to suspend our naval building program now in progress for the period of six months, and to the end that a full investigation and free discussion may be had as to what constitutes a modern fighting Navy—a Navy with the types of ships and with the air and submarine weapons that would be most effective in the strategy and tactics of future war on the sea—and also to the end that we may avail ourselves in the matter both as to economy and efficiency on any possible agreement between naval powers providing for the reduction of armament.

Perfectly plain, is it not, my friends?

But the committee on February 9 reported that in its opinion—

It is not practical, and it is not sound policy to suspend the naval construction program of the United States now in progress for a period of six months nor at all.

Most significant of all is that this decision was based on the report from our friends, the gentlemen of the General Board of the Navy. Note that.

The British situation is far different. The first lord of the Admiralty, Walter Long, last December recalled that at one time Britain had a naval policy of maintaining a fleet equal to the next three; then, during the period of German activity, equal to the next two; and now, as a result of changed conditions due to the World War, equal to the strongest. That is exactly what the General Board of the American Navy says. This significant, not to say revolutionary, change in British policy has stayed practically two years unnoticed by America.

Now, how about Japan's policy in the matter? In an interview of January 22, Takashi Hara, the Japanese premier, is quoted in the Philadelphia Public Ledger as follows:

Although Japan to-day is recruiting larger navy plans, she is not ambitious to attack any other nation. The press stories asserting that Japan is building a navy against a hypothetical foe, and that that foe is America, are fantastic nonsense. Even with the present program completed, Japan's naval strength still will be far less than required for an attack on America. The Pacific Ocean is wide, America is rich, distant, and powerful, and should Japan hope to attack the United States she must build a navy far greater than America's. Even those who ascribe the most aggressive motives to Japan on account of her naval construction must know that the present Government simply is executing an old program. The purpose of our building is obvious and simple. It is for the defense of our commerce and coasts, and nothing more. Our naval experts believe the present navy is insufficient for this purpose, and hence we must continue building.

The Japanese have been quick to learn.

Please note how aptly they have adopted the "old-program" excuse. Perhaps they are not to be blamed, for since she took up western civilization we note that she has also consistently increased her expenditures for military and naval armaments. I have no doubt but that the common people of Japan are staggering to a greater extent even than ourselves under the burden of armament imposed upon them by their militarists and statesmen.

The armament problem was inevitably one of the subjects to be considered in the settlement of the World War. There were two possible points of view at the time of the armistice. One was to arrange for a change at the time, and the other was to arrange for the future. The allied and associated powers, the victors, decided not to change their own status at the moment except to record in the several treaties of peace that the armament clauses there set forth were imposed upon the enemy "in order to render possible the initiation of the general limitation of armaments of all nations." In other words, limitation was made the price of defeat, and the moral effect of a self-determined ordinance on the part of the victors was carefully avoided. Clinging to armament at a time when it could have easily been relinquished is one of the things that civilization does.

It has been said that underlying our unwillingness to become a member in the so-called League of Nations was this realization on the part of the American people that the victor powers had not fully met the limitation of armament problem so far as they themselves were concerned. Looking to the future, the allied and associated powers were not quite so evasive. Their

mutual agreement, which was fine for the immediate participation of the moment and is now binding upon 48 States, is to be found in articles 8 and 9 of the covenants of the League of Nations, and those articles are positive injunctions from which something must come if good faith exists in the world. The details will not be fully discussed forthwith, because it is not for the moment possible to say how all powers which before the war were undoubtedly the cause of armament increase have been treated in this respect by a victory over them. Quite properly, Germany, Austria-Hungary, Bulgaria, and Turkey had their level of armament set for them at Paris, and in each country military, naval, and air commissions of the victorious powers are now existing with the sole duty of seeing that the imposed conditions are fulfilled. Had the victors gone a step further and voluntarily, by mutual agreement, limited their own armaments, the world would perhaps not be facing what is before it to-day. It should be understood, in reading the data provided, that they have been revised to accord with the undisputed facts secured from allied sources. Looking at the situation as a whole, none of the enemy States, except Germany and Turkey, is under suspicion of nonfulfillment. As to Germany, the outstanding matters in dispute are technically rather than actually important from the present armament point of view. So it is an undisputed fact that our late enemies are no longer to be counted in the running, so far as armaments are concerned. The treaty of Versailles has taken care of that.

It is among the victors, then, that this great question must be discussed and solved if we are really to be not only the victors but victorious in the late World War.

Grotius, the father of international law, laid down the definition of war, which has not been extended through the intervening centuries. "War," he said, "is a state of contending parties considered as such." But he added a most important thought which has scarcely been mentioned since:

> Justice is not included in the definition of war, because the very point to be decided is whether any war be just or what war may be so called. Therefore we must make a distinction between war and the justice of it.

Nevertheless, the Romans have provided war as an institution of law—that is, of justice—sometimes abstract, sometimes concrete.

No question can arise of the justice of our entry into the late war. No more just nor holy mission was ever accomplished by a nation than when we saved civilization for the future generations of mankind; but it is evident to all that in entering war, just though the cause of one of the combatants may be, lined on the other side are the forces of the unjust. And wars are often waged where justice and right are on neither side. So the distinction made between war itself and the justice of it is ofttimes academic.

In résumé and in order to locate ourselves along the devious highway which we have set out to travel in discussing this subject, let us ask ourselves the question, At just what point have we arrived internationally at the present moment? I would say that we are just at the point in the development of our moral sense in national and international relations where we are willing to set down and discuss with other nations a definite policy and sincerely seek a fair remedy of a malady with which we are all afflicted. Perhaps at the beginning all of us may desire to reserve a fairly extensive right to decide whether the third party shall be a deciding vote or an advisory board of inquiry either in the matter of carrying out the terms of a limitation of armaments agreement or the actual use of those armaments in a possible future military or naval encounter.

If we take account of the adaptability of mankind in applying technicalities to its own advantage and assume that the possibilities of war are larger so that States can find other avenues of getting through the rules into war, justice would be a pretty dubious quantity; but let us assume that all have entered into a conference such as has been under discussion and that all the rules are complied with, armaments are limited in accordance with agreement, and that there is a war. There would, of course, be a cause, real or unreal. It might be a mixture of the two. Generally the victor invariably enters the war on a limited grievance and places the victim under an unlimited liability in the end. Be this as it may, the machinery for preventing the nations from reaching a point where they have "casus belli" which they can put to the trial of a war without arraying the rest of the world against them, as happened to Germany, is pretty well developed. But if that point is reached, why not confine the fighting entirely within the limits of the declared object? Would not a limitation of armaments trend at least in this direction?

Grotius partially admitted the right of a State to wage a just war. But that kind of a dictum suspended in the national and international fogs of emotionalism and self-interest means nothing, because it takes no account of the ability of mankind to translate evil into good. Even the Germanic powers prated to the world in the beginning of the World War that "justice was on their side."

Now, Mr. Speaker, the lady from Oklahoma [Miss ROBERTSON], whom we are all glad is here [applause], and gentlemen, the armaments problem is nothing more nor less than policy and fear. The world has passed beyond the stage when any nation maintains an armament for mere pomp. But what we do understand is that an armament is not kept for itself. It is impossible to fight a war without armament, and it is even more impossible to get into a war unless policy leads there. True, the possession of armament sometimes predisposes policy to create the opportunity to use it. In other words, armament is dangerously the barometer of policy. Seldom will there be any employment of armament which is not enjoined or dictated by policy. Policy may be inspired by a mixture of emotions—necessity, sentiment, justice, and many other emotions, pure and impure. Motive is the cardinal point which has been so signally disregarded by the nations. Few nations have been guided by as altruistic considerations in the use of their armaments as has the United States of America.

No one of them has ever done the essential thing of making those who conduct their foreign relations primarily responsible for determining the level preparations for war. Instead of that perfectly simple effort, the people have permitted the military elements to whip up their fears and have rewarded the politicians who invented the biggest bugaboos. There has been enough real cause for fear in the world, but it has been so generously mixed with imagination that peoples have seldom been able to distinguish the false from the true. The real danger in international life should be properly met by facing the determined facts. Alas! how often do we seek to avoid them. With the proper responsibility placed upon those who direct the Nation's policy rather than left to those who have undertaken the technical duty of seeing to the preparations for defense, we at least have some hope for improvement.

This Nation has ever been in the forefront in blazing new trails, and the American Congress, guided and inspired by the American people and under the able leadership of one of the most distinguished Presidents who ever sat in the White House, should here and now covenant, in the presence of the Almighty—to whom after all we owe the highest responsibility—to commit and dedicate itself to the high and worthy purpose, through association and agreement, to limit armaments and to give a living expression to the spirit of Him who nearly 2,000 years ago enjoined that there be "Peace on earth and good will toward men." [Prolonged applause.]

The SPEAKER pro tempore. The time of the gentleman from California has expired.

LEAVE TO EXTEND REMARKS.

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of world peace and limitation of armament.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to the appropriate committee, as indicated below:

S. J. Res. 72. Joint resolution for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm; to the Committee on Agriculture.

GOVERNMENT-OWNED RADIO STATIONS.

Mr. GREENE of Massachusetts. Now, Mr. Speaker, I call up House joint resolution No. 7.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up House joint resolution No. 7, which the Clerk will report by title.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. This joint resolution is on the Union Calendar, and the House therefore automatically resolves

itself into the Committee of the Whole House on the state of the Union, and the gentleman from Kansas [Mr. CAMPBELL] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 7, to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, be, and the same is hereby, amended to read as follows:

SEC. 2. That the Secretary of the Navy is hereby authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States; and (b) for the reception and transmission of private commercial messages: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section, except for the reception and transmission of press messages, other than press messages between the Atlantic coast of the United States and ships at sea, shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and all rights conferred by this section shall terminate and cease in any event two years from the date this resolution takes effect.

With the following committee amendment:

Page 3, line 4, after the word "event," strike out "two years from the date this resolution takes effect" and insert "on June 30, 1922."

Mr. GREENE of Massachusetts. I yield such time as he may desire to the gentleman from Illinois [Mr. CHINDBLOM] and reserve the remainder of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. CHINDBLOM] is recognized for one hour.

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, this joint resolution amends a joint resolution which went into effect on June 5, 1920, only with reference to the use of radio stations under control of the Government—which means practically in the Navy Department—for the transmission and reception of press messages.

The resolution of June 5, 1920, was passed after considerable hearings by the Committee on the Merchant Marine and Fisheries, and was designed to establish the relations from that time between the Navy Department, in the operation of radio stations, and privately owned radio stations. As is well known, during the war the Navy Department took over practically all of the radio stations of the country and placed them under Government control for use for war purposes. When the armistice had been signed and the war practically ended the private radio companies were very anxious that their properties and facilities should be returned to them, and bills were introduced to effect that result.

By reason of the pressure thus brought the Navy Department did relinquish its control of the radio stations and radio apparatus which it had taken over during the war except those which had been actually purchased by the department. Thereupon the Committee on the Merchant Marine and Fisheries reported to the House what was known in the Sixty-sixth Congress as Senate joint resolution 170, and an amendment, which was a substitute for the entire Senate resolution, was passed by the House, and subsequently received the approval of the Senate and became a law, as stated, on June 5, 1920. That resolution of June 5, 1920, provided, briefly, first, that all land, ship, and airship radio stations and all apparatus owned by the United States might be used by the Government for the receiving and transmitting of messages relating to Government business, compass reports, and the safety of ships at sea. For these purposes the Navy Department may use radio stations until Congress shall determine otherwise. Section 2 of the joint resolution of June 5, 1920, gave the Navy Department authority to receive and transmit commercial messages, including press messages, until such time as the private radio companies would be able to supply adequate facilities for the handling of such business, but in no event beyond June 5, 1922; that is to say, in no event beyond two years after the date when the resolution of June 5, 1920, took effect.

The Secretary of Commerce was authorized to determine when private radio business could adequately handle the business, and when he would notify the Secretary of the Navy that the private radio companies could adequately handle the business the Secretary of the Navy was required to discontinue the use of the naval stations and Navy apparatus for handling of private commercial business.

However, it was the clear intention of the resolution of June 5, 1920, to differentiate between ordinary commercial business and press messages. In fact, the resolution of June 5, 1920, was reported to the House largely on account of conditions which existed then, and which still exist, on the Pacific coast with reference to the transmission of intelligence between our country and the Orient.

So it was distinctly intended, and some of us have contended that it was practically stated in the resolution of June 5, 1920, that press messages and press business were to receive different treatment than other commercial business under the terms of the resolution. However, the Secretary of Commerce notified the Secretary of the Navy that the private radio facilities were adequate for handling commercial business, and did not differentiate between other commercial business and press messages, with the result that the newspapers and press associations were cut off from the use of the radio stations of the Navy for the transmission and reception of their messages.

For this reason the representatives of the newspapers and press associations came before the Committee on Merchant Marine and Fisheries early this year and made complaint to that committee, and after much consideration, after several hearings, the committee reported to the Sixty-sixth Congress a resolution practically the same as this which is now up for consideration here.

This resolution amends the act of June 5, 1920, only in a few particulars. The principal effect of the amendments is that they permit and authorize the Navy Department to use its facilities for the reception and transmission of press messages until June 30, 1922, without any interference or interruption by the Secretary of Commerce. Early this year a representative of practically the entire press of the country went to Europe to negotiate contracts with European radio companies and with European Governments operating radio service in order to improve communications from Europe to the United States. He and other representatives of the press of the country found that in order to make proper arrangements in Europe so as to get proper news service from Europe to the United States it would be very desirable that they might offer continuous, uninterrupted, and adequate service from the United States to Europe. With the provision still in effect in the resolution of June 5, 1920, which permitted the Secretary of Commerce to terminate the activities of the Secretary of the Navy in handling press dispatches, it was impossible for the press representative to give any such assurance to the European Governments and radio operators, and therefore the amendments which are proposed here in the resolution now before us provide that the Secretary of the Navy shall have authority to continue the service which he is now giving to the press of the country both on the Atlantic and Pacific coasts to newspapers without interruption or interference until June 30, 1922. We extend the date from June 5, 1922. You will observe that the committee has recommended a slight amendment in the bill introduced by myself, substituting "for two years" the words "June 30, 1922." That was done because some had the apprehension that perhaps the reenactment of section 2 of the act of June 5, 1920, now would extend the time two years from this time, but such was not the intention of the committee. The intention of the committee was to make the amendment and change effective until June 5, 1922, and in order to adopt a date which would be of the same date as the termination of the fiscal year and the end of the calendar month, the committee recommended this amendment changing the time to June 30, 1922.

One other provision and amendment in the resolution as now proposed is that the press associations and newspapers shall be required to pay the same rates which are charged by private companies, except in the service upon the Pacific Ocean. I want to say that while this may seem to impose a burden on the newspapers which was not contained in the act of June 5, 1920, the newspapers of the country themselves suggested that in the interest of securing this legislation they were willing to have that provision inserted, particularly inasmuch as it is their intention to pay the same rates to the Government that they would pay to the private companies, and it is not their purpose to seek any cheaper service from the Government than they could get elsewhere.

Mr. CONNELL. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. CONNELL. Why are the rates on the Pacific limited?

Mr. CHINDBLOM. I am very glad the gentleman has asked that question. I am coming to that. An exception was made in the case of the Pacific coast, because on the Pacific coast a very unusual and peculiar situation exists. That matter was thoroughly considered in the discussion of the act of June 5, 1920. Representatives, not only of the newspapers but of large communities on the Pacific coast, appeared before the Merchant Marine Committee and asked that on the Pacific coast they shall be permitted to continue giving service at the present rates, which are slightly less than those which would be charged by private companies, if the private companies were able to handle the business, but the private companies are not able to handle the business, and we consider it so important——

Mr. CONNELL. But they are on the Atlantic coast?

Mr. CHINDBLOM. On the Atlantic coast they are able to handle ordinary commercial business, in the opinion of the Secretary of Commerce, but they are not yet able to handle all of the press business. A new station is being constructed on Long Island which is expected to be finished by next year, and when that has been completed it is hoped that private companies on the Atlantic coast will be able to handle all of the business there, but it is desired that until then the Navy shall have full authority without any interruption or interference by the Commerce Department to give this service, and that it shall be authorized to make a contract or contracts up to June 30, 1922, so that American newspapers may go to Europe and offer definite and adequate service without question until that time. So far as the Pacific coast is concerned, I think there is practical unanimity of opinion not only in the committee but in the House that that situation deserves a little different treatment than that on the Atlantic coast. I do not think it is necessary to go into any further discussion of that question now, except to say that private facilities are entirely inadequate on the Pacific coast, that we have foreign competition which renders it very desirable that our newspapers and press associations and intelligence agencies shall be able to communicate as freely and as cheaply as possible with the Orient.

Mr. CONNELL. I thank the gentleman. I simply asked for information.

Mr. CHINDBLOM. I believe I have covered practically all of the questions involved in this resolution. It amends the resolution of June 5, 1920, only in these two particulars: It is not intended, by the committee at least, to extend or enlarge Government operation of radio facilities for private business. This is done only in the interest of giving adequate service to the press of the country until such time as private facilities may be adequate, and I want to say that personally I feel that the matter of giving adequate service to the press, when it is done without granting any subsidy to the press in the way of reduced rates or cheaper service, is a matter of at least quasi-public importance, and the policy which we adopted on June 5, 1920, I think should be continued uninterrupted until the termination of that resolution by its own terms in June, 1922.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. SANDERS of Indiana. Can the gentleman give us any idea of the extent of the private companies operating on the Atlantic?

Mr. CHINDBLOM. Private companies on the Atlantic coast to-day——

Mr. SANDERS of Indiana. Does the gentleman know how many stations there are?

Mr. CHINDBLOM. I do not believe I can give the number. The number is given in the hearings somewhere.

Mr. SANDERS of Indiana. From what points do communications go?

Mr. CHINDBLOM. Of private companies?

Mr. SANDERS of Indiana. Yes.

Mr. CHINDBLOM. From New York City, from Jersey City, from Boston, from Cape Cod——

Mr. SANDERS of Indiana. They communicate with ships that are coming in?

Mr. CHINDBLOM. Oh, that is ship-to-shore business. That is not affected by this resolution. This is only transoceanic business.

Mr. SANDERS of Indiana. There are communications between the Atlantic coast and the coast of Europe?

Mr. CHINDBLOM. Yes.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. CHINDBLOM. Yes.

Mr. WHITE of Maine. Mr. Chairman, answering the question of the gentleman from Indiana, I have not the details clearly in mind, but I know this, that there are transoceanic stations at various places along the Atlantic coast. There is one in Maine, one at Chatham, one at Marion, both in Massachusetts, and there are several in the vicinity of New York. There is one of the largest stations in the world now in process of construction on Long Island, to be in full operation it is believed by the early part of next year. There are stations in New Jersey, at Tuckerton, and at other points. These I have mentioned, and a few others on the Atlantic coast, are now able to communicate and do communicate with England, with Norway, with France, with Germany, and they are communicating, I believe, or are soon to communicate, with stations in Poland. We have general communications back and forth between this country on the Atlantic coast and European nations.

Mr. SANDERS of Indiana. Can the gentleman from Maine, if the gentleman from Illinois will permit, tell us anything about the ownership of those different stations? Are they owned by American companies or foreign companies?

Mr. WHITE of Maine. I think those in this country now are all owned by American companies. There is one large company—the Radio Corporation of America—which took over the American Marconi Co., and it is the principal agency for wireless communication in this country on the Atlantic seaboard. There are some other smaller stations and smaller companies operating on the Atlantic coast and on the Pacific coast.

Mr. SANDERS of Indiana. Is there any regulation with reference to radio communication in this country from foreign countries?

Mr. WHITE of Maine. Of course, we can not regulate what is done overseas by foreign countries. There is regulation of rates of radio companies by the railroad act, which passed last year, and there is now pending before the Merchant Marine Committee what I would like to call a comprehensive radio bill, dealing with many phases of this radio situation.

Mr. SANDERS of Indiana. Has any question of monopolistic franchises in foreign countries been brought to the attention of the committee?

Mr. WHITE of Maine. Yes; that question has been discussed at various times. It is a question that is rather difficult for us to deal with, because, of course, the authority of any foreign nation to grant its franchises or concessions is something over which we have no control.

In other words, if an American company goes across to Europe or goes to South America and gathers up franchises and concessions, that is something that is primarily within the control of the foreign Government with which it deals. In this bill, to which I have already referred, which is pending before the Committee on the Merchant Marine and Fisheries, and on which we hope soon to have hearings, that subject is undertaken to be dealt with somewhat.

Mr. SANDERS of Indiana. Well, if the gentleman from Illinois will permit just a little bit further, I would like to make a suggestion to the committee, that the Committee on Interstate and Foreign Commerce had before it the question of the control of international cables, and recently we passed an act by which the President has control of all submarine cables, and it occurred to me that if the cables are to be controlled by the President of the United States, there is not any reason why the wireless communications should not also be controlled.

Mr. CHINDBLOM. Will the gentleman permit me to say that this resolution now before the House in only two—I think rather minor—respects amends the resolution of June 5, 1920? The Committee on the Merchant Marine and Fisheries and the subcommittee which handled this matter did not think it wise to go into hearings and open up a discussion upon the whole question of radio, its control and operation, by this Government here and in other countries, in the consideration of these minor amendments to a resolution already in effect.

Mr. SANDERS of Indiana. I think the committee is quite right, and I am quite in sympathy with the purpose of this resolution, and I think it ought to be passed; but it occurred to me that while the subject was up the gentleman's committee, which has charge of this, ought to have in mind the fact that there is not any good purpose served in giving the President control of cables if you go over his head with wireless communications.

Mr. CHINDBLOM. I want to say to the distinguished gentleman from Indiana and others that the subcommittee of which I am a member and the entire committee on the Merchant Marine and Fisheries have had that very matter under discussion, and Mr. WHITE of Maine has introduced a bill upon which as soon as we get other things out of the way we are going to have hearings, and it is the purpose of the committee

to bring in a comprehensive law upon the subject of radio communications. There has not been any legislation since the act of 1912 was passed.

Mr. LONDON. Will the gentleman yield?

Mr. CHINDBLOM. I do.

Mr. LONDON. Is the establishment of radio stations regulated by law?

Mr. CHINDBLOM. Under the act of 1912.

Mr. LONDON. There is no private company that can establish radio stations without complying with certain requirements of the law?

Mr. CHINDBLOM. They must get a permit from the Department of Commerce.

Mr. LONDON. That is the only regulation?

Mr. CHINDBLOM. Not quite that.

Mr. WHITE of Maine. Of course, the act of 1912 has in it very comprehensive regulations with respect to the use of radio stations, and then, of course, there are now in force some international conventions with respect to radio which must be observed by an operating company in this country.

Mr. LONDON. I am wondering why the Associated Press does not establish its own radio stations.

Mr. CHINDBLOM. I will say to the gentleman that we asked them that question, and they said that they did not want to go into other business than their own. There is much complaint about certain business interests trying to take over other business, and if the newspapers were to establish radio stations of their own some such stations at least would not be sufficiently supported to justify them in carrying only their own messages, and they might come in competition with other business, and they have no desire to do that. Their only desire was to get an adequate service.

Mr. MOORES of Indiana. Will the gentleman yield?

Mr. CHINDBLOM. I do.

Mr. MOORES of Indiana. I have been puzzled over the word "commercial," line 11, second page, and before asking the question I have exhausted the authorities to find what construction was put upon it. What I want to know is this—whether there is anything here by which private communications not commercial in their nature could be excluded by this bill, as, for instance, announcements of death, marriages, births, and similar things. Now, was it in the contemplation of the committee to include such communications under the word "commercial"?

Mr. CHINDBLOM. All of these private messages come under the head of commercial messages. Commercial messages are messages sent for hire relating to matters not public.

Mr. MOORES of Indiana. Are not commercial messages properly classified as messages with regard to matters of commerce, trade, business, banking, and that sort of thing?

Mr. CHINDBLOM. Not necessarily; they include the same kind of messages as are handled by private companies relating to private affairs.

Mr. MOORES of Indiana. I apprehend that in the operating companies they are classified as commercial messages to distinguish them from Government messages, from press messages, and other messages——

Mr. CHINDBLOM. Let me say to the gentleman that the Department of Commerce has construed the term as I have stated it, as I am informed.

Mr. MOORES of Indiana. It has been so construed? I am glad to know it, as I can not find any judicial construction, and that is why I asked the question.

Mr. CHINDBLOM. The Department of Commerce has passed upon this matter and given the construction. I do not think any of these matters have gone to the courts, and until a term gets to the court, and it construes it differently, of course, the decision of the Department of Commerce stands.

Mr. MOORES of Indiana. Would there be any objection on the part of the committee to inserting the word "and" in line 11, making it read "private and commercial" messages, or leaving out the word "commercial"? I do not think anybody wants to shut out other messages which are not technically commercial.

Mr. CHINDBLOM. Yes. I do not think it is the purpose that the Navy Department shall be permitted to send messages, for instance, relating to death of citizens generally not in the public service nor having any connection with the Government. I do not think it is the intention that private messages as distinguished from the kind of commercial messages the gentleman has suggested should have the privilege of using Government apparatus and stations.

Mr. MOORES of Indiana. Was it your purpose to exclude or permit announcement of deaths, marriages, and births?

Mr. CHINDBLOM. They are under exactly the same regulations and restrictions and have the same benefits, if there are any, as any other messages relating to private affairs.

Mr. SANDERS of Indiana. Will the gentleman from Illinois yield in connection with the inquiry of my colleague? This is the same language as in the original resolution?

Mr. CHINDBLOM. Yes.

Mr. SANDERS of Indiana. The question occurred to me that has been raised by the gentleman from Indiana [Mr. MOORES]. I noticed in the original resolution you had two kinds of messages, namely, press messages and private commercial messages.

Mr. CHINDBLOM. Yes.

Mr. SANDERS of Indiana. As I understand it, the department in connection with this other resolution has construed the private commercial messages to include all kinds of messages outside of Government and press messages.

Mr. CHINDBLOM. I will say, outside of those which were covered by section 1 of the resolution. Section 1 of the resolution 170 of the Sixty-sixth Congress permits such apparatus in Government stations to be used for receiving and transmitting messages relating to Government business, compass reports, and safety of ships. It is assumed that those messages will be sent practically free of charge. They are matters of public concern; but all other matters, I apprehend, would come under the head of private commercial messages.

Mr. MOORES of Indiana. If the gentleman so construes it, I will not ask him to amend it.

Mr. CHINDBLOM. I understand that private telegraph companies and radio companies all understand the term "commercial messages" in that sense.

Mr. STAFFORD. Can the gentleman inform the committee whether at any time during the operation of Government wireless stations it has transmitted press or commercial messages overland? The gentleman stated that this bill is limited only to transoceanic messages. I do not see anything in the phraseology which restricts it to that purpose.

Mr. CHINDBLOM. I made that remark in connection with some inquiry as to the press service on the Pacific Ocean, and I said that the only press service which will be affected by this amendment is the press service on the Atlantic Ocean.

Mr. STAFFORD. Will the gentleman inform the committee whether the Government is engaging in the business of transmitting press and private commercial messages overland between cities on the continent?

Mr. CHINDBLOM. It is not. At the present time the Government is not handling any private commercial or private business of any sort, except press messages, because the Department of Commerce last November notified the Navy Department that press facilities were adequate for the handling of all business outside of public business.

Mr. STAFFORD. Has the gentleman any information as to whether private wireless companies operate between Detroit and Cleveland, for instance, or whether those cities have radio stations operated by the Government? I know the service has been vastly improved to the citizens of both Cleveland and Detroit by the transmission of their messages by wireless, but I do not know whether they are transmitted by private companies or by Government-operated stations.

Mr. CHINDBLOM. There are private companies operating there now.

Mr. STAFFORD. So the Government is not in any instance at the present time transmitting messages, press, commercial, or otherwise, throughout the continent of the United States?

Mr. CHINDBLOM. The hearings which were held upon this very resolution disclosed that the Navy Department has now abandoned all private business, with the single exception of the press business.

Mr. HARDY of Texas. I wish to ask a question of the gentleman from Illinois. I think he has, perhaps, explained what that proviso at the end of the bill means, but I wish the gentleman would dwell a little at length in order to give a clear meaning of the proviso after line 16, on page 2.

Mr. CHINDBLOM. The gentleman from New York [Mr. LONDON] desires to ask a question first.

Mr. LONDON. I wanted to ask the gentleman a question on this same line. The Interstate Commerce Commission has got to review the rates which the Secretary of the Navy charges for messages?

Mr. CHINDBLOM. Yes.

Mr. LONDON. In view of that power being lodged in the Interstate Commerce Commission, what is the necessity for providing that the Secretary of the Navy shall not charge certain rates or shall charge rates which will be less than the rates of private companies?

Mr. CHINDBLOM. Shall not charge certain rates? Will the gentleman be specific?

Mr. LONDON. Now, you provide that the Secretary of the Navy shall charge less for press messages than private companies shall charge. Is not that the provision?

Mr. CHINDBLOM. State that again, please.

Mr. LONDON. You require that the rates for press messages shall be less than the rates charged by private companies?

Mr. CHINDBLOM. They shall not be less.

Mr. LONDON. That they shall be less.

Mr. CHINDBLOM. That is only on the Pacific coast.

Mr. LONDON. On the Pacific coast.

Mr. CHINDBLOM. Yes; on the Pacific coast. We do not say that. We do say that they do not have to be as much as the rates charged by private companies; that is, they may be less.

Mr. LONDON. You say except other than press messages on the Atlantic coast, the rates for press messages on the Pacific coast shall be less. That is the effect of your resolution.

Mr. CHINDBLOM. No; the exception is that for press messages between the Pacific coast of the United States and the Orient the rates may be less than those charged by private companies.

Mr. LONDON. What is the object had in view by those who desire this resolution to become a law?

Mr. CHINDBLOM. The object is to permit the same rates to remain in effect that are now in effect, which are less than the rates charged by commercial companies on the Pacific coast.

Mr. LONDON. Are these rates unreasonably high, or are they unreasonably low?

Mr. CHINDBLOM. Which rates—the private rates or the Government rates?

Mr. LONDON. The Government rates, that are now being charged.

Mr. CHINDBLOM. I think they are reasonably low. Let me call the attention of the gentleman to this fact, and then perhaps he will not pursue the inquiry further: The Interstate Commerce Commission has the authority to review rates, not to originate them. They simply act upon complaints. These provisions relate to the origination of rates, to the establishment of rates, but of course any rate established would be subject to review by the Interstate Commerce Commission. Am I correct about that, I will ask the gentleman from Indiana?

Mr. SANDERS of Indiana. Yes. The gentleman is correct. The right to review rates by the Interstate Commerce Commission is the right, whenever they have them too high, to make them lower; but the Interstate Commerce Commission has not the power to say, "Your rates are too low; you have got to make them higher." So you have to have a specific provision if you are going to bring that about.

Mr. CHINDBLOM. Exactly.

Mr. CONNELL. In other words, the Interstate Commerce Commission can not revise rates upward?

Mr. CHINDBLOM. No. They can revise them downward only.

Mr. SANDERS of Indiana. So far as the railroad rates are concerned, we did give them that power, but they do not have it with reference to wire lines, and formerly they did not have it with reference to railroad rates.

Mr. CHINDBLOM. The chairman of the committee has announced that he reserves the balance of his time after I shall have concluded. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 20 minutes.

Mr. CHINDBLOM. I yield back the balance of my time to the gentleman from Massachusetts [Mr. GREENE], and ask that it be reserved for him.

Mr. HARDY of Texas rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. HARDY of Texas. Mr. Chairman and gentlemen of the committee, I do not care to discuss this bill myself to any great extent, but I wish to reserve my time after I shall have concluded and yield it to other gentlemen.

I will say that the only objection I have to this measure is that it is, in my judgment, too restrictive, and I think the amendment that will be offered to the bill by the gentleman from Tennessee [Mr. DAVIS] ought to be accepted. In other words, I think the radio service of the Government, where it is now absolutely essential, ought to receive fair treatment, and ought in no event to end before June 30, 1922. The real fact is that I am not in very thorough accord with the sentiment or principle underlying this measure, in some degree at least. That is a sentiment that Government service must be supplied where it is needed, but ought to be so restricted that it can not possibly become self-sustaining for fear it might compete with some private enterprise. I am of opinion that where the Government perforce is required to have certain public facilities, it ought naturally to be allowed to use those facilities to make the enterprise of the Government not a failure, not a loss, but so far as possible and practicable, without injuring the private business, a success and a profitable one.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. CHINDBLOM. I think I understand the gentleman, and I think that the other members of the committee understand the gentleman. I take it that the gentleman's position is this: That he is not opposed to this bill, but he does not think it goes far enough.

Mr. HARDY of Texas. I think that this bill is too restrictive, in that it says that the right to use these naval radio stations for the purposes named in the bill shall terminate at all events on June 30, 1922. I think it ought not in any event to terminate before that time, and not then if, in the judgment of the Secretary of Commerce, it is still needed. The trouble about it is that the naval radio stations are kept up in the air; they are kept without any knowledge as to how long they are going to be permitted to operate at all. They may be stopped at any time, and then you make a final provision that they shall at all events be stopped on June 30, 1922. I think the resolution ought to say in no event should service permitted be taken away before that time.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. WHITE of Maine. Was not one of the purposes of agreeing to this amendment that private companies might know of a definite date when they would be freed from governmental competition in this activity?

Mr. HARDY of Texas. And yet the gentleman, through his bill passed a year ago, in June, 1920, recognized the fact that conditions were such that it was a service that the Government had to render, because nobody else could or would render it, and the Government goes to work to supply that service.

Mr. WHITE of Maine. The gentleman refers to me. Of course, the gentleman knows that if I had my way I would not support it at all. I support it merely because I think it is a compromise between conflicting views.

Mr. HARDY of Texas. The gentleman takes the same position that I take myself; that is, the measure is a compromise. I think it is as far from representing my view as it is from representing the gentleman's view.

Mr. WHITE of Maine. I think the gentleman and I are as far apart as the poles.

Mr. HARDY of Texas. The gentleman does not think it is wise, but thinks it is the best he can do. In my judgment I think the House ought to pass upon this question as to whether abruptly the right to use these naval radio powers should be terminated, regardless of all conditions, as stated in this bill, on June 30, 1922.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. I yield to the gentleman.

Mr. SANDERS of Indiana. Referring to the provision that the gentleman has been discussing, I want to call the attention of the committee to the specific provision that the gentleman from Texas has been discussing. It is provided that the right to use these stations, and so forth, shall terminate under certain conditions "whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities," and so forth, "and the Secretary of Commerce shall have notified the Secretary of the Navy thereof." I presume it was the intention to give the Secretary of Commerce the right to make that determination. But it is not appropriately phrased.

Mr. CHINDBLOM. It is in the language of the act of June 5, 1920. I myself thought that there should be a provision for a hearing and possibly for a review. But at that time this was compromise language, and it has passed both the House and the Senate in exactly this language.

Mr. HARDY of Texas. I think we all thought there ought to be a hearing before the Secretary of Commerce should notify the Secretary of the Navy that his activities in this radio service must cease.

Mr. SANDERS of Indiana. I do not want to be understood as contending that there should be a hearing. That is not my point. My point is that the ascertainment and determination of that fact is not located anywhere, but the mere notification of the fact is by the Secretary of Commerce. He notifies the Secretary of the Navy, but there is no officer who is given the function of determining the fact. In many of the acts that we passed with reference to the termination of the war, the termination of the emergency, and so forth, we provided that that determination should be by the President, and that he should issue a proclamation to that effect.

Mr. HARDY of Texas. Upon ascertainment of certain facts.

Mr. SANDERS of Indiana. Yes.

Mr. HARDY of Texas. I think it would have been better to provide that as soon as the Secretary of Commerce shall have ascertained certain facts he shall notify the Secretary of the Navy to that effect, but the presumption that we went on was that he would not notify the Secretary of the Navy that such was the fact unless he had ascertained it. There may be an omission in the language, but perhaps no Secretary of Commerce will act without at least believing that what he declares is true in fact.

Mr. Chairman, reserving the remainder of my time, I yield 10 minutes to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, I think the Committee on the Merchant Marine and Fisheries are in entire accord that this joint resolution is a worthy one as far as it goes. Some think it does not go far enough, and perhaps there are some who are inclined to think it goes a trifle too far, but it is the judgment of all that it is the best legislation that can be obtained on the subject at this time and really provides most needed relief.

I want to say that the subject of radio communication is one that is engrossing the attention not only of those primarily and commercially interested in it but the public at large and all the civilized world, because the need for communication between different parts of the globe is becoming constantly greater, so that the facilities we now have are being taxed to the very limit of their capacity. It was for this reason that the Congress in June of last year adopted the resolution providing that radio stations controlled by the Navy Department might be used for commercial and press messages for two years from the date when that resolution went into effect. The provision was further carried, however, in that resolution that whenever the private companies were able to transact the business which was offered the use of the naval radio should cease for commercial and press messages. The power of determining when the commercial stations are adequate has been vested in the Secretary of Commerce. That official has notified the Secretary of the Navy whenever he reached that conclusion. It was not a conclusion which when once rendered settled the question for the future. In other words, the commercial radios might for a time be able to transact the commercial and press business. At other times they might be able to transact either the commercial or the press business, but not both, and at other times might not be able to transact either satisfactorily. The Department of Commerce, therefore, undertook from time to time to designate when the commercial radios were adequate and when they had ceased to be adequate. Perhaps it might allow the Navy to function in this service for a week or two or three weeks or four weeks and then shut down upon it. It might allow it to operate for a longer time, or perhaps in instances for a shorter time, until the press were unable to determine just when they could get that facility; and it has proved the greatest embarrassment and hindrance in transmitting promptly these important messages relating to great questions in which this country is so interested, so as to keep in constant touch with foreign affairs.

Mr. EDMONDS. The gentleman recognizes that the trouble is lack of facilities on the other side of the Atlantic, not on this side. We have plenty of facilities over here. The press associations want to get on the other side and arrange for facilities over there. There are two ends to a radio message. If you have only one end, you can not get any message through.

Mr. BRIGGS. I understand that. One of the statements which they made was that they wanted to utilize stations which were idle when these periods of congestion came about, and they were unnecessarily delayed in the transmission of their messages. The hearings which were held showed conclusively how often these embarrassments occurred; how the press messages were chopped up and delayed, and how the American public were prevented from getting news of the greatest importance at a time when it was real news and not history.

Now, this bill does not make any radical change in the law. It simply provides that up until June 30, 1922, press messages may be received by the naval radio without the limitations which have heretofore been imposed. It further provides, so as to safeguard the commercial companies, that the rates shall be just and reasonable, and that in no case shall the message rates be lower than the commercial rates charged by the commercial companies, except on the Pacific coast in radio communication with the Far East. That is largely due, as I understand, to the lack of private facilities on that coast so as to supply the demand which is constantly being made for that service.

Now, I observe in this matter of adequate radio facilities that the difficulty which is being encountered, and which ought to be relieved at the earliest moment, is one which ought to have been relieved some time since, and that the condition which obtained last December when the hearings were held still obtains now; the gentleman from Illinois [Mr. CHINDBLOM], the author of this measure, I think has rather pointedly demonstrated to the House just what the existing necessity is.

There is another feature that, perhaps, does not have as close a relation to the identical provisions of this bill as it might have, but still relevant and highly important, about which I desire to say a few words, and that is the difficulty which is even now being experienced in the Navy to secure enough radio operators to man the stations and service which the Navy has and controls in this country. As you gentlemen know, many of the Marconi stations were taken over by the naval radio during the war, and under the provisions of the act that we passed here in June, 1920, control of them has been provided for until June, 1922, when Government operation of such stations must cease.

Mr. BLANTON. Will the gentleman yield?

Mr. BRIGGS. I will.

Mr. BLANTON. Why is it that private individuals who want to establish radio stations at certain points in the United States are prohibited by the department, if the gentleman knows?

Mr. BRIGGS. Does the gentleman mean the Navy Department?

Mr. BLANTON. By the department having control of radio stations.

Mr. BRIGGS. I do not understand that private stations are prohibited from being established.

Mr. EDMONDS. Will the gentleman yield?

Mr. BRIGGS. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. The gentleman from Texas will understand that only a certain amount of communications can go through any space of air.

Mr. BLANTON. The war is over, and radio business ought to be established upon a reasonable, commercial, competitive basis.

Mr. EDMONDS. When a man goes to the Department of Commerce and asks for a permit or authorization for establishing a radio station within a certain distance where there is going to be a disturbance in the waves, they have to limit the number of permits for stations in that vicinity.

Mr. BLANTON. But in some instances they have refused permits where there were no radio stations near by.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. I yield to the gentleman from Texas five minutes more.

Mr. BRIGGS. I do not understand that there is any effort in the least to cripple the establishment of private radio stations wherever they can be properly created or established. The one purpose now is to utilize the radio naval stations to respond to the great demand from the business men throughout the United States and the people generally, who want the facilities of the naval radio stations because they have been unable for some time past to get adequate communication through private radio systems.

I said a moment ago that the naval radio service is finding itself in some degree embarrassed by lack of radio operators. In my own home city of Galveston the Navy controls the radio service. They also have control of the radio equipment of the Heald Bank Lightship, about 30 miles off the coast of that city. It is in the highest degree important that the service there at all times shall be maintained at the highest state of efficiency, so that there may constantly be every facility for communication not only with land stations but vessels at sea, for the direction and protection of shipping, for the location of ships, for the information of shippers, steamship agents, and operators, and also for the purpose of securing reports on weather conditions as well. I earnestly hope that it is going to be possible for the Navy to assign adequate personnel to man these stations which it now controls, and particularly those in localities where the service should be maintained at the highest state of efficiency.

Mr. LONDON. Will the gentleman yield?

Mr. BRIGGS. Certainly.

Mr. LONDON. Are the radio operators civilian employees?

Mr. BRIGGS. I understand they are not; they may utilize the men in the reserve, but they do not use civilian employees.

Mr. HARDY of Texas. Mr. Chairman, I yield the remainder of my time to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen of the committee, I wish to state at the outset that I am for this bill in its present form if we can not advantageously, as I view it, amend it. In other words, as has been stated by my colleague, Judge HARDY, my only objection to the bill is that it

does not go far enough. I do not think it will meet the situation which it is designed to meet unless an amendment is made, which I shall later introduce. In order to get this matter before us, I think it will be very well to review the necessity for this legislation and the history of it up to this time.

To begin with, the necessity for legislation authorizing this service to be given to the press and also to the public generally on the part of the Government radio stations grew out of the fact that on February 29, 1920, the President, by Executive order, returned to the owners all of the privately owned radio systems which had been taken over by the Government during the war as a war emergency. And automatically, in accordance with the provisions of the radio act of 1912, the Government was deprived of the privilege of rendering service to the public where a private station was within 100 miles of the naval station in question. In order to meet that situation which arose, the Government being compelled to get out of the service and the privately owned stations not being able to render the required service, the distinguished gentleman from Massachusetts, Mr. GREENE, chairman of the Committee on the Merchant Marine and Fisheries, on February 28, 1920, introduced House joint resolution 304, which in the preamble set out the facts that I have briefly mentioned, with the further provisions:

Whereas the provisions of the above-named act forbid the use of Government radio stations by the general public in case a commercial radio station operating continuously for general public service is located within 100 nautical miles thereof; and
Whereas the enforcement of this provision would be detrimental to American business interests, the press, and the general public; and
Whereas no commercial radio company is at present equipped to handle the large volume of traffic concerned: Therefore be it

Resolved—

And so forth.

Then said resolution authorized the Government radio stations to render the service to the public wherever privately owned stations were not in a position to do so. This bill as introduced by the chairman provided that the Government should get out of the service whenever privately owned radio stations in any locality were able to render the service, and the Secretary of Commerce should certify such fact to the Secretary of the Navy, but it did not place any such restrictions on press messages. It gave unrestricted, unlimited right for the Government service to be extended to the press. We had hearings upon that bill, and at a later date the representatives of the press appeared before us and indorsed and urged the passage of that resolution, and representatives of the Navy and others indorsed it. Representatives of privately owned radio stations appeared before the committee and opposed the resolution. They were really opposed to any legislation, but they wanted to weaken it all they could.

Out of deference to them, there was reported out a resolution which was enacted into law, House joint resolution 170, which is public resolution 48 of the Sixty-sixth Congress. I at the time thought, and I think now, that that resolution did not go far enough, that it was too restrictive, that it did not give enough latitude to insure this service being given to the public, and particularly the press; but the majority of the committee thought otherwise and reported out the resolution. Sure enough it developed that by reason of the restricted provisions a certain representative in the Department of Commerce took the lead, as I understand it, and gave notice to the Navy to get out of the service upon the ground that privately owned stations were then adequately equipped to render the service. So the Navy got out with respect to the New York station. What happened? It was admitted before our committee by the representative of the company which had served the notice upon the Secretary of the Navy that they were able to do the business that it developed subsequently that they were unable to render the service and that he had made a misrepresentation to the Secretary of Commerce.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. EDMONDS. Was not that on account of the lack of facilities on the other side of the ocean instead of on this side?

Mr. DAVIS of Tennessee. No. I say that the proof shows that it was on account of the lack of facilities not only on the other side but on this side.

Mr. EDMONDS. But mostly on the other side?

Mr. DAVIS of Tennessee. And one reason they could not make satisfactory arrangements on the other side was because it was a new privately owned corporation, and that the Governments who owned the radio systems on the other side of the water were unwilling to make an arrangement with that company as they had done with the Government of the United States. That is the situation that is going to continue to arise in the future, because everyone knows that this great Government is in a better position to make satisfactory arrangements with Governments owning radio systems in France and Great Britain and other foreign nations than any privately owned concern, and these foreign systems are owned and operated by the Governments.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. McDUFFIE. Can the gentleman inform the committee approximately how many stations there are, privately owned and operated, and why there are not more stations constructed by private concerns? Is it not a profitable business?

Mr. DAVIS of Tennessee. It depends entirely upon circumstances. It is, to a large extent, a natural monopoly. In other words, it will cost two stations to operate at a given point twice as much as it will cost one, and yet they will get just the business that one would, and wherever one company gets into a field first it is perhaps not a wise thing for another company to go into that field.

Mr. McDUFFIE. Does the gentleman mean within a certain radius of that field?

Mr. DAVIS of Tennessee. Yes.

Mr. McDUFFIE. It has an effect upon the air?

Mr. DAVIS of Tennessee. Yes, considerable; on account of static conditions.

Mr. EDMONDS. Mr. Chairman, the gentleman does not want to state something that is not correct. The Marconi Co. of England virtually controls the wireless of England.

Mr. DAVIS of Tennessee. Not the international.

Mr. EDMONDS. And the Telefunken Co. of Germany controls the wireless in Germany.

Mr. DAVIS of Tennessee. I am talking about the international radio service.

Mr. EDMONDS. That is the international service. The Marconi Co. of England is the company that communicates with the Marconi Co. of this country. In the testimony it was positively stated that in England the overseas wireless was privately owned.

Mr. DAVIS of Tennessee. I do not remember the testimony as the gentleman does.

Mr. EDMONDS. That is true of Germany and also of Italy. I do not know what the fact is in Spain or in France.

Mr. DAVIS of Tennessee. I do not care to yield further, but I say that the testimony is to the contrary, as testified to by different individuals. Prior to the time that the Government was put out of the service it had earned $1,500,000, which went into the Public Treasury, and it was testified to, and it is undisputed, that the Government could then and could now render this supplemental service to the public without its costing the Government a single additional dime. It was testified by Admiral Bullard that it is to the advantage of the naval radio system to do it, because we have to keep the men on duty for the Government service anyway, and if they get plenty of work it simply means more efficiency and raises the state of the art.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. SANDERS of Indiana. Is it the gentleman's opinion that all of these radio stations should be Government owned and operated?

Mr. DAVIS of Tennessee. I am not prepared to go that far, but I will say this: I think that it is a natural monopoly, and as has already been suggested here, on account of static conditions, there is a limit to competition, and the Government is compelled to own its own stations in order to handle the Government's business, and as a matter of national defense. We are bound to have these international radio systems, and in view of that fact, and in view of the fact that it is a natural monopoly, it might be well to consider that proposition. However, I do not care to enter into any discussion of that now, because it does not enter into this resolution or the amendment thereto which I shall propose. My position simply stated is this, that we ought not to compel the Government to withdraw its service from the press until it develops that private radio stations are prepared to render that service. I do not think we ought to fix a specific date and say to the Government, "You shall get out then, whether the private companies are able to render the service or not," and this bill does exactly that. It says that they shall get out in any event, on June 30, 1922, whether the private companies are then able to render the service or not.

Mr. SANDERS of Indiana. The gentleman is opposed to the limitation?

Mr. DAVIS of Tennessee. I am opposed to that. I say that the resolution should specify that the naval stations should not be prohibited from rendering that service prior to that date, because everybody concedes that the private companies can not do it prior to then, and that after that time the termination of the Government service ought to depend on whether the private companies have increased their equipment to such an extent that they can render the service. It should also be remembered that as to whether they are then able to render the service, according to the provisions of the bill would be determined by the present Secretary of Commerce, and he is a member of the majority party, who would then have to give notice to the Secretary of the Navy, who is also a member of the dominant party. If the Secretary of Commerce can not determine that to be true, I say that the public and the press, as important as their interests are, ought still to be permitted to get that service, and that the rights of the Government and the rights of the press and the rights of the public should not be subordinated to the selfish interests of a few private radio companies.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will yield.

Mr. CHINDBLOM. I will say to the gentleman that as he will recall, I do not know whether the remark was made in his presence or not, but the idea of some members of the committee was that if it should transpire that it might become necessary to extend this rate to the press beyond June 30, 1922, the Congress will then be in session and the matter might then be taken care of. However, I will say this, with a slight modification which I think may be acceptable to the gentleman, I think we may agree upon what he suggests.

Mr. DAVIS of Tennessee. I hope we may, and I want to say this, that the gentleman from Illinois and I were on the subcommittee together and we have undertaken to thrash this out, and I do not think there has been very much difference between us anywhere along the line. But with regard to the fact that we will be in session and can enact supplemental legislation, the press and the news associations have for 18 months been trying to get relief and have not got it yet, and it is an important matter. It is an important matter to them, it is an important matter to the public that they should not be curtailed in the receipt and transmission of press matter.

Mr. HARDY of Texas. If the gentleman will yield, his position simply is we should not tie ourselves with the view of untying ourselves by legislation later?

Mr. DAVIS of Tennessee. That is it exactly. I want to invoke in support of the position, which I in my feeble way have endeavored to express, what I presume will be considered to be pretty good authority at this time. President Harding in his message to the Congress, in dealing with this subject, said this:

> It is proper to invite your attention to the importance of the radio communication and cable. To meet strategic, commercial, and political needs, active encouragement should be given to the extension of American-owned and operated cable and radio services. Between the United States and its possessions there should be ample communication facilities providing direct services at reasonable rates. Between the United States and other countries not only should there be adequate facilities but these should be so far as practicable direct and free from foreign intermediation. Friendly cooperation should be extended to international efforts aimed at encouraging improvement of international communication facilities and designed to further the exchange of messages.

Now, listen to this:

> Private monopolies tending to prevent the development of needed facilities should be prohibited. Government-owned facilities, wherever possible without unduly interfering with private enterprise or Government needs, should be made available for general usage.

He does not say they should be made available only until June, 1922, and we are certainly not unduly interfering with private business when we say that private business can have all of the radio business whenever they are able to attend to it. The President in this message says further:

> Particularly desirable is the provision of ample cables and radio services at reasonable rates for the transmission of press matter, so that the American reader may receive a wide range of news and the foreign reader receive full accounts of American activities. The daily press of all countries may well be put in position to contribute to international understandings by the publication of interesting foreign news.

Later in his message President Harding makes this statement:

> International communication by cable and radio requires cooperation between the powers concerned.

Now, gentlemen, I say that President Harding in his recent message on this subject was exactly right. He has looked at it from the broad standpoint of the press and the public. Why, if it were to be reduced to a question of dollars and cents, the press business alone has got a thousand dollars invested where these private radio companies have got a dime invested. If you want to disregard the public interests, if you want to disregard absolutely the importance of communication of foreign news, and if it is going to resolve itself in a contest between private interests I think we ought to resolve it in favor of the press agencies and newspapers of the land who have demanded a good deal more than it is proposed to give them in the resolution under consideration unless it is amended, because they asked for the passage of the Greene bill, which fixes no such restrictions upon them. If we had passed the bill introduced by Chairman GREENE in the form in which it was introduced, the press of the country and the Congress would not now be confronted with the situation with which we are now dealing. Now, I want to say further, gentlemen, if anybody objects to the form, which I advocate, and which some of my colleagues advocate, except these privately owned radio companies that seem to be so afraid of Government competition, there is nothing in the world even now, and there has been nothing since February 29, 1920, to keep the private radio companies from getting all the business that they can get and handle. My proposed amendment does not interfere with that. It simply provides that the Government shall supplement the needed service until the privately owned companies are able to render it. The majority of this committee which reported out this bill are opposed to even that except up until June, 1922, unless they, as suggested by the gentleman from Illinois, see proper to agree to the suggested amendment. Now, here is another feature of this proposition. The question is as the gentleman from Illinois [Mr. CHINDBLOM] explained to you. The newspaper representatives advised us that it was impossible for them to make proper foreign news arrangements unless they could do so for some definite period of time. They first asked that this service be extended from year to year, in order that they might make annual contracts. Now, this resolution gives less than one year, because before this bill can become a law they will not have a year—much less, any time whatever—within which to make a yearly contract; and then the Government service is to terminate abruptly regardless of conditions, and could not be reinstated after June 30, 1922, no matter what conditions might subsequently arise.

The amendment that I propose to introduce, gentlemen of the committee, is this, namely, to strike out the language contained on the last page of the bill after the word "thereof" in line 2, and insert in lieu this language:

> And all rights conferred by this section shall terminate and cease in any event on June 30, 1922: *Provided further*, That the rights conferred by this section with respect to press messages shall not terminate and cease prior to June 30, 1922, after which date the right to use such Government service for the transmission and reception of press messages shall terminate and cease as between any countries or localities or between any locality or privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately owned ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof.

Now, who can object to that except the private companies, who would like to let the public and the press go without the service, looking at it from their own selfish interests and disregarding the public interest? But we are here supposed to regard the public interest, and I think that the public is entitled to this service until they can get it from some other source. Even my amendment will make it more restrictive than in the form of the resolution as originally introduced by the chairman of this committee.

Mr. Chairman and gentlemen of the committee, I am not going to consume any more of your time on this proposition. I think it is a matter of tremendous importance, as President Harding saw proper to say in his message. It is a matter of sufficient importance that we should do what he strongly recommended in that message, and I hope that those of you across the aisle will see proper to join me in following your leader in that respect. [Applause.]

Mr. KEARNS rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. KEARNS. To submit a parliamentary inquiry. I would like to know how much time is remaining.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] has 20 minutes remaining, and the gentleman from Tennessee [Mr. DAVIS] has some time remaining, if he desires to use it.

Mr. GREENE of Massachusetts. I understand he yielded the floor. Does he wish to yield time?

Mr. KEARNS. We are desirous of transacting some very important business, and we are strongly of the opinion the committee is unanimous for this legislation, and since there is not a quorum I thought possibly we could come to some understanding that we would have an early vote on this.

Mr. STAFFORD. The gentleman would not take advantage of those who are absent by compelling them to come through the hot weather to the House and vote?

Mr. KEARNS. I would not, provided we had an early vote.

Mr. GREENE of Massachusetts. We are going to have an early vote. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Massachusetts has 20 minutes remaining, and the gentleman from Tennessee has 17, if he desires to use it.

Mr. DAVIS of Tennessee. I reserve my time, Mr. Chairman.

Mr. GREENE of Massachusetts. Mr. Chairman, I desire to say a few words in reply to the gentleman from Tennessee. I have been a member of the Committee on the Merchant Marine and Fisheries ever since the radio act was enacted in 1912, and during all that time the committee have faithfully tried to advance the interests of radio development and have succeeded in taking care of all the demands that have been presented to the committee. During the recent World War it became necessary to turn the radio business over to the Government for the use of the Navy. There were some 5,000 radio operators who were called into the Navy during the war, all of them amateurs, for the purpose of aiding the Navy and assisting in the matters of radio communication. So there has been no attempt, either in the committee or outside of the committee, to prevent the Navy Department from enlarging its radio service or making such improvements as were needed, but many individuals, who as amateurs became very proficient in the use and development of radio, lost all of their opportunity for improvement, and they were not allowed to use their mechanisms during the war period.

After the armistice was declared, and later in 1920, the Navy finally removed the restrictions to which these amateur operators had been subjected and restored to them the opportunity to reestablish themselves and improve radio service. As a consequence they have ameliorated the radio conditions without cost to either the Government or injury to any individual. Now, my friend from Tennessee is very much disturbed because he is afraid that if the Government will only take care of this business and nothing is done to develop radio service on the part of individuals, there is going to be a great damage to the community. I can not agree with the theories of the gentleman from Tennessee. The development of the radio has been very largely through private enterprise, and beyond even what the Navy has done. Now the gentleman from Tennessee states that the Navy has turned a vast amount of money into the Treasury through radio development. They certainly expended a vast amount of money, and if any money was returned to the Treasury I am sure all will feel gratified. I can not conceive any reason why the Government should come in with its vast resources and interfere with an individual or an organization that is trying to build up an industry and establish it. And many individuals have established themselves in radio development. I know of a man in my own city, who lives only about 100 feet from where I reside, that is able to communicate with the Hawaiian Islands, and he communicates at a time that does not interfere with anybody else, because on the top of his letterhead it states that his operations will be conducted between 11 o'clock at night and 1 o'clock in the morning. And he communicates with people as he pleases and communicates with such people as are interested in the private development of radio. I am in favor of such development. I am glad to hear the gentleman indorse the action of the President of the United States, and I think he and I are in perfect accord regarding the President's actions. But I do not believe in the Government establishing itself in private business and preventing the people of the United States, from whatever part of the country they come, from developing any business that they see fit to develop. I think we ought to develop it, and I think the Government ought to cease their efforts to compete to the injury and destruction of private enterprise. And this development of radio by the Navy Department is from funds paid from the Treasury. The cost of the maintenance of the radio service in the Navy, the cost of the improvements of the service in the Navy is paid out of the pockets of the people of the United States in the form of increased taxation. But if the individual desires to develop radio and the Department of Commerce decides that there is sufficient private enterprise to meet all the needs of the community, I believe in having it done by private enterprise and private investment of capital rather than to grind the taxpayers to pay the price, and then have it claimed on this floor that it does not cost anything to do the business and that all receipts are profits from the business, when no estimate is submitted to show the overhead charges or other necessary expenses of maintenance of the departments while they deliberately attempt to prevent the success of private enterprise.

I know the Navy Department can not be carried on without cost. It costs a great deal of money. I am willing to appropriate all the money needed to keep the Navy in good condition to meet any of its legitimate expenses, but I am opposed to appropriating money to enable it to destroy or interfere with private enterprise. [Applause.]

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920, be, and the same is hereby, amended to read as follows:

"SEC. 2. That the Secretary of the Navy is hereby authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and—(b) for the reception and transmission of private commercial messages: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section, except for the reception and transmission of press messages, other than press messages between the Atlantic coast of the United States and ships at sea, shall terminate and cease as between any countries or localities or between any locality and privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and all rights conferred by this section shall terminate and cease in any event two years from the date this resolution takes effect.

With a committee amendment, as follows:

Page 3, line 4, after the word "event," strike out the words "two years from the date this resolution takes effect" and insert in lieu thereof "on June 30, 1922."

Mr. DAVIS of Tennessee. Mr. Chairman, I wish to offer an amendment in the form of a substitute for the committee amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 3, line 2, after the word "thereof," strike out the comma and the following words, "and all rights conferred by this section shall terminate and cease in any event on June 30, 1922," and insert in lieu thereof a colon and the following:

"*Provided further*, That the rights conferred by this section with respect to press messages shall not terminate and cease prior to June 30, 1922, after which date the right to use such Government service for the transmission and reception of press messages shall terminate and cease as between any countries or localities or between any locality or privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately owned ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof."

Mr. STAFFORD. Mr. Chairman, I make the point of order that that is not a substitute to the committee amendment. It would be in order, I take it, when the committee amendment is disposed of. But the amendment proposed by the gentleman has no direct relevancy to the committee amendment which is before the House; that is, to strike out "two years from the date this resolution takes effect" and insert "on June 30, 1922." There may be Members of the House who would favor the committee amendment and yet who would also wish to favor the proposed substitute.

Mr. CHINDBLOM. Mr. Chairman, I make the further point of order that the proposed substitute strikes out of the original bill other matter than the committee amendment, and therefore it can not be a substitute for the committee amendment. It strikes out all the language beginning in line 2 after the comma on page 3.

Mr. STAFFORD. My further point of order is that the substitute is not germane to the committee amendment.

Mr. HARDY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARDY of Texas. Would it be in order if the committee amendment is voted on, then to offer the proposed substitute as an amendment to the bill as amended?

The CHAIRMAN. Any amendment otherwise germane would be in order and proper.

Mr. HARDY of Texas. What I was asking was if the committee should adopt the committee amendment would it still be in order to offer the amendment of the gentleman from Tennessee to the section?

The CHAIRMAN. Well, if it did not by its very terms reverse the action of the committee in agreeing to its amendment—that is, unless it was an amendment inconsistent with the action which the committee had already taken.

Mr. HARDY of Texas. The amendment of the committee does not affect the meaning of any part of the bill as it was written except the time when it goes into effect, and therefore it seems to me that the amendment of the gentleman from Tennessee would not necessarily contravene the amendment of the committee. But I would like to know what the Chair thinks about it, because there ought to be some way for the House to express itself on the matter.

The CHAIRMAN. The only way that the House could express itself would be to vote down the committee amendment.

Mr. HARDY of Texas. I do not understand the Chair.

The CHAIRMAN. The House could vote down the committee amendment and then take action not inconsistent with the vote by which the committee amendment was voted down.

Mr. CHINDBLOM. Mr. Chairman, will the Chair permit a suggestion?

The CHAIRMAN. Yes.

Mr. CHINDBLOM. Voting down the committee amendment in this case would not improve the situation, because if you voted down the committee amendment you would still have the limitation, and the question would again arise whether the proposed amendment would affect the limitation. I think even after the limitation had been adopted an exception to that limitation might not necessarily be in contravention to the rule.

The CHAIRMAN. That is true.

Mr. DAVIS of Tennessee. If the Chair please, of course I fully understand that if the committee amendment were adopted it would be proper for me to offer an amendment to strike out the words "on June 30, 1922," instead of the words that the committee amendment proposes to strike out. But having acted on that, it occurs to me that my amendment could be directed to the bill as reported.

Mr. HARDY of Texas. Unless the committee amendment should be considered as a perfecting amendment; then the whole thing would be subject to amendment.

The CHAIRMAN. The Chair would call the attention of the gentleman from Tennessee to the fact that his amendment might be submitted at some other point in the bill rather than at the point where the amendment has been recommended.

Mr. DAVIS of Tennessee. If the Chair please, my amendment is in the form of a proviso. I will state that, of course, I have no objection to the committee amendment being voted on first, and I was rather under the impression that the committee amendment was a perfecting amendment, because it dealt only with the matter of time, whereas my amendment deals with the entire proviso.

Mr. STAFFORD. Does the gentleman not realize that that is the reason why it is not a substitute?

Mr. DAVIS of Tennessee. Would it be in order to offer it as an amendment?

Mr. STAFFORD. I am not in the chair, but it is my opinion that it would be.

Mr. DAVIS of Tennessee. Mr. Chairman, instead of offering my amendment in the form of a substitute, I simply offer mine as an amendment to the amendment offered by the committee to the proviso.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman permit a suggestion? Let us have a vote on the committee amendment, and then, I take it, it will be in order for the gentleman to offer his amendment.

Mr. DAVIS of Tennessee. I am perfectly willing to do that, unless the point be made and sustained that my amendment is not in order because it is contrary to the action just taken.

Mr. CHINDBLOM. I shall not make any point of order against the gentleman's amendment myself, but I want to offer a substitute for it.

The CHAIRMAN. The Chair is of the opinion that the committee amendment should be disposed of first.

Mr. DAVIS of Tennessee. Without impairing my right to offer the other?

The CHAIRMAN. Then the gentleman can offer any germane amendment that is not inconsistent with the action of the committee in agreeing to the committee amendment.

Mr. BANKHEAD. Let me suggest to the Chair, in order that we can get down to business on this matter, that the parliamentary status is that a point of order is pending against the amendment of the gentleman from Tennessee. Let the Chair dispose of that.

The CHAIRMAN. The Chair will hold that the substitute offered by the gentleman from Tennessee [Mr. DAVIS] is not in its very nature a substitute for the committee amendment.

Mr. McKENZIE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McKENZIE. Would it not be possible and proper by unanimous consent to offer an amendment to the committee amendment?

The CHAIRMAN. Yes; by unanimous consent, always.

Mr. CHINDBLOM. That can be done always.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. DAVIS of Tennessee. Now, Mr. Chairman, I wish to offer the amendment which is at the Clerk's desk, except that it will be necessary to change it——

The CHAIRMAN. Will the gentleman from Tennessee take his amendment and re-form it so that it will be in the proper form?

Mr. LONDON. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. I desire to move an amendment, to strike out everything contained in the joint resolution beginning with the word "provided," in line 11, page 2. Is not that motion preferential to the motion of the gentleman from Tennessee?

Mr. BLANTON. He has not offered it yet. There is nothing before the House.

Mr. LONDON. Then I move to strike out everything beginning with the word "provided," on page 2, line 11.

The CHAIRMAN. To strike out the remainder of the section?

Mr. LONDON. To strike out the remainder of the section.

The CHAIRMAN. The gentleman from Tennessee [Mr. DAVIS] has a preferential motion. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 3, line 2, after the word "thereof," strike out the comma and the following words: "and all rights conferred by this section shall terminate and cease in any event on June 30, 1922," and insert in lieu thereof a semicolon and the following:

"*Provided further*, That the rights conferred by this section with respect to press messages shall not terminate and cease prior to June 30, 1922, after which date the right to use such Government service for the transmission and reception of press messages shall terminate and cease as between any countries or localities or between any locality or privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately owned ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof."

Mr. CHINDBLOM. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Illinois offers a substitute for the amendment offered by the gentleman from Tennessee, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM as a substitute for the amendment offered by Mr. DAVIS of Tennessee: Page 3, line 5, after the words "June 30, 1922," in the committee amendment, insert the following: "*Provided*, That after June 30, 1922, the right to use such Government service for the transmission and reception of press messages shall terminate and cease as between any countries or localities or between any locality or privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately owned ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof."

Mr. CHINDBLOM. Mr. Chairman, I want to say that I have this objection to the amendment of the gentleman from Tennessee: He strikes out the words, beginning in line 2, on page 3, of the joint resolution reading as follows:

And all rights conferred by this section shall cease and terminate in any event on June 30, 1922.

I think those words should remain. I am not opposed to granting the further privilege to press messages and press associations in the event the Secretary of Commerce believes that it is necessary to use the facilities of the Navy for the transmission of press messages after June 30, 1922, and that this may be done is the only effect of my substitute.

Mr. MILLS. Will the gentleman yield for a question?

Mr. CHINDBLOM. Yes.

Mr. MILLS. Does not the gentleman's substitute go much further than the bill as originally reported by the committee in that it extends the time provided for by the law as it exists to-day?

Mr. CHINDBLOM. To what time does the gentleman refer?

Mr. MILLS. June 5, 1922.

Mr. CHINDBLOM. It has already been extended 25 days. That is all, and that has already been done by the amendment of the committee.

Mr. MILLS. I understand that; and now the gentleman is extending the time during which the Government can handle commercial business.

Mr. CHINDBLOM. Not commercial business—press messages.

Mr. MILLS. Well, press messages are commercial business.

Mr. CHINDBLOM. Under my substitute, after June 30, 1922, the radio facilities of the Navy may be used for the transmission and reception of press messages until the Secretary of Commerce shall have determined that private radio facilities are adequate, and then it will terminate, when he notifies the Secretary of the Navy of that fact.

Mr. MILLS. Mr. Chairman, I should like to be heard in opposition to the substitute and the amendment. My understanding of the situation is that after lengthy hearings and much consideration Congress fixed June, 1922, as the limit of time during which the Government-owned radio stations would accept commercial business, whether furnished by the press or in the form of ordinary commercial messages. My understanding further is that in reporting this bill it was intended by the committee that the limit should be observed not only as to commercial business but as to press messages. An important principle is involved and the amendment reaches much further than appears on the surface. To-day two or three corporations of considerable importance are investing vast amounts of capital in the development and operation of radio facilities in this country. It is impossible for them to obtain the necessary capital to carry on this work of development unless they have some assurance that the Government of the United States will not continue in the radio business. Now, gentlemen will urge that it is merely an extension with relation to press messages, but at the same time if I was in the radio business I should look on this as an entering wedge and a determination on the part of the people who believe that the Government should remain in the business to retain a foothold in the radio business, and if that is the effect I assure you, gentlemen, it will have a serious effect on the development of the private industry. [Applause.]

Mr. HARDY of Texas. Will the gentleman yield?

Mr. MILLS. With pleasure.

Mr. HARDY of Texas. Is the gentleman unwilling to trust his own Secretary of Commerce to declare when there are facilities to meet the demands of the public and the press in the radio business?

Mr. MILLS. Now that the Government has declared that it will go out of the radio business in 1922, I am opposed to having it change its mind.

Mr. HARDY of Texas. Then the gentleman is unwilling to trust his own Secretary of Commerce.

Mr. DAVIS of Tennessee. Mr. Chairman, we are willing to accept the substitute offered by the gentleman from Illinois.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. CHINDBLOM].

The question was taken; and on a division (demanded by Mr. DAVIS of Tennessee) there were 23 ayes and 44 noes.

So the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. LONDON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: On page 2, line 11, after the word "messages," strike out the colon, insert a period, and strike out the remainder of the section.

Mr. LONDON. Mr. Chairman, this resolution prohibits the Government from supplying radio service at rates cheaper than the rates charged by private companies. It is calculated to secure to private capital the control of the air. Organized capital has acquired a great deal of the land, has control of the ocean, and this resolution intends to make it certain that the air shall not escape from the dominion of the king—private capital. Some day we will have the sun harnessed, and private corporations will be formed which will levy a tax upon the people for each ray of sunshine. It should be clear, except to those who do not want to see, that the use of the wireless and the control of the air can not be safely intrusted to private capital.

Mr. EDMONDS. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. EDMONDS. Does the gentleman contend that the sun can be controlled by Government?

Mr. LONDON. I contend that land, which is a public utility, is now controlled by private capital, because it has managed to make laws which enable a small portion of the people to control the land. If the genius of man could discover a method for controlling the sun, we would hear arguments that private genius and private capital should be permitted to exploit the sun and sunshine.

Mr. BLANTON. Will the gentleman yield?

Mr. LONDON. In a minute. In view of the fact that in most countries of the world radio stations are controlled by the Governments, it will be necessary for private capital to enter into arrangements with foreign Governments. We will thus have private capital undertake the functions of government in the sphere of radio control. The private radio companies are not helpless little private enterprises, but represent, as the hearings disclose, some of the most gigantic corporations in America. It is not a question of encouraging private capital; it is a question of surrendering to private capital.

Of course I realize that the Republicans are trying to carry out the promise they made that they will have less government in business and more business in government, but I think they are carrying it a little too far, and that they are permitting business to govern altogether too much. You are permitting business to rule, to control, and to govern.

Mr. BLANTON. Now will the gentleman yield?

Mr. LONDON. Yes.

Mr. BLANTON. Is the gentleman in favor of a government competing with private individuals in business enterprises?

Mr. LONDON. You are doing something more than that here; you are preventing the Government from competing. That is what you are doing; when you stipulate that the charge of the Government shall not be less than that of private capital you are preventing the Government from competing in the business. That may be democracy in Texas, but it is not democracy anywhere else.

Mr. BLANTON. Democracy in Texas is taking the Government out of business.

Mr. LONDON. Democracy in Texas does not want to put business in a position where it can control the life of the people, and that is what you are doing.

You permit private capital to control public functions and public necessities.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. BEGG. Can the gentleman cite a single instance in history where the Government has developed a single convenience of progress for man?

Mr. LONDON. In the half a minute I have, I should say, take your public schools, for one thing.

Mr. BEGG. Did the Government do that?

Mr. LONDON. Exactly, and Herbert Spencer, the great philosopher of unrestrained individualism and an authority relied on by anarchists, argued that the establishment of the public schools was the worst menace to liberty. There is no difference between the reactionary capitalist at the top and the anarchist at the bottom. Both of them abhor every form of government. Both of them detest the subordination of the individual to public welfare.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BANKHEAD. Mr. Chairman, I hardly think it necessary to rise in opposition to the amendment proposed by the gentleman from New York [Mr. LONDON], because I assume this committee will not take seriously the purpose which it has in mind, to wit, to take the life and strength out of this proposition. I rise merely for the purpose of saying that there should be no confusion whatever as to the purposes of this resolution. In brief, they are simply these: The Government, during the war, through the Navy Department, acquired certain radio stations, which it still owns and operates. According to the evidence before the committee, it has been shown that private radio institutions in some cases do not possess adequate facilities to furnish accommodations to the public, and especially to the press associations of the country. All this resolution does, and all the committee had in mind that it would do, is simply to provide that when the Secretary of Commerce finds that private concerns do not have facilities to do all of this press business, then the Navy stations shall, until the 30th of June, 1922, be permitted to carry the excess that is offered. That is all there is in the resolution, and that is all that is sought to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. The committee has one more bill for consideration. Is it necessary that the committee rise now and report this resolution, or may it be laid aside with the favorable recommendation and the other bill taken up?

The CHAIRMAN. The Chair is of the opinion that the committee should rise and report this bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise and report the resolution with the amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution No. 7 and had instructed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

Mr. GREENE of Massachusetts. Mr. Speaker, I move the previous question on the resolution and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ADJOURNMENT.

Mr. KEARNS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 14, noes 61.

So the motion to adjourn was rejected.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. Is it in order to explain the reason why I voted against adjournment?

The SPEAKER pro tempore. The Chair thinks not.

Mr. GARRETT of Tennessee. If I were permitted to explain, I would say that I voted against it so as to expedite the tariff bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2089. An act authorizing the appointment of an additional judge for the district of Minnesota; and

S. J. Res. 72. Joint resolution for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm.

FISH-RESCUE STATION, MISSISSIPPI RIVER.

Mr. GREENE of Massachusetts. Mr. Speaker, I call up the bill H. R. 2393, to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up the bill H. R. 2393. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Illinois [Mr. MADDEN] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2393, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be established on the Mississippi River, at a point to be selected by the Secretary of Commerce, a station for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley, to be under the direction of the Bureau of Fisheries of the Department of Commerce, and for this purpose there is authorized to be appropriated the sum of $75,000 for the construction of buildings and the purchase of equipment, boats, and such other accessories as may be deemed necessary for the successful operation of such station.

SEC. 2. That in connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervisor, at $3,000 per annum, to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a field superintendent, at $2,400 per annum; 2 field foremen, at $1,500 each per annum; 5 fish-culturists at large, at $1,200 each per annum; 1 engineer at large, at $1,400 per annum; 1 clerk, at $1,200 per annum; 2 coxswains at large, at $1,200 each per annum; and 2 apprentice fish-culturists, at $900 each per annum.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield such time as he may desire to the gentleman from Maine [Mr. WHITE].

Mr. WHITE of Maine. Mr. Chairman, in view of the uneasiness which seems to exist in the House, I shall make only a very brief and general statement in the first instance, and will then be glad to yield to answer such questions as I may be able to. This bill is identical in purpose and substantially the same in language as the bill introduced in the last House by Mr. Esch, of Wisconsin. The bill at that time was favorably reported by the committee, but failed to be reached for consideration. It has two primary purposes. It authorizes the establishment of a fish-rescue station on the Mississippi River at a point to be designated by the Secretary of Commerce for the purpose of carrying on there in an enlarged way the fish-rescue operations of the Bureau of Fisheries.

Its second purpose is to aid in the propagation of the mussels in the Mississippi River. The Mississippi River offers a most unusual opportunity for fish rescue operations. It is a river where there are rapid rises of the waters and where there are corresponding rapid recession of waters. These rapid changes of elevation of waters leave where the waters drop a great many ponds, puddles, bayous, and even lakes at various places up and down the length of the river, and every time these periods of drought or recession of waters comes there are left in these ponds or puddles or pools, whatever you choose to call them, large quantities of valuable edible fish. These instances occur not only in the upper regions of the river, in Minnesota and Wisconsin, but to a greater or less extent clear down the whole course of the Mississippi River to Louisiana and its mouth. The bureau in a small way has been at work along this line for some few years. I think as far back as 1914 the department rescued from these ponds something like two and a half million fish. If the fish are not rescued with the receding of the waters and the drying up of the pools and the ponds, the fish die, and again if they are there when cold weather comes the small ponds freeze over and the fishes suffocate. The work from 1914 on has extended until in 1919 it has resulted in the rescue in round numbers of 156,000,000 of edible fish from these pools and streams.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WHITE of Maine. May I finish this brief statement, and then I will gladly yield? Now, it has been estimated that at least 25 per cent of those rescued fish which are put back into the main current of the stream and into the main stream live to maturity, and it has been estimated that at the going value of fish that number of fish in 1919 was worth at least six and a half million dollars. This work was done by the Department of Commerce at an average cost per thousand of fish at 20 cents.

Mr. JOHNSON of Mississippi. That is the question I wanted to ask.

Mr. WHITE of Maine. The average cost is 20 cents per 1,000 of these rescued fish. Now, in the doing of this work the department has operated by calling upon the existing cultural stations up and down the Mississippi River for men. That is all done at the expense of existing activities. And this fish rescue station is designed to be established at some point to be designated by the authorities of the bureau, from which point the employees herein authorized can operate and take charge of this work all up and down the length of the valley. Now, that is the first proposition, I may say the primary purpose, in this bill. Closely connected with that there is another activity which should receive encouragement. There is in the Mississippi Valley a very considerable button industry. As I understand it, there are something like 20,000 employees employed throughout this valley in this button industry, and the production amounts annually to a great many million dollars. Now, these mussels are facing extinction. At certain seasons of the year the mussels throw off the young. If fish are not present at the time these young are thrown off the young mussels sink to the bottom of the stream and die. In other words, in order for these young mussels to live it is necessary as they are thrown off from the parent mussel that they attach themselves to the gills, the fins, or the tails of fishes, and there they embed themselves, and there they stay until finally at the proper period of development they leave the fish and take up their independent life in the bed of the river.

Now, in connection with these fish-rescue operations it has been the practice of the bureau to fill the ponds, the intermediate ponds in which these fish are kept from the time they are

rescued from the waste waters until they are put back into the native waters, with spawning mussels, the young of which attach themselves to the fish put into the ponds with them. It is a curious thing, but the scientists tell us that a certain kind of mussel attaches itself to a certain kind of fish and will not attach itself to another species of fish. So the bureau in a small way has been introducing these rescued fish into these ponds filled with these spawning mussels and then the fish inoculate themselves with these young mussels and the mussels stay there until the proper time. Then the fish are put into the waters of the river and these young mussels drop off and the mussel takes up its independent life in the waters of the river. Now, it seems to the committee which has this bill in charge that either one of these activities justified this authorization, and so the bill has been reported here with the unanimous report from the committee. Now, that is all I care to say, unless somebody desires to ask a question. I yield back the remainder of my time.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield me a minute?

Mr. GREENE of Massachusetts. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS. Mr. Chairman, in addition to what the gentleman from Maine [Mr. WHITE] has said, in addition to the great number that are put into the river, the fish that are rescued are distributed upon application to various parts of the country. Along the front of my district on the outside of the levee, when the river goes down the ponds and what we call borrow pits, where the earth has been taken for the purpose of building a levee, fish gather in tens of thousands—I dare say in the millions—and they are rescued from those places and shipped under the direction of the Bureau of Fisheries to all parts of the country adjacent to the Mississippi River. This work has been going on in a more or less haphazard way for a number of years with the very limited funds which have been made available for it, and the work has been fully justified by results. This bill ought to be passed, and I hope it will.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. DAVIS of Tennessee. We are not going to take much time, and I ask to be recognized.

The CHAIRMAN. The Chair did not see anyone on his feet asking to be recognized.

Mr. GREENE of Massachusetts. I had reserved the balance of my time. I yield to the gentleman from Wisconsin [Mr. A. P. NELSON].

Mr. A. P. NELSON. Mr. Chairman and gentlemen of the committee, I am very grateful to the chairman of the committee for the privilege of speaking out of order. I desire to address myself during the time allotted me to the subject of limitation of armaments.

Mr. Chairman, it is my profound conviction that one of the greatest and most far-reaching problems of the hour is the problem of an agreement among the great powers of the world to initiate a proper program of reduction in armaments, both military and naval. An agreement of this kind is absolutely demanded by the serious economic conditions which exist to-day in every one of the great world powers.

It is quite evident that if the present competitive program of increased armaments, both military and naval, by the great powers of the world is to be continued, there can be nothing left but world bankruptcy and dissolution of civilization. At the first meeting of The Hague tribunal, Czar Nicholas of Russia is reported to have stated that Europe at that time was spending £250,000,000 per annum for armaments, and to have indicated that if Europe were long to continue armament at such a rate it would eventually spell chaos and ruin industrially and socially to all of Europe. If this were true, then, of Europe, what is the problem to-day, when America alone is approximating that expenditure for armaments? As a result of the awful desolation of the World War and our continued program of huge armaments, the world is staggering under a load of enormous debts and almost unbearable tax burdens. Even our own country, the wealthiest Nation in the world, is facing to-day a taxation program that is well-nigh intolerable. Debts and taxes must be reduced. Extravagance must be removed and economy must be established. Our overburdened and discouraged citizenship is joining the embittered cry of the world for relief. They demand that the wanton waste in maintaining large military and naval establishments be eliminated. [Applause.]

I stand for an adequate navy and an adequate army; but no one can successfully contend that at the present time there is any good and sane reason for increased navies and enlarged armies.

The world is now practically prostrate and almost bankrupt from the recent war, and no extensive war conflict can, by even the wildest flights of the imagination, be thought possible for the next 10 years. If that is true, why, then, build battleships that will be on the scrap heap in 10 years and of little avail in active conflict at the end of that time? For the present time our able-bodied and valiant veterans of the World War are our potential army of protection against any immediate emergency. I am agreed, however, to expand our research bureaus in both the Army and the Navy. Keep these up to the last minute of details in all lines of military and naval inventions and discoveries. It is clear that the world powers must cease the insane and ruinous program of appropriating for huge naval and military establishments and use their tax budgets for peaceful and constructive purposes. [Applause.]

Now is the hour to initiate such a world movement and, as our President has indicated, we are ready to cooperate in such a movement. This should not be a matter of petty politics but a matter of the united action of the deepest patriotism and the broadest statesmanship for the welfare of struggling, bleeding, and suffering humanity.

May our good President and a united Congress lead the way for a conference of the world powers on reduction of armaments at the earliest possible date. I plead for such a conference both from an economic and ethical standpoint. May we have the vision to see and the statesmanship to lead in bringing about at no distant date the proper solution of this burning question of humanity. The only way to do a thing is to do it. Let us cease merely debating and talking about it. Let us highly resolve to move forward to the shining goal set before us and by united action help secure world disarmament and insure the fruits of universal peace and world-wide prosperity to a distressed and war-torn humanity. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, I do not know that I shall occupy 10 minutes. In fact, I think I shall not. It may be somewhat of a passage from the sublime to the ridiculous for me to pass from the topic of world interest that the gentleman from Wisconsin [Mr. NELSON] has been discussing and talk about the measure that is before the House. But that is what I propose to do.

My attention was called to this measure in the last Congress, the last time it was up. I did not know it was to come up to-day until I came into the House this afternoon. This is a very worthy bill, gentlemen, and it has a lot in it that is of interest to our people. I do not believe that you gentlemen who live in other parts of the country know the vast extent of the riches that are contained in the Mississippi River in a food way. The quantities of fish that are taken out of the Mississippi River and its tributaries and sold in the markets of the world reach an enormous figure. I would not attempt to state it now, but carload after carload of fish is daily shipped out of almost every town of any considerable size along the Mississippi River, all valuable food fishes.

Within the last few years most of the land has been leveed along the Mississippi River. As a consequence all up and down the Mississippi River are found innumerable barrow pits. When the river rises in the springtime these barrow pits fill with water containing fish, most of which are edible. When the water drops, as it usually does, quite suddenly, we find these barrow pits full of the most valuable kinds of fish.

During the last season I have observed that the Fisheries representatives of the United States Government and of the various States which have been engaged in this rescue work have done a very valuable service. In the first place, they have driven out the pot fisherman who goes through there with his nets shortly after the fall of the river and gets out of the pools almost everything that is living in them and destroys the little fishes. They have driven the pot fisherman out of business because the United States agents and State agents are on the job. But in addition they have saved these vast quantities of fish alive which every year before had been dying. I have known the situation to be such that in the spring of the year you could not endure the stench of decaying fish for a long distance from the river, occasioned by the vast quantities of dead fish lying along the river in these ponds and pools, representing many tons of fish in the aggregate, which have been destroyed in that way by the sudden fall of the river.

Now, in the last year these representatives, with their boats and seines, have been going up and down the river and taking these fish out of the barrow pits, and the result of it is that the

fish life of the river has been largely increased, and all of it practically is now being saved.

This is a valuable work. I am sorry that there is not a greater authorization of appropriations made for it in this bill than there is. I hope in the future it will be the policy of this committee to bring in further authorizations for further stations of this kind, so that these fish may have the protection that they ought to have, and the food supply of the country be thereby conserved and increased.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. EDMONDS. The gentleman knows that it is particularly valuable at this time on account of the mussel fishery up there being pretty well depleted.

Mr. GRAHAM of Illinois. Yes. I think some of the greatest mussel beds in the Mississippi River were along that reach of the river that borders the western part of my district. I remember one mussel bed near the city of New Boston, in my own county, that was many feet deep. Those mussels had accumulated there from year to year. The mussel, you must understand, is not like the oyster. The oyster does not move. But these mussels and clams move about in the river, and these vast shoals that they would form would move. When it was found out that the mussel shells were good for something the fishermen began to take them out, scooping them out by means of all sorts of devices; and, as has been the custom with respect to our national resources from time immemorial, they would destroy more than they would save. They would take them out, large and small alike, and destroy everything that was there; and in consequence in two or three years' time those vast beds of mussels that had been formed, many feet in depth, disappeared from our river. To-day you can not find them.

Many of the mussel shells that are used in the button factories in my district are brought up from Arkansas and Tennessee and other States to keep the factories going, and the only mussels that we find are those that we get by dragging hooks through the water; the mussels being open, upon the hooks entering the shells they will cling to the hook and the mussel gatherer will bring them up a dozen or so at one drag, and then proceed to drag again; but in the places where there were once thousands there are now only a few.

The amount of potential wealth represented by those things is unimaginable. These fish that I have told you of are the carriers of them. It may be a matter of interest to you, gentlemen, to know that the common garfish, that nobody ever thought amounted to anything on earth and which is very plentiful in the Mississippi River, is one of the best carriers of mussels that exists, and, as far as I can see, gentlemen, that fact is the only redeeming reason for the existence of the garfish. The fish is a nuisance in all other respects, but the fish culturists in our country have been gathering them in by the thousands and turning them loose inoculated with mussel spawn, for the dissemination of these mussels. And that carries out the idea that everything in creation is of some use at some time, and that seems to be the use of the garfish.

Those mussels will never be back in our streams in the quantities in which they once existed there, because of our profligacy with that source of our national wealth, but I hope that before many years there will be established in the river not only a chain of fish-rescue stations but enough fish and mussel culture stations to restock the river and take care of all the fish in the ponds and pools and to see to it that the mussels in the Mississippi River are reestablished to some extent. Proper laws ought to be enacted as to the taking of them, and those laws should be made uniform throughout the Mississippi River States, so that we may to some extent bring back the industry, which has largely vanished from our country.

This bill is a good bill, gentlemen. I hope there may be more like it. [Applause.]

Mr. DAVIS of Tennessee. Mr. Chairman, I understand that the minority is entitled to an hour.

Mr. STAFFORD. The gentleman means the opposition is entitled to an hour.

Mr. DAVIS of Tennessee. I yield 10 minutes to the gentleman from Texas [Mr. BRIGGS].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, the purpose of this bill is to conserve the food supply of the country. We have been preaching food conservation for the last five years, and more particularly throughout the war; but we have been allowing a vast quantity of fish to go to waste by reason of not taking proper care to rescue them. I think a compliment ought to be paid to the Bureau of Fisheries by stating that they have been carrying on this fish-rescue work without any special appropriation for that purpose. As I understand it, they have found their only means for doing this work out of the savings that they have effected in the sums appropriated for the propagation of fish. When we consider that the number of fish rescued from the overflows of the Mississippi River amounted to 157,000,000 in just one year, the value of the work can readily be realized; especially when we contemplate that the number propagated by the Government annually at all the regular fish-cultural stations amounts to far less.

We spend a great deal of money constantly for the propagation of fishes, and I want to say that I think we spend it wisely, too. Letters come to my office constantly containing requests for fish propagated in the hatcheries of the Bureau of Fisheries, and a very large number have been put into the public inland waters of my State, as I am sure is true with respect to practically every State in this Union. Not only that, but this Government bureau has endeavored to bring to the attention of the people and popularize many edible fishes with which a great many people have heretofore not been acquainted.

One of the handicaps encountered by the Bureau of Fisheries is that it has not had enough money for experimental work. Some of the experimentation which has been done was not carried far enough to determine whether or not, or how, certain fish, for instance, like the grayfish, could be successfully canned and utilized in that way. I remember it was called to the attention of the House in the last session of Congress that the experiments of the Bureau of Fisheries with that fish had not been altogether successful. At least, the formulas which had been suggested for canning this fish had not resulted in success when tried by private canning industries. While it may be true that in certain instances the bureau has not been able to carry forward its experiments as far and as successfully as it would have liked to do, it remains a fact that it has done a tremendously fine work, which has saved the people of the United States an enormous amount of food that otherwise would have been completely lost to the people. It is an astonishing thing, moreover, that the cost of this rescue work is so much lower than the cost of the propagation of fish. The rescue work has been carried on at an exceedingly low cost; and when once the equipment is provided the maintenance of the work will not, I understand, exceed $15,000 a year.

While speaking of the subject of the conservation of our fish, I think it appropriate to call attention to the fact that Secretary Hoover has been so much impressed recently with the necessity for the proper conservation of our great fish industry, not only in inland waters but even more particularly in the coast waters, that he has been holding here in Washington a series of conferences, to which have been invited those who are interested in fisheries and in fish production in all parts of the United States. Particular attention has been called to the new menace to the fish industry in the coastal waters, especially in those of Virginia and Maryland, through the dissemination of oil and oil waste from ships. This oil-waste nuisance constitutes not only a danger to fish, but is a great fire menace and hazard to both ships and docks in the harbors of the United States. It should be legislated against without delay for it is generally believed it will be stopped when ships are compelled to clean their oil tanks at sea.

In my own locality there are very alarming signs of diminution of the fish supply, and, in fact, all along the coast of Texas. A Government salt-water hatchery is badly needed there. Where fishermen used to catch fish in the largest numbers they are now having difficulty in getting an adequate supply along many parts of that coast. It has been necessary to seek the waters off the coast of Yucatan where large quantities of red snapper and other fish are caught; but it seems to me that the Government of the United States could and should also be conserving and developing the fishing industry in its own waters, which with a little care will yield millions upon millions of pounds of fish and millions of dollars of revenue to the American people. [Applause.]

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen, I wish to add my indorsement to this bill. I think it is a matter of very great importance. While, of course, it involves some expense, yet it is quite apparent that the expenditure in this work will be returned many hundredfold. For instance, it was testified to by the Commissioner of Fisheries before our committee that during 1919 the cost of rescue work was only 20 cents per thousand fish, and, of course, that is an insignificant sum. They are engaged in this rescue work already, and this bill simply enables them to increase and expand that very important work. It increases our food supply, and it is a function which will not be performed unless it is performed by the Government. It is a work in which private enterprise would not engage at all unless it should be to take the stranded fish and

sell them for food immediately instead of replacing them in proper places so as to replenish and increase the fish production in those localities. However, as the matter has been so fully covered by my colleagues, and as there seems to be no opposition to the bill, I do not care to do more than to express my hearty indorsement of this legislation. [Applause.]

Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I shall take only a few minutes of the time allotted to me. I am in favor of this bill. If I were not in favor of it, the eloquent presentation of the facts by the gentleman from Maine [Mr. WHITE] would have convinced me that it is a good bill and ought to pass.

But I desire to refer to another matter, and that is the other eloquent speech made on the floor a moment ago by the gentleman from Wisconsin [Mr. A. P. NELSON]. When he was speaking so eloquently for disarmament I was in the attitude of applause and was indorsing all he said. He showed us so conclusively that it is foolishness for our Nation to keep on spending millions of dollars on useless battleships that in a few years will be obsolete. If I was one of his constituents and he should come before me in his district and make that kind of a statement I would say, "Bully for you, Congressman; but how did you vote last time it came up?" You talk eloquently for disarmament and you say we ought to stop building these useless battleships——

Mr. A. P. NELSON. And I voted the same way.

Mr. BLANTON. Well, let us see. On the 14th of last February I made a motion to recommit the naval bill and to strike out of it $83,000,000 that was sought to be expended in new construction of useless battleships. Let us see how the distinguished gentleman voted. There were 9 yeas, and they are easily read—just 9 men out of all you colleagues who daily preach disarmament in the House, but when the crucial test came to vote for disarmament, only 9 would stand up and vote like they preached. You will find the record vote on page 3166 of the RECORD of February 14, 1921. Of course, I was one, having made the motion, and Mr. Clark of Missouri, the great minority leader, was another, and let me say that that was the last record vote he cast in this House. It was a vote for disarmament. It was a vote to save $83,000,000 that was to be expended uselessly out of the Treasury. Let us see who the rest were. Mr. GOODYKOONTZ, and, thank God, he is another who votes like he preaches. He had just made an eloquent speech for disarmament, and when the crucial time came he voted like he preached. Mr. HUDDLESTON, Mr. JONES of Texas, Mr. KELLER, Mr. MANSFIELD, Mr. QUIN, and Mr. Sherwood were the nine, but the name of the gentleman from Wisconsin is not written where it ought to be in accordance with his eloquent speeches. Do you know how you are going to bring about disarmament? There is just one way, and that is to disarm. There is just one way to disarm and that is to quit voting $90,000,000 out of the Treasury every year for new construction of battleships, which, according to the statement of the distinguished gentleman from Wisconsin, are in a few years to become obsolete.

I hated to interfere with such an eloquent speech as the gentleman from Wisconsin was making, but I asked the gentleman not to make that eloquent speech to us here—just a little bunch here that has nothing to do with the naval bill in conference, but to make his speech to the conferees on the naval bill who have control of framing that legislation now. I was hoping that he had been able to bring the power of his eloquence to bear on the conferees so that they would take that $90,000,000 out of the naval bill, and he said no, he had not done it. There is where he ought to have made his speech.

Mr. CHINDBLOM. I would like to ask the gentleman if the conference committee will listen to speeches by Members?

Mr. BLANTON. If they do not listen to their colleagues, they ought to be turned off and new conferees appointed. You know what conferees are for; they are to carry out the wishes of the membership of this House, and if the conferees do not pay any attention to what their colleagues say we ought to get rid of them and put in new conferees.

Mr. CHINDBLOM. How many times has the gentleman from Texas appeared and made speeches to the conferees?

Mr. BLANTON. Do you know that I see them on the street and I buttonhole them in the corridors. I go to that great leader of ours, JOHN GARNER, who knows more about legislation than your whole Republican side put together, except JOE WALSH, and I say, "For God's sake do so-and-so," and when he does not do that way then I say, "John, you are no good."

Mr. CHINDBLOM. How many times has the gentleman from Texas appeared before the conferees and asked to make a speech? Will he please answer the question?

Mr. BLANTON. I will answer it; sit down. [Laughter.] There is just one time to get action on a motion to recommit, which is the psychological time. And if you do not make the motion to recommit at that particular psychological second you are kept from it.

Mr. CHINDBLOM. Will the gentleman answer?

Mr. BLANTON. Oh, I am not going to yield further. I will answer it if the gentleman will sit down. It will be clear to everybody else if it is not to him. The psychological time is after the third reading of the bill; the minute the Clerk gets through reading the bill the third time if you do not get up and offer a motion to recommit you can not make it. That is the psychological time to put the House on record, not by its speeches but by its vote, whether it wants to disarm and save $90,000,000. I had my motion to recommit ready on the 14th of February, 1921, and got recognition from the Speaker at the proper second, and I made it and forced a record vote in the House, and eight men only besides myself voted like they preached.

The CHAIRMAN. The Clerk will read.

The Clerk read the bill.

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore (Mr. WALSH) having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2393) to provide for the establishment on the Mississippi River of a fish-rescue station, and had directed him to report the same back without amendment, with the recommendation that the bill be passed.

Mr. GREENE of Massachusetts. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demande by Mr. WINGO) there were—ayes 53, noes 5.

Mr. WINGO. Mr. Speaker, on that vote I make a point of no quorum.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

Mr. CHINDBLOM. Mr. Speaker, if the House adjourns now, will the vote on this bill be the first thing to-morrow morning?

The SPEAKER pro tempore. The Chair thinks it will, the previous question having been ordered.

Mr. TYSON. Mr. Speaker, I want to make a unanimous-consent request.

The SPEAKER pro tempore. Will the gentleman withhold his point of no quorum for the gentleman from Alabama to make a unanimous-consent request?

Mr. WINGO. I will withdraw the point temporarily.

FUNERAL SERVICES OF THE LATE CORPL. BYRAM AND CAPT. JORDAN.

Mr. TYSON. Mr. Speaker, I hold in my hand an invitation from the Rainbow Division Veterans, District of Columbia Chapter, to the House of Representatives, which I ask unanimous consent may be read at this time.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to have read at this time an invitation. Is there objection?

There was no objection.

The Clerk read as follows:

JUNE 22, 1921.

To the Members of the House of Representatives:

The Rainbow Division Veterans, District of Columbia Chapter, invites the attendance of Members of Congress to the funeral services in the Arlington National Cemetery on Thursday, June 23, 1921, at 2.30 o'clock in the afternoon, of the late Corpl. Carroll Byram, of the One hundred and seventeenth Engineer Train (California company of same), Forty-second Division, and of the late Capt. Mortimer H. Jordan, of the One hundred and sixty-seventh (old Fourth Alabama) Infantry, Company K, Forty-second Division. Both comrades made the supreme sacrifice overseas.

Respectfully,

J. BENTLEY MULFORD,
District of Columbia Chapter
Rainbow Division Veterans, Northbrook Courts.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LAYTON, for eight days, on account of important business.

DAM ACROSS WABASH RIVER, HUNTINGTON, IND.

Mr. KRAUS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6814) to authorize the construction of a dam across the Wabash River at Huntington, Ind.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent for the present consideration of H. R. 6814. Is there objection?

Mr. WINGO. Mr. Speaker, I have no objection so long as the parliamentary status is retained on the question on which the House was dividing.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, is this bill on the Unanimous Consent Calendar?

Mr. KRAUS. It is. It involves the granting of a right to build a dam for a municipal utility owned by a municipality. It is important that this work be commenced at once during the summer season.

The SPEAKER pro tempore. The Chair would state to the gentleman from Arkansas that the House divided on the passage of the bill that was under consideration, that the result was announced, those in favor and those opposed, but the Chair did not announce that the bill was passed because the gentleman from Arkansas [Mr. WINGO] made the point of order that there was no quorum present. Before the Chair determined whether there was a quorum present, the gentleman from Massachusetts [Mr. GREENE] moved that the House adjourn. He withheld that motion for the purpose of considering matters by unanimous consent. The previous question, however, had been ordered upon the bill; and in the view of the Chair the vote on the bill should come the first thing to-morrow morning after the approval of the Journal and the disposition of such other privileged matters as might take precedence.

Is there objection to the request of the gentleman from Indiana for the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, let the bill be reported first.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the construction by the city of Huntington, Ind., of a dam for water-supply purposes across Wabash River, at such location and in accordance with such plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided*, That no dam constructed under this authorization shall be used to develop water power nor to generate electricity: *Provided further*, That this act shall be null and void unless the dam hereby authorized is commenced within one year and completed within three years from the date hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KRAUS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. GREENE of Massachusetts. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Thursday, June 23, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DYER, from the Committee on the Judiciary, to which was referred the bill (S. 1060) to amend an act entitled "An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce," approved October 29, 1919, reported the same without amendment, accompanied by a report (No. 212), which said bill and report were referred to the House Calendar.

Mr. RHODES, from the Committee on Mines and Mining, to which was referred the bill (H. R. 3721) to authorize and provide for the acquisition of title to lands to be used as a Government fuel yard, and for other purposes, reported the same without amendment, accompanied by a report (No. 213), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill (H. R. 5824) to vacate and close certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, reported the same without amendment, accompanied by a report (No. 214), which said bill and report were referred to the House Calendar.

Mr. McARTHUR, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7263) to establish rates of pay for enlisted men of the insular force of the Navy, reported the same without amendment, accompanied by a report (No. 215), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 3 of Rule XXII, the bill (H. R. 7300) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress, was reported from the Committee on the Post Office and Post Roads, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 7323) to provide for the appointment of two additional judges of the District Court of the United States for the District of Massachusetts; to the Committee on the Judiciary.

By Mr. VAILE: A bill (H. R. 7324) granting pensionable status to surviving members of the Third Battalion of Ohio Militia who served during the Civil War and to widows of certain members of said battalion; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 7325) to provide for payment to any officer, enlisted man, female nurse, or civilian employee of the American Expeditionary Forces of loss sustained on a negotiable instrument by reason of a fluctuation in the rate of exchange, and for other purposes; to the Committee on Military Affairs.

By Mr. SHELTON: A bill (H. R. 7326) to provide for the erection of a post-office building at Lebanon, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 7327) granting pensions to certain Indian soldiers; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 7328) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport Priest River road crossing, Idaho; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Resolution (H. Res. 125) for the consideration of House bills 7111 and 7158, House joint resolution 138, and Senate bill 1358; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 7329) granting a pension to Bertha Smith; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 7330) for the relief of Anna Carroll; to the Committee on Claims.

Also, a bill (H. R. 7331) for the relief of G. L. Aldendifer; to the Committee on Claims.

By Mr. GREENE of Vermont: A bill (H. R. 7332) granting a pension to Celia Cary; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 7333) for the relief of J. M. Russell; to the Committee on Claims.

By Mr. KINDRED: A bill (H. R. 7334) for the relief of Nellie Hoar; to the Committee on Claims.

By Mr. MOORE of Illinois: A bill (H. R. 7335) granting a pension to Amos C. Tewell; to the Committee on Invalid Pensions.

By Mr. PETERSEN: A bill (H. R. 7336) for the relief of Frances E. Martin; to the Committee on Claims.

By Mr. RANSLEY: A bill (H. R. 7337) to correct the military record of Christopher P. Rhodes; to the Committee on Military Affairs.

By Mr. TYSON: A bill (H. R. 7338) to authorize the Secretary of the Treasury to reimburse Capt. George G. Seibels, United States Navy, the sum of $170, money stolen belonging to the United States from the said Capt. George G. Seibels while in the discharge of his duties and paid into the Treasury of the United States by him; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 7339) granting a pension to John E. Root; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1511. By Mr. DRIVER: Petition of Lake View Local Union, No. 659, of the Farmers' Educational and Cooperative Union of America, in support of the Capper bill; to the Committee on Agriculture.

1512. By Mr. FULLER: Petition of W. A. Medaris, manager of the Thrift Press, Rockford, Ill., favoring reduced rates on railroads for commercial travelers; to the Committee on Interstate and Foreign Commerce.

1513. Also, petition of Local Union No. 1087, United Brotherhood of Carpenters and Joiners, of Marseilles, Ill., opposing the Scott bill (H. R. 3716); to the Committee on the Merchant Marine and Fisheries.

1514. By Mr. KINDRED: Petition of Association of Importers and Distributors of Chinese and Japanese Floor Coverings, of New York, in regard to the tariff; to the Committee on Ways and Means.

1515. Also, petition of American Chemical Society, opposing the Volstead "antibeer" bill; to the Committee on the Judiciary.

1516. Also, petition of Merchants' Association of New York, indorsing House bill 6420; also petition of Organization of Americans of Ukrainian Ancestry, relative to East Galicia; to the Committee on Foreign Affairs.

1517. By Mr. KISSEL: Petition of 108 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1518. Also, petition of 90 residents of the third New York congressional district, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1519. Also, petition of John Kelly, of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1520. By Mr. TINKHAM: Petition of Elizabeth O'Hara and 29 others of the eleventh congressional district of Massachusetts, urging recognition of the Irish republic; to the Committee on Foreign Affairs.

1521. Also, resolutions adopted at parish meeting of St. John's Church, Roxbury, Mass., urging an international conference to discuss disarmament; to the Committee on Foreign Affairs.

1522. By Mr. GOLDSBOROUGH: Petition of congregation of Shrewsbury Church, Kennedyville, Kent County, Md., praying for protection to be given the Armenian people; to the Committee on Foreign Affairs.

1523. By Mr. RADCLIFFE: Petition of citizens of Paterson, N. J., relative to the recognition of the Irish republic; to the Committee on Foreign Affairs.

1524. By Mr. SANDERS of New York: Petition of the members and congregation of the Christian Church of Lakeville, N. Y., urging the reduction of armaments; to the Committee on Naval Affairs.

1525. Also, petition of the churches of Castile, N. Y., in a union meeting urging the calling of a conference of all leading nations of the world to confer on the subject of disarmaments; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *June 23, 1921.*

(Legislative day of Tuesday, June 21, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

AVIATION AND ORDNANCE EXPERIMENTS BY ARMY AND NAVY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, which was read and ordered to lie on the table, as follows:

THE SECRETARY OF THE NAVY,
Washington, D. C., June 21, 1921.

The VICE PRESIDENT,
United States Senate, Washington, D. C.

MY DEAR MR. VICE PRESIDENT: There was considerable trouble in the obtaining of the names of Senators who desired to witness the various gunfire tests off the Virginia capes June 21 and 22, 1921. The Navy Department sent several invitations to the Senate, and on various occasions sent a representative of the department to the Senate Office Building to solicit the names of Senators who desired to witness the first exercises. It is noted that no Senators expressed a desire to witness the first exercise, and it is thought that this is perhaps due to the fact that not all of the Senators were cognizant of this invitation and the various other details of the trip. It is therefore respectfully requested that you bring to the attention of all the Senators that the U. S. S. *Henderson* will sail from the navy yard, Washington, at daylight June 27 for the scene of exercise No. 2, returning to Washington some time in the afternoon of June 29. This second exercise is the one in which the planes search for and bomb the ex-battleship *Iowa*. Owing to the limited accommodations aboard the U. S. S. *Henderson*, it is impracticable to invite more than 10 Senators to occupy staterooms. There is, however, almost unlimited capacity in the standee bunks, and should more than the allotted 10 Senators apply they should be informed in advance that any in excess of 10 will be assigned standee bunks along with the officers of the Army and Navy.

It is especially requested that the list of Senators be submitted to the department not later than noon Friday, June 24, to room 3409, New Navy Building.

Sincerely, yours, EDWIN DENBY.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

The VICE PRESIDENT. The Senator from New Jersey [Mr. FRELINGHUYSEN] is entitled to the floor.

Mr. FRELINGHUYSEN. Mr. President——

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Capper	Heflin	Oddie	Walsh, Mass.
Caraway	Jones, N. Mex.	Ransdell	Watson, Ga.
Curtis	Jones, Wash.	Sheppard	Watson, Ind.
Dial	Kendrick	Simmons	Williams
Dillingham	La Follette	Smith	Willis
Fletcher	McNary	Smoot	Wolcott
Frelinghuysen	Moses	Sterling	
Glass	Nelson	Trammell	
Harris	Nicholson	Wadsworth	

Mr. MOSES. I wish to announce the absence of my colleague [Mr. KEYES] on official business. I ask that the announcement may stand for the day.

Mr. HEFLIN. I wish to announce the absence of the Senator from Nebraska [Mr. NORRIS] and the junior Senator from Idaho [Mr. GOODING], who are in attendance at a hearing before the Committee on Agriculture and Forestry.

Mr. CURTIS. I was requested to announce the absence of the Senator from Indiana [Mr. NEW], the Senator from Pennsylvania [Mr. KNOX], the Senator from California [Mr. JOHNSON], and the Senator from Louisiana [Mr. BROUSSARD], who are holding a hearing before the Committee on Territories and Insular Possessions.

Mr. CAPPER. I wish to announce that the junior Senator from Mississippi [Mr. HARRISON] is absent in attendance at a hearing before the Joint Agricultural Commission.

The VICE PRESIDENT. Thirty-three Senators having answered to their names, there is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. MCKELLAR, Mr. PENROSE, Mr. PHIPPS, Mr. SUTHERLAND, Mr. SWANSON, and Mr. WALSH of Montana answered to their names when called.

Mr. FERNALD and Mr. HALE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-one Senators having answered to their names, a quorum is not present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. POINDEXTER, Mr. KELLOGG, Mr. UNDERWOOD, Mr. KING, Mr. ELKINS, Mr. SHIELDS, Mr. SHORTRIDGE, Mr. BURSUM, Mr. WARREN, Mr. OVERMAN, Mr. POMERENE, Mr. GERRY, Mr. ERNST, Mr. CAMERON, Mr. GOODING, Mr. CULBERSON, Mr. KNOX, Mr. NEW, Mr. SPENCER, Mr. TOWNSEND, Mr. HARRISON, Mr. BROUSSARD, Mr. JOHNSON, Mr. HARRELD, and Mr. BALL entered the Chamber and answered to their names.

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present.

Mr. FRELINGHUYSEN. A number of Senators have routine business to present, and I yield for that purpose.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a petition of the American Home Economics Association, praying for the enactment of legislation providing for the protection of maternity and infancy, which was ordered to lie on the table.

Mr. PENROSE. Mr. President, I present a memorandum from the Ukrainian League of South Philadelphia, Pa., in relation to the case of East Galicia, favoring the recognition by the United States of East Galicia (along with northern Bukovina) as an independent State—the West Ukrainian Republic,

and so forth, which I ask be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The memorandum will be so referred.

Mr. CAPPER presented two petitions of sundry citizens of Kansas City, Kans., praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 2422) for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona, reported it without amendment, and submitted a report (No. 146) thereon.

He also, from the same committee, to which were referred the following bills reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 2421) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes (Rept. No. 147); and

A bill (H. R. 5622) providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes (Rept. No. 148).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, reported it with an amendment and submitted a report (No. 149) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 1032) for the relief of Maj. Francis M. Maddox, United States Army, reported it without amendment, and submitted a report (No. 150) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 496) for the relief of George A. Robertson, reported it with an amendment, and submitted a report (No. 151) thereon.

He also, from the same committee, to which was referred the bill (S. 1434) for the relief of the Fidelity & Deposit Co., of Maryland, Baltimore, Md., reported it without amendment, and submitted a report (No. 152) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1905) providing for the relief of certain contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, reported it with an amendment and submitted a report (No. 153) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 112) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to employees of the United States Department of Agriculture who died in the war with Germany, reported it without amendment.

Mr. JONES of Washington, from the Committee on the District of Columbia, to which was referred the bill (S. 1312) to amend the charter of the Potomac Insurance Co. of the District of Columbia, reported it without amendment and submitted a report (No. 154) thereon.

Mr. CALDER, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 6652) to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla. (Rept. No. 155); and

A bill (H. R. 6653) to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla. (Rept. No. 156).

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller*, reported it without amendment and submitted a report (No. 157) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 1771) to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes, reported it without amendment and submitted a report (No. 158) thereon.

He also, from the same committee, to which were referred the following bills and joint resolution, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 2069) to authorize the construction of a dam across the Wabash River, at Huntington, Ind. (Rept. No. 159);

A bill (H. R. 4976) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio (Rept. No. 160); and

A joint resolution (S. J. Res. 63) granting consent of Congress to the States of New York and New Jersey to enter into the agreement for the establishment of "the port of New York authority" (Rept. No. 161).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2133) ceding jurisdiction to the State of Texas over certain lands or bancos acquired by the United States of America from the United States of Mexico; to the Committee on Foreign Relations.

By Mr. PENROSE:

A bill (S. 2134) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; to the Committee on Naval Affairs.

A bill (S. 2136) granting a pension to Agnes Gibbons; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 2137) providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917; to the Committee on Military Affairs.

By Mr. TRAMMELL:

A bill (S. 2138) providing that the Government property, known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 2139) granting an increase of pension to Giles Otis Pearce; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 2140) to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 2141) for the relief of Charles W. Mock; to the Committee on Claims.

A bill (S. 2142) granting a pension to Elizabeth Gates Perry; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 2143) to establish one or more fish-cultural stations in the State of New Mexico; to the Committee on Commerce.

A bill (S. 2144) for the relief of Melquiades Sanchez; to the Committee on Military Affairs.

REFUNDING OF FOREIGN LOANS.

Mr. PENROSE. Mr. President, I ask unanimous consent to introduce and have referred to the Committee on Finance a very important measure, which is entitled a bill to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes.

The bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, was read twice by its title and referred to the Committee on Finance.

Mr. WALSH of Massachusetts. Mr. President, I should like to suggest to the Senator from Pennsylvania, if the bill which he has just introduced providing for the refunding of foreign loans is a short bill, it ought to be printed in the RECORD, as I think the subject is of very great interest.

Mr. PENROSE. I think the suggestion of the Senator from Massachusetts a very excellent one, and I ask that the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Secretary of the Treasury, with the approval of the President, is hereby authorized from time to time to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now owing to the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation), arising out of the European war, into bonds or other obligations of such, or of any other, foreign Government, and from time to time to receive bonds and obligations of any foreign Government in substitution for those now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America, and

to adjust and settle any and all claims not now represented by bonds or obligations which the United States of America now has or hereafter may have against any foreign Government and to accept securities therefor.

Mr. PENROSE. Mr. President, I desire also at this time to state to the Senator from Massachusetts that the purpose on the part of the Committee on Finance is immediately to hold hearings for the Treasury officials.

CHANGES OF REFERENCE.

Mr. SMOOT. On the calendar day of June 22 the bill (H. R. 1475) providing for a grant of land to the State of Washington for a biological station and general research purposes was referred to the Committee on Public Lands and Surveys. I ask that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs, as it is for a military reservation.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. TOWNSEND. I ask unanimous consent for the discharge of the Committee on Post Offices and Post Roads from the consideration of Senate joint resolution 80 and that that measure be referred to the Committee on Appropriations. That committee has once considered it, and I think that is the proper place for the joint resolution to go.

Mr. McKELLAR. Mr. President, what bill is that?

Mr. TOWNSEND. It is a joint resolution proposing to appropriate $5,000 to send delegates to the Pan American Postal Convention at Buenos Aires.

The PRESIDING OFFICER (Mr. NORRIS in the chair). The Senator from Michigan asks unanimous consent that Senate joint resolution 80 be taken from the Committee on Post Offices and Post Roads and referred to the Committee on Appropriations. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENTS TO SEASONAL COAL RATE BILL.

Mr. LA FOLLETTE submitted six amendments intended to be proposed by him to the bill (S. 1806) to further amend the interstate commerce act as amended to provide for seasonal rates for the transportation of coal, which were ordered to lie on the table and to be printed.

Mr. KING submitted two amendments intended to be proposed by him to the bill (S. 1806) to further amend the interstate commerce act as amended to provide for seasonal rates for the transportation of coal, which were ordered to lie on the table and to be printed.

Mr. STANLEY submitted an amendment intended to be proposed by him to the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal, which was ordered to lie on the table and to be printed.

SHIPPING IN THE SOUTHEAST.

Mr. DIAL. Mr. President, I present and desire to have printed in the RECORD a short article from the Charleston News and Courier in regard to shipping in the Southeast.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FARM MACHINERY TO PASS THROUGH PORT—TRAINLOAD ON WAY HERE—GOODS CONSIST OF TRACTORS AND FARM IMPLEMENTS FOR THE ARGENTINE REPUBLIC.

"What is probably the first special train to be operated from any western railway and with freight consigned out of this port for a foreign destination is now rolling over the Southern Railway and South freight consigned to the Carolina Co.

"The train which left Chicago Thursday night consists of 42 cars of machinery, tractors, and farm implements manufactured in the States of Wisconsin, Illinois, and Indiana, and is destined to Buenos Aires, Argentine Republic.

"The route of the train is by way of the Chicago, Indianapolis & Louisville Railroad, known as the Monon Route, to Louisville and the Southern Railway to this city. It is expected to reach here Wednesday, and the work of unloading the machinery will be commenced at once.

"The Shipping Board steamer *St. Johns County* will arrive in port to-morrow or Tuesday, to transport the supplies to the South American port.

"The securing of this business for the port of Charleston is the result of an extensive program of solicitation which the officials of the Carolina Co. have been engaged in for some time. Mr. J. A. Von Dohlen, traffic manager of the shipping company, made a trip to Chicago several weeks ago, and conferred with the traffic managers of some of the largest exporting firms in that city and surrounding country, apprising them of the schedule of sailings of ships of the Carolina Co. These 42 cars of machinery and farm implements are only the initial step, as other shipments are expected from time to time.

"Mr. Von Dohlen states that quite a few of the traffic managers with whom he talked at the time of his trip evidenced a great deal of interest in the port of Charleston and the efforts which his company is making to build up the foreign trade of the port. Since then a great many inquiries have been received by him from some of these men, and at an early date the local concern expects to be handling a quantity of export goods which are now moving through other ports.

"Mr. Von Dohlen expects to leave to-morrow afternoon for New York City to confer with officials of one of the largest exporting concerns in the Nation's metropolis, as the latter have made inquiry as to the sailings of ships of the Carolina Co., and if the proper arrangements can be made between the two companies another important announcement will be forthcoming in the next few days, it is said."

INTERSTATE HIGHWAY SYSTEM.

Mr. TOWNSEND. Mr. President, several days ago I reported from the Committee on Post Offices and Post Roads Senate bill 1355, which is known as the interstate highway bill. The bill and report are on the desk of every Senator. The Senate will remember that in the last session of Congress I stated, with what was apparently the approval of all Senators, that I should endeavor to get enacted into law early in the coming session a bill providing for the continuation of Federal aid for the construction of roads. It is very important that such action should be taken. I can not well overmagnify the importance of this fact.

I desire now to give notice that at the very earliest opportunity I shall call up for the consideration of the Senate the bill which the Committee on Post Offices and Post Roads has reported on this subject. I trust that every Senator understands the importance of the passage of the measure now. Unless we can get action soon, we are going very greatly to interfere with the various Federal road projects which are now under way and which may be taken up and ought to be taken up in the very early future. I repeat, that I give notice now that at the very earliest opportunity, at the conclusion of the consideration of the pending bill, if possible, I shall ask for the consideration by the Senate of the interstate highway bill.

Mr. McKELLAR. Mr. President, I desire to make a very brief statement, occupying about a minute, in reference to the road bill. In view of the statement made by the Senator from Michigan in reference to the interstate road bill, known as the Townsend road bill, reported by a majority of the committee, I think it is but fair to say that there is very great difference of opinion in the committee as to the proposed legislation. The minority have filed their views in opposition to the report of the majority of the committee, and they will insist at the proper time that, instead of the Townsend bill being passed, which the minority thinks in substance and effect an automobile road bill, the present road law be amended. By the time the matter comes up for consideration I trust that all Senators will have read not only the minority report but that they will have examined the bill which has been reported by a committee of the House known as the Dowell bill, and which I have had printed and will offer as a substitute for the Townsend bill. This Dowell measure has the approval of the highway associations of every State in the Union, has been favorably reported by the Committee on Roads of the House, and no witness examined by our committee was opposed to it. Substantially every witness who was examined before the Senate committee approved that bill.

I merely make this statement in view of the statement made by the Senator from Michigan. Whenever the question comes up on the floor there is going to be a very sharp controversy in reference to a change in Federal aid to the road system which we have already adopted.

It is really a fight between the automobile associations on the one side and the farmers and other general users of roads on the other. There is no general demand, except from the automobile associations, for a repeal of the present law and the substitution of the Townsend bill.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator if the amendment recommended by the minority conforms in substance to the Dowell bill?

Mr. McKELLAR. The recommendations by the minority conform in substance to the Dowell bill.

Mr. WALSH of Montana. So that really the controversy is between the so-called Townsend bill on the one hand and the Dowell bill on the other.

Mr. McKELLAR. That is the controversy. The amendments which are suggested by the Dowell bill, I think, everyone agrees should become the law. I think there is no opposition to these amendments to the original road law on the part of anybody. The passage of the Townsend bill would be a great blow to the cause of good roads in this country. The House committee having favorably reported the Dowell bill, it seems to me we ought not take any action on the Townsend bill until

the House acts on the Dowell bill. If that bill is passed by the House, then it might well be supposed that the Senate will accept it.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FRELINGHUYSEN. Mr. President, yesterday I had occasion to address the Senate on the general intent of the proposed legislation affecting the coal industry, reported by the Committee on Interstate Commerce. I showed that the committee had approached its task animated by no spirit of passion or malevolence, and with no desire for sensation or notoriety. I said that we regarded the deplorable conditions of last year as a lesson in the need for constructive action, not as an offense for which the coal industry should be for all time pilloried. I showed how the public—ignorant of even the elemental facts about the supply and requirements of coal—offered a fertile soil in which to sow the seeds of panic and misunderstanding. I showed how the bituminous-coal industry—divided among itself, and recognizing no common leadership—is incapable of uniting behind any constructive policy. I showed how the responsible element in the coal trade, which prefers to do business conservatively, can not answer for the irresponsible element; that when, in 1920, the test came, the efforts of the conservatives availed nothing to keep the profiteers within bounds. The situation, I pointed out, is one that calls for leadership. The consumers of coal need a leader to whom they may turn for information and counsel. The forward-looking men among the producers and distributors need a leader about whom they may gather in working for the progress of their industry.

It is my thought, Mr. President, that both of these ends can be accomplished by naming some one officer to represent the United States Government on coal. I believe that by harmonious cooperation between Government, public, and industry the business of mining and marketing coal can be brought to give satisfactory service to our people. I believe this can be attained without the slightest sacrifice of that traditional freedom of action of the American business man, which freedom of action I hold as dear as any man in this Chamber. I know that there are many individuals in the coal trade who agree with this view, who are willing to meet the Government half way. I honor them. But to those who are bent on opposing all legislation, in whatever spirit drafted, I utter this solemn warning: "Gentlemen, if you do not convince the public now that you recognize your stewardship in the development of the great natural resource which the people of the United States have intrusted to you, the mutterings of discontent will grow into an irresistible demand for drastic regulation which will sweep everything before it."

Both of the coal bills offered by the Committee on Interstate Commerce are constructive in character, and neither may be described as regulation. I ask your attention this morning to Senate bill 1806, providing for seasonal freight rates.

SEASONAL COAL FREIGHT RATES.

The bill aims to overcome the present seasonal irregularity in the production and transportation of coal by encouraging the purchase of coal in spring and summer for storage against fall and winter. Specifically, the bill clothes the Interstate Commerce Commission with authority to initiate or to readjust seasonal coal rates. The bill has the general approval of the Interstate Commerce Commission. The commission doubts its authority to promulgate seasonal rates without a specific grant of power from Congress to that end. The bill leaves the widest discretion to the commission in the application of the principle of seasonal rates. The rates may be promulgated to affect the carriers as a whole or to affect differently individual coal fields or rate groups. The commission is, however, instructed so to adjust the seasonal differentials that the carriers will receive the same annual revenue as if no seasonal variations were provided. The commission is further empowered by the bill, in the event of an emergency affecting the transportation of coal, to suspend existing rates without a formal hearing and to initiate seasonal rates in lieu thereof.

In advocating the passage of this bill I shall endeavor to show (1) the nature and extent of the seasonal variation in coal production; (2) that seasonal coal rates are the only practical means to overcome the seasonal irregularity in production and transportation; (3) that the promulgation of seasonal coal rates is needed (a) to assist the coal-mining industry, (b) to relieve the transportation system of the country, and (c) to protect the public against shortages of coal by encouraging storage. Finally, it is my purpose to show that (4) immediate action is necessary on this bill, because the production of coal during the present season has been dangerously delayed. Something must be done at once to stimulate the movement from mine to consumer in order to build up a reserve above ground adequate for future needs.

The argument for seasonal coal rates lies not in theories but in certain mathematical facts. Those facts speak for themselves. To present them in the simplest manner I have reduced them to the charts which hang on the wall. The same charts and some others are reproduced in miniature in the blue-covered booklet which has been distributed. Senators so placed that they can not see the wall charts may follow the argument from the booklet.

THE PROBLEM OF SEASONAL VARIATION IN COAL PRODUCTION.

What are these variations in output which seasonal rates are designed to overcome?

Of all the facts about coal which have forced themselves upon our attention in the past six years, none is more striking than the extraordinary irregularity of the operation of the bituminous-coal industry. We have learned that while the anthracite mines and the anthracite-carrying roads operate fairly steadily, the bituminous mines are idle a large part of the time. We have learned that the production of bituminous coal and in consequence the load upon the railroads fluctuate violently. We find that there are three types of fluctuation at work. In the first place, there are great variations in annual production from one year to the next. Let me illustrate by pointing to the last of the wall charts [wall chart No. 8]. This chart, by the way, is reproduced on page 16 of the blue booklet.

Through the center of that chart zigzags a heavy black line. That represents the production of soft coal in each year from 1890 to 1920. Suppose we pick up the line at the year 1913. In that year, with business active, we produced 478,000,000 tons of bituminous coal. The next year, 1914, production fell back to 423,000,000 tons, a drop of 55,000,000 tons. Thereafter it rose sharply, reaching in 1918 the maximum of 579,000,000 tons. The year afterwards it fell off more than a hundred million tons, the total for 1919 being only 458,000,000 tons. In 1920 it rose again to 556,000,000 tons. This year it is plunging in the other direction. In the first five months of 1921 we have been producing at the rate of only 320,000,000 tons a year.

Now, I do not pretend that these annual changes in output would be overcome by seasonal freight rates. Some of these tremendous peaks and valleys mean an unstabilized market, with coal piling up in storage one year, and flowing dangerously out of storage the next year. Concerning that phase of the problem I shall have more to say in discussing Senate bill 1807, entitled "An act to be known as the coal industry stabilization act." Clearly, however, these annual fluctuations are primarily due to changes in the general tone of business, reflected in the quantity of coal consumed. Such annual changes are beyond the influence of seasonal coal rates to modify. They deserve no further attention at this point.

So much for the annual fluctuations. Look now, if you please, at a second type of irregular operation seen in the next to the last of the wall charts [wall chart No. 7]. This chart illustrates daily fluctuations in output. The first of the orange columns represents the output on Monday, the second on Tuesday, and so on. The diagram shows that in a typical week car supply is favorable on Monday, and grows less and less satisfactory as the week progresses. Concerning this type of fluctuation, too, I shall have more to say in the discussion of Senate bill 1807, which directs the Secretary of Commerce to cooperate with the Interstate Commerce Commission in promoting the proper distribution of coal cars. I do not pretend, however, that these daily irregularities, any more than the annual irregularities, can be overcome by seasonal rates on coal.

The third type of fluctuations in coal output is the one with which this bill is concerned. It can be seen clearly in the largest of the wall charts [wall chart No. 1]. The same curve will be found in diagram 1 of the booklet of charts. In that chart the heavy black line shows for each month the daily rate of soft coal production. It begins with 1913 and runs to May, 1921. Before going to that chart, however, I wish to point out certain features on the chart nearest the clock.

From 1913 to 1919 you will observe that the capacity of the mines in this country, indicated by the green line, increased by about 150,000,000 tons, until to-day the present capacity with the men employed is nearly 800,000,000 tons, provided they were employed a full number of days during the year. The number of men had increased from 200,000 in 1890 to nearly 620,000 in 1919, while the production had increased from 115,000,000 tons in 1890 to nearly 550,000,000 tons in 1920. It also shows that the price at the mine increased from practically $1.15 up to $3.50 in 1920. Those are average prices, not spot prices. They refer to contract coal at the mine, including all sales.

There is one especially significant feature of that chart, and that is the loss of working days in a year. In 1913 it was 76; in 1919 it was 111. It runs almost to an average of 90. I shall later compare that with the working days in the Austrian and English mines, which run much higher than in the mines in the United States, our average being 232 working days, while in the Austrian mines the average is over 300. The mines in the United States lose in economic value by the number of working days lost, caused by seasonal fluctuations, overproduction, overdevelopment, and also strikes. It would seem that something should be done to equalize that value in order that we may gain more efficiency and more production of evening the distribution of coal, thereby keeping the miners at more steady work and employment.

To return to chart 1, suppose we look at the left, where the black line starts. That starting point is the rate in January, 1913. Now let your eye follow the curve in its downward plunge to the low point, or trough, in April. Then see how it turns and rises steeply to a peak in November, falling off again slightly in December. That April low and November high is a typical year's story in bituminous coal mining, and also, by the way, a typical year's story in bituminous coal transportation. This seasonal history of coal production and transportation is repeated year after year. It occurred, you will note, in 1914, in 1915, and in 1916. The very exceptions during the war period are exceptions that prove the rule. The demand during the war years was so extraordinary that consumers had to take their coal in summer or go without, for the overtaxed railroads could not carry it all in the usual seasonal troughs and peaks.

The year 1918 is particularly interesting, because it shows that when all are bent on increasing output it is actually possible to produce more in summer than in winter. Nineteen hundred and eighteen stands for a stabilized year as far as output is concerned. But after the war, even during the troublous conditions of the reconstruction period, the seasonal movement returned to fasten itself upon the soft-coal industry. Note the profound slump in the early part of 1919, and note also the artificial drop created by the strike of November, 1919. Note that the course of production in 1920 also showed this seasonal aspect, and finally note that in the present year the April slump carried production down to the lowest point, except for the two strikes, touched in the whole eight-year period.

To center attention on the seasonal variation as it affects transportation especially I have had the third chart prepared. [Wall chart No. 3, typical transportation demand of the soft-coal industry.] This likewise appears as No. 7 in the booklet. The chart shows what the mines are likely to be called on to produce and the railroads called upon to transport in a typical year. It assumes that the total annual requirement is 528,000,000 tons, an average of 44,000,000 tons a month. The chart is divided into two parts. At the right is a table in which the figures of output are given, expressed in millions of tons. At the left is the same thing in the form of a diagram. The black columns in the diagram represent the tons of coal to be produced and transported in each month of such a typical year, January, February, and so on, indicated underneath the black lines. As indicated by the experience of the past eight years, American consumers would call for about 48,000,000 tons during the month of January, and progressively less to April. In April they would take about 36,000,000 tons, and thereafter more each month up to a maximum in November of 48,000,000 tons. Now, what the seasonal rate bill proposes in effect is that freight rates be so adjusted as to flatten out these black columns to even lengths. What I want to do is to cut off the tops of these columns above the average line and fill in the low months from March to August. That means putting the excess into storage. You will note that the quantity to be stored—that is, the surplus above the average—amounts to about 21,000,000 tons in an ordinary year.

In other words, the January production is 4,000,000 tons above the average. The February production is 2,000,000 tons above, while March, April, May, June, and July are low points of production, the output amounting to 21,000,000 tons. We want to take the 21,000,000 tons off of the autumn and winter months, or the high point of production, and equalize it by increasing the production in the summer months. That is the object of giving the Interstate Commerce Commission the right to adjust these seasonal freight rates—to induce the public to buy their coal in the summer season.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. FRELINGHUYSEN. I yield.

Mr. WILLIS. I understand that the purpose of the Senator, as he has said, is to even off the black lines shown on the chart, and he proposes to do that by giving the Interstate Commerce Commission authority to grant a lower rate for the transportation of coal in the summer time, so as to increase the production and the storage of coal in that period. Would not that have this effect, then, that those who can store coal, the large consumers—the railroads, for example, and other large industries which have facilities for storing coal—would get the benefit of the lower rates and the larger production, if the Senator's idea is carried out; but the small consumer, who can not store coal, would have the disadvantage of the relatively higher rates in the wintertime? Would it not have that effect?

Mr. FRELINGHUYSEN. Not to any great extent; because the storing of coal would practically be done by the wholesale or retail dealer, and while the increased freight rate would in some measure affect the price, the inducement to buy coal in the summer time would be so great to the man who bought coal in bulk that it would simply mean that the coal was stored by the wholesaler or retailer for distribution to the consumer. It would to some extent increase the price.

Mr. WILLIS. The Senator knows, of course, that it is not practicable to store coal without running the risk of great deterioration, unless it is stored under water. There is nobody except the railroads and other very large consumers in a position to afford such storage. So it seems to me that if the bill works out as the Senator plans it will work out, if it has any effect at all, the only effect will be to give the larger consumer the benefit of the decreased freight rate, but the householder who wants to buy his coal in the wintertime will have the relative disadvantage of the higher freight rate. So the very purpose the Senator has in mind would be defeated.

Mr. FRELINGHUYSEN. I had anticipated that the question of storage would come up. A great deal of misconception has arisen regarding the storage of soft coal. There is very little of the soft coal produced that can not be stored. The answer to the question as to the storage of coal is that during the war we stored 63,000,000 tons, while to-day we have stored probably from thirty to thirty-five million tons. In some sections there is a certain quality of coal that is not stored, but very little. Coal can be stored, and is stored, under modern methods, and the complete answer to the Senator's question is that, by reason of necessity, 15,000,000 tons of anthracite and bituminous, largely bituminous, are stored at the head of the Great Lakes every summer, and in addition to that there are other storage piles all over the country, when people are laying in their coal, at the public utilities stations, in the wholesale coal yards, as well as in the Government yards here in Washington, where the officials, who stored soft coal during the entire period of the war, have made a study of the subject. Modern methods have been applied to prevent deterioration and to take care of the fire risk. But I admit, sir, that a still further study should be carried on by the Government in order to prevent any further loss, and that is one of the objects of the other bill.

Mr. WILLIS. Mr. President, I think the Senator did not understand my question, except in part, because his answer is not quite responsive to the question.

I understand his purpose to be the relief of the home owner, the comparatively small user of coal. My contention is, as I understand the bill, that if seasonal rates are applied, as is proposed under this measure, giving the Interstate Commerce Commission authority to make a different rate in the summer time from that which obtains in the wintertime, then, instead of relieving the householder, the small consumer of coal, the fellow who is going to get the advantage will be the large consumer of coal, who has facilities for storing it, but it will not afford relief to the householder. On the contrary, he will have the disadvantage of the relatively higher rate. What does the Senator say to that?

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. I yield.

Mr. SMOOT. A seasonal rate on coal is not a new thing, as far as the West is concerned. I know we have had it in Utah for at least 15 years. I do not know whether it was put into effect this past year or not, but I do know that we have had it for at least 15 years; and I will say to the Senator from Ohio that, as far as the bituminous coal in Utah is concerned, the seasonal rate has been put into effect for the months of July and August, which are the months when coal is stored. The rate is 25 cents a ton less during the months of July and August, and the coal operators themselves give 25 cents a ton to the men who purchase and store it. But, as far as our coal is concerned, the man who purchases the coal at 50 cents less in July or August does not make anything extra upon the purchase of the storage coal, even at the 50-cent reduction, on account of the extra cost and deterioration. In fact, it costs 25 cents a ton less to take coal direct from a car and deliver

it immediately to the purchaser than to unload into a bin or stacking it in a pile. This is at least 25 cents loss. Again, the interest upon the money used by the man who stores the coal must be paid, and is an extra loss, and the shrinkage is at least 5 per cent.

But the advantage of it, and the only reason bituminous coal is stored in Utah, is that when the winter months come it is impossible to get the coal; the railroads can not carry it because of lack of cars, and the miners can not produce it to meet the demand; but the man who buys the coal during the seasonal months has the coal on hand to deliver, and therefore the people of the State can purchase that coal and have it delivered to them in case it is stored; but it would be a physical impossibility to deliver unless it was stored.

Mr. WILLIS. Mr. President, what does the Senator from Utah say in response to the inquiry I propounded to the Senator from New Jersey? Is it not a fact, then, that the people who have the facilities for storing this coal, and who do store it—very largely the railroads and other large consumers—are the ones who get the advantage of that seasonal rate, but the householder, who buys his coal in the wintertime in small quantities, under these seasonal rates has the disadvantage of the relatively higher rates?

Mr. SMOOT. As far as the wholesaler of coal is concerned, if there is not at least 50 cents a ton difference between the price when the coal is sold immediately from the car to the consumer and when it is stored it would never pay the wholesaler to store it. He simply does it because he will have the coal on hand when the great demand for coal takes place. When shortages occur some dealers take advantage of them and charge more for the coal; but there is no necessity for that, and it is seldom resorted to. If there was a dollar or a dollar and a half a ton difference, there would be no question of the correctness of the position of the Senator from Ohio; but as long as there is not more than 50 cents difference, the interest upon the money, the waste in unloading and reloading, and the deterioration of the coal are sufficient to absorb the 50 cents.

Mr. KELLOGG. Mr. President, I do not believe there is any doubt about the power of the Interstate Commerce Commission now. We have had seasonal coal rates. But the commission seems to think there is some doubt about it. We do have seasonal coal rates, but I assume the commission will not grant seasonal rates that will more than make up the expense of storing the coal and getting it during those months.

To-day, or the last time I looked at the quotations within a short time, cash coal in Illinois and Indiana was selling from 50 cents to $1 a ton cheaper than coal for delivery later in the season. Even that did not cause the mines to be run to capacity. We have a seasonal rate now to the Great Lakes which the commission found absolutely necessary in order to move the coal which must be moved in the summer time, as they can not move it in the wintertime by the Lakes.

Mr. WATSON of Indiana. What is the differential?

Mr. KELLOGG. It is 28 cents a ton. The differential expires, I think, in September of this year.

Mr. NEW. That rate applies only to certain Lake ports.

Mr. KELLOGG. That rate applies to Lake ports taking coal, where it must be hauled exclusively by water and in the summer time, of course.

Mr. WILLIS. Does the Senator give it as his opinion as a lawyer, and I value that opinion very highly, that the Interstate Commerce Commission now has the power sought to be granted in the pending bill?

Mr. KELLOGG. I think they have. The commission do not think so, and that is the reason why we reported the bill. I have a good deal of doubt whether it will accomplish all that it is intended to accomplish, but if there is any way of encouraging the production of coal in the months when it is confessedly very low, so that men may have employment all the time and the railroads may be occupied to their capacity, we ought to try it.

Mr. FRELINGHUYSEN. Mr. President, I wish to answer the Senator from Ohio [Mr. WILLIS] who has propounded two questions. The first question was, will not this work an unnecessary hardship on domestic users of coal in the wintertime? That is a very practical question. Coal is used in a domestic capacity to the extent of less than 100,000,000 tons a year, and the other 400,000,000 tons are used by the railroads and by the public utilities and industries and are reflected in the cost of everything that the people use. But when it comes to a question of domestic coal, or the small consumer, it is a very practical question.

But let me point out, sir, that by reason of the shortage created by this unequal supply and distribution, the prices in the wintertime mount high and advantage is taken of them by the retailer and the wholesaler by reason of the scarcity caused by the nonstorage of coal and caused by the shortage of transportation facilities.

Transportation facilities in the autumn and winter are overburdened with crops, with building materials, and with coal. To-day there are 150,000 idle coal cars at a time when the railroads can carry coal much more cheaply than in the wintertime. If that coal can be transported to the bins of the retailer or the domestic consumer, it means that he buys the coal at a time when it can be sold at its lowest cost, when it is sold at its lowest cost, transported at its lowest cost, when he can get the advantage of the seasonal freight rates, and when he will be free from the competition caused by the shortage in the wintertime.

Mr. JONES of New Mexico. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I have before me a chart prepared at the request of the Senator from New Jersey——

Mr. FRELINGHUYSEN. What is the number of it, may I ask?

Mr. JONES of New Mexico. The one at which I am looking just now is No. 15, which relates to the anthracite production. Anthracite, of course, is used almost entirely in domestic consumption, as I understand. From this chart it appears that there is not much seasonal variation in the production of anthracite; that is, the coal used for domestic consumption. I notice in the heading of that chart this statement:

Anthracite production is practically stationary at 90,000,000 net tons per year, except when as in 1917 and 1918 unusual prices for steam coal encouraged more extensive reworking of the culm banks. There is only a slight seasonal decline in output, the number of working days lost is small, and so far as production and transportation are concerned the anthracite industry is stable.

Now, that relates almost entirely to coal for domestic consumption. Of the bituminous coal a very small percentage, relatively, is used in domestic consumption. My recollection is that only about 10 or 12 per cent of the bituminous output finds its way into the home and is used for domestic purposes.

I should like to know to what extent the Senator feels that making a difference in the transportation rates would affect the home consumption of bituminous coal and to what extent it would stabilize that industry? The stabilization of the anthracite industry, I think, has been brought about to some extent by the mine owners making a discrimination in the price of coal with respect to seasons. In my section of the country the mine owners do the same thing with reference to bituminous coal. I can not see that the domestic consumer is going to be benefited very much by the passage of the bill. I think, as stated by the Senator from Ohio [Mr. WILLIS], that only those can be benefited who have an opportunity to make storage of large quantities of coal.

If I recollect correctly, about one-third, roughly speaking, of the bituminous coal is consumed by the railroads themselves. A reduction of freight rates would not materially affect them, taken as a whole, and at any rate the difference in cost of transportation would not be, in my opinion, an inducement to the railroads themselves to store their own coal. If they desire to store, they will do it for some other reason. In the industrial line, so far as my information goes, there is very little preparation for storage. That is a feature which needs to be worked out and encouraged.

Mr. FRELINGHUYSEN. And studied.

Mr. JONES of New Mexico. Yes. I agree that there should be some plan worked out which would induce the large industrial concerns to store coal and equalize the seasonal demand, but I can not see how, under present conditions, the passage of the bill is going to help materially the domestic consumers of the country.

Mr. FRELINGHUYSEN. In reply to the Senator from New Mexico, I think it will greatly assist in the lowering of the cost of anthracite to the domestic consumers. I think that a differential of 25 or 30 cents a ton will induce storage by a great many people who have storage facilities, and everyone in my section of the country is more or less provided with storage facilities for their winter needs and domestic supplies. I think an allowance of 25 cents a ton when the transportation is available will induce the domestic consumers to buy a great deal of anthracite.

While it is true that the distribution of anthracite is more or less stable, or more so than bituminous, it is not entirely so. We produce and use about 90,000,000 net tons of anthracite. About 30 per cent of that is used in industry for steam coal. The other 70 per cent is used by domestic consumers, mostly along the Atlantic coast and the northern seaboard.

But the big question here is one of the uneconomic situation in relation to the railroads and the effect of the heavy burden caused by bituminous tonnage which they are called upon to carry in the wintertime. That is what I seek to relieve. If the industries of the country, which use probably 250,000,000 tons, will take 21,000,000 off of the peak load, it will relieve transportation to a tremendous extent. It will help the railroads, because, looking at chart No. 5, it will be seen that the railroad profits or returns have practically followed the seasonal distribution of coal. It has a marked effect on the railroad situation.

The one big problem that we have to face is that the panic prices, $25 or $30 coal, have been caused by a shortage of transportation because the railroads were called upon to carry it when they were pressed for cars from every direction. What I wish is to have the Interstate Commerce Commission offer an inducement to those who have coal-storage facilities, the large industrial buyers, to take that surplus coal off of the winter months and put it on the summer months, and thus relieve the transportation situation.

Mr. JONES of New Mexico. Mr. Pfesident——

Mr. FRELINGHUYSEN. May I continue just a moment longer? It was so necessary to induce the purchase of coal in the Northwest that the carriers interested in Lake transportation of coal fixed a seasonal reduction of 28 cents and called upon the Interstate Commerce Commission to approve it. I believe I am correct in that statement. It was so necessary that something be done to induce the movement of that coal that they themselves did it. There are other districts in the country where the carriers are not so progressive, where the movement of the coal could be induced in like manner, and transportation could be relieved. Therefore the bill is introduced with the idea of allowing the Interstate Commerce Commission to fix seasonal rates for that purpose.

I yield now to the Senator from New Mexico.

Mr. JONES of New Mexico. I am in sympathy with the purpose which the Senator from New Jersey seeks to accomplish, but thus far it seems to me that it does not appear that if the proposed change were made it would accomplish the end which the Senator seeks. It does not appear that there is any opportunity to store a great quantity of cheap coal even if the inducements were made, and why make the inducements if the consumer is not prepared to take advantage of them and if the great industries of the country are not prepared, as I am advised, to store coal in any considerable quantity? So if the rates were reduced I do not think it sufficiently appears thus far with reasonable certainty that the end would be accomplished which the Senator seeks.

Mr. FRELINGHUYSEN. In complete answer to the Senator from New Mexico I ask him to turn to chart numbered 8, which shows that during the year 1918 the stock of coal actually in the hands of consumers, which means in storage, was 63,000,000 tons, which shows that there are facilities for storing coal; that to-day the probable normal stock on hand is about 36,000,000 tons; and that there are ample storage facilities in the country to take care of the peak load which I am endeavoring to transfer to the summer time, 21,000,000 tons. If the Senator will turn to page 8 of the charts, he will see a chart prepared by the Geological Survey based upon actual investigation and analysis of figures showing that the country does store and did store in 1918, 63,000,000 tons of bituminous coal.

Mr. JONES of New Mexico. May I inquire of the Senator whether that has not been the case without any reduction in railroad rates during that season? Do not the people now store coal so far as they are equipped for doing so?

Mr. FRELINGHUYSEN. No; they are not buying coal on account of present freight rates, but the lowering of the freight rates will, in my opinion, induce them to buy.

Mr. JONES of New Mexico. Of course, the year 1918, we all admit, was an abnormal year; it was during the World War, and people were anxious to get coal and put it away wherever they could so as to be sure to have it on hand. However, have we before us any evidence of any witness who knows the facts that there is unfilled coal storage capacity in the country to-day?

Mr. FRELINGHUYSEN. I will say to the Senator that I have evidence to show that the 50 cents seasonal reduction which the anthracite operators used to give the public had a great deal to do with stimulating the buying of summer coal. We have illustrations to show that the production increased immediately when the seasonal, summer discount was introduced. If the Senator will turn to chart 12 he will find some figures regarding that matter. This chart is headed:

DAYS LOST IN ANTHRACITE MINING BEFORE AND AFTER THE INTRODUCTION OF SUMMER DISCOUNTS.

In 1900 the companies in the anthracite region inaugurated the policy of announcing a summer discount on domestic coal. A gradual reduction in time lost followed. In the diagram the black bars show the average number of days lost. The zigzag line shows the loss in bituminous mining over the same period.

Senators will see that in 1900, when the summer discount was introduced, the number of days lost was 142; but the number of days lost decreased to as low as 15 in 1918, to 42 days in 1919; and, taking the period before the war, in 1912 to 77 days, in 1913 to 51 days, and in 1914 to 63 days. The figures demonstrate that the summer discount rate had a beneficial influence on the production of coal, the purchase of coal, and the storage of coal, and, what is more important, it resulted in more uniformity in the number of days of employment on the part of the miners at the mines.

Mr. JONES of New Mexico. Mr. President, it was the chart from which the Senator from New Jersey has just quoted which first attracted my attention and caused me to make the remarks which I have already made. It appears that that industry has been stabilized by the action of the mine owners themselves and without any reduction in rates of transportation with respect to the season.

In some sections of the country the bituminous operators do precisely the same thing, and there is an inducement to some extent for the storing of bituminous coal where it is used for domestic purposes; but it seems to me that the trouble is not here entirely, but that there are other causes. In the bituminous coal industry there is really no stability of prices, while in the anthracite coal industry there is stability of prices. The country at large feels that, so far as anthracite coal is concerned, it is so closely held and cooperation is so effective, that the price of anthracite coal is fixed, and whenever there is a reduction of 25 or 50 cents offered from the listed price of anthracite coal the purchaser is getting that much benefit from it, because the operators have the opportunity and have the will to raise the price when winter comes on; but in the bituminous coal industry there are no such stabilized market prices, and one does not know whether he is getting a reduction of 25 cents or 50 cents a ton or any reduction at all, because he does not know what the price will be two or three months hence. Even though the companies claim there is a reduction, there is no fixed or stabilized price in the bituminous industry, so far as I am advised, and one can not tell whether a reduction in the freight rate is going to induce the storage of bituminous coal or not, because one does not know what the price is going to be.

Mr. FRELINGHUYSEN. The Senator, however, will admit that the freight reduction is fixed. Let me point out to him the situation. The Senator took two positions. He first spoke of the cooperation among the anthracite operators in bringing about the summer discounts by voluntary cooperation.

Mr. JONES of New Mexico. I was not boasting.

Mr. FRELINGHUYSEN. No. I am trying to answer the Senator and to meet his argument.

Now, let me point out to the Senator the fact that 75 per cent of the anthracite production is controlled by nine railroad companies, and that they can by agreement make the summer reduction. Anthracite coal is all produced within three or four counties in Pennsylvania, embracing, I think, something like 400 or 500 square miles; whereas the bituminous industry is stretched over 33 States and 500,000 square miles. There is no such cooperation and no such agreement as to summer reductions to stabilize the price of coal and to equalize its distribution. Therefore, the situation in regard to anthracite is not analogous to that of bituminous when it comes to the contention which the Senator raises, that cooperation has brought a stabilization in the anthracite industry, and cooperation therefore necessarily would follow in the bituminous industry.

We want to provide for securing cooperation through the other Senate bill; but the pending measure has to do with a reduction of the freight rate; it proposes to provide for fixing freight rates, and, therefore, it has no bearing whatsoever on the question suggested by the Senator, except that it gives the buyer a reduction in the freight charge which is to be fixed by the Interstate Commerce Commission. It has nothing to do with the operators. In many districts the bituminous operators, with great wisdom, I will say to the Senator from New Mexico, have established seasonal rates. I know of one fuel company in Oklahoma, the McAlester Fuel Co., which has made seasonal rates, summer rates, and that action has stabilized and equalized production in the mines of that company. I hope under the other bill—the publicity bill—through some advisory council and cooperation, that the bituminous operators

in this country can as a unit, through cooperation, bring about seasonal reductions; but that is not the point involved here. The point involved in the pending bill is to bring about, if possible, more coal production and to lighten the load on transportation; and the Interstate Commerce Commission is given the authority to induce summer buying by lowering the freight rates.

Mr. POMERENE. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator now refers to the question of transportation. It is true that for several years past the coal situation has been seriously affected by the want of cars, but that is not the case now. There are at present 300,000 or 400,000 empty cars, so that if it were a car question alone that would solve itself. Lower rates are not going to promote the use of the cars. The other day in the course of a trip that I made to Ohio I met a former Ohio friend, who is now a coal operator in West Virginia, selling a large part of his product in Ohio. He said he could not now sell his coal at the mouth of the mine for $2 a ton. There are many other considerations that enter into this question besides the mere coal rate. It looks to me as if that would be simply a homeopathic dose, the benefits of which are not going to trickle through the fingers of the dealers to the consumers, in my judgment. I will have something to say on that subject later on, but it is not now a question of transportation by any means.

Mr. FRELINGHUYSEN. May I ask the Senator if when he spoke of 300,000 idle cars he meant coal cars? My figures show 165,000 idle coal cars

Mr. POMERENE. I think the figures given by me included all cars, but a large part of them are coal cars. There is not any great demand for coal because the industries are all closed down. The manufacturers do not differ very much from the domestic consumer. We are all more or less improvident when it comes to laying in supplies. Men ordinarily do not buy their coal until the winter comes, and a 15 or 20 cent reduction in the rates for transporting coal, if that shall be accorded, will not provide an inducement for the buyer of bituminous coal to lay in his store during the summer.

Mr. FRELINGHUYSEN. I will ask the Senator a question. We are all hoping that business will revive in the fall; possibly it will, and I think it will. We will then find that according to our normal consumption of coal we will be short 20,000,000 or 30,000,000 or, possibly, 40,000,000 tons. Naturally, practically all business will resume activity at the same time. The railroads will then be called upon to carry increased loads of traffic. That will mean that there will be a shortage of coal, because everybody will attempt to buy at the same time, possibly at panic prices. It was found necessary, in order to induce buying, for the carriers to reduce the rates for the transportation of coal by the Great Lakes. They wanted to get the coal to the Northwest, as they thought it was an economic necessity. I think it is an economic necessity to do whatever we can here to induce the public to buy coal.

If we can by seasonal rate reduction of freights in the next three or four months increase the purchase of coal by fifteen or twenty million tons, it may avoid a buyers' panic and may avoid a more serious situation.

Mr. POMERENE. Mr. President, with all due respect to my distinguished friend, I think that is merely theory.

Mr. FRELINGHUYSEN. It is the opinion of the Senator from Ohio that it is theory?

Mr. POMERENE. Yes.

Mr. FRELINGHUYSEN. But the Senator will admit that a study of the conditions will show that we were short of coal last spring and summer?

Mr. POMERENE. Yes; but the Senator must remember that under present conditions there is not only a reduction of production but there is likewise a reduction of consumption.

Mr. FRELINGHUYSEN. Undoubtedly that is true.

Mr. POMERENE. So that we can not determine what amount of coal will be needed next winter and next summer by the amount of coal that is needed this summer. With the industries in Ohio, perhaps, shut down to the extent of two-thirds of their capacity, I understand why there is not a demand for coal. The domestic consumers can buy now; there are the cars to ship coal, but they are not buying. The Senator from New Jersey—and I recognize his interest in this subject and the very great amount of care and study that he has given to it—points out an evil which has existed, but he has not demonstrated that the remedy he proposes is going to go to the right spot. That is the difficulty about this matter. Coal now can be bought; it is being mined in many places at the present high rate of production at a loss. Many mine operators would be willing to operate now, and to do so even if their accounts merely balanced at the end of the month, but they can not get the orders; and it is not yet demonstrated that if there is a reduction of 15 or 20 cents a ton in the freight rate during the summer that that is going to help. In my State—perhaps I ought not to interfere with the Senator's speech——

Mr. FRELINGHUYSEN. I wish the Senator would continue, as I want an open and free discussion of this matter.

Mr. POMERENE. With that suggestion, then——

Mr. FRELINGHUYSEN. Of course, I do not want the Senator to make an extended speech, for I desire to finish as soon as I can.

Mr. POMERENE. Very well; I think I will reserve what observations I have to make until after the Senator shall have concluded. I do not desire to inject a speech in the midst of his remarks.

Mr. WATSON of Indiana. Mr. President, will the Senator from New Jersey yield to me that I may ask the Senator from Ohio a question?

Mr. FRELINGHUYSEN. I yield.

Mr. WATSON of Indiana. Is the Senator from Ohio opposing the pending measure?

Mr. POMERENE. I am opposed to the pending bill. I indicated in the committee that I might vote for the second bill, but my faith has been somewhat shattered the more I study it.

Mr. WATSON of Indiana. I thought I remembered that in the committee the Senator had favored the bill——

Mr. POMERENE. No; not this bill.

Mr. WATSON of Indiana. And I merely wondered why he had changed his mind.

Mr. POMERENE. I did not favor the pending bill.

Mr. WATSON of Indiana. Then it was the other one the Senator supported?

Mr. POMERENE. Yes. When the seasonal-rate plan was first suggested I thought it was a very happy idea, but has proven to be a little like the bumblebee—biggest when it was born.

Mr. WATSON of Indiana. I hope it has not stung anybody yet.

Mr. POMERENE. No; but if it has not got a stinger later on, I am afraid it will prove a gold brick.

Mr. JONES of New Mexico. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. JONES of New Mexico. I should like to get from the Senator his views upon the question as to who will get the benefit of this reduced rate, provided it is arranged for. Does the Senator believe that the consumer will get it, or that the operator will get it, or that the retail dealer will get it?

That is a question that has been troubling me a good deal. I may say to the Senator that my mind is still open as to this bill, and I should like to get information on that point if the Senator has any to furnish.

Mr. FRELINGHUYSEN. I will say to the Senator that a large portion of the bituminous coal is contract, f. o. b. mine, bought by the public utilities and industries of the country; and it is my opinion that if it is bought f. o. b. mine a 25 per cent reduction in the freight rate can not be taken by the wholesaler or the retailer if the agreement is made through them. Furthermore, I believe that if the freight rate stimulates the buying of coal—as I do believe it will, notwithstanding the gloomy forecast of my friend the Senator from Ohio, who has less faith in this legislation than I have—I feel that the small consumer will directly benefit by reason of the increased supply at a time when there is apt to be scarcity. If you have a plentiful supply of cars and a plentiful supply of coal, the consumer will get it low enough.

The Senator says that I have not demonstrated the benefit of this legislation. I point out to him that it was found necessary in order to market the coal in Ohio, the State which he represents, in the lake transportation district, to lower the rates of freight on coal to get that coal above the Lakes—the lake transportation coal. They made a 28-cent reduction to stimulate the buying there. In my opinion, that demonstrates the advisability of giving the Interstate Commerce Commission the power to fix and adjust these rates.

Mr. CUMMINS. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Iowa.

Mr. CUMMINS. I fear that some Senators are looking at this proposed legislation from a point of view which is hardly warranted. There is nothing in this bill, as I understand it, that will reduce the price of coal taking a year as the standard, because the rates that are lowered in the summer will be advanced in the winter. Our question is simply whether it is wise to give to the Interstate Commerce Commission the authority to make coal rates lower in the summer than in the winter.

Entirely apart from everything that has been said here, I think that authority ought to be given to the Interstate Com-

merce Commission; for it is not to be assumed that the commission will exercise that authority unless it will accomplish some wise and beneficent object. I think we ought to keep our minds clearly upon that point; and it is hardly material to debate what effect a reduction of 25 cents in the summer and an advance of 25 cents in the winter will have upon the coal movement, because that question can be very safely given to the Interstate Commerce Commission for answer.

If the Senator from New Jersey will pardon me, I should like to state what I think the real object of this legislation is, and why it is that the Interstate Commerce Commission feels that it has not the authority under the present law to establish these rates.

The chief purpose of this legislation, as I look at it, is an economic and industrial one. The chief purpose is to enable the coal industry of this country to dismiss 25 per cent of the miners who are employed not more than 230 days in a year, but who must be employed as miners and who must be maintained at or near the coal mines because at certain seasons of the year there is a demand for the entire capacity of the mines, and these men must be there to produce the coal. If we could produce the same amount of coal in each month of the year, 25 per cent of the men who are now engaged in mining could seek some other employment, and the remaining 75 per cent could be employed continuously throughout the year. That is not only economically to be desired, but from the standpoint of restlessness and discontent it is still more to be desired.

One of the great causes of disturbance at the coal mines of the country lies in the fact that a large proportion of the coal miners are necessarily idle a large proportion of the time, and it is impossible to preserve content and order among men who are idle. It is not their fault that they are idle. The fault lies in the uneven distribution of coal from month to month, the uneven demand for coal.

I do not say that a reduction in freight rates upon coal in the summer time, with a corresponding increase in the wintertime, would fully accomplish that object. I do not know, nor can any human being tell with certainty, but I do know that these reductions in freight rates in the summer time would have a tendency to accomplish the object; and inasmuch as no possible objection, as I look at it, can be found against reposing this authority in the Interstate Commerce Commission, I think we ought to do it, and I think we ought to do it unanimously.

Mr. KNOX. Mr. President——

Mr. CUMMINS. Just a moment.

The reason why the Interstate Commerce Commission feels that it has not authority to do this thing is that it mistakenly, I think—because I agree with the Senator from Minnesota that the commission has the authority now to do it—feels that it has no right, in determining the reasonableness of a rate upon coal, to consider economic conditions. For instance, the commission feels that it has no right to consider the matter of which I have just spoken—namely, that a reduction in the freight rates in the summer time would have a tendency to promote continuous, steady employment at the mines—and it therefore declines to make these rates.

I now yield to the Senator from Pennsylvania.

Mr. KNOX. I merely wanted to ask this question as bearing upon the extent to which this bill would meet the mischief that has been described as the mischief toward which it is directed, namely, how much will it affect the price of coal? Because you must consider this fact:

The three great consumers of coal are the great factories of the country, the railroads of the country, and the steamships, both domestic and foreign, that coal at our ports. They take their coal day by day and week by week, summer and winter. They must have their requirements met. Of course, under the seasonal rates they would get a little advantage in the summer; they would pay a higher sum in the winter. The remainder of the coal is consumed by the people. Now, what percentage of the people who must have coal to cook their food and warm their houses have the funds to lay in a stock of coal at the lower seasonal rates? The great bulk of the people must buy their coal from week to week; and the time when they need it—in the winter—will be the time when they will have to pay the highest price for it under the arrangement proposed in this bill.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. Mr. President, allow me to answer the question propounded by the Senator from Pennsylvania, although I recognize that I have no title to the floor.

I do not believe that it will make any difference in the price of coal to the class of people that the Senator from Pennsylvania calls domestic consumers. In my judgment, so far as the price made by the dealer to the consumer is concerned, 25 cents a ton or 30 cents a ton or 40 cents a ton taken from the freight rate in the summer and added to the freight rate in the winter will be of no consequence whatever. I think the domestic consumer will pay substantially the same price in either event. I do not look upon this legislation as a measure of relief to the domestic consumer against high prices for coal. I assume that if the dealer finds that he can store the coal in the summer and save money he will do it, and he will have his coal stored; but I am not convinced that he will reduce the price to the consumer on that account. I do not know. The domestic consumer, however, uses probably 10 or 12 per cent of the coal produced; I do not remember just the proportion; possibly a little more than that.

So far as the great users of coal are concerned, the railroads would not be affected materially by the reduction in the freight rate, because the railroads would only be affected by the reduction in the freight rate for that part of the carriage before the coal reaches their own rails. They charge nothing for the carriage of coal upon their own rails, and it makes no difference what the freight rate is after the coal reaches that point. But I assume that the principal inducement to the large users of coal would be, first, a reduction in the rate which might enable them to store their coal during the summer; second, in the certainty of having the coal, and that certainty they could acquire in no other way than by getting it in the summer, because they can not tell whether the exigencies of transportation in the fall and winter will permit them to get the coal as rapidly as they desire it.

Mr. POMERENE. Mr. President, in coming to the conclusion that the dealers would store their coal and have it on hand when the demand arose for it, has the Senator taken into consideration the fact that the dealer, in determining what he would do, would have to keep in mind the fact that he would have his capital invested in the stored coal, that he would be at much larger expense for storage facilities, and that he would have the increased risk of the coal being wasted, both as to its quality, and perhaps through theft or otherwise? All of those things must be taken into consideration and would be taken into consideration by the dealer in making up his mind as to whether he would have a supply on hand or not.

Mr. CUMMINS. Mr. President, I embraced all those elements when I said that if the dealer found it profitable to store the coal he would do it. If the dealer does not find it profitable to store the coal, no harm can ensue, because he will wait, just as he does now, for the winter months.

Mr. POMERENE. And no good will come of it.

Mr. CUMMINS. I intended to make just a brief statement, but permit me to say that the second object of the bill, which is hardly less important than the first, is the release of the equipment of the railroads, so that that equipment can perform its full service.

I know very well that just now all kinds of business are in a state of collapse, the railroads among the business enterprises of the country, which are in that condition. We have no demand for a large part of the transportation facilities now in existence. But I assume that it is within the possibilities anyhow that there will be a revival of business in the United States and that the equipment which the railroad companies now have will be needed, as it has been so often needed before, and if we can use these cars in the summer time for the transportation of a greater quantity of coal than has been habitual in the past those facilities will be correspondingly released for the heavier business of the fall and the early winter.

I need not remind Senators of the exigencies of the last year, and in fact of every year since 1917.

These are the two great objects of this bill. It will not increase the price of coal a penny to anybody. It can not increase the price of coal, in my judgment, to anyone. To say that it will increase the price of coal is to assume that the dealers are not fair, honest, conscientious business men, and that they will take advantage of an opportunity, which they, indeed, have now, but which would be continued to them under the provisions of this bill.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Iowa. My attention was temporarily diverted, and I want to be sure that I did not misunderstand the first branch of the Senator's argument. Is it his belief that if the pending bill is enacted into law and carried into execution it will release 25 per cent of the miners now employed for employment elsewhere?

Mr. CUMMINS. No.

Mr. WILLIS. I misunderstood the Senator.

Mr. CUMMINS. The trouble is that they are not employed. That is the difficulty with the miners' situation. Roughly speaking, there are 25 per cent more men gathered around the coal mines of the United States and employed from time to time than are necessary to produce the coal which the American people consume. I said that it would enable 25 per cent of that number to seek other employment in which they could be

continuously employed, and it would leave the proper number continuously at work 275 or 300 days in the year.

Mr. WILLIS. In other words, instead of requiring 762,000 men to mine the coal, as is the case now, it would require only about 572,000, practically 200,000 less?

Mr. CUMMINS. That is my opinion.

Mr. WILLIS. I want to ask the Senator one more question. He heard the statement made by the Senator from Minnesota [Mr. KELLOGG] to the effect that the Interstate Commerce Commission, in his opinion, now have the authority proposed to be granted by the bill. Does the Senator from Iowa concur in that view?

Mr. CUMMINS. I commented on that during the course of my observations.

Mr. WILLIS. I did not hear the Senator.

Mr. CUMMINS. I believe the commission has the authority to do this thing, and I tried to explain why the commission thought it had not the authority. Did the Senator from Ohio hear my contention in that regard?

Mr. WILLIS. No; I regret I did not hear the Senator, but I do not ask him to repeat it, because I can read it in the RECORD. To what extent is that power now exercised by the Interstate Commerce Commission?

Mr. CUMMINS. So far as I know, it has never been exercised against the voluntary proposal of the railroad companies. The commission has, as I understand it, approved what may be called seasonal rates, and has authorized railroad companies to charge less at one time in the year than they were permitted to charge at another time.

Mr. FRELINGHUYSEN. Mr. President, I attempted to give the reasons of the Interstate Commerce Commission for desiring that they be granted these powers and the opinion of the chairman that at the present time they did not have the powers. I quote from a letter of Chairman Clark in relation to this; and I would like to have the attention of the Senator from Ohio, because thrice he has asked a question as to whether the commission now has power to fix seasonal rates. The chairman has written me as follows:

> With regard to the commission's powers to prescribe seasonal rates, I have to say that we do not think that we have any powers to adjust rates for the purpose of securing or bringing about certain economic or industrial conditions which might appeal to our judgment. We think that our powers are to deal with the rates in the light of transportation considerations, with a view to avoiding or eliminating undue preference or prejudice and unjust discrimination as between persons or firms, localities or commodities. Our understanding of the purpose of the seasonal coal rate bill in which you are interested is that it recognizes a public interest and contemplates encouraging consumers to purchase their supplies in larger measure during the summer months, when the demand for coal is usually light and when the railroads have more than ample facilities with which to move it. We do not understand that it contemplates that this inducement shall take the form of reduced rates during the summer season wholly at the expense of the carriers, but that it shall be fairly compensated for in the rates applicable during the other months; in other words, that the total amount paid for transportation of coal shall be more evenly distributed over the months of the year without subsantially affecting in this way the aggregate revenue of the carriers from this traffic.

In answer to the other question of the Senator—as to the situation regarding the seasonal rates which have been fixed by the carriers and, I understand, too, by the commission, for lake transportation of coal—the chairman of the commission has written me as follows:

> You asked me to write you the facts in connection with the recent reduction in rates on coal to the Lake Erie ports when for transshipment by water beyond. You also asked my view as to the powers now vested in the commission to require seasonal rates on coal, with a view to inducing a larger movement during the summer season, thus relieving the situation during the late fall and winter months, when the demand is heavy and transportation difficulties more severe.
>
> A large volume of coal moves each year from Ohio, western Pennsylvania, West Virginia, and Kentucky to Lake Erie ports, and thence by water to points on the Great Lakes. Large volumes of this coal are handled by dock companies at ports on the west bank of Lake Michigan and on Lake Superior, who distribute it among consumers at the ports and at inland points.
>
> At a comparatively short distance from the docks this coal comes in competition with coal moving all rail from Indiana and Illinois mines. There is a large area in northern Iowa, southern Minnesota, eastern South Dakota, southeastern North Dakota, and western Wisconsin in which this competition is keen.
>
> When the Director General of Railroads increased rates in July, 1918, the increases on coal were made in cents per ton, the increases being graduated according to the volume of the rate and being made applicable to each separate rate. The coal moving to the Lake Erie ports for movement by water has a rail rate to the port, and if it is distributed from Lake Michigan or Lake Superior ports via rail it, of course, has an additional or another rail rate. Both of those rail rates were increased while the single joint rate on all-rail coal from Illinois or Indiana had but one increase. The same thing occurred again when rates were increased generally in 1920, and necessarily these changes in rates worked to the disadvantage of the lake cargo coal and to the advantage of the all-rail coal.
>
> The movement of coal via water from the Lake Erie ports amounts to from 20,000,000 to 25,000,000 tons per year, and that, of course, must move during the open season of navigation. It is highly desirable, therefore, that the movement shall begin early and continue throughout the season. It is an attractive traffic for the railroads because the cars that go to the Lake Erie ports loaded with coal are loaded back to the iron-producing districts with iron ore. Boats that bring down iron ore take back cargoes of coal. The eastern railroads, therefore, have in this a rather ideal situation of a well-balanced tonnage.
>
> In the early part of the present season of navigation the movement of lake cargo coal was negligible. The eastern operators insisted that under the then existing rates they could not sell or move lake cargo coal, and they convinced the traffic representatives of the railroads that unless the rate to the Lake Erie ports was reduced there would be no movement during the earlier months of the season of navigation and probably but little movement during the later months.

In other words, the operators themselves are begging for seasonal freight rates in order that they might have a market.

The letter continues:

> As a result of this the railroads voluntarily put in the reduced rates on coal to the Lake Erie ports, the reduction being 28 cents per ton and the rates being initially applicable only on coal destined to west bank Lake Michigan ports north of the Illinois-Wisconsin State line and to Lake Superior ports west of Whitefish Point. The carriers' application for authority to establish these rates on short notice was granted by us.

There are three conceivable places where that 21,000,000 tons might be stored. At first thought one would say store it at the mines, but mine storage is practically nonexistent in the United States. If we are going to store coal at the mines, the cheapest place is underground in the bed, and in any case mine storage would not solve the question of the seasonal load on the transportation system, which is, after all, the one that concerns me most. The fuel troubles of the past five years have been primarily due to inability to deliver coal, and seldom to inability to mine it.

The second place where the 21,000,000 tons might be stored is at some intermediate point, after the manner of the coal on the Lake docks. In such a case the work of storing coal would probably be undertaken by the producer or distributor rather than by the consumer, as is the case with the storage yards operated by the anthracite producers. It is to be remembered, however, that intermediate storage is not likely to be possible, except at some natural breaking point in the movement from mine to consumer, and the possibilities of its application to bituminous coal do not appear to be great. Moreover, intermediate storage will not solve the real problem of guaranteeing a reserve supply to the ultimate consumer. Something may happen to the last link in the chain of transportation, and if so, the consumer is no better off than if the coal were at the mine. Suppose, for example, that we were to ask the bituminous operators to put in storage yards somewhere en route to New England. The experience of the last few years has shown that the neck of the bottle in fueling New England is apt to be the capacity of the rail gateways over the Hudson, and simply to accumulate supplies above that bottle neck might be of little value when the need of a reserve really came.

The third place where the extra coal may be stored is in the bin of the consumer. By this I do not mean alone the cellar of the householder, but more important still, the manufacturing establishment or the public-utility plant. I am fully aware of the fact that the storage of some types of soft coal present technical difficulties, such as the danger of spontaneous combustion. The weight of expert opinion, however, is that with the proper precaution, even Middle Western coals can be stored successfully. What we must do is to spread among users of coal knowledge of the technique of storage, and that is one of the things provided for in the companion bill, Senate 1807. I realize, too, that storage requires space, and that space is not available at all plants.

But, to my mind, the great sweeping answer to these objections that storage is difficult or impracticable is that many thousands of consumers do store coal already; that the quantity normally in storage in the late fall is probably over 30,000,000 tons, if not well up to 40,000,000 tons, and that we know by actual count that on the day of the armistice consumers had on hand 63,000,000 tons of coal, much of it, by the way, Illinois, Indiana, or other western coal. The extra 21,000,000 tons which must be stored in the summer to equalize output, when added to the quantity already stored, would not exceed that figure of 63,000,000 tons, which actually has been stored already. What was done by the consumers during the war can be done again, and will be done if only storage is made financially attractive to them.

Many a public-utility or industrial plant has learned through its bitter experience of the last five years that a coal pile is as necessary a part of the insurance of its plant as a fire insurance policy. I know and you know of cases where facilities for storage have been installed recently with no other inducement than providing that insurance. But it is only fair to the consumer that some financial encouragement be offered him to offset the cost of storage. That is exactly what this bill proposes. If 50 cents a ton, the summer discount in the price of domestic anthracite, has been a material factor in moving

anthracite in the summer time, as the anthracite producers will agree it has been, I think we can look forward to a 50-cent differential in freight, tending to produce the same result in bituminous coal.

SEASONAL COAL RATES ARE THE ONLY PRACTICABLE MEANS AT HAND TO ENCOURAGE STORAGE.

I hear some one retort, "Well, if the summer discount in the price of anthracite has been effective in stimulating the summer demand for hard coal, why not apply the same idea to soft coal? Let the bituminous operators offer a summer price." The answer is that what has been possible in the way of stabilized prices in the close-knit anthracite industry would not be possible in the highly competitive bituminous industry. In the anthracite field eight railroad affiliated companies control 75 per cent of the output, and secure from any effective competition they have been able to announce prices in advance and to adhere to those circular prices. But I for one would be afraid to see any general agreement among bituminous operators to offer seasonal discounts in mine prices of bituminous coal, because that would involve the building up of a gigantic soft-coal trust. Some far-seeing bituminous operators have imitated the anthracite producers' practice of announcing summer discount prices, chiefly on domestic coals. Such an operator is the McAlester Fuel Co., of McAlester, Okla.; but I am informed by the president of that company, Mr. J. G. Puterbaugh, that purchasers of coal are inclined to doubt the certainty of the financial saving offered by the summer price. They are afraid the market will jump the other way. They want something that is guaranteed, something that they can bank on. Although the McAlester Fuel Co. has found its summer prices of great practical value in stimulating the summer movement of its coal, Mr. Puterbaugh is an earnest advocate of seasonal freight rates. There can be no doubt in the consumer's mind as to the financial saving to be involved under a system of seasonal rates. It is laid down in black and white before him, and announced for months in advance.

Let me make clear that the bill as drafted is not an attempt to revise downward the general level of coal rates. That is a separate subject which the powers of the Interstate Commerce Commission are already ample to cover. The present bill specifically directs that seasonal rates shall be so adjusted that the increases in the fall and winter months shall compensate for the decreases in the spring and summer months, in order that the total revenue to the carriers from the transportation of coal shall remain approximately the same.

I am also fully aware of the fact that a set of seasonal differentials in rates which would be applicable to conditions in Illinois might not be applicable to conditions in the Appalachian region. The bill in its present form leaves it to the discretion of the Interstate Commerce Commission to apply the principle of seasonal rates in one district and not in another, and to vary the differentials from one district to another in order to meet the needs. The procedure of the commission under the act as passed would doubtless be to investigate carefully the normal seasonal variation in coal shipment for each rate group or coal-producing district, and to fit the remedy to the condition disclosed.

SEASONAL COAL RATES ARE NEEDED TO HELP THE COAL INDUSTRY ITSELF.

The most obvious sufferers from the irregularity of the demand for coal are the men engaged in mining it. It is common knowledge that the miner's year is highly intermittent, but I doubt if our people realize how great the irregularity is. During the last 30 years, out of 308 potential working days in the year, the bituminous mines of this country spent an average of 93 days in idleness and worked only 215 days. That 215 days is the measure of the opportunity to labor offered to the mine worker by the industry. Moreover, the condition is not improving. In 1919 the total number of working days lost was 111, of which only 36 were attributable to the great strike. The year 1920 will also show up poorly when the final returns are in. In 1921, according to the weekly reports of the Geological Survey, the mines have been working in most districts only two or three days a week.

To visualize the extent of these losses of working time, diagram No. 3 in the book of charts will be helpful. It shows that in the long run the mines have lost unavoidably because of the seasonal character of demand some 44 working days per year. But so great is the mine capacity in the bituminous industry that even were the mines to work steadily during the year they could not be kept continuously employed. Some 34 days are lost each year through sheer overdevelopment of the industry. There are so many mines and so many miners that there is simply not enough work to go around. Add to this an allowance for the effect of business depression in reducing consumption, which, absent in some years and present in others, count on the average for perhaps 15 lost working days in the year and the total time idle is 93 days, or 30 per cent of the working year.

Fancy yourself a coal miner and subject to these irregularities of employment. You know by experience that you can hardly hope to work much over 200 days in the year. You know that there will be weeks or months in the summer when you can work but one or two days a week. You know that it is never possible for you to tell in advance whether cars will be furnished the mine to-morrow or not. When the miners asked for a six-hour day and a five-day week—a total of 30 working hours per week—they were asking for a recognition by agreement of the working time that is in fact offered them. For the average number of hours worked per week from the day of the armistice to November 1, 1919, when the miners went on strike, according to records furnished the Geological Survey by the coal operators, was exactly 30 hours per week. Of course, we do not want to crystallize this bad situation into a permanent arrangement by agreeing that the working week shall be limited to anything like 30 hours, but I can sympathize with the position of the coal miner. I do not wonder that such irregular employment creates in him irregular habits. I imagine that it is a primary cause of the tremendous labor turnover complained of by the operator. If seasonal freight rates will do anything to stabilize the working year for the 625,000 men who work in our bituminous mines, this bill will have been worth while.

So much for the effects of intermittent operation on the mine worker. Its effects on the mine owner are scarcely less serious. It adds to his administrative problem by creating discontent among his men; it causes undue depreciation of his mine during periods of idleness; and it very greatly increases his costs per ton. If the mine is designed to produce 1,000 tons per day and has orders sufficient for only 500 tons, each one of those 500 tons must bear twice as much of the overhead expenses, including fixed charges, as if the mine were working to capactiy.

Nor is the public without interest in the condition of the miners and owners. After all, the public has to pay the bill. It has to pay prices high enough to support the labor and capital engaged in the industry for the 93 working days they are idle as well as for the 215 working days they are active. As Director Smith, of the Geological Survey, has aply put it, the number of man days of enforced idleness in bituminous coal mining in this country is equivalent to maintaining a standing army as large as the Secretary of War is now asking for. It is as large as the man days involved in giving every young man who comes of military age in the year three months of military training.

Our coal industry has become so used to this condition that we do not realize how much worse it is in the United States than in the other principal coal-mining countries. For example, as diagram No. 2 in the booklet of charts shows, the number of days worked at bituminous mines in the United States in 1913 averaged 232, as against 280 in Nova Scotia, 289 in France, 290 in the United Kingdom, 298 in Belgium, and 317 in Prussia. These are the countries that are our principal competitors in the export coal trade. Our costs are much lower than theirs in respect to many items, but they are much higher than theirs in respect to the element of steadiness of operation. Some light on the reason for this poor showing of our mines in comparison with those of other countries is given in diagram 11 of the book of charts. From that diagram it will be seen that in England, our chief competitor, the seasonal character of demand has been practically overcome.

But we do not need to go outside our own country to prove that the problem of seasonal operation of coal mines can be solved. The anthracite industry of Pennsylvania has so improved its working time through summer-price discounts and other devices that it now compares not unfavorably with the industry in England.

SEASONAL COAL RATES ARE NEEDED TO RELIEVE THE TRANSPORTATION SYSTEM.

The railroads, especially those of the Mississippi Valley, suffer from this irregular character of the demand for coal almost as much as do the mines. The large wall chart [wall chart No. 1] shows how the monthly revenues of the carriers have fluctuated up and down with the monthly production of soft coal in the last eight years. Of course, soft coal is not the only seasonal commodity, but it is a significant fact that the heaviest demand for coal-carrying equipment comes at the very season of the year when the crop movement is heavy, namely, the late fall. Look again, if you please, at the curve of monthly coal production in Illinois [wall chart No. 2; also diagram 5 in blue booklet] and imagine yourself president of the Illinois Central Railroad, asked to provide transportation to haul the coal offered in times of peak demand. If you buy cars enough and engines enough to handle 9,000,000 tons per month on occa-

sions, what can you possibly do with those cars and engines when the output drops to three or two million tons or fades away to nothing at all? I suspect that the capital investment in coal-carrying equipment is at least equal to the capital investment in coal mining, and it is nationally just as important to keep that railroad equipment working regularly through the year as it is to keep the mining equipment uniformly occupied.

There has been some criticism of the inability of the carriers to deliver coal as rapidly as it is called for by the public. I wonder if you realize the difficulties of the task that has confronted them. The tables of weekly output appended by the Geological Survey to the booklet of charts which lies before each of you show that the railroads have frequently had to furnish transportation for a weekly output of 12,800,000 tons, and occasionally for 13,000,000 tons of coal. But in the dull season the tonnage offered them has dropped to 6,000,000 tons, and once during the coal strike in 1919 it fell off to less than 4,000,000 tons. Perhaps it is unfair to take the extreme conditions of the coal strike as an example, but there are plenty of illustrations without considering the most extreme cases. Take the last three years. In 1919, when the only thing limiting production was lack of orders, the output of soft coal fell to 7,378,000 tons a week. Later in the year, when the consumers realized their mistake and tried to accumulate a safe reserve as they saw the strike coming, the production rose to 13,140,000 tons a week. This was an increase of more than 78 per cent in seven months. Again, in the fall of 1920, the railroads were called on to furnish transportation for 12,865,000 tons in one week—the week ended December 11. Five months later the output had dropped to 5,822,000 tons—the week ended April 2, 1921.

No business can function economically under a demand so irregular as this. In view of the present physical condition of the railroads, it is absolutely essential that something be done to equalize the burden of coal traffic. Before the war our transportation system had no serious difficulty in handling the coal offered, even with the peaks and valleys of seasonal variation in demand. We must remember, however, that in those days the country needed less than 500,000,000 tons of soft coal a year. Now, when business is active, our national requirements, including coal for export, are in the neighborhood of 530,000,000 tons. There has been no corresponding growth in the capacity of the railroads to transport coal, and on the three occasions when we have called upon them to haul 550,000,000 tons of soft coal in the year the carriers have shown signs of distress. In 1917, 1918, and again in 1920, years in which the output of bituminous coal exceeded 550,000,000 tons, the carriers were able to handle the burden only by being relieved from the responsibility of carrying other types of traffic. As Mr. Gutheim, of the American Railway Association, has pointed out—

> Our railroad facilities are probably adequate to-day to handle our necessary annual bituminous output, if produced with fair uniformity of rate throughout the year, and will certainly be adequate when post-war rehabilitation of the properties is completed. Our railroad facilities are not, and without great waste of investment never can be, adequate to handle currently our necessary bituminous-coal production when obtained by weekly peaks of 13,000,000 tons, and valleys of 7,500,000 tons, in a 12-month period, as has been the case in the past two years.

If Mr. Gutheim is right, some means must be found to spread the burden of coal traffic more equally over the year.

Now, evening up the traffic to be handled on a railroad is essentially the same problem as evening up the demand for power and light at an electric utility plant. One of the constant problems of the public utility is to improve what the engineer calls the "load factor." So the utility offers special concessions in rates to users of power who can avoid the peak hours and take their current in the hours of low demand. Conversely, the utility charges a premium on the current used during the peak hours. Seasonal coal freight rates are simply the same idea applied to railroad transportation. While the carrier will get less for the ton-miles of hauling done during the months of discount, it will get proportionately more for the ton-miles hauled in other months, and the total receipts will be the same. On the other hand, its efficiency of operation will be greatly improved and it will be enabled to handle a larger volume of freight, because it works more continuously. Once more the plant with the high load factor will score over the plant with the bad load factor.

SEASONAL COAL RATES ARE NEEDED TO BUILD UP ADEQUATE RESERVE STOCKS FOR THE PROTECTION OF THE PUBLIC.

My interest in this bill, however, lies not primarily in providing regular work for the mines or in relieving the rush demand upon the transportation system. As a representative of a coal-consuming State, my primary interest is to see that something is done to protect the consumer of coal against a runaway market or against an actual shortage of coal. I think that the way to do that is to build up and to maintain a reserve in the hands of consumers large enough so that no probable interruption to supply, whether it comes from traffic congestion on the railroads or from a mine strike, can force the consumers to go out and pay the coal man any price that that man's conscience will let him charge. We have had bitter experience of what happens when reserve stocks of coal fall below the point of safety. Lack of sufficient storage or poor distribution of the coal in storage was the cause of these mountain peaks of price shown in the curve of the large wall chart. [Wall chart I, red line.] On this point I think that the coal trade and the thinking men among the coal consumers are in agreement. So long as the quantity of coal in storage is large, consumers can bide their time. They can withstand a traffic jam, delaying the delivery of loaded coal. If prices asked are exeessively high, they can wait and rely on contract deliveries. But once let stocks fall below the danger point and conditions are ripe for a panicky market. When a consumer like a public utility, which must keep going at all costs, runs out of coal he must practically take the producer's terms in obtaining a supply to tide him over the emergency. Now, our people are not in the habit of holding the large reserves which experience has taught us they need.

A few days of extraordinarily severe winter weather in December, 1917, and January, 1918, resulting in a temporary blockade of the railroads in the Northeast, caught a great many users of coal unprepared and unprotected. The price at the time was under control, but no one needs to be reminded of the bitter experiences and the industrial losses resulting from the shutting down of plants which followed. Again, when the miners struck in the fall of 1919 the power behind their strike resulted from the fact that the consumers of coal had used up their wartime reserves. Consumers had been burning their stock piles instead of buying coal to maintain their stock piles, and the result was that even with the nonunion fields working to capacity, stocks of coal were exhausted in six weeks' time and a settlement became absolutely imperative. At the end of that time stocks in the industrial Northeast, in territory north of the Ohio and Potomac and east of the Mississippi, had been eaten down to the bone, and reports of distress and the closing down of plants began to come in from many quarters.

But if you wish to see the effect of depleted stocks in producing a panicky market at its worst, look at the curve of spot price in the season of 1920. [Wall chart No. 1; also diagram 14 in booklet.] When the Government withdrew its control of prices on April 1, 1920, stocks had not recovered from the strike and were still dangerously low. If the railroads had been running smoothly, it is probable that the reserves could have been built up again without undue rise in price. But on the very day that the Government control of prices was lifted the railway switchmen's strike broke. Traffic was seriously interrupted, and many consumers experienced delays in getting delivery on coal. The result was that they had to bid against one another and the panic demand forced prices up to the highest level ever known. The average spot price of all bituminous coals, according to Coal Age, in the month of August, 1920, was over $9 a ton f. o. b. mine. To appreciate what that meant, suppose we think of it in terms of the prewar price. If the 1913 spot price be represented by the index number 100, then the index for August, 1920, would be 730. In justice to the coal men it must be pointed out that most of the tonnage continued to move under contract and was not affected by these extraordinary spot prices. The $9 price did, however, represent what the unwary and unprotected consumer had to pay for emergency coal. The extraordinary foreign demand for export overseas prevailing at that time was no doubt a factor in the high prices, but it was only a contributing factor. We should have had high prices had there been no foreign demand, because stocks were dangerously low and because current delivery could not be made by the railroads fast enough to supply all the emergency coal. Conversely, had stocks been large, traffic jams resulting from the switchmen's strike would have had little effect on prices, because consumers could have relied upon their reserves for a period instead of being forced to enter the spot market and buy on the producers' terms.

These facts point indisputably to the conclusion that the tone of the coal market is very largely determined by the state of consumers' stocks; that the surest way to create a sellers' market, a market in which anything that is black goes, and in which the producer can name his own terms, is to let stocks fall below the danger point. If, on the contrary, the reserves can be kept comfortably large, the possibility of a panic demand is practically eliminated. The market will then become a buyers' market, such as generally prevailed in this country before the war. Our great mine capacity, our enormous underground resources of soft coal, are such that competition can be trusted

to keep down the price when only 10,000,000 or 11,000,000 tons a week are being asked for. Let the weekly demand rise to 12,000,000 or 13,000,000 tons, and the railroads are likely to show signs of distress, deliveries will be interrupted or delayed, and the condition is ripe for another sellers' market. I have dwelt at some length on the necessity of maintaining a large reserve stock of coal as a protection to the consumer against extortionate prices; because it seems to me the strongest argument in favor of the seasonal rate bill. If the bill accomplishes its purpose and encourages general storage by the consumer, it will do more to bring about reasonable prices of coal than all the machinery of Government regulation can do.

SEASONAL RATES ARE NEEDED AT ONCE TO SPEED UP THE MOVEMENT OF COAL FOR NEXT WINTER.

It is my intention to press this bill for immediate passage in the hope that it can become a law in time to be used as a means of stimulating the movement of coal in the present season. I do not wish to assume the rôle of an alarmist nor to predict a scarcity of fuel in the near future, for we should be inexcusably negligent should such a shortage develop under present conditions. The facts as to current production as revealed by the Geological Survey's weekly coal report are such, however, as to give food for thought. Do you realize that the cumulative output of soft coal for the year up to June 1 was 69,000,000 tons behind 1918 and 51,000,000 tons behind 1920? Those years were, of course, years of active business, when consumption was greater than at present; but in comparison with 1919, a year of business depression, and a year when the carry over from the preceding winter was enormous, the present season was 14,000,000 tons behind on June 1. That fact is disquieting to me. I am not greatly reassured to note that the cumulative output this year is slightly in excess of that for the corresponding period of 1915, because, while the present business depression is more serious than that of 1914 and early 1915, our normal increase in consumption is so great that we should expect to be using 60,000,000 tons more per year now than then.

The plain fact is—as all the coal trade knows—that the consumer is distrustful of the coal operator and dealer. The consumer figures that miners' wages and freight rates are coming down. Consumers, as a class, with the exception of the public utilities, have in consequence been drawing heavily on their stock piles. Up to April 1 the draft on storage had not proceeded far enough to lower the reserve below the danger point. The Geological Survey's canvass of consumers' stocks showed the total in storage on April 1 as about 37,000,000 tons. It is clear, however, that the draft on storage must have continued since then; and at present, in my opinion, stocks are getting too low for safety. The passage of this bill and the definite announcement of a seasonal cut in coal freight rates, to be followed at a specified date in the autumn by a restoration of the present rate, would clarify the situation greatly. It would put an end to speculation as to what is going to happen to the transportation cost of coal and would result in the placing of thousands of orders at the mines. I do not wish to prophesy an impending shortage of cars, but there have been plenty of railroad executives to sound that note of warning if the purchase of coal be longer delayed. This much is perfectly clear: That if business revives suddenly, and we attempt to reaccumulate stocks of coal, take care of current consumption, and handle other commodities calling for open-top equipment, we shall have a repetition of the situation in 1920, with the railroads unable to handle all the traffic. Under these circumstances, the need for prompt action on this seasonal rates bill and for immediate application of the principle as soon as the bill becomes a law is urgent. Let us get part of the year's transportation task out of the way while we have idle cars waiting for something to do, and have the cars available for handling other traffic when the revival of business comes.

The coal industry represents the most important transportation problem before the railroads of this country, the following comparison of coal tonnage compared with the tonnage of other basic commodities setting out this situation very clearly:

	Net tons.
Anthracite coal	98, 826, 084
Bituminous coal	579, 385, 820
Total coal	678, 211, 904

Relative weight compared with coal.

	Net tons.	Per cent.
Farm products: Wheat, corn, oats, rye, barley, and potatoes	163, 176, 298	24.0
Lumber: All grades	63, 780, 988	9.4
Basic metals: Steel, copper, lead, zinc	51, 829, 281	7.6
Total	278, 786, 567	41.0

It will be observed that the transportation of all farm products, all the lumber, and all the basic metals requires a tonnage movement approximating 41 per cent of that required to move the anthracite and bituminous coal, the figures shown above covering the calendar year 1918, no later tonnage figures obtainable—the ratio no doubt holding relatively uniform.

The bituminous coal produced by the mines of this country for eight years—1913 to 1920, inclusive—with the production for the first five calendar months of 1921 and the tonnage that must be produced and transported in the remaining seven months of the calendar year, if we are to produce 499,010,000 tons in 1921, is set forth in certain figures which I have here. I ask unanimous consent that these figures be inserted in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Annual fluctuations in the production of anthracite coal.

[This table shows that anthracite production, except during the war years, 1917 and 1918, when a large amount of coal was reclaimed from the culm banks, is practically stationary at 90,000,000 tons a year. Bituminous production, on the other hand, fluctuates sharply.]

	Net tons.
1913	92, 000, 000
1914	91, 000, 000
1915	89, 000, 000
1916	88, 000, 000
1917	100, 000, 000
1918	99, 000, 000
1919	88, 000, 000
1920	89, 000, 000
1921 to May 28	37, 600, 000

The bituminous coal production and requirements of the country have been as follows:

	Tons.
1913	478, 435, 297
1914	422, 703, 970
1915	442, 624, 426
1916	502, 519, 682
1917	551, 790, 563
1918	579, 385, 820
1919	458, 063, 000
1920	556, 563, 000
Average, 8 years	499, 010, 000
Production Jan. 1 to May 31, 1921	153, 821, 000
To be produced June 1 to Dec. 31	345, 189, 000
Average production per month first five months	30, 764, 200
Average production required next seven months	49, 312, 714

Increase in rate of production required, 60 per cent.

Mr. FRELINGHUYSEN. The question arises as to whether or not the country, with industries largely idle, will require 499,000,000 tons of soft coal this year. I am of the opinion that due consideration should be given to the fact that the existing bituminous wage scale is extraordinarily high and must be reduced with the expiration of same on March 31 next—the anthracite wage scale expiring simultaneously with the bituminous scale—and with the further belief that such adjustment will not be made without protracted controversy I am confident that a suspension of more or less duration will take effect. That such should happen is unfortunate, even discreditable, to the conduct of our coal affairs, but I do not believe that either the coal operators or mine workers have been educated out of the method of adjudicating their differences which has been in force ever since the inception of the United Mine Workers' organization.

During the months in which I have urged the theory of constructive legislation more or less objection has been made to same by the coal operators of the country. In a general way the majority are adverse to putting the industry on a stable basis. To be frank, many of them prefer the existing condition, believing that with the present excess development more money can be made over a period of years as the industry is now conducted than would accrue from steadier operation and fewer mines.

I believe the greatest obstacle that stands in the way of national progress to-day is our extraordinary economic waste, waste of natural resources, waste of energy, and the unalterable solution lies in an improvement of the load factor.

We must indorse the theory of a more uniform operation of the coal mines of the country; when this is done we have contributed to the more uniform operation of the railroads. What is wanted to-day is a sufficient number of men in high place who will say that the load factor of the railroads must be improved and the extraordinary seasonal variations in the industrial machine must be modified where elimination is not possible.

The outstanding feature of all opposition to this bill that has come to my attention is that such is based on the individual interest of the producer and without regard whatever to—

(a) The extraordinary tax levied on the consumer, who pays the bill.

(b) The extraordinary tax levied on the transportation resources of the country, the cost of which must also be met by the consumer.

(c) The total indifference to the instability of employment suffered by the mine worker, which has led to demands in extraordinary wage increases, enforced in turn by strikes, costing the country millions and actually menacing our Government.

On November 20 a meeting of the coal committee appointed by the American Institute of Mining and Metallurgical Engineers, Herbert Hoover, chairman, consisting of men who were capable of holding themselves apart from the commercial situation, the following recommendations of the committee, including seasonal freight rates, is summed up in the following statement:

That the bituminous industry, by the nature of its organization, functions economically in a too inefficient manner. Employment in the industry averages 220 days per annum, with a minimum district average of less than 200.

Thus a labor staff and capital investment of fully 30 per cent more is required than would otherwise be necessary. From this flows a high daily wage, a considerable portion of the just complaints of labor, and a higher cost of coal to the consumer.

The causes are very largely (a) intermittency in seasonal demand, (b) irregularity of car supplies, (c) lack of storage facilities and incentive for their use.

The cure lies in (a) the cooperation of railroads in the establishment of seasonal differentials in rates that will induce summer demand. (b) Increased transportation facilities and a more efficient and equitable distribution of cars. (c) An increased use of central and interconnected electric power stations. (d) A lower selling price in dull seasons, made possible by differentials in profits, freight rates, and wages. (e) A recognition by the larger consumers, such as Federal, State, and municipal institutions, railroads, public utilities, and industrial plants that not only continuity of operation, but also the safety of the public, demands that they provide adequate storage to be replenished in the dull seasons.

Such storage is feasible and can be made financially remunerative by differential rates and prices. Public safety demands the installation of storage facilities at the place of consumption.

No adequate solution can be found except through organized cooperation of the operators, labor, railroads, and large consumers. Under existing laws as to combinations such cooperation can not be carried on. Therefore we believe that some Federal legislation is necessary permitting such cooperation under competent Government authority.

In addition to the broadest possible educational informative program (which is distinctly the work of the Federal Government), in so far as collecting and publishing general statistical information is concerned, seasonal prices and seasonal freight rates as applied not only to coal, but possibly other commodities, will go farthest in the direction of bringing this condition about.

The attitude of the coal men and the railroad men has very largely been reactionary, neither class having offered a single constructive suggestion in the past two years—they are committed to the theory of maintaining the condition status quo.

The committee believes that legislation of this character, authorizing the Interstate Commerce Commission to initiate lower freight rates on coal during the spring and summer months and higher rates during the fall and winter months will tend to encourage consumers to develop storage accommodations, to accept deliveries of coal in advance of their seasonal needs, and thus to keep the mines operating more constantly throughout the year.

Mr. President, I ask permission to insert a certain marked portion of the report of the committee on seasonal coal rates as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

* * * The committee is of the opinion that such legislation will bring about the following beneficial results:

1. It will stabilize the price of coal. The capacity output of all the coal mines in the United States, assuming fairly constant operation, would far exceed the present consumption. The output of all these mines working as at present only intermittently during the spring and summer months and working to capacity during the fall and winter months is barely sufficient to supply the current needs and the greatly increased cold-weather demand for coal. During the winter the demand so nearly equals the currently available supply that scarcity prices prevail. In addition to this the actual cost of production per ton is unduly enhanced because the operator must during the time his mine is closed down or working intermittently keep together his organization and expend money for the upkeep and maintenance of the property, all of which must be added to the price of the coal which he mines and sells during the rush season. 'If the demand for coal were reasonably constant throughout the year, many of these costs based on holding plant, capital, and personnel idle for a large portion of the time would disappear, and the price of coal would more nearly represent only current costs of production plus a reasonable profit, leaving no opportunity for charging scarcity prices during the months when the greatest amount of coal is consumed. The situation is somewhat analogous to that which prevails in the electric-lighting industry, where the rate of 10 or 12 cents per kilowatt hour charged for current used for lighting includes a large allowance for machinery kept idle throughout the daytime and only employed to handle the peak load in the evening, while the same current is sold for heating purposes at 3 or 4 cents per kilowatt hour because its use throughout the day for this purpose tends to keep all of the power-house machinery operating more constantly.

2. Such legislation will obviate very largely the pressing necessity for more coal cars. The present supply of coal cars, while totally insufficient to handle the fall and winter rush under existing conditions, would be fairly adequate to carry all the coal desired by consumers if this equipment could be kept moving with greater regularity throughout the year, as would be the case if the advantage of lower summer and spring freight rates could be held out to induce consumers to receive coal shipments in advance of their winter needs. Under the present system thousands of coal cars ordinarily lie idle during the spring and summer, while the whole available supply of coal cars is entirely insufficient to handle the fall and winter emergency.

3. Such legislation would remedy the present inadequacy of terminal facilities. The large amount of coal which must now be transported within a comparatively short time in each year tends to glut already overcrowded terminals. The increasing inability of existing terminal facilities to handle extraordinary seasonal demands without entailing serious delays and disproportionate terminal costs is one of the most glaring weaknesses in the present American railroad transportation system, according to the testimony of Chairman Clark of the Interstate Commerce Commission.

4. Such a measure would promote regularity of employment in the mines, and would thus settle most of the outstanding grievances of the miners. Increased compensation for miners is demanded not so much as an actual wage for work performed but rather as a pension for periods of enforced idleness due to the seasonal demand for coal.

The committee finds, from an examination of some of the disadvantages which might appear to inhere in the requirements of lower spring and summer freight rates for coal shipments, that most of these objections are untenable:

1. The revenues of the carriers would not be affected. A large amount of coal would still have to be mined and shipped in fall and winter to consumers who lacked the capital, credit, foresight, or storage accommodations to enable them to secure their supply during the warmer months.

2. The transportation of more coal in the spring and summer will not embarrass the railroads in handling other seasonal movements, e. g., crops. In some localities cars carrying grain are loaded only in one direction, returning empty to the point of origin because of lack of shipments moving in that direction.

If coal could be encouraged to move at the same time, this wasteful practice of hauling empty cars might be at least partially eliminated. Operating conditions during the clear weather of the spring and summer months are much more favorable, so that railroads can better withstand heavy demands for transportation at that period of the year than during the fall and winter months when coal has heretofore moved in greatest volume. The cost to the railroads of transporting coal is also much less in warm weather, when locomotives can haul heavier trains, when they consume less fuel, and when fewer employees can handle more traffic.

3. The acquisition of more coal cars does not afford a practicable and complete remedy for existing difficulties. Under the transportation act the Interstate Commerce Commission is given the power to require carriers to provide themselves with sufficient cars. But most of the railroads have neither the money nor the credit with which to buy a supply of coal cars adequate for current needs under the present system of large seasonal shipments, so it would be useless for the commission to order them to purchase this equipment. On the other hand, most of the railroads which have enough money or credit to finance such purchases already possess an adequate number of coal cars to care for the needs of their own patrons, and they could not reasonably be required by the commission to purchase additional cars to take care of the traffic of other lines.

4. It may be urged that the interstate commerce act now contains ample provisions to permit the commission or the carrier to institute lower summer freight rates for coal. The conclusive answer to this contention is that, during the many years that the same provisions have been law, this practice has never been introduced. The commission does not believe that it possesses the power to require the establishment of such seasonal rates on coal. It has never attempted to exercise this power, and its chairman states that it does not contemplate doing so in the future in the absence of further legislation. The commission assumes that, in prescribing rates and practices, it is not empowered to initiate new systems of rate making, designed principally to remedy general economic situations. It feels that this should be the subject of specific legislative authorization.

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The committee realizes, of course, that the feasibility and effectiveness of the proposed legislation depends very largely upon the practicability of storing coal in large and small quantities. It therefore solicited and received a large amount of testimony from such experts as George Otis Smith, Director of the Geological Survey, various coal operators, and from coal dealers on this point. As a result of this testimony and from information secured through correspondence, the committee entertains no doubt whatever but what practically every kind of coal mined in the United States can be stored safely, conveniently, and cheaply. The tonnage of coal produced which can not be stored satisfactorily is almost negligible. The committee is of the opinion that most of the testimony advanced to cast a doubt on the feasibility of storing coal is based almost uniformly on a disinclination to change the present hand-to-mouth policy under which the country now obtains its coal, scarcely knowing one day whether the next day's supply of coal will be available or not. It feels that this ultraconservative attitude, in the face of constantly recurring coal famines, bringing unemployment and possible starvation in their wake, is entirely unwarranted.

Mr. FRELINGHUYSEN. Mr. President, in closing I wish to say that it requires no argument to show that freight can be moved in the summer months in this climate at less cost than in the winter months. It is also self-apparent that less coal is required in summer months than in winter months. Because of the latter fact there is greater demand for coal in winter than in summer, and if Congress gives to the Interstate Commerce Commission power to take such facts into consideration and to differentiate between summer and winter in fixing the rates, the tendency undoubtedly will be to stabilize the industry because men at the mines and the men engaged in the handling of coal can then be employed practically all the year round rather than steadily during certain months and only spasmodically during the rest of the year.

Senate bill 1807 is therefore properly designated as a bill to stabilize the industry—I am speaking of the other bill which I

have introduced—because its object is to secure information which will bring about a distribution of coal movement practically throughout the entire year rather than in great quantities during a few months in winter and in small quantities during the balance of the year. The objections of the bituminous coal operators are mainly that the Secretary of Commerce is authorized to secure information of "such intimate details of private business as costs and profits," and to make "recommendations for further legislation relating to mining, distribution, transportation, or sale of coal as they may deem necessary."

The primary purpose of the bill is to stabilize the industry and to secure all information necessary for that purpose. No information is more important than the cost of the coal and the profits which the operators are making. In ascertaining the cost, I assume that the Secretary of Commerce and the director would secure the cost for the different months, and, as coal is a prime necessity, if it was found that it could be mined at a lower rate in summer than in winter, it would seem then the duty of the Secretary of Commerce to try in every way possible to promote shipments of coal during the summer and the purchase by consumers during the summer. To bring about such purchases and shipments the Secretary can, under section 15, call to the attention of the public the fact that coal costs less in summer than in winter. What is more, the Interstate Commerce Commission can, under Senate bill 1806, prescribe lower rates for hauling in summer than in winter. There is, of course, the possibility that publicity and differentiation in rates may not bring about stabilization of the industry and may not promote increased purchases during the summer. The Secretary of Commerce is therefore given quite properly the power to which the bituminous coal operators make objection, namely, the power to make recommendations for further legislation relating to the mining, distribution, transportation, and sale of coal. It seems to me it would be almost idle to pass the laws unless the Secretary of Commerce is given just such authority. He is to collect information, examine it, and publish summaries of it when deemed for the public good, but if this should be found insufficient, would not Congress be remiss in its duty if it did not authorize him to make recommendations based upon the information collected by him?

Congress certainly has power to authorize the Interstate Commerce Commission to differentiate between summer and winter rates. Incidental to that power it has the right and it is its duty to authorize the proper department to collect whatever information may be necessary so that such power will be wisely exercised. Congress, therefore, in the due exercise of its powers may bring about an assembly of facts which have a most important bearing upon a prime necessity of life. If Congress is alive to its duty to the public, it will not pigeonhole information, but will use it for the public good. I think Congress has tried to safeguard private interests because it expressly excepts the publication of information "which would separately disclose the business transactions of any person and trade secrets or names of customers." If in regulating commerce it can also at the same time bring about publicity which will be of benefit to the public, it seems to me it should do so, and the fact that it proposes to do so, instead of constituting an objection to the bill should be viewed as a reason why the bill should become law.

Mr. KING. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. KING. Before the Senator concludes I desire to suggest that when the Senate enters upon the consideration of the other bill referred to by him I presume the Senator will address himself more in detail to its provisions. I therefore pretermit any inquiries concerning that bill at the present time; but I wish to ask the Senator whether he would consent to an emendation of the pending bill by striking from page 2, lines 1, 2, and 3, the words "but which in the judgment of the commission will bear as nearly as may be the same annual revenue for like movement as rates without seasonal variation"?

Mr. FRELINGHUYSEN. Mr. President, I shall oppose such an amendment. I feel that the commission will have broad and ample powers in fixing summer rates. In other words, if we might apply the plan to the present conditions, suppose for July and August the commission should make a 25-cent reduction. Under a former plan if the commission should fix a seasonal reduction for July and August aggregating 25 cents it might gradually during the winter months increase the rates until they rose to 25 cents above the scheduled rates. Thus the commission would have the power of lowering the rates and raising them according to the season. I do not believe that the commission should be restricted in being fair to the railroads by being limited as to their power of increasing the rates. I believe, however, that if the commission should, in the exercise of their judgment, reduce the rates during the next three months it would result in the storage of a considerable quantity of coal, and, if business conditions shall improve, such storage of coal will relieve the situation.

I would object to any change in the direction suggested by the Senator from Utah, because, I will say to the Senator, I do not think the power of the commission should be restricted.

Mr. KING. Mr. President, if the Senator will pardon me, I desire to say that I am not sure that I should favor the suggestion which I have made, and yet, following as best I could the argument of the Senator from New Jersey and the statement of the Senator from Iowa [Mr. CUMMINS], the chairman of the Committee on Interstate Commerce of the Senate, I reached the conclusion that it was materially advantageous to the railroads to have their cars, which are now idle, utilized in the summer; that they could haul coal cheaper in the summer time than they could in the wintertime. It occurred to me that if that were true the railroad companies ought to be willing to haul coal at a cheaper rate now without trying to recoup for that reduction by enhancing the price in the wintertime. If it is an advantage to them to haul coal in the summer time, why should we permit the railroads to add in the wintertime whatever advantage results to the consumer by a reduction of rates in the summer time?

Mr. FRELINGHUYSEN. It would seem as if the schedule rates which are figured upon the cost of hauling coal should be reduced in the summer time, when the cost of transportation increases in winter we should at least give the railroads an additional allowance. Would it not be well to leave that to the judgment of the commission, and let them, perhaps by some kind of missionary effort, induce the railroad companies to accept a reduction now, and not increase the rates in the winter?

Mr. KING. I should be willing to have that done if I should vote for the bill, but the Senator proposes to make this mandatory and to compel the commission to add to the rates in the wintertime whatever benefits have been given to the public in the summer time.

Mr. FRELINGHUYSEN. It was thought that that was fair.

Mr. KING. I confess to not having sufficient knowledge to justify an opinion which would be of any value.

Mr. FRELINGHUYSEN. A graduated scale was first proposed, not leaving it to the judgment of the Interstate Commerce Commission. Under that proposal 5 or 10 cents a ton would be added in the winter months, up to 25 cents, and then the rates would be reduced on a graduated basis, 5, 10, 15, or 25 cents a ton during the summer months. That made a fixed differential. Congress has never entered upon fixing rates in that manner, and the older members of the committee, who had studied the question, felt that Congress should not make a departure in that direction. It was a recognized principle if the Interstate Commerce Commission were to reduce the rates for the carrying of coal in the summer that a corresponding increase in the rates should be allowed in the winter as a matter of justice to the railroads.

Mr. KING. Mr. President, as I understand the Senator's position, the plan which he is advocating now inures to the advantage of the railroads in the summer and it inures to their advantage in the winter, because it augments their charges in the wintertime. It will not, I think, benefit the domestic consumer in the summer, because he is not the one who will take advantage of it, and it will be to his disadvantage in the winter, because he will have to pay the increased freight charges.

Mr. FRELINGHUYSEN. I do not take that view of it.

Mr. KING. My conclusions may be wrong; I hope they are; but it occurs to me that the amendment which I have suggested is worthy of consideration.

Mr. FRELINGHUYSEN. Mr. President, I wish to say, in conclusion, that for two years the Committee on Interstate Commerce has made a study of this question, I being chairman of the subcommittee. I have seen conditions threatening this country that probably might have resulted, had it not been for certain preventive measures that were taken, in the people in many sections starving and freezing. A severe climatic condition existed year before last during which millions of tons of coal were frozen up on the sidings, and unless strenuous efforts had been made by the railroad authorities, by issuing priority orders and seizing the coal, a serious condition might have ensued. I have seen industries closed or operating on half time, three days a week, in my State; I have seen people suffering from cold. I myself during a portion of one winter ran an automobile in the city of Washington to assist in delivering coal that was contributed by a rich and generous man of this city. I have seen coal men come here asking for a solution of their problems, trying to find some one in the Govern-

ment who was authorized to pay some attention to their interests. In the lobby of the Senate Chamber a large group of men came to me and said, "We have bought coal from the operators; we have sold it under contract; the Government has that coal in the cars; we can not get paid for it; and we will go bankrupt unless somebody pays some attention to our interests." I went to the Federal reserve bank with those men and arranged for them to get the accommodations necessary to carry them through that crisis.

I have seen the people in my section of the country suffering for want of coal, because of the problems and conditions which have caused coal to mount to $25 a ton, when by some wise management, proper organization, and system, and if there had been some one to direct this great confused mass of industry and activity, that condition could have been avoided. It is my opinion that legislation is necessary to centralize at least the policy of this industry. I seek in no way to interrupt its continuity, its success, and its prosperity; but I do say that such conditions in this country must be rectified, and the people of the country expect us here and now to rectify them. The coal operators, of course, can come here, and a willing ear is lent to their pleas that nothing be done to interfere with their business; but what of the man back home, who is compelled by reason of unnatural economic conditions to pay from two to three times what he ought to pay for his coal? When the condition existed under which $25 a ton was being charged for coal there was ample coal in the country and a sufficient number of miners to mine it, but there was not sufficient transportation at that time. If there had been somebody under this Government who could have told the people that there was plenty of coal, and told them to wait, it would have avoided the buyers' panic which ensued. To allow a condition to exist in this great country, of whose industrial, commercial, and financial activities we are so proud, under which, while we mine and consume annually 500,000,000 tons of coal, we yet live from hand to mouth, without provision being made for a catastrophe such as a strike or bad weather conditions, in my opinion, is a reflection on the intelligence of the statesmanship of the United States.

Therefore, through a sincere desire to pass certain constructive legislation, I have proposed this seasonal freight rate bill and I have proposed the publicity bill, placing in the Department of Commerce, where it belongs, a study of this question; a study of the question of storage; a study of the question of statutory zoning to avoid this crisscrossing and this uneconomic and costly condition that exists in the railroads; a study of the question of a centralized bureau to buy our coal here for the Government service, for which we buy 8,000,000 tons a year; a study of the question of costs and profits, so that the public may know the reason why they are paying this high price for coal. They have a right to know it.

It is with that sincere desire to pass constructive legislation that I have introduced these bills. Let the critics who oppose them produce remedies themselves rather than criticize this constructive effort on the part of the Committee on Interstate Commerce to pass legislation to relieve this condition.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Spencer
Ball	Gooding	Moses	Stanley
Brandegee	Hale	Myers	Sterling
Broussard	Harreld	New	Sutherland
Bursum	Harris	Nicholson	Swanson
Calder	Harrison	Norris	Townsend
Cameron	Johnson	Oddie	Trammell
Capper	Jones, Wash.	Overman	Wadsworth
Caraway	Kellogg	Phipps	Walsh, Mass.
Cummins	Kendrick	Poindexter	Watson, Ga.
Curtis	King	Pomerene	Watson, Ind.
Elkins	Knox	Ransdell	Williams
Ernst	La Follette	Sheppard	Willis
Fernald	McCumber	Simmons	Wolcott
Fletcher	McKellar	Smith	
Frelinghuysen	McKinley	Smoot	

Mr. GERRY. I desire to announce that the senior Senator from Alabama [Mr. UNDERWOOD] is necessarily absent, attending the funeral of Alabama soldiers at Arlington Cemetery.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. POMERENE and Mr. McCUMBER addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. POMERENE. Did the Senator from North Dakota wish to address himself to this matter?

Mr. McCUMBER. No, Mr. President. I had given notice that I should speak at this time upon the soldiers' adjusted compensation bill, and I assume that I can go on at this time.

Mr. POMERENE. I was not aware of that fact. I expected to address myself to the bill now pending before the Senate; but under the circumstances, as the Senator has given that notice, I shall not presume to interfere.

Mr. McCUMBER. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. McCUMBER. Mr. President, I gave notice some two days ago that I should speak to-day upon Senate bill 506, the soldiers' adjusted compensation bill.

I think it but fair and just to each one of my associates on the Committee on Finance to say that while the report which I have filed received their unanimous approval, and the bill as amended had no vote against it, the remarks which I shall submit to-day, not having been submitted, of course, to the committee, express my individual reasons for supporting the bill and may possibly in some respects be counter to the views of some members of the committee. They are my views, and I shall assume sole responsibility for them.

Mr. President, the general assumption that the enactment into law of this bill will immediately load billions of dollars upon an already overtaxed public is without any foundation whatever, and I wish in the very beginning to set at rest any such fears. The bill as it is reported will not call for the expenditure of any sum of any consequence before July 1 of 1922. The amounts which will be payable beginning at that time will be scattered over 20 years. I am certain, under the testimony which has been given, that it is a safe estimate that not more than 20 per cent of the war veterans will adopt the cash plan proposed in the bill; and if that should be the case, and 80 per cent should adopt the insurance plan, then the cost in any one year would not exceed $200,000,000. If every soldier entitled to receive benefits under this bill, if enacted into law, should select the cash-payment basis, the cost to the Government would be but $1,560,166,330, and would be payable in $50 quarterly installments to each soldier, thereby running over two years and a half; so that even on the cash-payment basis the draft upon the Treasury would not be heavy.

If, as I have suggested—and the testimony bears me out—about 80 per cent will, in all probability, accept the insurance plan and only about 20 per cent the cash plan, the amount which would be payable in 1922 would be $108,898,000; in 1923, $200,737,000; in 1924, $118,000,000; and the amount would then be decreased down to 1935, when there would be no cost; but, assuming that one-third would borrow the full amount they would be entitled to borrow under their certificates, there would be something coming in to the Government at that time and the principal amount would be payable about the first of the year 1943.

Mr. POMERENE. Mr. President, I was attracted by the Senator's statement that perhaps 80 per cent of the men would accept the insurance plan and 20 per cent the cash plan.

Mr. McCUMBER. Yes.

Mr. POMERENE. I wondered upon what the Senator based that conclusion.

Mr. McCUMBER. The facts upon which I base that estimate will be found in the report itself. Of course, I did not attempt to quote the testimony in the report. I am informed by the head of the American Legion that if this bill becomes a law they will have at least 3,000 men in the field, all advising, so far as possible, that Title III of the bill be accepted; and the fact is that that title gives such advantages over the cash payment plan that any reasonable man would accept it, unless he was extremely hard pressed for ready money and would be willing to sacrifice great benefits in order to have a little cash at a particular time.

Remember, Senators, that under the cash plan no soldier draws all of his money in one installment; he can not receive more than $50 quarterly, and it would be paid running over a period of from two to two and a half years.

I have formulated tables, which I included in the committee report, and I ask that those tables may be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. These several tables, based upon different assumptions as to the number who will accept the several plans, will give a rather clear idea of what it, in all probability, will cost the Government each year for 20 years if this bill is enacted into law.

Mr. President, I wish now to deal entirely with the merits of the bill.

In asking Congress to enact into law the provisions contained in this soldiers' adjusted compensation bill we are seeking not only to fulfill a present financial obligation but also, so far as we can, to initiate a future policy that will avoid the necessity for such remedial legislation should another war occur.

This great world conflict has demonstrated more clearly than ever before that the onus of war, its burdens and duties, rest with equal and impartial weight upon the shoulders of every unit composing national entity. War is no longer dependent alone upon the strong arm and valiant heart of the warrior. In every future conflict the telling force will be the industrial prowess that supplies and nerves the soldier's arm. War will become more and more the pitting of the industrial greatness of one nation against the industrial greatness of another. Chemistry will combat chemistry, and the arm of valor will fall palsied before the poisoned breath diffused by cunning alchemy.

It is reported that Napoleon once said that the god of war was always on the side of the army with the greater artillery. The Napoleon of to-day will declare that the god of war is always on the side of the nation with the greatest and most independent industrial organization, weaponed with the deepest lore in the art of insidious murder.

In time of war the mobilization of our industries is not one whit less important than the mobilization of our armies. The duty to bring our fighting force up to the highest degree of perfection is not one whit more important than the duty to bring our mobilized industries up to a like degree of perfection. It therefore follows that in time of war the duty of every man employed to make shells, to make as good ones as he knows how to make, and to make as many as he possibly can make in a day, is, before God and country, just as sacred and obligatory as the duty of the soldier to fire those shells and to fire them as accurately as he can. And the man who makes those shells has no more right to say to his country in the throes of a desperate war, "I will not make these shells unless you give me $10 a day," than the soldier would have to say, "I shall not fire those shells unless you pay me the equivalent of $10 per day." And the contractor who, taking advantage of the criminally foolish "cost-plus" plan, and seeking to enrich himself by encouraging slacking and idleness and thereby delaying and enormously adding to the cost of Government war supplies, is just as much a criminal at heart as the general who surrenders his army to the enemy for a financial compensation.

The country's cause, Mr. President, is the cause of every citizen of that country, and not of one group only. In the stress of war every pound of energy, every drop of blood in the veins of the individual, belongs to the threatened State. The civilian selected to make the gun is entitled to no indulgence which is denied to him who is selected to shoulder that gun. In time of war every male citizen capable either of bearing arms or performing service of any character is a soldier of his country, in duty bound to give the very best there is in him, whether selected for civil or military employment, and so far as possible for equal compensation.

Had we followed that simple, sound, and everlastingly just principle during this World War it would not have cost us to exceed one-fifth of what it did cost us. The taxes actually paid in cash would have been sufficient to cover all our expenses and short-time securities only would have had to be issued until the taxes to meet them could have been collected. Had we followed that principle it would not have been necessary to issue long-time bonds requiring a billion dollars a year to meet their interest alone. Had we followed that principle this bill would never have been before the Congress of the United States.

Condensing this acknowledged principle into a single sentence: The patriotic duty as between soldier and civilian being concurrent and equal, the right of the soldier who offers his very life with his service to receive a compensation equal at least to that of the civilian who risks neither life nor limb inevitably follows. And mark you, Mr. President, if there is another great war, that principle will be invoked. We took the first great forward step in acknowledging that principle of duty and equality when we enacted the selective draft bill, imposing military duty upon every male citizen between the ages of 18 and 45 alike, thereby declining to accept the voluntary sacrifice of one citizen and relieving his less patriotic brother from like service. But we worse than flagrantly abandoned that principle of equality when we allowed the stay-at-homes to not only reap enormous financial advantages over the soldier but to reap them at the expense of our Army and its proper equipment and supplies. The soldier suffered because of this abandonment and the bill before us is to partially compensate him for his loss. It is not a bonus bill. It is not a gift or gratuity. It is a compensation in part payment of a debt of the highest moral obligation.

Mr. President, most of our soldiers were compelled to spend months in the several cantonments of this country before they had an opportunity to go to the front. To bring home to you the justice of this proposed adjusted compensation I want to picture to you just what these soldiers looked upon day after day. I can better illustrate it by describing what you and I looked upon every day in the construction of the hundreds of temporary buildings which were being erected upon the Capitol grounds and down on the Mall.

What we there observed we found to be the almost universal rule over the whole country—in every shipyard and wherever Government work was being conducted and at a time when the very life of the cause for which we were battling depended upon our getting ships afloat to meet the U-boat ravages. Any man who could saw a rough board or drive a nail could, and did, qualify as a carpenter and received his $10 per day whether he was 50 per cent efficient or 5 per cent efficient. Of the force employed in the construction of the buildings I have mentioned, not more than one-third were in action at any given moment. I never saw a single shoveler in digging shallow trenches for the foundations move more than three shovels of earth before stopping to take a rest or visit, and generally not more than two. I have seen eight men—as many as could get hold of a 2 by 6 fourteen-foot joist—slowly move one after another from a loaded truck, carrying them some little distance and gently laying them down. Two good men could have unloaded them in half the time.

These carpenters of whom I am speaking received their $10 a day for week days and $20 a day for Sundays and holidays, so they all worked Sundays and most of them laid off on Monday to make the snap last longer.

Testimony shows that work in our shipyards was far below 50 per cent efficient, though the wages were increased 300 per cent and more.

The blood of the patriotic soldier must have boiled with indignation to feel that while his Government estimated his services, including his board and clothing, at about $3 per day, with all the risks and all the hardships, it supinely submitted to—nay, it invited by its form of contract—the immense increase in the wages and profits of civilians which we knew and the soldier knew must be measured by a Government bonded indebtedness which he upon his return from conflict must help to satisfy.

Mr. President, it is impossible to fully and fairly present the soldier's side of this case, the iniquities and inequalities which he endured in comparison with his stay-at-home brother, without also presenting the policy adopted in financing and supplying our war needs and the disastrous results of that policy. Much as we should like to forget those worse than blunders, inasmuch as they are the basis of this proposed legislation—the reason for its enactment—they must have passing notice.

The great majority of the American people have but a hazy idea of the fundamental policies adopted in raising the funds for the production of war supplies.

The war administration started out with the determination to satisfy the demands of both organized capital and organized labor, whatever their demands might be, and leave the public to foot the bill, which it has done and will continue to do in exorbitant taxes and extortionate prices for many, many years to come.

This administrative policy might more aptly be described as playing both ends against the middle, the two ends being capital and labor and the middle being the paying public.

Our war administration not only allowed but absolutely encouraged the most scandalous profiteering on the part of both capital and labor. It permitted excessive profits on the part of capital and then levied heavy taxes against the profiteer, dividing the spoils on a sort of 50-50 basis. But, Mr. President, the public in the end paid both 50's, as all big taxes and all big profits must be paid by the ultimate consumers. After paying these heavy taxes, capital, in supplying the Government war needs, which included nearly every product, came out of the few months of war with a rotundity many times bigger than when we went in. We have 50 millionaires in the country now where we had 1 before the war, and the millionaires in existence before the war are now many times multimillionaires.

But do not imagine for a moment that all the profiteering was on the part of the capitalists. Human nature is the same in every class. If one class operated on a bigger scale the other equaled it by its greater number. While our soldiers were dying in camp with pneumonia for want of proper clothing and shelter, the worst slacking ever allowed in any country was permitted to go on unrebuked. Scarcely had the Government consented to the demands of strikers for one raise in wages than another demand was immediately made, another strike organized, and

again and again the Government surrendered. And just to the extent that wages went up efficiency and production went down. The administration virtually said to contractors, "Pay any price that may be demanded for material, and any wage that may be insisted upon. You will not be called upon to advance a single penny. The Government will put up the cash for both, and whatever the cost may be, will pay you a 10 per cent bonus on the entire cost for just standing by smiling and seeing your Government filched of billions. The more you can make it cost the Government the more you get out of it."

That, Mr. President, was the "cost-plus" system adopted by the war administration. Was it any wonder that men were encouraged to become slackers? Was it any wonder that when they knew that these favored contractors were thus gold-lining their pockets, it created in their hearts a craving to take like advantage of their Government's necessities? Was it any wonder that whenever they threatened to strike for higher wages their demands were immediately met? The contractor could not afford to close such a gold mine. He believed in taking while the taking was good.

I am more than conservative when I declare that, making every allowance for excusable errors—and in the hurry of preparation there must necessarily be many—the expense of this war has cost the American people at least five times what it should have cost them. It cost us for one year of our participation in the contest far more than it cost France for four and a half years and with three times the number of men actually engaged in the conflict. And, just remember that we got to the front only about half of our men and their small arms. Our soldiers were, for the most part, transported by British vessels and supplied from French and British war stores. Our average daily expenditure for each man under arms was four times that of England, six times that of France, and ten times that of Italy. There was no earthly excuse for this colossal difference. Of course, if we were dealing only in millions or a few hundred millions, we might not complain. But when we multiply many billions by five and contemplate this mighty load unjustly imposed upon us and on future generations we have a right to carry in our soul a just bitterness against those who permitted such gross wrong. But many of you say that the Government could not help itself. It was compelled to submit to these impositions.

Mr. President, the Government that can take your boy and compel him to stand for days waist deep in mud in the trenches until he dies of exhaustion, or to charge into a crater of hell to a sure death, has power to take your property, paying you a fair value, without being held up. This power, inherent in every nation, was extended and ratified by special legislation. I do not recall a single instance in which this right of eminent domain was exercised except as against the wheat raiser, who seems always to be selected as the goat.

But you may ask, How could the Government have protected itself from these profiteering pirates? I answer:

First. A Government that could not protect itself in time of war as well as in time of peace would be worse than a failure. It could have done so. Its failure to do so was a most grievous offense, not only against this generation, not only against every soldier in the field, but against every child of the future which must bend its back to the yoke of taxation.

War powers, Mr. President, are almost without limit. Acting under this sovereign war power, the draft law, which declared that every male citizen between the ages of 18 and 45 should answer the call to battle, was enacted. The boy or man selected under that call could not answer: "I really do not like that kind of employment and, therefore, decline to soldier. Furthermore, I will not serve for $30 per month and board and clothing, and if I consent to serve at all I shall insist upon an 8-hour day and Saturday half holiday. And if the employment proves disagreeable or hazardous, I reserve the right to quit individually or to call a strike for higher pay or more agreeable conditions of war."

No, Mr. President, under its sacred duty to preserve the honor of the Nation, the Government simply said to this boy or this man: "Come on, this is your wage. Your hours of service may be 24 or as much longer as your power of endurance can stand. The exigencies of war may be such that you may be commanded to meet certain death. You shall obey every command without a murmur, and if you refuse to obey or counsel others to so refuse, your only answer will be the firing squad."

Now, do you mean to suggest to me that the Government which exercises this power of life and death over every boy selected, for sacrifice if need be, could not take from a merchant or manufacturer the cloth to make that boy a uniform without being held up for four times its value? Is it possible that the Government which fixes the wages of the soldier boy, who must stake his very existence in his compact, has no control over the wages of those who remain out of danger and who are called upon to supply the Nation's demand in the prosecution of the war? Is it possible that the Government which can exact service of the soldier to the limit of endurance, aye, to the very limit of his young life, is impotent to exact a full, honest day's service for a full, honest day's pay from the stay-at-homes? Is it possible that it must stand idly by while inefficiency and strikes, hindering the supply of proper shelter, clothing, or medicines, allow thousands to die in cantonments or force the soldier to go into battle half supplied or equipped, as on the battle fields of France, where the enemy's war planes hovered over our forces and reported every movement and the location of our artillery, while we had not a single war plane of our own to meet theirs or a single scouting plane to locate their lines or report their movements?

There is but one common-sense answer: The service duty of the stay-at-home is not one whit less than the soldier duty of those who are called. It was not only the right but the highest moral duty of the Government to require full and complete service to supply its soldiers in the field and also to protect itself and the public from every character of profiteering. Its failure to do so, to my mind, was a crime against all.

What, then, should the war administration have done the moment war was declared?

First. It should have declared that it would not pay one cent above the splendid peace prices which then prevailed over the country for what it might need during the war, and if goods were not freely offered for such prices, then it would deposit the full value to the credit of the owner and take the property. That alone would have held every commodity, and consequently every wage, to the prevailing peace standard.

Second. That it would not allow the public to be charged a price above the Government standard. There is no use, Mr. President, in saying that it could not do this, because it did exercise both these powers over the farmer's wheat and over the miner's copper. It said to every miller and every purchaser of wheat: "You are allowed to pay just so much for your wheat and to sell your flour for just such a price, and if you pay or charge more your license to do business will be revoked." Without such action wheat would have advanced to $5 per bushel. What the administration did with wheat and copper and some other articles could just as well have been done with every other commodity. As it was, while the administration held the farmer's product down to half what would have been its market value, as fixed by the law of supply and demand, it permitted everything which the farmer must buy to advance from two to five times its prewar value.

Third—and this is the important proposition. The Government should not have limited its authority to those only whom it singled out and put into the ranks, but should have maintained the same authority over all. When the Government officials drew from the list of eligibles the name of Mr. A, and said to him, "You are drafted for the ranks to fight for your country for $30 per month," it should also have said to the other eligible, Mr. B, selected to stay at home, "You will be permitted to continue any useful work at your present good wages, but you must give full and fair service so as to properly support the soldier in the field, and if you are needed on railway or in shipyard or munitions plant, you will be summoned there. Your wages shall not be reduced, neither shall your efficiency be reduced."

Had we followed that course, we would not have conjured up this spirit of demoralization or invoked this reign of unrest, but with only a comparatively small increase in indebtedness and consequent taxation, and with our efficiency and productivity increased rather than decreased, we should now be enjoying a natural and healthy prosperity that would be assured for many years.

Early in the war I introduced a bill, Senate bill 3586, to draft into the military service of the United States all male citizens over 18 and under 62 years of age as a reserve army, making all who were not selected under the draft law for military service subject to call for any service required by the Government, and at Government wages. It should have been enacted into law. As our selective draft law was a great step in advance of the old volunteer system and was based upon the theory that every man owes the same duty to his Government, so in our next great war we shall insist that the duty to supply the soldier in the field is just as unassailable as the duty to bear arms. And the Government will exercise the same control, for the sake of efficiency and economy, over the civilian, whose duty it is to produce for the Army, as over the soldier, who must depend upon such production.

Mr. President, we always want to satisfy our obligations for equity's sake alone. Our conscience is never quieted while there

remains against us an unsatisfied debt, whether it be legal or moral. We should hold our country to the same standard of rectitude.

We know that standard was not maintained, but, on the contrary, Mr. President, when the soldier returned from the front he found that his home-staying brother had been receiving from two to four times the monthly stipend which he had received. He further found that this extraordinary home wage, coupled with wastefulness, extravagance, and profiteering, had enormously added to our bonded debt, which is, even at the present time, including short-time certificates, about $24,000,000,000. He found vast increases in the savings accounts and many other evidences of gain in which he had no share. He had none of these opportunities for large gains and increased savings which always come with sudden currency inflation and high wages. He found his old position held by another. The two years of absence at his time of life necessarily, to a certain extent, unfitted him for an immediate entry into his old occupation.

The principal thing, however, which he found awaiting him was an enormous bonded indebtedness of his country which he must shoulder with others, although he had no share in the high wages and big profits which had piled that indebtedness mountain high. Without any of the benefits which always flow from vast inflation of currency, he returned to share all of the hardships that necessarily occur during a period of deflation and business depression.

Therefore, Mr. President, leaving out of the computation every vestige of sentiment, every element of gratitude, and applying only the rigid rule of mathematical equation, we can not deny that by allowing the man who fought for his country, who placed his life in pawn for his country, the increase in his compensation provided for in this bill, we are still giving him for his services with all the consequent risk and hardship a compensation much below that which the common laborer in the United States received during his absence. It seems to us that justice, no less than gratitude, demands this adjustment. Great as it seems to be when crystallized into dollars and cents, we are compelled to admit that it is much less than is actually due the soldier selected for military duty as compared with that which was received by his countryman who performed civil duties only.

But there is another and, to me, a very weighty reason why I especially urge upon Congress the fulfillment of this moral obligation to our soldiers of the World War.

Mr. President, if there is any one thing in this world which engenders discontent it is the sense of an injustice, and the pathway of discontent, flowered by envy and hate, generally leads into the ignis fatuus of the seemingly ever-green fields of paternalism, only to end, however, in the stagnant realm of socialism, the cemetery of ambition, the sepulcher of every hope and aspiration, the graveyard of individual initiative and self-reliance, where humanity itself, with all its intellectual glory and achievements, disintegrates and decays.

Mr. President, what the country needs to-day and what it will need during the formative period of a new social and industrial era is a patriotic and courageous conservatism. Were I asked what class of our citizenship would give us the greater proportion of men who would measure up to this requirement, I should unhesitatingly declare the American soldier. The veterans of the Civil War have been the very backbone of safe and sane conservatism during the last half century. The young soldier of to-day, imbued with the same patriotic sentiments, will carry the banner of progress along the same highway of individual and national greatness. I know of no higher or safer standard of American citizenship, its consecration and its duties, than that contained in the preamble of the constitution of the American Legion:

> For God and country, we associate ourselves together for the following purposes:
>
> To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a 100 per cent Americanism; to preserve the memories and incidents of our association in the Great War; to inculcate a sense of individual obligation to the community, State, and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Senators, to-day you and I, to the best of our ability, guide the destinies of our country. To-morrow our places will be filled by the veterans of the great World War. I could wish for no sturdier or safer successors. But, Mr. President, I want them to come into the halls of legislation with the feeling that they have been treated with exact justice by their country. I want no soldier to feel that this is not a just Nation, and that he must look for greater equity in a further extension of governmental activity into fields heretofore held open for the exercise of individual energy and capacity—those fields in which alone is developed the highest type of manhood and womanhood. Mr. President, I want him to continue to inculcate the principle of greater individual obligation to the State and less dependency of the individual upon the State. I want him to still inculcate the true doctrine of government, that the State is his creature and not his creator, and that it is possessed only of the intelligence and character with which he endows it; that when the individual asks the State, his own creature, to relieve him from his own initiative and responsibility, his unused faculties must rapidly become abortive and the whole State and society must soon sink to the level of his own incapacity.

In my report, Mr. President, I have explained very fully the several features of the bill, and by a system of tables have indicated the cost to the Government under different assumptions as to the number who might make application for each of the several benefits proposed in the bill.

The purpose of the bill is to allow as adjusted compensation to the veteran $1 per day for each day's service in the United States, and $1.25 per day for each day's service overseas. Inasmuch as at the close of the war the soldiers were given extra pay of $60 each, there are deducted 60 days from the total service of each veteran.

Title II, the cash plan, called "adjusted service pay," provides a cash payment for these days of service. If the payment is $500 or over, it is to be made in 10 quarterly installments. If less than $500, it is to be paid in quarterly installments of $50 each.

Title III, adjusted service certificates, gives the veteran the option to take insurance payable at the end of 20 years. If he chooses this insurance plan, he will receive as the basis of his adjusted certificate a sum 40 per cent greater than the cash plan, and this sum will bear interest at the rate of 4½ per cent per annum, compounded annually. In the event of his death prior to 20 years, his estate will receive the amount of such adjusted certificate and interest compounded annually for 20 years.

Title IV, vocational training aid, entitles the veteran to receive vocational training at the expense of the Government to an amount equal to his adjusted service pay plus 40 per cent.

Title V, farm or home aid, allows the veteran to receive from the Government the adjusted service pay plus an additional 40 per cent, to be applied toward the purchase price of such home or farm.

Title VI, the land settlement aid, gives the veteran preference right to take lands on the opening of public or Indian lands to entry, or the restoration to entry of public lands, and on all reclamation projects now in existence or hereafter established.

The veteran at his option may select any one of these plans.

Of course no one can say definitely just what proportion of the soldiers will apply under the cash payment plan. The greater the number that applies under that plan, the less the cost to the Government. My own judgment, which is also supported by the testimony, is that probably 80 per cent will accept the insurance plan, or its equivalent, and that not to exceed 20 per cent will apply for the cash.

Before the veteran makes his application he will have been fully informed not only by the department itself but through the several soldier organizations just what each plan means to him. And when he understands that under what is known as the cash plan he will not receive the whole sum at one time, but that it will be scattered over from 2 to 2½ years in installments, and further understands that if he accepts the adjusted certificate plan, he will not only receive a paid-up insurance for 20 years, but that at the end of 2 years he can borrow 90 per cent of his adjusted pay, plus 4½ per cent interest, and at the end of 5 years can borrow 80 per cent of his adjusted certificate, plus 4½ per cent interest, the vast majority will apply under the adjusted certificate plan. Assuming that 80 per cent will apply under that plan and 20 per cent under the cash plan, and also assuming that about one-third will borrow against their certificates, there will probably not be any year in which it will be necessary to raise more than $200,000,000 to meet the obligations of this legislation until the year 1943.

Mr. President, I do not think it will be necessary to raise another penny by taxation. Steps have already been taken to fund the obligations of our allies to the United States in long-time bonds. If we should eliminate all that is owing us except that which would come from Great Britain, France, Italy, and Belgium, the amount of the indebtedness of those four countries alone, with interest up to date, would be more than ten billions of dollars. The interest upon that ten billions of dollars will almost doubly take care of the amount which would be due under the certificate plan, on the assumption that 80 per cent

would accept that plan, and will more than take care of any amount that would be due under the cash plan, even though every soldier entitled to receive payment under that plan should accept the cash-payment basis.

Mr. President, if I could speak to every veteran of the World War, I would urge him most earnestly to make his application under Title III, the adjusted certificate plan. He will receive at least 40 per cent more under it than under the cash plan. He will have a paid-up insurance for 20 years without one penny of additional cost, and can borrow against his certificate, if he needs the money to secure a home or for any other purpose, more than the whole sum he would receive under the cash-payment plan, and can borrow it at a very low rate of interest. Nevertheless, Mr. President, I would still urge upon him never to borrow against it but to hold it as an insurance only for the 20 years.

Mr. President, even though our action calls for an outlay from which we would gladly escape, and will enforce greater economy along other lines, let us not delay the fulfillment of this, to my mind, sacred financial obligation; and let a future Congress see to it that in any future war there shall be no distinction made or allowed between the patriotic duty of the soldier and that of the civilian, and that industrial slacking and profiteering shall be visited with as heavy a penalty as draft evasion or desertion. We will then conduct war upon a just and proper basis, and there will be no further call for remedial legislation of this character.

Mr. HARRISON. Mr. President, will the Senator yield for a moment before he takes his seat?

Mr. McCUMBER. Certainly.

Mr. HARRISON. I understand that a good many representatives of the American Legion have appeared before the Senate committee and I know before the House committee that had this matter under consideration, and that those committees have received a number of letters written by soldiers on the subject of this bill. Can the Senator give the Senate any idea, from those letters and from the expressions of the soldiers through their representatives who have appeared before the committee, what per cent of them will avail themselves of this adjusted compensation feature and take insurance or a cash bonus?

Mr. McCUMBER. I will say that I think less than 10 per cent of the veterans of the war, especially those who have not kept in close touch with the legislation, understand just what the cash plan is or what the insurance plan is. I judge that from letters, and so forth. There seems to be a general assumption that under the cash plan the soldier can receive the entire amount at one time immediately after he has made his application. He seems not to have been informed of the fact that under either the House bill or the Senate bill or the bill that passed the House in the previous Congress the cash-plan payment would be scattered over two years and a half, as I have said, and that the most he could receive would be $50 quarterly, and that at the end of two years, almost as soon as he could have received the full amount, if under $400, he could borrow on an adjusted certificate an amount that would be as much as he would receive under the cash plan at one time, and still maintain his insurance, his interest of 4½ per cent being equalized against the 4½ per cent which the Government allows him upon his adjusted certificate.

Mr. HARRISON. I did not hear all of the Senator's remarks. Under the House plan, when would the payments begin to operate?

Mr. McCUMBER. Under the old bill they were to begin to operate on January 1, 1921. Under the bill which is now introduced and is reported, the cash payment will begin to operate upon July 1, 1922.

Some Senators thought that was rather a long time; but we must remember two things: First, that it will require some time before we can get the records required under the bill and get into operation in our departments the necessary steps to give the soldier the information, and give him time to apply. It would require thousands of extra clerks, if we want to make it, for instance, in six months. This will give us, we will say, an allowance of about six months for the departments to get ready to give all the information; will give six months for the American Legion and other associations to get ready and inform the soldiers themselves of their rights and what is for their best interests; and then will give the soldier himself six months to determine which plan he will take advantage of.

But in the case of building a home, buying a farm, or taking advantage of the title in reference to vocational education, he may begin immediately after his application is filed to receive payments thereunder.

Mr. HARRISON. What I wanted to get definitely in my own mind was that under the bill which passed the House last year, and which was before the Senate, the cash-bonus feature applied immediately, did it not?

Mr. McCUMBER. The succeeding January.

Mr. HARRISON. It would have made it apply from January 1, 1921?

Mr. McCUMBER. Yes.

Mr. HARRISON. But this bill makes it apply from July 1, 1922?

Mr. McCUMBER. Yes.

Mr. HARRISON. Which is some 13 months off. Where does the Senator get his six months' proposition?

Mr. McCUMBER. I have stated I consider that after the bill passes it will take about six months for the departments to get ready to send out and receive the applications, unless you provide them with several thousand additional clerks, and it would take them very close to six months, even though they had those clerks, before they could get the data and get the statements made and the blanks and everything ready to send out to the soldiers. Then we want to give the soldier some time to determine which one of the plans he will select.

Mr. BORAH. The soldier has had two years and a half already.

Mr. McCUMBER. The soldier has had no bill of any kind, either two years and a half or two months and a half or two days and a half.

Mr. HARRISON. He thought he had one. The Senator thinks it would take six months for the departments here to organize and get started, but if we should pass the bill this month, during the six months he would have the soldier could determine, even though some may think he has not had time to determine, what plan he would choose. So could we not make it the 1st of January, 1922, and still have ample time in which the soldier could be informed and the forces could be organized?

Mr. McCUMBER. I do not think so, Mr. President, considering the time we would probably get this bill through, which, of course, would not be before July 1. We have also taken into consideration the matter of sums becoming due which must be met during the next fiscal year.

Mr. HARRISON. But I understand it would take very little during the first year.

Mr. McCUMBER. I want to say to the Senator that those who represent the legion, and others, have indicated their satisfaction with the bill as it stands. The Senator from Mississippi and other Senators have indicated to me that in their belief a vast number would take the cash-payment plan. I hope they will not. I think it will be greatly to their interest to take the certificate plan.

Mr. HARRISON. I agree with the Senator.

Mr. McCUMBER. I want them to take that which will be for their best interest. The American Legion itself desires to organize and present the matter thoroughly to the soldier for the very purpose of getting him to select anything but the cash plan, any one of the others, believing that it will be for his best interest. They intend to put men in the field for that purpose.

As to whether the Government can possibly meet this before July 1, 1922, is more or less conjectural. Undoubtedly, if the Government sets out to do it, and makes it by that time, it could raise the money to do it; but I believe, considering the state of the Treasury, and the enormous sums we will have to pay, and the time it will probably take before we will get any interest upon the debts due from foreign Governments to ourselves, it would be better to let those who desire to take the cash plan have their payments begin in 1922, because we must remember that those who are seeking the insurance plan make their applications, and if they are made 15 days before January, their rights would take effect the 1st day of the next January; if beyond that, the 1st day of the next July.

Mr. HARRISON. Does that apply to the cash bonus, too, to make it apply the 1st day of January, 1922?

Mr. McCUMBER. No; the cash plan, as I have stated, under the bill begins on July 1, 1922.

Mr. HARRISON. Has the Senator suggested in the course of his remarks the difference between this bill and the bill which passed the House?

Mr. McCUMBER. I have stated it in the report which I made and the reasons for the changes.

Mr. OVERMAN. Does the Senator set forth in his report all the different plans?

Mr. McCUMBER. Yes; in the report the Senator will find the different plans and an estimate made on the assumption, first, that every soldier would take the cash plan. We then make an estimate, with the assistance of the actuary of the Treasury Department, Mr. McCoy, to determine just how much will become due each year until it is paid up. Of course, that will be about two years and a half. Then you would pay the whole sum, and the whole sum would be about a billion and a half, to be paid in two years and a half, and that would be the end of it. But, of course, I believe the majority will accept the certificate and insurance plans.

Then we have made out a table on the assumption that 80 per cent will take the insurance plan and 20 per cent the cash, then upon the assumption that 66⅔ per cent will take the insurance plan and 33⅓ per cent the cash, and then on the assumption that one-half will take each. We have given just what it will cost the Government each year under each of these supposed selections, and each Senator can use his own judgment as to about what it will cost the Government each year; but I think it would be helpful if Senators would read the testimony that was taken in arriving at their judgment.

Mr. OVERMAN. The insurance plan must be very attractive if the Senator thinks 80 per cent of the soldiers will take that instead of the cash. If it would not impose on the Senator, I would like to have him tell me why he thinks the insurance plan would be taken by 80 per cent instead of the cash plan.

Mr. McCUMBER. I stated why in the report, but I will reiterate it.

Mr. OVERMAN. If it is in the report, I do not ask the Senator to restate it.

Mr. McCUMBER. Let me state to the Senator that when this bill becomes effective the average soldier will be over 28 years of age, an age when most of them either have homes of their own or have homes in contemplation. I believe they will exercise the average judgment of the young man of that age who is married or about to be married and is looking forward to the future.

To determine about how many would accept like provisions under the insurance plan we went over the tables of the insurance companies and found that men of about that age who take insurance in 20-year endowment policies that about 20 per cent of them borrow against those policies. But I have assumed that we have perhaps more colored people in the Army than we have of the proportionate number who would take insurance generally, and have increased that to 33⅓ per cent of borrowers, and we have made our tables on that basis.

Now, suppose a person should be entitled to $400 on a cash basis. He can not get that $400 all at once. He gets $50 quarterly for 2 years. That is what he will look at—that a $50 bill is all he is going to get quarterly, and that he is not going to get $400 all at once.

Now, he looks at the next plan. He says, "If I take the certificate plan, I can get 40 per cent more—that is, $160 more—making $560, as against the $400. At the end of 2 years I can draw 90 per cent of the $400 plus 4½ per cent compounded annually for the 2 years." If he allows it to go to 5 years, he can borrow 80 per cent of the adjusted certificate, which will be $560, plus 4½ per cent compounded annually for those 2 years.

That will appeal so much more strongly to the man of ordinary judgment who is looking to his future interest that I am inclined to believe that the greater number will take it. In addition to that, I know from my talks with officers of the principal soldier organization, that when this bill becomes a law they intend to send their men out among the posts and explain it to the soldier and urge him to take the certificate plan and not the cash plan.

Taking all these matters into consideration, it is my belief that when the applications actually come in most of them will be for the certificate plan. If they should apply to-day, without knowing what the bill is, I will admit that probably 90 per cent would take the cash plan.

APPENDIX.

TABLE I.—*Total cost if every veteran should accept the cash plan, together with the annual cost.*

	Home service.	Overseas service.	Total.
Number affected	2,244,853	2,435,000	4,679,853
Deaths, June 30, 1919, to Jan. 1, 1923	54,755	59,380	114,135
Number entitled to cash:			
1922	2,190,098	2,375,620	4,565,718
1923	2,180,972	2,365,716	4,546,688
1924	2,162,593	2,345,778	4,507,996
1925	2,144,186	2,325,814	.....
Average number of days entitled to pay	260.51	333.26	.....

TABLE I.—*Total cost if every veteran should accept the cash plan, together with the annual cost*—Continued.

	Home service.	Overseas service.	Total.
Cost:			
1922	$219,009,800	$237,562,000	$456,571,800
1923	351,532,630	475,124,000	826,656,630
1924	.....	276,937,900	276,937,900
Total cost	570,542,430	989,623,900	1,560,166,330

NOTE.—The above table is based upon the average cash payment, and while the total shown is approximately correct, certain payments, owing to length of service, will extend beyond the average into the year 1925. There are 136,000 veterans in this class, and the total payments included above, of about $3,000,000, will run into 1925.

TABLE II.—*Total cost if every veteran should accept the certificate plan, with no borrowings, together with annual payments.*

	Home service.	Overseas service.	Total.
Total veterans affected	2,244,853	2,435,000	4,679,853
Deaths, June 30, 1919, to July 1, 1922	54,755	59,380	114,135
Average number days payable service	260.51	333.26	.....
Number entitled to certificates July 1, 1922	2,190,098	2,375,620	4,565,718
Average face of certificates	$880.52	$1,408.02	.....
Total value of all certificates	1,928,425,091.00	3,344,920,472.00	$5,273,345,573
Annual payments:			
1922	8,035,626.00	13,945,030.00	21,980,656.00
1923	16,183,077.00	28,073,103.00	44,256,180.00
1924	16,207,732.00	28,109,711.00	44,317,443.00
1925	16,248,236.00	28,188,560.00	44,436,796.00
1926	16,319,558.00	28,308,242.00	44,627,800.00
1927	16,383,836.00	28,425,108.00	44,808,944.00
1928	16,455,158.00	28,543,381.00	44,998,539.00
1929	16,566,103.00	28,730,648.00	45,296,751.00
1930	16,676,168.00	28,929,179.00	45,605,347.00
1931	16,834,660.00	29,195,295.00	46,029,955.00
1932	16,991,394.00	29,478,307.00	46,469,701.00
1933	17,195,675.00	29,827,496.00	47,023,171.00
1934	17,395,553.00	30,169,645.00	47,565,198.00
1935	17,638,577.00	30,601,907.00	48,240,484.00
1936	17,944,998.00	31,067,961.00	49,012,959.00
1937	18,250,538.00	31,653,698.00	49,904,236.00
1938	18,607,149.00	32,284,490.00	50,891,639.00
1939	19,054,453.00	33,063,125.00	52,117,578.00
1940	19,549,305.00	33,910,754.00	53,460,059.00
1941	20,133,970.00	34,925,936.00	55,059,906.00
1942	20,829,581.00	36,132,609.00	56,962,190.00
1943	1,568,923,744.00	2,721,356,287.00	4,290,280,031.00
Total payments	1,928,425,091.00	3,344,920,472.00	5,273,345,563.00

TABLE III.—*Total cost if 20 per cent of the veterans should take the cash-payment plan and 80 per cent the certificate plan, assuming that one-third of those entitled borrow from the Government on their certificates, with a repayment of the loans in 10 equal annual installments, covering principal and interest.*

	Cash-payment plan.	Certificate plan.		Total.
		Loans less repayments.	Payments on account of deaths or maturity.	
Total number of veterans living July 1, 1922	913,144	3,652,575		4,565,718
Total annual cost:				
1922	$91,314,400	.....	$17,584,500	$108,898,900
1923	165,333,000	.....	35,404,944	200,737,944
1924	53,000,000	$30,000,000	35,453,954	118,453,954
1925	2,386,600	41,450,688	35,549,437	79,386,725
1926	.....	33,926,176	35,702,240	69,628,416
1927	.....	23,594,536	35,847,155	59,441,691
1928	.....	60,246,715	35,998,832	96,245,547
1929	.....	46,058,994	36,189,400	82,248,394
1930	.....	23,557,722	36,484,279	60,042,001
1931	.....	10,095,410	36,823,963	46,919,373
1932	.....	— 3,257,710	37,175,762	33,918,052
1933	.....	— 6,961,619	37,618,536	30,656,917
1934	.....	— 15,800,210	38,052,159	22,251,949
1935	.....	— 35,017,093	38,592,387	3,575,291
1936	.....	— 41,901,546	39,210,366	— 2,691,180
1937	.....	— 44,228,208	39,923,389	— 4,304,819
1938	.....	— 58,938,558	40,713,310	—18,225,248
1939	.....	— 49,293,077	41,694,062	— 7,599,015
1940	.....	— 40,221,725	42,768,046	2,546,321
1941	.....	— 32,848,698	44,047,925	11,199,227
1942	.....	— 26,244,533	45,569,752	19,325,219
1943	.....	— 20,493,424	[1] 3,404,185,920	3,383,692,496
Total	312,034,000	—106,276,163	4,190,590,318	4,396,348,155

[1] $28,038,130 principal due after Jan. 1, 1943. This amount is deducted from the payments on maturity of certificates.

TABLE IV.—*Total cost if about one-third of the veterans (say 1,534,719) take the cash-payment plan and the other two-thirds (say 3,031,000) the certificate plan; assuming that one-third of those entitled (say 1,010,333) borrow upon their certificates, with a repayment of the loans in 10 equal annual installments, covering principal and interest.*

	Cash-payment plan.	Certificate plan.		Total.
		Loans less repayments.	Payments on account of deaths or maturity.	
Total number of veterans living July 1, 1922	1,534,719	3,031,000		4,565,718
Total annual cost:				
1922	$153,471,900		$7,000,000	$160,471,900
1923	306,800,000		29,504,120	336,304,120
1924	58,528,100	$25,000,000	29,544,961	113,073,061
1925	1,000,000	32,875,573	29,624,531	63,500,104
1926		28,271,813	29,751,867	58,023,680
1927		19,662,113	29,872,629	49,534,742
1928		50,205,596	29,999,027	80,204,623
1929		38,382,495	30,157,833	68,540,328
1930		19,631,435	30,403,565	50,035,000
1931		8,412,841	30,686,636	39,099,477
1932		− 2,714,759	30,979,801	28,265,042
1933		− 5,801,349	31,348,780	25,547,431
1934		−13,166,841	31,710,132	18,543,291
1935		−29,180,913	32,160,323	2,979,410
1936		−34,917,955	32,675,305	− 2,242,650
1937		−36,856,840	33,269,491	− 3,587,349
1938		−49,115,465	33,927,759	−15,187,706
1939		−41,077,564	34,745,052	− 6,332,512
1940		−33,518,104	35,640,039	2,121,935
1941		−27,373,915	36,706,604	9,332,689
1942		−21,870,444	37,974,793	16,104,349
1943		−17,077,853	[1] 2,836,821,600	2,819,743,747
Total	519,800,000	−90,230,136	3,484,504,848	3,914,074,712

[1] On Jan. 1, 1923, $23,365,108 is owing on loans. This amount is deducted from the payments on maturity of certificates.

TABLE V.—*Total cost if one-half the veterans take the cash payment plan and one-half the certificate plan, assuming that one-third of those entitled borrow upon their certificates, with a repayment of the loans in 10 equal annual installments, covering principal and interest.*

	Cash-payment plan.	Certificate plan.		Total.
		Loans less repayments.	Payments on account of death or maturity.	
Total number of veterans living July 1, 1922	2,282,860	2,282,859		4,565,718
Total annual cost:				
1922	$228,286,000		$10,990,000	$239,276,000
1923	456,483,165		22,128,090	478,611,255
1924	91,314,000	$20,000,000	22,158,721	133,472,721
1925	4,000,000	22,156,680	22,218,398	48,375,078
1926		21,203,860	22,313,900	43,517,760
1927		14,746,585	22,404,472	37,151,057
1928		37,654,197	22,499,270	60,153,467
1929		28,786,871	22,618,375	51,405,245
1930		14,723,576	22,802,674	37,526,250
1931		6,309,631	23,014,977	29,324,608
1932		− 2,036,069	23,234,851	21,198,782
1933		− 4,351,012	23,511,585	19,160,573
1934		− 9,875,131	23,782,599	13,907,468
1935		−21,885,685	24,120,242	2,234,557
1936		−26,188,466	24,506,479	− 1,681,987
1937		−27,642,630	24,952,118	− 2,690,512
1938		−35,836,599	25,445,819	−11,390,780
1939		−30,808,173	26,058,789	− 4,749,384
1940		−25,138,578	26,730,029	1,591,451
1941		−20,530,435	27,529,953	6,999,517
1942		−16,402,833	28,481,095	12,078,232
1943		−12,808,390	[2] 2,127,616,200	2,114,807,810
Total	780,083,165	−68,922,602	2,619,118,636	3,330,279,199

[1] $17,523,831 of principal due after Jan. 1, 1943. This amount is deducted from the payments on maturity of certificates.

TABLE A.—*Illustrating the loanable features of the certificate plan, assuming that the loans are made for a period of 10 years, the principal and interest at 4½ per cent to be repaid in 10 equal annual installments.*

Fiscal year.	50 per cent choosing certificate plan; one-third borrowing.			20-80 per cent plan.			One-third–two-thirds plan.		
	Number of loans.	Amount loaned.	Repayments.	Number of loans.	Amount loaned.	Repayments.	Number of loans.	Amount loaned.	Repayments.
1924	95,750	$32,156,680		153,200	$51,450,688		127,667	$42,875,573	
1925	72,000	25,268,400	$4,064,540	115,200	40,429,440	$6,503,264	96,000	33,691,200	$5,419,387
1926	60,000	22,005,000	7,258,415	96,000	35,208,000	11,613,464	80,000	29,340,000	9,677,887
1927	100,000	47,694,000	10,039,803	160,000	76,310,400	16,033,685	133,333	63,592,000	13,386,404
1928	90,000	44,855,100	16,058,229	144,000	71,768,160	25,709,167	120,000	59,806,800	21,424,305
1929	70,000	36,457,400	21,733,824	112,000	58,331,840	34,774,118	93,333	49,609,867	28,978,432
1930	60,000	32,655,600	26,345,966	96,000	52,248,960	42,153,536	80,000	43,540,800	35,127,955
1931	50,000	28,437,500	30,473,569	80,000	45,500,000	48,757,710	66,667	37,916,667	40,631,425
1932	50,000	29,717,000	34,068,012	80,000	47,547,200	54,508,819	66,666	39,622,666	45,424,016
1933	45,000	27,949,050	37,824,181	72,000	44,718,480	60,518,690	60,000	37,265,400	50,432,241
1934	30,000	19,471,200	41,356,885	48,000	31,153,920	61,171,016	40,000	25,916,600	55,142,513
1935	20,000	13,565,000	39,753,466	32,000	21,704,000	63,705,546	26,667	18,086,667	53,004,621
1936	15,000	10,631,550	38,274,180	24,000	17,010,480	61,240,688	20,000	14,175,400	51,032,240
1937			36,836,599			58,938,558			49,115,455
1938			30,808,173			49,293,077			41,077,564
1939			25,138,578			30,221,725			33,518,104
1940			20,530,436			32,848,698			27,373,915
1941			16,402,833			26,244,551			21,870,444
1942			12,808,390			20,493,424			17,077,853
Total	757,750	370,863,480		1,212,400	593,381,568		1,010,333	494,484,640	

NOTE.—An annual payment for 10 years of 12.6398 cents will liquidate a debt of $1, principal and interest, at the rate of 4½ per cent per annum.

A condensation of the facts presented in the tables shows:

Total number in service in Army	4,262,105
Total man-days' service from Apr. 5, 1917, to July 1, 1919	1,427,325,000
Average days' service per man	334.89
Total number overseas force in Army	2,022,635
Total man-days' service overseas from Apr. 5, 1917, to July 1, 1919	709,740,000
Average days' service per man overseas	350.90
Total number exclusively in home-service force	2,239,470
Total man-days' home service from Apr. 5, 1917, to July 1, 1919	717,585,000
Average days' service per man, home service, less 60 days to be deducted first from home service	260.42
Number of deaths in service overseas	80,635
Number of deaths, home service	34,617
Total deaths in service	115,252
Number of officers above rank of captain in overseas force (estimated)	7,000
Number of officers above rank of captain in home service (estimated)	7,500
Total number of officers above rank of captain	14,500
Total number of deaths in Army from July 1, 1919, to July 1, 1922 (estimated)	100,785
Number in Army entitled to benefits Jan. 1, 1923	4,031,568
Total number in service in Navy	551,736
Deaths in service:	
Enlisted men	2,341
Officers above rank of lieutenant (estimated)	1,895
Total	4,236
Number entitled to benefits of this bill July 1, 1919	547,500
Deaths between July 1, 1919, and Jan. 1, 1923	13,350
Number entitled to benefits Jan. 1, 1923	534,150

Overseas force (estimated)	500,000
Home force (estimated)	47,500
Average length of service (days)	325
Less 60 days deducted (days)	265
Total number of Army and Navy entitled to benefits July 1, 1922	4,565,718

The cost table shows as follows:

1. On basis that every veteran should accept the cash plan:

Total cost	$1,560,166,330
To be appropriated for in—	
1922	456,571,800
1923	475,124,000
1924	276,937,900

2. On the basis that every veteran should accept the certificate plan, with no borrowings, and making allowance for annual payments on account of deaths:

Total amounts in 1942 would aggregate	$5,273,345,563
To be appropriated for in 1922	21,980,656
This sum increases yearly up to 1942, when the amount required would be	56,962,190
Leaving all the balance to be paid in a single payment due in 1943, of	4,290,280,031

But, as suggested, these two tables do not indicate what, in fact, will be the operation of the law, but are given to show possible minimum and maximum costs and place a limit upon extreme calculations.

3. On the basis that 20 per cent of the veterans should accept the cash-payment plan and 80 per cent the certificate plan, and assuming that one-third of those entitled borrow on their certificates the full amount they are entitled to borrow, and making allowance for repayments, and also for deaths, the total amount in 1942 would aggregate $4,356,338,615.

The yearly payments, however, would be:

1922	$108,898,900
1923	200,737,944
1924	118,453,954
1925	79,386,725
1926	69,628,416

After 1927 the annual payments would decrease on account of repayment of borrowings until 1936, when the repayments on account of loans would be more than sufficient to meet the payments on account of deaths and loans. This would continue until 1940, when the excess of payments on account of deaths would amount to $2,543,321. These payments would increase until in 1942 they would amount to $19,325,219. The final payments on account of maturity in 1942 would amount to $3,383,692,496.

4. On the basis that one-third of the veterans would accept the cash-payment plan and two-thirds the certificate plan, making the same allowance as in previous tables, the entire cost up to and including 1943 would be $3,888,282,142.

The yearly payments would be as follows:

1922	$160,471,900
1923	336,304,120
1924	113,073,061

From 1924 the amounts will decrease until 1935, when there would be no cost until 1939, four years, during which period the repayments would exceed the amounts necessary to meet the obligation. There would be a balance due at the maturity of the certificates in 1942 of $2,819,743,747.

5. On the basis that 50 per cent of the veterans take the cash-payment plan and 50 per cent the certificate plan, making the same allowance as in the previous tables, the entire cost up to and including 1942 would be $3,303,153,231.

The yearly payments would be as follows:

1922	$239,276,000
1923	478,611,255
1924	133,472,721

These yearly amounts then decrease each year to 1936. Then there would be an excess of repayments of loans over payments on account of loans and deaths for the four years, 1936, 1937, 1938, and 1939, of over $20,000,000. A final payment upon the matured certificates would be due in 1943 of $2,114,807,810.

RELIEF OF DISABLED EX-SERVICE MEN.

Mr. CALDER. Mr. President, I ask unanimous consent to submit a report from the Committee to Audit and Control the Contingent Expenses of the Senate. I am directed by that committee, to which was referred Senate resolution 93, submitted by the Senator from West Virginia [Mr. SUTHERLAND], to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read for information.

The Assistant Secretary read the resolution, as follows:

Resolved, That S. Res. 59, agreed to June 9, 1921, be, and hereby is, amended to authorize the special committee thereby created for the investigation of various bureaus and agencies of the Government in matters relating to the veterans of the World War, to employ such clerical and other assistants as may be deemed necessary in furtherance of the purposes of said resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WARREN. I do not see present now the Senator who is referred to in the resolution.

Mr. CALDER. The Senator from West Virginia [Mr. SUTHERLAND]?

Mr. WARREN. Yes; I will ask the Senator from New York, who presents the resolution, to what extent this is supposed to go in the matter of the employment of experts?

Mr. CALDER. I do not believe the committee will need to employ, and only for a limited period, more than two clerks and more than one investigator. The committee is now functioning. I am a member of the committee myself, and we find it very difficult to prepare matters to present to the committee without some clerical help. I do not think the entire cost will be more than $1,500.

Mr. OVERMAN. May I inquire what committee is referred to?

Mr. CALDER. This is the committee appointed as a result of the resolution introduced by the Senator from Massachusetts [Mr. WALSH] to inquire into the treatment of ex-soldiers in the War Risk Bureau and by the Public Health Service.

Mr. WARREN. I know full well how ungracious it is to inquire into any expenditures by the United States Senate, and especially for any special committee, but the way we have been traveling along this route and the number of these various examinations and the tremendous figures to which some of them amount require me to say at least that I trust there may come some economy and some end to extraordinary expenditures, and I hope that this one surely may serve as a precedent in economy of investigating committees. Some of our examinations have gone on for years instead of months. In former times when we had such examinations it was very extraordinary to ask for any extra help. The regular committees are furnished with supposedly plenty of clerks. Senators who are not chairman of committees are supplied with just as many clerks as are the chairmen of the committees, barring three or four of the hardest working committees.

It seems to me that a little effort on the part of some of these committees might have excluded a great proportion of the expense we have been under for the last three or four years. However, I am not going to object to the resolution, but I do hope the members of the committee will bear in mind the suggestion I have made.

Mr. CALDER. I shall inform the members of the committee of the Senator's statement. I am a member of the committee myself, and I do not believe the expense can possibly run over $2,500, and I do not see why it should exceed even $1,000.

The resolution was considered by unanimous consent and agreed to.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. POMERENE. Mr. President, I desire to address myself briefly to the bill S. 1806, known as the seasonal rate bill. I desire to compliment the Senator from New Jersey [Mr. FRELINGHUYSEN] on his energy and enthusiasm and the industry he has displayed in considering the subject. I share his view completely when he speaks of the deplorable conditions of the coal trade during the last two or three years.

I took occasion in the early period of the war to criticize very drastically some of the coal operators in the country, and I have no apology to make for what I then said. Later on, when I found that a few officers of the miners' organizations and a few delegates brought on a strike in violation of their contracts, with utter disregard for the condition of the country, I did not hesitate to criticize them. I differentiate between the mine officials and the delegates, and the miners themselves. The miners were in no respect responsible for that strike, and I measure my words when I make that statement.

If there was likely to be a recurrence of any of this trouble, I should like to know the remedy. If a remedy were presented, I would be for it. If the pending bill would accomplish one tithe of what the Senator from New Jersey thinks it would accomplish, I think I would be for it; but my judgment is that it will do more harm than good, if it does any good at all.

I recognize the fact that there was a time when we had a car shortage, and that car shortage was one of the causes of serious trouble throughout the country, but there is no car shortage now. That car shortage was superinduced by war conditions, and whatever may have been the scarcity of cars—and there was a scarcity, not only in the coal trade but in the transportation service of the country as a whole—we do not have that car shortage now. There is a car surplusage of probably 365,000 cars. I mean by that there are probably 365,000 empty cars. A large part of these are coal cars, but that surplusage is due to present industrial conditions.

The Senator from New Jersey refers to the car shortage as being one of the causes of the trouble, and it was a cause at that time; but coal operators can now get all the coal cars that they want. The price of coal at the mouth of the mine has gone down. I think the rates are somewhat higher than they ought to be. I would like to see them changed. I think they will be

changed later, as all of these traffic rates, or the most of them, will be changed, and they will be changed when we approach normal conditions; but there must be a readjustment all along the line.

The Senator has referred to some of the sentiments that prevail throughout the country in support of the bill, and has taken the pains, perhaps in part for my benefit, to read several telegrams from Ohio operators. I assume that there is some difference of opinion out there, but I think the opinion of a vast majority of them is against the bill. I have before me a large number of telegrams bearing upon the subject, some referring to one of the bills, some to the other, and some to both of them. I wish to read a telegram from the Toledo Wholesale Coal Trade Association:

> Report that coal men favor Frelinghuysen coal stabilization measures 1806 and 1807 not correct. We are all bitterly opposed to these bills or any bill that carries with it Federal control of private business. These bills must be considered as socialistic, un-American, and not in the public interest. We hope you can see your way clear to oppose these bills.
>
> TOLEDO WHOLESALE COAL TRADE ASSOCIATION.

I have another similar telegram signed by the Kenmont Coal Co., another signed by the Elmer Miller Coal Co., another by the Manufacturers' Coal Co., and another by the manager of the Big Four Coal Co., all of Toledo. I have another telegram indicating how some of the large consumers of coal feel upon the subject. This is from Youngstown:

> We are large purchasers of coal, having bought last year about 2,000,000 tons. We strongly oppose Frelinghuysen bill to regulate coal industry. It is contrary to President's preelection statement of less Government in business and more business in Government. Its passage would discourage all lines of industry. Business requires relief from interference, not further repression. Would regard passage of this bill as a bad precedent.

This is signed by J. A. Campbell, president of the Youngstown Sheet & Tube Co., which is one of the large independent mills at Youngstown.

I submit these as indicating in a general way the sentiment throughout the State of Ohio. I shall not take the time to read the many other telegrams which I have. I would be glad to have any Senator see them if he desires so to do. I also have a large number of letters bearing upon the same subject.

Mr. FRELINGHUYSEN. Mr. President——

Mr. POMERENE. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I do not wish to interrupt the Senator from Ohio in the midst of his remarks, but the telegrams refer to regulation of the coal business. Does the Senator feel that Senate bill 1807 in any way has any regulatory features or any powers of that character conferred?

Mr. POMERENE. It is true that one of the telegrams uses the term "regulation," and I suspect it was not written from the standpoint of the lawyer, but rather from the standpoint of the business man, and perhaps he has not used that expression with entire accuracy. I agree with the Senator from New Jersey that in the ordinary acceptation of the term neither bill could be regarded as regulatory in character. They are supervisory, perhaps, if there is a distinction between the two terms.

But, Mr. President, as bearing further upon the question of car shortage let me remind Senators that in the transportation act the Congress took care of this question, realizing the importance of the coal industry to our entire industrial life, and in section 402, paragraph 12, we provided:

> It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for the transportation of coal from the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mine, it shall be the duty of the line to apply and maintain just and reasonable ratings to such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine.

Then follows the provision for penalties. There are other provisions in the bill which relate to the coal trade particularly, and the power that is given to the Interstate Commerce Commission to grant priority orders, and so forth. I shall not take the time to refer to the law further.

I wish to call the attention of the Senate to the condition that exists in that section of the country west of the Allegheny Mountains.

The Senator from New Jersey referred to the fact that there had been a decrease in the freight rates from the coal fields to the Lake Erie ports, and he is right about that; but that is not a seasonal rate. It was a rate that was given to that particular portion of the coal which goes to the far Northwest. Now, what would be the effect of a seasonal rate? The coal which goes to the Northwest is mined in southeastern Ohio, western Pennsylvania, western West Virginia, and eastern Kentucky. The mines that furnish this coal are operated during the summer months. Those are the months when the so-called lower seasonal freight rates are supposed to obtain. Does anyone for a moment believe that a rate of 15 cents a ton, or of even 20 or 30 cents a ton, lower in the summer time than it may be in the wintertime is going to be of benefit to the ultimate consumer on the cold plains of North and South Dakota or Minnesota or Wisconsin? It may be a benefit, perhaps, to the coal dealer, the man who above every other man profited exorbitantly during the last two or three years, but the coal consumer on the cold plains of the Northwest is not going to get that benefit.

What is going to be the situation? Bear in mind also that a large part at least of the coal cars that take coal up to the Lake ports during the summer months are immediately loaded with iron ore to be taken back to the furnaces. When we speak of "coal cars," remember that the term is a misnomer if it is thought that "coal cars" are limited in use to coal distribution. Coal cars are used for the handling of rough freight, for the hauling of ore, as I have indicated. The States of Ohio, Indiana, Illinois, and Michigan have adopted large road-improvement programs; they are spending literally millions of dollars in paving the country highways; and the cars used to haul road materials are the cars that are also used to haul coal. Ordinarily if coal cars were to be limited to the carrying of coal for our local consumers, then we could understand it would be a matter of railroad economy to use those coal cars for hauling road material during the summer and coal during the winter; but assume, for the sake of the argument, that there is a reduction in the coal rate from the mines in southeastern Ohio and in that vicinity to the Lake ports. Are the coal consumers going to get any benefit out of it? I have demonstrated, I think, that the coal consumers in the far Northwest will get no benefit from it. Then what is the effect?

Senators may talk as they choose about getting the laboring man and the average consumer to lay in their supply of winter coal during the summer months. I am not complaining of them; we are all, perhaps, more or less improvident when it comes to our own individual matters, and we delay procuring our supply of coal until the last minute.

If the pending bill were to encourage the production of coal during the summer, it would have this effect: It would prevent the use of the coal cars for hauling road materials. Then what would be the situation? If we have a low freight rate in the summer season, it presupposes a higher freight rate in the winter. Then we should have the anomalous condition that in Ohio, in western Pennsylvania, in western West Virginia, and in eastern Kentucky, the very heart of the bituminous coal territory, the people in those States would have to pay a higher freight rate for their own coal from their own mines, and all for the benefit of the coal dealer who buys the coal for the Northwest, presumably for the consumer. I dare say that there can be no difference of opinion between us when I repeat my declaration that if there were a differential of from 15 to 50 cents per ton during the summer time in the freight rates it would not make 1 cent a ton difference in favor of the consumer in the far Northwest.

Mr. FRELINGHUYSEN. Will the Senator suffer an interruption, Mr. President?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. POMERENE. I do.

Mr. FRELINGHUYSEN. Is it not true that the carriers made a differential this summer of 28 cents in order to stimulate the movement of coal to the Northwest?

Mr. POMERENE. Mr. President, there is a difference between that and the seasonal rate. I have been trying to get a reduction of freight rates for our road material. My friends from the South have been trying to get a reduction of freight rates for their citrus fruits and for the vegetables that are produced in the South. The Senator presents no argument in favor of seasonal rates.

Let me suggest to Senators while I am discussing this subject that we are not without a pretty good authority upon this question. Mr. Kruttschnitt, of the South Pacific Railroad Co., was before our committee as representing in part the railroad executives. There may be a difference of opinion as to the correctness of many statements which he may have made, but he discussed the question of seasonal rates as applied to coal in his section of the country. I am going to take the privilege of reading a paragraph or two from his statement.

Mr. STANLEY. Mr. President——

Mr. POMERENE. I yield to the Senator from Kentucky.

Mr. STANLEY. I was under the impression that the pending bill authorized the Interstate Commerce Commission to make seasonal reductions in the charges for the transportation of coal, but I find, upon a more careful analysis of the bill,

that it simply authorizes them so to distribute the rates so as to add to the winter rate whatever they take from the summer rate.

Mr. POMERENE. That is the substance of it. There was an original draft of the bill which provided that there should be a sort of a base freight rate, and then provided that the rates could be reduced during the summer months a certain number of cents per pound below the base rate and could be raised during the winter; but whether it is one form of bill or the other, the same economic principle obtains in both.

I now read with reference to this subject from page 92 of the testimony of Mr. Kruttschnitt on Senate resolution 23.

Mr. KRUTTSCHNITT. Permit me to tell you a story of a personal experience right on that point. When the Southern and the Union Pacific roads were merged as a unit I had charge of the operation of both roads, and I was also president of the Union Pacific coal properties, and we had that same trouble, that everybody wanted coal in the winter, when every car and locomotive was busy, and they couldn't get it, and there was a dreadful complaint, and I said to the manager of the coal company: "We are going to try the experiment of making a seasonal reduction in the price of coal, and you make it material, so as to encourage people to fill up their cellars, encourage dealers to fill up their yards with coal, whilst we have got ample locomotive power and cars." We tried that for two years, and the first year it had substantially no effect. The second year, I think, we managed to get 25,000 tons more than normally bought in the season, and it was then given up as a bad job.

Senator POMERENE. What was the total for the season?

Mr. KRUTTSCHNITT. The total for the season at that time, when we were in the commercial coal business, would have been three or three and a half million tons. So, you see, the movement was insignificant. We couldn't get people to do it. We not only offered the inducement in lowering the price but we sent agents around to dealers to explain this thing to them and to coax them to take advantage of the lower price to stock up.

Senator WOLCOTT. At the same time was there a seasonal concession in price at the mines?

Mr. KRUTTSCHNITT. What?

Senator WOLCOTT. I say, at the same time, was there a seasonal concession in price at the mines?

Mr. KRUTTSCHNITT. This was a concession in price at the mines.

Senator WOLCOTT. Yes; in the rate; but at the same time were the mine operators making a seasonal concession in price like they do here in the East?

Mr. KRUTTSCHNITT. You mean the miners?

Senator WOLCOTT. The mine operators.

Mr. KRUTTSCHNITT. Well, we were the mine operators; these were mines belonging to the railroads.

Senator POMERENE. What decrease in the seasonal rates did you make?

Mr. KRUTTSCHNITT. About 10 per cent.

Senator POMERENE. Ten per cent of the total?

Mr. KRUTTSCHNITT. No; 10 per cent of the normal sale price. In other words, if the price was $2.50 per ton, why, we made it $2.25 per ton.

Senator POMERENE. Well, did you make a decrease in the transportation rate?

Mr. KRUTTSCHNITT. No; but it was immaterial how the decrease was made. The net effect was to make the coal cost the dealer and consumer 25 cents a ton less.

Of course, as they owned both the mines and the railroads, it made no difference whether the reduction was on the price of the coal itself or on the transportation rates. Suffice it to say that the total decrease was 25 cents a ton, which would, I dare say, be more than the average decrease which could be obtained under the pending bill. I do not think there can be any question about that.

I have here a letter received this morning from Mr. L. G. Macomber, who is traffic commissioner of the Toledo Chamber of Commerce. He incloses a brief which was prepared by the chamber at the time a similar bill was pending at the last session of the Congress. I am not going to take the time to read all of his letter, but he points out specifically, it seems to me, the evils incident to this proposed legislation, or, to put it in another way, he points out the fact that it will be positively injurious to the coal trade and the coal consumers in the State of Ohio. He speaks for them in a general way, and, perhaps, for the Toledo people in a special way. It will be remembered that a good deal of coal is shipped to Toledo and sent up the Lakes. He says:

As this is a matter that is of great interest to all Toledo coal consumers, particularly the industrial consumers, we have given the subject considerable study and have reached the conclusion that this bill would work a hardship upon Toledo users of coal for the following reasons, which I submit for your consideration—

Let me repeat that he is referring to the seasonal coal bill of the last Congress, which differed somewhat in phraseology but not in principle from the bill which we have now pending before us—

1. Toledo is peculiarly situated with respect to ability to obtain coal during the summer period for storage for use during the winter period, in that she is one of the important Lake Erie ports which serve as a transfer point for coal from the Ohio mines for shipment via the Lakes to Lake Superior ports.

We interviewed an operator of several Ohio mines who stated that during the last five years there has not been a surplus of empty cars at the mines at any time. That the mine output has been controlled entirely by the car supply, and the mines operated to the capacity of the cars obtained—

Let me stop to observe that there is no want of car supply now—

That at no time during the past five years has there been a sufficient number of cars to take care of either the mine output or the orders on hand.

As the Lake Superior docks are entirely clear of coal, the present indications are that the northwestern requirements for Lake movement this year will be in the neighborhood of 30,000,000 tons of coal. As the greatest movement of coal via the Lakes in any one year was betweeen 26,000,000 and 27,000,000 tons of coal, this should indicate that the carrying capacity and the empty car supply of the carriers will be taxed to the limit to take care of the Lake requirements; and the fact that during the past five years there has not at any time been a surplus of empty cars should also indicate that there is very little prospect of empty equipment to take care of local requirements for even current consumption, making it impossible for the local coal consumer to take advantage of a reduced coal rate during the period of navigation, and resulting in his being penalized with the 15 per cent increase in coal rates because of his inability to obtain coal during the period of the reduced rate.

2. Owing to the Northwest being dependent upon the mines of Ohio, Pennsylvania, West Virginia, and Kentucky, the carriers are morally obligated to serve that territory in the matter of transportation of coal during the period of navigation to the limit of their ability, for two reasons:

First, because of the saving in the cost of the coal to the consumer as result of the reduced rate in effect via rail and Lake, which is $1.27 from the Hocking Valley-Jackson group mines to Toledo docks, plus 50 cents per ton Lake haul, or a through rate of $1.57, as against an all-rail rate of $4.60.

If you should reduce the rail rate, of course there would be a temptation to use these cars to supply at least a part of this northwestern territory during this time; and the longer they are en route from the mine to the consignee and return, the less service they can be in hauling coal or anything else for Ohio or other people living in the coal-producing States.

Second, because to force the movement of coal from Ohio mines to the Northwest in the winter would put a coal car into service an unreasonable length of time, depriving local consumers of its service; or would mean about 1,000 miles of rail haul as compared with 185 miles from the mines to the Toledo docks.

3. With very few exceptions, Toledo industries as a general thing have not storage space for the storage of over 30 days' supply of coal. To provide such space at the present time—if it could be secured—would be so expensive as to offset any saving resulting from a reduced coal rate for five months of the year; therefore, owing to the inability of the average Toledo industry to store coal, they would be penalized by the provisions of the Frelinghuysen bill.

I do not see how there can be any question about that. I confess this report states in the next paragraph a condition which I did not think prevailed as to Ohio coal. I thought Ohio coal could be stored without fear of spontaneous combustion; but this report says it can not.

I read:

4. Ohio coal, which is the most extensively used bituminous coal in this vicinity, will not store satisfactorily, experience having developed that after this coal has been on the ground for a period of 60 to 90 days spontaneous combustion occurs, and there is no means of quenching the fire, once it has gotten started in a pile of coal, except by cutting it out from the balance of the pile.

Let me suggest to Senators who do me the honor to listen to me that it has been demonstrated that most of the Indiana coal, Illinois coal, and Iowa coal will not store, for the very reason that it will be destroyed by spontaneous combustion. It is well enough to talk about storing this coal. Some say it can be done by having a sort of concrete basin, filling it with coal, and then submerging it all in water. That, of course, adds to the cost.

Under these circumstances, what is going to be the effect in the Central West if this bill does go through? In the first place, in my judgment, there would not be a consumer who would get the benefit of a single dollar by reason of the reduction in the freight rates, unless it be the coal dealer himself. In the second place, if it did have the effect of increasing the transportation to the very extent that we have been short of cars in the past, so we will be short of cars in the transportation of building material, of stone and rock and cement that are used in the construction of highways, and it is going to interfere with that line of industry, when this coal could just as well be hauled after the road-building season has ended.

I want to be very respectful about this matter, but for the life of me I can not see how any benefit is going to come from the passage of this bill.

I have here a large number of letters. I am not going to take the time to read them. One is from a Mr. C. E. Maurer, who has been a coal operator for long years. He is out of the business now. He points out, along the same line as this brief from the Toledo Chamber of Commerce, that any attempt at seasonal rates now would be a calamity, since the mines for the most part are busy during the summer supplying the Lake region. Whatever its effect may be in other sections of the country—and I am not prepared to discuss that except as I can infer what the conditions would be from what I know are the conditions in the great productive centers of the Middle

West—this bill, if it becomes a law, would injure the country immediately west of the Alleghenies.

If anyone can bring to me a plan which will stop or prevent the iniquitous practices which prevailed a year or two ago, I shall be glad to take it up and I shall be glad to give it my support; but in my judgment this is not going to help us.

My good friend from New Jersey [Mr. FRELINGHUYSEN] refers to this as constructive legislation. Constructive legislation ought to provide a remedy for the evil, and as yet no one has proved to my satisfaction how this would prevent the evils from which we have suffered in the past.

For the reasons that I have thus briefly stated, I shall oppose this bill. At the same time, I want to be perfectly frank about it. When the suggestion of seasonal rates was first called to my attention, it was a thought that appealed to me very much; but as I became more familiar with the conditions in the coal trade and along industrial lines and found out what the effect would be, it seemed to me that the weightier reasons were against the bill rather than for it.

I have here a letter from Mr. J. G. Barbour, who was the coal commissioner of Stark County, Ohio, and for years was the traffic manager of the Metropolitan Paving Brick Co. I believe he is now the president of that company. In this letter he gives his estimate of the pending legislation from the standpoint of a manufacturer who has had large experience in dealing with traffic rates, and particularly with coal-traffic rates. I ask that this letter may be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

THE METROPOLITAN PAVING BRICK CO.,
Canton, Ohio, May 16, 1921.

Hon. ATLEE POMERENE,
Senate Building, Washington, D. C.

MY DEAR SENATOR: I received to-day proof of my testimony before the subcommittee of the Senate Committee on Interstate Commerce, which was forwarded to me for correction.

Due to the short time I had and numerous interruptions, I did not cover the coal side as fully as I would have liked, but only touched on the car-shortage angle, which I might summarize as follows:

If the movement of coal was encouraged during the late summer and early fall, it would only increase a peak movement which exists in normal years, due to heavy seasonal movement of construction material using open cars plus a heavy withdrawal of box cars for grain movement, increasing a seasonal car shortage which ordinarily exists at that time.

I am taking the liberty to add to what I desired to say to the committee the following:

SEASONAL COAL RATES.

Will it help the coal operator or coal miner?

With the present stagnation in the coal market, there is a depression in price of 50 cents to $1 per ton. The proposed reduction of 25 cents to 50 cents per ton in freight rates, if it brings about such increase in demand to materially relieve the operator or miner, will also bring about an increase in price, which will nullify the freight reduction and will not be any financial inducement to the consumer to store coal.

What consumers have the physical facilities to store coal?

DOMESTIC CONSUMER.

Hotels, office buildings, large apartments, and commercial buildings: Owing to high renting value of space in these buildings, there is no space allotted to coal storage, and it would take more than the proposed freight reduction to be any financial inducement to store coal.

Householders, who use from 5 to 15 tons per year, the inducement is not sufficient to overcome the other uses they have for their money during the summer, and the average home is not provided with sufficient room allotted for coal storage for the year.

The above domestic consumers, then, are dependent upon the retail distributor, who now has the inducement of very low current prices, but if he should attempt to sell this cheap coal in the winter at the higher winter price he stands a good chance of being investigated for profiteering.

INDUSTRIAL PLANTS.

Industrial plants running part time will only store coal proportionate to such part-time operation.

Idle industrial plants will not store coal when they have no assurance that they will not be idle all winter.

Industrial plants in full operation will only store coal in excess of usual protective storage for profit on the excess storage itself, and if such profit were probable, face the uncertainty of curtailed operations from the business depression.

In other words, an industrial coal shortage is almost entirely dependent upon a material revival of business and a marked increase in manufacturing, and as freight rates are not a serious factor in railway fuel, their shortage is also controlled by the increase in manufacturing.

PUBLIC UTILITIES.

Public utilities—lighting plants, street railways, waterworks, etc.—can with reasonable certainty anticipate their needs and in their plans arrange for storage in a manner to avoid the need of railroad facilities, provide storage at the plant or within trucking distance, assuming that reduced rates will be overcome by increased prices and the depressed prices certain. They have every facility to fully protect themselves now and there is no need for others to store to help the utilities.

LAKE CARGO COAL.

With present low prices and the many boats tied up, there is every inducement to move Lake coal early, and if the steel business is curtailed more boats will be tied up, and should there be a shortage of boats on account of less ore movement, then boat rates may be raised to cover empty return voyage. Lower rates do not seem to be needed here.

New England coal, moving by rail and water, has every inducement now of low current prices and low boat rates, due to idle coasting vessels.

CONCLUSION.

Lower rates can add nothing to present financial inducements to store coal. A coal shortage can only come from a material increase in manufacturing or general business revival.

I am inclosing clipping of American Railroads, an official publication, voicing the policies of the railway executors, "By buying coal at prevailing high prices on only a hand-to-mouth basis." How would a reduction in rates induce them to store coal?

Hoping the above expression of my views may direct your attention to the many elements that must be overcome in any legislation attempting to overcome the present depression in the coal industry.

Very truly, yours,
J. G. BARBOUR.

BUSINESS OF THE SESSION.

Mr. WATSON of Indiana. Mr. President, what I shall say, and say briefly, has no relation whatever to the subject under discussion, but relates altogether to other matters.

Reports have gone out from Washington that there will be neither tariff nor revenue legislation enacted at this session of Congress, and these reports have had more or less of a surprising effect throughout the country. While I do not assume to speak for the Republican majority, nevertheless, as a member of the Finance Committee, having some knowledge of the situation with reference to these subjects, and having at the same time kept in more or less active touch with the members of the Ways and Means Committee, I can say with something of knowledge of the subject that both tariff and revenue legislation will be enacted at this session of Congress.

Nobody is to blame for the existing conditions. Everybody knew that after the war there would come a period of intense reaction. We are now in the midst of such a period. We are all aware of the fact that factories are closed; that 400,000 cars are idle, as has been stated on the floor this afternoon; that 6,000,000 men are out of employment; that mines are shut down; and that there is a state of business collapse throughout the country. This is not the fault of legislation, and legislation can only measurably cure it, and then only after a lapse of time.

Congress can not wave a magic wand and alter conditions that are the outgrowth of such an appalling calamity as the great war that engulfed the world; but, after all, by means of legislation we can measurably cure these evils. My own thought was that we should have passed revenue legislation before we began the consideration of a tariff bill, and I still believe so; and when there was a joint meeting of the Republican members of the Finance Committee and of the Ways and Means Committee for the purpose of considering those questions, and the priority with which they should be handled, I took the position, as did my friend, the Senator from Kansas [Mr. CURTIS], that we should first pass revenue legislation, and afterwards give due attention to the consideration of a tariff bill.

I believed then and I believe now that we can not revive business in the country until we repeal certain provisions of the tax laws. I do not believe that capital in the United States will be invested until we repeal the excess-profits taxes and the high surtaxes on incomes, because capital will not come out of hiding and will not get into the channels of trade and the arteries of commerce to bring back health to the industries of the United States until those taxes shall have been repealed.

In the first place, the excess-profits taxes were largely passed to the consumer when they were paid and added to the final cost of the products. In the next place, when they were not paid—and they are not paid now because there are no excess-profits taxes—they still had as repressive an influence on business and industry as when actually paid.

When first laid we collected two and a half billions of taxes of that character. The estimate for next year is that but $450,000,000 will be collected, and if business conditions shall continue throughout the country as they now are doubtless they will vanish to the zero point. Yet, while they are not being paid, they still have the same effect upon business and upon industry as if they were actually being paid.

The man who could be relied on to furnish capital for improvements, betterments, additions, and developments is now using his surplus for the purpose partially of paying taxes, and the remainder of that surplus is going into tax-exempt securities. If I had my way about it, we would first enact tax legislation, to assure the business interests of this country just what their tax burdens will be, in order that confidence may be restored and in order that capital may be invested. If capital is not invested, labor will not be employed, and if labor is not employed the factories and mines will remain idle, and these box cars will continue to stand on the sidetracks unused, as my friend from Ohio remarked; and with idleness of the unemployed comes all the attendant train of woes which usually accompanies such a condition throughout the country.

Mr. POMERENE. Mr. President, I am disposed to agree with the Senator that revenue legislation should advance at once; but I just wondered why the Senator looked so fiercely over toward us Democrats when he was making that statement.

Mr. WATSON of Indiana. Mr. President, I am not looking with fierceness toward the Democracy, but with sympathy. My friends mistook the feeling that was behind my look.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. WATSON of Indiana. I yield to my friend from Kentucky.

Mr. STANLEY. The profound sympathy of the Senator from Indiana for this side of the Chamber at this time might be accounted for by that old couplet:

A fellow feeling in our bosom
Makes us wondrous kind,
He has troubles of his own.

Mr. WATSON of Indiana. Mr. President, there is no trouble here, and will not be, when the people fully understand the situation. I do not want anyone to think that we have been remiss in the discharge of our duties, for such is not the case.

Immediately on this Congress convening the Ways and Means Committee began the consideration of a tariff bill, and for months, with unceasing diligence, they have labored in the formulation of such a measure. It will be reported to the House within the next 10 days or 2 weeks at the latest; the House will give it probably 3 weeks of consideration, and then send it over to the Senate. We all understand that the Senate can not originate revenue legislation; but in order to save time, there was an agreement between the members of the Finance Committee and the members of the Ways and Means Committee by which the members of the Finance Committee should hear the revenue bill discussed, not for the purpose of formulating legislation but for the purpose of having hearings, so that when the House came to consider revenue legislation they could take our hearings and supplement them only where it might be deemed desirable.

We had those hearings, gave six weeks to that subject, and everybody was heard who wanted to be heard. Those hearings have been turned over to the Ways and Means Committee, and as soon as the tariff bill is out of the way, they will immediately take up the proposition of the formulation of tax legislation. They will have our hearings on which to base the formulation of their measure, and thus save that much time.

When they have passed their tariff bill and sent it over to us, we on the Finance Committee will take their hearings on the tariff legislation as the basis of our action and thus save just as much time as we possibly can save when we consider the magnitude and the importance of the questions involved.

What I should like to see done, Senators, is simply this—after that tariff bill comes over to us, the Finance Committee will probably be four or five weeks in considering it and reframing it before we can introduce it into the Senate, and during that time the House of Representatives will have passed the revenue legislation, and when that comes over to the Senate, personally I should like to see the Finance Committee take that measure up and report it into the Senate, and see the Senate pass revenue legislation before we even begin the discussion of the tariff legislation in the Senate of the United States, because I am profoundly convinced that we need tax legislation in order to revive business in the United States far more than we need tariff legislation.

You may formulate your tariff legislation as best you can, but because of changing conditions throughout the world, because of the difference in the rate of exchange, the best tariff bill we can pass to-day will in many of its provisions be obsolete in six months from now. But the tax burden will be known to the business man, and the business man will know precisely what is expected of him in the days that are to come, and it will give a measure of reassurance far more than any other legislation we can enact in this Congress.

Therefore, so far as I am concerned, I trust that that will be the procedure of the two Houses with reference to these vital questions. But the country may be assured, Mr. President and Senators, that legislation of this kind will be enacted, that we will pass a tariff bill, that we will pass revenue legislation, and that we will do all that this Congress can do to revive the business of the country and rehabilitate the stricken industry of the United States.

Mr. JONES of Washington. Mr. President, I agree absolutely with the Senator. In my judgment, we ought to have taken up the tax question first, but I suppose that under the arrangement which was finally agreed upon that is impossible now, unless it can be carried out as the Senator has just suggested.

I was rather interested this morning to see in the paper a suggestion from high authority that we would not deal with anything except tariff and taxation during this session; that we would recess three days at a time, and so on, until the committees got that legislation in shape. I would like to have the idea of the Senator with reference to that. There are many other questions of very great importance before Congress, and it seems to me that since we are here it is a good time to take care of them while the committees are getting ready the tax and the tariff questions. Some of these problems are rather pressing, and they ought to be disposed of. The fact that this is an extra session should not preclude us, in my judgment, from doing what we ought to do and getting it done as quickly as possible. I would like to have some assurance from the Senator that that will be the course while the session is on.

Mr. WATSON of Indiana. Mr. President, while I am but a meek and humble follower here and can speak for nobody but myself, so far as I am personally concerned, I was never in favor of running away from any proposition. I know of no reason why we should not meet the problems which confront us and find a proper solution for them as they are presented to us from time to time. Nobody has suggested to me that there should be an adjournment from time to time; I have not heard of it.

I noticed in the paper this morning such a statement was made; but even with the great respect I have for newspapers, I occasionally question something I see in them, though, of course, I may be guilty of treason or lese majeste when I make that statement.

Mr. JONES of New Mexico. Mr. President, I have listened with a good deal of interest to the remarks of the Senator, but I should like to inquire whether there is anything on the program which seeks to rehabilitate our foreign commerce? Only a short time ago our foreign commerce amounted to about $13,000,000,000 a year. It has now dwindled to the vanishing point, and I would like to know whether or not the Senator and those associated with him in outlining the program for Congress has had under consideration anything for the purpose of reviving the foreign commerce of the country, and whether or not that is not an important element in the revival of business inside of the country?

Mr. WATSON of Indiana. Mr. President, certain steps were and are essential in order to revive foreign commerce. First is the settlement of the German reparations. With that we could not have anything to do under our policy. That has been settled; and until it was settled, as a matter of course, the conditions abroad were bound to remain topsy-turvy, because all industry was in turmoil and agitation. There was nothing settled. We could do no business with them, and they could do but little business with us, until the determination of that question. That was the first step in the rehabilitation of the industrial situation in Europe, and that has been taken.

In my judgment, the second essential step is a declaration of peace with Germany. That will soon be an accomplished fact, because I am informed that when Senator LODGE returns next Monday that question will be taken up and finally disposed of, and, in my judgment, that is a vital step in our relationship in an industrial and commercial way with European countries.

As a matter of fact, we must look, too, to the welfare of the merchant marine, and that has already been entered upon. The President has appointed a new Shipping Board, and I think one which appeals to the confidence of the country, and one which will work out the gigantic problems with which it has to deal. The merchant marine is one of the great questions that is before us, because we are not justified in paying foreign nations $400,000,000 every year to carry our commerce overseas to other people waiting to receive it.

Mr. JONES of New Mexico. I think the people of this country are growing impatient, and that they are not satisfied with a mere prospect of a declaration of peace with Germany. It seems to me that they realize that a mere declaration of peace does not rehabilitate anything; that after the declaration of peace, if commerce is resumed, there must be a peace treaty, and that there must be some affirmative, active steps taken before we can influence in the slightest degree the business interests of this country. It seems to me that if the program of the present administration is to stop where the Senator has left it, the people of this country will be sorely disappointed.

Mr. WATSON of Indiana. Mr. President, my friend from New Mexico is harking back to the League of Nations, and still has that in his mind as the one essential thing to restore peace on earth, good will toward men, and prosperity to all mankind. I do not agree with him, and I think that just as soon as we shall have passed the peace resolution with Ger-

many we can then with perfect safety enter upon trade relations with her, and will do so in the old way, and that it will not be necessary to wait until the formulation and ratification of a final treaty before we shall, to the very full, resume commercial relations with that country, and with all of Europe. I have no doubt about that. But, of course, they must first get into a condition where they can buy from us and we can sell to them.

Mr. HARRISON. In that connection there are a great many people in the United States who do not agree with the Senator from Indiana on the proposition of a League of Nations or some other kind of peace except a separate peace.

Mr. WATSON of Indiana. Not very many.

Mr. HARRISON. In that connection I hope the Senator will not object if I ask unanimous consent to include in the RECORD a very interesting letter that was written of date June 15, just a few days ago, by a very distinguished pro-league Republican, or independent, I might say, to President Harding, and with the letter I should like to incorporate, following it, the names of 31 distinguished Republicans, including Charles Evans Hughes, Herbert Hoover, and Elihu Root, who signed a petition from the American people to the present President that that is the best way to get peace.

Mr. WATSON of Indiana. I should object to the incorporation of any such letter in my remarks.

Mr. HARRISON. Then following the Senator's remarks?

Mr. WATSON of Indiana. That is all right, but I do not care to father the letter.

Mr. HARRISON. That will satisfy us entirely.

Mr. WATSON of Indiana. I shall interpose no objection to the printing of the letter in the RECORD, but I do not want it incorporated as a part of my remarks, because it is wholly foreign to anything I have in mind and I disagree with it entirely. I do not believe there is any such animal as a pro-league Republican. The Senator might as well talk about a white blackbird.

Mr. HARRISON. One of them was Elihu Root, another was Charles Evans Hughes, and there were others. This was before the election, of course.

Mr. WATSON of Indiana. Oh, before the election!

Mr. HARRISON. I do not know how they stand now.

Mr. WATSON of Indiana. That is an old, old document, antiquated and exploded and almost forgotten, is in the rubbish heap and is no longer to be considered.

The VICE PRESIDENT. Without objection the letter will be printed in the RECORD at the close of the remarks of the Senator from Indiana.

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON of Indiana. I do.

Mr. KING. I have a great deal of confidence in the broad views of the Senator from Indiana respecting the steps to be taken in order to bring prosperity to the United States and to the world. I was greatly interested in the suggestion of the Senator that we must establish trade relations with Germany. I most heartily agree with the Senator in that declaration and I infer from what the Senator said that our prosperity is linked largely to the prosperity of other nations and depends upon having extended trade relations.

I am interested to know, in view of the statements which are constantly made as to the tariff policy of the Republican Party, how we are going to trade with Germany and how we are going to trade with other nations if we are to have embargoes and high tariff duties exceeding in their vastness and immensity the Payne-Aldrich tariff schedules——

Mr. WATSON of Indiana. Of blessed memory!

Mr. KING. Will the Senator please tell us how we are going to trade with Germany or have Germany trade with us if we are to exclude from our own land the exports of other countries?

Mr. WATSON of Indiana. I do not intend to enter this field this afternoon, inviting as it is. It is the old, old cry of our free-trade friends that we can not sell to other countries unless we buy from other countries. That has been disproved all along the line of our country's history. If I had the facts here I could astonish my friend from Utah, if he is not familiar with them. They show just what we did all the time we had those high protective tariff laws. The other nations do not buy from us because they love us. They buy from us because there is no place else to go and get the goods. They will continue to do so in the future, just as they have in the past, and we shall have no trouble building up our industries under a protective tariff that will protect the American laboring man in the factory, in the mine, on the farm, and wheresoever he may be employed, against injurious competition from abroad.

The Senator understands the argument. I am not going into that field at this time. Everybody is entirely familiar with it, and I believe that if the American people are satisfied on any proposition, it is that there must be a protective tariff in order to restore prosperity in the United States. Does or does not the Senator believe that?

Mr. KING. I do not believe that the protective tariff per se ever did or ever will establish prosperity. I agree that we should have a tariff for the purpose of raising revenue, and I believe that in imposing that tariff it should be so laid and so levied as not to discriminate against any section or against any class, and that if we impose a tariff upon the finished products there is no reason why there should not be a reasonable tariff upon the raw materials. We must have some revenue from tariff duties. The Democratic theory, as announced in the great tariff act of 1846, is one that the Republicans must come to if there shall be genuine prosperity in this land.

Mr. WATSON of Indiana. Since the Walker tariff was enacted in 1846 we have had but two or three spasms like unto that, and every time it has been invariably accompanied by commercial disaster and industrial depression, and we have never gotten away from those periods of depression until we could have a protective tariff.

Mr. KING. If the Senator will pardon me—I appreciate his graciousness—I invite his attention to a statement made by Mr James G. Blaine in his admirable and entertaining book, in which he discussed the Walker tariff schedules and the benefits that were derived thereunder. He said it was the best tariff this country had ever produced.

Mr. WATSON of Indiana. I dislike very much to challenge the recollection of my friend from Utah, but he must have dreamed that, for Mr. Blaine, when he went on to explain why we had something of a measure of prosperity under the Walker tariff, explained it by saying, first, that we discovered gold in Calffornia, which brought out large sums of money and put it into channels of trade theretofore unknown; secondly, because there was a great famine in Ireland that led to excessive exports abroad that we had never enjoyed before; and, thirdly, because of the Crimean War, which was then being fought, which induced tremendous exports from this country abroad, and that just as soon as those fictitious conditions had passed away and we got the full effect of the Walker Tariff Act of 1846 we went into a condition of depression theretofore unequaled in the history of the United States except under a similar tariff of 1837. That is what Mr. Blaine said, and he was right.

Mr. POMERENE. Mr. President——

Mr. WATSON of Indiana. I yield to the Senator from Ohio.

Mr. POMERENE. Of course, we all realize how exceedingly prosperous the farmers of the country have been since the emergency tariff bill was passed. I wish to observe in this connection that just a day or two ago I had a letter from a very prominent newspaper man of Ottawa, Canada, in which he said that since the passage of the emergency tariff bill American goods in Ottawa were being boycotted and British goods were being purchased now.

But that is not what I rose to say. The Senator took occasion to criticize the House, and if I may be permitted——

Mr. WATSON of Indiana. Criticize the House? Oh, no; I beg the Senator's pardon.

Mr. POMERENE. Well, he criticized the program in favor of tariff legislation rather than revenue legislation.

Mr. WATSON of Indiana. Does the Senator agree with me?

Mr. POMERENE. I agree with the Senator, if I can do so under the parliamentary rules regulating this body.

However, there is another subject that interests me very much. A few weeks ago the Senate, on a roll call and by a unanimous vote, approved the so-called Borah amendment requesting the President to arrange for a conference with Japan and Great Britain looking to a limitation of armament, and, of course, thereby conserving the revenues of the country. A day or two ago Lloyd-George was reported to have said that he would welcome overtures from the American Government looking to some program for disarmament.

Now, under those circumstances does the Senator think it would be right to mutilate the Borah amendment? Ought it not to be passed, and when it is passed ought not the President immediately to appoint his commissioners looking to a reduction of armament, so that we can save to our people the large amount of money which we shall be compelled to raise by increased taxation in the event the armament program goes on? I would be interested in having the views of the Senator from Indiana.

Mr. WATSON of Indiana. Well, I do not disagree with my friend from Ohio. I voted for the Borah resolution because I believed in it. I have no doubt that if it be enacted into law, which I trust it may be, the President will immediately proceed to act in accordance with its provisions. In fact, with

all due deference to my distinguished friend from Idaho [Mr. BORAH], I think the President would have so proceeded anyhow, and I know that with the resolution of Congress behind him stimulating him, if, indeed, he needed stimulation through legislative action of this kind, he will doubtless proceed in that way.

Mark you, I do not assume to speak for the President. I have no authority whatever to voice his sentiments on the floor of the Senate, but I well know what his views are with reference to disarmament, and I well know what he intends to do. I feel quite sure that he was in no way displeased with the introduction or the passage of the Borah resolution, and that he will conduct himself cheerfully in accordance with its provisions and its terms.

Mr. President, I have been led far afield from the original purpose of my talk when I rose, which was simply to say that I think we should pass tax legislation before we pass tariff legislation. I am not talking about the past and not criticizing anyone. I must disabuse the mind of my friend from Ohio [Mr. POMERENE] of the thought that I am criticizing anybody. I am not. I am stating purely a condition. In the midst of the extreme situation that confronted us, no one was to blame for having taken that step at that time; but in my judgment the wise thing to do to revive business will be to permit the business world to know what the tax burden is going to be in the future, and after that we can discuss the tariff and subsequent questions that may confront and perplex us.

Mr. KING. Mr. President, will the Senator yield further to me?

Mr. WATSON of Indiana. Certainly.

Mr. KING. I am not sure whether I correctly understood the Senator a moment ago. Of course, I yield to his historical knowledge; but as I understood his position when I alluded to Mr. Blaine, it was that the Walker Tariff Act was born contemporaneously with the Crimean War and that its success was attributable to the Crimean War. Of course, the Senator will recall that the Crimean War was 10 years after the Walker Tariff Act, and that it had such an inconsequential effect upon our domestic and foreign commerce that we can not attribute the benefits of that act to the Crimean War, which occurred 10 years after the Walker Tariff Act was enacted.

Mr. WATSON of Indiana. I certainly made no such statement as the Senator has attributed to me. I stated the three reasons that Mr. Blaine gave why there was a measure of prosperity under the Walker Tariff Act of 1846—first, the discovery of gold; second, the famine in Ireland; third, the Crimean War. The Crimean War occurred in 1854, the Walker tariff law was enacted in 1846, and those three things in succession caused the degree of prosperity we then had; and after they passed away then we got down to the real thing, just as we always do under a Democratic free-trade law, and that was the depression that always results, and we escaped from it only by the enactment of a protective tariff, and that is one of the measures we must adopt to enable us to escape from the deplorable conditions existing in the United States to-day.

[Letter with annex No. 1 presented by Mr. HARRISON during Mr. WATSON'S speech and ordered to be printed in the RECORD at the close of his remarks.]

"HAMILTON HOLT'S LETTER TO PRESIDENT HARDING, DATED JUNE 15, 1921.

"It is now six years that the League of Nations issue has been before the country. It is now two years that you, as Senator, presidential candidate, President elect, and President, have had the League of Nations issue officially before you for action.

"As Senator you voted to have the United States enter the existing league provided the Lodge amendments were made part of that act of ratification.

"As presidential candidate you left the country, and even your own followers, in doubt as to your attitude. Thirty-one preeminent Republicans, (1) among whom were your Secretary of State, Mr. Hughes, and your Secretary of Commerce, Mr. Hoover, assured their fellow countrymen that you would go into the existing league. Senators BORAH and JOHNSON and the other 'irreconcilables' assured them you would not.

"As President elect you did not see fit to disclose your attitude on the league beyond what you had said during the campaign. Both the 'thirty-one' and the 'irreconcilables' claimed you for their own.

"As President, however, you have unequivocally repudiated the existing League of Nations (2) whose area comprises considerably more than half the earth and whose population numbers three-quarters of the human race. (3) You even permitted without rebuke your ambassador at the Court of St. James (4) to say that you will have nothing to do with any 'commission or committee appointed by the league or responsible to it directly or indirectly, openly or furtively.'

"You have, nevertheless, as presidential candidate, repeatedly promised during the campaign, and as President you have reiterated that promise, that you will seek to establish 'an association of nations based upon the application of justice and right, binding us in conference and cooperaton for the prevention of war and pointing the way to a higher civilization and international fraternity in which all the world might share.'

"You have not yet given the American people the slightest inkling of the terms of this Harding association that you propose shall supplant the Wilson league. Has not the time come, I respectfully ask, for you to do this?

"Surely you can not expect the 48 members (5) of the present league to scrap it and come into your association unless two things are perfectly clear:

"First. That the new association is substantially as good as, or better than, the existing league; and

"Second. That this time a proposal of a President of the United States will have the permanent and overwhelming support of the American people.

"You are a statesman of sufficient experience to know that our people will not support your association—no matter how excellent—without the fullest preliminary discussion. Events of the last two years have demonstrated this. You can not, therefore, hope to get public opinion behind your association without taking your countrymen into your confidence.

"Even if your own party were completely united on the issue, you would still have to get some Democratic support to assure the ratification of your association by two-thirds of the Senate. As your party was the one that first made the league a party issue, the Democratic Senators would be only human now if they turned the tables and also made your association a party issue. They control more than a third of the votes in the Senate and they can block you as you and your colleagues blocked Mr. Wilson.

"If you expect to gain Democratic support it is incumbent upon you to propose an association so concrete and effective as to commend itself to the enlightened sense of both parties. Therefore, the quicker you take the American people into your confidence the better.

"There is another and even more important reason why you should disclose the details of your plan at once. The world is on the brink of revolution, famine, and pestilence. The only two great ideas that have come out of this war as world panaceas are the League of Nations and bolshevism. If you repudiate the existing league and delay too long suggesting anything in its place, you run the very real risk of making the world believe you have no plan at all, and if that comes to be generally believed, can you guarantee that the world would not turn to bolshevism?

"Mr. President, the time has come for you to redeem your promises. The country and the world have waited long enough to know just what kind of an association of nations you have in mind. If you delay much further people everywhere will inevitably conclude that either you have no concrete plan at all or else that you propose to put party harmony above world welfare. In that event there will be nothing left for those who want America to play her rightful part in stabilizing the world but to organize the country so as to capture Congress for the league in 1922 and the presidency in 1924. This can be done, for the vast majority of the American people—Republicans as well as Democrats—want the United States to enter some sort of a league or association with enough 'teeth in it' definitely to hasten the day when, as Victor Hugo prophesied, 'the only battle field will be the market opening to commerce and the mind opening to new ideas.'"

ANNEX No. 1.

LIST OF 31 PROLEAGUE REPUBLICANS WHO SIGNED MANIFESTO OCTOBER 15, 1920.

(For actual manifesto see Research Bulletin No. 1.)

Charles Evans Hughes.
Herbert Hoover.
Elihu Root.
Henry L. Stimson.
Lyman Abbott.
Paul D. Cravath.
Nicholas Murray Butler.
Samuel McCune Lindsay.
A. Lawrence Lowell.
John Grier Hibben.
Frank J. Goodnow.
William H. P. Faunce.
Warren Gregory.
William Lawrence.
John Henry McCracken.
Henry S. Prichett.
Henry W. Taft.
Oscar S. Straus.
George W. Wickersham.
Jacob Gould Schurman.
Charles A. Richmond.
William Allen White.
W. W. Willoughby.
George A. Plimpton.
Robert Brookings.
Alexander C. Humphries.
Ernest M. Hopkins.
Charles W. Dabney.
Isaac M. Ullman.
Samuel Mather.
Ray Lyman Wilbur.

Mr. BORAH. Mr. President, I do not rise to enter into debate with the Senator from Indiana [Mr. WATSON] as to his program, nor to express any dissent from his views so far as concerns his preference for tax legislation to tariff legislation. I only suggest to the Senator from Indiana that the readjustment of the question of taxes will not be sufficient to insure the return of prosperity. Something may be done to ameliorate the situation and doubtless a readjustment of some of the taxes will be found to be wise and beneficial. The details of all those things I am not now going to discuss, but there is this which is disturbing the minds of business men all over the country, and that is the amount of the taxes which we have to raise regardless of where the particular levy rests.

Mr. President, in 1920 the expenditures of the Government, I now find, were a little over $8,000,000,000. That was some two years after the close of the war. Looking at the program as it is, either definitely presented or nebulously proposed, I can see no reduction in the taxes for the next year. It does not make any difference what nice readjustments we may make as to the place of levy, if we do not find some method and some means by which to lower the expenditures of the Government we are not only going to have the depression which we now have, but, in my judgment, we are soon going to reach a point beyond which the people will carry the load no longer. In other words, as stated by the Senator from Utah [Mr. SMOOT], sitting in front of me, who is an authority upon the subject, we will reach a point where they can not carry it; and I see no program for reducing expenditures, though I think that that is absolutely essential to a successful program of the party in power. Without reduction of taxes there is no hope of prosperity, no hope of business revival.

That brings me, Mr. President, to the consideration for just a moment only of a bill which was reported in the last two or three days, and to which the Senator from North Dakota [Mr. MCCUMBER] addressed his attention to-day, which is known as the "bonus bill," but which is euphoniously called the "World War adjusted compensation bill." I do not desire to criticize the committee which has had this measure under consideration for so long, and any remarks which I make must be understood as being purely impersonal, but, in my humble opinion, if the Republican Party wants to do a really courageous and patriotic thing it will send this bill back in to the committee and make a bill out of it instead of, what I regard it, a pretense. They will recommit this bill to the committee and either present a bona fide compensation bill for the soldiers or they will say that we are not in a condition in this country now to do that. The latter proposition, in my judgment, is the patriotic thing.

The report on the bonus bill undertakes to disclose, first, that we can pay the soldiers $4,500,000,000, and, secondly, that it will not cost the taxpayers anything to do it. It seeks to sustain this theory in this way: First, it postpones the payment to a time far in the future; and, secondly, it then promises the taxpayer that when we do come to pay, the foreigners will pay our soldiers.

Mr. UNDERWOOD. In other words, from one cause or another, when that time comes the taxpayer will be dead?

Mr. BORAH. Yes.

Mr. President, this bill specifically provides that no part of this payment shall begin until the 1st day of July, 1922. If that be the intention, why is this Congress passing such legislation? Simply because we dare not impose upon our present constituency, in the existing condition of the country, an obligation of $4,500,000,000 and tell them that we have done so, and still we want to hold out to the soldiers we are making good.

Although the Senator from North Dakota says that this is an honorable financial obligation, we are not willing to say that we will start paying it; but we are simply pledging posterity to fulfill our contract to pay the soldiers. We make the promise, but we do not fulfill—we do not even start to fulfill, but put fulfillment off to another day, and in the meantime assuring the taxpayer that when that day comes he will not have to pay it, or if he does, he will then be prosperous and never miss it. It is not a very creditable performance.

I object to it, Mr. President, first, for the reason that it does not perform the obligation which exists—if it does exist—and secondly, because I am utterly opposed to a cash proposition of any character. It is based upon a wrong principle, upon a wrong theory; and, in my judgment, we make a mistake when we think that the American soldier will be content with our attempt to satisfy him with $50 on the 1st day of July, 1922, and $50 every four months thereafter until he gets $400 or $500, and then call that compensation for his willingness to sacrifice in the Great War. You place his standard of patriotism, as well as his standard of honor, entirely too low.

Let me refer to the report, Mr. President, for the bonus bill is going out to the country to-day, and it is thoroughly misunderstood, in my judgment, from reports which are prevalent. Every soldier who has written to me about it understands that as soon as the bill passes he is to get from $500 to $600 to put in his pocket. I am glad to say that some have condemned the whole theory of cash payment. The report states:

> The bill as reported requires no payments under the principal provisions, Titles II and III, the cash plan and the insurance plan, until after July 1, 1922.

On July 1, 1922, this Congress will, in a sense, be passing out of existence; its Members will be again going to their constituencies for a renewal of authority; and we are making a promise which must be ratified or condemned in that election of 1922. We postpone the pinching of the taxpayer, so as to keep him quiet in 1922, and we say to the soldier, "Your payments will soon begin." Thus we hope to get by. The report continues:

> As in all probability only a very small per cent will apply under the other features of the bill, the vocational training, farm and home aid, and land-settlement plans, the sum necessary to meet those claims prior to July, 1922, will be unimportant.

Two years and more have passed since the soldiers came home, since the World War closed, but now we are proposing to pass a bill, which we say is based upon a solemn financial obligation, and to postpone the payment a year longer, making nearly three and a half years after their services in the contest actually ceased. These men will have settled back into life; they will have readjusted themselves; they will have done the best they could; the crisis will be over; and then we propose to pay them $50 for the first time and $50 every four months thereafter. Is this really helping the men; is this meeting a situation, or is it playing politics with the people's money? If we owe and can pay them, let us pay them. If we owe them but can not pay them, let those who must do the paying do the legislating. As I said, I do not believe in a cash bonus—it is degrading to the soldiers—but if I did believe in it I would provide for payment, and in a way which would help them. To my mind, this plan is utterly unjust both to the soldier and to the taxpayer, and it is discreditable to the Senate of the United States. Again the report says:

> It will be seen that no payment of importance will be required until after July, 1922, giving ample opportunity to adjust the estimated Treasury deficits.

At the rate at which we are going will we be any better off a year from now than we are now? It is true, Mr. President, that in all probability it will give us time to estimate the "Treasury deficits," but it will not give us time to take care of the "Treasury deficits," for, according to the proposed program before us, the Treasury will be in no better condition on the 1st day of July, 1922, than it is now.

> And, by reasonable economy, to meet the added liability incurred by this legislation without any increase in taxation.

Mr. President, that is simply a postponement by the impecunious debtor to another time, when we hope, like Micawber, that something will turn up.

> Without attempting the allotment of any prospective receipts, but merely as a suggestion of one means of meeting the obligations of this measure, the committee beg to remind the Senate that there will undoubtedly be funded into long-time bonds the debts due this country for money advanced our associates in the World War.

How will the funding of the foreign debt into long-time bonds add anything to the Treasury of the United States, particularly if the scheme which is proposed in certain quarters is adopted whereby the interest upon the foreign debt shall be postponed for 10 years? What possible comfort will the American taxpayers get out of any scheme which is now proposed with reference to the method of paying the foreign debt? We know that by reason of the conditions which prevail in France and Belgium and England they are not proposing to pay any portion of their debt within the next 10 years. They are far more embarrassed financially than we are. We may fund the foreign debt, but unless we get the interest which is now due and collect the interest from this date on, and unless we get some payment on the principal, there will be no relief from that source. Does anyone think we will?

> The Allies having now agreed with Germany upon the amount of reparations to be paid by Germany to them will be in a position to use the funds received in reparations to meet the interest on their obligations to the United States. The interest on these bonds will, in our opinion, more than care for the payments necessary each year to meet the requirements of this proposed legislation.

Now, candidly is there a member of the Finance Committee who really believes that we will get any interest on those bonds at all between now and the 1st of July, 1922? Are we willing to go so far in trifling with facts and figures; are we willing to hazard our integrity of purpose by holding out to the taxpayer

that by 1922 or 1924 he will get relief from the foreign loan? Look at these countries and then blush with shame when you tell the American taxpayer that relief from that source is in sight. Though financially pressed, though we see no relief, we can at least preserve our reputation as a party by being sincere and honest. We know, if we are correctly informed, that the powers that be in the financial world and who dictate the financial policy of this country, regardless apparently of what party is in power, have already suggested that the payment of interest be postponed for 10 years, presumably, I suppose, so that these foreign powers can pay the interest upon their private loans.

The total advances made by this Government during the war to our associates aggregated $9,580,823,677, of which there has been repaid $114,540,505.

Then an estimate is made with reference to certain specific Governments.

So, Mr. President, the taxpayer is informed that there will be no additional burden, although we are obligating the Government to pay from $1,500,000,000 to $4,500,000,000, and the only substance of the promise which is made to the taxpayers consists of the fact that we propose to obtain the necessary amount from the impecunious and practically insolvent nations abroad. I say again that the Finance Committee, as representing the integrity, the good faith, and the patriotism of the Republican Party on the questions of finance, should take this bill back into its committee and bring out a bill based upon our resources which we ourselves may dare to put before our constituencies to-day and be willing to defend before them, and not put the burden upon posterity nor upon the foreigner to take care of American soldiers.

Another thing, Mr. President. Let us look at the land-settlement provisions of the bill. Why is it called a "land settlement"? This is the land settlement which is offered to the American soldiers:

SEC. 601. On the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than 60 days before the general opening of such lands to disposal, in which period veterans who have chosen the benefits of this title shall have a preferred right of entry under the homestead or desert land laws.

The soldier is given the munificent opportunity of going out and having a preference right for 60 days in connection with any opening of Indian lands or public lands with reference to homestead or desert-land entry. I think I know something about the condition of public land in the United States, and any soldier who goes there will have very little contest, indeed, in these days, very little opposition to securing the first choice. All public lands of the United States upon which men can make homes without having a fortune to start with have been exhausted. You can no longer go into the great prairies or the fertile valleys of the West and select out great agricultural areas and locate yourself, and there build a home by simply the efforts of yourself, your wife, and your children. They have been taken up to such an extent that there are no longer lands except those which are harsh in their nature, difficult to reclaim, and require not only extraordinary effort but a bank account to start with. Yet the only land-settlement proposition here is to give the soldier an opportunity for 60 days to get that piece of land which nobody in the world is now trying to get.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I do.

Mr. McNARY. I want to state to the Senator from Idaho that that provision is the present law.

Mr. BORAH. Exactly.

Mr. WADSWORTH. Yes; but the Legion did not know that.

Mr. BORAH. The Sinnott resolution covers the matter practically as it is in this bill.

Mr. President, I should like to see the United States Government without any expenditure, but simply by the loaning of its credit, aid the soldier who wants to acquire a home or who wants to acquire a place in which to live. I should like to see the Government undertake that task, and it could do so ultimately without the expenditure of a single dollar of money. The most important feature connected with the entire soldier settlement or compensation proposition is that of enabling the soldier who desires it to acquire a home or to acquire a piece of land by purchase or in any way that it can be secured by law; and there could be provisions made, based upon the principle of the reclamation law and the swamp-land law, by which the Government, by loaning him credit or by assisting him to get credit, could aid him in his personal endeavor to secure his home. To that kind of a proposition I can give my assent; but proposing here a so-called land settlement, which is no land settlement at all, to secure him a home where there is no home and no method by which he can get a home, is not dealing fairly with the soldier upon that question.

I am informed by a member of the American Legion that over 150,000 soldiers have already signified their desire to acquire homes or small farms if they could have assistance—not gifts, not donations, but that which would sustain them until their energy and their industry would work it out—which is a laudable thing upon their part, and would be an honorable thing upon the Government's part and in accord with proper governmental and economic principles.

The farm or home aid provision, Title V, is a little better, but very little. It gives no aid to the soldier except the aid which he may get by virtue of this extra compensation, which is provided for.

So, Mr. President, altogether the most important part of this bill, that which would contribute to the industry, the frugality, the encouragement of the soldier in securing a home, is an absolute blank in the bill.

The Senator from Indiana [Mr. WATSON] has left the Chamber, but I wanted to ask either the Senator from Indiana or some one else who speaks here with authority whether it is really proposed to undertake to put this measure through as an expression of the good faith of the Republican Party toward the soldier of the late war? It is now nearly three years since he came home, and we propose to give him $50 upon the first day of July, 1922, and $50 every four months thereafter until he gets $500.

Mr. President, an investigation now being carried on is revealing the neglect which this Government has been guilty of toward those who came back from the war broken in health and mangled in body and possibly shattered in mind. The excuse is that we have been hard pressed to find the funds. Let us take care in a proper, even generous way of these brave fellows who have felt the dread curse of war. And let us postpone this matter until that sacred obligation is fulfilled. Every ex-service man would, in my opinion, gladly acquiesce in such a course. I do not desire to say more to-day, but later this matter shall have further consideration.

Mr. KING. Mr. President, a few moments ago, when the Senator from Indiana [Mr. WATSON] was speaking, I ventured to propound a question, and called his attention to a statement made by James G. Blaine relative to the Walker tariff. The Senator and I did not quite agree as to the statement of Mr. Blaine. I therefore sent for Mr. Blaine's work, Twenty Years of Congress, and I will read a line or two from page 196 of the first volume.

In speaking of the Walker tariff bill, Mr. Blaine says:

The Whig victory of 1848 was not sufficiently decisive to warrant any attempt, even had there been desire, to change the tariff. Gen. Taylor had been elected without subscribing to a platform or pledging himself to a specific measure, and he was therefore in a position to resist and reject appeals of the ordinary partisan character.

May I add, by way of parenthesis, Mr. President, that unfortunately the Republican Party now does not occupy the commanding position held by the Whig Party then, nor does it possess that moral advantage that was enjoyed by the last-named party. It is not in a position to repel the demands for prohibitive tariffs and embargoes which now are pressed by those seeking special privileges and monopolistic advantages, and the result of which will be that a tariff act will soon be offered by the Republican Party which will be a discredit to such party and injurious and oppressive to the people of the United States.

Money became very abundant after the year 1849.

That is, when the Walker Tariff Act was in operation.

Large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine. After 1852 the Democrats had almost undisputed control of the Government and had gradually become a free-trade party.

I do not agree with Mr. Blaine in the last statement. The Democratic Party never was a free-trade party.

The principles embodied in the tariff of 1846—

That is, the Walker tariff—

seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented presidential candidates.

Mr. President, that, in substance, is what I declared; and it is a vindication by Mr. Blaine of the tariff act of 1846, under which general prosperity was enjoyed by the American people.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. KING. I offer two amendments to the pending bill and ask that they may be printed and lie on the table.

The VICE PRESIDENT. That order will be made.

Mr. STANLEY. I offer an amendment to the pending bill and ask that it may be printed and lie on the table.

The VICE PRESIDENT. That order will be made.

Mr. LA FOLLETTE. I present certain amendments, which I request may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 24, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 23 (legislative day of Tuesday, June 21), 1921.

MEMBER OF THE UNITED STATES TARIFF COMMISSION.

William Burgess, of Pennsylvania, to be a member of the United States Tariff Commission for the term expiring September 7, 1928, vice Frank W. Taussig, resigned.

ASSOCIATE JUDGE OF THE COURT OF CUSTOMS APPEALS.

Marion De Vries, of California, now an associate judge of the Court of Customs Appeals, to be presiding judge of the Court of Customs Appeals, vice Robert M. Montgomery, deceased.

CLERK OF THE UNITED STATES COURT FOR CHINA.

William A. Chapman, of Cincinnati, to be clerk of the United States Court for China.

UNITED STATES CIVIL SERVICE COMMISSIONER.

John H. Bartlett, of Portsmouth, N. H., to be a member of the United States Civil Service Commission, vice Martin A. Morrison, resigned.

POST OFFICE DEPARTMENT.

COMPTROLLER.

Charles A. Kram, of Pennsylvania, to be comptroller, Bureau of Accounts, Post Office Department.

PROMOTIONS IN THE REGULAR ARMY.

TO BE COLONELS.

Lieut. Col. Albert Edwin Waldron, Corps of Engineers, from June 17, 1921.

Lieut. Col. Frank Carson Jewell, Coast Artillery Corps, from June 18, 1921.

MEDICAL CORPS.

To be captains.

First Lieut. Willard Harry Waterous, Medical Corps, from May 30, 1921.

First Lieut. Charles Robert Mueller, Medical Corps, from December 11, 1920.

First Lieut. Harold Wade Kinderman, Medical Corps, from June 14, 1921.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Maj. Levin Hicks Campbell, jr., Coast Artillery Corps, with rank from July 1, 1920.

Capt. Thomas Morris Jervey, Infantry, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE.

First Lieut. Cyril Drew Pearson, Infantry, with rank from July 2, 1920.

FIELD ARTILLERY.

Capt. William Henry Green, Quartermaster Corps, with rank from July 1, 1920.

COAST ARTILLERY CORPS.

Capt. William Henry Sweet, Cavalry, with rank from July 1, 1920.

AIR SERVICE.

Capt. Raymond Edward O'Neill, Infantry, with rank from June 20, 1920.

REAPPOINTMENT IN THE REGULAR ARMY.

INFANTRY.

To be major with rank from June 14, 1921.

Capt. Joseph Russ, Philippine Scouts, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23 (legislative day of Tuesday, June 21), 1921.

INTERIOR DEPARTMENT.

REGISTER OF LAND OFFICE.

Robert D. Blackwood to be register of the land office, Duluth, Minn.

RECEIVERS OF PUBLIC MONEYS.

Robert E. Patterson to be receiver of public moneys, Duluth, Minn.

Louis W. Burford to be receiver of public moneys, Del Norte, Colo.

POSTMASTER.

NEW YORK.

Edward M. Morgan, New York, N. Y.

WITHDRAWALS.

Executive nominations withdrawn from the Senate June 23 (legislative day of Tuesday, June 21), 1921.

POSTMASTERS.

CONNECTICUT.

Joseph W. Delaney to be postmaster at Greenwich, in the State of Connecticut.

MONTANA.

John H. Hathaway to be postmaster at Wisdom, in the State of Montana.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 23, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, Thou art the judge of all things in Heaven and in earth. Reveal unto us those things that are wise and prudent that all of our labors may be rooted in intelligent conviction. In the performance of duty may we choose to suffer inconvenience and even loss rather than lower the standards of our efficiency. So teach us that our hearts may blossom charity. Then shall we be loving and considerate and do unto others as we would have them do unto us. Where there is distress and suffering give the vision of a new heart for the tasks of daily life. In the Spirit of Jesus we ask. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii;

H. J. Res. 82. Joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware; and

H. R. 5616. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 78. An act authorizing the appointment of an additional judge for the district of North Dakota;

S. 694. An act providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia; and

S. J. Res. 34. Joint resolution creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru.

PACKER BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6320, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the packers bill, to disagree to all the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman consulted the ranking minority member, Mr. JACOWAY?

Mr. HAUGEN. I have.

Mr. GARNER. Is it agreeable to him for the bill to go to conference?

Mr. HAUGEN. It is.

Mr. CHINDBLOM. Mr. Speaker, further reserving the right to object, may I ask the chairman of the committee whether it may be his purpose, and I apprehend it will be, for the conferees to insist upon the House bill?

Mr. HAUGEN. That is always the purpose, that is always expected, and is the usual course pursued, and in this case that seems absolutely necessary. The bill has been materially weakened by the number of amendments.

Mr. CHINDBLOM. I think the Senate has very materially changed the bill.

Mr. HAUGEN. It is materially weakened, and with the amendments in the bill I doubt that it would be worth while enacting it into law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, Mr. WARD of New York, Mr. JACOWAY, and Mr. RAINEY of Illinois.

FISH-RESCUE STATION.

The SPEAKER. The previous question was ordered when the House adjourned on the bill to establish a fish-rescue station on the Mississippi River. The vote now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CAMPBELL of Kansas. Mr. Speaker——

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Gahn	Little	Sanders, N. Y.
Ansorge	Gallivan	Longworth	Sears
Anthony	Gilbert	Luhring	Slemp
Bell	Goldsborough	McCormick	Smith
Bland, Ind.	Good	Mann	Snell
Blanton	Goodykoontz	Mead	Snyder
Bond	Gorman	Merritt	Stiness
Britten	Gould	Moore, Ill.	Sullivan
Brooks, Pa.	Green, Iowa	Moore, Va.	Summers, Wash.
Browne, Wis.	Hawes	Morgan	Sumners, Tex.
Burke	Hogan	Morin	Tague
Burroughs	Houghton	Mott	Taylor, Ark.
Campbell, Pa.	Hudspeth	Mudd	Taylor, Colo.
Chandler, Okla.	Hull	O'Brien	Ten Eyck
Clark, Fla.	Husted	Paige	Thomas
Cole	Hutchinson	Parker, N. Y.	Tilson
Copley	James, Va.	Perlman	Towner
Coughlin	Johnson, S. Dak.	Peters	Vaile
Dallinger	Kahn	Pou	Vare
Dempsey	Kennedy	Purnell	Ward, N. Y.
Dickinson	Ketcham	Reavis	Wason
Evans	Kiess	Reed, N. Y.	Webster
Fess	Kitchin	Riordan	Wheeler
Fields	Kreider	Rodenberg	Williams
Fish	Lampert	Rogers	Winslow
Focht	Langley	Rose	Wise
Fordney	Layton	Rouse	Yates
Frear	Leatherwood	Rucker	Zihlman
Freeman	Linthicum	Ryan	

The SPEAKER. Three hundred and eleven Members have answered to their names; a quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

ANNOUNCEMENT.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Speaker, as Members of the House know, the Navy Department has been conducting a number of experiments off the Virginia Capes in reference to striking and the destruction of war vessels. The first experiment has already been held. It began on Monday and ended yesterday afternoon. The second experiment will take place next Monday. Then there will be one or two following that. The experiment that has just taken place was witnessed by the following members of the Committee on Naval Affairs: Mr. MCCLINTIC, Mr. LUFKIN, Mr. MCPHERSON, Mr. O'CONNOR, Mr. STEPHENS, and myself, and that is the reason those members of the Committee on Naval Affairs have not been present during the sessions of the House the present week. I desire to add that these experiments were not only interesting and instructive, but of great value from a military standpoint, and they were carried out with dispatch, thoroughness, and without accident.

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed this morning in reference to a fish-rescue station on the Mississippi River.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, and had agreed to House amendments to Senate amendments 3, 9, 10, and 41.

AMENDMENT TO FEDERAL FARM LOAN ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 122.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1837) entitled "An act to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act."

That after general debate, which shall be confined to the bill and shall continue not to exceed three hours and be divided and controlled equally between the chairman and ranking minority member of the Committee on Banking and Currency, the amendment reported by the Committee on Banking and Currency shall be read for amendment under the five-minute rule and considered as an original bill. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the same to the House with such amendments as may have been agreed to, whereupon the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

The committee amendment was read, as follows:

On page 1, line 9, strike out the word "three" and insert in lieu thereof the word "four," so that the line will read: "That after general debate, which shall be confined to the bill and shall continue not to exceed four hours."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. GARRETT of Tennessee. Would the gentleman from Kansas object to making it five instead of four hours?

Mr. CAMPBELL of Kansas. Personally, I would not.

Mr. GARRETT of Tennessee. Will the gentleman permit me to ask unanimous consent——

Mr. CAMPBELL of Kansas. My only interest with respect to the further extension of the debate would be the question as to whether or not it would interfere with the passage of the bill to-day. I am very anxious that the bill shall be passed before we adjourn. I wonder if we could proceed with the debate under the arrangement as provided in the rule, and then if it were found necessary provide additional time later in the day?

Mr. GARRETT of Tennessee. The only difficulty about that is that the House will be in the Committee of the Whole at that time, and general debate can not be extended.

Mr. CAMPBELL of Kansas. The committee could rise for the purpose, if it was found necessary to extend the time. I am very anxious that the bill be passed to-day, and I am sure the gentleman from Tennessee is.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. I will.

Mr. WALSH. What is the effect of the language in the rule providing for consideration under the 5-minute rule, "that it shall be considered as an original bill"?

Mr. CAMPBELL of Kansas. That it shall be subject to amendment under the 5-minute rule as though it were an original bill.

Mr. GARRETT of Tennessee. Of course, it has just one section and there will be only one 5-minute rule. Let me say to the gentleman from Kansas that I think many Members did not know that this matter was coming up to-day, Members who are very much interested in this proposition, and it seems to me that a request for five hours might very well be acceded to.

Mr. LAZARO. Will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. I have not the floor.

Mr. CAMPBELL of Kansas. Mr. Speaker, in view of the general interest in this bill and in view of the fact that it is of such a nature that it will necessarily take a short time under the 5-minute rule, I ask unanimous consent to amend the report by inserting "five hours" instead of "four hours."

Mr. LAZARO. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kansas if a Member who wishes to discuss agriculture in a general way and at the same time touch upon this bill would be prevented from doing it in general debate by the rule?

Mr. CAMPBELL of Kansas. The rule provides that it shall be confined to the subject matter of the bill, but agriculture is a very extensive subject.

Mr. GARRETT of Tennessee. That is a question the Chair will have to determine if anybody makes the point of order.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object, if the time for general debate is extended to five hours and there will follow discussion under the 5-minute rule, the gentleman realizes we may be here at 7 o'clock, when it looks to many of us that this is brought in to fill in the day and to kill time. To keep us here under those circumstances until 7 o'clock would be unreasonable.

Mr. BARKLEY. Does not the gentleman know that this law is intended to benefit those that have to work longer than that?

Mr. McLAUGHLIN of Michigan. I venture that there will not be a dozen votes against it, and the length of time we intend to take for discussion is, in my judgment, unnecessary and unreasonable.

Mr. CAMPBELL of Kansas. In answer to the gentleman from Michigan, if it is found necessary to do so, the vote on the bill could go over until to-morrow morning after the previous question has been ordered. I submit that the matter is of great interest to Members as well as to the country, and we might spend the time to-day discussing the bill. The time for general debate under the 5-minute rule will necessarily be limited.

Mr. McLAUGHLIN of Michigan. What I think is, that if the general debate is to be continued so long, the vote ought to be put off until to-morrow.

Mr. CAMPBELL of Kansas. I think that may be done.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent that general debate be five hours instead of four. Is there objection?

Mr. LAZARO. Reserving the right to object, will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. LAZARO. Would the gentleman object to removing the restriction confining the debate?

Mr. CAMPBELL of Kansas. In view of the fact that we are extending the time because of the general interest in the subject matter, I think we should confine it to the subject matter of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

Mr. GARRETT of Tennessee. I suppose the gentleman from Kansas intends to move the previous question?

Mr. CAMPBELL of Kansas. I move the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. CANTRILL].

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair does not understand that there is to be general debate on the resolution. There has been 10 minutes' debate.

Mr. GARRETT of Tennessee. That was on a unanimous request for amendment.

Mr. CANTRILL. Mr. Speaker, I will state that the general agreement in the Committee on Rules was that the chairman would move the previous question so as to have a few minutes' debate on the rule. I want only five minutes. That was the procedure that we supposed was being followed.

The SPEAKER. The Chair has no desire to prevent that. The only question for the Chair is to observe the rules of the House. The Chair will be glad to hear suggestions.

Mr. GARRETT of Tennessee. There was no contest in the Committee on Rules. The only thing was on the matter of time to be taken for debate. When the gentleman from Kansas presented the resolution I rose and asked him if before he proceeded he would consider a suggestion of changing the four hours, which he had requested, to five hours.

The SPEAKER. Was not that debate on the resolution?

Mr. GARRETT of Tennessee. No. That did not debate the rule, Mr. Speaker.

The SPEAKER. The Chair does not see why not, unless there is a change in the rule. The Chair suggests that the gentleman ask unanimous consent that there be 20 minutes' debate on the rule.

Mr. GARRETT of Tennessee. I would prefer that the gentleman from Kansas [Mr. CAMPBELL] should make that request.

The SPEAKER. The Chair suggests to the gentleman from Kansas that he should ask unanimous consent that there should be 20 minutes' debate on the rule.

Mr. CAMPBELL of Kansas. How much time does the gentleman from Kentucky desire?

Mr. CANTRILL. Not exceeding 10 minutes.

Mr. CAMPBELL of Kansas. I ask unanimous consent, Mr. Speaker, that there be 15 minutes' debate on the rule.

The SPEAKER. The gentleman from Kansas asks unanimous consent that there shall be 15 minutes' debate on the rule, of which time the gentleman from Kentucky [Mr. CANTRILL] shall have 10 minutes. Is there objection?

There was no objection.

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, as stated by the gentleman from Tennessee [Mr. GARRETT], there was no opposition in the Committee on Rules to this resolution. In fact, the Members on the minority side are extremely anxious that this resolution should be adopted, so as to make in order this Senate bill, with the hope that it will speedily be concurred in by the House.

We all know that the farm loan act is now indorsed by practically everybody in the country. There have been heretofore several handicaps in getting the act in full operation. This bill is intended to supplement the original act so that it will be of more service to the agricultural interests of the Nation. Of course, upon a proposition like that there would be but little, if any, opposition from any source in the House of Representatives.

I realize fully, Mr. Speaker, that the House is anxious to get into the merits of this bill, and I am not going to stand in the way of the House by taking up any time as a member of the Committee on Rules. The main reason why I took the floor at all was to call attention to the fact that there was no opposition to the rule from the minority members of the Committee on Rules, and, as I am informed, it is a practically unanimous report from the Committee on Banking and Currency.

What I wanted to do primarily was to ask the consent of the House to incorporate in the RECORD a report from the committee on comparative credit extension, as adopted at a meeting of the National Farmers' Union in Washington, D. C., on April 22 of this year. This is a very short report, and to my mind it is one of the strongest reports that has been written on the subject of agriculture. These heads of the various farm bureaus held a meeting in the city of Washington during the month of April and adopted this set of resolutions, which are very brief, and they will, I think, throw a great deal of light not only on this bill but upon subsequent discussions in the House, and will be of great interest to the special committee which has been appointed to make a general survey of the agricultural conditions of the country. I ask unanimous consent, Mr. Speaker, to incorporate as a part of my remarks this short report of this committee of the National Farmers' Union.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to incorporate in his remarks the report indicated. Is there objection?

There was no objection.

Following is the report referred to:

LOSSES OF FARMERS, CAUSES AND RESPONSIBILITY—REPORT OF COMMITTEE ON COMPARATIVE CREDIT EXTENSION AS ADOPTED AT THE MASS MEETING OF THE NATIONAL FARMERS' UNION, WASHINGTON, D. C., APRIL 22, 1921.

In reference to the losses of the farmer and the causes, responsibilities, and remedies therefor, your committee reports as follows:

The world demand is and at all times during and since the war has been greater than the supply of farm products. If, therefore, the law of supply and demand had been in force the farmer would have sustained no loss.

The farmer produced his last crops under the most expensive conditions and at the greatest cost. Therefore he was entitled to the highest prices and in justice there should have been no deflation of prices for these crops.

Based upon these facts and taking account of all deflation up to date, the farmer has sustained a total loss of $7,000,000,000.

The principal direct causes of these losses are as follows:

1. Unnecessary profiteering of middlemen, which includes speculative gambling.

2. The arbitrary restrictions of credit by the Federal reserve bank and the holding up of the Federal land banks by litigation.

3. The unreasonable rise in railroad rates.

All of these causes have been created by autocratic economic power exercised under unjust laws.

Profiteering and speculation of middlemen is shown by the following facts:

The farmer is both a producer and a consumer.

The laborer is both a producer and a consumer.

Each is the principal customer of the products of the other.

Out of the dollar which labor pays for the products of the farm, the farmer only gets 38 cents.

Out of the dollar which the farmer pays for the products of labor, the laboring man only gets 35 cents.

The cost of distribution each way is over 60 cents on the dollar, and against this might be cited a cost of less than 10 cents in cooperative Denmark.

We can not reduce distribution to 10 cents in America, but it might be reduced to 20 cents. This would make a saving of 42 cents on farm products. If the farmer seeks to take all of this, he will receive no help from the public. If he is willing to cooperate and divide with his consumers, the principal of which is the laboring man, he can add over 50 per cent to the price of his products and give a reduction equal in amount to his consumer. In this all labor will gladly join.

On the other hand, there should be a saving of 45 cents in the dollar in the distribution of the products of labor. If labor seeks to take it all, it will fail. If it is willing to divide with its principal consumer, the farmer, it will succeed.

The total wages of labor are approximately $25,000,000,000, and this goes to about 35 per cent of our people.

The total value of farm products since the deflation, including all sold and all used by the farmers themselves, does not exceed $20,000,000,000 and that goes to about 43 per cent of our people.

If all of the returns of the farmer be counted as wages, he gets 20 per cent less total than the wages of labor and there are 20 per cent more farmers than laborers.

In addition to this the farmer had a capital investment of $80,000,000,000 upon which he got no return, although mortgages upon it called for vast amounts of interest.

The business and other capital investments were about double farm capital, and if they had received the same return it might therefore take two ciphers to express it. Instead, this capital and the speculators got a return of about $20,000,000,000, and this went to about 7 per cent of our people. A just distribution of this sum would give the farmers more than $7,000,000,000 increase with but slight readjustment of the wages of labor. The capital of the farmer is just as sacred as the capital of the Steel Trust, the Oil Trust, the Beef Trust, the Tobacco Trust, the Cotton Trust, the Sugar Trust, the Railroad Trust, or the Telephone Trust, and is entitled to an equal return.

The conclusions from these facts are inevitable. The producers and consumers composed of farmers and all necessary labor of hand or brain in both production and distribution must join in such complete economic and political cooperation as to take over the distribution of their products from producer to consumer. This calls for a cooperative code, both State and National, upon the Rochdale principle.

In both the economic and political action necessary to bring this about we will be opposed by the Chamber of Commerce of the United States, because it represents both the profits of the middlemen and the speculator.

The total rediscounts of the Federal reserve bank were $14,000,000,000. Of this sum agriculture received 14 per cent, manufacturing 21 per cent, merchandising 26 per cent, and speculation and miscellaneous 39 per cent.

Of the primary deposits in all the banks of the United States, agriculture furnished approximately 50 per cent, labor 20 per cent, and other business 30 per cent. Upon these facts agriculture would have been entitled to $7,000,000,000 of Federal reserve credit and it got only $2,000,000,000; it was entitled to more than manufacturing and merchandising combined and it got less than one-third as much. Under the law the Federal reserve allotment of credit is unfair to agriculture and in addition its administration has had the direct and arbitrary purpose of forcing a deflation in farm prices.

This conclusion is best illustrated by the facts in a single State. In Iowa the allotment of credit under the law was $36,000,000. They in fact loaned Iowa $91,000,000, but as early as February, 1920, announced these excess loans would be called when the crops were matured. This forced Iowa farmers to sell on a falling market, and sent more farmers into bankruptcy than in all the history of the State.

If Iowa's allotment has been an average of the States, it would have been nearly $300,000,000 instead of $36,000,000. But Iowa is far more than an average in resources. It was fifth in assessed valuation in 1919, and upon that basis was entitled to eight one hundred and thirty-fourths, or an allotment of $832,000,000. In fact, it got $91,000,000, and was called for two-thirds of that.

This illustrates the position of agriculture throughout the United States. As a result of this credit monopoly the speculators were enabled to force down the price of wheat 70 cents per bushel to the American farmer in 1920. At the same time they forced it up 33 cents a bushel to the starving millions of Europe. Over 300,000,000 bushels moved on this spread, and not over $60,000,000 could be charged to increased freight rates. Therefore the speculators by this control of credit were enabled to take an extra toll of $240,000,000 upon export wheat alone.

The remedy for this is to amend the law and require the Federal reserve to allot credit in proportion to resources, and deny all credit directly or indirectly to speculation.

Also we must have a cooperative banking code, both State and National, which enables the farmers to deposit their money under their own control and themselves decide how their surplus shall be allotted to other lines of business.

The functions of the Federal land bank should be enlarged until it will furnish long-time credits large enough in volume and cheap enough in rate to enable every farmer to own his own home.

The rise in freight rates as farm prices fall is a flagrant extortion. It is caused by a cost-plus guaranty law that puts a premium upon waste, extravagance, and mismanagement. Under this law a valuation of $18,800,000,000 is put upon the railroads. At the same time their stock and all their bonds representing all their value could be bought on the market for less than $14,000,000,000. Heretofore we have regarded this value too high, but this law has added to it over $5,000,000,000 of water. It is said the advance in wages of labor caused the advance in rates. Last year maintenance expense increased $1,406,000,000, but the amount paid for increased wages was only $480,000,000. This leaves $926,000,000 to explain. It is next said the causes were the high prices of steel and coal, but the same men who controlled the railroads controlled the prices of steel and coal. When the Government was operating the Pennsylvania and New York Central their locomotives were repaired in their own shops at a cost of $4,466 each. After the roads were turned back the men in these shops were discharged, and 299 locomotives were sent to the Baldwin Co., at a cost of $19,057 each for the same work. The Baldwin Co. is controlled by the same men who control the roads. Therefore they got more profits by increasing the expenses over 300 per cent, most of which the farmer must pay.

A unified Government regulation, under the management of honest and competent men, would reduce costs of transportation in vast amounts. The railroads now have about $10,000,000,000 of capital at an average rate of 4½ per cent. Upon all this they have a guaranty of 6 per cent. This means a bonus of $150,000,000. Add to this the guaranty on capital above market value and there would be a saving of $450,000,000 on capital charge alone. Seven hundred millions could be saved on coal, steel, and other expenses when the power of the trusts is broken. The waste of competition could be reduced by over $400,000,000. The capitalization of unearned increment at the rate of over $300,000,000 per year would be saved. These items make a grand total of nearly $2,000,000,000, most of which could be used in the reduction of rates, with proper readjustment of wages. The farmers pay 56 per cent of the freight rates, and have a just demand for this reduction.

To these must be added a general remedy of taxation. The millions made out of the war must be taxed to pay for the war. Up to date they have paid nothing. They have added it in and passed it on to the public. These war profits must be surveyed and a tax levied which they will pay and not pass on, in an amount sufficient to pay for the war, including any adjustment compensation that may be granted to the men who were drafted, at $30 per month.

We request that a copy of this report be presented to the President and each member of his Cabinet, and to each Member in both Houses of Congress.

E. L. HARRISON, *Chairman, Kentucky.*
S. W. BROOKHART, *Secretary, Iowa.*
G. D. BAKER, *Iowa.*
O. A. THOMAS, *Virginia.*
J. H. MILLS, *Georgia.*
J. M. TEMPLETON, *North Carolina.*

Mr. CAMPBELL of Kansas. Mr. Speaker, I have only this to say concerning this rule: It provides for the consideration of a bill that has already passed the Senate and has been unanimously reported from the Committee on Banking and Currency of the House, a bill in which that portion of the country engaged in agriculture is very vitally interested. I think the bill should have the attention of the House to-day, and that we should vote upon it as early as possible and have it sent to the President, so that it can become a law.

I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. McFADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 1837.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 1837, reported by the Committee on Banking and Currency. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 1837, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1837, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

Be it enacted, etc., That section 32 of the Federal farm loan act, approved July 17, 1916, as amended, is hereby amended by adding after the first paragraph a new paragraph to read as follows:

"Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $50,000,000 or more, the Secretary of the Treasury may in his discretion make deposits in addition to those

authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same within 15 days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits."

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Mr. Chairman, as I noticed the reading, the Clerk did not report the original bill. The original bill should be reported. In other words, the original bill should be reported and the committee amendment, because we are going into the committee on a Senate bill, and the rule provides that in the consideration of that bill we should consider the House amendment as an original bill. The gentleman from Pennsylvania [Mr. MCFADDEN] and I are not disagreeing about the matter. I want simply to get it in the RECORD, so that the RECORD will disclose all of it.

The CHAIRMAN. Under the terms of the rule, where the rule provides that the House amendment shall be considered as an orginial bill, the Senate bill has never been read.

Mr. WINGO. That is true where the rule provides that a certain House bill shall be considered; but this rule provides that the House amendment to the Senate bill shall be considered as an original bill. I think that the RECORD ought to show it.

The CHAIRMAN. Under the practice it is not necessary to read the Senate bill where the rule provides that the House amendment shall be considered as an original bill, and this rule provides that the House bill shall be considered as an original bill.

Mr. WINGO. But there is a rule that requires every bill considered by the House to be reported, and that has not been done. I submit that that should be done for the RECORD.

Mr. McFADDEN. Mr. Chairman and gentlemen of the committee, this bill, S. 1837, is an amendment to section 32 of the Federal farm loan act. Section 32 of the Federal farm loan act has twice previously been amended. To get this matter clearly before you I think I had better read section 32 of the act, so that the Members may understand just what we are doing in this respect. It is as follows:

That the Secretary of the Treasury is authorized, in his discretion, upon the request of the Federal Farm Loan Board, to make deposits for the temporary use of any Federal land bank out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

The purpose of this amendment is to increase the authority to deposit in excess of the $6,000,000, the difference between the paid-in capital stock of the present Federal farm loan system and $50,000,000. The present capital stock, according to the last report that I have here of the Federal farm loan system, was $24,460,000. Under that approximately $25,000,000 would be the highest amount that it would be necessary for the Secretary of the Treasury to deposit under this authority.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. DOWELL. What is the difference between the amendment reported by the committee and the Senate bill, which provides for $50,000,000?

Mr. McFADDEN. This amendment provides the authority to the Secretary of the Treasury to deposit the difference between the paid-in capital of the farm-loan system, which I just stated was $25,000,000, and $50,000,000, on the theory, as presented to the committee by the Federal Farm Loan Board, that they require a working capital of $50,000,000 in order to accumulate sufficient mortgages to put back of the bond issues that they are periodically selling.

Mr. DOWELL. Then do I correctly understand the gentleman that this will cut the amount from $50,000,000, provided in the Senate bill, to approximately $25,000,000 in the House bill?

Mr. McFADDEN. It may practically work out that way; but I will say to the gentleman that very extensive hearings were conducted by our committee, and the members of the Farm Loan Board were present, and we were informed by the farm loan commissioner and other members of the board that the board had considered this matter and that this amendment is entirely satisfactory to them. It will permit them to function fully, to accumulate mortgages in sufficient quantities to permit them to get out their periodical bond issues in large enough amounts to supply the bond-distributing agencies with these bonds so that they can be sold to good advantage. I will say to the gentleman further that the Farm Loan Board are not asking any additional authority except this amendment.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. CHINDBLOM. Am I correct, then, in concluding that the working capital of the Federal loan bank system will consist of the paid-in capital of those banks plus Federal money which may be advanced to them upon security offered by them to the Federal Treasury?

Mr. McFADDEN. Yes; under this authority they must deposit farm loan bonds or other Government securities that are acceptable to the Secretary.

Mr. CHINDBLOM. Up to the total sum of $50,000,000.

Mr. McFADDEN. Up to the total sum advanced, or $25,000,000, which is the amount of required working capital which the board say they must have. I will say that there is an additional safeguard in this, because the act as we have it drawn provides that each time when the Secretary deposits this money and the sale of bonds has been consummated the return of this advance shall be made to the Secretary of the Treasury, and then the Farm Loan Board, when they begin to accumulate mortgages in their attempts to satisfy the demands of the farmers, will call upon the Treasury for funds again. Then when they get out a periodical bond issue of $40,000,000 or $50,000,000 the money is again returned to the Public Treasury and the action is again repeated.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. STRONG of Kansas. I will suggest to the gentleman that there will be a time when this amount of deposit will be unnecessary.

Mr. McFADDEN. I was just going to state that. You gentlemen will recall that the original act provides that borrowers under this system must subscribe to the capital stock of this system up to 5 per cent of the amount of their loans, so this paid-in capital of $24,000,000 has been subscribed all but $6,000,000 and paid in by the farmer borrowers. So automatically, as the volume of loans increases, the capital stock increases 5 per cent on the aggregate thereof, so that under the normal workings of this system during a normal period of three years the capital should automatically be increased to $50,000,000. When that time arrives I believe that this system will be able to operate without the assistance of the Public Treasury. To my mind, this is one of the strong features in connection with the passage of this measure. I want to direct the attention of those people who do not like the idea of making appropriations from the Public Treasury to that particular clause, because it is a saving clause and provides for the operation of this system until such time as the capital is sufficient so that the system can work without aid from the Public Treasury.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. McFADDEN. Yes.

Mr. CHINDBLOM. Is there any other risk to the Public Treasury than the possible depreciation of the securities deposited by the farm loan bank?

Mr. McFADDEN. Nothing except the ordinary business risks. I think there are sufficient safeguards here to protect the Public Treasury, because of the fact that at all times they must hold the obligation of the Federal farm loan system, and back of that they have all of the bonds and mortgages which they have not sold, and in addition the capital stock which has already been paid in; and I believe it is sufficiently protected, so that the Public Treasury is running nothing more than the usual risk where money is deposited in banks.

Mr. CHINDBLOM. Has the Federal Treasury a prior lien upon the paid-up capital stock ahead of the stock owners?

Mr. McFADDEN. It has a prior lien ahead of the stockholders, but not against any other obligations which the farm loan system may have out.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. McFADDEN. Yes.

Mr. BRIGGS. Does the gentleman know how the Senate happened to provide $50,000,000 in the bill that they passed?

Mr. McFADDEN. That was an arbitrary sum. In consultation with the Federal Farm Loan Board I understand they thought that was the amount they should have, and in discussion of that with Senator CURTIS, I believe, they arbitrarily arrived at that amount; but I am glad to say to the gentleman

that members of the committee have consulted with Senator CURTIS, and that this amendment is entirely agreeable to him.

Mr. BRIGGS. Was it not at the instance of the Federal Farm Loan Board that the $50,000,000 was asked for as provided by the Senate?

Mr. McFADDEN. I can not say as to that, but it was evidently in consultation with them.

Mr. GRIFFIN. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. GRIFFIN. I direct the gentleman's attention to the first paragraph of the bill, on page 2, line 14, and following. May I ask if it was the intention of the committee to limit the deposits made by the Secretary of the Treasury up to such time as the combined capital of the Federal farm loan banks reached $50,000,000?

Mr. McFADDEN. That was the idea; yes.

Mr. GRIFFIN. If that is the case, I would like to ask if the gentleman does not think that the words "or more," lines 15 and 16, remove that limitation and practically make the deposit sky high?

Mr. McFADDEN. No; that is not the fact. If the gentleman will read further along in the bill, he will see that the deposits are limited until the paid-in capital is $50,000,000, and if we put that restriction at $50,000,000 it would stop the functioning of the system when the paid-in capital reaches $50,000,000.

Mr. GRIFFIN. I thought that was the intent. May I say that if that is the intent, to permit the deposits to be made up to the point when the capital reaches $50,000,000, the words "or more" would practically leave the thing limitless, except so far as you may modify it further on in the bill.

Mr. McFADDEN. When the paid-in capital of the system reaches $50,000,000, the system will be self-operating; it will not need to call on the Treasury. They have a right to go up and increase the capital all the law will permit and use the additional capital to relieve the farming interests on demand for a loan.

Mr. GRIFFIN. Does not the gentleman think that under the terms of the bill the Secretary of the Treasury might be called upon to make advances on the deposits in the Federal loan bank even when all the capital has exceeded the sum of $50,000,000?

Mr. McFADDEN. He might be called upon by the Farm Loan Board, but there is nothing in the act that would compel him to respond.

Mr. GRIFFIN. Is not the limitation in the line I have directed attention to such as to permit him to have the authority in case he is requested?

Mr. McFADDEN. I call the gentleman's attention to line 24, where it says:

> The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000.

Mr. BRIGGS. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BRIGGS. Can the gentleman state the amount of loans that have been applied for to date and not acted upon from lack of capital?

Mr. McFADDEN. We tried to get that information from the Federal Farm Loan Board. It has been variously estimated at between $75,000,000 and $300,000,000. I believe if all of the applications on file were systematically reported we would find that there were $300,000,000 of applications for loans in farming communities on hand at this time. I would say for the information of the House that the report of March 31, 1921, shows up to date farm loan bonds outstanding amounting to $332,000,000 and net mortgage loans amounting to $348,000,000.

Mr. HOCH. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. HOCH. I note that it provides in line 22, "within 15 days after the conclusion of each general offering of farm loan bonds by such bank or banks." I take it that that only means after the conclusion of the sale.

Mr. McFADDEN. That means at the conclusion of the sale of the bonds.

Mr. HOCH. If it means only the sale of the bonds, 15 days would be a long enough time, but if any other interpretation is placed on it 15 days would not be a sufficient length of time.

Mr. McFADDEN. The committee gave careful consideration to that and they feel that it clearly expresses the intent.

Mr. HOCH. But it says "after the conclusion of each general offering."

Mr. McFADDEN. When the money is finally paid in from the syndicate that buys the bonds that compels the system within 15 days to pay on all advances they have made up to that point.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. WILLIAMSON. I am wondering how this will operate as between banks. The bank at Minneapolis, for illustration, has a larger demand for farm loans than some banks in other areas, and I would like to know if this system will automatically adjust itself so that help can be extended to banks where there is the greatest demand.

Mr. McFADDEN. That is a matter of administrative operation. When questioned in regard to the distribution of funds the members of the board asserted that there would be an equitable distribution of the funds throughout the entire country, giving due consideration to those sections where the need was the most acute.

Mr. WILLIAMSON. The intention on the part of the board, then, is to try to take care of the localities where the demand is the greatest and the need is the most acute?

Mr. McFADDEN. Yes; but that is an administrative matter pure and simple.

Mr. STEAGALL. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STEAGALL. I want to say to the gentleman from South Dakota, further answering his question, that his suggestion occurred to me for the reason that I represent a constituency where the need for farm loans is accentuated at this time. If we undertake to fix by law the distribution of the funds among various loan banks, it would, in all probability, result in the declaration of law to require the funds to be prorated among the different banks. That might result in some banks getting their share of the funds where they least need it, so that by leaving the matter of distribution in the hands of the board it will at least give the board a chance to give preference, if it is practical to do so, to the sections most in need of accommodation.

Mr. WILLIAMSON. I think the gentleman is right, and if that is the policy of the board I think that will accomplish the greatest good.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. McDUFFIE. Recently I have heard some complaints or dissatisfaction in certain parts of the country due to the fact that they were unable to secure application blanks. Can the gentleman explain why the board is not now issuing application blanks?

Mr. McFADDEN. I could not explain that. That is an administrative matter, but it might grow out of the fact that during the past year the system has not been able to function or sell any of its securities, and it might be that they wanted to hold back applications on that account until they got the proceeds from the last sale of their bonds, which proceeds are now in. I can see no reason why, in view of that, they should not furnish any and all with application blanks.

Mr. McDUFFIE. I heard the gentleman say that he thought probably there would be $300,000,000 in applications provided the bank could function. If it be a fact that some people are unable to secure applications, there might be a great deal more. Does the gentleman know whether the bonds have been sold?

Mr. McFADDEN. The report yesterday morning was to the effect that all of the last issue of $40,000,000 of bonds has been sold except about $400,000. I understand it is the disposition of the board, as soon as they can make arrangements and the market is stable, to get out an additional issue of bonds this fall.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. GENSMAN. I have had considerable inquiry from my part of the country with regard to the question of whether or not there would be any change in the law with respect to the association to be formed before loans can be obtained. Has the gentleman's committee had under consideration any revision or amendment to the law pertaining to the forming of the association necessary before loans can be obtained?

Mr. McFADDEN. Mr. Chairman, in answer to that I would say that there is not immediately before the committee for consideration any measure looking to that end. However, there is a widespread agitation looking to the simplification of the filing of applications, and many banks feel that they are being discriminated against because they can not themselves receive applications and close the papers incident to the granting of the loans. They feel in some sections that because a certain bank is designated to act for this system it draws business from other institutions. They are claiming the right, and that is particularly true in the State of Minnesota, of having power to close loans with their own customers and then turn the appli-

cations and all papers over to the local Federal farm loan bank for the district. The committee, however, as yet has not taken up the consideration of any measure looking to that end. There is quite a discussion going on throughout the country on that particular subject.

Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin, Mr. A. P. NELSON.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. McFADDEN. Yes.

Mr. McLAUGHLIN of Michigan. I am wondering if the language of the bill fully or accurately expresses the purpose of the committee; and I am now speaking of the amendment that the gentleman's committee has offered. It seems to be the purpose and intention to make available for the use of these banks at least $50,000,000.

Mr. McFADDEN. That is the purpose.

Mr. McLAUGHLIN of Michigan. By adding to their capital such deposits as the Secretary of the Treasury can make; but the bill says:

Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $50,000,000, or more.

That is, until they are $50,000,000, or $60,000,000, or $70,000,000, or $100,000,000 the Secretary shall make deposits.

Mr. McFADDEN. No; the Secretary makes deposits up until the time that their capital stock reaches $50,000,000.

Mr. McLAUGHLIN of Michigan. Or more.

Mr. McFADDEN. And not beyond that point. I explained that a few moments ago.

Mr. McLAUGHLIN of Michigan. I do not see the meaning of the words "or more" there.

Mr. McFADDEN. If we took out those words at that point, it would stop the functioning of the Federal farm loan system when its capital had arrived at $50,000,000. The system will be self-supporting when the capital reaches $50,000,000, in the estimation of the Federal Farm Loan Board and the members of the committee.

Mr. McLAUGHLIN of Michigan. The gentleman's first answer was to the effect that the purpose of the bill is to keep the treasuries of these Federal banks up to at least $50,000,000.

Mr. McFADDEN. Until the paid-in capital reaches $50,000,000. Then there will be sufficient capital in the system to operate it without aid from the Public Treasury.

Mr. McLAUGHLIN of Michigan. I do not see when the Secretary of the Treasury is to stop making deposits, because this says when the capital stock is $50,000,000 or more.

Mr. McFADDEN. I call the gentleman's attention to lines 24 and 25 on page 2:

The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000.

Mr. McLAUGHLIN of Michigan. That may correct it, but the statement seems inconsistent.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield for one question?

Mr. McFADDEN. Yes.

Mr. HARDY of Texas. As I understand it, the cash already on hand consists of 5 per cent of the borrowed money.

Mr. McFADDEN. Plus the subscription by the Government. The gentleman will remember that when the system was organized the Government subscribed some nine millions of capital, and there was a provision in the law providing for the gradual retirement of that capital as the system was put into full operation, so that now the Government's assistance in that respect is about $6,000,000, or, in other words, the Government is a stockholder in this system now to this extent.

Mr. HARDY of Texas. That is what I wanted to ask—where the other part of the twenty-four million and odd dollars came from.

Mr. McFADDEN. Approximately $18,000,000 from the farmer borrowers, or 5 per cent of the total of their loans, and $6,000,000 from the Public Treasury.

Mr. HARDY of Texas. The total loans being about $350,000,000 up to date.

Mr. McFADDEN. Something like that.

Mr. DUNBAR. Will the gentleman yield for another question? If the capital stock of Federal farm loan bank is equal to $50,000,000, then the amount of money that bank has to loan will amount to $1,000,000,000 or 20 times the $50,000,000?

Mr. McFADDEN. The gentleman is correct.

Mr. WINGO. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND. Mr. Chairman and gentlemen of the committee, I do not propose to discuss the details of this bill, because that will be ably taken care of by the distinguished chairman of the committee and the able and influential ranking minority member on the committee and other members.

The pending bill will make available for the necessities of the farmers of this country only $25,000,000, when at present there are applications for loans pending aggregating $140,000,000. In the light of such a makeshift as this bill, I think it not inadvisable to give a brief statement of the transactions of the Federal farm loan system since its organization. The Federal Farm Loan Board act was approved by President Wilson on July 17, 1916. At that time the Democratic Party, as everybody knows, had control of every branch of the Government. This legislation is, therefore, a Democratic measure. Whatever good it has accomplished in the past the Democratic Party is entitled to credit for. If any evil has been wrought by the enactment of the law, the Democratic Party is responsible for it. Under the operations of this legislation there were 12 districts established in the United States.

Mr. Chairman, I ask unanimous consent to extend my remarks by inserting statements showing the detailed operations of the system since its organization.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BRAND. This list embraces the information thus referred to from the organization of the system to December 31, 1920. It shows during this time there were 4,139 associations chartered, 131,395 loans made, the average amount of each loan being $2,810, and the total amount loaned was $369,242,464. Loans closed from the organization of the system to May 31, 1921, were 132,525, and the amount of money loaned from its organization to May 31, 1921, was $373,258,390.

In considering these figures it must be borne in mind that the loaning of money was suspended about 14 months on account of the case which was brought against the system wherein an attack was made upon the constitutionality of the act creating the Federal Farm Loan Board.

In the third district, which embraces the States of North Carolina, South Carolina, Georgia, and Florida, less than $20,000,000 were loaned from its organization to May 31, 1921, Georgia, my State, having borrowed only $4,611,985. It will be seen by a study of these figures that outside of districts No. 1 and No. 2, the district in which Georgia is situated has borrowed less money than any other district in the United States.

I also desire to extend my remarks by a statement showing the allotment to the various banks of the $40,000,000 bond issue which was placed before the investing public on April 15. This statement shows that the Columbia Bank, which is the bank having control of the States of North Carolina, South Carolina, Georgia, and Florida, was allotted $2,460,000. With the exception of the first, second, and eleventh districts, the third district received less money than any other district in the United States. The eleventh and second districts were allotted $2,350,000 each, while the first district was only allotted $1,650,000.

According to the calculations furnished me by the Federal Farm Loan Board, with this small amount allotted to the third district, if equally distributed each association will receive about $6,500 of this $40,000,000 bond issue; and yet, in my district alone—the eighth district of Georgia, in which an association has been formed in every one of the 13 counties with one exception—the applications for loans amount to between $600,000 and $700,000. It will thus be seen that practically no benefit will be derived by the farmers of the third district from this bond sale. The amount allotted is utterly and hopelessly inadequate to take care of the needs of the farmers of my district, which is a severe disappointment to me.

This is more or less true of all the other districts in the United States. This is the situation which confronts the farmers of the United States at the present time.

A simple statement of these figures demonstrates beyond all question the utter inability of the money made available by this bill to supply the farmers' requirements and the absolute necessity for the speedy enactment of legislation making available more money than this bill provides for. If this Congress has any interest in the farmers of this country, and if the Federal Farm Loan Board is expected to function and do business as contemplated by the Congress which originally enacted this legislation, something more must be done than the passage of this bill. Notwithstanding the enormous amount of money which the farmers of the country are needing, all the party in power is willing to do for them is to authorize the Treasury to allow the Federal Farm Loan Board to use about $25,000,000 to take care of applications for loans amounting to $140,000,000.

Somebody is responsible for neglect of duty in this regard, and as the Republicans are in complete control of every branch of the Government, and have been since March 4, the Republican Party can not escape responsibility for failure to relieve the emergency and to supply ample funds to the farmers for their use. I take no particular pleasure in charging the Republican Party for this responsibility, and yet this is the logical conclusion which the facts and figures irresistibly point to and about which there can not be any debate. Many Members of this Congress, including Democrats and Republicans, and of the preceding Congress, when the Republicans had control of the House and Senate, have time and again professed great solicitude for the farmer, and yet when they are demanding loans under a law which entitles them to make application therefor amounting to $140,000,000, provision is only made for the paltry sum of $25,000,000. As a member of the Banking and Currency Committee, I assume it is not out of place to state that we had a most difficult time to get at the hands of the Banking and Currency Committee of the House a favorable report even for this insignificant amount. The Republican Party is responsible for this, and more particularly the Banking and Currency Committees of the Senate and House.

I have great respect for every member of the Banking and Currency Committee and for its distinguished chairman. He is a perfect gentleman. Yet, as chairman of the committee, he is "as mild mannered a man as ever cut a throat or scuttled a ship." I believe all of them have a sympathetic feeling for the farmer in his distressed condition, yet so far as relieving the farmer is concerned, with the exception of action upon this bill, they have been as silent as the Pyramids.

The reason nothing more has been accomplished, in my judgment, is due to the fact that the moneyed interest of the country, the inveterate foe and enemy of the farm-loan system, has controlled this administration, though I do not charge improperly so. The moneyed and banking interests of this country and Wall Street, backed up by the policies of the Federal Reserve Board, have virtually destroyed the farmers of the South and West. I charge them with the great slump in the price of cotton, forcing it from 45 cents to 11 cents per pound, causing a great section of this Republic to lose millions and millions of dollars, whereby they are left in an impoverished and indescribable condition. [Applause on the Democratic side.]

This administration can provide ample and sufficient money to accommodate the wants and needs of the farmers of the United States if it wishes to do so. We might as well be plain and call a spade a spade. The banking interests was the man behind the curtain which instituted the attack upon the constitutionality of this act. They wanted to destroy it; they have been opposed to it from its inception. The moneyed interests of the North and East and of the great cities of the country were opposed to this legislation when it was first inaugurated and they have been opposed to it ever since. The people of the great cities have no sympathy for this legislation. I do not believe—outside of the Republicans from the Western States—that the Republican Party is any friend to this legislation. President Harding himself was opposed to this legislation when he was a Member of the Senate. He not only made a speech but voted against the farm loan bill.

Mr. KING. Will the gentleman yield?

Mr. BRAND. I do not know that I have the time.

Mr. KING. I desire to ask if the Democratic Party and the Democratic administration have been any more favorable to this?

Mr. BRAND. Why, it is a Democratic measure. [Applause on the Democratic side.] The Democrats are the father of it. Most, if not all, the money, amounting to nearly $400,000,000, which the farmers have gotten was due to the Democratic Party.

Bills of this character have received no sympathy at the hands of this Republican Congress or either of the Banking and Currency Committees of the House and the Senate. The opposition from the source to which I have referred has been intensified by want of friendship and sympathy for the farmer by the Federal Reserve Board, which, by the policies adopted by it last year, however honest the board may have been in promulgating them, has practically destroyed the farming interests from the Atlantic to the Pacific.

Mr. A. P. NELSON. Will the gentleman yield?

Mr. BRAND. I think I shall get to something you will agree to, Brother NELSON, in a minute. I do not mean to be discourteous, because I regard you as one of the best Republicans in this House.

There has never been a time in my day and generation when, as last year, officers of the Government, aided, innocently it may be, by strong and powerful moneyed interests of the country, have so successfully operated against the interests of the farmers of this country, and unless this Congress comes to his relief it will be the crime of the century, which ought not to go unpunished. This Congress and your party should let the moneyed and banking interests of this country know and understand that they can not further control their conduct as lawmakers, for unless something more than the enactment of the pending bill is put upon the statute books, judgment day will come to the party in power as sure as night follows the day.

The policy of do-nothing for the farmers of this country is indefensible. I admit it is a debatable question whether legislation can remedy the woes and sacrifices of a suffering people, but any legislative tyro knows that the combined efforts of the President, Secretary of the Treasury, and the Federal Reserve Board can accomplish anything humanly possible. It would be a humiliating confession to admit that they were thus impotent to relieve the people from the pall of distress which hangs over them. They should have the courage, as they have the intelligence, to do their full duty. They should be moved by the patriotic spirit of their great leader, Abraham Lincoln, of whom it has been said:

> Whether in his cabin in Kentucky or Indiana, whether steering a flatboat down the Mississippi River or making rails in the forests of Illinois, whether a captain in the Black Hawk War or carrying the village post office in his hat—in whatever position he was called he met every duty well.

Personally speaking, I would like to see the Republican Party strip itself of those selfish incumbrances which have attached themselves to it like the body of death and make itself equal to the emergency which confronts the people, and by appropriate action promptly relieve the farmers of the Nation of the perilous crises which overwhelm them.

Mr. KING. Will the gentleman yield?

Mr. BRAND. I have not the time at the moment.

Mr. KING. Speaking of these appendages, is the gentleman referring to President Harding of the Federal reserve system?

Mr. BRAND. I will have something to say about his policies before I quit, though I do not mean to be personally offensive.

If they fail to do this, I hope and believe they will be punished for their dereliction at the first opportunity the people may have a chance to render their verdict. As an illustration of the statement which I have made in regard to the Banking and Currency Committees of Congress and the Federal reserve system, I cite you to the fact that during the last session Senator Hoke Smith, of Georgia, and myself on the same day introduced a bill in the respective Houses to make the paper and obligations of factors and warehousemen eligible for rediscount, the object of which was to help the farmers of the country to successfully handle and market their crops of wheat, corn, cotton, cattle, wool, and all other things produced by them. It was months and months before either of us could get a hearing before the Banking and Currency Committees, and while favorable reports were had, it was at a time—as the Republicans know—they could not be heard in the House and Senate, and for that reason they died when Congress adjourned. In addition to this, I introduced a bill at the last session of the Congress, being the first Member of the Congress who did so, to limit the maximum amount of interest charged by the Federal reserve banks to member banks to 5 per cent. Both of these bills died in the committee rooms. They died without a hearing and "without the benefit of clergy." [Laughter.]

On the first day of this session of Congress I introduced this same interest bill, and yet up to date no hearing has been had on it. In addition to this, I introduced a bill on April 30 providing for a loan by the Federal Reserve Board to the Federal Farm Loan Board of $50,000,000 to take care of pending applications for loans of farmers. I was the first man in either branch of Congress to introduce such a measure. This bill provided that this money should be loaned out of the $100,000,000 earned by the Federal reserve system during the last fiscal year, much of which was earned by charging usurious rates of interest, which Lord Bacon, in his work on Civil History, pronounced to be "the bastard use of money." Later on Senator CURTIS introduced a bill in the Senate with the same purport as the pending bill. Mr. NELSON introduced the same bill in the House. It was a difficult matter for Mr. NELSON, who was a Republican, to get a hearing on his bill, and I have never been able to have a roll call on mine, much less a hearing. It is sleeping in the office of the distinguished chairman of the Banking and Currency Committee, and unless the great banking interests of the North and East and the Federal Reserve Board take their iron clutches from the throat of the Banking and Currency Committee it will be the sleep of death. Mr. UPSHAW, of Georgia, introduced a bill

providing that the Government should loan direct to the farmers $200,000,000. This bill has never been heard of since. The last time I heard of it was the first time it was mentioned in the committee, and then it had the death rattle in its throat. Later on my good friend Judge CRISP, of Georgia, introduced a bill directing the Secretary of the Treasury to loan to the Federal Farm Loan Board the sum of $200,000,000 to be used by this board in making loans to farmers under the Federal farm loan act.

Subsequently my personal friend, GORDON LEE, also introduced a bill directing the Treasury to loan the farmers $200,000,000. Notwithstanding the earnest desire of my colleagues to get a hearing on these bills, if either one of them has ever had a speaking acquaintance with any member of the Committee on Banking and Currency of the House I do not know it, and the mark of death rests upon their faces. And I also introduced a bill amending the Federal reserve act by making the Secretary of Agriculture an ex officio member of the Federal Reserve Board. The purpose of this was to provide a friend in this court for the farmer. This board is now composed of two college professors, three bankers, one lawyer, and one newspaper man, and no member of it is a representative of the farmer or the agricultural interests of the country. I also introduced a bill providing for the transfer from time to time of the profits earned by the Federal reserve banks to the Federal Farm Loan Board for the purpose of using the same to take care of applications for loans on the part of farmers as they were submitted. I have never had a hearing on either one of these bills, and they lie in cold storage.

Mr. KING. Will the gentleman yield? Was not the failure of these bills, especially the House one, due to the objections and propaganda conducted by Mr. W. P. G. Harding, president of the Federal Reserve Board, of Birmingham, Ala.?

Mr. BRAND. In reply to the gentleman from Illinois, I think, to be frank about it, he is primarily the cause of the failure of obtaining favorable action upon all the bills that went to the Banking and Currency Committee which sought to amend the Federal reserve act. [Applause.] The truth is, without in any sense reflecting on him personally, he has more influence in the Committee on Banking and Currency than he ought to have. This was true even when Senator GLASS was chairman of the committee and subsequently when Mr. Platt became chairman. It is the same way now, and every member of the committee knows it.

Mr. McKENZIE. Is he a licensed undertaker?

Mr. BRAND. I do not know, but I do know there will be many financial corpses in the South if relief does not soon come.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I yield the gentleman 10 additional minutes.

Mr. BRAND. I cite all these instances to demonstrate the proposition which I first laid down that nothing has been done for the farmer by the Republican Party in this Congress, and likely will not be done, except the passage of the emergency tariff bill, which, in my judgment, is a fraud upon its face. It will do the western farmer no good, though it was conceived and brought forth to help if possible, but particularly to placate the Republican voters of the West who flocked to the polls under the Harding banner. But the bill is a monstrosity, as I see it, and reminds me of "a certain" animal of the South, which is "without the pride of ancestry or the hope of posterity." [Applause.]

I do not charge anybody with corruption, and yet it is my honest conviction that the banking and moneyed interests of the North and East, backed up by the policies of the Federal Reserve Board, are responsible for this neglect of duty on the part of the Republican Party. They are exemplifying and bringing forth in full fruitage the spirit which Secretary Houston, under the Wilson administration, and a member of the Federal Reserve Board exhibited to the delegation who came to Washington in the fall of 1920, when, according to press reports, Houston told this delegation in substance "to go back home and quit complaining," and Gov. Harding, speaking for the Federal Reserve Board, told them "to go home and go to work." These were the messages given to the representatives of the farmers' organization which assembled from all over the country, coming here to plead for assistance and relief for the suffering and distressed farmers at home. This is not in keeping with the injunction of the great Galilean and the immortal doctrine first put forth 20 centuries ago on the plains of Palestine:

As ye would that men do unto you, do ye also unto them likewise.

[Applause.]

It is rather more in keeping with the disposition of Monseigneur the Marquis, one of the great lords in power at the court, who held fortnightly receptions in his grand hotel in Paris, a character of Dickens, in his work A Tale of Two Cities, which records this incident:

"With a rattle and clatter and an inhuman abandonment of consideration not easy to be understood, the carriage dashed through the streets and swept around corners, with women screaming before it and men clutching each other and clutching children out of its way. At last, swooping at a street corner by a fountain, one of its wheels came to a sickening little jolt, and there was a loud cry from a number of voices, and the horses reared and plunged. His valet had gotten down in a hurry, and there were 20 hands at the horses' bridles.

"'What has gone wrong?' said monsieur, calmly looking out.

"'Pardon, Monsieur the Marquis,' said a ragged and submissive man, 'it is a child.'

"'Why does he make that abominable noise? Is it his child?'

"'Killed!' shrieked the man in wild desperation, extending both arms at their length above his head and staring at him. 'Dead!'

"'It is extraordinary to me' said he, 'that you people can not take care of yourselves and your children. One or the other of you is forever in the way. How do I know what injury you have done to my horses?'

"After the reception was over, his lordship returned to his room. Leaving only one light burning on the large hearth, he let his thin gauze curtains fall around him and fell asleep.

"Next morning he was found dead in his bed, with a knife driven into his heart, and around its hilt was a frill of paper on which was scrawled, 'Drive him fast to his tomb.'"

Of course, I do not mean to invite such disaster to any human being or to make this reference in any sense personal to anyone. Otherwise the excerpt speaks for itself.

These replies to the people's demands were particularly a severe blow to the cotton growers of the South, who are as honest, hard-working, patriotic, and brave people as live under the heavens' blue dome. They sent their sons across the high seas, and in their hearts and with their prayers, like stoics and philosophers, followed the flag wherever it floated when the world was on fire with war. The President of the United States and the Republican Party, now in control of Congress, knew of the treatment, as alleged, the people received at the hands of these high officers, and it was my hope that they would take advantage of the situation and get away from their cold-bloodedness and merciless disposition and would do something speedily which would substantially and materially relieve those in the fields who from early dawn to late dusk follow the plow and bend over the hoe.

Speaking for the farmers of my State and district, I ask for them no sympathy, I appeal to you for no mercy, I only beseech you in authority to give them justice—justice, not wrong; bread and not a stone; a fish and not a serpent. This was denied them by Secretary Houston and by the Federal Reserve Board, and up to date it has been denied them by the Republican Party. All the farmer of this country asks, whether he is a western wheat and corn farmer or a southern cotton grower, is justice—and equal and exact justice—to one and all. Some one has said that justice has no distinctions, no grades, and no varieties, and this is true. Justice was, is now, and forever will be one and inseparable. The same law that wafts the leaf with the breeze swings the stars upon their courses and moves the universe to the music of its infinite harmony. [Applause.]

In Edward Bulwer-Lytton's book entitled "Rienzi, the Last of the Tribunes," and in one of Rienzi's public utterances, Lord Lytton makes him say:

Yes; the day is at hand when Rome shall rise again from her ashes; justice shall dethrone oppression; men shall walk safe in their ancient forum. We will rouse from his forgotten tomb the indomitable soul of Cato. There shall be a people once more in Rome. And I—I shall be the instrument of that triumph, the restorer of my race; mine shall be the first voice to swell the battle cry of freedom; mine the first hand to rear her banner. Yes; from the height of my own soul as from a mountain I see already rising the liberties and the grandeur of the new Rome; and on the corner stone of the mighty fabric posterity shall read my name.

As I listened to the inaugural address of President Harding, whom I take to be a well-meaning and good man, and if allowed to have his own way will make a great President, and particularly when he gave his assurances and made his promises in behalf of all the people of the country, I thought of this eloquent prophecy of Rienzi. If the President and his party will carry into execution their public expressions in behalf of all

the people, particularly the farmers of the country, this administration will ever be held in grateful remembrance.

If you Republicans fail to carry this burden and lift from the back of the farmer the load which is furrowing his brow and making him gray, a merciless retribution will be your portion and the wrath of a Nation of producers shall be your heritage.

In the meantime, and notwithstanding I have but little to base it on, it is my hope—

That the battle to the strong shall not be given
While the Judge of right and wrong sits in heaven.

[Applause.]

The statements referred to are as follows:

Number of national farm loan associations chartered and canceled, together with the number, total amount, and average of loans made in each State from the organization of the system to Dec. 31, 1920.

District and State.	Number of associations chartered.	Number of loans made.	Total amount loaned.	Average loan made	Loans closed Jan. 1, 1921, to May 31, 1921.		Loans closed from organization to May 31, 1921.	
					Number.	Amount.	Number.	Amount.
District No. 1:								
Maine	17	784	$1,957,300	$2,497	.....	$10,900	792	$1,968,200
New Hampshire	7	198	427,600	2,160	.....	2,200	197	429,800
Vermont	11	409	1,051,500	2,570	.....	300	408	1,051,200
Massachusetts	18	744	1,937,005	2,604	.....	40,850	743	1,977,855
Rhode Island	2	60	163,250	2,721	.....	.....	60	163,250
Connecticut	15	497	1,530,650	3,080	.....	26,300	506	1,556,950
New York	48	1,779	5,454,540	3,065	.....	10,200	1,773	5,444,340
New Jersey	17	308	1,046,200	3,397	.....	6,250	305	1,052,450
District No. 2:								
Virginia	79	3,138	8,630,533	2,750	.....	30,701	3,150	8,661,234
Maryland	17	294	1,051,900	3,578	.....	5,000	295	1,056,900
Delaware	2	23	89,200	3,878	.....	3,000	24	92,200
Pennsylvania	47	1,330	3,528,800	2,653	.....	7,800	1,333	3,536,600
West Virginia	27	803	1,469,450	1,830	.....	4,800	807	1,474,250
District No. 3:								
North Carolina	130	3,109	5,919,900	1,904	.....	48,150	3,160	5,968,050
South Carolina	101	2,263	6,622,410	2,926	.....	143,000	2,308	6,765,410
Georgia	83	1,611	4,577,885	2,842	.....	34,100	1,621	4,611,985
Florida	70	1,860	3,295,970	1,772	.....	11,000	1,868	3,306,970
District No. 4:								
Tennessee	115	2,840	7,637,300	2,689	.....	53,900	2,854	7,691,200
Kentucky	84	1,957	5,768,400	2,948	.....	179,400	1,991	5,947,800
Indiana	95	3,243	11,452,800	3,532	.....	108,100	3,258	11,560,900
Ohio	44	825	2,894,700	3,509	.....	32,200	831	2,926,900
District No. 5:								
Alabama	110	4,524	8,558,270	1,892	.....	9,450	4,531	8,567,720
Louisiana	72	3,459	5,871,665	1,697	.....	18,800	3,475	5,890,435
Mississippi	142	7,850	11,385,270	1,450	.....	29,850	7,869	11,415,120
District No. 6:								
Illinois	126	2,327	9,944,505	4,274	.....	92,200	2,347	10,036,705
Missouri	150	3,511	10,746,160	3,061	.....	116,800	3,546	10,862,960
Arkansas	139	6,393	10,399,310	1,627	.....	175,400	6,495	10,574,710
District No. 7:								
North Dakota	175	6,566	21,616,900	3,292	.....	27,800	6,572	21,644,700
Minnesota	150	4,392	15,495,600	3,528	.....	452,700	4,465	15,948,300
Wisconsin	88	2,316	6,067,900	2,620	.....	103,400	2,337	6,171,300
Michigan	121	3,440	6,475,000	1,882	.....	30,700	3,448	6,505,700
District No. 8:								
Iowa	141	3,382	24,124,350	7,133	.....	243,900	3,419	24,368,250
Nebraska	134	3,324	15,147,690	4,557	.....	109,400	3,349	15,257,090
South Dakota	82	1,934	8,220,750	4,251	.....	28,800	1,939	8,249,550
Wyoming	24	588	1,434,500	2,440	.....	13,700	592	1,448,200
District No. 9:								
Kansas	132	3,872	14,948,000	3,861	.....	219,200	3,922	15,167,200
Oklahoma	122	3,157	6,979,200	2,211	.....	46,700	3,167	7,025,900
Colorado	132	3,005	6,091,700	2,027	.....	48,400	3,020	6,140,100
New Mexico	82	2,213	3,624,100	1,638	.....	32,800	2,228	3,656,900
District No. 10:								
Texas	342	13,793	40,816,063	2,958	.....	894,725	14,082	41,710,791
District No. 11:								
California	115	3,449	11,556,800	3,351	.....	76,200	3,459	11,633,000
Utah	62	2,022	6,114,100	3,024	.....	153,900	2,066	6,268,000
Nevada	5	62	228,200	3,681	.....	.....	62	228,200
Arizona	9	286	749,100	2,619	.....	7,200	288	756,300
District No. 12:								
Idaho	75	3,460	10,962,895	3,169	.....	95,800	3,483	11,058,695
Montana	133	4,610	11,331,590	2,458	.....	32,800	4,622	11,364,390
Oregon	91	3,799	11,439,280	3,011	.....	46,950	3,811	11,486,230
Washington	156	5,583	12,405,270	2,222	.....	171,200	5,633	12,577,470
Total	4,139	131,395	369,242,461	2,810	.....	4,015,923	132,525	373,258,390

Of this total number 173 charters have been canceled, by consolidation or otherwise, by Federal land bank districts, as follows: Springfield, 3; Baltimore, 2; Columbia, 12; Louisville, 18; New Orleans, 3; St. Louis, 23; St. Paul, 9; Omaha, 5; Wichita, 64; Houston, 18; Berkeley, 15; Spokane, 1. Therefore, on December 31, 1920, there were 3,966 national farm loan associations in actual operation.

Statement showing allotment to various banks of $40,000,000 bond sale.

Springfield	$1,650,000
Baltimore	2,350,000
Columbia	2,400,000
Louisville	3,300,000
New Orleans	3,650,000
St. Louis	4,150,000
St. Paul	4,000,000
Omaha	4,150,000
Wichita	3,300,000
Houston	4,700,000
Berkeley	2,350,000
Spokane	4,000,000
	40,000,000

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that all those who speak on this subject may have the right to extend their remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all those who speak upon this bill may be permitted to extend their remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. McFADDEN. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. A. P. NELSON. Mr. Chairman and gentlemen of the committee, I was led to introduce my bill, H. R. 6296, which was a companion bill and identical with Senate bill 1837, introduced in the Senate by Senator CURTIS, of Kansas, and passed by the Senate on June 2, 1921, because I believe that there is to-day an emergency in the agricultural regions of our country that must be relieved by legislation of this character. Senate bill 1837, as amended by the Committee on Banking and Currency of the House and by it unanimously recommended for passage, is now before us for consideration.

Mr. CRISP. Will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. CRISP. The gentleman has given this subject great thought and has the interest of the farmers at heart. Does he understand that if this bill becomes a law the $50,000,000 will act as a revolving fund and the banks will then have capital sufficient to meet the needs of the farmers?

Mr. A. P. NELSON. I will say to the gentleman from Georgia that it is my best judgment that it will do so. In order to make it a little clearer, will say that there is at the present time approximately $25,000,000 of paid-in capital stock in the system. The bill provides that the Secretary of the Treasury shall be authorized to deposit in the Federal land banks $25,000,000 in addition to the $6,000,000 already authorized under section 32 of the Federal farm loan act, making a total possible deposit of $31,000,000, which, added to the $25,000,000 of capital stock, makes a total turnover fund for purchasing farm mortgages of $56,000,000. It is my belief and the belief of the Federal Farm Loan Board that with this $56,000,000 of available funds the banks can function efficiently and uninterruptedly.

Mr. BARKLEY. Will the gentleman yield?

Mr. A. P. NELSON. I will.

Mr. BARKLEY. The sum total of this bill amounts to only $25,000,000. This bill does not affect the $25,000,000 capital stock or original loans. So all this bill does is to make available $25,000,000 in addition to what the board already has?

Mr. A. P. NELSON. Yes.

Mr. BARKLEY. I was informed at the time the Senate passed this bill that the Federal Farm Loan Board advised the Senate that they needed $50,000,000, as provided in the Senate bill. What information has the committee to offer the House that the Farm Loan Board has revised its figures since they advised the Senate that they needed $50,000,000?

Mr. A. P. NELSON. I will say this, that the Federal Farm Loan Board no doubt believes that inasmuch as we have been almost two months selling the bond issue of $40,000,000, and which is not yet quite sold, it looks as if at the present time the provision for a total available fund of $56,000,000 is quite sufficient.

Mr. BARKLEY. In view of the fact that the $40,000,000 issue recently put on the market has not been consumed by the public, is it not the fact that that is the situation that makes this legislation necessary?

Mr. A. P. NELSON. That raises the question that the United States Treasury is not being asked here to make permanent loans to the farmers, but that we are trying to facilitate the orderly functioning of the act as originally intended, namely, that by means of deposits and by means of the capital stock we shall be able to make the banks themselves function.

Mr. BARKLEY. The difficulty that occurs to me is this: If the Farm Loan Board can not now sell its farm-loan bonds and we limit the assistance of the Treasury to $25,000,000 and they can not sell their bonds, we are really not meeting the needs of agriculture by limiting the amount to $25,000,000.

Mr. A. P. NELSON. The gentleman will understand that 15 days after the bond sale is closed the banks can immediately begin again to accumulate mortgages, and as soon as they have $40,000,000 or $50,000,000 accumulated they can then go on with another sale.

Mr. BARKLEY. You mean by the term "when they are closed" the time when they are sold?

Mr. A. P. NELSON. Yes.

Mr. BARKLEY. And if they do not, by means of the $50,000,000 provided for under your plan, then the bond issue would not be closed at all until the money was available?

Mr. A. P. NELSON. The bond issue will be closed when the entire issue authorized and offered is sold and the money obtained on the bond sale.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. LONDON. You mean 15 days after the sale of the bonds offered?

Mr. A. P. NELSON. After the bond sale has been closed. Fifteen days after that the deposit by the Treasury shall be returned again to the Government. The gentleman understands that this deposit must be understood to be a deposit and not a loan?

Mr. LONDON. I understand that. Does the expression "the conclusion of the offering" have a special meaning in law, or a special meaning in the world of finance?

Mr. A. P. NELSON. I take it that it is a commercial expression, and means that 15 days after the bond sale is closed the money must be redeposited with the Treasury of the United States.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. JONES of Texas. Does the gentleman think it would be preferable, instead of saying that "the Secretary of the Treasury may, in his discretion," make the deposit, to say, "the Secretary shall deposit," making it mandatory?

Mr. A. P. NELSON. We have simply followed the language of the original act in that respect; the original act proposing a deposit of $6,000,000 contains this language.

Mr. JONES of Texas. If the Secretary of the Treasury did not approve of this course, there would be no relief in the bill?

Mr. A. P. NELSON. Yes; but I do not think that the Secretary of the Treasury would even take such an arbitrary stand. I think that part of this $6,000,000 that was provided for under the original act has been deposited several times with the Federal land banks.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. RAMSEYER. As to the last sentence in the bill—

The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month, and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits.

Do I understand that the land banks will have to pay the Treasury more interest than the land banks are getting on their bonds?

Mr. A. P. NELSON. Yes.

Mr. RAMSEYER. Why?

Mr. A. P. NELSON. The idea is that there shall be no open door for inflation in this matter, and that the Federal land banks shall only use this deposit while they are in the process of accumulating their mortgages and preparing for the sale of their bonds. In other words, we believe, and the Federal Land Bank Board believes, that we should not encourage any proposition of simply depositing the money indefinitely in the Federal land banks.

Mr. RAMSEYER. You can not get any more money from the Treasury than the difference between the capital stock and $50,000,000?

Mr. A. P. NELSON. That is all, plus the original $6,000,000.

Mr. RAMSEYER. Then I do not see how your reasoning applies.

Mr. A. P. NELSON. There would be no object on the part of the Federal land banks to use this deposit except during the time absolutely necessary to purchase mortgages previous to a bond sale, and as soon as the bond sale is closed the money will be turned back to the Treasury.

This bill proposes to amend the first paragraph of section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act. Section 32 authorizes the Secretary of the Treasury, in his discretion, upon the request of the Federal Farm Loan Board, to deposit for the temporary use of any Federal land bank out of any money in the Treasury not otherwise appropriated, and requires that the Federal land bank in which such deposit is made shall issue to the Secretary of the Treasury a certificate of indebtedness for the deposit to be secured by farm loan bonds or other collateral satisfactory to the Secretary. The rate of interest on such certificates of indebtedness, under the act, shall not exceed the current rate charged for other Government deposits, and the aggregate of all sums deposited with the Federal land banks at any one time shall not exceed the sum of $6,000,000.

The amendment of the bill before us proposes to modify this paragraph in three respects:

First. Provision is made for deposits in addition to the $6,000,000 authorized in the original section in such sums as the Secretary of the Treasury may in his discretion deem proper, not exceeding the difference between the capital of the banks and $50,000,000 up to such time as the paid-in capital of the banks shall have been increased to $50,000,000; the result being to make available for the normal operations of the banks, including their capital, a sum equal to $50,000,000 and terminating the provision when their capital reaches that sum, leaving unaffected and continuing the repository privilege of $6,000,000 carried in the original act.

Second. The certificates of indebtedness for any additional deposits authorized under this act shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the land bond issue of the bank receiving such deposit. The last issue of bonds by all of the banks bore interest at the rate of 5 per cent per annum, so that an additional deposit under the provisions of this act made at this time would bear 5½ per cent.

Third, it is made mandatory upon the Secretary of the Treasury to call any additional deposits which may be made pursuant to this provision within 15 days after the conclusion of each general offering of farm loan bonds by any bank or banks having any such additional deposit.

It will thus be seen that the plan of this measure is that this extra deposit privilege will be continually reduced in proportion to the constantly increasing capital of the banks, which increases steadily at the rate of 5 per cent of every loan made, and that the privilege will automatically terminate when the banks have thus increased their capital to $50,000,000, and it will be further noted that as to the additional deposits authorized by this bill it is made the duty of the Secretary of the Treasury to recall any such deposits which he may have made, at the conclusion of any general bond offering by the bank holding such deposit, so that the extra deposits hereby authorized can only be made use of between bond sales and for the purpose of accumulating farm loan bonds in sufficient volume to make a general offering.

The present capital being approximately $25,000,000, this amendment makes possible, by the deposit of the Secretary of the Treasury in the Federal land banks, a total available capital of $56,000,000, being the $6,000,000 already provided for by the original section 32 of the Federal farm loan act, the present capital of $25,000,000, and the additional deposit by the Secretary of the Treasury of the difference between $50,000,000 and the present capital stock, or $25,000,000.

The necessity for the enlargement of this depository privilege, in order that the Federal land banks may continuously and uninterruptedly function, arises from a fundamental defect in the original act itself in the lack of sufficient capital for adequate turnover. The banks in normal operation will purchase mortgages daily to the extent of about $500,000, which will mean, in turn, an equal capacity for the issuance of bonds.

The experience of the system has clearly demonstrated that it is not practical to market bonds continuously and in small volume as this immediately tends to break down the market value of the bonds, but to market these bonds effectively it is necessary to accumulate a volume sufficient to make a general public offering. These offerings, experience has proven, should be in amounts from $40,000,000 to $50,000,000, depending upon the condition of the market. The provisions of this bill, as now amended, will make it possible for the Federal land banks to make offerings of this size.

It is my firm conviction that this bill should be passed by this House to-day. Its approval and passage by the Senate indicates clearly that that body believed that it was for the interest of the farmer, and, indirectly, of the general public that this bill should become law. I desire to call your attention to the fact that this bill has the approval and support of the Secretary of the Treasury, Hon. A. W. Mellon, and the unqualified support and approval of the Federal Farm Loan Board, farm organizations, business interests in the agricultural regions, and the country banks in our agricultural sections. President Harding, in his speech in New York on May 23, 1921, as reported by the New York Herald, stated:

> We will do well to keep in mind the fundamental importance of agriculture, and in every possible way insure justice to it; to place our agricultural industry on a sound basis and provide machinery and facilities for financing and distributing crops.

The Washington Post, under date of Ju[illegible], 1921, reports that trade is reviving, but states that—

> The industrial improvement has progressed much faster than the agricultural improvement and for this reason much attention must be given to relief for agricultural producers.

Mr. Otto H. Kahn, one of the eminent New York bankers and financial writers, in an address delivered before the Traffic Club, of Pittsburgh, Pa., April 28, 1921, refers to the farm problem in words that I think bear directly on the bill before us to-day, when he says:

> Adversity and hardship have come upon the farmer, as they have come or can not fail to come in a greater or lesser degree upon every element in the community in the painful economic process through which the country is passing. But that wave of trouble struck first of all the farmer; perhaps, also, it struck him hardest, and under existing conditions he is least able to protect himself and "get from under."
>
> From this and other causes the farmer is greatly discontented and under a sense of grievance with the existing order of things. His is a toilsome and none too well requited calling at best, involving inevitable hardships and deprivations. The vital necessity of the farming industry needs no emphasis. The immense social value of the farming class to the State is beyond argument. If there is one calling which has a higher claim than another upon the helpful consideration of the State among those which make up the sum total of the Nation's activities, it is that of the farmer. His just grievances call for immediate, intelligent consideration and for effective redress. If that redress can only be made effectively by methods which are new and somewhat unpalatable to the established ways of business, then the less important will have to yield to the more important; that is, business convenience and customs to the true welfare of the farming industry.

I am perfectly aware that a great many believe that our policy should be to keep the Government out of private business as far as possible, in which I heartily concur, and yet it is very evident that the Government must in some cases, as it did during the war and as it must in this present awful aftermath of that war, aid in critical instances where a basic industry is threatened with dire ruin, and, as has been suggested by the President, we must do our best to aid agriculture and put it on a sound basis.

I also believe that we are all agreed that, so far as our financial, industrial, and agricultural conditions are concerned, we are at the present time in the most crucial period of our Nation's history, and because of the tremendous expansion, both by the Government and by private and corporate interests during the war, we are now faced with a condition where it is absolutely necessary for us to conserve and cooperate in every way possible in all our basic industries in order that we shall be able to carry out a program of proper production and proper distribution of our products of the farm, mill, and factory.

It does seem to me that when the President of the United States; the Secretary of the Treasury, who is the highest financial authority in the Government; the Farm Loan Board, which is charged with the administration of the Federal farm loan act, farm organizations; business interests; and bankers and financial writers all combine in pleading and appealing for the relief and welfare of our farming industry, Congress can not afford to ignore the apparent distressed condition in one of the basic industries of our country. This bill should be passed and thus place the machinery of the farm loan system in a position to function in the most efficient manner possible.

Mr. WARD of North Carolina. Will the gentleman permit an interruption?

Mr. A. P. NELSON. Yes.

Mr. WARD of North Carolina. Am I correct in my analysis of the bill that the aggregate stock of the farm loan banks is approximately $25,000,000?

Mr. A. P. NELSON. The gentleman is correct.

Mr. WARD of North Carolina. And am I correct that the language—

> The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000—

means that the maximum amount that can be secured from the Treasury will be approximately $25,000,000?

Mr. A. P. NELSON. Plus the $6,000,000 of the original act which is not interfered with, or a total of $31,000,000.

Mr. WARD of North Carolina. Am I further correct in my understanding that the bill as it comes from the Senate fairly and squarely permits that to be doubled?

Mr. A. P. NELSON. No. The bill as it came from the Senate would mean a total deposit of $50,000,000, whereas the amended bill under discussion would mean a total deposit of $31,000,000, or a difference of $19,000,000. That is, the total available fund under this bill is $19,000,000 less than the total available fund under the Senate bill.

Mr. WARD of North Carolina. Am I correct in saying that as it came from the Senate it permitted assistance to the extent of $50,000,000?

Mr. A. P. NELSON. Yes.

Mr. WARD of North Carolina. Then I am correct in saying that as this works out the assistance derived from the Government is reduced about one-half.

Mr. A. P. NELSON. No; only $19,000,000, as the Senate bill only provides for a total deposit of $50,000,000 and the bill under consideration provides a total deposit of $31,000,000 by the Treasury.

Mr. STRONG of Kansas. If the gentleman will yield, it allows all that is asked for by the Federal Loan Board. Why deposit $50,000,000 if $25,000,000 will permit the board to function?

Mr. WARD of North Carolina. With the permission of the gentleman from Kansas, I will say that up to this time I am simply asking for information, and with all due respect to what the gentleman says the Farm Loan Board needs, that may be correct, but I have heard to the contrary.

AGRICULTURE, OUR GREATEST BASIC INDUSTRY, IN DISTRESS.

Mr. A. P. NELSON. I think we all agree that agriculture is the greatest basic industry of our Nation, and it is the foundation upon which all other industries is built. There can be no success in the manufacturing East unless there is prosperity in the agricultural West, Middle West, and South. So closely related and correlated are the conditions of our country that our entire superstructure becomes paralyzed when agriculture, the base of our industrial and commercial system, becomes discouraged and unable to function. It is my appeal, therefore, that this House pass Senate bill 1837, companion bill of my bill H. R. 6296, as amended, in order to enable the farmers to function in their respective communities. From reports in the hearings before the Senate and House Banking and Currency Committees, it is very evident that the financial stress of the farmers is such that it is absolutely necessary for both the Federal land banks and the joint-stock land banks to assist these communities with long-time credits through the legislation proposed in this bill and the Clague bill, H. R. 6035.

The agricultural interests of the Nation are looking to Congress for this assistance in this crucial hour. The Senate committee hearings of May 9 and 10, 1921, disclose the following interesting facts: The total loans of all national banks in the United States are about $14,000,000,000, and that less than $2,000,000,000 is loaned to the farmers, 21 per cent to manufacturing enterprises, and 36 per cent to merchandising business. Yet agriculture furnishes more primary deposits than both manufacturing and merchandising enterprises combined. Based upon the rules of credit, therefore, agriculture should be entitled to 57 per cent of the $14,000,000,000, or $7,980,000,000, in place of $2,000,000,000, which is now the amount loaned to the farmers by the national banks.

The amendment of the farm-loan act as proposed will bring a measure of tangible and direct relief to the direful condition in which the agriculture of the country finds itself. It would seem needless to point out that the situation with respect to agriculture is worse at this moment than at any previous time within the memory of the oldest. The processes of deflation struck agriculture first, and agricultural values were the first to shrink to the prewar level. The country banks have loaned themselves up to the limit in an effort to tide the farmer through the period of distress; their liquid paper is exhausted; they are helpless to furnish further relief and are as vitally interested in the farmer being able to come into possession of our sources of credit as is the farmer himself. Every relief offered the farmer in the way of a farm loan results in releasing for ordinary and normal banking usage funds of the bank now tied up in loans which the farmer can liquidate in no other way, thus conferring a very direct benefit upon commerce and industry in addition to the service directly rendered the farmer.

In view of the very distressed condition of agriculture, with foreclosures threatened in every section of the country, with loan agencies reaping a harvest in maximum interest rates and exorbitant commissions, in view of the large number of country banks facing dissolution unless there can be some outlet for their present long-time credits for the farmers, and in view of the necessity of making the farmers the purchasers of our manufactured products so as to keep the wheels of industry and commerce going for the benefit of the laborers in the industrial centers, it would seem to me to be the part of wisdom to pass this bill and correct a fundamental defect in the organic act of this system in not providing sufficient capital in the beginning for its proper functioning, and thus meet the emergency which to-day exists in one of the basic industries of our Nation. The important thing under the financial pressure which now exists is to enable the farm-loan system in its dual provisions to work to its maximum capacity.

The farmer has only one turnover a year. Forced liquidation under too strong pressure means his undoing and ruin. He must have time. Long-time credits must be made available. Banks in agricultural sections must be helped to carry the farmers until farm products can be raised and sold to liquidate present debts caused by the sudden and terrific readjustment and lowering of values of all farm products. Deflation in farm products has been ruinous. In a year's time corn has been reduced in price from $1.80 a bushel to 30 cents a bushel; hogs from 18 cents per pound to 6 cents per pound; eggs from 60 and 70 cents a dozen to 15 and 20 cents per dozen; butter from 65 cents per pound to 25 cents per pound; while machinery and manufactured articles that the farmer has to buy are still largely at war-time prices. With the denial of long-time credits, the farmer faces, in many sections of the cotton and grain belts, utter ruin.

The farmers have been urging and pleading for an adjustment of our freight rates, and we are happy to know that our great President, who has the interest of agriculture at heart, in the truest and noblest sense, is using the influence of his great office in trying to find a proper adjustment of our freight rates. We trust that his efforts will be crowned with success in this regard and that Congress will rise to the occasion and assist our President in every possible way.

Indeed, the farmer has faced a depreciation in his products that means his bankruptcy. Farm products and stock shipped to the markets from many agricultural States have not brought a price sufficient to pay the cost of transportation. Listen to these figures from Kansas received through the courtesy of my esteemed colleague, Mr. HOCH, of Kansas:

On a recent shipment of alfalfa from a Kansas farm to Kansas City the shipper received $10.50 a ton on the Kansas City market. The hay graded No. 1. The shipper paid $6.50 a ton freight, $1 a ton to the commission house, and had paid $3 a ton for baling, making a total of $10.50 a ton, with nothing left for producing or cutting or as return on investment. The result of this prohibitive freight rate is that thousands of tons of hay are being left to rot because it will not pay to ship, and great acreages of hay were not even cut.

The county agent of Greenwood County, Kans., reports that on a recent shipment of lumber to that county the freight was more than the value of the material.

A Coffey County, Kans., hay shipper says that hay which cost him $6.70 a ton put in the barn brings $4 a ton after freight and commissions are paid.

James R. Plumb, a prominent farmer and stockman of Lyon County sends me a memorandum showing freight paid on cattle shipments to Kansas City, a little over 100 miles. On 40-foot car the freight in 1916 was $26.40, in 1920 it was $35.61, and in 1921, $48.20. On hog shipments to same place, 36-foot car, the freight for same dates were $23.80, $30.64, and $41.15, almost double from 1916 to 1921.

In a letter to Congressman CARL W. RIDDICK, Mr. Roy J. Covert, president of the Merchants' National Bank, of Billings, Mont., says:

This year, speaking for our own sheep, I expect we will sell our wool for about 20 cents a pound and our lambs for about 6 cents a pound, may be 5 cents, and we will again meet with a loss, but I do not think we will about strike bottom this year. If there are any sheepmen left in the business, they will then begin to operate probably on a working basis, but in order to reach this basis, farm lands, overhead expenses, and foundation stock valuations will have been reduced so drastically that it will take these stockmen a generation to recover the loss.

SECRETARY MELLON'S APPROVAL.

Secretary Mellon, in appearing before the Committee on Banking and Currency of the House, discussed this measure, and from his testimony I wish to quote as follows:

It is not appropriating money to be loaned to the farmers or to be used in any way excepting to facilitate the functioning of the banks to enable them to accumulate and dispose of their bonds, and the present exigency makes it desirable to keep these banks in shape to have funds on hand to make loans so that on account of the present situation it would seem to me to be a desirable measure.

In response to Representative DUNBAR'S question, "You have expressed yourself as favorable to this measure," Secretary Mellon answered, "Yes," and to the second question, "And you think it ought to pass Congress," Secretary Mellon answered, "I think so."

A DEPOSIT AND NOT AN INVESTMENT.

That the privilege of deposit provided by this bill is not and can not be regarded as a charge upon the Treasury or as a disbursement item chargeable to the expense of the Government, and that it is only a deposit and does not involve an appropriation, is conclusively pointed out by Secretary Mellon in the following excerpt from his testimony:

Mr. DUNBAR. Now, then, if this $50,000,000 is deposited in these farm loan banks, will that appear as a disbursement item chargeable to the expense of the Government the same as the purchase of farm loan bank bonds have appeared?

Secretary MELLON. No; it would be merely in the nature of a deposit.

Mr. DUNBAR. Merely in the nature of a deposit, and not in the nature of a disbursement?

Secretary MELLON. Yes.

It is also to be noted in this connection that the present amount of $6,000,000 permitted to be deposited in the Federal land banks under section 32 of the Federal farm loan act has been deposited in these banks several times, and has been returned by the banks to the Treasury without any provision of appropriation, but merely, as indicated and stated so positively by the Secretary of the Treasury, as a deposit. I want to emphasize this because there seems to be an erroneous conception in the minds of many that this is an appropriation—an expenditure. We must not be confused, but have clearly in mind that this is not an appropriation nor an expenditure, but is merely in the form of a deposit in the Federal land banks, to be used by them in accumulating their mortgages to the amount of the deposit, and when the bonds for these mortgages are sold the money is again returned to the Treasury. It is in the same nature as the deposits now made by the Treasury in Federal reserve banks and

other national banks, upon which the Government receives interest at the rate of 2 per cent per annum.

NOT A TAX BURDEN.

I want to call your attention to the fact, which has been so clearly stated by the Secretary of the Treasury, that this measure provides for a deposit, and not a disbursement or an expenditure, and does not, therefore, involve an appropriation. Inasmuch as the return obtained by the Treasury is 3½ per cent more than received on ordinary Treasury deposits, it is clearly to be seen that it is a profit rather than an expense to the Government, and can not be regarded in any way as a tax burden on the people of the United States.

The measure guards against any abuse of the depository privilege in that it makes the Federal land banks pay a penalty of one-half of 1 per cent to the Treasury of the United States by requiring the banks to pay for the deposits from the Treasury one-half of 1 per cent per annum more than they pay upon their outstanding bonds.

NOT A PERMANENT NECESSITY.

From the hearings before the Committee on Banking and Currency of the House, it was very apparent that the normal increase of the capital stock of the banks attendant upon their continued loaning operations would eventually provide them with sufficient capital to entirely do away with the occasion for the Treasury deposits. This possibility comes from the fact that with every loan made there is a subscription to the capital stock of the land bank equal to 5 per cent of the amount of the loan, thus an annual business of $200,000,000 in loans would result in an increase of the capital in the sum of $10,000,000.

Commissioner Lobdell states that if the banks at present had a capital of $50,000,000 there would be no occasion to make use of this deposit privilege. It will thus be seen that if the banks should transact a business of $200,000,000 a year for three years, the capital thus accumulated on new business added to their present capital of $24,500,000 would provide them with sufficient funds of their own for an orderly turnover on business, and there would be no further occasion to make use of this depository privilege.

Indeed, I want to emphasize at this point the statement made by Commissioner Lobdell that this must be the maximum relief offered to the banks, and that not a dollar more must be asked by them, and I wish to say right here that if the Farm Loan Board can not function with this aid, then I think it is just as well that the farm loan banks admit that they are a failure and be immediately liquidated. But it is the belief of the Secretary of the Treasury and of the Farm Loan Board and of all experts in the Federal land banks that this amendment to the act will enable the banks to function and to render the relief necessary and make the banks a success. Fifty to seventy-five millions of dollars of capital stock is sufficient and will provide the elasticity necessary to make continuous loaning possible.

I want to impress upon you the fact that the deposit made by the Treasury in the several land banks is secured by farm loan bonds or other security acceptable to the Secretary of the Treasury, so that the deposit itself is absolutely secured to the Government.

ORIGIN AND DEVELOPMENT OF THE FEDERAL FARM LOAN SYSTEM.

Before the establishment of the Federal farm loan system a so-called long-time farm mortgage loan based on the land and its improvements was usually a straight mortgage made for three or five years, the mortgage becoming due in a lump sum at the end of the period. By the payment of high commissions and other charges, which varied in different parts of the country, the mortgages could be renewed for another period of three to five years. It is thus seen that the farmer, unless he could save enough money to reduce and finally pay off his debt, became more or less involved in financial bondage to his own detriment, and as a consequence agriculture waned to such an extent in some parts of the country that it became a matter of national importance which led to agitation and Government investigation.

As far back as the Roosevelt administration a commission was appointed to investigate and report on country-life conditions, and again in Taft's administration our ambassadors in the various countries were authorized to report on rural credits and agricultural cooperation in the respective countries to which they were assigned. These investigations and reports laid the foundation for the present Federal farm loan system, which makes farm-mortgage loans on long-time amortization plan of repayment and at a comparative low rate of interest. Prior to the establishment of the farm loan system the Farm Loan Board found that some farmers were paying as high as 15 per cent interest a year, besides commissions and other charges on loans running up longer than five years. The farm loan system has reduced the average rate of interest to the farmer and has established a normal and equitable rate of interest throughout the entire Nation, the maximum rate being 6 per cent, without any commissions being charged.

The primary object of the law was to provide capital for agricultural development and money to be loaned to farmers for productive purposes at reasonable rates of interest. Only first-mortgage loans can be made on farms or farm lands, and two kinds of land banks were authorized to make these loans, one known as the Federal land banks, which make loans through agents or through national farm loan associations and cooperative organizations, and the other known as the joint-stock land banks, which are operated by private capital but subject to the maximum rate of interest, 6 per cent, on their loans and to restrictions in their operations, provided by the Federal Farm Loan Board.

Twelve Federal land banks were organized largely by Government capital, the amount subscribed by the Government being $8,891,270, out of a minimum of $9,000,000 authorized. The balance of the capital was subscribed by private individuals. This capital, however, is to be repaid, and part of it had been paid back on March 31, 1921. The capital stock of the Federal land banks owned by the Government had been reduced to $6,700,675, showing that $2,190,595 had been repaid by the Federal land banks to the Government. On March 31, 1921, the capital of these banks was made up as follows:

United States Government	$6,700,675
National farm loan associations	17,670,217
Borrowers through agents	79,480
Individual subscribers	10,380
Total	24,460,752

National farm loan associations may be organized in any locality with not less than 10 members, whose subscriptions for loans can not be less than $20,000. Loans now made at 6 per cent range from $100 to $10,000 and are on the amortization plan of repayment. The associations are chartered by the Federal Farm Loan Board. Originally loans were made at 5 per cent interest. In about nine months after the first loan was made the interest rate was advanced to 5½ per cent. At the present time the rate is 6 per cent, as a result of the financial conditions prevailing throughout the country.

I wish to call the especial attention of Congress to the fact that while the Federal farm loan system was operating and making loans to the farmers private and corporate lenders of money were supplying money to the farmers at the same rate of interest. But, during the cessation of the loaning operations by the Federal farm loan system, because of the testing of the constitutionality of the law under the tax-exempt feature, we find that the farmers were immediately compelled to pay excessive rates of interest, running as high as 8 per cent in the very best agricultural districts of the country and exorbitant commissions besides.

The rapid growth of this cooperative plan of farm-mortgage credit may be clearly realized by studying the following table, which gives by States the number of associations chartered, the number of loans granted, the total amount of the loans, and the average loan made in each State as of December 31, 1920:

Number of national farm loan associations chartered and canceled, together with the number, total amount, and average of loans made in each State from the organization of the system to Dec. 31, 1920.

District and State.	Number of associations chartered.	Number of loans made.	Total amount loaned.	Average loan made.
District No. 1:				
Maine	17	784	$1,957,300	$2,497
New Hampshire	7	198	427,009	2,163
Vermont	11	409	1,051,500	2,570
Massachusetts	18	744	1,937,005	2,604
Rhode Island	2	60	163,250	2,721
Connecticut	15	497	1,530,650	3,080
New York	48	1,779	5,454,540	3,066
New Jersey	17	308	1,046,200	3,397
District No. 2:				
Virginia	79	3,138	8,630,533	2,750
Maryland	17	294	1,051,900	3,578
Delaware	2	23	89,200	3,878
Pennsylvania	47	1,330	3,528,830	2,653
West Virginia	27	803	1,469,459	1,830
District No. 3:				
North Carolina	130	3,109	5,919,900	1,904
South Carolina	101	2,263	6,622,410	2,925
Georgia	83	1,611	4,577,885	2,842
Florida	70	1,860	3,295,970	1,772
District No. 4:				
Tennessee	115	2,840	7,637,300	2,689
Kentucky	84	1,957	5,768,400	2,948
Indiana	95	3,243	11,452,800	3,532
Ohio	44	825	2,894,700	3,509

Number of national farm loan associations chartered and canceled, together with the number, total amount, and average of loans made in each State from the organization of the system to Dec. 31, 1920—Contd.

District and State.	Number of associations chartered.	Number of loans made.	Total amount loaned.	Average loan made.
District No. 5:				
Alabama	110	4,524	$8,558,270	$1,892
Louisiana	72	3,459	5,871,665	1,697
Mississippi	142	7,850	11,385,270	1,450
District No. 6:				
Illinois	126	2,327	9,944,505	4,274
Missouri	150	3,511	10,746,160	3,061
Arkansas	139	6,393	10,399,310	1,627
District No. 7:				
North Dakota	175	6,566	21,616,900	3,292
Minnesota	150	4,392	15,495,600	3,528
Wisconsin	88	2,316	6,067,900	2,620
Michigan	121	3,440	6,475,000	1,882
District No. 8:				
Iowa	141	3,382	24,124,350	7,133
Nebraska	134	3,324	15,147,690	4,557
South Dakota	82	1,934	8,220,750	4,251
Wyoming	24	588	1,434,500	2,440
District No. 9:				
Kansas	132	3,872	14,948,000	3,861
Oklahoma	122	3,157	6,979,200	2,211
Colorado	132	3,005	6,091,700	2,027
New Mexico	82	2,213	3,624,100	1,638
District No. 10:				
Texas	342	13,796	40,816,066	2,958
District No. 11:				
California	115	3,449	11,556,800	3,351
Utah	62	2,022	6,114,100	3,024
Nevada	5	62	228,200	3,681
Arizona	9	286	749,100	2,619
District No. 12:				
Idaho	75	3,460	10,962,895	3,169
Montana	133	4,610	11,331,590	2,458
Oregon	91	3,799	11,439,280	3,011
Washington	156	5,583	12,406,270	2,222
Total	[1] 4,139	131,395	369,242,464	2,810

[1] Of this total number 173 charters have been canceled by consolidation or otherwise, by Federal land bank districts, as follows: Springfield, 3; Baltimore, 2; Columbia, 12; Louisville, 18; New Orleans, 3; St. Louis, 23; St. Paul, 9; Omaha, 5; Wichita, 64; Houston, 18; Berkeley, 15; Spokane, 1. Therefore, on December 31, 1920, there were 3,966 national farm loan associations in actual operation.

FUNDS FOR LENDING TO FARMERS.

The money which the Federal land banks lend to farmers is not furnished by the Government unless the Government buys the bonds issued by the banks. Funds are provided by the sale of bonds to the investing public. Bonds are of various denominations to meet the needs of persons having money to invest. Under a recent amendment to the farm loan act approved March 4, 1921, bonds for small investors are authorized at $40 and $100; for large investors at $500, $1,000, or larger denominations. These bonds make a safe investment for savings, as they draw interest at 5 per cent at the present time.

THE FARM LOAN SYSTEM IS AN ESTABLISHED FACT.

The policy of providing capital for agricultural development through an organization supplying long-time credit on farm mortgages based on the amortization plan of repayment of principal, under the supervisory authority of the Government, was settled by Congress in the enactment of the farm loan act, and has since been indorsed in principle by both of the great political parties.

The Federal land banks must, therefore, without regard to individual views as to the soundness of the policy, be accepted to-day as an integral and permanent part of our financial system, and it is the duty of everyone charged with official responsibility to facilitate their orderly functioning in every reasonable way. This is clearly the view of Secretary Mellon, as indicated by the following statement made before the Committee on Banking and Currency of the House:

> If you are going back to just the broad question of policy, I believe that the policy for an organization to issue tax-free bonds for any class of borrowers is not a sound one. But the legislation has been enacted, and these organizations are going on, and if ever the situation requires the aid of the Government to the farm loan banks now is the time.

It is quite clear, therefore, that in these days of stress it would be absolutely wrong to uproot a system which is doing so much good to our fundamental industry—farming. And, in this statement, the Secretary, with his broad experience and sound financial judgment, recognizes the existence of a situation which requires the open door of every agency operating under Government auspices which may in any measure provide credit relief for agriculture.

RESULTS UNDER THE FEDERAL FARM LOAN SYSTEM.

It has equalized the rate of interest, reducing the exorbitant charges to a maximum of 6 per cent. It has made it possible for landless tenants to become landowners on the amortized plan of repayment. It is estimated that the farmers of America have been saved in commissions not less than $20,000,000 and not less than $30,000,000 in interest as a result of the competition of the banks created by the farm loan act. Notwithstanding the prevalence of drought and unfavorable climatic conditions in several Federal land bank districts and the very stringent credit situation now existing, the total delinquencies on March 31, 1921, amounted to approximately 2 per cent of the matured payments, and during the four years of the existence of the system the foreclosures have been so few that the Federal land banks have not reported them to the Federal Farm Loan Board for action. Only in rare instances have the banks resorted to foreclosure proceedings because of the failure of the borrowers to meet their regular installments on the loans.

The Federal farm loan system has, therefore, demonstrated its great economic value, and is full of promise for the development and welfare of our great agricultural interests of the Nation.

SOME OBJECTIONS RAISED AGAINST THE FARM LOAN SYSTEM.

It may be urged that this is granting a special privilege to the farmers, and that the farm loan system itself is a form of subsidy in that its instrumentalities are exempt from taxation. If the system carries a subsidy for agriculture, I think this is justified on the ground that agriculture is fundamental to civilization and life, and that every occupation has a direct and vital interest in the adequate production of farm products. I believe I am right in saying that no other industry lends itself so substantially and is of such absolute necessity to all other industries and activities as is agriculture, and no complaint against this slight privilege to agriculture is heard save perhaps from those who heretofore have controlled a monopoly on the farm-mortgage business of the country.

The objection raised against this bill that the bonds are tax exempt and that we should not increase tax-exempt securities, I think is well founded, and I wish to say that I am fully agreed with these critics and am ready immediately to vote to prohibit all future issues of tax-free securities of any and all kinds. But this raises a very fundamental question of the constitutional rights of the States, and we all agree that we do not have any right to make any such restriction without an amendment to the Constitution.

We are told that there are about $16,000,000,000 of tax-exempt securities afloat in this country to-day, increasing by a billion dollars every year; whereas the total amount of farm-loan bonds issued by both the joint-stock land banks and Federal land banks amount to approximately $427,000,000. Therefore it does seem to me that the argument does not lie with any weight against the continuation on the part of the Federal farm loan system to sell tax-exempt bonds to encourage a basic industry and to turn the tide of population as far as possible from the city to the farm.

Why attack the farmers' interest first, when they only have about 2⅔ per cent of the estimated tax-exempt securities? Moreover, mutual savings banks, securities of which the revenue bill especially exempts, hold, according to the last available statement, in excess of $2,000,000,000 of mortgages, and the depositors, who get the benefit of this tax exemption, are mostly city dwellers. The mutual building and loan associations, the securities of which are likewise exempt, had, according to the last published statement, in excess of $1,700,000,000 of tax-free securities. This benefit accrues to urban populations exclusively. In other words, I believe that we should not make an attack upon the small portion of tax-free bonds for the benefit of the farmer when we have the flood of tax-exempt securities largely in the interest of the urban populations.

In conclusion I wish to say that in view of all these facts it does seem to me that no valid objection can be raised against the passage of this bill. Those who object to the Government doing anything in a special way should remember that this system is already inaugurated. We are now responsible for it, and we should either remove it altogether or else make it function. Nothing can be more pitiful than to put a system in operation that has not the proper facilities to operate efficiently and successfully. So far as Government aid is concerned, there is ample precedent in every conceivable way in the past, because the Government has rendered aid to innumerable projects, such as has been given to the railroads, reclamation projects, tariffs, and so forth.

Briefly, therefore, the reasons why I believe this bill should be passed are as follows:

(1) To aid and encourage a basic industry in a time of nation-wide agricultural distress.

(2) To stop the unscrupulous money lender from charging exorbitant rates and commissions and enable the farmer to re-

finance his past-due mortgage loans now threatened with foreclosures in every section of the country.

(3) To aid the tiller of the soil to produce, sell, and buy, and thus start our stagnant industries in operation and put our idle millions to work.

(4) To liquidate the long-time credits in our country banks and give these banks a chance to locally finance the farmers in short-time loans for their immediate needs.

The passage of this bill will help to renew business activity and continued progress in every line of agriculture, commerce, and industry. Its spirit of constructive cooperation will help to make our Nation more socially happy and economically contented. I plead alike for the farmer and the laborer, the manufacturer and the business man, because the welfare and happiness of all rest primarily on the successful and contented tiller of the soil. [Loud applause.]

Mr. WINGO. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, a year ago, when the deflation processes began to be acute, the power to loan money to the farmers of this country by the farm loan banks was tied up by injunction and was kept tied up by injunction of the Supreme Court for 12 months. To make it worse, about the 30th of May, 1920, the Supreme Court of the United States announced that it could not determine the case as to the constitutionality of the farm loan act, and ordered a reargument to be held in October, and of course that put a conclusive end to any selling of any obligations of the farm loan system and raised a doubt as to its constitutionality which was much greater than ever existed before.

Immediately the price of farm products under the deflation processes began to go down. The wheat of the West became a drug in the market, the cotton of the South was deflated from 40 cents to 15 cents a pound. The banks that had loaned to make these crops under the most expensive conditions that ever had been made were unable to collect because the farmer was unable to sell his crop for enough to pay the debt contracted to make the crop. That went on and got worse, and the farmers were called on to liquidate their indebtedness. Under the policy adopted by the Federal Reserve Board very many had to liquidate their indebtedness, and many of them have not yet had to do it, but they have gone ahead, and in many instances, notably in the West, have sold the crop against which the obligation exists, and it has paid but a small per cent of the obligation which was contracted in making the crop.

The result is that in the banks of this country there is this agricultural paper uncovered except by the solvency of the individual who signed the notes, the original source of the payment having been sold and dissipated for much less than the obligation which existed. The commercial banks, therefore, are tied up, and as we are passing we might say that the Federal Reserve Board has not forced them to liquidate this paper in many instances, and they are entitled to some credit for that. These banks are tied up with paper on which if they forced payment to-day much of it would be worthless, and great losses would be entailed on the banks. The farmers are here asking us to enable the farm loan banks to put enough money behind them to allow them to put up their real estate and get the money to liquidate the indebtedness that is in the banks and save the situation and prevent a catastrophe in this country, from a financial standpoint, that will probably cost us 10 years of depression to get over unless it is done. That is the situation which confronts this country. It is no ordinary situation; it is no local situation.

Gentlemen from the extreme Northwest, gentleman from the Middle West, gentlemen from the far West, from the South, and from the Southwest, all unite in making the statement that if the farmers can borrow the money on their real estate on the same scale that the Federal Farm Loan Board can loan it, they could liquidate much of this uncovered indebtedness that is in the banks and enable the wheels of business to begin to turn in this country and relieve the banks from being forced into liquidation. That being the case, we find $140,000,000 of applications for loans by farmers of this country under this emergency. The Federal Farm Loan Board finds that selling bonds is rather slow. They sold $40,000,000 this spring. They can not sell more than $40,000,000 at one time and they can not sell them every 30 days. They have got to get the money to tide along and loan to the farmers and take their mortgages on their lands and sell the bonds as they can. Hence they asked for a revolving fund of $50,000,000. The Senate very promptly passed a bill giving it to them. It came to the House of Representatives and went to the Banking and Currency Committee, and some weeks ago it was reported out of that committee by a divided committee. The report never was filed. Influences were brought to bear to cut down the amount and get unity of action. I have not any question but that the bill carrying $50,000,000, as originally reported, would have been passed overwhelmingly in this House if the House could have had a vote upon it, but it never got to that point. It went back to the committee and then the Farm Loan Board came down there and stated that they were entirely satisfied with the $25,000,000 that this provides additional. Let us see about that. The Farm Loan Board came there. We had a discussion, and they were present. They were asked, "Is that not enough? Will not this answer the purpose?"

The chairman of the board was hesitant, but he said, "Yes; we can get along with this." I said, "This would constitute a life-saver—that is what it would be, is it not?" That is the exact language used, and he repeated it. He says, "Yes; this will be a life-saver, and that is all there is to it." Fifty million dollars would be much better, $100,000,000 would be much better still, because by next fall the condition that confronts us now will be probably relieved by the cheapness of making the crops this year and a possible reaction in prices, but now is the time when these men need to liquidate their debts in the bank, and therefore we stand for the bill as originally passed by the Senate, because it gives more in this emergency than this bill does by $20,000,000 and because there will be no hanging up of the bill when it goes to the Senate by a conference. If a man is drowning, if you are going to send him a life preserver, you ought not to wait until he drowns before you give it to him; but you should give it to him now, and that is what we want to do.

Talk about $50,000,000 being very heavy! Some people say that we want to give the farmers special privilege. Let us see what this bill provides. It provides for a deposit of $25,000,000 at a rate of interest one-half of 1 per cent higher than the rate of interest which they get on their bonds, which is a penalty. It is a rate of interest 3½ per cent higher than they charge the national banks of the country; it is higher than they charge a special depository, or a foreign depository, when they deposit their money. That is no special privilege; that is a penalty for being poor.

The last Treasury report which tells us where the money of the United States is deposited says that $75,000,000 are deposited in the Federal reserve banks. They have power of issuing Federal reserve notes, gold reserves, and to-day they would be able to issue $2,000,000,000 more than is outstanding. They have in their account now $39,000,000 of profit that is due the United States, which has not been turned over to the President. Yet people talk about its being hard to give the farmers $50,000,000 in their banks and charge them 5½ per cent for it. Let us see where the other money is. Deposits in special depositories, $542,000,000. Those depositories pay only 2 per cent interest. To the credit of the United States in foreign depositories, $681,000, and to the credit of Government offices in foreign depositories, $53,843,000. Yet you say it will not do to give a deposit in the banks of $50,000,000 to the credit of the farmers, when you have $55,000,000 deposited in foreign depositories under an act which we passed here during this Congress, deposited for the purpose of fostering commerce and enabling the Government's transactions to go on easily over there.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BARKLEY. What interest does the $55,000,000 in foreign depositories yield?

Mr. STEVENSON. So far as I know, absolutely none. In the national banks of this country there are $20,000,000 deposited, and they pay 2 per cent. Yet you talk about its being a great act of grace to loan $25,000,000 to the farmers' banks at 5½ per cent.

I submit that the Senate bill ought to be passed, and it ought to be passed just as it is without writing another mark upon it. I would be willing to amend it to make it $100,000,000, and say to the people of this country that the basic interest of this country is endangered, and that if they do not provide for liquidating their hold overs from last year's crops, they are going to bring down the whole structure of finance of the country banks on their heads and bring destruction on the financial interests of this country.

Now, is there any reason why money should not be available? What is going on in this country? In 12 months our gold reserve was increased from 49 per cent to 72 per cent, 32 per cent more than the law requires. Everybody is talking about hard times, and yet the ability of this country to finance itself has never been as great in the history of the country, as shown in the last report of the Federal reserve banks. They could

issue 80 per cent more Federal reserve notes than are outstanding to-day and still protect their gold reserve, and in the name of common sense what is gold for and what is money for if it is not to be used in time of financial stress? Are we hoarding it when we want to use it? I want to say that the time has come when there ought to be a loosening up of credits in this country, and there ought to be a loosening up because you are building up a hoarding system until we will get to a point where popular sentiment will break down and overthrow your board and bring destruction to your whole financial system. Now, let us get at another thing. The Federal reserve notes 12 months ago were $3,104,000,000. To-day there are $2,674,000,000. In other words, they have got a half billion dollars less notes outstanding and we have got more than five hundred million more free gold reserve. Then, I say, there is no reason in the world why this permission should not be given to the Secretary of the Treasury. I want to call attention to another thing about this: They say that you must not put the word "shall" in here when you are dealing with the Secretary of the Treasury about his deposits. You must not use the word "shall" in reference to deposits. No, no; leave it to his discretion, but when it comes over to the part about paying it back, it says that 15 days after the conclusion of the general offering of Federal land bonds the Treasurer "shall" demand a repayment of the $25,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. May I have one minute more?

Mr. WINGO. I yield the gentleman an additional minute.

Mr. STEVENSON. Now, if you do not want to make it imperative to make him deposit it, why make it imperative to require him to call it, whether they are prepared to pay or not?

Mr. McFADDEN. The gentleman is aware, of course, that the suggestion is from Mr. Lobdell, one of the commissioners?

Mr. STEVENSON. That may be, but Mr. Lobdell does not happen to be a member of the legislative department of this Government. I am tired of hearing that just because somebody says it, we should do so-and-so. I am a Representative of 240,000 people, and they expect me to exercise my judgment, regardless of Mr. Lobdell or anybody else, and I propose, if somebody else does not do it, to move to strike out the word "shall" and insert the word "may," and have it discretionary with the Secretary of the Treasury in both instances as to whether he will make deposits and whether he will call it in 15 days. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McFADDEN. I yield 10 minutes to the gentleman from North Dakota [Mr. YOUNG].

A GOVERNMENT BOUNTY ON CANADIAN LUMBER WOULD BE MORE DEFENSIBLE THAN A TARIFF.

Mr. YOUNG. Mr. Chairman, one of the big things, perhaps, the most important thing standing in way of reduction of prices, is rent, and the biggest factor in rent, at least so far as it can be affected by legislation in Congress, is lumber.

REPUBLICAN CAUCUS PROBABLE.

Every day it becomes more evident that the Members of the House will insist upon a Republican conference in respect to lumber duties. In order that those who attend this conference, or caucus, as it is used to be called, may have before them in convenient form the main facts in respect to the proposed duty on dressed lumber, I have undertaken to present to the House a considerable amount of information in respect to the lumber industry, both in the United States and in Canada.

Mr. Speaker, any duty imposed against lumber can be justified only from the standpoint of revenue or that the lumber industry is suffering from foreign competition and is in need of tariff protection.

LUMBER TARIFF FROM REVENUE STANDPOINT INDEFENSIBLE.

It is my contention that it can not under any circumstances be defended from the standpoint of revenue for the reason that the proposed duty of 25 per cent ad valorem reported in the newspapers will be absolutely prohibitive. Under such a duty I doubt if a single board of finished lumber would be imported excepting under unusual conditions, when demand might exceed supply. It is conceivable that under such conditions if there were such a thing possible as a building boom lumber prices might reach a point where there would be some importations; but the duties collected would be negligible. Upon hardwood flooring it would amount to from $8 to $20 per thousand feet, depending upon the quality, and later I shall give the figures on other kinds of dressed lumber.

REPUBLICAN PLATFORM DELIGHTFULLY INDEFINITE.

From the standpoint of protection it is also unjustifiable. There was a time when Republicans used to believe that the tariff should measure the difference in the cost of production at home and abroad, to which at times was added the idea that there should also be a reasonable profit to the American manufacturer, but I see from the Republican platform adopted last year in Chicago that while the attention of those in the convention, as well as those outside of it, was centered on other questions of absorbing interest, an entirely new measure of protection was announced in these words:

The Republican Party reaffirms its belief in the protective principles and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture, and industry.

This tariff plank is so delightfully indefinite that the party is not pledged to a revision either upward or downward. But our duty to do the rational thing in respect to the tariff on lumber, as well as other commodities, is none the less obligatory upon us.

Getting back of our most recent party utterance as to the tariff to a time when our people were thinking more about it, I think we should approach the consideration of a duty on lumber from the standpoint of the relative costs of production between this country and Canada, which is our only competitor covering that commodity. Those who seek a duty on lumber must show that if they are granted a duty by this House, that production costs, including freight rates by reason of a longer haul, are lower in Canada than in our country. This they have been utterly unable to do up to this time.

NO COUNTRY CAN MAKE LUMBER SO CHEAPLY AS OURS.

Mr. Chairman, it is my belief that no country in the world can manufacture lumber in commercial quantities as cheaply as the United States, and that Canada, our only competitor, is no exception.

Let us consider, first, the element of labor. Based upon the reported cut in the United States as contained in the last available bulletin, No. 845, of the United States Department of Agriculture, and the wages paid in 1921, and based upon the total Canadian cut for 1919, which is the last available from the Dominion statistics on lumber cut, and the wages paid in 1921, we get the following results:

LABOR CHEAPER IN UNITED STATES.

Mr. Chairman, the average wage paid at the present time for common labor in Canada is greater than in the United States.

Average wage: Canada, $3.37 per day; United States, $2.86 per day.

UNITED STATES.

13,354,418,000 board feet manufactured on the basis of 20 cents per hour, 10-hour day.

9,746,848,000 board feet manufactured on the basis of 45 cents per hour, 8-hour day.

6,260,754,000 board feet manufactured on the basis of 35 cents per hour, 10-hour day.

Average common labor, $2.86 per day.

CANADA.

1,432,068,000 board feet manufactured on basis of 35 cents per hour and 9-hour day.

2,694,915,000 board feet manufactured on basis of 35 cents per hour and 10-hour day.

Average common labor, $3.37 per day.

The average wage paid in 1920 for common labor was also greater in Canada than in the United States.

Average wage: Canada, $4.82 per day; United States, $3.88 per day.

UNITED STATES.

13,354,418,000 board feet manufactured on the basis of 30 cents per hour common-labor rate and 10-hour day.

9,746,848,000 board feet manufactured on the basis of 55 cents per hour common-labor rate and 8-hour day.

6,260,754,000 board feet manufactured on the basis of 50 cents per hour common-labor rate and 10-hour day.

Average common labor, $3.88 per day.

CANADA.

1,432,068,000 board feet manufactured on basis of 50 cents per hour common-labor rate and 9-hour day.

2,694,915,000 board feet manufactured on basis of 50 cents per hour, 10-hour day.

Average common labor, $4.82 per day.

The relative labor costs are well supported by the fact that we are shipping two and one-half million dollars' worth of lumber per month to one Canadian Province—Ontario.

LUMBERMEN NOT UNITED FOR A TARIFF.

Mr. Chairman, the lumbermen themselves are by no means united in the request for a duty on lumber. Mr. John Kirby, president of the National Lumber Manufacturers' Association, whose remarks can be found in the printed hearings before our committee, said that a duty on lumber could not be justified from the standpoint of protection, although he did say that the Government ought to pick up some revenue out of the importations. Evidently he had no thought that a duty so high as 25 per cent ad valorem would be proposed, because such a duty, for the reasons already stated, can not be regarded as a revenue duty, because the rate is practically prohibitive.

Many of the lumber manufacturers are opposed to the imposition of a duty on lumber, perhaps a majority of them. It is said by those who wish a duty on lumber that only those particular manufacturers who own mills both in the United States and Canada are in favor of free lumber. That statement is not true and can not be borne out by the facts. It is possible, however, to obtain very valuable figures from those particular concerns which do own mills in both the United States and Canada, because such concerns can give us accurate costs of production in both countries.

Here is a statement from a lumber concern which owns mills in both Minnesota and Ontario. Everyone knows, of course, that Ontario joins Minnesota on the east. The statement compares operations in western Ontario and eastern Minnesota, as follows:

WAGES HIGHER IN ONTARIO.

Statement showing a comparison of average wages per hour paid by a typical Minnesota sawmill and a typical western Ontario sawmill during 1919, 1920, and for the season of 1921.

[These two mills fairly represent the scale of wages in all plants in the two territories.]

Class of employment.	1919		1920		1921[1]	
	Ontario.	Minnesota.	Ontario.	Minnesota.	Ontario.	Minnesota.
Boom	$0.425	$0.425	$0.550	$0.550	$0.450	$0.385
Log dock	.450	.450	.550	.550	.450	.385
Sawyer	.900	.900	1.150	1.150	.925	.900
Setter	.525	.525	.675	.675	.550	.475
Rider	.450	.450	.550	.550	.450	.385
Tail sawyer	.450	.450	.550	.550	.450	.400
Bull chain	.425	.425	.525	.525	.425	.370
Edgerman	.500	.500	.650	.650	.525	.475
Edger helper	.450	.450	.550	.550	.450	.385
Stripper	.425	.425	.525	.525	.425	.370
Head-end slasher	.450	.450	.500	.500	.400	.350
Tail-end slasher	.400	.400	.500	.500	.400	.350
Trimmerman	.450	.450	.625	.625	.500	.400
Saw puller	.475	.475	.625	.625	.500	.400
Trimmer table	.400	.400	.500	.500	.400	.350
Grader table	.400	.400	.500	.500	.400	.350
Levers	.450	.450	.550	.550	.425	.385
Resawyer	.475	.475	.575	.575	.450	.400
Oiler	.450	.450	.550	.550	.450	.385
Millwright	.500	.500	.725	.600	.600	.420
Fireman	.475	.475	.600	.600	.475	.420
Engineer	.490	.490	.625	.600	.500	.420
Common labor	.400	.400	.500	.500	.400	.350
Average, all classes	.47	.47	.593	.587	.478	.413

[1] Prevailing wage at present time.

It will be noted that the existing (1921 basis) wages in Ontario are higher than in Minnesota. During 1919 and 1920 and 1921 Ontario labor paid in American money.

These two operations cut the same species of timber, they are nearly the same size, and their method of manufacture is the same.

NOTE.—The wages paid in Minnesota and western Ontario during 1919 and 1920 were practically identical. The wages paid in Ontario at present and the 1921 basis are higher than Minnesota.

LUMBER MANUFACTURING COST ON PACIFIC COAST CHEAPER THAN BRITISH COLUMBIA.

Mr. Chairman, turning to the matter of wages paid on the west coast, where fir and spruce are produced west of the Cascade Mountains and pine east of the Cascade Mountains, which also applies to British Columbia as well as Washington and Oregon, I wish to direct the attention of the House to the fact that the west coast of the United States has been operating on an eight-hour day as against nine hours in British Columbia. For that reason the average wage per hour on our west coast for the lower classes of labor is somewhat higher than in British Columbia, but this is offset by the added efficiency of the American laborer. The west coast producers themselves admitted to the Ways and Means Committee that their labor was more efficient. As to the higher classes of labor and skilled labor there is practically no difference in wages, although one mill in British Columbia may pay greater wages for a sawyer than a certain mill in Washington, and vice versa.

The claim is made by those who desire a tariff that oriental labor in British Columbia is a material competitive factor. There are approximately 4,200 orientals in British Columbia in the woods, sawmills, and shingle mills, and approximately 6,000 orientals in like employment in the States of Oregon and Washington. As compared to our total consumption only one three-hundredths of the lumber used by this country is entirely manufactured by oriental labor in British Columbia. Hardly a competitive factor!

The timber licenses issued by the British Columbia Government forbid the employment of Japanese and Chinese in logging operations. Besides, labor costs are only useful as one factor of the total costs of production.

As to the total costs of producing lumber in Canada and the United States, the committee has before it figures which compare the costs of production of the various species of wood and producing districts of Canada and the United States. The cost of producing pine lumber in one country is compared with the cost of producing pine in the other; the cost of producing fir and spruce lumber in one country is compared with fir and spruce of the other. Composite figures for groups of mills must be used in order to reflect the competition of the average of all grades produced. I have taken as a basis of my comparison the costs of production during the year 1920, as submitted by the various lumber associations throughout Canada and the United States. These statements were compiled prior to the discussion of this tariff legislation. They are:

Total cost of producing southern pine, 1920, $31.21 per 1,000 board feet, as submitted by the Southern Pine Association.

Total cost of producing pine lumber in eastern Ontario, as submitted by the Lumber Association, at Ottawa, Canada, for the entire year of 1920, $38.10 per 1,000 board feet.

Total cost of producing fir and spruce on our west coast during 1920, as submitted in printed cost statements of the West Coast Lumbermen's Association, $33.76 per 1,000 board feet.

Total cost of producing fir and spruce in British Columbia, as submitted in printed cost statements of the British Columbia Lumbermen's Association, $36.77 per 1,000 board feet.

These figures are amplified and explained in the condensed operating statements of the West Coast Lumbermen's Association and the British Columbia Lumbermen's Association.

The gentleman from Minnesota [Mr. NEWTON], who has taken a very active part in the fight for free lumber, has handed to me these very valuable tabulated statements showing the comparative costs of producing lumber on the Pacific Coast States and British Columbia. I shall ask to have both of these statements printed in the RECORD. They are well worth the study of every Member of the House.

LUMBER COSTS ON WEST COAST.

Condensed operating statement of West Coast Lumbermen's Association.

[Composite average, 58 operations, 12 months ending Dec. 31, 1920, shows 6.74 per cent return on investment.]

	Feet.	12 months to Dec. 31, 1920.	
		Amount.	Per thousand.
Logs (basis, log scale):			
Inventory at beginning	175,539,000	$2,647,720.19	$15.08
Cost of logs produced	1,032,667,000	15,861,884.66	15.36
Logs purchased	841,163,000	18,605,413.93	22.12
Total	2,049,369,000	37,115,018.78	18.11
Deduct—inventory at end	154,813,000	2,165,162.73	13.99
Cost of logs disposed of	1,894,556,000	34,949,856.05	18.45
Disposition—			
To lumber mill (sawn)	1,783,407,000	33,279,902.75	18.66
To shingle mill	52,081,000	925,360.74	17.77
To others	54,413,000	1,083,172.20	19.91
Logs lost and used	4,655,000	69,569.98	14.94
Total	1,894,556,000	35,358,005.67	18.66
Log gain	1,894,556,000	408,149.62	.21
Lumber (basis, board measure):			
Inventory at beginning	353,374,000	7,452,247.83	21.09
Logs sawn (overrun, year, 7.6 per cent)	1,918,205,000	33,279,902.75	17.35
Manufacturing costs	1,918,205,000	23,917,079.39	12.47
Lumber purchased	14,025,000	533,921.69	38.07
Total	2,285,604,000	65,183,151.66	28.52
Deduct inventory at end	467,755,000	7,539,173.21	16.12
Production cost of lumber sold	1,817,849,000	57,643,978.45	31.71
Shipping expenses	1,817,849,000	1,789,032.73	.98
Selling expenses	1,817,849,000	1,951,111.94	1.07
Total cost of lumber sold	1,817,849,000	61,384,123.12	33.76

LUMBER COSTS ON WEST COAST—continued.

Condensed operating statement of West Coast Lumbermen's Association—Continued.

	Feet.	12 months to Dec. 31, 1920.	
		Amount.	Per thousand.
Lumber—Continued.			
Sales, lumber f. o. b.—			
Rail	1,322,546,000	$50,110,740.89	$37.89
Cargo	357,286,000	11,314,318.78	31.67
Local	108,513,000	3,773,398.86	34.77
Company	29,504,000	707,790.90	23.99
Total sales	1,817,849,000	65,906,249.43	36.25
Underweights	878,231,000	795,780.26	.91
Total	1,817,849,000	66,702,029.69	36.69
Lumber gain	1,817,849,000	5,317,906.57	2.93
Log gain	1,817,849,000	408,149.62	.22
Lath, wood, and sawdust gain	1,817,849,000	1,421,518.58	.78
Miscellaneous operations, gain	1,817,849,000	852,517.63	.47
Actual operating gain	1,817,849,000	8,000,092.40	4.40
Amount invested capital per thousand annual output (based on data furnished price-fixing committee of War Industries Board in 1918)			65.29
Percentage return on invested capital			6.74

NOTE.—This statement represents all operating reports received covering the 12 months' period and includes operations shown on opposite page plus mills not reporting the month of December separately.

LUMBER COSTS IN BRITISH COLUMBIA.

Composite operating statement of British Columbia Lumbermen's Association.

[23 operations, 12 months ended Dec. 31, 1920, being 51.7 per cent of average daily output.]

	Material.	Amount.	Per thousand.
Logs (basis, log scale):			
Logs purchased	398,123,966	$9,394,573.82	$23.60
Logs to lumber mill	397,905,815	8,583,301.83	21.57
Lumber (basis, board measure): Logs sawn, overrun 8.2 per cent of mills showing overrun	428,901,127	8,583,301.83	20.01
Manufacturing expenses:			
Labor, feet analyzed	428,901,000	3,178,233.51	7.41
Supplies, do	340,164,000	420,515.88	1.24
Maintenance and repairs, do	307,894,000	364,510.25	1.18
Or supplies and maintenance and repairs, feet analyzed	88,737,000	198,599.63	2.24
General expense (mill), do	333,399,000	322,622.86	.97
Fire insurance, do	428,901,000	223,599.59	.52
Workmen's compensation, do	427,172,000	75,005.42	.18
Depreciation, do	419,593,000	447,446.41	1.07
Shut down overhead, do	81,904,000	29,858.61	.36
Administrative, do	428,901,000	517,757.55	1.20
Total of manufacturing expenses	428,901,000	5,778,149.71	13.47
Total cost of manufacturing	428,901,127	14,361,451.54	33.48
Lumber inventory at beginning	100,068,740	1,511,124.28	15.10
Lumber purchased	11,225,362	428,616.90	38.20
Total cost of lumber handled	540,195,229	16,301,192.72	30.18
Deduct—inventory at Dec. 31, 1920	131,623,900	2,052,943.21	15.60
Production cost of lumber sold	408,571,329	14,248,249.51	34.87
Add:			
Shipping expenses, feet analyzed	349,413,000	589,570.35	1.68
Selling expenses, do	333,926,000	187,710.71	.56
Total cost of lumber sold		15,025,530.57	36.77
Sales, lumber f. o. b.		17,115,893.84	41.89
Profit		2,090,363.27	5.12
Deduct—financial expenses, sales, discount, etc		254,368.24	.63
Net profit, lumber sales		1,835,995.03	4.49

LABORERS GO BACK AND FORTH TO CANADA.

But, Mr. Chairman, perhaps the most conclusive thing which can be cited to show that the lumber costs are practically the same in Canada as in the United States is the fact that labor goes back and forth between one country and the other. My esteemed colleague from Oregon [Mr. HAWLEY] brought this situation to light, as will be seen by the foregoing dialogue, which occurred at the public hearings before our committee:

Mr. COLLIER. And you don't want any protection on lumber, but just revenue?

Mr. SAUNDERS. I don't think we particularly need protection.

Mr. HAWLEY. Have you made any inquiry as to the cost of production of the competing product in Canada?

Mr. SAUNDERS. Yes, sir.

Mr. HAWLEY. Can they manufacture a thousand feet for a less price than you can?

Mr. SAUNDERS. I think not, sir. Our wages are the same. Our workmen exchange some.

Mr. Saunders is a Michigan lumberman.

COST TO AMERICAN CONSUMERS.

Now, as to what it will cost American consumers: First of all, it depends on the wording of the lumber paragraph as finally carried in the bill.

If the bill when it shall have been finally considered and finally agreed upon and reported embraces all planed lumber as well as lumber tongued and grooved, it will cover 100 per cent of all imported dressed lumber; if it embraces only lumber which is tongued and grooved, it will cover about 50 per cent of all imported dressed lumber.

Dressed lumber, which includes all siding, ceiling, flooring, ship-lap, sheathing, and partition, is the chief requirement for houses, barns, garages, machine sheds, and storehouses, now so scarce all over the country. An ad valorem duty on these items will mean a duty of from $5 to $12 per thousand feet on the softwoods, depending on the quality, and from $8 to $20 per thousand on hardwood flooring.

It is up to us to face this problem squarely. Those who are satisfied with having only rough lumber free are those who will be content with a house where the snow will sift through in the winter and the flies crawl through in the summer.

Here is an average estimate of the increase of cost to the building of dwellings and farm construction if a 25 per cent ad valorem tax is adopted and is taken full advantage of by the manufacturers.

Wholesale, not retail, prices are given.

At Manhattan, Kans.: One farmhouse of 7 rooms and one barn of lumber.

Total footage of all lumber, 50,000 board feet, one-third of which will be dressed one side and one edge; the balance will be worked to pattern, such as flooring, siding, ceiling, partition, and sheathing, which can properly be classed as tongue-and-grooved material.

Approximate present price of total material:

16,000 feet at $35	$560.00
34,000 feet at $50	1,700.00
100,000 shingles at $6	600.00
Total	2,860.00
Duty increases 16,000 feet by $5 per 1,000 feet	80.00
Duty increases 34,000 feet by $8.75 per 1,000 feet	297.50
Duty increases shingles by 60 cents per 1,000	60.00
Total increase in wholesale prices by duty	437.50

At Lexington, Nebr.: One farm, 7-room house of lumber.

Total footage of lumber, 22,000 board feet.

If amended schedules means that any lumber finished on one or more sides is dutiable, the entire amount above is taxed.

Total present cost:	
6,000 at $36	$216.00
16,000 at $50	800.00
40,000 shingles at $6	240.00
Total cost	1,256.00
Duty increases 6,000 feet by $5 per 1,000 board feet	80.00
Duty increases 16,000 feet by $8.75 per 1,000 board feet	140.00
Duty increases 40,000 shingles by 60 cents	24.00
Total increase by proposed duty	244.00

At Des Moines, Iowa: One urban home of 7 rooms.

Total footage of lumber, 27,000 board feet.

Present cost:	
9,000 feet at $37.50	$337.50
18,000 feet at $60	1,080.00
50,000 shingles at $6.50	325.00
Total cost	1,742.50
Duty increases 9,000 feet by $5	45.00
Duty increases 18,000 feet by $10	180.00
Duty increases 50,000 shingles by 60 cents	30.00
Total increase caused by duty	255.00

At Bismarck, N. Dak.: One urban home of 8 rooms.

Present cost:	
7,500 feet at $36	$270.00
20,000 feet at $58.50	1,170.00
55,000 shingles at $6.35	349.25
Total cost	1,789.25
Duty increases 7,500 feet by $5.25 per 1,000 feet	39.37
Duty increases 20,000 feet by $9.50 per 1,000 feet	190.00
Duty increases 55,000 shingles at 60 cents	33.00
Total increase caused by duty	262.37

At Racine, Wis.: One 8-room house and barn.
Total footage of lumber, 55,000 board feet.

Present cost:	
19,000 feet at $36.50	$689.50
36,000 feet at $60	2,160.00
120,000 shingles at $6.50	780.00
Total cost	3,629.50
Duty increases 19,000 feet by $5.25	99.75
Duty increases 36,000 feet by $10	360.00
Duty increases 120,000 shingles by 60 cents	72.00
Total increase caused by duty	531.75

At Springfield, Ill.: One 7-room house.
Total footage, 22,000 board feet.

Present cost:	
6,000 feet at $38.50	$231.00
16,000 feet at $60	960.00
40,000 shingles at $6.65	266.00
Total cost	1,457.00
Duty increases 6,000 feet by $5	30.00
Duty increases 16,000 feet by $10	160.00
Duty increases 40,000 shingles by 60 cents	24.00
Total increase caused by duty	214.00

At Benton Harbor, Mich.: Same as Springfield, Ill.
Cincinnati, Ohio: One urban home of 8 rooms.
Total footage, 29,000 board feet.

Present cost:	
9,500 feet at $38.50	$365.75
19,500 feet at $62.50	1,218.75
58,000 shingles at $6 per M	382.80
Total cost	1,967.30
Duty increases 9,500 feet by $5	47.50
Duty increases 19,500 feet by $9	175.50
Duty increases 58,000 shingles by 60 cents per M	34.80
Total increase caused by duty	257.80

Pittsburgh, Pa., Mount Vernon, N. Y., and any New England point: Duty affects same as at Cincinnati, Ohio, $257.80.

Mr. LONGWORTH. Will the gentleman yield?

Mr. YOUNG. I will.

Mr. LONGWORTH. I did not come into the House in time to hear the gentleman's opening remarks. Do I understand the gentleman is now making a statement as to the action of the Committee on Ways and Means on lumber?

Mr. YOUNG. No; I have not made any statement of what action the Ways and Means Committee has taken, but I will say to the gentleman that the newspapers of the country have carried statements repeatedly, apparently handed out by those in favor of a duty, that a duty will be carried on certain classes of lumber, and they have been very careful to say it is not going to be put on all classes but is going to be 25 per cent on a certain class.

Mr. LONGWORTH. The gentleman is stating to this House that the committee has decided to put a duty on certain classes of lumber, is he?

Mr. YOUNG. I am stating that the committee has the matter of lumber duties under consideration, and I am saying that if a duty of 25 per cent ad valorem is placed on dressed lumber that it will increase the cost of the building of a house and barn at Manhattan, Kans., $437.50, provided the manufacturers of this country take full advantage of that duty.

Mr. LONGWORTH. The gentleman has not made a definite statement that anything has been decided upon in reference to it?

Mr. YOUNG. I have not stated what the committee will finally report.

Mr. LONGWORTH. Has the gentleman stated what has so far been agreed upon——

Mr. YOUNG. I have not done so; but I will say the newspapers have carried the reports repeatedly, apparently handed out by those who want a duty, that it is not to be a duty on all lumber, but it is going to be confined to dressed lumber, the same amount as that charged by Canada against us, which is 25 per cent.

Mr. LONGWORTH. I have no possible objection to the gentleman stating that if the committee decided to do a certain thing then a certain result might follow, but I hope the gentleman would not state to the House with any authority whatever that the committee has decided to put a duty on lumber, or no duty on lumber, or anything which has occurred in the committee.

Mr. YOUNG. I am referring to the duty of 25 per cent now carried by Canada, and what the effect would be if we imposed a similar duty. It is a question of the greatest importance not only to the Members of this House but to the people of this country that they face the situation and know what it means.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. YOUNG. I will.

Mr. COOPER of Ohio. I would like to ask the gentleman from North Dakota by what authority he assumes that if there is a duty of 25 per cent put on lumber then that lumber will immediately advance 25 per cent?

Mr. YOUNG. I have not made that statement, I will say to the gentleman from Ohio.

Mr. COOPER of Ohio. I think the gentleman is trying to leave that impression, though.

Mr. YOUNG. No; I made a prediction of what would happen if the manufacturers take full advantage of the duty. And I want to tell you another thing, which is that the lumbermen of the United States have not been very slow in the past in taking advantage of trade opportunities. And I will say this——

Mr. OLDFIELD. Will the gentleman yield?

Mr. YOUNG. In a moment. There is still another consideration, which I had not intended to mention but am going to mention, and that is that the wholesalers, who usually charge a profit of about 15 per cent, will add that to whatever duty there will be; the retailers will put on another profit of about 25 per cent of whatever the cost is to them. Then the contractor will add 10 per cent to the grand total.

Mr. COOPER of Ohio. Will the gentleman yield for another question?

Mr. YOUNG. Certainly.

Mr. COOPER of Ohio. Is it not a fact, though, that the price of lumber is higher to-day under the Underwood tariff bill than under the last Republican tariff bill?

Mr. YOUNG. Lumber is not as high now as it has been, but——

Mr. COOPER of Ohio. Then you can not blame that on the tariff.

Mr. YOUNG. But the industry has flourished under free trade. They have enjoyed about 97½ per cent of the American lumber trade. They ought not to ask us for a high duty in order to capture the remaining 2½ per cent.

CONSERVATION OF TIMBER SUPPLY.

Conservation of our timber supply dictates a policy of free lumber.

The Chief Forester of the United States in his report issued June 1, 1920, in reply to Senate resolution 311, stated:

> Three-fifths of the original timber of the United States has gone. * * * We are using timber four times as fast as we are growing it. * * * The forests remaining are so localized as greatly to reduce their national utility. That the depletion of timber is not the sole cause of recent high prices of forest production, but it is an important contributing cause whose effects would increase steadily as depletion continues. The virgin areas of the United States covered 822,000,000 acres; they have now shrunk to one-sixth of that area.

Mr. Chairman, if Congress should enact legislation to affect lumber at all it would be more logical to pay a bounty for all Canadian lumber shipped into our country than to erect a tariff wall so high as to shut it all out.

FEDERAL TRADE COMMISSION MAKES SERIOUS CHARGES.

As far as softwoods are concerned, I think the request for duties comes solely from the West Coast Lumbermen's Association, and other manufacturers of soft lumber throughout the country are either not particularly interested or are opposed to it. Bearing in mind that it is the West Coast Lumbermen's Association which is urging that we impose this duty, it might be well to read what the Federal Trade Commission has to say about the manufacturers who compose that association, which I think will be found very illuminating:

> Between 1915 and 1920 wholesale quotations on fir lumber increased from 300 per cent to 500 per cent, and most items doubled in price after the armistice. Notwithstanding substantial reductions since the spring of 1920, on some items quotations still range about as they were in May and June, 1919, and on others as they were in the spring of 1917. On substantial portions of the production present quotations are still more than double the October, 1915, prices. Fir logs are quoted as of May, 1921, at prices identical with those which were fixed by the War Industries Board as the war-time maximum, and which the loggers continued in force as the minimum until June, 1919. These comparisons are based upon the published quotations of the manufacturers and loggers.
>
> The loggers and lumber manufacturers of the Douglas fir region are organized for the purpose of taking concerted action on the prices of logs and lumber, supporting the prices so fixed by means of concerted restriction of production.
>
> The relation between the fir-log and lumber markets is such that ordinary manufacturing profits tend to be absorbed in the price of logs and the valuation of timber, particularly on falling wholesale lumber markets. The frequent and present claims of unprofitable mill prices are largely explainable by the collusive action of loggers and timber-owning mills in enhancing the value of logs and standing timber.
>
> Despite the fact that retail prices on lumber in January, 1921, had not been reduced proportionately to the decline in wholesale prices, the manufacturers joined hands with the retailers in an advertising campaign to revive buying, which, if successful, will tend to prevent such a reduction in retail prices.

The success of the Douglas fir loggers' and manufacturers' concerted efforts to advance prices in 1919 was threatened by the importation of Canadian logs, and led to efforts to prevent such importation. Failing in this, the British Columbian loggers became affiliated with the American associations and adopted the latter's prices.

DEMAND FOR FREE LUMBER NOT SECTIONAL.

Mr. Chairman, the demand for free lumber is not sectional. It comes from all over the country—north, south, east, and west. And it is not confined to any class. The people in the cities where rents are high and where housing problems are being studied as never before, want it and want it badly. The farmers are also for it. In this connection Mr. Gray Silver, Washington representative of the American Farm Bureau Federation, wrote me on May 23 as follows:

[President, J. R. Howard, Chicago, Ill.; Washington representative, Gray Silver.]

AMERICAN FARM BUREAU FEDERATION,
MUNSEY BUILDING,
Washington, May 23, 1921.

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.

DEAR MR. YOUNG: As you probably know, the American Farm Bureau Federation held a conference of its executive committee and representatives of State federations in Washington during the two weeks following April 11. On April 22 this conference, officially representing the entire American Farm Bureau Federation, passed a resolution, copy of which is attached, protesting against the placing of any import duty upon lumber, either in the rough or dressed state.

The total normal annual cut in this country is equivalent to about 24,000,000,000 cubic feet of standing timber (51,000,000,000 feet board measure and 110,000,000 cords of firewood). Of this amount the farmers consume close to 11,000,000,000 cubic feet, or 46 per cent of the entire cut. Agriculture, therefore, may be justly considered the greatest single wood-using industry of the United States.

Of the total saw-timber material, agriculture consumes 10,600,000,000 feet board measure, out of which 6,750,000,000 feet board measure is used for construction purposes. Nine hundred million feet board measure is made up of slack cooperage, shingles, and poles, and the balance is lumber in manufactured products purchased by the farmers. In addition to this consumption, the farmers consume 8,600,000,000 cubic feet of timber products in the form of fencing and fuel wood. The 10,600,000,000 feet board measure are equivalent to 2,400,000,000 cubic feet, making a total annual consumption of 11,000,000,000 cubic feet of lumber consumed by American agriculture.

The demand by the farming industry for lumber and timber products is steadily increasing and any curtailment in the supply of such materials will result in very serious injury to agricultural interests of the country. When we realize that the annual growth and reproduction in this country is in the neighborhood of 6,000,000,000 feet, and is mostly in the lower grades, we realize how seriously threatened is our future timber supply. With a situation such as this facing the country it would seem to us entirely impracticable to consider the placing of a duty on the importation of lumber. In fact, the conditions existing would point rather to the necessity of adopting a policy which would remove as far as possible the burden of supplying our needs from our rapidly depleting supply. Every piece of lumber imported from Canada saves just that much from our remaining supply, and therefore from a conservation angle a tariff on lumber merely serves to more rapidly deplete our own forest reserve.

We have carefully examined the testimony before your committee, and note several statements that are practically admissions on the part of the lumber interests that on a basis of cost they have nothing to fear from the importation of Canadian lumber. On the other hand, the fact that Canada imposes a 25 per cent ad valorem duty and has in addition to that an antidumping provision which allows them to further assess a 15 per cent ad valorem duty to protect Canadian lumber from American imports would strengthen our belief that our lumber does not need protection from Canadian lumber. This would leave the tariff on lumber as purely a revenue measure. It is estimated that we might possibly secure $1,500,000 returns from the proposed tariff. The absurdity of appropriating $7,000,000 for reforestation purposes and attempting to secure revenue from a tariff on importation of lumber would seem apparent on the face of it to anyone.

When, in addition to the general situation, we consider the present acute shortage of homes and the high prices still prevailing in construction work in this country we can see no possible justification for a tariff on lumber at this time.

Therefore we desire as strongly as possible to present the desires of the American Farm Bureau Federation as expressed in the attached resolution. We wish further to say that this matter has been submitted to our State and county bureaus and we have official resolutions passed by 15 State farm bureau federations and by hundreds of county farm bureaus protesting against this tariff on lumber.

Very truly, yours,

GRAY SILVER,
Washington Representative.

SHALL WE ENDANGER OUR SPLENDID TRADE WITH CANADA?

Mr. Chairman, we shall be very shortsighted, indeed, if we overlook our splendid export trade to Canada. We sell more manufactured stuff to Canada than to any other foreign country. It must be an injurious factor in securing Canadian business for the Canadians to find it necessary to pay in settlement for American goods $111 for every $100 money draft sent to our country, which they have been doing for a year or so past. It goes without saying that the reduction of our imports from Canada acts as a factor to increase the disparity in the money exchange rates between the two countries. We ought to take into account that shutting out $60,000,000 worth of lumber from Canada will be still further aggravating the money exchange situation and making it still more difficult for our manufacturers to export their products to Canada. If the lumber manufacturers were hard pressed by reason of foreign competition and in a critical condition, it might not be fair to ask them to suffer for the benefit of exporters generally throughout the United States. Fortunately no such condition has arisen in connection with the lumber industry, and it seems to me that we ought not under the circumstances to endanger our entire trade with Canada by the imposition of a foolish, indefensible duty upon lumber.

Here are some statements which I shall ask to have printed in the RECORD showing the great volume and the character of our trade with Canada.

Statement showing the relative importance of Canada's patronage to the United States—The value of imports, by years, into Canada and the increase in purchases from the United States, both in quantity and in proportion to the total imports.

Year.	Total value all imports.	Value imports from United States.	Per cent United States imports.
1873	$127,514,594	$47,735,678	37.1
1883	123,137,019	56,032,333	45.5
1893	121,705,030	58,221,976	47.8
1903	233,790,516	137,605,195	58.8
1909	298,205,957	180,026,550	60.0
1913	675,517,045	441,141,562	65.3
1914	633,692,449	410,786,091	64.8
1915	587,439,301	428,616,927	72.9
1916	542,077,361	398,693,720	73.5
1917	$73,437,426	677,631,615	77.5
1918	962,543,746	791,903,125	82.3
1919	916,429,335	746,920,654	81.5
1920	1,064,528,123	801,100,700	75.3

Authority: Canadian Department of Customs.

Statement showing the total imports into Canada for 1920, item for item, and the proportion imported from the United States.

[Canada's total imports for 1920 in the following items and the United States proportion.]

	Total Canadian imports.	United States proportion.	Per cent.
Automobiles, bicycles, tricycles, and parts, etc	$28,590,923	$28,491,057	99.65
Automobile engines	8,402,351	8,402,351	100.00
Locomotives and parts, and boilers	1,108,750	1,035,181	93.43
Railroad cars and parts	3,306,997	3,295,895	99.69
Engines—gas, steam, and gasoline	3,464,774	3,415,131	98.59
Iron ore	4,601,716	4,093,839	88.95
Manufactured iron and steel products	57,010,487	55,329,536	97.05
Typewriters, adding machines, carpet sweepers, cash registers, and printing presses	3,420,333	3,216,622	94.05
Sewing and washing machines and parts	1,578,958	1,492,361	94.57
Farm machinery and implements	14,615,205	14,529,878	99.42
Barbed wire fence	2,056,092	2,056,092	100.00
Phonographs and records	3,197,058	3,161,218	98.88
Boots and shoes	2,711,622	2,611,964	96.33
Furs, hides, skins, and leather, raw and manufactured	49,923,261	36,746,845	73.61
Cotton, silk, and woolen clothing	12,257,161	9,364,706	78.61
Furniture	1,461,411	1,343,984	91.97
Barrels	355,215	352,127	99.13
Coffins	116,290	116,290	100.00
Newspapers and magazines	2,420,576	2,378,283	98.25
Pork, mutton, and beef products	20,168,455	19,809,502	98.25

Authority: The above figures were compiled from the report of the department of customs and inland revenue of the Dominion of Canada for the fiscal year ending March 31, 1920. They show how large a proportion of goods bought by Canada from all the countries of the world are furnished by the United States. The 20 groups of articles listed above, picked at random as samples, demonstrate that in highly manufactured goods the United States supply 100 per cent, or nearly so.

Mr. Chairman, it is to be sincerely hoped that no Member will feel impelled to vote for a duty on lumber by reason of party regularity. Such a duty would be a monstrous mistake from the standpoint of the public welfare, and for that reason it would seem to be a blunder from the party standpoint which good Republicans should resist. Upon the subject of party regularity an editorial in the Chicago Tribune is in point, which I ask to have printed in the RECORD:

WHAT IS A "PROTECTIVE" TARIFF?

[From the Chicago Tribune, June 18, 1921.]

The assertion of Representative YOUNG, of North Dakota, a Republican member of the Ways and Means Committee, that many of the proposed rates in the permanent tariff schedule are too high ought not to subject him to a charge of party irregularity. Charges that his views indicate development of insurgency in the Republican ranks in Congress are ill founded.

The tariff question to-day is not what it was at the time of the adoption of the Payne-Aldrich bill, nor in the time of any previous administration since Washington. What were once clearly defined Republican policies are now affected by completely altered conditions of international trade, and by the change in the position of the United States from that of a debtor Nation to the world's chief creditor it is possible that new or slightly altered policies may be in process of formation. Until policies are revealed in the completed bill no comment or suggestion can properly be construed as irregular.

Mr. YOUNG and the entire Minnesota Republican delegation, for instance, are prepared to line up against the bill unless lumber is left on the free list. We believe that lumber ought to be left on the free list. Our own forests are so depleted and our own prices so high that all building and most lines of manufacture are handicapped. All building and most manufactures which use lumber either in their product or in shipping will be assisted by keeping it on the free list in order that we may buy from the vast supply available across our northern border. Such an arrangement is for the good of the vast majority. Certainly to advocate such a good is not against Republican principles.

Economically, we have vast interests in common with Canada. The incident of a political boundary line ought not to work to the disadvantage of those interests and to the loss of millions of people. We also have economic interests of a somewhat different kind, but of no less volume in common with other countries throughout the world. They have changed with the war to something new and puzzling. It is a task for the framers of our new tariff to protect the interests of international trade as well as to protect home industries. Without foreign markets our business and industry can not survive. We can not afford to kill such markets by barring out all their products.

It is essential to American industry and prosperity that skilled workmanship, efficient management, improved machinery, the best possible use of natural resources, and properly applied energy in every endeavor be used for its protection. If we produce at lower cost per unit of labor than foreign countries can produce, we can compete in all markets without lowering wages or standard of living. A tariff consistent with all sound Republican principles can be formulated with that idea in mind.

Mr. WINGO. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I am in favor of the pending bill because I believe it will act as a corrective of a very difficult situation and will do it in a way which is based on sound governmental policy. Of course, we all understand that the farm loan act which created the farm loan banks and the Farm Loan Board meant that the system should function, and, as the Secretary of the Treasury, Mr. Mellon, stated before our committee, if there ever was a time in the history of the country when it is necessary that the system should function that time is now. And I believe that no one will dissent from that point of view. Now, what do we mean, what do we have in mind, when we say that it is necessary for the system to function? We do not mean that the system is performing what we intended it should perform when it goes out and sells $40,000,000 worth of farm loan bonds and then has to suspend operation until it can provide means to float another bond issue. What was contemplated is that the system function continuously; that is to say, that it be able to make loans to the extent that the security market will absorb the farm loan bonds.

Now, the chief difficulty in the way has been this: The capital stock of the system was originally fixed too low to give it a working capital necessary to enable it to operate continuously.

The Secretary of the Treasury emphasized that fact in his testimony, and bases his recommendation for this authority to deposit upon that ground. Members of the House will, of course, recall that there are 12 of the Federal farm loan banks, each with a capital of $750,000 to start out with, making $9,000,0000 in all. That is all the working capital the system had to start with. That capital stock has been increased as loans have been made, to the extent of 5 per cent on each loan. The system now has a capital stock of about $24,000,000, but this amount is still inadequate to provide sufficient working capital.

The Federal Farm Loan Board says that it can not profitably or wisely market less than $40,000,000 of these bonds at one time. So the board has in view the plan of marketing $40,000,000 or $50,000,000 at a time, and this not more frequently than about every three months. So in order that it may do this it is necessary that some authority be vested in the Secretary of the Treasury to deposit out of the public funds a sufficient amount to enable the farm loan banks to make loans and take mortgages until they have the $40,000,000 mortgages on hand; then these will be used as a basis for the bond issue. The bonds will be sold, and the proceeds will be used, first, to the extent that it is necessary to reimburse the Treasury for the funds it has advanced, and, second, the remainder will be used in making new loans until it is exhausted. The Secretary, when available funds are again exhausted, will make a new deposit, and thereby we will get a continuous operation of the system without the Treasury really having made any investment in the bonds.

Then the question comes up, and the only question about which there seems to be a controversy, so far as I know, is whether or not it is necessary to have the full $50,000,000 provided in the original Senate bill, or whether the provision of the present bill will be adequate, which limits the authority of the Secretary in this deposit to the difference between the capital stock of the banks and the sum of $50,000,000. If the House provision is adopted, it would enable the Secretary of the Treasury to deposit, all told, about $31,000,000, because under section 32 of the original farm loan act he now has authority to deposit $6,000,000, and this would give him the authority to deposit about $25,000,000 more.

Mr. WILSON. Mr. Chairman, will the gentleman yield there?

Mr. BLACK. Yes.

Mr. WILSON. What amount did the Secretary of the Treasury recommend, $25,000,000 or $50,000,000?

Mr. BLACK. The Secretary, when he was before our committee, said it would be acceptable to him to have the authority to deposit the $50,000,000, as originally provided in the Senate bill. But in making that recommendation Mr. Mellon stated that he based it upon the estimate of the Farm Loan Board, to the effect that such an amount would be needed to insure the continuous operation of the system. Since then the Farm Loan Board has given as its judgment that the amount authorized in this House amendment to the Senate bill will be sufficient. Not sufficient in the sense that it will enable the board to take care of all applications for loans, but in the sense that it will enable the system to operate continuously. The chairman of the Federal Farm Loan Board, Mr. Lobdell, stated that it was the opinion of the board, based upon judgment and experience, that the American market will not absorb more than $200,000,000 in farm loan bonds in any one year under present conditions. That brings me to a point which I want to discuss briefly. I can not agree—and I do not state this in order to raise a controversy with my colleague from South Carolina [Mr. STEVENSON]—that it would be wise to direct the Secretary of the Treasury to deposit $100,000,000; that is, I do not believe it would be wise to give him such authority, if I believed he would exercise the power to so deposit, and I will tell you why. We are not doing now in this bill what we did during the war, to wit, authorizing the Secretary of the Treasury to buy these bonds. We authorized the Secretary to make direct purchases of the bonds during the war, and the Treasury now holds about $183,000,000 of them. I think these bonds are perfectly safe, and that the Government will not lose one single dollar, but we are not authorizing a purchase now. We are saying, "Mr. Secretary, you deposit this money at such times as the system needs it for operation, and when the bonds are sold the Farm Loan Board will pay you back."

Now, if we should adopt the suggestion of the gentleman from South Carolina and authorize the Secretary to deposit as much as $100,000,000 and he should exercise the power and deposit that much, the result would be something like this: The farm-loan banks would go ahead and make loans to the extent of $100,000,000 out of that money. Then when the Secretary, in the exercise of his discretion, should request that the bonds be sold and the Treasury reimbursed the Farm Loan Board would be confronted with the very real danger of being unable to sell the bonds at par, because of too great an offering at one time. I consider it most unwise that the board should make any effort to push upon the market more bonds than the investing public will absorb. I may say also at this point that I have the utmost confidence in the good judgment of the present Farm Loan Board, and I do not believe there is danger of their overcrowding the market.

What would be the result if a policy should be adopted of crowding these bonds upon the market faster than the investing public could absorb them? It would mean just what happened when we got more Liberty bonds on the market than the investment funds of the public could absorb; it would mean that the bonds would go down to 95, or 94, or 90, and when that should happen the system would come to a standstill. New bonds could not be marketed at par when those of prior issues were selling at much below par. So if a situation like that should arise, we would have to do either one of two things: Either pass a law directing the Secretary of the Treasury to again become the purchaser of the bonds, or else raise the rate of interest high enough to where the public would again buy them at par.

So I again repeat that I think it is a wise thing for the Farm Loan Board to endeavor to market these securities only to the extent that the public will absorb them, and I think the provisions of the House amendment will enable them to do that.

I do not profess any greater friendship for the farm-loan system than other gentlemen of the House who hold opposite views to mine, but I do contend, with becoming modesty, I hope, that none of these gentlemen are more anxious that the system function with complete success than I.

In voting for the House provision I believe that I am taking the course which is best for the success of the system. Therefore I shall not hesitate to vote the way I believe.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McFADDEN. Mr. Chairman, the subject that I am going to discuss here is a collateral issue to this proposition.

Mr. HARDY of Texas. Before the gentleman begins that, will he yield to me so that I may ask him a question suggested by the last speaker?

Mr. McFADDEN. Yes.

Mr. HARDY of Texas. If $40,000,000 worth of bonds or $50,000,000 worth are put on the market and they are sold and the farm-loan bank is required to pay the proceeds back into the Treasury, to pay off the loan on the Treasury as made, will not that put the farm-loan bank at the end of three months in the same position that it is now in, with no cash on hand?

Mr. McFADDEN. No; because they have the $25,000,000 of working capital, and have the right under this law to go back to the Treasury and ask for additional amounts each month or as they accumulate mortgages.

Mr. HARDY of Texas. As I understand, they pay it back and borrow it again?

Mr. McFADDEN. Yes. They pay it back and borrow it again. The gentleman has the right idea.

Mr. STAFFORD. Before the gentleman goes on with the collateral matter that he has in mind, will he inform the committee what the Treasury contemplates doing with respect to the $200,000,000 of farm-loan bonds that the Government purchased during the war as an aid to the Federal farm loan banks?

Mr. McFADDEN. I can not speak for the Secretary of the Treasury, but I think that matter was referred to in the hearings. My recollection is that the Secretary said that at an opportune time, if the market permitted, he would dispose of those bonds. But that is a matter for him to determine.

I will say to the gentleman that the future disposition of those bonds is at the discretion of the Secretary, and I have no doubt he will use good judgment in determining the matter.

In view of the fact that it has been indicated that the tariff bill will be, at a very early date, presented to the House for consideration, by the Committee on Ways and Means, which will permit this important committee to take up the consideration of the revenue measure, I deem this a most opportune time to direct the attention, not only of the Committee on Ways and Means, having in charge the framing of revenue legislation, but the whole House to House joint resolution 102, introduced by myself, proposing to amend the Constitution of the United States for the purpose of terminating the evil of tax exemption.

This resolution is quite similar to the amendment which I introduced in December, 1920.

The introduction of this constitutional amendment is in accord with the recommendation which Secretary of the Treasury Mellon makes to Congress in his letter to Chairman FORDNEY, of the Committee on Ways and Means, in which he calls attention to facts which demand the close scrutiny of Congress in regard to the restriction of future issues of tax-exempt securities, and also makes a definite announcement that it is the present policy of the Treasury not to issue its own obligations free from tax, calling attention to the fact that States and municipalities are continuing to issue securities in large volume, and that such States and municipalities are finding a ready sale for them under present conditions. Secretary Mellon states that continuing tax exemption constitutes an economic evil of the first magnitude.

Exemption from taxation of the income from securities has been arraigned at the bar of public opinion and has few advocates to defend it. It has been for many years an offender against economic law, social justice, and the American spirit of fair play. Public taxing officials and students of taxation throughout the country have protested against the creation of securities into which the rich can put their wealth and hold it immune from taxation, thus exempting themselves from their just and equitable share of the burdens of taxation.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STAFFORD. Are we not doing that very thing when we come to the aid of the Federal Farm Loan Board in this proposal to enable the rich to invest in these farm-loan bonds, which are exempt from taxation?

Mr. McFADDEN. Yes. This is a class of securities that is exempted.

Mr. STEVENSON. Was it not stated in the hearing before our committee that there were municipal bonds outstanding, tax free, amounting to $16,000,000,000, most of which were for the benefit of city dwellers, so that there is very little, comparatively, for the local benefit of country communities?

Mr. STAFFORD. Then I will say to the gentleman that the counties are not doing their duty to their local constituencies. They should be more alert to take care of their local improvements.

Mr. McFADDEN. I will treat with that a little further on.

Obviously that part of the burden which the wealthy owner of tax-exempt securities thus escapes must be borne by others. These others are those whose income does not come from investments of accumulated wealth, but from their daily wage and the profits on their business. Thus these tax-exempt securities furnish the machinery for transferring the great and increasing load of Federal, State, and local taxation from the shoulders of the wealthy—those best able to bear the brunt of the burden—to the shoulders of the "man in the street," the workers and doers of the country, whose enterprise and industry are thus penalized in favor of those who prefer to put their wealth into tax-free investments rather than to put it to work for the upbuilding of the country.

I have said that tax exemption is an evil of long standing. It is, but it has forced itself on public attention only in the last three or four years. In this brief space of time we have seen the personal wealth of the country so rapidly segregated into the tax-free class that whereas the taxable income of individual taxpayers under the Federal income tax law was $992,972,985 in 1916, the amount decreased to $731,372,053 in 1917 and to $392,247,329 in 1918. It is not to be supposed that the actual income of these taxpayers had thus decreased. It is a safe conclusion, on the contrary, that they had converted their wealth into tax-free securities so rapidly that at the same rate of conversion they would be "scot free' of all income tax by 1922. Indeed, if we accept an estimate that there are already issued and outstanding over $10,000,000,000 of securities totally exempt, we confront the outrageous possibility that all incomes exceeding $100,000 per annum from investments may be rendered totally immune from taxation. A more un-American condition of things can hardly be imagined. It is small wonder that the protest against any further issuance of tax-exempt securities is general and vehement, and coming from all parts of the country. Organizations of farmers, business men, bankers, tax experts, and officials have by resolution and otherwise emphasized this protest. Every group and interest in the Nation has been heard from with practically no dissenting voice, and the number is growing daily. There is no mistaking the predominant feeling that the income from all new issues of securities should be taxed, wherever held, and that not only the Federal Government, but State and local governments, should be placed in position to tax fairly and equitably the income from all securities.

CONSTITUTIONAL AMENDMENT REQUIRED.

Unfortunately the remedy sought can not be had by immediately effective legislation. A great volume of new tax-exempt bonds is being issued by the States, counties, municipalities, and other political subdivisions of the country, and recent judicial opinions are to the effect that the income from such bonds can not be taxed by the Federal Government under the Federal Constitution as at present construed. While these bonds are thus barred from Federal tax, it is not strange, whatever the merits of their contention, that the beneficiaries of bonds rendered tax exempt by act of Congress should protest against the removal by legislation of their present privileges. On the other hand, their spokesmen have publicly stated that they were opposed in principle to tax exemption and would make no objection to the withdrawal of the privilege from their securities if all securities were rendered taxable.

Carried to a logical conclusion, this attitude, assumed by other groups who are asking for tax exemption by congressional action, would mean that we are facing the dilemma of either rendering all securities tax exempt or of taking "the bull by the horns" and calling for an amendment to the Constitution which will render all securities taxable. It is this latter solution that I propose in urging for passage House joint resolution 102.

STATE BENEFITS.

The passage of this resolution and the amendment which it proposes has been indorsed by the leading tax experts and practical tax officials of the country. Very little objection has been urged and that chiefly on the ground of State sovereignty. But this objection will be seen to have little weight when we realize the reciprocal advantages that would accrue to the States and local governments if they were enabled by this action as proposed to tax the income from Federal securities held by their citizens. At the present time the wealthiest citizens of every community are rendering themselves free of State, county, and municipal taxation on their personal wealth by investing in securities like the Federal farm-loan bonds and Government bonds, which are rendered immune from taxation by Federal legislation, and over which these States and local governments can have no control unless they accept the principle of the proposed amendment.

Mr. HARDY of Texas. Does the gentleman intend to discuss the moral aspects of a law now changing the nature of those bonds after they have been issued and sold?

Mr. McFADDEN. Any amendment that I may suggest here can not be retroactive, and a little further on I think I shall cover more particularly the point which the gentleman has in mind.

Mr. KING. Will it disturb the gentleman to yield?

Mr. McFADDEN. I yield to the gentleman from Illinois.

Mr. KING. How would the gentleman control the situation with reference to the issue of foreign bonds sold in this country? Could they not be made tax exempt by the countries issuing them or the institutions in foreign countries issuing them? And would not that as a matter of fact aid the sale of all foreign securities in this country?

Mr. McFADDEN. It would have a serious effect on the sale of their securities. Now to proceed. And so it is that this amendment would be fully as much to the advantage of the State and local governments as to the Federal Government, for its advantages are reciprocal and its effect uniformly beneficial.

Now to proceed. And so it is that this amendment would be fully as much to the advantage of the State and local governments as to the Federal Government, for its advantages are reciprocal and its effect uniformly beneficial.

That this is recognized by the farsighted taxing officials of New York State is evidenced by their action at the tenth annual State tax conference held in Albany, March 2 and 3, in passing a resolution indorsing the passage of such an amendment in the following words:

> We indorse the movement to obtain amendment of the United States Constitution in order to empower Congress to tax incomes from whatever source derived, such amendment probably being necessary in view of the amount of judicial dicta to that effect.

TOTAL VOLUME OF TAX EXEMPTS.

Mr. Otto H. Kahn estimated the amount of tax-exempt bonds which had been issued as of January, 1921, at a total of $14,425,000,000, made up of the following items:

Estimated amount of tax-exempt bonds in round figures.

1. Debts of States, cities, school districts, and other political subdivisions	$7,000,000,000
2. United States interest-bearing debt, issued prior to 1917	875,000,000
3. Debt, District of Columbia and United States possessions	50,000,000
4. Liberty 3½ per cent and Victory 3¾ per cent bonds (Victory bonds were issued as either 4¾ per cent taxable or 3¾ per cent tax-exempt bonds, the holders of the former having the unrestricted right to convert into the latter and vice versa)	5,400,000,000
5. Sundries, such as city and State revenue warrants issued and afloat and Federal farm loan bank bonds	600,000,000
6. Bonds of the second, third, and fourth Liberty loan issues, although generally taxable, are entirely tax exempt up to certain limited amounts in the hands of holders. This absolute tax exemption applies to amounts which may be as high as $130,000 bonds in the hands of any one holder. It is safe to figure that this aggregates an actual tax exemption of not less than	500,000,000
	14,425,000,000

BORROWERS' ADVANTAGES OVERESTIMATED.

Such opposition as there may be to the elimination of tax exemption arises, for the most part, from an exaggerated idea of its advantages to the borrower. With the bonds of the States and largest cities selling to yield the investor 5 to 6 per cent and of the towns and the counties to yield over 6 per cent, it is obvious that the saving in interest paid by the borrowing community is at most not over one-half of 1 per cent, and rarely that. To deny this is to regard the credit of the largest cities as inferior to that of the railways and large industrial corporations, whose underlying securities are selling to yield from 5½ to 6½ per cent and are fully taxable. The actual fact is that tax exemption has not so much the effect of broadening the market for and reducing the interest paid on tax-exempt securities as it has of segregating tax-exempt securities in the hands of the wealthy individual investor and of segregating taxable securities in the hands of nontaxpaying institutional investors and small individual holders who can not get any great advantage from tax exemption. In other words, tax exemption does not build up a larger market for securities or make for a lower rate, for the investment fund remains the same. Tax exemption simply tends to divide the investing public into two classes, one class being the wealthy individuals who buy tax-exempt bonds, and the other class being those to whom tax exemption means little or nothing, and who therefore buy taxable bonds.

HEAVY LOSS IN TAX REVENUE.

Offset against this trifling advantage to the borrower from tax exemption, moreover, there is a tremendous loss in taxes to this same borrower, whether the borrower be the Federal Government, a State, city, or county, or even a private citizen, for all such lose when tax revenue is lost and the tax burden shifted. And the loss in tax revenue by the issuance of tax-free securities is appalling.

To illustrate, it is stated that more than $1,000,000,000 of State and municipal tax-free securities were issued in 1920. If these securities have passed into the hands of the very wealthy, whose present Federal income tax is at the rate of 73 per cent, the total annual loss in this one form of tax alone is over $35,000,000, if the interest rate on these bonds averaged the low rate of 5 per cent. Granted that there may have been an apparent saving to the borrowers of one-half of 1 per cent per annum, this saving of a billion dollars of 5 per cent bonds is only $250,000 a year, or 0.711 per cent of the annual loss in taxes. Still worse, if the average term of these bonds is only 20 years and they continue to be held by these wealthy individuals and the rates of taxation are not reduced, the loss in Federal income tax alone would in that period be over $700,000,000, against a total saving in interest of only $5,000,000.

Mr. STEVENSON. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. STEVENSON. I see it stated in the public press that it is the program of the Ways and Means Committee to reduce the surtaxes, and thereby cut down very materially the income taxes to be paid by these very rich people, people of very large incomes. About how would that affect this question?

Mr. McFADDEN. It would affect to some extent the question of tax exemption.

Mr. STEVENSON. Does the gentleman know whether that is contemplated or not?

Mr. McFADDEN. Not being a member of that important committee, I can not say. It is evident that even if the bonds are held by investors, paying less than the maximum surtaxes, and even if the surtaxes be substantially reduced, no such reduction would overcome this preposterous discrepancy, which should be sufficient in itself to show the absurdity of the argument that there is any "advantage" in tax exemption which the State and local governments are called upon to give up under the proposed amendment.

On the other hand, in addition to this loss to the community at large, through the loss of Federal revenue, the States and local governments are losing heavily through their inability to tax their own citizens who hold tax-exempt Federal obligations, the potential volume of which under the Federal farm loan act alone may well run into several billions of dollars. The aggregate of tax-exempt Federal "instrumentality" securities, made possible under the recent decision of the Supreme Court in the Farm Loan case, has been estimated by one statistician at enough billions to absorb the entire taxable investment fund of the country. Obviously, since these Federal "instrumentality" securities are exempt from all State, county, city, and local taxation, they will be in greater demand than State, county, and municipal bonds, and will have the twofold effect of supplanting the latter in the market and of depriving the States and local governments of all power to tax the investment holdings of their citizens.

It must be self-evident that it will be to the very great advantage of the States, therefore, to take advantage of the opportunity which this amendment will afford to forever put an end to this menace to their sovereignty and financial solvency.

INDUSTRIAL AND BUILDING PROGRESS RETARDED.

The arguments I have voiced against tax exemption would seem to be enough to condemn it, but even so I have omitted many counts in the indictment.

It is a matter of common knowledge that the diversion of the funds of wealthy estates and individuals from real estate mortgages to tax-exempt bonds has seriously handicapped the entire building program and industry of the country. The resulting situation is acute, especially in housing—largely because of tax exemption.

The railways and public utilities, accustomed to look to the wealthy investor for leadership in meeting their needs for funds, have had to go afield and establish new channels, not yet adequate to their needs.

Above all things, in this time of reconstruction and recovery from the warping effect of war, we need the influence of new enterprise and the initiative of the Nation's men of means and proved business capacity. But what is there in the way of new business enterprise that can tempt a wealthy investor when he

can get as much net return from a 5 per cent tax-exempt bond as from a taxable investment paying over 17 per cent? The springs of recuperative effort in the country are dried up by such a situation, but we can not remedy it by eliminating all graduated levies under the income tax. We can remedy it only by removing the tax-exempt bond from the market, putting all investments on an equal plane, thus tempting the wealthy and able business men of the country to put their capital to the best and most productive use.

GOVERNMENT WAR BONDS DEPRESSED.

Another charge against tax exemption is by itself, it seems to me, more than enough to eliminate it from our fiscal policies. The depreciation in the market of the great war issues of Liberty and Victory bonds, with losses to the millions of patriotic citizens who subscribed for them running as high as 15 per cent of the principal invested, where the bonds are liquidated, can not be contemplated with anything but shame and dismay, and it outrages all sense of justice and fair play for the Federal Government and the States and cities to sponsor issues of totally tax-free securities in competition with these Liberty bonds, thus contributing to their depression in the market and adding insult to injury to the people of the country.

PROPERTY CONFISCATION.

The power to tax is limited only by the power to confiscate property. Both the interest and principal of the large volumes of bonds which have been issued free from income taxation must be paid from tax revenue, a large share of which will have to be derived from a property tax. As the bond burden increases so will the property-tax burden increase, until the productive capacity of the property to sustain the tax has been reached, when the owner will be forced to forfeit the property to the political unit or units imposing the tax. The tax-exempt securities issued by the Government, State, or other political subdivision, because of the ease in obtaining funds, encourages public debt, public extravagance, and inefficiency in the expenditure of the funds so raised.

IMPAIRMENT OF NATIONAL AND STATE CREDIT.

As the indebtedness of State, county, city, or other political subdivision of the State, either separately or in the aggregate, approaches the point of tax confiscation the credit position of the State becomes greatly impaired through the curtailment of earned revenue and arrested development of revenue-producing resources. Normally the credit position of the Government is superior to that of the State and the State to that of the city. The financial stability of the Nation depends upon the maintenance of this normal relation. I hold that the impairment of the credit position of a city, county, or other political subdivision impairs the credit position of the State of which they are organic parts and that the credit position of a State can not become impaired without also impairing the credit position of the Nation.

The State has no power to limit municipalities and counties in the creation of debt, and consequently the tax burden incidental thereto is unlimited. To amend the constitution offers the only solution to the States in protecting their credit from the evils of tax-exempt securities. The Government in turn has no power to limit the States in the creation of debts, and consequently the tax burden incidental thereto is unlimited. This amendment, providing for the reciprocal taxation of Government, State, and municipal securities, offers the only means of protecting the Government's credit position, as well as that of all other political subdivisions, from the hardships of tax exemption.

From this analysis the deduction follows that the issuance of tax-exempt securities by the Government and political subdivisions thereof is rapidly tending toward property confiscation and the impairment of the Nation's credit and violates thereby the principles of the Constitution, designed primarily to protect property rights and insure the credit stability of the Nation. The framers of the Constitution could not have anticipated this condition which now so seriously menaces the financial security and industrial prosperity of the Nation no less than that of each of the States. [Applause.]

Will the gentleman from Arkansas use some of his time?

Mr. WINGO. The gentleman promised to yield some time to the gentleman from Louisiana [Mr. LAZARO], did he not?

Mr. McFADDEN. Yes. I now yield 10 minutes to the gentleman from Louisiana.

Mr. WINGO. And I yield five minutes to the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Louisiana [Mr. LAZARO] is recognized for 15 minutes.

Mr. LAZARO. Mr. Chairman, I want to speak to-day on what I consider the most vital problem confronting not only the American people but the world—agriculture.

The American farmer produced his last crops under the most expensive conditions and at the greatest cost, but has been obliged to dispose of them at deflated prices and has sustained to date a loss of about $7,000,000,000.

It was the sudden drop in the price of agricultural products below the cost of production that started the paralysis in business, and until we again place agriculture on a normal foundation employment and prosperity will not come back. I propose to discuss during my time some of the factors that we must consider in connection with this important problem.

Mr. Chairman, it is indeed strange that in a country like ours, which is fundamentally agricultural, that there should be so much misunderstanding between Representatives on this floor. For instance, a few weeks ago, during the debate on the farmers' emergency tariff bill, when Members representing agricultural sections were asking for protection for agricultural products in proportion to the protection accorded to manufactured products, we were charged by Mr. WALSH, of Massachusetts, with being sectional and with advocating class legislation. He said that he for one did not propose to stand for it, when 40 factories were idle in the district which he represents.

Mr. REAVIS, of Nebraska, reminded him of the fact that his factories were idle and his people unemployed because the agricultural products of the farmers were selling below the cost of production and their purchasing power was destroyed.

It was very evident during that debate that party lines were not as rigid as they used to be. For instance, we saw able Democratic leaders standing upon this floor asking for the same protection in proportion for agricultural products as that given to manufactured products. We saw old Republican protectionists, like Mr. LUCE, of Massachusetts, oppose protection for agricultural products. That was not strange, because for years those belonging to his school were taught that protection was for manufactured products only. And we of the South permitted our products to go on the free list, with the result that we sold what we produced on a free market and bought what we needed on a protected market. This is not strange, either, when we take into consideration the fact that the manufacturers have been organized in the past, while the farmers were not organized.

During the hearings on the tariff bill we had a remarkable exhibition. A soap manufacturer appeared before the committee to oppose a tariff on oil and advocate a tariff on soap. When pressed by the committee he admitted that he wanted to buy foreign oil cheap to make soap to sell in America. Some one remarked, jokingly, that if he got his just dues his soap would be placed on the free list and oil on the protected list.

I mention these cases merely to show how unfair it is to consider such big questions in a sectional way, and how necessary it is for us to understand one another if we are to solve such questions in the right way.

The last war has demonstrated to all the necessity of our country having its own vital industries at home and of not depending on foreign countries in time of emergency. For instance, our cotton producers of the South lost millions of dollars in the beginning of the war because we had no merchant marine of our own to carry our surplus cotton to the markets of the world.

The last war has also demonstrated another fact, and that is that the tariff can no longer be considered a partisan question. It is an economic question.

When we go to the customhouse to collect a tariff, it makes no difference whether we do so under a tariff for protection or a tariff for revenue, the fact remains that it is an advantage to the American over his foreign competitor, and these advantages, or tariffs, should be given to agricultural products in proportion as they are given to the manufactured products. This Nation can not prosper as a whole and permanently half protected and half free. Our farmers can no longer compete with those of foreign countries—for instance, in Asia, where they wear very little clothing and live on practically nothing—without sinking to their level or go broke.

And, gentlemen of the House, our farmers are wide-awake to this situation. To prove that they realize what they are up against, I want to quote a statement from the National Grange Monthly of this month:

During the war the shortage in the world supply of animal fats caused a tremendous demand for vegetable fats, not only in other countries actually at war but in the United States, which was supplying those countries with a large part of their food products. One of the future effects of the war which seriously concerns farmers of the United States, especially those engaged in the production of cotton, peanuts, and other oil-producing cereals and the dairy and swine industry, which are the chief producers of animal fats, is the accumulation of large imports of cheap vegetable oils. This matter is one of recent development, and has never been sufficiently important to require careful attention in the tariff. But it now has reached proportions which seriously alarm all of these American interests. A reaction

of this is found in the emergency tariff bill. This schedule was nastily prepared, and an investigation seems to indicate that these figures are not sufficiently high to give the necessary protection to either producers of cottonseed oil or peanut oil.

I have heard some say that the cotton growers get no protection from a tariff. Aside from the protection he gets on long staple in the emergency tariff bill, every cotton grower who sells a bale of short-staple cotton weighing 500 pounds has 1,000 pounds of cotton seed to sell; and certainly protection of cottonseed oil against vegetable oil from Asia means a higher price for his cotton seed.

President Monroe, whose name has been mentioned so often lately in connection with the Monroe doctrine, said:

Our manufactures require the systematic and fostering care of the Government. Equally important is it to provide for our raw material.

Then, too, when we were considering the rural credit bill, with the view of encouraging our people to own their homes, we heard some of the eastern bankers predict that such legislation as that would ruin the country. Again, recently when we were advocating legislation for good roads we heard representatives say that we were asking too much money from the Government; that they were in favor of economy when we know that there can be no economy when this important link of transportation is not cared for.

I repeat, I mention those well-known instances to remind Members that these wide differences of opinion indicate a misunderstanding between representatives of the different sections of our country.

I do not believe that this feeling should continue to exist in the consideration of measures which are absolutely national in character. The farmers are not asking for unreasonable legislation. A man who runs a farm is a capitalist, an employer, a laborer, a producer, and a consumer. Farmers include all classes, and they have sympathetic ties with all classes, and they are naturally conservative. Every student of history knows that in every crisis, when there is unrest and danger of revolution in the big centers, it is to the country that we look for calm and safety. It is wrong for Representatives to stand upon this floor and charge us with advocating class legislation.

Agriculture is the foundation upon which all other industries are based. It produces the cotton and wool to clothe the world, the meat and bread to feed all the people. Going and coming, it provides the bulk of transportation. Farm production has been the chief factor in our foreign trade and for paying our debts abroad. Farmers are the buyers of a larger percentage of American manufactured goods than any other class. Gentlemen of the House, if there is any legislation which is national in character, which is for the benefit of the whole American people, without special preference or special aid or special benefit to any, it is that which promotes agricultural conditions.

George Washington, the Father of Our Country, impressed upon our people the necessity of developing agriculture as a foundation for our future development and prosperity.

President Harding, in an address delivered recently, said:

We will do well to keep in mind at this time the fundamental importance of agriculture, and in every possible way insure justice to it. We are confronted by the need to place our own house in order, and no more important feature of that effort can be visioned than to place our agricultural industry on a sound basis and provide machinery and facilities for financing and distributing crops. If we do this, we merely will be providing the farmer with facilities similar to those enjoyed by the business communities generally.

Let me call your attention, especially you Members from the manufacturing centers and large cities of the country, to what happened in Europe following the World War. When Austria-Hungary was dismembered, the agricultural part was taken away from what is now Austria. In other words, that nation was left like a stomach without arms, head, or legs—a consumer unable to produce; a population that was wholly urban. Without agriculture their manufacturing industries ceased to operate; there was no commerce and no employment, and soon the representatives of that country, once great and prosperous, were compelled to go on bended knees to the Allies and admit that they could no longer maintain themselves as a country, and ask that they be taken charge of and governed from outside. In the Washington Post of June 20 there appeared a communication from Vienna, by Col. House, in which he stated that some 400,000 children in Austria were being fed by the American Relief Association.

The last census shows an increasing number of vacant farms with an increasing number of population in the large cities. And I say to you here and now that if this condition is not remedied in the near future, it will not be long before serious trouble will happen in the congested centers. We often hear Members advocate drastic laws to curb bolshevism, but, my friends, the surest protection against bolshevism is employment and production. Show me a man who is employed and whose family has the comforts of home and I will show you a family who will not fall for the preaching of the bolshevist, the communist, or the anarchist. If it had not been for the wonderful progress made in developing labor-saving farming machinery, the farm problem would have been even more acute than it is to-day. Fully 50 per cent of all the immigrants entering this country during the past 10 years or more had been engaged in agricultural pursuits in their former home lands. But not 10 per cent of them settled on farms in the United States.

Now, let us consider for a moment what we are asking for. First, markets must be found for America's surplus products. The domestic demand will not suffice. We ask that America's vast money resources be properly placed. Deflation has been too severe and has gone too far in the agricultural regions of this country. There must be modifications of the restrictions which a year ago nearly put us out of business, so that money from the Federal reserve banks and the rural credit banks can be loaned more freely in the agricultural sections on longer terms and at a lower rate of interest. In other words, there must be a recognition of the difference between an agricultural paper and a commercial paper, because the agricultural paper is based upon a transaction which requires more time than the ordinary commercial paper. Then, too, the Government must work in harmony with the international bankers with the view of encouraging the corporations and agencies formed to foster the export trade of the United States. These foreign export concerns, organized under the Edge law, have not been as successful as they should have been thus far, through want of sufficient capital.

Then, too, when foreigners come to America to borrow from our bankers they should be met with the suggestion that the money they borrow from the American people be spent in the United States. If they borrow American money with which to buy, they ought to buy from American producers instead of taking the American gold in their purses and going shopping elsewhere, as was done in the case of one foreign loan recently negotiated in this country, in which a part of the money was spent in Argentina for wheat. It was explained in that case that this money afterwards came back to the United States to pay for manufactured goods bought by South America. We want the benefit of American loans to be more direct to the producers and manufacturers of our country. I believe that if we would take a firm position on this proposition the foreign Governments would soon recognize the fairness of our view and be governed by it, because then they would find better cooperation on the part of our Government and the financial interests of the country. Why, the other day our attention was called to a case which I want to tell you of. The Panama Railway Co. advertised for 300,000 pounds of rice in New Orleans. They wanted 150,000 pounds from Siam and 150,000 from China. Imagine this situation: There was the Government buying Asiatic rice in the heart of the rice section, where warehouses are filled with the very best rice produced in the world and selling for almost nothing. We immediately took the matter up with Mr. Hoover, who, in turn, took it up with the War Department, and we were assured that this practice would be stopped at once. We could not ask foreigners who borrow from us to spend their money here if we allow the Government to buy products abroad when they can be bought here from our people below the cost of production.

Our exports for the month of April, 1921, were $339,914,987. For April, 1920, they amounted to $684,319,392, or a loss for this one month of $344,404,405, or more than 50 per cent. This can not go on indefinitely. With the domestic market stagnant and foreign trade losing ground so rapidly, it is obviously the duty of the Federal Government, in the interest of all the people, to use its influence to stimulate business and turn the tide in favor of the American people. The interests of no single class or section are involved here, but the interests of all the people.

I want to be well understood in this connection. I am not advocating that the Government make more loans to foreign Governments. On the contrary, I believe that those countries who owe us and who are increasing their navies and armies at this very time should be made to at least pay us the interest on what they owe us, which, I understand, amounts to a million dollars a day.

I believe that the War Finance Corporation, which we were compelled to revive under fire, should be made to function to its full capacity, with due regard, of course, to security.

Second. Another question of vital interest to our people at this time and which must be solved soon is the question of transportation.

A few days ago we had a delegation of representative farmers here before the Interstate Commerce Commission. These men

proved beyond doubt that some of our perishable products were rotting on the farm because shipments that had been made did not pay the cost of transportation. Pause and think of it. Here are consumers in the big centers paying exorbitant prices for products that are rotting on the farm because products will not pay the cost of transportation, let alone a profit to the people who produce them. Not only is it a loss to the producers and consumers, but it is a loss to the railroads.

But, my friends, let us be practical in the consideration of this vital question. Of course, we must have fair and competent Government regulations with economy, and we must demand an immediate reduction in freight rates; but at the same time let us understand that this would only give us temporary relief, and if we are to have permanent relief we must build up a comprehensive and efficient system of transportation. And we can not consider transportation in a comprehensive way without considering good roads and waterways in connection with railroads. And then, too, we must have our own merchant ships on the seaboard to carry our surplus products to foreign markets.

Under the policy of private interests that controlled railroads in the past there was built up a system of transportation which tended to move all the freight in one direction—to the few favored destinations. The system was like a huge bottle with a small neck, all of the lines converging to a narrow strip of coast line in the northeastern part of the country. Trunk lines were parallel to the northeast, because traffic was forced in that direction. Other outlets—river and rail—were largely neglected. The result of this policy was that when the pressing demand of war industry came there was a congestion and paralysis of transportation because our railroads were unable to deliver the goods through the neck of the bottle. Under a comprehensive system of transportation, including our good roads, waterways, and a merchant marine of our own, we could make use of more ports on our seaboard, which would not only give more efficient service but would lower our cost of transportation.

We are an exporting Nation. We send our surplus products to foreign markets, and when our wheat or cotton or rice reaches the foreign markets the prices are fixed on the other side by the competition which they meet there. Now, if we can lower the cost of transportation, it follows that our producers will get more for their products.

Transportation is a part of production and a charge upon it. We have not actually finished anything until we have placed it into the hands of the consumer.

No country on earth has been more favored by Providence with such a magnificent system of navigable waterways than ours, but we can not claim credit because of what nature has done for us. It is only in the manner in which we are conserving and developing our resources that we confer distinction upon our citizenship and fix our place among the nations. In Belgium and Holland the ocean is brought to their cities, and it is a well-known fact that those countries are world powers in commerce and manufacture.

In the strategy of trade our competitors have wisely acted upon the principle well known to physics, that it is easier to move a body floating in a liquid than to carry it on wheels. As an illustration of this statement I want to call your attention to a shipment of rice that is being made from my district at this time. The Lake Charles Rice Milling Co. is shipping 12,240 pockets of rice through the intercoastal canal by barges to Orange, Tex., to connect with a steamer sailing direct to Hamburg, Germany. Now, the rail rates from Lake Charles, La., to Orange, Tex., is 25½ cents per 100 pounds, whereas the barge rates by water is only 10 cents. It should be plain to any thinking man that if we are to sell rice in Germany in competition with foreign rice, we must make the efforts to reduce freight rates. And here is an example of what the waterways can do for a community. And then, too, this is a permanent relief.

Let us hope that the bill appropriating money for Federal aid in the building of good roads will pass before the end of this session. We must not consider the pleasure only that we get out of good roads, but we must think of the future of the motor truck in transportation. We well remember how the motor trucks from the farms saved New York during the last railroad strike there. I never appreciated the real value of good roads until I visited Europe. There is one lesson we should learn from France, especially in connection with good roads, and it is the importance of setting aside a fund for proper maintenance after we have built good roads.

Every time we ask for appropriations for the improvement of our waterways and good roads, we are invariably met with the cry of extravagance and we are told that we must practice economy. It is false economy to refuse appropriations for such worthy improvements. What we should do, if we wish to practice real economy, is to see that the money which is appropriated for these projects, and other projects as well, is spent economically and where it is really needed. And the only way to practice such economy is to adopt a policy and follow it instead of appropriating in a piecemeal way.

Our terminal facilities must be improved too, because we will never have the full use of our waterways until provision is made for loading and unloading and storage.

Our marketing facilities must also be improved. Our whole system of wholesaling and retailing is inefficient and uneconomical. A recent investigation, conducted by the Government, showed these defects. I heard it said at a conference of farmers, merchants, and bankers in New York the other day that the producers of America receive about one-fourth of the price paid by the consumers as compared with that which the producers of Holland receive, due mainly to the difference between the systems of transportation, marketing, and distribution.

The farmers of this country are beginning to understand that organization and cooperation in a business way is necessary to bring about a betterment of these conditions. That is why we are asking that their organizations be authorized by Federal law and accountable to the Department of Agriculture. That is why, too, they asked for a committee to investigate agricultural conditions and report back to Congress.

The consumers as well as the producers should welcome the development of a marketing system, operated and controlled by the men who naturally produce the products. This may look like a dream to those who have become used to the speculating and gambling method of marketing that has been developed in this country, but it is not a dream. It is possible that brains, patience, and organization can bring to full success such a system. Until the gap standing between the producers and consumers of this country is crossed and the unfair middlemen are eliminated, there must, of necessity, remain misunderstanding and bad feeling between the people living in the big centers and the producers of the country. It is impossible for a consumer who lives in a big city and who has not the opportunity to go to a farm to understand the situation. He blames, of course, the farmer for the high cost of living, instead of cooperating with the farmer to eliminate the unfair and useless middleman. He does not know that the cooked apple for which he pays 20 cents only brings one-third of a cent to the apple grower; that the glass of milk that he pays 10 cents for only brings 1 cent to the farmer who raises and milks the cow; that the eggs which cost him 90 cents a dozen can be bought for 20 or 25 cents a dozen in the country. He is charged 75 cents for a mutton chop, when the statement was made on the floor of the House the other day that in the city of El Paso sheep had netted only 25 cents a head to the sheep raiser. He is charged $10 for a pair of ordinary shoes, when the cattleman is unable to sell his hides at any price.

Gentlemen of the House, if these defects in our system of transportation, distribution, and marketing are not corrected, what will happen? The farmers will not farm and raise for pleasure; they will cut down production, and reduced production will certainly mean suffering and higher prices to the consumers in the end.

Let me quote from an Associated Press dispatch dated Chicago, June 19:

> The number of cattle for each 100 persons in the United States is to-day one-third less than in 1900. The sheep supply is reduced nearly two-thirds; while the number of hogs is below 44 per cent less now than then, according to figures compiled from the Federal census reports by Herbert Myrick. The decline during recent months in prices to producers constitutes the gravest economical crime ever perpetrated on the farmers of America.

Another factor which is of vital importance to our farmers is storage facilities. I hope to see the day come when every part of the country will have its United States bonded warehouses. The warehouse law was passed in 1916, to establish a form of warehouse receipts for cotton, grain, wool, and tobacco, which will make these receipts easily and widely negotiable as delivery orders or as collateral for loans, and therefore a definite assistance in financing crops. Thus our agricultural products would be weighed and graded by licensed weighers and graders who would be neither buyers nor sellers and our products sampled but once. The statement of weight and grade is perhaps the most important feature to depositors of agricultural products. It gives the receipt the utmost value as collateral, because it furnishes the bankers with a basis for valuation. It also eliminates the loss from weather damage. We also save 25 per cent on fire insurance when our products are in bonded warehouses. It would eliminate the present practice of peddling our products and protect us from the gamblers.

I believe, too, that we should be more liberal with our agricultural institutions, so that more of our young men who intend to farm can learn the value of practical and scientific agriculture, so as to produce more economically, and understand better that farming does not end with production only, but with distribution and marketing. And that they may learn, also, the value of diversification, because diversification is absolutely necessary if the farmers are to operate on a cash basis.

In conclusion, gentlemen of the House, I want to appeal to the Members here who represent manufacturing districts to give this big question of agriculture more time and study and help us eliminate this wide gap now existing between the producers and the consumers, so that in the end we of the agricultural section can get a fair and living price for what we produce and you will pay a more reasonable price for what you consume. [Applause.]

Mr. McFADDEN. Will the gentleman from Alabama use some of his time?

Mr. STEAGALL. Mr. Chairman, I yield four minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, the bill before the House attempts to furnish to the agricultural interests of the country greater financial credit. There can be no question but that the agricultural interests of the country are in a state of depression entirely unjustified by conditions and more severe than ever before in the history of our country. I have the honor to represent one of the greatest agricultural sections of the State of Virginia, if not as great as any in the Union. The great counties in the Shenandoah Valley and some of the richest portions of Piedmont, Va., constitute the district, and from every source I receive but the one story of the financial depression in which the agricultural interests are now involved. The fertility of the soil, the sturdy, industrious character of the people, and reasonably fair seasons should have brought to the people of that section a rich reward for their labor. As a matter of fact, however, many losses have been entailed by falling prices, and instead of increased prosperity the farmers find themselves confronted with financial disaster. The more bountifully the earth has responded to cultivation the greater has been the losses inflicted. Nor is there proper correspondence between the prices on farm produce to the producer and the price of such produce to the consumer. In the great industrial centers the toilers in other lines of activity are still confronted with the high cost of living. The price to the farmer is below the cost of production and the price in the city is beyond the reach of the consumer. This is not the normal condition, and it is the duty of Congress to afford the necessary relief. There are several conditions which conspire to bring this result:

First. The farmer at a critical moment was denied the credit to which he was entitled, and which was so essential for the proper marketing of his crop.

For some unknown reason at the moment when an extension of credit was the most necessary the Federal reserve banks entered upon their system of deflation. This found the farmer involved in the expense of production without the means of properly financing the marketing of his crops. It became necessary for him to rush his produce to market and accept such prices as might then be offered. The result has been a great depreciation in the value of his farm products. Speculators have apparently obtained control of the market and the farmer has been made to suffer. The present bill is an effort to remedy this manifest injustice to the agricultural interests. It, however, is on a very meager scale. Much more extensive relief could be furnished by the Federal reserve banks expanding the currency to meet the proper demands of the agricultural interests. I hope at some future date to get before the House a measure along this line. The present bill is a step in the right direction. It does not give as large a credit as might be well given in this method. The original bill called for a deposit of $50,000,000 with the farm loan banks, and in this shape it passed the Senate, but the House committee has amended the bill so that this deposit is reduced to twenty-five millions. It is true that being a revolving fund the credit is much greater than the amount deposited. Constituting a revolving fund, the $25,000,000 as soon as it is exhausted can be replaced by the proceeds of the sales of the farm bonds in which it has been invested. At the same time it is not, in my opinion, a sufficiently adequate sum to meet the demands of the agricultural interests. Besides, the methods of loaning through farm banks offer advantages to those who desire long-time credit in the purchase of real estate or in its development, but are very cumbersome to those who desire short-time credit for the purpose of the proper harvesting of their produce.

It is a step in the right direction. It is an assistance in a meager way, but in my judgment it should be accompanied by other bills requiring the Federal reserve system to expand the currency to meet the present requirements of agriculture. One of the great purposes of the Federal reserve bank was to afford a ready and conservative expansion of currency in times of financial stress, and it was exceedingly unfortunate that deflation should have been brought about when the agricultural interests so urgently demanded extension of credit. One of the faults of the old currency system which the Federal reserve banking system was intended to supersede was contraction of currency, so as to reduce credit at times when contraction meant disaster to legitimate business. It was one of the heralded advantages of the Federal reserve system that it could always be relied upon to expand when the necessities of trade demanded expansion and to contract when those demands had been met. To create enormous reserves at the time of depression is to pervert the most useful feature of the Federal reserve system. The gold in this country has increased, according to estimates, nearly a billion dollars and the currency has been enormously deflated when the increased gold reserve fully warranted a great expansion. The increase of gold gave the reserve banks the base upon which to build an expanded currency. Under the terms of the Federal reserve banking system the currency could have been safely expanded with the increase of the gold brought into reserve. Instead of increasing, however, although the basis for credit had thus wonderfully been increased, the Federal reserve banks deflated at a time when such action worked the greatest possible hardship to the farming interests. I do not know who was responsible for this deflation, but whoever it was followed a course which meant the loss in millions to the farming interests and which was wholly unnecessary from a sound banking standpoint. I believe that this measure which is now before the House should be supplemented by further legislation to expand the currency to meet the demands of agriculture and other great financial interests. I do not understand why the majority party in this Congress, in bringing this bill before the House, has thought proper to reduce the benefit to be derived from the measure by cutting in half the amount of deposit originally proposed and deemed necessary by the Farm Loan Board and sanctioned by the Senate.

Second. Another source of great loss to the agricultural interests has been the excessive freight rates charged by the railroad systems of the country. The freight rates have almost been prohibitive, and, in my judgment, have been wholly unwarranted, considered either from the shipper's standpoint or the carrier's standpoint. The amount deducted from the market price at the seaport to meet transportation charges at the inland town depot has quadrupled on grain and other farm products. In days gone by the farmer of the Shenandoah Valley would deduct from the market price paid in Baltimore 4 or 5 cents per bushel of wheat to cover transportation charges. He must now deduct 25 or 30 cents. The Interstate Commerce Commission has sanctioned these excessive charges, notwithstanding the liberal provisions made for the railroads in the Esch-Cummins bill. In the shipment of fruit notably to certain points of consumption the freight rates have been increased to that extent that such shipments can no longer be profitably made. The railroads claim they are losing money, but if they make their rates so oppressive that shippers can not utilize their facilities it is no wonder they are losing money. But if they are losing money, it is because of very bad management somewhere. It seems to me the Interstate Commerce Commission should feel it incumbent to make necessary investigation to discover where the trouble lies and to correct it. If the railroads are not making expenses for their stockholders at the present rate of charges, then it is very evident that they have ceased under private management to respond to public demand.

Some relief might be given by repealing all taxes on transportation of farm products.

In this connection I take the opportunity of urging upon Congress the propriety of making liberal appropriations to develop the parcel post and to stimulate road construction. In recent years transportation has been greatly facilitated by the motor vehicles. This form of transportation can be greatly facilitated by the construction of good roads. Wherever the road has been improved there we find the truck transporting goods or passengers in relief of the congestion in railroad transportation. The various States of the Union have been aroused to the utility of good roads. Hundreds of millions of dollars have been appropriated by the several States for road construction. It is very poor policy on the part of Congress to practice economy in appropriations for the development of the country. Appropriations have run into a billion for armaments of all kinds, but when it comes to the peaceful development of the country in lines of industry Congress uses unmercifully the pruning

hook. It is very evident that the difficulties in the way of the farmer in transportation enables the middleman to make an unmerciful profit by depressing the price to the farmer and increasing the price to the city consumer.

Third, the great market for farm staples is the foreign market. The domestic market is always glutted. We produce in this country farm products far more than the people consume. In order to secure proper prices it is necessary to open the markets of the world to our products. Anything which interferes with foreign trade will inevitably depress the prices of farm products. Europe is in a state of financial chaos. All the great European countries are virtually bankrupt. They have not the gold to stabilize their currency. The result has been that the rate of exchange has been a great barrier to trade with this country. England, perhaps the most prosperous of any of the foreign countries, suffers in common with the others.

The English pound, which in normal times is worth $5 of our money, has shrunk to a little over $3. An Englishman, therefore, buying produce from this country must pay the rate of exchange. Where in former years a pound would buy $5 worth of our produce, it now buys but little more than $3 worth of our produce, and this loss must naturally be borne by the Englishman or it is reflected in the depressed price of our grain. As these countries can not, therefore, buy our produce with their money, it is necessary for them to buy our produce with their goods, and so it seems to me the tariff law will prove an enormous burden to our agricultural interests. By interfering with the exchange of foreign goods for our farm products we are necessarily to that extent closing foreign markets to our farmers. Of course, it is necessary to lay tariff taxes, but when these tariff taxes are made protective to such an extent as to forbid the importation of foreign goods into this country we are taking away from the foreign consumer the only means he has with which to buy our produce. As the conditions in Europe are much disturbed and factories can not for a long time be reestablished upon a scale sufficiently large to seriously affect our domestic market, it does seem to me that these tariff taxes could be made sufficiently light so as not to impair exchange for our farm products and greatly increase the Government's revenue.

A tariff tax on farm products is more or less ridiculous. The emergency tariff, so called, has been in force for some time, and yet each day's reports show a steady decline in the grain markets and other markets supposed to be protected by the tariff.

What the farmer demands is not laws forbidding importations, but laws facilitating exportations of his produce to a world eager to obtain it.

The millions of hungry peoples of Europe long for the opportunity to take the produce of our farms. They are eager for the opportunity to buy at fair and reasonable prices. They have, however, no gold, and can only offer their own commodities in fair exchange. What folly to interpose between a traffic so profitable to the farmers of this country and to the toilers of foreign lands prohibitive tariffs which make fair trade impossible and reduce the revenue of the Government. It reduces the revenue because the tax reduces importations excessively.

The protective tariff on farm products is keeping the word of promise to the ear and breaking it to the hope; while prohibitive tariffs on commodities of exchange for farm productions are denying the farmers the world market for their produce.

In so far as the present bill furnishes some extension of credit to the farmer, I shall vote for it, and hope further relief may be extended. I do not fear that the tax-exemption features of farm loan bonds will ever create tax-exempt securities to such an extent as will be an evil. On the contrary, this feature makes the farm loan bonds a most attractive investment, and will create the proper capital for loan to the farmers.

The present condition of the agricultural interests demands the prompt acceptance of all measures of relief, however meager, which can be obtained from Congress, and I shall gladly vote for the pending bill. [Applause.]

Mr. McFADDEN. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. CAMPBELL].

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I intend to support the pending measure. This bill amends section 32 of the farm loan act and assures the continued active functioning of the farm-loan system. The farm-loan system comes out of the nonpartisan thinking and activities of men who long ago realized that agriculture stood in need of some system which would furnish it with long-term credit with reasonable rates of interest and on the amortization plan of repayment of principal. This the system is doing. Even now, since the Supreme Court's decision in February upholding the constitutionality of the act, $40,000,000 are being loaned to the farmers through it. This sum will run the system until about August 1, when, unless this bill is passed, loanable funds will not be available until such time as farm-loan bonds may be sold to the public to produce such funds. The present bond offering of $40,000,000 is not even now entirely closed, although it was begun April 18. This indicates not only the difficulties of the present bond market but likewise the unwisdom of attempting in the immediate future to float another issue of this same character of bonds. It could not be done. The enactment of this bill will provide loanable funds until early autumn, when it is expected a successful flotation of bonds can be made.

It may surprise some that I, who live in a great city teeming with industry and business, should feel a very definite interest in this matter, which on the face of it seems to affect only agriculture. My interest in this measure comes out of a realization of the fact that the streets of my great city would soon grow up in grass were it not for the activities upon the farms of the country. It is about time that the man of the city should begin to understand that there is not a problem touching agriculture which is not of vital interest to him. The farm produces two of the absolute necessities of life and civilization—food and clothing—and those of us of the cities who must eat and be clothed must know once and for all that we are dependent directly upon the farm for these necessities, and that every measure of help to agriculture is in fact only helping ourselves. The present census figures present a picture which, while not alarming especially, must give reason for the promotion of every enterprise which will make farm life more profitable and rural conditions more inviting.

Mr. WYANT. Will the gentleman yield?

Mr. CAMPBELL of Pennsylvania. Yes.

Mr. WYANT. I understand this bill is to afford the farmers some relief in this time of distress. In the gentleman's district and in my district 75 per cent of the miners and the millmen are out of employment and are in distress. They own their little homes. Would it be possible to enact legislation to afford these people in our districts the necessary relief, and would the gentleman be in favor of such a measure?

Mr. CAMPBELL of Pennsylvania. I hope it is possible, and I am ready to support any measure to that end. I may say that the industrial conditions to-day are different from what they have been in many decades. I am hopeful, however, and I am sure that these conditions will be readjusted, and that labor will be employed. For the first time in our history urban population is greater than rural population. The increase in percentage of urban population during the past decade is many times greater than a like percentage of increase in rural population. We have reached the point where there are more mouths to be fed than there are people in the country at work to feed them. Any legislation, therefore, which looks to the betterment of agriculture throughout the Nation should appeal strongly not only to Members representing agricultural districts, but to those of us who represent city districts, because we are just as much dependent upon agriculture as is the farmer himself. [Applause.]

Mr. WINGO. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I am supporting this bill upon the theory suggested a moment ago by the gentleman from Virginia [Mr. FLOOD]. I am going to take half a loaf because I can not get a whole loaf. Some of us have been fighting for several weeks to make it a whole loaf, but there is an influence here somewhere that no one can see—I will not characterize it as "invisible Government"—that has made it difficult for those of us who are favorable to this legislation to make headway in securing its passage. This influence is such that Republicans just coming into power, fresh from their unprecedented victory, with every opportunity for public service confronting them, seem unable to keep their hands on themselves. For six years I have had the honor of serving as a member of the Banking and Currency Committee of the House. During this time much important legislation has been framed by this committee and passed by the House. We have considered and passed upon measures of vast importance to the financial affairs of this country and the world.

During this time the members of the committee have been accustomed to meet in the usual way, and after free and full discussion, make its decisions and have measures reported to the House accordingly. It has been the custom for all members of the committee, whether members of the majority party or minority party, to be taken into the full confidence of all other members of the committee. The first exception to this rule, so far as I know, is to be found in the history of the bill before us

to-day. For weeks the Banking and Currency Committee held hearings on legislation to give aid to the land banks. Some of us favored authorizing the Secretary of the Treasury to make deposits to the extent of $100,000,000. Some were opposed to any aid at all. But, a majority of the committee decided that the most practical thing to do was to pass the bill carrying $50,000,000, which had already passed the Senate. The bill before us provides for only $25,000,000. It is not the bill favored by the members of the Banking and Currency Committee who really desire the extension of Government aid to enable the land banks to meet the needs of the farmers of the country. It was framed in conference by some members of the committee, most of whom voted against reporting the Senate bill and who are not really in sympathy with the original farm loan act, assisted by others in conference who were not members of the Banking and Currency Committee. The bill was thus drawn up, presented, and rushed through the Banking and Currency Committee as a substitute for the Senate bill, which the committee had almost two weeks previously ordered reported to the House. The rules of the House will not permit me to review all that transpired in the committee, but it would be interesting to Members to know just what occurred, and I think it would be interesting to the farmers of the country to know the facts regarding this legislation. Such information would be valuable in enabling them to recognize their real friends in this House.

Reference has been made to the attitude of the Federal Farm Loan Board respecting this legislation. I want to give you the facts in the matter. All of us remember the institution of injunction proceedings against the land banks and the history of the litigation which followed. I am not criticizing the Supreme Court, but it was most unfortunate that this suit should have dragged along as it did and that the operation of the land banks should have been suspended so long just at a time when the farmers of the country were in greatest need of the benefits of the system. Of course, the members of the Farm Loan Board are anxious to have the land banks resume business as early and as extensively as possible. Any other attitude on their part would constitute bad faith and no one who knows the members of the Farm Loan Board doubts their desire to promote the efficiency and successful operation of the land banks.

But members of the Farm Loan Board are not in position to dictate terms to Congress nor formulate legislative policies. They are simply asking Congress for what they can get. They went before the Senate and urged the passage of the Senate bill authorizing the Secretary of the Treasury to deposit $50,000,000 to enable the banks to resume and carry on their business. The Senate passed the bill upon the insistence of the Farm Loan Board and the Secretary of the Treasury. The bill came before the Banking and Currency Committee of the House and the committee gave it most thorough consideration and conducted extended hearings. We had before us both Mr. Lobdell and Mr. Lever, of the Farm Loan Board, and Mr. Mellon, Secretary of the Treasury. All of them told us that $50,000,000 was the sum required to enable the banks to function and carry on their business as contemplated by the framers of the farm-loan system. The Secretary of the Treasury indorsed the Senate bill for $50,000,000. The members of the Farm Loan Board said they needed that amount of deposits to constitute a sufficient revolving fund or capital with which to do business. After exhaustive consideration and discussion the Committee on Banking and Currency, by a divided vote, ordered the bill reported to the House. Let me add in this connection that when I say the committee was divided I have reference to only one side of the committee. The Democrats, by a united vote, stood in every instance for the largest sum, the greatest measure of relief possible to obtain by this legislation. [Applause.]

When the bill was ordered reported it went to sleep. But while the bill was resting somebody was awake. About ten or twelve days elapsed without any report being made, and finally, without a word of warning Democratic members of the Banking and Currency Committee were notified by certain other members of the committee that we were to meet to receive a re-draft of the measure. We were called back into session without a report of the bill having been made as ordered by the committee and the substitute was laid before us which cut down the amount of $50,000,000 as carried in the original Senate bill and so framed that the amount of deposits which the Secretary of the Treasury is allowed to make can not exceed the sum of $25,000,000. Then it was that members of the Farm Loan Board were called back before the committee. Members of the Farm Loan Board knew the circumstances that had developed since the organization of the farm-loan system. They recognized the impossibility of putting the system to functioning again without assistance and were anxious to secure relief. So, of course, they said, "Yes, we will take $25,000,000 and glad to get it." They were not in a situation to dictate terms nor to complain at what was done. They knew the situation and had to do the best they could.

I asked the chairman of the Federal Farm Loan Board before our committee if this was not the case, that the $25,000,000 provided in the substitute bill, the measure now before the House, was not the minimum amount that would enable the land banks to resume operations, and he said that was stating the matter correctly. But at no time did they say they did not need $50,000,000.

The gentleman from Massachusetts [Mr. LUCE] says that the Democrats in establishing the farm loan system provided for only $6,000,000 Government aid to the revolving fund or capital stock of the banks, and that we are now called on to correct a mistake. If such be true, why should any friend of the farm loan system quarrel about it? Why not welcome the opportunity to correct the mistake, perfect the system, and extend its usefulness? The original farm loan bill made provision for $9,000,000 of Government aid to constitute the original capital stock of the land banks, the Government to be reimbursed automatically as loans were made, the bill providing that borrowers must subscribe to the capital stock of the land banks an amount equal to 5 per cent of each loan obtained. The banks still have $6,000,000 of Government funds represented in capital stock. But, let me say that conditions in the country at the time of the passage of the farm loan act were not what they are now. The demand for loans was not to be compared with the demand existing to-day, and there was no difficulty whatever in selling bonds of the land banks either in large or small amounts.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. STEVENSON. Is it not a fact that we provided for $9,000,000 of stock and $6,000,000 of deposits?

Mr. STEAGALL. Yes.

Mr. STEVENSON. And they have still $6,000,000 of stock and $6,000,000 of deposits.

Mr. STEAGALL. That is correct. If conditions had remained as they were at the time of the passage of the farm loan act, the difficulties to be found in the present situation would never have existed. The system was gradually developing. As a borrower obtained a loan from a land bank he subscribed 5 per cent of the amount of such loan to the capital stock, so that every time a loan was made the stock was automatically increased. If the war had not come along and conditions had not been disturbed as they were, if injunction proceedings had not been instituted and the land banks forced to shut down, no doubt the capital stock would have been increased to a point where the banks would be on an independent basis. But, unforeseen conditions arose, and it has been necessary to deal with these developments from time to time.

Attention has been called to the fact that the Treasury now holds a large amount of land bank bonds, the total being, as I remember, approximately $183,000,000. This came about because of the conditions to which I have referred and not because of any failure of the land banks to function as expected by the framers of the farm loan act. The bonds of the land banks were finding ready market as fast as they were offered. In fact, they were considered a choice investment. It was because of this fact and the desire of Government officials to remove land bank bonds from competition with Government bonds that legislation was asked authorizing the purchase of these bonds by the Treasury. The Secretary of the Treasury asked for that legislation. The amount provided in the bill before us under conditions that now exist, considering the vast amount of securities that have been and are being thrown on the market and the great volume of Government bonds that have been absorbed—in the light of all developments since the passage of the original farm loan act—is not a greater sum in proportion to the necessities of the situation than the amount of Government aid provided in the original bill. Those who ask for authority for the Secretary of the Treasury to deposit $50,000,000 in the land banks are not demanding that the Government meet the emergency that exists in agricultural sections or that the Government loan money to the farmers of the country to relieve these conditions. But $50,000,000 is the minimum sum which the Farm Loan Board and the Secretary of the Treasury recommended in addition to the capital on hand to give the banks a revolving fund sufficient to enable them to resume business and gradually market their securities. With conditions as they are to-day it is not practicable to market bonds of the land banks in small amounts. The bonds can best be handled by putting them on the market in large quantities, and the land banks

should not be hampered by lack of sufficient capital to conduct business in the most businesslike way. They should not be required to market a small amount of bonds, loan the money to the farmers, then have to take mortgages, and get ready with a new bond issue before doing more business. They should have sufficient capital to keep the forces of the system constantly moving and to afford as nearly a constant supply of money to the farmers of the country as the demand for bonds make possible. If we will provide the necessary increase of working capital, I have no doubt whatever that the bonds of the land banks can be marketed with sufficient success to extend a large share of relief to the agricultural sections of the country and that in a short time the Government can stop the extension of aid and leave the system to stand alone.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. HARDY of Texas. As I understand it, whatever is deposited will not be used except as it is loaned. If the farm loan banks have $25,000,000 in hand and $50,000,000 were set aside by these banks, it would make $75,000,000, and if they loaned $50,000,000 for a bond issue and were able to sell those bonds and returned the money to the Government there would never be but $25,000,000, so that the excess loans would do no harm but would meet a situation that is very urgent.

Mr. STEAGALL. Absolutely. The truth of the matter is this bill ought to carry $100,000,000, which would provide a revolving fund to meet all requirements with something at all times left over. That is what I should like to see done. That would have the effect of serving notice on the investing public that the Government intends to see that this great system, designed to foster the agricultural industry of the country, which lies at the basis of all prosperity and development, should be made to go forward and function. If this were done, there would never be further question about the ability of the farm loan banks to market their bonds in amounts sufficient to catch up the slack and take care of the demands. In my judgment this would go a long way toward relieving the distress which exists among the farmers of the country and which in turn involves every section and every interest of the Nation. Every man who is familiar with conditions understands that not alone is the farmer in need of better credit facilities at this time but any aid to the farmer will enable him to reduce his debt to the merchant and the banker, and in this way bring general relief and improvement.

Mr. HARDY of Texas. Is it not also true that if they had this larger volume they might make an issue of $40,000,000 of bonds and put them on the market and they would not be forced to suspend business until they had sold the bonds?

Mr. STEAGALL. That states the case admirably. In other words, the system would operate from day to day, instead of at intervals of sixty or ninety days. The banks would resume business in orderly fashion and we should not longer be plied with letters and questions to know when applications would be received for loans and when the system would be ready to resume business. The banks have on hand, as I am informed—I may not be exact in figures—about $140,000,000 of approved applications. I see that the gentleman from Massachusetts [Mr. LUCE] shakes his head.

Mr. LUCE. Mr. Chairman——

Mr. STEAGALL. I prefer not to yield right now. The figures may be slightly erroneous, but they are substantially correct. Let me say this, however, you can not estimate the demand by the number of loans that have been approved nor by the number of applications that have reached the land banks. All over the agricultural sections of this country where contraction of currency and restriction of credit and deflation of prices have been felt so much in recent months the people are wanting to know when the land banks will be ready to resume business. They understand that only recently was the case in the Supreme Court terminated, and that the banks are obliged to sell bonds before they can resume business. If we pass the Senate bill, nothing remains but for it to be signed by the President, and no further time will be lost. But if we pass the substitute before the House limiting the amount of aid to $25,000,000 the measure will have to go to a conference committee of the Senate and House, and there is no telling how long the legislation may be delayed.

The recent slump in prices has resulted in a loss to the farmers of the country estimated at the appalling sum of $7,000,000,000. Cotton dropped in a short time from 40 cents to 12 cents, corn from $2 a bushel to 50 cents, hogs from 18 cents to 6 cents, wheat from about $2.50 to a little over $1 per bushel, and other products of the farm in proportion. In the meantime taxes, transportation charges, and nearly everything the farmer has to buy remains on a war basis. These conditions are ruinous not alone to the farmer, but they affect every class and every legitimate interest. No patriotic man can fail to appreciate the situation and the importance of finding a remedy. We passed a bill authorizing the organization of export corporations to assist in exporting our products to foreign markets. We have passed a bill providing for a revival of the War Finance Corporation to assist in marketing American products. I have no doubt this legislation has been helpful. But, in my judgment, no better opportunity can be found to furnish relief to the agricultural sections of the country than in passing legislation to extend proper aid to the land banks.

The legislation involves no departure from the principles upon which the original farm loan act is founded. Moreover, there is no difference so far as the underlying principles of legislation are concerned between extending aid to the extent of $50,000,000 and $25,000,000. The only difference is the extent to which we are willing to go in granting aid. We should make the amount sufficient to enable the land banks to function in a way to take care of the demands and let their business be extended until the stock owned by the borrowers automatically reaches an amount large enough for the system to stand alone. This is the quickest way for the Government to accomplish what it has undertaken to do and terminate its liability. It is not proposed that the Government make any gift or even any loan. It is simply proposed that the Government make use of the land banks for the deposit of Government funds at interest which is to exceed by one-half of 1 per cent the amount of interest borne by the last issue of farm loan bonds. This means a rate of 5½ per cent for funds deposited in the land banks, while the rate paid by other depositories is only 2 per cent. No one has complained about the deposit of Government funds in commercial banks nor even in foreign depositories.

Much has been said in this discussion about the evils of tax-exempt securities. Most of us never heard of this complaint until a few millions of tax-exempt bonds were put on the market, representing loans to the farmers of the country. Such loans to the farmers amount to only $427,000,000. Yet the total of tax-exempt securities in the country, exclusive of all Government bonds, amounts to about $16,000,000,000. The city of New York alone has issued about $4,000,000,000 of tax-exempt securities. But when it is proposed that the Government aid in providing banking facilities suited to the requirements of agriculture a great howl is raised and the charge of socialism and class legislation is heard. Gentlemen who make these complaints are perfectly willing that the Government shall make loans to the railroads and provide hundreds of millions in guaranties to them. We have many millions loaned to the railroads secured by railroad bonds. No complaint has been made about this by the gentlemen who raise the cry of socialism when we undertake to afford adequate banking facilities for the producers of the country. The gentlemen make no protest against giving the railroads access to the Treasury as well as the power to levy exorbitant and in many instances prohibitive transportation charges. Gentlemen who talk much of economy when it is proposed to furnish a pittance of Government aid to the farm loan banks forget all about economy when it is proposed to spend hundreds of millions of dollars to support a vast Military Establishment. The last Army and Navy appropriation bills on their faces carry three-quarters of a billion dollars. The Secretary of the Treasury estimates that we are to spend during the next fiscal year $1,100,000,000 on our Army and Navy. This enormous sum is to be expended in time of peace, when the people are burdened with taxes as never before, the world bleeding from the wounds of war and staggering under debts that can not be paid in half a century, and most of the leading nations of earth not in position to undertake war without the assistance of the United States. I voted against the Army and Navy bill, as I have voted against all unjustifiable and outrageous expenditures of the people's money. I shall continue to oppose extravagant and unnecessary appropriations and the creation of useless offices. But true economy demands that every legitimate effort be made to promote the independence and prosperity of those who produce the Nation's wealth and the products of whose toil maintain our financial independence and commercial supremacy among the nations of earth. I am going to introduce a new bill to provide $100,000,000 of capital for the land banks and be ready to take up the fight for adequate relief later on, as I believe it will be necessary to do. But the practical thing for us to do now is to pass the Senate bill providing for aid to the extent of $50,000,000. This legislation we are in position to obtain without further delay, and it will at least afford partial relief. I hope the House will vote down the substitute and pass the Senate bill. [Applause.]

Mr. WINGO. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON. Mr. Chairman: It is a little bit strange that when we begin to discuss the farm loan system and to advocate measures for making the farmers' banking system a success along the lines originally contemplated by Congress the question should arise in the minds of some gentlemen about class legislation and in regard to the Government getting into private business. In the first place, the establishment of the farm loan system did not bring the Government into private business but simply brought its aid and sanction to a most essential national enterprise, upon which rests the prosperity of the Nation's greatest industry—agriculture.

But in view of what has been done for the railroads in extending them Government aid to the extent of $2,000,000,000 and guaranteeing them a 6 per cent income on the estimated value of their properties, and in view of what the Government has done for the commercial banking system, which finances the operations of all industrial enterprises of the country, I deem it very inappropriate that any criticism should be leveled at those who advocate immediate relief and aid to the farm loan banks, or that any effort on the part of the Government to rehabilitate agriculture and assist in rescuing the farmer from his present financial condition should be designated as class legislation.

The present House measure authorizes a Government deposit of $25,000,000 for the use of the farm loan banks. The Senate bill, following the recommendation of the present Secretary of the Treasury, authorized a Federal deposit of $50,000,000. I congratulate the Secretary upon this recommendation, and heartily favor the adoption of the Senate resolution. I would much prefer taking the opinion of the present Secretary of the Treasury upon a matter of this financial importance than the recommendation of those who have reduced that from $50,000,000 to $25,000,000.

The object of Congress in establishing the farm loan system was to give the farmers of the country a banking system backed by the same authority and supported by the same power that had established and maintained the commercial banking system of the country. That means a banking system having the support, cooperation, and aid of the Federal Government.

The conditions surrounding agriculture make a separate and distinct banking system necessary. It will be forever to the credit of the recent Democratic administration that it worked out and established such a system in this country, and it will also be to the credit of the present Republican administration should it champion the legislation necessary to insure the success of that system. A great business question is not necessarily a party issue.

The situation in relation to agriculture in the United States is most critical just at this time, and not through any fault of the farmer himself. The farmers of the United States rose to the highest standard of patriotic effort for increased production to meet the needs of the Nation during the war. The 1919–20 crop was produced during the peak of price inflation, and was the most expensive crop to its producers ever known in this country. This fact, together with the credit contraction begun in the fall of 1920, creates the supreme difficulty now.

Whether done deliberately and designedly or not, the policy of deflation or credit contraction was precipitated just as the farmer was ready to market this very expensive crop. I was among the delegation of Representatives and Senators, along with many people engaged in agriculture and the live-stock industry who came to Washington in October, 1920, and appealed to the then Secretary of the Treasury and the Federal Reserve Board against the announced intention to inaugurate the policy of credit contraction, and urged a further extension of agricultural credit until the crop could be marketed in an orderly fashion.

It has been conservatively estimated that the farmers of America lost $8,500,000,000 on the 1920 crop. Of that amount the live-stock industry alone lost $1,400,000,000. The loss of the other $7,100,000,000 fell upon the producers of cotton, sugar, rice, grain, tobacco, and other farm products. This loss was one-third of the total value of the crop and represents a decline in the price of farm products from the previous year of 70 per cent. This loss is equal to one-third of the amount spent by this Government in the World War. So there should be no surprise that the farmer to-day finds himself in need of credit in order to hold his organization together and bridge him over the period of readjustment.

It is estimated that the passage of this resolution, and I refer to the Senate resolution providing an additional $50,000,000 revolving fund, will enable the Farm Loan Board to grant loans to the extent of $200,000,000 a year. There are now pending $140,000,000 of approved applications. It is of supreme importance that Congress act upon this matter immediately in order to bring assistance to America's greatest industry.

Mr. Chairman, I do not like to divide the American people up into classes, especially in relation to business and enterprise. The success and prosperity of the American people as a whole is based upon the success of all their enterprises, whether they be industrial, commercial, or agricultural. But just now we should not overlook the fact that while the entire assets of this Nation are estimated to be about $270,000,000,000, $85,000,000,000 of this is represented by agriculture, and that farming is America's biggest business and her basic industry.

Insuring the success of the farm loan system is simply one of the steps that must be taken for the improvement of agriculture. Another should be a better marketing system. And one second in importance to none is the question of transportation. Among all the burdensome taxes now paid by those engaged in agricultural pursuits and business in general is that of freight rates. These rates are now, on an average, 80 per cent higher than before the war. On some commodities they are 200 to 300 per cent higher. The total additional charge on live stock and farm products amounts to more than $1,000,000,000 annually. It has been estimated that more than $3,000,000,000 worth of farm products are not shipped at all, simply go to waste, because the freight charges amount to more than the sale price of the product when it reaches the market. Vigorous steps should be taken to remedy a situation of this character, and it is entirely useless for Congress and those in authority to simply await developments, trusting in some kind Providence to provide a remedy or in the patience and long-suffering of the people to overlook their negligence and inaction.

But to return to the measure under consideration for the relief of the farm loan banks and answering the suggestion that the present need for such legislation may indicate an inherent defect in the system, it is very evident when the facts are recalled that such is not the case. Before and for some time after our entrance into the late war every issue of farm loan bonds placed upon the market was promptly taken. With the investing public these bonds ranked as a choice security; so much so that during the war the Federal Farm Loan Board, at the request of the Government, withdrew from the market so that the bonds of the farm loan banks would not come in competition with Liberty bonds and war savings stamps. So this interrupted the orderly functioning of the system.

Then later came the suit of the old-line mortgage and trust companies, who sought to destroy the farm loan system by having the act creating it declared unconstitutional. Pending the decision of this suit, which was in the Supreme Court of the United States for more than a year, the whole machinery was practically paralyzed, as no bonds could be sold with the constitutionality of the law in question. The constitutionality of the law was upheld throughout by the highest court of the land, and thus ended the conspiracy for the destruction of the law by its enemies.

Mr. Chairman, in my own judgment the act of Congress creating the farm loan system and the decision of the Supreme Court of the United States in sustaining it will in the future be regarded as the charter of liberty for a safe and adequate system of agricultural financing. So let us take advantage of this opportunity to guarantee to it the fullest measure of success.

Mr. McFADDEN. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, I think it was in January, 1920, that it was announced through the press of the country that the Federal Reserve Board would curtail all speculative credits. Now, whatever the intention of the Federal Reserve Board may have been, the effect, in fact, was to curtail all credits, with the result that many of the loans of the western banks were called in, and the western banks in turn were compelled to call in the loans of their customers. The price of all farm products throughout the Nation within a few months dropped over 25 per cent in value, and they have continued to go down until to-day your wheat has gone down more than 100 per cent, your hogs more than 300 per cent, and your cattle about 250 per cent. Now, then, if there ever was a time when the Nation would be justified in extending aid and assistance in the manner in which this bill seeks to give it that time is now. My only regret is that the aid extended is not larger than it is under the provisions of the committee amendment.

I want to congratulate the chairman of this committee upon the splendid address which he made this afternoon relative to the tax-exempt securities. To my mind, that is one of the great menaces that this Government is facing at the present

time. He stated, I believe, that there were something like $14,600,000,000 of those securities outstanding. I have been carefully compiling figures for weeks upon this subject and I am confident that when the outstanding tax certificates and the warrants of indebtedness of cities, counties, and States are added to the tax-exempt securities he referred to we shall have an aggregate of more than $16,000,000,000 of them. This Government, as a result, has lost the revenue upon an income of nearly $950,000,000, and that would mean a net revenue of not less than $190,000,000. This is now entirely lost to the Government. More than this, the fact that the people have been able to put their money into tax-exempt securities—and I hope all Members of this House who did not hear the gentleman's speech will read it—has resulted in taking away from the farmer any possibility of floating farm loans with independent companies or individuals at any reasonable rates of interest. I now yield to the gentleman from Illinois.

Mr. KING. I was going to ask the gentleman a question, but I will desist.

Mr. WILLIAMSON. I am in favor of this bill. It is a tardy acknowledgment of what we owe to the agricultural class of this country. The farmers, in my judgment, more than any other one class, represent the basic industry without which this Nation can not live, and if there is any excuse anywhere for tax-exempt securities, it is the bonds of the Federal farm loan bank. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, in the spring of 1920 the House had up a bill providing a $100,000,000 appropriation fund available for the Farm Loan Board to take care of the loans which had been applied for and approved prior to March 20, 1920. While that bill was under consideration I offered an amendment providing for an additional $100,000,000 to take care of loans for farmers up to the 20th of March, 1921, the object of which was to take care of the loans while the Supreme Court was deliberating upon the constitutionality of the law. If that amendment had been agreed to by the House—and it was defeated by a partisan vote—the troubles which now beset the agricultural sections of the United States would have been largely obviated, so far as money is concerned. Now, we have been told that the Farm Loan Board has approved loans amounting to $140,000,000 to the farmers of the United States, but that $140,000,000 does not adequately express the real needs of the agricultural interests of this country. I recall particularly the conditions which exist and have existed within my own district for the past year and a half. The farmers there produce a product which finds its market almost entirely in Europe; 87 or 90 per cent of that product is shipped abroad. During the winter and spring of 1920 and from that time on until now the European market has been completely demoralized and unable to obtain the funds with which to make purchases of this American product. The farmers who, when land was high during the war and following the war, bought little farms at prices which were abnormal, are now undergoing foreclosures, and the only thing that can relieve them from losing their homes is for the Government to deposit sufficient money with the Farm Loan Board to enable that board to make loans to them to tide them over for a few years and save their lifetime earnings and savings, and at the same time finance their agricultural enterprises. Not only that, but many farmers who are not in actual danger of losing their homes need funds to tide them over until the markets for farm products offer greater returns than at present. So, I do not believe we ought to agree to the amendment which has been brought in here by the committee.

The Farm Loan Board when it laid this matter before the Senate urged $50,000,000, and they told the Senate committee, and the Senate was so advised, that at that time the farmers of the United States needed more than $50,000,000, but if the board had $50,000,000 they might be able to tide over and save the situation. I do not understand the board has changed its opinion since the Senate passed this bill.

Mr. KING. Will the gentleman yield?

Mr. BARKLEY. I can not yield in five minutes.

Mr. KING. I wanted to give the gentleman a little information. He is in error.

Mr. BARKLEY. I know the gentleman can do that, but I would be glad to have him do it in his own time.

The Farm Loan Board, I understand, did say that they could get along with $25,000,000, but it is inconceivable that a board with the experience of the Farm Loan Board a month ago wanted $50,000,000 and now wants only $25,000,000. Of course, they will take whatever they can get. But $25,000,000 is not a drop in the ocean compared with what the agricultural sections of the United States need, and there is not a member of the committee or a man in this House who thinks $25,000,000 is all the farmers of the United States need to borrow at this time. They tried to sell $40,000,000 of farm loan bonds, and have not been able to sell them yet, and this bill provides only $25,000,000——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Mr. Chairman, I yield one minute more to the gentleman.

Mr. BARKLEY. It provides that when this $25,000,000 is deposited in the farm loan banks, and they then put another bond issue on the market in 15 days after the issue is closed, the Secretary of the Treasury must call on the farm loan banks to return the $25,000,000. Instead of having a revolving fund that the Farm Loan Board can use in making loans, as soon as the $25,000,000 called for in this bill is loaned and used as a basis for farm loan bonds, and the board gets in the money for the sale of the bonds, the board must take that money and pay it into the Treasury of the United States and leave the Farm Loan Board and the farm loan banks in as bad a situation as they are now. I hope the amount provided in this House substitute will be increased to at least $50,000,000, and, as a matter of fact, it ought to be increased to $100,000,000. But if the committee amendment can not be amended to increase the amount to at least $50,000,000, I hope the substitute will be defeated and the Senate bill will be adopted. [Applause.]

Mr. McFADDEN. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen, it is a Member's duty to voice his sentiments as well as to vote, and I rise to voice the sentiment of those who oppose this bill. It directs the United States to deposit $25,000,000 for farm loans, and the party that is crying for economy and shouting for economy are unanimous not only for this but in asking $25,000,000 more. Meanwhile the United States is short of revenue. We do not get sufficient in taxes to cover what we spend.

Mr. DUNBAR. Will the gentleman yield?

Mr. PARKER of New Jersey. Excuse me, as I have but five minutes.

The deficit from day to day is borrowed. The United States owes $8,000,000,000 in notes and in short-term bonds, coming due within two years, and the Treasury is carried in the meantime by the banks. The times are such, with falling prices not only in farms but all over the country, that it is mighty doubtful whether the banks can continue to do this. And it is doubtful——

Mr. STEAGALL. Will the gentleman yield?

Mr. PARKER of New Jersey. I can not yield. I have only five minutes.

And it is doubtful also whether in these times the United States can borrow at reasonable interest and fund its debt. The United States has already $183,000,000 of farm loan bonds which it has bought. It has deposited $6,000,000 for the farm loans. Those loans will not sell at 5 per cent, and the United States is now asked to deposit $25,000,000 more in order that there may be issued by the Farm Loan Board several million dollars more of tax-free farm loan bonds at 5½ per cent, in order seemingly to spoil the market for the United States securities at any reasonable rate of interest, and also in order to induce the farmer to mortgage his farm when farm prices are falling and when such a mortgage is the best way to ruin the farmer. I can not help opposing this bill.

I now yield to the gentleman from Indiana [Mr. DUNBAR].

Mr. DUNBAR. The gentleman stated, if I understood him right, that we were spending more money than we had collected by taxes.

Mr. PARKER of New Jersey. I did.

Mr. DUNBAR. Is the gentleman aware that so far during this fiscal year our excess of revenue is $450,000,000 more than our expenditures?

Mr. PARKER of New Jersey. I am not aware of that.

Mr. DUNBAR. That is so stated in the daily statement of the United States Treasury.

Mr. PARKER of New Jersey. There are times of the year when the income tax comes in and certain times when it does not.

I now yield to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. The gentleman seems to be familiar with Government figures and statistics, and I want to ask him if he can tell us how much has been loaned by the Government to the railroads and what sort of security the Government has for those loans?

Mr. PARKER of New Jersey. The Government had to run the railroads during the war.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARRISH. Mr. Chairman and gentlemen of the committee, the Federal farm loan banks have proven themselves indispensable to the very life and prosperity of our Nation. The purpose of the act creating them was to make it possible for those who desired to purchase and own homes to borrow money at a reasonable rate of interest and on long time, with easy terms of payment. In this way it was made easier for the poor man wherever he lived to buy and pay for a home for himself and family, and for this and many other reasons the successful functioning of the several Federal land banks was and is most vital to our people.

However, notwithstanding their great importance, these banks have from the beginning been seriously handicapped in their operations. In the first place, only $6,000,000 were allowed to them as a working capital, and under the act as originally drawn the Secretary of the Treasury was authorized to deposit not exceeding that sum in the several banks. Evidently that sum was not sufficient to furnish an adequate working capital and the banks have been seriously handicapped.

In the second place, the interests and forces that fought the passage of the law creating these banks did not relinquish their efforts when the law was finally enacted, but they carried their fight to the courts, and for many months the work of the whole Federal farm loan bank system was suspended entirely, notwithstanding the fact that applications for hundreds of loans were made from time to time during the litigation involving the future of the land bank system.

Fortunately, the Supreme Court of the United States has given its decision settling finally in favor of the banks the questions of legality involved and has sustained the original act in its entirety and has swept away all legal objections and left the banks free and unhampered in their future operations.

The bill now before us is intended to meet and solve the first difficulty of insufficient working capital and authorizes the Secretary of the Treasury to deposit, in addition to the amount already authorized, such sums as in his discretion he may direct until the aggregate paid-in capital of the 12 banks reaches the sum of $50,000,000. In other words, the House bill, which is offered as an amendment to the Senate bill, would authorize the Secretary of the Treasury to deposit in the several banks an amount equal to $25,000,000 more than is authorized under the present law. The Senate bill authorizes the deposit of $50,000,000, or twice as much as the House bill.

I am in favor of the Senate bill and will vote against the House amendment, with the hope that the Senate amendment will be adopted. But if the House bill is substituted for the Senate bill, I shall, nevertheless, vote for the House bill, because it will be the best I can do. Since the money is in no sense a loan or a charge upon the Public Treasury, I think it would be very much better to give the Secretary of the Treasury in his discretion authority to deposit at least $50,000,000 in order to make sure that the land banks have ample capital to carry on their work without cessation and without further difficulties on account of insufficient capital.

Mr. Chairman, I feel very much in earnest about this matter, because it touches vitally the welfare of my people. I doubt if there are many of us who really appreciate the conditions just now confronting the farmers and producers of this country. They have been caught, so to speak, between the upper and nether millstone. They planted and grew a crop last year at extraordinary cost which they were forced to market at a great loss, and this year's crop does not have much value just now as a basis for credit, and it is difficult indeed for the farmer or producer to get money to pay the expenses of running his farm or to pay the indebtedness against it.

The gentleman from New Jersey [Mr. PARKER] just a moment ago voiced his opposition to this bill and gave as a reason that we would have to raise a certain amount of revenue within the next two years to meet expenses of the Government and discharge the maturing Government obligations, and he correctly placed this amount at a very large figure; but he does this bill an injustice by assuming that it will call for an appropriation when, as a matter of fact, no appropriation whatever is contemplated. I want to say further to the gentleman from New Jersey that one of the best ways to meet the needs of the Government is to encourage the basic industry of this Nation in such a way as to permit our farmers and producers to survive and prosper, and all other industries will likewise survive and prosper, and we will thus produce sufficient taxes to meet the running expenses of our Government. [Applause.]

Those familiar with the live-stock industry in the South and West know that the herds are being rapidly depleted, because the owners have not the money to finance their business and to pay their debts. They have been caught in the depression and their products have not furnished sufficient security to enable them to borrow the money necessary to meet the condition of emergency into which they have been so suddenly thrown, and this law and the passage of this bill will carry relief to many of them. If something is not done, many farms, ranches, and herds will go under the hammer and be sold at public auction at a tremendous sacrifice.

This is indeed a critical time in our history. It is a time when it is necessary for us to aid in every way possible those who have suffered so much by reason of the sudden deflation in the Nation's currency, and I for one am glad that this bill has been reported by the committee. I am glad it comes with a strong indorsement from almost the entire membership of the committee, and I sincerely trust that the Senate provision will be retained in the bill and that $50,000,000 instead of $25,000,000 will be made available for the purpose of loaning money to those who are so much distressed financially just at this time. Since it calls for no direct appropriation and makes no public charge upon the Treasury, I fail to see how any man can oppose the bill or deny the relief that it seeks to give. [Applause.]

Mr. WINGO. Mr. Chairman, how much time does the gentleman yield back?

The CHAIRMAN. Two minutes.

Mr. WINGO. I yield one minute to the gentleman from Mississippi [Mr. COLLINS].

The CHAIRMAN. The gentleman from Mississippi is recognized for one minute.

Mr. COLLINS. Mr. Chairman, this bill as passed by the Senate authorizes the Secretary of the Treasury, in his discretion, to deposit with the Federal Farm Loan Board for its temporary use any moneys in the Treasury which have not already been appropriated, to the extent of $50,000,000 and at an interest rate of 5½ per cent. When the bill reached this House, the Committee on Banking and Currency cut the amount of this loan from $50,000,000 to approximately $25,000,000, and, since an amendment has been presented restoring the amount in the Senate bill, we are now to choose between these amounts. I am in favor of the larger amount. I would, in fact, be in favor of making it $100,000,000 or more, and my reasons are these:

The Treasury now deposits its moneys in banks and elsewhere, and the largest amount of interest it receives for any of these moneys is 2 per cent. To-day there are in special depositories $542,000,000, and these depositories pay the Government only 2 per cent interest. Deposited in Federal reserve banks are $75,000,000, while in foreign depositories there are $53,843,000, and so on. I see no reason why it is not to the advantage of this Government to get the highest possible rate of interest out of this money. The highest interest now paid for it is 2 per cent, while this bill authorizes the Federal farm loan banks to pay 5½ per cent. From the standpoint of good business it behooves the Government to take advantage of this higher interest rate, and from this standpoint alone, I can hardly see how an unselfish Member of this House can oppose the bill as it passed the Senate.

If the money in question belonged to an individual Member of this House or to a private corporation of which he was a stockholder, does anyone believe that he would be content to its loan at 2 per cent when a larger interest could be obtained?

No; this is not the belief of the people; and because of the too frequent examples of a regard for the governmental interests that is more careless than the regard for personal gains there is steadily growing throughout the country a distrust of the Congress and its Members.

In addition to this, it is necessary and vital for the Federal farm loan banks to have additional capital. There are now pending the applications of farmers for loans amounting to over $140,000,000. On account of the hostile attacks made upon these banks in the courts and elsewhere by selfish interests, their operation has been stopped for about a year and a half, and during that period they have made no loans nor sold bonds nor increased their capital stocks. Because of the tightness of money, their bonds are not now readily salable and it is necessary for their life that they begin to function, and that immediately, for the public good. A substantial loan to them by the United States Treasury will enable them to quicken into business again and function until their capital is large enough for them to stand alone.

In addition to this, the farmers of the country need, and need badly, all the help that can be rendered them. Everyone on this floor admits that farming is the basic industry of this Nation; that upon that industry depends the very existence of

the Nation. Everyone is loud in praise of the patriotism and labor of the farmer. All render him mouth service, but when it comes to extending to him material aid there is failure on all sides. I think it behooves the farmer to be up and doing in the matter of organization. As other industries have done, he will have to organize in order to present his proper demands and put to an end the unjust discrimination that has been meted out to him by his Government. He should not have to come to this Congress on bended knees begging for a mite when he is entitled to so much. I do not believe, however, that the farmer will ever secure all that he deserves until he is organized as are the railroad workers to-day. Then will his influence be felt and his condition materially improved.

The railroads have had handed to them billions of dollars by this Congress. Every demand made by them has been granted. The Esch-Cummins law requires us to pay them millions of dollars annually on watered stock—stock that does not represent a penny of investment. The packers and the other trusts and combinations get pretty well what they want out of Congress. Compare what these concerns secure with what has been done for the farmer in recent years. They have reaped substantial benefits and subsidies while he has futile promises and empty praise. It has been stated that the farmer has capital investments now of $80,000,000,000, and in this he received during the past year no returns, although mortgages on this called for large interest amounts. This condition, of course, makes him worse off now than he was last year. The investments of all other businesses were about double the capital of the farmer and yielded a return of over $20,000,000,000. It is not mere luck that makes this vast and unfair difference in the profits of the two classes. It has also been said that the total rediscounts of the Federal farm reserve banks were $14,000,000,000, and of that amount agriculture received 14 per cent; manufacturing, 21 per cent; merchandising, 26 per cent; speculation and miscellaneous, 39 per cent. Consider that of the primary deposits in all of the banks of the United States agriculture furnishes approximately 50 per cent; labor, 20 per cent; and all other businesses, 30 per cent. Upon these facts agriculture, entitled to more than merchandising and manufacturing combined, should have received $7,000,000,000, but instead it only got a paltry $2,000,000,000. The law which permits the Federal reserve allotment of credit is unfair to agriculture, and more than this, it has the direct and arbitrary purpose and effect of forcing a deflation in farm prices. The law which permits this credit monopoly should be changed. The farmer is made to sell his stuff. Not only can he not secure a loan on it but the credit that is denied him is freely extended those who want to fleece him. Ample loans are made to businesses inimical to the welfare of the farmer, and this, too, by governmental agencies which should be fair and impartial in dealing with all classes of industries and citizens.

Every other industry except farming secures practically everything that it wants out of this Government. This is one of the first instances where the farmer has had a chance to secure that which is his due, and I think common decency requires this House to give him the Senate bill instead of the House bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McFADDEN. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. KING].

The CHAIRMAN. The gentleman from Illinois is recognized for one minute.

Mr. KING. Mr. Chairman, there is no doubt that members of the Farm Loan Board are absolutely in favor of this proposition. It is not being crammed down their throats, but it is fully acceptable to them. I spoke personally to Judge Charles E. Lobdell and to Mr. Asbury F. Lever in the committee room, and they recited what has already been stated to the committee, that the bill as recommended by the committee is to their satisfaction.

The gentleman from Louisiana [Mr. WILSON] expressed some doubt as to whether the farmers' credits were deflated deliberately or not. I want to state to the gentleman from Louisiana that last September—and the proof of it would be forthcoming if this House should grant the passage of a simple resolution to give authority to investigate how the Federal Reserve Board has been functioning in the last few years—I say in September last they deliberately sat down to their table resolved to deflate the farmers' credits.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McFADDEN. I yield to the gentleman one minute more.

Mr. KING. They sat around the board table, a secret board, a star-chamber proceeding; the Federal Reserve Board sat down to their table—the board that regulates the price of commodities as well as the rates of interest in this country—and Mr. Harding, the president of the board, opened the meeting, not with prayer but by suggesting deliberately, "I presume, gentlemen, we are all agreed that it is better to be unanimous than to be right." [Laughter.] I have made that statement before. The board was unanimous, and the farmers' credits were then and there deflated.

Now, Mr. Chairman, my time being about expired, I shall take advantage of the consent of the House to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman already has that privilege.

Mr. KING. I so understand.

Mr. WINGO. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 20 minutes.

Mr. WINGO. I yield two minutes to the gentleman from Alabama [Mr. BOWLING].

The CHAIRMAN. The gentleman from Alabama is recognized for two minutes.

Mr. BOWLING. Mr. Chairman, this bill in effect provides for a working capital for the farm loan banks by authorizing the Secretary of the Treasury to deposit public funds with these banks in amount equal to the difference between the capital of the banks and $50,000,000. It will be observed there is nothing mandatory in the proposed bill, but a declaration that the Secretary of the Treasury may "in his discretion" make these deposits.

There is a great and pressing necessity for this legislation, owing to the extraordinary financial depression now on in the agricultural sections of the country.

There are some strange features about the farmer's business in the United States. Farmers are urged to be industrious, and they are, necessarily. The Department of Agriculture is spending great sums of money to teach more intensive and more scientific farming, and yet a strange result appears; that is, that the more the farmer makes the less he gets for it. If the cotton farmers make a 10,000,000-bale crop they get more for it than they get for a 15,000,000-bale crop. When he makes a great crop they say he has overproduced, and when he makes a small crop he is told to make more. I think this bill will aid somewhat, but it can not possibly relieve the situation as it should, because the amount of money is entirely inadequate. Yet it is a step in the right direction, and for that reason I favor it, not that I am satisfied with it. I would prefer to see inserted here a greater sum.

The statement of the gentleman from New Jersey [Mr. PARKER] that the Government can not afford to advance this money does not strike me with much force. I would rather see in this bill a direction to the Secretary of the Treasury to do this than to see in it a mere authorization. While he may go on and do it, the financial situation is so complicated that he might fail to do it and yet have a good reason to assign for not doing it. I have heard so much in the last few months about departments and governmental agencies violating the law, and about the General Staff of the Army doing this and that and the other thing, that I would like to see inserted in this bill, which is of importance to the farmer, a specific direction that can not be escaped.

There is a situation that is illustrated by a little story that came up from the war. A drafted man was having his questionnaire filled out, and the friend who was assisting him came to this particular question: "Have you any dependent relatives?" The reply was: "Yes; I have plenty of relatives, but you can not put any dependence in them." [Laughter.] That is the situation that sometimes comes to us when we contemplate legislation through a commission or giving somebody discretion to do something. We may be pardoned for being a little suspicious when we consider how often the farmer has been made the goat. Last year was the most expensive year that the farmers of the South ever knew, and that year cost more than any other on account of the artificial restrictions which were created by the Federal banking system. It was intended that the system should be a great agency for making an elastic currency and giving opportunity for the movement of crops at gathering time; but last fall right at the time when a great amount of money was needed the supply was cut off, and this artificial restriction of credit has put into bankruptcy thousands and tens of thousands of people in the United States.

This little measure of relief is just simply a mere dole coming apparently grudgingly from the Congress of the United States. The farmers have not enough friends at court. This is one trouble. As the gentleman from Mississippi [Mr. COLLINS]

suggested here a while ago, other interests have been taken care of and have usually received about what they asked for when they came to Congress, but the voice of the farmer is lost in the clamor for assistanee coming up from other industries in the land. I think we ought to go just as far as we possibly can in giving this assistance, and not grudgingly, as it is given by Congress.

I have never been able to understand why the farmer has to assume the rôle of a mendicant and adopt the tone of a beggar when he asks Congress for some relief. Is not his the foundation industry of the world? Have we forgotten the appeal made to him when we were at war to produce as largely as possible? And have we forgotten how nobly he answered the appeal by producing the greatest crop in all history?

And this notwithstanding the fact that millions of young men had been withdrawn from industry and inducted into the Army and Navy.

The transportation systems received their millions when they asked for them. The national banks have for a generation been the recipients of valuable favors from the Government in the way of deposits at low interest rates. Now we have an opportunity to assist the farm loan banks, and we should do so, gladly and liberally.

Let us recall to-day that the crop of 1920 cost more to produce than any other crop ever raised. This is certainly true of the cotton crop. Wages, fertilizer, tools, transportation, everything that entered into the industry was at the highest level. The cotton crop cost from 25 to 30 cents per pound to put it on the market, where, instead of a profit, the cost of production could not be had. It is to-day a drug on the market at 11 cents per pound, and bankruptcy threatens thousands.

We are told that there is too much gold in America; that we now have more than three and one-half billions of the world's supply. With this enormous money supply, entirely sufficient for every legitimate business in America, there not only exists no reason for the present money stringency but its presence amounts to a national scandal. Somebody is "playing horse" with the American people.

It has been estimated by the National Farmers' Union that the present financial depression has cost the farmers $7,000,000,000—an amount equal to nearly one-third of the national debt.

This is a loss so serious, so far reaching in its influence, that its cause should be accurately determined and the responsibility forever fixed, to the end that it may not again occur.

It appears to me that the principal causes are well set forth in a recent bulletin of the Farmers' Union, from which I quote the following:

The farmer produced his last crops under the most expensive conditions and at the greatest cost, but has been obliged to dispose of them at deflated prices and has sustained to date a total loss of $7,000,000,000.

The principal direct causes for these losses are as follows:

1. Unnecessary profiteering of middle men, which includes speculative gambling.

2. Arbitrary restriction of credit by the Federal reserve bank and the holding up of the Federal land banks by litigation.

3. The unreasonable rise in railroad rates.

Of these three reasons I would call special attention to No. 2. Credit is capital; credit is the life of business, for the simple reason that there is not sufficient money in the world to do business on a cash basis. The establishment of the Federal reserve banking system, with its regional banks located at convenient points, with the power and resources of the Government behind the system, was hailed as the dawning of a new era, when an elastic currency would be provided, always sufficient for every emergency and automatically responding to the demands of business.

The system proved its worth in the war when unprecedented demands were met and the greatest war in history was financed without a suggestion of lack of money.

This great system was not organized primarily for the purpose of making money, but the profits in 1920 were $120,000,000.

It would seem that if the Federal reserve could function so smoothly and with such astonishing success in war it would be able to do even better in peace, and so secure a lasting prosperity to the people. Instead of that we find that last fall, just at the time when the crops began to move, just when credits should have expanded, there was, for no good reason, such an artificial restriction of credit as to result in the almost complete cessation of business and the financial ruin of thousands. It was unthinkable that such a thing should be deliberately done, yet the evidence leads to no other conclusion. Some of the results of this almost criminal action of the Federal Reserve Board may be seen in the fact that cotton dropped from $150 per bale to $50, wheat from $2.50 per bushel to $1.30, corn from $1.50 to 61 cents, and all along the line is the same story of wreck and ruin.

The policy of "deflation" or "liquidation" was made in face of the fact that the farmers furnished one-half of the money deposited in the banks. But although he furnishes one-half, does he get one-half when he goes to borrow? No, verily! Instead of 50 per cent, to which he is entitled by every rule of right, he is allowed only 14 per cent, while the manufacturer, who is entitled to 21.4 per cent, gets 21 per cent; the merchant gets 26 per cent; and speculation and miscellaneous applications get 39 per cent.

The amount loaned speculators allowed them to speculate in wheat and thereby cause wheat growers a loss of 70 cents per bushel. They speculated in cotton and cost the cotton producer a loss of $75 to $100 per bale.

These are some of the reasons why agriculture languishes to-day and why from all over the land there comes an insistent cry for relief.

The bill under consideration affords a small measure of relief, little enough, in all conscience; but, small as it is, it is welcomed. I understand that an amendment will be offered increasing the available deposit to one hundred million. I shall support it heartily, and hope it will be adopted.

The Federal land bank has become an integral part of our financial system. The farm loan system is an established fact. As such it is the duty of everyone to support it heartily. To my mind it is one of the most commendable features of our financial system. Land furnishes the world's best security, and a bond backed by land is as safe as the Government. This bill appropriates no money and will cost the Government nothing. On the other hand, it will be a safe investment, returning a small but certain interest.

I trust this legislation will pass, and that soon we may have an opportunity to consider other legislation affording additional relief to the innocent victims of a useless money panic.

Mr. WINGO. I yield five minutes to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Chairman and gentleman, I hope that the House amendment, reducing, by nearly $25,000,000, the amount carried in the Senate bill, will be voted down. I think the Senate bill ought to be adopted without amendment. I think this Congress ought to provide a revolving fund of $50,000,000 for this purpose. It is variously estimated that the number of applications for loans is extremely great, amounting in the aggregate to from $75,000,000 to possibly $300,000,000. The $25,000,000 provided in the House amendment, added to the capital of the farm loan banks will not in my opinion be enough to meet this situation. I believe that this Congress should readily make proper advancements to such banks for the farmers of the United States in their present distressed condition. The letters and information which I have received indicate the most deplorable state of affairs. If this Nation is going to hold the farmers of the United States upon the farms and is going to be able to depend upon them to continue to produce the food supply and the clothing materials for the people of the United States, it must come to their relief. This relief is already too belated. It ought, as stated, to be forthcoming, not only to the extent provided by the House amendment, but to the extent provided by the Senate bill, or perhaps even a greater amount, as it would be if the Congress of the United States could be made to realize just what the true conditions are.

Few measures thus enacted for the benefit of the agricultural interests of this country have resulted in as much good to the farmers and the rest of the people of this Nation as has the Federal farm loan act passed by a Democratic Congress in 1916. Up to that time the farmers of the United States had been at the mercy of the loan sharks and all others who sought to exact from them the very last penny of interest which could be possibly squeezed out of such borrowers who were compelled by reason of reverses or other necessity to obtain loans at no matter what sacrifice or cost.

After the passage of the farm loan act and as soon as the banks and associations provided for therein could be organized and put into operation, the days of extortion in interest rates, with the consequent absorption, in cases of default, of all the property pledged for payment, almost completely passed away, until the same interests framed an assault upon the constitutionality of such law and caused practically suspension of the farm loan banks for over a year or more, when the Supreme Court of the United States upheld the act in every particular.

During such time, when the validity of the farm loan act was under fire by selfish and sordid interests, it was impossible for the farm loan banks to function because of the uncertainty in the minds of the people as to the ultimate action of the Supreme Court of the United States, and the reluctance of the last Republican Congress to sufficiently assist the farm loan banks to

tide over, in any adequate degree, the difficulties which they and their borrowers were encountering.

The loan sharks and exploiters were again in the saddle, not only refusing to lend farmers money except upon most exorbitant rates of interest and excessive costs of consummation of loans, but also demanding that such loans should be for unreasonably long periods of time—often for 10 years or more; so that even when the Supreme Court of the United States had decided the test case involving the constitutionality of the farm loan act, that the farmers could not even then escape from the clutches of the extortioners and obtain the benefits of the lower rates of interest and extremely favorable conditions of repayment of loan offered under the farm-loan system.

To give some idea of the tremendous demand among the agricultural interests for loans, I call attention to what the chairman of the Committee on Banking and Currency has just announced on the floor of the House, in response to a question from me, that it was impossible now to obtain accurate information as to the amount of pending loans applied for, but that the estimate of the same was all the way from $75,000,000 to $300,000,000. This emphasizes the tremendous need of the farmers of this country for the credit facilities provided by the farm loan banks. Of course, the powers granted to such banks do not include power to make loans for many other needs of the farmers, which must be supplied through other banking agencies.

The tremendous depreciation which has manifested itself throughout the whole country and which has visited upon the agricultural interests, particularly, the very heaviest of burdens has resulted in increasing the need of the farmers for adequate credit and credit facilities to enable them to tide over the disaster with which many of them have been and are still threatened. We all realize how nobly and wonderfully they responded to the call of the country for bumper crops, not only during the period of the war but since such time, and it surely behooves the Government to do its part in helping the farmers now.

What does this bill propose to do? Simply to deposit in the farm loan banks in the various banking districts throughout the United States the sum of approximately $25,000,000 to enable such banks to make loans to prospective borrowers without waiting until the necessary farm loan bonds can be sold in the market. The advances—and that is all they are—by the Government under this bill must be repaid just as soon as the farm-loan bonds have been sold; and for such accommodation the borrowing banks must pay the Government a rate of interest a half a cent higher than the interest provided for in the bonds, as well as fully securing the Treasury by the pledge of such bonds, with mortgage security, equal to the advances made.

I must say that I can see nothing particularly generous in the action of the Government as reflected in this bill. It is purely a business transaction which operates to the pecuniary advantage of the Government, even though it provides an accommodation in a limited degree to the farm loan banks and their prospective borrowers. In fact, the interest charge against the farm loan banks is about 3½ per cent greater than that made by the Government against national banks for deposits of Government funds. Of course, these interest charges must be absorbed by the farm loan banks and transferred to their borrowers as a part of the cost of loans.

I do not believe that this exaction ought to be made by the Government, and particularly when the amount to be advanced is as small as that carried by the House amendment to the Senate bill.

The Senate undoubtedly gave this matter most careful consideration before passing the measure, which, as enacted by that body, carried an advancement of $50,000,000 to the farm loan banks instead of only a trifle over $25,000,000, as provided by the House amendment. Certainly $50,000,000 is little and inadequate enough when it is considered that the pending applications for loans amount, probably, at a conservative estimate, to $150,000,000.

The Treasury does not stand to lose a dollar. It has the greatest gold reserve in the history of the Nation. The preservation of the great agricultural interests of this country is at stake.

Certainly you gentlemen of the majority party in control of Congress and of the Government are not going to sit here and provide appropriations of over three-quarters of a billion dollars for armaments and agencies of destruction of both life and property, as an actual expenditure, and refuse to provide a temporary loan of only $50,000,000 for one of the greatest constructive industries of the Nation, and which may be the means of saving from calamity the great farming industry of this country.

The cost of a single great battleship, such as the Government is building to-day, with her armament, amounts approximately to $40,000,000, a sum almost inconceivably large to the average mind which is not conversant with the tremendous costs of modern ships of war. And when it is considered that the chairman of the House Committee on Naval Affairs recently stated to me on the floor of this House that the cost of completing the present naval building program alone would amount to something between $800,000,000 and $900,000,000, without reference to maintenance costs, it is easy to realize why the people, with a national debt already of approximately $25,000,000,000, are getting restless under the weight of the crushing load of taxation necessary to keep up such implements of war, especially when it is so difficult even to get loans from the Government upon gilt-edge security to promote the constructive works of peace as reflected in the development of products of the soil and trade of the Nation along all lines.

Not two months ago the Republican majority, through the committee in charge of appropriations for the Army, brought into this House the Army appropriation bill providing $83,000,000 to pay for the enlisted personnel of an Army which was larger by 18,000 men than was provided for just two months before in the same measure as passed by the House during the last session of the Sixty-sixth Congress, but which finally failed to pass and had to be reintroduced at this session of the new Congress. Of course, the $83,000,000 was not the full sum carried by the Army appropriation bill. That amounted to approximately $325,000,000. But what I refer to specifically is the increase of $10,000,000 provided in the same Army appropriation bill as reintroduced in this session of Congress over and above the sum provided for the same purpose in the same bill at the last session of the Sixty-sixth Congress.

At that time the present chairman of the subcommittee, Mr. ANTHONY, in charge of the Army appropriation bill, reported an appropriation of $72,678,659, which was sufficient to provide for an enlisted personnel of 150,000 soldiers, exclusive of the Philippine Scouts and flying cadets. It was urged by him and the leaders on his side that an Army of that size was ample; but a little more than two months later the same Appropriations Committee has urged upon this Congress an Army of 168,000 men, at an increased initial cost to the Nation of over $10,000,000 a year, without reference to the added and incidental cost to be borne by the people by reason of such increase in the Army, and without showing any necessity therefor.

It is to the credit, however, of the small Democratic minority, aided by a number of Republicans who refused to be bound by any such plan for a larger standing Army, that the House of Representatives, by a close vote, rejected the provision for increasing the Army to 168,000 men and restored the reduced amount carried in the same bill at the last session, providing for an Army of 150,000 enlisted men. Even then, with the Philippine Scouts, flying cadets, and officers, the size of the Army would be approximately 175,000 men, almost twice as great as it was before the World War.

Although the Senate sought to raise the size of the Army to 170,000 men, with the necessary increase of appropriation therefor, the bill as it finally came out of conference between the House and Senate resulted in a compromise, which, through the firm stand taken by the Democratic minority, with the aid, as stated, of certain Republicans, effected a saving of $5,000,000 to the people. But even the final sum of $77,000,000 provided for enlisted personnel was $5,000,000 more than ought to have been carried in the bill, which provides in all more than $323,000,000 for the Army.

To see if a halt or reduction could not be made in the continuance of the enormous costs and program of naval armament, and in view of the expressed willingness of other great nations to view such proposal with favor, amendments were proposed by two Democratic Congressmen to the naval bill when it was recently before the House for consideration, requesting that the President should call a naval disarmament congress of the nations without delay, so that it might be determined if some agreement could not be reached whereby each nation of especially great naval power should pledge its assent to a substantial reduction by it of its naval program and armaments, with the attendant relief from a vast burden of taxation and cost from the backs of the people.

In spite of the fact that such appropriation bill carried over $400,000,000 for the next fiscal year, the majority party succeeded in preventing consideration of all but one of such amendments through points of order, and then voted down the only amendment allowed to come before the House for its consideration.

In the Senate, however, Senator BORAH, who offered an amendment substantially similar, but of a more limited nature, authorizing and requesting the President to invite the Govern-

ments of Great Britain and Japan to a disarmament congress for the mutual reduction of armament, was more fortunate and secured the adoption of his amendment by the Senate. This amendment, as you know, the conferees of both the House and Senate have finally agreed to report back to the House of Representatives for adoption or rejection, and I sincerely hope that the Democratic support which it will receive will be increased by enough Republican votes to insure its passage.

It is worthy of special attention that any effort to hold down increases in the already vast appropriations for armaments and the machinery of war encounters a most desperate resistance in Congress, even though the United States has the greatest available number of trained fighting men of any nation on earth, most of whom are veterans of the World War, who have returned to peace-time pursuits.

I believe that the American people expect Congress to adequately provide for the defense and protection of the Nation, both on land and sea; but I do not believe that the people will sanction vast expenditures designed only to build up a vast war machine, the only effect of which will be to ultimately crush the people with its staggering cost.

But even though there are those who still insist upon the policy of postponing a conference of the nations to bring about an agreement on disarmament even to a limited extent, and propose to continue the great armament expenditures under which the Nation now labors, which conservatively figured, and including expenses incident to wars, amounts to 80 per cent of all our national expenditures, yet I insist that the producers of this country ought then to have even a greater right to all possible encouragement and assistance by the Government through the farm loan banks and other agencies to obtain adequate credit, so that they may continue to produce the raw materials and products of the farm upon which the Nation depends for both food and raiment, and make possible the continuance of our industries as well as our domestic and foreign trade. Nations, like individuals, must produce and earn in order to pay their debts.

It must be apparent, also, to every one that not only is there necessity for advancements of loans for the benefit of producers in line with the purpose of this bill, but that beyond that, and of transcendant importance, is the necessity for the development especially of foreign markets for the surplus crops and supplies of this Nation.

There is no question but what the demand therefor exists in the highest degree, especially among the countries of Europe, but it is also obvious that those nations are in such serious financial difficulties that it is becoming increasingly difficult all the time for them to finance the purchases of American commodities which they desire to make. Not only their vast expenditures and losses growing out of the war contributed to their present financial condition, but the unstable political and governmental conditions have also played and continue to play a large part in preventing early financial recovery. The depreciation in the value of the money of such nations has, of course, reduced their purchasing power tremendously; and even at the greatly reduced prices of American farm and other products the depreciation in the value of their money is so great that it is yet impossible for such nations to purchase anything like the amount of American supplies which they so badly need. Although many of the policies pursued by you gentlemen of the majority party do not seem to have been formed and followed with a full appreciation of the present threatening economic situation, yet it does appear to have been grasped by the Comptroller of the Currency, Hon. D. R. Crissinger, who, in a recent address before the New York Bankers' Association, said:

> We need to increase our exports, but in our new quality as a great creditor country we find it more difficult than ever to export more than we import. The difficulty is increased by the fact that our money is the best in the world—the most expensive. On a gold basis 5 Italian lire would buy a dollar's worth of goods from us. But the lira is so depreciated that it takes more, nearly 20 now, to buy a dollar. Naturally the Italian wants to buy in a market where he gets more for his money; and our money being at the top of the entire heap, they are all trying to get things somewhere else rather than from us.

The facts appear to justify the conclusion of the Comptroller that foreign nations "are all trying to get things somewhere else rather than from us." Of course, there are certain commodities, like cotton, which foreign nations must have which are not raised in sufficient quantity elsewhere to enable them to secure a supply, and hence they are bound to buy from us or do without. But even with respect to such commodities the decrease in purchases has been enormous.

The New York Times under date of June 12, 1921, called attention to the alarming decline in our foreign trade, and the statement is of such interest that I feel it fully worth while to include it in my remarks:

[Special to the New York Times.]

GREAT DECLINE IN OUR FOREIGN TRADE—MAY IMPORTS DOWN $48,000,000 FROM APRIL AND $223,000,000 FROM MAY, 1920.

WASHINGTON, *June 11.*

The Department of Commerce made public to-day figures which show that the value of imports and exports dropped off radically during May of this year as compared with May, 1920. Both imports and exports decreased more than $1,000,000,000 for the 11 months ending with May, 1921, as compared with the same period in 1920. The following tables give the picture:

MAY.

	1921	1920
Imports	$208,000,000	$451,004,944
Exports	330,000,000	745,523,223
Excess of exports	122,000,000	314,518,279

11 MONTHS ENDING MAY.

Imports	$3,471,876,208	$4,685,746,580
Exports	6,179,603,978	7,479,611,906
Excess of exports	2,707,727,690	2,793,865,326

The decrease in exports for the 11 months' period ending May, 1921, is shown to be $1,300,007,928 and the decrease in imports $1,213,870,292.

The department also presents detailed tables showing the value of exports and imports since July, 1918. The figures for exports from December, 1920, show the steady decline which has occurred since that time. They follow:

December, 1920	$720,286,774
January, 1921	654,271,423
February, 1921	486,281,597
March, 1921	386,680,346
April, 1921	340,338,729
May, 1921	330,000,000

The change in import figures has not been so startling. In December, 1920, the value was put at $266,057,443. For the following months the valuations were: January, $208,796,989; February, $214,529,680; March, $251,969,241; April, 254,597,362; May, $207,000,000.

Statistics for the imports and exports of gold show that for the 11 months ending May, 1921, imports were $602,817,925, as compared with exports of only $132,764,299, the increase of imports over exports being $470,053,626.

For the 11 months ended May, 1920, imports of gold were only $123,775,217, as compared with exports of $461,100,731, showing an excess of exports over imports of $337,325,514.

Imports of gold for the 11 months' period ending May, 1921, showed an increase, as compared with the exports for the corresponding period in 1920, of $479,042,708, and the exports for 1921, as compared with 1920, showed a decrease of $328,336,432.

Imports of gold for May, 1921, were $58,209,918, as compared with $15,687,859 for May, 1920. Exports were only $1,062,521 in May, 1921, as compared with $7,561,083 in May, 1920.

The great influx of gold into the United States began in October, 1920, when gold imports reached $116,762,001. For the following months the import figures were:

October, 1920	$116,762,001
November, 1920	56,889,037
December, 1920	44,660,488
January, 1921	38,145,001
February, 1921	44,238,147
March, 1921	87,371,598
April, 1921	92,236,175
May, 1921	58,209,918

Imports of silver for the 11 months ended May, 1921, were $55,805,359, as compared with $96,337,935 for the same period in 1920. Exports fell off sharply, however, dropping to $51,112,161 as compared with $174,621,640 during the 11 months' period in 1920. The imports of silver, therefore, showed an excess over exports of $4,693,198, as compared with an excess of exports for the same period in 1920 of $78,283,711.

The country's foreign trade in merchandise in May compares with the preceding month and with the same month last year as follows:

	May, 1921.	April, 1921.	May, 1920.
Exports	$330,000,000	$339,914,987	$745,868,402
Imports	208,000,000	254,571,024	431,004,556
Excess exports	122,000,000	85,343,963	314,863,846

The May results compare with preceding months of 1921 and 1920 as follows:

	Exports.	Imports.	Excess exports.
May, 1921	$330,000,000	$208,000,000	$122,000,000
April, 1921	339,914,987	254,571,024	85,343,963
March, 1921	386,811,138	251,988,741	134,822,397
February, 1921	489,297,067	214,525,137	274,771,930
January, 1921	654,740,158	208,814,382	445,925,776
December, 1920	720,852,515	266,112,819	454,739,696
November, 1920	676,703,011	321,181,080	355,524,931
October, 1920	751,728,570	334,263,803	417,464,767
September, 1920	605,291,257	363,666,710	241,624,547
August, 1920	579,052,607	513,550,615	65,501,992
July, 1920	651,381,827	537,170,351	114,211,476
June, 1920	631,082,648	552,875,088	78,207,560

Export and import trade in merchandise for the 11 months ended with May, 1921, compare with the same period in a series of years (000 omitted):

	Exports.	Imports.	Excess exports.
1921	$6,180,000	$3,472,000	$2,708,000
1920	7,480,761	4,685,746	2,795,015
1919	6,304,419	2,802,804	3,501,615
1918	5,435,911	2,685,305	2,750,606
1917	5,720,026	2,352,701	3,367,325
1916	3,868,796	1,952,088	1,916,708
1915	2,500,041	1,516,474	983,567
1914	2,207,507	1,736,454	471,052
1913	2,302,479	1,681,762	620,716

The May trade in gold compares as follows with the preceding month and with the same month last year:

	May, 1921.	April, 1921.	May, 1920.
Exports	$1,062,521	$383,787	$7,561,683
Imports	58,209,918	88,143,275	15,687,859

It will be noted from such statement that the decrease in exports for the 11 months' period ending May, 1921, is shown to be the vast sum of $1,300,007,928, and a decrease in imports during such period of $1,213,870,292. These figures illustrate in a most illuminating way how dependent the success of our export trade is upon being able to effect exchanges for needed commodities of other nations, when they have neither money nor credit with which to buy our goods. It harkens back to the period of elemental trade, upon which, after all, the whole fabric of commerce rests.

The existing situation is even more concretely illustrated by the report of the Census Bureau on June 15, 1921, with reference to the domestic consumption of cotton and exports thereof, which I present herewith for your consideration.

PRELIMINARY REPORT.

DEPARTMENT OF COMMERCE,
BUREAU OF CENSUS,
Washington, D. C., June 15, 1921—10 a. m.

Cotton consumed, cotton on hand, active cotton spindles, and imports and exports of cotton for the month of May, 1921 and 1920, with statistics of cotton consumed, imported, and exported for the 10 months ending May 31.

[The statistics of cotton in this report are given in running bales, counting round as half bales, except foreign cotton, which is in equivalent 500-pound bales.]

COTTON CONSUMED AND ON HAND IN SPINNING MILLS AND IN OTHER ESTABLISHMENTS, AND ACTIVE COTTON SPINDLES (LINTERS NOT INCLUDED).

Locality.	Year.	Cotton consumed during (bales)—		Cotton on hand May 31—		Cotton spindles active during May (number).
		May.	10 months ending May 31.	In consuming establishments (bales).	In public storage and at compresses (bales).	
United States	1921	[1] 439,884	4,016,117	[1] 1,279,314	[1] 4,739,851	32,631,051
	1920	541,377	5,339,090	1,698,833	2,586,868	34,069,744
Cotton-growing States	1921	268,131	2,479,665	573,350	4,257,199	14,661,891
	1920	310,516	2,974,534	878,224	2,264,207	15,064,889
All other States	1921	171,753	1,536,452	705,964	482,652	17,969,160
	1920	230,861	2,364,556	820,609	322,661	19,004,855

[1] Includes 19,246 foreign, 1,835 Am.-Eg., and 1,147 sea island consumed, 100,783 foreign, 7,850 Am.-Eg., and 6,005 sea island in consuming establishments, and 99,865 foreign, 40,096 Am.-Eg., and 7,438 sea island in public storage. Ten months' consumption: 174,607 foreign, 12,460 Am.-Eg., and 16,034 sea island.

Linters not included above were 47,395 bales consumed during May in 1921, and 32,072 bales in 1920; 215,883 bales on hand in consuming establishments on May 31, 1921, and 282,881 bales in 1920; and 269,198 bales in public storage and at compresses in 1921 and 393,372 bales in 1920. Linters consumed during 10 months ending May 31 amounted to 412,038 bales in 1921 and 269,655 bales in 1920.

Imports and exports of cotton and linters.

Country of production.	Imports of foreign cotton during (500-pound bales)—			
	May.		10 months ending May 31—	
	1921	1920	1921	1920
Total	10,542	15,767	212,784	651,591
Egypt	6,369	6,890	76,512	463,582
Peru	2,474	2,058	21,489	59,177
China	99	4,427	13,785	41,407
Mexico	625	163	88,130	64,256
All other countries	975	2,229	12,868	23,169

Imports and exports of cotton and linters—Continued.

Country to which exported.	Exports of domestic cotton and linters during (running bales)—			
	May.		10 months ending May 31—	
	1921	1920	1921	1920
Total	[1] 477,389	[1] 364,904	[1] 4,701,671	[1] 6,145,057
United Kingdom	159,104	121,031	1,515,047	2,936,571
France	39,554	20,998	514,577	546,236
Italy	22,875	32,714	448,391	523,996
Germany	95,633	42,017	985,960	374,584
Other Europe	44,004	66,308	573,776	750,564
Japan	88,503	66,895	429,431	817,909
All other countries	27,716	14,941	234,489	195,197

[1] Figures include 4,340 bales of linters exported during May in 1921 and 5,550 bales in 1920 and 41,415 bales for the 10 months ending May 31 in 1921 and 45,686 bales in 1920. The distribution for May, 1921, is as follows: United Kingdom, 9; France, 366; Germany, 1,425; Netherlands, 1,272; Canada, 1,213; Mexico, 50; Cuba, 5.

World statistics: The world's production of commercial cotton, exclusive of linters, grown in 1920, as compiled from published reports, documents, and correspondence, was approximately 19,830,000 bales of 500 pounds net, while the consumption of cotton (exclusive of linters in the United States) for the year ending July 31, 1920, was approximately 18,451,000 bales of 500 pounds net. The total number of spinning cotton spindles, both active and idle, is about 154,600,000.

This report shows that the domestic consumption of cotton for the first 10 months of the cotton year beginning August 1, 1920, and ending May 31, 1921, was over 1,300,000 bales less than for the 10 months of the cotton year ending May 31, 1920, with about 400,000 bales less on hand this year in consuming establishments than last year.

It is also to be noted from such statement that the exports to Great Britain for the 10 months of this cotton year only amount to 1,515,047 bales as against 2,936,571 bales for the same period of the cotton year 1920, indicating a falling off of more than 1,400,000 bales in exports to Great Britain alone, with decreases of nearly 675,000 bales in exports to all other countries except Germany, which shows an increase of over 600,000 bales, leaving a net decline of nearly a million and a half bales.

Of course, this great decline in the consumption of cotton and other American products, both at home and abroad, has been reflected with unusual severity in the depression throughout the agricultural as well as industrial sections of our country. With our great crops and condition presented how could it be otherwise?

When it is remembered that the United States in the 10 months ending May 31, 1920, only consumed 5,339,090 bales, and for the 10 months ending May 31, 1921, only consumed 4,016,117 bales, and when it is further remembered that out of a production in the United States of 13,197,775 bales during the cotton year 1920–21, with a carry over of 3,563,000 bales from the previous year, 9,904,913 bales were still unconsumed on March 31, 1921, it is readily apparent that without foreign markets there must inevitably follow the greatest demoralization and depression in the price of the commodity as well as a tremendous resulting economic loss from the failure to make use of the staple.

It must be evident to all, therefore, particularly under prevailing conditions, that the more obstacles and burdens imposed upon foreign nations seeking to get into our markets and buy our products the greater will be the injury to our foreign commerce.

It seems too obvious for expression that to bring about any substantial relief from the existing depression there must be not only proper credit facilities for the farmer and better marketing facilities for his agricultural products, but it is further absolutely indispensable that markets not only at home but also abroad shall be kept open and further developed for the absorption and purchase of American raw and finished materials. We can not consume all that we produce, and unless we refuse to grow we are bound to encounter, without foreign markets, continued stagnation of industry at home.

Before the World War the Central Powers were among the greatest consumers of our raw material, especially cotton; but with the defeat of Germany and Austria in that momentous contest, and their financial collapse, there has followed a vast war debt to the Allies, for the payment of which practically all the assets of the Central Powers have been pledged and mortgaged.

The vast reparation sum which Germany has been called upon and has agreed to pay is, under the terms of the Versailles treaty, made a preference lien upon all her assets and revenues.

Article 235 of the treaty provides as follows:

In order to enable the allied and associated powers to proceed at once to the restoration of their industrial and economic life, pending the full determination of their claims, Germany shall pay in such installments and in such manner (whether in gold, commodities, ships, securities, or otherwise) as the reparation commission may fix, during 1919, 1920, and the first four months of 1921, the equivalent of 20,000,000,000 gold marks. Out of this sum the expenses of the armies of occupation subsequent to the armistice of November 11, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the principal allied and associated powers to be essential to enable Germany to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned toward liquidation of the amounts due for reparation. Germany shall further deposit bonds as prescribed in paragraph 12 (c) of Annex II hereto.

Article 248 of the treaty provides:

Subject to such exceptions as the Reparation Commission may approve, a first charge upon all the assets and revenues of the German Empire and its constituent States shall be the cost of reparation and all other costs arising under the present treaty or any treaties or agreements supplementary thereto or under arrangements concluded between Germany and the allied and associated powers during the armistice or its extensions.

Up to May 1, 1921, the German Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the allied and associated powers acting through the Reparation Commission.

Article 251 of the treaty provides:

The priority of the charges established by article 248 shall, subject to the qualifications made below, be as follows:

(a) The cost of the armies of occupation as defined under article 249 during the armistice and its extensions;

(b) The cost of any armies of occupation as defined under article 249 after the coming into force of the present treaty;

(c) The cost of reparation arising out of the present treaty or any treaties or conventions supplementary thereto; and

(d) The cost of all other obligations incumbent on Germany under the armistice conventions or under this treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Germany and such other payments as may be judged by the allied and associated powers to be essential to enable Germany to meet her obligations in respect of reparation will have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said powers.

It will be noted from the last paragraph that the payment for such supplies of food and raw materials to Germany may, under certain conditions, be given priority rights even over reparation claims; but in order to obtain such preference, it is stipulated that it shall be deemed in the judgment of the "allied and associated powers to be essential to enable Germany to meet her obligations in respect of reparation."

It has been my purpose to endeavor to secure for the producers of my district, as well as my State and Nation, the benefits of the provisions of the Versailles treaty as relate to preference payment by Germany for supplies of food and raw material. To this end, notwithstanding that the Senate had refused to ratify the Versailles treaty, I took the matter up with President Harding and the Secretary of State, Hon. Charles E. Hughes, to enlist, if possible, the aid of this Government in obtaining for American producers the benefit of such priorities provided for in the treaty.

Secretary Hughes at first declined to enter into any negotiations whatever with the Allies concerning this matter, but suggested that there would be no objection to my constituents individually taking the matter up with the Reparation Commission, as reflected in his letter to me of May 3, 1921, which reads:

DEPARTMENT OF STATE,
Washington, May 3, 1921.

The Hon. CLAY STONE BRIGGS,
House of Representatives.

SIR: The receipt is acknowledged of your letter of April 14, 1921, by reference from the White House, together with its inclosures relative to a proposed plan whereby payments for shipments of cotton to Germany may be granted priority over reparation payments.

According to articles 235 and 251 of the treaty of Versailles, the allied and associated powers are authorized, in their discretion, to grant certain priorities for the purchase of food and raw materials by Germany. Since this Government has not ratified the treaty of Versailles, no opinion can be expressed in regard to the interpretation of these two articles by those allied Governments which have become parties to the treaty. It is suggested that it might be desirable for your constituents to approach the Reparation Commission and ascertain whether priorities, as outlined in the inclosures with your letter, might be approved.

I have the honor to be, sir,
Your obedient servant, CHARLES E. HUGHES.

Of course, the Reparation Commission could seldom be successfully or readily approached by private individuals, as the commission is really constituted of official representatives of the allied Governments, who prefer to deal with officials of the United States.

Afterwards President Harding named an American representative upon the Reparation Commission, and I then again presented the matter to the Secretary of State, with a view to enlisting the assistance of the American delegate and State Department in securing priority payments for purchases from America. This time I met with better success, and on June 9, 1921, the Secretary of State wrote me as follows:

DEPARTMENT OF STATE,
Washington, June 9, 1921.

MY DEAR MR. BRIGGS: I have received your letter of May 24, 1921, in confirmation of our conference, in which you inquire whether the Reparation Commission would permit payments for American products to take priority over the reparation claims of the Allies.

The question you raised was taken up with the unofficial American delegate on the Reparation Commission, and I take pleasure in submitting for your information a paraphrase of the pertinent portions of his reply:

"It will be desirable for application to be made by German Government. The proposition should be as definite and complete as possible, and no special forms of application are required. It would also be wise to acquaint the American delegation on the Reparation Commission with the full details of the proposition, as this would permit the delegation to make suggestions. Anything it might do, however, would merely be in the form of friendly assistance and would not involve governmental responsibility. Assistance would also be conditional upon the plan seeming to be equitable. Any request for priority must meet the terms of article 251 of the treaty of Versailles, and it should be especially noted that such priorities must enable Germany to meet reparation obligations.

"The application should be supported by a letter from the American interests, tactfully pointing out the difficulty of granting credit to Germany without obtaining certain priorities. Purchases of food and raw materials by Germany have thus far been made without obtaining in advance the approval of the Reparation Commission."

Trusting that this information will be of value to you and to your constituents, I am, my dear Mr. BRIGGS,

Sincerely, yours,
CHARLES E. HUGHES.

It will thus be seen that upon compliance with the procedure indicated the American exporter and producer is now able to at least obtain some assistance from the American Government, if only in an informal way, to establish and secure the opportunity for developing a much greater trade with Germany than could otherwise have been arranged, upon a satisfactory basis for payment for purchases made.

And so I hope that the American producer and farmer is soon going to be relieved in a substantial way from the distressing adversity which has overtaken him since the war, and that not only will this bill pass and provide him with credit facilities at least to the extent of some of his needs, so that he may continue to produce and maintain his farm, but that the Congress of the United States and the party in power will develop a greater interest in preserving, stimulating, and developing our foreign trade by the encouragement and development of expanded and new markets, so that this Nation may continue to grow, and those who have made it the greatest agricultural country in the world be enabled to survive and prosper. [Applause.]

Mr. WINGO. How much time have I left now, Mr. Chairman?

The CHAIRMAN. Forty-six minutes.

Mr. WINGO. I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, in my judgment this is not any special favor to the farmers of this country. It is their right under the bill that we have heretofore passed. A separate and distinct banking system was established by the American Congress to aid the agricultural interests. Owing to an abnormal condition that now exists, their securities can not be sold readily. This Congress is called on to see that that system functions properly, and that is what this resolution is attempting to do.

I am sorry that the House committee saw fit to cut down the $50,000,000 that the Senate put through to $25,000,000, but if that is to be final, I am for that. I feel it should be $100,000,000. The gentleman from New Jersey [Mr. PARKER], with tears falling upon his cheeks, said that the Government was unable to do this. The agricultural interests of the United States are almost prostrate because of conditions that we know have brought their produce to almost nothing. As the gentleman from Illinois stated, every man who has an ounce of sense knows that the Federal Reserve Board and the Secretary of the Treasury of the United States last fall virtually reduced the farmers' produce to half what it was worth. Whether they were justified or not, it was done. Of course I do not think they were justified in making the farmer the goat. It was necessary that something be done to bring this country from the awfully inflated condition in which it was; but why did they start with the farmer and cut him off at his knees as the first one? The American Congress is called on to see that some aid is given to this Federal farm loan banking system in order that the farmers may continue to borrow money while many of them are forced to hold their produce.

And yet the gentleman from New Jersey who, I believe, voted $2,000,000,000 for the railroads taken out of the pockets of the people is standing up as the only man in the House saying that

the Government is not able to let the farmers of the United States have—not a gift—but to have a loan at 5½ per cent. While he votes $300,000,000 and $400,000,000 for the Army and $300,000,000 or $400,000,000 for the Navy, he says this Government can not lend $25,000,000 as a revolving fund to the farmers of the United States. It would be a pitiable condition in the United States if such a sentiment prevailed in the minds of a majority of this Congress, as was advanced by the gentleman from New Jersey here to-day. The backbone of the whole country would be destroyed. Up in his district the spinning wheels would cease to hum, the engines would stop, and the smokestacks would rust if the farmers of the United States had to stop producing. [Applause.] And yet by his vote and his speech he is willing to see the cessation of the farmers' loan banking system when he knows that the farmers can not go to a State or Federal bank and get a loan for over four or six months. He knows that they must have a long-time loan in order to improve their farms and restock them after this horrible experience that they passed through last year. He knows, or if he does not know, he should go to the magazines and study and see that the farmers must have this farm bank system in operation all the time.

The farmers were not responsible for the Federal courts tying up the system and keeping them from getting the money that they were entitled to by this system. The Supreme Court decided that they could open up and begin operations again, and we are duty bound now to give them further assistance. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WINGO. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, I intend to support this measure, but I think there should be two amendments to it. In the first place, instead of making it discretionary with the Secretary of the Treasury whether the funds should be deposited with the farm loan banks it should be made mandatory. I think a great deal of the trouble that has existed in this country in the last few months has been by virtue of the discretion lodged in those who control the financial credits of the country. We were permitted to go along as a people engaged in all kinds of speculation until the currency of the country became inflated, until perhaps it was necessary to have some sort of a halt. But it was done with all of the suddenness of a flash of lightning and without warning. If a man were up in a 10-story building, there would be two ways to get down; one would be to come down the steps and the other to jump out of the window. Financially speaking we jumped out of the window. By virtue of the graduated rediscount rates that were put on suddenly the country almost went to smash. I submit that if it was necessary to put graduated rates on the banking system of the country, on the money people desire to borrow, it should have been put up gradually and there should have been notice given of the intention to put rediscount rates on a graduated scale into effect, and then the country could have adjusted itself and been prepared to meet conditions that existed.

This bill gives the Secretary of the Treasury discretionary power to deposit this small amount of money, pitiably small, with those in charge of the farm loans of this country.

Under the provisions of this bill he can practically withdraw that at any time, and it is made his duty to do so. The people who are engaged in agriculture in this country are face to face with problems that are real and not fanciful. It is a condition and not a theory. If the time ever comes when the people who produce the elemental wealth of this country fail to function the whole country will go on the rocks. If basic production fails your industrial smokestacks will rust in idleness. That probably is too plain to be discussed. Therefore I say that the Nation can well afford to say to the Secretary of the Treasury, you shall deposit funds so that they may use them in relieving the distressed condition of agriculture at the present time.

The language of this bill makes it perfectly safe to do so. There is no better security on the face of the earth than that which will be back of the securities that are deposited here. Why should it be limited to the sum here specified? That is a mere drop in the bucket. Why should not an amendment be offered to make it a sufficient amount to furnish real relief? I believe it ought to be offered, and I believe it ought to be passed and made mandatory. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WINGO. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. During the debate much has been said regarding inflation and deflation of prices on farm products. We have heard much about the condition of the farmer and considerable criticism of the courts, the officers, and Federal reserve banks, the Federal Farm Loan Board, the special interests, and the unholy speculators. Each speaker seems to have little or no difficulty in fixing responsibility, at least satisfactory to himself, but no party accused admits guilt, and as we fail to agree among ourselves, no one has so far been convicted.

So far as I am personally concerned, I frankly admit that I am not so deeply concerned in the causes that have led up to the unhappy conditions surrounding the farmer as I am in the discovery and application of some method of relief.

If my home were on fire, I think I would first call the fire department, with a view of extinguishing the flames, before I consulted a detective for the purpose of discovering the origin of the fire.

The farmer is no fool; he knows his condition; everybody else knows it; and we all admit it. Most of the farmers can fix responsibility for present conditions; they do not care so much about your help concerning that as they do about remedial aid.

Some weeks ago, along with others, I appeared before the Federal Farm Loan Board in behalf of the farmers of my section. I then understood that the board favored the creation of a revolving fund of $50,000,000 for the purpose contemplated by this bill. We are informed that the Senate so understood and voted such an amount, but we are now told that $25,000,000 will satisfy the board, and hence the proposed bill provides such an amount.

In view of such information, I do not undertake to state what amount will satisfy the demands of the Federal Farm Loan Board, but I do know that such an amount will neither satisfy or meet the urgent demands of agriculture, and, so far as I am concerned, I will gladly vote to provide four times the amount authorized by this bill. Let us make it at least $50,000,000. We should enable the farmer to procure a loan on his real estate, the best security in the world. He can then pay the banker, buy goods from the merchant, and the country will prosper. His farm mortgages will be converted into bonds and sold in a few months. The Government will then be repaid with interest, without loss, and agricultural bankruptcy will be averted.

The Federal Government is not a pauper. Its gold reserve is steadily and rapidly increasing. I believe we now have about one-third of the gold reserve of the world. It is the richest Nation in existence, and yet its average farmer has been denied that simple and just relief which hurts no one, but, to the contrary, would better all, for when the farmer is prosperous the status of all is improved.

Everybody is hungry and the world is naked. The farmer has made plenty to feed and clothe them all, and yet prices of farm products have been so deflated that he can not meet his obligations.

In your Cummins-Esch bill you vote billions for the railroads. I did not. You guaranteed them 6 per cent, and authorized the raising of freight rates higher than the fabled cow that jumped over the moon. Now, what will you do for agriculture?

My experience since becoming a Member of this House is that we always have money for everything except the man who is engaged in tilling the soil. Everybody admits on both sides of the Chamber to-day that $50,000,000 would serve the desired purpose a great deal better than $25,000,000 provided by the terms of this bill. The statement of the gentleman from South Carolina [Mr. STEVENSON] brings conclusive evidence to my mind that the Federal Government can furnish the Farm Loan Board $50,000,000 or $100,000,000 with about the same ease that it can finance the $25,000,000. Therefore, again stating my position, I am in favor of authorizing $50,000,000 at least. I want this committee and the membership of this House to function at this time so that the Federal Farm Loan Board can do so hereafter. [Applause.]

Mr. WINGO. Mr. Chairman, I yield one minute to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Chairman, to increase the amount to $50,000,000 would be about the price of two great modern battleships. Although they might be necessary to the defense of the Nation, I submit that encouragement and assistance to agriculture is far more essential and dispensable to the preservation of this Nation, for the reason that it is not for the preservation of the agriculturists alone, but for the city population as well, because the farmers are not bound to continue to produce what we in the cities must eat and wear, unless they can do so at a profit. [Applause.]

While the battleships may be necessary for the life of the Nation, yet the prosperity of the farm population is always and essentially indispensable to the continued life of any nation. War may come or it may not come. If war does come, we certainly need some means of military defense. But whether war come frequently or whether war may be banished forever from the face of the earth, we must continue to live from the products of the farm. The point I wish to make is that the prosperity of the farmer is the first and perpetual line of national defense. And you will please note that I did not say the existence of a farm population is essential to our national life. I did not say that it is merely necessary that farmers should continue to raise crops, whether they do so at a profit or a loss. But I said, and I repeat for the purposes of emphasis, that our governmental, our financial, and our economic system must be so adjusted that the farmers' business will be profitable. Why do I make bold to assert this? Simply because unless it is profitable for the farmer to go forth in winter's snows and summer's heat to care for the plants and the animals with all the tenderness of a father watching over his children, unless it pays him in dollars and cents to continue this work, he will stop it, and there is no way by which the necessary results can be obtained except on the basis of personal profit. The farm business can not be socialized. The farm business can not be conducted by a soviet. The farm business can not be operated by a commune. Farming is essentially and fundamentally individualistic. The work of the farmer is isolated. The life of the farmer is lonely. Since the farmer labors alone and lives alone, he naturally demands and requires that his bank account shall be his alone, and that his farm shall be held by him in fee simple, and he must have the assurance that the fruit trees and the nut-bearing trees planted by him and watched over by him through all the years shall be his during his declining years, and shall pass by operation of law to his children and, if he so desire, to his grandchildren.

Therefore the farmer must find that it pays him financially to raise his produce, to gather it, and to pack it, and to haul it to the transportation company to be carried to the market. Unless it pays the farmer, he would be foolish to waste his time and his strength in such labor. Therefore he would merely produce what is necessary for himself and his immediate family and he would allow the rest of the world to shift for itself.

Now, do not misunderstand me. The farmer is not asking to have his business subsidized by the Government, nor is it necessary that it should be subsidized. But it is necessary that the lawmakers in Congress and the lawmakers in the several State legislatures shall cooperate in reorganizing and reconstructing our economic, financial, and transportation systems, so that the farmer shall receive his reasonable and just proportion of every dollar's worth of merchandise that he raises and puts upon the market. I sometimes think that the millions grouped in our great cities who see their food for the first time when it is set before them on the table, and then in a condition entirely different from what it was when it left the farmer's field, that they fail to realize that everything the people eat does and must come from the farm. In like manner this is true of everything that the people wear, except it is usually more completely transformed by the processes of manufacture. It is a fact that it takes more than 60 cents out of every dollar's worth of produce to pay all the incidental expenses connected with the distribution of the food supplies of the Nation. So that the farmer, who employs his land, his implements, his stock, his labor, his time, his capital investment, his thought in planting, cultivating, gathering, packing, and hauling, receives only about one-third out of every dollar's worth of products. We are told that in Denmark conditions have been so improved that the farmer there receives about 80 cents out of every dollar's worth, instead of receiving only about 33 cents, as he does in this country.

A little reflection will show us that there has been an unjust and unwise distribution and division of the profits in this country. Look at our farms and see the modest houses, with few, if any, comforts and conveniences, and see the hard conditions under which the women and children are compelled to live and to labor throughout the entire year. On the contrary, look to the cities, with their towering buildings massed in mighty array, worth countless millions, and many individuals, merely because of occupying a strategic economic and financial position, taking their toll by the millions annually, and contributing very little to the actual material well-being of the Nation. Now, these cities have been built and many of their population have grown rich out of commerce, and from commerce alone. Now, commerce is confined exclusively to the buying and selling and transportation of things that people eat and wear. Of course, the ornamental commodities are practically negligible. Therefore the cities have been built and some of their citizens have been enriched in fabulous figures by handling the things that the farmers produce.

Therefore I come back to the proposition that the farmer is not a mendicant. He is not begging to be pensioned. But he is demanding his rights, and he is insisting that we, who are legislating for the present and the future well-being of this Nation—which means all the people of this Nation, which includes not merely the farmer, the laborer, the merchant, and the banker, but includes the professional man, the teacher, and the preacher—the farmer demands that we, his public servants, shall do justice by changing the conditions that now exist.

And I respectfully submit that this demand is upon the legislators of this country, both National and State, and comes not alone from the farmer, but, upon second thought and in view of an enlightened self-interest, comes with increased emphasis from the teeming millions crowded in the cities. Why do I say this? Because unless the farmer produces a surplus above his own needs the people who live in the cities will have nothing to eat. The farmer will not produce this surplus unless he can do so at a profit. Therefore it is indispensable to the city population that things shall be so arranged that the farming business shall be profitable. You can not starve the farmer, because self-preservation would require him to produce enough for his own demands and for his loved ones. But if the transportation companies running into the great centers of population, like New York and Chicago, should cease for one short week to carry the trainloads of milk, of vegetables, of flour, of meat, of butter, and the thousands of commodities produced on the farm and consumed in the city, then, at the end of that short week, people in these cities would begin to starve, and at the end of a second week there would be riots and bloodshed, and in a few short weeks these mighty cities would be wrecks. The legislator who looks wisely and widely out over the country and into the future loves all the people of the Nation, both those in the city and those in the country. He wants to see all the people happy, and it is fundamentally essential that the people should have a reasonable supply of the material things to eat and to wear in order that they may be happy. It would certainly be a shortsighted policy that would say that it is a good thing for the cities to be able to buy wholesale farm products at the present sacrifice prices. So far the great slump in prices has helped the ultimate consumer in the city very little. Only this morning I learned in an interview in the Central Market of this city that lettuce is being bought in my State of South Carolina on the farm at about 50 cents a crate, and that the transportation charges to this city are $1.04 a crate. So that the lettuce costs the wholesale dealer here, including freight, less than 7 cents per head. But when it reached me later in a café one-half of a head cost me 30 cents. So that what the farmer received about 2 cents for I paid 60 cents for, and the railroad received twice as much for hauling the commodity for 20 hours as the farmer got, who planted and cultivated and cared for and gathered and packed and hauled, his labor continuing through many weeks.

It does not require a Solomon to see that there is something wrong when such conditions prevail. Of course, I admit that we of the public are partly to blame for being imposed on by a continuation of war-time prices in the retail trade. We pay the prices demanded of us without question and without complaint. It is but natural that the cafés and the hotels and the retail stores should continue to demand these prices so long as they can receive them. What the great unorganized and leaderless public ought to do is to refuse to buy at unreasonably high prices and to voice that demand by patronizing the places that begin to cut the prices. Last night I walked five blocks to get a shoe shine at 5 cents, because that is the first time I have enjoyed that privilege in over four years. I hope that shoe-shine stand will be constantly crowded until all the others come back to 5 cents. I would gladly walk several blocks to a restaurant that would cut its prices in something like a reasonable proportion to the farmer's prices. It is a fact that the farmer is getting only about 25 cents a dozen for his eggs and most of the restaurants are serving only two eggs for 25 cents, and I call that a profit of 600 per cent; and I submit that in the cooking of eggs there is the least labor involved of any commodity served in a café, other than milk. Eggs and milk should certainly follow, up and down, the wholesale prices. But it seems that the café prices are fixed at about 100 per cent profit on the maximum price for eggs, and when the wholesale price goes down, down, down the profits are multiplied 200, 300, 400, 500, and even 600 per cent.

Mr. Chairman, as a sort of personal protest against the continuation of unreasonably high retail prices, I continue to wear during this sweltering heat my winter clothes, including shoes and hat. You may therefore rightly divine that I am the Con-

gressman elect who protested through the public press against the outrageous proposition advanced by the hotels of this city that they would increase their rates during inaugural week in March, 1921, from 200 to 300 per cent, and would require those desiring to reserve rooms for the inaugural ceremonies to guarantee to pay for the rooms for at least seven days and deposit a minimum of one-half of the charges for the whole seven days. I refused to engage at any such prices, and threatened to bring my tent and pitch it on some public park and to live in it, first, in self-defense, and, second, as an emphatic protest against such unreasonable and unconscionable demands. If hotels are to be crowded by a number of patrons, that would justify reducing the rates rather than raising them. It can not be more expensive per capita to entertain a few guests than it is to entertain 100 guests. If a hotel can exist and make profit on the basis of 100 guests, why could it not make a far greater profit when it crowds in 1,000 guests at the ordinary prices? Then, if the prices are to be doubled and trebled, where has conscience gone?

So, Mr. Chairman, if as a means of national defense we appropriate $330,000,000 for the Army, which will be spent and never come back, and if we are to appropriate $417,000,000 for the Navy, which is to be spent and never come back, except in the part spent for naval construction, then is it unreasonable to ask that $50,000,000 be invested by this Government with these farm-loan banks? Mark you, the money is not to be spent like the $750,000,000 on the Army and Navy.

The money is invested in the best securities of the world. It has been argued that when the law was enacted only $6,000,000 was fixed for this purpose in order to aid the farm loan banks to function. That is no test of the amount necessary. We must remember that was the beginning; that was a trial figure. We were starting in a new venture, and we knew that if experience showed that more money was necessary the amount could be increased. I submit that it is now shown that $50,000,000 is necessary, and therefore the $50,000,000 should be placed on deposit with these banks in order to strengthen their power, so that they may put a strong arm around the farmer and encourage him to go forth to his labors with the assurance that he shall receive a profit for the fruits of his labor. We are told that one-half of the money deposited in the banks of the country belongs to the farmers, but when they come to borrow money they have received only about one-seventh of the money invested by the banks. The farmers have $80,000,000,000 of capital invested in that fundamental and essential industry, and during the last year not only did they fail to receive any profits but have sustained incalculable losses, estimated at $7,000,000,000. Other industries during the same period had about $160,000,000,000 invested, and statistics show that they earned about 12 per cent on an average. And we are told that many banks in this country during the same period of time earned on an average 37 per cent merely for handling the machinery of commerce. It will be noted that the bank produces not a pound of meat nor of flour nor of cotton. It only assembles the little savings of many depositors and loans this money out upon ample security, and last year the banks in a certain section made more than one-third of their capital invested, while the farmers, who produced the things that fed the bankers and their families, did not make a single dollar but, on the contrary, sustained the tremendous loss of $7,000,000,000. It seems that Congress was very careful to see that the railroad investors should not lose any profits as an incident to the war, because Congress guaranteed dividends to the railroads. Who has guaranteed anything to the farmer, when he is the very basis, the very foundation, upon which the very life of all the people depends? I will tell you, gentlemen of the Congress, that it will require something more than superficial applications of legislative anodyne to correct this situation. We need not approach this matter in the spirit of mere pacification and a desire to put off and in the spirit of feeding on false promises. We must be candid with ourselves. We must seriously consider the fundamental questions involved. We must be frank and candid with our constituents and the whole country. We must face the situation as it is and let all the people know just what will be done and what must be done in order that this condition may not continue, because this continuation is bound to spell ultimate ruin. If such readjustment involves losses and suffering, it is better that they should come now than that maladjustment and mistreatment should put off the direful day of certain doom, when all shall face ruin. Therefore I think that we are modest in the demand, as one step—and, in fact, a small step—toward the proper and final readjustment of matters, in order to correct the evils that confront us, to place with these banks $50,000,000 without any loss to the Treasury or the taxpayers. Therefore I urge the Members to vote to increase the amount recommended by the committee and to stand by the amount fixed in the Senate bill.

Mr. WINGO. Mr. Chairman, I yield three minutes to the gentleman from North Carolina [Mr. WARD].

Mr. WARD of North Carolina. Mr. Chairman, this bill will be a sad disappointment to the farmers of the country when they shall have ascertained, as they quickly will, that having been promised $50,000,000 by an enormous majority in the Senate, they are to be reduced to $25,000,000, great as their needs are, and as easy as the fulfillment of that promise would be. It has not been denied in this presence that the Government of the United States, instead of making it $25,000,000, could, without embarrassment to itself and with beautiful consistency to its favoritism to other interests, make it many times that amount. When the railroads of the country came to the Congress, embarrassed no more than the farming interests of this country are to-day, their relief approached a billion of dollars, and yet when the great agricultural interests of the country are asking for a temporary loan to relieve a condition that spreads itself all over the world, we find the committee reducing the small allowance the Senate makes of $50,000,000 by one-half. In answer to my question this morning the gentleman having the bill in charge said that I was correct, that only $25,000,000 would accrue under this bill, and that that amount would have to be repaid by each bank within 15 days after the floating of the loan. It is a disappointment, naturally, inevitably so, to the great agricultural interests of the country, that are so much in need of this relief.

Now, Mr. Chairman, let us get down to business and facts and figures and review this proposition before us in the light of the history of the farm loan bank legislation which precedes it and the conditions giving rise to it and that followed its enactment. It begins with the early days of the extra session called by President Wilson, very soon after his first inauguration. The right of the Government to extend a supporting hand to the agricultural interests of the country under the Constitution and consistently with sound governmental policy was clear and beyond doubt to his wonderfully constructive mind and the need for it, much less acute then than now, was sufficiently clear to him and to those who "stood round him and felt his own great arm lean on them for support." Just as soon as the revision of the tariff, then represented by the Payne-Aldrich bill, and the construction of that great system of national finance, known as the Federal reserve system, was finished they sat to work with head, hand, and heart devoted to the common good to a degree, I believe, never excelled by any corps of public servants to build up this sound and beneficent structure of farm loan banks. Its purpose was simply to provide a means by which the farms of the country—not the farmers, sir, but the farms, be it ever remembered—could obtain for their enlargement and permanent improvement long-term loans at low rates of interest and easy terms of repayment, known in the parlance of finance as amortization. There was nothing paternalistic about this. Not the slightest tincture of socialism tainted it. Less paternalistic than the national banking system, then 60 years in existence. Much less paternalistic than the Post Office system, then 300 years old in the governments of the world. It was simply democratic governmental encouragement and support meted out to an unorganized, scattered, and divergent industry, universal in its scope and fundamental in its support of all the life, activity, and industry of the world. With its failure and its depression then, as now and always, commercial life in all its varied forms and phases trembled, tottered, and fell, progress was arrested, and happiness at an end. This was its justification. What was its necessity? Farming on a large scale and with large investments can no more operate upon a cash basis and avoid the use of loans and credits than can the other industries of the world.

No industry in all the history of the commercial world has ever, nor probably ever will, subsist upon a system and policy of cash purchases, sales, and payments. It would seem sufficient to class farming with the average industry in this particular, but natural conditions on which its success depends would justify a superior claim to a fair demand of credit to almost any other industry known to the business world. In the great cities of the country land-mortgage syndicates were operating with general approval, whose business was to offer money for loan on farm-land mortgages for the same use and purpose, of course, and for broader uses and purposes than those aimed at by the farm loan bank. Their rates of interest were often enormously high and frequently subject to the avaricious demands of those lenders, to which was added attorneys' fees and large incidental expenses. The terms of these loans were comparatively short, as goes without saying, at the will of the lender. Of all the industries in the world, Mr. Chairman, farming can least depend and afford to take chances upon short-term loans. Crops can only be counted and valued at the harvest. Other industries can, many of them, calculate with

more or less assurance for future results. Other industries represent a more rapid turnover, but the farmer's profits or losses revolve with "the process of years"; less quickly retrieved, they are more lasting in their effects. To borrow, therefore, on one or even two years' time, he invites the serious possibility of a wife and family unsheltered from the storm. When not in touch with these larger syndicates of the cities by reason of living far out in the country and around the little towns and county seats and by reason of the smaller interests at his command and the longer loans he was compelled to make, he was still unable to use the credit system at the command of the "business men" of his community. The national banking system through all the years of its existence had practically prohibited loans on land mortgages for reasons not to be complained at from the standpoint of banking, and arising mainly out of the slowness of the farmer's harvest and his turnovers; but the reason from the standpoint of the bank being good made the condition no better from that of the farmer. The shocking condition confronted him that the collateral of his businessman neighbor was sufficient to support a liberal loan at the bank, inexpensive, ready, and convenient in its renewal, while his far-flung acres, yielding their abundance with the revolving seasons, were ignored and held unfit to lay the foundation of a credit at the counters of the world's treasury.

These facts, theories, and conditions confronted the Wilson administration on its advent to power, and most splendidly did it set about its task of meeting them. It was not so difficult to do, as we saw after it was done. What had been needed in the long and toilsome years gone by was not brain, not genius, for the Republican Party does not stand charged with this default, but, sir, it was a heart that had been needed, a heart in the right place; a heart that beats with sympathy for him who labors for his daily bread as well as for the upper classes of the human family who live by wit and by dint of calculation; a heart that could lift up its soul to the God who made it and say in sincerity and truth, in the language of Henry Clay, "I have no commiseration for princes; my sympathies are reserved for the great masses of mankind." Such was the heart of this man chosen by my party to lead this country out of the Egypt of financial bondage as evidently, it seems to me, as was Moses to lead the long-suffering children of Israel from the bondage of Pharaoh.

But, Mr. Chairman, my enthusiasm for the magnanimity of these accomplishments is leading me into digression. I can not well restrain it. I shall never think of this farm loan bank, of the cause that gave rise to it, of its origination and history, without suffering my enthusiasm to lead me dangerously near to the error of human adulation of him and those whose democracy and sense of justice brought it into existence. It was, in fact, the product of a principle long before at work in the hearts of many men represented by and embodied in the doctrines of the political party whose contentions and struggles brought this man and his supporters to the position of responsibility and duty, and which found in them only the common rewards and the natural fruits of the faithful.

What were its effects? They are fresh in memory. Farming at once took on new life. Prices of farm products waited not a month to start on their march for a higher and stronger mark. Smiles of confidence and trust, of relief and gratitude, took the place of frowns of dissatisfaction, and signals of approval hushed the voices of murmurings and complaints. With assurance and defiant confidence I assert it, that no piece of national legislation ever issued from the American Congress that received a larger measure of popular approval than this farm loan act. It was at once patronized with eagerness beyond the possibility of timely accommodation. Approximately $387,000,000 were loaned in the first three years of its existence. At once and upon its heels the great insurance and other investment companies of America went out, as they had never done before, in search of farm lands on which to loan their money. They competed, of necessity, with the terms and interest rates of the new bank. In the villages and hamlets of the country doors and entrances were ornamented with attractive signs, "Money to lend, easy terms, inquire within." Every day of its untrammeled existence marked its upward and onward progress and increasing prosperity, hope, and confidence of the farmers. Certainly the war and its inflations did their part, but I speak of the normal process of expansion and growth that grew out of the immediate use of this institution, and especially of the large measure of confidence it inspired.

No sooner had it attained opportunities of usefulness than it was assailed by a suit in the Federal courts which, at first not seriously regarded, soon assumed most dangerous proportions by reason of the long delay in its determination and especially the call of the court for a reargument. This locked its doors for more than a year and until this present hour. Hard upon its closing came contraction and deflation of the credits of the business world, then running rampant in their wild rush for conquest and world absorption. This was the psychological moment when the farm loan bank was most needed and certainly would have done its greatest good. The farmer who had seen the market for his crop, that had been made at inflation prices of expense, closed as tight as a clamshell, had nowhere to look for a loan and no avenue open for approach to the indulgence of his creditors, was forced to dump this crop on an unwilling and depressed market and stand aghast at the "wreck of fortune and the crush of worlds" around about him. To say or pretend that any other industry suffered in equal degree is to assert an obvious incorrectness. If men think so, it is only because the farmer's sufferings are farthest away from touch with him, or else his sensibilities are less responsive to his sufferings.

What is the next step in this history of tragedy, Mr. Chairman? It is the induction of a new political administration, assuming power March 4, 1921, arrogant and exalted with power, exuberant in promises, magnanimous with grace, oppressed with wisdom, mighty to save. The farmers' emergency was the object assigned for an extraordinary session of the Congress. An emergency tariff bill is the first loop. It gives him a tariff duty on his own wheat and cotton which he ships abroad and charges him one on his medicines and his hardware and other things he buys. It is something in name, nothing in substance, working delusion, falsehood, and fraud.

About the time of the convening of this Congress this lawsuit was ended and the farm loan bank unmanacled. Immediately it went to work to get about the distribution of its bounties again. The first requirement was a bond sale of, I think, $40,000,000. Many unavoidable causes contributed to its difficulties. Its officers saw the need of expansion of credits and enlargement of means. It asked for $50,000,000 to be deposited by the Treasury to its credit for support of the bond issue and strengthening of its general activities. This is called a revolving fund, because of its recurrent use and application as a basis of credit and its ready adaptability to incidental and recurrent needs of expansion and contraction. It is required as its basis of credit on which to float its bonds.

Just here let it be distinctly understood that it is not a gift by the Treasury and amounts to no more than a well-secured loan or guaranty of credit. The money of the Public Treasury could not be given to this purpose under the Constitution. If it was an appropriation, every lawyer with a rag of his gown on his back knows it would be inhibited by the Constitution. We have now reached, in our narrative, the 17th day of May, 1921. Senator CURTIS introduced a bill in the Senate after conference with the bank commissioners—this I have from them. Here follows the bill. I read:

Be it enacted, etc., That section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, be amended to read as follows:

"SEC. 32. That the Secretary of the Treasury is authorized, in his discretion, upon the request of the Federal Farm Loan Board, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the bank receiving such deposit, to be secured by farm loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $50,000,000 at any one time."

On the 2d day of June this bill passed the Senate and was referred in the House to the Committee on Banking and Currency. This committee held hearings and here is its work. Striking out every word of the Senate bill, it substitutes the following:

Be it enacted, etc., That section 32 of the Federal farm loan act, approved July 17, 1916, as amended, is hereby amended by adding, after the first paragraph, a new paragraph, to read as follows:

"Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $50,000,000, or more, the Secretary of the Treasury may, in his discretion, make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same within 15 days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits."

Note the fact that the Senate bill puts $50,000,000 at the disposal of this bank. The bank pays the Government one-half of 1 per cent interest in excess of the rate borne by the last issue, secured by farm loan bonds or other collateral to the satisfaction of the Secretary of the Treasury. Now, take up the language of this bill about to be passed by this House. Never can any loan be made after the capital stock of all the banks aggregated reaches $50,000,000; until then the difference between paid-in stock on the last day of the preceding month and $50,000,000. This paid-in stock is approximately $25,000,000 now. The difference between this and $50,000,000 is $25,000,000. So that we have it that this deposit is reduced one-half.

Mr. Chairman, in the early stages of this debate an affable, genial gentleman of the Republican side, standing in front of the Speaker's desk, put his hands affectionately upon my shoulders and said:

WARD, why do not you gentlemen be open, candid, and consistent, and ask for a billion and be done with it? Just scoop it all right out and be done with it.

This showed candidly the understanding of gentlemen of that side of the House of this measure, and I quote it to show the enormity of their error. It is not scooping money out of the Treasury. It is not hurtful to the Treasury. The Treasury can more than double this support, as has been shown in this debate. The gold reserve is unusually strong and increasing. The Government is depositing more money than this Senate bill calls for—more than this bank asks for—without a cent interest in private institutions whose millions are being increased by its use. Let us make now a comparison of Government bounties, as I attempted in the beginning. One year or little more ago the railroads of this country found themselves in an embarrassment, which I confidently assert was not more acute than that in which the agricultural industry finds itself to-day. I could contend that the calamities that fell upon the farmers in October, 1920, were heavier and more destructive than those that confronted the railroads 13 months ago, but controversy will arise on the point to no purpose, and I content myself with a statement of the equality of these difficulties. I next humbly, meekly, and hoping not to offend, assert that the farms of the world are worth as much to it as the railroads. I next suggest with timid hesitation that, having been made by the same Creator, who of "one blood made all peoples for to dwell on the face of His earth," the owners of those farms will, in the great crucible of human destiny and of divine economy, be found by a prayerful test to be nearly as good, valuable, and worthy of consideration as those who own and operate railroads. Having said so much, with due apologies, I remind you that when the Esch-Cummins bill came before this House for and on the demand of the railroads the scooping process went to the extent of more than twelve times what is asked by the farmers in this bill. Their total money value does not exceed $14,000,000,000.

The farmers of this country are valued in billions, rolling incomparably above these figures, as everybody knows. For their relief in their hours of darkness the railroads were guaranteed 6 per cent profit on their own statements of their total valuation. Honest and intelligent controversy rages to-day around the question of the real amount of that value, differing to the extent of $7,000,000,000. But as it was not possible to settle that question at the time of the bounty, the railroads got from the Government its guaranty of 6 per cent on nineteen billions of capital, and right liberally and surely did the Government redeem its covenant with the elect. What is the cause of this difference in the degree of consideration extended by Congress as between farmers and railroads? I hear the snarl and see the sneer and the impotent charge of demagogy always substituted for answer and argument when one would raise a voice against the unlimited privilege of the strong aggregation of wealth and the operators of financial power.

But I will not "sit in the seat of the scornful" nor "walk in the counsel of the ungodly," and turning with honest and fearless conscience and defiance from the sneer I see the truth and I dare maintain it. It is because men who own, sell, deal in, and speculate in and with railroad bonds and stocks and those who attain the proud eminence of railroad mastership and operation are favorites in the councils of the political party now dominant in this House, as against those who follow the plow handles. This is truth, and God knows it, and you know it, and there is no other honest explanation of the matter.

Your pretensions of affection for the farmer are camouflage, cant, and mockery. Most unfortunately, the discrimination is more or less general in all the councils of Government by whatever political party those councils are controlled, by reason of stronger and better activities of the lobby, not alone at the seat of government but in the councils of party conventions where policies are originated and plans set on foot.

The Member that will make this statement from his place in this Chamber other than in good faith and without honest conviction and reasonable facts on which to base it is hardly worthy a seat here or to wear any other badge of public trust and confidence.

It is calculated to excite dissensions and strife and unpatriotic sentiments in the public mind. If any class of the people are at a disadvantage as against another class in the councils of government, it is the natural germ of anarchy and of revolution, and no man of character and patriotism will make it lightly and unwittingly. But it is time that we set the household of government right, and that strongly and promptly, and truthful discussion and candid statements of the facts are simply necessary to that end.

Equality of opportunity to all classes of citizenship is the very first essential of efficient and wholesome government. American socialism is the rising, growing protest against this favoritism here in this country, and for one I admit I entertain fears of its extension. There is no place in America for socialism, and ought to be no excuse for its existence, but class preference is the ground of its existence and the stimulus of its growth.

The only answer I have heard to my charge of great discrimination between the railroads and the farm loan bank is that the commissioners of the bank are getting by this House bill all they ask for. This was made by the honorable Member from Kansas [Mr. STRONG] in his answer to me earlier in the debate. I do not question Judge STRONG's honesty of opinion nor that of any other Member here, but it is singular, sir—indeed, it is an indictment against those commissioners—that if they only wanted and needed twenty-five millions they permitted the Senate to make it fifty millions without signifying their acceptance and willingness to accept half that amount.

Let us examine this phase of the House substitute and reread these words:

Any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank within 15 days after the conclusion of each general offering of farm loan bond—

And so forth.

Why this hurried redemption, Mr. Chairman, if not to embarrass the bank? In the name of justice and American business custom, why 15 days instead of 30 at the least? Why not leave that to the discretion of the Secretary of the Treasury? Thirty days is as short a period as bank notes are ever taken in general practice. Thirty days is reckoned cash even in grocery stores and barber shops. Yet these banks must pay back in 15 days. But, sir, I have reasons most compelling to believe the contrary as to the satisfaction of the officers of the bank. I know this, sir, and without hesitation and with no breach of confidence or betrayal of secret, I assert it; they expected fifty million, and told me in person they would get it, in their opinion. This in their office in May, 1921.

No wonder they expressed willingness and satisfaction in the councils of the House committee. They were not in position to demand; they were beggars at the table of Dives, and easily sustained and soothed by his broken loaves and crumbs. But apart from their humility and modesty at your board, I believe and, speaking for myself, maintain that twenty-five million is insufficient. Contrasting again with much regret the spectacle of the railroad representative at the door of Congress in May, 1920, when the Esch-Cummins bill was under consideration, it presents a parallel to the scene of the "younger son" in St. Luke's Gospel—"Father, give me the portion of goods that falleth to me, and be divided unto them his living." Opposite to this demand—this division of "his living"—I see in imagination Mr. Lever at the conference table of this committee reciting the pathetic words of the school-reader poem of my childhood:

Give me three grains of corn, mother, only three grains of corn;
It will save the little life I have 'til the coming of morn.

Mr. Chairman, if the Democratic Party was in control of this House, the Senate bill would pass unmodified, as surely as I live to-day. The probabilities are its beneficences would be increased. That party is proud of this farm-loan bank as its master stroke of handicraft, its strongest evidence of equality of justice meted out to all the people. It is devoted to it as Jacob was to Joseph, and the analogy may be carried further, for it was to Joseph he went to buy corn. It was Joseph who provided against famine and laid up in store the bounties of the soil to feed the hungry when the clouds failed to "return after the rain," and there were no markets as is now the case. The men who till the soil must go back to this Joseph of the Democratic Party to get their relief. Let them awake now and return. Justice and equality await them. God speed the day of their awakening and give them a rapid and peaceful journey. When

I say this action of this House will be disappointing I am putting it mildly. It will be simply crushing in its discouragement, and most righteously and emphatically will it be resented.

Mr. WINGO. Mr. Chairman, I yield one minute to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, it seems to me most urgent that this bill be amended to carry at least $50,000,000. When Congress has already appropriated three-quarters of a billion for the current expense and construction program of the Army and Navy and a still larger sum for the railroads, this $50,000,000, even though it will represent a much larger amount when extended as credit, looks pitiful and niggardly.

Our obligations to the farmers are very similar to our obligations to the railroads. Gentlemen say that the railroads were a necessity to winning the war and are now an absolute necessity to our return to "normalcy," that the railroads must be "enabled to function" and must be "kept functioning," if our people are to be fed and clothed. These statements are true of the railroads, but they are just as true of the farmers. The farmers must produce before the railroads can distribute. During the war the farmers lined up as patriotically and efficiently as did the railroads—for that matter as did the boys in uniform themselves. They obeyed orders, not because they were compelled to, but because they wanted to. They planted food and feed crops according to instructions; they kept the meatless, wheatless, and sweetless days; they bought bonds and contributed in the drives; in every way they met the demands of a self-sacrificing and consecrated patriotism.

You say that our Army and Navy have been our protection in the past and must be our protection in the future. Grant it! The good and progressive farmer who is helping to lead the forces of production and provide the materials for feeding and clothing our people and the people of this distressed old world is as much a force for protection as a gold-braided admiral or a silver-starred general, though I disparage neither of the latter.

Have our industries suffered as an aftermath of the war? So have our farmers, and from exactly the same causes. Have our railroads lost one, two, or three billion dollars? Our farmers last year lost $7,000,000,000. And in the face of that staggering loss the farmers of my district, at least, have entered the new year under most discouraging conditions. A late and wet spring was followed by a month of torrid drought. In some places 80 per cent of the seed is said to have rotted in the ground. And these same farmers have to bear the weight of high taxes, high tariffs, and high freight rates.

Gentlemen, we have been working at the wrong end of the problem. We have tried to open up our factories by protecting them from an imagined competition with Europe. We have tried to load our 500,000 idle freight cars by voting money to their owners. We have failed to take account of the fact that of the retail price of a cabbage the merchant gets 76 per cent, the railroad 19 per cent, and the producer only 5 per cent. We have tried to build a heavy guilded arch on a sand foundation and have wondered why the structure sags.

As I stand before you, Mr. Chairman, this Nation, not as a matter of sentiment but as a matter of hard, cold, finance, owes no greater obligation than to its farmers. We must avoid paternalism as we would avoid national ruin, but we must wisely and effectively help the farmer to help himself. We must not sap his strength by leading him to look to the Government for that which he might do for himself, but we must be just as careful not to drain him of his courage by refusing to lend an additional team when his own wagon is hub deep in the mud.

Hence, Mr. Chairman, I am opposed to the recommendation of the House committee that this advance to the farm loan banks be limited to $25,000,000. I should be ashamed to return to my people if I did not raise my voice in objection. Let us make it fifty million, and if that should prove inadequate let us not scruple to add even more.

In this connection, gentlemen, I am reminded of Sam Jones's rabbit. The particular cottontail in question was being pursued by a flop-eared cur dog and was being mighty hard pressed, despite his doubling and feinting. Mr. Man, standing by, had his admiration stirred by the rabbit's gameness. He popped his hands and stamped the ground and shouted, "Go to it, old cottontail; go to it. There's a sink hole in the bottom by the big oak tree. I'm betting on you to get there first." "That's all right, Mr. Man," replied the rabbit, "but I don't need for you to pop your hands and holler at me. I'm doing my best already. What I need is for somebody to head that dog."

The farmer is doing his best already, gentlemen. He does not need us to praise him and blow about him here on the floor of the House or on the stump back home. What he needs is something practical. We Democrats and a few of you enlightened Republicans are trying to head the dog for him. Is the majority going to help us or hinder us? It is easy to talk, but what about action? Will you give us the fifty million or are you going to hold to the twenty-five million simply in order to protect your party organization and strengthen you in your fight against the Senate?

Mr. WINGO. Mr. Chairman, I yield one minute to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, this amendment proposes to raise the amount to be made available to the farmers of the country under this measure from $25,000,000 to $50,000,000, and for that reason I shall heartily support it. In fact, I should be very glad to see the amount increased $200,000,000; for if something is not done to give the farmers of this country an opportunity to secure adequate loans on their farms at a low rate of interest, I do not see how they are going to be able to stem the tide of adversity with which they are now battling.

Increasing this amount will not cost the Government a dollar; but, on the other hand, it will enable it to realize 5½ per cent interest on the amount loaned, whereas it is now deposited with the national banks of Wall Street and elsewhere at only 2 per cent. Therefore the Government would be getting 3½ per cent more interest on the amount loaned to the farmers than it is realizing on that money to-day. Besides, it would be secured by first mortgages on farm lands—the very best security under the shining sun.

This is one of the few measures that have come before this Congress for the benefit of the farming people of the Nation, and yet, strange to say, some men are vigorously opposing it. I can not understand their attitudes, unless it is because they are more interested in the fortunes of those financial profiteers who always prosper on the adversity of the farmers than they are in the welfare of the farmers themselves.

You are not giving the farmer anything by increasing the amount proposed in this bill; you are not even giving him a square deal, much less contributing to his financial welfare. You are merely taking the amount authorized herein out of the banks, where it is now deposited at 2 per cent, and loaning it to the farmers at 5½ per cent, thereby increasing the Government's income on the $50,000,000 provided for by this amendment by $1,750,000 a year.

But I will tell you where the opposition to this movement is coming from; it is coming from the big financial interests of this country, and they are using every pressure possible on the present administration to keep the Government from coming to the aid of the agricultural classes, so that they may be able to put their own money out at usury at the farmers' expense.

The big insurance companies, the loan corporations, the mortgage companies are now placing long-time loans throughout the country at 7 or 8 per cent interest, and even more, where they used to charge only 6 or 7 per cent, and some of them are charging the farmers an expense fee of from 3 to 4 per cent additional for making the loans at all. And they, Mr. Chairman, and all their influences, are lined up in opposition to advancing this credit to the farmers, upon whose shoulders rests the burden of producing the raw materials that feed and clothe the world. In my opinion it was the influence of these loan companies that stopped the Farm Loan Board from advancing these loans to the farmers in the beginning by attacking the constitutionality of the farm loan act; and when they failed to get the law declared null and void, after having it held up for a year in the Supreme Court, then they began to work other "mysterious ways their wonders to perform."

When the Federal Reserve Board began its deflation a year ago the farmers had just laid by the most expensive crop they had ever made in the history of the country. Everything they had purchased was at the very peak of high prices, and they were necessarily more heavily in debt than they would have been under ordinary conditions. If they could have sold their products before prices began to drop they could possibly have pulled through; but that privilege was denied them. The deflation began in the early summer, and by the time their crops were ready for market the price was so far below the cost of production that many a man was stripped of everything he had, including the home that it had taken him a lifetime of patient toil to acquire. In my opinion, that act on the part of the Federal Reserve Board will go down in history as the greatest financial injustice of all times.

It did not particularly hurt the profiteer who had coined his millions out of the blood and tears of the suffering men, women, and children of the world during the war. He had already prepared for the shock by placing his ill-gotten gains within the safety zone, by investing them in Government securities. He seems to have been amply warned of the ap-

proaching disaster, while the farmers were left oblivious of their impending fate until it came down upon them like a clap of thunder from a clear sky. If left more victims to its credit, or discredit, in bankrupts, suicides, failures, foreclosures, insane, poverty stricken, homeless, and hungry than any other one piece of tyranny that was ever perpetrated on American soil.

The Federal Reserve Board could relieve this panic in 10 days if the governor of that board and the Secretary of the Treasury were so disposed. If they were as much interested in the financial welfare of the American people generally as the Secretary of the Treasury is in defeating the bill providing for adjusted compensation for the ex-soldiers who went through the grime and dust and sweat and misery of the training camps or offered their lives in the bloody trenches of France, they could relieve this situation without delay.

We have more than one-third of the gold supply of the universe, and the Federal Reserve Board could easily issue $2,000,000,000 in currency or Federal reserve notes and still keep our gold supply above the requirements of the law; or they could issue these notes on the same class of collateral accepted by them for that purpose before they began their ruinous policy of deflation. But instead of that, the board has continued to retire, or call in, the money issued by it during and just after the war until it has deflated the circulation by something like a billion dollars, or possibly more, paralyzed the business of the country, and brought about the most disastrous panic through which the American farmers have ever passed.

And it is rather amazing to me to see the same men high up in official affairs of the Government who are responsible for the present financial condition of the country, or at least responsible for the continuation of that condition, when they have it in their power to relieve it—it is amazing to see those same men refusing this relief to the farmers of this country and at the same time advocating the spending of $500,000,000 a year on a Navy that is rapidly becoming obsolete as a result of modern progress, and when the prospects of trouble with a foreign foe are so extremely remote. During the first 16 years after the close of the Civil War we spent only $20,000,000 a year on the American Navy, but to-day we are spending approximately $500,000,000, or twenty-five times as much on the Navy each year as we spent on it then, although we are at peace with the world and the submarine and the airplane have supplanted and rendered obsolete the class of vessels which we are spending so much to construct and maintain. But that helps the big interests who are engaged in the manufacture of armor plate, steel, and munitions of war and gives a feeling of security to the oil magnate who invests his millions in foreign oil fields; it makes him feel that he has a country behind him with a sufficient Navy at its command to back him up if the people whom he is plundering in foreign lands should manifest any resentment at his high-handed methods of extortion.

Certainly it is better, from his viewpoint, to spend this Government's money in that way, by the hundreds of millions, than it would be to loan a few millions of it to the farmers of the country in small amounts in order to tide them over this panic and prevent their financial ruin. It is amazing to hear those men clamoring for an Army of 200,000 men when 50,000 would be amply sufficient for our present needs, and at the same time protesting against this pittance of relief for the farmers when it would not cost the Government a dollar.

The farmers of this country can not hold up much longer under these conditions. They are bound to have relief from some source if everything else remains as high as it is to-day and farm products continue to decline. The corn farmer of the West is selling his corn at 35 cents a bushel. How does that comport with the present high cost of living? How can he realize anything out of his crop after he pays the exorbitant railroad rates now in effect in order to get his corn to market? Do you expect him to continue to endure indefinitely this economic slavery without protest or complaint? Evidently some men do, judging from the way in which they continue their policy of discriminating against the agricultural classes.

The wheat growers of the country are selling wheat at a dollar a bushel, which before the deflation began was selling at $2.25, and if conditions do not change for the better they will be selling it for a great deal less before the end of the present year.

The cotton growers of the South still have on hand cotton that cost them more than 40 cents a pound to raise, and for which they could not realize 10 cents a pound to-day. Their crops are poor and their fields are swarming with boll weevil. The price of cattle and hides have gone almost to nothing. Practically every farm in the United States is under mortgage, and those mortgages will soon have to be either foreclosed or renewed. The loan sharks are already taking an inventory and preparing for the coming feast. They know the farmers have got to have the money and they know that, as a rule, the local banks are carrying all the loans they can stand. They know that unless this Government comes to the rescue of the farmers through the aid of the Farm Loan Board they will be forced to accept their loans at extortionate rates of interest, coupled with additional contributions, which added to that interest constitutes a usury that would shame the face of Shylock.

Therefore they and their agents in this capital are fighting day in and day out, in court and out of court, to prevent the Government from coming to the farmer's rescue and saving him from such a ruinous fate.

I sincerely trust that this amendment will be adopted increasing the amount to be made available as loans to the farmers to $50,000,000; and I hope that before this Congress adjourns some influence may be brought to bear that will quicken the conscience of this administration and arouse it to the necessity of legislation that will bring substantial and prompt relief to the farmers of the country before it is too late. [Applause.]

Mr. McFADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1837, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAHN, for 10 days, on account of important business.

To Mr. PERLMAN, at the request of Mr. SIEGEL, for seven days, on account of the serious illness of his mother.

To Mr. KETCHAM, for to-day, on account of illness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. CRISP to withdraw from the files of the House, without leaving copies, the papers in the case of Mrs. M. E. Tison, Sixty-sixth Congress, no adverse report having been made thereon.

To Mr. WALSH, in the pension cases of H. R. 990, H. R. 1000, H. R. 6785, H. R. 998, and H. R. 8020, Sixty-sixth Congress, no adverse reports having been made thereon.

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, can the gentleman from Illinois [Mr. MADDEN] inform me as to the prospects of the conference report upon the naval appropriation bill?

Mr. MADDEN. The gentleman from Michigan [Mr. KELLEY] is here, and I would rather have him answer the question.

Mr. KELLEY of Michigan. We expect to present the report to-morrow and have it acted upon Tuesday if that is agreeable.

Mr. GARRETT of Tennessee. Is there any particular reason why that report should not be acted upon on Saturday?

Mr. KELLEY of Michigan. That I do not know. The gentleman will have to take that matter up with the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, it seems to me we can hardly take that report up immediately after it is reported, if it be reported to-morrow, and I understand the gentleman is not certain that he can report it by to-morrow.

Mr. KELLEY of Michigan. I think it could be ready to-morrow, although——

Mr. MONDELL. The gentleman has not his report written out?

Mr. KELLEY of Michigan. We have not yet; we have just finished——

Mr. MONDELL. It is a little doubtful whether the report can be made to-morrow, and in any event, in view of the very great many items in the report, it would probably not be wise to take it up until the Members had an opportunity to investigate and read the report, and, further, at the end of the week there are a great many Members absent. My thought was that we would take up the report about Tuesday.

Mr. GARRETT of Tennessee. I had hoped that if the conferees were able to report—and I understand they are able to report—that the matter could be taken up on Saturday. It is not a matter of personal convenience of mine at all.

Mr. MONDELL. Well, as the gentleman from Tennessee knows, there are many Members who do not expect to be here Saturday, and there are many Members who do not expect to

be here Monday. We might call them back, or we might insist on their remaining, but the report could be taken up Tuesday and still give plenty of time to dispose of it and place it upon the statute books by the 1st of the month. I think it would meet the convenience of Members more if it were taken up on Tuesday than sooner.

ADJOURNMENT.

Mr. McFADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned to meet to-morrow, Friday, June 24, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

174. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Clayton Harbor, N. Y.; to the Committee on Rivers and Harbors.

175. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Arkansas River, Ark. and Okla., from Little Rock to the mouth of the Grand River; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURTNESS, from the Committee on the Public Lands, to which was referred the bill (H. R. 244) to provide for the disposition of abandoned portions of rights of way granted to railroad companies, reported the same with amendments, accompanied by a report (No. 217), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DYER, from the Committee on the Judiciary, to which was referred the bill (S. 1288) to provide for the appointment of one additional judge for the District Court of the United States for the Southern District of New York, reported the same without amendment, accompanied by a report (No. 219), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER, from the Committee on the Judiciary, to which was referred the bill (S. 1254) providing for the appointment of an additional district judge in and for the eastern district of Michigan, reported the same without amendment, accompanied by a report (No. 222), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 7340) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 216), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 52) for the relief of the Stevens Institute of Technology, of Hoboken, N. J., reported the same without amendment, accompanied by a report (No. 220), which said bill and report were referred to the Private Calendar.

Mr. STEAGALL, from the Committee on Claims, to which was referred the bill (H. R. 6407) for the relief of Maj. Francis M. Maddox, United States Army, reported the same with an amendment, accompanied by a report (No. 221), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 7340) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House and ordered to be printed.

By Mr. MUDD: A bill (H. R. 7341) relating to provisional assignments and confirmation in the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. CROWTHER: Joint resolution (H. J. Res. 160) authorizing the Secretary of War to loan cots and blankets for the use of the National Disabled Soldiers' League (incorporated in New York State) at the encampment to be held in Washington, D. C., in June, 1921; to the Committee on Military Affairs.

By Mr. ANSORGE: Joint resolution (H. J. Res. 161) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture.

By Mr. VESTAL: Resolution (H. Res. 126) for the immediate consideration of House bill 7077; to the Committee on Rules.

By Mr. KAHN: Resolution (H. Res. 128) for the immediate consideration of House bills 7158 and 7111, House joint resolution 138, and Senate bill 1358; to the Committee on Rules.

By Mr. CLOUSE: Resolution (H. Res. 129) authorizing and directing the Clerk of the House and the clerk of the Ways and Means Committee of the House of Representatives of the Sixty-sixth and Sixty-seventh Congresses of the United States to disclose by deposition certain minutes or proceedings of said committee; to the Committee on Rules.

By Mr. CARTER: Memorial of the Legislature of the State of Oklahoma, requesting financial aid for Mrs. Margaret Dougall Robertson, of 80 Leslie Terrace, Aberdeen, Scotland; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRENNAN: A bill (H. R. 7342) authorizing the Secretary of War to donate to the city of Detroit, State of Michigan, 10 German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 7343) granting a pension to Ellen C. Falvey; to the Committee on Invalid Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 7344) granting a pension to Charles P. Kibler; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 7345) granting a pension to Isabelle R. Brown; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 7346) granting an increase of pension to Frances A. Kirk; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 7347) granting a pension to Margaret L. Fardette; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 7348) for the relief of the Metropolitan Lumber Co.; to the Committee on the Judiciary.

By Mr. KNIGHT: A bill (H. R. 7349) granting an increase of pension to Christopher C. Webber; to the Committee on Pensions.

Also, a bill (H. R. 7350) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

Also, a bill (H. R. 7351) for the relief of Edward Herman, deceased, alias Edward Hill; to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 7352) granting an increase of pension to William Elliott; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 7353) for the relief of Eugene L. Willis; to the Committee on Military Affairs.

By Mr. PARKS of Arkansas: A bill (H. R. 7354) granting an increase of pension to Julia B. Reynolds; to the Committee on Pensions.

By Mr. ROSENBLOOM: A bill (H. R. 7355) granting a pension to Maggie B. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7356) granting a pension to Bessie Koski; to the Committee on Invalid Pensions.

By Mr. SHELTON: A bill (H. R. 7357) granting an increase of pension to Mary E. Stienberg; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 7358) granting an increase of pension to Henrietta A. Hewett; to the Committee on Pensions.

By Mr. MICHAELSON: Resolution (H. Res. 127) to pay Edna Duce and Ethel Mason, clerks to the late WILLIAM E. MASON, one month's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1526. By the SPEAKER (by request): Petitions of 780 residents of the cities of Youngstown, Conneaut, Lowell, and Struthers; 300 residents of the city of Lima; 2,010 residents of the city of Cincinnati; 240 residents of the city of Glendale; and 30 residents of the city of Norwood, all in the State of Ohio, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1527. Also (by request), petition of Kevin Barry Branch, Friends of Irish Freedom, Kings Park, N. Y., urging that the money loaned the allied Governments be collected without delay; to the Committee on Ways and Means.

1528. Also (by request), petition of citizens of the second congressional district of Kansas, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1529. Also (by request), petition of Thomas Aske Club, urging an international conference on disarmament; to the Committee on Foreign Affairs.

1530. By Mr. APPLEBY: Petition of congregations of the Presbyterian Church of Englishtown and of Livingston Avenue Reformed Church of New Brunswick, and of Mr. Thomas Clements, of Ocean Grove, all in the State of New Jersey, urging action by Congress looking to the speedy reduction of armaments by the nations of the world; to the Committee on Foreign Affairs.

1531. Also, petition of Congregation of the First Presbyterian Church of Englishtown, N. J., urging congressional action in the interest of the stricken people of Armenia; to the Committee on Foreign Affairs.

1532. By Mr. BLAND of Virginia: Resolution passed at a meeting of the board of directors of the Newport News Chamber of Commerce, relative to Federal operation of private industry; to the Committee on Agriculture.

1533. Also, resolution passed at a meeting of the board of directors of the Newport News Chamber of Commerce, relative to pilferage claims occurring on shipments whilst in the custody of the common carrier; to the Committee on Interstate and Foreign Commerce.

1534. By Mr. BRIGGS: Petition of New York Board of Trade and Transportation opposing passage of House joint resolution 124; to the Committee on Ways and Means.

1535. Also, petition of *Lusitania* claimants' committee, urging the preservation and safeguarding of American rights arising out of the *Lusitania* disaster and sinking of other ships destroyed by the German Government; to the Committee on Foreign Affairs.

1536. Also, petition of Montana Stock Growers' Association, urging continued operation and retention of joint stock land banks under the Federal farm loan system; to the Committee on Banking and Currency.

1537. Also, petition of Mr. S. F. Williams, recording secretary Machinist Lodge, No. 808, Palestine, Tex., urging hearings on House bill 5351; to the Committee on the Judiciary.

1538. By Mr. BURTNESS: Petition of J. W. Boening and 48 others of Fargo, N. Dak., and elsewhere, urging the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1539. By Mr. FULLER: Petition of R. O. Murphy and other post office employees of Rockford, Ill., favoring the Steenerson bill (H. R. 6573); to the Committee on the Post Office and Post Roads.

1540. Also, petition of congregation of the Methodist Episcopal Church, of Shirland, Ill., that the United States should take the initiative in calling a conference of the nations to consider disarmament; to the Committee on Foreign Affairs.

1541. Also, petition of the Southern Wholesale Grocers' Association recommending certain amendments to the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

1542. Also, petition of Local Union, No. 314, Bakery and Confectionery Workers, International Union of America, of Rockford, Ill., opposing the Scott bill (H. R. 3716); to the Committee on the Merchant Marine and Fisheries.

1543. By Mr. KISSEL: Petition of 90 residents of the third New York congressional district, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1544. Also, petition of 97 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1545. By Mr. MAPES: Petition of Mrs. Viola Youngs and 39 other citizens of Grand Rapids, Mich., asking relief for the Armenians; to the Committee on Foreign Affairs.

1546. By Mr. RAKER: Petition of Department of California, Auxiliary to United Spanish War Veterans, of San Francisco, Calif., urging support of House bill 4; to the Committee on Pensions.

1547. Also, petition of John Lee Davis and Edward Jeffery, of Roseville; Richard A. Ross, of Rocklin; J. C. Hoover, of Portola; and Charles M. Huggan, of Dunsmuir, all in the State of California, indorsing House bill 7 and Senate bill 1252; to the Committee on Education.

1548. Also, petition of employees of the United States Indian School, Greenville, Calif., indorsing the Sterling-Lehlbach reclassification bill; to the Committee on Reform in the Civil Service.

1549. Also, petition of C. H. Woolley, vice president of the Sunset Magazine, of San Francisco, Calif., indorsing House bill 7074; to the Committee on the Post Office and Post Roads.

1550. Also, petition of S. Hazard Halsted, of Pasadena, Calif., indorsing the Sterling bill (S. 1253); to the Committee on Immigration and Naturalization.

1551. Also, petitions of C. F. Tucker and E. W. Lauer, of San Francisco; C. J. Head, of Jackson; F. A. Austin, of Alleghany; C. B. Newton, L. P. Perryman, F. W. Koerner, and Charles C. Chadwick, of Westwood; L. E. Day, of Dunsmuir; J. I. Seavey, of McCloud; George W. Boast, G. R. Gibson, Myron E. Lackey, C. W. Clemons, C. A. Willey, and Harold E. Lackey, of Roseville; Lester G. Brownell, jr., of Sacramento; Robert H. Frosh, of Ione; J. B. Greenfield, of Auburn; and Bert Burtel, of Susanville; all in the State of California, indorsing House bill 7 and Senate bill 1252; to the Committee on Education.

1552. Also, petitions of John G. Lackey, A. R. Charter, J. H. Vaughn, R. S. Wheeler, B. W. Spanjer, and Charles W. Cox, of Roseville; Fred J. Davis and C. C. Watkins, of Westwood; W. S. Draper, of Columbia; Trevor Weston, of Plymouth; Walter H. Taylor and John Thomas, of Jackson; E. Franklin and John F. Lange, of Colfax; C. E. Glidden, of Sisson; George D. Templeton, of San Francisco; H. R. McDougall, of Alleghany; L. P. Berriman, of Auburn; W. W. Casserly, of Forest; and Jesse W. Carter, of Redding; all in the State of California, indorsing House bill 7 and Senate bill 1252; to the Committee on Education.

1553. By Mr. WILLIAMSON: Resolution of Black Hills Press Association, opposing any proposition for repeal of the zone system for payment of postage on second-class matter; to the Committee on the Post Office and Post Roads.

1554. By Mr. YATES: Petition of Joe McClernon, of Chatham, Ill., protesting against the Scott bill (H. R. 3716); to the Committee on the Merchant Marine and Fisheries.

1555. Also, petition of Rev. H. I. DeTurk, of Waverly, Ill., protesting against an increase in second-class mail rates at the present time; to the Committee on the Post Office and Post Roads.

1556. Also, petition of Charles S. Clark, of Chicago, Ill., protesting against an increase in second-class mail rates at the present time; to the Committee on the Post Office and Post Roads.

1557. Also, petition of Charles D. Clark, of Peoria, Ill., protesting against an increase in second-class mail rates at the present time; to the Committee on the Post Office and Post Roads.

1558. Also, petition of H. F. Schreiner, of Forrest, Ill., favoring reduction of armament by international agreement; to the Committee on Foreign Affairs.

1559. By Mr. YOUNG: Petition of Mrs. Agnes McLean and other citizens of Mandan, N. Dak., praying for the recognition of the Irish republic and condemning British atrocities in Ireland; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *June 24, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer.

Our Father, we are the children of Thy providence and of Thy grace. We look unto Thee this morning for renewed confidence in Thy care. Help us in all the ways of life. May we feel that we are under a Father's eye, that He ministers unto us, and will supply every need out of the riches of His love toward us. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, June 21, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McNary	Smoot
Ball	Gerry	Moses	Spencer
Brandegee	Gooding	Myers	Stanley
Broussard	Harreld	Nelson	Sterling
Bursum	Harris	New	Sutherland
Calder	Harrison	Norris	Townsend
Cameron	Heflin	Oddie	Trammell
Capper	Johnson	Overman	Underwood
Caraway	Jones, N. Mex.	Poindexter	Wadsworth
Culberson	Jones, Wash.	Pomerene	Walsh, Mass.
Cummins	Kellogg	Ransdell	Walsh, Mont.
Curtis	King	Reed	Warren
Dillingham	Knox	Sheppard	Watson, Ga.
Ernst	La Follette	Shortridge	Williams
Fernald	McKellar	Simmons	Willis
Fletcher	McKinley	Smith	

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. RANSDELL. Mr. President, I present a resolution adopted by the Constitutional Convention of Louisiana memorializing Congress to pass an act which will forbid and penalize the transmission by telegraph, telephone, mail, or express or other medium of interstate transportation of form charts, entries, betting odds, tips, and other methods of suggestion. It is very brief, and I ask that it be printed in the RECORD and be referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL CONVENTION OF LOUISIANA, 1921.
Resolution 146.

Whereas subsequent to the prohibition of bookmaking on race tracks by Louisiana and other States, handbook betting has become a pernicious and demoralizing form of gambling, tempting young and old of both sexes, exercising a corrupting influence over American youth and manhood, often leading to great crimes and wrecking many homes; and

Whereas the State of Louisiana has enacted legislation denouncing handbook betting as gambling, punishable by fine and imprisonment; and

Whereas enforcement of such legislation is rendered difficult, if not impossible, owing to the fact that there is no inhibition against the interstate transmission by telegraph, telephone, express, and postal service, of information concerning horse racing, including entries, form charts, betting odds, tips, and similar sinister suggestions essential to the successful operation of handbooks; and

Whereas the suppression of this vice is, therefore, a national problem, not one with which the States individually may deal successfully—a problem on all fours with that of the Louisiana lottery, the destruction of which was only made possible by congressional action in 1891, denying it the use of the mails and express service for the transmission of its tickets and the results of its drawings; and

Whereas Louisiana and other States in which this evil has found lodgment and daily increases its ramifications are entitled to the support of the National Government in their effort to suppress it for the protection of the weal of their several communities: Therefore be it

Resolved by the Constitutional Convention of Louisiana, That the Congress of the United States be memorialized to pass an act which will forbid and penalize the transmission by telegraph, telephone, mail, or express, or other medium of interstate transportation of form charts, entries, betting odds, tips, and other methods of suggestions; since it has been demonstrated that the only effective method of combating such an evil, as evidenced by Federal laws relative to lotteries, is action taken by the Federal Congress.

Adopted by the Constitutional Convention of the State of Louisiana on the 2d day of June, A. D. 1921.

HEWITT BEAUCHAUD,
President of the Convention.

Attest:

E. J. GALLIEU,
Assistant Secretary of the Convention.

Mr. RANSDELL presented 110 petitions signed by 3,290 citizens of the State of Louisiana, praying for the recognition of the Irish republic, which were referred to the Committee on Foreign Relations.

Mr. LADD presented a petition of the superintendent and teachers of the Congregational Sunday School, of Hankinson, N. Dak., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Washburn, Falkirk, and Wilton, N. Dak., praying that an international disarmament conference be called, which was referred to the Committee on Foreign Relations.

He also presented a resolution of sundry members of Women's Nonpartisan League Club, No. 294, of North Dakota, favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

He also presented three petitions of sundry citizens of Fredonia and Fargo, N. Dak., praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

Mr. BROUSSARD presented a resolution, adopted by the board of directors of the Iberia Building Association at a meeting June 1, 1921, at New Iberia, La., favoring the enactment of legislation exempting domestic building and loan associations from income tax where the income derived by a member from savings in shares does not exceed $500, which was referred to the Committee on Finance.

Mr. WILLIS. I present sundry petitions of 850 citizens of Columbus; 780 citizens of Youngstown, Conneaut, Lowell, and Struthers; 1,200 citizens of Cincinnati, Glendale, and Norwood; and 9,150 citizens of Cleveland, all in the State of Ohio, praying for the recognition of the independence of Ireland as an independent nation by the United States, which I move be referred to the Committee on Foreign Relations.

The motion was agreed to.

AMBASSADOR GEORGE HARVEY.

Mr. OVERMAN. I present a resolution which has been adopted by Hornet's Nest Post, No. 9, of the American Legion, in relation to recent utterances of Ambassador George Harvey in England, which I ask may be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas George Harvey, the ambassador to Great Britain, has recently declared that America fought in the World War laggardly and selfishly: Therefore be it

Resolved, That Hornet's Nest Post, No. 9, American Legion, considers it evident that the ambassador was unable to share in the motives which led his countrymen into war, or to appreciate the splendid idealism of their leader, Woodrow Wilson, and, furthermore, that while he may represent the present administration at the Court of St. James, only by stretch of the imagination can he be considered to represent the people of this Republic.

RELIEF OF DISABLED EX-SERVICE MEN.

Mr. WALSH of Massachusetts. Mr. President, the National Tuberculosis Association of America recently held a convention in New York City and adopted some resolutions relating to the treatment of ex-service men. Members of that association have made a very exhaustive study of the subject. Some of them are the most eminent physicians and experts on tuberculosis in America. I think the resolutions are of such public importance, and will be so useful in molding and shaping public opinion on this question that I ask that they be inserted in the RECORD.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the rehabilitation of our tuberculous ex-service men and women is at once our most imperative duty and the biggest problem in public health before our people; and

Whereas the National Tuberculosis Association, through the cooperation with the Government services, both of the executive staff and of its individual members, has acquired a close familiarity with the work of these various services and especially that of the tuberculosis hospitals; and

Whereas the best results in these hospitals can only be attained by the maintenance of a close cooperation of physicians and patients under strict disciplinary regulations; and

Whereas such conditions do not at present generally exist in Government tuberculosis hospitals in spite of the continuous and conscientious effort of Government departments; and

Whereas the chief causes of this fatal defect are: First, the demoralizing influence upon many of the men of the present compensation act and its administration; second, the failure of the public, of the Congress, of the local posts of the American Legion, and of other organizations interested in the welfare of ex-service men to familiarize themselves with the facts of the tuberculosis situation and to bring to the aid of the Government departments that intelligent cooperation which they sorely need and without which they can not do their best work: Therefore be it

Resolved, That it be urged upon Congress both by the executive office of the National Tuberculosis Association and by each affiliated State association through the members of its State delegation, that the Government departments be given the assistance necessary to establish the discipline so essential to the maintenance of this needed morale by:

First, such changes in the compensation act as will result in the immediate and material reduction in compensation for those cases who refuse to make proper use of the facilities provided for their benefit; and

Second, by making the welfare of the men and of the country at large, and not the desires of the individual constituents, the basis of action both as regards appointments of those charged with the care of these men and as regards the individual cases of the men themselves.

Resolved, That the National Tuberculosis Association hereby expresses its appreciation and commendation of the efforts thus far of the national officials of the American Legion to have corrected the defects in legislation pertaining to rehabilitation of ex-service men, and its administration, and urges the legion to continue these efforts and to see that its local posts throughout the country give their full cooperation to the Government departments in their efforts to prevent an uncontrolled minority of the ex-service men from seriously interfering as they now do with the chance of the recovery of their fellow patients.

Resolved, That the local tuberculosis associations throughout the country be urged to inaugurate immediately a campaign of publicity, which will give the people of their respective localities the true facts of the situation, and will develop in all parts of the country that educated public opinion the lack of which has been largely responsible for the present unfortunate situation.

REPORTS OF COMMITTEES.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2131) to extend for the period of seven months the provisions of Title II of the food control and District of Columbia rents act, approved October 22, 1919, and for other purposes, reported it with amendments and submitted a report (No. 162) thereon.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (S. 1535) for the relief of the estate of Catherine Locke, deceased, reported it with an amendment and submitted a report (No. 163) thereon.

Mr. WARREN, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 80) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress, reported it with an amendment.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 67) stating the true meaning and intent of the provisions relating to the erection and use of the George Washington Memorial Building in the act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes," approved March 4, 1913, as amended, asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 255) for the consolidation of forest lands within the Gallatin National Forest, and for other purposes, reported it with an amendment and submitted a report (No. 164) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 916) limiting the creation or extension of forest reserves in New Mexico and Arizona, reported it without amendment and submitted a report (No. 165) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 405) for the relief of Harold Kernan, reported it without amendment and submitted a report (No. 166) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 825) for the relief of certain officers in the United States Army, reported it with an amendment and submitted a report (No. 167) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 464) for the relief of the estate of Moses M. Bane (Rept. No. 168);

A bill (S. 753) for the relief of Oscar Guessaz (Rept. No. 169);

A bill (S. 1022) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy (Rept. No. 170);

A bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others (Rept. No. 171); and

A bill (S. 1856) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property (Rept. No. 172).

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps, reported it without amendment and submitted a report (No. 173) thereon.

Mr. GOODING, from the Committee on the District of Columbia, to which was referred the bill (S. 1066) to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia, reported it without amendment and submitted a report (No. 174) thereon.

JAMES L. VAI.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 84) for the relief of James L. Vai, reported an original resolution (S. Res. 99), as follows:

Resolved, That the bill (S. 84) for the relief of James L. Vai, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 2145) to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

By Mr. RANSDELL:

A bill (S. 2146) for the relief of Thomas J. O'Hara; to the Committee on Claims.

A bill (S. 2147) to patent to the Ed E. Richardson Co. (Inc.) certain lands; to the Committee on Public Lands and Surveys.

By Mr. LA FOLLETTE:

A bill (S. 2148) for the relief of the Milwaukee Bridge Co.; to the Committee on Commerce.

By Mr. ERNST:

A bill (S. 2149) to relieve distillers and owners of distilled spirits from taxes upon spirits lost by theft or unestablished cause; to the Committee on Finance.

By Mr. JONES of Washington:

A bill (S. 2150) granting an increase of pension to David Granger; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2151) to create an emergency board, consisting of the Director of the Bureau of the Budget, the chairman of the Appropriations Committee of the Senate, and the chairman of the Appropriations Committee of the House to pass upon all emergency appropriations; to the Committee on Expenditures in the Executive Departments.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. JONES of New Mexico submitted an amendment intended to be proposed by him to the bill (S. 506) to provide adjusted compensation for veterans of the World War, and for other purposes, which was ordered to lie on the table and to be printed.

SOIL SURVEY OF MILLER COUNTY, ARK.

Mr. CARAWAY submitted the following resolution (S. Res. 96), which was referred to the Committee on Printing:

Resolved, That there be printed 2,500 copies of the Soil Survey of Miller County, Ark., for the use of the Senate document room.

SYSTEM OF DISCIPLINE IN THE NAVY.

Mr. LA FOLLETTE. Mr. President, I submit a resolution which I send to the desk, and ask that it may be read and referred to the Committee on Naval Affairs.

The resolution (S. Res. 97) was read and referred to the Committee on Naval Affairs, as follows:

Whereas it is reported in the public press that a captain of the United States Navy has been removed from his command and transferred to an inferior station by order of the Secretary of the Navy as punishment for having conferred with a committee of enlisted men; and

Whereas such conference between officers and enlisted men are in accord with American democratic principles: Now, therefore, be it

Resolved, That the Committee on Naval Affairs of the Senate be directed to investigate this case and report to the Senate regarding the entire system of discipline in the Navy, and ascertain from the officers and enlisted men of the Navy, as well as from the Secretary of the Navy, their views regarding the purposes and results of the system of committees of enlisted men.

MOUNT VERNON, VA., AS A NATIONAL INSTITUTE.

Mr. CAPPER submitted the following resolution (S. Res. 98), which was referred to the Committee on Public Buildings and Grounds:

Whereas, although privately controlled, the home and burial place of George Washington, "the Father of his Country," at Mount Vernon, Va., is the most precious and revered of national monuments and has been preserved and maintained by the Mount Vernon Ladies' Association of the Union, which is entitled to the highest public commendation for its patriotic purpose and labors, and is a sacred shrine and a source of patriotic inspiration and should be accessible to the largest number of our people, now barred by existing regulations; and

Whereas this historic spot is visited annually by many thousands of persons and has long been a place of national interest; and

Whereas it should be the spirit and aim of this Government to encourage its citizens to visit Mount Vernon; and

Whereas all over the country patriotic, labor, and educational organizations and private citizens, in a pure and patriotic spirit, have by resolution and otherwise urged free admission to the estate as well as the opening of the grounds on Sunday, and the feeling is general that there should be abolished forever the un-American system of tolls or admission charges exacted from the American public for the privilege of being admitted to the tomb of the Nation's first President: Therefore be it

Resolved, That to secure to the people of the world forever the magnificent tribute of our people to the memory of Gen. George Washington and with a view to perpetuating this national heritage to the American people and to allow them the privilege of admission free of charge, the Committee on Public Buildings and Grounds is hereby authorized, empowered, and directed to inquire into the probable annual cost to the Federal Government of maintaining the estate of Mount Vernon as a national institute, and submit to the Senate at the earliest practicable date a plan for the assumption of control of the estate by the National Government.

FOREIGN POLICY OF THE UNITED STATES.

Mr. JONES of New Mexico. Mr. President, on yesterday afternoon a rather interesting discussion was entered into by the Senator from Indiana [Mr. WATSON] regarding the policies of the administration with respect to legislation. At that time, in a rather brief way, I made inquiry as to whether or not any steps were to be taken in the near future looking to the restoration of our foreign trade and to adjustment of our foreign affairs.

I then stated that, in my opinion, a great many people in the United States were waiting impatiently for some declaration of our foreign policy.

We have in New Mexico a newspaper which is very ably edited. It is an independent paper. In the last election it supported the Republican candidate for the Presidency and aided very materially in having the vote of New Mexico cast for Mr. Harding. This morning in looking over that paper I find an editorial bearing upon the question of our foreign policy, and I should like to have the Secretary read it. It is not long, but it presents the situation as a great many people at least feel about it, and it seems to me will convince those in authority that some definite policy should be entered upon in relation to our foreign affairs, so that permanent relief may be brought to this country. All of us feel that the situation is critical. We can not confine our activities within our own boundaries and expect prosperity in this country.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico for the reading of the editorial referred to by him? The Chair hears none, and the Secretary will read as requested.

The reading clerk read as follows:

[From the Albuquerque Morning Journal, June 18, 1921.]

THE HOLT LETTER.

Mr. Hamilton Holt, editor of Independent, has written President Harding a letter anent his attitude toward a league or association of nations. The burden of the Holt letter is a demand that the President define the position of the administration on this very important question.

The President can hardly be heard to say that he has not had time to consider the matter. For interminable months the whole question was discussed in the Senate, during which time Mr. Harding was a Member. He voted for the league with the Lodge amendments. Under such circumstances any virile man would have definite convictions on so vital a question.

During the campaign Mr. Harding assumed a noncommittal attitude. Men like Hughes and Hoover, whom he afterwards honored with a place in his Cabinet, said that Mr. Harding was "for going in," with reservations.

JOHNSON and BORAH, irreconcilable opponents of any league, claimed Mr. Harding as their own and supported him. Col. Harvey, bitterender, is ambassador to Great Britain. Judge Hughes, proleaguer, is Secretary of State. Thus Mr. Harding equivocates.

As a Senator he may have needed no well-defined policy. As a candidate for the Presidency, his advisors doubtless thought he should announce none. But as President, charged with the responsibility for the welfare of the Nation, he must decide upon a policy and pursue it. To do less; to drift with the tide in the midst of the wreckage of our national prosperity, is not only unwise in policy but wrong in morals.

It is true that there is a great difference of opinion among Republicans on the subject. But Mr. Harding's function as titular head of the party, to hold it together, is secondary. His primary duty is to the whole people. Their welfare demands that he move constructively in some direction. This he should do openly.

The future of Mr. Harding and of his party is wrapped up in this question. It can not be side-stepped for a much longer time. The party is not now in the position of a destructive critic. It holds the reins of government and must adopt some procedure.

No policy will disgust the people more quickly at this crisis than any policy which might be decided upon will do. Mr. Harding must not fiddle while the world burns.

All the vast problems of restoring peace; all the enormous questions of reconstruction, all the essential steps to restore prosperity, apparently wait, while the President debates with himself how he may be able to ride two horses going in opposite directions.

If he wishes to follow JOHNSON, BORAH, and Harvey, let him say so. The people then can ratify or repudiate his stand. In our humble judgment they will repudiate it.

If he is for an association of nations, let him state concretely what kind of an arrangement he proposes. Then we can line up for the battle to create public sentiment and fight it out.

Peace and prosperity will come neither to America nor to Europe until this matter is settled. It will not take many months for the public to conclude that Mr. Harding lacks either the ability or the courage to take a definite position.

The great record of the party has been based upon its practical statesmanship in dealing promptly and intelligently with large national and international problems. Can it sustain that record under the leadership of Mr. Harding?

Mr. HARRELD obtained the floor.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. The Senator from Oklahoma has been recognized.

Mr. JONES of New Mexico. Will the Senator from Oklahoma yield to me merely for an additional remark?

Mr. HARRELD. I yield.

Mr. JONES of New Mexico. I thought I had retained the floor, but if the Senator will indulge me, I merely wish to state that the editorial which has been read appeared in the Albuquerque Morning Journal of the 18th of the present month. I should further like to say that those people who have been boasting that 7,000,000 votes were cast against the League of Nations or any concert of nations for the preservation of the peace of the world, in my judgment, are sadly mistaken. The people of this Nation did not so register their will at the last election, in my opinion. They want something done to restore the peace of the world and world industry, and they believe that the United States should take an important part in that great movement.

ARKANSAS RIVER BRIDGE, MUSKOGEE COUNTY, OKLA.

Mr. HARRELD. I ask unanimous consent for the immediate consideration of the bill (H. R. 6652) to extend the time for the construction of a bridge across the Arkansas River in Muskogee County, Okla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved May 27, 1920, to be built by the county of Muskogee, State of Oklahoma, across the Arkansas River at a point near Fort Gibson, in said county and State, between sections 16 and 21, township 15 north, range 19 east, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS RIVER BRIDGE NEAR WEBBERS FALLS, OKLA.

Mr. HARRELD. I also ask unanimous consent for the present consideration of the bill (H. R. 6653) to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge, authorized by act of Congress approved May 27, 1920, to be built by the county of Muskogee, State of Oklahoma, across the Arkansas River, at a point near Webbers Falls, in section 18, township 12 north, range 21 east, in the said county and State, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAM ACROSS MAHONING RIVER, OHIO.

Mr. WILLIS. I ask unanimous consent for the immediate consideration of the bill (H. R. 4976) granting the consent of Congress to the Trumbull Steel Co., its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio. The bill has been favorably reported by the Committee on Commerce and has the approval of the War Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill named by the Senator from Ohio?

Mr. UNDERWOOD. I ask that the bill may be read in full.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Trumbull Steel Co. and its successors and assigns, to construct, maintain, and operate at a point suitable to the interest of navigation a dam across the Mahoning River near the city of Warren, in the county of Trumbull, in the State of Ohio: *Provided*, That the work shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That no dam constructed under the consent hereby granted shall be used to develop water power nor to generate electricity: *And provided further*, That the authority hereby granted shall cease and be null and void unless the actual construction of the dam herein authorized be commenced within one year and completed within three years from the date of the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. UNDERWOOD. Mr. President, before unanimous consent is given for the consideration of the bill, I should like to obtain some information about it. I wish to state to the Senator from Ohio my attitude in reference to the matter. As I understand this bill, it will authorize the building of a dam across a navigable river, with the approval of the Chief of Engineers and the Secretary of War.

Mr. President, for many years bills of this kind were introduced in Congress and met negative action—and I am inclined to think that the negative action was a mistake in many cases—until finally we passed a general dam bill creating a commission composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, to protect the public, providing that the public should have the right to recapture the water power at the end of 50 years, and making other provisions in the interest of the public.

Mr. JONES of Washington. Mr. President——

Mr. UNDERWOOD. I will yield to the Senator in just a moment. Now, everybody else that approaches this subject must go through that door; and I should like to know why the people interested here have not made their application, as they can, to the board appointed by the Government, to be dealt with as everybody else is dealt with.

Mr. JONES of Washington. Mr. President, I want to say to the Senator that there is an amendment proposed to the bill which meets that very situation. It was the understanding, as the committee was informed, that these people would not desire to develop water power at all, and an amendment was put on the bill at the suggestion of the War Department providing that no water power shall be developed for the generation of electricity, and so forth.

Mr. UNDERWOOD. What is the purpose of the bill? They are not building the dam for navigation, are they?

Mr. JONES of Washington. Not for navigation. The Senator from Ohio can tell the purpose of the bill.

Mr. WILLIS. I think I can explain that to the Senator.

The Trumbull Steel Co. is a very large manufacturing enterprise in the city of Warren, Ohio. Its plant is so situated that it is upon both banks of this stream. The Mahoning River is a navigable stream perhaps in theory rather than in fact. If anybody ever saw a ship on that stream, they would think they were "seeing things."

Mr. UNDERWOOD. I will say to the Senator that that is the case with most of them.

Mr. WILLIS. Yes. The plant, the works, the buildings of this concern are on both sides of the stream. This body and the body at the other end of the Capitol recently passed a bill authorizing the Trumbull Steel Co. to construct a bridge across this river. Now, it is proposed to authorize this company to construct a dam for the purpose, as I understand, of impounding water to be used solely in the manufacturing plant. It is a very large plant, one of the largest in the country, as I think the Senator knows; and, as the Senator from Washington points out, the amendment here proposed will meet the objections of the Senator from Alabama, because it distinctly provides that "this act shall not be construed to authorize the use of such dam to develop water power."

The reason why I am asking this unanimous consent, which I trust the Senator will grant, is because this is the season of low water, and if this work is to proceed it can be proceeded with now very much more advantageously than later; so in that sense there is an emergency connected with the legislation.

Mr. UNDERWOOD. I am not prepared to object, but I want to say something about this proposition before I give consent.

Mr. WILLIS. All right.

Mr. UNDERWOOD. Mr. President, I do not like to see a precedent made, and I regret that the committee is proposing to make a precedent now to ride over the top of the general dam bill, because, although I recognize the fact that this amendment will prevent these gentlemen from using this dam for power purposes at this time, you are going to give them an unlimited right to dam this stream and take away from other people the right to develop it for power purposes in the future. Now, I think what is fish for one should be fish for another. There is no man on this floor who has regretted more than I have the delays in Congress in the development of the great water powers of this country. There is no man who believes more thoroughly than I do that there has been great waste and great injury to the American people in the delay and the opposition to developing the great water powers of this country, and I have suffered from it. Outside of the great Rocky Mountain States, there is no State in the Union that has more undeveloped water power than the State I have the honor in part to represent, and yet our hands have been tied. We have had capital, we have had men who wanted to develop our resources, but our hands have been tied for 15 or 20 years in the development of the natural resources of Alabama and its water powers because Congress would not do for us just exactly what the Senator from Ohio is asking the Congress to do to-day for a great corporation in his State.

They said they would not do it because these water powers belonged to the people, and future generations had rights in them. Now, I know that if the amendment proposed by the committee is adopted it will prevent the use of this dam for the generation of electricity; but dams may be of use for water power without generating electricity. The purpose of a conservation bill, putting everybody on the same plane, to protect the water powers of this country for the future, was to protect them not only for use in making electricity but for all beneficial uses that the generations to come may have in the matter.

Of course, you have a commission down here now. It will not act. It has been slow in action. It has its business tied up. It is most difficult to get through its lines. I realize the difficulty that this corporation in Ohio may have if it has to go before that commission. The reason why I am not going to object to the Senator's bill is because I have suffered and my people have suffered by the blocks that have been put in their way when they have tried to develop their own resources; but I hope that this Congress is not going to break down the lines for a favored few and let the balance of us stand out and suffer.

Mr. JONES of Washington. Mr. President, if the Senator will permit me, I should like to interrupt him.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. UNDERWOOD. Certainly.

Mr. JONES of Washington. I think there is considerable force in what the Senator says. My recollection is that we have passed a bill or two of this kind heretofore.

Mr. UNDERWOOD. I do not think any such bill has passed in 15 years.

Mr. JONES of Washington. I think so. I think one or two bills have passed with this amendment put on them.

Mr. UNDERWOOD. The Hetch-Hetchy case in California is the last one that I know of.

Mr. JONES of Washington. Mr. President, I may be mistaken, but my recollection is that one or two bills have passed the Senate with this amendment in them since the water power act was passed. That was the sole reason why they were permitted to pass. They were proposed because of some peculiar local condition, and I am pretty certain that we have passed a bill or two of that kind.

I want to say to the Senator, and I want the Senator to consider that in connection with his attitude on this bill, that we reported yesterday another bill permitting the city of Huntington, Ind., to construct a dam for water-supply purposes, putting in this provision about the generation of electricity and water power.

As I say, I think there is a good deal of force in what the Senator has said, and I will state frankly that that phase of the matter was not considered by the committee. The committee did not intend to override the water power act, or to do anything that would interfere with the operation of that act. I can see how it is possible that by granting this right there we might interfere with the future development of water-power possibilities, and I think that is a matter that the Congress ought to consider, if the Senator's bill is passed. That is a situation that I think we ought to take into account.

Mr. UNDERWOOD. I am sorry that the Senator's committee has taken this attitude in the matter, not on account of the Senator from Ohio and his purpose, because I have nothing to say against that; but right now the people in my State are trying to get a permit through this board that was created down here to furnish our people with light for our town, and the matter has been blocked for months. We can not get any action at all, and that is because we want to use the power to make some electricity. Those men want to use electricity in the interest of the public, while the men referred to in this bill want to use this water power for their own private dollars and cents.

If the Senate is going on with this procedure, I hope if the block continues that some day I can fall within the good graces of the committee myself and get some relief; but I do not think we ought to play flesh with one and fowl with another. We should all stand on the same basis, and the Senator's committee ought to protect the public rights in that respect.

Mr. JONES of Washington. Mr. President, I agree with the Senator, and the people of my State are in the same condition that he is in. There have been no favorites played and the committee was not intending to play any favorites in this case.

I will ask the Senator from Ohio to allow this bill to go over for a little further consideration in reference to the point suggested by the Senator from Alabama. I will say that that phase of the matter was not considered by the committee. The committee did not intend to interfere with anything that is covered by the Water Power Commission act.

Mr. WILLIS. Mr. President——

Mr. JONES of Washington. I know that the commission has not acted as I had hoped it would act. It has acted as I feared it might. I felt all the time that it was a great mistake to create a commission composed of Cabinet officers to deal with this great work, because the time of Cabinet officers is so fully taken up with other things that they do not have the time to give to this matter the attention that it ought to have. I am satisfied that that is the real reason for the delay, simply because the members of the commission have their time so taken up with other things that it is impossible for them to give this matter the attention it ought to have.

Mr. WILLIS. Mr. President, does not the Senator think that the amendment which his committee so carefully prepared and proposed here would cover the objection that he raises? Does not he think that will obviate the objection raised by the Senator from Alabama?

Mr. JONES of Washington. No; I do not. I will say frankly that I do not. The construction of this dam under this grant might interfere very materially with a very desirable development hereafter through the construction at that very point of a dam of a different kind. The water power act, too, makes it the duty of this Water Power Commission, before it shall grant a permit, to see to it that under the plans and specifications suggested all the water-power possibilities shall be taken into account and that the development shall be of the highest possible character. The only restriction on this authority is that this dam shall not be used to develop water power or generate electricity.

On behalf of the committee, I am going to ask the Senator to let the bill go over. I think we ought to give it further consideration. I will ask that both of these bills be referred back to the Commerce Committee. The other bill is S. 2069, Order of Business 172.

Mr. WILLIS. Does the Senator make that motion?

Mr. JONES of Washington. I ask unanimous consent that the two bills be referred back to the committee.

The PRESIDENT pro tempore. Does the Senator from Washington object to the request for unanimous consent preferred by the Senator from Ohio?

Mr. JONES of Washington. Yes; I have to object to that.

The PRESIDENT pro tempore. Objection is made. The Senator from Washington asks unanimous consent that this bill, together with the bill (S. 2069) to authorize the construction of a dam across Wabash River at Huntington, Ind., shall be recommitted to the Committee on Commerce. Is there objection?

Mr. NORRIS and Mr. NEW addressed the Chair.

Mr. WALSH of Montana. Mr. President, before these matters are disposed of, I desire to inquire of the Senator from Ohio what the purpose of this bill is. I observe that it is provided that the improvement shall not be used for the development of water power or for the generation of electricity. To what use is it contemplated that the dam shall be put, if it can not be used for the development of water power?

Mr. WILLIS. Mr. President, I will say to the Senator from Montana that my information about the matter is that this is a very large plant, one of the largest in the State of Ohio, and, as the Senator well knows, in a great plant there must be used in the regular course of the work a vast amount of water. I am informed that the purpose of the proposed legislation is to enable the company to construct this dam so that they may impound water for their use. There is no purpose at all, I am sure, to generate power for electricity; indeed, that is specifically prohibited by the amendment.

The Senator may not be acquainted with the conditions there. The Mahoning River is relatively a small stream. I am advised that at certain seasons of the year the water is very low—and, indeed, that is why I am pressing for action now—not affording a sufficient supply to enable the company to continue with their work, and they are desirous of making this improvement so that they can run continuously. That is the information which has been brought to me.

Mr. WALSH of Montana. Of course, that contemplates, then, that the water is to be used in connection with the operation of this plant.

Mr. WILLIS. Yes, sir.

Mr. WALSH of Montana. Necessarily to the end of fouling the water to a very considerable extent.

Mr. WILLIS. I did not catch the Senator's statement.

Mr. WALSH of Montana. The necessary consequence would be to foul the water to no inconsiderable extent.

Mr. WILLIS. To a certain extent I think that is true.

Mr. WALSH of Montana. So it presents the question as to whether we ought to grant the privilege to this company of deteriorating the water of the Mahoning River to the possible disadvantage of proprietors below.

Mr. WILLIS. If the Senator were as well acquainted with the Mahoning River as are my colleague and myself, I think he would not raise any question about that, because the Mahoning River flows through a great industrial section and, as a matter of fact, the river is already fouled about as much as it could be by a manufacturing plant.

Mr. WALSH of Montana. Nevertheless we would authorize the further pollution of it.

Mr. POMERENE. Mr. President, I am not familiar with the details, but the bill, as I understand it, simply authorizes the impounding of the water. It is true there is a possibility of the fouling of the stream; but we have very drastic criminal statutes which prevent the fouling of that stream, so if they should attempt to do that they would be amenable to the criminal law.

Mr. NELSON. Mr. President, what the Senator from Alabama [Mr. UNDERWOOD] stated a few minutes ago is too true. For years and years various water power companies of this country were struggling for a chance to secure development. We passed several bills in the Senate when I was chairman of the Committee on Commerce, and before that, and after that we passed a number of bills, but every time we passed them here they would be held up in the House of Representatives, as the Senator from Alabama well knows.

We finally succeeded in passing what I consider a most cumbrous and complicated general water power bill. It provided for a commission consisting of three Cabinet officers. As the Senator from Washington well knows, and as everybody knows, they have no time to give it any attention at all. The law is so complicated that it has not been put in operation. Notwithstanding there are people who are ready to develop water power in this country no effort has been made to secure permission under that law; and I doubt whether the law in its entirety will work satisfactorily and lead to that development of the water power which we ought to have in this country. Hence, Mr. President, whenever bills of this kind come before Congress I heartily favor them, because it gives a little relief, which people can not get under the general law.

Take the case in Indiana, covered by this other bill. They want the privilege of building a dam for the purpose of securing a water supply for domestic uses in that town, and for nothing else. It is sad to think that they have to come to Congress to get permission to secure a water supply from a stream running right through their own town, and a stream which, as a matter of fact, is not navigable. Yet they have to come here. They either have to come here and try to get it in this simple, plain way or they will have to take the steps provided in that cumbrous water power act, which is of such a complicated nature that there is little use for them to make an application for relief through an improvement of this kind.

I think in that water power act we overdid it, and, Mr. President, speaking for myself, I am anxious to see the water powers of this country developed, but I fear that that law will act as a brake.

Hence, when cases like this come before us from Ohio and Indiana, I can not do otherwise than support such a measure, and I heartily approve of this one. It is a little homeopathic relief from the great allopathic relief that was supposed to be given in the great water power act.

Mr. NORRIS. Mr. President, there is one peculiarity in the amendment which strikes me as being improper. Although the amendment has not been read, everyone seems to understand what it is. Here is a dam permitted, and then an amendment is put on the bill which provides that when the dam is built the water power must not be used. It is like authorizing the putting of a pump into a well and providing that you shall never pump any water with it after you get it in.

I am not familiar with the conditions along the Mahoning River, and I am not opposing this bill. It may be that this is one of the navigable streams which is dry four or five months in the year, and that you would have to get artesian wells, as they do in Texas, and run water into it in order to make it navigable. If that be true, and by damming the water they can hold it back and use it for some purpose, I have not any objection. But it does seem just a little peculiar to say that when you dam a stream and get it ready to develop some electricity you shall not do it.

If there can be anything developed there in the way of water power for electrical purposes, or other purposes, I would like to have somebody get the benefit of it. I do not believe that the appointment of a commission, as provided for in the general water power bill, was a practical solution of the difficulties. I

said so when the bill was before the Senate, and tried to get it amended, because Cabinet officers are not competent to pass on the questions likely to be raised as men would be if they were permanently in positions of this kind, who would become expert, and who could devote all their time to it. We can not expect the Cabinet officers to look into all these things.

But, Mr. President, it is not right, no matter where the water power is, to prevent its development, provided only that the development is regulated so that the people who really own the power should get the benefit of it. We are having our Chamber here cooled to-day by a lot of electrical appliances operated by coal, making it habitable to man. Somewhere in the vicinity of the Capitol some fellow is shoveling coal into a furnace to make these fans whirl and keep us cool, and in sight of the smokestack where he is shoveling in his coal there is water power going to waste that would not only turn these fans but every other wheel in the District of Columbia. Talk about delay, Mr. President! We have it right here. Just a few days ago we decided that that water power should not be developed, and that the man should keep on shoveling coal in order to turn these things and a few other things.

The delay is not only taking place in Alabama but it is taking place right here in the shadow of the dome of the Capitol. We are not developing it. We are not saving our coal. We are not economizing.

If this particular stream in Ohio is not capable of development so as to produce electric power or operate machinery from water power directly, then this amendment is not necessary. It seems to me that we are inconsistent when we put on an amendment which would prohibit the highest development. If there is water power there which can be developed we should not by an amendment to a law interfere with it, no matter who is going to get the benefit of it. Somebody will. If there can be any water-power development there we ought to permit them to develop it, if we permit them to build the dam.

Therefore I can not understand why the committee are proposing to add such an amendment. I would like to hear the reason from the Senator from Washington.

Mr. JONES of Washington. Mr. President, the original text of both of the bills as introduced contains the following proviso:

Provided, That no dam constructed under this authorization shall be used to develop water power or generate electricity.

Mr. NORRIS. What is the object of that?

Mr. JONES of Washington. The object was to show that it was not a dam the construction of which should come under the Water Power Commission. That was the real purpose of it. I can see where dams can be constructed for purposes entirely apart from water power for the generation of electricity.

Mr. NORRIS. So can I.

Mr. JONES of Washington. The Senator has raised the point which I understood the Senator from Alabama to make, that by granting a permit to construct this dam for purposes other than the development of water power we may prevent the construction of a dam for a much broader object—for the develment of water power; and it is for that very reason that I want the bill to go back to the committee.

Mr. NORRIS. If power can be developed there so as to make water power that can be used by the people of the community——

Mr. JONES of Washington. That ought to be done.

Mr. NORRIS. It ought to be done.

Mr. JONES of Washington. Certainly.

Mr. NORRIS. We should not take any step which would prevent it. I can conceive of a stream where you could not develop water power, and this may be one. If this is one of them, then that language is unnecessary.

Mr. JONES of Washington. That is true; but the idea, of course, was not to make this act a means of evading the water power act.

Mr. NORRIS. I agree with the Senator that the power to evade that act should not be given.

Mr. JONES of Washington. That was the real purpose of it. But the idea the Senator has just given expression to is the reason why I have asked that the bill go back to the committee so that that can be considered.

Mr. WILLIS. Mr. President, this matter is already settled, because the Senator has objected; but to keep the RECORD straight, I want to call attention to this fact: Mahoning Valley is a great industrial valley. As I have already said, the Trumbull Steel Co. is one of the largest concerns in the valley. Every Senator knows that industry is at rather a low ebb just now. We have temporarily decided not to pass the bill but to refer it back to the committee. The effect of that is to delay an improvement which would furnish immediate employment for hundreds of men and make possible the enlargement of this plant, which would furnish employment to thousands. That is the effect of delay in the passage of the bill. I am not complaining about it, but I am calling the attention of the Senate to the fact.

Mr. NORRIS. Is that stream of such a nature that water power could be developed on it?

Mr. WILLIS. Of course, the Senator knows water power could be developed on any stream.

Mr. NORRIS. Not on any stream.

Mr. WILLIS. On any stream of a considerable volume. The Mahoning River, as I have suggested, is one of those streams which is navigable only in theory.

Mr. NORRIS. I understood that; but it occurred to me, from what the Senator said a while ago, that possibly the stream is dry during a part of the season.

Mr. WILLIS. No; it is not dry, but the water gets very low; for example, just at this time.

Mr. NORRIS. If water power can be developed there, then we ought not to take any action which would prevent the people of the town from getting the benefit of it by giving it away to somebody.

Mr. WILLIS—

> Thou canst not say I did it; never shake
> Thy gory locks at me.

The bill I have advocated did not have this amendment in it.

Mr. NORRIS. I am glad to hear the Senator make that statement.

Mr. JONES of Washington. The Senator from Ohio, I think, is mistaken in that. The bill he advocates did have this proviso in it:

Provided, That no dam constructed under the consent hereby granted shall be used to develop water power or to generate electricity.

That is the way it passed the House, with that provision in it, and the committee put in an amendment merely changing the language, because it was suggested by the War Department as better language than that used in the text of the bill.

Now, Mr. President, I want to refer just in a word to a suggestion made by the Senator from Minnesota [Mr. NELSON]. I agree with very much the Senator said. Of course, the water power was hardly satisfactory to anyone. It was a compromise proposition, and everyone, or at least those who were urging it, realized that it had a great many cumbersome provisions in it. But it is the law, and everybody ought to come under it as long as it continues to be the law.

As the Senator from Alabama said, we ought not to make fish of one and fowl of another. We ought not to pass special legislation to benefit one particular locality that can be taken care of by the Water Power Commission and the water power act as long as it stands upon the statute books.

Mr. SMITH. Mr. President——

Mr. JONES of Washington. Just a moment. This is the particular statement to which I wish to refer that was made by the Senator from Minnesota. As I understood him, he said there had been no application made under the water power act for permits to put in dams. The Senator is mistaken in that. There have been many applications filed. I have written a letter to the Secretary of War asking for a statement of the number of applications filed and the number granted. There have been many applications filed, but action has not been taken upon them, because the commission has not been able to get around to establishing and adopting rules and regulations pursuant to the act under which the permits should be granted.

I now yield to the Senator from South Carolina.

Mr. SMITH. I should like to ask the Senator this question: Would the language of the amendment, confining it to uses other than the development of electricity or power, prohibit that same company, supposing they got a permit from Congress and constructed a dam for the purposes indicated by the Senator from Ohio, from going before the Water Power Commission and getting the privilege or authority to develop the power after they had built the dam? It seems to be the opinion here that if they construct the dam for purposes other than the development of power and electricity, the act would indefinitely prohibit that power from being used for that purpose. Why could not this same company later on, if they got permission to build the dam, go before the Water Power Commission and get a permit to develop that power?

Mr. JONES of Washington. I have not any doubt that any dam constructed under the provisions of the act would not be such a dam as would develop water power for the generation of electricity; but I do not see anything in the pending bill, if it should be passed, that would prevent the company in the future from going to the Water Power Commission and making an application to construct the dam or place the dam in such condition as would develop water power and generate electricity.

Then, of course, they would have to comply with whatever conditions the commission might impose.

Mr. SMOOT. Mr. President, if things do not change from what they have been in the past, the steel company, if it did make an application for a permit, would find itself in this position: The present officials of the department will be dead and buried and new officials, more than likely appointed from those who are now mere babies, if not yet unborn, will be in charge of the company if it should survive that long. There are hundreds of applications for water-power permits filed since the act was passed, but there seems to be more necessity for seeing that the surveys are placed upon paper 45 inches wide and 61½ inches long, or of some other exact dimensions, and that the paper is of a particular tint and form that will fit some particular file that has been specially made for the commission than there is for considering a mere application for a permit. The mere question of granting a permit is of small importance in comparison with the size of the files of the commission and the particular words in the application. An examination of the proposed site is made not once but many times before the engineer will even consider an application for a permit.

Mr. SMITH. Does the Senator from Utah happen to know how many permits have been granted since the law was passed?

Mr. SMOOT. I can not say, but I think I could count them on the fingers of one hand.

Mr. FRELINGHUYSEN. Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The regular order is the request for unanimous consent proposed by the Senator from Washington. Is there objection?

Mr. REED. What is the request?

The PRESIDENT pro tempore. The request is that the two bills to which reference has been made, Senate bill 2069 and House bill 4976, shall be recommitted to the Committee on Commerce. Is there objection? The Chair hears none; and the bills are recommitted.

DESTITUTE DISCHARGED SOLDIERS IN EUROPE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1019) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children.

The amendments of the House were, on page 1, line 9, after "person," to insert: "and transportation and subsistence en route to such person and his wife and children from point of debarkation in the United States to the point of enlistment of such person or his home of record or to any other point to which he may desire to be furnished transportation for himself, wife, and children: *Provided*, That such point is of no greater distance from the point of debarkation than is his point of enlistment or home"; on page 1, line 9, after "*Provided*," to insert "*further*"; on page 1, line 10, to strike out "or" and insert "and"; on page 1, line 11, after "transports," to insert "in Europe"; on page 1, line 13, to strike out "or" and insert "and"; on page 1, line 14, to strike out "all"; on page 2, line 1, after "furnished," to insert "to such person, his wife, and children"; on page 2, lines 1 and 2, to strike out "such person, his wife or children" and insert "them"; on page 2, line 2, to strike out "*Provided further*, That the author-" and all of lines 3 and 4; on page 2, after line 4, to insert:

"SEC. 2. That the Secretary of War is hereby further authorized to furnish transportation and subsistence en route, as contemplated above in the case of destitute former soldiers in Europe, to any person who was honorably discharged from the Army of the United States in Siberia and who is now in Vladivostok or its immediate vicinity and is or becomes destitute, and to the wife and children of such person: *Provided*, That the Secretary of War is authorized, in transporting such persons to the United States, to procure transportation and subsistence for them on vessels other than United States Army transports from Siberia to Japan."

On page 2, after line 4, to insert:

"SEC. 3. That the authority conferred by this act shall cease and determine six months after the approval thereof."

Amend the title so as to read: "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children."

The PRESIDENT pro tempore. The amendments will be referred to the Committee on Military Affairs.

Mr. WADSWORTH. Mr. President, this is a Senate bill returned by the House with some amendments. The question would naturally arise whether the Senate should ask for a conference or should concur in the amendments without a conference. I had expected, when the Secretary had finished reading the amendments, to say a few brief words and then move that the Senate concur in the House amendments.

Mr. SMOOT. May I inquire what the bill is?

Mr. WADSWORTH. The Senate some time ago passed a bill authorizing the Secretary of War to provide transportation across the ocean and also transportation in France to the port of embarkation for certain destitute American soldiers.

Mr. SMOOT. I remember the bill.

Mr. WADSWORTH. The House has amended the bill and provided that they shall have transportation also from the point at which they land in the United States to their homes. One amendment, as I also recollect, extends the same authority to the Secretary of War for certain destitute American soldiers who were left in Siberia.

Mr. REED. How did our soldiers happen to be left destitute in those countries?

Mr. WADSWORTH. They applied for and received their discharges in France before their units were ordered home, intending to go into business in France, thinking they had profitable occupation and good prospects there. Several of them married and have families. It has developed since that some of those men have been unable to get along; they are destitute, their money is gone, and they are going to the American consuls and the American Embassy asking for help to get back home. They will be brought in Army transports.

Mr. REED. Bringing them home in that way will not be much more expensive than to have returned them if they had been returned in the regular way, coming back with the Army.

Mr. WADSWORTH. That is true; except that the families, if they have families, will now be brought with them. It is charity. It is a charity, however, in which I think the Government should indulge. It will be a credit to the Government of the United States to relieve these men who are now waiting in these far-off countries.

I move that the Senate concur in the amendments of the House.

Mr. ASHURST. Mr. President, I am in favor of this bill and the House amendments thereto. The Senator from New York [Mr. WADSWORTH] has acted wisely, as he usually acts, in pursuing this course.

We are this morning advised by the RECORD and by the newspapers that a bill has been introduced by the chairman of the Senate Committee on Finance providing for the refunding of the debt owed to the United States by various European Governments. A pathetic appeal is made to us that if we do not refund this debt or cancel it, Uncle Sam will be sued for nonsupport by Europe. But, facetiousness aside, let us consider the situation.

During the war $9,710,525,310, practically all of it in cash, was loaned to various European Governments. I suppose practically every Senator here approved of extending such credits during the war.

This money derived from the sales of Liberty bonds is now overdue and the interest thereon is unpaid, hence over $10,000,000,000 are due to-day from Europe to the United States.

Mr. REED. From Europe and Liberia.

Mr. ASHURST. Yes; quite true.

It is time when we must think of America more and of Europe less. Over a year ago I said, "Let Europe go to work." I repeat that to-day, "Let Europe go to work." The European people are not now pressed harder nor are they enduring more privations or hardships than were endured by our ancestors here 100 years ago. Quite true some distress and misery exist in Europe and some are very wretched, but if in their large cities they gave up their frivolities and attacked the duties and problems of life seriously they would not be appealing in such pathetic terms to have the time of payment of this indebtedness of $10,000,000,000 extended indefinitely.

I recently received a telegram, which I am not going to read, from a gentleman in my State whose opinions I have always thought were worth while. He protests against this adjusted compensation for ex-service men, this "bonus" for soldiers, as he calls it. It is not a bonus. It is adjusted compensation. Many of the slackers who stayed at home demanded $10 a day for their services, but the soldier received only about $30 a month, and the bill is simply to adjust, in some measure, the soldiers' compensation. I am not an adept in figures like my friend the Senator from Utah [Mr. SMOOT] and others, but a mere tyro in figures can immediately ascertain that on the $10,000,000,000 heretofore loaned to Europe, were interest at 4 per cent per annum promptly paid to the United States, we would realize annually the sum of $400,000,000, which would in 10 years aggregate $4,000,000,000, an amount far larger than the proposed bonus.

I protest against any action extending the time for the payment of the debt due to the United States from Europe. I especially demand that the interest thereon be paid promptly.

I have not been an indiscriminate critic of this administration nor have I tried to throw a monkey wrench in the machinery. The times are too serious for such things.

I want this administration, as I want all other administrations, to have a fair chance to approach the problems of the day

and solve them; as a Senator who desires to assist this administration in all its proper efforts to liquidate the World War, I sound a warning now that it is wrong in principle, wrong in economics, wrong to Europe, and basely wrong to the United States to extend the time indefinitely for the payment of the European loan. To notify Europe that she must begin to pay at least the interest annually is the best way we can serve the world and serve America. We should notify Europe that if she will cease spending so much money on armies and navies she will experience but little difficulty in meeting the interest due the United States on the amounts we have loaned. The Republican Party and the Democratic Party should stand firmly against any policy or plan which would give to any official the authority to delay and defer indefinitely the payment of the interest on these great loans.

Mr. President, if a beggar comes to your door and you give him a $5 bill to-day, he will politely thank you. To-morrow he will not be so polite; he will be there to demand another $5; and on the third day he will be there with a club to collect. Europe is a part of our common human nature; as long as the European chancelries and lords of the European exchequers can borrow money from America they will continue to do so. We saved Europe and our Christian civilization, but that does not imply, now the peril is passed, that we should feed the Europeans and allow them in their great cities to live in idleness and sometimes in luxury whilst our own people are pressed to the point of pain here at home. Our producers are entitled to consideration.

I feel that I speak but the sentiments of many Senators and the sentiments of the American people when I say that it is time for Europe to begin to liquidate her obligations; it is time for Europeans to abandon any further thought of subsistence and food free from the United States. It is time we should begin to pay our soldiers who saved civilization; it is time to hospitalize them, as we have done in a measurable degree; it is time to extend to the ex-service man the fivefold option plan such as Senate bill 506 proposes, so that if the ex-service man wishes to take a cash payment as adjusted compensation he may do so, or may avail himself of any one of the options therein.

Addison tells us the story of the upholsterer who was industrious, paid close attention to his affairs, and who by devotion to his own business was able to keep a coach and servants. His table furnished forth good fare, his house was attractive and comfortable, all from the earnings of his business, which was prospering by reason of his close attention thereto. He was educating his family in accordance with the best traditions; suddenly he became enamored of the idea that he could neglect his upholstery business and that he ought to instruct Holland and Prussia as to what they should do. He neglected his shop and spent his time telling what his Government should do for the various Governments of Europe, and customers who came into the shop were inconvenienced and disgusted over his inveterate discussion as to how his Government should help Europe. His customers fell away; poor workmanship came out of his shop; finally he found himself a bankrupt; the family coach was sold, the family plate was sold; his daughter, who was attending a college, was required to come home, and his son was apprenticed out to another man as an indentured servant, all because he insisted upon upholstering Spain, France, Holland, Prussia, and Russia and utterly neglected his own affairs.

We will be entitled to and will win the esteem of our countrymen if we will cease upholstering foreign countries and devote our attention to the affairs of the people who pay our salaries and who have elected us to these great offices. Let us begin now to take care of the American people, for we have done our full duty to the peoples of Europe.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Is there any objection to that?

Mr. SMOOT. I wish to say just a word.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion is not debatable.

Mr. SMOOT. I wish merely to take not over one minute to reply to the Senator from Arizona [Mr. ASHURST].

Mr. WADSWORTH. Will not the Senator from Utah first permit the motion to be put? Then, later, the Senator from Utah may address the Senate.

Mr. SMOOT. It was on the pending motion that the Senator from Arizona addressed the Senate.

Mr. WADSWORTH. Very well.

Mr. SMOOT. Mr. President, the Senator from Arizona has just made the statement that the most salutary thing that could happen to the world would be for the United States to demand of Europe that the interest due be paid upon its foreign obligations. I am not now going to take the time of the Senate to discuss the matter at length, but I merely wish to tell the Senator from Arizona that he is mistaken. I wish to say to the Senator very briefly that it would be the very worst thing in the world for the United States to make such a demand.

It is too long a story now to tell the Senator, but I wish to say to him that, so far as I am personally concerned, if it were possible to do so and not interfere with the foreign trade of the United States, I would agree with every word the Senator has said as to what should be our action, but it is not possible; and if it were undertaken the result would be disastrous not only to Europe but to the United States as well.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Yes; I yield.

Mr. McKELLAR. Mr. President, I notice that on yesterday the senior Senator from Pennsylvania [Mr. PENROSE] introduced a bill giving very large powers to the Secretary of the Treasury in regard to funding the obligations of foreign Governments which are owing to the United States of America. Will the Senator from Utah be kind enough to state just what is the purpose of that measure?

Mr. SMOOT. The purpose of the bill is to authorize the Secretary of the Treasury to extend the time for the payment of the obligations, as well as the interest, due by foreign nations to the United States. Under existing law the Secretary of the Treasury has not that power.

Mr. McKELLAR. Is that the real purpose of the bill?

Mr. SMOOT. There are other purposes which are stated in the bill, but I do not know whether or not the Finance Committee will report the bill without amendment.

Mr. McKELLAR. I wish to ask the Senator from Utah, is it or is it not the real purpose of the bill to provide that the United States may receive the obligations of Germany and Austria which have been taken by the Allies as reparations in lieu of the obligations of the allied nations to us?

Mr. SMOOT. No; that is not the real purpose.

Mr. McKELLAR. If that is not the purpose, why, if I may ask, is this provision inserted in the bill——

Mr. SMOOT. I promised that I would take only one minute of the time of the Senate, as the Senator from New York [Mr. WADSWORTH] is desirous of having the amendments of the House to the Senate bill concurred in.

Mr. McKELLAR. With that understanding, we may let the matter go over, but I am very anxious to know the meaning of the following provision of the bill:

> And from time to time to receive bonds and obligations of any foreign Government in substitution for those now or hereafter held by the United States of America—

That is a very remarkable provision in the bill, and I hope later on the Senator can give us a little light on it.

Mr. SMOOT. I will say now, in answer to the Senator, that that provision in the bill would authorize the Secretary of the Treasury to make the exchanges mentioned by the Senator if the Secretary saw fit to do so.

Mr. McKELLAR. I desire to discuss this question a little later, but the Senator from New York has a bill which he desires to have acted upon, and I will not discuss the matter further now.

Mr. WADSWORTH. Mr. President, may we now have the question put?

The VICE PRESIDENT. The question is on the motion of the Senator from New York that the Senate concur in the amendments of the House.

The motion was agreed to.

SEASONAL COAL RATES.

Mr. FRELINGHUYSEN. I ask unanimous consent that the Senate resume the consideration of the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. TOWNSEND. Mr. President——

Mr. KING. Mr. President, will the Senator from New Jersey yield to me?

Mr. FRELINGHUYSEN. I will yield to the Senator in a moment. I agreed to yield first to the Senator from Michigan.

Mr. KING. Very well.

PAN AMERICAN POSTAL CONGRESS.

Mr. TOWNSEND. Mr. President, I ask unanimous consent for the present consideration of Senate joint resolution No. 80, making an appropriation of $5,000 to pay the expenses of two delegates to the Pan American Postal Congress to be held in Buenos Aires on August 10 next. This is the conference that is authorized under the Universal Postal Union, and is to be

held in furtherance of plans that have already been adopted, notably at the last meeting, held at Madrid in November, 1920. At that time an agreement was entered into between the nations there represented for a flat postal rate from each of the various countries to the others belonging to the union, so that when that agreement is finally concluded it will be possible to mail a letter here at our local rate of 2 cents and have it carried at that rate to any nation belonging to the Postal Union to which it may be addressed.

The convention to be held at Buenos Aires beginning August 10 is of the utmost importance to the business interests of this country and of other countries included within the union as affecting communications passing between such countries. The joint resolution has been reported and passed once by the Senate.

Mr. KING. Who is to make the appointments?

Mr. TOWNSEND. The Postmaster General is to appoint two delegates to the congress. The joint resolution comes with the recommendation of the department, which I have at hand. The letter from the department is long, but I shall be very glad to have it inserted in the RECORD if any Senator desires.

The provisions embodied in the joint resolution were adopted in an appropriation bill last year, but they were not agreed to by the House. The joint resolution has this morning been reported by the Committee on Appropriations to this body. If the joint resolution is to be passed, it should be passed at once in order that the Postmaster General may act so that the Government may be represented at the congress which meets on August 10.

Mr. KING. Mr. President, will there be representatives at the congress from all the nations which are members of the Postal Union?

Mr. TOWNSEND. There will be.

Mr. SMOOT. All of the countries of the world which are members of the Postal Union will be represented.

Mr. KING. I think we ought to pass the joint resolution.

Mr. TOWNSEND. I ask unanimous consent for its immediate consideration.

Mr. FRELINGHUYSEN. I shall not object to that, if it does not interfere with the unfinished business.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 80) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress, which had been reported from the Committee on Appropriations with an amendment, in line 11, to strike out the word "conducive" and to insert the word "conclusive," so as to make the joint resolution read:

Resolved, etc., That the Postmaster General be, and he hereby is, authorized to appoint two delegates to the Pan American Postal Congress, Buenos Aires, Argentina, beginning August 10, 1921, and for the purpose of paying the expenses of such delegates the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in the discretion of the Postmaster General and to be accounted for on his certificate, which certificate shall be conclusive on the accounting officers of the United States.

Mr. TOWNSEND. I will say that the amendment reported by the committee is merely to correct a clerical error.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FRELINGHUYSEN. I send to the desk a letter from the president of the Iowa Gas & Electric Co., of Washington, Iowa, which I ask to have read.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I will yield after the reading of the letter shall have been concluded.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

IOWA CITY, IOWA, *June 22, 1921.*

Hon. JOSEPH S. FRELINGHUYSEN,
Washington, D. C.

DEAR MR. FRELINGHUYSEN: Everybody I ever talked to about the damnable coal situation has said, "Why don't the Government do something? Why are we held up in this way? Wilson is doing nothing; but wait until we get a change of administration, and you will see some constructive work done that will prevent a repetition of what we have passed through."

Now, when a proper control is attempted the coal associations and their flunkies flock to Washington to block the passage of laws that will prevent profiteering and place their business where it should be classed with other public necessities.

Coal is next in importance to water. It would be a nice state of affairs to extort money or let people die of thirst. That is about the deal the people have had on coal. It is, as you know, controlled by few interests, who are daily taking on new mines and extending their absolute control.

It is the life blood of industry, and the increase in its price by camouflage and underground sales dummies has been a great factor in the cost of living.

The railroads have been gouged, the factories have been gouged, the public utilities have been gouged, the laboring man has been likewise gouged by coal prices, and yet with these conditions the coal crowd have the nerve to come in now and say it is not necessary and would be paternalism that will spread. This is pure bunk to get outside interests to their aid. If they are as rotten as coal operation, they should get the same laws to apply.

The banks of this country have prospered under Government control, because they make them lay their cards on the table and must be on the square with their patrons. The railroads got it in the neck because they stood pat on the "public-be-damned" policy.

The public utilities are under State control, because it was for the best interest of consumers, and the arrogant managers were put out and good service demanded.

No honest person denies coal operators the right to make a fair income on their business. The United States Government is the only one to fix rules and regulations governing coal, which is one of the vital interests for the success and prosperity of the Nation's industries and comfort of its people.

This spring the Illinois coal operators fixed a price of $2.85 for screenings, as compared to 90 cents prewar and $2.20 price fixed by Government during war. It was this or nothing. Most of the larger buyers told them to go to h——l with that price.

To-day that same screenings is offered in any quantities at $1.50 per ton mines. The few they frightened into their $2.85 price are stuck. I mention this to show that they are thoroughly organized and will put over anything if they can.

Yours, very truly,

GEORGE S. CARSON, *President.*

Mr. FRELINGHUYSEN. Mr. President, I desire, if possible, to get a vote on this measure to-day. If there is any Senator who wishes to speak on it, of course I will let the measure lie over until Monday. I think that all of the Members wish to get away this afternoon early, and have a recess over Saturday and Sunday. I think the real debate will come on Senate bill 1807. All has been said on this bill that I think Senators wish to say, unless the Senator from Wisconsin [Mr. LA FOLLETTE] desires to offer some amendments; but I should like, if possible, to get an agreement for a vote and dispose of this bill. It is easily understandable. There is no need of debating it to any extent. Then we can dispose of the other bill at the Senate's pleasure.

Mr. McKELLAR. Mr. President, I have no objection to a vote on this bill. I want to occupy about 10 minutes of the Senate's time at this time or immediately after the vote is taken, if we are to have a vote taken right way. If the Senator can get a vote now, I will wait until afterwards.

Mr. FRELINGHUYSEN. Of course, I shall not ask for a vote without suggesting the absence of a quorum. I therefore suggest the absence of a quorum.

Mr. KING. Mr. President, will the Senator withhold that suggestion?

Mr. FRELINGHUYSEN. I will withhold the suggestion.

CONDITIONS IN COAL FIELDS OF WEST VIRGINIA.

Mr. KING. Day before yesterday I gave notice that I should move to reconsider the action of the Senate by which Senate resolution 80 was passed. Pursuant to that notice, I now ask unanimous consent that we may temporarily lay aside the unfinished business, so that I may move that the Senate reconsider the vote by which Senate resolution No. 80, known as the Mingo resolution, was passed.

Mr. SMOOT. I will say to my colleague that before that is done I shall be compelled to suggest the absence of a quorum, on account of knowledge I have that the Senator from California [Mr. JOHNSON] and the Senator from Idaho [Mr. BORAH] desire to be present.

Mr. KING. I notified the Senator from California that I should make that motion to-day because to-day is the last opportunity.

Mr. JOHNSON entered the Chamber.

Mr. SMOOT. The Senator from California has just entered the Chamber.

Mr. KING. I have no interest in the matter. I gave the notice because I knew that there were some Senators absent from the Chamber when the resolution was passed who desired to be heard. In order to save that opportunity for them, I gave notice of the motion, and I now desire to make that motion.

Mr. WALSH of Massachusetts. Does not the Senator think the absence of a quorum should be suggested?

Mr. KING. There will be no vote. I just want to enter the motion. A parliamentary inquiry, Mr. President. I was under the impression that the rule required that that motion should be entered to-day.

The VICE PRESIDENT. The motion has already been entered.

Mr. FRELINGHUYSEN. I do not want to interfere with the object of the Senator from Utah in moving a reconsideration of the matter. He was deeply interested in it, and he was out of the Chamber at the time. I realize that it was one of those oversights that occur.

Mr. KING. Let me say to the Senator right there that I was not particularly interested, but a number of Senators were, and because of their absence from the Chamber I submitted the motion.

Mr. FRELINGHUYSEN. I consider this coal legislation of great importance, particularly the seasonal coal bill, at this time. If the Interstate Commerce Commission are going to do anything to stimulate the buying of coal by a reduction of freight rates, they ought to do it now; and I feel that the discussion of this bill ought to go on and that it ought not to be displaced. I have yielded to Senators now for four days in connection with bills relating to other matters, and I feel that the Senator should wait until this measure is disposed of, because he has already entered his motion for a reconsideration.

Mr. KING. Mr. President, I have no desire to press it; but the Senator from California has been very courteous in the matter, and I promised him that I would make the motion to-day so that the Senator from California might take such course as he desired.

Mr. JOHNSON. Mr. President, permit me to say to the Senator from Utah that the Senator from Montana [Mr. MYERS] suggested that he wanted to be heard for about 10 minutes upon this question. I feel that I would be justified in moving to lay this particular motion upon the table and have a roll call; but if the Senator from Montana insists that he wishes to speak I have not the disposition under any circumstances to preclude him from doing so. It is essential, however, if the resolution is to be of any consequence at all, that it be speedily passed.

Mr, FRELINGHUYSEN. Mr. President, I object to the laying aside of the unfinished business.

Mr. JOHNSON. Mr. President, a parliamentary inquiry. What is the present status of the suggested motion of the Senator from Utah?

Mr. FRELINGHUYSEN. Mr. President, I understand that it is the impression that the matter to which reference has been made will take only about 10 minutes. I am anxious to give every consideration to these Senators, and I withdraw my objection.

Mr. JOHNSON. Mr. President, to bring this matter to a head, unless the Senator from Montana should personally insist upon the matter, I move to lay the motion to reconsider on the table. I hope the Senator from Montana will not ask that that motion be withdrawn.

Mr. MYERS. Mr. President, the matter seems to have gotten into a very jumbled condition. No motion has been made yet. The Senator from Utah [Mr. KING] on day before yesterday gave notice that he would make a motion to reconsider a certain vote.

Mr. WALSH of Massachusetts. He has just made the motion.

Mr. MYERS. He has? I did not hear him make it. I have been listening. When did he make it?

Mr. WALSH of Massachusetts. Five minutes ago.

Mr. MYERS. I did not hear the Senator from Utah make any motion, but he tells me that he has just made it.

Mr. JOHNSON. Mr. President, I may assist, if the Senator from Montana will permit me. Does the Senator think his remarks will take but 10 minutes?

Mr. MYERS. I was going to make a little statement about the matter. I did not hear the Senator from Utah make any motion, but he says he did.

Mr. KING. Mr. President, what I am doing I am doing in the interest of the Senator from Montana. I stated a few moments ago that I desired to move to reconsider the action of the Senate, and the Chair advised me that it was not necessary; that the motion had already been made; so to that extent I proceeded to make the motion. Now it is before the Senate. I have nothing to say, and if the Senator from Montana desires to speak, I hope he may have the time that he desires.

Mr. SMOOT. Mr. President, a parliamentary question.

The VICE PRESIDENT. The Senator will state it.

Mr. SMOOT. Was unanimous consent granted to lay aside temporarily the unfinished business?

The VICE PRESIDENT. It was not.

Mr. SMOOT. Then, all this is out of order until that unanimous consent is given, unless the Senator makes a motion to displace the unfinished business.

Mr. MYERS. Mr. President, I was just going to make that suggestion myself; but the Senator from Utah has done it quite as well as I could, or better. The unfinished business is before the Senate, and without unanimous consent for displacing it, the Senate can not consider anything else, and no Senator can speak on anything else unless he wants to speak on something not before the Senate.

Mr. NORRIS. Mr. President, I should like to make a suggestion to the Chair, since the parliamentary question has arisen, that it will not be in order for the Senator from Utah to make a motion to reconsider what the Senate did yesterday, and that it would follow that nobody could make a motion to lay that motion on the table because the unfinished business was pending.

The Senator from Utah is entitled, as I understand, to make his motion, if he wants to, within two days. That is a privileged motion. The rules give him the right to make it; but, having made it, if the Chair should then say that because there is unfinished business before the Senate the motion can not be considered, the effect of it would be to hold up indefinitely the action of the Senate that was taken the other day. Certainly when the Senator makes his motion it would be in order, notwithstanding the unfinished business or anything else, for the Senator from California to make a motion to lay it on the table; otherwise, one Senator could forever hold up the action of the Senate that took place two days before.

Mr. KING. Mr. President, to avoid any controversy in the matter, I was proceeding to ask unanimous consent, after I had submitted the motion, that we temporarily lay aside the unfinished business, in order that the motion which I had submitted might be considered, because I was advised that the Senator from Montana would speak but a short time, and that would conclude the matter, and I supposed that we could take a vote on this resolution within 15 or 20 minutes at the outside, at the expiration of which time we could again proceed to the consideration of the coal bill. That was the program which I had in mind, and I thought the Senator from New Jersey understood it.

Mr. FRELINGHUYSEN. That was my understanding—that the motion of the Senator from Utah was that we temporarily lay aside the unfinished business, that this other matter would not take over 15 or 20 minutes, but that if it did he would agree voluntarily to see that the unfinished business was restored and that we proceed to vote, if possible.

Mr. KING. I certainly should do all that I could to that end.

Mr. FRELINGHUYSEN. With that understanding, I withdrew my objection. Now, I understand that the Senator from California desires to move that that motion be laid on the table.

Mr. KING. I ask the Senator to withdraw that motion and permit the Senator from Montana to conclude his remarks.

Mr. JOHNSON. I will ask if the Senator from Montana is not willing that a vote should be taken in that fashion, on a motion to lay on the table?

Mr. KING. Does the Senator mean by that to cut off the Senator from Montana from any discussion?

Mr. JOHNSON. No; I do not want to cut off the Senator from Montana at all.

Mr. KING. I think the Senator from Montana does not want more than 10 or 15 minutes.

Mr. JOHNSON. But in view of the situation, and since this resolution to be efficacious must become determinative in a very brief period, I ask the Senator if he is not willing that the vote shall be taken upon a motion to lay on the table?

Mr. MYERS. I had wanted to say a few words on the motion, but of course the Senator from California has the power to make that motion. I could have said three times over all that I was going to say while we have been talking about the parliamentary situation, if I had been allowed.

The VICE PRESIDENT. The question is on the request of the Senator from Utah [Mr. KING] that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. Now the Senator from Utah moves to reconsider the vote by which the Senate adopted Senate resolution 80.

Mr. MYERS. Mr. President——

Mr. JOHNSON. Mr. President, I will not make at this time the motion I contemplated, in order that the Senator from Montana may have an opportunity to address the Senate.

Mr. MYERS. Mr. President, as long as the Senate has wasted about 20 minutes in a useless and fruitless discussion of a parliamentary tangle, I will perhaps waste a few minutes more. I had intended to speak perhaps 15 or 20 minutes on the motion of the Senator from Utah [Mr. KING], but inasmuch

as the Senate seems to desire to get to other business, and as this matter comes up so late, and at an inopportune time, and the Senator from California [Mr. JOHNSON] is anxious to dispose of it quickly, I shall try to confine my remarks to 5 or 10 minutes, and dispense, probably to the pleasure and the delectation of the Senate, with much of what I was going to say.

I think resolutions such as that introduced and so ably championed by the Senator from California are an invasion of the executive branch of the Federal Government. This matter, I think, belongs with the executive branch of the Government. If the governor of West Virginia, with the powers which he has, can not control affairs within that State, enforce the law, and uphold peace and the rights of citizens, it is his duty to call on the President of the United States to aid him. I do not think it concerns Congress at all; I do not think it is any of Congress's business, and I think such investigations as this are a useless consumption of time and money and result in harm instead of good. I think the action of Congress on such resolutions inevitably tends to prolong strikes longer than they would otherwise last. They consume time and money to no good purpose, generally.

I understand that the investigation of the Commission on Federal Industrial Relations and the printing of its report cost about $800,000, and I do not suppose one one-hundredth part of 1 per cent of the people of the United States ever read the report or paid any attention to it.

The only effect of this investigation, if we have an investigation, will be to give publicity to the strike, and I do not suppose one one-hundredth of 1 per cent of the people of the United States will ever read the statement of the facts that are brought out, or give any attention to the publicity given by an investigation.

This matter was put up to the President of the United States by the governor of West Virginia, and I think the President of the United States did his duty when he declined to interfere and told the State authorities of West Virginia that they must handle their own problems so long as they could, and that until they could show that they were incapable of upholding peace and order and lawful government in West Virginia, he would decline to interfere; and I think he was right. If Congress now launches an investigation of the conditions surrounding that strike, I think it will be a plain invasion of the prerogatives of the executive branch of the Government, and one invasion begets another. If we invade the executive prerogatives in this matter, it is likely that some time in future Congress will be called upon to investigate race riots in California between Americans and Japanese, and some time Congress will be called upon to investigate race riots in the South between the whites and Negroes, when it is the duty of the governors of the States to uphold law and order and stable government in their respective States, and if they can not do it it is their duty to call on the President of the United States to aid. It is not of Congress's business whatever, and we will be setting a bad precedent if we sanction and grant such an investigation as is called for by the resolution of the Senator from California and thereby invade the functions of the executive branch of the Government. If we should do it, it would undoubtedly result in one invasion after another and in frequent invasions by the legislative branch of the executive branch.

There has been a great deal of talk in Congress about the attempts of the Executive to invade the legislative functions of the Government. There may have been some attempts in that direction, but I think Congress invades the executive functions more than the Executive invades the legislative functions. I think the fault lies with Congress. I think the decided tendency is for Congress to invade the executive functions, and Congress interferes with those functions time and time again to no good purpose. I say let Congress attend to its own proper affairs and keep its hands off of executive functions.

I know it is a thankless undertaking to oppose a resolution of this kind. All the sympathy and all the sentiment and all the popularity is in favor of an investigation of this kind, and a Member of Congress who opposes it is looked upon as being hard-hearted and unsympathetic with human suffering, and he is, I have no doubt, branded in some quarters as being an enemy of organized labor; so that the popular thing is to favor all investigations asked for. But it does seem to me that there should be something, somewhere, sometime, that Congress ought to keep its hands off of, for the benefit of constitutional, orderly government and the welfare of the people. It does seem to me that there ought to be found something somewhere that the Federal Government, through its legislative branch, ought to keep its hands off of, and it does seem to me that there ought to be somewhere, sometime, some rights and functions and prerogatives of a sovereign State which the Federal Government ought to keep its hands off of until absolutely compelled to interfere, through the Executive, in order to give a republican form of government to one of the States of the Union. But I am beginning to despair of finding anything of that kind at all. The States appear to have no rights safe from the ruthless hands of Congress.

As I have said, it is a thankless task to oppose a resolution of this kind, and probably a futile task, because the disposition of Congress is to give, give, give, give to everybody who wants anything. Give everybody everything they want is now the motto in Congress. Give away everything! The popular thing in Congress nowadays is to vote for everything anybody wants. Never oppose anything! It is unpopular to do so. I rarely have known Congress to refuse anything to anybody. The only time for a long time I have known the Senate to refuse anything to anybody was day before yesterday, when it refused to grant an appropriation of $200,000 for the development by the Federal Government of water power at the Great Falls, in the Potomac River, and that was only refused in an indirect manner, in a conference report. The Senate may once in a while refuse to give somebody something that is wanted through the indirect method of action on a conference report; but the Senate does not often directly refuse to give anybody anything, and if that proposition to develop water power at Great Falls comes up yet in a separate bill, and a record roll call is had, I dare say there will not be over 15 Members of this body who will vote against it on a direct issue.

The constant tendency of Congress is to give something to people, to give people everything they ask for. I believe if half a dozen women or half a dozen men would come around the Capitol and interview Senators and demand something in the name of an alleged large number of organized voters, they could get anything they wanted, from the creation of a new department of the Government, with a Cabinet officer to preside over it, to an investigation of a dishwashers' strike at the Willard Hotel in this city. I believe that if there was a dishwashers' strike at a hotel in this city and some representatives of the strikers would come around and, in the name of organized labor, demand an investigation of it, they would get an investigation by the Senate. There seems to be no such thing any more as Congress refusing anybody anything. Members of Congress seem to go on the theory that it is easier to give than to oppose. Where is to be the end of this orgy of giving? It appears that a small, compact, organized, militant minority these days can get anything it wants of Congress.

The constant tendency is to give everybody everything they want, and the result of that is that we have a Government not of the majority but a Government of the minority, by the minority, for the minority. The people who want these things usually constitute a small, organized, militant minority. They represent a minority and they get what the minority wants, when, as a matter of fact, if the issue were plainly understood by the entire American people I think ninety-nine times out of a hundred a majority of the people would be against granting these concessions. Almost invariably Congress gives what a minority demands, not what a majority of the people want. We are ruled by the minority. This is now a Government of minority rule.

A small minority, representing perhaps 1 per cent of the people, or one-tenth of 1 per cent of the people, comes here and demands things in the name of some organization, such as organized labor, consumers' leagues, housewives' leagues, a national organization of women voters, a so-called reform league of some kind, when they represent only a minority of the people, but nearly every time they get what they ask for. Congress seems to be afraid to refuse anybody anything. The consequence is, it is a minority ruling the people of this country. The majority are constantly being ruled by the minority. I suppose this requested investigation will be granted, the same as practically everything else that is asked of Congress is granted.

As I have said, I do not suppose it is of any use to oppose a resolution of this kind. I suppose it is a waste of time. But I have felt that somebody should raise his voice against the constant tendency of Congress to give something to somebody every time a small minority asks something, and thereby institute the rule of a minority instead of the rule of the majority.

This investigation may be had; it probably will be had. I have never known of an investigation of anything that was asked by anybody that was refused by the United States Senate, and I suppose this instance will not be an exception. But the investigation asked for by the pending resolution will not be

granted by my vote, and, therefore, I shall support the motion to reconsider. If my vote could decide it, the resolution would be ordered reconsidered and then defeated.

Mr. WILLIAMS. Mr. President, the Senator from Montana and I are old fogies. We have not yet found out that the States have neither sovereignty nor jurisdiction, and that the States are not respected in this body. They are not supposed to be able to do anything, not even to keep the peace within their borders. We rush to their assistance every time there is a little riot. The Senator said something about race riots in the South. If we were to investigate recent race riots, we would find that they have all been in the North; there have not been any down in the South for quite a long while.

But, leaving that out as a side issue, Mr. President, the Senator from Montana has made a great mistake. He is not on the qui vive, the front line of modern progress—progress verbally. He is not in the front rank of the uplifters and the "progressives," where he ought to be. This resolution is not objectionable because it goes too far, as he seems to think; it is objectionable because it does not go far enough. We have already had one committee to investigate the conditions in the coal region of West Virginia, and it edited an enormously large report and sent a bill for an enormously large sum of money to the Senate to be paid out of the contingent fund. I remember that one item of the charge was that a lot of mountaineers summoned to give testimony had spit all over the carpets and had ruined the sofas in one of the hotels in West Virginia, and the United States Government was called on to pay for that damage as one of the incidental expenses of the investigation. So we became responsible for carpet and rug destroying influence of the tobacco chewing of the mountaineers of West Virginia, and I believe we finally paid the bill, although about that I am not certain. I remember I was a member of the Committee to Audit and Control the Contingent Expenses of the Senate at that time and rather opposed the payment of that sort of consequential and remote damage committed by the United States Government upon the hotel proprietors.

The Senator has made a mistake. He ought to have objected to this because it did not go far enough. What we really need is an investigation committee to investigate investigation committees. We need especially a committee to investigate the former investigation committees of various sorts to determine what they have done and why they did it, what they said or why they did not say it, and how it came about that they did or they did not do or say something. So that we ought to have a general supreme court or appellate investigation committee of all other investigation committees to determine whether they were originally properly constituted, whether they ever did anything that anybody recognized, or whether they ever said anything that anybody ever read.

Then, after we are through with that, Mr. President, we ought to have a commission on commissions. I want, above all things, a supreme or appellate commission on commissions. I offered a bill about two years ago for a commission to investigate other commissions, to determine their raison d'être, and the probable date of the end of their activities. Now, you start a lot of commissions, and a commission goes on forever. It may be possible that there is an argument against the immortality of the soul, but there is no possibility of argument against the immortality of a commission.

I had an old friend once who was placed upon a commission to determine certain things with regard to the District of Columbia. He was the father of a distinguished Senator now in this body, but he was a Member of the House at that time. I went to him once and said, "Judge, when is that commission going to finish its work?" He said, "John, I don't know exactly; but my doctor tells me that I am not in very good condition physically, and I hope to make its work last as long as I last," and he did. It lasted until after he was buried, and then the remnants of the commission brought it to a conclusion under a murderous assault of the House of Representatives.

What I want is not done—that this committee shall be appointed—but I wish to add to its powers the power to investigate the other investigating committee that examined into the coal strike in West Virginia and to give us a solemn opinion as to how that former investigating committee did its work and performed its duties, and whether or not it would not be advisable to resurrect or resuscitate the former committee as a cooperating body with this committee. Then I want, above all things, a commission on commissions to determine the raison d'être, the cause of the existence of all commissions, and to make a report to Congress upon the probable time of the cessation of the activities or inactivities of each of these commissions.

I am in favor of government by commission. I think that is a government by experts that gets rid of Senators and Members of Congress and the common, ordinary herd of common people. What I want is government by commission, but I want also a supreme court of investigating committees and commissions to investigate the other investigating committees and the other commissions, and at least to determine when the cases before them have been concluded. I would suggest that the functions of this committee be extended so that it shall examine into the previous committees and other committees of like character, and that it shall act as a sort of supreme court of appeal and determine whether or not the decision reached by the last committee on investigation of this particular question—by the way, I am making an awful mistake. I was about to say determine whether the decision reached by that committee should be affirmed or reversed, but the fact is it did not reach any decision at all. It acted about like this one is going to act. It will hear everyone who wants to be heard—"witnesses," they call them; that is, everybody who volunteers to come forward.

What would anyone think of the ultimate justice of a decision in a court of justice where no witnesses were heard except those who volunteered to come forward? No one would come except those who had an interest at stake. The public would not have much to do with it. That is about on a par with the hearings before the standing committees and the special committees of the Senate. A fellow comes rushing forward, "I am Jones; I live in Buckatonkee; I know all about this and I want to be heard," and heard he is at once. Then another man comes on the other side, and he says, "I am Smith, and I live in the adjoining precinct of Sokalowanee, and I want to be heard in this here matter;" whereupon he is heard. The man who has a real interest in the country and not a special one in the controversy is not heard at all. He is not pushing himself forward and he is not summoned by the committees.

The committees are not seeking impartial witnesses. There is always an animus behind each one of these investigating committees which is to carry through a certain purpose, and as a consequence the investigating committee hears everyone who, as the committee thinks, will swear in favor of the committee's purpose. Then those people come forward and swear accordingly. If you will tell me what a man's tariff politics are and from what part of the Union he comes and what he is manufacturing or importing, when he is summoned before the Committee on Finance on the tariff question I will bet goose eggs against blackbird eggs by weight that I can pretty nearly outline his testimony before he delivers it to the committee.

I hope the Senator from Montana will cease his useless, foolish, old-fogyish, retroactive opposition to all these uplift movements, which consist in forming a committee for the purpose of bringing into the limelight somebody's private purpose. When the private purpose is duly brought into the limelight, then the committee pronounces no judgment. It makes no decision. It just says, "Here is the evidence which we have taken; read it, all of you." Then all of us say, "I will be dogged if I will. I have but 70 years to live, and I am not going to read it," and we do not read it. I am ashamed of the Senator from Montana! [Laughter.]

The VICE PRESIDENT. The question is on the motion of the Senator from Utah [Mr. KING] to reconsider the vote by which Senate resolution No. 80 was agreed to.

The motion to reconsider was rejected.

PROHIBITION OF SHIPMENT OF SMALL FIREARMS.

Mr. SHIELDS. Mr. President, some months ago I introduced a bill for the purpose of aiding in the suppression of the sale and carrying of pocket pistols and revolvers concealed about the person by prohibiting the transportation of them through the United States mails or by interstate common carriers. The number of the bill is Senate bill 1184, and it is now pending before a subcommittee of the Committee on the Judiciary for the purpose of having hearings.

I have received several letters in regard to that bill, caused by propaganda that is being vigorously carried on against it by the manufacturers of such firearms. This morning I have a letter from Mr. Benedict Crowell, president of the Army Ordnance Association. I desire to read that letter:

ARMY ORDNANCE ASSOCIATION,
Washington, D. C., June 22, 1921.

Hon. JOHN K. SHIELDS,
United States Senate, Washington, D. C.

DEAR SENATOR: The attention of the Army Ordnance Association has recently been directed to Senate bill No. 1184, introduced by yourself, prohibiting the interstate transportation of pistols, revolvers, and other small firearms.

We are informed that the passage of this bill would restrict the manufacture of pistols and revolvers to the quantities bought by the Army, Navy, and Marine Corps. Inasmuch as the termination of the war left the military services with great reserves of these weapons, it will be many years before the War and Navy Departments again become heavy purchasers of these small arms. These industries to-day are therefore dependent for their existence on the sale of pistols and revolvers to private individuals, and to terminate that sale by law means the termination of the entire industry.

Thus, the passage of this bill would destroy the industry upon which this Government must rely in case of war not only for its pistols and revolvers but largely for its machine guns and similar weapons, and in the event of another emergency there would be no established industry to which the Government could turn for these indispensable arms.

The passage of this bill, therefore, would be a severe blow to the continued military preparedness of the United States, and the Army Ordnance Association feels bound to invite your attention to these matters and to protest against the favorable consideration of this bill by your committee.

Yours, very sincerely,

BENEDICT CROWELL, *President.*

Of course, his great apprehension that many years hereafter some of the manufacturers may not exist, and that in the meantime they ought to be allowed to prey upon the public by manufacturing instruments of assassination and murder is not very tenable.

I have replied to Mr. Crowell in this matter, because this is a letter similar to many I have received from other sources, similar to one I received from the general counsel of a great railway company, who said he opposes the bill because the railroad company might transport a pistol either on the person of a passenger or in a box without knowing it, and therefore be guilty of a violation of the terms of the bill. Certainly that gentleman never practiced criminal law or he would know that no man was ever convicted of a crime for an act of that kind unless he committed the act knowingly and willfully. Similar arguments are being made against the bill.

The misrepresentations with reference to the bill are so gross that I have written Mr. Crowell upon the subject, and I wish to read a copy of my reply to him, as follows:

JUNE 24, 1921.

Hon. BENEDICT CROWELL,
410 Munsey Building, Washington, D. C.

MY DEAR MR. CROWELL: Your letter, opposing Senate bill 1184, prohibiting interstate and postal transportation of pistols, revolvers, and other small firearms to States where the sale and carriage of the same is forbidden by statute, received this morning.

You have evidently misunderstood the terms and purposes of this bill. It does not prohibit the shipment of such pistols as are ordinarily used in the United States Army and Navy, but especially excludes them from its prohibition.

The several States of the Union all have laws prohibiting the carrying of firearms of the class the transportation of which is intended to be prohibited, and, with few exceptions, all have laws prohibiting the sale of such firearms. These laws have proved abortive because the manufacturers of small pistols advertise their wares in the papers circulating in the States and ship them by mail or express to anyone desiring them in the State, and thus through the mails and through the interstate-commerce carriers they have interfered with local government and the State's police power in their efforts to suppress crime.

The small arms are not used in warfare, nor are they necessary to enable the citizens to keep arms in his home for defense. The large pistols are the ones used for these purposes, and are best suited for these purposes. The small pistols which are carried concealed about the person are used for the purpose of executing private vengeance, robbery, assassination, and murder, and not for any lawful purpose. It is these the law is intended to reach and suppress the sale of.

Thus you see that there is no interference with the manufacture of the arms used in the Army and Navy, and the factories can still exist and continue to manufacture such guns both for the Army and for sale to the citizen to protect his person and his home.

It is not necessary for either public or private purposes that these manufacturers be allowed to continue the manufacture and sale of the weapons of assassination, robbery, and murder. It is only for their sordid private profit that they desire to continue this business regardless of the manner in which they violate the State laws and the fearful and deplorable results of their action to the peace and safety of the public. I know you are not in favor of allowing these weapons of assassination to be furnished to bad people any more than you would some subtle poison that could be carried and concealed and administered generally. I suppose that you are aware that the statistics show that about 80 per cent of the homicides and personal assaults are committed with these small arms.

The manufacturers of the arms are appealing to all sorts of interests in opposition to this bill, and are carrying on a very extensive propaganda to defeat it, making gross misrepresentations of its scope and effect.

I propose at the proper time in the Senate to disclose the same in detail.

Very truly, yours, etc., JNO. K. SHIELDS.

Mr. President, there will be a hearing next Tuesday in the rooms of the Committee on the Judiciary upon this bill, at which the manufacturers who are so much interested can appear, as well as those whom the manufacturers by their propaganda have interested. It is hoped that all of them will appear, especially the latter class, and that they will bring with them the letters that they have received from the manufacturers urging them to make objections and to attempt to defeat the bill, for the committee want to know the motives for their action and will call for that information. The entire matter may then be sifted out and heard. We want especially an opportunity to correct misrepresentations to the effect that the possession of all pistols is prohibited by this proposed legislation and that it will prevent men from buying the large pistols in order to defend their persons and to keep in their homes for self-defense. Under this bill the purchase and possession of such pistols are not in any way interfered with.

REFUNDING OF FOREIGN LOANS.

Mr. McKELLAR. Mr. President, I was very much surprised to read this morning the bill introduced on yesterday by the senior Senator from Pennsylvania [Mr. PENROSE], the substantial effect of which would be to authorize the Secretary of the Treasury to accept German, Austrian, and Turkish bonds in lieu of the allied indebtedness which is due to us. In order that the Senate may understand just exactly what I mean, I will read the bill in full. It is very short and reads as follows:

Be it enacted, etc., That the Secretary of the Treasury, with the approval of the President, is hereby authorized from time to time to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now owing to the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation), arising out of the European war, into bonds or other obligations of such or of any other foreign Government, and from time to time to receive bonds and obligations of any foreign Government in substitution for those now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America, and to adjust and settle any and all claims not now represented by bonds or obligations which the United States of America now has or hereafter may have against any foreign Government and to accept securities therefor.

Mr. President, in my judgment, a more unwise, a more impolitic, a more unfair, or a more unjust, a more un-American measure to the United States could not have been devised. Beginning in April, 1917, the United States loaned large sums of money to our allies in the World War. We made a contract with them; we passed a law in which the terms upon which those loans were made were very aptly and fairly set out. I want to read one of those terms which is found in section 2 of the act of April 24, 1917, and I ask unanimous consent that then the other terms be inserted in the RECORD without reading, following immediately after I have read the one in question.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Tennessee asks unanimous consent for publication in the RECORD of certain matter which he has described. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. McKELLAR. I now read section 2 of the act to which I have referred, which shows the contract which we made with our allies:

SEC. 2. That for the purpose of more effectually providing for the national security and defense and prosecuting the war by establishing credits in the United States for foreign Governments, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to purchase, at par, from such foreign Governments then engaged in war with the enemies of the United States, their obligations hereafter issued bearing the same rate of interest and containing in their essentials the same terms and conditions as those of the United States issued under authority of this act; to enter into such arrangements as may be necessary or desirable for establishing such credits and for purchasing such obligations of foreign Governments and for the subsequent payment thereof before maturity; but such arrangements shall provide that if any of the bonds of the United States issued and used for the purchase of such foreign obligations shall thereafter be converted into other bonds of the United States bearing a higher rate of interest than 3½ per cent per annum under the provisions of section 5 of this act, then and in that event the obligations of such foreign Governments held by the United States shall be, by such foreign Governments, converted in like manner and extent into obligations bearing the same rate of interest as the bonds of the United States issued under the provisions of section 5 of this act.

The matter ordered to be printed in the RECORD on request of Mr. McKELLAR is as follows:

[From Public, No. 43, Sixty-fifth Congress, approved Sept. 24, 1917.]

SEC. 2. That for the purpose of more effectually providing for the national security and defense and prosecuting the war, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to establish credits with the United States for any foreign Governments then engaged in war with the enemies of the United States; and, to the extent of the credits so established from time to time, the Secretary of the Treasury is hereby authorized to purchase, at par, from such foreign Governments, respectively, their several obligations hereafter issued, bearing such rate or rates of interest, maturing at such date or dates, not later than the bonds of the United States then last issued under the authority of this act, or of such act approved April 24, 1917, and containing such terms and conditions as the Secretary of the Treasury may from time to time determine, or to make advances to or for the account of any such foreign Governments and to receive such obligations at par for the amount of any such advances; but the rate or rates of interest borne by such obligations shall not be less than the highest rate borne by any bonds of the United States which, at the time of the acquisition thereof, shall have been issued under authority of said act approved April 24, 1917, or of this act, and any such obligations shall contain such provisions as the Secretary of the Treasury

may from time to time determine for the conversion of a proportionate part of such obligations into obligations bearing a higher rate of interest if bonds of the United States issued under authority of this act shall be converted into other bonds of the United States bearing a higher rate of interest, but the rate of interest in such foreign obligations issued upon such conversion shall not be less than the highest rate of interest borne by such bonds of the United States; and the Secretary of the Treasury, with the approval of the President, is hereby authorized to enter into such arrangements from time to time with any such foreign Governments as may be necessary or desirable for establishing such credits and for the payment of such obligations of foreign Governments before maturity. For the purposes of this section there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,000,000,000, and in addition thereto the unexpended balance of the appropriations made by section 2 of said act approved April 24, 1917, or so much thereof as may be necessary: *Provided*, That the authority granted by this section to the Secretary of the Treasury to establish credits for foreign Governments, as aforesaid, shall cease upon the termination of the war between the United States and the Imperial German Government.

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[From Public No. 328, Sixty-fifth Congress, approved Mar. 3, 1919.]

(b) The Secretary of the Treasury is hereby authorized from time to time to convert any short-time obligations of foreign Governments which may be received under the authority of this section into long-time obligations of such foreign Governments, respectively, maturing not later than October 15, 1938, and in such form and terms as the Secretary of the Treasury may prescribe; but the rate or rates of interest borne by any such long-time obligations at the time of their acquisition shall not be less than the rate borne by the short-time obligations so converted into such long-time obligations; and, under such terms and conditions as he may from time to time prescribe, to receive payment, on or before maturity, of any obligations of such foreign Governments acquired on behalf of the United States under authority of this section, and, with the approval of the President, to sell any of such obligations (but not at less than par with accrued interest unless otherwise hereafter provided by law), and to apply the proceeds thereof, and any payments so received from foreign Governments on account of the principal of such obligations, to the redemption or purchase, at not more than par and accrued interest, of any bonds of the United States issued under the authority of the first Liberty bond act or second Liberty bond act as amended and supplemented, and if such bonds can not be so redeemed or purchased, the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to redemption or which can be purchased at not more than par and accrued interest.

SEC. 8. That the obligations of foreign Governments acquired by the Secretary of the Treasury by virtue of the provisions of the first Liberty bond act and the second Liberty bond act, and amendments and supplements thereto, shall mature at such dates as shall be determined by the Secretary of the Treasury: *Provided*, That such obligations acquired by virtue of the provisions of the first Liberty bond act, or through the conversion of short-time obligations acquired under such act, shall mature not later than June 15, 1947, and all other such obligations of foreign Governments shall mature not later than October 15, 1938.

Mr. McKELLAR. Mr. President, I wish to call the attention of the Senate to the remarkably favorable conditions upon which this money was loaned to our allies. It was loaned and as security their bonds were accepted at par. I do not happen just at this moment to recall the price at which the best bonds of the foreign Governments were selling at that time, but probably it was not for more than 50 or 60 cents on the dollar. I shall later look up the matter and put into the RECORD the exact price for which they were selling when the loans were made. However, we loaned the money on the bonds at par when our allies would have had to suffer a tremendous discount if they had obtained the money elsewhere; and, indeed, when these loans were begun our allies were selling their bonds at a fearful discount and at enormous rates of interest. We made the first loan at 3½ per cent. Afterwards the rate of interest went up as high as 5 per cent, at which per cent we ourselves had to borrow the money with which to make the loans.

What more favorable terms can be imagined than those on which we loaned this money to the Allies? The terms were most advantageous to the borrowers, more favorable than they could have possibly gotten anywhere else in the world at that time. We loaned them this money freely and without stint; we had a contract with them of which they were aware when they borrowed the money, because the loans were provided for, and they borrowed the money under a statute of the United States, a law of the land. So that there can not be any misunderstanding about it. There ought not to be any misunderstanding on the part of our own officials in regard to it, but it seems there is.

While I am on this point I wish to say that I am not complaining of this proposed law and action for political reasons. I wish to call the attention of the Senate to the fact that last fall I undertook on the floor of the Senate to force the then Secretary of the Treasury to give us information about America's foreign loans and what it was proposed to do with our foreign indebtedness. At that time it was currently reported that there was on foot some such plan as is proposed in the bill introduced yesterday by the senior Senator from Pennsylvania, and fearing that some such scheme might be adopted, I undertook then, by resolution and by speech, to get from the then Secretary of the Treasury, who belonged to the same party that I do, information concerning these loans. However, we did not get it, and now after months of waiting, what do we find? We find a plan proposed for the United States to swap its indebtedness, 99 per cent of which probably is good, and to take German, Austrian, or Turkish bonds for it. That is what this bill means. Remember the conditions: We loaned the money freely, in unlimited amounts, at a rate of interest less than one-half of what they were paying to others for money at the time, and took their bonds at par when they were not worth probably over half of that, and many of them not worth half. Yet it is proposed by the administration under this bill deliberately to throw away, as I believe, this great indebtedness, amounting now, principal and interest, to about $11,000,000,000. It is proposed deliberately to give the Secretary of the Treasury the right to swap this indebtedness, which is good, with the exception, perhaps, of that owned by Russia—and I have no doubt Russia will pay us eventually, because Russia is a great rich country—for German bonds, for Austrian bonds, and Turkish bonds. I call attention to the fact that, without any examination and without any report to Congress by the administration as to what is proposed to be done——.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. McKELLAR. I will yield in just a moment. Without any report as to why it should be done, the administration is asking for the power "to receive bonds and obligations of any foreign government in substitution for those now or hereafter held by the United States of America." I now yield to the Senator from Arizona.

Mr. ASHURST. I do not wish to interrupt the Senator's able speech more than to furnish the figures as to the Russian loan, which amounts to something less than $380,000,000; $367,000,000, I think, to be exact.

Mr. McKELLAR. The principal indebtedness of Russia is $367,000,000, which, compared to the total indebtedness of from $10,000,000,000 to $11,000,000,000, is exceedingly small; if we lost it all it would not be of very great consequence; but there is no reason why, if our Government officials do their duty, they should not receive every dollar of Russian indebtedness, as well as every dollar of the indebtedness owed by the other countries.

What is the meaning of this bill? I asked the senior Senator from Utah [Mr. SMOOT] what it meant, and he first told me that it meant that we wanted to change the interest rates and the maturities of the bonds. In all conscience, how could any official of the Government seek to lessen the rates under which we loaned this money to the Allies? We loaned it on exactly the same terms as we got it from our own people. Is it possible that any American citizen would even attempt to say that we ought to lend this money at a lower rate of interest than we borrowed it from our own people? And, of course, in good conscience we could not raise the interest rate on our allies. Then, why give the Secretary the power to change the contracted interest rates?

Mr. SMOOT. Mr. President——

Mr. McKELLAR. I yield to the Senator from Utah.

Mr. SMOOT. I was occupied when the Senator made his first statement, but from the statement he has just made, do I understand him to say that I intimated that the Secretary of the Treasury was going to fund these loans at a lower rate of interest?

Mr. McKELLAR. Oh, no. I am glad the Senator interrupted me, because I would not want him to be under a misapprehension about it.

Mr. SMOOT. Perhaps I did not understand the Senator's statement, my attention having been called in another direction.

Mr. McKELLAR. I will explain to the Senator exactly my understanding of what he said. I asked him why this very remarkable bill was introduced, and he said, as I recall his explanation, first, that it had to do with the interest rate and the maturity of the bonds, both of which propositions do appear in the bill, and then I read to the Senator the provision which allowed the Secretary of the Treasury to exchange this indebtedness for the bonds of other nations, and he said that was also one of its purposes. Now, those are the three purposes of the measure as agreed to by the Senator from Utah.

Mr. SMOOT. No; the purpose, as I told the Senator, was, in the first place, to authorize the Secretary of the Treasury to extend the time on the loans, and also to extend the time on the interest that may be due. Under existing law the Secretary of the Treasury has no authority to do it, and that is one reason for the introduction of this bill. The Senator is perfectly correct in the statement that this bill does give the Secretary of the Treasury the right and the power to take bonds from one country for bonds of another, and frankly I want to say to the Sena-

tor that I think that is a great power to confer upon the Secretary of the Treasury.

Mr. McKELLAR. I am glad to know that the Senator has a feeling of that kind, that it is too much power to be given to the Secretary of the Treasury. Now, let us take it up; let us analyze this bill for a minute.

The first proposition is that it gives the Secretary the power to fix interest rates. I say that it is impossible for any representative of this Government who believes in his Government and who is looking after its interests to fix a lower rate of interest than is provided by law now. That rate of interest for a very large portion of the bonds is 3½ per cent, and then it goes up only to the extent that we ourselves have had to pay interest. We lent money on bonds that could not be sold at par; we lent money to the amount of the par value of bonds that could not be sold for 50 cents on the dollar in many cases; and to say that under those circumstances we ought to take a less rate of interest than we pay ourselves is something that I am sure neither the present Secretary of the Treasury nor any other Secretary of the Treasury would for a moment think of or dare to do. Of course, it would not be fair to our allies to increase the rate over what we contracted to let them have the money for. If that is true, why do you need any additional power about interest rates? The law itself now fixes the interest rates, and that provision of the bill ought to go out.

Mr. SMOOT. Mr. President——

Mr. McKELLAR. I yield.

Mr. SMOOT. I think that is the best provision in the whole bill. The existing law gives the Secretary of the Treasury the authority, and not only gives the authority but directs him, to charge whatever rate of interest our own bonds carried at the time the loan was advanced to a foreign country.

That is why some of the original loans were made at 3½ per cent, because the first bonds that we issued carried interest at the rate of 3½ per cent; but the law also provided that as the rate of interest changed in the sale of Liberty bonds, so should it change in the notes that were received from foreign countries.

Mr. McKELLAR. Oh, no—the bonds that were received.

Mr. SMOOT. I will say to the Senator that the United States has not received a single bond from foreign countries.

Mr. McKELLAR. I know it; and that is just what I am coming to. If the Senator will permit me to go on for just a few moments I think I can convince him that the officials of both administrations have been signally negligent in carrying out the plain provisions of the law in reference to these bonds. The law plainly directed them to take bonds, and they have not done it.

The Senator says there is no provision by which the Secretary of the Treasury can defer the payment of interest. A large number of these obligations have been given for four years, all of them for three years or more, and not a single cent in actual interest has ever been paid except that one or two little countries have paid a small amount; but upon probably $10,000,000,000 of the indebtedness not a single cent of interest has been paid.

Mr. SMOOT. The Senator is mistaken there. England has paid a considerable amount of her interest.

Mr. McKELLAR. She has paid in the way of certain balances.

Mr. SMOOT. If she had not paid in that way we would have had to pay her that amount.

Mr. McKELLAR. Well, she has settled certain bills due by letting them go on interest; but I say that no Government that borrowed money from us during the war has made any provision for the payment of interest on its indebtedness to us. Some small amounts of interest have been paid, as the Senator says, by the arrangement of accounts; but no Government has even prepared to pay the interest, and only one Government has even talked about it.

If the Senator will permit me to go on for just a few moments, I will yield to him a little later.

Mr. SMOOT. I do not care about the Senator yielding at all. I thought he asked me a question, and I was going to answer it.

Mr. McKELLAR. I want to call attention, in the next place, to the next provision of the bill, which is to extend the maturities of these obligations. Now, why is this power to extend maturities given? Under the acts authorizing them these bonds are to run until 1947. I can not see that there is very much trouble about the length of time for which these bonds would run. They were to be 30-year bonds. Because our allies did not execute and deliver them when they agreed to is no reason why we should make them longer termed than 30 years. Our officers have made no effort to get the actual bonds. They have not carried out the law. We have had nearly three months and a half of a Republican administration. I thought that when they came in with all their promises to look after the financial affairs of the Government they certainly would carry out the law and convert these great debts into bonds, as the law requires. Of course, if it was impossible for our allies to pay the interest I thought the Secretary of the Treasury might come in and ask that the back interest be funded into bonds. Something like that would have been proper and right; but to come in here asking for a blanket authority to substitute for these good debts the at present practically worthless bonds of Germany, Austria, and Turkey is, to my mind, something that is absolutely foreign to what we ought to do in this case, and it is a bill that the Congress ought not to entertain for a moment.

Mr. SMOOT. I will say to the Senator that neither the Secretary of the Treasury nor the President of the United States has any idea of taking worthless bonds from one country as against good bonds from another.

Mr. McKELLAR. Then, if such is not their intention, why put this provision in this bill? Why give them that authority? The Senator knows that the bonds of Germany are practically worthless.

Mr. SMOOT. No; I do not.

Mr. McKELLAR. The Senator knows that the bonds of Austria are absolutely worthless. He knows that the bonds of Turkey are worthless. Now, if you are not going to take those German, Austrian, or Turkish bonds, if that is not your idea, as I understood the Senator to say a while ago that the bill did authorize the taking of German bonds and Austrian bonds——

Mr. SMOOT. It authorizes the taking of bonds from any country.

Mr. McKELLAR. Well, what other bonds are being considered? What bonds are running through the mind of the Senator, or through the mind of the author, or through the mind of the promoter of this bill? No other bonds have been mentioned except the bonds of these three countries. The Allies have no other bonds of other foreign countries, except those of Germany, Austria, and Turkey, which bonds they are now receiving as reparations.

Mr. SMOOT. Oh, Mr. President——

Mr. McKELLAR. If the Senator will let me proceed just a moment——

Mr. SMOOT. There are Belgian bonds, which I think the Senator will say are perfectly good.

Mr. McKELLAR. Why, Belgium owes us a large amount of money.

Mr. SMOOT. Certainly. If she did not, we would not have any of her bonds.

Mr. McKELLAR. We have not any now.

Mr. SMOOT. We will have.

Mr. McKELLAR. I hope so. I hope the Senator's administration will do better than my own administration did in the securing of these bonds as directed by law.

Mr. SMOOT. There are the Italian bonds, there are the Polish bonds, and there are the bonds of those little independent countries to which we have advanced money, but nobody knows whether there will be a transfer of a single bond from any of those countries. If, however, we are going to pass a law giving the Secretary the power to clean up this whole question, if we have not confidence in him that he will look out for the interests of the Government of the United States, then we should not pass the law at all.

Mr. McKELLAR. I will ask the Senator from Utah, who is a careful legislator, if he does not think it would have been far wiser for the Secretary of the Treasury to come before Congress with a plan of what he proposed, so that Congress in the first place and the people of the United States might know what he proposed to do, instead of asking for this blanket authority by which he could take the German or Austrian or Turkish bonds at par for the English bonds at par? I do not know what English bonds are selling at to-day. Will the Senator inform me?

Mr. SMOOT. They are now selling about on the same basis as our own bonds.

Mr. McKELLAR. Quite as good?

Mr. SMOOT. A little better, in some cases.

Mr. McKELLAR. Or a little better. Now, what are German bonds sold for?

Mr. SMOOT. There are very few German bonds. Germany has not any bonds to speak of. Germany has a floating debt of paper money.

Mr. McKELLAR. Germany is issuing bonds to the Allies almost every day of every month, and I doubt if those bonds would sell on the market for 20 cents on the dollar; and yet under this bill if it should be enacted into law, the Secretary

of the Treasury could take the English indebtedness and substitute for it the bonds that England has received in reparation and turn them over to us. Right here let me say that Germany owes us several hundred million dollars on her own account, and when we get this it will probably have to be taken in bonds and this will probably give us all the German bonds we want.

Mr. SMOOT rose.

Mr. McKELLAR. Now, wait one moment. I hope the Senator will let me proceed just a moment.

Mr. SMOOT. The Senator asked me if I did not think it would have been the best thing for the Secretary of the Treasury to have had a plan, and to have presented it here, before asking for the introduction of the bill. I should like to answer that question.

Mr. McKELLAR. Yes; I did ask the Senator that question, and I should like to have him answer it.

Mr. SMOOT. I will say to the Senator that the Finance Committee of the Senate are not going to report this bill to the Senate until after they have had the Secretary of the Treasury and other officials of that department before them. We are going to know exactly what the Secretary has in mind, and it will be in the shape of a hearing that every Senator and every Congressman and every citizen of the United States will know about without a question of doubt.

Mr. McKELLAR. I am glad to hear that.

Mr. SMOOT. I take it for granted that it does not follow, because this bill was introduced by the chairman of the Finance Committee, that the committee are going to report the bill just as it is. I have not any doubt but that there will be amendments to it; and I know that the committee are not going to report it to this body until they have had a hearing and know just what the intentions are if the law passes and what the result will be.

Mr. McKELLAR. I am glad to have that assurance from the Senator from Utah. Eleven billion dollars is too much money to dispose of in the way set forth in this bill.

Now, Mr. President, I want to call attention to the fact that if the committee does report out this bill and the Congress does pass it just as it is now, the Secretary of the Treasury will have the right to accept German bonds and Austrian bonds and Turkish bonds in lieu of the $11,000,000,000 of indebtedness that is now due us by our allies. The result of such an exchange would be substantially that in the end we would pay $11,000,000,000 of the German indemnity. That is what it would mean in dollars and cents, or thereabouts. We might get some little driblets from Germany or from Austria or from Turkey, but the result of it would be to swap this perfectly good indebtedness against the Allies—I think the English bonds are absolutely good, as good bonds as there are in the world except the bonds of the United States Government—for the practically worthless bonds of those three nations that were defeated in the late war, and that we helped to defeat. There can be no other purpose in that provision of the bill to which I have referred, and which I have quoted, unless it was intended by some one connected with our Government to accept some German or Austrian or Turkish bonds for English indebtedness or French indebtedness or Italian indebtedness or Belgian indebtedness, which indebtednesses are all perfectly good.

Mr. SMOOT. The Senator does not really mean for a minute, does he, by what he says, that if this bill should become a law $11,000,000,000 worth of good bonds would be exchanged for German bonds?

Mr. McKELLAR. I say that under the wording of this bill the Secretary of the Treasury would have the right to exchange at par the $11,000,000,000 of the indebtedness due us by our allies for reparation bonds of Germany, Austria, or Turkey, and I will state to the Senator my reasons. There can not be a doubt about it, and I am sure the Senator will admit it.

Mr. SMOOT. The Senator is correct in that. There is not any doubt about that.

Mr. McKELLAR. If the Senator doubts it, I will read it again.

Mr. SMOOT. The Senator from Utah has already stated several times that that authority is given, but the Senator from Tennessee made the statement that we would have $11,000,000,000 worth of worthless bonds in exchange for bonds that were good. No Secretary of the Treasury of the United States would ever think of doing such a thing. I can not imagine that a man coming directly from an insane asylum would do it; and I may say, further, that if any Secretary of the Treasury undertook to do it, I have not any doubt at all but that he would be stopped immediately by action of Congress.

Mr. McKELLAR. Then why give him the power to do this very thing, as this bill does? Mr. President, I think that after Congress formally gives him the power to do it, under the peculiar circumstances which surround these obligations it would be very difficult for Congress ever to take that power away from him. If a Congress were so subservient to the Executive power as to give such an authority as this, that Congress would be servile enough and subservient enough to uphold him in what he does in the matter even if he were to cancel the indebtedness. Why give the power if it is not intended that it shall be used? What is the purpose of it? Why such secrecy about this foreign indebtedness anyway?

Mr. President, it has been almost like opening a hickory log with a crowbar to get any information about these bonds out of either the past or the present administration. I wrote the Secretary of the Treasury last fall repeatedly to get information, but I could never get any accurate information, and none at all as to the purposes of the Government. Invariably the reply was, "You see my annual report." And when you would look at his annual report you would find there was no real information in it about these debts. I asked for specific information, and no information was given until I brought my resolution up in the Senate, and then a kind of information was given.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Florida?

Mr. McKELLAR. In just a moment. No real information was given. Why this secrecy about these foreign debts? Why are not our executive officers following out the plain directions of the statute which is in force now? Why have they not taken bonds for those indebtednesses instead of having merely the I O U's of the foreign Governments for them? There never was a business transaction handled in a less businesslike way. There is not a bond in the Treasury, as I understand, representing those debts; they are all in the shape of I O U's. There are four billions and a quarter of I O U's from Great Britain, and just a certificate of indebtedness of four billion and a quarter, so we are told. This act under which we loaned the money provided that the Secretary of the Treasury should take bonds, with coupons attached, running 30 years, just as our bonds did, and not one thing has been done by the Treasury Department to carry out the plain provisions of that statute, and when you ask them about it they say, "Oh, well, we are going to see about it. We are going to have an interview with Ambassador Geddes about it. The English Government is going to make good their promises; they are going to pay the interest after a while." We see interviews with noted English statesmen about it, but they have done nothing about it; and the first step that has been taken by the administration since the debts were incurred looking to a settlement is this step which we are considering to-day, which authorizes our Government to accept German, Austrian, and Turkish bonds at par, if thought advisable, for the indebtedness we hold against those nations.

Mr. Winston Churchill, indeed, said some time ago that Great Britain was going to begin paying her interest to us in the fall, but his statement seems to have fallen on deaf ears in our Government, for their first utterance about it is this resolution which gives Great Britain the right to substitute her German reparation bonds for the amounts due us by Great Britain.

Now, I yield to the Senator from Florida.

Mr. FLETCHER. I simply wanted to observe, in connection with the Senator's remarks, that if the authority is given the Secretary of the Treasury to do this thing, it would not avail us anything to keep in mind the suggestion of the Senator from Utah [Mr. SMOOT] that Congress might stop him, because the thing might be done before Congress would know about it.

Mr. McKELLAR. And we would be committed.

Mr. FLETCHER. And the whole matter would be closed.

Mr. McKELLAR. If one-tenth of the secrecy prevails in the future about this indebtedness that has prevailed in the past, no doubt it would be done before Congress knew anything about it. There seems to be some marvelous cause of secrecy about this indebtedness, and our own officials decline to give the Congress any information about it or about their plans in regard to it. I have not asked the present Secretary of the Treasury about it. I know that official very pleasantly. I admire him. I have had such confidence in him that I thought that at this time in our history, when we are taxing the people as never before, when we need the money as we have never needed it before in this country, the present Secretary of the Treasury would take steps for the prompt funding of this indebtedness into bonds, and take prompt steps to collect the interest on it. I am deeply disappointed that he has not done so. I am deeply disappointed that he is published as favoring this bill.

I say to my Republican friends that the burden is upon you for legislation. You promised the people to reduce taxation. You are not doing it. I call your attention to the fact that there are but two possible ways in which you can reduce taxation in this country at this time. One is by the collection of the interest on this ten or eleven billion dollars of foreign indebtedness. The interest on it will amount to $500,000,000 a year in round figures, which will be one-ninth of the taxation we impose if we spend $4,500,000,000 per year. If you will collect that interest you can reduce taxes one-ninth.

It is perfectly plain if you go ahead and do it. If your Secretary of the Treasury will go on and carry out the plain direction of the present law, you will be enabled to reduce taxation one billion out of every nine. It is a simple thing. If you want to reduce taxation on the American people, collect these just and overdue interest charges. Our allies are amply able to pay them, just as able as our own people who will have to pay them in the way of taxes unless you do collect them. Every dollar you collect in interest you to that extent will relieve the American taxpayer. Every dollar you fail to collect you thereby and to that extent increase the burden of taxation on the American people. Do not throw this money away as is proposed by this bill.

Great Britain has already announced that she is going to pay her interest, and so far as the public knows has not even asked us to accept any of her German bonds, which may or may not be worth anything. I have no doubt when Great Britain begins to pay her interest, if we simply ask her to pay it, every other nation, except Russia perhaps, will at once begin to pay its interest, and I believe even Russia will be glad to pay her interest. Nobody is insisting on the payment of principal of the debts, but only the interest, which, at a very low rate, the same rate we are paying on our bonds, amounts to $500,000,000 a year, and if you gentlemen want to reduce taxation, that is your one best opportunity.

There is one other opportunity to reduce taxation, and it is the only other opportunity you have. That other opportunity is to reduce expenditures of the Government. You have not shown any signs that you are going to reduce expenditures this year or next. You are indulging in the most extravagant appropriations, you are appropriating money almost like it was war time. The truth is that it looks as if your expenditures for the coming year are going to be greater than ever before. It looks as if they might run over $5,000,000,000.

You can reduce taxation by reducing expenditures. The truth of the matter is that after paying interest on all our indebtedness we should not expend over three billion and a half a year. If you will collect this interest of five hundred million a year, that will reduce our needed appropriations to $3,000,000,000 a year. We should not spend a dollar over that three billion for the next year or two, and then we should gradually reduce it. If you reduce the expenditures of this Government to $3,000,000,000 a year, you can reduce taxation. Those are the only two ways you can reduce taxation now. You will go before this country in the next campaign, having promised the country to reduce taxation, without having fulfilled the promise, unless you do those two things, and you will have to do both of those things. You will have to collect the interest on the foreign indebtedness that is due us and apply it to the expenditures for running our Government, and you will have to reduce the expenditures of the Government.

There is no use talking about reducing taxation otherwise, because you can not do it. My friends, unless you do those two things, the question before you when you frame your next revenue bill will be, not how you can take off taxes but where we are going to get additional subjects of taxation to raise money with which to carry on our Government. It is a plain question. It is right up to you; it is not up to us on this side of the aisle. It is a matter for you to determine.

Mr. President, I protest with all the earnestness of which I am capable against this bill. I say to the Senator from Utah that I hope that provision which gives the Secretary of the Treasury the right to substitute German and Austrian and Turkish bonds for the bonds of such nations as England and France and Italy and Belgium will be stricken from that bill. It should not be in it. It is a power which no good President or no good Secretary ought to want, and it is a power which no bad President or no bad Secretary ought to have, to use the words of another. It should not be in the bill, and I hope the committee will report unanimously against this bill.

Mr. President, I can not conceive any good reason why this interest should not be collected, and collected speedily. As I said before, Great Britain has already announced publicly, through the proper financial officers of her Government, that she is willing to pay her interest, amounting to $225,000,000 a year. England is not a welcher on her debts. She borrowed this money in good faith. She got good money from us. It saved her Empire. The contract under which she borrowed it was and is plain. Publicly she is not seeking to evade that contract. Publicly she has not asked us to permit her to substitute German bonds for her own bonds. Surely she is not undertaking to do secretly what she would not do publicly. France is recovering, and has recovered to a remarkable degree. I heard some one say the other day who had been through the regions of France devastated during the war that you could hardly tell a war had been carried on there; that there never have been such wonderful improvements. The French people are an honorable people and a splendid people; they are an industrious people; they are a frugal people; they are a debt-paying people; and I do not believe, unless it is by reason of the connivance of some of our own officers—and that I can not believe—that France will ever repudiate her debt to the United States. I do not believe Italy will attempt to repudiate her debts to us or to give us worthless bonds for it. I do not believe Belgium will repudiate her debts to us. I know that Great Britain will not repudiate her debt, unless we help her to do it. This bill is an effort to help our late allies to repudiate their debts and give us a lot of worthless bonds for them.

We all know that Germany has settled with the Allies. She has not settled with us, because we will not settle with her. She does not trade with us because we will not trade with her. She can not have anything to do with us because we will not have anything to do with her, though she has settled up with all those who fought her except ourselves. We hold accounts against her now for upward of $250,000,000. We should enter into a treaty of peace with her. We should take her bonds for what she owes us for maintaining our army over there. We should not let our allies substitute their other German bonds for the indebtedness due us. I can not understand why our President, acting under his perfectly plain constitutional authority, does not enter into a treaty of peace with Germany instead of fiddling along here with rival congressional peace resolutions that would mean absolutely nothing if passed.

Mr. President, we all know that the allied nations have received bonds in reparation from Germany, and they have those bonds. They can not dispose of them, they can not handle them, probably, as they want, and they might, indeed, want to unload them on the United States, and this bill introduced by the senior Senator from Pennsylvania gives those nations an opportunity to unload those worthless bonds of Germany and her allies upon the United States.

It would have been better for us to have just handed over to Germany $10,000,000,000 in the beginning, and dropped it there, without going into the war, than to take such a step as this. We might as well have bought our peace at the outset as to pay for it after the war is over. Is there any red-blooded American who would have thought for a moment of buying our peace at such a price? Yet that is proposed in this bill, deliberately proposed; and I understand it has the approval of the President of the United States, though I hope it has not. Knowing President Harding as I do, I can not conceive how he would ever give his approval to a proposition of this kind. He is an honest man, and I do not see how he could for one moment give his approval to any such financial scheme as would permit this Government to take the worthless bonds of the Central Powers off the hands of the Allies and give up perfectly good indebtedness which we now hold against those allies.

Mr. President, I hope Senators will read this bill. I hope they will read the law governing these loans, which law I hold in my hand and which will be put in the RECORD. I hope, very sincerely, that the British Government, which is not in the habit of laying down on its contracts, will look again at the contracts under which they borrowed this money, those exceedingly favorable contracts under which they borrowed this money, and that they will not connive at evading their debts or take any steps that would permit them to swap those worthless bonds for a perfectly good indebtedness which the United States holds against the British Government.

Mr. HEFLIN. Mr. President, I have listened with a great deal of interest to the very able and timely speech of the Senator from Tennessee [Mr. MCKELLAR]. As he proceeded with his speech I thought of the old saying that "we should be just before we are generous." Nearly three years have come and gone since our boys ended the World War in victory. We have found time to legislate on nearly every subject under the sun except the one of making a just and fair settlement with the American soldiers who offered themselves a living sacrifice on foreign battle fields for us.

What is the situation to-day? We find the Congress dilly-dallying with this subject all-important to the boys, suggesting

a confusing and complicated settlement with them some time in the dim and mysterious future. It would be infinitely better for the Senate and the House to postpone action on other things and fail in their duty on many other legislative matters rather than continue this policy of seeming indifference to the brave boys who dared and endured so much for us. There can be no excuse for the body that declared war and directed that these boys be taken out of the peaceful walks of life and sent across the sea to do and to die for our liberties to further delay favorable action on the matter of paying the boys what is justly due them. Congress must not fail in its obligation to them.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. Certainly.

Mr. McKELLAR. Rather than give up the bonds representing the $11,000,000,000 of indebtedness to our former allies, or rather than have substituted for that perfectly good indebtedness the worthless bonds of the defeated powers, does not the Senator from Alabama think it would be very much wiser for us to take the bonds of England and France and Italy and Belgium and the other nations and divide some of them up with the soldiers who fought to save the civilization of the world?

Mr. HEFLIN. Mr. President, my good friend, the able Senator from Tennessee, has anticipated the line of argument that I intended making. I heartily agree with him. It would be infinitely better for the Government to take $1,000,000,000 or whatever amount is necessary of the foreign debt and use it to square the account with the American boys who struck the decisive blow in ending the great World War.

It comes with poor grace from Senators to even suggest at this time a course which practically means the cancellation of the debts due to us by foreign nations. Let us be just to the American soldier before we display charity and generosity toward the nations that borrowed from us ten billions of American money.

It would be more in keeping with sound business principles for us to require a portion of this indebtedness to be paid at an early date and use the money thus collected in satisfying the country's financial obligation to its soldiers. What excuse have Senators to offer as to why this money should be left with the nations of the Old World when many of the boys here at home are out of employment and some of them suffering for the actual necessities of life.

The interest on this indebtedness is over $400,000,000 a year. Are we not going to be permitted to collect the interest? The tax burden is heavy upon the backs of the American people and you are going to increase it. What right have we to make gifts to foreign countries of money justly due by them to this Government when we are increasing the burdens of the people here at home. Charity should begin at home.

If the Federal Reserve Board fails and refuses to grant extensions of loans to the farmers of the South and West at a lower rediscount rate, it would be well to take some of the money due us by foreign countries and lend it at the same rate of interest now granted to those countries to the great agricultural interests of the South and West. We loaned this money to our allies, and I am not complaining about that. We were in the midst of the greatest war that ever cursed the world. We were moving heaven and earth to put down the great disturber of the world's peace, and we did it. We let Europe have that money at a rate of interest far below the rate of interest now exacted of the farmers of the United States by the ruling of the Federal Reserve Board. We hear the suggestion made that we should cancel the debt of foreign countries, which would mean the giving away of billions of dollars, and yet the agricultural industry of the United States is unable to obtain money sufficient to save it from utter ruin.

In the West and in the South our people were told that for five years following the war business would be good and that the world would need and would take all that our enterprise and industry could produce. Senators will recall that. The South and West went on producing, meeting the requirements of our own country and those of other countries. Now, in the third year following the war, a year following two prosperous years, the first two after the war, what is the situation? Our foreign trade relations are rent and torn, and foreign trade that should now be ours is going elsewhere, all because we threw away the opportunity to join with our allies in establishing a new order in the world. What a crime against our own country and the world when we failed to take our place in an association of nations or League of Nations and set up a just and stable international tribunal through which we could have assured peace and satisfactory trade relations with the nations of the earth. If we had gone into such an agreement, I verily believe that conditions would now be quite different at home and abroad. American bankers were anxious to extend, and would have extended, credits to foreign countries. This money would have been paid for American products and would never have gone out of the country. These countries want and need everything that we produce. We want and could have had the foreign markets that such an arrangement would have afforded. But we failed miserably to meet the requirements of our national and international duty on that momentous occasion, and here we are, Mr. President, still standing aloof from the nations of the earth.

The United States is forced by those in authority to stand afar off in foolish isolation while business here at home is paralyzed as seven men pervert the law and show partiality and favoritism, as they control the credit and money supply of the whole country. That is the miserable condition that afflicts the American people to-day, and what are we doing to relieve them?

You Republicans told us in the campaign last fall that you were going to establish an association of nations or some sort of an international arrangement, but you have not kept your promise. I am ready to vote for some sort of an association. I do not care whether you call it a league of nations or an association of nations. I want my country to take her place where she rightfully belongs among the nations of the earth; I want her to occupy the place which, under God, she is entitled to occupy in the great family of nations. She belongs at the forefront. I believe that she was intended to lead the nations of the earth in the things that make for peace, prosperity, and happiness in the world.

Senators of the majority side, you are on trial before the people of the country. Do not think that because your party carried the last election by 7,000,000 majority that the people will now support and follow you blindly. Public opinion in this country changes quickly when the people realize that they have been deceived and imposed upon by those whom they placed in power, and trusted. You told them that we would soon become a member of some sort of an international tribunal through which our interests would all be safeguarded and protected. Eight months have gone since you carried the election last fall, and yet you have done nothing to make good that promise to the people. We were told last fall that if you carried the election that the announcement of that fact would help business all over the country, and that as soon as you got into power the people would get prosperity, but instead of that they got deeper and deeper into the mire of financial distress and disaster. The prosperity that you produced was the kind that they did not want. It was the kind that brought despondency to the people and destruction to their business.

Last fall in the cotton-growing States it cost $40 to gather, haul, gin, and place bagging and ties on a single bale of cotton—I am not now taking into account the cost of preparing the soil for planting, the fertilizer used, the labor employed, and the money invested in plow mules and implements. I am leaving out of this calculation the cost of producing the crop, which was from 25 to 30 cents a pound—or $125 to $150 a bale. I want to show you just here what it cost to gather a bale of cotton and place it on the market. It cost our farmers $40 a bale. To-day the average price of cotton is below 8 cents a pound, and less than $40 a bale. Senators, can you appreciate what that means to the cotton producers of the United States?

All that the farmer invested and expended in cotton production last year is gone as a total loss if he is forced to sell his cotton at the low and ruinous price now paid. Will the Government stand by and see the business of agriculture in the cotton-growing States pillaged and plundered in this fashion?

The Government can, by an extension of loans at a reasonable rate of interest, deliver the South and West out of the hands of those who are fattening upon their misfortune.

The aid that we ask is a safe and sound business proposition. We want the Federal Reserve Board to be as fair and as accommodating to the agricultural interests of the South as it has been, and is to-day, to the interests of Wall Street in the East. The Government has it in its power to direct the Federal Reserve Board to order an extension of time on loans in the cotton-growing States. This can be done without the loss of a dollar. This has been done before and the business of the producer was saved from serious embarrassment and tremendous financial losses. The loans were paid, the accounts were all squared, and the producer was permitted to hold his cotton until he could sell it at a price that would yield a profit. Mr. President, if the Federal Reserve Board permits the cotton loans to be called now it will destroy the business of millions of American cotton producers. Then, what will happen? After they have been forced to sacrifice their cotton, the price will advance and the

producers will wonder why they were not allowed to keep their cotton and sell it when the price advanced, and thus be in position to pay off the loans that would have saved their business from ruin. The situation that confronts us is no ordinary one. It did not arise out of the natural course of business in normal times.

It was born of conditions produced by the World War and augmented by a short-sighted foreign policy on the part of the Government of the United States.

Having enjoyed prosperity for the first two years following the war, there was nothing to indicate to the farmers, merchants, and bankers of the cotton-growing States that a course would be pursued that would literally destroy our trade relations with foreign countries. Whether the war or a hurtful policy of the Government produced these terrible conditions, it is certain that the people now suffering sorely in the cotton-growing States are in no way responsible for them and ought not, under the circumstances, to be made to suffer the tremendous losses that will come if the cotton loans are called. If the Federal Reserve Board permits these loans to be called at this time, what will happen? The farmer will be forced to dump his cotton upon the market at an average price of $35 or $40 a bale. This amount is less than a third of what it cost to produce a bale of cotton. If the speculators and gamblers can force this cotton out of the hands of the producer, they will get it at a low price and hold it until the price advances to $75 or $100 a bale, and maybe more.

The business of the producer will have been destroyed and the consumer will not be benefited. They intend to rob the producer with one hand and hold up the consumer with the other. Will the Government do the right and just thing and extend a helping hand and save the cotton producer from the financial disaster which threatens, or will it permit the great cotton industry of the United States to be sacrificed when it has the power to save that industry and prevent great distress and suffering in the cotton-growing States?

In the West the woolgrowers and the grain producers are crying out for deliverance from those who insist upon forcing them to pay loans when the price of their products is not sufficient to do so. They are protesting against the high rediscount rate charged by the Federal reserve banking system. Seven per cent rediscount is charged against American farmers and we are lending money to the Allies at less than 5 per cent. Mr. President, I think that this Government should be just to its own people before it is generous to the people of foreign countries. There is more money in the United States to-day than ever before.

The Federal Reserve Board has it in its power to come to the rescue of the farmers of the South and West. It can grant an extension of time on loans and relieve a very critical and distressing situation. If these loans are called, the situation in the cotton-growing States will be desperate.

I known that the Federal Reserve Board can do the thing necessary to relieve the situation, and I am hoping and praying that it will. If it falls and refuses to do so and permits these loans to be called in the face of market conditions that exist to-day it will be guilty of murder. The rumor that these loans would be called has already caused the death of a number of bankers and business men in the South. Mr. President, if this call is made I fear that many more will follow in the footsteps of those unfortunate ones who have already gone down to death because of the unfair administration of the Federal reserve act. On yesterday the most prominent banker in South Carolina killed himself. Will not the Government see to it that aid is extended to these people who need such aid just now? We have it in our power to go to the rescue of these people. Are we going to do it?

Ask the street car companies of Washington to reduce passenger fares and they say that operating expenses require the present charge. Ask the railroads to reduce freight rates, and they tell you that on account of the high cost of operating freight trains they can not afford to do it. Ask the farmer to sell his cotton at an average price of 8 cents a pound, and he tells you that that price is 22 cents a pound less than it cost him to produce it and that he can not afford to sell at that price. And then what happens? The rumor is heard that loans on cotton are going to be called and the farmer forced to do the thing that will destroy his business. Is there any fairness or justice in such treatment of this great producing class of our people? Again, I say that it is the duty of the Government to direct the Federal Reserve Board to extend the time on cotton loans until market conditions are better.

If these loans are called it will not only work great injury to the cotton-growing States, but it will hurt the merchants and manufacturers of the East. The South is a heavy buyer of your manufactured products, and just now this trade is paralyzed. The South buys goods from your merchants and when you destroy her purchasing power you injure yourselves. As I said a day or two ago, we buy meat and grain and mules from the West, and when we are denied money with which to carry on our business—money with which to buy the things you have to sell—your business, as well as ours, is seriously injured. Are these loans to be called, when to do so will injure the farmers, merchants, and bankers of the South, the merchants and manufacturers of the East, the meat, grain, and mule dealers of the West, and benefit nobody except the cotton gamblers and speculators of Wall Street? Let the Federal reserve banking system serve the purpose for which it was created and furnish the money to meet the needs of legitimate business at a time like this.

The hoarding of all our gold supply and the keeping of money out of circulation, along with the curtailing of legitimate credits, at a time like this is a crime against the enterprise, the industry, and business of the American people.

The Federal reserve banking system was created for the purpose of meeting any and every emergency that might arise. It was intended to meet the needs of every legitimate business in the country. It was never intended that it should be used to cripple and kill legitimate business, but that is just what it will do if it forces the loans to be called on cotton. Half of the population of the United States living in the South and West are calling in vain to the Federal Reserve Board for aid at this hour.

Will an extension of time be given on our cotton loans in the South, or has the decree gone forth that the farmers, merchants, and bankers of the South are to be sacrificed at the behest of the cotton gamblers and speculators of Wall Street?

Mr. President, we went out on the stump in this country and exhorted the people to buy Liberty bonds. We displayed these beautiful bonds and said, "Here they are; they are worth 100 cents on the dollar; they will never sell below par; you can make no better investment; come with your money; buy these bonds; the country needs your help and the bonds are as good as gold." And what happened? Why, the people responded. Young and old came and bought bonds from a sense of patriotic duty. They were not able to buy, many of them, as an investment. They bought these bonds to help the Government in the hour of distress and sore trial. What is happening to-day with these same bonds? They are selling at a discount of $15 on $100. Liberty bonds! God save the mark! We told the people in our speeches, "The boys are bleeding and dying over yonder; here is a casualty list; read it (some are from your State and some are from mine); wounded on the battle field in France and borne back on a litter to the hospital; buy these bonds, men and women!" The hearts of our people were stirred and they came to the country's rescue; they bought the bonds; and now what do we see? A poor old woman, right here in Washington, who had bought a $50 bond, saving so much a week to pay for it, was forced to sell it the other day for $37.50. Bond sharks are roaming the country, taking advantage of the distress of those who stinted themselves and borrowed money to buy these bonds to enable their country to win the war. What a sad and miserable spectacle; we behold those at home who served the country best in the hour of its peril now being made to suffer by a policy inaugurated by those in charge of the big banking instrumentalities of the Government.

Liberty bonds as good as gold! Let us see about that. Uncle Johnny in the cotton-growing States goes to the bank and says, "I have some Liberty bonds—$100 bonds—and I want to borrow some money on them." The banker says, "I am very sorry, but the bonds have gone down, and there is so much uncertainty about them that the Federal reserve system will not loan any more money on them." Then Uncle Johnny goes home a disappointed man and sits down at his fireside at night and recalls the speeches made in which he was told that the Liberty bonds were worth 100 cents on the dollar and that they were as good as gold. The next day he goes to town and he meets a broker, and he says, "I can not borrow money on my Liberty bonds and I am forced to sell them. What will you give me for them?" "I will give $80 for your $100 bond." There are instances where these bonds could not be sold for $75 on the hundred. Uncle Johnny says, "These are interest-bearing bonds and I gave $100 in hard-earned money for $100 worth of them, and now I can not get what I gave for them and I can not borrow money at the bank on them; my notes are due, and I am told that they are going to call my loan, and if that is done I will have to sell my cotton at an average price of 8 cents a pound, when it cost me 30 cents a pound to produce it." Senators, that is the situation in the cotton-growing States. Will the Government be

a party to a scheme that will deny loans on Government bonds and force people who own those bonds to sell them way below par and force them at the same time to throw their cotton upon such a demoralized market as that which exists to-day? Wall Street is especially favored. Wall Street never lacks for money to carry on its gambling deals. The "bear" speculator beating down the price of cotton can get every dollar that he wants; but the "bull" comes out and says, "I know that cotton is selling for 22 cents a pound less than it cost to produce it, but I can not get a dollar to help cotton reach a fair and reasonable price."

Mr. President, cotton handkerchiefs made out of one bale of cotton costing $40 retail for $750 to-day. Low-quartered shoes made of cotton and selling here in Washington at $7 per pair will make a bale of cotton for which the farmer received $40 worth $2,100 to the dealer and shoe manufacturer.

Does it seem fair to browbeat the cotton producer, to gag and hamstring him and force him to sell cotton at $40 a bale to pay loans that can be extended without losing a dollar on them? That bunch of "bear" gamblers on the cotton exchange, with fake "bulls" from their own ranks, go through the performance each day of selling and buying cotton, with no pressure on the part of the "bulls," and with the "bears" beating the price down and down, getting every dollar they want for their devilish purposes. That is the system we have to-day.

The farmers of the West are in the same condition as are the farmers of the South. Senators, if the South and West will get together in this body and in the other, I believe they can bring about some relief to our people. Those in the East who sit and clip their coupons by reason of the gambling machines, stock and produce exchanges, do not care about giving us relief. Why? Because certain special interests up there profit and fatten upon our misfortune.

Mr. President, if there is a class of people on this earth that are entitled to be prosperous and happy above the rest, it is the great agricultural class of our people. They produce that which feeds and clothes the world, and when they are overtaken by conditions such as those that now sorely distress them it is the duty of the Government to direct the Federal Reserve Board to lower its rediscount rates to the farmers of the South and West and see to it that their loans are not called, that these men are not led to the slaughterhouse and butchered like beeves in the market place in order that somebody may profit by their undoing and their misfortune.

Speaking in part for 30,000,000 of people in the cotton-growing States, I call upon the President to bring pressure to bear upon the Federal Reserve Board to take immediate action to stop the calling of these loans and to reduce the rediscount rate on farm paper at least to the rate charged foreigners for money loaned. If the President should fail, I ask the Congress as a matter of right to come to the rescue of these people, and I want to say to my friends from the West—the Senator from Nebraska [Mr. NORRIS], the Senator from Oregon [Mr. MCNARY], and others over there who have shown sympathy for the agricultural interests, whether they be in the West or in the South—that I am anxious to work in concert with them to bring about quick and substantial relief to the farmers of the South and West. Let us leave politics out of the question and act as patriotic Americans. Let us get our forces together and stop this thing now and let the people know that we are standing here, Democrats and Republicans, protesting against the unfair and murderous plan of permitting the avaricious sharks, from whatever quarter, to destroy the business of the people of the South and West. I trust that enough Republicans will join us Democrats to save the situation. I appeal to the sense of fairness and justice of every Senator who hears me to-day. In the name of the people who use their skill and energy and who invest their money in producing two-thirds of the world's cotton supply I beg you to help us to obtain at the hands of the Federal Reserve Board a living chance in this time of our great distress. Because of the extraordinary situation that exists I declare to you that the Government owes it to the cotton producers of the United States to see to it that the vultures, the ghouls, and wolves of greed shall not feed and gorge upon the substance of the patriotic people of the South and West sections of these United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, Mr. WARD of New York, Mr. JACOWAY, and Mr. RAINEY of Illinois were appointed managers of the conference on the part of the House.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;

H. R. 6814. An act to authorize the construction of a dam across Wabash River, at Huntington, Ind.; and

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

The message further announced that the House had passed a concurrent resolution (H. Con. Res. 18) providing for the printing and binding of a vest-pocket edition of the Congressional Directory, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 78. An act authorizing the appointment of an additional judge for the district of North Dakota;

S. 694. An act providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia;

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii;

H. R. 5010. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes;

H. R. 5616. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania;

S. J. Res. 34. Joint resolution creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru; and

H. J. Res. 82. Joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; and

H. R. 6814. An act to authorize the construction of a dam across Wabash River at Huntington, Ind.; to the Committee on Commerce.

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; to the Committee on Naval Affairs.

CONGRESSIONAL DIRECTORY.

The VICE PRESIDENT laid before the Senate House concurrent resolution 18, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound a vest-pocket edition of the Congressional Directory, of which there shall be one edition only during each session of Congress.

The preparation, number, style, and distribution of such directory shall be under the control of the Joint Committee on Printing: *Provided, however*, That the usual number shall not be printed.

Mr. MOSES. I move that the Senate concur in the action of the House.

The motion was agreed to.

THE MEAT-PACKING INDUSTRY.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other pur-

poses, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORRIS. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NORRIS, Mr. KENYON, and Mr. KENDRICK conferees on the part of the Senate.

AMENDMENT OF THE RULES—EXECUTIVE BUSINESS.

Mr. HARRISON. Mr. President, on May 9 I offered a resolution proposing to amend the rules of the Senate so as to provide for open executive sessions of the Senate in the consideration of treaties and nominations. On May 14 that resolution was referred to the Committee on Rules. On June 20 it was reported adversely by the chairman of the Committee on Rules at the instance of the Committee on Rules. It is now on the calendar, and is Order of Business 137. I hope to have that resolution called up at a very early date; and in the consideration of it I shall propose a substitute, which I desire to have printed and lie on the table.

The VICE PRESIDENT. It is so ordered.

Mr. LA FOLLETTE. I ask to have the substitute read.

The VICE PRESIDENT. It will be read.

The READING CLERK. It is proposed to strike out all after the word "*Resolved*," and to insert the following:

That the last sentence of the second paragraph of Rule XXXVII of the Standing Rules of the Senate be amended so as to read as follows:

"At any stage of such proceedings the Senate may, *by the concurrence of a majority of the Senators present*, remove the injunction of secrecy from a treaty, or proceed with its consideration in open executive session."

Resolved further, That clause 2 of Rule XXXVIII of the Standing Rules of the Senate be amended so as to read as follows:

"2. All information communicated or remarks made by a Senator when acting upon nominations *in executive session* concerning the character or qualifications of the person nominated, also all votes upon any *such* nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret. *At any stage of such proceedings the Senate may, by the concurrence of a majority of the Senators present, remove the injunction of secrecy with respect to a nomination, or proceed with its consideration in open executive session.*"

Mr. HARRISON. Mr. President, may I say in this connection that I am not fully advised whether or not I shall offer that as a substitute. I hope to do so. I am hopeful that those who have opposed the other resolution will agree to this. I am very hopeful of that.

Mr. CURTIS. Mr. President, let me suggest to the Senator that he have this resolution referred to the Committee on Rules and let the other matter remain on the calendar. There was considerable discussion, as the Senator will remember, with reference to the former proposition. I think it would be better to have the new resolution go to the committee now.

Mr. HARRISON. I have no particular objection to its going to the committee. The only thing is that the committee might not meet before the other proposition is called up.

Mr. SMOOT. The Senator can offer it as an amendment when the other proposition is before the Senate.

Mr. HARRISON. With that understanding, I will let it go to the committee.

I want to say just in this connection that the other resolution that I offered, of course, provides for open executive sessions of the Senate touching nominations as well as in the consideration of treaties. Under the present rules of the Senate with regard to the consideration of treaties, in order to consider them in the open, unanimous consent has to be given. In the consideration of nominations it has to be done by a two-thirds vote of the Senate. So I feel that it would be a step in the right direction if we could have the rules amended so as to provide for the consideration in open executive session of treaties as well as nominations if a majority of the Senators present vote for that action.

I ask, therefore, that the substitute may be referred to the Committee on Rules.

The VICE PRESIDENT. It will be referred to the Committee on Rules.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. STANLEY. Mr. President, I have offered an amendment to Senate bill 1806. With the general purposes of this bill, the right to clothe the Interstate Commerce Commission with power to lower freight rates on coal during the summer season, I am entirely in accord. I am of the opinion, however, that that power is now vested in the Interstate Commerce Commission.

Mr. President, before proceeding further I suggest the absence of a quorum. I want to call this matter to the attention of a few Members of the Senate.

The VICE PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gerry	McKellar	Smith
Broussard	Gooding	McKinley	Smoot
Bursum	Harreld	McNary	Stanley
Cameron	Harris	Moses	Sutherland
Capper	Harrison	Nelson	Trammell
Caraway	Heflin	New	Underwood
Curtis	Johnson	Norris	Wadsworth
Dillingham	Jones, Wash.	Oddie	Watson, Ga.
Elkins	Kellogg	Poindexter	Willis
Fernald	King	Ransdell	
Fletcher	Knox	Sheppard	
Frelinghuysen	La Follette	Simmons	

Mr. SUTHERLAND. I desire to announce that the Senator from Massachusetts [Mr. WALSH], the Senator from Ohio [Mr. POMERENE], and the Senator from Maryland [Mr. WELLER] are absent from the Chamber on business of the Senate.

The VICE PRESIDENT. Forty-five Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. CUMMINS, Mr. ERNST, Mr. OVERMAN, and Mr. STERLING answered to their names when called.

Mr. REED, Mr. MCCUMBER, Mr. BRANDEGEE, Mr. WARREN, Mr. PITTMAN, and Mr. BORAH entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-five Senators having answered to their names, a quorum is present.

Mr. KING. Mr. President, I sincerely hope that the Senators present will listen to the amendment which is to be offered by the Senator from Kentucky [Mr. STANLEY]. It is a very important one, and I think Senators should be fully advised as to the merits of the amendment to be offered.

Mr. STANLEY. Mr. President, I shall detain the Senate but a very few minutes. The purpose of this bill is essentially laudable. Coal is consumed in much larger quantities for domestic purposes in the winter than in the summer. Coal is transported in cars of peculiar structure, opening at the bottom, suitable for the carriage of coal, but of very few other materials. The demand for coal cars is much greater in winter than in summer. If you have enough coal cars to satisfy the demands of the coal trade from January until April, you will have an immense number of empty and unused cars blocking the sidings and crowding the storage facilities during the summer months. The result is that with an inadequate supply of coal cars you now have a vast number of unused cars at one season of the year and a scarcity of cars at another season of the year.

It is a well-known fact that any machinery, especially of steel, like an engine or car, deteriorates much more rapidly when it is not used than when it is in use. In addition to that, these cars stored on sidetracks, blind sidings, or at any other place where they can be put for the time being can not be protected as they are protected while they are loaded and in motion, and the valuable bearings and other metals on the cars are stolen. So that the car suffers a greater loss and is maintained at a greater expense by the operator when it is not in use than when it is in use, and for that reason it is in the interest of economy in the service that the use of these cars should be equalized, and that the great number of cars that are not used in the summer and are used in the winter should be used all the time. You will not need so many. If the present supply of cars could be equalized so that practically the same number would be used in July as in January, you could approach much more nearly to remedying the shortage of cars in the coal business.

This variation in the demand for coal renders the employment of the miner irregular and uncertain. The present wages paid to coal miners is due to the fact that they are employed only at certain seasons of the year. There are millions of coal miners employed in the winter months who can not, in the nature of things, on account of the diminished demand for coal, be employed in the summer months, and it is thought that if the movement of coal could be equalized over the year great numbers of miners who are unemployed now would be employed under changed conditions. So that this arrangement for the equalization of the transportation of coal, spreading it out over all seasons of the year, is in the interest of the employee, of the mine owner, and of the railroad.

I claim that it is perfectly proper, under the circumstances, to clothe the Interstate Commerce Commission with the power, if it has not the power, to give a reduced rate in order to stimulate transportation. They do that in the case of excursions, and the railroads would be the better judges.

But if this experiment is not successful, if our theory that a reduction in the rates would stimulate the movement of the coal in the summer—and it is only a theory and a guess—is not correct, this bill provides not for any reduction in the freight rates at all but it provides for a manipulation of the freight rates, a matter that has been called lately to my attention. I was under the impression, when the bill was before the committee, that it provided for a seasonal reduction; but a careful reading of the bill shows that it does not provide for a seasonal reduction. It provides that the Interstate Commerce Commission or the railroads may so alter the rates as to add to the winter rates whatever is taken off of the summer rates. If the present rate is 50 cents a ton and you take 10 cents off in August, you put it on in January.

If this experiment should not work and coal should move in the future as it has moved in the past, and you would have 50,000,000 tons of coal moved in August and 100,000,000 moved in January, and you reduced the rate by 10 cents in August and increased it by 10 cents in January, the result would be that the roads would collect 10 cents more on every ton they hauled in January over the amount they collected for what they hauled in August by virtue of that change. The difference between the winter haulage and the summer haulage would be a net gain to the railroads, with the result that the poor man, who can not store his coal, and did not buy it in July, would pay more for it, as the result of the operation of this law, than if the law had never been altered at all, because he would pay the fixed rate, the rate now established as compensatory, plus the difference between the seasonal rate for August and the seasonal rate for January, and the more they lowered it in August, if that did not work, the worse it would be on the man who bought his coal in January.

I do not think that was the purpose of the able Senator who introduced this bill. It was not my understanding of the object when it was before the committee. I know it was not the understanding of persons who were interested in this measure.

There is no doubt in the world that if the plan works the railroads will be enabled to use in June and July and August hundreds of thousands of cars which are now absolutely dead, and which are dead in every August and every July, when their bearings are stolen, with the disintegration that comes from a lack of movement, and the accumulation of dirt and the other deteriorations which come to every unused machine. The railroads will be put to no additional expense for equipment. It is less expensive to transport 50,000,000 tons of coal in July than in January, because it takes less fuel to generate the steam to transport it.

The roads will be able, without buying another dollar's worth of equipment, without employing an additional engineer, without having an additional dollar of overhead charge whatsoever, if the experiment succeeds, to utilize thousands of cars. The railroads with their expert knowledge will know just how far they can afford to make a reduction in order to secure the advantage, and the thing to do is to say to the railroads, "Here is your opportunity. If you wish to utilize your cars that are not in use, we give you the right to ask the Interstate Commerce Commission for a reduction or we give the Interstate Commerce Commission the right to suggest the reduction."

We make it optional with the commission, as I have done by the proposed amendment. If the Interstate Commerce Commission finds that it will not work, they do not have to do it. The proposed amendment simply provides for the striking out of the words "greater or" and empowers the Interstate Commerce Commission at a seasonal period to lower the rates on coal. If it does not do any good, it will not do any harm. It is not compulsory on the commission. It is not compulsory on the railroads. It gives them the right to avail themselves of the opportunity to use these unused cars and no one can be harmed.

Otherwise, if the movement of coal is not so stimulated, anyone can take his pencil and paper and figure that there are 500,000,000 tons of coal transported in the country every year, and if there are 200,000,000 more tons of coal transported in the winter months than in the summer months, by making a difference of 10 cents a ton between the summer and the winter months we have simply added that much to the cost of the transportation of coal in the country, with a probable chance of not doing anyone any good.

It is a defect in the bill which I overlooked at the time it was before the committee, and which I find several other members of the committee have overlooked, and which I believe will cure any objection to the bill. With that amendment I am firmly convinced that the bill will meet the approval of the Senate.

I formally offer the amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 1, line 11, after the words "shall be," strike out the words "greater or," and on page 2 strike out all after the word "periods," in line 1, down to and including the word "designate," in line 7, in the following words:

But which in the judgment of the commission will yield as nearly as may be the same annual revenue for like movement as rates without seasonal variation, to be maintained by carriers as a whole or as a whole in each of such coal rate groups or territories as the commission may from time to time designate for that purpose, or by such carrier or carriers as the commission may designate.

Mr. KELLOGG. Mr. President, it is my desire to make a few remarks on the amendment offered by the Senator from Kentucky, as I think it destroys the effect of the bill; but as I understand it is the desire to have an executive session at this time I shall postpone my remarks until Monday.

REDUCTION OF NAVAL ARMAMENTS.

Mr. LA FOLLETTE. Mr. President, I ask permission to have printed in the RECORD an editorial appearing in the issue of the Scientific American which has just appeared, bearing upon the question of disarmament. I do not ask to have it read at this time, but that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMPROMISE, WITH A BIG STICK.

"Three navies of commanding importance stand in a class by themselves—those of the United States, Great Britain, and Japan. Each of these nations considers a big navy essential for its welfare. The first is a continent and entirely self-supporting—the other two are islands of limited area, and therefore are entirely dependent upon the keeping open of sea communications for their existence. Particularly is this true of Great Britain, since the sea is not only the artery through which flow her supplies of food and raw materials, but it is the only link which binds together the many elements of an empire of some 400,000,000 people. It is for this reason that she has hitherto insisted on possessing a navy of sufficient strength to keep open the sea routes against any possible enemy or combination of enemies.

"We are more happily situated; for so vast is the extent of our country, so varied and abundant are its resources, that even if a combination of enemies could blockade our coasts we could support ourselves indefinitely; and with our great man power and unrivaled productive capacity we could quickly crush any expeditionary force that might land on our shores. The call for a big navy is based upon considerations of our extensive coast line which we must defend, upon the fact that we have the Philippines, Hawaii, and Porto Rico to protect, and the further fact that the Navy now has under its care the second largest merchant fleet in the world.

"The British Admiralty, through its first lord, recently announced that it had abandoned its policy of building a supreme navy, and for the future would be content with a navy equal to any other; that is to say, of the same strength as our own. This momentous abandonment of a policy which has the sanction of centuries of British history behind it was accompanied with the statement that Great Britain refused to regard the growing strength of the United States Navy as any menace to her own security. As proof of the good faith of this pronouncement, Great Britain has cut her naval strength down to the bone, and has scrapped a fleet which is comparable in effective strength to the unbalanced fleet which we possessed in 1914. She has not laid down a ship since the armistice, and has only now authorized four battleships as replacements for her earlier battleships, which are within a year or two of the obsolescent stage.

"Japan has a program of new construction on hand. The ships she is actually building represent only a fair proportional addition to her existing fleet. She has also authorized an additional program for which no appropriations have been made, being stimulated to do this (so her statesmen have said) by the large program of new construction in the United States. Work on the new Japanese program is being held up pending the discussions on disarmament which are now under considera-

tion; Great Britain recently voted a small sum to be expended this year in laying the keels of their proposed four ships.

"President Harding, with the concurrence of both Houses of Congress, purposes to call a conference in which the three nations can gather about the table and arrange for an understanding as to the future size of their respective navies, the amount of new construction to be undertaken, and, probably, for a division of the work of keeping the seven seas open and safe for the traffic of the world.

"'Disarmament' is the generic term by which the object of the conference has been designated. The term is misleading. No advocate of the movement expects or wishes that it should lead to absolute disarmament. Mr. Harding will not call upon the navies concerned to sink their battleships, disband their crews, and dismantle their dockyards. A navy is as essential to a nation as a police force to a city. A better designation would be 'regulated' or 'noncompetitive' armament. Should this be brought about, the mad race of one nation to outstrip another—a competition born of fear and lashed to white heat by national hatred—will end. Distrust will give place to discussion, rabid hate-mongering to calm reason, and the strength of navies will be proportioned to the acknowledged responsibilities and proper commitments of the nations concerned.

"But we must not go into the conference room with a big stick in our hands. Strange to say, there is danger of this; for you may meet both in the Navy Department and in the Senate men who will say: 'Let us complete or insist upon the completion of the whole 1916 program before we enter any conference. That will put us in a strong position, and we can thus bring Japan and Great Britain to our terms.' Could anything be more fatuous—or more naive. As Senator BORAH so aptly said: 'If we enter the conference with our Navy shipbuilding going full blast, Japan will not listen to our words—she will be hearing the clatter of the riveting hammers outside the door.'

"There might be some economic loss if the three nations shut down absolutely for the few months during which the conference met; but we have faith to believe that the loss would be made up a hundredfold in the cutting down of future naval budgets, and a thousandfold in the moral gain to the world at large."

ADJUSTED COMPENSATION FOR SOLDIERS OF THE WORLD WAR.

Mr. McCUMBER. Mr. President, I saw in a New York paper, I think the Tribune, referring to a visit that I had with the President of the United States, a statement that the President had expressed his opposition to the soldiers' compensation bill and had indicated that he would veto it, and so forth.

I wish to state that any report of that character is worse than a mere fake report. There is not a word of truth in it. The President did not express himself in opposition to the bill in any shape or form. We discussed this matter, we discussed general financial matters, the tariff bill, the raising of revenue, and the matter of bonding the foreign indebtedness, but in no sense did the President express any opposition to the soldiers' adjusted compensation bill.

Mr. KING. The Senator does not mean to convey the impression that the President expressed his approval of the bill?

Mr. McCUMBER. I would hardly ask the President to approve the bill until it came to him, and I would hardly expect him to state to me that he expected to approve it until he knew what was before him.

Mr. KING. But the Senator does not mean to give the country the impression that the President of the United States is backing the bill?

Mr. McCUMBER. Oh, no; the bill comes from Congress, and the President will exercise his discretion upon it when it comes before him. When it gets before him I do not think we need be afraid of the result.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CURTIS. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned until Monday, June 27, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 24, 1921.

STATE DEPARTMENT.

AMBASSADOR.

William Miller Collier, of New York, to be ambassador extraordinary and plenipotentiary of the United States of America to Chile.

PROMOTIONS IN THE NAVY.

The following-named passed assistant surgeons for temporary service to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from August 3, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

Worcester R. Angell.	Alfred H. Gaither.
George G. Herman.	Franklyn C. Hill.
Daniel P. Platt.	

The following-named passed assistant surgeons of the United States Naval Reserve Force to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from August 3, 1920, in accordance with the provisions of the act of Congress approved June 4, 1920:

Morgan O. Barrett.	David O. Bowman.
John G. Smith.	Vincent H. Usera.

MARINE CORPS.

Eric A. Johnston to be a first lieutenant in the Marine Corps from the 4th day of June, 1920.

CONFIRMATION.

Executive nomination confirmed by the Senate June 24, 1921.

STATE DEPARTMENT.

AMBASSADOR.

Cyrus E. Woods to be ambassador extraordinary and plenipotentiary to Spain.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 24, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, Thou who hast made all of the paths of life to spring from Thy judgment throne of might and mercy, come unto us. Thou who hast put music into the world and set the bright light of eternal day in the skies of our hope, hear us. In a high and blessed sense make it easier for us to laugh than to cry. And may the glad heart be the rule and the sighing breast the exception. Make every valley a flowing well of life and promise and every mount an altar of praise and sacrifice. And may we not be afraid to trust God now, henceforth, and forever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2089. An act authorizing the appointment of an additional judge for the district of Minnesota; to the Committee on the Judiciary.

VEST-POCKET EDITION OF CONGRESSIONAL DIRECTORY.

Mr. KIESS. Mr. Speaker, I desire to report the following privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania reports a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 18.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound a vest-pocket edition of the Congressional Directory, of which there shall be one edition only during each session of Congress.

The preparation, number, style, and distribution of such directory shall be under the control of the Joint Committee on Printing: *Provided, however*, That the usual number shall not be printed.

Mr. KIESS. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT TO FEDERAL FARM LOAN ACT.

Mr. McFADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1837.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1837, with Mr. MADDEN in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. McFADDEN] has 30 minutes remaining, and the gentleman from Arkansas [Mr. WINGO] 39 minutes.

Mr. McFADDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. DUNBAR].

Mr. DUNBAR. Mr. Chairman and gentlemen of the committee, on yesterday one of the Members, who said he would not vote for the bill under consideration, gave as his reason for not doing so that the United States Government was running behind in its finances and that our expenditures were exceeding our income. This seems to be a common misapprehension that exists in a great many parts of our country, and especially in the financial districts of our country. But instead of running behind in our expenditures we are actually not only keeping well within our income but reducing our national debt in a manner that must be most gratifying to those who are responsible for the management of our Government finances.

The Wall Street Journal, which ought to have accurate information regarding the finances of this country, has been one of the periodicals which has constantly and continuously given out misinformation, and even to-day the following paragraph appears in its issue:

Total tax and miscellaneous collections this year will be more than $5,000,000,000, Treasury officials believe, with expenditures running slightly below *this* amount. The Government, these reports indicate, is beginning to live within its income for the first time in several years.

The Government is not only living within its income now, but has been living within its income for nearly two years, during which time our national debt has been decreased nearly $2,500,000,000. So far this fiscal year our receipts have been $5,507,000,000, and yet, notwithstanding this, the Wall Street Journal to-day states that our collections this year will be more than $5,000,000,000, "Treasury officials believe," and that in face of the fact that to-day our income is 10 per cent more than the amount reported by the Wall Street Journal.

The excess of ordinary receipts over ordinary disbursements so far this year have been $583,000,000. Our excess of receipts over disbursements last year was something like $600,000,000. Among the other totals that have gone to make up the reduction in the public debt have been between $700,000,000 and $800,000,000 which has been returned to the Government by the Grain Corporation and by the War Finance Board. So that as far as our receipts and disbursements are concerned, affecting the financial condition of the Government, there should be no objection to the enactment of this bill into law.

Mr. FESS. Will the gentleman yield?

Mr. DUNBAR. Gladly.

Mr. FESS. While I would not offer that as an objection to the bill, yet is it not a little embarrassing to us that while our income is larger than our outgo the income is still from a war taxation system?

Mr. DUNBAR. The income is not altogether on a war taxation basis. At one time the flat normal business tax was 12 per cent and 6 per cent. That was for the year 1918, when the war closed. Since that time those taxes have been upon a basis of 8 per cent and 4 per cent. In other words, flat normal business tax was 50 per cent more than it is at the present time.

Mr. FESS. Does the gentleman make that statement as an accurate statement?

Mr. DUNBAR. As an accurate statement.

Mr. FESS. That our war taxation was 50 per cent more than it is now?

Mr. DUNBAR. We now pay a tax of 4 per cent on the first $4,000 above exemption.

Mr. FESS. That is only one form of the tax. That is income only.

Mr. DUNBAR. It is the largest Government income that we have. Of course, the internal-revenue tax on other items of income has not been decreased.

Mr. FESS. I think my friend will agree with me that our taxing system was born out of the stress of war and that we do not want to continue the present system if it is possible to change it.

Mr. DUNBAR. We do not want to continue the present system in all of its features.

Mr. FESS. And the mere fact that under the present system we are getting more money than we are paying for running the Government is not to me a satisfactory statement that our finances are in the best possible condition.

Mr. DUNBAR. They are not in the best possible condition, but under the circumstances I do not see how they could have been expected to be in a better condition.

Mr. FESS. That may be true.

Mr. DUNBAR. Yes.

Mr. FESS. However, all of us are distressed over the fact that we still have an uneconomic system of taxation, born out of war conditions.

Mr. DUNBAR. That is true, but I do not see how you could expect anything else; how we could go into a war that cost $40,000,000,000 and expect immediately after the war to have a tax system that is not to some extent at least based upon uneconomic conditions.

Mr. FESS. I think the gentleman's question answers itself. We could not do it.

Mr. DUNBAR. But I am in favor of a revision of the income tax, and I believe that every Member of this House is in favor of a revision. A revision will be made, and I think that it is generally understood that the entire excess-profits tax will be removed, and I think it should be removed. I believe that a great deal of what Secretary Mellon terms as a "nuisance tax" should be repealed, and that it will be repealed. But I want to say to the gentlemen of this House that I do not believe that we should seriously consider a reduction in our income tax. I believe that a man who has an income of $50,000 a year can well afford to pay a sum of money into the Treasury of this Government which is less than $10,000.

Mr. FESS. Would the gentleman yield again there?

Mr. DUNBAR. Yes.

Mr. FESS. I agree with the gentleman that I would not reduce the income tax unless by reducing it we get more tax than by keeping it at the high rate. It strikes me that if we keep the upper range of the income tax until we accumulate a larger surplus than under the present system it would be well.

Mr. DUNBAR. Well, let us reduce our taxes after the surplus begins to accumulate. With the surplus that has now accumulated I think we can safely repeal the excess-profits tax which Secretary Mellon estimates for the calendar year will amount to $450,000,000.

Mr. FESS. Would the gentleman yield for another question?

Mr. DUNBAR. Yes, sir.

Mr. FESS. Does the gentleman see any way by which we can repeal the transportation tax, which seems to be one very burdensome item of taxation?

Mr. DUNBAR. I believe that item amounts to about $350,000,000.

Mr. FESS. $330,000,000.

Mr. DUNBAR. I think it is approximately $350,000,000. We can repeal that tax and still have revenues sufficient to pay the operating expenses of our Government upon the present basis of taxation. With the exception of the income derived from the tax that the gentleman has just mentioned and the tax which we have been receiving, due to the excess-profits taxes, we could still operate and have sufficient finances to run this Government and also reduce our national debt.

Mr. Chairman, I want to tell you, sir, that there has never been any occasion for the distress and alarm and apprehension which in so many parts of the United States has been manifested, and I can not help but believe that it emanated from sources which have not analyzed Government receipts and expenditures.

We are in a position on account of the record of economy made by the Sixty-sixth Congress, and which will be repeated in the Sixty-seventh, the present Congress, to reduce taxation and provide for the efficient administration of affairs. Our Democratic friends have often told us that if we were an economical Congress, taxes should be reduced. They have failed to take into consideration that up until the meeting of the Sixty-sixth Congress in May, 1919, a Republican Congress, the expenses of the Government were continually increasing, and largely in excess of income; but after the Sixty-sixth Congress had been in session for four months governmental expenses began to decrease at the rate of $500,000,000 each succeeding three months, and this ratio was continued for the balance of the then fiscal year. The peak of our Government indebtedness was reached in August, 1919, amounting to $25,478,592,113.25. On June 30, the end of the present fiscal year, it will amount to approximately $23,000,000,000, making a reduction in

our national debt in less than two years' time of approximately $2,500,000,000. The principal objection to the reduction of taxes was the menace attending a large floating indebtedness which, in August, 1919, amounted to approximately $4,000,000,000. This has been reduced approximately $1,500,000,000. It should be the purpose of the Treasury Department to have this floating indebtedness converted into some long-term indebtedness so that the menace attending this continued renewal of Government indebtedness should cease to exist.

Governmental expenses for the last two fiscal years and the estimated expenses for the coming fiscal year have been and are estimated for 1922 to be as follows:

1920	$6,403,343,841.21
1921 expenses to June 21, 1921	4,908,983,918.87
Estimated expenses for the remainder of the month	100,000,000.00
Making a total of	5,008,983,918.87
Estimated expenses for the fiscal year 1922	3,800,000,000.00

The above tells the story of economy. When it is considered that the disbursements for the year 1922 requires approximately $1,000,000,000 for interest on our public debt; $550,000,000 payment of money owed by the Government to the railroads; $500,000,000 for pensions to Civil War and other soldiers, for vocational education and compensation for soldiers of the late war, more than $2,000,000,000 of the $3,800,000,000 estimated expenses are accounted for.

Secretary Mellon in his estimate for ordinary expenditures for the fiscal year 1922 has estimated $4,014,000,000. His estimate for the Navy Department was $545,000,000, but the naval bill, when it is finally passed, will probably carry an appropriation of $414,000,000. There will also be savings effected in some other of the estimated expenditures. The total estimate of the Secretary is $4,565,000,000, but this estimate includes a reduction in the public debt amounting to more than $551,000,000. A reduction of public debt has no place in our ordinary expenditures and can not be charged to governmental operating expenses.

The estimate of the Secretary of receipts for the fiscal year 1922 amounts to $4,547,643,000, all based upon the present system of taxation. If we eliminate the excess-profits tax and the so-called nuisance tax, this amount will be reduced to approximately $4,047,000,000.

The increased tariff duties proposed will result in an estimated increased revenue of $300,000,000, so that there will be available, with the elimination of the excess-profits tax and the so-called nuisance tax, approximately $500,000,000 for the reduction of our public debt during the next fiscal year, or if we provide for a sinking fund of $250,000,000 there will be available $250,000,000 for further reduction in taxes.

The Sixty-sixth Congress, the one preceding this one, has been able to give a good account of its stewardship. It has effected economies, effected a reduction in the public debt, and has cut down estimates made by the departments amounting to $1,000,000,000.

The Sixty-fifth Congress, in the lower House, passed appropriation bills, many of which failed to pass the Senate and which the Sixty-sixth Congress found it necessary to enact into law. These appropriations were cut down approximately $800,000,000, and $800,000,000 saved to the taxpayers of the United States. So that the criticism which is continually appearing of congressional legislation and appropriations is not well founded, but too often appears as a result of some ulterior motive which has for its desire the accomplishment of legislation affecting some particular private interest.

The bill under consideration can not be objected to on account of the Government not being able to assume financial obligations to the Federal farm loan bank. It is a governmental institution created by the Government, and it is the duty of the Government to see that it is able to properly function. When the amount of $50,000,000 was first thought of as being the necessary amount to enable these banks to meet their pressing obligations, the last issue of $40,000,000 Federal farm loan bonds had not been all sold, since which time these have all found a market with the exception of about $137,000, so that now there is not the occasion or the necessity to appropriate as much money to enable these banks to function as there was when the idea first occurred to Senator CURTIS, of Kansas, to introduce his bill for $50,000,000.

The assets of the Federal farm loan banks for May 31, 1921, amounted to $402,000,000, $350,000,000 of which has been loaned to farmers.

The present bill proposes to deposit with the Federal farm loan banks the difference between its capital stock and $50,000,000, which, together with the $6,000,000 of Government loan they already have and $25,000,000 to be received, will amount to $31,000,000. When the capital stock of the banks reach $50,000,000 the Government will cease to feel obligated to deposit additional funds. But at that time it will be possible for the Federal farm loan bank to have loaned to farmers approximately $1,000,000,000, due to the fact that they are privileged to issue bonds to the extent of twenty times their capital stock.

These bonds, bearing 5 per cent interest, nontaxable, should, if the provision of the law is carried out in making loans, be the best security almost in the land. Loans are made to farmers not to exceed 50 per cent of the value of the land and 20 per cent of the value of improvements. Provisions are made that estimates of value shall be conservatively made. Money has been commanding a high rate of interest, but this, like other commodities, is now demanding a less price.

Call money in New York is now 5 per cent. The Federal reserve bank of New York has reduced its discount rate to 6 per cent. Bank securities in New York are selling on a basis of 6.2 per cent income to purchasers, so that a nontaxable Federal reserve land bank bond bearing 5 per cent interest will soon be in demand, and there is no reason why the Federal farm loan banks will not be able to sell their issue when offered at determined intervals. There is now no real occasion for the Government to deposit in Federal farm loan banks the amount of money in excess of $25,000,000. It has been mentioned that the Government deposits in national banks receive 2½ per cent interest, whereas in the Federal farm loan banks the Government will receive 5½ per cent interest, but deposits in Federal farm loan banks remain permanent until such time as provisions will enable the banks to permit the Government to withdraw its deposit, whereas in banks in which the Government money is deposited money so deposited is liable to be checked out at any time. Sometimes the Government has on deposit in banks three quarters of a billion dollars and other times but little over $100,000,000.

One is practically a time deposit and the other a checking deposit.

I am glad of the opportunity to vote for the bill under consideration. It will assist an industry, the most laudable of any that exists.

We now have too few farmers and too many middlemen living in the city making their living off the product of the farmer and of the workers in factories. Many of these people are living on the efforts of their wits and their ability to sell to consumers by pyramiding the cost of commodities to the farmer and the laborers in manufactories effecting the high cost of living beyond the warrants of legitimate profit.

Mr. MCFADDEN. Mr. Chairman, I yield to the gentleman from Kansas [Mr. STRONG] seven minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for seven minutes.

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, I am very glad to have had the privilege of assisting in presenting this legislation to the House. If there ever was a time when the agricultural interests of the country needed assistance in the financing of their problems that time is now. This bill will enable the Federal farm loan system to function. At the present time they need capital equal to or a little more than the amount of the bond issue they desire to float to enable them to secure the farm mortgages to place behind their bonds. They have a capital of about $25,000,000. So if they float a $50,000,000 bond issue they will need about $25,000,000, or perhaps $4,000,000 or $5,000,000 more, to use as a "turnover fund" in floating their bond issue.

This system has been of benefit to agriculture and is now needed more than ever for the reason that the money that has heretofore been available for investment in farm mortgages by the great insurance companies, private investors, and States is now being diverted by higher rates of interest into the good securities that are so easy now to obtain, and the farmers are being asked to liquidate and pay their mortgages when they become due. They therefore need the assistance of the Federal farm loan system more than ever before, and the Federal Farm Loan Board came to Congress asking assistance to enable them to have a needed "turnover fund," so as to sell their bonds. Senator CURTIS, of my State, introduced this bill in the Senate and the gentleman from Wisconsin, Mr. A. P. NELSON, introduced it in this House. The Senate bill passed first and came to our committee, where, after considerable "warfare," we finally unanimously reported out this amendment.

Now, there has been some criticism from the Democratic side and a little attempt to play politics on the floor of the House; but I want to congratulate the Democrats upon the committee, as the representatives of agricultural districts, on the fact that they were very fair and of much assistance in the consideration

and perfection of this bill in the committee. They now criticize the fact that after it was first reported out of committee it was returned for this amendment, and, I think, improvement, and they have tried to show that it was a matter of politics.

But I want to say to the Members of this House that this bill without amendment was first ordered reported out of the committee over the objection of some of its members, who perhaps did not understand the agricultural situation as some of us do who represent agricultural districts. After it was ordered to be reported out, suggestions were offered which it was thought would make it possible for us to become unanimous as a committee in support of the bill. We therefore took it back into the committee, called down the Federal Farm Loan Board, and did succeed in agreeing to this amendment, and it was reported out by the unanimous vote of the committee.

Now, what is the difference between the original bill as it came from the Senate and this committee amendment? They both accomplish exactly the same purpose. The Senate bill provides that the Secretary of the Treasury may, in his discretion, deposit with the farm loan banks up to $50,000,000 for the purpose of facilitating the issuance of these bonds. It does not say he must deposit $50,000,000. Two members of the Federal Farm Loan Board themselves stated to us that they did not expect to ask the Treasury to deposit more than they would need, and if their bond issue did not exceed $50,000,000 they would not need or ask for more than $25,000,000. The committee amendment provides that the Treasury shall deposit with the Federal Farm Loan Board the difference between their capital stock, which is $25,000,000, and $50,000,000, which will give them the $25,000,000 they will need to float a $50,000,000 bond issue, which is all they expect to attempt to float in a single issue.

That being the case, this committee amendment provides all the money that the Federal Farm Loan Board need, and they came before our committee and said so. They do need this difference between their capital and $50,000,000, which they will get by this amendment, and I hope no Member of this House will be led away by the statement that we are detracting from the benefits to be received by agriculture in this bill if we adopt the amendment that the committee has suggested.

There is one other feature in the amendment that I think is a good one. After the bill was first reported we were also advised that amendments would be offered limiting to three years this authority of the Treasury to make such deposits upon the theory that by the time the three years had expired the capital of the Federal farm loan bank would have reached $50,000,000 and would make this deposit no longer necessary. This bill provides that until the capital of this Federal Farm Loan Board shall have reached $50,000,000 this action by the Treasury shall be performed. It is a good amendment to a good bill and will enable the Federal farm loan system to function and give relief to agricultural interests. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. Will the gentleman from Arkansas use some of his time?

Mr. WINGO. There will be but one more speech on this side.

The CHAIRMAN. The gentleman from Arkansas has 29 minutes remaining.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and four Members present, a quorum.

Mr. McFADDEN. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman, I am against this proposition, because I am against the granting of special favors to special interests. I do not believe that all of the farmers of the country should be taxed for the benefit of a few. I do not believe that all the people of the country should be taxed for the benefit of a special number or a special class. I do not believe that any more tax-exempt securities should be issued, placing upon the backs of the poor people of this country a tax and at the same time relieving the rich from it.

In this period of somewhat loose thinking far too many people delude themselves with the notion that tax exemption means that in some mysterious way the tax will not be paid. They forget that bills must be paid by some one and that pay day comes as regularly as the sun rises, and any form of tax exemption at all simply means that the burden of taxation is removed from one class to another; in other words, some one must work that another may shirk.

Let us briefly examine the Federal farm loan system as it is now subsidized.

The expenses of administration are paid by the Federal Treasury. For the fiscal year ending June 30, 1921, the appropriation was $303,000.

The capital of the land banks when organized was furnished for the most part out of the Federal Treasury, and no charge for interest or otherwise is made for its use, nor can dividends be paid by the system to the Government. On the outstanding Government capital now thus employed the annual loss in interest to the Federal Treasury, at 6 per cent on $6,832,680, is $409,960.80.

The Federal Treasury has purchased and is carrying $136,885,000 of Federal farm loan bonds yielding 4½ per cent and $43,350,000 yielding 5 per cent. The Federal Treasury is financing itself at an interest charge of 6 per cent. The annual loss to the Federal Treasury on the bonds thus carried is therefore $2,506,775. This makes a net total loss for the current year of $3,219,735.80.

The total volume of Federal farm loan bonds outstanding in the hands of the people on January 1, 1921, was $149,173,000. They are totally exempt from the Federal income tax, as well as from all State and local taxes.

The significant fact about these bonds is that they are held mostly by wealthy investors who buy them for the purpose of escaping income taxes. They are not attractive to small investors, but to investors having incomes of $100,000 or over, the tax-exemption feature makes them a good investment and the minimum loss to the Federal Treasury in taxes approximates $2,300,000 per year.

The burden placed upon the people of the United States by giving this special privilege to a few is over $5,000,000 per year.

These figures may not accord exactly with the last statement of the board, but they are approximately correct.

This is the money loss, the transfer of the burden of taxation from the backs of a few to those of their fellow citizens; it is the price that the poor who toil in the workshops of the cities, the diggers of the ditches, the miners in the mines, the owner of the humble home, the man of small income, must pay to the end that governmental aid may be given to a few and that the man of large income may escape contributing from his large income to the maintenance of the Government.

I have no complaint against the farmer. I appreciate the burdens that he bears and the insufficient return that he in general receives for the risks that he takes, and the small reward that he enjoys for the hours that he labors. I know the troubles and difficulties that he encounters. I have a farm myself, and my sympathy goes out to the farmer, but I am against the principle of taxing the farmers of my district for this purpose, of having them contribute to the cost of the maintenance of farms in other sections of the country or his neighbor farmer.

But I am against this bill upon a broader ground than that, and that is that it is another step toward socialism and paternalism—that insidious poison that is gradually invading the veins of our Republic.

The history of the ages is replete with the decay that always attended dependence upon government. America is great and powerful and strong to-day, not on account of her wonderful resources and natural wealth, primarily, but because of the sturdy race of men and women that overcame the obstacles of the wilderness and made a great Nation and developed the resources that we have.

A few years ago it was an almost abhorrent thought that the Government should take any part in the individual affairs of its citizens, but to-day we are listening to the insidious whispers of the socialist, the communist, the bolshevist, or whatever name you wish to call him by, who is trying to delude the people into the vain and foolish belief that the State should forever hold out the helping hand; that this class or some other class needs Government assistance; and that unless Uncle Sam comes to the rescue ruin is assured.

The final result of a few more laws like this present one that we are considering to-day is not pleasant to contemplate for a thoughtful man who loves his country and her people. Paternalism means pauperizing the people and getting them to depend on something other than their own work and effort. Nothing can be more appalling than this feeling of dependence upon the Government generally developed, and unless the tide is soon stemmed the menace of socialistic paternalism will overwhelm the citizenry of our country and a race of pioneers will degenerate into a Nation of parasites.

Mr. McFADDEN. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. LUCE].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 12 minutes.

Mr. LUCE. Mr. Chairman, in concluding this debate there is little occasion to attempt more than a summary of the situa-

tion. The Committee on Banking and Currency, by unanimous vote, barring only the gentleman who has just taken his seat, who opposes it on a side issue, advises the House to substitute the draft before you for the Senate bill. My good friend from Arkansas [Mr. WINGO] joins, I think, the other members of the committee in advising the House to adopt this substitute, although he may advocate amendment. He is an excellent parliamentarian, one of the best in the House, and he perfectly understands that I should transgress the rules of parliamentary conduct by discussing what went on in the committee. And although he himself came dangerously near disclosing what occurred in the committee, I am confident that when he comes to the extension of his remarks his uniform good faith will not lead him to take advantage of the situation by violating the rule with which he is so familiar.

Mr. WINGO. Will the gentleman yield for a question?

Mr. LUCE. This is a solo. I will, if necessary, engage in a duet with the gentleman under the five-minute rule.

Mr. STEVENSON. Will the gentleman permit a question?

Mr. LUCE. And I will make it a trio, even, under the five-minute rule, but not at present. [Laughter.]

Mr. STEVENSON. Is the gentleman objecting to his course in the committee being revealed?

Mr. LUCE. Mr. Chairman, I should be quite willing to reveal my course in the committee were it not for the point of order that ought to be raised against such a course.

The committee was confronted by a measure containing two elements, and unless these are discriminated there can be no fair decision in the vote about to take place. The first proposition was advanced by reason of the failure of our friends on the Democratic side of the House when they framed the farm loan act to foresee the amount of working capital needed. When the Republicans came into power it became necessary to correct the error committed by our Democratic friends. We have faced the issue squarely and provided enough capital for the system.

At first it was suggested that there ought to be $50,000,000 of working capital, but upon analysis it was proved to the satisfaction of everybody, except perchance the gentleman from Arkansas [Mr. WINGO], that it was not needed by the amount of $19,000,000. And so, after long conferences, we finally reached the conclusion to advise the House to extend the help of the Government to this extent. In all these deliberations the gentleman from Wisconsin [Mr. A. P. NELSON] took an active part, for which he deserves recognition and credit. He has been the true friend of the agricultural interests in this matter, and has helped wisely in bringing about a happy solution of a difficult problem. He is to be thanked and congratulated for what he has thus achieved to the benefit of the farm loan system.

I need not spend further time upon the question as to whether this is a sound and safe provision of working capital, for over against the argument so eloquently put forth by the temporary exigencies. There lies the great mistake of any the view of the men who know something about it [laughter], the men who operate the system, the Farm Loan Board itself, because the members of the Farm Loan Board say that this is enough. This is all, they say, that is necessary for the proper working of the system.

The system is an admirable system. I want to say just one word in recognition of its merit. I trust its prosperity may continue. With existing law it already has amassed a capitalization of $350,000,000, put out in loans. I shall be very glad to help in the perfecting of this system and correcting any other errors in its structure for which my friends on the other side may be responsible. To you who are contributing to the development of this system I would point out at least the opportunity to strengthen it by amalgamating with it features of the cooperative banking system, which might very well be studied for this purpose.

The farm loan system was devised not for the purpose of loaning money to farmers for running expenses or to meet temporary exigencies. There lies the great mistake of my friends on the other side. I regret very much to have to call to the attention of the House the fact that the number of tenant farmers in this country is still increasing. By the figures that came to us a few days ago it appears that of the 6,449,242 farmers in this country 2,455,879 are tenants. Two-fifths of the farmers of this country hire their farms, and the proportion is somewhat larger now than it was 10 years ago.

God speed the farm loan system if it meets that evil. Such it is doing. Already it has helped farmers to the extent of $350,000,000. If it will function as it should, properly and naturally, with this addition of capital placed at its disposal by the Government, well and good. My Democratic friends here, however, desire us to go further. They emphasize the view that we ought to take this system and engraft upon it another system, that we ought to debauch it, that we ought to pervert it to unholy ends.

I want to put in the RECORD what the men who are running this system think of such a proposal—not only the opinion of Judge Lobdell, whose political views are of one kind, but also the opinion of Mr. Lever, whose politics are of another kind. There ought not to be any politics in the consideration of this question, and there are none in the Farm Loan Board. Here is what the Farm Loan Board says, through its chairman, Judge Lobdell. Mark it, my friends, you who are yet to write out the 13 speeches that are not in this morning's RECORD. Incorporate, if you please, this statement of the chairman:

> The Farm Loan Board does not adopt the theory that the farm loan act was intended to be or is an institution for conveying public money to individual borrowers or loaning public money, or that the public funds were intended to be loaned.

And further:

> The Federal farm loan system was not intended to be and is not an emergency measure, and it ought not to be expected to be geared up to emergency operations.

In view of the amendments that are about to be proposed, evidently an attempt will be made to gear the system up to emergency operations, to debauch it by perverting it to dangerous ends—dangerous to the system and dangerous to the farmers. You will be asked through this system to lend public money to men in temporary need.

Let me suggest also that you incorporate in the 13 speeches yet to be printed the statement that if you should give this system the $19,000,000 extra you say you wish to give, you would, on the basis of the average loans from the start of the system, furnish aid to 1 farmer in 954. Loans are now averaging to be somewhat larger than at first, so it is fair to say you would furnish aid to one farmer in a thousand. Your eloquent speeches, those already delivered and the 13 yet to be written, will serve to show that you have heroically, on one of the hottest days in the year, stood up on this floor and demanded that you might put your hands into the Public Treasury in order to help out one farmer in a thousand! [Applause.]

Furthermore, this farm loan system contemplates that the money shall be repaid by partial payments extending over 33 years. Is it wise that men should under such a system mortgage their farms for passing needs? Thirty-three years to replace the money borrowed to buy a plow or a tractor or some other instrument! Thirty-three years to return the cash wanted for carrying crops over a few months longer! Thirty-three years to repay a loan that ought in its nature to be for something enduring and permanent! Can you not see that to resort to such a system for meeting temporary emergencies, lasting only a few months, would be detrimental and perilous to the system itself? [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

> That section 32 of the Federal farm loan act, approved July 17, 1916, as amended, is hereby amended by adding after the first paragraph a new paragraph to read as follows:
> "Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $50,000,000, or more, the Secretary of the Treasury may, in his discretion, make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same within 15 days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits."

Mr. WINGO. Mr. Chairman, I offer an amendment to strike out the figures "$50,000,000" and insert "$75,000,000" in the two places where the figures occur.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. WINGO: Page 2, line 15, strike out "$50,000,000" and insert in lieu thereof "$75,000,000"; page 3, line 3, strike out "$50,000,000" and insert in lieu thereof "$75,000,000."

Mr. TINCHER. Mr. Chairman, I rise to oppose the amendment, and do so as a friend of the Federal farm loan system. I want to agree with the gentlemen who have preceded me in their statement of the high esteem in which the Federal Farm Loan Board is entitled to be held by the American Congress. There has been nothing in their conduct that would warrant

this Congress in treating the Federal farm loan bank as a football every time a little proposition comes up here pertaining to it.

In the act of 1920, as has been said here, we authorized the Secretary of the Treasury to buy certain Federal farm loan bonds to liquidate some obligations that the Federal farm loan banks were under that they could not take care of by reason of the fact that they were tied up in the courts. Congress has been criticized yesterday and to-day, because at that time it did not appropriate money out of the Federal Treasury to operate the Federal farm loan banks during the depression and during the time they were tied up in the courts. As a true friend of the system, who has always argued that it could be maintained without Government subsidy, I disagree with that argument, and I glory in the nerve and the manhood and the integrity of Frank Lever and Charlie Lobdell when they said they did not want to operate in that way. I want to say to you that men like the distinguished gentleman from Texas, who spoke here yesterday, deserve some credit when, speaking of this proposed amendment, he said they were putting $25,000,000 in the Federal farm loan banks that they did not want to use, because they are not going to sell but $40,000,000 of bonds at a time. So it is apparent that without the amendment it will furnish them capital enough. Why put $25,000,000 more into the land bank system for them to pay interest on? I say the truth of the statement is that the friends of the system who want to see it perpetuated ought not to support the amendment. I do not charge the gentleman from Arkansas with being an enemy to the system; he is a friend of the farm loan bank system, but there is something he loves better. His chief pastime is politics, and he plays it 24 hours a day. He is playing it to-day at the expense of the great Federal farm loan bank, which is the best friend the farmer ever had. Read his speech and compare it with the speech of the distinguished gentleman from Texas [Mr. BLACK]. This bill without the amendment gives the banks sufficient money to take care of the issue of bonds from one issue to another, and why do you want to put $25,000,000 more in there for them to pay interest on? Suppose the worst should come, suppose that the Federal land banks should get into some emergency so that at a certain time they would have to have more money, they could come to Congress and apply for it. Congress would give it to them, because it knows that they are fair, that they do not ask for $25,000,000 when they do not need it. Gentlemen, I hope that this amendment will not pass and that the friends of this great system will not permit it to be made a football of. [Applause.]

Mr. KNUTSON. Mr. Chairman, I am in hearty sympathy with the purpose that this bill seeks to bring about, but I would like to call the attention of the Committee on Agriculture to several amendments that I think should be made in order to strengthen the measure. On page 1, line 8, after the word "and," I would add "cooperative or other," so that it would read "cooperative or other associations."

Mr. WILLIAMS. That is already in the bill.

Mr. KNUTSON. The word "cooperative" is not in the bill.

Mr. JACOWAY. I will say to the gentleman that it says, on page 1:

> The term "person" includes individuals, partnerships, corporations, and associations.

If that is correct, will the gentleman contend that his amendment should still go in?

Mr. KNUTSON. I will say to my friend from Arkansas that if the words "cooperative or other" were added after the word "and" in line 8 there would be absolutely no doubt as to the meaning of the section.

Mr. JACOWAY. The question I will put to the gentleman now is, If he thinks that under the terms as defined there can be absolutely any question?

Mr. KNUTSON. You are giving a leeway in the manner of interpreting the word "association." Why leave it open? It is not going to cost anything to add the words "cooperative or other associations."

Mr. JACOWAY. It may not be wrong to put the words there, but it would be surplusage.

Mr. KNUTSON. I do not think so. Another amendment that I would suggest to the Agricultural Committee is on page 25, line 14. Now, one of the purposes of this bill is to throw the searchlight of publicity on the operations of the packers. The bill now reads:

> Whenever the Secretary finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the Secretary may prescribe the manner and form.

I would change the word "may" to "shall," and thus make it mandatory. I will not say that this discretionary legislation does not amount to anything, but I believe legislation should be mandatory wherever possible.

Mr. HAUGEN. Is the gentleman afraid to trust to the good judgment of the Secretary?

Mr. KNUTSON. We have had three Secretaries of Agriculture since I have been in Congress, and one of them I would not trust any too far.

Mr. RAYBURN. And the Secretary is pretty well loaded with what they have delegated to him in this bill already, without any addition.

Mr. KNUTSON. On page 28, line 12, I would add after the numerals "1914":

> And in any case where the Federal Trade Commission is directed to investigate by the President or either branch of Congress.

Mr. Chairman, it seems to be the popular thing these days to rap and discredit the work of the Federal Trade Commission. Personally, I think that body has rendered good service in throwing the searchlight of publicity on the transactions of great industrial concerns. I agree with Secretary Hoover that publicity is the cure for many present-day evils, and I believe that we should have more publicity on the operations of the packing industry than we now have or is contemplated under this bill, and by adding the amendment suggested by me after the numerals "1914," the bill would be materially strengthened. This is a good bill and should pass. All farmer organizations from which I have heard are in favor of its passage; in fact, it is my information that representatives of the American Farm Bureau Association were present when it was being considered by the committee.

Gentlemen of the committee, something must be done to aid the farming interests of the country, and we should do everything in our power to promote their welfare. I have in mind two things that we should do that would materially help them. First, conclude peace with the Central Powers, so that they could buy of our surplus foodstuffs. Second, pass the Nelson bill authorizing the Secretary of the Treasury to purchase $50,000,000 worth of Federal farm loan bonds, so that the farm banks could take care of all applications for farm loans. I am glad that the former will be an accomplished fact within the next few weeks. Let us also make the latter one of the early measures to be placed on its final passage. When this has been done it will draw aside the curtain of darkness and reveal the dawning of a better day.

Conditions in the country to-day are most serious, and all lines of endeavor are handicapped and crippled. Every great war has been followed by a period of depression such as we now have, but never before has there been a disarrangement so universal and far-reaching. Everywhere is industrial chaos and wreck, unemployment and discontent. Perhaps none have been harder hit than the farmers. Their products have shrunk in value one-half, while the things they must buy are about as high as they were during the peak of the war. High freight rates are largely responsible for this condition. I feel that Congress should lose no time in repealing the clause in the Esch-Cummins Act which virtually amounts to a guaranty of a fixed return on railroad investments. It was that clause which prompted me to vote against that measure when it passed the House in November, 1919. We do not guarantee a fixed return to the farmer, business man, or manufacturer, and we should treat the railroads on the same basis as the others are being treated.

Members of Congress from large centers of population must get over the idea that legislation helpful to the agricultural interests is socialism. I would urge upon them the necessity for legislation that will relieve in part the heavy load being borne by the farmers of the country. Let the Committee on Banks and Banking bring out a measure that will provide them with short-term loans; also, let this Government place its mark of disapproval upon ambitious schemes to finance foreign countries while there is such great need for money at home. There never was a time when the phrase, "Charity begins at home," should mean so much as now. Get the American farmer, business man, and laborer back on their feet and all will be well.

Mr. STEVENSON. Mr. Chairman, the distinguished gentleman from Kansas [Mr. TINCHER] a minute ago spoke of the offering of this amendment as playing politics. He referred to the discussion as politics. The members of the Committee on Banking and Currency, according to my experience, are not accustomed to play politics with the finances of this country. If we are playing politics by asking you to put $50,000,000 instead of $25,000,000 into the farm loan system, the Senator from Kansas, the author of the bill, inaugurated the political era, because he thought it was the proper amount when he introduced the bill. They passed it through the Senate, and they

are permeated with politics if the gentleman from Kansas is right.

The gentleman from Kansas made another statement in which he said that Congress was criticized yesterday because it did not appropriate money to run the Farm Loan Board during the suspension of operations when the Supreme Court was in a case of coma on the subject last year. I have not heard any such criticism, and I thought I heard the whole debate. In other words, the gentleman from Kansas talks through his hat, and sometimes, when he has not got his hat on, he talks through the hair of his head.

Now, the gentleman from Massachusetts [Mr. LUCE] made a suggestive remark a while ago. He said that this was taxation, if the amendment proposed here by the gentleman from Arkansas was adopted; that we would tax all the people to help one farmer out of a thousand. What do they propose to do? If that proposition is true, they propose to tax the people to help one farmer out of two thousand. Where is the difference in principle? The truth of the business is, and you want to get it into your heads, this does not tax anybody to help any farmer; it is an investment, under the direction of Congress, whereby the Treasury of the United States is absolutely protected, and it does not cost the taxpayer of this country one dollar. If you are going to make it one out of two thousand, why is it wrong to make it one out of one thousand? The gentleman from Massachusetts is not in favor of doing anything. It was only because he was confronted with the fact that once the bill passed by the Senate, introduced by the Senator from Kansas, got on the floor of the House, he and his conferees opposed to doing anything for the farmer would be run over as with a steam roller by the friends of the farmers in this House, and the bill would be passed with a fifty million provision in it. That is the only reason he became in favor of the $25,000,000 proposition.

Mr. WINGO. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. WINGO. Is it not true that when the bill providing for $50,000,000 was before the committee the Secretary of the Treasury and Judge Lobdell were before the committee, and they suggested that with the $50,000,000 it would be possible to do a $40,000,000 business between now and the next bond issue?

Mr. STEVENSON. Yes.

Mr. WINGO. There is where the limit of $40,000,000 came in.

Mr. STEVENSON. Yes; that is what was said, and the gentleman from Massachusetts [Mr. LUCE] held this matter up for a week in order to file a minority report against it, which he got permission to do, and which he never did, because they succeeded in getting it back to the committee in order that he might become unanimous by cutting down to where it is practically worthless to the whole proposition. [Applause on the Democratic side.]

Mr. McFADDEN. Mr. Chairman, in view of what has been said here in respect to the action of the committee in the consideration of this bill, I think I should say this: When the bill came into our committee there were members of the committee who were not in favor of it. In doing what he thought was for the best interests of the farmer the sponsor of the bill insisted on early consideration, which was a very brief consideration, and an almost immediate vote. The committee did vote this bill out some days before action was taken. We attempted, with the cooperation of the gentleman from Wisconsin [Mr. A. P. NELSON], who was to make the report, to get a reconsideration of the measure, which we did get. After we got it back into the committee we considered it in an intelligent manner and amended the previous action in such a way that it met with the approval of the entire committee. We called before the committee the farm loan commissioner and Mr. Lever, a member of the board. We discussed this matter in detail with them and worked out this solution. It meets with the entire satisfaction of the Federal Farm Loan Board, because it permits the Federal farm loan system to function. Fifty million dollars of capital is sufficient for them to accumulate the mortgages so that they may sell bonds in lots to $50,000,000. That is all they claim they want to do. If we accept this amendment which is proposed, it means that we are giving the system more money than the men who are running it say they need. It means that we are putting into the Treasury of this great system additional funds for the purpose of purchasing mortgages in excess of their ability to dispose of them, and it means also, if we do this, under the provisions of this act, that the farm loan system must be burdened with paying a greater annual interest charge than otherwise, which is something we do not want to have them do.

I think I have covered this matter, and I think the matter has been pretty thoroughly discussed. I suggest that we vote on the amendment.

Mr. CRISP. Mr. Chairman, I would like to offer an amendment to the motion of the gentleman from Arkansas and have five minutes upon it.

Mr. WINGO. I suggest that the gentleman from Pennsylvania ask unanimous consent that debate close at a certain time.

Mr. STRONG of Kansas. I want to have five minutes.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. ALMON. Mr. Chairman, reserving the right to object, may I have five minutes? Mr. MADDEN, the permanent chairman of the committee, said that he would recognize me on this amendment. I could not get any time in general debate. Make it 15 minutes and I shall not object.

Mr. McFADDEN. I accept the gentleman's suggestion.

The CHAIRMAN. The gentleman modifies his request to have the time limit fixed at 15 minutes. Does the gentleman state who is to have the time?

Mr. McFADDEN. Yes. Five minutes to the gentleman from Georgia [Mr. CRISP], five minutes to the gentleman from Kansas [Mr. STRONG], and five minutes to the gentleman from Alabama [Mr. ALMON].

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRISP. Mr. Chairman, I offer to amend the substitute of the gentleman from Arkansas by striking out the figures "$75,000,000," where they appear in two places, and inserting "$100,000,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CRISP offers an amendment to the amendment offered by Mr. WINGO by striking out "$75,000,000" and inserting in lieu thereof "$100,000,000."

Mr. CRISP. Mr. Chairman and gentlemen of the House, I am not going to talk politics and I do not think you have ever heard me on this floor talk partisan politics. The World War has upset all economic conditions in this country. Every line of business is suffering; but no class of citizens throughout the whole United States are in the financial distress of the farmers of the land. They can not realize anything like the cost of production of their products, and unless they can get some financial relief they will go into bankruptcy. I will say to my distinguished friend from Massachusetts [Mr. LUCE] that unless you aid the farmers financially there will be more tenant farmers than there were according to the last Federal census.

My amendment and this bill make no charge upon the taxpayers of the country. It is a sane, economic proposition, and it in no way destroys the rural credits system. It simply authorizes the Secretary of the Treasury to deposit a large sum of money in these banks, to be loaned under the terms of the Federal land act; and what are those terms? Fifty per cent of the value of the land, exclusive of the improvements thereon, on a first real estate mortgage. Is there any better security? The Government deposits money in national banks and gets only 2 and 2½ per cent interest, while if the Government will deposit $100,000,000 in the 12 Government Federal land banks it will receive over 5 per cent interest on the deposit and it will afford a working capital to enable the Federal farm loan system to function as it was intended to do when Congress passed it.

Friends on the Republican side say the Democrats made a mistake when they passed this farm-loan act in not providing sufficient capital for the banks. That may be true. Has anyone ever known of a great economic piece of legislation being enacted into law without some defect in it? Though there were defects, and though they still remain, it is with pride that I recall the fact that the Democratic Party was the one that fathered and passed the law, and now we are asking you to help us correct its defects by providing larger credits for the system.

What is the harm in adopting my suggestion, authorizing the Secretary of the Treasury to deposit $100,000,000 in the bank? If he does not think it is necessary, he will not have to do it; and if it is necessary, if we pass this law, I believe he will do it. That would enable the banks to grant loans to the farmers of the country on their land, not for a temporary purpose to hold their crops, and so forth, as the gentleman from Massachusetts [Mr. LUCE] says, but to save themselves from bankruptcy. It will enable them to pay off mortgages now on their land where the creditor is threatening to foreclose, and this financial relief will prevent many thousands of farmers from becoming tenant farmers.

Mr. Chairman, in my section it is impossible for the farmers to obtain loans from private sources to pay off pressing indebtedness on their farms or to secure the necessary money to

buy fertilizer and machinery essential for the carrying on of their business, for practically all the local capital was loaned out to make last year's crops, and the banks and individuals have exhausted their credit. The only possible way, in my judgment, that relief can be extended the farmers is by the Government, through the Federal farm loan system. Realizing the gravity of the situation, on June 8 last I introduced a bill, H. R. 6960, authorizing the Secretary of the Treasury to loan to the Federal Farm Loan Board $200,000,000, to be loaned out under the terms of the Federal farm loan act. I believe that amount is needed by the farming interests, but seeing the temper of this House I have no hope of such an amount passing, and therefore I introduced my substitute for one hundred millions.

I trust my amendment will be adopted, but if not, I shall vote for the bill, because it is a step in the right direction and it at least doubles the capital of the farm land banks, and as it is to be a revolving fund, it will enable many loans to be made that could not be made without the additional capital.

I hope, gentlemen of the committee, as most of you have the interest of the farmer at heart, that you will vote for my substitute. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla.; and

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.

AMENDMENT TO FEDERAL FARM LOAN ACT.

The committee resumed its session.

Mr. BLACK. Mr. Chairman——

The CHAIRMAN. For what purposes does the gentleman from Texas rise? The time has been limited and allotted. The gentleman from Virginia [Mr. DEAL] is recognized.

Mr. DEAL. Mr. Chairman and gentlemen, I am a farmer, perhaps one of the very few Members of this body engaged exclusively in that occupation. I listened through the entire day yesterday at the many expressions of sympathy by the lawyers of this body for the farmer. They told us about the distress of the farmer and the sympathy they have and the relief they proposed to give him through the medium of this bill. I attended a meeting, some weeks ago in the House Office Building, of farmers. There were present a number of Senators and Representatives of this House. They all with one accord announced with loud acclaim their desire to assist the farmer, and without hesitation or mental reservation promised to do anything that the farmer wanted. I was delighted to hear those gentlemen promise so much for those of us who are suffering. Now, this bill, as I understand, is to provide that $25,000,000 shall be, or may be, deposited by the Secretary of the Treasury with the Farm Loan Board, the idea being, as I gather it, that this money may be loaned to the farmers and thereby bring relief to them in their distress. My understanding is that there are about 7,000,000 farmers in this country. If we divide those $25,000,000 among the six or seven million farmers, we will each receive about $4, and I am anxious to see this bill pass in order that I may receive my $4. [Laughter.] I may need it before I get away from Washington to take care of my board bill.

The amendment proposed by the gentleman from Georgia would pave the way for each farmer to borrow an additional $12, and I shall support his amendment. I have no idea that it will be adopted. The majority of this body, I suspect, would feel that it would bankrupt the Treasury and encourage an era of extravagance and idleness among the farmers that would jeopardize the food supply of our country. Therefore we will in all probability have to content ourselves with loans of $4, which will be useful in making up our tax money. Since there are so many here who are ready and willing to assist us farmers, may I not express the hope that we turn our attention to the tax levy, where we may be of real assistance not only to the farmer but to all classes of our citizens.

The gentleman from Illinois [Mr. MADDEN] stated upon this floor a few days since that appropriations during the coming fiscal year would be approximately $3,500,000,000, with possible payments, according to the Secretary of the Treasury, of $4,014,000,000.

In answering the charge that the Republicans have been spending at the rate of $6,000,000,000 per year, he, Mr. MADDEN, stated that—

> Everyone knows that expenditures have nothing to do with the state of appropriations. It can well be that appropriations would not exceed $3,000,000,000 in a given year, and yet the expenditures might be $6,000,000,000.

This leaves a hazy idea as to whether $4,000,000,000 or $6,000,000,000 is to be expended during the coming fiscal year. If it be $4,000,000,000, then each man, woman, and child in the United States of America would be taxed in the amount of approximately $40 for the support of the Federal Government. Should the expenditure, however, be $6,000,000,000, even though the appropriations do not exceed $4,000,000,000, the money must come from some source, either as a result of taxation or the expenditure of capital invested; and therefore the burden upon each man, woman, and child for the expenditure of the Government would be $60. Assuming that there is one bread earner out of five, we may conclude that one out of every five of our citizens will bear the burden of taxation, and therefore the farmers will be taxed during the coming year in the sum of $200, perhaps $300, each. Taking into consideration the cost of operating our State governments, it would perhaps be well within bounds to say that the average per capita cost would be $8, or $40 for the bread earner. The average cost of operating the county governments in the various States of the Union is unknown to me, but taking those with which I am acquainted as an average, we will find that the per capita cost will reach the sum of approximately $20, or a tax upon the bread earner of $100. The total of these taxes will amount to $440. Now, I submit that here is an opportunity for this Congress to extend real help to the farmer. We should reduce our expenditures and incidentally taxation. It is exceedingly difficult for the farmer to raise the means with which to pay this enormous sum for taxes, and the $4, or even $16, which he might be able to borrow as a result of the legislation under consideration would go but a little way toward meeting this enormous tax. If I might be permitted to speak in any sense for the farmer, I would request those gentlemen who are eager to assist them to reduce the present high rate of taxation.

Within a short time a tariff bill will be presented to this body for consideration. Then will develop the real opportunity to assist the farmer. I am opposed to, and I believe that our farmers would oppose, import duties that would stifle competition, but we feel that commodities coming into competition with their products should carry duties comparable to those which must of necessity be purchased by them.

I believe that were our tax bill reduced to $3,000,000,000 annually, and reasonable uniform duties, which would develop a maximum revenue, imposed, we would aid the farmer far more than by the passage of this bill, from which so few will be benefited. I do not mean to minimize, however, the benefits which will result to the farmer by the passage of the bill under consideration. My hope is that the amendment offered by the gentleman from Georgia will be adopted.

Mr. ALMON and Mr. STRONG of Kansas rose.

The CHAIRMAN. The gentleman from Alabama.

Mr. STRONG of Kansas. I thought five minutes was allotted to me.

The CHAIRMAN. The Chair will recognize the gentleman later.

Mr. ALMON. Mr. Chairman, the intention of Congress in establishing a system of farm loan banks in 1916 was to provide the farmers with a banking system having the aid and support of the Federal Government. The condition and business of the farmer made a separate banking system necessary.

The farmer needs long-term loans. The ordinary commercial banks made short-time loans and could not supply his demands. One purpose of the farm loan banks was to enable the farmers who are tenants to acquire a farm of their own on a long-term installment plan at a low rate of interest, so as to enable them to pay for the land for less than they would pay in rents.

These banks have not had a fair chance to demonstrate their usefulness. They were unable to float their bonds during the war while the Government was selling bonds to raise money with which to prosecute the war. The litigation contesting the constitutionality of the act creating these banks also interfered very materially with the business of the banks. They have been the means of reducing the rate of interest and securing long-term loans.

There is a greater need to-day for the banks than ever before on account of the financial distress of the farmers. The original farm loan act, approved July 17, 1916, authorized the Secretary of the Treasury, in his discretion, upon the request

of the Federal Farm Loan Board, to deposit for temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated, not to exceed $6,000,000 at any one time, and required the Federal land bank in which such deposit is made to issue to the Secretary a certificate of indebtedness for the deposit to be secured by farm loan bonds or other collateral satisfactory to the Secretary, the rate of interest on such certificate not to exceed the current rate charged for other Government deposits. The present capital of all 12 of the Federal farm loan banks is about $25,000,000.

The effect of this bill, as reported to the House by the Committee on Banking and Currency, is to authorize the Secretary of the Treasury to make additional deposits to the amount of $25,000,000 so as to give them a working capital of $50,000,000. The bill, as it passed the Senate, authorized an additional deposit of $50,000,000. The amendment of the gentleman from Arkansas [Mr. WINGO] places it back like it passed the House. The amendment of the gentleman from Georgia [Mr. CRISP] makes it $75,000,000 additional. I shall vote for the Crisp amendment and if it fails I shall vote for the Wingo amendment. I presume that both of these amendments will be voted down as the Republican majority has decided on the bill as reported by the committee. We will have to take what we can get and then ask for more later if necessary.

Approved applications for loans amounting to $140,000,000 show that the $25,000,000 is entirely inadequate, but it will help some. From the organization of these banks to May 31, 1921, 132,525 loans have been made, amounting to $373,258,390. In Alabama 4,531 loans, amounting to $8,567,720, have been made.

This measure will bring some relief to agriculture which is in worse condition than ever before in this country. The processes of deflation hit the farmer first. The agricultural products were the first to drop to prewar prices.

The commercial banks have loaned to their limit in attempting to tide the farmers over this period of great and unprecedented distress, and, of course, are vitally interested in the farmers being granted loans by the Federal farm loan banks in order to meet these obligations. So it is all important that this bill become a law at once. Long-time credits must be made available to the farmers. The country banks must be helped to carry the farmers until their crops can be raised and marketed to pay debts caused by the terrible slumping in the value of farm products, which have been ruinous.

In a few months' time the price of cotton dropped from 35 cents to 12 cents, less than one-half of the cost of production; corn from $2 to 50 cents per bushel; hogs from 18 cents per pound to 6 cents per pound; and all other farm products in proportion, while there was no reduction in farming implements, fertilizer, and many other things the farmers were forced to buy.

The agricultural interests are very properly appealing to us for some assistance in this crucial time.

The total loans of all national banks in the United States amounts to $14,000,000,000, and less than $2,000,000,000 of that is loaned to the farmers. Twenty-one per cent to manufacturing enterprises and 36 per cent to merchandising business, while the farmer furnishes more primary deposits than merchandising and manufacturing concerns combined.

Based on the rules of credit, agriculture should be entitled to 57 per cent of the $14,000,000,000, or $7,000,000,000, instead of $2,000,000,000 now loaned to the farmers by national banks.

I supported and voted for the bill, the purpose of which is to stop gambling in the products of the farms. Also the bill to reorganize the War Finance Corporation to aid in securing foreign markets for the surplus products of the farms. I voted a few days ago for the Porter peace resolution because I believe it will be the means of enabling Germany to buy more of our cotton, and in that way increase the price of cotton. I will continue to support measures which I believe will be to the interest of our country, especially measures to relieve the farmers and help them out of their trouble, even if they are proposed by the Republican administration. I believe we should support the administration where it is right and to the interest of our people.

The Federal farm loan banking system was established during the Democratic administration. Experience has shown that this amendment is necessary. Agriculture is our greatest basic industry and is the foundation for all other industries. Business in manufacturing and industrial districts will not succeed unless agriculture is successful. The business of our country is connected up in such a way that business becomes paralyzed when agriculture is not prosperous and successful. So I appeal to every Member of this House to support this measure, which is intended for the benefit of the farmers, who are in such dire need of assistance at this time. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, I think it will not be disputed that I am one of the members of the Banking and Currency Committee that has been fighting to favorably report and bring this bill before this House ever since it was referred to our committee. I have been criticized and jobbed for the efforts I have made in behalf of this legislation, and I think no one now doubts that if I thought that the Federal Farm Loan Board needed $50,000,000, or $75,000,000, or $100,000,000 in order to function and serve agricultural interests that I would vote for it and support it. But, my friends, we are trying to run this Government so as not to bankrupt the people. If we do it in a businesslike way we will appropriate only the money that is necessary and refrain from appropriating more money than is needed for any purpose. Now, what are the facts? They are: The Federal Farm Loan Board needs a working capital, not as the gentleman from Virginia said to lend to the farmers to be divided out at $4 a head, but for the purpose of using it as a turnover fund to float hundreds of millions of dollars of bonds. Now, how much do they need? Do they need $50,000,000? They say they do not. I went to two members of the Federal Farm Loan Board, a Democrat and a Republican, when this amendment was suggested, and I said, "If your board needs $50,000,000 we will stand for $50,000,000." They said, "We do not need it; this amendment will give us the money that we do need." If this amendment will give them all the money they need, why make the amendment for $50,000,000? Why the amendment for $75,000,000? They are Democratic amendments to confuse the friends of this system. Our Democratic friends are now playing politics, and I want the members of this committee to vote both amendments down. The Senate bill was introduced by Senator CURTIS, of Kansas, and he told me that the committee amendment was satisfactory to him, as it was satisfactory to the Farm Loan Board; that he introduced the bill to make this farm loan system function, and as members of that board have told him that this amendment would enable them to do so and serve the farmers of the Nation, he would try and have it agreed to by the Senate.

Now, gentlemen, why appropriate money that we do not need simply to help the Democrats to play a little politics and embarrass somebody, and try to make the farmers believe that they are going to get something more by this amendment than they would get by the bill as amended that the committee has brought in here? I hope every friend of this system will get away from these seductive amendments and stand with the friends of this farm loan system for the amendment as reported out by our committee unanimously, for it is all the friends of the Federal farm loan system ask for; all that the Farm Loan Board ask; it is all the authors of the bill ask; it is all that is needed; it is all we ought to appropriate; and it is sufficient.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment to the amendment, offered by the gentleman from Georgia [Mr. CRISP].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CRISP. Division, Mr. Chairman.

The committee divided; and there were—ayes 59, noes 98.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected.

Mr. STEVENSON rose.

The CHAIRMAN. For what purpose does the gentleman from South Carolina rise?

Mr. STEVENSON. I rose to offer an amendment, but I see that the Chair has not announced the result.

The CHAIRMAN. The amendment to the amendment is rejected. The question is now on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 73, noes 115.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected.

Mr. STEVENSON. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STEVENSON offers to amend the committee amendment as follows: Page 2, beginning on line 20, after the word "hereunder," strike out all the balance of line 20 and all of lines 21 and 22, and down through the word "offering" in line 23, and insert in lieu thereof the following: "may be withdrawn by the Secretary of the Treasury at any time after 15 days after the conclusion of each general sale."

Mr. STEVENSON. Mr. Chairman and gentlemen, I do not think that my friend from Kansas [Mr. STRONG] meant to charge those of us who offer amendments here with not being in favor of this bill.

Mr. STRONG of Kansas. I did not.

Mr. STEVENSON. He called on them to vote down the amendment offered to embarrass the bill and the friends of the bill to stand up.

Here is a proposition that I think will improve this very much, and I want the House to understand it, and I want it to vote it down if it desires to do so. The bill as it reads, in lines 20 to 23, provides that within 15 days after a general offering of farm-loan bonds the Secretary of the Treasury shall call the loan which has been made. It makes it mandatory. Now, get that; whether the sale has been perfected or not or whether there is money on which to run, 15 days after the offering of the bonds and when the Secretary does not need the $25,000,000. I propose to make it read in this way:

That any additional deposits made hereunder may be withdrawn by the Secretary of the Treasury at any time after 15 days after the conclusion of each general sale.

Now, general sale and not general offering. You notice that he shall withdraw it 15 days after any general offering of bonds. Two things develop there. The offering may not result in a sale, and, therefore, they may not have the money, and, therefore, it would be no general sale, and then it should not be mandatory. It should be permissible, because the terms provide that he may make the deposit, but it says that he shall withdraw it. I want the calm judgment of this committee on whether it is not better to provide against contingencies by giving the Secretary of the Treasury the discretion and putting the condition of withdrawal on a general sale and not a general offering of the bonds.

Mr. BARBOUR. What is the meaning of the words "conclusion of each general offering"? Does it contemplate a sale?

Mr. STEVENSON. Yes. But it may not result in a sale.

Mr. BARBOUR. Then it is not concluded.

Mr. STEVENSON. But the offering might be made and it might be turned down. That is the proposition I want to put up to this committee, and I do it because I think it will be of exceedingly great benefit to the Treasury and will justify some of the other things that are done here. Now, my distinguished friend from Kansas [Mr. STRONG] called on all to vote down these amendments and the friends of the bill to stand up against them. I have offered an amendment. I have been for the bill from the start, and I want to assure him that there is not a Democrat on the committee that is opposed to the bill, and the gentleman would not have gotten it out of the committee if he had not had the solid support of the Democrats. Therefore, if he had never got it out he never would have gotten this compromise at all, and, therefore, I think we are entitled to be considered to have some friendship for the bill. A gentleman said a while ago that we had been listening to the lawyers. But I am a farmer, and have farmed rather extensively, and I know all the conditions that surround them, and I ask you to help us and not to tie our hands, so that this apparent help will not be nugatory after it has been granted.

Mr. McFADDEN. Mr. Chairman, I think the majority understand just what the amendment means. The gentleman from South Carolina proposes to change the word "shall" to the word "may," so that when this farm loan system has sold their bond issue it may be optional with the farm loan system whether they use the money on hand or return it to the Treasury.

Mr. STEVENSON. Will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. STEVENSON. The gentleman misconstrues it. It shall be optional with the Secretary of the Treasury whether he shall withdraw it or not. There is no option to the Federal Farm Loan Board. My amendment provides that the Secretary may withdraw it 15 days after a general sale. That is all there is to it, and the bill now provides it has got to be withdrawn 15 days after a general offering.

Mr. McFADDEN. I will say to the gentleman that that section of the bill has the approval of the farm loan commissioner. In fact, that section was drafted by him. We discussed that question in the committee as to whether or not it would be possible, within 15 days after disposing of the offering of the bonds, for him to return the money. He explained to us that it was possible, because these bonds were syndicated, and that the manager of the syndicate, as soon as the sale was made, turned over the money to the farm loan system. Therefore the money was in the treasury of that system. The matter of 15 days does not make any difference. They have the money on hand, and why should they keep it in their possession when they are compelled to pay an extra rate of interest upon it? It is largely an administrative matter, and those of us who want to protect the Public Treasury in assisting the system at this time feel that the Secretary of the Treasury should insist upon the Farm Loan Board returning that money to the Public Treasury when it is not needed. The farm loan system under its authority has the right again to call for this money whenever they need it to accumulate new mortgages to place back of new issues of bonds to be offered for sale to the investing public. Therefore I hope this amendment will not be agreed to and will be voted down. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STRONG of Kansas. Is it not true that the chairman of the Farm Loan Board agrees to the language that the gentleman from South Carolina is trying to change by his amendment?

Mr. McFADDEN. It is; yes. Mr. Chairman, I ask for a vote.

Mr. STEAGALL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. McFADDEN. Mr. Chairman, I move that at the end of five minutes the debate close on this amendment.

The CHAIRMAN. The gentleman from Pennsylvania moves that at the end of five minutes the debate on this amendment close. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. STEAGALL. Mr. Chairman and gentlemen of the committee, throughout this whole debate the gentlemen on the Republican side of the aisle meet themselves coming back. The gentleman from Massachusetts [Mr. LUCE] says we will pervert and debauch the farm loan system if we authorize the Secretary of the Treasury to deposit $50,000,000 in the land banks in order to enable them to function as provided by the Senate bill—that the money of all the people will be used to make loans to the agricultural interests of the Nation. Yet in the next breath we are told that the $25,000,000 which the Secretary of the Treasury is authorized to deposit under the committee amendment is all that the system requires in order to resume its operations and meet the demands for loans. If it is true as contended that $25,000,000 will fill every requirement and meet every need of the land banks, what harm can come of authorizing the Secretary of the Treasury to deposit a larger amount? If it is not necessary and the money will not be used, no harm can come from giving the Secretary the power. If it is needed, every friend of the farm loan system who desires to see the banks resume operation ought to vote for the original sum provided in the Senate bill.

Mr. LUCE. Will the gentleman yield?

Mr. CHAIRMAN. Does the gentleman from Alabama yield?

Mr. STEAGALL. I yield to the gentleman from Massachusetts.

Mr. LUCE. The gentleman has misunderstood me. I meant to say that additional $25,000,000 that was sought was not to make the system function, but to make loans in addition.

Mr. STEAGALL. But if the $25,000,000 is all that the system requires, I want to ask you gentlemen on this side why it is you are afraid to invest a Republican Secretary of the Treasury with the power to deposit to the extent of $50,000,000. There is absolutely no distinction in the principle involved, no difference in the language of the bill as to its operation or as to the manner in which the funds are to be used. The only difference is in the amount, and certainly there can not be any danger in allowing the Secretary of the Treasury complete authority to deposit funds sufficient to take care of the situation. How is it that you are willing to trust him to use his discretion in depositing funds to the amount of $25,000,000, but are unwilling to trust him to the amount of $50,000,000?

Now, the same discretion ought to be given the Secretary of the Treasury in the matter of calling for the deposits made with the land banks that is allowed in placing such funds with the banks originally. In authorizing the Secretary to make the deposits to enable the banks to function in the interest of the farmers of the Nation the framers of the committee amendment were quite content to say that the Secretary may make such deposits, leaving the matter to his good judgment and discretion. But, when it comes to withdrawing such deposits from the banks the framers of the committee amendment have provided that the Secretary of the Treasury shall make demand for the return of such deposits 15 days after the offering of

bonds for sale, leaving no discretion whatever. It may be true that "offerings" as used in this act would be construed to mean the completion of the sale of bonds, but we can not tell what some person not too friendly to the farm loan system might construe the language to mean. We ought not to take any chances in the matter, but we should give the Secretary of the Treasury full power and discretion to leave the deposits in the banks until the purpose sought is accomplished. I do not know whether members of the Farm Loan Board agree to the language in the committee amendment or not. I do not know whether or not their attention was called to the possible construction of which the language is susceptible. The hearings have never been published and are not before Members of the House Gentlemen who should have had them here have been too busy attending conferences called by the opponents of the Senate bill for the deposit of $50,000,000 in the land banks. The language of the bill would not receive the notice as to its technical meaning from members of the Farm Loan Board that would naturally be given by lawyers. Members of the Farm Loan Board would not appreciate the technical construction of the words as would the gentleman from South Carolina [Mr. STEVENSON], who is one of the ablest lawyers in this House. His amendment should be adopted and vest in the Secretary of the Treasury full discretion to leave the deposits authorized in the hands of the banks, not only until there is an offering of bonds for sale, but until the necessary sale of bonds can be fully completed. Why is it Members of the House are afraid to place this discretion in the Secretary of the Treasury? I congratulate the country that we have a Secretary of the Treasury whom Republicans of the House fear may become too friendly to the interests of the farmers of the Nation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STEAGALL. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The time of the debate has been fixed by the vote of the House.

Mr. STEAGALL. I did not so understand.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. STEVENSON].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. STEVENSON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina demands a division.

The committee divided; and there were—ayes 61, noes 110.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are called for. Those who desire that this vote be taken by tellers will rise and stand until they are counted. [After counting.] Not a sufficient number. Tellers are refused.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer a substitute for the pending amendment.

The CHAIRMAN. The gentleman from Arkansas offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 32 of the Federal farm loan act approved July 17, 1916, as amended, is hereby amended by adding, after the first paragraph, a new paragraph to read as follows:

"'Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $75,000,000, or more, the Secretary of the Treasury may, in his discretion, make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder may be withdrawn by the Secretary of the Treasury at any time after 15 days after the conclusion of each general sale of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $75,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits.'"

Mr. JONES of Texas. Mr. Chairman, a parliamentary inquiry.

Mr. McFADDEN. Mr. Chairman, I make a point of order against this amendment.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. McFADDEN. There are only two propositions before the House, and the House has just voted down both of those propositions. I submit that this is a repetition.

Mr. WINGO. The gentleman is certainly very much in error. While the change is very slight, yet there is a slight change. There are really two changes, I will say to the gentleman.

The CHAIRMAN. The Chair overrules the point of order.

Mr. JONES of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Texas. I have an amendment to the original text. The offering of this substitute will not forbid the offering of that amendment later, will it? If it would, I would like to offer it now.

The CHAIRMAN. If the substitute of the gentleman from Arkansas [Mr. WINGO] is adopted, it would cut off the gentleman's amendment.

Mr. WINGO. I do not think there is any question about that.

Mr. STAFFORD. If the Chair will permit, I understand that the gentleman from Texas has a perfecting amendment.

Mr. JONES of Texas. Yes.

Mr. STAFFORD. The amendment of the gentleman from Arkansas [Mr. WINGO] now pending is a substitute for the entire proposition before the committee. A perfecting amendment would certainly take precedence of the amendment in the nature of a substitute. I think it is in order.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] did not rise until the substitute was before the House.

Mr. JONES of Texas. I rose, but did not get recognition. Immediately after the amendment had been read I rose to a parliamentary inquiry, but before I was recognized the gentleman offered his amendment.

The CHAIRMAN. The Chair regrets very much not having seen the gentleman.

Mr. McFADDEN. I ask unanimous consent that all debate on this amendment and all amendments thereto and all amendments to the bill close in 20 minutes.

Mr. BARKLEY. I will object if the gentleman is going to include all amendments. I will not object to closing debate on this one, but if he is going to try to close debate on the bill, I will object.

Mr. McFADDEN. I move that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. A substitute is pending.

Mr. JONES of Texas. I know, but it is permissible to offer an amendment to the amendment, and to have the substitute pending and an amendment to the substitute. I offer an amendment to the amendment.

Mr. WINGO. The gentleman is entitled to offer his amendment as there is no other amendment to the amendment.

The CHAIRMAN. The gentleman is recognized to offer a perfecting amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 16, after the word "Treasury," strike out the remaining part of line 16 and insert in lieu thereof the words "is authorized and directed to."

Mr. JONES of Texas. Mr. Chairman, the making of the deposits either is or is not a good thing. If it is a good thing I do not see any reason why it should be made discretionary with the Secretary of the Treasury as to whether he will make such deposits. In fact, some of the troubles which we have at the present time in the financial system are because we have given too much discretion to some of those who control the financial credits of the country. I believe it is all right to leave in the discretion of any of the departmental officers of this Government administrative features of any measure, the carrying out of the provisions of the bill, but this is the heart of the bill. The whole thing that the bill covers is whether or not the deposit is going to be made, and we simply say it "may" be made. It is all right to leave the details or the administrative part of it—the question in what form it shall be deposited, whether silver or notes, or in what form of legal tender it may be deposited—in the discretion of the departmental officer. But here is the House of Representatives legislating on a single question saying nothing in the legislation because I dare say that the Secretary of the Treasury might deposit that money now if he wanted to without any further authority of law. The real question at issue is whether or not the deposit shall be made. I say that the language should read "is authorized and directed to make the deposit."

There is no better security on the face of the earth than these land bonds. It is perfectly secure. Do not you want it done, and if you do want it, why do not you say so? If there is any objection in the world to making this mandatory, I am unable to see it. It goes without saying that this small amount will always be in the hands of the Secretary of the Treasury, and if Congress wants to relieve the situation which is very distressing, it seems to me, we should write the law in such a way that no one can make a mistake. As I intimated a while ago, we

are suffering now because some departmental officers were given too much discretion in the way of controlling credits, and this bill is in a way a corrective of that very situation. Why should not you say what you mean in connection with the transaction?

This measure leaves it discretionary with the Secretary as to whether he shall deposit, but makes the withdrawal mandatory. If you can trust his discretion in depositing, why can not you trust him in withdrawing the funds? The depositing of the funds should be made mandatory.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McFADDEN. Mr. Chairman, after what has developed in the debate I think it should be stated that when the farm loan act was passed in 1916, under Democratic control, they only appropriated for the operation of this system $6,000,000. The system has not been able to function. Now, the Republican Congress is appropriating in this special legislation $25,000,000, or approximately that amount, which will enable this system to completely function.

Mr. STEVENSON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STEVENSON. There is one matter that the gentleman has forgotten, that there were $9,000,000 of stock besides the $6,000,000 deposit.

Mr. McFADDEN. The gentleman is right, and I accept the gentleman's correction. But the system during the first and last periods of its operation was not able to function. The amendment we are proposing to-day will permit the system to function.

Mr. REAVIS. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. REAVIS. There have been a good many statements made on the floor of the House which have led to confusion on my part. Did any man connected with the Farm Loan Board make a request for more money than is given by this bill?

Mr. McFADDEN. They did not.

Mr. MONDELL. Mr. Chairman, I have no desire to detract from any credit due the then Democratic majority for their work on behalf of the farm loan system. The matter had been under debate for a great many years; sentiment finally crystallized in regard to it. The bill passed the House, supported by both sides. Since the Republicans came into power in the Congress it has kept them pretty busy repealing or amending, modifying, and improving legislation which the Democratic brethren enacted during their period of power and control in the Congress. We are engaged now in the task of making workable the farm loan system.

When the farm loan bill was before Congress there were quite a number of gentlemen who believed that the system would not operate satisfactorily without a larger amount of working capital than was provided—the working capital of nine million and the six million which the Secretary was authorized to advance, making $15,000,000 of working capital. That was all that was provided for in the beginning. It has been demonstrated that it was not enough. I am criticizing no one because a more liberal provision was not made. It became apparent early in the operation of the farm loan system that a larger amount of working capital was needed. Gentlemen in charge of and responsible for the farm loan system believed that they needed a working capital of about $50,000,000. When the bill was first introduced in the Senate the matter had not, I imagine, been given the most careful consideration; some one seems to have forgotten that the system has acquired a working capital of $25,000,000 in addition to the $6,000,000 which the Secretary of the Treasury may advance. It was finally agreed that the bill as now presented to the House would accomplish what the Farm Loan Board desired and more than they may originally have had in mind. They thought they should have a working capital of $50,000,000. As a matter of fact, the bill before us assures a working capital of $50,000,000 in addition to the original $6,000,000 which the Secretary may advance.

Just why some gentlemen on the Democratic side agonize because we do not make available a sum beyond what is needed, beyond what is required, beyond what is asked for, I do not know, except they may have an idea that the farmer of the country believes that you are not doing the right thing by him unless you open the doors of the Treasury without limit, ostensibly in his behalf. Now, of all the sane, sensible people in this world, the farmer is the most sane and dependable. He does not expect us to buy farm loan bonds with the people's money. All he has asked Congress to do is to make this farm loan system workable, and we are proceeding to make it workable under the plan of those responsible for it, giving every penny and more that they with their knowledge and information in regard to it believe is necessary. When this bill passes, the Farm Loan Board, now having a capital of $25,000,000, will have that available as counter money, they will have $6,000,000, which the original act provided, and in addition the Secretary of the Treasury may advance not to exceed $25,000,000, the sum of the difference between their capital stock and $50,000,000. It is a most satisfactory perfection of the farm loan system.

Mr. GARRETT of Tennessee. Will it expedite the passage of the tariff bill? [Laughter.]

Mr. MONDELL. It ought to.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. All time has expired. The first vote is on the amendment of the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the substitute offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 50, noes 117.

So the amendment was rejected.

The CHAIRMAN. The next vote is on the amendment to the Senate bill.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 114, noes 58.

So the amendment was agreed to.

Mr. McFADDEN. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1837, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. McFADDEN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The SPEAKER. Under the rule the previous question is already ordered. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 132, noes 73.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 104, answered "present" 2, not voting 105, as follows:

YEAS—219.

Andrews	Dunn	King	Olpp
Ansorge	Dyer	Kinkaid	Osborne
Appleby	Echols	Kirkpatrick	Parker, N. J.
Arentz	Elliott	Kissel	Parker, N. Y.
Atkeson	Ellis	Kleczka	Patterson, Mo.
Bacharach	Elston	Kline, Pa.	Patterson, N. J.
Barbour	Fairchild	Knutson	Perkins
Beck	Fairfield	Kopp	Porter
Beedy	Faust	Kraus	Pringey
Begg	Fenn	Lampert	Radcliffe
Benham	Fess	Larson, Minn.	Ramseyer
Bird	Fish	Lawrence	Ransley
Bixler	Fitzgerald	Leatherwood	Reavis
Black	Focht	Lee, N. Y.	Reece
Blakeney	Foster	Lehlbach	Reed, N. Y.
Bland, Ind.	Frear	Lineberger	Rhodes
Boies	Free	Little	Ricketts
Bond	French	Luce	Roach
Brennan	Frothingham	Lufkin	Robertson
Britten	Fuller	McArthur	Robsion
Brooks, Ill.	Funk	McFadden	Rogers
Brooks, Pa.	Gensman	McKenzie	Rosenbloom
Brown, Tenn.	Gernerd	McLaughlin, Mich.	Rossdale
Burdick	Glynn	McLaughlin, Nebr.	Sanders, Ind.
Burtness	Graham, Ill.	McLaughlin, Pa.	Schall
Burton	Greene, Mass.	McPherson	Scott, Mich.
Butler	Greene, Vt.	MacGregor	Scott, Tenn.
Cable	Griest	Madden	Shaw
Campbell, Kans.	Hadley	Magee	Shelton
Chalmers	Hardy, Colo.	Maloney	Shreve
Chandler, N. Y.	Haugen	Mapes	Sinclair
Chandler, Okla.	Hays	Martin	Sinnott
Chindblom	Herrick	Merritt	Smith
Christopherson	Hersey	Michaelson	Speaks
Clague	Hickey	Michener	Sproul
Clarke, N. Y.	Hicks	Miller	Stafford
Classon	Hill	Millspaugh	Steenerson
Clouse	Himes	Mondell	Stephens
Cole	Hoch	Montoya	Strong, Kans.
Colton	Hogan	Moore, Ohio	Strong, Pa.
Connell	Hukriede	Moores, Ind.	Summers, Wash.
Connally, Pa.	Ireland	Morgan	Sweet
Cooper, Wis.	James, Mich.	Mudd	Swing
Cramton	Jefferis	Murphy	Taylor, N. J.
Curry	Johnson, Wash.	Nelson, A. P.	Temple
Darrow	Jones, Pa.	Nelson, J. M.	Thompson
Davis, Minn.	Kearns	Newton, Minn.	Timberlake
Denison	Keller	Newton, Mo.	Tincher
Dickinson	Kelly, Pa.	Nolan	Tinkham
Dowell	Kendall	Norton	Towner
Dunbar	Kiess	Ogden	Treadway

Underhill	Walters	Williamson	Wurzbach
Vestal	Watson	Wood, Ind.	Wyant
Voigt	Webster	Woodruff	Zihlman
Volstead	White, Kans.	Woodyard	

NAYS—104.

Almon	Doughton	Lanham	Raker
Aswell	Drewry	Lankford	Rankin
Bankhead	Driver	Larsen, Ga.	Rayburn
Barkley	Dupré	Lazaro	Sanders, Tex.
Bell	Favrot	Lea, Calif.	Sandlin
Bland, Va.	Fisher	Lee, Ga.	Sisson
Blanton	Flood	Linthicum	Smithwick
Bowling	Fulmer	Logan	Steagall
Box	Garner	Lowrey	Stedman
Brand	Garrett, Tenn.	Lyon	Stevenson
Briggs	Garrett, Tex.	McClintic	Stoll
Brinson	Goldsborough	McDuffie	Sumners, Tex.
Buchanan	Griffin	McSwain	Swank
Bulwinkle	Hammer	Mansfield	Taylor, Ark.
Byrnes, S. C.	Hardy, Tex.	Montague	Ten Eyck
Byrns, Tenn.	Harrison	O'Connor	Thomas
Cantrill	Hayden	Oldfield	Tillman
Carter	Huddleston	Oliver	Tyson
Cockran	Humphreys	Overstreet	Upshaw
Collier	Jacoway	Padgett	Vinson
Collins	Johnson, Ky.	Park, Ga.	Ward, N. C.
Connally, Tex.	Johnson, Miss.	Parks, Ark.	Weaver
Crisp	Jones, Tex.	Parrish	Wilson
Cullen	Kincheloe	Pou	Wingo
Davis, Tenn.	Kindred	Quin	Woods, Va.
Deal	Kunz	Rainey, Ala.	Wright

ANSWERED "PRESENT"—2.

Ackerman	Reber

NOT VOTING—105.

Anderson	Gilbert	Longworth	Sears
Anthony	Good	Luhring	Siegel
Bowers	Goodykoontz	McCormick	Slemp
Browne, Wis.	Gorman	Mann	Snell
Burke	Gould	Mead	Snyder
Burroughs	Graham, Pa.	Mills	Stiness
Campbell, Pa.	Green, Iowa	Moore, Ill.	Sullivan
Cannon	Hawes	Moore, Va.	Tague
Carew	Hawley	Morin	Taylor, Colo.
Clark, Fla.	Houghton	Mott	Taylor, Tenn.
Codd	Hudspeth	O'Brien	Tilson
Cooper, Ohio	Hull	Paige	Vaile
Copley	Husted	Perlman	Vare
Coughlan	Hutchinson	Peters	Volk
Crowther	James, Va.	Petersen	Walsh
Dale	Johnson, S. Dak.	Purnell	Ward, N. Y.
Dallinger	Kahn	Rainey, Ill.	Wason
Dempsey	Kelley, Mich.	Reed, W. Va.	Wheeler
Dominick	Kennedy	Riddick	White, Me.
Drane	Ketcham	Riordan	Williams
Edmonds	Kitchin	Rodenberg	Winslow
Evans	Kline, N. Y.	Rose	Wise
Fields	Knight	Rouse	Yates
Fordney	Kreider	Rucker	Young
Freeman	Langley	Ryan	
Gahn	Layton	Sabath	
Gallivan	London	Sanders, N. Y.	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. WILLIAMS with Mr. RUCKER.

Mr. CANNON with Mr. GALLIVAN.

Mr. WALSH with Mr. TAGUE.

Mr. ANTHONY with Mr. HUDSPETH.

Mr. WHITE of Maine with Mr. MEAD.

Mr. SIEGEL with Mr. CAMPBELL of Pennsylvania.

Mr. STINESS with Mr. CAREW.

Mr. WINSLOW with Mr. DOMINICK.

Mr. GRAHAM of Pennsylvania with Mr. SEARS.

Mr. KAHN with Mr. GILBERT.

Mr. HUTCHINSON with Mr. O'BRIEN.

Mr. CODD with Mr. SABATH.

Mr. BURROUGHS with Mr. WISE.

Mr. FREEMAN with Mr. LONDON.

Mr. PAIGE with Mr. DRANE.

Mr. PERLMAN with Mr. MOORE of Virginia.

Mr. MOORE of Illinois with Mr. FIELDS.

Mr. PURNELL with Mr. JAMES of Virginia.

Mr. LAYTON with Mr. TAYLOR of Colorado.

Mr. VOLK with Mr. RAINEY of Illinois.

Mr. GAHN with Mr. SULLIVAN.

Mr. EDMONDS with Mr. HAWES.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. ANDERSON with Mr. RIORDAN.

Mr. GREEN of Iowa. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. GREEN of Iowa. I was not.

The SPEAKER. This is not a no-quorum vote.

Mr. LONDON. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. LONDON. I was here part of the time only.

The SPEAKER. The Chair is obliged to put the question to the gentleman, was he here and listening when his name should have been called?

Mr. LONDON. I came in when the names following the letter "L" were read off.

The SPEAKER. Then the gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time.

Mr. WINGO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WINGO. No, sir.

Mr. PARKER of New Jersey. Mr. Speaker, I am opposed to the bill. I move to recommit the bill to the Committee on Banking and Currency.

The SPEAKER. Is the gentleman from New Jersey opposed to the bill?

Mr. PARKER of New Jersey. I am entirely opposed to the bill, and I spoke against it.

The SPEAKER. The Chair recognizes the gentleman from New Jersey to offer a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. PARKER of New Jersey moves to recommit the bill S. 1837 to the Committee on Banking and Currency.

Mr. PARKER of New Jersey. And on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New Jersey to recommit.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. Obviously a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 317, nays 4, answered "present" 1, not voting 108, as follows:

YEAS—317.

Almon	Colton	Hammer	Lehlbach
Andrews	Connally, Tex.	Hardy, Colo.	Lineberger
Ansorge	Connell	Hardy, Tex.	Linthicum
Appleby	Connolly, Pa.	Harrison	Little
Arentz	Cooper, Wis.	Haugen	Logan
Aswell	Cramton	Hawes	London
Bacharach	Crisp	Hayden	Lowrey
Bankhead	Cullen	Hays	Luce
Barbour	Curry	Herrick	Lyon
Barkley	Darrow	Hersey	McArthur
Beck	Davis, Minn.	Hickey	McClintic
Beedy	Davis, Tenn.	Hicks	McDuffie
Begg	Deal	Hill	McFadden
Bell	Denison	Himes	McKenzie
Benham	Dickinson	Hoch	McLaughlin, Mich.
Bird	Dominick	Hogan	McLaughlin, Nebr.
Bixler	Doughton	Huddleston	McLaughlin, Pa.
Black	Dowell	Hukriede	McPherson
Blakeney	Drewry	Humphreys	McSwain
Bland, Ind.	Driver	Ireland	Madden
Bland, Va.	Dunbar	Jacoway	Magee
Blanton	Dupré	James, Mich.	Maloney
Boies	Dyer	Jefferis	Mansfield
Bond	Echols	Johnson, Ky.	Mapes
Bowling	Edmonds	Johnson, Miss.	Martin
Box	Elliott	Johnson, Wash.	Merritt
Brand	Ellis	Jones, Pa.	Michaelson
Brennan	Elston	Jones, Tex.	Michener
Briggs	Fairchild	Kearns	Miller
Brinson	Fairfield	Keller	Millspaugh
Britten	Faust	Kelley, Mich.	Mondell
Brooks, Ill.	Favrot	Kelly, Pa.	Montague
Brooks, Pa.	Fenn	Kendall	Montoya
Brown, Tenn.	Fess	Ketcham	Moore, Ohio
Buchanan	Fish	Kiess	Mudd
Bulwinkle	Fisher	Kincheloe	Murphy
Burdick	Fitzgerald	Kindred	Nelson, A. P.
Burtness	Flood	King	Nelson, J. M.
Burton	Foster	Kinkaid	Newton, Minn.
Butler	Frear	Kirkpatrick	Newton, Mo.
Byrnes, S. C.	Free	Kissel	Nolan
Byrns, Tenn.	French	Kleczka	Norton
Cable	Frothingham	Kline, Pa.	O'Connor
Campbell, Kans.	Fuller	Knutson	Ogden
Cantrill	Fulmer	Kopp	Oldfield
Carter	Funk	Kraus	Oliver
Chalmers	Garner	Kunz	Osborne
Chandler, N. Y.	Garrett, Tenn.	Lampert	Overstreet
Chandler, Okla.	Garrett, Tex.	Lanham	Padgett
Chindblom	Gensman	Lankford	Park, Ga.
Christopherson	Gernerd	Larsen, Ga.	Parker, N. Y.
Clague	Glynn	Larson, Minn.	Parks, Ark.
Clarke, N. Y.	Graham, Ill.	Lawrence	Parrish
Classon	Greene, Mass.	Lazaro	Patterson, Mo.
Clouse	Greene, Vt.	Lea, Calif.	Patterson, N. J.
Cockran	Griest	Leatherwood	Perkins
Cole	Griffin	Lee, Ga.	Porter
Collier	Hadley	Lee, N. Y.	Pou

Pringey	Sanders, Tex.	Strong, Pa.	Vinson
Quin	Sandlin	Summers, Wash.	Voigt
Radcliffe	Schall	Sumners, Tex.	Volstead
Rainey, Ala.	Scott, Mich.	Swank	Ward, N. C.
Raker	Scott, Tenn.	Sweet	Watson
Ramseyer	Shaw	Swing	Weaver
Rankin	Shelton	Taylor, Ark.	Webster
Ransley	Shreve	Taylor, N. J.	White, Kans.
Rayburn	Sinclair	Temple	Williamson
Reavis	Sinnott	Ten Eyck	Wilson
Reber	Sisson	Thomas	Wingo
Reece	Smith	Thompson	Woodruff
Rhodes	Smithwick	Tillman	Woods, Va.
Ricketts	Speaks	Timberlake	Wright
Riddick	Sproul	Tincher	Wurzbach
Roach	Stafford	Tinkham	Wyant
Robertson	Steagall	Towner	Yates
Robsion	Stedman	Treadway	Young
Rogers	Steenerson	Tyson	Zihlman
Rosenbloom	Stevenson	Underhill	
Rosedale	Stoll	Upshaw	
Sanders, Ind.	Strong, Kans.	Vestal	

NAYS—4.

Ackerman	MacGregor	Moores, Ind.	Parker, N. J.

ANSWERED "PRESENT"—1.

Langley

NOT VOTING—108.

Anderson	Gahn	Luhring	Sanders, N. Y.
Anthony	Gallivan	McCormick	Sears
Atkeson	Gilbert	Mann	Siegel
Bowers	Goldsborough	Mead	Slemp
Browne, Wis.	Good	Mills	Snell
Burke	Goodykoontz	Moore, Ill.	Snyder
Burroughs	Gorman	Moore, Va.	Stephens
Campbell, Pa.	Gould	Morgan	Stiness
Cannon	Graham, Pa.	Morin	Sullivan
Carew	Green, Iowa	Mott	Tague
Clark, Fla.	Hawley	O'Brien	Taylor, Colo.
Codd	Houghton	Olpp	Taylor, Tenn.
Collins	Hudspeth	Paige	Tilson
Cooper, Ohio	Hull	Perlman	Vaile
Copley	Husted	Peters	Vare
Coughlin	Hutchinson	Petersen	Volk
Crowther	James, Va.	Purnell	Walsh
Dale	Johnson, S. Dak.	Rainey, Ill.	Walters
Dallinger	Kahn	Reed, N. Y.	Ward, N. Y.
Dempsey	Kennedy	Reed, W. Va.	Wason
Drane	Kitchin	Riordan	Wheeler
Dunn	Kline, N. Y.	Rodenberg	White, Me.
Evans	Knight	Rose	Williams
Fields	Kreider	Rouse	Winslow
Focht	Layton	Rucker	Wise
Fordney	Longworth	Ryan	Wood, Ind.
Freeman	Lufkin	Sabath	Woodyard

The Clerk announced the following additional pairs:

Until further notice:

Mr. OLPP with Mr. COLLINS.

Mr. FORDNEY with Mr. GOLDSBOROUGH.

Mr. LANGLEY. Mr. Speaker, I voted "aye." I recall that I have a general pair with the gentleman from Florida, Mr. CLARK. I understand he is not present, and I desire to withdraw my vote and answer "present."

The name of Mr. LANGLEY was called, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. MCFADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I think the gentleman has a request to make about the order of business on Monday. Would the gentleman object to submitting that first?

Mr. MONDELL. No. Mr. Speaker, in view of the fact that the next unanimous-consent day is the 4th of July, when we will not be in session, I ask unanimous consent that the business that would be in order on a week from Monday be in order on Monday next.

The SPEAKER. The gentleman asks unanimous consent that the business that would be in order on a week from Monday be in order next Monday. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, of course the unanimous-consent rule provides that one can put a bill on three days before the occurrence of the day. The gentleman is asking that business that would be in order on a week from next Monday be in order next Monday. That would make no practical difference. But let me ask the gentleman, in order that there may be a clear understanding, if we can have it—unanimous-consent day, of course, means that suspensions are in order?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. I have understood that probably if this consent were had that there would be two recognitions for suspension on Monday?

Mr. MONDELL. That, of course, is entirely in the discretion of the Chair.

Mr. GARRETT of Tennessee. Entirely so.

Mr. MONDELL. And I should not want to express any opinion in the matter, because that is for the Speaker to determine.

Mr. GARRETT of Tennessee. Well, Mr. Speaker, without desiring in any way to infringe upon the prerogatives of the Speaker, I think it would be very interesting to Members to know if this consent is granted what bills would be considered—I do not mean all—but if there are any particular bills that have been arranged for as to recognition on that day to move to suspend the rules, I think it would not be an act of impropriety that the House should now know of it.

Mr. GRIFFIN. Any bills of wide national interest.

The SPEAKER. As has been suggested, the Chair thinks the House is entitled to know. The Chair at present would be inclined to permit a motion to pass the roads bill and the bill as reported by the Judiciary Committee amending the Volstead bill.

Mr. GRIFFIN. Then, Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, to what does the gentleman from New York object?

Mr. GRIFFIN. I object to the consideration of a bill of such wide general interest as the Volstead bill, under unanimous consent——

Mr. MONDELL. We can arrange for some additional time.

Mr. GRIFFIN (continuing). On which the debate will be 40 minutes, 20 minutes on a side. And I have no objection to the consideration of the bill on Monday, but——

Mr. MONDELL. We can have two hours' additional debate, possibly.

Mr. GRIFFIN. I think if the gentleman were to amend his request so as to provide for adequate debate on the bill, I would be inclined to withdraw my objection.

Mr. MONDELL. How much debate would the gentleman desire?

Mr. STAFFORD. I suggest we ought to have an hour on a side on that important bill.

Mr. BLANTON. Will the gentleman from Wyoming yield for a question?

Mr. MONDELL. Yes.

Mr. BLANTON. The apprehensions of the gentleman from New York are not well founded, because the Volstead bill which he mentions has been chloroformed in the Rules Committee, and it is an entirely different proposition that the Speaker is going to recognize the gentleman to bring up.

Mr. STAFFORD. I wish the statement were really true that it had been chloroformed.

Mr. MONDELL. Mr. Speaker, I modify my request, that should the Speaker recognize the gentleman from Minnesota to call up his bill that has been referred to, there shall be an hour's debate in addition to the debate allowed under the rule.

Mr. GRIFFIN. Mr. Speaker, I think, in view of the importance of this bill and the number of States and districts which desire to be heard from on it, we ought to have more time. You have the strength to pass the bill, I have no doubt about that, but I think the House ought to hear the Representatives from the different parts of the country. Two hours on a side is the least that ought to be given to this proposition.

Mr. MONDELL. Would an hour on a side, in addition to the 40 minutes under the rule, be sufficient?

Mr. GRIFFIN. I do not think so.

Mr. MONDELL. The gentleman realizes a rule can be brought in limiting the time to 30 minutes, and that the rule would pass, and I am sure the gentleman does not want to be unreasonable. I want to be reasonable.

Mr. GRIFFIN. The gentleman is perfectly right there. I do not.

Mr. MONDELL. Would the gentleman be agreeable to an hour on a side in addition to the time provided under the rule?

Mr. GRIFFIN. How about an hour and a half on a side?

Mr. HILL. Mr. Speaker, there are in the House a number of Members who are anxious to speak against the bill.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. HILL. I object, anyway, to having the bill brought up; but we ought to have four hours against the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. GRIFFIN. I object.

Mr. TINKHAM. I object, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, the only interest that I had in making the inquiries which I made of the gentleman from Wyoming [Mr. MONDELL] touching the order of business was to bring out the business that would be before the House on Monday. The gentleman from Wyoming and others, of whom I was one, have been making the best efforts we could to arrange a program of business for Monday and Tuesday that would accommodate as nearly as possible the Members of the House. Of course, the program for Tuesday is already arranged as definitely as it can be arranged. Now, it is the desire of the gentleman from Wyoming, and, as I understand, of the Speaker, according to the statements made from the chair, to have these two matters brought up on Monday.

It seems to me that all the gentlemen are interested in, concerning that matter, is that they have full notice of when those measures are to be up, so that they can be sure to be here, and I am wondering if it is not possible that Monday would be just as convenient a day on which to have those matters brought up as any other. They can be brought up under a rule. If the gentleman from Wyoming desires, I will object to an adjournment over to-morrow, and we will see what can be done about the rule matter.

Mr. MONDELL. I would not want the gentleman to do that, because I feel that it would inconvenience many Members. The gentleman from Tennessee is always here, as I am, but it would inconvenience many other gentlemen if they were obliged to be in attendance on a session to-morrow. It is with a view of accommodating them that I made my first request. I still hope that no objection will be made to the request I first made. May I make this suggestion to the gentleman from New York [Mr. GRIFFIN], that we have two hours' debate on a side on the bill to which he refers.

Mr. GRIFFIN. I have no objection.

The SPEAKER. Is there objection?

Mr. KINDRED. Reserving the right to object, Mr. Speaker, to the proposition for unanimous consent before the House, I want to say that on a measure of such far-reaching importance I desire 20 minutes.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. KINDRED. This is the regular order. Otherwise I shall be constrained to object.

The SPEAKER. The gentleman from New York objects.

Mr. BLANTON. Mr. Speaker, I withdraw my demand for the regular order if the gentleman wants to make a 20-minute speech.

Mr. KINDRED. Then, I withdraw my objection.

The SPEAKER. The gentleman from New York withdraws his objection. Is there objection? [After a pause.] Without objection it is so ordered.

There was no objection.

Mr. MONDELL. Mr. Speaker, I want to make this additional suggestion: Gentlemen are all interested as to arranging a recess for the Fourth of July. I am not prepared at this time to submit a request for adjournment over the Fourth, but what has been running through my mind as a plan which might be practicable is this, that we meet on Saturday, July 2, with the understanding that no business will be transacted, and that the motion to adjourn will be made immediately on convening, so that the adjournment of business will actually occur on Friday next, and that when we adjourn Saturday, July 2, we adjourn to meet on Wednesday, July 6. [Applause.] I would like to have gentlemen think that over, and at a later date if that seems to be the most satisfactory arrangement, I will submit a request as suggested.

ADJOURNMENT OVER UNTIL MONDAY.

The SPEAKER. Does the gentleman renew his request to adjourn over to-morrow?

Mr. MONDELL. Gentlemen have asked that I submit the request for recess over the Fourth now.

The SPEAKER. The gentleman has not yet submitted his request as to to-morrow.

Mr. MONDELL. I ask unanimous consent that when we adjourn to-night we adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when we adjourn to-night we adjourn to meet on Monday. Is there objection?

There was no objection.

ADJOURNMENT OVER FROM JULY 2 TO JULY 6.

Mr. MONDELL. I now ask unanimous consent that when we adjourn on Saturday, July 2, a week from to-morrow, we adjourn until the following Wednesday, July 6, with the understanding, Mr. Speaker, that no business is to be transacted at the meeting on Saturday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when we adjourn on Saturday, a week from to-morrow, we adjourn to meet on the following Wednesday. Is there objection?

There was no objection.

CONFERENCE REPORT ON THE NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I submit the conference report on the naval appropriation bill for printing under the rule.

The SPEAKER. The gentleman from Michigan submits the conference report on the naval appropriation bill, which the Clerk will report.

The Clerk read as follows:

Conference report on the bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes.

The SPEAKER. Ordered printed under the rule.

EXTENSION OF REMARKS.

Mr. STOLL. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, I am authorized to say for my colleague, Mr. ROUSE, who is unavoidably absent, that he would, if present, have voted "aye" on the bill just passed.

ORDER OF BUSINESS.

Mr. GARRETT of Tennessee. Mr. Speaker, there seems to be some confusion and misunderstanding among Members. The agreement to make unanimous consent in order on Monday was made.

The SPEAKER. The Chair stated that that was agreed to, with the understanding that there was to be two hours' debate on each side on the Volstead bill, if it was taken up.

PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, this being the day set aside for the consideration of business on the Private Calendar, I ask that the bills be taken up in their order.

The SPEAKER. The bills that have been laid aside?

Mr. EDMONDS. No; the bills on the Private Calendar. I ask unanimous consent that the House consider those bills in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bills on the Private Calendar be considered in the House as in Committee of the Whole. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. BLANTON. Mr. Speaker, I make the point that we have no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

Mr. MAPES. Mr. Speaker, I make the point of no quorum. I will reserve the point, if I am allowed to do so, to submit a parliamentary inquiry.

The SPEAKER. The gentleman will submit it.

NATURALIZATION.

Mr. MAPES. The first bill on the Private Calendar, I believe, is a bill reported by the Committee on Immigration and Naturalization, and a similar bill coming from the Senate has been voted on by the House. Would it be in order to bring up the bill reported by the House committee on the same subject?

The SPEAKER. The Chair does not see why not.

Mr. JOHNSON of Washington. Mr. Speaker, pending the decision on the parliamentary inquiry, I was about to make the same inquiry, and if informed that the House is entitled to consider this resolution, House joint resolution 34, which is the Emil Fischer naturalization bill, I was going to ask that it be rereferred to the Committee on Immigration and Naturalization.

Mr. WINGO. Mr. Speaker, let me suggest that the gentleman ask unanimous consent that the Senate joint resolution 38 and the House resolution be referred, both of them, to the Committee on Immigration and Naturalization.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that as to the House joint resolution 34 and the

Senate joint resolution 38 of similar tenor now on the Speaker's table, one be referred to the Committee on Immigration and Naturalization and the other rereferred.

The SPEAKER. The gentleman from Washington asks unanimous consent that House joint resolution 34 and the Senate joint resolution 38 of the same import which the House refused the third reading be referred and rereferred to the Committee on Immigration and Naturalization. Is there objection?

There was no objection.

Mr. MAPES. I withdraw my point of no quorum.

Mr. BLANTON. Mr. Speaker, if we should go into Committee of the Whole for the consideration of the Private Calendar, would bills on that calendar come up as a matter of right against any objection that might be made to them? That is, would they be subject to unanimous consent?

The SPEAKER. They would not be subject to unanimous consent.

Mr. BLANTON. They would then come up as a matter of right, and this Fischer bill is the first one on call?

The SPEAKER. That has been disposed of.

Mr. BLANTON. Then the first one on call would come up as a matter of right?

The SPEAKER. The next one on call; yes.

Mr. EDMONDS. I renew my motion that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the first bill on that calendar.

E. W. M'COMAS.

The first business in order on the Private Calendar was the bill (H. R. 1945) for the relief of E. W. McComas.

The bill was read, as follows:

Be it enacted, etc., That E. W. McComas be permitted to purchase from the United States, at the price of $1.25 per acre, lots 2 and 4 of section 5, the north half of the northeast quarter, and lots 1 and 2 (or the north half of the northwest quarter) of section 7, township 5 north, range 30 east, Willamette meridian, in Umatilla County, Oreg., containing 205.72 acres, more or less, and that patent shall, after such purchase, issue to him therefor: *Provided*, That McComas files in the district land office at La Grande a proper application to purchase the said lands, and tenders payment therefor at the price fixed herein, within 60 days of the passage of this act.

Mr. STAFFORD. Mr. Chairman, I wish to put an inquiry to the gentleman who reported this bill [Mr. SINNOTT] as to the character of the improvements that have been made by the claimant. In reading the report I notice that some of these lands are suitable for water-power purposes. Will the gentleman inform the committee as to what rights the Government is surrendering to these lands which are particularly adapted to water-power purposes?

Mr. SINNOTT. As to the value of the improvements, Mr. McComas and his predecessor devoted more than $10,000 to improving these lands. They have a barn and the ordinary farm buildings and an orchard of some 40 acres upon the land, and alfalfa and a pumping plant.

As to the water-power matter that the gentleman refers to, this land is on an island in the Columbia River, and is in one of the blanket omnibus water-power withdrawals on that river. About 8 miles below this point there are some rapids in the river, and whenever some one is ready to spend from $25,000,000 to $50,000,000 in improving the rapids it may back up the water toward this island. It is not likely that in the very near future any of this land will be used for water-power purposes. Only 45 acres of the 205 would be involved anyway. A small part of it may be flooded a little, and that is all that will ever be used for that purpose. The potential water power that may be developed is very valuable, but the value of the 45 acres involved is very small in comparison to the magnitude of the project.

Mr. STAFFORD. Is there any land between the site to be transferred to the grantee here and the proposed water-power site, which is owned privately, that would interfere with the building of this proposed water-power project?

Mr. SINNOTT. Oh, there are privately owned lands on both sides of the river that might be needed for the water-power project.

Mr. STAFFORD. Are there any islands between this land and the proposed water-power project? I notice from reading the letter of the Secretary of the Interior that this is quite an extensive proposal which is involved in the withdrawal of these lands. For 12½ miles on either side of the river the public lands have been withdrawn. Can the gentleman inform the committee what proportion of those lands on the banks of the river are held in private ownership and what are owned by the Government?

Mr. SINNOTT. No; I can not tell exactly. Of course, the river bank between low-water mark and high-water mark belongs to the State. In some cases the State may have deeded away that land. Then, above the ordinary high-water mark on both sides of the river there are privately owned lands. I may say to the gentleman that below this point there is another big water-power possibility. Between this point and my town there is a possibility of developing immense power.

Mr. STAFFORD. The gentleman is personally acquainted with the land involved?

Mr. SINNOTT. I have seen these lands, have passed them a number of times.

Mr. STAFFORD. And it is the gentleman's opinion that there is no likelihood of any power being developed on the site withheld by the Government, say, in the next 25 or 30 years?

Mr. SINNOTT. Oh, there is always a possibility.

Mr. STAFFORD. Yes; but is there at present any project in contemplation for the building of water power which would involve these lands?

Mr. SINNOTT. The matter is being agitated all the time at these various points along the Columbia River. It is being agitated in my town, where there is a possibility of developing 800,000 horsepower. Some of the reports have been favorable and some have been adverse. The people who live along there would like to see these greater water powers on the Columbia River developed, but there is no immediate prospect of that development.

Mr. STAFFORD. If the project was financially feasible, what industrial community would be supplied with power from the proposed site?

Mr. SINNOTT. The power could be conducted three or four hundred miles to Portland, Seattle, Salem, Spokane, and various other towns, but there are other power projects on the Columbia and its tributaries.

Mr. STAFFORD. More practicable than this?

Mr. SINNOTT. There is power along the Deschutes River, some 50 or 75 miles nearer to Portland, where they can develop 500,000 horsepower, from a river that in 100 miles drops over 1,100 feet.

Mr. STAFFORD. May I inquire as to another matter, whether the mineral land rights are reserved as far as this land is concerned.

Mr. SINNOTT. No; he would get an absolute title, but there are no minerals in that vicinity.

Mr. STAFFORD. Mr. Chairman, I yield the floor and reserve the balance of my time.

Mr. SINNOTT. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation that the bill do pass.

The motion was agreed to.

AUGUSTUS S. PEABODY.

The next business on the Private Calendar was the bill (H. R. 3250) authorizing the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to convey to Augustus S. Peabody, of Chicago, Cook County, Ill., grantee of all rights, title, and interest of the Texas City Co., all the following described tracts or parcels of land in Galveston County, Tex., known, designated, and described as follows, to wit: Being a part of lot No. 9, in block No. 47, first division of the town of Texas City, Galveston County, Tex., and beginning at the southwest corner of said lot No. 9; thence north along the west line of said lot 47 feet to a corner; thence east at right angle 25 feet; thence south along the east line of said lot 47 feet; thence west with the south line of said lot 25 feet to the place of beginning. Also that certain tract or parcel of land, being a square of 15 feet, and being a part of Bay Street, in the town of Texas City, Galveston County, Tex., and beginning at a point 62 feet east of the east line of block 9, first division of said town of Texas City, and 78 feet north of the southeast corner of said block 9; thence north 15 feet; thence east 15 feet; thence south 15 feet; thence west 15 feet to the place of beginning; all of which tracts or parcels of land were granted and conveyed to the United States by the Texas City Co. in May, 1906, for the nominal consideration of $1 for each tract, and which land was to be used as site for beacons or ranges to mark the Texas City Channel; said tracts of land being no longer needed for the purposes for which they were conveyed, in view of the abandonment of said beacons or ranges formerly established or intended for use upon such tracts: *Provided*, That such conveyance shall be made without expense to either party, except that the said Augustus S. Peabody shall pay a consideration of $2 and such expenses as are incident to the preparation and recording of the necessary title papers for the purpose of obtaining title to the said tracts and sites upon which beacons or shore ranges were established.

Mr. SINNOTT. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

JOHN CESTNIK, JR.

The next business on the Private Calendar was the bill (H. R. 5511) for the relief of John Cestnik, jr.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the south half of the southwest quarter, section 11, township 8 south, range 20 east, in the Bozeman, Mont., land district, under its mineral indemnity selection, list No. 146, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of John Cestnik, jr., to remain intact as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

Mr. STAFFORD. Mr. Chairman, I notice from the report of the former First Assistant Secretary of the Interior that this land which is sought to be transferred to Mr. Cestnik was appraised at $90 an acre. You propose to authorize this transfer to him without the payment of anything at all.

Mr. SINNOTT. This man will only get a limited patent. He will get a surface right because it was classed as coal land when he made his filing, and under the act of June 10, 1910, he merely gets a limited right, a surface right, with the reservation of the coal in the Government.

Mr. STAFFORD. The gentleman is certain about that, is he, because the bill does not contain any reservation of the coal and mineral rights.

Mr. SINNOTT. Yes; it is an entry upon land declared to be coal lands, and under the law he will only get a surface right.

Mr. STAFFORD. What is the character of the land?

Mr. SINNOTT. I assume that it is agricultural land, otherwise the man would not have gone there.

Mr. STAFFORD. Has he been the occupant of the land ever since his claim was rejected in 1916?

Mr. SINNOTT. I assume that he has; if not, he would not have spent this amount of money on the land.

Mr. STAFFORD. I direct the gentleman's attention to the phraseology permitting the Northern Pacific Railroad Co. to exchange other land of an equal area, and ask the gentleman whether this would grant the company the right to select mineral lands of the same character?

Mr. SINNOTT. No; the Northern Pacific Co. has a prior right to this land over Mr. Cestnik, and in lieu of this land it can only take vacant unreserved nonmineral public land.

Mr. STAFFORD. I yield the floor, Mr. Chairman.

Mr. SINNOTT. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

RELIEF OF THE HEIRS OF ROBERT LAIRD M'CORMICK.

The next business on the Private Calendar was the bill (H. R. 962) for the relief of the heirs of Robert Laird McCormick, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert Laird McCormick, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $51.50 in full settlement of the claim of the said Robert Laird McCormick for cashing on insufficient indorsement Post Office Department warrant No. 11415, drawn April 28, 1887, to the order of Charles Perry for $51.50.

Mr. EDMONDS. Mr. Chairman, it appears that Charles Perry cashed a check for Robert McCormick and when it was received at the Treasury Department it was decided that the indorsement was not sufficient. Perry disappeared, and it seems right that we should see that the check is properly cashed. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. The Bank of Hayward, Wis., cashed a Post Office Department warrant for $51.50 issued to Charles Perry in 1887—34 years ago. Perry disappeared and his wife undertook to sign it. The bank made the payment of $51.50, but the auditor refused to acknowledge the signature. The money has been lying down there for 34 years because it could not be paid without an act of Congress. I do not think there is anything more to be said about it.

Mr. SINNOTT. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

HENRY JONES FORD.

The next business on the Private Calendar was the bill (H. R. 5549) for the relief of Henry Jones Ford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the disbursing clerk of the Interstate Commerce Commission be, and he is hereby, authorized and directed to pay, from the appropriation for salaries of commissioners for the fiscal year 1921, to Henry Jones Ford the sum of $8,800 on account of service rendered as Interstate Commerce Commissioner from June 11, 1920, to March 4, 1921, as full compensation for services rendered, notwithstanding the fact that he was not confirmed by the Senate.

Mr. STAFFORD. Mr. Chairman, this bill, and particularly the report, is very illuminating in respect to the reasons why we should pass it. It is a bill that really has no right to be referred to or to be reported from the Committee on Interstate and Foreign Commerce. That committee has no jurisdiction over claims. However, I do not wish to make this point, because I assume the bill has some merit. I can not glean any merit, however, from the report. The report consists of six lines, and it might be well to acquaint those who have not examined the report with its illuminating character. It says:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5549) for the relief of Henry Jones Ford, having considered the same, report thereon with a recommendation that it pass.

A letter from the chairman of the Interstate Commerce Commission is attached herewith and made a part of this report.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes; I shall be very glad to yield, for some information and illumination, to the distinguished gentleman, because I know that I shall receive it from him.

Mr. FESS. Did we not act upon this in the deficiency appropriation bill?

Mr. JONES of Pennsylvania. Mr. Chairman, if I may be permitted, it probably would be all right to enlighten the gentleman from Wisconsin in respect to the merits of the bill were it not for the fact that it is already a law.

Mr. STAFFORD. I am obliged for that information, and I shall cease my activity to obtain enlightenment.

Mr. JONES of Pennsylvania. This relief was embodied in the deficiency appropriation bill which became a law on the 16th of June.

Mr. STAFFORD. I did not get any enlightenment, but it is not necessary to receive it. I move that the bill be laid aside, with a recommendation that it lie on the table.

Mr. JONES of Pennsylvania. If it is in order to enlighten the gentleman as to the merits of the proposition——

Mr. STAFFORD. It is not necessary if it is a part of the law.

Mr. BLANTON. Are there any other of these private bills on the calendar which were not incorporated in the deficiency appropriation bill?

Mr. JONES of Pennsylvania. If the gentleman asks me whether I know of any, I will say that I do not. Whether there are, I do not know.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to lay the bill aside, with the recommendation that it lie on the table.

The motion was agreed to.

MIKE CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 3116) validating the homestead entry of Mike Campbell for certain public land in Alaska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the entry hereinafter described be, and the same is hereby, validated and the Secretary of the Interior is authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the provisions of the act of June 6, 1912 (37 Stats., p. 123):

Homestead entry, Juneau, Alaska, No. 03986, made by Mike Campbell on July 14, 1919, for the west half of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter, section 36, township 13 north, range 4 west, Seward meridian, and in lieu of that tract, the Territory of Alaska shall have the right to select equal area of public land of the character subject to selection under its school land grant.

Mr. SINNOTT. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

TH. BROVIG.

The next business on the Private Calendar was the bill (H. R. 4620) for the relief of Th. Brovig.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim asserted by Th. Brovig, owner of the Norwegian bark *Bennestvet*, for damages alleged to have been suffered in a collision which occurred in Hampton Roads on the 29th day of June, 1919, between the United States barge *F. W. Babcock* and the bark *Bennestvet* by reason of said collision may be submitted to the United States District Court for the Eastern District of Virginia, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained, either for or against the United States, upon the same principles and measures of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the said Th. Brovig, owner of the said bark *Bennestvet*, the amount of the final decree or decrees therefor shall be paid to those entitled thereto or their proctors of record, out of any money in the United States Treasury not otherwise appropriated: *Provided*, That appropriate proceedings to determine such liability and damage shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That the claim of Th. Brovig, owner of the Norwegian bark *Bennestvet*, against the United States for damages alleged to have been caused by collision between the said vessel and the U. S. barge *F. W. Babcock* in Hampton Roads, on the 29th day of June, 1919, may be sued for by the said Th. Brovig in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Th. Brovig, or against Th. Brovig in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

Mr. BLANTON. Mr. Chairman, I make the point of order that the bill is not properly on the calendar, that it is in violation of the rules of the House in that the Committee on Claims had no jurisdiction over it because it provides payment out of the Treasury of any money not otherwise appropriated. The Committee on Claims has no appropriating power. The portion of the bill to which I refer is in the original bill and not in the amendment, and is to be found on page 2 in lines 11, 12, and 13.

Mr. EDMONDS. The appropriating clause has been stricken out in the amendment.

Mr. BLANTON. That is true, but the Committee of the Whole House might not agree with the gentleman in permitting the striking of that out. That is just the action of the Committee on Claims. The bill itself is such a bill that the Committee on Claims has no authority or jurisdiction over it whatever to even consider it, under the rules of the House. The new rules of the House permit only such bills to go to the Committee on Claims that have no appropriation in them, and the Committee of the Whole House does not permit the Committee on Claims to consider any bill that has an appropriation that is made out of the Public Treasury.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. FESS. Does the gentleman refer to the new rule?

Mr. BLANTON. Yes.

Mr. FESS. Is it not true that the new rule enumerated the committees that could not make appropriations and did not include the Committee on Claims.

Mr. BLANTON. It was the purpose and intention of that rule and the purpose and intention of the House that passed it, to take the appropriating power out of every committee of this House except one, and that is, the Committee on Appropriations, and the distinguished gentleman from Ohio, I believe, discussed that proposition on the floor at the time.

Mr. FESS. I did.

Mr. BLANTON. And was in favor of it because he said that the appropriating power ought to be lodged in only one committee. He did not say that it should be lodged in two committees, in the Committee on Appropriations and also in the Committee on Claims. As a matter of fact there are bills that had been up to that time pending before the Committee on Claims that involved as much as $100,000,000.

Mr. FESS. Is it not a rule of law, where you undertake to enumerate, that it excludes those not enumerated?

Mr. BLANTON. Fortunately the Supreme Court in passing upon laws lays very great stress upon the purpose and intention of Congress. That court takes into consideration largely the intent and purpose of Congress on the subject, and the purpose and intent of Congress I submit to the distinguished gentleman was to lodge in one committee only the appropriating power.

Mr. FESS. I think my friend from Texas is right in the main in respect to lodging the appropriating power in one committee, but the Committee on Claims deals entirely with claims against the Government, and I think that the Committee on Claims ought to be an exception.

Mr. BLANTON. As evidence of the fact that my statement is correct in respect to what was the purpose and intention of Congress, I submit to the distinguished gentleman that the Committee on Claims has realized that fact and has acted upon it, in that it has refused to report out bills to this House that appropriate money.

Mr. EDMONDS. I would like to call attention to the fact that the first bill we passed appropriated money out of the Treasury.

Mr. BLANTON. That is the one the gentleman told me he was going to raise the point of order on.

Mr. EDMONDS. I was waiting for somebody to raise the point of order——

Mr. BLANTON. In order to get the Chair's ruling, and he did not do it. He did not do what he told me he was going to do.

Mr. JOHNSON of Washington. It is not up to the chairman to raise the point of order on a bill reported by his committee.

Mr. BLANTON. There are other bills pending there, and the chairman and his committee merely have authority to authorize an appropriation and not to appropriate.

Mr. EDMONDS. Mr. Chairman, as near as I can see it the objection of the gentleman is that a bill that carries an appropriation should not be referred to the Claims Committee. That in itself is not the rule, because the Member who introduces a bill certainly would expect it to go to the Claims Committee if it is a claim against the Government.

In regard to the contention that the Committee on Claims has no right to appropriate money out of the Treasury, I would like to call the attention of the Chair to Rule XXI, paragraph 4. The rule distinctly says:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.

Further than that, the resolution of June 1, 1920, provided in paragraph 5:

Paragraph 5. No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

QUESTION.

Is the Committee on Claims a committee having jurisdiction to report appropriations?

We submit that it clearly is, for the following reasons:

1. It has always, during its entire history, reported bills carrying appropriations.

2. Its authority to do so was never questioned.

3. During the periods when the jurisdiction of other committees to report appropriations was suspended or transferred this committee continued to report appropriations to pay claims without question.

4. It is the oldest existing committee, having been established November 13, 1794. Even the Committee on Ways and Means, which combined the duties of raising the revenue and making the general appropriations for current expenses of the Government until the time of the Civil War, was not established until January 7, 1802. From its establishment the Claims Committee reported appropriations for payment of the claims it approved.

5. The order establishing the Claims Committee defined its duties:

"To take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented or shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient." (Nov. 13, 1794.)

This remained the rule defining its jurisdiction at least down to 1867 (see Barclay's Digest for 1867, p. 35), and during that entire period it reported bills carrying appropriations for payment of claims, those bills were passed, and it does not appear that such jurisdiction was ever questioned.

6. When the rules were next revised its jurisdiction was described as "subjects relating to private and domestic claims and demands, other than war claims, against the United States," and this language has defined its jurisdiction, without change, to the present time. During all this period precisely as before, this committee has continued, without challenge or question, to report bills carrying appropriations for payment of the claims approved.

7. It seems to be the only committee that has authority to report appropriations for payment of claims other than war claims. Where is authority given the Committee on Appropriations to report an appropriation for payment of a claim? Paragraph 4 of Rule XXI forbids the reference of a private claim to that committee.

The settlement of a claim has always been understood to be in the Claims Committee, and I contend it should have that right and continue to have that right until some definite change is made in our rules.

Mr. MADDEN. Mr. Chairman, I do not think that there can be any doubt that when the rules were amended so as to transfer all appropriating power to the Appropriations Committee it took away whatever power other committees might have, including the Claims Committee, to appropriate. It can not be said that there was any exception made to any committee having appropriating jurisdiction. The rule contemplated the transfer of all such power from every committee in the House to the Committee on Appropriations, and I believe that a proper

consideration of the rule will disclose the fact that no exception was made.

Mr. EDMONDS. Mr. Chairman, I contend if it had been the intention in the rule to take away from the Committee on Claims or War Claims the power to appropriate they would have had to change paragraph 4 of Rule XXI, and if it was their intention to take away that power it should so have been expressly stated.

Mr. STAFFORD. Mr. Chairman, it is questionable in my mind whether the Chair is called upon to pass on the all-important question as to whether the Committee on Claims and other committees have been bereft of appropriating power by reason of the general restriction carried in the new rule adopted on June 1 last. Subsection 5 of Rule XXI is as follows:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing appropriations be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

It is certain that under the rules of the House, even though this bill as introduced carried an appropriation, that it was properly referred to the Committee on Claims. The jurisdiction of that committee is found in the following language:

To private and domestic claims and demands, other than war claims, against the United States, to the Committee on Claims.

Even though this bill as introduced contained an appropriation, as it is clearly a bill relating to a claim against the Government of the United States, I take it it was properly referred to the Committee on Claims. The mere fact that it contains an appropriation did not deprive the Committee on Claims of jurisdiction. I do not take it that just because a bill contains an appropriation that it has to be referred to the Committee on Appropriations; otherwise, the powers of all these other committees would be practically nil.

Mr. STEVENSON. Will the gentleman yield?

Mr. STAFFORD. I shall be very glad to yield.

Mr. STEVENSON. But when that committee reports a bill it has no jurisdiction to report an appropriation without a point of order lying against the consideration of that bill.

Mr. STAFFORD. The gentleman suggests a point to which I am just coming and which I prefaced in my introductory remarks, that I did not think the Chair was called upon at this stage of the proceedings to pass upon the question of whether the Committee on Claims had appropriating power, for the reason that the Committee on Claims reports an amendment to a bill that does not contain any appropriation.

Mr. EDMONDS. And which allows a judgment against the Government.

Mr. STAFFORD. And which merely authorizes judgment to be levied against the Government in case the district court referred to in the bill finds in favor of the claimant.

The CHAIRMAN. May the Chair ask the gentleman from Wisconsin, Would not any other committee of the House have had jurisdiction of this bill as it was originally introduced?

Mr. STAFFORD. That is the very question which I stated just a moment before the gentleman from South Carolina interrupted me, perhaps when the attention of the Chair was diverted by the colloquy with the gentleman from Illinois [Mr. MADDEN]. What is the authority of the Committee on Appropriations? If it does not go to the Committee on Claims, I suppose those who advocate that it has been erroneously referred would claim that it goes to the Committee on Appropriations.

What is the authority——

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. In just one minute. What is the authority of the Committee on Appropriations over legislation? Clause 3 of Rule XI says:

To appropriation of the revenue for the support of the Government—to the Committee on Appropriations.

I am a member of the Committee on Appropriations, but I do not believe it should be the policy for the House to magnify its powers so as to negative the functioning of every other committee of this House and make the Appropriation Committee the Poo-Bah of legislative power.

Mr. BLANTON. Certainly this bill should not go to the Committee on Appropriations, because it contains legislation, but because it contains legislation that is no reason why it should go to the Committee on Claims. The rule of the House is——

The CHAIRMAN. Where does the gentleman think the bill should be referred?

Mr. BLANTON. It should have been referred to the wastebasket.

Mr. STAFFORD. Mr. Chairman, I do not yield for that kind of a frivolous argument. I decline to yield further unless the gentleman has something sensible to offer.

The CHAIRMAN. The Chair is seeking information.

Mr. STAFFORD. I do not wish my remarks interpolated by some foolish remark as to the bill being referred to the wastebasket. The gentleman is privileged to use that kind of an argument in his own time, but not in mine.

Now, Mr. Chairman, as I originally said, clearly the avowed and declared purpose of the bill as introduced, even though it contained an appropriation, was a claim against the Government. If the Committee on Claims had reported the bill as it was introduced, and if the Committee on Claims has no appropriating power, because it is deprived of that by the new rule——

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. BLANTON. I make the point of order that we have not a quorum, which takes him off the floor.

Mr. STAFFORD. It does not take me off of the floor, but still I have to yield to the superior claim made by the distinguished gentleman from Texas.

Mr. BLANTON. I want somebody to hear his splendid argument.

The CHAIRMAN. The gentleman raises the point of no quorum. The Chair will count. [After counting.] Forty-seven gentlemen are present, not a quorum.

Mr. EDMONDS. Mr. Chairman, I move a call of the House.

Mr. BLANTON. You can not have any call of the House in committee.

The motion was agreed to.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Frear	Langley	Rose
Anthony	Freeman	Layton	Rosenbloom
Blakeney	Fuller	Leatherwood	Rouse
Bland, Ind.	Gahn	Lee, Ga.	Rucker
Boies	Gallivan	Little	Ryan
Bowers	Gilbert	Longworth	Sabath
Britten	Goldsborough	Luhring	Sanders, N. Y.
Brown, Tenn.	Good	McArthur	Scott, Mich.
Browne, Wis.	Goodykoontz	McClintic	Sears
Buchanan	Gorman	McCormick	Siegel
Burke	Gould	McKenzie	Slemp
Burroughs	Graham, Ill.	McLaughlin, Mich.	Snell
Butler	Graham, Pa.	Maloney	Snyder
Campbell, Pa.	Green, Iowa	Mann	Steenerson
Cannon	Hardy, Tex.	Mansfield	Stiness
Cantrill	Haugen	Mead	Strong, Pa.
Carew	Hawley	Merritt	Sullivan
Chalmers	Herrick	Michaelson	Sumners, Tex.
Chandler, Okla.	Hersey	Mills	Tague
Clague	Hicks	Montague	Taylor, Ark.
Clark, Fla.	Himes	Moore, Ill.	Taylor, Colo.
Clarke, N. Y.	Houghton	Moore, Va.	Taylor, N. J.
Classon	Hudspeth	Moores, Ind.	Thomas
Codd	Hukriede	Morgan	Tilson
Cole	Hull	Morin	Tincher
Copley	Humphreys	Mott	Towner
Coughlin	Husted	Mudd	Treadway
Crowther	Hutchinson	Murphy	Upshaw
Dale	Ireland	O'Brien	Vaile
Dallinger	Jacoway	Olpp	Vare
Dempsey	James, Va.	Padgett	Voigt
Denison	Johnson, Ky.	Paige	Volk
Drane	Johnson, S. Dak.	Parker, N. Y.	Walsh
Drewry	Kahn	Perlman	Ward, N. Y.
Dunn	Keller	Peters	Wason
Dyer	Kelly, Pa.	Petersen	Watson
Echols	Kennedy	Pou	Webster
Elliott	Ketcham	Pringey	Wheeler
Elston	Kindred	Purnell	White, Me.
Evans	King	Rainey, Ill.	Williams
Faust	Kitchin	Ransley	Winslow
Fields	Kleczka	Reavis	Wise
Fish	Kopp	Reed, N. Y.	Wright
Flood	Kreider	Riddick	Yates
Focht	Kunz	Riordan	Young
Fordney	Lampert	Rodenberg	

Thereupon the committee rose; and Mr. FESS having assumed the chair as Speaker pro tempore, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House, reported that that committee having had under consideration the bill (H. R. 4620) for the relief of Th. Brovig, finding itself without a quorum, he had caused the roll to be called, and that on the roll call 247 Members answered to their names, a quorum, and that he presented therewith a list of the absentees for insertion in the RECORD and the Journal.

The committee resumed its session.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] was addressing the House when the point of no quorum was made.

Mr. BLANTON. Mr. Chairman, I withdraw the point of order.

Mr. STAFFORD. Do I understand that the gentleman from Texas has withdrawn the point of order on the question of the jurisdiction of the committee?

Mr. BLANTON. The gentleman from Wyoming [Mr. MONDELL] tells me that it is his understanding that this power should still remain in the Committee on Claims, and if that is the understanding of the majority leader, I make no further contention and withdraw the point of order.

Mr. EDMONDS. Mr. Chairman, I object to the withdrawal of the point of order. I would like to have the decision of the Chair on this question.

The CHAIRMAN. The Chair is ready to rule.

Mr. STAFFORD. Of course the gentleman from Arkansas [Mr. WINGO] has no authority over the gentleman from Texas as to the withdrawal of the point of order.

Mr. WINGO. Well, in order to get it settled, Mr. Chairman, since we have gone this far, I will renew the point of order, although I do not think it is subject to a point of order. I do that as a mere formality in order to get the Chair to settle it.

Mr. STAFFORD. If the Chair is ready to rule, I do not care to proceed any further.

The CHAIRMAN. House bill 4620 was introduced on the 20th of April and referred to the Committee on Claims. The bill relates to a claim against the Government of the United States. The gentleman from Texas [Mr. BLANTON] made a point of order, which he has withdrawn after argument, but the gentleman from Arkansas [Mr. WINGO] renews the point of order, that the Committee on Claims had no jurisdiction to report this bill; that it calls for an appropriation, and therefore the Committee on Claims was without jurisdiction.

In the last Congress the rules of the House were so changed as to consolidate the ordinary appropriations and revenues of the Government for the support of the Government in one committee. The language of the clause relating to appropriations is as follows:

Rule XI, clause 3: To the appropriation of the revenue for the support of the Government * * * to the Committee on Appropriations.

That is to say, there shall be referred to the Committee on Appropriations matters relative to the support of the Government out of revenues. This still leaves, in the opinion of the Chair, the retention of their jurisdiction by certain other committees, even though those committees may affect appropriations or may carry an appropriation in the bills that they report. The language of clause 4, Rule XXI, is as follows:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.

These committees have exclusive jurisdiction over private claims against the Government.

If this bill had been referred to the Committee on Appropriations, the question of the jurisdiction of that committee could have been successfully raised. If it had been referred to any committee other than the Committee on Claims, the question of the jurisdiction of that other committee could have been successfully raised. No other committee in the House had jurisdiction over this bill.

The rules of the House were made for the purpose of enabling the House to expedite the business of the House. It never was intended by those who created the rules of the House that business could be entirely throttled or interfered with, as was suggested a moment ago, when it was said that this bill could only be referred to the wastebasket. This bill was properly referred to the Committee on Claims, and the Chair believes it was properly reported by that committee.

Every few weeks since the Committee on Appropriations has had exclusive jurisdiction over appropriations for the support of the Government the Committee on Accounts has reported here appropriations out of the contingent fund of the House without any question, and yet the language is so broad here that if it were strictly construed one might think that even the Committee on Accounts is denied the right to make appropriations out of the contingent fund of the House, because clause 5 of Rule XXI says—

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations.

The Committee on Accounts has jurisdiction to report appropriations; also the Committee on Claims. Therefore the Chair thinks that the Committee on Claims retains its jurisdiction over private claims against the Government, and that this bill is properly within the jurisdiction of that committee, and overrules the point of order.

Mr. BLANTON. Mr. Chairman, has not the Committee on Accounts jurisdiction only to appropriate out of the contingent fund of the House?

The CHAIRMAN. The Chair so stated it.

Mr. BLANTON. I did not so understand it.

The CHAIRMAN. But the language of clause 5 is so broad as even to cover that, if it were strictly construed.

Mr. CARTER. Mr. Chairman, a parliamentary inquiry. Is it not a fact that the contingent fund of the House is appropriated for in the legislative, executive, and judicial appropriation bill?

Mr. CAMPBELL of Kansas. Even without the analogy of the Committee on Accounts being able to make such reports, the Chair is of the opinion that the Committee on Claims has jurisdiction.

Mr. UNDERHILL. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question is, first, on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

LEAVE TO EXTEND REMARKS.

Mr. DEAL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the farm loan bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks on the farm loan bill. Is there objection?

There was no objection.

PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Chairman, I move that the committee do now rise and report the bills with and without amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and Mr. FESS having taken the chair as Speaker pro tempore, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration certain bills on the Private Calendar, had instructed him to report back the bill H. R. 4620 with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass, and also that the committee had instructed him to report back the bills H. R. 1945, H. R. 3250, H. R. 5111, H. R. 962, and H. R. 3116 without amendments, with the recommendation that the bills do pass; also that the committee had directed him to report back the bill H. R. 5549 with an unfavorable recommendation, and that the same lie on the table.

E. M. M'COMAS.

The SPEAKER pro tempore. The Clerk will report the first bill reported from the Committee of the Whole House.

The Clerk read the title of the bill (H. R. 1945) for the relief of E. W. McComas.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AUGUSTUS S. PEABODY.

The next bill favorably reported from the Committee of the Whole House was the bill (H. R. 3250) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BRIGGS. Mr. Speaker, I desire to make the motion to lay on the table the motion to reconsider the vote by which that bill was passed, but as the gentleman from Pennsylvania has already made that motion I ask unanimous consent to extend my remarks on the bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks on the bill. Is there objection?

There was no objection.

JOHN CESTNIK, JR.

The next bill favorably reported from the Committee of the Whole House was the bill (H. R. 5511) for the relief of John Cestnik, jr.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

HEIRS OF ROBERT LAIRD M'CORMICK, DECEASED.

The next bill favorably reported from the Committee of the Whole House was the bill (H. R. 962) for the relief of the heirs of Robert Laird McCormick, deceased.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MIKE CAMPBELL.

The next bill favorably reported from the Committee of the Whole House was the bill (H. R. 3116) validating homestead entry of Mike Campbell for certain public lands in Alaska.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TH. BROVIG.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. What action does the House propose to take on H. R. 5549, which was reported from the Committee of the Whole unfavorably?

The SPEAKER pro tempore. Action on that bill will come later. The Clerk will report the next bill reported from the Committee of the Whole.

The Clerk read as follows:

A bill (H. R. 4620) for the relief of Th. Brovig.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY JONES FORD.

The SPEAKER pro tempore. The Clerk will report the next bill reported from the Committee of the Whole House.

The Clerk read as follows:

A bill (H. R. 5549) for the relief of Henry Jones Ford.

The SPEAKER pro tempore. Without objection, this bill will be laid on the table.

There was no objection.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 5010. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House, under its previous order, adjourned until Monday, June 27, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

176. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Christiansted Harbor, St. Croix, Virgin Islands; to the Committee on Rivers and Harbors.

177. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Port Royal Sound and Beaufort River, S. C., up to Beaufort, including channel over the ocean bar; to the Committee on Rivers and Harbors.

178. A letter from the Secretary of War, transmitting information as to the situation confronting the War Department incident to the provisions of act of Congress approved July 26, 1919, amending the last proviso of House joint resolution 11, approved March 2, 1913, and authorizing the loan of tentage to certain veteran organizations; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FROTHINGHAM, from the Committee on Military Affairs, to which was referred the bill (H. R. 7204) to provide a Government-owned water-service system for the Fort Monroe Military Reservation, reported the same without amendment, accompanied by a report (No. 225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7105) to correct the status of certain enlisted men of the Navy and Naval Reserve Force, and for other purposes, reported the same without amendment, accompanied by a report (No. 223), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (H. R. 7294) supplemental to the national prohibition act, reported the same with amendments, accompanied by a report (No. 224), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6809) granting the consent of Congress to the city of El Paso, Tex., to construct a bridge across the Rio Grande River within or near the city limits of El Paso, Tex., such construction to be made with the consent and cooperation of the Republic of Mexico, reported the same with amendments, accompanied by a report (No. 230), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WOODS of Virginia, from the Committee on Claims, to which was referred the bill (H. R. 1942) for the relief of the owners of the dredge *Maryland*, reported the same with an amendment, accompanied by a report (No. 226), which said bill and report were referred to the Private Calendar.

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 6250) for the relief of the Chicago, Milwaukee & St. Paul Railway Co.; the Chicago, St. Paul, Minneapolis & Omaha Railway Co.; and the St. Louis, Iron Mountain & Southern Railway Co., reported the same without amendment, accompanied by a report (No. 227), which said bill and report were referred to the Private Calendar.

Mr. WOODS of Virginia, from the Committee on Claims, to which was referred the bill (H. R. 6628) for the relief of the owners of the British steamship *Clearpool*, reported the same without amendment, accompanied by a report (No. 228), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3812) granting a pension to Johanna Moss; Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 5655) granting a pension to Charles A. Evans; Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 6983) granting a pension to Rose Creighton; Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 7228) granting a pension to Bertel Pederson; Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 7313) granting an increase of pension to Evaline Jenkins; Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 7359) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes; to the Committee on Ways and Means.

By Mr. KNUTSON: A bill (H. R. 7360) to authorize expenditures from the Red Lake Forest 4 per cent fund in operating the Red Lake Agency sawmill, under the direction of the Secretary of the Interior; to the Committee on Indian Affairs.

By Mr. OLDFIELD: A bill (H. R. 7361) to amend the Federal reserve act; to the Committee on Banking and Currency.

By Mr. WATSON: A bill (H. R. 7362) to amend an act entitled "An act authorizing the Secretary of War to loan Army rifles to posts of the American Legion," approved February 10, 1920, as amended by the act of June 5, 1920; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 7363) authorizing the transfer of certain river and harbor funds; to the Committee on Rivers and Harbors.

By Mr. BLAND of Virginia: A bill (H. R. 7364) to provide for an examination and survey of Mattox Creek, Westmoreland County, Va., and of the channel connecting said creek with the Potomac River; to the Committee on Rivers and Harbors.

By Mr. BRIGGS: A bill (H. R. 7365) for the construction and equipment of a hospital plant in the city of Galveston, Tex., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. KRAUS: A bill (H. R. 7366) authorizing a preliminary examination to be made of the Wabash River with a view to controlling the flood waters thereof; to the Committee on Flood Control.

By Mr. SCOTT of Tennessee: A bill (H. R. 7367) for the purchase of a site and erection thereon of a public building at Lexington, Tenn; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7368) for the purchase of a site and erection thereon of a public building at Savannah, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. APPLEBY: A bill (H. R. 7369) making illegal the pollution of the navigable waters of the United States by oil and other refuse matter, and providing a penalty therefor; to the Committee on Rivers and Harbors.

By Mr. CULLEN: Joint resolution (H. J. Res. 162) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DOWELL: Joint resolution (H. J. Res. 163) authorizing the Secretary of War to loan to the Eighty-eighth Division Association, for their reunion at Des Moines, Iowa, tents, cots, mattresses, blankets, and galvanized-iron buckets; to the Committee on Military Affairs.

By Mr. BECK: Resolution (H. Res. 130) directing the Secretary of the Treasury to furnish to the House of Representatives a list of all individuals, firms, and corporations who made during the year 1918 net profits amounting to more than 25 per cent of their outstanding capital, and for other purposes; to the Committee on Ways and Means.

By Mr. McCLINTIC: Resolution (H. Res. 131) directing the Secretary of the Navy to furnish information concerning contracts for the purchase of fuel oil; to the Committee on Naval Affairs.

Also, resolution (H. Res. 132) directing the chairman of the Shipping Board to furnish information concerning contracts for the purchase of fuel oil; to the Committee on the Merchant Marine and Fisheries.

By Mr. VOLSTEAD: Resolution (H. Res. 133) for the consideration of House bill 7294; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRENNAN: A bill (H. R. 7370) for the relief of Anna Blumenthal; to the Committee on Claims.

Also, a bill (H. R. 7371) for the relief of Joseph Clinton; to the Committee on Claims.

By Mr. BRINSON: A bill (H. R. 7372) to provide for a survey of Mill Gut, North Harlowe, Craven County, N. C., with a view to its improvement for navigation; to the Committee on Rivers and Harbors.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 7373) granting a pension to Mary J. Brown; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 7374) granting a pension to Mary Anna Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7375) granting an increase of pension to Edwin E. Hultz; to the Committee on Pensions.

Also, a bill (H. R. 7376) granting a pension to Robert Leigh Morris; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 7377) granting a pension to Claribel Healy; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 7378) granting a pension to Nettie McMasters; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 7379) granting an increase of pension to Elizabeth Carroll; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 7380) authorizing the Secretary of War to donate to the city of Yonkers, State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. JEFFERIS: A bill (H. R. 7381) for the relief of William Quinlan; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 7382) granting a pension to Melissa Jane Walker; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 7383) for the relief of Melville Van Auker; to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 7384) authorizing the Secretary of War to donate to the township of Hillsdale, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 7385) granting a pension to Kinsia S. Drennon; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 7386) granting an increase of pension to Osco L. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 7387) granting a pension to Solomon Slaughter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7388) granting an increase of pension to Taylor Hubbard; to the Committee on Pensions.

By Mr. ROSSDALE: A bill (H. R. 7389) for the relief of Simon Adler; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 7390) granting a pension to John McManus; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 7391) granting an increase of pension to Martha J. Munson; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 7392) granting a pension to Frank Warden; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 7393) granting a pension to Caroline Sherman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1560. By Mr. BRIGGS: Letter and petition of Mr. J. S. Otis, New Orleans, La., asking for legislation to compel manufacturers of furniture to disclose the character of woods out of which such furniture is made; to the Committee on Interstate and Foreign Commerce.

1561. By Mr. BURDICK: Resolution of Slocum Post, No. 10, Department of Rhode Island, Grand Army of the Republic, advocating a pension of $72 a month to all Civil War veterans and $50 a month to all widows of Civil War veterans; to the Committee on Invalid Pensions.

1562. By Mr. BURTON: Petition of sundry citizens of Chagrin Falls, Ohio, praying for legislation to promote disarmament; to the Committee on Foreign Affairs.

1563. By Mr. CURRY: Petition of 351 residents of the third congressional district of California, favoring the establishment of a department of education; to the Committee on Education.

1564. Also, resolution by State executive committee, American Legion, Department of California, protesting against the importation into the United States and the exhibition in the United States of moving-picture films made in Germany, and the use of such films for purposes of propaganda against the United States and her allies in the late war; to the Committee on Ways and Means.

1565. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the passage of Senate bill 664, to protect persons in the exercise of certain privileges and immunities guaranteed and secured by the Constitution of the United States; to the Committee on the Judiciary.

1566. By Mr. FULLER: Petition of the Illinois Bankers' Association, favoring "more business in government and less government in business"; also favoring good roads with Federal aid; to the Committee on Roads.

1567. By Mr. KISSEL: Petition of Mrs. P. Dougherty, of Brooklyn, N. Y., urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1568. Also, petition of Association of Importers and Distributors of Chinese and Japanese Floor Coverings, New York City, in regard to the tariff; to the Committee on Ways and Means.

1569. By Mr. MERRITT: Resolution of Harry W. Congdon Post, No. 11, American Legion, Bridgeport, Conn., favoring the enactment of legislation to provide for the publication in the press of the United States of the names and addresses of all persons who claimed and received exemption from military service in the recent World War on the ground that they were aliens and subjects of a foreign power; also favoring the enactment of legislation or, if necessary, an amendment to the Constitution, forever denying such persons the right of American citizenship; to the Committee on Military Affairs.

1570. By Mr. SINCLAIR: Petition of citizens of McLean County, N. Dak., favoring disarmament, and reducing Government expenses for the Army and Navy; to the Committee on Foreign Affairs.

1571. By Mr. VARE: Memorial of the Art Workers Building and Loan Association of Philadelphia asking tax exemption on interest payments from building societies not exceeding $500; to the Committee on Ways and Means.

1572. By Mr. YOUNG: Resolution of the Farmers' Cooperative Co., of Lucerne, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1573. Also, resolution of the Farmers' Cooperative Co., of Royal Center, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1574. Also, resolution of the Grange Elevator Co., of Mishawaka, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1575. Also, resolution of the Rural Grain Co., of Weston, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1576. Also, resolution of the Xenia Farmers' Exchange Co., of Xenia, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1577. Also, resolution of the Gessie Grain Co., of Gessie, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1578. Also, resolution of the Farmers' Elevator Co. of Fairmont, Iowa, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1579. Also, resolution of the Farmers' Grain Co. of Dalton City, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1580. Also, resolution of the Farmers' Elevator Co., North Manchester, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1581. Also, petition of sundry citizens of Fredonia, N. Dak., praying for the recognition by the United States of the republic of Ireland; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *June 27, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that all days are Thine, and Thou hast intrusted us with such holy custodianship. May we recognize our stewardship and faithfully fulfill our duty, and make every hour contribute to human good and to Thy glory. We ask in Jesus Christ's name. Amen.

The Vice President being absent, the President pro tempore took the chair.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 12. An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919;

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased;

H. R. 1945. An act for the relief of E. W. McComas;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.;

H. R. 4620. An act for the relief of Th. Brovig; and

H. R. 5511. An act for the relief of John Cestnik, jr.

PETITIONS AND MEMORIALS.

Mr. McCUMBER. Mr. President, I present a petition from wounded ex-service men who fought during the war, requesting action upon the soldiers' adjusted compensation act. I ask that the petition be printed in the RECORD, without the names.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES PUBLIC HEALTH SERVICE HOSPITAL NO. 38,
345 West Fiftieth Street, New York City.

The Hon. Senator MCCUMBER, of North Dakota,
Senate Office Building, Washington, D. C.

HONORABLE SIR: Whereas we are a few of the wounded ex-service men who fought in the World War, we are extending to you a note of thanks and appreciation toward your earnest efforts and sincere devotion toward the ex-service men of the World War by fighting our battles in the Senate, trying to push through the Senate the adjusted compensation bill for veterans of the World War, and your keen sense of judgment when you explained the condition during the war period and thereafter.

As we said overseas, "Apra la Guerrie." We know as vets, and coming in contact with some more of the veterans of the World War, we need the help of the Government not in a charitable way but by the Congress executing their duty by granting either a cash bonus or a loan, by keeping both the wolf and charitable institutions away.

We understand that you have seen the light! We sincerely hope that your colleagues in the Senate will also see the need of it.

We are sincerely thanking you for your earnest and sincere devotion toward the ex-service men. We are disabled and sick ex-service men in the hospital. We are with you in all our heart and soul for a fight to the finish for passing this bill.

Let's go! Let's go!

(Eighty-seven names signed to the above letter.)

Mr. WILLIS presented sundry petitions of 360 citizens of London; 300 citizens of Lima; 383 citizens of Norwalk, Collins, Massillon, Wakeman, and Willard; and 180 citizens of Ironton, all in the State of Ohio, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by members of the Michigan-Ohio-Indiana Coal Association, protesting against the enactment of legislation to stabilize the coal industry, which was ordered to lie on the table.

Mr. LODGE presented resolutions of the pastor and sundry members of Pleasant Street Methodist Episcopal Church, of New Bedford; the Woman's Christian Temperance Union, of Shelburne Falls; the congregation of the Piedmont Congregational Church, of Worcester; Richard S. Rose, of Auburndale; and sundry citizens of Intervale, all in the State of Massachusetts, favoring the affording of relief to the imperiled peoples of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Unit No. 12, United Veterans of the Republic, of Charlestown, Mass., favoring the maintenance of an American merchant marine, which was referred to the Committee on Commerce.

He also presented telegrams in the nature of petitions of Wendell Phillips Council, American Association for the Recognition of the Irish Republic, of Boston, and St. Bridget's Council of Nurses, of Dorchester, both in the State of Massachusetts, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented 350 petitions and letters in the nature of petitions of sundry citizens of Springfield, Charlestown, and Norwood, all in the State of Massachusetts, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented resolutions of Carpenters' Local Union No. 656, United Brotherhood of Carpenters and Joiners of North America, of Holyoke; International Brotherhood of Stationary Firemen and Oilers, of Fall River; International Brotherhood of Stationary Firemen and Oilers, of Peabody; Waist, Dress, and Petticoat Workers' Union, Local No. 49, International Ladies' Garment Workers' Union, of Boston; Lasters Local No. 100, Boot and Shoe Workers' Union, of Boston; Brotherhood of Railway Station Employees, Local Division No. 21, of Northampton; Wholesale and Retail Beverage Clerks' Union, Local No. 853, of Boston; Stone Masons and Setters' Local Union No. 9, of Boston; Bunker Hill Lodge No. 1099, Brotherhood of Railway Clerks, of Boston, all in the State of Massachusetts, favoring the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the First Baptist Church, Watertown; the First Methodist Episcopal Church, Winchendon; the Central Congregational Church, Chelsea; the First Unitarian Church, Peabody; the Congregational Church, East Longmeadow; the Trinitarian Congregational Church, North Andover; the Evangelical Congregational Church, Boxborough; the Central Baptist Church, Southbridge; the Congregational Church, Middleton; Follen Church, East Lexington; the Foreign Policy Association of Massachusetts; the First Baptist Church, Wakefield; the Methodist Church, Spencer; the First Congregational Church, Sutton; the Lincoln Park Baptist Church, West Newton; the Church of the Disciples, Boston; the Blue Hill Evangelical Society, Readville, all in the State of Massachusetts, favoring the calling of an international disarmament conference by the President, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented telegrams in the nature of petitions of Post No. 1, American Legion, of Topeka; Commander Herbert Foster, of Satanta; Post Commander H. J. Knubsen, of Argonia; Arkansas City Post, American Legion, of Arkansas City; and Fred Hutchinson Post, American Legion, of Mulberry, all in the State of Kansas, praying for the enactment of legislation providing adequate relief for ex-service men, which were ordered to lie on the table.

He also presented a resolution of Seward-Ayars Post, No. 16, American Legion, of Neodesha, Kans., protesting against the reported action of United States Chamber of Commerce in opposing proposed legislation to provide adjusted compensation to veterans of the World War, which was ordered to lie on the table.

He also presented a resolution adopted by the Scott County Sunday School Association, at its convention held at Scott City, Kans., June 6, 1921, favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution of the pastor and congregation of the Church of Christ, of Neodesha, Kans., favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the congregation of the First Presbyterian Church, of Winfield; and the pastor and congregation and Brotherhood Sunday School Class, of the First Methodist Episcopal Church, of Winfield, both in the State of Kansas, favoring the enactment of legislation strengthening the so-called Volstead prohibition act, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the joint resolution (H. J. Res. 153) permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes, reported it without amendment.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 490) to consolidate national forest lands, reported it with an amendment, and submitted a report (No. 175) thereon.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 777) for the relief of John M. Green, reported it with an amendment and submitted a report (No. 176) thereon.

Mr. CAMERON (for Mr. WADSWORTH), from the Committee on Military Affairs, to which was referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1541) for the relief of J. P. D. Shiebler (Rept. No. 177); and

A bill (H. R. 1475) providing for a grant of land to the State of Washington for a biological station and general research purposes (Rept. No. 178).

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 920) for the consolidation of forest lands in or near National Forests, N. Mex., and for other purposes, reported it with an amendment and submitted a report (No. 179) thereon.

He also, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1853) to provide for a compact commission between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and between said States and the United States, respecting the disposition and utilization of the waters of the Colorado River for irrigation and other uses, and for other purposes, reported it with amendments and submitted a report (No. 180) thereon.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 5756) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, reported it with amendments, and submitted a report (No. 181) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (S. 1880) providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army, to take rank under the provisions of section 24a of the act of Congress approved June 4, 1920, reported it with amendments and submitted a report (No. 182) thereon.

PUBLIC BUILDING AT SEWARD, ALASKA.

Mr. NEW. From the Committee on Territories and Insular Possessions I report back favorably without amendment the bill (H. R. 5222) to provide for the retention by the Government of the property in Seward, Alaska, known as the Alaska Northern Railway Office Building, and its use for court purposes. I ask for the immediate consideration of the bill. It involves nothing more than the transfer of a public building from one department of the Government to another.

Mr. CURTIS. Does the Senator think it will involve any debate?

Mr. NEW. I do not think it will take a minute. The Secretary of the Interior writes that the building referred to in the bill is in the possession of the Alaskan Engineering Commission, which commission is now bearing the expense of upkeep. The commission no longer desires the building for railroad purposes, it being occupied by the Department of Justice, which department is anxious to obtain full possession.

Mr. CURTIS. I have no objection to the passage of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the property commonly known as the Alaska Northern Railway Office Building, being situated on lots 16 to 20, inclusive, in block 16, of the town of Seward, Alaska, which was acquired by the United States under the provisions of the act of March 12, 1914, entitled "An act to authorize the President of the United Sates to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," shall not be sold under the provisions of the act of July 1, 1916, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes," or other like acts, but shall be retained by the United States for use by the officials of the United States district court and the Department of Justice.

The Secretary of the Interior is authorized to transfer the custody of said building to the Attorney General for use as above indicated.

All laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NEW. I ask to have printed in the RECORD the letter from the Secretary of the Interior to which I referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 23, 1921.

Hon. HARRY S. NEW,
Chairman Senate Committee on Territories and Insular Possessions, United States Senate.

MY DEAR SENATOR: On May 16 the House of Representatives passed H. R. 5222, a bill "to provide for the retention by the Government of the property in Seward, Alaska, known as the Alaska Northern Railway Office Building, and its use for court purposes." On May 17 this bill was read in the Senate and referred to your committee.

The office building referred to in this bill is in the possession of the Alaskan Engineering Commission, which commission is now bearing the expense of up-keep. The commission no longer desires the building for railroad purposes, and it is being occupied by the Department of Justice, which department is anxious to obtain full possession.

It would be greatly appreciated if steps were taken toward an early passage of this bill, in order that the Alaskan Engineering Commission may be relieved of the expense and that the Department of Justice may have full possession.

Respectfully,

ALBERT B. FALL, *Secretary.*

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2152) to authorize the President, on recommendation of the Secretary of Agriculture, to accept lands donated to the United States as preserves or refuges for wild birds and animals, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2153) authorizing the owners of the steamship *Texas* to bring suit against the United States of America (with accompanying papers); to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 2154) making appropriation for reimbursement of the Lidgerwood Milling Co., of Lidgerwood, N. Dak., and for other purposes (with accompanying papers); to the Committee on Finance.

A bill (S. 2155) authorizing and directing the Secretary of State to examine and report upon the claim of the Wales Island Packing Co.

Mr. McCUMBER. I ask that the bill be referred to the Committee on Foreign Relations.

Mr. OVERMAN. Mr. President, that bill has been before the Committee on Claims for at least 20 years. I remember that it was referred to me as a subcommittee at one time, and the committee reported unfavorably upon it. Since that time it has been referred to others, and the committee has reported unfavorably. Why it should be sent to the Committee on Foreign Relations when it was before the Committee on Claims so long I can not understand.

Mr. SMOOT. I know that when I was a member of the Committee on Claims the bill was before that committee, and was reported adversely. That was about 14 years ago.

The PRESIDENT pro tempore. The Chair suggests that the Senator from North Dakota requested that it be referred to the Committee on Foreign Relations.

Mr. McCUMBER. I am not particular where it goes. I wish to have it referred to the appropriate committee.

Mr. OVERMAN. If the Senator has no good reason for sending it to the Committee on Foreign Relations, I move that it be referred to the Committee on Claims.

Mr. McCUMBER. That is satisfactory to me, but before there is any action taken by that committee I would respectfully ask that I may have an opportunity to be heard.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina to refer the bill to the Committee on Claims.

The motion was agreed to.

By Mr. McCUMBER:

A bill (S. 2156) granting a pension to Augusta Baumann;

A bill (S. 2157) granting a pension to Vicilla Bullock (with accompanying papers); and

A bill (S. 2158) granting an increase of pension to Florence E. Foster; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 2159) for the relief of Capt. Guy R. Hartrick (with accompanying papers); to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 2160) providing for an additional district judge for the eastern district of Pennsylvania (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 2161) for the relief of John L. O'Mara; to the Committee on Military Affairs.

A bill (S. 2162) granting a pension to Agnes Gibbons (with accompanying papers); and

A bill (S. 2163) granting an increase of pension to William A. Winn (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 2164) for the creation in the District of Columbia of the office of moving-picture censor and the appointment of such an official, and prescribing his duties and compensation and for the censorship of moving pictures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 2165) granting a pension to Mary C. F. Warren; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 2166) granting certain lands to the city of Watertown, S. Dak., for a public park; to the Committee on Public Lands and Surveys.

By Mr. SMITH:

A bill (S. 2167) to amend the act approved March 4, 1911, entitled "An act for the establishment of marine schools, and for other purposes"; to the Committee on Naval Affairs.

A bill (S. 2168) for the relief of Jesse C. Dennis and William Rhett Eleazer; to the Committee on Post Offices and Post Roads.

By Mr. WALSH of Montana:

A bill (S. 2169) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees (with accompanying papers); to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation and Reclamation.

AMENDMENT TO SEASONAL COAL RATE BILL.

Mr. REED submitted an amendment intended to be proposed by him to the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal, which was ordered to lie on the table and to be printed.

FEDERAL LAND BANKS.

Mr. CURTIS. I ask that the action of the House of Representatives on Senate bill 1837 be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, which was to strike out all after the enacting clause and insert:

That section 32 of the Federal farm loan act, approved July 17, 1916, as amended, is hereby amended by adding after the first paragraph a new paragraph to read as follows:

"Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $50,000,000 or more, the Secretary of the Treasury may in his discretion make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same, within 15 days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits."

Mr. CURTIS. I move that the Senate concur in the House amendment.

Mr. SMITH. Mr. President, I wish to ask the Senator from Kansas to what extent the amount provided for by the Senate in the bill has been reduced by the House?

Mr. CURTIS. The Senate provided for $44,000,000 additional. The House reduced the amount to the difference between the actual paid-in capital stock and $50,000,000, which would limit it to between $24,000,000 and $26,000,000, and they add $6,000,000 to that, which would make about $30,000,000 additional. I have talked with all the members of the Farm Loan Board and they are so anxious because of the emergency to have the bill passed this morning, if possible, that they say they are satisfied they can get along with it as passed by the House.

Mr. SMITH. The members of the Farm Loan Board are of opinion that the amount provided for in the House amendment to the bill is sufficient to meet the emergency?

Mr. CURTIS. They thought so.

The PRESIDENT pro tempore. The Chair is of the opinion that the bill can only be taken up by unanimous consent. Is there objection to the present consideration of the bill? The Chair hears none. The Senator from Kansas moves that the Senate concur in the amendment of the House of Representatives.

Mr. HARRISON. As I recall the provisions of the bill, there was $50,000,000 appropriated by the Senate.

Mr. CURTIS. It would be $46,000,000 as the bill passed the Senate.

Mr. HARRISON. As I recall, it passed practically unanimously.

Mr. CURTIS. There was only a little opposition to it.

Mr. HARRISON. The House has cut the amount down to $25,000,000.

Mr. CURTIS. About $25,000,000, and $6,000,000 additional, which would be $31,000,000, allowing $31,000,000 instead of $44,000,000.

Mr. HARRISON. And now the Senator states that he has a communication from the authorities saying that they are willing and hope it will pass in the form in which it passed the House, feeling that that is the best they can get and that they can not get more, I imagine.

Mr. CURTIS. The amount might be increased if the bill went to conference, but they feel that they can get along with this amount if the bill is passed immediately, and they would rather have the bill passed to-day than to have it go to conference, with the consequent delay that would take place.

Mr. HARRISON. They would prefer the Senate proposition to the bill as passed by the House?

Mr. CURTIS. They did want to have the Senate proposition amended somewhat, but I believe it is better to pass it as the House has passed it than to send it to conference.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12. An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919; to the Committee on Revision of the Laws.

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased; to the Committee on Claims.

H. R. 1945. An act for the relief of E. W. McComas;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska; and

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.; to the Committee on Public Lands and Surveys.

H. R. 4620. An act for the relief of Th. Brovig; to the Committee on Claims.

H. R. 5511. An act for the relief of John Cestnik, jr.; to the Committee on Public Lands and Surveys.

THE CALENDAR.

The PRESIDENT pro tempore. The calendar is in order under Rule VIII.

The bill (S. 656) to create a bureau of aeronautics in the Department of the Navy was announced as the first business on the calendar.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 1021) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. OVERMAN. The Senator from Montana [Mr. WALSH], who is interested in the bill, is not present at this moment. The Senator from New York [Mr. WADSWORTH] was to furnish him certain information. As neither of the Senators is on the floor at this time, I think the bill ought to go over for that reason only.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as next in order.

Mr. KELLOGG. Let that go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 724) for the relief of Henry J. Davis was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 725) for the relief of Orion Mathews was announced as next in order.

Mr. KING. Let this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 659) to create a Federal live stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 425) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. PENROSE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDENT pro tempore. It will be passed over.

AMENDMENT OF FEDERAL RESERVE ACT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, which was read as follows:

Be it enacted, etc., That the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act be amended as follows:

Strike out all after the word "than" in the sixth line of said proviso and insert in lieu thereof the following:

"That which could be borrowed lawfully from such State bank or trust company were it a national banking association," so that said proviso when amended shall read as follows:

"*Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 387) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was announced as next in order.

Mr. ASHURST. Mr. President, a bill similar to the one the title of which has just been stated at the desk has passed the

House of Representatives and is now on the calendar. I ask, therefore, that Senate bill 387 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1890) authorizing the Secretary of Commerce to establish in the National Bureau of Standards a division to be known as the division of construction and housing was announced as next in order.

Mr. KING and Mr. PENROSE. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The resolution will go over.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1838) to amend section 4887 of the Revised Statutes relating to patents was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

A bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. That bill will take some time to consider. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 136) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 665) to provide for free tolls for American ships through the Panama Canal was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

INTERNAL REVENUE COLLECTION DISTRICTS.

The bill (S. 2051) to amend section 3142 of the Revised Statutes to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74 was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. KING. Let that bill go over.

Mr. PENROSE. Mr. President, I know the Senator from Utah can object to the consideration of this bill, but if it is to be passed at all it should be considered and passed before the end of the present fiscal year. Does the Senator intend to persist in his objection toward the defeat of the measure?

Mr. KING. Yes, Mr. President. I think the bill extravagant and unnecessary.

Mr. PENROSE. I know that the Senator from Utah is a profound financier and is thoroughly familiar with the workings of the Treasury Department. I hesitate very much to disagree with him. No one may listen to him speak at length on an innumerable variety of subjects without being impressed with his knowledge. So when he says he thinks the bill extravagant and unnecessary I am impressed; but if that is his attitude, I shall undertake at the proper time to move the consideration of the bill.

Mr. KING. The sarcasm of the Senator from Pennsylvania does not deter me from insisting on my objection.

Mr. PENROSE. I am not speaking sarcastically; I am endeavoring to speak truthfully, however far I may fail of the mark.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

HAWAIIAN FRANCHISES.

The bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask that that bill and the five succeeding bills be passed over.

Mr. NEW. I hope the Senator from Wisconsin will not insist upon that objection.

Mr. LA FOLLETTE. I desire to examine the bills to which I have referred, and I have not had the opportunity to do so since the calendar was last called. I have collected those bills together with the reports accompanying them; I have taken them to my committee room, and I want an opportunity to go over them carefully. I shall have to insist upon my objection to their consideration until I can have that opportunity.

The PRESIDENT pro tempore. The bill the title of which has been stated, on the objection of the Senator from Wisconsin, will go over, as will also the five succeeding bills on the calendar, to which the Senator from Wisconsin objects.

The bills referred to are as follows:

A bill (S. 2063) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the island of Hawaii, Territory of Hawaii;

A bill (S. 2064) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, Territory of Hawaii;

A bill (S. 2065) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island of Maui, Territory of Hawaii;

A bill (S. 2066) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the districts of North and South Hilo and Puna, in the county of Hawaii, Territory of Hawaii; and

A bill (S. 2067) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, island of Oahu,' enacted by the Legislature of the Republic of Hawaii July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu."

CHANGE OF NAME OF GRAND RIVER, COLO.

The joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment.

Mr. BRANDEGEE. Let the joint resolution go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will go over.

ALFRED CLUFF AND OTHER SETTLERS AT FORESTDALE, ARIZ.

The bill (S. 391) for the relief of Alfred Cluff and certain other settlers at Forestdale, Apache County, Ariz., who were evicted from their homes by reason of a change in the location of the north boundary of the White Mountain or San Carlos Apache Indian Reservation, was announced as next in order.

Mr. ASHURST. Mr. President, it is true that this bill has heretofore twice passed the Senate, but I have sent a copy of the report on the bill, which is very voluminous, to a number of Senators who have advised me that they have not yet had an opportunity to read it, the report consisting of about 50 pages. I therefore ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

HOMESTEADS IN HAWAII.

The bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, and for other purposes, was announced as next in order.

Mr. NEW. Mr. President, this bill is known as the Hawaiian rehabilitation bill, and there are peculiar reasons why it should have immediate consideration. Under existing law the lands which are mentioned in the bill and which by its terms are set aside for homesteading by the Hawaiian people are eligible under the general homestead laws for homestead entry by anybody. Unless this bill is passed now and its benefits given to the Hawaiian people I think it manifest that some of these lands, many of them, perhaps, will be homesteaded by others and the Hawaiians probably forever deprived of any opportunity to homestead them.

I wish to say in connection with the bill that it was before the last Congress, not in exactly its present form but in practically the same form. The general object of the bill which was passed by the last House was the same as the general object of the pend-

ing measure. After its passage by the House it came to the Senate, and a delegation from Hawaii, which included Gov. McCarthy, the attorney general of Hawaii, several members of the Hawaiian Legislature, representatives of the Hawaiian Chamber of Commerce at Honolulu, and various other persons, came to Washington to urge its passage. In opposition to it there came certain gentlemen who represented what was known as the Parker Ranch and what was known as the Raymond Ranch. The Parker Ranch is the larger of two big ranches and now controls, either by ownership or lease, about 325,000 acres of land. They opposed the passage of the bill and its consideration was held up in the Senate.

The Hawaiian Legislature then asked that the Hawaiian Representative in Congress return to Honolulu and explain to them the character of the objections interposed to the bill when it was considered by the American Congress. Mr. KALANIANAOLE went to Hawaii and explained to them the nature of the objections which had been raised. This bill has been modified to meet those objections as nearly as may be and this bill has passed the Hawaiian Legislature. It passed the Hawaiian Senate unanimously and passed the Hawaiian House of Representatives by a vote of 26 to 4. The pending measure has the indorsement of the outgoing governor, Mr. McCarthy, and the approval of the incoming governor, Mr. Farrington. The bill has been examined by the Interior Department, and on Saturday I personally talked with the Secretary of the Interior, who gave the bill his approval. So far as I know there has been no objection to it except as I have indicated.

I neglected to say that the Parker Ranch interests at the hearing the other day were represented here by Mr. George McK. McClellan, who was formerly secretary of the Chamber of Commerce of Honolulu. He came here as representing the Parker Ranch interests and had written authority to do so. He did represent them before our committee and the amendments which he offered were accepted.

All objection was then by him withdrawn to the bill. Since that time and since the committee has reported the bill favorably the committee has been in receipt of a protest from representatives of the Parker Ranch, who say that Mr. McClellan did not have the authority to represent them, despite the fact that Mr. McClellan's authority, as I have said, was presented to the committee in writing, and who protest the passage of the bill and ask that action on it be suspended until a delegation from Congress can go to Hawaii and make a full investigation of the matter.

Mr. President, that will require months, as everybody knows. In the meantime, as I have said, under the operation of law the lands which are now under lease, the leases on which expire on the 30th of June, will become eligible to general homestead entry. I can only cite as an evidence of what will probably become of them if the 30th of June is allowed to come without the passage of this bill by stating that at the last drawing 31 homesteads were allotted, 17 of which went to aliens and the others scattering, no Hawaiian, however, coming in for a single one of the homesteads.

I shall be glad to say anything that may be called for in further explanation of the measure, but I think it ought to have present consideration.

Mr. KING. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Yes.

Mr. KING. As I understand the measure, I am in hearty accord with its provisions. I wish to inquire of the Senator, though, whether provision was made in this bill to prevent the carving up of these very valuable sugar lands and subjecting them to homestead entry?

Mr. NEW. The sugar lands are not opened to homestead entry under this bill. They are not withdrawn, but under the operation of this bill the process is that agricultural lands are made available for homesteads.

Mr. KING. Oh, I understand that; but the point I had in mind was this: When I was in Hawaii a short time ago I made a rather exhaustive investigation concerning the sugar lands, and a policy seemed to have been adopted by which those valuable sugar lands were to be carved up into small homesteads, and ultimately, after they had been homesteaded, the result would be that they would get back into the hands of a few individuals.

Mr. NEW. Yes.

Mr. KING. Those were really the prime assets which the Territory had to meet its obligations. It then had obligations and of necessity it will have obligations in the future, and I felt that some method ought to be adopted to conserve those valuable sugar lands as an asset.

Mr. NEW. The Senator is eminently correct. If they were subjected to the carving process, the value of the sugar lands of Hawaii and that of the Territory as a sugar producer would be utterly destroyed.

Mr. KING. Then, if it does not embrace the sugar lands, I think the measure is very wise and ought to go through.

Mr. SMOOT. Mr. President, I just want to say this to the Senate: I appeal to the Senate to pass this bill now for the relief of the Hawaiian people. There are only a few thousand of them left. I think the Hawaiian people should have the advantage of the land affected by the pending bill.

I am perfectly aware that the Parker Ranch people will always object to any legislation that will deprive them of the great advantages that they have enjoyed for the last 50 years, paying nothing to speak of in rents for the three hundred and odd thousand acres of land out of the comparatively few acres of land in those islands. The passage of this bill, after taking care of the Hawaiian people mentioned in the bill, will mean, through the leasing of valuable sugar lands by the Hawaiian government, a revenue of something like $700,000 per annum from a source from which they have had no revenue to speak of in the past.

The Senator from Indiana has well said that this bill ought to become law before the 1st day of July. If not, some of the lands are going to pass out of the hands of the United States, and perhaps ultimately the most valuable of the lands involved will revert to the hands of the Parker Ranch and the other people that have enjoyed the benefits of them first granted years ago by the King.

I hope the bill will pass.

Mr. JOHNSON. Mr. President, I am by no means opposed to this bill. I do not wish to be in the attitude of even suggesting opposition to it. I think that I am in accord with what the Senator from Indiana has said; but it happens that I am to-day in receipt of a very lengthy telegram from a constituent who protests very bitterly against the bill, and says that he has a representative on the way, who will arrive here on the 29th. Under those circumstances, I think that this representative ought to be given the opportunity to present his objections. I ask nothing more than that.

I object to the present consideration of the bill because of this telegram from my constituent, and not because of a personal opposition at all.

Mr. NEW. Mr. President, as I have tried to set forth, the reason for immediate consideration lies in the fact that on the 30th of this month these lands, under the operation of the present law, become eligible for general homesteading. I do not know the gentleman who sends this telegram to the Senator from California. The Senator from California has told me that he did not identify him. Perhaps he has identified him since I talked with him before. The Delegate from Hawaii is on the floor, and has told me that he does not know who this gentleman is. The representatives of the Parker Ranch, the Raymond Ranch, and everybody who has any kind of objection to urge to this bill, have already been heard, and have been heard at great length, before two sessions of Congress.

I submit, Mr. President, that it is hardly good faith with the committee for them to ask now that consideration of the bill be withheld until the afternoon of the last day before the damage is done, if damage is to be done, through the failure of this bill to pass. They have had every opportunity to be heard. They have been notified and have had their representatives present. I have cabled them myself. I have done everything in the world I could to give them every opportunity here to present their case, and they have taken the fullest advantage of that opportunity.

Mr. JOHNSON. Mr. President, I tried to make very plain the theory upon which my objection was made. Possibly I did not succeed. I am not opposed to the bill; but with a telegram like that which I hold in my hand from a constituent of mine, saying that he has a representative coming here and that he will be here on the 29th, I could do nothing else than object in order that he may be given a hearing. This is not a personal objection to the bill at all, I repeat, because I think personally I shall favor it.

It is all poppy-cock to talk about immediate haste in connection with a bill that is presented here to-day; but there is another method by which it may be brought up, and that is by regular motion, in which the Senator doubtless could prevail upon the facts that he asserts; and then, so far as my objection having been made is concerned, I have done all that I could.

But here is the telegram, and I will read it into the RECORD merely in justice to the man who signs it, and for no other reason. He is entitled to be heard like any other man:

Hwaiian rehabilitation bill comes up Senate June 27. Title of bill is pure camouflage for big interests in Hawaii to secure complete monopoly of Hawaiian government lands. Similar bill was presented once before with approval local legislature, which was utterly discredited by public of Hawaii. In the interests of all taxpayers of the Territory this bill should not pass. It repeals clause in organic act limiting land holdings to 1,000 acres. Present homesteading laws give Hawaiians greater opportunities for rehabilitation, as they afford them opportunities of acquiring good lands for agricultural purposes which under this proposed bill will be entirely monopolized by big interests. Nobody really believes that rehabilitation will be anything but costly failure, and the scheme is condemned as vicious class legislation based on deliberate misrepresentation of facts. The proposed legislation is so insidious and far-reaching Senate ought not to act without careful investigation on the ground. Therefore suggest appointment of subcommittee go to Hawaii. No injury can result from delay. G. J. Waller, jr., arrives Washington 29th. Have given him letter to you.

CHARLES REDDY.

I present this telegram. It comes from San Francisco, from a constituent. Personally, I am not opposed to the bill. I believe, however, that any man who presents matters of that sort is entitled to be heard.

Mr. NEW. Mr. President, I do not at all misunderstand the Senator from California. What he says is all right, but I submit that there is the grossest misstatement of fact contained in this telegram. The sender of the telegram says this bill was before Congress before, and that since that time it has been utterly discredited in Hawaii. Why, nothing could be further from the truth than that. It has been back to Hawaii. It has since passed the Hawaiian Senate by a unanimous vote. It passed the house of representatives by a vote of 26 to 4. It has had the approval of all these gentlemen who have been here within the last few days, and some of whom are still here, and is agreed to by the representatives of the very interests that, I presume, Mr. Reddy represents before the Committee on Territories and Insular Possessions.

In view of these facts, Mr. President, and without the slightest disposition to take radical issue with the Senator from California—he and I, I think, are in full understanding on this matter—I move that the Senate proceed to the consideration of this bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, and for other purposes, which had been reported from the Committee on Territories and Insular Possessions with amendments.

The PRESIDENT pro tempore. The amendments proposed by the committee will be stated.

The first amendment was, on page 4, line 22, to strike out "Keaaupaha" and insert "Keaaukaha."

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "except," to insert "by further authorization of Congress and," so as to make the paragraph read:

(1) For a period of five years after the first meeting of the Hawaiian Homes Commission only those lands situate on the island of Molokai, which are particularly named in paragraphs 1 and 3 of section 203 hereof; Waimanu, in the district of Hamakua; Keaaukaha, in the district of South Hilo; and Panaewa, Waiakea, in the district of South Hilo, island of Hawaii, shall be available for use and disposition by said commission under the provisions of this title, and none of the remaining available lands named in said section 203 shall, after the expiration of the said 5-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.

The amendment was agreed to.

The next amendment was, on page 7, line 20, after the word "within," to strike out "two" and insert "three," so as to make the paragraph read:

(3) In case any land is to be selected by the commission out of a larger area of available lands, such land shall not assume the status of Hawaiian home lands until the commission, with the approval of the Secretary of the Interior, makes the selection and gives notice thereof to the commissioner of public lands. The commission shall give such notice within three years after the expiration of the 5-year period referred to in paragraph 1 of this section. Any such notice given thereafter shall be deemed invalid and of no effect.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the word "roads," to strike out "street" and insert "streets," so as to make the paragraph read:

(3) The term "public lands" includes all lands in the Territory of Hawaii classed as government or crown lands previous to August 15, 1895, or acquired by the Government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; except (1) lands designated in section 203 of the Hawaiian homes commission act, 1920, (2) lands set apart or reserved by Executive order by the President, (3) lands set aside or withdrawn by the governor under the provisions of subdivision (g) of this section, (4) sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes, and (5) lands to which the United States has relinquished the absolute fee and ownership, unless subsequently placed under the control of the commissioner and given the status of public lands in accordance with the provisions of this act, the Hawaiian homes commission act, 1920, or the Revised Laws of Hawaii of 1915; and

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "any," to strike out "irrigated," so as to make the paragraph read:

(d) No lease of agricultural lands or of undeveloped arid public land which is capable of being converted into agricultural land by the development, for irrigation purposes, of either the underlying or adjacent waters, or both, shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than 15 years. Each such lease shall be sold at public auction to the highest bidder after due notice as provided in subdivision (h) of this section and the laws of the Territory of Hawaii. Each such notice shall state all the terms and conditions of the sale. The land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn. Every such lease shall contain a provision to that effect: *Provided*, That the commissioner may, with the approval of the governor and at least two-thirds of the members of the land board, omit such withdrawal provision from the lease of any lands suitable for the cultivation of sugar cane whenever he deems it advantageous to the Territory of Hawaii. Land so leased shall not be subject to such right of withdrawal.

The amendment was agreed to.

The next amendment was, on page 27, line 21, after "May 27," to strike out "1915" and insert "1910," so as to make the paragraph read:

(f) No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who, or whose husband or wife, has previously taken or held more than 10 acres of land under any such certificate, lease, or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who, or whose husband or wife, or both of them, owns other land in the Territory the combined area of which and the land in question exceeds 80 acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease, or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he bacomes a citizen within five years after so taking.

The amendment was agreed to.

The next amendment was, on page 28, line 8, after "May 27," to strike out "1915" and insert "1910," so as to make the paragraph read:

(g) No public land for which any such certificate, lease, or agreement is issued after May 27, 1910, or any part thereof, or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise transferred to, or acquired or held by or for the benefit of, any alien or corporation; or before or after the issuance of a homestead lease or before the issuance of a patent to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, or holds, or controls, directly or indirectly, other land or the use thereof, the combined area of which and the land in question exceeds 80 acres. The prohibitions of this paragraph shall not apply to transfers or acquisitions by inheritance or between tenants in common.

The amendment was agreed to.

The next amendment was, on page 36, line 7, after the word "thereof," to strike out "two" and insert "three," so as to make the paragraph read:

SEC. 315. The Hawaiian organic act is hereby further amended by adding at the end thereof three additional sections to read as follows:

The amendment was agreed to.

The next amendment was, on page 36, after line 14, to insert the following:

SEC. 106. The board of harbor commissioners of the Territory of Hawaii shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and water-front improvements, ports, docks, wharves, quays, bulkheads, and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays, and landings belonging to or controlled by the Territory for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage, or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares, and merchandise, for storage space for the use of donkey engines, derricks, or other equipment belonging to the Territory, under the control of the board, and to make other charges, including toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads, or landings. The board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot-boat crews, and all such other employees as may be necessary,

and to fix their compensation; to make rules and regulations pursuant to this section and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this section.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries, and operating expenses, shall be expended under the supervision and control of the board, subject to the provisions of law. All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the governor a report of its official acts during the preceding year, together with its recommendations as to harbor improvements throughout the Territory.

The amendment was agreed to.

Mr. HARRISON. Mr. President, what was the first amendment that was agreed to in the front part of the bill? I did not catch it.

The PRESIDENT pro tempore. The Secretary will again state the amendment to which the Senator refers.

The READING CLERK. On page 4, line 22, strike out "Keaupaha" and insert "Keaaukaha."

The next amendment was, on page 38, line 8, to change the number of the section from "106" to "107."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes."

BILLS PASSED OVER.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

Mr. KING. Let the bill be read.

The Assistant Secretary read the bill.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order, and was read.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF THE RULES—EXECUTIVE BUSINESS.

The resolution (S. Res. 73) amending Rules XXXVII and XXXVIII of the Standing Rules of the Senate so as to provide for the consideration of nominations and treaties in open executive session unless otherwise ordered was announced as next in order.

Mr. PENROSE. Let that go over.

Mr. HARRISON. Mr. President——

Mr. PENROSE. Is the Senator particularly anxious to proceed with the resolution now?

Mr. HARRISON. There is going to be a substitute offered for it, but I do not see the junior Senator from Pennsylvania [Mr. KNOX] present. I did want to take up the proposition some time this week, however.

Mr. PENROSE. I did not know but that the Senator expected to have it passed without further discussion.

Mr. HARRISON. No; I am sure that some Senators on the other side would like to defend their course when they vote against it.

The PRESIDENT pro tempore. Objection is made, and the resolution will be passed over.

TEMOAK BAND OF HOMELESS INDIANS.

The bill (S. 224) authorizing the Secretary of the Interior to purchase a tract of land with sufficient water right attached, for the use and occupancy of the Temoak Band of homeless Indians, located at Ruby Valley, Nev., was announced as next in order.

Mr. KING. I would like to ask the chairman of the Committee on Indian Affairs to offer some explanation of the bill.

Mr. SMOOT. Let it go over to-day.

The PRESIDENT pro tempore. The bill will be passed over.

ALBERT H. RAYNOLDS.

The bill (S. 901) for the payment of certain money to Albert H. Raynolds was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Raynolds, or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of $907.98 and $1,382.51, which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Raynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UMATILLA RESERVATION LANDS.

The bill (S. 926) to withhold from sale and to restore to the Indians of the Umatilla Reservation certain lands which were authorized to be offered for sale under the act of March 3, 1885, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That section 2 of the act of March 3, 1885 (23 Stat. L., p. 342), be, and the same hereby is, amended so as to authorize the Secretary of the Interior to withhold from sale or disposition for use as tribal grazing grounds all unentered and undisposed of lands in townships 2 south, ranges 34 and 35 east of the Willamette meridian, Oregon, formerly a part of the Umatilla Reservation: *Provided*, That any settler on these lands, prior to April 21, 1921, shall be permitted to acquire title to lands covered by his settlement, not exceeding 160 acres of nontimbered lands and 40 acres of timbered lands, at not less than the appraised value thereof, by making entry of the lands at the proper district land office within six months from the date of the passage of this act and by complying with the provisions of law governing other entries of Umatilla lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF KO-MO-DAL-KIAH.

The bill (S. 1111) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 80 acres of land within the diminished Colville Reservation, in the State of Washington, to Ko-mo-dal-kiah in lieu of portions of Moses agreement allotment No. 33, embraced within the patented entries of Francis M. Fulton and Carrier French.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER LITTLE COLORADO RIVER, ARIZ.

The bill (S. 1738) for the completion of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $4,000, or so much thereof as may be necessary, for the completion of the approaches and the protection of the abutments to the bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., reimbursable from the tribal funds of the Navajo Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS PURCHASED FOR HOMELESS INDIANS.

The bill (S. 1926) to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That unless otherwise specifically provided, the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), as amended, be, and they are hereby, extended to all lands heretofore purchased or which may hereafter be purchased by authority of Congress for the use or benefit of any individual Indian or band or tribe of Indians.

Mr. KING. May I ask the Senator from Kansas to give an explanation as to the objects of this bill?

Mr. CURTIS. The Government, by virtue of several acts of Congress, has purchased tracts of land in different States for Indian tribes. The appropriations were made in the appropriation bills, and no specific law was made applicable. So the department has asked that the act of 1887, which is a general Indian allotment act, be made applicable to all the lands purchased for Indians in different States. Principally the lands purchased for homeless Indians are located in California, a little less than 35,000 acres; some lands in Minnesota, some lands in Wisconsin, and some in one or two other States.

This bill, let me say, was drawn by the department, and introduced at their request, so that they might have some definite legislation applicable to lands purchased for homeless Indians.

Mr. KING. I will state the reason why I made the inquiry. Knowing that the department contemplated purchasing, if it has not already done so, some arid lands, lands to be distinguished from lands which are owned by the Indians in some

sections, I was wondering whether a general statute relating to what might be denominated normal lands would be applicable to some of the dry, arid, subnormal lands which the Government will purchase for the Indians.

Mr. CURTIS. In the purchase of lands and in the allotment of arid and semiarid lands, separate and distinct provisions have been made in reference to their allotment and management. For instance, in New Mexico and Arizona the amount of irrigable land has been limited to 5 or 10 acres, depending on the case, and no doubt if arid or semiarid lands were provided for in the future the legislation would designate what should be done with them, the number of acres to be allotted, and so forth.

Mr. KING. Then there is enough flexibility in existing law, or laws which are to be made applicable to lands hereafter purchased, to permit the department to award to the Indians reasonable acreage, sufficient for their wants?

Mr. CURTIS. I think so.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJUSTED COMPENSATION FOR SOLDIERS OF THE WORLD WAR.

The bill (S. 506) to provide adjusted compensation for veterans of the World War, and for other purposes, was announced as next in order.

Mr. KING. Can the bill be considered in this hour?

Mr. SMOOT. It will be impossible to consider the bill under the 5-minute rule, and the Senator from North Dakota [Mr. MCCUMBER] not being in the Chamber, I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

INTERSTATE HIGHWAY SYSTEM.

The bill (S. 1355) to provide for the establishment, construction, and maintenance of a post-roads and interstate highway system, to create a Federal highway commission, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

J. L. HOLMES.

The bill (S. 513) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 7, after the word "interest," to insert the words "in and to lots 2 and 3, block 14, in town site of Whitefield, Okla."; and on page 2, line 3, to strike out the word "scheduled" and to insert in lieu thereof the word "conveyed," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, a deed of quitclaim and release to J. L. Holmes, of Whitefield, Okla., his heirs and assigns, of all the right, title, and interest in and to lots 2 and 3, block 14, in town site of Whitefield, Okla., which was granted to the United States of America by a deed from the Choctaw and Chickasaw Nations to the United States of America, dated the 21st day of September, A. D. 1904, and approved by the Secretary of the Interior, said lots having been erroneously conveyed to the United States instead of E. E. Farrell, who subsequently sold and transferred same to J. L. Holmes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF INDIANS ON RAILROAD LANDS.

The bill (S. 902) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, in line 6, after the numerals "1916," to insert the words "and the act of June 30, 1919," and in line 9 to strike out, after the word "where," down to and including the word "approval" in line 2, page 2, and insert "it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law but for the grant to the railroad company," so as to make the bill read:

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1923: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law, but for the grant to the railroad company.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

A bill (S. 1168) to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

MRS. BENJAMIN GAUTHIER.

The bill (S. 1732) for the relief of Mrs. Benjamin Gauthier was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, in line 4, page 1, after the word "convey," to strike out the words "by issue of patent," and, in line 5, after the words "Lac du Flambeau," to insert the words "with the consent of the Lac du Flambeau Indians to be evidenced in such manner as he may require," and, on page 2, line 4, after the word "thereon," to insert "All expenses of survey and conveyance to be paid by Mrs. Gauthier," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to Mrs. Benjamin Gauthier, of Lac du Flambeau, with the consent of the Lac du Flambeau Indians to be evidenced in such manner as he may require, a tract of land not exceeding 10 acres in lot 3, section 8, township 40 north, of range 5 east, on the Lac du Flambeau Indian Reservation, in Wisconsin, said tract to be selected by the said Secretary and to include the land occupied by said Mrs. Benjamin Gauthier with hotel, store, warehouse, residence, summer cottages, barn, and social hall; said conveyance shall be made upon payment to the Secretary of the Interior of such sum as he shall determine to be the reasonable value of the land conveyed, exclusive of the improvements thereon. All expenses of survey and conveyance to be paid by Mrs. Gauthier.

The receipts of such sale shall be paid into the Treasury and placed to the credit of the Lac du Flambeau Band of Chippewa Indians.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1894) to amend section 26 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs," etc., was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 154) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1251) providing for investigations for irrigation works in Green River, Wyo., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DAYLIGHT SAVING ACT AMENDED.

The bill (S. 574) to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended, was announced as next in order.

Mr. STERLING. I object to the present consideration of the bill.

Mr. GOODING. Mr. President, I hope the Senator from South Dakota will withdraw his objection. The bill affects only the people of Idaho, and they are merely asking to be given back the time they have used there since pioneer days.

Mr. STERLING. Then I did not understand the bill. I understood that it was a general daylight saving bill.

Mr. BORAH. No; it is not.

Mr. GOODING. It is merely a local bill.

Mr. STERLING. I withdraw my objection.

The bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That an act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918, as amended, be, and the same hereby is, further amended by adding thereto, after section 2 and before section 4, an additional section to be known as section 3, as follows:

"SEC. 3. In the division of territory, and in the definition of the limits of each zone, as hereinbefore provided, so much of the State of Idaho as lies south of the Salmon River, traversing the State from east to west near 45° 30′ latitude, shall be embraced in the third zone."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1951) for the relief of John Hickson, jr., was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RECEPTION OF JAPANESE PARLIAMENTARY DELEGATION.

Mr. CURTIS (at 1 o'clock and 10 minutes p. m.). Mr. President, I move that the Senate take a recess until half past 1 in order that the Senate may receive the Japanese parliamentary delegation now on a visit to the Capitol.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair appoints the Senator from Kansas [Mr. CURTIS] and the Senator from Georgia [Mr. HARRIS] as the committee to introduce the visitors to the Senate Chamber.

The Senate thereupon took a recess for 20 minutes, and the members of the Japanese parliamentary delegation were escorted by the committee appointed by the President pro tempore into the Senate Chamber, the members of the delegation being—

Rokusaburo Nakanishi, chairman, Seiyu Kai (political party).
Kunimatsu Hamada, vice chairman, Kokuminto (political party).
Takeo Tanaka, director, Kensei Kai (political party).
Hideo Higuchi, Kensei Kai (political party).
Yeikichi Hikita, Seiyu Kai (political party).
Naota Kumagai, Seiyu Kai (political party).
Juichi Nozoye, Seiyu Kai (political party).
Senpei Yajima, Koshin Club.
Tobei Nakamura, secretary of the house of representatives.
Nobuzo Kawai, assistant secretary of the house of representatives.
K. S. Inui, secretary of the delegation.
Torao Kawasaki, secretary of the delegation.

The members of the Japanese parliamentary delegation took their places at the left of the Vice President's desk and the Members of the Senate were presented to them by the committee appointed by the President pro tempore.

The Members of the Senate having paid their respects to the visiting guests, on the expiration of the recess (at 1 o'clock and 30 minutes p. m.) the Senate was called to order by the President pro tempore.

LANDS IN ARIZONA.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

The bill (H. R. 2421) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 10, after the word "report," to insert "or if the Secretary shall otherwise determine," so as to make the bill read:

Be it enacted, etc., That the south half of the northwest quarter and the north half of the southwest quarter of section 23, township 1 north, range 2 east, Gila and Salt River meridian, Arizona, be, and the same is hereby, granted to the city of Phoenix, Ariz., for municipal purposes, upon condition that the said city shall make payment for such land at the rate of $1.25 per acre to the receiver of the United States land office at Phoenix, Ariz., within 60 days after the approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That the grant herein is made subject to any valid existing easements on said land and upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the mayor of said city shall submit to the Secretary of the Interior a report as to the use of the land herein granted during the period named in such request, and that in the event of his failure to so report, or if it is shown in such a report or if the Secretary shall otherwise determine that the terms of this grant have not been complied with, the grant shall be held forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 2422) for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VASHON ISLAND MILITARY RESERVATION, WASH.

The bill (H. R. 5622) providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. Let the bill be read.

The Assistant Secretary read the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 3, line 15, after the word "privilege," to insert "within a period to be fixed by the Secretary," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall cause the land in the Vashon Island abandoned military reservation in sections 1, 2, and 3, all in township 21 north, range 2 east, Willamette meridian, in the county of King, in the State of Washington, to be surveyed and subdivided into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon as lessees or sublessees on May 1, 1920.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any person who as lessee or sublessee was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of May, 1920, who made actual settlement thereon in good faith under the terms of a certain lease held of the War Department by one James Bachelor, or a sublease thereunder, or anyone who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase to exceed the tract actually occupied and improved by a lawful lessee or sublessee on May 1, 1920, and in no case exceeding 20 acres in a body, according to Government surveys and subdivisions thereof, upon the payment to the Government of a sum of money equal to the appraised value thereof, such appraisement to be made as provided by law: *Provided*, That in making such appraisement the appraisers shall not include the improvements thereon made by the occupants of such lands: *Provided further*, That payment to the Government may be made in one sum, or not less than one-tenth cash and the balance in nine or less number of equal annual installments, with interest at 5 per cent per annum, payable annually, as the purchaser may elect, and with the option in the purchaser, his heirs and assigns, to pay the remaining installments on any date when installment becomes due.

SEC. 3. That if any tract of the lands described in section 1 hereof be not purchased by the lessee or sublessee, his heirs or assigns, as provided in section 2 of this act, within 90 days after the same becomes subject to purchase under the provisions of this act, then and in that event the Secretary of the Interior is hereby authorized to dispose of the remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations," and the said lessees, sublessees, heirs or assigns, who do not purchase such tracts shall have the privilege within a period to be fixed by the Secretary of removing from their tracts any buildings placed thereon, and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884.

SEC. 4. That the Secretary of the Interior in making the survey provided for by this act shall ascertain what part of said lands, if any, are needed for lighthouse or roadway purposes, and any lands needed for such purposes shall be segregated or reserved for such use, and the lands so segregated or reserved shall not be subject to disposal hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MAJ. FRANCIS M. MADDOX, UNITED STATES ARMY.

The bill (S. 1032) for the relief of Maj. Francis M. Maddox, United States Army, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to credit the account of Maj. Louis C. Wilson, Quartermaster Corps, United States Army, the sum of $1,989.14, to be paid Lieut. Col. Francis M. Maddox, Fourth Regiment Alabama National Guard Infantry, for pay and services rendered from June 4, 1920, to September 30, 1920, inclusive, together with commutation of

quarters, light, heat, and longevity pay, Lieut. Col. Francis M. Maddox, performing said duties, having been detailed as assistant to the Chief of the Militia Bureau, War Department, Washington, D. C., and having received no pay for such assignment for period set forth.

Mr. KING. Mr. President, I should like to inquire of the Senator from Alabama [Mr. HEFLIN] whether the officer during this period received compensation for other services by virtue of some other position which he held?

Mr. HEFLIN. No; he did not, Mr. President. The Senator from Florida [Mr. TRAMMELL], a member of the Committee on Claims, had charge of the measure in the committee, and he has the report of the committee. I ask him to give the committee's viewpoint to the Senator from Utah.

Mr. KING. I should like to inquire how, with the pay which is allowed, the officer could receive so great a sum for practically one month or six weeks of service.

Mr. TRAMMELL. Mr. President, in answer to the Senator's query, I will say that the service covered the period from June 4 to September 30, inclusive, which, of course, is quite a bit more than one month or six weeks. It is approximately four months' service.

The situation arose in this way:

The War Department called Maj. Maddox, of the National Guard, to the Militia Bureau and gave him an assignment there. After he had been in the service probably six weeks the auditor raised the question that he was not entitled to pay on account of the law not permitting a National Guard officer to be assigned to the Militia Bureau, and made some suggestions as to an amended order which would probably cover the situation. The Secretary of War amended the order, and five or six weeks more elapsed, and then they again raised the question that even under the amended order he was not entitled to his pay. However, they had paid him and did pay him for about two or three months under the order. Then they made a request upon him that he refund the amount he had received. I think the third time the Secretary of War amended the order so as to try to make it meet the objection raised by the auditor and subsequently raised by the Comptroller of the Treasury. It is my understanding that the officer rendered the service and that it was purely on account of a technicality raised by the Comptroller of the Treasury that he did not receive his pay.

Secretary Baker wrote a letter explaining the case fully and recommending the payment of the claim, in which he stated that it was a just debt against the United States; and subsequently Secretary Weeks reviewed the case and wrote a similar letter, which is contained in the files. Both Secretaries recommend the payment as being just and say that the services were rendered. It was upon that showing that the committee unanimously reported in favor of the bill.

Mr. KING. Let me inquire of the Senator whether this officer was receiving compensation during this period for other services because of the other position which he occupied?

Mr. TRAMMELL. He was not receiving other compensation, because he was here in the bureau giving his time to the bureau under the assignment and received no other pay.

Mr. HEFLIN. Hoping and expecting that this money would be paid to him.

Mr. TRAMMELL. The Auditor for the War Department first authorized the payment to him of about thirteen hundred and odd dollars, I think, and then, when the Comptroller of the Treasury held that they had no right to pay it, because the Comptroller of the Treasury took the position that they had no right to assign an officer from the National Guard to the Militia Bureau, and, on the other hand, the Secretary of War took the position that they did have a right to do it, they ordered him to refund the thirteen hundred and odd dollars of money that had already been paid over to him.

Mr. KING. And is this now to cover that amount?

Mr. TRAMMELL. This bill covers that thirteen hundred and odd dollars that he refunded and additional services besides that.

Mr. KING. How did this officer happen to be in the War Department and subject to their jurisdiction in the beginning?

Mr. TRAMMELL. He was in the National Guard, and they called him in and assigned him to a post in the Militia Bureau as representing the National Guard in connection with the bureau.

Mr. KING. If he had not received this assignment, what position would he have held with the National Guard or with the Government?

Mr. TRAMMELL. I judge that if he had not received it he would, of course, have remained in his former position until discharged from the service and, of course, would have drawn his salary in the other position.

I may read just the closing paragraph of the letter of Secretary Baker, and Secretary Weeks wrote a similar letter. In fact, I think the letter is worded almost exactly like this one:

Opinion as to the justice of this claim: The officer in question performed military duty in good faith. The War Department issued orders which, in its opinion, authorized the performance of duty by this officer and his payment from Federal appropriations. There can be no doubt that there is a moral obligation on the part of the Government to pay for services rendered. It is known in the War Department that Congress, in passing section 81 of the act of June 3, 1916, intended to permit the use of National Guard officers as assistants to the Chief of the Military Bureau. The construction placed upon the following provision of law by the comptroller has deprived Maj. Maddox of his just pay.

Then he gives the provisions of the law. He further states that it was the intention of Congress that they should be allowed to call in National Guard officers to be assigned as assistants in this bureau.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF GEORGE A. ROBERTSON.

The bill (S. 496) for the relief of George A. Robertson was announced as next in order, and was read.

Mr. SMOOT. Will the Senator from Montana tell me whether the department paid Mr. Robertson anything between 1913 and 1916?

Mr. MYERS. He never received anything except his wages. He was working up to the time he was injured, and I do not think he has been in the employ of the Government since. He was incapacitated from pursuing his work.

Mr. SMOOT. I ask that the bill may go over to-day. I have not yet had time to read the report.

The PRESIDENT pro tempore. The bill will be passed over.

FIDELITY & DEPOSIT CO. OF MARYLAND.

The bill (S. 1434) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, after the 15th day of July, A. D. 1921, United States Treasury Department 5½ per cent coupon certificates of indebtedness, series B–1921, dated July 15, 1920, and due January 15, 1921, Nos. 3298 and 3299, of the denomination of $5,000 each, with interest from July 15, 1920, to the date of maturity of said certificates of indebtedness, January 15, 1921, and also to redeem, after the 15th day of September, A. D. 1921, United States Treasury Department 5½ per cent coupon certificates of indebtedness, series TM2–1921, dated July 15, 1920, and due March 15, 1921, Nos. 2216 and 2217, of the denomination of $5,000 each, with interest from July 15, 1920, to the date of maturity of said certificates of indebtedness, March 15, 1921, in favor of the Fidelity & Deposit Co. of Maryland, without presentation of said certificates, the certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department bonds, each in the penal sum of double the amount of the principal and interest of said certificates of indebtedness of the Treasury Department of the United States of America, in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

Mr. KING. I ask the Senator from Indiana, who I notice reported the bill, if there is any possibility of the Government sustaining any loss if the bill should pass?

Mr. NEW. No, Mr. President. The bill is of a character similar to many which have been passed by Congress. The situation is simply this: There were four certificates of indebtedness, of $5,000 each, stolen from the Fidelity & Deposit Co. of Maryland. The company make claim for them, and the bill stipulates, of course, that they are to file a bond with the Secretary of the Treasury, satisfactory to the Secretary, indemnifying the Government in double the amount of the face value of the bonds. I think there can be no objection to the bill. We pass bills of such a character with that provision attached right along.

Mr. KING. For my own information, I would like to inquire of the Senator whether there is any possibility of those certificates being negotiated and getting into the hands of innocent purchasers and being presented to the Government later on by such innocent holders.

Mr. NEW. The Government can certainly sustain no loss, because the Government is indemnified by a bond in double the amount of the face of the certificates. They are supposed to have been stolen. The bill was introduced by the Senator from Maryland [Mr. WELLER], was referred to me as a subcommittee of the Committee on Claims, and with that provision in it I reported the bill favorably.

Mr. KING. Are the certificates negotiable? Would they pass current as money?

Mr. NEW. They were dated July 15, 1920, and one was due January 15, 1921, and the others due March 15, 1921. I think there is no possibility of the United States suffering any loss. That is amply provided against.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET RAILWAYS.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PUBLIC-BUILDING CONTRACTORS AND SUBCONTRACTORS.

The bill (S. 1905) providing for the relief of certain contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 12, after the word "but," to insert "in response to such invitation were," so as to make the bill read:

Be it enacted, etc., That the limitation contained in the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, that "no claims for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act," be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to consider and act upon any claims filed under said act of Congress which were received in the Treasury Department on or before December 5, 1919.

SEC. 2. That the aforesaid act of August 25, 1919, shall be held to include all contracts for the construction, improvement, special repair, equipment, and furnishing of post offices and other public buildings specified in said act, including the United States courthouse in the District of Columbia, the bids for which were invited prior to April 6, 1917, but in response to such invitation were not opened until subsequent to that date, and on which said bids contracts were awarded, and as to such contracts claims for reimbursement, as provided by said act of August 25, 1919, as amended by the act of March 6, 1920, may be filed within three months after the passage of this act: *Provided*, That the claim of no subcontractor shall be allowed and paid under the provision of this section unless it is established by satisfactory proof that his subbid, as subsequently accepted, was submitted to the contractor on any of the work above referred to prior to the submission of the Government contractors' bid to the proper governmental authority.

SEC. 3. That to enable the Secretary of the Treasury to expedite the examinatioin and payment of claims filed under the provisions of the aforesaid act of August 25, 1919, as amended, he is hereby authorized, in his discretion, from and after the passage of this act and until June 30, 1922, to detail from the field force of the Supervising Architect of the Treasury such number of superintendents of construction and others as he may deem necessary, and for such period as he may consider proper, to serve in the Office of the Supervising Architect, exclusively to aid in the examination and settlement of said claims.

Mr. KING. Mr. President, I did not object to the consideration of this bill, because I was not sufficiently advised as to its terms and limitations and implications. It seems to me, after having heard the bill read, that it imposes penalties upon the Government and may subject the Government to the payment of very large sums. Moreover, if the Government is to afford relief to every contractor who during the war had contracts with the Government, and because of the rise in materials or in wages failed to make the profits anticipated or possibly incurred losses—if the Government is to meet all those obligations, or is to expose itself to the payment of those claims, it is a matter which ought to receive the serious consideration of Congress.

The Senator from Maine, who reported the bill, knows that during the war contracts were entered into between individuals and between individuals and the Government, under which private individuals were to do certain work for individuals and to do certain work for the Government. Because of the mounting prices, in many instances losses were sustained, and in many instances no profits were made.

Is this legislation for the purpose of reimbursing all who had not provided for the contingency of rising prices, and therefore failed to make profits or sustained losses? If that is the purpose of this measure, where are you going to draw the line, because, as the Senator knows, there were thousands of contracts entered into, involving perhaps hundreds of millions of dollars, and if those contracts were lived up to and were based upon prewar prices there would be very great losses, and the Government, if it sets this precedent here now, may be called upon to pay very large sums.

Mr. WALSH of Montana. Before the Senator from Maine enters into any elaborate reply I desire to interpose an objection to the consideration of the bill at this time. It apparently removes the bar of the statute of limitation. The only information the report gives us is that the Committee on Public Buildings and Grounds thinks there is good reason to remove the bar, and that is all.

I myself am unable to understand why the bill should not have gone to the Committee on Claims. The Committee on Claims is charged with the duty of inquiring into claims for compensation alleged to be due from the United States.

Mr. FERNALD. If the Senator will withhold his objection, I think I can make a statement which will clear the situation entirely.

Mr. WALSH of Montana. I am entirely willing to withhold the objection.

Mr. FERNALD. On August 25, 1919, a bill passed both Houses and became a law, permitting contractors to present their claims to the Treasury of the United States, where they had been interfered with by priority orders, their material taken, and their men taken from them by the Army and Navy.

There were 347 such contracts for the building of post office and other Federal buildings in the United States. Under that law there have been 96 adjustments. Sixty-one claims have been rejected entirely, and there are now 65 which are being adjusted.

This bill does three things. Under the law the contractors were obliged to file their claims within three months after its passage, which was November 25, 1919.

There were 10 claims which were not received in the department by that date, and 10 only, on account of sickness—I think, one case of insanity—and in some cases small contractors who were not notified and did not know of the passage of the act.

First, the bill takes care of those 10 contractors. The amount is very small. That is the first provision in the bill.

Mr. WALSH of Montana. Will the Senator not tell us what the amount is in the cases of those claims?

Mr. FERNALD. The estimated amount to cover all the claims was $2,750,000. An appropriation was made of $2,000,000, and but $1,532,953.97 has been paid.

The bill first takes care of those 10 men. Then there were 15 contractors who made their bids prior to April 6, 1917, and the bids were not opened by the Treasury Department until after April 6, 1917. There are 15 of those contractors, and that is all that is contemplated and taken care of in this measure. As I stated, the estimate was for $2,750,000, the appropriation was $2,000,000, and we have not come anywhere near the amount estimated.

The third provision is a most fair and just measure. It authorizes the Secretary to detail from the field force of the Supervising Architect such number of superintendents of construction and others as he thinks necessary to aid in the examination and settlement of the claims. Many of the claims that are unsettled at this time are unsettled because of a lack of clerical force. It is not suggested that any new men be hired in the department, but that the Secretary may have authority to call in some of those who are outside to help adjust the claims.

A similar bill had the approval of former Secretary McAdoo, and I have his letter here. It also had the approval of former Secretary of the Treasury Glass, and the pending bill has the approval of the present Secretary of the Treasury. I have a letter from him.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FERNALD. Mr. President, I should like unanimous consent to complete my statement, if it is satisfactory to the Senator from Montana and if he would be willing to withdraw his objection.

Mr. WALSH of Montana. I do not feel disposed to do that until I have some kind of information as to the facts upon which we are asked to waive a perfectly valid defense of the statute.

Mr. FERNALD. I thought I was making it quite clear.

Mr. WALSH of Montana. The Senator will understand that I offer no objection whatever to the general principle of the bill. Of course, the Government of the United States ought to respond in damages to those who were injured by reason of the priority orders. The principle I admit, but apparently some of the claimants did not make their claims in time, and it is now proposed that the Government shall waive a defense of the statute against those claims without any reason being assigned,

so far as the report goes, to show what the facts are upon which we are asked to act.

Mr. FERNALD. I do not know whether the Senator from Montana still objects or whether he will permit me to complete my statement.

Mr. WALSH of Montana. I should be very glad to join in giving unanimous consent to allow the Senator to complete his statement, but until the RECORD shows some facts upon which we may act I shall have to insist upon my objection.

The PRESIDENT pro tempore. The Senator from Maine does not require unanimous consent to go on with his statement. He is speaking now upon the amendment proposed by the Senator from Kentucky [Mr. STANLEY] to the unfinished business, the so-called coal bill.

Mr. FERNALD. Then, I think I shall complete my statement. Most of the bills on the calendar to-day have been passed over, but I believe this is a very urgent measure.

The bill, as I said, provides, first, that those men who did not file their claims within three months may have an opportunity to file them. Those men were 10 days behind the date mentioned in the act that was passed. That is one reason. It seems to me only fair that they should have that opportunity. That is the first provision.

Mr. POMERENE. Mr. President——

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. POMERENE. Do I understand that these contracts come within the spirit of the law which Congress passed a few years ago and to which the Senator from Maine referred?

Mr. FERNALD. They do.

Mr. POMERENE. And the claimants can not get the compensation asked for because of the technical objections to which the Senator refers?

Mr. FERNALD. Precisely; that is true. Some of them were small contractors who never heard of any legislation. There are only 10 of them. That is the first provision.

The second provision covers 15 contracts for the construction of Federal buildings, which were to be built on proposals for which bids were invited prior to April 6, but not opened until after that date. Those 15 men made their bids, mailed them to the Secretary, but the bids were not opened until after April 6. The bill provides that they shall have an opportunity to be heard.

The third provision simply authorizes the Secretary to detail from the field force of the Supervising Architect such number of superintendents of construction and others as he may think necessary to aid in examination and settlement of the claims. As I have said, there are 65 claims now in various stages of adjustment and on account of a lack of clerical force they are unable to make any adjustment of the claims. The bill provides that they may call on these men for that purpose only.

As I said, the bill had the approval of Mr. McAdoo, later of Mr. Glass, and now it has been approved by the present Secretary of the Treasury. The matter was taken up by the full Committee on Public Buildings and Grounds of the House and had the approval of the entire committee in a unanimous report, and the same is true as to the Senate committee. It seems to me that the men ought to be taken care of at this time.

It would seem, in case the pending legislation were enacted, that $250,000 additional might be required in this connection—that is, if all the bills were allowed, but many of the bills have not been allowed. Some allowances have been for one-quarter or one-half the amount claimed; but by the bill the matter is simply taken to the Secretary of the Treasury and there, unless the claim is just, it is turned down entirely. It does seem to me that the men ought to be settled with at this late date. I hope the Senator from Montana will withdraw his objection.

The PRESIDENT pro tempore. The unfinished business is before the Senate, and the pending question is upon the amendment proposed by the Senator from Kentucky [Mr. STANLEY].

Mr. UNDERWOOD. Mr. President, I do not wish to interfere in any way with the bill that has been discussed by the Senator from Maine. I have a very sympathetic feeling with the purposes of the bill to relieve some of those people, but as the morning hour has passed and the unfinished business is before the Senate I wish to say a few words about the bill that we have under consideration.

Mr. STANLEY. Mr. President, I think it is very important that the Senator from Alabama should be heard by more Senators than are present at this time. For that reason, if he will permit, I will suggest the absence of a quorum.

Mr. UNDERWOOD. I hope the Senator will not do that.

Mr. STANLEY. Very well; I defer to the Senator's wish.

Mr. UNDERWOOD. I thank the Senator, but I would really prefer to speak to those here rather than to call in those who are absent.

PORT OF NEW YORK AUTHORITY.

Mr. EDGE. Mr. President, I have been waiting patiently to try to secure action on Calendar No. 174, the joint resolution (S. J. Res. 63) granting consent of Congress to the States of New York and New Jersey to enter into the agreement for the establishment of "The port of New York authority," which would have been reached in a very few moments if the unfinished business had not been laid before the Senate. It is a measure to which I am quite sure there can be no objection. I wonder if the Senator from Alabama would object if I ask unanimous consent for the present consideration of this particular matter.

Mr. UNDERWOOD. I did not understand the Senator.

Mr. EDGE. It is a joint resolution providing for agreement between the States of New York and New Jersey to enter into an understanding about the development of the port of New York. The two States have appropriated millions of dollars, and it is purely a formal matter on the part of Congress. They can not move until this formality is gone through with and they are given this regular technical authority.

Mr. UNDERWOOD. I am perfectly willing, if the Senator will move to take up the joint resolution, to vote with him to displace the unfinished business now before the Senate, but I am sure the proposition the Senator has in mind will cause debate, and I think we ought to go on with the unfinished business if we are to consider it.

Mr. EDGE. I was simply going to ask unanimous consent to lay aside temporarily the unfinished business, in order that this matter might be considered. I can not imagine that any debate will be brought about by its consideration.

Mr. UNDERWOOD. I assure the Senator I shall be through in a few minutes, and I am sure he will be just as willing to wait on me as I am to wait on him.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on the 25th instant the President had approved and signed bills and a joint resolution of the following titles:

S. 78. An act authorizing the appointment of an additional judge for the district of North Dakota;

S. 694. An act providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia; and

S. J. Res. 34. Joint resolution creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru.

CENTENNIAL EXPOSITION AT RIO DE JANEIRO, BRAZIL (S. DOC. NO. 41).

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and with the accompanying report referred to the Committee on Foreign Relations and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a report from the Secretary of State concerning the desirability of the Government of the United States participating in an International Centennial Exposition which is to open in Rio de Janeiro, Brazil, on September 7, 1922.

To the recommendations of this report, I give my hearty approval. I trust the Congress will view the matter favorably and will make timely provisions to enable the United States suitably to participate in the exposition.

WARREN G. HARDING.

THE WHITE HOUSE, *June 27, 1921.*

SEASONAL RATES ON COAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. UNDERWOOD. Mr. President, in the last campaign one of the battle cries of the Republican Party was to take the Government out of business, and, although there was no particular basis on which to rest that battle cry, because, where the Government at that time had been functioning in business, it had been doing so under war necessities and not upon a peace basis, yet I have no doubt that it was a very popular battle cry and that numerous votes were annexed to the Republican column because it was believed that the leaders of the Republican Party were going to do something to alter war conditions, unshackle business, and give it a chance to swim out. Of course, the Republican Party was in control of both branches of Congress at that time, and I suppose the voting population of the country visualized that something else might happen if a Republican

President was put in office. As I said, it was a popular battle cry.

If there is one precept handed down from the time of the fathers that commands the confidence and respect and approval of the great American people, it is the saying of Thomas Jefferson that that country which governs least governs best. Therefore this assumed battle cry of the Republican Party was annexing to itself the principles of Thomas Jefferson, and holding out to the American people that the shackles of interference by the Government with business would be removed if they once came into power. Yet they have been in power for a few months, and the principal business that seems to have come before Congress since they have been returned to power is putting politics back into business and not taking it out. This is one of the bills of that character, although it is not so bad as others, for, in my judgment, there is a worse bill to follow and some worse ones have preceded it. There is much that may be said in advocacy of the bill; but, nevertheless, it is one of that class of bills that those who think along Republican lines always nestle to their hearts. It is founded on the idea of using the power of the Government to help one man at the expense of others, being somewhat parallel to the doctrine of a high protective tariff, a tariff of prohibition of imports, which is levied in order that one man may grow fat behind the wall at the expense of his fellows, with the sheltering arm of the Government to protect him. This bill is one of that character. It is to foster one industry at the expense of others. Therefore I object to it.

There are provisions of interest in the bill; provisions that might meet with our approval. I listened to the argument of the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN], who has the bill in charge. I have examined his diagrams, which are hung about the walls of this Chamber, in order to demonstrate that coal mining is a seasonal industry; that there is more demand in the wintertime for coal and more of it mined and shipped at that season than in the summer time, and that it would be the part of wisdom to encourage the mining and shipping of coal in the summer time and thereby relieve the pressure in the wintertime. So far so good; there is no objection to that part of his argument or to that proposal; but the Senator from New Jersey, who properly desires, if he can, to take care of those who buy coal in New Jersey and who do not produce it, is overlooking the fact that the coal business is not the only seasonal business in the United States. Of course, some businesses are fortunate enough to have a steady flow of production and consumption throughout the year, and therefore the varying seasons do not seriously affect them; but when it comes to agriculture—which is a larger industry than is coal mining—it is an entirely seasonal business. If the Senator from New Jersey would introduce a bill here designed to give Government aid at the expense of his constituents to enable the farmers of Alabama to extend the time of sale and distribution of their cotton crop through 12 months instead of through 3 months, and to carry their crops over during that period, I am sure if he could secure the passage of such legislation he would do great benefit to the farmers of the South; for one of the disastrous conditions that confront them is that they do a seasonal business; that they must reap their crops and market and distribute them within two or three months, thereby glutting the market whilst their crops are coming in, when the market is not ready to absorb them all at one time.

If it were necessary I might go on to illustrate the point by citing business after business in the United States which have this seasonal difficulty to meet. The fact that the business is seasonal, that it does not run evenly all through the year, affects those who are engaged in it; it affects their sales; it is injurious to them; but I do not think the strong arm of the Government is going to be used in order to relieve them. I would have no objection to the Senator from New Jersey relieving the coal business if it could be done without injury to others.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. I wish to ask the Senator from Alabama his view in reference to the particular phase of the bill which I shall now quote. The bill provides that:

> The commission is hereby authorized to initiate, establish, approve, or adjust rates for the transportation of coal during specified seasons.

The question I wish to ask the Senator is this: If rates are made less in the spring of the year, of course, the people of the country who are able to afford it may buy their coal at the reduced prices; but will not the commission increase the rates in the following winter when the coal actually moves, when everybody is obliged to have it, and will it not make the cost of the coal just that much greater to those who are least able to bear the increased prices?

Mr. UNDERWOOD. I think it manifestly will, and that is one of my objections to the bill; but I was just coming to that point in my argument.

Mr. McKELLAR. I beg the Senator's pardon for interrupting him.

Mr. UNDERWOOD. I am glad to have had the interruption.

As I was proceeding to say, I should have no objection to relieving the seasonal condition in the coal industry if it could be done without putting the burden and the injury on somebody else, although I do not believe much in that class of legislation; but this bill, in order that the coal mines may operate with the same degree of steadiness in the summer that they do in the winter, proposes to pass the burden on to somebody else and to make somebody else pay for it.

One difficulty in the coal business—and it is a very serious difficulty and possibly one that can not be avoided—is that neither the great producers of coal nor the great consumers of coal have storage facilities in any degree commensurate with the productive capacity of the industry. The railroads, which are great consumers of coal, have very few bins or places for storage, and if they store coal at all it is mostly in their open cars. The great industries have but small capacity for storage in proportion to their needs, and it is difficult for them to carry over the coal from one season to another. Of course, I understand the purpose of this bill is to encourage the consumer, where he can do so and is able to do so, to develop storage facilities to take care of the summer production of coal. So far as the miner is concerned, of course, I recognize that, in a way, the plan proposed would be helpful to him, because when there is no car at the tipple the miner can not mine coal, there being no place to dump it when it comes from the mine to the top of the earth. That, however, is rather an objection that might be raised against the manner of doing business than against the particular time when the consumer seeks to buy coal.

The Senator gives us very excellent illustrations of the fact that a great deal more coal is produced in proportion to consumption in the winter than in the summer time. I am not going into that especially, because, in the main, it is true. Of course, some of the vital years that are shown on the chart are war years. The year of greatest discrepancy is the year 1918, when, practically by Government action, everybody who wanted the coal was ordered—for a request amounted to an order then—to buy their coal in the summer so as not to interfere with the winter business. Of course, a year of that kind is not a normal year on which to base any argument; but, in the main, the statements and facts set forth in the charts are true, that there is more coal proportionately mined in the wintertime when the demand is greater than in the summer time.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. UNDERWOOD. I yield.

Mr. STANLEY. The sale of anthracite coal was stabilized by a flat reduction of 50 cents a ton during certain months in which there was a reduced production and a reduced demand. While that concession no longer exists, the habit was acquired and the sale of anthracite coal is stable even yet. A reduction in the rate to the Great Lakes of 28 cents a ton restored a traffic of 20,000,000 tons of coal that had been going by the all-rail haul in other directions. I wish to call the Senator's attention to the propriety of so amending this bill as to repose in the Interstate Commerce Commission the power to make such reductions as it deems advisable in order to stimulate the production and movement of coal at certain seasons. If the bill after amendment should not do that there would be no harm to the consumer and I believe there would be the probability of getting what good there is in the bill out of it.

Mr. UNDERWOOD. I will say to the Senator that I am heartily in favor of his amendment, and I think it greatly improves the bill, but I have some other objections to the bill which the amendment does not meet.

As I understand the Senator's amendment, it goes to this proposition and I think he is right about it. A part of this bill reads as follows:

> (19) In order to promote continuous operation of coal mines, steady employment of coal miners, and economical use of facilities for distribution of coal, the commission is hereby authorized to initiate, establish, approve, or adjust rates for the transportation of coal during specified seasons or periods which shall be greater or less than the rates for other specified seasons or periods but which in the judgment of the commission will yield as nearly as may be the same annual revenue for like movement as rates without seasonal variation, to be maintained by carriers as a whole or as a whole in each of such coal rate

groups or territories as the commission may from time to time designate for that purpose, or by such carrier or carriers as the commission may designate.

That provision is filled with dynamite to industry. Before coming to the point raised by the Senator from Kentucky, this bill contemplates that the commission may divide the country into "coal-rate groups," and that then a seasonal rate may be provided in one group without providing a seasonal rate in another group.

I will illustrate. New Orleans is a competitive point, by reason of transportation on the Mississippi River, between the coal fields of Kentucky and Illinois and the coal fields of Alabama. It is often in close competition. You put it in the power of the commission in this bill to say, if they want to do so, either that the New Orleans market shall be entirely monopolized when the seasonal rate is on by the coals of Kentucky and Illinois, or, on the other hand, that the coal fields of Alabama shall have the monopoly, because in the sale of coal as a general rule the freight rate amounts to more than the price of the coal at the mines, and coal can go into competing territory only to the extent that the coal rates equalize each other, or a little farther, and there it has to stop; and where you get a competitive territory that the coal from different districts goes into, if you adopted the seasonal rate for one and did not adopt it for the other, you would exclude from that market the coal from the other coal field.

You may say that the commission will not do it. I will not underwrite that they will not do it. I have seen these gentlemen that run business from Washington do far more remarkable things than that, and do them unwittingly. We have had a trial of this method of running the coal business—of a commission in Washington dipping into the business of people in the distribution of coal—and I can give you an illustration that came to my personal knowledge of how things often go awry because the man sitting in a swivel chair at a roll-top desk here in Washington can not see beyond yonder range of mountains and know what business is doing on the other side of them.

During the war there was a gentleman in my home city who was engaged in the sand business, and about 97 per cent of his sand was dug to furnish to the furnaces and the pipe factories to cast their iron in. One day I got a telegram from him saying that the coal commissioner, the director general of coal of the United States, had taken him off a certain list, and that although he had a contract with the coal mines to furnish him coal he could not get any. He had one of these steam shovels; he did not need more than about 10 tons of coal a month, but he had to have that to supply a large number of furnaces, and he said that the Washington authorities had ordered that he should not have any more coal. He asked me to go down and see what was the matter.

I called on the power that was and he said he was very sorry, but the policy of the Government was to build no more houses during the war, and that as sand was used only for the building of houses my constituent would have to be deprived of the use of coal in digging his sand. I asked him if he had ever looked into the file of papers. He admitted that he had not. Then I opened them, and when I opened the papers and laid the facts before him there were letters and telegrams from these furnace companies saying that they could not cast iron without sand in which to cast it, and that this man's business was to furnish sand for casting iron; and then this gentleman very kindly reversed his order, because it was not prohibited to make pig iron—in fact, pig iron was needed during the war—and authorized this gentleman, a man of small means, to proceed with his business and get about 10 tons of coal a month with which to dig sand.

That was not all. It ran along for about three months, and a new gentleman in charge of this bureau for distributing coal came into office, and he was ordered to economize in coal, of course, and like a good servant he proceeded to do so, not with an overdegree of intelligence, because he also failed to read his files; and he had not been in office many days when I got another telegram from my Birmingham constituent saying that they would not furnish him any more coal, and he had been taken off the list. So I went down to see the next man, and he told me he had sent for the file and had looked at the outside cover, and said that he was sorry, but the policy of the Government was against building houses during the war and he could not allow my constituent to have the 10 tons of coal a month with which to dig his sand. I asked him to look into the file, and when he read the papers in the file and saw that the sand was to aid in the making of pig iron instead of building houses he reversed his order and gave the man the coal, and it ran along the next time for about six months.

Then they got another man down there who was going to sweep clean as a new broom and save coal, and out came another order saying that this man in Alabama could no longer dig sand, cutting him off from his coal supply. He wired me, and I went back to see the next new man, and he had read the outside of the file saying that this 10 tons of coal was going for digging sand, and never opened it. I again asked him kindly to open his file and read it, and when he discovered that the sand was to make pig iron and not to build houses he reversed the order, and the gentleman in Alabama was allowed again to receive his 10 tons a month; but I said to this man when I left: "My friend, this is the third time I have been here. I do not know how long this war is going to last. Would you object to pasting a piece of paper on the outside of the file saying that this coal is used to dig sand, and the sand makes pig iron, and does not build houses, so that your immediate successor may know what is in the file without going through the pains and the difficulty of unstrapping the band and looking inside?"

That may seem like an exaggerated case, although it is an actual one, and it was one of those necessities that grew out of war; but I am tired of war, and I hope you are.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. UNDERWOOD. I do.

Mr. POMERENE. While the Senator is indulging in unpleasant memories, may I be permitted to give him one from actual experience?

Mr. UNDERWOOD. I shall be delighted to have the Senator do so.

Mr. POMERENE. A manufacturer in Cincinnati whose product was in part wood was required to have a certain amount of coal each month, but from the refuse of his woodworking department he got more than half of his fuel. He had a sprinkling system for fire protection, and under this order he was not permitted to use any coal for fuel. Therefore his plant, which employed 300 men, was shut down and he was obliged then to get coal in order to preserve his sprinkling system from freezing, and as a result it took more coal to preserve the sprinkling system than it would have taken to operate the entire plant and give employment to 300 men.

Mr. UNDERWOOD. Undoubtedly; and even that was near at home to the then director general, where he might not have had to look over the mountains and see what was happening. But, Mr. President, with these occurrences during the war, which the people very patriotically and generously accepted because their boys were on the battle fields, it was because of these things, when a great political party placed on its banners the battle cry, "We are in favor of taking politics out of business," that a good many of these people rallied to their flag. Here they are back, putting politics into business just as fast as the legislative machine can grind it out; and, as I say, here is a proposition that you are to put into the hands of a commission here in Washington, that does not know anything about it, the power to make a seasonal rate in one district and to withhold it in another district of business.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. I do.

Mr. FRELINGHUYSEN. Does the Senator claim that the Interstate Commerce Commission know nothing about the coal business or the rates affecting it? They have just made a seasonal rate for the Lake transportation of coal.

Mr. UNDERWOOD. I will come to the Interstate Commerce Commission about this business in a minute. Of course, they are very delightful gentlemen, but they do not know it all, any more than the gentleman that sat down here on B Street during the war and insisted that coal should not be used for digging sand because he had never heard of its being used for casting iron.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I do.

Mr. REED. I have a distinct recollection of some hearings recently had in which it appeared that the chief cause of the coal shortage was a lack of cars, and it further appeared that that shortage had been accentuated by orders of the Interstate Commerce Commission sending cars that ought to have been at coal mines out into different parts of the country in different work.

Mr. UNDERWOOD. The Senator is right, and I am coming to that. The Senator from New Jersey has not gone to the bottom of this. The gentlemen who furnished him these beauti-

ful pictures that hang around the wall so entranced his vision that he has not been able to see behind them; but there is something behind this proposition that I want him to see, and I am glad he is here.

Mr. FRELINGHUYSEN. I think the Senator is unfair in that. I have tried to study the question for two years, and I believe I am right in this measure.

Mr. UNDERWOOD. The Senator recognizes, according to his own language, that this seasonal rate can be put into effect either in the country at large or in districts. That is correct, is it not?

Mr. FRELINGHUYSEN. Why, yes; certainly it is correct, because there is a winter market in certain places and a summer market in other places.

Mr. UNDERWOOD. Then in a competing market, where there are two competing districts, it is entirely possible, if not probable, that this commission may give the seasonal rate to one and withhold it from the other, cut out competition, and drive one coal field out of business or out of the business of that market.

Mr. FRELINGHUYSEN. I can not accept that statement, because I do not believe that is what the commission would do.

Mr. UNDERWOOD. I know; I do not say they would do it intentionally; but I will show the Senator before I get through that they have done a great many things, as to which I do not charge them with any bad motives, that are equally foolish.

Mr. REED. Mr. President, if it will not interrupt the line of the Senator's thought——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED. The fact is that in many markets in the country coal from five or six different fields meets; it comes from distant parts of the country, and if seasonal rates were made for a certain group of mines it would operate to the disadvantage of the four or five or six other points of production. I do not know of a market in the United States of any importance where the coal is not supplied from a number of districts, some of it being hauled for hundreds of miles.

Mr. UNDERWOOD. The Senator is undoubtedly correct. Now I will come to the amendment offered by the Senator from Kentucky [Mr. STANLEY], which is not only based on common sense and common reason but is based on abstract justice. I am not one of those who indulges in the cry of "Down with the rich and up with the poor." But the man is not worth much whose heart does not feel a sympathetic beat for the man who in dead of winter has to buy his coal by the scuttleful or the half ton in order that his family may not freeze or starve; and here is a bill reported by one of the great committees of the Senate—a committee of which I am a member myself, though I did not join in reporting the bill, a bill brought in and vouched for by one of the great committees of the Senate—which on its face proposes to give to him that hath and to take away from him that hath not. It proposes to give to the great consumer of coal, the man who has storage facilities, the man who buys over a hundred tons of coal, buys it by the carload lots, cheap rates in the summer, and then force the Interstate Commerce Commission to charge the old rate in the winter, but to add on to the winter rate the reduction made in the summer for the benefit of the great consumer, the manufacturer, or the proprietor of the great hotel.

Mr. FRELINGHUYSEN. I know the Senator does not want to be unfair in his argument against this bill. It is quite true that some domestic consumers probably would pay an increased price, say 25 cents a ton, should they buy their coal in the winter, when under this scheme the rate is higher. But suppose the domestic consumer was in the market for 10 tons a year, which is a fair average, the increase for his whole 10 tons would be only $2.50. The object of this bill is not to save money for the domestic consumer in the summer and penalize him in the winter; the object of the bill is to stimulate the purchase of coal during the summer, to take from the peak load of 21,000,000 tons now carried by the railroads in the winter, which causes a scarcity of cars and results in transportation difficulties, and distribute it in the summer time, and avoid scarcity prices, when coal runs to $28 a ton. Is it not worth while to penalize 25 cents in order to save the scarcity prices to the domestic consumer of $5, $10, and even $15 plus in the wintertime? I think the Senator is unfair.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. UNDERWOOD. Will the Senator not allow me to answer the Senator from New Jersey first and then I will be glad to yield?

Of course, I expected the answer of the Senator from New Jersey to what I said. The Senator engages in big things, in big business, with big men. Two dollars and fifty cents would not be much for a man who bought 1,000 tons, to run a great hotel, or to run a manufacturing plant, to keep a ship or a yacht in steam; but $2.50 in the middle of winter to the man who earns his bread in the sweat of his face may mean something, and it is likely to mean more under this Republican rule, with bread lines and soup houses, than it has in the past. It may be very little, but it is not just. That is what I say.

Mr. FRELINGHUYSEN. Mr. President, will the Senator consent to a further interruption?

Mr. UNDERWOOD. Certainly.

Mr. FRELINGHUYSEN. I do not think the Senator meets my argument. I am not making a political speech or a reply to his political speech or his attack on the Republican Party or the administration at the present time. I point to the fact that this bill was before the Congress during the former administration, and it is a sincere effort to avoid the condition which caused so much suffering last year and the year before.

The Senator might object to it, might be against it, but when he says that putting $2.50 a ton on the man who purchases 10 tons means nothing to me, and sneeringly refers to the fact that I am in big business, he is very unfair in his argument, because the point I am making, which he does not answer, is that this seasonal freight rate is an inducement to prevent that domestic consumer from paying $25 or even $50 more for his coal, by reason of the equalizing of the unbalanced load between summer and winter. That is the point I am making.

Mr. UNDERWOOD. The Senator is entirely wrong if he thinks that I was sneering at his position in life, for I was not. I rejoice with the Senator. I merely think the Senator does not see the other side of the question, that is all. I do not think he sees the position of the not one man but the millions who are going to be penalized by this bill, by the Interstate Commerce Commission being required to raise the rate on them, and make them pay it to the extent that it has lowered it on the others.

It may be but very little to each one of these modest coal consumers, and it may save a vast deal to the great consumers of coal in the great markets, but I say a bill which carries that provision in its belly is not just, it is not equitable, and it is not right, and that is why I object to it.

Now I yield to the Senator from Kentucky.

Mr. STANLEY. There is no difference, after all, between the statement made by the Senator from Alabama and the admission made by the Senator from New Jersey as to the effect of this bill upon the very consumers the Senator from Alabama is talking about. I wish to call attention to the colloquy between the Senator from New Jersey [Mr. FRELINGHUYSEN] and the junior Senator from Ohio [Mr. WILLIS], with reference to this matter, when the Senator from New Jersey was addressing the Senate. The junior Senator from Ohio [Mr. WILLIS] said:

> I understand that the purpose of the Senator, as he has said, is to even off the black lines shown on the chart, and he proposes to do that by giving the Interstate Commerce Commission authority to grant a lower rate for the transportation of coal in the summer time, so as to increase the production and the storage of coal in that period. Would not that have this effect, then, that those who can store coal, the large consumers—the railroads, for example, and other large industries which have facilities for storing coal—would get the benefit of the lower rates and the larger production, if the Senator's idea is carried out; but the small consumer, who can not store coal, would have the disadvantage of the relatively higher rates in the wintertime? Would it not have that effect?

The Senator from New Jersey [Mr. FRELINGHUYSEN] answered, "Not to any great extent," and explained the extent, adding this characteristic admission:

> It would to some extent increase the price.

Mr. UNDERWOOD. Undoubtedly, and although I think it would be very much greater than the Senator from New Jersey indicates, that would be the burden thrown on the American people by reason of the passage of this bill. Yet, assuming what he says to be true, that it is slight, it is unjust to say that these people who must buy coal in the winter because they have no storage facilities, who must buy coal in the winter because they have no bank accounts, who must buy coal in the winter because they only have sufficient out of the daily wage to buy from time to time, because they must buy coal in the winter must have a burden put on them in order that the great consumer of coal may buy his coal cheaper in the summer time. That is not just.

I am not making a political speech. I am discussing a bill which the Senator says was pending before the Congress in the last administration, and evidently a Democratic administration would not pass it, and it has now come to a Republican ad-

ministration, and this Republican administration proposes to pass it.

No; the Senator is mistaken; I am not making a political speech. I have sat in silence for over three months, hoping that the Republican Party might do something to pull this country out of the slough of despond. I have sat here trying to be helpful, not hurtful, in its efforts, and I have said nothing about it to-day, because you are entitled to your chance. If the time comes when a political speech will be justified, after you have had your fair chance to save the country, I can assure the Senator from New Jersey he will hear one; but he will hear a real one, and not a discussion of a bill.

But you have brought this bill before the Senate—an unjust bill. The Republican Party is sponsoring this bill. My speech is not a political speech. I am criticizing the sponsorship of the bill which is at the bar of the Senate.

I am not going to take the Senator's time much longer, but I have one other thing to point out. I have indicated how this bill discriminates; but I want you to bear in mind that this bill does another thing besides discriminating. It gives the Interstate Commerce Commission the right to commandeer the cars of the country for the movement of coal, to prefer one industry to another, to take away the cars from one industry and give them to another, putting that industry out of business, and take them from one consuming part of the country and give them to another.

I got into that trap once before without knowing what I was doing; and I think there is an old saying that the first time a man fools you it is his fault and the second time he fools you it is your fault; and I do not propose to be fooled upon this question of discrimination a second time.

In a bill passed about a year ago, known as the Cummins Act, on page 22, section 402, this provision is contained:

> It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, and in respect of each car not so counted shall be deemed a separate offense.

And so forth.

Then they also put in the bill, on page 23, under subsection 15, the following:

> To give directions for preference or priority in transportation, embargoes, or movement of traffic under permits at such time and for such periods as it may determine, and to modify, change, suspend, or annul them.

When those provisions were put in the bill it looked like they were put in there for the purpose of preventing freight jams, to encourage the movement of cars and freight, to facilitate the movement of coal where it was most badly needed. That was the way it looked to me. But the law had not been on the statute books a year before certain gentlemen came to the Interstate Commerce Commission and said there was a great shortage of coal in their country, and that they would freeze during the winter if it was not made up, although they had never frozen any other winter. They wanted certain coal diverted. The Interstate Commerce Commission fell for it and issued an order commandeering all the open cars in the United States for the coal business, and they quickly supplied the needs of the particular neighborhood which wanted a supply of coal for the winter.

Then there was a great demand for coal for foreign ships, and they allowed open freight cars to be loaded for that purpose. Of course, it is understood that coal can not be loaded in box cars except at great expense. The only cars in which they can possibly handle coal are open dump cars. They loaded those cars and allowed them to be carried to the ports; and because the ships did not come in to unload the coal they allowed the cars to remain there indefinitely, using the cars for storage purposes, and taking the coal that the American people were badly in need of, and maintaining a high price for coal during that entire winter because of this order.

That was not all. There are a good many other businesses that need open freight cars. People engaged in other work, especially in the shipment of lumber for house building, of bricks and other building materials of all kinds, or materials for use in road building, slag, cement, or gravel must have open cars for that purpose. The result was that the order went so far that they took all the available open cars in the United States and diverted them to the ports practically as a storage place for the men who could export coal during that year at a very much higher figure than they could sell it for in the American market, and to such an extent businesses in my own community that I know of were absolutely shut down and men turned out of employment because they could not get open cars to move their raw materials to their places of business or to move their finished products away.

Now, in addition to what they already have on the law books to encourage this procedure, they are going to put a premium on doing so by changing the freight rate.

I have never found the day when the battle cries and the maxims of the Republican Party appealed to me much. The battle cry in the last campaign of taking Government out of business was an alluring one, but for myself I am willing to stand on the Jeffersonian principle that that government which governs least governs best, and there is no reason at this time for the Government of the United States dipping its hands any further into private business. Therefore I am opposed to the passage of the bill.

THE GENERAL FINANCIAL SITUATION.

Mr. WATSON of Georgia. Mr. President, yesterday morning's Washington Post contained an editorial with the heading "Financing the loans." The article proceeded to discuss a question which is now virtually pending before the Senate as to giving to the President and Secretary of the Treasury broad power over the foreign loans made by the preceding administration during the war.

I wish to read one paragraph of the editorial. After alluding to the fact that the present Senate seemed reluctant to give the Secretary that unlimited power over foreign loans, after alluding to the fact that the Senate seems to be suspicious of this administration, the editorial proceeds:

> This expression of doubt and suspicion is in marked contrast to the attitude that Congress assumed toward the last administration during the progress of the war. Then vast sums were voted in the twinkling of an eye for the national defense, and placed in the hands of executive officers to expend according to their judgment in the public interest. The President of the United States was voted $100,000,000 with which to do as he liked, Congress placing implicit confidence in his judgment and integrity; billions were placed at the disposal of Cabinet officers; more billions were granted the Shipping Board for the building of a merchant marine, and through it all no sinister doubts assailed the patriotic men who controlled the Nation's purse strings.

The situation in which the Congress placed the stupendous power in the hands of the Democratic administration was totally different from that which now exists when similar powers are asked for. The Washington Post, indefatigable in its upholding of the present administration, wants to know why it is that the Congress now has doubt, now has suspicion, now hesitates about placing in the hands of the Secretary of the Treasury these unlimited powers over such almost infinite sums of money.

It is difficult, in language entirely parliamentary, to say why the Senate is becoming doubtful and suspicious. Very briefly I will state some of those reasons.

We were told that as soon as the new administration came in—and that was one of the promises which brought them in—we would call our soldiers home from the Rhine and stop doing police duty for France, while France is using our money to extend her imperial domain in Africa and in Asia Minor. We were told that they would be brought home. We are now told that they do not want to come home. Who tells us so? The people who are keeping them over there. The soldiers are not heard; they can not be heard. However, I am slow to believe that an American citizen with the usual ties of family, friendship, and neighborhood is reluctant to come home from a far country when he was conscripted into that service and now has the opportunity to come.

The people were told, as a part of the inducement which drew the 7,000,000 majority vote to the Republican standard, that as soon as Congress could pass a peace resolution Mr. Harding would sign it. In the Senate, without loss of time, we passed a peace resolution. What has become of it? Where is it? What delays it? What magic wand of enchantment has been waved over it and paralyzed it? The people have seen what is going on and have seen what is not going on. They have seen week after week, month after month pass by, and the peace resolution hung up in the House. Who controls the House? Who has more authority over it than the House leader, Mr. MONDELL? Who is in closer touch with the President than the floor leader of the House? Who can exert more power over the other branch of the Congress if he chose to do it?

The people know that if the President said "Pass that resolution," it would pass. They believe that, directly or indirectly, Executive influence has kept the House of Representatives from echoing the views of the Senate. Therefore the people hold the President, they hold the House, they hold the Republican Members of this Chamber responsible for the delay of peace which has kept closed to us the markets of Germany

and Austria, open only to those big exporters who can secure licenses to ship commodities to central Europe.

Mr. STANLEY. Mr. President, will the Senator from Georgia yield?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. Has the Senator seen a copy of a morning journal which is published here in Washington by a man who is alleged to be, at least, a very great man and who is very close to the President?

Mr. WATSON of Georgia. I glanced at the morning Herald, I will say to my friend from Kentucky, but I may not recall the article to which he refers.

Mr. STANLEY. There was a very interesting picture of an old lady playing hob with an automobile in a rocky road, formerly chauffeured by one Woodrow Wilson. The old lady has got the machine and the works fixed; and somebody has been blasphemous enough to put a plume in the old lady's hat and to dub it "Senatorial leadership."

I am a little surprised, however, that the Senator from Georgia would reflect, even inferentially, upon the President of the United States for the one good thing that he has done lately. If he has had anything to do with putting that infamous peace resolution to sleep, I will remember him in my prayers.

Mr. WATSON of Georgia. Mr. President, after having heard the extremely eloquent speech which the Senator from Kentucky made against the Knox resolution, I am not at all surprised at his remarks.

There is another thing, Mr. President, that planked the chasm over for the Republican candidates as they crossed the ravine between failure and brilliant success, and that was disarmament. These prodigious outlays of the people's money for the building of battleships, the maintenance of armies, preparations for war, airplanes to kill from above and submarines to kill from below—all this was to be checked, and the President was, soon as possible, to put his tremendous influence back of a movement for disarmament.

We passed the Borah resolution. It seemed to us at first that there was great opposition to it from the other side, but all at once it was whispered around the corridors and to us here on "dynamite row" that the presidential opposition had suddenly been withdrawn, and that the Borah resolution would receive a unanimous vote on the other side. The incredible news at first staggered belief, but it was verified on the roll call. But where is the Borah resolution? We now have the floor leader of the other House saying that the Borah resolution amounts to nothing. The substance of what he said is carried in this headline:

Borah amendment not to tie Harding, asserts Mondell.

The floor leader, Mr. MONDELL, had been recently in conference with the President of the United States. Can Senators expect confidence to be built upon broken pledges? Did any private individual or any group of individuals or any Government or any party ever build a solid superstructure of trust upon the frail foundation of broken pledges? That is the situation before us.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. WATSON of Georgia. With pleasure.

Mr. FLETCHER. I know the Senator from Georgia wishes to do the really unwieldy majority in both the other Chamber and this full justice for all it has accomplished. We remember, of course, the very definite pledge for strict economy made by them, but I presume the Senator from Georgia has been unable to find where that has been as yet practiced. However, there is another thing the Senator will undoubtedly recall, for which they ought to be given credit, if any credit is due, and that is they did pass the emergency tariff bill.

Mr. WATSON of Georgia. Yes; but neither has it lifted anybody out of the emergency. I have not heard of it having done any good to anybody, and I will thank any Senator on the "unwieldy majority" side to indicate and specify the industry, the community, or the individual that has been benefited by the emergency tariff bill.

I will read another headline, Mr. President:

Hoover opposed to Federal aid to cotton men now.

Now is the time they need it. When are they to get it, if not now? Are they to get it next year or the next decade? Are they to get it when the farms have been made deserts, when the merchants have been closed out and the banks been thrown into insolvency?

You will find from the record, Senators, that between October and May last there were 10,000 failures in the United States, 7,000 more than during the corresponding period of the year previous.

Senators heard the statement which was made when a bill came before us to give two additional lifetime judges in order to relieve the congested dockets in New York. They heard the distinguished chairman of the Committee on the Judiciary, the Senator from Minnesota [Mr. NELSON], state that, partly on account of the increase in bankruptcy cases in New York, he believed they not only ought to have two new judges but that they should have four. The State of Georgia is in the same situation and wants one or two or three or four additional judges.

Mr. President, briefly I beg leave to call the attention of the Senate to a bill which I introduced here some time ago to make Government bonds legal tender; in other words, to monetize the bonds. If that were done, immediate relief would be afforded. If it is not done bankruptcies will continue.

The Federal Reserve Board, Mr. President, is, financially speaking, the United States Government. It is not the national banks; it is not the saving banks; it is not the State banks, but it is the United States Government controlling its finances, and the Supreme Court of the United States is my authority for saying that the Federal reserve banks are waging war upon the State banks; and they are waging war upon the cotton growers of the South, and no doubt also upon the wheat, corn, and other grain growers of the West, as well as the live-stock producers of the country. I have here on my desk letters from cotton factors in the city nearest to my residence—37 miles away from my home—which indicate that those cotton factors are saying to the country banks who owe them and to the individuals who owe them, "You must pay up; you must pay up now." The pressure comes from the Federal reserve banks; in other words, from the Federal Government. The demand is, "Sell out the cotton now before the new crop comes in; sell it out, although it only brings 8 cents or 9 cents or 10 cents, when the cost was 30 cents a pound to produce it."

Think of it, Mr. President, the United States Government making war upon its own people, desolating its own industries; bringing havoc among legitimate business houses all over the Union, driving men to desperation, causing the loss of homes, the loss of jobs, filling the highways and the byways with an army of unemployed, and yet we have three and a quarter billion dollars of gold hoarded in the Treasury waiting for somebody to come and eat it or to drink it or to wear it! What is that gold reserve doing banked up, useless, in the Treasury?

During the Civil War the Union Government financed the armies of Sherman and Grant, of Sheridan and Thomas, with greenbacks that never had a gold dollar back of them. Immediately after the war the Government began to destroy those greenbacks, and the process continued until President Grant, in 1873, ordered it stopped, leaving only $346,000,000 undestroyed. In the panic which occurred at that time came "Black Friday," on which occasion there came about such a universal crash that it seemed that the whole industrial world was falling. Black Friday! I remember it, because that was the crash, the panic, in which my father lost the home that had been ours since our ancestors went forth from it to fight the battles of the Revolutionary War.

The first that this country ever knew of a gold reserve was when the then Secretary of the Treasury, the Hon. John Sherman, arbitrarily set aside $100,000,000 in gold to secure those greenbacks. They did not need security. Those $346,000,000 of greenbacks were based upon the credit of the Government, upon its power to tax every acre of land, every mule and horse, every herd of cattle, every stock of merchandise, every income in the land; they were based upon the innate strength that bears up the bonds of the Government. The bonds of the Government rest upon no better foundation than those Treasury notes. Secretary Sherman having established the gold reserve, Congress many years later legalized it and increased the amount to $150,000,000, taking that gold away from circulation, where it competed with the interest-bearing notes of the national banks. That is the only reason why the gold is hoarded in the Treasury—to give a free field, without competition, to the interest-bearing notes of national banks. Here are the Federal reserve banks—in other words, the United States Government—boasting of the fact that they made 100 per cent profit—out of whom? Out of the users of borrowed money East and West, North and South.

Senators, what business has the United States Government to make 100 per cent on the money that it supplies for filling the channels of trade and to keep up the struggles of industry? With the Government making 100 per cent upon those who have to borrow money, that profit will be compounded, more gold

will be bought and retired from usefulness, another 100 per cent made and more gold bought and retired from usefulness, until this Government will own all of the available gold supply of the whole world. For what purpose?

We have been spending money here by the hundreds of millions preparing for war, and Secretary Weeks, in his speech last week, said that we ought not to hesitate; that we, the Cabinet, we, the men in power, know some secrets that we are not at liberty to disclose; we know the need for these big navies and big armies. If his words have any meaning at all, his statement amounts to this, that he knows that we are drifting into another war, and I ask you this: Which will be the more important to you as a preparation for another war, your battleship or the crew that mans it; your regiment or the men who hold the guns; the men in the ranks and in the uniforms or the countless millions who toil in shop and mill and mine and farm to feed and clothe those men while they are doing service for their country?

Talk about preparedness for war. What is a saner preparation than to maintain the confidence, the respect, the loyalty of the people? Because no matter how many battleships you build nor how often you increase your Army the real strength of any nation is in the strength of the arms of its men.

Who took these bonds and financed the war? Suppose you destroy their confidence; will they take the next issue of bonds? Here are the prospectuses issued by Secretary McAdoo. He said to the people: "Buy these bonds. Pay 100 per cent for them. Pay 2 per cent down." The hook was baited, if I may so say without disrespect, with the 2 per cent, which almost anybody could rake up. "Pay down your 2 per cent, and get hooked to a bond." The propaganda was made almost coercive. No man could refuse to pay his 2 per cent and preserve the respect of those who surrounded him, nor, indeed, his own self-respect. He had to buy them. Great blocks of those bonds were issued to the big banking houses and other big concerns throughout the Union. Did the directors and the presidents and the stockholders of those banks and those big factories and manufacturing companies and mining companies, and so forth, buy the bonds themselves? By no means, Mr. President. The word went down from the captain's office, and the assistants in the outer room had to buy. The stenographers had to buy. The typewriting girls and boys had to buy. The very elevator boys had to buy; and it may be said with moderation that in the history of the human race there never was such a universal subscription to the bonds issued by a Government. They pulled in everybody who could rake, scrape, borrow, or get in any other way the 2 per cent, sometimes by sacrifice of live stock, sometimes by a mortgage on the home, sometimes by making a note at the bank with personal security.

Mr. President, a Government ought to keep its word. Above all things, a Government ought to keep its word with the men who shed their blood for it. I heard discussed here the other day a soldiers' bonus bill. The land is full of destitute ex-service men, some of them in employment, tens of thousands of them seeking employment, some of them with food to eat and some with none, some of them with whole bodies and some with maimed bodies, some in the hospitals, some dying by the roadside, as pitiable a spectacle as this Republic ever did show; and we tell these starving, jobless men in the soldiers' bonus bill reported out by a Republican committee—and you have got to face the country on it, too, and you have got to do it next year—that, a year from now, they can get $50! What will they live on between now and next year, when they will get the $50? Do you want them to beg in the streets? The laws of Rome were once changed because a veteran of the legions, who had fought for his country in distant lands, bared his breast and showed the wounds he had received in following the eagles of Rome. The same sort of veterans followed the Stars and Stripes, the eagle of our country, and now they are neglected, suffering, dying, and the best that the Republican Party can promise them is that if they can live on blackberries or live on persimmons, and live on other natural products of the soil, or upon charity, for another year, they will get $50! There is statesmanship for you!

If some leader of the Republican Party—robust, clear-thinking, big-hearted—were to point to that three and a quarter billion dollars of gold and say, "We will take it and pay the soldiers' bounty out of it," then you would be doing something, and, for once, Wall Street would get a lesson. Money that is useless is money that need not exist. Money was made to circulate, and nature did not make it. From the time of Aristotle down to the time of Adam Smith, and to the political economists of our own country, you have heard that nature does not provide money, but that government and the law produce it.

What were the inducements held out by Secretary McAdoo when he sold these bonds? I have them here, page after page. Think of it! A Government bond below par! Why should it be, if the Government had not repudiated those bonds through the Federal reserve banks? That is what they have done. They have knocked those bonds. The Government has trampled upon its own pledges to pay. The Government, through its Federal Reserve Board, has refused to lend money on these bonds. They have put these bonds in a subordinate place to the bonds of counties, States, and municipalities. No wonder they sank in value! I could read you here letter after letter from all sections of the country speaking of individual instances where they bought bonds, from $10,000 to $100,000, and from that up to $250,000, and have held them, on the faith of just such promises as this, made by Mr. McAdoo, Secretary of the Treasury:

A rich reward is offered to the buyer of Liberty bonds.

He will reap it. It was promised, and he got it. He has a loss of $15 on the hundred on every one of those bonds.

There is only one thing in the world better than a gold or silver certificate, and that is the United States Government bond.

The gold certificate still goes at par, at face value. The bond has belied the statement made by the Secretary of the Treasury.

Again he said:

The Liberty bonds are practically as good as cash and they pay interest. They can be used for as many purposes as cash without the risk of actual cash. You can get your money practically as easily as you can from a savings bank.

That was the promise, made by whom? By the Secretary of the Treasury, who was selling these bonds. He told the people to come up and buy them, that they would be better than a gold certificate, better than actual cash, because they had with them that provision of safety-bank deposit, in that they bore interest until he was ready to cash in and when he was ready to cash in he could get 100 cents on the dollar. There is the promise. It was broken. Broken by whom? By the Government, and the Government is to-day turning with relentless persistence the same wheels of despotism that are grinding out the life of the people.

England has four and a half times as much money in circulation as she had before the war. France has seven times as much as she had before the war. We have less than we had before the war, and we have 13 per cent less, according to the loanable funds of the banks, than we had prior to the war.

Senators may think that an investigation reaching into months will bear fruit. It will be too late. They may establish farm loan banks which will lend money in 90 days to men who need it now. They will be too late. You may create your foreign corporation board to export our products. It may get into operation six months from now. It will be too late. If we can go that far, we can go all the way. If the Government wants to break its word, or keep on breaking it, let it keep on breaking it; but next time you call on the people and ask them to put faith in the promises of the Government they will mock you with the broken promises that are now bringing them down into distress and ruin.

In the report of John Skelton Williams, Comptroller of the Currency, he states that four or five of these reserve banks in the city of New York borrowed as much of the loanable funds of the Federal reserve system as four or five thousand banks in the 21 States which were being served by those banks. He states here, leaving out the name, that one borrower had twice as much of the banks' loanable funds as were loaned by the reserve bank at Dallas to the States of Louisiana, Oklahoma, New Mexico, and Arizona—one borrower! Who was that borrower? I could take two guesses, and stake my head on getting the man in one of the two. It was either the J. P. Morgan banking house, or it was the Packing Trust of Chicago.

Is there any precedent, Mr. President, for making these bonds as good as money, and making them circulate as money? Doubtless you will remember, Mr. President, just after the Civil War, when the bonds of this Government did issue and circulate as money. You will remember something like this, in the report of the Secretary of the Treasury, dated September 1, 1865, which carries you and me back, Mr. President, to an early stage in our lives. The following items appeared in the table of money in circulation:

Compound interest, legal tenders, $217,000,000. I give the round figures only.

Temporary loan certificates, $107,000,000.

Certificates of indebtedness, $85,000,000.

Treasury notes, 5 per cent, $32,000,000.

Last issue of the 7.30 bonds, $830,000,000. They were bonds issued as money. They paid the soldier on the battle line,

they paid him while he marched, they clothed and fed him in the camp, but they were bonds, and they were made legal tender until the time came when Wall Street sharks, as they do now, wanted to turn everything into interest-bearing bonds, destroying the circulation of the country, the money which actually reached the people, filled the veins of trade, stimulated enterprise everywhere, and made even the South—prone in its agony, in its sackcloth and ashes, in the midst of its burned cities and ruined farms—rise as if by a sudden inspiration and spring into a new life that made the desert blossom as the rose.

We were told, Mr. President, that if these Federal reserve banks were established we would have an elastic currency and no panic. What has become of the elasticity of our currency? It is gone. What has become of the cure for panic? It has become the cause of the greatest panic this country ever knew—the retirement of money, the contraction of the money, the deflation of the money, as they choose to call it.

Who fixed the amount of the damages which the armies of Germany and Austria had done to Italy, France, Belgium, and Great Britain? The Germans did not do it; the enemies of the Germans did it, and after all it was $31,000,000,000, done by four years of operations of the greatest armies that ever came from northern Europe to bear down upon their hereditary enemies, after a titanic struggle of armies which would have swallowed up the armies of Sheridan and Grant and Sherman, of Lee and Stonewall Jackson. You could not have found them in those vast arrays of men on the German side. Yet, after four years of destruction, after four years of frightfulness, after four years of devastation on land and sea, when the enemies of Germany come to bring the expense account against them they make it thirty-one thousand million dollars.

Here is a faithful servant of the United States Government, John Skelton Williams, Comptroller of the Currency, who estimates that up to the time he made this report last year our own Government, acting through this reserve board, had accomplished almost as great a destruction of values in this country as Germany had inflicted upon France. Twenty-five thousand million dollars is what Mr. Williams estimated it last year. The destruction has gone on. As Gov. Cox said in that special article which appeared in yesterday's paper, we have not reached the bottom; we have not reached the worst. It is going on from bad to worse, and no man can tell what the climax of the panic will be.

Therefore it is not an exaggerated statement to say that up to the present time, and in the contemplation of the immediate future, whose consequences are bound toward us and will reach us, these reserve banks have inflicted upon our own people as great a loss as the German armies inflicted upon all their foes.

Mr. President, I have offered a simple remedy which will enable the Government to keep its word, which will relieve an immediate necessity, which has the authority of a fixed precedent, and which is so entirely practicable that I do not see how any man can object to it. Why should not the bond be worth 100 cents on the dollar, when the Government sold it for that, got that much money away from our people, and pledged its word to redeem its debt?

You may say, "The time of maturity has not arrived." That is true, Mr. President, but the inducement held out was that these bonds could never depreciate, that they would always be as good as money; that they could be used as money; that they were even better than money, because when a man was not spending them they were in his pocket drawing interest.

I am simply asking by my bill, which is now before the Committee on Agriculture, that this Government redeem its pledge, revive the confidence and the hopes of the people, and thus make it absolutely certain that in the future, if we need more money from the people to finance any war, it can be obtained as easily as it was before.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FLETCHER. Mr. President, I desire to submit a few observations in connection with the bill now pending, and on subjects related to the pending bill, matters which will be presented in due course when the amendments proposed by the Senator from Wisconsin to the pending bill are laid before the Senate.

It is claimed the bill to amend the interstate commerce act by adding a section, a new paragraph to section 15a, expressly providing for seasonal rates for the transportation of coal, if enacted into law will, first, stabilize the price of coal; second, do away with the necessity, in large part, for more coal cars; third, remedy the existing inadequacy of terminal facilities; and, fourth, promote regularity of employment in the mines, thus settling most of the grievances of the miners.

Much of this is speculative. Unquestionably, the present situation is unsatisfactory to everybody. The measure has merit, it seems to me, in that it proposes a way to have something done which will enable steps to be taken toward some relief. I am impressed that it will be helpful to the railroads, especially in some regions. It will be of some advantage to the mine owners and operators. If it does nothing more than eliminate some excuses for oppressing the public, it will be worth while. The public has been imposed upon, not to say robbed, and the reasons given as excuses for it have been some of the things this measure proposes to correct.

That it will be a benefit to the mine workers seems quite probable. If it accomplishes what it is claimed in effect it will accomplish—the regulation of employment and better working conditions—that alone would justify its support. There are possibilities in all these directions, very strong probabilities, indeed, as to the latter, and, therefore, I intend to vote for the bill.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I yield.

Mr. WILLIS. I understood the Senator to say that in his opinion the bill would be beneficial to the mine workers. Would the Senator mind saying right here how the bill is going to be of benefit to the mine workers?

Mr. FLETCHER. It would tend to give them steady employment and regular work. I do not say that it will accomplish that fully, but that will be the tendency of it, and that has been the great trouble, as I understand, in connection with the mining of coal.

Mr. WILLIS. Did the Senator hear the statement made by one of the able proponents of the bill the other day that in his opinion this legislation would make it possible to get along with 25 per cent fewer miners than we have now? We now have 762,000. If that be true, this legislation would have the effect of doing away with the services of 200,000 miners. Does the Senator see how that is going to be of benefit to the mine workers in the present industrial conditions of the country?

Mr. FLETCHER. Of course, if that should be the result, it would not be of any benefit to those who have been displaced or put out of work; but I can see very well how it would be better for the men to have fewer men engaged in mining at reasonable wages and under proper working conditions than to have more men, dissatisfied, poorly paid, and living under bad conditions, engaged in the same work. Notwithstanding some people may have to find something else to do, that is better than to go on under conditions which are unremunerative, which bring about dissatisfaction, strikes, and lockouts, and all that sort of thing.

It is unnecessary to dwell in detail upon the needs of the legislation and what it is intended to accomplish. Others have done that. It will be noted that the commission is to act whenever the commission is of opinion that an emergency affecting the transportation of coal and requiring immediate action exists. I would be inclined rather to broaden the authority. Surely it is limited and restricted enough. Whether the consumer, the public in general, will experience any or much benefit from such a law as proposed, I have grave doubts. I am very much afraid you will not help the consumers much until you go after the dealers. They have talked about the high wages paid the miners, the high rates of freight paid the railroads, and the high expenses of delivery, thereby attempting to lay all the blame for high prices paid by consumers on others.

The truth has been all the time that while these various elements and agencies afforded some ground for the claims of the dealers, they have themselves been the real profiteers. In my judgment, the Federal Trade Commission or some other agency of the Government should give attention to the coal dealers and distributors. There is perhaps legislation sufficient for that purpose.

What I particularly desire to consider in a sort of condensed way are the amendments to the bill proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. The first amendment is that section 15a of the interstate commerce act, as amended, being the section added by section 422 of the transportation act of 1920, be repealed. Other amendments equally important are offered, the object being to repeal the guaranty of earning provisions in the transportation act, to restore the jurisdiction of State commissions, and strengthen the authority of the Interstate Commerce Commission respecting the fixing of reasonable rates and prevention of discrimination.

These are matters which should command the most serious thought and the most careful action. I must say that these proposals are timely, and the strongest support they could have is the support based on experience. The transportation act has been in effect 16 months. It has been a tragic disappointment. There have been failures all along the line. The railroads claim to be practically bankrupt, the workers dissatisfied, the public squeezed by intolerable burdens, credits exhausted, traffic reduced, industries crippled, and commerce halted.

Transportation is vital to our economic life. Facilities adequate and at reasonable cost for the movement of passengers and commodities are necessary and the progress of the country is in large measure dependent upon them. They may be so insufficient or so expensive that they fail to serve their purpose. Although the railroad companies have had control of their properties, respectively, for the past 16 months, they not only have not reduced war-time charges for services rendered but they say frankly they see no prospect of price reduction in the near future. That is not satisfactory to the people of the country. They want assurances quite different from that. If that is the best you can do after 16 months of untrammeled operation, it would seem some change in the law is called for.

Mr. REED. Mr. President——

Mr. FLETCHER. I yield to the Senator from Missouri.

Mr. REED. Does the Senator intend to discuss in connection with that the proposition that wages are fixed and that the railroads are not allowed to regulate wages?

Mr. FLETCHER. I expect to consider that further on in my remarks. I am getting to that now. I say untrammeled operations. I do not mean, of course, to exclude those regulations and those provisions in the law which to some extent do not give the railroad corporations that free and full control which would be implied by the use of the word "untrammeled," perhaps, but I shall get to the question of wages in a little while.

The people ask the question whether or not the provisions in the transportation act respecting rates that would yield you a certain return on the value of your property has not prompted you to pay extravagant salaries, made you indifferent as to expenditures for supplies, and led to inefficiency and waste. They ask if the railroads have disregarded the rights and interests of the people, resting securely and serenely on the privilege to adopt such rates as will yield a certain return.

If the effect of these provisions has been as indicated, then they had better be repealed. The railroads never troubled to bring up the wage question for something like a year, although asserting that wages have been a bar to a reduction of rates. They seem content to rest on their quasi guaranty and let the public pay. The public is not willing to be treated that way.

If the Labor Board has stood in the way of relief I would favor repealing outright the whole of title 3 of the transportation act. Up to this time that feature in the act has not worked as was hoped. It, too, has been a disappointment. Neither the railroad owners nor the agencies of the Government have been properly considerate of the public. They have all presumed upon the patience and forbearance of a long-suffering people. I hope they have not relied greatly on the supposed stupidity and lack of interest on the part of the public. The people have been quite well informed about what has been going on. They have been keenly concerned, and they have about reached the conclusion that the law should be changed and present practices and conditions made more endurable.

I voted against what was known as the Cummins bill, and I was opposed to the Esch bill, but I voted for the conference report, which I felt was better than either, and offered the last and only chance for any legislation which I felt was needed before the railroads were returned to their owners at the time fixed by the President, March 1, 1920.

The conference report, now the transportation act of February 28, 1920, has had 16 months' trial. Our experience under it has been terrible. I am not convinced that the hardships and troubles experienced were necessary or unavoidable. There has been divided authority and divided responsibility, a stripping of the Interstate Commerce Commission of some of its original functions, and an assumption of some of the powers of the State commissions, all of which have combined to bring about the present situation. As far back as April 12 last, the President, impressed by the seriousness of the situation and the need of improvement, in his address to Congress said:

> To-day American agriculture is menaced and its products are down to prewar normals, yet we are endangering our fundamental industries through the high cost of transportation from farm to market.

And again in the same address he insisted—

> Freight-carrying charges have mounted higher and higher until commerce is halted and production discouraged. Railway rates and cost of operation must be reduced.

Three months have gone by since that address. Is there a reduction of rates? Where is even the promise? The press recently carried a statement, which I presume is correct, as follows:

> RAILROAD PAY ROLL $3,733,816,186 IN 1920—INCREASE OF NEARLY A BILLION DOLLARS OVER AMOUNT PAID IN PREVIOUS YEAR—FIGURES OF 1917 DOUBLED—RETRENCHMENT POLICY REFLECTED IN DECREASE IN PAY ROLL IN FINAL QUARTER.
>
> The pay roll of the railroads in 1920, after giving effect to the various increases in wages awarded to railroad labor during the year, was approximately $3,733,816,186, and the average number of workers for the year was approximately 2,054,160. When full reports have been received of May and June back pay disbursements the final figures reported by the Interstate Commerce Commission will probably exceed the above figures considerably.
>
> In 1919 the pay roll was $2,836,800,000, or $897,016,186 lower than in 1920, while the number of employees averaged 1,913,000. In 1917 the total pay roll was only $1,739,482,142, and the average of employees was 1,732,876. From the commission's figures the 1920 pay roll was as follows:

First quarter, old basis	$795,616,330
Second quarter, old basis	801,063,938
May and June, back pay	102,419,680
Third quarter, new basis	1,052,109,451
Fourth quarter, new basis	982,606,787
Total for 1920	3,733,816,186

> When it became increasingly evident in the latter part of the year that business was starting to slide downhill, and factory shutdowns were announced in great numbers all over the country, the railroads realized that retrenchments were in order. They had just carried a record volume of freight, and were straining every faculty adequately to maintain their rolling stock so that that traffic could be handled properly. As the volume of freight offered began to decline the roads found that it was absolutely necessary to cut operating expenses to meet decreased revenues. Thousands of men were laid off, and this was reflected in the decrease in pay roll in the final quarter.
>
> In some quarters the fear has been expressed that some of the roads have been overzealous in cutting down working forces, and that this will be shown when business begins to improve and these roads are unable immediately to meet the demands placed upon them. In conservative quarters, however, this is not considered probable, in view of the fact that labor is not scarce and that men may be found to fill the jobs.

Notwithstanding the American people were paying $3,800,000,000 for wages to the railroads for their employees in 1920, which was $1,000,000,000 more than the gross receipts of the railroads in 1915, no action was taken by the Labor Board until about June 19, 1921. In other words, the gross receipts of railroads in 1915 were substantially $2,800,000,000 and in 1920 the railroad wages alone were, in round figures, $3,800,000,000. After that experience under high transportation rates and after a solemn investigation lasting over a year, that august body, the Labor Board, decided to act as indicated by this statement.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Missouri?

Mr. FLETCHER. Certainly.

Mr. REED. Does the Senator think that the failure to reduce wages, if it ought to be done, can be charged to the railroad companies under the present state of the law, or should it be charged to the failure of a Government board that has jurisdiction over the subject matter?

Mr. FLETCHER. I think, in the first place, as I have just stated, that the railroad companies themselves did not seem to desire to raise the question as to what was at the bottom of this great increase in rates. They did not seem to desire to confront the question of high wages at all. They seemed to be willing to drift along, and they did not need to do anything else, because under the provisions of the law the public had to pay and not the railroads themselves in the last analysis. The railroad companies delayed taking any action in the matter. They allowed it to go on and on. The rates continued to pile up.

There have been several rate increases in southern territory. In the first place, there was an increase of 25 per cent in southern territory on June 25, 1918. The next increase in southern territory was of 25 per cent on July 29, 1920, an increase of 25 per cent without any question being presented, so far as I can find in the record anywhere, by the railroad companies to the Railroad Board raising the issues as to the amount of wages being the cause of these increases. The railroad companies did not raise the question.

The Labor Board itself, in my judgment, has failed to meet the emergency. I am in favor of getting rid of the dual responsibility of the Interstate Commerce Commission to fix rates that are reasonable and just and of another body just across the street to fix wages, because one depends to some extent on the other, and one can hold back and refuse to act until the other acts.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. Certainly.

Mr. KING. I think the criticism just made by the Senator of the Cummins-Esch bill, if I understood that criticism, is entirely warranted. The provision to which he is now addressing himself I think is a very impolitic one. The Interstate Commerce Commission know what the rates are; they have to impose the rates, and they are in a better position than any independent board to determine the relation which the wages must have to the rates.

But what I was about to ask the Senator was this: Has not the part which he is now criticizing, or to which he is referring, discouraged any effort upon the part of the railroad managers to bring about an equalization of wages, or in some instances a reduction of wages? Have not they rather desired to perpetuate the status quo than to readjust with a view to a general reduction of freight and passenger rates?

Mr. FLETCHER. Of course, I can not answer from any personal knowledge on that subject. From all I have been able to gather, however, there is a great deal in what the Senator suggests. The disposition was to let things drift along without taking any steps to correct what was apparently an intolerable situation.

I am inclined to think that something should have been done and might have been done, and, of course, primarily, I presume, under the transportation act, Title III, which created the Labor Board, that was the body that should have acted on the question of wages.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. I understand the Senator from Florida to assert substantially that nothing was done by the Labor Board for many months and that it is due, partially at least, to the inaction of the Labor Board that the railroads have been compelled to pay the high wages which make up the labor bill for 1920. Does the Senator remember when the Labor Board was organized?

Mr. FLETCHER. Mr. President, I am not advised as to the exact date when that board was organized. There may have been some delay about creating the board, and, if so, the board is not to blame for that, but somebody else is to blame for it.

Mr. CUMMINS. If the Senator will allow me, I can inform him upon that point.

Mr. FLETCHER. I am trying to say that they acted, so far as I am advised, only on June 19, 1921.

Mr. CUMMINS. Precisely. The Labor Board was organized about the 1st of April, 1920, or a few days thereafter.

There was pending when the Labor Board was organized a dispute between the railroad administration, the director general, and the employees of the railroad companies, which, in the aggregate, involved more than $800,000,000. That dispute arose in September, 1919. It ought to have been settled by the director general then having charge of the railroads under the recent administration. It was not so settled, however, but was deliberately passed on, to be adjusted by the Labor Board when it came into existence under the transportation act. The Labor Board immediately took jurisdiction of that dispute, and both the railway men and the railroad companies were busy every moment of the time in arguing or presenting to the Labor Board the case, involving, as I said before, more than $800,000,000 annually. That dispute was decided in July, 1920—within about three months of the organization of the board. While I am not called upon to defend the Labor Board, I venture to say that for diligence and for energy in bringing that dispute to a final conclusion, the record of the Labor Board has rarely been equaled in American affairs.

What was the result? The Labor Board rendered its decision in July, 1920, sustaining to a degree the contention of the laboring men, sustaining it to the extent of adding to the labor cost of operating the railroads $700,000,000 annually; not only sustaining it prospectively but compelling the railroads to pay retroactively or retrospectively from May 1, 1920.

At the same time there was brought forward to the Labor Board the question of the validity, the binding effect, of certain so-called national agreements, which largely affected the wages of the men employed upon the railroads. Those national agreements had been entered into in the latter part of the year 1919 and in the early part of the year 1920 between the Director General of Railroads and the brotherhoods and the other unions of which the railroad men are made up.

The Labor Board continued those national agreements, because it held that until disputes came up regularly, originally between the railroad companies and the railroad men, company by company and union by union, the national agreements should be continued. Those agreements are in force to-day; they expire on the 1st of July of this year.

It would seem to me that with that history of the work of the Labor Board, it is hard to criticize it. I do not enter into merits of the dispute; I am not affirming that the Labor Board decided correctly or incorrectly; but I am saying for the Labor Board that it has exercised a diligence and a degree of attention that I have never before seen surpassed.

Moreover, the railroad companies have been from the very beginning doing all that they could do—and probably much more than they ought to have done—in order to reduce the wages of their men. They began immediately their activity in that direction, and they have continued it from that day until now. Of course, no labor board and no tribunal in the country can dispose of these great questions involving not only hundreds of millions of dollars yearly but, I was about to say billions of dollars yearly, without the utmost consideration, for their decision depends upon testimony, upon showing made with regard to conditions which exist.

I have said so much simply to put right from my viewpoint the work of the Labor Board. Everyone has a right to determine for himself whether the transportation act of 1920 is successful or not. I think it is successful; I think it is the only thing that has given the people of this country the transportation upon which all their business and all their lives depend. The men who believe that the Government ought to resume possession and continue in the operation of the railroad companies of the country can well look upon the act as a failure, because it is the only thing that has stood in the way of that plan. Whether the plan is good or bad we will discuss later when the amendments proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] come up and I have an opportunity to say something upon them in my own time.

Mr. REED. Mr. President, before the Senator takes his seat I should like to interrupt him.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. FLETCHER. I yield.

Mr. REED. What the Senator from Iowa has said is very illuminating. He has established the industry of the Labor Board, its promptness of action, and he has established the promptness of action on the part of the railroad companies in trying to get wages reduced. I am not discussing the merits of the question, but the amount of the whole matter is that the railroads have not been free and are not free to-day to regulate wages. That is done by the Labor Board, and whether they have done it wisely or unwisely is another matter. That is where we come to. So that the railroads can not be justly criticized for not trying to get wages reduced, if, indeed, they should have been so at all, and the Labor Board can not be justly criticized for not acting; but the fact remains that the railroads are not free to fix the wages of their men.

Mr. CUMMINS. Precisely, Mr. President. The intervention of the Government involves delay in any subject that may arise. The Supreme Court can not decide a case the instant it arises; no court can act and decide a case instantly; and yet we have found it necessary to submit to delays in the administration of justice because justice can be administered in no other fashion.

Whether we did wisely in establishing a tribunal for the settlement of disputes between workingmen and the railroad companies is yet to be determined. I think we decided wisely. I do not believe the railroads ought to have the opportunity to reduce wages precisely as they may see fit. I think that continuity in transportation is of vastly greater importance than the liberty on the part of the railroad companies to do as they pleased with their men. The only way, in my judgment, in which we can preserve regularity and continuity in transportation and avoid the constant interruption which comes from discontent and dissatisfaction on the part of the railway men, resulting in strikes—the only way in which we can keep open these channels of commerce is for the Government to undertake to do justice between the employees and the employer, the railroads. While I am sorry that the whole matter can not be adjusted in a moment, I am not at all convinced that we did not do right in establishing a tribunal to stand between selfishness of the railroad companies on the one hand and the natural desire for higher wages on the part of the railroad men on the other hand, and I believe that the experience of the American people will demonstrate the wisdom of what we have done in that respect.

Mr. FLETCHER. Mr. President, if the passage of the transportation act was the means of doing away with Government operation and preventing Government ownership, and the only means of doing it, it was unquestionably a good thing to do. I do not want the Senator to get the impression that I am in favor of the Government owning and operating the railroads. I never have been in favor of that proposition. The Labor

Board began to function rather earlier than I supposed it did. It may be ever so industrious; I realize that it has had to deal with some big questions; but it was from April, 1920, to June 19, 1921, determining that a reduction of 12 per cent in the wages of railroad employees should be made.

Mr. CUMMINS. Mr. President, technically the Senator may be right; but in July, 1920, the board determined that the railroad men should have an increase of wages amounting, as I said before, to about $700,000,000 a year.

Mr. REED. Mr. President, what was the percentage of that increase? I want to compare it with the other figures.

Mr. CUMMINS. It was a percentage of something like 20 per cent. That is a rough guess. The Senator from Florida may condemn the action of the board in advancing the wages of the railway men, but he can not say that it was very slow or laggard in reaching a result. A change in conditions, it is alleged, between July, 1920, and June, 1921, has resulted in an announcement on the part of the Labor Board that it will reduce the wages about 12 per cent, taking it all together; but I do not believe the Senator from Florida will contend that in view of the conditions which existed in July, 1920, with the cost of living at its very height, the Labor Board was not justified in advancing the wages of the men as it did.

Mr. FLETCHER. I did not intend to get into a discussion of the question of wages. In my judgment, many of the experienced, skilled men on the railroads have never been getting too much, and are not to-day. In my judgment many of the unskilled, inefficient workers on the railroads have been getting too much.

In my judgment, there ought to be a reclassification and a readjustment of the whole wage schedule. That is the way I feel about it. I am not going into any details about the matter, but here are the railroads claiming that they can not reduce rates because of the high wages, and here is the Labor Board saying, "We will not reduce wages because you will not promise to reduce rates and thereby reduce the cost of living"; and there you are. I say they are suspended between heaven and earth, like Mahomet's coffin, between the Labor Board and the Interstate Commerce Commission, and they are getting nowhere, and the people are paying, paying, paying.

I submit, Mr. President, without reading it, this article entitled:

Nearly all roads to appear to-day before rail board. Refers to those affected by $600,000,000 wage award in July, 1920, not previously asking a cut. Will lower pay for all employees. With 12 per cent, total $400,000,000 yearly savings to country to go into effect.

I ask to have that inserted in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

NEARLY ALL ROADS TO APPEAR TO-DAY BEFORE RAIL BOARD—REFERS TO THOSE AFFECTED BY $600,000,000 WAGE AWARD IN JULY, 1920, NOT PREVIOUSLY ASKING A CUT—WILL ASK LOWER PAY FOR ALL EMPLOYEES—WITH 12 PER CENT, TOTAL $400,000,000 YEARLY SAVINGS TO COUNTRY TO GO INTO EFFECT.

CHICAGO, *June 19.*

Nearly every railway in the country affected by the $600,000,000 wage award of the United States Railroad Labor Board in July, 1920, which had not previously petitioned for wage reductions, will appear before the board to-morrow with requests for lower pay for all employees.

Two wage hearings already have been held, the first resulting in the decision of June 1, cutting the wages of 104 carriers 12 per cent, effective July 1. More than 150 roads were included in the second hearing on which no decision has been pronounced. Members of the board have indicated, however, that there would be little variation in this decision from that of the first hearing. Provision was made in the June 1 decision for making additional railroads parties to that decision at any subsequent date.

With the completion of the third hearing and the anticipated 12 per cent reduction on all roads, the total estimated $400,000,000 annual savings on the country's railroad labor bill will be put into effect.

Mr. FLETCHER. Mr. President, the public thought on this subject is quite clearly expressed in an editorial in the Tampa Morning Tribune of June 2, 1921, which I wish to insert here in full, entitled "The pendulum swings." I will not take the time to read it. I ask to insert that editorial in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection it will be so ordered.

The matter referred to is as follows:

THE PENDULUM SWINGS.

Some five years ago the railroad brotherhoods began an insistent campaign for higher wages; and it must be remarked in all fairness right here that for the most part the men were badly paid, especially the office help and the maintenance-of-way men, which latter division includes the track laborers.

Naturally the labor unions struck while the iron was hot—at a time when the world was convulsed by the greatest war in history, when everything depended upon transportation, and when the transportation lines of the country were clogged with goods in transit, bearing much of the burden of Europe's pressing needs as well as our own normal requirements.

America had not yet entered the war, but the threat was over us and we were getting ready for the inevitable. The railroad workers threatened to go on strike throughout the Nation, and the railroad owners, with many of the roads already in bankruptcy, refused the demands for higher pay. Finally Congress passed the Adamson law and an orgy of railroad legislation began, with the men's demands met both as to wages and hours, with financial ruin staring the roads in the face.

And so it went on, and the country entered the war. The men wanted more money, and again there was threat of a nation-wide strike of railroad workers. That civilization depended upon their remaining at their posts of duty seemed not to hang a hair's weight in the balance. Patriotism seemed to have been shed by them as a duck throws water from its back. The roads were taken under Government control as a war measure, and wages were raised and raised again until the mere gateman who looks at your ticket as you seek entrance to the train was in many instances receiving a greater monthly wage than the division passenger agent. War measures? Yes. Just and deserved? No. To be sure, the cost of living had soared.

Coincident with the various raises in pay the roads were granted higher and higher freight and passenger rates. Of course, the public paid. That was inevitable; the public always pays.

Even in 1920, a little more than a year ago, the Railway Labor Board, a piece of machinery created by Congress to attempt to settle the question of wages for the railway workers, added $600,000,000 a year to the railways' labor costs. And rates went higher, and the public wondered if the railway workers and the railway owners of the country were going to take everything in sight. Well, they did, almost.

Finally, with public sympathy lost to the railway workers—the railway owners haven't had public sympathy since the art of railway making was taken from the hands of the men who actually build the roads and take pride in them and fell into the hands of financiers, so called, whose chief aim and object appears to be to water stocks and demand dividends on impossible capitalization—the public began to demand relief. Public opinion always controls when it is really exerted. The indubitable evidence that freight rates had gone beyond the possible maximum of "what the traffic will bear" was seen in countless fields and orchards where produce rotted by the thousands of barrels and bushels and carloads because it was no longer possible to ship and sell and pay the freight and break even; loss of precious food needed here and there throughout the length and breadth of the Nation, forcing prices up when prices should be coming down.

And all these things combined to create a public demand for relief. The railway owners said they could not meet expenses even with rates so high, and they proved it easy enough by showing their balance sheets. Their business had become so bad, and is so bad, that the banks can't afford to lend them money to meet their needs, for it isn't sound finance to pour money into institutions which can not pay interest on the investment.

So the Railway Labor Board held many meetings, and listened to the arguments of the owners on one hand for a steep cut in wages, and of the workers on the other hand that wages should not be cut. The result has been a cut in wages—direct—that will lessen the railroads' burden, it is estimated, by at least $400,000,000 a year. Also a reclassification of labor which the roads estimate will cut costs an additional $300,000,000.

The labor cut averages 12 per cent, really a small part of the total advance in the past five years. The actual cut ranges from 5 to 18 per cent. The owners claim that the reclassification of labor, which they have fought for, will untangle a snarl of overlapping effort which not only has been costly by limiting what one man might do in the way of turning a nut upon a bolt in car repair, or fitting a pipe, or mending a broken door, as it were, but will work toward greater production at less cost.

So far so good. Public opinion has done this much. Now, what the same owners of that opinion want to know is, what profit shall accrue to the general public? Will there be a lowering of freight rates so that perishables may again be marketed at a profit and the Nation be fed more economically, or is this orgy of high freight rates, which kept pace with the orgy of high wages, to be continued?

Mr. Average Man isn't concerned over the fact that a road which is actually worth $100,000,000 is capitalized at $250,000,000 or $500,000,000 and the stockholders are clamoring for dividends on the larger amount. What he is concerned in is witnessing a withdrawal of the "water" from the stock and the getting down to a sane level where the roads will once more be able to pay a proper dividend on a proper valuation or something approximating a proper valuation. The general public doesn't care a rap about who is responsible for past misdeeds, but is very much concerned in preventing further inroads into the public purse.

It doesn't require any great amount of sagacity to figure out this much: That the owners of the railroads of this country must either rearrange their business so that freight rates can be made more reasonable or the same public opinion that is now helping them to win their way back to financial stability will demand and bring about public ownership and operation of these properties.

The Tribune does not want to see Government operation of the railroads again. But that is inevitable unless the owners of the roads heed the lesson.

Mr. FLETCHER. In the meantime what has been happening?

First. The railroads have not, they claim, been earning interest on their indebtedness, taxes, insurance, and fixed charges in many cases, and in no case as much as the law allows. They may have gotten rid of some unnecessary high-salaried help, but they have kept up quite generally the extravagant pay of officials and have been exceedingly deliberate about reducing expenses.

Second. The volume of traffic has decreased because it could not bear the excessive cost of transportation. There are idle cars and parked rolling stock.

Third. Industries have suffered, business has been suspended because of high freight rates, and domestic commerce to a degree stagnated.

Fourth. The basic industry of agriculture has been discouraged and made to languish, while consumers were obliged to pay exorbitant prices for their supplies.

Fifth. Development, new enterprises, progress in all directions, have been retarded and will continue to be until there is more efficient service at less cost than can now be had.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. The Senator from Florida may not be familiar with the fact that in the year beginning on the 1st of March, 1920, and ending on February 28, 1921, the railroads moved a greater volume of traffic and more passengers than they ever moved before in the history of the country. There is great misapprehension, to use the mildest term, with regard to the effect of the railroad rates upon the volume of traffic.

Mr. FLETCHER. I have heard of that position taken by the railroad companies and have heard of those general figures; and the same argument has been urged by the railroad companies when the question of the excessive freight rates on Florida products has been raised. "Why," they said, "we never had such a volume of business out of Florida," and they never did before. Their earnings on Florida products have increased 304 per cent since 1917, but never in the whole history of the State have there been more grapefruit and oranges and vegetables rotting in the fields of that State than there have been this season.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. FLETCHER. I do.

Mr. STANLEY. I have heard the statement made in the hearings to which the chairman of the committee refers, and I was surprised myself to hear it, especially with reference to the Senator's country, because I have been under the impression that the higher rates had materially affected the movement of products from Florida and from the South; and I asked these experts the question which I now propound to the Senator from Florida: If the present schedules continue to prevail with reference to the movement of vegetables and fruit, will that volume of business from the Senator's State continue, or will the industry dwindle to a point where you will have no surplus to ship to distant points, like New York and Boston?

Mr. FLETCHER. I think the latter condition will inevitably result. I will say to the Senator in all frankness that we can not expect people to put their money into an enterprise like the laying out of an orange grove or the development of a truck farm when they know in all reason that they never will be able to get their products to market on any basis that will yield them a profit. It means a decrease in the volume of traffic to-day as compared with production. That is what we must depend on. We have had an enormous increase in the total volume of traffic because of the enormous increase in the production of the State; but there is a decrease in the volume of traffic caused by these high rates, and there will be death to progress and development caused by these high rates. The people will not put their money into these undertakings when they know that what they raise can not be gotten to market at a profit.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. FLETCHER. I do.

Mr. CUMMINS. I do not know anything about the merits of individual rates. It may be that the rates from Florida upon the chief productions of that State are too high and need readjustment. I express no opinion upon that point. I only want the Senator from Florida to remember the fact that taking all the railroads in the United States together, from the 1st of March, 1920, to the 1st of March, 1921, they earned no net railway operating income. They earned not a cent for the payment of interest upon bonds or dividends upon stock; and it is quite difficult for me to see how the earning power of the railroads can be very materially reduced, if we are to continue in private operation, unless we reduce in some way the cost of maintenance and operation. Then the railway rates ought to be reduced. I do not see how they can be reduced until that object is effected, although I say again that it may very well be that the rates from Florida on grapefruit and oranges and the like are entirely too high, and ought to be readjusted and reduced, as compared with other rates.

Mr. FLETCHER. Undoubtedly the Senator is correct. In order to make any permanent reduction of rates there must be a reduction in the cost of operation and cost of maintenance of these properties. I quite agree with that. My insistence is that there ought to have been found a way to accomplish that to some degree at least; and further I insist, and I want to see if the Senator disagrees with me about it, that rates may be so high as to decrease rather than increase earnings, as to lessen the amount of revenue rather than increase the amount of revenue, as to injure both the railroad companies and the public.

Mr. CUMMINS. Mr. President, I think any student of the subject understands that to be true. Rates may be so high that the net result to the railroad companies may be a diminution of the net income.

Mr. FLETCHER. Precisely.

Mr. CUMMINS. But I have always assumed that when a railroad company found a rate so high that it deprived it of a revenue which it might otherwise enjoy, the railroad company would be the first to reduce that rate. I know that the railroad companies may be mistaken about that; and I am sure it will be gratifying to the Senator from Florida to know that the Interstate Commerce Commission since the 1st of last September, when the rates were advanced, has, in cooperation with the railroads, readjusted, as I remember, more than 5,000 rates upon individual products.

Mr. FLETCHER. I think the railroads will be a little dilatory about acting, whenever it comes to reducing rates, unless they are practically compelled to do so.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. FLETCHER. I yield.

Mr. STANLEY. I am very much interested in the profound discussion of this subject by the Senator from Florida; and I wish to call his attention to this phase of the matter, which probably he has investigated himself:

The situation with reference to Texas and Florida products is, in my opinion, to a great extent due to the fact that the railroads have attempted to meet lower water rates from the Pacific coast, and the ton-mile charge for similar products from Florida, the Gulf coast, and Texas is much greater. You are within, say, 700 or 800 miles of the cities on the Atlantic seaboard, and you pay approximately the same rate that is paid for similar products hauled by water or by rail 2,000 miles or 4,000 miles. In my opinion, an investigation will show that in order to make the whole system of transportation remunerative—that is, the hauling of fruits and vegetables from all over the United States proper—the railroads have been forced to put a larger rate upon Florida products in order to sustain the present rates from the Pacific coast and to meet the lower charge by water incident to the opening of the Panama Canal.

Mr. FLETCHER. There may be a great deal in what the Senator suggests, and I am much obliged to him for the thought. It is quite generally complained, by Florida fruit growers, that the rates on Florida products are not even equal to the rates on California products, for instance. The California growers can get their fruit to the Atlantic seaboard at very much less cost than the Florida grower can get his product to the Pacific. I do not know why that is, but that seems to be the truth. Actually, Florida products are excluded from the markets west of the Mississippi River, but the California products are permitted to get into this Atlantic seaboard territory at pretty nearly the same rates as the Florida products get there.

Mr. STANLEY. Rates are rarely ever fixed upon a mileage basis. It is not the distance hauled but the conditions, and it is an effort to meet the lower rate that is now being charged by refrigerating ships leaving the Pacific coast and coming through the canal.

Mr. FLETCHER. Perhaps that is quite true. Still, I see no reason why Florida products should be excluded from the markets west of the Mississippi River.

Mr STANLEY. I am not claiming that they should be.

Mr. FLETCHER. I am saying generally, Mr. President, that the transportation act of February, 1920, has failed to accomplish what it was hoped it would accomplish. There is divided responsibility. The Interstate Commerce Commission has been shorn of some of its vital powers and to a degree swept from its moorings. The Labor Board has utterly failed.

We need to get back to the original purpose and function of the Interstate Commerce Commission and continue in it exclusive jurisdiction to fix reasonable and just rates and prevent discrimination. Let the power rest there. Do away with this dual authority. Get rid of a situation where one body can say, "We can not lower or readjust rates until another body determines the question of wages," and the latter body saying, "We can not adjust wages until we know there will be a reduction of rates, thereby reducing the cost of living."

One agency should have control of both questions. Responsibility can then be fixed. Delay and haggling while the public suffers will be avoided.

How long do you suppose we can live in a situation where the carriers receive more than the producers out of the proceeds of farm products?

But you say I have been indulging in generalities and you want me to be specific. Very well; allow me to give you some facts pertaining to railroad operations in Florida. I requested the Florida railroad commission to inform me what were the prewar and present rates on commodities shipped to various points named from Jacksonville, which is a basing point and terminal for railroads in and operating out of and into Florida.

Here is the statement which I ask to have inserted. It shows that the approximate increase in freight rates on all commodities named is 56.2 per cent over prewar rates. The statement covers citrus fruits, pineapples, celery, beans, potatoes, cabbages, canteloupes, and lumber, and, as I said, the approximate increase on all commodities named is 56.2 per cent over prewar rates, to St. Louis, Chicago, Cincinnati, Pittsburgh, Washington, Baltimore, Philadelphia, New York, and Boston. I ask to have the table inserted without reading.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Prewar and present rates on commodities shipped from Jacksonville, Fla.

	Citrus fruits and pineapples, carload rate per standard box.		Celery and beans per standard crate.		Potatoes per 100 pounds.		Cabbage per 100 pounds.		Watermelons per 100 pounds.		Cantaloupes per 100 pounds.		Lumber per 100 pounds.	
	Prewar.	Present.	Prewar.	Present.	Prewar.	Present.	Prewar.	Present.	Prewar.	Present.	Prewar.	Present.	Prewar.	Present.
St. Louis	$0.50	$0.78	$0.33½	$0.52	$0.38½	$0.60	$0.48½	$0.75½	$0.35½	$0.55½	$0.35½	$0.55½	.....	.....
Chicago	.53	.83	.40	.63	.47	.74	.57	.89½	.44	.69	.44	.69	.....	.....
Cincinnati	.46	.72	.30	.47	.32	.50	.42	.65½	.29	.45½	.29	.45½	$0.22	$0.34
Pittsburgh	.52	.81½	.37	.58	.43	67½	.58	.90½	.43	.68	.40	.62½	.27	.44
Washington	.43	.67½	.35	.56½	.37½	.59	.57	.89½	.36	.56½	.36	.56½	.21	.32½
Baltimore	.43	.67½	.36	.56½	.37½	.59	.57	.89½	.36	.56½	.36	.56½	.21	.32½
Philadelphia	.44	.69	.37	.58	.37½	.59	.58	.90½	.40	.62½	.40	.62½	.24	.36½
New York	.46	.72	.39	.61½	.37½	.59	.60	.94	.42	.65½	.43½	.67½	.30	.44
Boston	.51	.80	.45	.70½	.53	.83	.71	1.09½	.52	.81½	.52	.81½	.32	.46½

Approximate increase on all commodities named is 56.2 per cent over prewar rates.

Mr. CUMMINS. May I ask the Senator another question?

Mr. FLETCHER. I yield.

Mr. CUMMINS. In view of the fact that railroad wages have more than doubled, in many instances trebled, and in view of the fact that all materials which go into either the maintenance or the construction of a railway have doubled or more than doubled, does the Senator from Florida think it remarkable that railroad rates should have increased 56 per cent?

Mr. FLETCHER. Some of these rates are higher; but these rates were already high. Before there ever was any increase they were high on these particular commodities, and if the rates were justified originally, my contention is that something ought to have been done to get them down within 16 months after the roads were turned over to the private owners.

Let us take a look at the figures as to passengers, also. What I am saying, of course, is not peculiar to Florida. It is merely illustrative of what prevails throughout the country. Here are the passenger figures:

Present cash passenger fare, Jacksonville to Washington	$28.41
War tax, 8 per cent	2.27
Total cost	30.68
Prewar mileage, passenger fare, Jacksonville to Washington (790 miles, at 2 cents)	15.80
Present Pullman fare, lower berth	8.63
War tax, 8 per cent	.69
Total cost	9.32
Prewar Pullman fare, lower berth	4.75

It is inconceivable that as many people travel under these rates as would travel under prewar rates. Independent of the question of burdening the traveling public, the railroads must collect fewer fares, and it is doubtful if their revenues are increased by these high rates.

An instructive exhibition is furnished by Mr. J. C. Chase, a responsible citizen of the highest standing and wide experience in producing, shipping, and marketing citrus fruits. Here is his letter of April 21 last, with statement attached, as follows:

JACKSONVILLE, FLA., *April 21, 1921.*

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR: You will be interested in the attached statement showing increase in freight charges paid railroads during the past four seasons on Florida citrus fruit, based on the haul from Orlando, Fla., to New York City.

While all of the fruit does not go to New York City, we believe that the average freight charge from all of the citrus-producing points in Florida to all of the markets in the country will average approximately the New York freight rate, and the statement will serve to illustrate the point we wish to make, which is that the transportation companies operating out of Florida are now collecting from the Florida growers on the present crop and at the present rate 304 per cent more freight charges than was paid during the season 1917–18. Other products from Florida have increased proportionately, and also the charges, so that you can realize what an enormous amount of money is being paid out to the transportation companies on Florida perishable products alone.

If you would look into the traffic now moving you would find that the railroads serving Florida and California are in more prosperous condition and have fewer idle cars than roads operating in any other territory.

There is one thing sure, we must have lower freight rates on Florida grapefruit into the Pacific coast markets. The present rate is so high that it has practically excluded Florida grapefruit from many of the markets where we placed a great many cars under the prewar rate. California citrus fruit moves to the Atlantic coast markets at a rate of approximately $1.50 per box. If this is a satisfactory rate to the railroads, why is it that the charge on a box of Florida citrus fruit is almost double from a Florida producing point to a Pacific coast market? A person can travel east and west at the same rate per mile, and we believe that similar products should not be discriminated against.

Yours, very truly,

CHASE & CO.
J. B. CHASE.

Statement showing increase in freight charges paid railroads during past four seasons on citrus fruits, based on haul from Orlando, Fla., to New York, N. Y.

Season.	Number boxes shipped.	Freight rate charged.	Per cent increase in rate.	Freight charges paid railroad.	Increase in freight charges paid over season 1917–18.	Per cent increase in freight charges over season 1917–18.
1917–18	5,581,309	$0.61	.....	$3,404,598.49	.....	.....
1918–19	8,946,204	.76½	25	6,843,846.06	$3,439,247.57	101
1919–20	12,495,925	.76½	25	9,559,382.63	6,154,784.14	181
1920–21	13,500,000	1.02	67	13,770,000.00	10,365,401.51	304

Still, as I said to the Senator a moment ago, grapefruit and oranges are actually rotting to-day in the fields in Florida, and vegetables have been plowed under in various other fields, because they could not get them to market.

The railroads argue that the great increase in the volume of traffic proves that the high freight rates have not deterred shipments. This is unsound. The increase in business has been due to the great increase in production. The fact is, I am reliably informed, that more oranges, grapefruit, and vegetables were left in the fields the past season than ever before, simply because the cost of carriage was prohibitive. This retards development, naturally, because the farmer reasons, "What is the use of my growing potatoes, even though I produce 360 bushels per acre"—which he can, and the same land will yield three other crops the same year—"if my crops can not be moved to market at a cost which will leave to me a margin of profit?"

Of course, these high rates, which are prohibitive, not only cause decreases in traffic, but retard development.

Last week a friend of mine, for instance, shipped me a barrel of watermelons. Three very delicious melons, packed in a barrel with Florida moss, arrived in perfectly splendid condition. The barrel weighed 100 pounds. The express charges were $3.53 plus the war tax of 18 cents, making a total of $3.71. The cost of carriage amounted to $1.23 per melon, from Jasper, Fla., to Washington, D. C. I believe the express company divides 50.25 with the railroad company.

That sort of thing, of course, means forcing a producer back to the ox-cart and stage-coach days, when his only market was the nearest town to where he grew the stuff. One dollar and twenty-three cents per melon was the actual carrying charge of that melon from the railroad station in Florida to Washington, D. C. I would not regret even that much, because they were fine melons; but you can imagine what the grower would get with such an expense as that.

Mr. MOSES. Will the Senator add to his interesting statement about the melons the information where those melons are now? Senators on this side are interested in knowing what became of them.

Mr. FLETCHER. They have long since been consumed. They lasted only about three days—one for each day.

Mr. CUMMINS. I might suggest to the Senator that if he had used a barrel apiece for each of the melons, and only shipped one melon in a barrel, it might have cost him still more. I assume he is not serious in putting this example before us so far as affecting the melon trade is concerned, because melons are not usually shipped one in a barrel, or even three in a barrel.

Mr. FLETCHER. I realize that; but upon that subject I would like to insert here an editorial from the Florida Times Union, entitled "How it is divided." I will not take the time to read it. It quotes from the railroads themselves. For instance, it was shown that melons yielding the grower 7½ cents yielded the carrier 12.7 cents. That has been the average where they have been shipped in bulk; the grower gets 7½ cents and the carrier 12.7 cents.

There being no objection, the editorial referred to was ordered to be printed in the RECORD, as follows:

HOW IT IS DIVIDED.

From the Columbus Enquirer-Sun we clip an extract from a speech delivered by Senator HARRIS, of Georgia, on the transportation question. It is as follows:

"In order that you may see at a glance what the last advance in freight charges represents—using an average load, 1,000 melons, at average freight of 27 pounds each—I invite your attention to the following tabulation: Using Albany, Ga., as a representative shipping point the advance per melon is as follows: Baltimore, Md., 4.2 cents; Philadelphia, Pa., 4.8 cents; New York, N. Y., 4.9 cents; Buffalo, N. Y., 4.9 cents; Pittsburgh, Pa., 4.8 cents; Chicago, Ill., 4.7 cents; Cincinnati, Ohio, 2.3 cents. The returns to the growers on last year's crop averaged about $75 per car, and approximated 7½ cents per melon. The last investigation into the price at destination yielded the fact that the consumer paid very much more than was warranted by the returns to the grower plus the transportation charge. For instance, it was shown that melons yielding the grower 7½ cents and the carrier 12.7 cents, Albany to Baltimore, or a total of 20.2 cents for the producer and the carrier, sold in Baltimore for $1."

Of course, these figures make a bad showing as to transportation charges if they are compared with what the shipper receives, but they do not show the charges too high as compared with what the consumer pays. They impress us with a feeling almost of hopelessness of accomplishing anything by the efforts that are being made to remedy the evils that are patent and that efforts are being made to remedy.

Transportation charges are too high, but they can not be reduced as long as railroad labor receives such high wages. The labor cost of operating the railroads is said to take 70 per cent of the operating capital. On this basis we will go a little further than the figures given by Senator HARRIS. The grower of a watermelon gets 7½ cents for it. Railroad labor gets 8.9 cents, and the railroad, in addition to paying labor, gets 3.8 cents. But all this foots up 20.2 cents to get the melon to the city where the consumer lives, and then as he buys it for a dollar it costs 79.8 cents to get it to him after it has reached the city he lives in. The grower gets less than one-tenth as much as the middleman gets, railroad labor gets only one-ninth as much and the railroads for hauling the melon a thousand miles get, in addition to what they pay for labor, only one-twentieth as much as the middleman gets. The middleman gets four-fifths of the whole.

Now, what is the use of a reduction anywhere until that cormorant is gotten out of the way? If the railroads hauled it free, would the dealer who buys from the grower give him any more or sell for any less to the consumer? Watermelons are perishable and the dealer must get a good profit, but as long as he is permitted to take more than half there is no sense in growing watermelons for distant markets.

Mr. CUMMINS. Does not the Senator conceive many cases in which it costs a good deal more to transport freight 1,000 miles than it does to produce the commodity?

Mr. FLETCHER. That is so in a good many cases; but I submit to the Senator if that were to be the case with reference to these commodities, moving in carload lots, as these do, of course they would cease to move; that is all. The grower can not afford to ship and take the chances of raising the crop, and buy the fertilizer, cultivate the crop, and pack it, and ship it.

Mr. NORRIS. The Senator is speaking about carload lots. I judge from the question of the Senator from Iowa that it is to be inferred that in carload lots the cost might be different.

I want to call the Senator's attention to a statement which was published and sent, I think, to all Senators by one of the leading banks of New York City, in a monthly publication reviewing the business of the country. It came to us from the Irving National Bank, the Chase National Bank, or the National City Bank, I have forgotten which one. In that statement they told about shipments in carload lots from Florida to New York City, and gave a list of names of men who had shipped various kinds of fruit from Florida to New York City. In several instances the owner of the product shipped by carload lot, after he had paid the freight to New York City and the commission, still owed $40 or $50, besides losing his entire product, and in quite a number of cases it showed that the returns received by the Florida producer for a carload of different kinds of fruit were $10 or $12 or $15 or $25 for a whole carload. So I take it that even in carload lots the cost of transportation, whatever the cause may be, or whether right or wrong, is of such a nature that it would certainly prevent men from very long staying in that kind of business if they had to pay that kind of transportation charges.

Mr. FLETCHER. I am much obliged to the Senator for reminding me of that.

Mr. CUMMINS. Mr. President, I must be permitted to say in this connection that the incident cited by the Senator has happened many, many times in every season and in every year. It happened before the war, it happened before the freight rates were increased, and it will happen again whenever the market for the particular commodity refuses to receive it at a price that will compensate the owner.

Mr. NORRIS. May I interrupt the Senator again on that point?

Mr. FLETCHER. Certainly.

Mr. NORRIS. If the Senator from Iowa had been in New York and bought some of this fruit he would have found that the consumer had not been getting any great reduction but was paying a fabulous price. I am not mentioning the proposition as an argument on either side of the question but as a fact. If it exists and continues to exist, whatever the cause, it certainly will interfere with the Florida man in his production, and he will have to go out of business.

Mr. CUMMINS. If it is permanent, then, of course, it would end the industry; but we have a large watermelon production in the State of Iowa, and I have frequently known of carloads of watermelons from one part of the State coming to my own little town that have been sold at a price that did not pay the freight. I am sure the Senator from Florida knows of many such instances.

Mr. FLETCHER. That often happens. There are instances of that kind which arise at different times all during the year; but the cars to which the Senator from Nebraska had reference were not loaded with watermelons.

Mr. NORRIS. No; those cars were not loaded with watermelons.

Mr. FLETCHER. They were entirely other products. That thing happens quite too often to be very comfortable for people who are engaged in the business. Whether it is a regular thing or not, it happens too often.

A correspondent wrote, April 5, 1921:

We are confident that the carriers are making a good profit on the fruit and vegetable shipments they handle. * * * The freight rates always were high on this commodity, and since they have been increased the last couple of times they certainly are out of sight and have become a burden to the growers and shippers.

Again, on April 19 last, a correspondent wrote:

The freight charges on Florida fruits and vegetables to some of the most important markets of the country are prohibitive. * * * The country is now suffering from an attempt on the part of the transportation interests of the country to pass on to consumers the increase in freight charges. The consumers have organized a strike against such additional increases, and the high rates instead of bringing increased earnings are showing losses to all of the railroads owing to decreased tonnage. We can only hope that all interests will work to accomplish a decrease in the operating expenses of the transportation companies that will eventually permit a lowering in freight rates.

Another correspondent aptly observes:

Primarily the railroad company is interested in the produce and in the price paid the producer by the wholesaler. Out of that money comes the freight and transportation charges, and not out of the prices obtained by the retailer from the consumer. If by reason of the failure of the producer to net a reasonable return on his labor and investment he will cease producing, and the railroad will have nothing to haul and the consumer nothing to consume, therefore the producer is the one to be considered in all cases of this kind rather than the consumer.

A vigorous protest comes from Messrs. Chase & Co., large distributors, dated June 20, in which they say:

We trust that you will join us in our protest against the granting of the application of the Louisville & Nashville Railroad for permission to declare a stock dividend. The Florida growers of perishable products feel that this surplus has been wrung out of their pockets by the high freight rates on their products. It does not belong to the stockholders but it belongs to the producers.

There should be no stock dividends from transportation companies until there has been a readjustment of freight charges. We do not believe all this propaganda that is being put out by the transportation companies that the freight charges on perishables make no difference and that the middleman is getting all the cash.

We feel more strongly now than ever before that the last 25 per cent increase granted the carriers was a huge mistake, and the quicker it is wiped out the better. We do not believe the traffic officials of the trans-

portation companies will be any quicker to reduce freight rates than railroad labor will be willing to take a reduction in pay. If the transportation companies will voluntarily wipe out the last increase, they can ask their employees with better grace to take smaller pay.

What I have been talking about involves much more than the products of grove and truck farms, although that alone means the shipment of 58,218 carloads during a season out of the State. To show what that business means, I wish to insert in the RECORD without reading a statement from the Tampa Morning Tribune of June 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

FLORIDA HAS DONE WELL.

The statement that the watermelon season is practically closed in Florida, although there will probably be 1,000 more cars to go out, brings to mind that the Florida shipping season practically ends with the last of the melon shipments.

Officially, the Florida shipping year for fruits and vegetables begins September 15. The transportation companies keep a daily record of the all-rail shipments going out through Jacksonville, High Springs, and Hampton, the three main gateways for freight, to points out of the State.

The records through June 17 give us the following total carload shipments since September 15, 1920: Grand total cars, all products of grove and truck farms, 58,218; oranges, 20,615; grapefruit, 13,018; tomatoes, 5,903; celery, 4,730; miscellaneous vegetables, 4,576; watermelons, 2,777; lettuce, 2,623; Irish potatoes, 2,332; cabbage, 1,406; strawberries, 105; pineapples, 102.

The total of 58,214 cars of fruit and vegetables averaged 6,448 cars a month of 30 days, and gave a daily average movement of 215 cars over a 9-month period. In other words, during the entire past nine months, Florida sent out to a hungry Nation 9 cars of fruits and vegetables every hour of the 24 in every day of that time.

This speaks pretty well for Florida. Especially when we are informed by the ignorant that the "Florida shipping period is only a few months in the winter."

In addition to this all-rail shipment of Florida produce, making a train 666 miles long, not counting the engines and tenders, one must bear in mind that thousands of boxes, crates, and baskets of fruit and vegetables have gone out by express, and thousands of smaller-sized boxes, baskets, and crates went by parcel post; and there are yet 1,000 cars of melons to move.

The thing that counts most in this showing is the long term over which these shipments are made. Even on the 17th of June, the record for the day was 224 cars made up of watermelons, tomatoes, miscellaneous vegetables, and pineapples. They talk about "ever-bearing" this and that certain thing in Florida. Why, the entire State is an ever-bearer of something that is needed and taken by the eating public.

We make no attempt to value that 666 miles of train loaded with all Florida fruits and vegetables. You can make your own figures, bearing in mind that the lowest price for cabbage reported was about $600 a car, while peppers sold as high as $3,000, tomatoes to $4,500, watermelons up to $1,000, and oranges as high as $2,600 a car. You may get your own average from these five items and multiply it by the 58,214 cars already gone out. Then say whether or not Florida had done fairly well.

Mr. FLETCHER. Lumber, phosphate, naval stores, and other products I need not mention. Increased rates apply to them also. Florida's exports to foreign markets, moving through her ports, amount to over 1,000,000 tons a year. The principal increases in southern territory have been 25 per cent on June 25, 1918, and another increase of 25 per cent on July 29, 1920.

The situation is not hopeless. In the Washington Post of June 23 Mr. Warfield is quoted as saying that with proper economy and the return of normal conditions the railroads could earn 6 per cent and also reduce rates. No man is better qualified to speak on the subject, because no man has a clearer, fuller knowledge of it than Mr. Warfield. I ask unanimous consent to insert in the RECORD without reading the item just referred to.

The PRESIDING OFFICER. Without objection, permission is granted.

The item referred to is as follows:

[From the Washington Post, June 23, 1921.]

SIX PER CENT RETURN FOR ROADS IS SEEN—ECONOMICS AND NORMAL BUSINESS WILL DO IT, WARFIELD TELLS SENATORS.

Study of the railroad problem was resumed yesterday by the Senate Interstate Commerce Committee, with S. Davies Warfield, president of the National Association of Owners of Railroad Securities, as the chief witness.

"The question for the moment is," Mr. Warfield said, "can sufficient revenue be obtained from rates and fares that will be considered reasonable by the public and the shippers, and will these rates bear a relation to the price obtainable for the articles transported that will not impede commerce, or will part of the money required to meet the necessities of transportation have to be supplied in the public interest by taxation?"

The latter meant Government operation and eventual Government ownership, and should be avoided by all means, the witness declared. He expressed the belief that with proper economies and the return of normal business conditions the railroads could earn a 6 per cent return and also reduce rates, adding that the recent increase in rates could be held accountable for the contraction of the carriers' business.

Mr. FLETCHER. It would be better to withdraw the guaranty, reduce the rates, and let the roads survive, if they can, by economical operation and management; and if they can not survive, let them go into the hands of receivers or into bankruptcy and be reorganized on a basis which would insure proper capitalization, with no water or inflated values, than to force the public to pay the high freight and passenger rates required to yield 6 per cent on present high valuation or capitilization and under present laws and methods of operation. Reorganization on a proper basis of valuation would make it possible to operate at lower rates and prevent Government operation or ownership, and the public do not want either.

The increases in freight rates which became effective last August were expected by the Interstate Commerce Commission to add about $125,000,000 a month to the gross revenues of the railways. April, 1921, disclosed a gain of only a little over $30,000,000 over the same month of last year. For April of this year reports from 201 roads, with a mileage of 235,160 miles, showed a gain of 7.76 per cent in operating revenue, a decrease of 6.2 per cent in operating expenses, and a net operating increase of $29,201,000 as compared with an operating deficit of $23,767,000 in 1920. There seems to be some little improvement.

The average wage cut of 12 per cent, which will go into effect July 1, affecting about 1,700,000 men, will have a bearing on the financial situation of the carriers.

Just now the public is at a disadvantage. There are too many bureaus and agencies involved. The processes are complex, the delays insufferable, the machinery too complicated. The law should be simplified, stripped of involved and unnecessary and therefore harmful provisions. In this shaking-down process called readjustment the railroads will have to take their losses, undergo anxiety and stress just like other great enterprises and industries are doing. All must be treated alike, and all without favor or prejudice or discrimination must fight out the struggle, each on its own merit. The railroads ought to have fair, just treatment, an equal chance with any other great business. Consideration of the fact that they render indispensable public service is proper, but special privileges and special favors or guaranties are not in the public interest, especially when there has been time to recover from the demoralization incident to war conditions, and especially true if they are set free to work out their own salvation, subject only to such regulations as were contemplated when the law creating the Interstate Commerce Commission was enacted.

Amendments making in the direction of the original purpose creating one agency empowered to see that reasonable and just rates are maintained and no discrimination practiced in interstate commerce I shall support.

Mr. REED. Mr. President, I offer an amendment which I desire to have printed and lie on the table. It need not be read at this time unless it is so desired.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 28, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1921.

AMBASSADOR TO JAPAN.

Charles Beecher Warren, of Michigan, to be ambassador extraordinary and plenipotentiary of the United States of America to Japan.

COMPTROLLER GENERAL OF THE UNITED STATES.

J. Raymond McCarl, of Nebraska, to be Comptroller General of the United States.

TREASURY DEPARTMENT.

UNDERSECRETARY OF THE TREASURY.

S. Parker Gilbert, jr., of Bloomfield, N. J., to be Undersecretary of the Treasury. New office created by act of Congress approved June 16, 1921.

PUBLIC HEALTH SERVICE.

ASSISTANT SURGEON.

Dr. Joseph F. Paulonis to be assistant surgeon in the Public Health Service, to take effect from date of oath.

DEPARTMENT OF THE INTERIOR.

REGISTER OF LAND OFFICE, EVANSTON, WYO.

Joseph T. Booth, of Evanston, Wyo., to be register of the land office at Evanston, Wyo., vice Alex Nisbet, removed.

RECEIVER OF PUBLIC MONEYS, EVANSTON, WYO.

Donald McAllister, of Evanston, Wyo., to be receiver of public moneys at Evanston, Wyo., vice James P. Folger, removed.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

QUARTERMASTER CORPS.

Capt. Harold LaRoy King Albro, Cavalry, with rank from July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1921.

MEMBER OF UNITED STATES TARIFF COMMISSION.

William Burgess.

CUSTOMS SERVICE.

APPRAISER OF MERCHANDISE IN CUSTOMS DISTRICT NO. 9, BUFFALO, N. Y.

John Grimm, jr.

IN THE ARMY.

ORDNANCE DEPARTMENT.

Major.

Levin Hicks Campbell, jr.

Captains.

Thomas Morris Jervey.
Clarence Cory Harshman.

CORPS OF ENGINEERS.

Colonel.

Albert Edwin Waldron.

Major.

Arthur Peter von Deesten.

Captain.

Clarence Nelson Iry.

First lieutenant.

Fred Sheaff Wells.

COAST ARTILLERY CORPS.

Colonel.

Frank Carson Jewell.

Captains.

Lawrence Locke Clayton.
William Henry Sweet.

FINANCE DEPARTMENT.

Majors.

Henry Stehman Hostetter.
Wallace Fairchild Baker.
Hardie Ambrose Violland.
Hastie Alexander Stuart.
Eugene Coffin.
Francis Jewett Baker.

QUARTERMASTER CORPS.

Major.

Charles Burd Eckels.

Captains.

Arnold Melville Reeve.
Joseph Worth Timmons, jr.
Fred Ernest Davis.
George Darryll Gamble.
Edmund Graham West.

CHEMICAL WARFARE SERVICE.

First lieutenant.

Cyril Drew Pearson.

AIR SERVICE.

Captains.

John McRae.
Oliver Grant Brush.
Raymond Edward O'Neill.

MEDICAL CORPS.

Captains.

Charles Robert Mueller.
Harold Wade Kinderman.
Willard Harry Waterous.

FIELD ARTILLERY.

Captains.

William Henry Green.
Joseph William Loef.
Horace Harding.

First lieutenant.

Thomas Houston Dameron.

CAVALRY.

Captains.

Joseph Idus Lambert.
Roy Claire Wells.

INFANTRY.

Majors.

James Luke Frink.
Joseph Russ.

Captains.

George Edward Kraul.
Royal Harry Place.

PHILIPPINE SCOUTS.

Major.

Thomas Gordon.

POSTMASTER.

NEW HAMPSHIRE.

George E. Danforth, Nashua.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 27, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, Thou art the first and the last, the beginning and the end, and infinitely more than the heart can dream or tongue can tell. Do Thou condescend to bridge the chasm between our Creator and His children, between our loving Father and His earthly children. Do Thou preserve us from the bondage of ignorance, that we may know Thy law and love Thy precepts. Direct us by the revelation of Thy truth and bless us with the ministry of Thy grace. For Thine is the kingdom, the power, and the glory, forever. Amen.

THE JOURNAL.

The Journal of the proceedings of Friday, June 24, 1921, was read and approved.

A QUORUM.

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. To make the point of order that there is no quorum present.

Mr. BLANTON. That is filibustering.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count.

Mr. DYER (interrupting the count). Mr. Speaker, I withdraw the point.

EXTENSION OF REMARKS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an editorial written by ex-Gov. Cox, of Ohio, former nominee for President of the United States on the Democratic ticket.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing therein an editorial by former Gov. Cox, of Ohio. Is there objection?

Mr. MONDELL. Mr. Speaker, I second that request, because I desire to have that editorial as widely disseminated as possible.

Mr. GARNER. I am much obliged to the gentleman from Wyoming.

The SPEAKER. Is there objection?

There was no objection.

The editorial referred to is as follows:

DAYTON, OHIO, *June 26.*

The leading editorial in the Dayton Sunday News to-day, under the caption, "An Unhappy Harvest," was the first public expression of former Gov. James M. Cox, Democratic presidential nominee in 1920, since his defeat. The editorial was written by Mr. Cox and said in part:

"The recent statement of Mr. Babson, who is recognized as a statistician and an analyst of unusual qualifications in economics, has caused a profound impression. Idealism at times may fail to make any impression on the practical thought of the country. In the ultimate it will, of course.

"The influence of the purse, however, is unfailingly instantaneous. The purse nerve is highly strung. When conditions touch it dogma and bigotry and fetich are submerged. The result of the Babson pronouncement is but another case in point.

"If the American mind had been stripped clean to the human conscience and counterconsiderations, sordid, political, prejudicial, and otherwise, had not entered into the equation, a very positive mandate would have been issued at the polls last November in behalf of the noblest international principle that ever has been advocated in behalf of civilization.

"CITES ATTITUDE OF BUSINESS.

"We go one step further. If the purely practical view had been applied honestly, those who might not have been influenced ordinarily by moral consideration would have realized the importance of concerted world-wide action in behalf of the whole economic situation. Nothing is to be gained at this time save in plain language. In large part the attitude of business in the last campaign was not above unworthy motive. There was a resentment against the forms and the volume of taxation, and it was expressed in the sustained bitterness against Woodrow Wilson.

"The Wilson haters were not enraged at him as a personality—taxes developed an obsession, and it spread like an epidemic. Millions of dollars have not been contributed throughout the years to the reactionary cause from wholly patriotic purpose. They always have been regarded as an investment, and the slogan that business would be better under a reactionary régime was born of experience because preference had been showered upon certain interests by governmental policy.

"CALLS TIMES UNPRECEDENTED.

"In the past the financial burdens of administration have been shifted largely to the mass, and the belief that it would be done again accounted for the almost hysterical support that business rendered to the reactionary cause in the campaign of 1920.

"The statement that taxes would be reduced doubtless was based by some on an honest belief.

"They failed, however, to recognize that these are unprecedented times. We can not chart the future by the past. The interest and sinking fund charges on our national debt a year are as much as was our entire debt at the close of the war in the States in 1865. In some manner a minimum of $5,000,000,000 must be collected to maintain the integrity of our obligations and meet the current cost of government.

"SAYS TAXES CAN NOT BE CUT.

"That no change in taxation policy worth the name is possible is evidenced by the embarrassment of the administration at Washington. Turn, as it will, to the many suggestions that have come, the ultimate realization is that the country has a large financial burden to bear and very heavy taxes are inevitable.

"Mr. Babson accounts for the recent lowering of security values and the unfavorable trend of business generally from the circumstance of the speech made by Ambassador Harvey in London, in which he said in plain words that we were a selfish Nation, had acted from that impulse, and intended to stick to our own affairs in the future.

"If the habit of diplomacy that has ruled throughout the years had been waived, the unfavorable reaction from the Harvey statement would have jarred the American Nation.

"We are the great creditor of the world. We possess the controlling supply, and other nations are guarded in what they say, lest offense be given.

"AFFAIRS GROW WORSE, IS CLAIM.

"Mr. Babson is right. The Harvey episode has been most disquieting. Our economic affairs become worse daily. No remedy in the form of statute or administrative policy has turned the unfavorable trend. Values have dwindled to the danger point and thousands of men and women and business concerns whose financial stability has never been questioned are wondering to-day whether or not they are worth a cent.

"We are gathering the harvest of our own sowing. Except for the operation of the Federal reserve bank system, we would be in the midst of the worst panic the world has known.

"Nevertheless, a process of liquidation is going on in the banks just as fast as it is safe to conduct it. Business and physical property, on present standards, that do not equal their indebtedness in the banks, quietly are being closed out.

"COULD HAVE BEEN AVOIDED.

"Assets change in valuation, but debts never do.

"How easily it all could have been avoided. If the treaty of Versailles had been ratified by America, if we had taken our place in the councils of the nations of the world when the war was over, economic readjustment would have come under conditions that would not have brought the distress that we now witness. That was the psychological moment for action, but notwithstanding our delay, the time was ripe in the latter part of 1920, and if a mandate expressive of the real conscience of America had been expressed in November last year Europe would have received the credit necessary for the purchase of commodities needed.

"The dawn of rehabilitation was in sight, but it was obscured by a result the effect of which in its extremity has not been felt even yet. In a word, our unhappy business conditions to-day are due to vast inventories bought at high prices and that can not be sold even at great reduction. Europe needed every dollar of our surplus of farm and factory, and we had a prosperity not long ago upon which we could have based a credit that would have saved the day. The stagnation on the farm in November and December in 1920 and the surplus of manufactured goods all could have been avoided. Inventories would have been turned into cash and the banks to-day would have had more money than at any time in the history of the country.

"SEES STROKE OF PARALYSIS.

"In times past, when manufacturing was at low ebb, banks had ample funds; now money is tight and factories are doing little or nothing, for the very reason that vast inventories have not been turned into funds.

"Readjustment at its worst under the circumstances of international cooperation would have been as but a slight fever. We are witnessing a stroke of paralysis. That's the difference. That's the cost.

"Babson has spoken in words that men understand because his subject matter concerns their pocketbooks.

"The Good Book says: 'Whatsoever a man soweth, that shall he also reap.'

"When the cloud of war lifted we, rich in resources, almost beyond words and relatively untouched by tragedy, had the opportunity to be the good Samaritan, to reach out our hand and bind up the wounds of a stricken world. Within God's sight we turned away and passed on the other side. What can we expect now?"

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day is unanimous-consent day. The Clerk will call the first bill on the Calendar for Unanimous Consent.

EXCHANGE OF GOVERNMENT LANDS, HAWAII.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 4598) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii.

RURAL POST ROADS.

Mr. DUNN. Mr. Speaker, I move to suspend the rules and pass Senate bill 1072, as amended by the House committee.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass Senate bill 1072, with amendments of the House committee, which the Clerk will report.

The Clerk read as follows:

An act (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Be it enacted, etc., That section 2 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved July 11, 1916——

Mr. GARRETT of Tennessee (interrupting the reading). Mr. Speaker, as I understand it, the motion was to pass the Senate bill with amendments. The Clerk has omitted the reading of the Senate bill. I have no objection to that being done by unanimous consent.

The SPEAKER. When a motion to suspend the rules is made, the practice is to read the portion of the bill and the amendment that is intended to be passed.

Mr. WINGO. Mr. Speaker, will the Speaker hear me a moment upon that? I know that has grown up to be the practice, but here is a motion which in effect is to consider the Senate bill and pass it so amended as to read as follows. I submit that if the Senate bill is going to be considered, it must be reported, at least by title, and if objection is made it must be reported in full. Then, after it is reported in full, the Clerk will read the text of the House amendment which is the pending motion to substitute for the Senate bill—in other words, to pass the Senate bill with the amendments. I submit that the Senate bill ought to be reported by title, of course, if nobody objects, but if somebody insists then that it should be reported in full. I know we have gotten into the habit of doing it the other way. I insist that the bill from the Senate when called up must be read.

Mr. MONDELL. Mr. Speaker, the motion is to suspend the rules and pass the amendment made by the House committee to the Senate bill. That does not require the reading of the Senate bill.

Mr. GARRETT of Tennessee. If the gentleman will yield, I think the RECORD will show that the gentleman from Wyoming is in error in stating that the motion was made in that form. As I caught the motion of the gentleman from New York [Mr. DUNN], it was to suspend the rules and pass the Senate bill with House amendments.

The SPEAKER. The Chair thinks that in stating the question he stated it was to pass the Senate bill as amended by the House committee.

Mr. GARRETT of Tennessee. It is because of the fact that I caught the motion as I have stated, as made by the gentleman from New York, that I have called attention to it. I have no objection to dispensing with the reading of the Senate bill.

Mr. MONDELL. If there is any question about it, the gentleman from New York can again submit his request to pass the Senate bill as amended by the House committee.

The SPEAKER. It seems to the Chair that the practical purpose is best effected by simply reading the portion of the bill which it is expected to have enacted, because the motion to suspend the rules does not allow more than one vote. In ordinary cases the Senate bill is reported and then the House amendments. Then the vote comes first on the amendments and then on the bill as amended. Of course, under a suspension there is only one vote, and that is on the passage of whatever has been read. That has been the practice, and the Chair thinks that conforms to the convenience of the House. Only the matter is read which the House is to pass upon. It seems to the Chair to be clearly a waste of time to read the Senate bill and then the amendments. Inasmuch as the practice is in the way the Chair has suggested, the Chair is disposed to rule that all the Clerk ought to report is the title of the Senate bill and then the portion that may have been left by the House committee, and the amendment of the House committee.

Mr. WINGO. I think the Speaker is right as a practical proposition. I think it would be useless for anyone to demand the full reading of the Senate bill. I think the reporting of the Senate bill by title is a technical reporting of it to the House, but the point I want to impress is that we can not consider a Senate bill without its being reported.

Of course, unless there was some special reason, I think it is mere captiousness simply to insist on the House being burdened with the reading. As I understand the Senate bill has been reported by title. I hope no one will insist on its being read in full, but I do insist on the fact that the motion seems to be to pass the Senate bill——

Mr. MONDELL. The bill has been reported by title.

The SPEAKER. It certainly would remove everybody's objection if the gentleman from Arkansas, for instance, would ask unanimous consent——

Mr. WINGO. But I submit the practice is that where it is not demanded a bill is reported simply by title, and so if no one demands it the Clerk would read as he has read. I understood the gentleman from Tennessee, possibly, insisted that the Senate bill should be read. I do not know——

Mr. GARRETT of Tennessee. No, Mr. Speaker; the gentleman from Arkansas misunderstood me. I caught the motion of the gentleman from New York to be to move to suspend the rules and pass the Senate bill as amended by the House. Now, I did not notice the way in which the Speaker stated it to the House.

The SPEAKER. The Chair thinks that is the way he stated it, as amended by the committee.

Mr. GARRETT of Tennessee. Then, that being the case, I say that unless by unanimous consent the reading of the Senate bill were dispensed with it would have to be read.

Mr. STAFFORD. Will the gentleman yield? Suppose the motion of the gentleman from New York had been to move to suspend the rules and pass the Senate bill (S. 1072) with amendments to the House committee only so far as sections 1 and 2 are concerned. Does the gentleman contend that he would have to read the Senate bill and all the amendments reported by the House committee?

Mr. GARRETT of Tennessee. I think that would depend upon the form in which he submitted the motion. But, Mr. Speaker, in order to eliminate the difficulty I will ask unanimous consent that the reading of the Senate bill be dispensed with.

Mr. MONDELL. I do not think that is necessary.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. MONDELL. I hope the gentleman will not object.

Mr. STAFFORD. It would not be read under the ruling of the Speaker. There is no necessity of establishing such a precedent as contended for by the gentleman from Arkansas.

Mr. WINGO. I will submit to the gentleman the precedent has been established at least three or four times on my insistence.

Mr. MONDELL. Mr. Speaker, the motion was very clear and definite——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. MONDELL. The gentleman from New York moves to suspend the rules and pass the bill as amended by the committee, and that was what the Clerk was proceeding to read.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HICKS. Has not the Chair rendered a ruling in reference to how this bill shall be read?

The SPEAKER. Well, the Chair has indicated his opinion, but still he is willing to hear gentlemen.

Mr. HICKS. If the opinion has been rendered, I will call for the regular order.

The SPEAKER. The Chair thinks it is in his discretion to listen to argument as much as he pleases.

Mr. HICKS. I think the Chair was absolutely correct in the way in which he stated the proposition.

Mr. MONDELL. Mr. Speaker, regular order.

The SPEAKER. The Clerk will continue the reading of the amendments.

The Clerk read as follows:

As amended by section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, is hereby amended to read as follows:

"SEC. 2. That for the purpose of this act the term 'rural post road' shall be construed to mean any public road, a major portion of which is now used, or can be used, or forms a connecting link not to exceed 10 miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart; the term 'State highway department' shall be construed to include any department, commission, or board having adequate powers and suitably organized to discharge, to the satisfaction of the Secretary of Agriculture, the duties herein required of the State in the construction and maintenance of roads improved hereunder; the term 'construction' shall be construed to include reconstruction and improvement of roads; 'properly maintained,' as used herein, shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface, considering the type of the road, but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act."

SEC. 2. That the portion of section 3 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, which reads: "*Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act," is hereby amended to read as follows: "*Provided*, That any State desiring to avail itself of the benefits of this act shall, not later than three years after the adjournment of the first regular session of the State legislature from and after the passage and approval of this act, provide State funds each year at least equal to the amount apportioned for such year by the Federal Government to said State for the construction of highways: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws, or to receive their proportionate share of each year's appropriation under existing constitution and laws until three years after the adjournment of the next regular session of the legislature from and after approval of this act."

SEC. 3. That section 4 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to read as follows:

"SEC. 4. That so much, not to exceed 3 per cent, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, shall be deducted for these purposes, available until expended. Within 60 days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State complying with the provisions of this act shall receive less than one-half of 1 per cent of the total sum apportioned among the States for each fiscal year."

SEC. 4. That the first paragraph of section 6 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended, is hereby amended to read as follows:

"SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character, and the expenditure of funds hereby authorized shall be applied only to such improvements: *And provided further*, That he shall not approve any projects in any State until said State shall provide a State fund adequate for the maintenance of Federal-aid roads and by law shall place said maintenance work under the direct control of the State highway department: *Provided further*, That in any State where the existing constitution or laws do not provide for such maintenance or will not permit a State fund for maintenance, the Secretary of Agriculture shall continue to approve projects for said State until three years after the adjournment of the first regular session of the legislature from and after the approval of this act: *Provided further*, That the funds for maintenance are appropriated or provided by the civil subdivision of the State and are expended under the direct control of the State highway department. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work.

"If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such projects, which shall not exceed 50 per cent of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands and reservations under Federal control exceeding 5 per cent of the total area of all lands in the State, as shown by certificate of the Secretary of the Interior, which he is directed to make and furnish annually to the Secretary of Agriculture, the share of the United States payable under this act on account of such project shall not exceed such 50 per cent of the total estimated cost thereof plus a percentage of such total estimated cost equal to one-half of the percentage which the area of the unappropriated public land plus the area embraced in reservations under Federal control in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed $20,000 per mile, which the Secretary of Agriculture may make, be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this amendment. No payment of any money apportioned under this act shall be made on any project until such statement of the project and the plans, specifications, and estimates therefor shall have been submitted to and approved by the Secretary of Agriculture."

SEC. 5. That section 7 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to read as follows:

"SEC. 7. To maintain the rural post roads constructed under the provisions of this act shall be the duty of the States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained, he shall give notice of such fact to the highway department of such State, and if within 100 days from the receipt of said notice said road has not been put in a proper condition of maintenance by the State highway department, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State until such road has been put in a condition of proper maintenance, and if within 100 days from the receipt of said notice the said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture, in addition to such refusal to approve any further project for road construction in said State, shall proceed immediately to have such road put in a condition of proper maintenance by letting contract therefor and shall charge the costs thereof against the Federal funds allotted to such State. Upon reimbursement by the State of the amount expended by the Federal Government for such maintenance work, said amount shall be paid into the United States Treasury to the credit of miscellaneous receipts, and the Secretary of Agriculture shall then approve further projects for said State."

SEC. 6. That in approving projects to receive Federal aid under the foregoing provisions the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of roads interstate in character. Before any projects are approved in any State, such State, through its State highway department, shall select or designate not to exceed 7 per cent of the total road mileage of such State as shown by the records of the State highway department at the time of the passage of this act. Upon this system all Federal-aid apportionments shall be expended. Roads which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate roads and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall be known as secondary or intercounty roads and shall consist of the remainder of the mileage which may receive Federal aid. The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of roads above provided for. Not less than 60 per cent of all Federal aid allotted to any State shall be expended upon the primary or interstate roads until provision has been made for the improvement of the entire system of such roads. Whenever provision has been made by any State for the completion and maintenance of a system of interstate and intercounty roads equal to 7 per cent of the total mileage of such State, as required by this act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of interstate and intercounty road system as funds become available for the construction and maintenance of such additional mileage.

SEC. 7. That section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, is hereby amended to provide that 50 per cent of the appropriations therein made shall be expended on roads within or partly within the national forests and embraced in or constituting necessary extensions of the system of main roads in the State, Territory, or insular possessions, and that this amount shall be apportioned among the States, Territories, and insular possessions in which are located the national forests in the ratio which the area of the national forests within each State, Territory, or insular possession bears to the total area within the national forests: *Provided*, That the cooperative agreement for the survey, construction, and maintenance of any such road or trail shall be between the Secretary of Agriculture and the proper officials of the State, Territory, or insular possession. The remaining 50 per cent of appropriations therein made shall be expended on roads and trails necessary for the protection, administration, and utilization of the national forests, and shall be apportioned by the Secretary of Agriculture in proportion to the relative needs of the national forests, taking into consideration existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of construction. The Secretary of Agriculture may waive cooperation on such forest roads where essential for the protection, administration, and utilization of the forest: *Provided further*, That if more than $6,000,000 is appropriated for any one year under the provisions of this section the excess shall all be added to the 50 per cent applicable to roads forming parts of or extensions of the system of main State roads.

SEC. 8. That the Secretary of Agriculture shall encourage a more general understanding of the economic use of public roads and highways and shall collect, publish, and demonstrate for the benefit of all sections of the United States useful information on highway transport, construction, and maintenance, which shall also include such recommendations as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 9. That any sums apportioned to any State under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such acts until two years after the close of the respective fiscal years for which any such sums become available; and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such acts shall be reapportioned in accordance with the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916.

During the reading of the above the following occurred:

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore (Mr. STAFFORD). For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. Has the Clerk concluded the reading of the bill?

The SPEAKER pro tempore. He has not.

Mr. MONDELL. How much more is there?

The SPEAKER pro tempore. A page and a half.

Mr. MONDELL. I suggest the Clerk conclude the reading of the bill.

The SPEAKER pro tempore. The Clerk will continue the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

SWEARING IN OF A MEMBER.

Mr. ALMON. Mr. Speaker, at a special election held in the fourth congressional district of Alabama on the 7th day of June, 1921, to fill the unexpired term caused by the death of Hon. Fred L. Blackmon, Maj. LAMAR JEFFERS was elected. A certificate of election has been filed with the Clerk. Maj. JEFFERS is present and desires to take the oath of office. [Applause.]

Mr. JEFFERS appeared before the bar of the House and took the oath of office.

CONSTRUCTION OF RURAL POST ROADS.

The SPEAKER pro tempore. Is a second demanded?

Mr. HICKS. I demand a second.

Mr. DOUGHTON. I demand a second.

Mr. ROBSION. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask if the gentleman who demanded a second is opposed to the bill?

The SPEAKER pro tempore. The gentleman from Washington makes the inquiry as to whether the gentleman from North Carolina is opposed to the bill.

Mr. DOUGHTON. He is not.

The SPEAKER pro tempore. Is there anyone present opposed to the bill who demands a second?

Mr. HICKS. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. The Chair will recognize the gentleman from New York to demand a second.

Mr. MONDELL. Is the gentleman from New York, who calls up the bill, in favor of the bill?

The SPEAKER pro tempore. The gentleman from New York moves to suspend the rules, and under the rules of the House he is entitled to 20 minutes.

Mr. MONDELL. Well, I assume, then, he will yield to those in favor of the legislation.

The SPEAKER pro tempore (Mr. STAFFORD in the chair). The gentleman from Wyoming [Mr. MONDELL] makes the inquiry as to whether the gentleman from New York [Mr. DUNN] is in favor of the bill. The Chair will state that under the uniform practice when a gentleman moves to suspend the rules and pass a bill he is presumed to be in favor of the bill, and has charge of 20 minutes allotted for debate in favor of the bill. The gentleman from New York [Mr. HICKS] demands a second in opposition. The gentleman from Kentucky [Mr. ROBSION] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 80. Joint resolution authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress.

The message also announced that the Senate had concurred in the following House concurrent resolution:

House concurrent resolution 18.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound a vest-pocket edition of the Congressional Directory, of which there shall be one edition only during each session of Congress.

The preparation, number, style, and distribution of such directory shall be under the control of the Joint Committee on Printing: *Provided, however*, That the usual number shall not be printed.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, had agreed to the conference asked by the House, and had appointed Mr. NORRIS, Mr. KENYON, and Mr. KENDRICK as the conferees on the part of the Senate.

DELEGATION FROM THE PARLIAMENT OF JAPAN.

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MONDELL. I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, we are honored by the presence in the gallery of a distinguished party of gentlemen, members of the Parliament of Japan. [Loud applause, the Members of the House rising.]

Mr. Speaker, it is always an honor to have as visitors in the House members of important legislative bodies. It is a peculiar and an especial honor to have with us to-day members of the legislative bodies of the oldest Empire of the world, an Empire now operating under legislative constitutional government, an Empire with which and with whose people we have sustained relations of peculiar cordiality, amity, and good will. [Applause.]

Mr. Speaker, as a mark of our respect for our distinguished visitors and our high regard for the great nation they represent, I move you that the House stand in recess, subject to the call of the Chair, and that the distinguished visitors be invited to the floor, that the Members may have the opportunity to meet and greet them. [Applause.]

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] moves that the House stand in recess, subject to the call of the Chair, so that the Members of the House may have the pleasure of meeting the distinguished representatives from the Parliament of Japan.

The question is on agreeing to the motion.

The motion was unanimously agreed to.

Accordingly (at 12 o'clock and 40 minutes p. m.) the House stood in recess.

DURING THE RECESS.

During the recess the members of the delegation from the Parliament of Japan were escorted to the floor by the Sergeant at Arms and a committee of the House of Representatives, were received with applause, and personally greeted by the Members of the House.

AFTER RECESS.

The recess having expired (at 1 o'clock p. m.) the House was called to order by the Speaker pro tempore (Mr. STAFFORD).

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills and joint resolution of the following titles:

On May 27, 1921:

H. R. 4586. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; and

H. R. 2435. An act imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue; to regulate commerce with foreign countries; to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes.

On May 31, 1921:

H. R. 2173. An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.

On June 8, 1921:

H. J. Res. 148. Joint resolution for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries.

On June 10, 1921:

H. R. 89. An act for the public sale of post-office site on the west side of South Main Street, in the city of Bethlehem, Pa.; and

H. R. 6567. An act to amend section 407 of the transportation act of 1920.

On June 16, 1921:

H. R. 6300. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

On June 18, 1921:

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 19, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"; and

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough, on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian, in Oregon.

On June 21, 1921:

H. R. 4091. An act granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.

On June 24, 1921:

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park; and

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 5616. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania;

H. J. Res. 82. Joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware;

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii; and

H. R. 5010. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

CONSTRUCTION OF RURAL POST ROADS.

The SPEAKER pro tempore. The gentleman from New York [Mr. DUNN] is entitled to 20 minutes and the other gentleman from New York [Mr. HICKS] is entitled to 20 minutes.

Mr. SNYDER. Mr. Speaker, I desire to say that my colleague from New York [Mr. HICKS] desired me in his absence to take charge of the time in opposition to the bill.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SNYDER. I am.

The SPEAKER pro tempore. The Chair will recognize the gentleman from New York [Mr. SNYDER].

Mr. DUNN. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DUNN. I would like to have a ruling of the Chair as to whether anyone is entitled to take charge of the bill who is against the provisions of the bill, even though he is chairman of the committee?

Mr. ROBSION. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ROBSION. Will the gentleman from New York yield?

Mr. MONDELL. Mr. Speaker, before the gentleman from Kentucky [Mr. ROBSION] interrogates the gentleman from New York, may we know what the gentleman's parliamentary inquiry was? We did not hear it.

The SPEAKER pro tempore. The gentleman from New York [Mr. DUNN], the chairman of the Committee on Roads, who moves to suspend the rules and pass the Senate bill with House amendment, states that he is opposed to the bill and wishes to know whether he is entitled to control the time under those circumstances for 20 minutes in debate.

Mr. MONDELL. Mr. Speaker, if the Chair will allow me, I do not know whether that is a parliamentary inquiry or not. True, it presents a situation which I am sure will appeal to the gentleman from New York if he will stop for a moment to think of the situation presented. The gentleman from New York may, of course, very properly hold any opinion for or against the bill, but I think the gentleman will scarcely desire to control the time on behalf of the bill and speak against it. So it occurs to me that, if the gentleman is to speak against the bill, the proper way for him to do it would be to yield the time on behalf of the bill to some one who is in favor of it.

Mr. BLANTON. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. I make the point of order that, under the admission of the gentleman, the time should be controlled by the gentleman from Kentucky [Mr. ROBSION] or some other gentleman in favor of the bill.

Mr. ROBSION. Will the gentleman yield? I might say, Mr. Speaker, that this is my bill, and the Roads Committee ordered me to report it and have charge of the bill on the floor of the House; and it was my understanding that the Speaker would recognize me this morning to offer to pass the bill as amended by the Roads Committee. I have talked with the gentleman from New York [Mr. HICKS], and he had already yielded 10 minutes of his time in opposition to the gentleman from New York [Mr. DUNN], and I certainly shall oppose both of the gentlemen from New York controlling all the time on this bill.

The SPEAKER pro tempore. The Chair will state that it was within the right of the gentleman from New York [Mr. DUNN], as chairman of the Committee on Roads, to move a suspension of the rules and pass the bill, which he did. The question now is as to how the time of 40 minutes under the rule, 20 minutes in favor thereof and 20 minutes against, shall be allotted. It has been the uniform practice for a gentleman moving a suspension of the rules to have charge of the time in favor, because it is the presumption that as he moved to suspend the rules to pass the bill, he naturally favored the passage of the bill, else he would not have moved its passage.

But the Chair is confronted with an unusual condition, unknown to him in his 14 years of service in the House, wherein a like situation has never occurred.

It is within the power of the gentleman from New York [Mr. DUNN] to yield, if he desires, the 20 minutes to any Member he sees fit who is in favor of the bill, or to allot the time individually to those whom he believes are in favor of the bill.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. So that if that is the desire of the gentleman, we will proceed with the consideration of the bill under that condition.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. It is the duty of the Chair under the rule to see that the 40 minutes provided in the rule shall be apportioned, 20 minutes to those in favor and 20 minutes to those in opposition. The gentleman from New York [Mr. DUNN] has control of 20 minutes, and his colleague from New York [Mr. SNYDER] has control of 20 minutes. The gentleman has stated the rules of the House correctly.

Mr. RAYBURN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. RAYBURN. I rise to submit a unanimous-consent request.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAYBURN. And before I do that I would like to make a little statement, if I may. I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. RAYBURN. Since reading this bill again, and carefully, I find that, although very much in favor of legislation of this sort in the past, I can not support this bill. It absolutely wrecks the whole road system of the United States. It makes it necessary for us to adopt a constitutional amendment before we can participate.

Mr. MONDELL. Mr. Speaker, the gentleman is not talking to the parliamentary inquiry.

Mr. RAYBURN. I had unanimous consent to speak for two minutes.

Mr. ROBSION. The gentleman is entirely in error.

Mr. RAYBURN. No; I am not entirely in error. I know what the bill says. Before my State can participate in the provisions of this law it has to adopt a constitutional amendment. I do not want my State to be coerced in such a way in order to participate in this.

Now, my unanimous-consent request is this: From the fact that I can not get time to make a statement, and nobody else from my State is on the list to oppose this bill, I ask unanimous consent that the time, instead of 20 minutes on a side, be limited to 30 minutes on a side.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the time fixed by the rule be extended 20 minutes, so as to have 30 minutes on a side. Is there objection?

Mr. MONDELL. I have no objection to that, provided it is understood that the time shall be equally divided between those in favor of the bill and those against the bill.

Mr. RAYBURN. I am perfectly willing to make that modification.

Mr. DUNN. I object.

The SPEAKER pro tempore. The gentleman from New York objects. Has the gentleman from New York any suggestion to make to the Chair as to the disposition of the time to those in favor of the bill?

Mr. MADDEN. As I understand it, Mr. Speaker, if I may so state, it is within the jurisdiction of the gentleman controlling the time to say what disposition shall be made of the time.

The SPEAKER pro tempore. But there can not be, under a fair construction of the rules, any right to allow Members who are opposed to the bill to control the 40 minutes, so that no 20 minutes will be allotted to those in favor of the bill. [Applause.] It is the duty of the Chair to see that the time to which they are entitled is awarded to those in favor of the bill.

Mr. TOWNER rose.

The SPEAKER pro tempore. The Chair will hear the gentleman from Iowa.

Mr. TOWNER. It was exactly right and within the precedents for the Speaker to do as he did in recognizing the gentleman from New York [Mr. DUNN], but, as he himself has stated, it is to be presumed that the person who moves to suspend the rules is in favor of the bill.

Now, we come to another question, and that is as to control of the time. It does not necessarily follow that the person who moves to suspend the rules should control the time. But the rule does state that the time must be controlled and be given one half to those favoring the bill and the other half to those opposed.

The SPEAKER pro tempore. Right there, it is the duty of the Chair to see that 20 minutes is allotted to those in favor of the bill.

Mr. TOWNER. Exactly; and this is the question I want especially to submit: It having been determined by the committee itself that the gentleman from Kentucky [Mr. ROBSION] should present the matter to the House, and he being in favor of the bill and representing the committee with respect to the bill, would it not be perfectly proper for the Chair to recognize him to control the time of those favoring the bill? It seems to me it would be perfectly proper.

Mr. ALMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The time for the allotment of debate is under the control of the Speaker. It has been the practice, as stated by the present occupant of the chair, that the Member making the motion would have control of the time. It would relieve the situation and it would relieve the Chair if the gentleman from New York [Mr. DUNN] will yield the 20 minutes at his disposal to the gentleman from Kentucky [Mr. ROBSION], and we would then proceed with the consideration of this bill.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

Mr. DUNN. I wanted to clarify the matter as to whether I was entitled to take this position or not. I want no advantage that is not mine, and I should like to have a ruling of the Chair to that effect. Am I entitled to take charge of the bill and have the 20 minutes?

Mr. MONDELL. Well, Mr. Speaker, if the Chair will allow, that involves the question as to whether or no, by making the motion to suspend the rules and then by insisting that some one in opposition to the bill shall control the other side, the gentleman from New York may bar those who are in favor of the bill from being heard. Of course, that is contrary to all parliamentary rules and practice.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Since the Chair has made his last statement in relation to the control of the time, he has had his attention called to a precedent that is somewhat in point. It is found in Second Hinds' Precedents, paragraph 1449, the syllabus of which is as follows:

> The chairman of a committee, having in committee opposed a bill, must in the House yield prior recognition to a member of his committee who has favored the bill.

The Chair holds that the gentleman from New York [Mr. DUNN] when recognized by the Speaker had the right to move the suspension of the rules, as he did to pass the bill, but upon his statement that he is opposed to the bill and the statement of the gentleman from Kentucky [Mr. ROBSION] that he is in favor of it and was directed by the Committee on Roads to take charge of the bill, will recognize the gentleman from Kentucky for 20 minutes in favor of the bill, and the gentleman from New York [Mr. SNYDER] in opposition for 20 minutes. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I submit this: The minority has some rights here. The gentleman from Ken-

tucky [Mr. ROBSION] is, I think, properly entitled, and I think the Chair has ruled correctly in accordance with the precedents. I desired to call attention to that.

Now it develops that there are gentlemen on this side of the Chamber who are opposed to the bill. The gentleman from Texas [Mr. RAYBURN] has just stated that he is opposed to the bill. Would not the gentleman from Texas be entitled to recognition over the gentleman from New York to control the time in opposition, if he requests it?

The SPEAKER pro tempore. The Chair will refresh the memory of the leader of the minority by stating that when the motion of the gentleman from New York [Mr. DUNN] was made to suspend the rules and a second was demanded by the gentleman from North Carolina [Mr. DOUGHTON] the Chair asked the gentleman from North Carolina if he was opposed to the bill and he said he was not. He did not qualify.

Mr. GARRETT of Tennessee. That is correct.

The SPEAKER pro tempore. The gentleman from New York [Mr. HICKS] then rose and said that he demanded a second because he was opposed to the bill. No Member of the minority rose to claim recognition in opposition to the bill. If he had, the present occupant of the chair would have recognized him under the uniform practice of party division.

Mr. GARRETT of Tennessee. But it has developed——

The SPEAKER pro temppre. But no Member of the minority having arisen to demand a second, the Chair recognized the gentleman from New York.

Mr. GARRETT of Tennessee. But, Mr. Speaker, with all deference, it has developed, before the debate has begun, before a word has been said upon the subject in the way of debate, that there is a Member of the minority who announces that he is opposed to the bill.

The SPEAKER pro tempore. Ah, but the gentleman comes too late with that. The demand should have been made at the time when a second was demanded. The Chair can not set aside the order of the House whereby a second has been considered as ordered, and dispossess the only gentleman rising in opposition and demanding recognition of the time, which under the invariable practice has been under his control.

Mr. RAYBURN. It was just done in the case of the gentleman from New York [Mr. DUNN].

Mr. MAGEE. Mr. Speaker, I desire to submit a request for unanimous consent.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAGEE. I think that the rights of the minority should always be fully protected. I ask that the time for debate be extended 20 minutes, to be controlled by some one of the minority recognized by the Speaker.

Mr. MONDELL. Mr. Speaker, I shall have to object to that.

The SPEAKER pro tempore. The gentleman from New York [Mr. MAGEE] asks unanimous consent that the time for debate be extended 20 minutes, that 20 minutes to be controlled by some member of the minority.

Mr. DOUGHTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I shall have to object.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. DOUGHTON] will state his parliamentary inquiry.

Mr. DOUGHTON. The objection of the majority leader removes the necessity for my inquiry.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROBSION] is recognized for 20 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not know——

Mr. ALMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ALMON. Would it be within the province of the gentleman from Kentucky [Mr. ROBSION] to yield a part of his time to the gentleman from North Carolina [Mr. DOUGHTON] in order that the minority members of the committee who are in favor of the bill may have an opportunity to be heard?

The SPEAKER pro tempore. Certainly, that would be his privilege.

Mr. ROBSION. I have done so.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROBSION] is recognized for 20 minutes.

Mr. ROBSION. Mr. Speaker, President Harding in his recent message to the Congress made the following statement bearing on the road question:

> Transportation over the highways is little less important than transportation over the railroads. The highways are not only feeders for the railroads and afford relief from their local burden, they are actually lines in commerce. They are the smaller arteries of the larger portion of our commerce, and the motor car has become an indispensable instrument in our political, social, and industrial life. There has begun a new era in highway construction, the outlay of which runs far into the hundreds of millions of dollars. Bond issues by road districts, counties, and States amount to enormous figures, and the country is facing such an outlay that it is vital that every effort be directed against wasted effort and unjustifiable expenditures.
>
> The Federal Government can place no inhibition on the expenditures in the several States; but, since Congress has embarked upon a policy of assisting the States in highway improvement, wisely as I believe, it can assert a wholly becoming influence in shaping the road policy.
>
> With the principle of Federal participation acceptably established, probably never to be abandoned, it is important to exert Federal influence in developing plans looking to the promotion of commerce and apply our expenditures in the surest way to guarantee a proper return for money expended.
>
> I know of nothing more shocking than the millions of public funds wasted in improved highways, wasted because there was no policy of maintenance. There is nothing that Congress can do more effectively to end this shocking waste than condition all Federal aid on provisions for maintenance. Such conditions insisted upon in the grant of Federal aid will safeguard the public which pays and guard the Federal Government against abuses which tend to defeat the very purposes for which we authorize Federal expenditures.

FEDERAL AID AN ESTABLISHED POLICY.

The President says that Federal aid to the States for roads may now be considered an established policy. He also says that it is a wise policy and should not be abandoned. He points out that the public roads of the country mean more for transportation and commerce than the railroads, and the great and primary object in having the Federal Government to aid highway construction is to create "good-roads" sentiment, promote commerce, upbuild the mail service, the social and industrial life of the Nation, and to bring the producers and consumers of the country together; but the President insists that a well connected and correlated system of highways under a definite policy, with adequate provision for their maintenance and upkeep only should receive Federal aid, and to fail to provide for their maintenance would be an unwise and wasteful policy. So far as we have been able to observe, the people of the Nation want to see less money spent for armies and navies and more money spent for good roads. We rejoice to see the President take the lead in this splendid policy. The question before the Congress is, What is the best plan to bring about a connected system of Federal aid highways and provide for their maintenance?

THERE ARE TWO PLANS BEFORE THE CONGRESS.

Our bill proposes to amend and strengthen the present law and is backed by the American Highway Association, made up of the highway officials of the 48 States, and the American Farm Bureau, with 1,500,000 farmers as members. The other plan is known as the Townsend plan, promoted and backed by the American Automobile Association and the American Automobile Chamber of Commerce.

Quite a number of bills have been introduced in the House and referred to our Committee on Roads. These include the Dowell bill and Robsion bill. The American Highway Association, as well as the American Farm Bureau, with other associations interested in good roads, indorsed the Dowell bill. Senator PHIPPS introduced a bill in the Senate, S. 1072, which passed the Senate. This bill was referred to our committee. It amends the present road law in two respects: (a) To extend the time one year for the States that have not taken up their quota of Federal aid, (b) to permit greater Federal participation on roads in the States having large areas of public lands, but it does not increase the quota for such States. While the Phipps bill and the Dowell bill have been taken up and indorsed by these several associations some time ago, the parliamentary situation was such that I moved to strike out all of the Phipps bill after the enacting clause and substituted what is now known as the Robsion bill. The Robsion bill contains all of the provisions of both the Dowell and the Phipps bills, with some amendments further protecting the rights of the States. Mr. DOWELL has rendered great service for the cause of good roads. He generously and unselfishly agreed to the Robsion substitute, and that is the bill now before us for consideration. Mr. DOWELL has been, and is now, doing all he can to secure its passage. There is no better friend to good roads in Congress than the gentleman from Iowa [Mr. DOWELL]. In this connection we might mention Mr. M. C. Markham, who is the legislative representative for the Association of American Highway Officials. He has worked day and night for this legislation. His services have been effective and extremely valuable. Likewise, Mr. Gray Silver, representing the American Farm Bureau Federation, has made a strong fight for this legislation. He has been earnest and active all of the time, and, like Mr. Markham, his efforts have brought splendid results to the cause of good roads.

The highway officials of many States and the representatives of many good roads associations and all of the members of the Roads Committee of the House except the chairman, the gentleman from New York [Mr. DUNN], have been very active in the support of this legislation and have given very effective aid.

FARM TO MARKET ROADS PRODUCERS TO CONSUMERS PLAN.

The President's thought was in his message that it was wise for the Federal Government to aid the States in the construction of roads in order to promote the commerce of the country, to bring the producers and consumers together. The present road law was approved July 11, 1916. Nearly $300,000,000 have been appropriated by Congress under this law to aid the States. Practically every State in the Union has changed its constitution, and all of them have changed their laws to meet the requirements of the present law. Every State in the Union has laid out a system of roads with the approval of the highway department at Washington. Many of the States, like Kentucky, have by legislative enactment established a system of roads reaching to every county of the State, to be first improved with Federal aid. The central thought in the road systems laid out by every State is an interstate and intercounty system, "a farm to market" system, to bring the producers and the consumers together, to create good-road sentiment in each and every community, to promote the commercial, social, and industrial life of each and every community. Our bill and our plan as set out in this bill merely amends and strengthens the present road law in order to give to the country a definite system of "interstate and intercounty" highways and to require the States to provide funds to maintain these Federal-aid roads when once constructed. This bill makes the States the unit in dealing with the Federal Government to secure Federal aid, and it is the unit in providing funds to maintain the Federal-aid roads. Kentucky, as well as many other States, has already made provision for this.

Our bill does not change the apportionment of Federal aid to the States, except it provides that no States shall receive less than one-half of 1 per cent of the total appropriation. This amendment affects the States of Delaware, Rhode Island, New Hampshire, and Vermont. These small States have many roads and are subjected to heavy interstate traffic, but because of their small area they receive a small amount of Federal money. We think it only fair that these States have each at least one-half of 1 per cent of the Federal appropriation. There are 11 Western States with large areas of "public lands." We amend the law so that there may be greater Federal participation on such roads as receive Federal aid. For instance, more than 90 per cent of the total area of the State of Nevada is public lands. Roads must be built through these public lands, but no taxes can be collected on the part of the States, as these lands belong to the Federal Government. Without this amendment these Western States must be greatly handicapped. The country as a whole is interested in good roads being built through these States. Our bill extends the time one year for taking up Federal aid by those States that have not been able to do so. This bill also meets a great need in building roads and trails through the Government forest reservations. We think the amendments to the present law submitted in this bill meet the requirements in constructing a splendid system of interstate and intercounty roads with provisions for proper maintenance.

Mr. WARD of North Carolina. The gentleman means that they are backing the House bill.

Mr. ROBSION. Yes; all of these associations and organizations, as well as the Federal highway department, are backing this bill and are opposed to the Townsend plan.

AMERICAN AUTOMOBILE ASSOCIATION AND TOWNSEND PLAN.

The American Automobile Association and the American Automobile Chamber of Commerce have for years been sponsoring a transcontinental or interstate system of roads, Federally built and maintained. A coast-to-coast system, just a few Federal roads through the country, perhaps one road passing through each State. Several years ago Congressman Hobson, of Alabama, introduced a bill in the House embodying this plan. It was defeated and the present Federal aid road law adopted. Last year Senator TOWNSEND introduced a somewhat similar bill in the Senate, but it did not find favor with the road department here or the road officials of the several States or the persons who are interested in "farm-to-market" roads or a system of interstate and intercounty-seat roads, such as we now have. Senator TOWNSEND introduced a new bill in the Senate recently. It has the same old idea as the Hobson bill and the Townsend bill of last year, with some changes that might deceive some people, but is the same in principle. The Townsend plan proposes to do away with the present Federal aid road law and to establish a new law, do away with the present road department and establish a commission consisting of three men to receive $10,000 per year. These commissioners are granted the power to establish a system of interstate roads, to dictate the width of the roads and the materials of which they shall be constructed, as well as the plan of construction. Under the present law the State road department initiates the location of the highways in their several States. Do we want to take this power from our State road department and vest it in a commission here at Washington? Do we want to substitute a strictly interstate system for our present interstate and intercounty system? Do we want to create a "tourist" system of roads or strengthen and build up our present "farm-to-market" system? Do we want to destroy the "producers-to-consumers" system and install a "joy-rider" system?

All of the propaganda we receive advocating the Townsend system and the editorials appearing in the great newspapers of the great cities of the country advocating the Townsend plan appear to have two thoughts in their minds. One is that the Townsend plan provides a commission, and this commission will lay out these roads from coast to coast and to the great cities of the country, providing a great highway at least 20 feet wide for the tourists of the country. They want to take care of the joy riders of America. They nowhere seem concerned about the farmers getting their products to market or the millions of consumers in these cities having the benefit of these products. It is said that one-half of the perishable products of the country are lost every year because of lack of roads to get these products to the market. As expressed by the President, the first consideration in getting good roads is to aid the commerce of the country. The Townsend plan is the same "bill" that the American Automobile Association has been trying to give to American taxpayers for many years. The present Townsend plan merely sugarcoats the pill a little bit. Senator TOWNSEND is a splendid gentleman and intensely interested in good roads. I think he wants to help the good roads cause all he can. The American Automobile Association and the American Automobile Chamber of Commerce are located in the great cities of the country. Their viewpoint is a few great highways from coast to coast. They have done much for the cause of good roads, but their viewpoint is wrong. I would rather follow the viewpoint of the road builders of the several States and the farm organizations of the several States. They see the great necessity of connecting these rural communities and the producers with the cities of the country.

Mr. HILL. Will the gentleman yield?

Mr. ROBSION. I will.

Mr. HILL. Is not this the so-called Dowell bill?

Mr. ROBSION. Yes; this bill contains all of the provisions of the Dowell bill and Phipps bill, with some good amendments protecting the States.

Mr. HILL. Is not the bill advocated by the good roads commission of Maryland?

Mr. ROBSION. Yes; every State highway organization in America is backing this bill.

Mr. WARD of North Carolina. Is the gentleman sure that the highway commission of Virginia has indorsed this bill?

Mr. ROBSION. The president of the American Highway Associations, consisting of the State highway commissions, engineers, and officials of the 48 States and their representatives advise us that the highway officials of practically every State in the Union are back of this bill and want this bill.

Now, the gentleman from Texas [Mr. RAYBURN] states that this will compel the change of the State constitutions. Some States will have to change their constitutions perhaps to meet the requirements of the Federal Government, but they are given more than three years to make this change and will receive Federal aid during this time. It will require more States to change their constitutions if the Townsend plan is adopted. The President has clearly indicated that he would not approve further appropriations for Federal aid unless the State is made the unit in dealing with the Federal Government instead of the counties of the several States, and unless the State would provide a fund for the maintenance of these roads when once constructed. It is to the interest of all of us that when we build a good road that it be maintained. It is a foolish policy to build a road and then let it go to pieces. "A stitch in time saves nine" is a good policy in regard to roads.

Mr. JONES of Texas. Will the gentleman yield?

Mr. ROBSION. I will.

Mr. JONES of Texas. The gentleman speaks of those who favor the Townsend bill. Why does not the present system work all right?

Mr. ROBSION. I might say that the Federal Highway Department, the highway officials of the 48 States, the American farm bureaus and associations, and the President himself, urge the present law to be amended and strengthened.

Mr. LARSEN of Georgia. Will the gentleman yield?

Mr. ROBSION. I will.

Mr. LARSEN of Georgia. Was it not the opinion of the experts who came before our committee that the counties or other

subdivisions of the State could contribute funds to the State in order to provide a fund to secure Federal aid and to maintain the roads built under Federal aid?

Mr. ROBSION. Yes.

Mr. LARSEN of Georgia. And that would meet the objection of the gentleman from Texas?

Mr. ROBSION. The county can contribute funds. This bill makes the State the unit in dealing with the Federal Government, and it is up to the State to secure the funds from that Federal aid and to provide maintenance in such way as the State may desire.

Mr. JONES of Texas. It says that it shall provide State funds each year. It does not say county funds.

Mr. ROBSION. No. The State brings the county funds into the State treasury. This bill merely makes the State the unit instead of the county in dealing with the Federal Government. It could not be any other way. The Federal Government can not make these contracts or look to more than 3,000 counties in the Nation for the maintenance and protection of these Federal roads. This is a State matter and should be handled by the State.

Mr. Speaker, the gentleman from Ohio [Mr. BEGG] says he is for the farmers and for good roads. He says in his speech here to-day that he is against this bill and intended to vote against this bill, and he is against the present Federal aid law. His vote, then, will record him against good roads in this country. I would rather follow the statement of our leader from Ohio, the President, when he says that Federal aid is a wise policy and has come to stay than to take the statement of my friend from Ohio [Mr. BEGG]. The gentleman from Ohio would vote against this good roads bill. Did he not a few weeks ago record his vote in favor of $340,000,000 to help the railroads of this country [applause], and did he not record his vote for hundreds of millions to war contractors in this country, and other billions for the railroads? The farmers of America, the business people of America, and the common people of America want road legislation, and they need it. They want it more than anything else.

The people of this country would rather pay out money for good roads than any other thing we could appropriate money for, except to help the disabled soldiers of the country. I hope every man here will support this bill, because the farmers want it, the Federal highway officials want it, the road officials of all of the States want it, and it is the very best bill, I think, that can be brought out under the circumstances. [Applause.]

ROAD SYSTEMS WOULD BE DESTROYED.

If we should adopt the Townsend plan, what effect would that have on the road system that has already been laid out and partly constructed in the 48 States of the Union? The Townsend plan contemplates just a few interstate roads. The commission at Washington lays out this system of roads. They can and will disregard and ignore, in my judgment, the interstate and intercounty system of roads that have been laid out in each State. These systems in the several States approved by the Federal highway department have been partly built; contracts have been let for other portions of these systems. State constitutions and laws have been changed and made to provide funds to build the entire system with Federal aid. This system of roads will serve every congressional district in the Nation. To cut down this system and to destroy it after we have spent five years and millions of dollars in building it up would be next to a crime. This bill merely amends the present law and proposes to go forward and perfect and construct and provide maintenance for the systems of roads laid out in the 48 States.

TWO PER CENT OR 98 PER CENT.

By actual demonstration it has been shown that less than 2 per cent of the road travel of the country is interstate. The other 98 per cent is intercounty. Our bill has in mind the 98 per cent of travel in the county and within the States themselves as well as the 2 per cent that travels from one State to another. The Townsend plan with its interstate system would take care of the 2 per cent of travel and ignore the other 98 per cent of travel. The Townsend plan would furnish a hard road at least 20 feet wide for the tourists and joy riders from coast to coast, but it would sadly disappoint those who want a system of roads, "farm to market" and "producer to consumer" in character.

JOY RIDERS' ROAD OR FARMERS AND BUSINESS MEN'S ROAD.

Our bill by express terms provides for an interstate and intercounty system of highways that when once constructed will bring a good hard-surfaced road to at least 90 per cent of the people of the United States and within 2 miles of any such road. It is a great thought to me to contemplate such a system. Transportation is one of the great items of cost to the consumer. If we can cover our country with a network of good roads so that products of the country can be brought to the markets quickly and cheaply and so that where products are to be moved not more than 100 miles trucks can deliver the farm products or merchants products from producer to consumer in less time and less expense than it would require even to load these products on the train, it will mean much to the country. Water transportation, railroad transportation, should be joined up with every community of the Nation by means of good roads. Such a system of roads is contemplated by this bill, but would be impossible under the Townsend plan. The people want and must have an interstate and intercounty system and not merely an interstate system of highways. I trust that every friend of good roads will cast his vote for this bill. [Applause.]

Mr. SNYDER. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. DUNN] in opposition to the bill.

Mr. DUNN. Mr. Speaker and gentlemen of the Congress, this bill, reported from the Roads Committee, seeks to perpetuate and continue the roads-bill provisions that were reported January 6, 1916. I want to call your attention to the fact that that bill reported January 6, 1916, was reported from a committee composed of 14 Democrats and 7 Republicans. This bill is reported from a committee composed of 14 Republicans and 7 Democrats. Now, I want to ask an economy Congress what it thinks of some of these provisions.

In the first place, 3 per cent of the original appropriation of $275,000,000 was allowed for administrative expenses, amounting to over $8,000,000. This bill also allows the sum of 3 per cent of future appropriations.

It says that no State shall receive less than one-half of 1 per cent of any appropriation. That makes the bill more unfair—and it never was a square deal—because a few States will receive twice as much as any other State, taking the pro rata on the former bill. It also excepts 14 public-land States, so called, where the Government practically pays for building roads on public lands, which will be for the advantage of the rest of the State.

There is another thing about it as to the maintenance project that I wish to call your attention to. It says:

To maintain the rural post roads constructed under the provisions of this act shall be the duty of the States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained, he shall give notice of such fact to the highway department of such State, and if within 100 days from the receipt of said notice said road has not been put in a proper condition of maintenance by the State highway department, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State until such road has been put in a condition of proper maintenance, and if within 100 days from the receipt of said notice the said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture, in addition to such refusal to approve any further project for road construction in said State, shall proceed immediately to have such road put in a condition of proper maintenance by letting contract therefor and shall charge the costs thereof against the Federal funds allotted to such State.

Mr. ROBSION. Mr. Speaker, will the gentleman yield?

Mr. DUNN. No; I can not yield now. It further provides that upon reimbursement by the State of the amount expended by the Federal Government that money so returned shall be turned into the Treasury to the credit of miscellaneous receipts. When will that be paid?

Mr. BLACK. Mr. Speaker, will the gentleman yield for a question?

Mr. DUNN. No; I can not. There is another item here that I would ask the legal talent of the House to pass upon. It provides that no payment of any money apportioned under this act shall be made on any project until such statement of the project and plans and specification and estimate therefor shall have been submitted to and approved by the Secretary of Agriculture. Can he pay out money in advance before any construction is begun merely upon the recommendation of a highway commission?

It seems a singular thing to me that this legislative bill should be taken up at this extra session, when we are so busy with other matters, or should be. One hundred and fifty million dollars still remain in the hands of the Secretary of Agriculture, to be met by appropriations of $200,000,000 from the different States. I submit that in these times of financial stringency, if they can use that money within a year or two, $350,000,000 is a goodly sum for this country to spend on good roads. Nothing is said about the maintenance of those roads. Those States have about as much as they can do to maintain the roads they have already built if they will put them in proper shape, and they should not prepare now for as large an appropriation as they can get, to add to the already large sum available in the hands of the Secretary of Agriculture. I sub-

mit this is not a proper time to pass this bill. This bill is a legislative bill which will prevent points of order being made against items for road appropriations that are hereafter asked for in this House. I have been against it from the start. I never thought the Shackleford bill was a square deal, and I do not think it is now. I submit these ideas for your consideration, and I ask you to give thought to them.

Mr. DOWELL. Mr. Speaker, will the gentleman yield? The gentleman says it is not fair. I wish he would tell in what respect.

Mr. DUNN. I have not the time. If the gentleman would give me more time I would do it.

Mr. WOODRUFF. I submit that the gentleman has not used up his eight minutes and he has some time left.

Mr. DOWELL. In what respect is this apportionment unfair?

Mr. DUNN. The Middle States and the Eastern States pay from two to four times as much as other States who get their allotments. The bill should be a 50-50 proposition, or the amount should be prorated according to assessed valuation instead of according to the area.

Mr. DOWELL. The gentleman's objection is that his own State pays more than it should pay?

Mr. DUNN. I object to it on behalf of the Middle and the Eastern States. I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman has used seven minutes.

Mr. SNYDER. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, on first blush I thought that this was a pretty good bill, but after reading it again and again I have become convinced that it is one of the most vicious pieces of legislation that has been presented to this House since I have been a Member, and I want to warn those Members of this House who expect to go along and vote for this bill to revert back to the constitution and the laws of their States before they make up their minds they are going to vote for this bill. I am not going to vote for this bill for various reasons, but one of the principal reasons is that I am not going to vote for any bill that will change the policy of my State that has been going on in these matters under the present law, and many other constitutions of different States of the Union provide also that the legislature of the State shall not vote money for internal improvements. My State provides that. Now, the State highway commission of my State deals with the counties of that State, and before my State can participate in Federal aid under this bill the Congress of the United States is going to coerce that State into amending its constitution and reverse its whole policy with regard to those matters. I am getting sick and tired of the Federal Government everlastingly sticking its hands into the affairs of my State and I am against any more building up of bureaus and of bureaucracy in Washington to reach out into the different States and tell the people of those States what they shall and what they shall not do. [Applause.] One of the greatest issues in this country is coming within the next few years, and it is going to be as to whether or not the individual citizens of the several States of this land are capable in some way of managing at least a small portion of their own business [applause] instead of having to run to Washington every time they want to know whether we can or whether we can not do a thing.

Mr. BLACK. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. BLACK. If I understand this section 2, it means if our people should decline to amend our constitution so as to turn over to the legislature the power to appropriate this money, why after that we can never participate?

Mr. RAYBURN. That is entirely true. Not one dollar we pay into the Treasury can be apportioned to the State of Texas unless we amend our constitution. I am opposed to this. I never expect to vote while I am here to create another commission or bureau in Washington to stick its hands into the people's business. I am tired of it, and my people are tired of it. I am talking about the idiotic policy that is carried out here in Washington all the time and carried out in this and similar bills. I do not think this bill will receive the two-thirds vote of the membership of this House if the Members understand it.

The State of Texas has been getting on splendidly with the law as it is now written. During the last two and one-half years the counties of Texas have voted $100,000,000 for roads. The Federal aid has amounted to $16,000,000. This amount has been definitely allotted by our highway commission to different counties of the State. What we need to do here is not to pass more law but to have more money appropriated under the law as it is now written.

I understand there are 17 States that have the county system of road construction as we have in Texas. For one I shall not agree that before my State participates in this fund it shall be compelled to amend its constitution.

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from Kentucky [Mr. ROBSION] has 10 minutes remaining.

Mr. DOUGHTON. Mr. Speaker, I yield time to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. Mr. Speaker, I was raised on the farm and have spent most of my life in rural communities. I, therefore, know the disadvantages of poor roads.

Before Congress enacted any law authorizing Federal aid for the construction of public highways I became a candidate for Congress upon a platform declaring that I favored liberal appropriations for such purpose. Upon entering Congress I obtained membership on the Roads Committee, where I have since remained, and advocated better road facilities and liberal appropriations, which in a measure have at last been realized.

There are those who oppose appropriation for such purpose and contend that it makes an unequal distribution of burden upon the States. They illustrate by saying that New York, in proportion to population, pays something like twenty times as much for the support of the Federal Government as do some other States, and that, therefore, it is not just to force the State of New York to contribute for national construction of roads. The reasoning does not appeal to me. It is the same old argument to which the man of wealth has always resorted when called upon to make a larger public contribution than was required of his neighbor. Upon this theory such men have opposed the public-school systems and other public improvements of which they were not the chief beneficiaries. It is neither sound in reasoning nor just in principle.

I think it is a well-recognized fact that the cost of transportation is a part of the cost of production. The gentleman from Ohio [Mr. BEGG] who waxed so eloquent upon contributions made by New York and Ohio, might do well to remember that the States of Georgia, Montana, and others have contributed millions of dollars for river and harbor improvements in New York and Ohio. Why? Because they recognized it as being necessary and as a part of the transportation system of the country, beneficial to the farmers in every section of the United States.

There are animals down in Georgia that feed on acorns; they never look up to see from where the acorns fall. The logic of some men reminds me of those animals. They seem never to know from where their acorns fall. [Applause.]

The Federal Government has contributed billions of dollars for harbor improvements in New York and other cities of that section. A large portion of the funds contributed by the Government were collected from citizens of distant States who never saw New York. We might with equal plausibility say that, as a taxing proposition, it was unfair to tax the citizens of other States for harbor improvements in New York, but I do not so contend, nor do I believe such to be the case. New York is the gateway through which imports pass for distribution among consumers in other States. It is through this city that a large portion of the articles grown on the farms of the various States and manufactured in the great industrial centers of the country pass for export. Therefore the citizens of all the States are vitally interested in providing adequate facilities at New York for the proper handling and transportation of such commodities. Upon this principle they have paid tribute to the Federal Government to be used in improvements at New York for more than a hundred years; they have done so willingly and upon a sound principle of business policy. If it is necessary for the great harbors of the country to be improved at public expense and great merchant marines to be constructed at public cost to aid those engaged in transportation, is it not equally proper for the roads that run from farm to market and to the various points of transportation to be improved at public cost? Yet when we ask for a small pittance to be spent upon the highways of the country to insure adequate transportation facilities to the farmer, we are met with opposition from those we have served for more than a hundred years.

I am glad, Mr. Speaker, that it is my privilege to champion the cause of the man in the rural community and to be instrumental in giving him a good road to his farm, his market, his school, and his church. The farmers are entitled to good roads, and no matter from where the necessary funds may be gathered

I shall feel that he has already paid his part in some other enterprise. [Applause.]

No legislation has been enacted by Congress in recent years of a more constructive character or of more practical benefit to the masses than the present Federal-aid road system. It has met with such general approval that it is now regarded as a permanent policy of the Government. The comprehending business man of the city quickly realized its advantage and is no less a friend to the system than the man who resides on the highway improved. The question is not, shall we retain the system, but it is what can we do to improve it and how far shall we extend it?

The system has been in operation less than five years and suffered the handicap of nearly two years of war. Let us see what has been done. We began with $75,000,000, to be apportioned among the several States, and to be expended within a period of five years, as follows:

First year	$5,000,000
Second year	10,000,000
Third year	15,000,000
Fourth year	20,000,000
Fifth year	25,000,000

The system was regarded with so much favor that in February, 1919, we appropriated an additional $200,000,000 and thus made available for the next year $95,000,000, and for the fiscal year of 1921, $100,000,000. During this short period, with all the hindrances of war and panic, Federal aid has been extended to all the States and operation has in every case proven satisfactory and successful. With few exceptions, each of the 48 States have established State highway departments, and have inaugurated splendid systems for highway construction and improvements, which they regard among the most important divisions of State government.

During the period of Federal aid there has been completed under such construction 5,681 miles of road at a total cost of $84,342,878, of which amount $38,260,296 was Federal aid. There are 17,529 miles now under construction, which will cost $301,843,252. Of this amount $127,593,306 will be Federal aid. Fifty per cent of this work is complete, and hence we have an equivalent of 14,445 miles now completed.

A recent report made by the highway department of Georgia to the governor of that State discloses that by December next the board expects to have completed:

Two hundred and ninety miles of paving, at a cost of $8,000,000.
Eight hundred and ninety miles of top soil and sand clay roads, at a cost of $7,000,000.
Fifty or more permanent steel and concrete bridges, at a cost of $2,500,000.
Representing a total of $18,000,000.

The paving betterments if placed end to end would comprise a continuous highway from the Tennessee nearly to the Florida line, and the sand clay improvement would give three continuous highways across the State from east to west. The investment in bridges includes no less than 10 major structures from 1,000 to 2,300 feet long across the large streams of middle and south Georgia. This completed work will be taken under permanent maintenance.

Under construction all contracts are supervised by a resident engineer in charge and are repeatedly visited and inspected by the district engineer and also by general inspectors and Federal engineers.

It is pleasant to have participated in the formation of legislation so beneficial to the masses, but I regret that, in spite of such good results, sinister influences are at work to destroy the system. The latest effort finds expression in the Townsend bill, recently reported by the Senate Committee on Post Offices and Post Roads.

I wonder if Members realize the efforts that are being made to deprive the States of self-government. The Townsend bill seeks to destroy the present system of Federal aid and to substitute another which may be properly termed a system of State aid to the Federal Government.

The proposed system denies to the States the right to select, designate, and establish roads upon which Federal-aid funds may be used. It denies to the States Federal aid in the construction of all intrastate and intercounty highways, and only permits the use of such funds upon interstate highways. It proposes to establish a system of interstate roads, forming a part of a transcontinental system, supposed to meet the military needs of the Nation, but which in fact will only serve to create great national boulevards over which the idle rich and roaving sightseers may glide. It proposes to give absolute authority of designation, selection, and establishment of roads to three commissioners located in Washington, each on a salary of $10,000 per annum. These men, with little or no knowledge of local conditions, and perhaps caring less, are to be empowered to say what roads shall or shall not be constructed in Georgia and other States. Why should the Government be given the supreme authority? The Government may cooperate in construction on a basis of not more than 50 per cent, but it can never be charged with maintenance, and hence can not be equally interested. The present law provides for cooperation upon a basis of not more than 50 per cent, but under the more than four years of Federal aid the Government has contributed less than 43 per cent of the total cost of construction and nothing for maintenance. It has never been an equal partner in road construction, and it can never be, either under the present or the proposed system.

The proposed system not only prohibits Federal aid in the construction of such highways but provides that Navy and military officers may be detailed by the President for duty in the construction of such highways. I do not understand how a naval officer would be specially qualified for such enterprise. I imagine he would be as much out of place as would a sea turtle on a mountain top. Probably half of the nearly 18,000 Army officers now on the Government pay roll could be thus detailed without serious impairment of the military service or the safety of the Republic, but I am not sure such officers would find the private in the civilian labor brigade as submissive to commands as are those whom they now command, nor am I sure that such an experiment would prove beneficial to the country. I am unwilling, by my vote, to say that the roads from farm to market—forming a great system of intercounty and interstate highways—shall not be improved by Federal aid, and I will never willingly surrender such right of the common people. [Applause.]

Mr. SANDLIN. Mr. Speaker, it would require the possession of some temerity on the part of one to speak in favor of this measure if the remarks of the distinguished gentleman from Ohio [Mr. BEGG] were treated seriously by me, coming, as I do, from one of those States which would have its roads built, as the gentleman would have us believe, by the taxpayers of Ohio.

I sincerely regret, Mr. Speaker and Members of the House, that the gentleman would discuss the measure now before us as a class or sectional proposition. I am glad that I have the opportunity of serving in a body in which the farmers have so many friends. I have heard many expressions of friendship for the toilers of this Nation during my brief service in this body, and I only wish that the votes recorded here were always in accord with those expressions.

I would be in favor of this bill were it a benefit only to the agricultural class of this country, but the building of good roads is in no sense a class or sectional issue. There is, in my humble judgment, no legislation it is possible to enact which will be of more far-reaching and enduring value to the whole people of this country than that which we are now considering—the continuing of aid by the Federal Government to the States in building good roads.

This bill makes no special concessions to the people of the rural districts, but is for the benefit of all classes. To the extent that the Government can afford to give, there is no place where we can invest the taxes of the people, wherever they may reside or whatever their occupation in life may be, to greater advantage than on the public highways.

The Federal Government is committed to the policy of appropriations for building public roads. The only question now to decide is whether the law we are now operating under, with a few amendments, shall be followed or whether another system shall be adopted. This Congress will have to decide whether the Secretary of Agriculture, through the Bureau of Public Roads, will continue the work that is generally so admirably handled or if it shall be taken from the departments and put into the hands of a commission composed of three members appointed by the President, and at a salary of $10,000 a year each.

The Townsend bill provides for three commissioners instead of the director of roads, and the commissioners are required primarily to establish a system of interstate highways. Under the present law the roads are projected by the local authorities in each State and the money spent under their supervision.

Do you want the location of roads in your States selected by commissioners here in Washington or do you want your State highway officials to have that right?

Do you want no roads to receive Federal aid except transcontinental and interstate roads or do you want your intercounty roads to receive a portion of this aid? Under the bill the funds derived from the Government would be expended on roads, both interstate and intercounty, selected by your State authorities. Under the Townsend bill all the money will be used on transcontinental highways, these highways being selected by commissioners here in Washington.

I am strongly and unalterably opposed to the building of great transcontinental highways at the expense of the producers and consumers of this Nation.

If you want to do something of real and lasting benefit to these people, build your farm-to-market roads first, because farm-to-market roads enlarge the area of cultivation and feed the long-distance traffic of the railways, whereas transcontinental traffic by highway is useful only to an inconsiderable part of the citizenship.

Mr. William Edens, president of the Illinois Highway Improvement Association, said that 2 per cent is interstate and that 98 per cent represents the everyday use of the roads by local people. He is opposed to the Townsend plan, though he says he loves CHARLEY TOWNSEND. I am firmly of the opinion that we should not accede to those who are clamoring for transcontinental routes, because that does not solve the economic problem. Rather should we do everything possible to enable the farmers to get their produce to the market at the least possible cost, thereby benefiting them and at the same time the consumers of the country.

It was well stated by Mr. Silver, representative of the American Farm Bureau Federation, when he said:

> We have no use for railroads, river and harbor improvements, wharf facilities, or a merchant marine until the products have been transported from the farms to the markets. If we do not get over that first link, or if we have to get over it at too great a cost, it is something that we can not pick up again. It is something that must be passed on in some way or other to the other end.

It might be said here that this bill has the unqualified indorsement of the American Association of State Highway Officials and the American Farm Bureau Association.

The Federal aid to good roads has done much to encourage road building in the States; but some Members of this House talk as if the Government were building all the roads. This is not true at all. A comparatively small per cent of the money expended for this purpose comes from that source.

The people of the several States are taxing themselves until it hurts for this purpose. In my own State, Louisiana, there has been written into the new State constitution just adopted provisions which will result in the raising of $5,000,000 annually for roads. In addition the parishes of the State are voting bond issues in large amounts. In some of the parishes the amounts raised under bond issues are much greater than that received from the Federal Government in one year for the whole State.

There is no public demand for substituting the Townsend national highway bill system for the present post-road and farm-to-market system in vogue under the present law in the various States.

It is true that certain automobile associations in large cities are advocating and urging the passage of the Townsend national highway bill, but your attention is invited to the fact that 90 per cent of the commerce of this country, in the raw and manufactured state, moves over the dirt roads and public highways of the country.

Operating under this law, Federal aid to States in constructing post roads and farm-to-market roads will serve the needs of many millions more of the American people than would the Townsend bill; therefore this bill should become a law.

Permit me to say that the present law under which Federal aid has been advanced has proved a great incentive to road building. In each State road building has gone forward rapidly during the last five years. This plan has been indorsed by the great majority of the witnesses appearing before the Committee on Roads.

The State highway commissions, in the main, are satisfied with the present plan of Federal aid for road building. State organizations have been formed under statutory enactments in the various States and are working in concert with the Federal Government under the present road law, and I appeal to the Members of this House who have at heart the interests of the tillers of the soil and the consumers in our great cities to vote for this measure.

I am glad, Mr. Speaker and gentlemen, that of the entire membership of this House there are only a few who have a narrow view of this question. The broad-minded business man from the East and those who represent the great cities of this country realize that by aiding in legislation which will benefit the farmers of the country they will be doing that which will greatly benefit their own constituencies, for the consumers in the cities must depend on these splendid farmers for food on which to subsist, and the great manufacturers must sell their products to the farmers of the South and West, and just in proportion as the farmers are prosperous will they also prosper.

Mr. Speaker, in conclusion, permit me to say that one must be shortsighted, indeed, and have a narrow vision not to realize that the cities can not prosper and grow unless the producers of this country are prosperous. I am glad that this Congress has so few within its membership who do not realize this fact.

Mr. DOUGHTON. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Speaker, as the only Ohio member of the Committee on Roads, I rise in support of the bill and in opposition to the gentleman from Ohio [Mr. BEGG], who has just spoken in opposition to it.

If we do not pass this bill it means the defeat of further Federal aid in the construction of public highways, because the administration has made it clear that the present law must be amended by a provision requiring the States to see that Federal aid roads are properly maintained, and with that in view this bill carries a provision that each State must provide a State fund adequate for maintenance of Federal aid roads; and that such roads hereafter constructed through Federal aid shall be properly maintained.

In Ohio we have a law based on the same principle as is found here. People are encouraged, by reason of State aid, to construct roads that otherwise would remain unimproved. I venture to state that if roads are now or have been constructed in the district of the gentleman from Ohio that the State's aid partly comes from taxation paid by people who reside out of the county and district in which the improvement is being made.

Mr. BEGG. Will the gentleman yield for a question?

Mr. CABLE. I can not yield.

If the principle of the law works well in Ohio, it should work just as well throughout the United States. The President has signified that taxes collected from the people by the Federal Government shall not be used for the construction of roads by Federal aid unless the construction is safeguarded by a good and proper maintenance law. To use the taxpayers' money to construct a good road and then stand by while it is torn down is waste.

The American Association of State Highway Officials, the State highway departments of practically every State in the Union, and many other road and farm associations have indorsed this bill, and if you fail to pass it, it will mean the abolishment of Federal aid and stop construction of roads that otherwise, without this aid, would not be built. I therefore ask you to support the measure. [Applause.]

Mr. DOUGHTON. Mr. Speaker, the bill now under consideration provides that the Federal Government shall continue its policy adopted in 1916 of assisting the States in the construction of a system of modern highways.

The bill makes certain amendments to the present law and certain additions that are intended to more clearly define the policy of the Federal Government and remove what difficulties experience has shown exist in the present law that militate against its administration. It is intended to conserve and safeguard the public funds and at the same time secure the best possible results to the largest number of people, especially those living in the rural communities.

The paramount feature of this bill, as well as the law under which we are now operating, is cooperation. Each and every State is required to establish a highway department—one that is satisfactory and acceptable to the Secretary of Agriculture. It provides that the Federal Government will deal only with States in the administration of the law. Provision is made to give three years for any State whose constitution or laws may have to be changed so as to give them time to make the necessary change to comply with the provisions of this act.

It also extends the provisions requiring the States to provide funds for maintenance, and penalizes those States which neglect or fail to keep in proper condition the roads that are aided in construction by the Federal Government. Provision is also made for highway research and investigation.

Each State is required to provide a definite plan or system of roads, interstate and intercounty in character, keeping in mind the needs of the Government in transporting mails, the marketing of farm products, transportation of merchandise, and the needs of the social life of the communities. In fact, a well-balanced system of roads that can be relied upon at all seasons, and be maintained so they can be traveled satisfactorily 365 days in the year.

The Secretary of Agriculture is also authorized to collect and disseminate useful information as to the construction and maintenance of highways, and as far as possible insure safety to those who use the roads.

This measure has the indorsement of the Secretary of Agriculture, the Chief of the Bureau of Public Roads, who is recognized as being perhaps the highest authority on road building in the United States. Also the American Association of State Highway Officials, having a membership in practically all of the States in the Union, has heartily indorsed this bill. The United States Good Roads Association, with a membership in about all the States, and with 30 governors as vice presidents, met in Greensboro, N. C., April 18–23, 1921, and passed the following resolution:

Whereas the Federal and State cooperative road plan has resulted in the construction and improvement of thousands of miles of post roads and public highways, which directly benefit many thousands of American people; and

Whereas this plan has been indorsed by business men's leagues, chambers of commerce, farmers' unions, and other bodies interested in good roads; and

Whereas there is no public policy that will bless and benefit more people than that which is now being carried out in the construction of public roads in the various States of the Union: Therefore be it

Resolved, That we heartily indorse the Federal and State cooperative plan of road building now in practice, and we urge upon Congress the importance and necessity of continuing this work and avoiding a national calamity: to prevent this calamity we urge the Congress to appropriate $100,000,000 a year for a period of five years.

—

Whereas during the World War the Government of the United States extended loans to the allied nations in the sum of about $10,000,000,000; and

Whereas much is being said about the payment of this debt and disposition to be made of such moneys when paid; and

Whereas the construction and improvement of post roads and public highways in the United States would directly benefit more people than were this money used in any other way: Therefore be it

Resolved, That Congress is hereby requested to provide that said money, when collected from the allied nations, shall constitute the road fund and shall be used as Congress shall direct in building and improving post roads and public highways in the United States.

Also the American Farm Bureau Federation, which has organizations all over the United States, had a meeting in Washington, April 8 last, and passed the following resolution:

We earnestly approve the local building of "farm-to-market" highways by the use of Federal and State local funds. Until such roads are built we emphatically oppose the construction by the Federal Government of a few hard-surface transcontinental roads. Regardless of the character of roads which are built, an adequate amount of such funds should be provided for their maintenance and repair. We urge that the administration of Federal roads be in the hands of the United States Department of Agriculture.

Also many other road organizations and societies and farm associations have heartily indorsed the measure now under consideration.

This bill also provides for the limiting of the Federal funds to a system of roads designated by the State highway department of each State, but the Secretary of Agriculture shall have authority to approve, in whole or in part, the system designated or require any changes or modifications that the Secretary deems necessary.

The roads to be aided by the provisions of this act are divided into two classes; one the primary or interstate roads, which shall not exceed three-sevenths of the total mileage to be improved or to receive Federal aid, and the other, the secondary or intercounty, shall consist of the remainder that may receive Federal aid. Not less than 60 per cent of all the Federal money allotted to the States must be expended on the interstate or primary roads. The Secretary of Agriculture, in approving projects, is directed to give preference to those which will expedite the completion of an adequate and connected system of roads interstate in character.

I desire to call the attention of the House to another bill dealing with the subject of roads now pending in the Senate, known as the Townsend bill, some of the provisions of which are radically different from the provisions of the bill under consideration. Should the principles contained in the Townsend bill receive the sanction of Congress, in my opinion a very damaging blow would be struck to our entire road-building program.

The Townsend bill provides for a Federal commission, and gives it full authority to lay out and locate an interstate system of roads entirely. In other words, the Townsend bill means that the Federal funds will all be expended upon a system of interstate and transcontinental roads that will not meet the needs of agriculture and the business and commercial needs of the community, but will be used mainly by tourists, pleasure seekers, and joy riders. Many of the States, in my opinion, would refuse to cooperate and expend their funds under the provisions of an act of this kind.

It seems inconceivable that there can be advocates of a scheme to deprive the State highway departments of any voice in the location of roads in their own States in view of the fact that the officials of such departments are much more thoroughly familiar with local needs and local conditions than can possibly be a commission sitting in Washington. Any attempt of this kind, in my opinion, would result in the failure of the whole Federal-aid principle, because a commission in Washington, endeavoring to decide myriads of local controversies as to individual routes, would find itself engaged in solving neighborhood quarrels, and be unable to give the proper attention to the real purpose for which it was created—the building of roads.

Some days ago in the hearings conducted on the Townsend bill in the Senate, Gen. Pershing was called upon by the proponents of that measure. It was expected, of course, that he would give his indorsement and bestow his blessing upon the transcontinental, coast-to-coast system, a system that would place the road-building program entirely in the hands of the Federal Government, but much to the chagrin and astonishment of the friends of that measure, Gen. Pershing stated in substance that the first important need in road building was a system of roads that would enable the products of the farm to reach the market at the least expense and in the shorest time.

Agriculture being one of the chief basic industries of the country, and agriculture and roads being so closely related, there is no doubt in my mind that the administration of this law should be left to the Department of Agriculture. Why should we disturb a system that has produced such wonderful results and that is working so satisfactorily? What is more important to all the people of the United States than to have a successful, contented agricultural population? The hope of the future is wrapped up in the boys and girls, and they can not be kept on the farms in sufficient numbers under present conditions. Bad roads is perhaps the greatest handicap at this time with which the farmer has to contend. We hear much of "back to the farm" or "back to the country" movement. But that cry is futile and vain unless the ills that are driving the people from the country to the towns and cities are cured, and when that is done our boys and girls will remain on the farms. Once they leave and fall under the enchantments of city or town life it is almost impossible to ever get them to return to the country and become contented citizens again.

The States of the Union have practically all enacted laws to conform to the present plan of cooperation, and why have this plan upset and a commission created at heavy expense and begin the work all over again?

The work is now progressing according to a systematic program that in the end will connect into a complete system of roads throughout the country, the main highway of one State connecting with the main highway of another State. In this way we will have a system of interstate and intercounty roads that will meet the commercial, business, and social needs of the entire country. It is not commissions that are needed, but adequate enlargement of the present Bureau of Roads, fully equipped, with an appropriation sufficient to meet the pressing present and future needs, and the command of Congress should be to halt not but continue to go forward without delay until the program now under way is fully consummated.

Since the present Federal road law was enacted in 1916 there has been appropriated by the Congress of the United States, all told, $275,000,000, and of this amount $266,750,000 has been paid or apportioned to the States, and the residue, or 3 per cent, has been used for administrative purposes. The expenditure of this money has produced better results and brought more blessings and benefits and met with more general favor than any legislation that has been enacted since I have been a Member of this body. The moral effect has been even more helpful than the money appropriated, as it encouraged the States to take up the work in a progressive way, to create highway commissions, and set up administrative machinery for the successful construction of roads that would have been impossible without the great impetus which was given this movement by Federal aid and assistance.

In the State of North Carolina, which I have the honor in part to represent, when this law was enacted, we had no highway commission and our people felt that the load was too heavy for them to undertake to carry, but inspired and encouraged by the aid of the Federal Government we have established a highway commission, consisting of a chairman, who is one of the ablest business men in North Carolina, and nine associate commissioners, each and every one of whom is a man of high order of business ability. The State is divided into nine districts, with a commissioner to look after the interest of each district, so that no section of the State will be neglected and the money will be expended equitably and economically.

The road-building sentiment in our State has gained momentum to such an extent that the last general assembly was authorized and directed to sell bonds to the amount of $50,000,000 for road construction, in addition to what Federal funds may

be procured. Provisions were also made for the maintenance of our system of roads, which guarantees that every mile of road that is constructed will be kept in condition to be utilized every day in the year. The spirit of road building and the determination to be done with muddy roads is so strong in North Carolina that it will never be stopped until we have a modern system of highways penetrating every section of the State and making proper connection with adjoining States and that will meet the needs of all our people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. DOUGHTON. I ask unanimous consent, Mr. Speaker, to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. ALMON. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that all those who speak on this bill may have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that all those who speak on this bill may have the privilege of revising and extending their remarks. Is there objection?

Mr. BLANTON. Reserving the right to object, will not the gentleman include in his request any who desire to be heard, because there has been only 40 minutes' debate?

Mr. DOUGHTON. Yes; I will include that.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that all Members who desire may have five legislative days in which to print their remarks, and that all those who speak on the bill may have the privilege of revising as well as extending their remarks. Is there objection?

Mr. FESS. Reserving the right to object, is it to be confined to their own remarks?

Mr. DOUGHTON. Yes; to be confined to their own remarks.

Mr. CHINDBLOM. Mr. Speaker, further reserving the right to object, why include the words "revising their remarks"? I do not understand there is a right for a man to revise his remarks and insert a new speech.

The SPEAKER pro tempore. It is simply to revise the remarks as well as extend them. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROBSION] has five minutes remaining.

Mr. ROBSION. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. WOODRUFF].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for three minutes.

Mr. WOODRUFF. Mr. Speaker, I was much interested in the remarks make by my friend from Ohio [Mr. BEGG]. I was interested particularly in the figures he quoted, showing how Ohio was paying, through the Federal taxes collected in that State, many more dollars for roads throughout the country than other States which are receiving Federal aid. It was interesting to me to note that the State of Michigan, from which I come, is in precisely the same predicament. We all know that the matter of obtaining taxes applies to States in the same way as it applies to individuals. The man who is lucky and has much of the world's goods, the man who is wealthy, is the man who pays large taxes. The man who pays little has little wealth. If Ohio and Michigan and other more fortunate States are paying much of the taxes of the United States to-day it is because much of the wealth is concentrated there. It is largely concentrated in the great industrial cities, where the men who toil in the mills and factories are as vitally interested in the economic solution of the problem of hauling farm produce to market at the least possible cost as are the farmers themselves, and I maintain that the people living in the wealthier cities should bear their fair share of this cost of improving the farm-to-market roads of the country. And be it to the everlasting credit of the people living in my district that not once has any man, be he rich or poor, ever protested to me against the appropriation of Federal funds for this purpose.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. REAVIS. Ohio, on account of its wealth, is paying more than Wyoming for the maintenance of the Federal courts. Should we abolish the courts for that reason?

Mr. WOODRUFF. Certainly not. It would be just as reasonable for my friend from Ohio to demand part of the Navy be put on the Great Lakes because the State of Ohio is located on those Lakes and pays a large part of the taxes which support the Navy, or that a part of the Government buildings and departments be moved into his State because Ohio pays more taxes than the District of Columbia. [Applause.] The position is untenable.

I was glad to hear the gentleman say he is interested in farm-to-market roads. I am interested in that also. I have always been in favor of legislation that would assist in the construction of roads of this character. When I was a member of the original Roads Committee of this House in my former service here, I was in favor of seeing every farm road in the country improved by Federal aid. I am still in favor of such legislation, and while this bill does not provide that this shall be done in the immediate future, it does provide that a certain amount of work shall be done on the farm-to-market roads and that eventually every such road can be improved with the assistance of Federal aid. This bill preserves the principle involved in my theories concerning Federal aid in the construction of roads, and I am heartily in favor of the bill. It also perfects the legislation now upon the statute books, under which such wonderful progress has been made in the construction of the roads of the country during the past three years.

I do not see why one man who has been fortunate enough in years past to have bought a farm along some road, which may afterwards be arbitrarily declared to be a Federal-aid road by some individual or commission, should have preference over some man who has not been so fortunate. The thing I want to see in this country is the improvement of roads to such an extent, and with Federal aid, if you please, that every farmer, I do not care who he is, how far he lives from his nearest market, or be he rich or poor, shall be able to haul his produce to market over the best possible roads at the least possible cost, and that is the only economic principle involved in this question before us to-day. [Applause.]

There is only one thing that can justify the expenditure of Federal moneys in improvements in the various States, and that is the solution of an economic problem. The economic problem involved in the extension of Federal aid in the construction of roads in the various States is that of enabling the farmer to reduce his cost of hauling farm produce to market from 33 cents per ton-mile, the cost of hauling this produce over unimproved roads, to 16 cents per ton-mile, the cost of hauling the same product to market over improved roads. It is estimated 1,000,000,000 of tons of farm produce and merchandise are hauled over the farm roads of the country each year. The average haul over these roads is a fraction more than 10 miles, and if the roads of this country can be improved to such an extent that every farmer, no matter where he may live, may haul his produce to market over good roads, there is an economic saving to the Nation of $1,700,000,000 per year. This, to my mind, is the thing that justifies the expenditure of Federal moneys in the construction of farm-to-market roads.

It is a fact that intercity and interstate motor-truck transportation of merchandise is growing larger and larger each year, hastened, of course, by the exorbitant freight rates charged by the railroads, and this situation should be given consideration. It is not, nor can it ever become, of primary importance, for the reason that more tonnage is hauled over our country roads than will ever be hauled over our steam roads, over our waterways, or by truck from city to city and from State to State combined. So I maintain that legislation which provides for expenditure of Federal money upon intercity and interstate highways to the exclusion of farm-to-market roads is an economic mistake and not justified by existing conditions.

During the hearings just completed by our House Roads Committee we have heard representatives of the highway departments of all the States. We have also heard representatives of good roads organizations, automobile associations, and so forth. Not one word of criticism was offered as to the present handling of this great question by any of the witnesses. In fact everything which was said was a tribute to the efficiency and the complete understanding with which the Bureau of Roads in the Department of Agriculture has functioned with the various State highway departments.

This bill provides that after the program of 7 per cent of the highways of the States, plans of which have been submitted to the Secretary of Agriculture by the various States have been approved, the Secretary can and shall continue to approve further plans for the further improvement of the farm-to-market roads. The law contemplates the carrying on of this work until such time as every farmer has been treated alike in the matter of improving the roads.

Could I have had my way about it I should have written upon the statute books a law which would have improved the

farm-to-market roads first. As these were extended, they would automatically have taken care of our intercity and interstate roads. Because, as I said before, the problem of hauling farm produce to market at the least possible cost is a question in which every man, woman, and child of this great country is interested. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. If it is in order, I desire to make a motion to recommit.

The SPEAKER. That is not in order. In the opinion of the Chair, two-thirds having voted in the affirmative——

Mr. RAYBURN. Mr. Speaker, I call for the yeas and nays.

Mr. DUNN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from New York and the gentleman from Texas ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken; and there were—yeas 266, nays 77, not voting 88, as follows:

YEAS—266.

Almon	Fairfield	Lampert	Reed, W. Va.
Anderson	Faust	Langley	Rhodes
Andrews	Favrot	Lankford	Ricketts
Arentz	Fess	Larsen, Ga.	Riddick
Aswell	Fields	Larson, Minn.	Roach
Atkeson	Flood	Lawrence	Robertson
Barbour	Focht	Lazaro	Robsion
Barkley	Fordney	Lea, Calif.	Rose
Beck	Foster	Leatherwood	Rosenbloom
Beedy	Frear	Lee, Ga.	Rouse
Bell	French	Lineberger	Sabath
Benham	Fulmer	Linthicum	Sanders, Ind.
Bird	Funk	Little	Sandlin
Bixler	Garrett, Tenn.	Logan	Schall
Blakeney	Gensman	London	Scott, Mich.
Bland, Ind.	Gernerd	Lowrey	Scott, Tenn.
Bland, Va.	Gilbert	Lyon	Shaw
Boies	Goldsborough	McClintic	Shelton
Bowling	Goodykoontz	McCormick	Sinclair
Brand	Gorman	McDuffie	Sinnott
Brinson	Graham, Ill.	McKenzie	Slemp
Britten	Green, Iowa	McLaughlin, Mich.	Smith
Brooks, Ill.	Greene, Mass.	McLaughlin, Nebr.	Smithwick
Brown, Tenn.	Greene, Vt.	McLaughlin, Pa.	Speaks
Bulwinkle	Hadley	McPherson	Sproul
Burke	Hammer	McSwain	Stafford
Burtness	Hardy, Colo.	Madden	Steagall
Burton	Harrison	Maloney	Stedman
Byrnes, S. C.	Hawes	Mapes	Stephens
Byrns, Tenn.	Hawley	Martin	Stoll
Cable	Hayden	Mead	Strong, Kans.
Campbell, Kans.	Hays	Michaelson	Sullivan
Cantrill	Hersey	Michener	Summers, Wash.
Carter	Hickey	Miller	Swank
Chambers	Hill	Millspaugh	Sweet
Chandler, Okla.	Himes	Mondell	Swing
Chindblom	Hoch	Montague	Taylor, Tenn.
Christopherson	Hogan	Montoya	Ten Eyck
Clague	Huddleston	Moore, Ohio	Thomas
Classon	Hukriede	Morgan	Thompson
Clouse	Hull	Mudd	Tillman
Cole	Ireland	Murphy	Timberlake
Collier	Jacoway	Nelson, J. M.	Tincher
Colton	James, Va.	Newton, Minn.	Towner
Connell	Jefferis, Nebr.	Newton, Mo.	Tyson
Cooper, Ohio	Jeffers, Ala.	Nolan	Upshaw
Cooper, Wis.	Johnson, Ky.	Norton	Vinson
Copley	Johnson, Miss.	O'Brien	Voigt
Cramton	Johnson, Wash.	O'Connor	Volstead
Crisp	Kearns	Ogden	Ward, N. C.
Cullen	Keller	Oldfield	Watson
Curry	Kelley, Mich.	Oliver	Weaver
Darrow	Kelly, Pa.	Overstreet	Webster
Davis, Tenn.	Kendall	Padgett	Wheeler
Deal	Ketcham	Park, Ga.	White, Kans.
Denison	Kiess	Patterson, Mo.	Williams
Dickinson	Kincheloe	Pou	Williamson
Dominick	Kindred	Pringey	Wilson
Doughton	King	Quin	Wood, Ind.
Dowell	Kinkaid	Rainey, Ala.	Woodruff
Drane	Kleczka	Raker	Woods, Va.
Drewry	Kline, Pa.	Ramseyer	Woodyard
Dupré	Knight	Rankin	Wright
Echols	Knutson	Ransley	Yates
Elliott	Kopp	Reavis	Young
Ellis	Kraus	Reber	
Elston	Kunz	Reece	

NAYS—77.

Ackerman	Burdick	Fairchild	Hicks
Ansorge	Butler	Fenn	Houghton
Appleby	Carew	Freeman	Hudspeth
Bacharach	Chandler, N. Y.	Frothingham	Humphreys
Begg	Clarke, N. Y.	Gallivan	James, Mich.
Black	Cockran	Garner	Jones, Pa.
Blanton	Connally, Tex.	Garrett, Tex.	Jones, Tex.
Box	Connolly, Pa.	Glynn	Kahn
Briggs	Driver	Griest	Kennedy
Brooks, Pa.	Dunn	Griffin	Kirkpatrick
Kissel	Merritt	Rogers	Treadway
Kline, N. Y.	Mills	Ryan	Underhill
Lanham	Moores, Ind.	Sanders, Tex.	Volk
Lee, N. Y.	Olpp	Shreve	Walters
Lehlbach	Parker, N. J.	Snyder	Ward, N. Y.
Luce	Parks, Ark.	Sumners, Tex.	Wingo
Lufkin	Parrish	Tague	Wyant
MacGregor	Patterson, N. J.	Taylor, N. J.	
Magee	Radcliffe	Temple	
Mansfield	Rayburn	Tinkham	

NOT VOTING—88.

Anthony	Evans	McFadden	Sanders, N. Y.
Bankhead	Fish	Mann	Sears
Bond	Fisher	Moore, Ill.	Siegel
Bowers	Fitzgerald	Moore, Va.	Sisson
Brennan	Free	Morin	Snell
Browne, Wis.	Fuller	Mott	Steenerson
Buchanan	Gahn	Nelson, A. P.	Stevenson
Burroughs	Good	Osborne	Stiness
Campbell, Pa.	Gould	Paige	Strong, Pa.
Cannon	Graham, Pa.	Parker, N. Y.	Taylor, Ark.
Clark, Fla.	Hardy, Tex.	Perkins	Taylor, Colo.
Codd	Haugen	Perlman	Tilson
Collins	Herrick	Peters	Valle
Coughlin	Husted	Petersen	Vare
Crowther	Hutchinson	Porter	Vestal
Dale	Johnson, S. Dak.	Purnell	Walsh
Dallinger	Kitchin	Rainey, Ill.	Wason
Davis, Minn.	Kreider	Reed, N. Y.	White, Me.
Dempsey	Layton	Riordan	Winslow
Dunbar	Longworth	Rodenberg	Wise
Dyer	Luhring	Rossdale	Wurzbach
Edmonds	McArthur	Rucker	Zihlman

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. PETERS and Mr. BANKHEAD (for) with Mr. HUTCHINSON (against).

Mr. A. P. NELSON and Mr. HERRICK (for) with Mr. PERKINS (against).

Until further notice:

Mr. ANTHONY with Mr. MOORE of Virginia.

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. WALSH with Mr. SISSON.

Mr. STEENERSON with Mr. RIORDAN.

Mr. SIEGEL with Mr. BUCHANAN.

Mr. FREE with Mr. TAYLOR of Colorado.

Mr. WINSLOW with Mr. SEARS.

Mr. BRENNAN with Mr. COLLINS.

Mr. LAYTON with Mr. TAYLOR of Arkansas.

Mr. DALE with Mr. FISHER.

Mr. BURROUGHS with Mr. HARDY of Texas.

Mr. PERLMAN with Mr. STEVENSON.

Mr. EVANS with Mr. RUCKER.

Mr. WHITE of Maine with Mr. WISE.

Mr. CANNON with Mr. CLARK of Florida.

Mr. PAIGE with Mr. RAINEY of Illinois.

Mr. GRAHAM of Pennsylvania with Mr. CAMPBELL of Pennsylvania.

Mr. LANGLEY. Mr. Speaker, I voted yea. I have a general pair with the gentleman from Florida, Mr. CLARK, but I am sure he is in favor of this bill and so I will let my vote stand.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause.

SUPPLEMENTAL TO THE NATIONAL PROHIBITION ACT.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 7294, with the amendments that are on the copy that I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7294) supplemental to the national prohibition act.

Be it enacted, etc., That the words "person," "commissioner," "applicant," "permit," "regulation," and "liquor," and the phrase "intoxicating liquor," when used in this act, shall have the same meaning as they have in title 2 of the national prohibition act.

SEC. 2. That only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void. No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per cent of alcohol by volume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of 1 gallon of vinous liquor, or any liquor that contains more than one-half pint of alcohol, for use by any person within any period of 10 days. No physician shall be furnished with more than 100 prescription blanks for use in any period of 90 days, nor shall any physician issue more than that number of prescriptions within any such period unless on application therefor he shall make it clearly apparent to the commissioner that for some extraordinary reason a larger amount is necessary, whereupon the necessary additional blanks may be furnished him. But this provision shall not limit the quantity of liquor unfit for beverage purposes that may be prescribed, sold, or furnished on a prescription.

If the commissioner shall find that any article enumerated in subdivisions b, c, d, or e of section 4 of title 2 of the national prohibition

act is being purchased for use as a beverage, or for intoxicating beverage purposes, he may require a change of formula of such article or cancel the permit for the manufacture of such article unless it is made clearly to appear to the commissioner that such use can only occur in rare or exceptional instances, but such action of the commissioner may by appropriate proceedings in a court of equity be reviewed, as provided for in section 5, title 2, of the national prohibition act.

No intoxicating liquor shall be imported into the United States, nor shall any permit be granted authorizing the manufacture of any vinous or spirituous liquor, save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the commissioner will, with liquor that may thereafter be manufactured, be sufficient to supply the current need thereafter for all nonbeverage uses.

SEC. 3. That this act shall apply to the United States and to all territory subject to its jurisdiction, including the Territory of Hawaii and the Virgin Islands; and jurisdiction is conferred on the courts of the Territory of Hawaii and the Virgin Islands to enforce this act and the national prohibition act in such Territory and islands.

SEC. 4. That regulations may be made to carry into effect the provisions of this act. Any person who violates any of the provisions of this act shall be subject to the penalties provided for in the national prohibition act.

SEC. 5. That all laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force when the national prohibition act was enacted, shall be and continue in force, as to both beverage and nonbeverage liquor, except such provisions of such laws that are directly in conflict with any provision of the national prohibition act; but if any act is a violation of such laws and also of the national prohibition act, a conviction for such act or offense under one shall be a bar to prosecution therefor under the other. All taxes and tax penalties provided for in section 35 of Title II of the national prohibition act shall be assessed and collected in the same manner and by the same procedure as other taxes on the manufacture or traffic in liquor.

If distilled spirits are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to the transportation act of 1920, or if lost by theft from a distillery or other bonded warehouse, and the person guilty of the theft has been convicted of the offense, and it shall be made to appear to the commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty be imposed or collected by reason of such loss, but the exemption from the tax and penalty shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss. This provision shall apply to any claim for taxes or tax penalties that may have accrued since the passage of the national prohibition act or that may accrue hereafter.

The SPEAKER. Is a second demanded?

Mr. GRIFFIN. I demand a second.

Mr. CLASSON. I demand a second.

The SPEAKER. The Chair understands it has been agreed that there shall be 2 hours on a side instead of the usual 20 minutes on a side. The Chair thinks that the ordinary procedure to be followed is for the Chair to follow the same course that is adopted where there is 20 minutes on a side. The Chair would recognize some member of the committee to demand a second who is opposed to the bill.

Mr. CLASSON. I am a member of the committee and I am opposed to the bill and demand a second.

The SPEAKER. The Chair thinks he should recognize the gentleman from Wisconsin to demand a second.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, on the bill that passed the House just a few minutes ago the parliamentary situation resulted in two gentlemen on the majority side of the Chamber having control of the time. Whether it was the result of that or not, the fact is that the minority side of the House received during that debate of 40 minutes 8 minutes of time, 5 minutes of that time being yielded to a gentleman in favor and 3 minutes to one opposed. Now, the present question before us is not a party question. All efforts that have been made to make it a party question have failed. It seems to me that it should be arranged so that we can be assured of an equal division of time between those in favor and those against the measure, and that the political minority of the House should have its proper recognition.

The SPEAKER. The Chair has stated to gentlemen who approached him for recognition that he would prefer to recognize a member of the minority inasmuch as the gentleman from Minnesota is on the majority side, but inasmuch as there is no member of the minority of the committee opposed to the bill, the Chair feels constrained to recognize the gentleman from Wisconsin.

Mr. GARRETT of Tennessee. I hope the Chair did not understand me as making any complaint against the action of the Chair in that regard. I made the statement to see if there would not be some disposition to make an agreement whereby some one on this side of the Chamber could be given a certain amount of time in favor of the bill, which he could control, and some one on this side in opposition to the bill a certain amount of time which he could control. I would like to ask unanimous consent that the gentleman from Texas, Mr. SUMNERS, may control one hour of the time in favor of the bill and the gentleman from Illinois, Mr. SABATH, may control one hour of the time in opposition to the bill.

The SPEAKER. Is there objection to the request stated by the gentleman from Tennessee?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of my colleague, who gave notice that he would likely demand a second and be accorded the time, whether he has more requests from the Democratic side than from the Republican side in opposition?

Mr. CLASSON. I have almost twice as many requests from the Republican side as I have from the Democratic side.

The SPEAKER. The Chair would suggest that there are about as many on one side as on the other.

Mr. CLASSON. Let me say at the beginning that I would yield 30 minutes to that side, and perhaps later on I would yield more.

Mr. SUMNERS of Texas. I would like to ask the gentleman from Wisconsin if he would yield 45 minutes to this side, and the chairman of the committee would yield 45 minutes to this side—45 minutes to me in favor of the bill and 45 minutes to the gentleman from Illinois [Mr. SABATH] opposed to the bill?

Mr. CLASSON. I am willing to do that.

Mr. VOLSTEAD. I will do that.

The SPEAKER. The Chair understands that the gentleman from Wisconsin will yield 45 minutes of his time to the gentleman from Illinois [Mr. SABATH], and the gentleman from Minnesota [Mr. VOLSTEAD] will yield 45 minutes to the gentleman from Texas [Mr. SUMNERS]. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. GALLIVAN. Reserving the right to object, is not there some way to get an extra hour for debate. The House has not anything to do to-day. I ask unanimous consent that the time limit be extended one hour on a side, making six hours for general debate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the time for general debate be extended to six hours. Is there objection?

Mr. CAMPBELL of Kansas. I object.

The SPEAKER. Is there objection to a second being considered as ordered?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I desire to occupy only a few minutes at this time to give some little idea of what we are trying to do by this bill. Some time ago the Attorney General rendered an opinion in which he held that beer and wine might be prescribed for medicinal purposes under the national prohibition act. He not only held that those liquors might be prescribed, but he practically held that the Commissioner of Internal Revenue has very little control over the subject of permits. It was to meet that situation that the bill was introduced, and also to take care of some matters that had developed during the year and a half that this law has been in force. I drafted the legislation and the Judiciary Committee reported it to the House after it had been amended by that committee. The day before we reported it the Supreme Court rendered a decision which materially affects our power under the old revenue laws. When we passed the national prohibition act we sought to preserve the old revenue laws that had been in force for a great many years and which we deemed very necessary for the purpose of taking care of the manufacture and traffic in intoxicating liquor. After we had reported the bill we went before the Rules Committee and sought to obtain a rule, but that committee thought we had too many things in the bill and finally refused to give us the rule.

The gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, then introduced this bill, which is a copy of four sections of my original bill. That bill came to the Committee on the Judiciary, and that committee promptly reported it with several amendments. Since then we have added two additional amendments.

Section 1 simply repeats some of the definitions now in the national prohibition act.

Section 2 takes care of the subject of prescribing liquor, not only beer, but wine and all spirituous liquors. It writes into the law some of the regulations that have been in force. It does not aim to limit beyond what has been the custom during the last year the right to prescribe spirituous liquors. It allows 1 quart of wine to be prescribed, but it can not be prescribed in addition to a pint of spirituous liquor, but an amount equal to one-half a pint of alcohol may be prescribed, whether of wine or spirituous liquor.

Section 2 is a provision that seeks to give further control over patent medicines, extracts, and things of that sort. Certain of those are being sold quite largely by the drink in many quarters, sold just the same as whisky was sold, at 15 cents or some other price per glass. The test in the law as to what may be made and sold is rather technical and scientific. We seek to apply in this provision a practical test. If it is being used, if it is upon the market as a liquor, as a beverage, we say that there should be some power to stop it. The last paragraph of the second section gives the commissioner power to prevent an increase in the supply of spirituous and vinous liquor that may be manufactured and imported beyond what may be necessary for the purpose of taking care of nonbeverage uses. There are about 40,000,000 gallons or a little less than that of spirituous liquor in bonded warehouses now, an amount that is very much larger than anything that will be needed for some time if it is used legitimately.

Section 3 simply makes this proposed law and the national prohibition act applicable to Hawaii and the Virgin Islands. The law is in force there, but their courts have no power to enforce it. This gives the courts of those Territories power to enforce the law.

Section 4 simply provides for a penalty.

Section 5 takes care of the decision of the Supreme Court to which I have just referred. It writes into the law what we supposed, at least everybody in this House so far as I know supposed, was the law at the time the prohibition act was enacted. It provides that the old statutes, except in so far as they are in conflict with the national prohibition act, shall remain in force and provides a method of assessing and collecting the taxes imposed under the national prohibition act.

The last paragraph of section 5 is designed to take care of a situation that has been created by reason of the enactment of the prohibition act. There has been a great deal of difficulty in keeping people from stealing liquor in transit and also from bonded warehouses. People who have lost liquor innocently and have been compelled to pay the taxes on such liquor have complained bitterly, and we seek in this to give them a remedy provided they show that they have not themselves been guilty of conniving in the loss or have been careless or negligent in some ways so that they can be blamed for it. I reserve the balance of my time.

Mr. CLASSON. Mr. Speaker, I voted against the submission of the prohibition amendment. I am a member of the committee that framed the original Volstead bill and voted in the committee to liberalize the bill and joined in a minority report against it.

I voted on the floor of the House for all amendments to make the bill more liberal, and after they had all failed I voted for the bill.

When the President vetoed the bill I voted to sustain his veto. In all my votes on this measure I had the unqualified approval of at least one of the voters of my district and that was myself.

I voted against the constitutional amendment because I believed then, and I believe now, that the amendment had no more place in the fundamental law of this country than an amendment fixing the size of a man's hat or a woman's shoe; that the subject was one entirely for State control.

After the amendment was submitted and ratified it became a part of our law, and as such must be enforced.

I voted to liberalize the enforcement bill because I believed it was too drastic.

But when it came to the question of voting for or against the only enforcement act we could get, because I at all times believe in law enforcement, I voted for it.

I believed that war-time prohibition, at the time the Volstead law was enacted, when we were not at war, was the rankest kind of subterfuge and hypocrisy, and when President Wilson agreed with me and vetoed the bill because it combined war-time with constitutional prohibition I naturally voted to sustain my own position and his.

But I must confess that when I voted for the original Volstead enforcement bill I reached my limit, and I shall vote against this bill to supplement the national act. [Applause.] I hoped and partially believed that the people would make the best of the situation and accept the Volstead Act and put their moral influence behind its enforcement, but that hope has been disappointed.

The so-called enforcement of the Volstead Act would be a comedy if its cost did not make it almost tragic and its nonenforcement is becoming more marked and more expensive day by day. Naturally, those who are spending the people's money and being paid for its alleged enforcement are claiming a splendid success, but if every Member of this House will consult his own experience and observation he will know that while we may have prohibition, we have not abstinence nor even temperance. Brewing is becoming a daily and often a deadly art; the ability and desire to distill is growing greater with each ghastly experiment, and the doctors, bootleggers, and drug peddlers are supplementing the heroic efforts of the people to secure a "kick." You can not make people good by legislation, and you can not enforce a law if you have not implanted in the people a sense of moral wrong in its violation.

The American people do not regard the violation of this law as morally wrong. They consider its violation a game in which they are matching their wits against those of the enforcement officers; if they win they have a drink or a bottle; if they lose it is unfortunate but not wrong.

Many people are drinking spirituous liquor now and keeping it in their homes who had never touched, tasted, or handled it before and whose aversion to it could be overcome in no other way except by the country going dry. [Applause.]

I am not theorizing. I am talking from my own observation, and I believe that what is true in my field of observation is true in that of every other Member of the House.

The demand for liquor exists, and so long as it exists it is going to be supplied in one way or another. That is a situation that I believe we should recognize and meet. If we do not meet it, the people will continue to meet it in their own way, and that is not a good way.

But it is said that the people wanted prohibition; that they ratified the prohibition amendment. Well, now did they? When the amending resolution was before the House I was very much interested in an amendment offered by the gentleman from Indiana [Mr. MOORES] providing that the question of ratification in the several States should be submitted to conventions called for that purpose. I voted for that amendment. That would have put the question squarely up to the people to elect members of that convention on the sole issue "for or against ratification." But the Moores amendment received only a handful of votes, and the question of ratification was submitted to the legislatures. I think I am right in saying that many legislatures were elected and some in session when the prohibition amendment was voted out by the House. But whether that be true or not, we all know that members of the legislatures were elected on many other issues than that of ratification of this amendment.

That was only one of the many things that the legislatures had to consider. The people never had an opportunity to vote directly on this question, nor even indirectly by voting for a representative upon the one issue of ratification or nonratification.

The fight then was between the saloons, brewers, and liquor interests on the one side and the Anti-Saloon League, the best organized force that this or any other country ever saw, upon the other. The fight now is by the people for the right of self-determination. [Applause.] They have taken this matter into their own hands; and the American people always get what they want, if they want it long enough and hard enough; certainly not to-day, perhaps not to-morrow, but eventually.

Personally I am dry. I might say with a dust accumulation of 12 years. I have had my own experience, which was sufficient. But I am not one of those whose kidneys are hurt by what some one else drinks. [Laughter and applause.] I would not repeal the Volstead law if I could. But I believe in the strictest kind of law enforcement—every law, for disrespect of one law invariably breeds disregard for others—and because I believe that the present law can not be enforced, I would amend it so that it might be. I believe that the saloon is gone for good, and properly so. I believe that light wine and beer can be manufactured and sold in this country, under proper regulations, to the mutual benefit of the Government and the people, benefiting the Government by the revenue derived, and the saving of a large part of the money now wasted in trying to enforce an impossible law and the people by giving those who want it a nutritious and healthful beverage in place of the health and reason destroying concoctions that some of them now consume. [Applause.]

For that reason I am opposed to the language of this bill, which forbids the prescribing of beer.

Under the national prohibition act, the former Attorney General ruled that beer might be prescribed by a physician as medicine. That opinion has never been tested in the courts and is recognized as good law by the proposed change in the enforcement act to prevent its being carried into effect. The first sentence of section 2 is to nullify the ruling of the Attorney General. The report states that the testimony before the committee was overwhelming that beer is not a medicine.

That statement is true, if one is to be overwhelmed by medical testimony. I have seen so much of it refuted by actual experience myself that I refuse to be overwhelmed or even

slightly awed by it. Medicine is an overwhelmingly uncertain science. Surgery is more nearly sure, although sometimes its terms are rather confusing. For instance, an operation may be highly successful, although the funeral of the operatee follows very promptly thereafter.

Beer is like anything else that we take for relief from ills; if it helps, it helps; if it does not, it does not.

I know people who will take their solemn oaths that their lives were saved by drinking beer as a tonic. Perhaps they are mistaken. If they are, it simply shows that doctors have not a monopoly on making mistakes. Doctors have prescribed beer, I know, and have acted in good faith and gotten excellent results in doing it.

Doctors try many things and experiment much. After all, they are very like the tramp who drifted into one of our southern cities just before an epidemic of yellow fever. When the plague came there was a great shortage of doctors, and although he knew absolutely nothing of medicine, he thought it would be profitable to pretend that he was one. He determined to make notes of his cases and learn from experience. His first patient was a German, who begged continuously and piteously for sauerkraut, so the tramp prescribed it for him and he got well. The tramp noted in his book, "Sauerkraut will cure a Dutchman of yellow fever." His next patient was an Irishman. The tramp prescribed sauerkraut and the patient died. Then he added under his first entry, "But will kill an Irishman."

The doctors before the committee said that beer was not good as a medicine because of the alcohol that is in it, yet they prescribe whisky, with a good many more times the amount of alcohol, and call it good medicine. "Consistency, thou art a jewel."

Mr. MICHENER. Mr. Speaker, will the gentleman yield.

Mr. CLASSON. No. It is argued that prescribing beer as a medicine would be a farce; that people would get it because they wanted it to drink whether they were sick or not. Perhaps they would. That would not alarm me at all. But if the prescribing of beer can be made any more of a farce than the prescribing of whisky has been made then there is no limit to the presentation of farces under the prohibition law.

Why this discrimination? We all know that people get whisky when they want it on prescription. Why not let the people who do not want or can not afford whisky have beer if they want it in the same way? Why favor the distillers over the brewers? If a little alcohol in beer is bad, then much more in whisky must be worse. Why favor the man who can afford whisky over the man who can afford only beer? The prescribing of beer may not be an ideal way to handle the situation. The prescribing of whisky certainly is not.

I favor the prescribing of beer because I believe it is a step in the right direction—helping to cure the present bad condition and tending to temperance and sobriety, pointing the way to a modification of the national act which will give back to the people a reasonable measure of liberty in the management of their own personal and intimate affairs and evolve a workable and enforceable law.

When we legislate for or against extremes we always injure the innocent who stand between those extremes. We must all admit that there are certain people who should not be allowed to have liquor.

That is one extreme. They should be treated as other sick are treated. The appalling abuses of liquor and beer interests is the other extreme. I attempt no defense of either.

We have legislated to protect the one class and to put the other out of business, forgetting the fact that between these two is a great mass of people, honest, industrious, self-respecting, self-governing, intelligent, and moral, who have a right to noninterference with their private business and their private lives so long as they do not invade the rights of others.

I have been reading in the public press of a great demonstration of protest against the present dry law to be held in the city of New York on July 4. It illustrates the point I am trying to make. A 2-inch advertisement by a newspaper artist calling for 100,000 men to parade for the restoration of personal liberty was answered by hundreds of thousands of New Yorkers, and enlistments are pouring in at the rate of from 25,000 to 100,000 a day. People from outside the city and even from other States want to take part, but have been refused because they would make the number too large to handle. The call was for men, but the women refused to be left out, and thousands from every walk of life and every station of society have pledged themselves to march. It is estimated that more than half a million men and women will participate, the largest parade New York has ever seen, more in numbers by far than took part in the preparedness parade, the peace parade, or the Pershing victory parade.

Similar demonstrations will be held in other places, and I have no doubt that a proportionately large number can be gathered for the same purpose in any place in this country.

These are the people that are beginning to be heard and will be heard from this time on until at least a measure of their personal liberty is restored. They represent no interests but their own. They are saying, "A plague on both your houses. We are acting for ourselves." They will get what they want. [Applause.]

I object also to the provision of section 2, which limits the number of prescriptions that a doctor may issue. If vinous and spirituous liquor is good medicine, why limit it to the first 100 persons who may need it in any period of 90 days? If such liquor is to be prescribed at all, why say that anyone who gets sick while the doctor still has some of his 100 left may have his medicine, but one who becomes equally or more seriously ill after the 100 is exhausted may be left to die while the doctor is trying to induce the commissioner to issue another life-saver or two?

The limitation is wholly inconsistent with the idea of medicine, and I believe it to be absolutely indefensible.

If we can not trust the doctors fully, we should not trust them at all.

Mr. Speaker and gentlemen, I have no hope that anything that could be said here to-day will change a vote on this question. You are going to pass this bill. You have the votes and you think you are right. I sincerely hope you may be. But feeling as I do that we have already gone too far and that we should turn back at least part way instead of going further along the road we are traveling, I can not support this measure.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. CLASSON. No; I can not yield now. I reserve the remainder of my time.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN]. [Applause.]

Mr. GALLIVAN. Mr. Speaker, I wish I had a little more time than I have to discuss this proposition. This is the first time in this Congress I have attempted to take the floor and I am not ashamed to take it on the question which confronts us this afternoon. [Applause.] On the contrary, I am proud to stand here in opposition to the bill now under consideration.

Mr. Speaker, the attitude of the Judiciary Committee and this House reminds me of a story I heard about Uncle Joe when I first came to Congress. The House had got all "het up" over some reform and most of the Members had made flamboyant speeches in favor of the bill, when Uncle Joe, anxious to go on with the business of the House, rose and facetiously remarked, "Now, gentlemen, let us proceed to fool the country some more."

That was a very apt phrase, and whether made in jest or earnest at the time, it fits the situation this afternoon. We fooled the country with the Volstead law about a year ago, and now we are going to fool it some more with the Volstead law junior. The bill is not presented as an amendment to the Volstead Act, but is called "Supplemental to the national prohibition act," and I suggest that it be christened the "Volstead Act junior," that it may not have to bear the sins of the parent nor be hampered in its own hypocritical course as it goes out to fool the country some more. [Laughter and applause.]

The committee report on the first Volstead junior bill says that 100 prominent physicians petitioned for such legislation as this and denied the medical value of beer. Well, there are 150,000 licensed physicians in this country, and 100 appears to me a rather small minority; but that is in keeping with prohibition legislation. The advocates of this bill have severely criticized the American Therapeutical Society, which 10 days ago protested against this legislation, and it was confidently predicted that the American Medical Association would reaffirm its condemnation of alcohol as medicine. Well, the annual meeting of the American Medical Association was held in Boston within the past two weeks; on a test vote it refused to reaffirm its condemnation of alcohol as medicinal. So we appear to have the committee again bowing to the minority. But this is in keeping with the whole agitation and the legislation concerning prohibition. It has been legislation for the minority and regulation of the American people.

You know we are told by the historians that Egypt had physicians 3,000 years ago and they also were regulated by prohibition laws that compelled them to prescribe according to the statute. If they adopted any treatment of their own, they were put to death. We have one conspicuous historical relic of the medical skill of Egypt, the mummy. The physicians of that time preserved the bodies of their patients after death better than they did in life. And Egypt also died from too much regulation by law. [Applause.]

The gentleman from Minnesota may have this historical record in mind and is preparing the way for having his mummified body placed beside that of Rameses I, 3,000 years hence, when this land of the free has become like that of Egypt, a place for only one industry, of excavation to uncover the evidence of reform legislation. One never can tell the ultimate aim of the reformer, and I can see how a far-seeing man like Mr. VOLSTEAD might consider it the most lasting honor he can attain by having his mummified body laid beside that of Rameses I in the final day of judgment to represent the two conspicuous examples of medical practice by law. [Laughter and applause.]

I do not want to only find fault with the Committee on the Judiciary; I am glad I can say one good word for that great body of lawyers. I happen to be a newspaper man. They are true to the Union. The great majority of you here are lawyers and you can appreciate the efforts of the committee to encourage the profession. This bill will no doubt do that, as did the original Volstead Act. The Attorney General reports that the Volstead Act practically doubled the business of the Federal courts, that there are more than 80,000 cases pending before these courts, that there will have to be more judges, more district attorneys, and the creation of criminal courts of the United States to handle the criminal cases that have been brought into the Federal courts by the Volstead Act. This bill when enacted will add to the congestion of the Federal courts, compel Congress to create more judicial districts for more judges and district attorneys, make more business for the lawyers who have not secured election or appointment to office, and be a boon to the lawyers. I think I ought to concede this service to the profession by the Committee on the Judiciary and the lawyers of the House who will vote for the bill, "It is an ill wind that blows no good." This legislation is a windfall to the legal profession. It will hit the doctors, but we make law for the lawyers, not other professions.

Mr. VOLSTEAD is a lawyer, and I believe all the other members of the Judiciary Committee are lawyers, but what are we to think of their respect for their own work in the national prohibition act of a year ago when in their report they say:

> The chief purpose of this bill is to supplement the national prohibition act with provision so as to make certain that its construction will be the same as that which the administration has acted upon until the opinion of Attorney General Palmer was issued on March 3, 1921, in regard to the use of beer and wine as medicine.

The act has been administered by a man who did not pretend to be a lawyer, and who reversed and revised his rulings and interpretations almost every day, but when the Secretary of the Treasury requested an opinion from the Attorney General, who is the chief legal officer of the executive part of the Government, and that opinion is given, which the report recognizes as binding on the administration, the great and distinguished Committee on the Judiciary proposes to amend the act to keep it in harmony with the curbstone opinions of a man who never pretended to be a lawyer. Well, all I have got to say is that the committee has a lot of revision of the law to make before they catch up with Ex-Commissioner Kramer, whose interpretations of the law have been as variable as the tin rooster on the barn on a gusty March day.

He revised and rerevised his opinions to suit his humor or the necessities of his prohibition friends until no one, not even Mr. VOLSTEAD, can tell us this minute what this bill means. If that report is true and it is to make certain the construction of the national prohibition act as it was before the opinion of Attorney General Palmer was issued, why not provide in this law that the prohibition commissioner shall enforce prohibition throughout the country without any other law than his own sweet will? Make him by act of Congress the Pooh-Bah to hold his hand behind him for the inspiration of leniency.

That is what you propose to do indirectly by this bill, and we simply had better clothe the prohibition commissioner with the power to do just as he damned pleases, regardless of the law or the Constitution.

I wish I had the time to dissect the report written by the gentleman from Minnesota [Mr. VOLSTEAD], wherein he himself has shown that the number of withdrawals of gallons of whisky since his act has been on the statute books was three times as great as they were in 12 months preceding the passage of the first Volstead Act. Further than that, I am amazed in that I find in the chairman of the Judiciary Committee the chief violator of the law in the whole country. He tells in that report, and he told the doctors from New York, how to make real beer—actual beer. His own law forbids that and makes it a crime to give any helpful information to those who intend to use their liquor for beverage purposes. And yet the gentleman from Minnesota himself told the doctors from New York just how to make real beer, and I am afraid——

Mr. VOLSTEAD. Will the gentleman yield?

Mr. GALLIVAN. And I am afraid some of them will be acting in the near future after you have passed this bill.

I will be very glad to yield to the gentleman.

Mr. VOLSTEAD. I do not know how the gentleman got the information. I certainly never heard of it.

Mr. GALLIVAN. I read it in the printed report of the hearings on Mr. VOLSTEAD's first antibeer bill.

Mr. VOIGT. Will the gentleman please tell the public where that can be found? [Laughter.]

Mr. GALLIVAN. The gentleman is sitting close to the originator of the thought, and I suggest he get a little closer. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker, on the 29th day of January, 1919, the Secretary of State made official announcement that 36 States of the Union had adopted the eighteenth amendment to the National Constitution, which said amendment provided that—

> the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.
>
> The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

On the 28th day of October, 1919, Congress, over the veto of President Wilson, passed an enforcement measure to carry out the amendment to the Constitution, which was—

> An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

It was not expected that this enforcement act was perfect and that it would never need amendment to make it a more effective instrument to enforce this amendment to the Constitution. On the other hand, it was understood that the present enforcement law was an experiment, and if in practice the enemies of the law discovered defects or loopholes through which criminals could escape and the will of the people be defeated that the Congress would at once propose and make amendments to the law that would correct these errors, prevent the escape of the guilty, and maintain the majesty of the law.

The bill before us attempts to correct certain defects in the present enforcement law that have been discovered by the experience of those who have had the responsibility of its enforcement.

A few weeks ago the former Attorney General, A. Mitchell Palmer, ruled that under existing laws beer could legally be manufactured, sold, and prescribed, without limit, for medical purposes. This ruling was immediately followed by over 100 former brewers in the United States filing applications for permits to manufacture beer for medical purposes.

These brewers took advantage of the open door and now await with almost fiendish glee to see the brewery and saloon again restored and national prohibition defeated. The crisis is upon us. Congress must act promptly. There is no excuse for delay. The lawless classes must not profit from this ruling. The country is in earnest and the people demand the necessary legislation to protect the Nation.

During the last 18 months, in which this law has been in force, the enemies of the law and the outlaws who have attempted to still keep alive the unlawful traffic in intoxicating liquor have by every device known to the corrupt human mind discovered certain loopholes that will enable them to still maintain the illegal traffic in violation of the Constitution. Our committee in the consideration of this bill had before us Hon. John F. Kramer, prohibition commissioner, and I quote herewith a portion of his testimony before the committee:

STATEMENT OF MR. JOHN F. KRAMER, PROHIBITION COMMISSIONER, WASHINGTON, D. C.

The CHAIRMAN. Mr. Kramer, will you tell us something about your views on this bill?

Mr. KRAMER. There is one beauty about this bill, as I view it, and that is it goes to the source of things. From my experience during the past year the successful administration of the law depends upon the question as to how close we can get hold of things at the source. It is no use in talking about opening the door and letting the horse be stolen and then getting after the thief. You have got to close the door before the horse is stolen, as much as possible, and that is what this bill, as I view it after reading it over, aims to do; it gets at the source of things.

I might say further that if it were not for the fact that the Attorney General rendered an opinion recently—some months back—in which he laid down certain fundamental principles you would hardly need this bill, because it embodies the things that we were trying to carry out during the past year, at any rate.

Take your provision you have in the bill to limit the number of prescriptions which a doctor may write in any period of time, that we have enforced during all the year, practically during the 18 months. We found that we absolutely had to do it. Before we adopted any regulation in reference to this matter the doctors were prescribing to the limit. Now, I do not mean the great majority of them were, but a few of them were.

The CHAIRMAN. There were enough of them?

Mr. KRAMER. Yes, sir.

The CHAIRMAN. There were wet spots?

Mr. KRAMER. Yes; and you realize this, gentlemen, that it takes only four or five physicians in any city or in any community absolutely to break down the whole law. If we do not have any control over it, you might just as well quit if you are going to permit them to prescribe without any limitation. The best doctors in the land urged upon us to place a limitation upon the number of prescriptions that could be issued.

We adopted a Treasury decision like this: That no doctor shall obtain a book of more than 100 prescriptions—prescription blanks—in a period of three months unless he could come in and show that the nature of his practice was such that he really ought to have more. And it has worked well. We have had no trouble. There have not been a dozen doctors that have complained, and those doctors who have complained need watching; that is all there is to it.

The CHAIRMAN. Would it not be a good idea to reduce that to 50?

Mr. KRAMER. Well, maybe. Perhaps we started out somewhat liberally. We did not know; but the best doctors—I remember one came into the office the other day. He had gotten a book months ago. He had used but 13 blanks. He said, "I do not want any more." He said, "I have all that I need." But there are a few doctors—we got one in Chicago the other day who wrote 400 emergency prescriptions in the space of a few days, and all his other prescriptions amounted to 15 for all other purposes. Of course, the commissioner is not any too wise—none of the men connected with our work are any too wise—but it did not take a very wise man to see that he was prostituting his profession to private gain.

I consider Hon. John F. Kramer, former Federal Prohibition Commissioner, an honest, faithful, public servant, and during his 18 months of service I have no doubt he brought to his duties an honest mind and made a faithful attempt to enforce the law. He was handicapped somewhat by some inefficient, even dishonest, agents. He was everywhere met by a determined opposition on the part of those who wish to bring the law into disrespect. He had to contend also with those who by every device undertook to circumvent the law and bring about its repeal and to obstruct its enforcement in every way that sharp lawyers could devise. In the American Legion Weekly, under date of April 1, 1921, Mr. Kramer reviews at length his experience during this 18 months, considers the problems we now have to meet, points out the successes he has achieved, and also the defects in the law that should be cured by legislation to make enforcement successful and efficient. I ask unanimous consent to make this article a part of my remarks.

The SPEAKER. Is there objection? There being no objection, it is so ordered.

The article is as follows:

Let us consider some of the problems which we have to solve in carrying out the provisions which have been incorporated into the national prohibition act.

First. We have the border problem. This problem is not at all new. Every village that voted dry under local option laws was always bothered more or less in carrying out the provisions of the law by the wet villages which were near it. Every State that adopted the principle of prohibition was more or less hindered in carrying out the principle by the wet States lying near it. And now the Nation, having adopted the principle of prohibition, is to some extent hindered in carrying out the principle by the nations which border upon us.

Second. The illicit distilling of whisky is a problem which requires considerable attention. This practice has been in vogue in the South for many years, but there is one factor which makes it somewhat more difficult to handle at this time, and that is the high price which the illicit distiller can secure for his whisky. Prior to prohibition days all the illicit distiller saved was the tax, but now he makes the entire price at which he can sell the whisky.

Third. The national prohibition act provides for the manufacture of patent, patented and proprietary medicines, hair tonics, extracts, and the like, and makes provision for the use of intoxicating liquor in the preparation of these articles. This offers a problem in that unscrupulous manufacturers will at times divert the liquor which they secure for manufacturing purposes, or place their product upon the market to be used for beverage purposes rather than for medicinal purposes.

Fourth. The large quantities of liquor which were in bond at the time the national prohibition act became effective have been a problem of no mean proportions. We have had difficulty in that the liquor has been stolen at times from the warehouses or withdrawn upon forged permits, and this latter difficulty is the more serious of the two.

Fifth. Under the law manufacturers have the right to make cereal beverages and place them on the market for sale, providing they contain under one-half of 1 per cent of alcohol by volume. In making a cereal beverage manufacturers are permitted to produce a preparation with 3 or 4 per cent or more of alcohol by volume, after which it must be dealcoholized; that is, the alcohol must be taken from the beverage so that the latter is reduced to a strength not to exceed one-half of 1 per cent of alcohol by volume. This provision of the law has given rise to some difficulties in that some of the breweries of the country place the product upon the market before it is dealcoholized.

Sixth. The matter of home brewing and distilling is a problem which requires some thought and attention on the part of the authorities.

Seventh. Not the least of our difficulties has to do with the organization which has to be formed to carry out the provisions of the national prohibition act. These agents are at times severely tried and tempted, and some of them fall. It is altogether likely that some joined the organization because of the opportunities which it affords for unlawful gain.

I might mention other problems, but the ones herein mentioned are the main ones. It might be considered, at first thought, that these problems are so difficult as to make it impossible to solve them. This, however, is not at all true. Let us note them a little more carefully.

Take the border problem, for instance. This really amounts to but little when considered from the viewpoint of the country as a whole. The liquor which comes over the border is confined mainly to the rim of the country, though of course some of it finds its way into the interior. It is a somewhat aggravating problem, however, and will be such until the countries bordering upon our own adopt a different policy from that which they now have in connection with the liquor traffic. It can, of course, be more and more checked as our organization becomes perfected from time to time.

The illicit distilling in the South is a problem which will be before us for some time to come. It will be checked gradually, however, as the sentiment of the people in the different communities becomes strong against it, and as the Federal, State, and local officials come more closely in touch with the situation and perform their full duties in connection therewith.

The problem which arises from the manufacture of patent and proprietary medicines can be practically solved by driving out of business the illegitimate manufacturer of medicines, by taking some of the preparations off the market entirely and by requiring others to be more highly medicated than they now are, so as to render them unfit for use for beverage purposes. Further, this difficulty can be overcome to some extent by compelling the alcohol in many instances to be denatured on the distillery premises prior to its shipment by the distiller.

The problem connected with the large quantities of whisky in bonded warehouses is gradually being solved. We have permitted no withdrawals for some time in the past, and none will be permitted for some time to come. We hape adopted a system of withdrawals which we hope will practically solve the matter of withdrawing liquors upon forged permits. Further, there will from now on be no wholesale liquor dealers, as such, and thus the number who can withdraw whiskies at all will be greatly reduced.

The problem arising from the manufacture of cereal beverages is also gradually being solved. We have now a squad of skilled brewery men who are securing evidence against many of the breweries that are violating the law. Undoubtedly, permits issued to some of these companies will have to be revoked before they will see their way clear to obey the law. This is a most drastic remedy, as it practically destroys the value of the property in that no beverage could be manufactured for a year after the permit is revoked. But, notwithstanding that it is drastic, it undoubtedly will have to be used, and such a course is clearly provided for in the law.

The question of home brewing and distilling is aggravating and will undoubtedly require attention from time to time; but to my way of thinking, this is mainly a fad, an adventure, an experiment. Older persons are much like boys and girls, and they like to do for a time those things which they are told not to do. Many persons already who entered upon these experiments for a time have become disgusted with the business and have quit. I believe this problem will mainly solve itself, although undoubtedly, as suggested, the law will have to take note of it at times.

The social aspect of drink is entirely gone. But few recruits are being enlisted in the great army of drinkers, and this for the reason that there is nothing connected with the service which appeals to the youth of the land. Moreover, thousands and thousands of those who always have been in the ranks are deserting the army because it now has no standing or leadership in this country. Men are learning rapidly that the great bulk of the liquor which is now to be found is nothing more than poisonous concoctions of one kind or another.

The great mass of men will not long be induced to follow such a mirage or deception. Let the law stand as it is for a year or two longer, and the sentiment of the people against the liquor traffic will have so crystallized that few will even advocate the return of light wines and beer. In the beginning the work is difficult, because there are many appetites and habits demanding satisfaction. The work is becoming easier and easier, and will so continue. In a comparatively short time the attitude of the people toward liquor will have so changed that it will be an easy matter to carry out the provisions of the law.

And let me suggest that even though it does require some years to clean up the refuse and débris which resulted from the traffic in intoxicating liquors for beverage purposes, it would be the greatest work ever accomplished in so short a space of time.

Mr. HERSEY. You will note from the printed hearings before our committee that medicinal beer has no friends. No reputable physician appeared before our committee in favor of beer as a medicine. Even the representatives of former brewers were opposed, on the ground that the Government should not manufacture and sell beer as a medicine unless they permitted its unrestricted manufacture and sale, because beer is not a medicine but a beverage.

On pages 40 and 41 of the hearings appear the statement of Mr. Oliver T. Remners, attorney for one of the largest former beer manufacturers in the United States. Among other things, he said:

STATEMENT OF MR. OLIVER T. REMNERS, ATTORNEY FOR ANHEUSER-BUSCH (INC.), ST. LOUIS, MO.

Mr. MICHENER. Are you, or are you not, in favor of the open saloon?

Mr. REMNERS. We are opposed to prohibition. It is a question of distribution; it is a question of which is the best method of distribution.

As attorney for Anheuser-Busch (Inc.), of St. Louis, formerly the largest manufacturer of beer in the world, without relinquishing the principles we have always maintained, I am authorized to speak in favor of the enactment of this amendment forbidding the manufacture and sale of beer for medicinal purposes for the following vital and fundamental reasons:

First. The firm I represent has always stood four square for law enforcement, however much it may have been opposed to the principles of sumptuary laws or such laws in themselves.

Second. Authorization of the sale of beer for medicinal purposes, under the provisions of the present enforcement act, will make it absolutely impossible to enforce the prohibition laws. While we are unalterably opposed to the principle of prohibition, we insist that since the principle of prohibition has been written into the Constitution and the statutes the law should be enforced to the letter, fearlessly, fairly, and with impartiality. It will be only by the enforcement of the prohibition law so stringently that everybody, rich and poor alike, will be denied the use of alcoholic liquors that the American people, after a full and fair trial, will determine in their sober, solemn, second judgment whether they want to continue its operation or whether they want to amend or repeal it. It is our position that every law should be submitted to such a fair and impartial test, regardless of how that law affects our business interests.

You, as members of this committee, know, and I know, that the interpretation of the law permitting the sale of beer for medicinal purposes, in its practical operation, will result principally in the sale of beer at outrageous prices, through restricted channels, to the healthy and not the sick.

The verse we facetiously sang in local-option elections about the saloon, "Don't you cry, you'll be a drug store bye and bye," will become a reality. You know that every doctor will be besieged by his regular patients for beer prescriptions, that the standard and dignity of the medical profession will be lowered, and that the doctor himself will practically become the bartender for his perfectly healthy customers. He can not well refuse to issue such prescriptions, as his practice must inevitably suffer, because a great many of his patients would take offense at his attitude and find other more accommodating family physicians.

Dr. Harvey W. Wiley, the well-known medical writer and pure-food expert, testified before our committee as follows (p. 296):

So far as I know I have never seen in any medical work on materia medica or on therapeutics any reference to beer as a remedial agent. I have a number of such works in my library, and this morning I took the trouble to look through the indices of all of them and I did not find the title "beer" in any of the indices of those works. I conclude therefrom that beer has never been recognized by the medical profession as a remedial agent.

So far as I know I have never seen a prescription written by a physician which included beer as one of its elements. There may have been such prescriptions, but I have not had my attention drawn to them.

But beer has been regarded solely and simply as a beverage.

Dr. Wiley in a late magazine article further said:

A large majority of ethical physicians in this country are fully convinced of the fact that alcohol has no medicinal or tonic value, no matter in what form it may be administered. They believe that the sole use of alcohol in medicine is as a solvent for medicinal principles which otherwise would be difficult of employment. Take alcohol out of the tinctures and its function in medicine is destroyed.

We had also before us Dr. Howard A. Kelly, of Johns Hopkins University, who testified, in part, as follows (p. 97):

STATEMENT OF DR. HOWARD A. KELLY, EMERITUS PROFESSOR, JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD.

The CHAIRMAN. I understand that we are to hear from Dr. Kelly.

Dr. KELLY. To legitimize myself as a witness, let me state that I am Dr. Howard A. Kelly, emeritus professor, Johns Hopkins University, and for 30 years one of the surgeons attending the Johns Hopkins Hospital. I studied medicine in 1877–1882 at the University of Pennsylvania and was graduated in the latter year. Shall I now speak to the purpose of the gathering?

The CHAIRMAN. You may.

Dr. KELLY. I can state succinctly and briefly, sir, that in all my years of practice from 1882 on I have never known any occasion to prescribe beer. I have held countless consultations with some of the most distinguished men in the country as well as average practitioners, and I have never had any occasion or known them to suggest that beer was a remedy of any sort for any kind of a disease whatever. If it should be contended that alcohol is sometimes of use, I have the remedy at my disposal at the drug store—alcohol. If some one will contend that malt is useful, it is very easy to prescribe malt or in a prescription to combine the two and so secure their utility. That does not involve the rehabilitation of the brewing interests of the country and is easily managed from any reputable drug store.

When I was a young man, in my earlier days, particularly in Philadelphia, where I was associated with men like Weir Mitchell, William Pepper, and D. Hayes Agnew, who attended President Garfield, it was often the custom to give liquor—considered a sheet anchor—in typhoid fever, for example, and in sundry other diseases. Medicine is an experimental science. We do not know that strychnine kills until we give it to the patient. We make and use remedies that have to be tried out for a considerable time to determine their utility. Pepsin used to be prescribed by the ton in this country; it is now prescribed by none. Ergot used to be prescribed universally for fibroid tumors in women; absolutely never given now; I mean in the special treatment of diseases of women.

Experience has shown that these alcoholics did practically no good unless they do in a rare, occasional case, which we can readily reach by prescribing alcohol from the drug store, if we think it necessary. The question is not alcohol, but beer, I understand. I know of no use for beer.

Our committee was flooded with petitions, statements, and letters from the most reputable physicians all over the Union objecting to the use of beer or other malt liquors as medical remedies. The following is a sample:

COLUMBUS, OHIO, *May 10, 1921.*

Hon. A. J. VOLSTEAD, M. C.,
Washington, D. C.:

The Ohio State Medical Association, representing 4,500 regular physicians, indorses overwhelmingly the prohibition of the liquor traffic for beverage purposes and can see no excuse for the use of beer or other malt liquors as medical remedies. Personally, as a teacher in a medical school, I have taught for years that any supposed indications for their use could be satisfactorily met in other ways.

J. H. J. UPHAM,
Chairman Committee on Public Policy and Legislation,
Professor of Medicine, Ohio State University.

I am pleased that I am a Representative in Congress from a State that has 1,179 registered physicians, and not one of them during the last 18 months has applied for a permit to prescribe intoxicating liquors. I have received a great many letters from physicians all over my State and have only opportunity to quote from many one letter from a very reputable physician, as follows:

LIVERMORE FALLS, ME., *May 11, 1921.*

Hon. IRA G. HERSEY, M. C.,
Washington, D. C.

DEAR SIR: Under present conditions does an entire stranger dare too much in expressing to you the merely personal opinion of a physician concerning the "new-Volstead bill," so called, and with which, if I am informed correctly, you are to come somewhat intimately in contact?

What I would like to say is, that in nearly 40 years' experience with sick people I have yet to learn that their welfare and recovery are at all dependent upon the administration of beer, or alcoholics of any kind.

In view of present-day methods this whole question, as pertaining to the treatment of the sick, is an absurdity—its continual agitation a mere device of the thirsty who are striving to utilize physicians and druggists in an attempt to nullify the law's intent. Pardon me if I subscribe myself cordially, a "wicked Democrat," and

Very sincerely, yours,

CHARLES H. OAKES, M. D.

When we turn to the Nation we find that only 22 per cent of the physicians of the United States prescribe liquors of any kind; that of the 152,627 physicians of the United States 78 per cent have taken out no permits whatever and in 24 States no physicians have permits to prescribe liquor for medicinal purposes.

I note in the making of appropriations to enforce the eighteenth amendment there has been much criticism about the amount of money raised by the Government to enforce the law, and the impression has gone out to the people that the enforcement of the eighteenth amendment has brought much cost and expense to the taxpayers. Mr. Kramer, the commissioner, has cleared the atmosphere by testifying before our committee as follows:

Mr. SUMNERS. What has been the amount of fines and penalties collected by the Government in the last year?

Mr. KRAMER. Vast sums.

Mr. SUMNERS. That is the thought that was in my mind. Have your fines and penalties been sufficient in amount to equalize the cost of administration?

Mr. KRAMER. Yes.

While this is not a question of the wisdom or unwisdom of the law and not a question of the repeal of the eighteenth amendment, yet it is interesting to note from the best figures available that the eighteenth amendment has saved to this Nation $100,000,000 per year.

Our duty is plain to give to the new enforcement commissioner and his agents the best enforcement law that experience can devise.

President Harding, in his speech of acceptance, set forth the general principles upon which every Congressman in the honest discharge of his duty should act to-day. He said:

I believe in law enforcement. If elected, I mean to be a constitutional President, and it is impossible to ignore the Constitution, unthinkable to evade the law, when our every committal is to orderly government. People ever will differ about the wisdom of the enactment of a law—there is divided opinion respecting the eighteenth amendment and the laws enacted to make it operative—but there can be no difference of opinion about honest law enforcement.

Neither Government nor party can afford to cheat the American people. The laws of Congress must harmonize with the Constitution, else they soon are adjudged to be void; Congress enacts the laws and the executive branch of government is charged with enforcement. We can not nullify because of divided opinion; we can not jeopardize orderly government with contempt for law enforcement. Modification or repeal is the right of a free people whenever the deliberate and intelligent public sentiment commands, but perversion and evasion mark the paths to the failure of government itself.

The SPEAKER pro tempore. The time of the gentleman has expired.

The time is as follows:

The gentleman from Minnesota has consumed 20 minutes, the gentleman from Wisconsin has consumed 20 minutes, the gentleman from Illinois has consumed 10 minutes, and the gentleman from Texas has consumed 5 minutes.

The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, it must be conceded that the eighteenth amendment imposed regulations on the social life of the people more drastic than any previous legislation. But there are all-compelling reasons why this amendment was adopted, and there are equally strong reasons for its rigid enforcement. The amendment was adopted by an unprecedented proportion of the States—45 out of 48—and when in October, 1919, the Volstead Act was pending here it passed over the veto of the President by an unprecedented majority. If there has been a solemn expression of the will of the people, beyond any influence of haste or hysteria, for the settlement of any ques-

tion, it was on this subject of prohibition. A change would introduce an element of instability in the management of public affairs which would threaten the permanence of any action taken. Our legislation or policy would become as the shifting sands if we did not carry out the mandate of the people.

There were very potent reasons for the adoption of this amendment and its passage by so great a majority. First, I will mention the change of opinion of the medical profession. I have in my hand a book obtained from the Library, published in 1853, which was the first declaration by any physiologist of international reputation in favor of total abstinence. It is a prize essay on the use and abuse of alcohol, written by Dr. William B. Carpenter, author of a monumental work on physiology. A great majority of the profession now condemn the use of alcohol. The second reason is one of efficiency. Insanity, crime, and demoralization resulted from the drink habit, and people had become so roused upon this subject that severe legislation was adopted in the States and in the Nation. This explains the war prohibition act. Another reason is that the people of the United States do not believe in a bloc that takes a place apart from the principles that divide the rest of the people and unites on behalf of a particular interest. This was notable in the case of those engaged in the liquor business. The question has often been asked why the State of Ohio gave Mr. Wilson so large a majority in 1916. For some reason, I hardly know why, the word was sent around a few days before that election in November, that everyone interested in the liquor business should vote for him. That explains very largely the enormous vote that he obtained. In addition to these influences which I have mentioned great moral influences have been at work—churches and philanthropists—those who look forward and upward. They have hoped that by this legislation the quality of our population may be improved, that the drunkard may be reformed, that the dull eye may become bright, that the staggering gait may become a manly tread, and that the resources of the wage earner, often wasted in dissipation and drink, may be used for the comfort of his family, to bring light and hope into the home for his wife and children. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from Texas is recognized.

Mr. SUMNERS of Texas. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the general history of this matter has been gone over fully. The arguments made here to-day are the same as those which were made when the prohibition amendment was before the House. The same argument is now made as was made when the enforcement act was before the House, and the same arguments are now made that were made before the Supreme Court of the United States; at least, they are made by a few to-day.

There is not any question but that the efficiency of mankind in the United States has been raised very materially, in many of the industries 25 to 40 per cent. Home conditions have been advanced. Children have been sent to school and clothed that never were before. Homes are in better condition since the liquor has been taken from them than at any time before.

I have received two arguments and many general pamphlets; but there have been two arguments presented, and I suppose every Member of the House has received them—those in favor and those against. The one that I want to insert in my remarks is a postal card from "an ex-drunkard who began on beer." I will not take the time to read it, but will insert it.

Mr. HILL. Mr. Speaker, will the gentleman yield for a question?

Mr. RAKER. No; I decline to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RAKER. The postal card reads as follows:

Two couples were standing in the spirit world viewing the actions of their children in this world. My wife and I saw our boy staggering through the streets. Our agony was intensified by an angel, who said, "Had you done your duty this would not have been." I had lived a drunken life until almost ready for the grave, and she was in favor of and kept "beer and light wines" for daily temperate consumption.

My companion and wife, a man and woman who had never drunk anything intoxicating, but who had upheld the rights of others to do so—the man a Member of Congress, his wife a social leader—gazed on the little daughter whom they had left below in a drunkard's home surrounded by poverty and misery.

As before, the angel said, "Had you done your duty when an inhabitant of the world this would not have been." "But I never did any of these things." "True, but your influence was never exerted against them, and you are as guilty, if not more so, than your friend."

Moral: Fight beer "and light wines" and all officials who favor them as you would a rattlesnake, for, as has been well said, "It is a notorious fact that nearly all drunkards begin by drinking 'light wines and beer' when young, and as the appetite grows the desire for stronger drink is developed."

AN EX-DRUNKARD WHO BEGAN ON BEER.

The other arguments are those that are opposed to this legislation. One of them I could not submit to the committee to have it printed. The only way I can do so is to present it publicly to the House as the argument of those who are opposed to this kind of legislation, and the argument consists in a postal card about 4 inches long and 2 inches or 2½ inches wide, with a 2-cent stamp, addressed as follows: "Hon. JOHN E. RAKER, House of Representatives, Washington, D. C." Attached to that is a piece of tobacco an inch square by a quarter of an inch thick; and, as an argument against this legislation and to bring humiliation to the man who had the courage as a member of the committee to do his duty and report a bill, it is asked that the following disposition be made of this little chew of tobacco, which reads as follows:

Unfit for chewing purposes. Contains 1 grain of tartar emetic. Please hand to Mr. VOLSTEAD.

That is the argument that is made against this legislation. It shows they have exhausted all proper means or methods of argument. The law has been enforced, and they take the method now of using the mails for this kind of an argument to be submitted to the American Congress in voting on an important bill.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. HILL. Mr. Speaker, I ask that the gentleman be allowed half a minute more. I want to ask him a question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HILL. I want to ask the gentleman if he knows who sent those cards out?

The SPEAKER pro tempore. The control of the time is in the hands of the gentleman from Texas [Mr. SUMNERS].

Mr. RAKER. Mr. Speaker, I would like to have half a minute more to answer.

Mr. SUMNERS of Texas. Can the gentleman from Maryland [Mr. HILL] yield time?

Mr. HILL. I asked if the gentleman knew who sent it out.

The SPEAKER pro tempore. The gentleman from Maryland has no time in his control on this bill. The gentleman from Illinois [Mr. SABATH] is recognized.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. KINDRED].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. KINDRED. Mr. Speaker, the eighteenth amendment and the Volstead law for its enforcement were enacted during the period when our country was at war, and must, therefore, be regarded strictly as a war measure which would be promptly repealed, as all other strictly war measures have been repealed and are to be repealed.

The eighteenth amendment prohibits the manufacture, sale, transportation, import, and export of intoxicating liquors for beverage purposes.

There is no provision in this constitutional amendment against the use of such intoxicating liquors for medicinal, sacramental, and certain manufacturing purposes, but, on the contrary, the amendment expressly provides for their use for medicinal and sacramental purposes.

Under the ruling of former Attorney General Palmer, the existing law contained no prohibition against the use, for medicinal purposes in reasonable quantities, of spirituous liquors—that is, whisky and brandy—proof spirits—and wine and beer or other malt liquors of sufficient alcoholic content to be intoxicating—if in the good and honest judgment of the attending physician, they should be used in the treatment of disease.

As the whole spirit of the eighteenth amendment—prohibition—is to lessen the consumption of intoxicating beverages by the people of the United States, particularly beverages of the higher alcoholic content, the inconsistency, absurdity, and injustice of the provisions of these proposed amendments as provided for by H. R. 7294, known as the Campbell bill, to the existing Volstead law, will appear to all who desire to be fair and unprejudiced. It is obvious that if physicians can legally prescribe and furnish as they may do under this resolution, to any one person, in any period of 10 days, as much as one-fourth gallon of vinous liquor—wine—of 24 per cent alcohol content, by volume, and also can furnish or prescribe for any one person within the same period of time any liquor that contains as

much as one-half pint of alcohol, that there would be no violation of the spirit of the prohibition amendment, and of the reasonable intent of the American people who "put over" this amendment, if the bill now under consideration would permit licensed physicians, in the interest of treating and curing their patients, to prescribe beer and malt liquor, which, with the strongest alcoholic content, would not contain in the case of beer more than from 3 to 6 per cent of alcohol, and in the case of ale, porter, or stout a slightly greater alcoholic content than good beer.

This brings us logically to the consideration of what is good beer and what is not beer at all. The manufacture of ale or beer is of very great antiquity. Heroditus ascribes the invention of brewing to Isis, and tells us that the Egyptians drank a liquor which they called zuthos, fermented from barley. Ale or beer was never used to a great extent in Greece or Italy, partly owing to the abundance of wine in these countries. Xenophon, in his "Anabasis," mentions it as being used among the inhabitants of Armenia, and the Gauls were also acquainted with it in early times. Ale or beer was in common use in Germany in the time of Tacitus. It can not be too strongly stated that the stuff now called beer and legally sold throughout the United States, containing, under the Volstead law, not more than one-half of 1 per cent of alcohol, is worse than no beer; it is literally "rotten," for the reason that it does not contain—and can not legally under the Volstead law contain—sufficient alcohol to preserve the ingredients out of which it is made. This near beer and any other malt liquor that is now being legally made and sold may contain the very best materials out of which good beer and malt liquors should be manufactured, but it is chemically impossible to make any beer or other medically useful beer or malt liquor without sufficient alcoholic content to preserve the vegetable ingredients contained in the three classes of malted liquor—ale, beer, and porter, all containing, in varying proportions, hops, yeast, malt, barley, and so forth, and each class having its own mode of fermentation and treatment in its manufacture. The beneficial action of these malt liquors in a medicinal way is due not only to the nutritious tonic and stimulating effects of the properties referred to, but also to the fact that they contain in varying degrees, according to all the leading medical authorities on therapeutics and the practice of medicine, other valuable medicinal properties, such as potassium and sodium salts, lactic acid, carbonic acid gas, and so forth.

Just as without sufficient alcohol, the vegetable ingredients of medical tinctures and other preparations can not be prevented from deteriorating, so that vegetable and other ingredients of beer must be preserved and prevented from unwholesome fermentation and chemical deterioration by the presence of a sufficient percentage of alcohol; in other words, these medical vegetable tinctures and other preparations used in medicine must be preserved and prevented from unwholesome fermentation and chemical deterioration by sufficient alcoholic content used in their preparation. Most vegetable tinctures and preparations used in medicine contain and require from 18 to 40 per cent of alcohol to preserve them and prevent chemical deterioration.

If sufficient alcoholic content is necessary to prevent deterioration of tinctures and other preparations used in medicine, why, in the name of the public health, should not enough alcohol be allowed in the American people's beer, also, to make it healthful? What better, or more refreshing or more wholesome beverage do these scientific benefactors of the human race, who father this bill, offer to the millions of decent men and women of this country who have always had and enjoyed a glass of good beer and whose fathers and forefathers have had their beer, and prospered with it? If the masses of people are to be hounded by a system of repressive, un-American blue laws and treated and convicted as felons and common criminals if they insist on drinking a glass of decent beer, then how can any sane statesman see anything but an increasing unrest in the already menacing state of affairs throughout the country?

The proposition involved in this proposed amendment is, if strong alcohol and strong wine—as much as 24 per cent alcoholic content—are to be prescribed under the authority of this law, which it is proposed to enact to-day, what harm would be done to permit the physician under authority of the same law to prescribe standard beer of far less alcoholic strength—not to exceed 6 or 7 per cent in alcoholic strength? Unless the physician is given the legal right to prescribe beer or a properly prepared malt liquor he will be unjustly and arbitrarily deprived of a valuable therapeutic agent in the treatment of disease, notwithstanding the statements to the contrary in the hearings on this bill by certain holier-than-thou, high-browed, self-constituted medical specialists, from a notable medical school, who found the time and inclination to be heard by the Judiciary Committee, on the utterly untenable proposition that beer and malt liquors have no place in the practice of medicine. Certain of these physicians, who would lightly deprive all the other approximately 150,000 reputable physicians of this country of their traditional rights and stamp all physicians as cheap bootleggers, are known to be sensational advertisers who approach dangerously near being considered "quacks" by those physicians who are in position to know them and their methods. It is a matter of common knowledge that the chairman of the Judiciary Committee, the gentleman from Minnesota [Mr. VOLSTEAD], was at least reluctant to hear any testimony before his committee that favored beer in any manner and that he in some instances treated certain witnesses who testified before the committee with scant, if any, courtesy. I myself went personally to and requested the gentleman from Minnesota, the chairman of the committee, to allow me, as a physician and as a citizen and as a Member of this House, to go before the committee and testify as to the whole truth about beer and malt liquor in the practice of medicine. He replied that he would allow me to appear before the committee, but he would allow me only 10 minutes in which to present this important subject. It is a well-known fact that he gave witnesses opposing beer much more time. I declined to appear before the committee under the conditions imposed. I think I will show the absurdity and injustice of this attempt to discriminate against beer in medicine and the grave injustice of discriminating against and insulting the great medical profession of the United States, who as humanitarians, patriotic American citizens are the peer of any profession or class of good, law-abiding citizens. That these physicians are almost unanimous in resenting this injustice is shown by the fact that both schools of physicians, the regulars and the homeopaths, assembled as great national associations, have within three weeks passed resolution expressing their unqualified disapproval of this measure and their keen resentment of this proposed discrimination. I refer particularly to the resolutions to this effect passed by the National Association of Homeopathic Physicians and also by the American Therapeutic Association, composed of leading physicians all over the United States who have made a specialty of the study and administration of drugs and medicines and therefore speak on this subject with the highest authority.

All leading medical authorities in the United States and Europe indorse the use in all their textbooks and teachings for physicians and medical students from time immemorial of beer, stout, porter, and ale as types of malt liquors to be used in the successful treatment of various diseases.

Prof. Hobart Amory Hare, professor of therapeutics and materia medica at the Jefferson Medical College, Philadelphia, in his textbook of Practical Therapeutics, seventeenth edition, 1918, says on page 82:

> Stout and porter and well-brewed beer are of value in wasting diseases and in convalescence from acute diseases and for nursing women. Most of the beer in America contains about 4 to 6 per cent of alcohol.

George Butler, A. M., M. D., and so forth, professor of therapeutics and pharmacology, Chicago College of Medicine and Surgery, and so forth, in his textbook of Materia Medica, Pharmacology and Therapeutics, sixth edition, says:

> Alcohol in the form of beer or ale, taken before or during meals, is an efficient stomachic (meaning a good medicine and tonic for the stomach); a tonic for dyspepsia and weakened digestion attendant on or upon convalescence from acute diseases. Convalescents are often greatly benefited by some form of alcohol as it is contained in beer and ale. When the digestion becomes impaired as the result of physical or mental exhaustion the drug (alcohol in the form of beer and ale) serves a useful purpose as a tonic.

Prof. Oliver T. Osborne, department of medicine, Yale University, is also authority for the following statement:

> Strenuous exercise and hard labor will allow a man to take more alcohol without harm than can be used by a man of sedentary habits. There is no doubt alcohol can be used as a substitute for food in the place of sugar and starch. In emergencies it may thus sustain and give life.

This particularly applies to the use of malt liquors, beer, ale, stout, and porter, and it also proves that alcohol, particularly the small percentage contained in malt liquors, is a food as well as a reconstructive tonic, stimulant, and tissue builder in wasting and other diseases.

Prof. Otis Larch, medical department, Tulane University, at New Orleans, in his standard textbook on Medical Diagnosis, page 39, says:

> Malt beer is rich in carbohydrates and is frequently prescribed.

Sir Victor Horsley, M. D., and Dr. Sturge, the authors of the well-known book, "Alcohol and the Human Body," and who violently oppose the use of intoxicating beverages and whose book was written solely against the use of alcohol as a beverage, in

discussing the effect of malt liquors on the human digestion, page 212, state:

These beverages (malt liquors) contain only from 4 to 6 per cent of alcohol (8 to 12 per cent of proof spirits), so that the alcohol contained in them could scarcely ever on its own account produce any bad effect.

Tea and coffee—

Horsley says—

were also proved to do harm.

Note that the claim is made by this most widely read and extensively quoted medical authority on the effects of alcohol on the human body that the effect of malt liquors, which include beer, porter, and stout, of the small alcoholic content of from 3 to 6 per cent—8 to 12 per cent proof spirit—could scarcely ever on its own account produce any bad effect, except through the effects of large quantities of such beverages, if taken with meals, causing dilution of the food in the process of digestion.

Everyone knows that too much water, coffee, tea, and so forth, taken with meals would retard digestion in the same way, and also that digestion is not only not interfered with but that it is aided by reasonable quantities of good malt liquor, beer, ale, porter, or stout.

The existing Volstead law permits regularly licensed physicians to legally prescribe for their patients whisky, brandy, wines, beer, and malt liquors of such alcoholic strength as to be intoxicating. But with the excuse of preventing the abuse of prescribing beer, by a very small percentage of physicians, the pending measure (H. R. 7294) proposes arbitrarily and without reason to prohibit physicians from prescribing beer and malt liquors of standard alcoholic strength of 3 to 6 per cent. This bill, notwithstanding this prohibition as regards the prescribing of such beer, permits physicians to legally prescribe for medical purposes spirituous and vinous liquors—vinous liquor—wines—that contain not more than 24 per cent of alcohol by volume, provided that not more than one-fourth of a gallon of such vinous liquor is prescribed or furnished for use for any one person within any period of 10 days, and so permits the prescribing or furnishing by the physician of any liquor that contains as much as one-half pint of alcohol—grain alcohol—for use of any one person within a period of 10 days.

Both the existing Volstead law and the amendments to it, now proposed, constitute a grave interference with the rights of both the physician and his patients, for whom he should at all times have the right to prescribe any drug or agent which, in his honest and good judgment, is really needed. Under the Harrison narcotic drug law and under all of the laws of the respective States intended to regulate the prescribing of dangerous narcotic and other drugs, the physician is permitted to prescribe most poisonous narcotic drugs, under proper regulations, but he can not under the pending measure prescribe any beer of the weak alcoholic strength of from 3 to 6 per cent. How inconsistent and absurd. It is also a matter of fact, from the medical point of view, that this proposed law will not meet the needs of the physician and his patients in respect to the alcoholic and vinous liquor which the physician may legally prescribe or furnish. I, as a physician practicing for over 30 years in the specialty of treating alcoholic and drug addicts, know of my own knowledge and experience that many alcoholic and other cases require for the most scientific treatment of their diseases, particularly in the so-called tapering treatment of alcoholism and delirium tremens cases, from 2 to 3 fluid ounces of proof whisky, diluted every three or four hours, one patient thus requiring more whisky in 24 hours than the physician is allowed to legally prescribe in any period of 10 days.

This amount would be actually necessary in many such cases to save a valuable life or to prevent an outright attack of insanity. The only way, legally, the physician could obtain a greater amount of spirituous liquor—that is, the equivalent to about 1 pint of proof whisky or brandy which he could prescribe in a 10-day period—would be for him to prove to the Commissioner of Internal Revenue or to his widely scattered representatives that the circumstances in a given case would constitute an extraordinary reason. This would mean, according to the experience of many physicians who may have dozens of such cases under treatment, that either the physician would incur a risk of a prison term in a Federal prison if he took the law into his own hands in order to save the life of his patient, or if he obeyed this unjust law allow his patient to die because of the lack of proper medical treatment.

These restrictions are all the more unjust because they not only allow the prescribing of too small quantities of liquors, as just pointed out, but because they limit the physician to 100 prescriptions in 90 days, although a busy physician might have fully 100 or more patients during 90 days requiring alcohol.

After a study of this whole question from the viewpoint of the ultimate welfare of our country, I believe that the deplorable conditions as regards increasing drug addictions and bootleggers, and the increasing contempt for the laws that are causing these conditions, could be rapidly relieved if the Congress would pass reasonably liberal laws for the enforcement of the prohibition amendment; if, instead of fixing arbitrarily one-half of 1 per cent of alcoholic content for beer, an alcoholic content were fixed sufficient to make decent beer—to prevent the fermentation of the vegetable ingredients contained in the beer. This would satisfy the masses of people and bring about more real temperance and more respect for law and order. If respect for law and order is not restored in this country, it would be difficult to predict the consequences.

As a protest against these conditions and against the enactment of new blue laws of repression and oppression, the people of the district I have the honor to represent here, the Borough of Queens, New York, will parade a hundred thousand, made up of law-abiding citizens of all classes, to-morrow night. The citizens of the Greater City of New York will July 4 next have the largest parade in her history of magnificent parades of approximately 1,000,000 citizens as a solemn protest against the further encroachment of their personal liberty.

I hope my esteemed colleagues, particularly those of the majority party who control the committees which have reported this un-American, unreasonable, unjust, and repressive measure, will agree that I have made out the case, at least from the medical side, as to the usefulness of beer and malt liquor in the practice of medicine, and that is strictly the issue drawn in the most important section—section 2—of the pending bill.

Appended are the scientific opinions of Noble P. Barnes, M. D., chairman of the council of the American Therapeutic Society, Arlington Hotel, Washington, D. C., and C. E. de M. Sajous, M. D., of Philadelphia, and also resolutions of the American Therapeutic Society:

THE ARLINGTON,
Washington, D. C., Saturday, June 25, 1921.

Mr. J. J. KINDRED, M. D.,
House of Representatives of the United States,
Washington, D. C.

MY DEAR MR. KINDRED: The secretary of the American Therapeutic Society, Dr. Lewis Taylor, is not in the city, but will return to Washington Monday morning. I have left instructions for him to get into communication with you at once upon his return.

The mental note I have of the resolution of the American Therapeutic Society is as follows: "That physicians and surgeons should have the unimpaired right of prescribing this drug (alcohol) without any foolish restrictions."

The society does not approve of liquor-prescribing doctors, the society does not wish to interfere with or violate the eighteenth amendment, but the society does want to go on record as maintaining that no legislative body or enforcement authority should limit or hamper a doctor of medicine in the legitimate exercise of his functions as a physician.

Alcohol, per se, is a drug and should be classed as such. It has a definite physiological action, and a wide range of therapeutic application. It is not only useful but absolutely necessary in the treatment of certain conditions and in the manufacture of other drugs.

The restrictions, regulations, and taxation placed about and upon this drug to-day makes an enormous cost to the sick who are usually poor. The limit in quantity (e. g., a pint of whisky every two weeks) and other regulations that are effected by ignorant if well meaning clerks and Government officials are little short of insults to the honest, scientific members of the medical profession.

Alcoholic products constituting the so-called intoxicating liquors should likewise be classed as drugs. Just here I will add that the proper persons to determine the toxicity of drugs are recognized scientific physicians, chemists, and physiologists.

There are many conditions where light wines, beer, ale, stout, porter, etc., are needed and if the articles contain an intoxicating amount of alcohol they, too, should be classed as drugs and the physician should be given the privilege to practice his profession with as little red tape as possible. An active scientific physician with his mind occupied in important problems does not want to be annoyed by excessive clerical detail.

I am inclosing a published letter written by Dr. C. E. de M. Sajous. Dr. Sajous is a member of the council of the American Therapeutic Society and one of the recognized leaders in the American medical profession. His deductions are well worth serious consideration.

Thanking you for your courtesy to me and your interest in matters pertinent to the medical profession, I am, with every good wish,

Yours, fraternally,

N. P. BARNES, M. D.,
Chairman of the Council
of the American Therapeutic Society.

[From the Public Ledger of Philadelphia, June 2, 1921.]

SCIENTISTS ARBITERS FOR USE OF ALCOHOL—DR. SAJOUS DECLARES THAT MEDICAL EXPERTS SHOULD DETERMINE WHAT ARE "INTOXICATING LIQUORS."

To the EDITOR OF THE PUBLIC LEDGER.

SIR: In the editorial published in your issue of the 30th instant, referring to Senator PENROSE'S desire to see the prohibition enforcement transferred from the Bureau of Internal Revenue to the Department of Justice you very rightly remark "that some radical changes are necessary and will be agreed upon unless the Nation is going to suffer indefinitely the demoralization of witnessing the almost universal flouting of a law which has been embedded in the Constitution itself."

Permit me to state, however, that the transfer referred to would not improve the situation and would aggravate it, perhaps, by imposing upon the Department of Justice the necessity of enforcing a law the fundamental feature of which, the proportion of alcohol required to render a beverage intoxicating, remains undetermined. Indeed, while

estimates in the various States vary from one-half to 3.4 per cent by volume, the Federal one-half per cent has no scientific support and is, therefore, indefensible—at least honorably.

Physicians are the sole legitimate arbiters in such circumstances; yet they consider those members of their profession who study the mode of action of drugs upon the body, the "pharmacologists" and teachers of therapeutics, as the only experts capable of ascertaining with precision just the meaning of "intoxicating liquors" in respect to their alcohol content. Again, they would hold that in determining so momentous a question the opinion of many such should alone prevail. Hence the fact that, although a teacher of pharmacology and therapeutics, I submit, instead of personal observations, the results of researches published by many authorities of the class mentioned. These may be summarized as follows:

First. There is absolutely no scientific ground for the ruling of the Commissioner of Internal Revenue of February 6, 1919, which makes it unlawful for a beverage to contain more than one-half of 1 per cent of alcohol. This act has been imposed upon the American public and submerged in a maze of legal technicalities without regard for scientific accuracy. It misrepresents the meaning of "intoxicating liquors" left open in the eighteenth amendment.

Second. It has been experimentally demonstrated that dilutions of alcohol not exceeding 3 per cent by volume can not produce intoxication. The great volume of fluid ingested makes it impossible to accumulate enough alcohol in the body at a given time to intoxicate. Light beers, ciders, and other beverages containing not more than 3 per cent of alcohol per volume would, therefore, meet the aims of the eighteenth amendment.

Third. Light wines containing not more than 5 per cent of alcohol by volume are likewise nonintoxicating. The quantity required to intoxicate would not only be excessive, but the presence in the wine of tannates, ethers, essential oils, etc., tends to disturb the alimentary tract when such quantities are ingested. Light wines containing not more than 5 per cent of alcohol per volume would also, therefore, meet the purposes of the eighteenth amendment.

Fourth. In nonintoxicating doses or quantities alcohol possesses several therapeutic properties: (a) It promotes the defensive efficiency of the body against disease; (b) it increases the intake of oxygen; (c) it promotes the action of the heart and circulation; and (d) it enhances the processes through which fatigue wastes are broken down and evokes a feeling of comfort and well being. Indeed, it thus fulfills the Biblical teaching that—

"He causeth the grass to grow for the cattle and herb for the service of man, that he may bring forth food out of the earth and wine that maketh glad the heart of man."—Psalm civ, 14, 15.

You also state very appropriately: "Law-abiding people, whether they approve of the amendment or not, are in entire unity with the proposition that it is fatal to public morals to maintain on the statute books laws that are not enforced or which are in such universal contempt that their enforcement is impracticable. In some sections of the country the prohibition enactments are perilously near that condition; juries refuse to convict violators even when the proofs of guilt are conclusive, and foolish technicalities of legal procedure are everywhere invoked to make convictions as difficult as possible."

It is my firm belief that those of our people who are law abiding in all other directions would likewise be so in respect to prohibition if their rights were not imposed upon by the one-half of 1 per cent ruling which the Commissioner of Internal Revenue could not support by a single scientific fact. It is the rock which is sinking the prohibition ship, because it is based upon misrepresentation and strikes equally the innocent and the guilty.

When relieved of this incubus, the prohibition amendment will find sufficient support among the steadily growing millions of its enemies to insure its perpetuation. This support will come from those who fully realize what the abuse of alcohol means in the way of misery, neglect, starvation, disorder, crime, and disease, and how great is the need of legislation to prevent it, but who also insist upon the truth as represented by the voice of science, which teaches that the well being and other benefits a nonintoxicating 3 per cent beer or 5 per cent wine confers upon a fatigued workingman are assets which should be respected.

C. E. DEM. SAJOUS, M. D.

PHILADELPHIA, *May 31, 1921.*

AMERICAN THERAPEUTIC SOCIETY,
June 27, 1921.

Hon. JOHN J. KINDRED.

DEAR MR. KINDRED: At the request of Dr. Noble P. Barnes, I am sending you the resolution adopted by the American Therapeutic Society at its last annual meeting, which is as follows:

"Whereas the use of ethyl alcohol and its preparations for medicinal and surgical purposes is not only justified, but also indicated by observations made by laboratory investigations and clinical experience: Be it

"*Resolved by the members of the American Therapeutic Society in convention assembled*, That alcohol has a proper place in the treatment of disease; and be it further

"*Resolved*, That the least possible restrictions in the use of this drug compatible with the enforcement of the eighteenth amendment be imposed on the members of the medical profession; and be it further

"*Resolved*, That a copy of these resolutions be sent to the proper authorities."

Very truly, yours,

LEWIS H. TAYLOR,
Secretary American Therapeutic Society.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. RYAN].

The SPEAKER pro tempore. The gentleman from New York is recognized for three minutes.

Mr. RYAN. Mr. Speaker and gentlemen of the House, I take great pleasure, as the gentleman from Massachusetts [Mr. GALLIVAN] said, in rising in opposition to this particular bill. I have never been in favor of the Volstead national prohibition act. My district is not in favor of it. We are honest up there, and we come out and say and do and act as if we were not in favor of it. I do not believe in any legislation of any kind that tends to regulate how our doctors and the medical profession shall prescribe for their patients. I think it is beyond the power of any legislative body and of Congress to regulate the amount of alcohol that is to be used in beer, at least in the treatment of people who are sick. What right have you men of the House, admitting the lack of knowledge of the subject, to regulate the practice of medicine?

The American Federation of Labor has voted 100 per cent in favor of the use of beer and light wines.

You gentlemen who are now prohibitionists will find that you have reached your last line, as Hindenberg reached his. This is your Marne, as it was his. You will be thrown back as he was. You can not fool all of the people all of the time. You have gone as far as you possibly can go. Possibly you will carry this bill through to-day by a vote of 2 or 3 to 1, and this amendment to the Volstead national prohibition act will temporarily become a law.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. RYAN. No; I do not yield.

Mr. BLANTON The gentleman, of course, is in favor of the Constitution.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RYAN. Not at all. Of course, I am in favor of the Constitution. I am in favor of any legislative act that should be enacted by this body and that could be enforced.

Up in New York we have a saying, "Where can we get good liquor?" The answer is, "At the police station or at the national prohibition headquarters." [Laughter.] The only place where we do not have good beer is New York. We can not get it there; but you can get it in Washington and in Texas. [Laughter.] But the people up there will rise up, no matter what Members of this House think, and when they vote 100 per cent in favor of beer and light wines their wishes must be respected.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. RYAN. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. HILL. Mr. Speaker, would it not be in order to ask unanimous consent that all Members who address the House may revise and extend their remarks, and that all Members who desire to insert their remarks in the RECORD may do so?

The SPEAKER pro tempore. It would be proper to do so provided the gentleman could get time from one of the gentlemen who control the time.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. MICHENER].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for two minutes.

Mr. MICHENER. Mr. Speaker, I did not intend to say a word on this proposition, but I have sat here and listened for hours—to what? To the same tale of woe that we have listened to every time any proposed prohibition legislation has been up for consideration, and then at last the gentleman from New York [Mr. RYAN] takes the floor and tells us that the people of New York are not going to enforce this law and that the people of New York have determined that this law shall not be enforced. Good God, gentlemen of this Congress, has it come to this, that the people of the city of New York will rise up and tell this Nation that they will not permit the law to be enforced? I say to these people from New York it is not a question of what communities may think, it is a question of what the Nation thinks. Ah, the day of secession is past. There was a time when our fathers divided in this Hall, when they each went their way, but to-day this Union is stronger and greater than any of its parts, and under that flag I believe that any law that this Congress passes, which is constitutional, can be, should be, and will be enforced. [Applause.]

The same communities and largely the same men who fought the eighteenth amendment, who fought woman suffrage, and who fought the Volstead enforcement law, are fighting this measure. They are fundamentally opposed to prohibition. At one time they contended for the open saloon. To-day there is not a man here who will stand up in his place and advocate the return of the old saloon. These gentlemen would repeal the eighteenth amendment, if possible; they would repeal the Vol-

stead enforcement law, if possible; they openly state that they and their constituents believe in liberalizing and weakening the law at every opportunity. It is insisted that the law can not be enforced in certain localities because the sentiment in that locality is not favorable to the enforcement. I concede that there are certain communities where the majority of the people do not sanction any law affecting or regulating the liquor traffic.

The eighteenth amendment was passed by the Sixty-fifth Congress. That amendment was ratified by 45 out of the 48 States. The Volstead Enforcement Act was passed by the Sixty-sixth Congress, and this bill to-day will be passed by the Sixty-seventh Congress. No snap judgments have been taken. These votes, extending over a period of years, express the deliberate judgment of the American people. The strongest opposition to the enforcement of this law comes from those cities having a large foreign population; and the sooner these people learn that this is a land where majorities rule the better it will be for them and for the country. It is unthinkable that men will in these halls openly oppose the carrying into effect and enforcement of a law whose sole and only purpose is to carry out a part of our Constitution. It is not a question of whether one favors prohibition, light wine, and beer, or what not. The fact is that the Constitution prohibits the manufacture and sale of all intoxicating liquors for beverage purposes, therefore it becomes the duty of this Congress to pass appropriate enforcement statutes; and he who opposes the enactment of all enforcement laws is not true to his trust and either fails to appreciate or openly disregards his oath of office.

The legislation being considered to-day is not an innovation. Nothing really new is suggested, and the principal points covered were presumed to be covered when the original enforcement act was passed, and these proposed provisions have been enforced since the national prohibition has been enforced; and had it not been for Attorney General Palmer's opinion rendered on March 3, 1921, this legislation would not be before the Congress. The Sixty-fifth Congress never intended, in the passage of the Volstead Act, to permit the indiscriminate prescribing of beer as a medicine. The national enforcing officer interpreted the statute as intended by Congress, so that the passage of this legislation will not take away any privileges, in so far as beer is concerned, which have been enjoyed since the prohibition enforcement act took effect.

Little has been said on this floor supporting any claim that beer is necessary as a medicine. In this connection it is well to remember that the Judiciary Committee held exhaustive hearings on this matter. All interests were permitted to present their views. The only person appearing before the committee seriously advocating the use of beer as a medicine was one Dr. John P. Davin, of New York City. The reading of his testimony, found at page 58 of the hearings, will convince one of the fallacy of his arguments. Beer has never been recognized by the United States Pharmacopœial Convention as a therapeutic agent. Leading physicians everywhere throughout the land make no claim that beer is a medicine. Numerous medical State societies urge the passage of this act. Many druggists' associations favor the passage of the act. Legitimate drug stores do not want to become open saloons, legitimate physicians do not want to become barkeepers. If beer is intoxicating, then it can not be lawfully sold as a beverage and should not be prescribed for the thirsty unless it is necessary as a medicine. Proof is overwhelming that it is not necessary as a medicine, and in my opinion the manufacture of the so-called light wine and beer would not be lawful under the eighteenth amendment. If these beverages are intoxicating in fact, then they surely are prohibited, and when the "kick" is removed from beer and wine the advocates of light wine and beer have no further use for the beverage.

In this connection it is interesting to note the attitude of the great brewers of the country, as expressed by Mr. Oliver T. Remners, attorney for Anheuser-Busch. Mr. Remners appeared before the committee and read a carefully prepared statement, and among other things he said:

> As attorney for Anheuser-Busch (Inc.), of St. Louis, formerly the largest manufacturer of beer in the world, without relinquishing the principle we have always maintained, I am authorized to speak in favor of the enactment of this amendment forbidding the manufacture and sale of beer for medicinal purposes.

Again, Mr. Remners says:

> Authorization of the sale of beer for medicinal purposes under the provisions of the present enforcement act will make it absolutely impossible to enforce the prohibition laws. While we are unalterably opposed to the principles of prohibition, we insist that since the principle of prohibition has been written into the Constitution and the Statutes, the law should be enforced to the letter fearlessly, fairly, and with impartiality. It will be only by the enforcement of all the prohibition laws so stringently that everybody—rich and poor alike—will be denied the use of alcoholic liquor that the American people, after a full and fair trial, will determine in their sober, solemn second judgment whether they want to continue its operation or whether they want to amend or repeal it. It is our position that every law should be submitted to such a fair and impartial test, regardless of how that law affects our business interests.

This advocate in the brewers' interests also says:

> Thousands upon thousands of places will spring up for the handling of medicinal beer for the health, and even an army of prohibition enforcement officers would be powerless to cope with the situation.

This same authority also observes:

> If the issue before the committee was one of prohibition or anti-prohibition, we should be here to fight prohibition, because we are opposed to prohibition as a principle, but the question before you is not a question of prohibition or antiprohibition; it is a question of whether the law as it was decreed by the lawmaking authorities of the American Nation shall be fairly and honestly enforced or be trampled under foot.

After some argument in reference to the medicinal value of beer, Mr. Remners concludes:

> There is, therefore, no excuse for the sale of beer for medicinal purposes. If the patient needs alcohol, the physician can prescribe it. If he needs merely a tonic, he can get that without the alcohol. All this can be done and the dignity and security of our laws preserved.

I have quoted very liberally from Mr. Remner's statement, the same being found at pages 39 to 50 of the hearings.

Mr. Christian Fiegenspan, president of the United States Brewers' Association, says:

> In days gone by it was Private Seal that quenched your thirst, steadied your nerves after a hard day's work, built you up in periods of recuperation. Private Seal, as mellow and tasty as ever, is still at your service. Tests have shown that its tasty and body-building qualities remain unchanged.

Another brewer proclaiming that in beer containing less than one-half of 1 per cent alcohol the body-building qualities remain unchanged.

I have called particular attention to these statements because of the source from which they come. The brewers of the country would not state that beer was not necessary as a medicine if it was necessary. In 38 States of the Union prohibition laws now in force prohibit the prescribing of beer as a medicine. Not a drop of beer for medicine has been legally prescribed for over 15 months, and the good health of the people has not perceptibly declined. Under the present law physicians must procure permits in order that they may be permitted to prescribe whisky or brandy, and it is interesting to note that out of the 152,627 physicians in the United States 78 per cent have not taken out permits, thereby refusing to prescribe liquor in any form. In 24 States no physician has a permit to prescribe liquor. Four out of every five physicians in the entire country do not use liquor in medicinal practice. Why, then, should we at this late date proclaim beer as a medicine?

There has been little controversy about the other features of this bill.

One provision placed in the bill by the committee is, in my mind, of the utmost importance if this law is to be honestly enforced, and that is the provision which will tend to relieve us from the patent medicine scandal in the country. In the passage of the enforcement act it was thought that sections 4 and 5 would take care of this situation, but to the amazement of all it has been found that many patent medicines and even hair tonics, the formulas for the manufacture of which have been determined by the chemists of the Internal Revenue Department to be unfit for beverage use, are in fact fit for beverage use and are being used extensively as intoxicating beverages. Indeed, the hearings before the committee disclosed the fact that patent medicines and other preparations are being sold for beverage purposes in pool rooms and other places over the bar and by the drink. Many affidavits have been filed with the enforcement officers showing these facts. Yet these officers insist that sections 4 and 5, above referred to, do not lodge in the authorities the right to demand a change of the formulas and this makes it very difficult to bring about the cancellation of the permits permitting the manufacture of the beverages. It is true that the man who sells this class of beverage by the drink may be arrested, but the Government has no chance to make the manufacturer of these fake medicines change his formulas or cancel the permit. It is obvious that the sensible thing to do, if results are desired, is to cut off the supply. This bill provides for this very thing, and at the same time safeguards legitimate industry. I might say in this connection that I am one member of the Committee on the Judiciary who was not in sympathy with all of the provisions of H. R. 5033, the original supplemental enforcement bill introduced into the present Congress. There were provisions in that bill which were rightly objected to by legitimate industry, and be it to the credit of the committee that after careful consideration had been given to these claims, these objectionable features as soon as discovered were unanimously eliminated, and as one who comes from a dry district in a dry State—a district and a State that believe in the enforcement of the law—I have no

hesitancy in advocating the passage of this bill as presented. The eighteenth amendment is a permanent part of our basic law. The enforcement statute will never be repealed and the beneficent effects of this great moral reform will become more apparent as the days and years go by.

Mr. SUMNERS of Texas. I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, we have heard many sorts of argument during the last few years against the national prohibition amendment and against the Volstead law, which was enacted to provide for its enforcement; but it struck me as quite unusual when the gentleman from New York [Mr. RYAN], who addressed us a few moments ago, boasted of the fact that he and his district were in favor of its violation. I wonder whether the gentleman from New York would have the temerity to rise in his place as a Member of this House and advocate the violation and the open flaunting of any other law of the United States or any other constitutional provision of the United States. Yet I suppose he would, if honest with himself, admit that this constitutional amendment known as the eighteenth amendment is just as sacred and just as binding and of just as much force as any other, and that it was perhaps adopted more unanimously than any other amendment to the Constitution.

Mr. HILL. Will the gentleman yield?

Mr. BARKLEY. No; I do not yield; I have not the time. This amendment to the Volstead law is in the nature of emergency legislation. I doubt very seriously—though I have no right to speak with authority on the subject—whether the gentleman from New York voices the sentiment of his own district in the statement he has made, but if he does, I would remind him that his own State, only a few months ago, under the leadership of a governor of his own political party, enacted a very stringent law to provide for the enforcement of the eighteenth amendment to the Constitution. I wonder whether he would be willing to arise in the Legislature of New York and advocate the open violation of the law of the State of New York. I have very serious doubt that he would.

Now, this is in the nature of emergency legislation. Except for the decision of the Attorney General, it might be that this legislation would not be here. I have no intention of criticizing the decision of the Attorney General, because I am sure he acted in good faith. Whether his interpretation of the law was correct or incorrect, we are confronted with a serious situation, and if that interpretation is carried out, the breweries of the United States will reopen for the manufacture of intoxicating beer; and if they reopen for the manufacture of intoxicating beer, then the saloons will all reopen for the sale of intoxicating beer. This will mean the open and flagrant nullification of a part of our Constitution. Gentlemen who proclaim themselves as against the Volstead law and against the eighteenth amendment say they rejoice in the fact that the saloon has been abolished, but that, on the contrary, they are in favor of the sale of light wines and beer. There can be no such thing as the sale of light wines and beer in the United States for beverage purposes without reopening the saloons of the United States. [Applause.] Any man who expresses himself as being in favor of the promiscuous sale of light wines and beer ought to go further and be honest with himself and with us and say that he is in favor of the reopening of the saloons all over the United States. That is what he means. He can not mean anything else.

Mr. HILL. Will the gentleman yield for a question?

Mr. BARKLEY. The gentleman is so insistent that I will yield.

Mr. HILL. How about the promiscuous sale of cider all over the United States? Has that meant the reopening of the saloons?

Mr. BARKLEY. Oh, the promiscuous sale of cider is not worrying the gentleman from Maryland. It is beer that he is interested in.

Mr. HILL. Will the gentleman answer my question?

Mr. BARKLEY. I can not yield further.

Mr. HILL. But the gentleman did not answer my question.

Mr. BARKLEY. I thought I did.

Mr. HILL. I asked if the promiscuous sale of cider throughout the United States had meant the reopening of the saloons?

Mr. BARKLEY. No; because the saloons never existed for the sale of cider, and they do not exist now for the sale of cider; but, if the gentleman knows anything about human nature and about the nature of those who are now seeking to bring about the repeal of the Volstead law or its promiscuous violation, he knows that what they desire is the reopening of the saloons for the sale of beer and wine.

Mr. HILL. Does the gentleman——

Mr. BARKLEY. I do not yield any further. If the saloons are to be reopened under the law for the sale of wine and beer, there is no power under heaven that can prevent them from selling whisky.

Mr. GILBERT. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GILBERT. The gentleman and I are both from Kentucky. Would he not rather see an old Kentucky colonel drink his 100 per cent whisky than to see a pot-bellied German drinking a keg of beer? [Laughter.]

Mr. BARKLEY. I will say to my friend and colleague from Kentucky that if I were compelled to witness either one I should prefer the Kentucky colonel. [Applause.] There is no more reason or excuse for the violation of the Constitution by the sale of beer than by the sale of whisky.

Now, it is a ridiculous situation, for nobody under heaven with even a layman's smattering of medical sense will proclaim that beer is a medicine. I have no doubt that if the Congress had known in advance that the Attorney General's office would rule that under the law beer could be prescribed as a medicine we would have provided against that in the original Volstead law. There is no sort of doubt about that. There never was a time in the history of the United States when beer was regarded as a medicine in the ordinary sense to be prescribed by a physician. The ordinary prescription that is given by a physician is carried to a drug store to be prepared and filled. Are the drug stores to be transformed into beer gardens?

Mr. SABATH. Will the gentleman yield?

Mr. BARKLEY. I have only 10 minutes, but I will yield to my genial friend from Illinois.

Mr. SABATH. The gentleman ought not to say that he never heard of any physician prescribing beer. Is it not a fact that thousands upon thousands of physicians have prescribed malt and beer for nursing mothers?

Mr. BARKLEY. Well, no; I do not think beer is recognized as a prescribable medicine for illness for mothers or others. There may be physicians who would prescribe it if their patients asked them to do so.

Mr. SABATH. There are thousands and thousands of physicians who have prescribed it.

Mr. BARKLEY. Sure. There are a few physicians who are always willing to prescribe anything that their patients want. [Laughter.]

I challenge the gentleman to find a single provision of a standard recognized medical work which says that beer is a medicine.

Mr. SABATH. Here is the gentleman from New York, a distinguished physician who addressed the House, who has 30 years' experience, who says that it is.

Mr. KINDRED. If the gentleman will yield, the American Therapeutical Association, made up of some of the most distinguished physicians in the country, protest against this measure on the ground that beer, ale, and porter are medicines.

Mr. BARKLEY. And, on the contrary, I submit that the American Medical Association, the highest recognized medical authority in the United States, proclaims against the prescription of alcohol in any form for any kind of a disease.

Mr. KINDRED. I assure the gentleman that he is mistaken in his interpretation.

Mr. BARKLEY. That was the last official act upon the subject, taken in 1917.

Mr. REAVIS. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. REAVIS. The undisputed testimony in the hearings before the Judiciary Committee from the most experienced experts agreed that nothing more harmful to mother and child could be given than beer or any other intoxicating liquor.

Mr. BARKLEY. In the medical profession among those recognized as reputable physicians the almost unanimous verdict is against prescribing alcohol in any form as medicine. But this bill and the original law permit and provide for the use of spirituous and vinous liquors as medicine.

Mr. FOSTER. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. FOSTER. The testimony taken before the committee included a telegram representing 4,500 physicians in Ohio protesting against its use as a medicine.

Mr. BARKLEY. The gentleman is correct.

Mr. COOPER of Ohio. If the gentleman will yield, I will present this for the information of the gentleman from Kentucky. I have here a protest signed by 43 physicians in one county of Pennsylvania asking Congress to do something that will prohibit them from being drafted as bartenders.

Mr. BARKLEY. I have received the same protest. There are many States of the Union which have their own laws prohibiting the prescribing of any kind of liquor as a medicine.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. VOLSTEAD. I yield the gentleman two minutes more.

Mr. BARKLEY. Gentleman, this law ought to be passed by unanimous consent. I see my eloquent friend from New York [Mr. COCKRAN] chuckling. I wonder if the gentleman would seriously think that Congress ought to make it possible for any class of men, medical or otherwise, to violate the Constitution of the United States.

Mr. COCKRAN. Certainly not.

Mr. BARKLEY. Or that they should violate any law passed by Congress?

Mr. COCKRAN. Certainly not. Will the gentleman yield?

Mr. BARKLEY. Now, what these gentlemen seek to do is not to have beer prescribed as beer for a medicine, but what they seek to do is to make an entering wedge in the prohibition laws of the Nation so that ultimately there may be created a sentiment against its observance and in favor of its violation. [Applause.] That propaganda is going all over the country. You can not go to a moving-picture show but what you see flashed upon the screen something that seeks to make the enforcement of the prohibition law ridiculous. You can not pick up a metropolitan newspaper without seeing somewhere great headlines seeking to make the prohibition law ridiculous; seeking to create an impression that the sentiment among the people of the Nation is in favor of its violation. There is nothing more vicious, more insinuating, more undermining, than this propoganda going on from one end of the country to the other seeking to undermine the sentiment of the people in favor of the enforcement of a constitutional amendment. I predict that the propaganda will fail now as it has failed heretofore, because 45 States of the Union which have ratified the amendment, and more than two-thirds of the Representatives of the people, who are in favor of it, will be here for years to come to see that it is enforced and strengthened wherever it may be needed to be enforced and strengthened. [Applause.] Congress can not ignore the will of the American people, Congress will not lend its influence or encouragement to the propaganda of lawlessness which certain interests are engaged in fostering. The people have spoken on this subject. Their will is supreme. They have placed this amendment in the Constitution of their country, and the sooner certain small portions of the country understand that the people of the Nation as a whole demand its enforcement, the better it will be for them and for the Nation at large. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker and gentlemen of the House, I regret exceedingly that the limitation necessarily placed on my time by the chairman of the committee will not give me an opportunity to say what I would like to say with reference to the pending measure. The bill being considered is, of course, of very great interest not only to the membership of the House but to the Nation at large. But I am forced to utilize the few minutes granted me, not to speak particularly of the legislation, but of the history of this legislation, which I think discloses a centralization of power menacing not alone to the functioning of the House, but a menace to the legislative needs of the people.

It is to be regretted that any man on the floor of Congress will boast of representing a people who are in favor of the violation of the law founded upon the constitutional amendment, as did the gentleman from New York. [Applause.] There was a time in this Nation when everybody looked upon law enforcement entrusted to the Federal Government as so drastic that nobody could escape its penalties. In my judgment, the lax enforcement of the prohibition law, especially among the foreign elements of America, has done more to bring discredit upon the Government of the United States than anything that has occurred in recent years. [Applause.] And in the face of that sentiment we have had one of the high officers of this Nation, the chief law officer of the Nation, if you please, make a disguised attempt to defeat the purposes of the people of the United States as expressed in the eighteenth amendment by a beer provision with reference to medicine that makes a farce out of the Constitution and a farce out of its enforcement. [Applause.]

The Committee on the Judiciary sought to protect that in answer to demands from all over the Nation by removing the weaknesses of the original Volstead Act, as disclosed by experience, by additional legislation. Even though I am a member of that committee, I think I may be pardoned for saying that the Judiciary Committee is one of the great committees of this House. Its personnel will compare favorably with the personnel of any other committee of the House. It comprehends such men as the distinguished chairman, Mr. VOLSTEAD, the gentleman from Pennsylvania [Mr. GRAHAM], the gentleman from Massachusetts [Mr. WALSH], the gentleman from Ohio [Mr. FOSTER], the gentleman from Arkansas [Mr. TILLMAN], the gentleman from Texas [Mr. SUMNERS], the gentleman from Virginia [Gov. MONTAGUE], and other men of like experience and like ability. That committee in response to a Nation-wide demand, in the intolerable heat of a committee room, sat for three weeks, calling men and women from all parts of the Nation to gather views as to the necessity for additional enforcement legislation.

After hearing testimony for three weeks these gentlemen of poise, of ability, and legislative experience went over the legislation and reported to this House a bill. You all know that under the peculiar conditions of the rules of this House to attempt to get through a controversial piece of legislation such as a prohibitory law on Calendar Wednesday would prove abortive. You have only two Wednesdays before you must surrender the right under the rules of Calendar Wednesday, until a new call may be had. Gentlemen are all familiar with the fact that by filibuster it would have been impossible to consider that bill on the floor of the House effectively under any of the regular rules of this House. Consequently, the chairman of the committee [Mr. VOLSTEAD] appealed to the Rules Committee for a special rule, and what I say I say in all kindness, and there is nothing personal about it; but in my judgment the centralization of power in the Rules Committee is a menace to legislation in this body. The Rules Committee started hearings. On what? To find out whether there was a demand for the legislation? Oh, no; not that. To ascertain whether or not the legislation would meet the situation and whether the legislative condition of the House would permit it, in fact, to have the bill considered? Not that. The Rules Committee started on a little hearing of its own on a bill that had been reported after three weeks of hearings from one of the great committees of this House, to determine what? Whether the legislation was meritorious, whether the legislation should be passed by this House, whether the committee from which the legislation emanated was trustworthy, and they decided what? The individual members of the Committee on Rules decided that they were not in favor of the legislation, and, therefore, they stifled it. Mr. Speaker, there are many men on the floor of this House who were not in favor of that legislation, but few who oppose it would have the blatant egotism to declare that because they are opposed to it, therefore the House of Representatives has no power to hear it. [Applause.] The question of whether this bill should be enacted into law is the function of this House; it is not the function of the Rules Committee; and I say to you that it is a menace to a Republic when a half dozen men can sit as censors over the bills reported by great committees of this House and, if they do not approve them, determine that the House shall never have the opportunity of even considering the legislation. Mr. Speaker, there was a time in this country when we had what we called Cannonism, a time when there was a revolt all over the Nation because of the centralization of power in the hands of one man. So far as any controversial legislation is concerned that may come before this House, the only difference between that day and this is that the power now is in the hands of about six men, who assume to usurp the functions of this House.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. BLANTON. Is it not also the autocracy of the Committee on Rules that forces this bill before the House under a suspension of the rules, requiring a two-thirds vote instead of a majority vote?

Mr. REAVIS. Oh, that follows as the practical operation of one of the evils; but here is the proposition: The Rules Committee not only told the great Judiciary Committee what it could not do but it told that committee what it could do, and after censoring the bill that this committee after three weeks' hearing reported to this House, which the Rules Committee decided the House should not have a chance to consider, the chairman of the Committee on Rules introduced his own bill containing a section or two of the original bill and notified the Committee on the Judiciary that they might consider or report that out. Let me repeat that what I say I say in all kindness and that there is nothing personal in this from my standpoint. The distinguished gentleman from New York [Mr. COCKRAN] the other day very correctly stated that the functioning of the Rules Committee and the character of rules that have been brought on the floor of this House made the House innocuous. In this in-

stance it makes one of your great committees absolutely puerile. It is unsafe and unwise that the power to stifle legislation should be reposed in a half dozen out of 435 legislators. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker, some of the gentlemen have laid stress upon a comment that was made here to-day with respect to the attitude of the people of my State upon this bill and on prohibition generally. I shall not go into the matter except to say that the people of New York State can be relied upon to respect the law. Any statute which is passed by this House and approved in regular order will receive at least the respect, even though it may not receive the approval, of the people of New York.

It is only fair, however, to say that prohibition is not, and never will be, popular in the Empire State. Its population, particularly that of the great metropolis, like that of all great industrial and commercial centers, is made up of many racial strains.

DIETARY CUSTOMS.

The foreign population and their descendants in our large cities have become used to certain dietary customs. The Latin elements, for instance, have become accustomed to light wines, which, as is universally known, they use with moderation as a part of their meals instead of tea or coffee.

The Teutons use beer in similar manner. Those from the British Isles have a predilection for ales and porters. In the opinion of these people these lighter stimulants are useful and beneficial adjuncts to diet. Native Americans, too, have gradually adopted these beverages and have come to look upon them as essential. To take these lighter beverages away by the power of the State is little short of a national calamity. It has made the American workman sullen and discontented. It has made the foreign-born citizen rebellious. We hear much to-day of propaganda to Americanize our adopted citizens. I know of nothing which has contributed more to make the foreign-born unsympathetic to our institutions than this prohibition legislation. To take from him a personal liberty which he and his forebears enjoyed, even under the most tyrannical of monarchies, seems to his mind incongruous and incomprehensible in a land which he has always been taught to believe was the land of the free.

THE POOR MAN'S BEVERAGE.

It was once a common sight to see the laborer stop his work at the noon hour, send for his can of beer, and, sitting on scaffolding or bare sidewalk, drink the humble beverage as a part of his midday meal. When his frugal repast was over he would return to his pick and shovel, his hammer and saw, with renewed strength and vigor. At night, when his work was done, he would have his beer at his evening meal in the midst of his family. It was not the laboring man who patronized the licentious cabaret or the all-night road house, where strong liquor debased men and ruined women. If drink conquered, it was in such places and in the homes of wealth and fashion.

There is a very old verse which runs as follows:

The rich man has his cellar
And ready butler by him;
The poor must steer for his pint of beer
Where a saint can't choose but spy him.
The rich man's curtained windows
Hide the concerts of the quality;
The poor must share a cracked fiddle in the air,
Which offends all sound morality.

If any workingman fell from grace, you may rest assured it was not through beer.

WHISKY DRINKING ENCOURAGED BY PROHIBITION.

Where light stimulants are used whisky drinking never flourishes. To-day whisky drinking has become a public scandal. Young men and young women who never before thought of whisky now drink it openly. To-day they open a bottle of whisky costing $10 or $12 as a matter of bravado, as would-be sports used to open up champagne at $5 a bottle.

The ardor of alcoholic appetite is a factor in enhancing the price of strong drink and tempts the commercial instinct of men to pursue an enterprise which promises large profits. The reformers played right into the hands of the forces they aimed to circumvent. If they had let beer and wine alone and struck at whisky and the saloon, at which the bulk of the people of this land thought they were aiming, there would be no such thing to-day as the prohibition question. The saloons are still open, doing a more flourishing business than ever before. They are getting more for their whisky than their predecessors used to get for high-priced French wines. And who supports these so-called brothels of iniquity? Why, the workingman, whose beer was taken away for his moral uplift and improvement.

THE PHYSICIAN AND BEER.

Now, under the terms of this latest bill it is proposed to deny the use of beer as an aid to medicine. It is proposed to deny to physicians the right to prescribe beer in the treatment of their patients. I will very readily believe that the doctors do not want the right to prescribe beers. I will very readily believe that the druggists do not desire to keep beers as a part of their medicinal supplies. But all of that, of which so much has been made here to-day, is beside the point. Beer is not a medicine and no one can reasonably say that it is. Doctors usually prescribe it as an aid to diet—in the same sense as they order their patients to drink water, milk, take exercise, or avoid the use of certain meats and vegetables. Even Dr. Harvey W. Wiley is dragooned to join the chorus of sophistry. He said very solemnly at one of the hearings (May 20-21, p. 296):

I have never seen a prescription written by a physician which included beer as one of its elements.

Of course he did not, and no one else did, either. Neither did he see a prescription which prescribed milk "as one of its elements" for the very good reason that such beverages come under the head of general dietary instructions given to the patient orally and not in writing. So all the hubbub about whether or not beer is a medicine is only a straw man put up to be knocked down.

The real point in the controversy is how men can become so narrow and short sighted as to meddle at all with a profession so sacred as that of the physician's and undertake to dictate to him what he shall or shall not recommend for the alleviation of human suffering. There lies the outrage against common sense and liberty. We have allowed, and will continue to allow, the physician to prescribe morphine, cocaine, heroin, arsenic, strychnine, and other deadly drugs. Under this latest effusion of fanaticism—the bill before us—the physician is left carte blanche to deal out the deadliest drugs in the pharmacopœia, but—consistency, thou art truly a jewel—he must not recommend his patient to take a glass of beer or porter!

THE FORCE OF PUBLIC OPINION.

At the hearing on this bill Mr. Wayne B. Wheeler, the general counsel and "legislative superintendent"—yes, that is his title; he superintends legislation in this Congress—well, he said to the committee:

Recently I was in Maine, the first State that adopted prohibition, and there met the sheriff and the officers, and they were making their request of that legislature, after 60 years' experience, for new legislation to meet the devices and schemes that had been worked out by the liquor interests to evade the law there.

There, sirs, what better evidence can you have than that to show the utter futility of attempting to thwart men's appetites? Before you can devise a workable enforcement measure you must first reconstruct human nature. Mr. Wheeler is receiving a munificent salary for his zeal. He will be back here next year and possibly for many years to come demanding further supplemental amendments to the Volstead Act, and in the meantime his salary will go on and on. Verily it pays to be a reformer.

The fact is that the American people will never become reconciled to the eighteenth amendment. It was foisted on them while 4,000,000 of our voting population were in arms preoccupied in the defense of our flag. It was represented as only intended to abolish the saloons, and that it was directed chiefly against strong drink. The amendment, as submitted to Congress and to the legislatures of the respective States, gave no intimation as to what alcoholic content would debar a beverage from sale and consumption, and it was never believed that Congress would pass or that the Supreme Court of the United States would ever sustain a measure so utterly unreasonable as the Volstead Enforcement Act.

Why complain now about its enforcement? Its very rigor invites evasion and corruption.

The truth of the matter is that no law can ever be enforced that has not the general concurrence of public opinion. The ancient legislators recognized that as a basic fact. Before legislative bodies existed or statutes were enacted custom was the law, and according to a strict jurisprudence no law should be enacted that has not the sanction of custom.

SUMPTUARY LEGISLATION.

According to Bentham, obedience to law is founded on fear. That seems to be the notion which the prohibitionists have adopted. It may work out all right in dealing with crimes prompted by vicious or debased natures, but it is a poor restraint indeed in reference to artificial crimes, not involving moral turpitude, invented by intolerance. It was a crime at one time

in England for a laborer to wear the vest or sack coat of a squire or titled gentleman. That was when the intolerable sumptuary laws prescribed the clothing a man should or should not wear. Such laws were, no doubt, obeyed; but were they respected? Now comes intolerance again in new guise and foists upon us sumptuary laws telling us what we should or should not drink.

OUR WEAKER BROTHER.

The eighteenth amendment punishes the innocent instead of the guilty. To protect the sot, it deprives the toiler, the aged and the infirm, and the temperate self-respecting citizen of a form of refreshment to which their whole lives have become attuned.

Why so much solicitude about the weaker brother? If he has an appetite for drink it is no worse than the lust of the flesh and has caused, beyond comparison, less misery, less disgrace, and less dishonor. The divorce evil is a thousand times worse. The drink habit kills its victim. So does lust. The drink addict may be odious, but what more loathsome, and yet pitiable, than the man upon whom syphilis has set its death mark? The drunkard humiliates his family, but the libertine disgraces them. Why then select this one vice as the subject of legislation and let other vices run rampant?

It is argued by criminologists that all crime is a form of weakness. Yet that deduction does not prompt them to remove all restraint or punishment. Legislators have written down drunkenness as a crime, and so it is—a filthy crime, degrading to the offender and the source of untold suffering and misery to innocent women and children. Yet such has been the neglect of our moral teaching that it has been treated with strange indulgence. The surest way to provoke a laugh in the vaudeville or in the movies, even to-day, is to display the antics of a maudlin drunkard. Consequently, young men, in bravado, to provoke the admiration of their chums, will boast of their drinking bouts. The evil therefore is and has been in the moral attitude of society and in the neglect to enforce the laws already in existence against this insidious and degrading vice.

PUNISHING THE THING INSTEAD OF THE PERSON.

It is a poor plan to punish the thing instead of the person. Formerly if a bull gored a man it was put to death and its flesh could not be eaten. The modern reactionary has come back to the old philosophy, which paraphrased must read, "If whisky hurts, it shall be destroyed." The modern philosophy is that the thing is innocent of guilt; the man who misuses it is the real offender; and if he is so weak that he can not be trusted he should be put under restraint.

But our friends on the other side retort, "The thing itself is bad." That, I think, they must admit is purely a matter of opinion. The hearings on this bill contain a mass of medical authorities purporting to show that alcohol is injurious to the human system. It is obvious, however, that pains were taken to use only the witnesses favorable to their contention. I will print here, under the leave extended, the opinions of medical men of the highest authority holding the view that alcoholic stimulants are wholesome and beneficial:

MEDICAL OPINIONS FAVORABLE TO ALCOHOL.

Sir William Osler, formerly of Oxford University: "In moderation wine, beer, and spirits may be taken throughout a long life without impairing the general health. I should be sorry to give up the use of alcohol in the severer forms of enteric fever."

Dr. William Edward Fitch, of the Vanderbilt Clinic: "It is the opinion of careful students of the subject that the moderate use of alcohol in health is harmless. It undoubtedly has a place in disease. There are reasons for believing that alcohol actually increases the resisting powers of the body to the poisonous toxins of septic fever."

Dr. Charles Gilmore Kerley, of the New York Polyclinic School and Hospital: "Alcohol is occasionally of great service in diseases of children. Under certain conditions it answers better than any other means of stimulation."

Dr. L. Emmett Holt, of the College of Physicians and Surgeons, New York: "With many nursing women the use of malted liquors—ale, beer, etc.—increases the quantity of milk and the proportion of fat. There is little doubt that alcohol is at times of much benefit."

Dr. George F. Still, of Kings' College, London: "The value of alcohol in the early stage of severe diarrhea, when there is extreme exhaustion and collapse, is, I think, quite undeniable. I think an unbiased observer must admit that brandy is sometimes very valuable in a bad case of pneumonia."

Dr. Chalmers Watson, of the Royal Infirmary, Edinburg: "There is no question of the undoubted value of alcohol in the treatment of certain diseases, especially in their critical stages."

Dr. Robert Hutchinson, of the London Hospital: "Alcohol certainly spares fat and sometimes carbohydrates and yields heat and energy to the body. Of this fact there no longer is any doubt, and it at once entitles alcohol to rank as a food. Wine used in moderation seems to add to the agreeableness of life, and whatever adds to the agreeableness of life adds to its resources and power."

Dr. William Tibbles, of the Royal Institute of Public Health, London: "Alcohol is primarily an appetizer. Convalescent, debilitated, or aged persons frequently eat more food when it is accompanied by a glass of beer, wine, or diluted spirits. The value of such a beverage to those who need it is admitted by most scientific men. Alcohol is a rapid and trustworthy restorative. In many cases it is truly life preserving owing to its power to sustain cardiac and nervous energy."

Dr. Hobart Amory Hare, of the University of Pennsylvania: "Clinical experience too great to be ignored stands for the continued use of alcohol. The chief uses of the drug are as a rapidly acting equalizer of the circulation and as a systematic support in low fevers and prolonged wasting diseases, in old age, and in convalescence from acute diseases."

Dr. A. A. Brill, of the University of New York: "Alcohol has an undisputed place in the human physiological and psychological economy."

Dr. Charles E. de M. Sajous, of Temple University, Pennsylvania: "Malt liquors—ale, stout, and beer—contain diastase, which aids the digestion of starchy foods. They are especially tonic in effect."

Dr. George F. Butler, of the Chicago College of Medicine and Surgery: "Atonic dyspepsia and weakened digestion are generally benefited by some form of alcohol. As a pure cardiac stimulant alcohol is remarkably serviceable. In certain stages of various acute diseases alcohol is one of the most potent and useful remedies."

Dr. Paul Bartholow, of the Jefferson Medical College: "Beer, ale, and porter are much and justly esteemed as stomachic tonics and restoratives in chronic, wasting diseases. Alcohol is an important remedy in the various forms of pulmonary phthisis. In convalescence from acute diseases there can be no difference of opinion as to the great value of wine as a restorative."

Dr. Samuel O. L. Potter, of the Cooper Medical College, San Francisco: "In anemia and chlorosis good red wines are almost indispensable. It is an absolute necessity in the treatment of lobar pneumonia. In fevers alcohol is often most serviceable. Some physicians agree with Mr. Lawson Tait, who declared himself fully persuaded, after 30 years of life as hard in work and as full of responsibility as well could be, that the moderate use of alcohol is a necessity in our modern life."

Dr. John V. Shoemaker, of the Medico-Chirurgical College of Philadelphia: "Alcohol is in some measure antidotal to the poison of the bacillus tuberculosis, and it is to this fact that its unquestionable value in prolonging life in phthisis is due."

Dr. John H. Musser, of the University of Pennsylvania: "There is, I think, no rational doubt that small doses of alcohol are at times useful with those that are out of health, for their stimulating effect upon the appetite and upon digestion, and occasionally for their effect upon other functions. When solid food can not be taken alcohol is our sheet anchor."

Dr. W. Gilman Thompson, of Cornell University: "There are a number of diseases in which the temporary use of alcohol is of positive service, and there are a number of cases in which it is a positive necessity in order to prolong life. Whatever controversy still exists over the physiological effects of alcohol as a food, it is undeniable that in some cases of disease it is clinically indispensable. The value of alcohol in the treatment of fevers is now universally recognized."

Dr. Robert Hutchinson, of the London Hospital: "'Rough cider'—that is, the completely fermented apple juice—taken in moderation, agrees well with most gouty subjects. The bottled or 'champagne' cider, which is imperfectly fermented, should never be used, owing to its undoubted liability to set up intestinal fermentation. Alcohol is the best possible hypnotic in many cases of chronic, psychic insomnia."

Dr. Binford Throne, writing in Forschheimer's Therapeusis: "All cases of diphtheria have more or less myocarditis, and all should be given stimulants from the first. The best is good whisky or brandy."

Henry L. Elsner, of Syracuse University: "In pneumonia—the experienced know that there are cases in which it is absolutely indicated."

Dr. William H. Smith, of Harvard University: "Influenza: When extension into the lung occurs, supporting measures must be pushed. Alcohol in some form should be given freely."

J. P. Crozier Griffith, of the University of Pennsylvania: "In scarlet fever with cardiac weakness alcohol in some form is one of the most rapid and satisfactory stimulants."

Dr. Julius Grinker, of the Northwestern University Medical School, Chicago: "For the obstinate sleeplessness of chronic cerebral anemia nothing equals in efficacy the imbibition of a night draft, consisting of either a glass of beer, wine, or even whisky in small quantities."

John Ruhrah, of the College of Physicians and Surgeons, Baltimore: "In severe cases of smallpox alcohol may be added to the dietary with great advantage."

Dr. Herbert Maxon King, of the Loomis Sanitarium for Tuberculosis, New York: "Small doses of alcohol in the form of wine, beer, or ale with meals will often stimulate a flagging appetite and enable the patient to consume a normal amount of food. When the carbohydrate content of the diet can not be brought up to the desired quantity, the addition of a little wine or beer to the diet may be of distinct advantage. As a stomachic in cases of hypoacidity, loss of appetite, and consequent impairment of digestion, the lighter wines and malt liquors may be prescribed to advantage."

Dr. Frederick C. Shattuck, of Harvard University: "In typhoid fever.—If heart shows signs of undue weakness, I consider it a grave error in judgment to withhold alcohol. The danger of forming the alcohol habit is practically nil in the subjects of acute general infection. They are more likely to acquire a distaste than a liking for it."

Dr. Daniel M. Hoyte, formerly of the University of Pennsylvania: "Alcohol has long been used to abort a cold. The patient takes a hot bath and after getting into bed drinks a hot lemonade containing one or two ounces of whisky. This produces diaphoresis and aids in the elimination of the toxins."

So, after all, it is only a matter of opinion. The error that is made is to select either one as the basis of a constitutional amendment.

WRONG TO ENGRAFT A MOOT POINT INTO LAW.

One side looks at the use, the other at the abuse. Both are right and might continue to hold their respective views and live together in peace and amity if they were content to leave it as a matter of opinion. The evil of the situation is that one side has succeeded in projecting its opinion into our Constitution as a part of the organic law of the country. That, I believe, is fundamentally wrong and in violation of the basic traditions of free government.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. The gentleman will pardon me, but I have not the time. We have put into the Constitution of the United States the opinion that stimulants should not be used as a bev-

erage, and we have followed it up with the enactment of criminal laws for enforcement of that opinion. This is the first time in our history that our Constitution has been amended so as to limit and curtail human rights. It is the first constitutional amendment which restrains personal liberty.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. No; I can not yield. Every other amendment to our Constitution, dealing with abstract principles, has since the foundation of this Government been directed toward the enlargement of human rights or the protection of individual liberty. They have all tended toward the protection of life, liberty, and the pursuit of happiness. This eighteenth amendment stands out alone as the only provision of our organic law in restraint of individual freedom.

Therein lies the evil of legislative meddling with moral issues. Its inevitable tendency is to coerce the minority. We have no right to enact our own moral code into the civil law for the government of all.

The best protection for our posterity will be found in the complete severance of personal morals from the domain of legislation. If we fail in this we establish a precedent for our successors to follow when the pendulum of public opinion swings the other way.

Thomas Jefferson, in a letter to Francis W. Gilmer, said:

Our legislators are not sufficiently apprised of the rightful limits of their power; that their office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a right to commit an aggression on the equal rights of another, and this is all from which the laws ought to restrain him. (Works of Thomas Jefferson, vol. 7, p. 3.)

PROHIBITION AND MORALS.

The difficulty with prohibition is that it is not a political question; it is not even an economic question, but is fundamentally a moral question, and does not yield to reason.

Morality does not submit to inexorable formulas. It is doomed to lie forever in the shadowy borderland of argument. Its usual solvent is time and place. No fallible human being can say with absolute certainty that a certain course of conduct is ethically right or wrong. All that he knows is that if he agrees with the majority, he may live in peace. If he does not, he is sniffed at or perhaps sent to jail.

It has been said that morality is a relative term, and, when we take a broad view of the human race and consider its divergence of origin and the variety of its ethnic strains, we are bound to admit that there is much truth in that contention. The Turk, sometimes called the unspeakable Turk, deems it highly immoral to take a glass of wine, but considers the polygamous use of women as blessed in the sight of the Almighty. The Turk grafted his morality into the law—even as the antisaloon men have grafted their morality into American law.

THE LAW AND MORALS.

In ancient times, and among primitive peoples, law and religion were one. The law was a part of religion. That was when there was only one religion—the established religion. To-day, there being no established religion, the same forces of intolerance are seeking, indirectly, to engraft the teachings of their religion into the law. There is no difference in principle—the only difference is in the method. Truth is the basic doctrine in all religions and it is well to teach it. It has never, however, in a republic been deemed wise or just to enact the bare doctrine into law. It was soon seen that the legislator would first have to answer the eternal question: "What is truth?" The furthest he could dare go was to make a law punishing any infraction of the moral law which resulted in injury to others. So with temperance. Laws are justly made to punish drunkenness; but it is a novel doctrine in a republic that legislatures may curtail free will and punish an appetite independent of whether or not its exercise has injured the rights of others.

USE OF DRINK AND THE BIBLE.

But is the use of wines and liquors immoral from the Christian standpoint? In this Nation both Jew and Gentile alike take their religion from the Bible. Examining that venerable source of our religion, it will be found in Deuteronomy, chapter 14, verse 26, that the Israelites are told:

And thou shalt bestow that money for whatsoever thy soul lusteth after, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul desireth: and thou shalt eat there before the Lord thy God, and thou shalt rejoice, thou, and thine household.

And you will observe that they are told to take their glass of wine or strong drink in the presence of the Lord their God, and not in a cellar or dark corner. Nothing shamefaced about that; but in the open and in the presence of the Lord. And to make the crime worse, they are even told to rejoice, "both they and their household." Think how it must shock the good people who are so deeply concerned for the moral welfare of this Nation when they take up the Bible and find in it such shameless admonitions.

In the second book of Samuel, chapter 16, verse 2, we are told that when King David asked the reason for the gift to him of a bottle of wine Ziba replied:

And the wine, that such as be faint in the wilderness may drink.

To-day a good citizen, if he were faint in the wilderness, would, of course, dash the bottle of wine upon a rock and refresh himself with a long lingering whiff of smelling salts!

But, of course, there is a possibility that our pious friends may reject the testimony of the Old Testament as being the guide of a pagan people in rough and uncouth times, when the chemist's art had not progressed to that supercivilized state where spirits of ammonia and synthetic substitutes for wines and other refreshments were procurable.

What, however, have they to say to the miracle performed by the Founder of the Christian religion, as told in John, chapter 2, verses 1 to 11? At that time there was a marriage in Cana of Galilee and Jesus was invited. And the wine failing, he turned six water pots of water into wine. And such good wine it was that the chief steward remarked to the bridegroom:

Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse: but thou hast kept the good wine until now.

Imagine Christ coming back to earth and attempting such a feat as that to-day. He would be apprehended by an enforcement officer, thrown into prison, tried for manufacturing an alcoholic beverage in defiance of law, and the wine thus miraculously made would be indignantly and ruthlessly thrown into the sewer.

Where, then, is the religious sanction or authority for this movement against stimulating beverages? It has no sanction in the Bible, and the only religion in harmony with the prohibition movement is, as I said before, the religion of the Turks—the religion of Islam. Is it not rather anomalous, to say the least, that the viewpoint of the founder of Christianity should be rejected in favor of that of Mohammed?

Truly, it reminds us of the words of Abraham, quoted in Luke, chapter 16, verse 31:

If they hear not Moses and the prophets, neither will they be persuaded, though one rose from the dead

RELIGIOUS ASPECT OF PROHIBITION.

And yet, strange to say, this prohibition movement has a religious environment and stimulus. Bishop James Cannon, jr., in advocating this bill before the Judiciary Committee, said, on page 24 of the hearings, that although a member of it he did not appear in the name of the Anti-Saloon League, but "as representing the Methodist Episcopal Church South, the third largest Protestant denomination in this country."

William B. Anderson stated before the same committee on the same occasion (p. 26) that he spoke for upward of 4,000 churches in the State of New York that are supporting the Anti-Saloon League.

Mr. R. L. Davis, superintendent of the North Carolina Anti-Saloon League, appeared also as the secretary of the Board of Temperance and Social Service of the North Carolina Conference of the Methodist Episcopal Church South (p. 36).

Mr. Charles Scanlon appeared as the secretary of the Board of Temperance of the Presbyterian Church in the United States.

Mr. Deets Pickett appeared as the representative of the Board of Temperance Prohibition and Public Morals of the Methodist Episcopal Church (p. 191).

Mr. S. E. Nicholson appeared as chairman of the Board of Prohibition of the Friends or Quakers (p. 311).

A perusal of the testimony of some of these gentlemen before the Judiciary Committee, which reports this bill, is interesting and illuminating, showing, as it will, the tendency to microscopic concentration and utter lack of broad humanity which animates the sponsors of the prohibition movement.

For instance, Mr. R. L. Davis gloats over the fact that in his State—North Carolina—they have ceased "weaning them off" gradually, but have gone after violations of the law in a different manner, namely:

There has been destroyed by officers, or killed by officers in the enforcement of the law, four blockaders and one faithful man, a policeman.

In other words, five killed in one raid. He admits that there are at least 115 illicit distilleries in his State (p. 38). If raids on all of these are to be accomplished with the same loss of life there will be a casualty list of 575—a pretty sacrifice, indeed, to enforce an absurd law. With this gentle crusader obviously "it is easier for heaven and earth to pass than one tittle of the law to fail."

Mr. Deets Pickett thinks the foreign element in our population are going to "recast their ideas" on the enforcement question (p. 192).

Mr. Samuel Wilson, assistant superintendent of the Anti-Saloon League of New Jersey, says (p. 292):

New Jersey, being a common-law State, we do not have to bother with juries, and the judges are sending them to jail, and we feel very much encouraged.

What a sweet disposition this good man must have to be so delighted and encouraged by the sending of his fellow men to jail!

Mr. S. E. Nicholson, of the good Quakers, in arguing to bring the Philippines under the baleful and petrifying influence of prohibition, says (p. 318) that because there is sentiment against the prohibition amendment he is sure that that trifling circumstance ought not to interfere with the imposition of the law upon them.

Mr. Charles Scanlon asked, "in the name of" the Presbyterian denomination, "that we have sufficient guaranty that the law is obeyed and whatever inconvenience or expense that may be suffered be endured" (p. 85).

From this we derive the clear and definite conclusion that with the religious zealot engaged in a reform crusade nothing counts but the end to be achieved. In other words, the end justifies the means. No matter about the expense or personal loss to the victims; no matter about the loss of lives, they die in a good cause, so they think. No matter about the Constitution—the preservation of trial by jury, and other little things like that for which our forefathers died. No matter about the ethnic origin of others—all must bend, all must give way before the onslaught of one perfervid, all-absorbing idea, namely, the forcing of conformity of opinion upon the human race.

THE SALOON AND THE CHURCH.

It must be conceded that in the beginning the basic impulse was laudable. Good men saw the evil influence of the saloon growing throughout the land threatening American ideals. They directed their attack at first at that evil, and many persons of liberal views and temperate habits joined heartily with them. Manufacturers and large employers of labor, familiar with the factor of drunkenness as a drawback to efficiency, willingly lent their cooperation. But in its inception nowhere was there visible the slightest intent to attack anything but the abuse of drink by controlling its use.

Avenues of financial support soon opened up leading to the coffers of great interests, and, with vast wealth at their disposal, the paid publicity men, whose interest it was to keep up the agitation, enlarged the original temperance movement into a prohibition campaign, giving it at last the aspect of a religious crusade. They were enabled to gain headway by the arrogance and shortsightedness of the brewing and liquor interests, who, by their own folly, drove their adversaries into an impregnable position. If the liquor interests had consented to the elimination of the saloon in the beginning, they would not have had to suffer ultimately the utter destruction of their industry and brought down on the American people a form of sumptuary legislation which is offensive to every principle of free government. The saloon, as a political factor, was indefensible; but, if the saloon in the past became a factor in politics, its purpose was so transparent as to invite its own destruction. The growth of the church influence in politics is even more to be deplored because its methods are insidious. It has no concern for fundamental principles of liberty.

I am not decrying religion or religious crusaders. As individuals they are willing to admit the fallibility of human judgment, but in the mass they are usually intolerant of minorities. As individuals they are kindly, gentle, and humane. But in the mass, when aroused by what they think is moral righteousness, they are prone to usurp the wrath of the Almighty.

ARE WE DRIFTING BACK INTO THEOCRACY?

Civil lawyers have invented a phrase to justify the State's invasion of individual liberty. They call it "the police power of the State." Under this the State officers invade your home and tell you what kind of plumbing you ought to use or how your walls should be papered. Churchmen have invented a similar slogan, "The moral power of the State," and under it they purpose to invade your home and tell you what you shall drink at your table.

In the colonial history of this country it will be found that our good ancestors thought that in the exercise of the moral power of the State they had the right to compel the individual to go to church on the Sabbath. In Virginia the statute provided that the third offense in failing to attend divine service on the Sabbath should be punishable by death. In Massachusetts and in Connecticut "presumptuous Sunday desecration," or breaking the Sabbath, was also punishable by death. Even in tolerant Maryland, which led the way in the New World to toleration of all Christian creeds, blasphemy was punishable by "death without benefit of clergy." In all of the Thirteen Colonies lashes and public exposure in the stocks were the fate of those who offended against the statutes which religion had injected into the legislation of the Commonwealths.

It is to the everlasting credit of Roger Williams that he rebelled against the exercise of such restraint upon the individual conscience. For his manly stand in defense of human liberty he was driven out of the colony of Massachusetts in the dead of winter and compelled to throw himself on the mercy of the savage but sympathetic red men of the wilderness. With a few followers, in 1636, he founded the colony of Rhode Island, at Providence Plantations, where he dedicated, as the foundation stone of the new government, the lofty, imperishable principle "that conscience was by nature free, and that it was the duty of human society to preserve intact that freedom whereof the least violation was invariably the first step to soul bondage."

This would seem to be only the enunciation of a self-evident proposition; yet old errors die so slowly that it took over two centuries of growth of American public opinion to eradicate from our State laws those medieval statutes which enchained the human conscience.

To-day we are witnessing a renewal of that old spirit of interference with individual conscience, and the inquiry is truly pertinent: "Are we drifting back into theocracy?"

The eighteenth amendment is a violation of the right of individual freedom of opinion. It brings discredit on our glorious Constitution, which up to this hour has been held holy as the sacred repository of human liberty. The sooner this amendment is repealed the better will it be for America and humanity.

MAJORITIES NOT ALWAYS RIGHT.

It is said that prohibition was passed by a large majority and approved by 45 of the States. True, but in violation of the fundamental principles of free government. A majority does not make it right. There is no sanctity about majorities. Majorities sustained the Suttee of India; sustained human slavery; sustained the crucifixion of the founder of Christianity upon the cross 2,000 years ago; sustained the inquisition in Spain; sustained the law of primogeniture in England, and has upheld dueling and scores of customs which a kindlier and more enlightened age has completely rejected and abandoned as barbarous and unjust.

It is no new thought to say that majorities can not make things right which are fundamentally wrong nor make things wrong which are fundamentally right. The whole issue lies in the free arena of controversy. Whatever our own individual opinion may be, we have not the right to embed that opinion in our Constitution and then make laws putting those who think differently in the class of potential offenders, by making certain acts criminal which, wherever free men live, in all the history of the world have been recognized as perfectly lawful. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I am conscious that nothing can be said on this subject in five minutes which would impress the Members of this House. It is a very big subject. My own belief is that it may turn out that the best way to secure a repeal of any law is to enforce it. This is a hard law to enforce. Its difficulty now lies in the fact that was indicated to me by a plain inspector of customs on the dock in New York who said, "I do not know what we are going to do in this country about the obligation of an oath, because people who come into this country seem to think it is perfectly right to swear falsely about having liquor in their possession who would not swear falsely about other matters, and as a result the whole customs law is upset." In Maine in the old days, when they had had 40 years of prohibition, I saw whisky sold over the soda-water counter in Portland, Me., in soda-water glasses. They have had prohibition in Georgia for some 10 or 15 years, and a member of a college society who went through that State on the way to Cuba spoke of their celebration there in a city where the chief of police was present, and yet there were wines flowing and the chief himself was so intoxicated that he gave his cap to one of the attendants of those boys who took it down to Cuba.

Mr. HERSEY. Will the gentleman yield?

Mr. PARKER of New Jersey. I can not yield to the gentleman, I have only five minutes.

I want to help make a law that can and will be enforced. Now, I will say, first, I believe that it was whisky and spirits

that caused the ruin that brought on this law. [Applause.] I do not believe that beer and light wines create drunkenness. Hogarth pictured Beer Street and Gin Lane. I know when I went forth to camp with about 40 boys liquors were prohibited and after two and a half hours in the morning of violent drill and two and a half more in the afternoon the thirst was consuming. The water there was bad and gave dysentery; as a result many of the fellows drank whisky and about one-third of them, temperate men, too, during that week were somewhat overcome by drink. At the next camp we were presented with a thousand bottles of beer, which met the thirst, and nobody was affected during the whole time, though that beer was on free tap for ourselves and our friends.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Only one more sentence. This bill attacks and prohibits the prescription of mild beverages that can be found and regulated by law and gives preference to whisky and strong wines of 24 per cent which can be secreted. This is a mistake. It is a law not easily enforced and this tends to make men break the law. [Applause.]

Mr. SUMNERS of Texas. I yield 15 minutes to the gentleman from Arkansas [Mr. TILLMAN]. [Applause.]

Mr. TILLMAN. Mr. Speaker, I was struck by the high type of men and women who appeared before the Committee on the Judiciary and advocated the passage of this measure. There came before this committee Bishop Cannon, of the Methodist Church, the third largest organization of its kind in America, and there came also, among other excellent people, Wayne B. Wheeler, Dr. Wiley, William B. Anderson, Mrs. Boole, and a particularly fine motherly woman from the good State of Kentucky, Mrs. Beecham, a kinswoman, I assume, of our lamented Speaker, Champ Clark. Right living, high thinking, and purity of conduct had written on the face of that splendid woman lines of classical beauty. It is not a bad thing to reflect that the supporters of this measure are traveling along the same highway with this goodly company. Many mothers appeared before our committee asking us to pass this bill. No mother, no woman, no minister spoke against it. The only woman Member of this House is supporting the bill. My eloquent and agreeable and Irish friend from Boston, Mr. GALLIVAN, is always interesting and eloquent, as always are the Irish. He is happy in his diction, always eloquent, always wet, and always wrong upon the liquor question. And he is to be followed this afternoon, I understand, by one of the most remarkable orators this House has ever heard. I had not had the pleasure of listening to our friend from New York [Mr. COCKRAN] until this session. He is not only a graceful orator, but he is a fluent and interesting talker as well. He is to close the debate in opposition to this bill.

I love the Irish. I am half Irish myself and have the right to talk about them. God bless them. They have fought gallantly for every country but their own, and I rejoice to see them loyal to the old country and loyal to the shamrock.

> There's a little green plant that grows over the sea,
> And the emerald leaves that it numbers are three,
> And the heart of the Irishman ever is true
> To the little green shamrock all covered with dew.

Gentle Irishmen, I want to see you loyal to the shamrock, loyal to Irish traditions, loyal to Irish whisky, even, but I do not like to see you get down on your proud knees and beg quarter for that broth of hell known as German lager beer. [Applause.] On this great liquor issue I appeal from my eloquent friend from Massachusetts [Mr. GALLIVAN], whom I love very much, to another Massachusetts man, John B. Gough, a rugged, fiery dramatic orator, who spoke against the giant evil of drink from ocean to ocean. And we all admire our genial, splendid friend from Illinois [Mr. SABATH], who is in charge of the opposition to this bill, but I appeal from him, much as we respect him, to that splendid woman, another Illinoisan, Frances Willard, whose marble statue stands out yonder—Frances Willard, whose fire-touched lips preached temperance throughout America. Her very name suggests white ribbon purity.

I regret that my handsome young friend from New York took occasion to say some things that I think he should have left unsaid, when he told the House that the place to get liquor in New York was at the police stations, and among officers who are sworn to enforce prohibition. Now, is this really true? It is a bad habit we have to decry judges, law-enforcement officers, to decry men who are church members or who stand for law enforcement. I believe this law can be enforced. It comes in bad grace from those who are against the passage of this bill to attempt to cast criticism and insinuations against those who happen to favor it.

Some of these critics are unfair and have no respect for things sacred.

Let me tell you what one witness at the hearings said was being done. He testified that they were selling in New York City a bottle with a holy cross upon it, marked holy water, and that the sacred symbol "I. H. S." was on the bottle. The majority of officers want to enforce the law, the majority of men and women in America believe in enforcing law. We have heard much said about the lack of law enforcement.

Mr. MILLS. Will the gentleman yield?

Mr. TILLMAN. I will.

Mr. MILLS. Does the gentleman apply his remarks with equal force to the fourteenth amendment to the Constitution?

Mr. TILLMAN. The fourteenth amendment to the Constitution is enforced, at least in the State of Arkansas. [Applause.]

Mr. BLANTON. And in Texas.

Mr. TILLMAN. And in Texas. In Arkansas, I assume you mean to say, we disfranchise the Negro. We have a poll-tax requirement in my State, the payment of which is made a prerequisite to voting, and this applies with equal force to whites and blacks. But I will not be diverted from discussing the eighteenth amendment because the gentleman from New York prefers to talk about the fourteenth amendment.

Mr. MILLS. How does the gentleman distinguish the various laws which do disfranchise the Negro from fake doctors' prescriptions?

Mr. TILLMAN. One reason why the South is for prohibition is because fake doctors have prescribed gin and beer and certain patent medicines for the Negroes, and these Negroes, inflamed by these liquors, sometimes commit the awful crime of rape, for which they are sometimes hanged in the South, a fact that we all deplore.

Other States besides my own require a poll tax, an educational qualification, or registration as a prerequisite to voting.

Mr. GREENE of Massachusetts. Let me say that the gentleman is incorrect in regard to the Massachusetts law.

Mr. TILLMAN. You have not any poll tax?

Mr. GREENE of Massachusetts. No. The law does not deprive any man of the right to vote.

Mr. TILLMAN. You have no property qualification there? At any rate, you have an educational qualification?

Mr. GREENE of Massachusetts. We have no property qualification and never had one.

Mr. COCKRAN. And let me make the same statement as to New York. There is no property qualification, poll tax, or anything else that prescribes conditions in New York State.

Mr. CARTER. You have registration, have you not?

Mr. COCKRAN. Registration is universal.

Mr. TILLMAN. Well, our requirement as to a poll tax is tantamount to registration. It is simply the payment of $1 to the common-school fund.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. PADGETT. In Massachusetts they have an educational test.

Mr. TILLMAN. Why, certainly they have an educational test there. It is far more drastic and less fair than the law requiring the payment of a dollar to the school tax, as entitling one to the privilege of voting.

Mr. COCKRAN. We have none in New York.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. No; I must decline to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TILLMAN. Do not tell me that this law can not be enforced. You might say the law against murder is not enforced. It is, and yet men who are charged with murder are often acquitted, and men charged with the violation of this law are likewise often acquitted. But I say it is an insult to both State and Federal judiciary to say that this law will not be enforced. As long as we respect the judiciary as we do now, this country is safe.

I was much pleased with the action of the electorate in the good city of Chicago not long since. There is a political boss in the city of Chicago named Thompson, who is at the head of one of the numerous municipal political machines in the country, and he could always elect his candidates for Representatives and for county clerk and for sheriff, but when it came to electing his judicial ticket in the city of Chicago, the best people, Democrats and Republicans alike, got together and elected the splendid bench that they have had for years, mostly Republicans, and defeated the Thompson ticket. It shows the people respect the judiciary and can be relied on to select the best men for judicial positions, and these men will see to it that all laws are respected and enforced.

This measure is simply to stop the sale of beer as a medicine. It is not now and it never has been a medicine in the United States; never has been listed as a medicine in the United States Pharmacopœia.

Mr. VOLK. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. No; I can not yield now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TILLMAN. Dr. Wiley is an eminent physician, and he has plenty of money, is not a candidate for office, and he says beer never has been and is not now a medicine, and has never been prescribed as a medicine. It is true that the hops in the beer are a sort of tonic, and the malt is a sort of food, but the alcoholic content is not a medicine. Physician after physician and druggists all over the land testified before our committee and filed their statements to the effect that beer is not a medicine.

The best doctors are not giving much medicine any more. They say go out and breathe the free air of heaven for your diseases; go out and get the sunshine, eat proper food, and you will become cured.

Oh, they say, you must not limit physicians in the things they want to prescribe. They say if doctors want to prescribe beer, let them do so. Well, physicians are not supermen. They do not know everything. Any sensible man knows that beer and alcohol and intoxicating liquor do a thousand times more harm than good, and even though occasionally a prescription of beer would be helpful, the doctors must simply forego prescribing it for the greater good beer prohibition will bring about.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. I regret that I can not.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TILLMAN. Now, take the proud city of New York. I want to see a dry New York. I want to take your liquor from you. I want you to be the greatest city in the world, and you would be if——

Mr. COCKRAN. We are——

Mr. TILLMAN. If you were dry. You would be still greater if they took your beer and certain other things away from you. Poor old London, the biggest city in the world, is now trembling from center to circumference. Why? Because the red radicals have her by the throat. Where do those radicals meet and plot? At the saloons. Sturdy old England, great as she is, is being debauched by half-and-half, by beer and ale and liquor, and because of this she will not be able to keep pace with sober America in the great race for world supremacy. [Applause.]

I want to see a dry world. I am no better than the average man. I have learned my lessons about the world, not in the correspondence school but by experience. I am not a crank, but I tell you I believe in prohibition and I believe the world is going to be saved by it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. I ask unanimous consent that all those who speak on this bill may revise and extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all Members who speak on this bill may revise and extend their remarks in the RECORD. Is there objection?

Mr. STAFFORD. Mr. Speaker, I assume that privilege will extend only to their own remarks?

The SPEAKER. With that limitation, is there objection?

There was no objection.

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL]. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, the decision of Attorney General Palmer that beer might be prescribed by physicians as a medicine under the Volstead Act created consternation throughout the country among those who believed, when the Volstead Act was enacted, that it prohibited the use of beer for medicinal purposes as well as for beverage purposes. Since then the one purpose of those who are in favor of the enforcement of the law under the eighteenth amendment throughout the country is to secure such an amendment to the law as will enable those in charge of its enforcement to enforce it against beer as well as the other prohibitive provisions of the law.

The Judiciary Committee very properly took up this subject and considered the question of passing a law that would prevent those in charge of the preparation of regulations and the enforcement of the law from putting into effect at a very early date regulations permitting physicians to prescribe beer and thus opening up breweries throughout the country for the manufacture of beer. Those interested in many breweries resorted to every possible trick to delay the passage of a law to prevent regulations being put in force for the sale of medicinal beer. The Treasury Department had been threatening for days to promulgate those regulations. The danger was imminent that they would be promulgated. The necessity was great that they should not be promulgated. The necessity was great that Congress should pass a law prohibiting the prescribing of beer as a medicine. But the Judiciary Committee entangled and entwined with the beer provision many other controversial questions that would have delayed the passage of the antibeer provision indefinitely, if indeed it ever could have been passed, loaded down with such riders as the Judiciary Committee loaded it with. The bill came to the Committee on Rules for a rule. They did not ask for its consideration under a suspension of the rules last Monday, as they might have done if they had had a bill for which there was a general demand and to which there was no serious objection. But, no; they asked for a rule.

The Committee on Rules, after a hearing to discover whether there was an emergency—not for the passage of the beer bill, because there was no question about that—found that it was proposed in the bill to give control of industrial alcohol used in the arts and sciences and in manufactures, over which Congress has no power under the eighteenth amendment, to the prohibition enforcement officer to find out about the question and provisions about which there was controversy. Well, the Rules Committee listened to those who came before them, and it was very apparent that the committee did not take kindly to the other provisions in the bill. I think the Committee on Rules in its personnel compares very favorably with other committees in this House. It embraces such men as SNELL and FESS and RODENBERG and DALE and JOHNSON and SCHALL and POU and GARRETT and CANTRILL and RIORDAN—a splendid array of men of high purpose and high character. They were in favor of passing at once a law that would cover beer, and make a provision against it which they had supposed was in the Volstead law when it was originally passed.

I have no apologies whatever to make to the Judiciary Committee or to any member of it for introducing a bill that I believe will speedily pass and become a law and prevent the breweries of this country from starting again at an early date. [Applause.] That was the purpose that I had, and that was the purpose that other members of the Committee on Rules had, and that is the purpose I have now in urging the speedy passage of this bill, so that it can meet another bill of similar import in the Senate and receive the early approval of the Congress and the President and become a law. [Applause.]

This is not the first time that the Committee on Rules has been criticized. We are not above mistakes, either its personnel or as a committee, neither are the Members of this House or other committees of this House. I recall another time that a feeling arose between the individual members of the Judiciary Committee and the Rules Committee. It was something like two years ago when the Committee on Rules prevented a bill reenacting the old alien and sedition laws coming up on this floor at a time when there was feverish excitement in the country against every man of alien birth. We prevented the bill coming on the floor after it had passed the Senate and been favorably reported by the Judiciary Committee of the House. Is there a man in Congress to-day who will introduce that bill and ask for its passage after there has been this opportunity for cooling off?

Mr. BLANTON. Yes.

Mr. CAMPBELL of Kansas. Well, there is one, and that makes it absolutely certain that nobody else would be in favor of it. [Laughter and applause.] Mr. Speaker, this bill should be passed at the earliest moment possible. Indeed, there was never any necessity for more than 40 minutes' debate on it. Whether those who are in favor of beer and light wines as a beverage like it or not, the eighteenth amendment to the Constitution does not provide for light beers and wines in the United States. The sooner the people of this country realize the fact that prohibition of spirits and vinous and malt liquors is here to stay and that proper laws are enacted for the enforcement of that constitutional provision the better it will be for them and the whole country. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. VOLK].

Mr. VOLK. Mr. Speaker and gentlemen of the House, I can not work myself into a furore over this beer bill, and whether it passes or not makes very little material difference to me. However, I should like to correct a few of the remarks that were made on the floor here to-day, and, as my authority, I would like to say that in 1906 I began the practice of medicine and have been practicing on and off since that time. In 1914 I began the practice of law and I was a legislator in 1913. I can discuss this problem from nearly every angle. In 1913,

before the prohibition law was ever heard of, Potter's Materia Medica, at page 111, contained this on alcohol:

The use of alcoholic beverages in moderate quantity for healthy persons is violently condemned by extreme total-abstinence advocates, who make use of garbled quotations from medical authorities to support their arguments. Physicians generally agree with Mr. Lawson Tait, who declared himself "fully persuaded, after 30 years of life, as hard in work and as full of responsibility as well could be, that the moderate use of alcohol is a necessity in our modern life."

Dr. Robert Farquharson sums up the case for moderate drinking as follows: "All stimulant is unnecessary for the young and for people living perfectly healthy lives. But, under the stress and struggle of modern civilization, few of us beyond middle age are placed under normal physiological conditions, and a little alcohol helps us to round the corners, and to plane away the asperities of existence. In turns it may be a stimulant, or a sedative, or a tonic, or a digestive, or an actual food; and unless we run on into excess, no physical damage can possibly be done to our tissues. The argument in its favor, when wisely and prudently used, seems complete. It does us good and can do us no harm."

Now, ordinary kumiss contains from 2 to 3 per cent of alcohol; that is a milk preparation and you drink it freely every day. The ordinary fermented milk contains some alcohol, more than beer, and you do not go into a furor over a milk preparation. Why be afraid of beer? It is too bulky to be used in bootlegging. You need not be afraid of the bootleggers dealing in beer for they can not carry a case and get away with it. [Laughter and applause.]

We are facing a crisis with regard to the eighteenth amendment and the prohibition enforcement act. There has been an increase of drunkenness, criminality, and insanity, and many are turning to narcotic drugs for relief. Disrespect for the law is common, and otherwise self-respecting citizens violate the prohibition law as gleefully as a child on mischief bent.

Law is the crystallized moral sentiment of the community. A law which has not the moral support of the people can not be enforced. The only result of the prohibition law, so called, has been to remove from the Government about one-half billion dollars of yearly revenue. It has raised the price of liquor to an exorbitant degree and has resulted in flooding the market with "bootleg" whisky, high priced, dangerous, and of questionable quality. In addition to the loss in revenue it has become necessary to appropriate millions of dollars yearly for the enforcement of the law and in this expense the States have been compelled to join.

Has the supply of alcoholic beverages diminished? Light wines and beers have practically disappeared. The consumer must get his drink in concentrated form and chooses strong spirits. The rich and well to do can gratify their taste, but the poor man is left nothing but his thirst and his resentment against class discrimination. No one has any desire to defend the saloon nor intemperance nor the many evils of the liquor traffic, but reforms in morals and habits of people can not come by legislation. It is a process of gradual evolution.

The report of the committee shows that—

On January 1, 1921, there were in the bonded warehouses in the United States 40,216,079 gallons of whisky. At the end of March, 1921, there were 40,325,257 gallons of whisky, or 109,000 gallons more than on January 1.

Can it be that even under regulation by law we are producing more whisky than is necessary for consumption? Or, is it not more reasonable to assume that bootlegging has increased and that legitimate stocks in Government bonded warehouses are not the main source of supply?

To say that beer is not a medicine is to upset the experience and learning of the medical profession. Though 104 so-called physicians and scientists sign a statement "that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted," and so forth, how insignificant they seem compared with the 150,000 physicians in the United States to-day. The American Medical Editors' Association, composed of editors of the various medical magazines of the country, discussed this question at their fifty-second annual meeting held on June 7. A resolution was passed protesting against further undue regulation of therapeutic procedure by statutes or by administrative interpretation or regulation, and requested a review and revision of such existing statutes or rules or regulations restrictive of the therapeutic judgment and procedure of physicians. This was considered necessary for the preservation of the necessary rights of the medical profession and in the name of public welfare and wise public policy. The law should be a sane one and capable of proper enforcement.

Mr. SABATH. Mr. Speaker, I yield one minute to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker and Members of the House, as the representative of a constituency that is overwhelmingly opposed and antagonistic to this measure, I shall vote against it. Like all of the other Members who will vote in the negative on the passage of the bill, I thoroughly understand the attitude of this House with reference to the Volstead Act. The proponents of that legislation are more numerous, if anything, than they were in the Sixty-sixth Congress, and as a matter of arithmetical deduction the opponents are less in number than they were in the last Congress.

Notwithstanding the apparent growth of the prohibition sentiment as evidenced by its increase in legislative strength, it is clear to the most superficial student of social and governmental affairs that "things are not what they seem." Some remarkable phases of the prohibition situation were evidenced on the floor of the House to-day. The gentleman from California [Mr. KAHN] in closing a very pointed though brief address on the subject matter under consideration remarked, "And I drink less in a year than many of the Members who will vote for this measure drink in a week." No one challenged the verity of that statement or expression. No one was apparently astonished. No mind in the House of Representatives was illumined by the suggestion that the lawmaking body itself treated prohibition and the statute lightly and flippantly and as a rule of action that was expected or supposed to be more honored in the breach than in the observance.

Under ordinary circumstances a suggestion that a proposed act might outrun and contravene the Constitution would arouse the serious thought of a great many of the Members of what is concededly a thoughtful assembly of representatives of the people, notwithstanding the criticism that is leveled at it from time to time. But in this case the declaration of many speakers to the effect that the proposed bill violated the constitutional rights of citizens provoked derisive smiles, which meant as plainly as words might have conveyed the facetious jocularity that has stood the test of so many years, "What is the Constitution between friends?" As a matter of fact, it is clear to the ordinary observer of men and matters that it is not difficult, where one has the price, to quickly escape from the burning sands of the desert and find nepenthe in many an oasis in every city, great and small, in the country.

Some time since I read in the New York Times that Mr. Don. V. Parker, prohibition officer of Ohio, had given out a rather startling view of the situation in that State. Two years ago not more than a hundred stills were in operation, according to the commissioner. Now, the Columbus correspondent of the Cleveland Plain Dealer informs us that Mr. Parker is willing to concede that an estimate of 50,000 active stills in the State is conservative. Just as melancholy is the census of the children of "malt and hops." Prior to prohibition there were perhaps a few more than 200 breweries in Ohio. Now it is said that the number runs into hundreds of thousands. Fortunately, "it is said" suggests a wide region of guess and surmise. The Columbus police, men of wet bias, evidently estimate that one family out of every four brews its own beer. Many women are making beer for themselves, their families, and friends. Females' hands are also busy in producing wine and whisky. Apricots, raisins, and so on, for forbidden purposes, have an enormous sale at the groceries. Officials of the prohibition department admit that in some communities nearly 100 per cent of the homes are engaged in the illicit production of either distilled or fermented liquor. Wet statisticians, airily playing with the estimate that one family out of every four is a brewery, are happy in the conviction that Ohio, with a population of 5,800,000, is running 290,000 breweries.

One tale is good till another is told, yet if the prohibition commissioner of Ohio grants "that an estimate of 50,000 active stills in the State is conservative," the Buckeye heathen are much more numerous than anybody would have expected. Why should Ohio be, if it be, so much more wicked than New York or any other State?

If the figures mentioned by the Times are anyway near accurate and the people in the other States of the Union are disposed to view life from the same good-humored standpoint as the citizens of the Buckeye State, then it follows that there are approximately 5,500,000 breweries running and nearly 1,000,000 stills operating in the United States.

No wonder that the average man in public life of our country laughs uproariously at the suggestion that the constitutional rights of citizens are imperiled by reasons of a pretended or an imaginary compliance with the article and the statute. Apparently no one seems to believe it is reprehensible to violate this law. Instead of the solemn declaration of many Congressmen who addressed the House to the effect that this bill was based on the theory that an amazingly large number of members of the medical profession were lawbreakers, or could be easily tempted to violate the law, calling or provoking any denial or defending answer from the proponents, there seemed to be a desire upon the part of many to laugh at the matter, and as some Members said in private conversation, enjoy the

legislative cudgeling of the disciples of Aesculapius, probably on the theory that each phase and strata of society sooner or later fall a victim to public criticism, and as lawyers and legislators have "gotten theirs" for many a day it is time for "the healers" to get the lambasting which this bill undoubtedly attempts to give them.

Some time since one of the great jurisconsults of this country said in discussing prohibition enforcement and the interpretation of the eighteenth amendment that—

The Volstead Act in its present form is a piece of glaring legislative chicanery and lawlessness that is without precedent and without even the merit of a decent excuse. It is an incitement to contempt for law, and on that ground, and not primarily because it prohibits nonintoxicating beer, its modification becomes imperative to those who are wedded to the rule of law and order.

Permit me to particularize. The eighteenth amendment prohibits "the manufacture and sale of intoxicating liquor as a beverage," and gives to Congress and the States concurrent power to enact the necessary legislation to carry this prohibition into effect. The Supreme Court has said in effect that when the people gave to Congress and the States concurrent power they meant to give Congress sole and supreme power to the exclusion of the States. The court further decided in effect that the character and extent of the legislation that Congress may enact is without constitutional limitation or right of view; that the people left that entire subject unreservedly to Congress and that the courts have no control over it; if Congress has deceived the people and abused its power, its Members are accountable to their constituents and not to the courts.

What, then, has Congress done under this unlimited grant of power "to prohibit the manufacture and sale of intoxicating liquors as a beverage"? It has legislated to forbid the manufacture and sale of beverages which contain only one-half of 1 per cent of alcoholic content—beverages that it does not pretend, and that nobody has ever pretended, to be intoxicating, or that could possibly tend to intoxicate, as was frankly admitted by the members of the Senate committee upon the argument of the bill. It is not, therefore, because of anything that has been done with respect to "rum or no rum," nor because there is any controversy over the wisdom of the amendment, which is a great blessing to the country, but because Congress has grossly abused its power, that its action is to be challenged at the bar of popular judgment. The absurdity and bad faith of the limitation are made apparent when we consider that the alcoholic contents fixed by the law are less than are contained in a beefsteak. A glance at the proceedings before the committee when the bill was before it will convince any fair-minded person that Congress, under the whip of the Anti-Saloon League, lawlessly arrogated to itself the arbitrary power to outlaw nonalcoholic beverages, and that by that act of usurpation it has plunged this entire subject into the political arena as a bone for endless controversy.

Will anybody seriously contend that three-quarters of the States of the Union would have ratified the eighteenth amendment if they had suspected that it would ever have been held to include beverages which the promoters of the amendment have time and again themselves admitted to be beyond question nonintoxicating?

It is the most vicious form of class legislation and is bound to breed resentment and class hatred, besides which the law is unenforceable in the great cities, where it is most needed, and is only being sporadically enforced, and is generally openly violated.

The ruthless confiscation of property resulting from this abuse of power runs into billions of dollars. The business of brewing beer, a wholesome, harmless industry that has since the foundation of our Government been recognized as respectable and encouraged by legislation and that has yielded a substantial part of the State and Federal revenues, is thus summarily annihilated, without compensation to the owners, contrary to what is believed to be the will of the people.

If the Volstead Act is a legitimate exercise of the power intended to be delegated to Congress and not an abuse of that power, the form of the amendment prohibiting only intoxicating liquors was a fraud upon the people. Their remedy is to elect a Congress that will conform the law to the Constitution, which the Supreme Court has said is within the power of Congress to do.

Mr. Speaker, I would not measure the happiness of the human race or the welfare of my countrymen by money. I would not add to the misery of the race by a single jot for all of the wealth that has been piled up and then dissipated during all of the ages that have rolled their way into eternity. If I can not make some nook of God's creation a little brighter for my presence in this world, I will never attempt consciously to make it darker.

As long as God Almighty gives me the light to see the right I will champion the right. By no act of mine will ever I diminish the chances of any human being on this earth from securing the contentment and pleasure that ought to be found in human existence.

I believe that end can be secured by looking at life sanely, and from a common-sense standpoint. I can not subscribe to the theory that a fanatical reformer, who at times mistakes his own malevolence for a supreme virtue, is any better citizen or friend of the human race than the one who seeks by advocating temperance in all things and the building up of character to promote the welfare of his generation and those that are to follow. Far better, in my judgment, would it have been had the use of strong drink been prohibited and the manufacture and sale of light wines and beer allowed under strict regulation and a proper license tax. The subject should have been approached by way of an incline gradually reaching the summit or goal desired than through the precipitous leap that was undertaken and which failed to reach destination. Better to have a few hundred well-regulated breweries and wineries producing a desirable liquid food, according to excellent medical authority and upon which a noted political economist recently declared before a congressional committee could be levied a tax that would yield to the Government approximately $1,000,000,000 annually, than to have millions of kitchens fitted up with mechanical apparatus and the ingredients to produce either wine or beer. Regulation, in my judgment, would be productive of better results than ever can flow from prohibition.

The well-regulated restaurant where light wines and beer might be had would at once become a citadel and fortress of temperance, and drunkenness would become a thing of the past, as a proprietor would not care to run the risk, under a proper regulation, of losing his license and his status as a good citizen under the well-crystallized public opinion resulting from such a governmental system. Deplorable as it might be, however humiliating to thoughtful citizens who are not facetiously inclined, the fact stands out glaringly and shamelessly that prohibition has resulted in producing a lawlessness in our cities and, according to the best accounts, in the rural communities that may ultimately become a menace to that law and order which we know has been the bulwark of our national existence. The liquor traffic to-day, being outlawed, is lawlessly carried on by some of the most desperate members of every community, who are gradually but surely undermining and sapping the respectability and manhood of those citizens who are foolish enough to surreptitiously deal with these illegal agents of an outlawed and lawless traffic. It is needless to point out the danger that must spring from such an attitude toward the national enforcement act. It is an easy step from one violation to another. The imagination of each citizen in all probability can body forth what may follow such an easy attitude toward the violation of law and order more vividly than I can hope to produce for him by any picture that I might attempt to draw of what seems to lie beyond a drastic enforcement of an act that millions will violate contemptuously and derisively.

Mr. Speaker, my theme is ended. I hope that I have conservatively and faithfully expressed the viewpoint of the people among whom I was born and reared—a brave, proud, and valiant people who will obey the law as it is written and interpreted, but who believe that they have a right by petition and through their Representative to attempt to secure a modification of what they believe is a statute that far outruns the constitutional purpose of the eighteenth amendment.

I am glad to present and express the views of an overwhelming majority of the constituency that I have the honor to represent—glad because, and I can not repeat it too often, I believe well-regulated restaurants wherein might be served light wines and beer possessing nutrious food value would serve a better purpose than prohibition and the hypocrisies, deceits, chicaneries, and vicious lawlessness that are apparently inseparably associated presently with the futile attempt to enforce the statutory provision and regulations of what is known as the Volstead Act. I concede to others what I hope may be granted to myself, the sincerity of my protestations and belief. No man possesses the infallible touchstone of truth. Men equally honest and sincere will differ upon the best mode to secure the welfare of the Nation and the happiness of the people. I believe the modification of the Volstead Act by the Congress of the United States substituting regulation for prohibition as the motif of the Nation's attitude is necessary in order to procure the best results obtainable in a society as complex as that which constitutes the United States of America. From now on I think the pendulum will swing in the direction of moderation, temperance, and common sense, and that within the course of a few years Members of Congress in both branches will reflect the re-

considered judgment of the American people by the modification which I have suggested in this feeble attempt to express the attitude of the people of the first congressional district of Louisiana.

Mr. CLASSON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. HOGAN].

Mr. HOGAN. Mr. Speaker, this amendment is an attempt to give added strictness to a law which has already exceeded the limit of enforcement. The facts set forth in the report of the Judiciary Committee—that on January 1, 1921, there were in the bonded warehouses of the United States 40,216,079 gallons of whisky, that at the end of March this total had been increased by 109,000 gallons, and that the Government collected more than $138,000,000 in revenue from liquor during the past year—are sufficient proof that the Volstead Act, born of a fanatic zeal to invade the private right of the individual, is not taken with sufficient seriousness by a people which has always been resentful of even a semblance of any tyranny on the part of the majority.

It will not be denied that expedients for the manufacture of home brew are growing in such vast numbers as to stimulate the curiosity if not the envy of those who do not know how to use them. In the face of more or less pious and hopeful statements that prohibition is here, bootlegging is the only business which has failed to suffer from the industrial depression, which is the natural consequence of a Democratic administration. While the author of the act designed to take much of the joy out of life disdains to recognize that his creation possibly could be a failure we have constant evidence all around us that the wealthy have liquid refreshment of good quality when they desire it and those less fortunate suffer from impurities which they imbibe with considerable freedom, though not so openly.

I have no doubt that if all the people should refrain from taking a drop of intoxicating liquors during the next half century our land would be much improved. I am also of the opinion that if all our people attended divine services each Sunday and during week days with the utmost strictness fashioned their ways to Christian principles, the millennial dawn would soon be here. I know that if our homes could be governed entirely by unselfishness, kindliness, and love, we should be able to do away with most of our litigation and all of our jails. If I thought I could bring about such a moral advance by voting to enforce it by law, I should gladly vote in this House to do so; but if history teaches me anything, it is that men can not be made good by statute.

As a legislator here I must vote not for what men ought to be but for what they are. For thousands of years they have been stimulating themselves by the use of intoxicants. Those who have overdone it have been few as compared to the vast number in all ages who have enjoyed the mild use of wine and beer. The Father of His Country manufactured at Mount Vernon a total of 12,000 gallons of whisky. Perhaps this is one of the reasons why he was not too proud to fight. Gen. Grant was so proficient in its use as to lead Lincoln to facetiously inquire of the prohibitionists of his day whether he could not give some of the same brand to others in order that they might fight better. Millions of good citizens of our country in times past have imbibed according to their wants or needs.

By a survival of Puritanism the prohibition movement sought to make all citizens cease drinking by statute. The very good people of each State, usually by small majorities, enacted such laws. They passed the eighteenth amendment and the Volstead Act. But they did not take away from the minority, numbering millions, the mild taste for spirituous liquors. That taste remains. These see no wrong in such mild use, even though the majority have made it a crime. Hence we have a growing disrespect for a law which seeks to enforce a mere opinion, a growing hypocrisy in Congress and out about pretending to be for a regulation which is contrary to the habits of human nature, and a growing field for corruption of officials who find difficulty in sustaining a rigorous statute which is not upheld by the universal sentiment of the people. Prohibition does not and can not prohibit in our great cities, and it lends encouragement to disregard of all law.

I shall therefore not vote for any amendment to the Volstead Act except that which will restore to the minority its individual right to the use of wine and beer in such quantities as will not interfere with the welfare of others. We have enough real crimes, which everybody recognizes should be repressed by the utmost rigor of the law, without entering the domain of innocuous and harmless personal habit. The great minority throughout the country and the great majority in our cosmopolitan centers being what they are, it can not but follow that further tightening of an unpopular attempt to invade what they believe to be matters which concern them solely as individuals will be provocative only of further hypocrisy. In the long run it can succeed no more than the enactment by Congress of a law to compel all men to cut their hair alike. Nearly half of the country will submit, though in a minority, to being told that their children must be educated, for that is a good which has no minority opinion; but they will submit only in name to a law which prescribes that they shall not mildly use liquors which they and their fathers have found added to their enjoyment without causing injury to them or the community unless carried to that excess which is harmful and inexcusable in all things.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and gentlemen of the House, I was very much interested in the statement made by the young man from New York [Mr. RYAN] when he said that the American Federation of Labor was 100 per cent in favor of light wines and beer. During the last 10 days there has been a great convention of the American Federation of Labor at Denver, Colo., and one of the questions that came before that body was light wines and beer. According to the newspaper reports, it is true that the convention went on record in favor of permitting the sale of light wines and beer. Mr. Speaker, I do not want to challenge the authority of Mr. Gompers or the executive council of the American Federation of Labor to speak for the working classes on economic questions, but I do challenge the authority of Mr. Gompers and the executive council of the American Federation of Labor to speak for the workingmen of this country on moral questions. [Applause.] I think I can prove in just a minute that Mr. Gompers and the American Federation of Labor do not express the sentiment of the workingmen in this country on this great moral question. I want the workingmen to have the chance to speak for themselves on this question. In 1918 we had a wet and dry election on prohibition in the State of Ohio. At that time, in 1918, I believe the State went for prohibition by eighteen or twenty thousand. The wet interests howled and said that we took advantage of them while the soldiers of the country were away in France, and they insisted on having another test, and we gave them another chance in 1919, after the soldiers had come back, and at that time Ohio voted for prohibition by upward of between seventy and eighty thousand majority. [Applause.]

Mr. Speaker, we have many working classes and some great industrial centers in Ohio. Ohio is the fourth greatest industrial State of the Union. I want to give you the vote in four of the largest industrial counties in the State of Ohio on the question of prohibition in 1919. Franklin County, in which is situated the city of Columbus, with its thousands of mechanics and workingmen, voted dry that year by 17,000. Mahoning County, which is one of the greatest steel districts in the country, which has about 30,000 or 40,000 men working in its steel plants, gave 12,000 majority for prohibition. Summit County, in which is located the city of Akron, which has the largest rubber industry in the entire world, gave a majority for prohibition of 10,000, and Stark County, another great industrial center, gave a majority for prohibition of 7,000 or 8,000. So I say that the action of the American Federation of Labor at their convention in Denver last week did not speak the sentiments of the workingmen of this country.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Ohio. Not now. A short time ago Mr. Gompers was quoted as making the statement—and I want to say that I have no quarrel with him; I just do not agree with him on all things; and if I had been a delegate to the convention at Denver last week I would have voted for Mr. Gompers, because I believe he is the best man in that place at this time, and in many respects I consider him one of the greatest labor leaders the world has ever produced. As I was about to say, some time ago Mr. Gompers was quoted as making this statement:

> In my journeys through the United States I have yet to come in contact with anyone who did not damn prohibition up hill and down dale. I have not met one man who has said to me that he was in favor of prohibition just as it stands to-day.

Mr. Speaker, I do not know who the people were that Mr. Gompers met in his travels, but I know he did not find the workingmen of our country damning prohibition. About the same time Mr. Gompers made this statement the Literary Digest published a symposium under the title "Labor's Verdict on Prohibition," compiled from 526 replies from prominent workers and labor leaders throughout the country in answer to the question addressed them by the Digest, "Has prohibition been a benefit to the workingmen and their families?" in which 345 replied that it has been, and but 143 that it has not; 31 were doubtful, and 7 thought prohibition had not yet been given a fair trial. It will be noted that in this symposium 65 per cent of all who answered favor prohibition, while only 35 per cent

were against it, including in those against it the doubtful and those who feel that prohibition has not been given a fair trial.

Mr. Speaker, I just wanted to make this statement in defense of the thousands of honest law-abiding workingmen who resent the lying inference that they are the spokesmen for those who want to bring back the sale of intoxicating liquors in defiance and direct violation of the Constitution of our country. We have heard a great deal to-day about the enforcement of the prohibition law—some Members here have stated that it can not be enforced. I must confess that I do not like to hear a Member of Congress make such a statement, for I believe that when such a statement is made by a Member of this body it has a tendency to encourage the very act of committing the crime. Mr. Speaker, I trust that the day will never come in this fair land of ours when we can not enforce the constituted law of our country, for when that comes all liberty will cease and anarchy will begin.

The gentleman from Wisconsin [Mr. CLASSON] in speaking in opposition to this bill a few minutes ago called our attention to the so-called demonstration against the prohibition law which is scheduled to take place in New York City July 4, and he seemed to express some feeling of pride in the fact that many thousands were going to take part in this parade. Now, the gentleman from Wisconsin knows that if the people of New York City want the liquor and saloon back there is an orderly way for them to proceed, and that is to amend the Constitution; the people of New York can march from now till doomsday, they may blow their horns and trumpets till the walls of the Woolworth Building crumble and fall, but our Government will never permit them to violate the law of the land. The gentleman from Wisconsin told us of the large number of women that were going to take part in this demonstration. Now, I know that he will not contend that these women who take part in this demonstration express the sentiment of the womanhood of our land, for it would be an insult to the motherhood of our country to say that they desired the return of the saloon and the liquor traffic. But on the other hand the mothers of our land are down on their knees thanking God that their sons and daughters are at last free from the temptation of the saloon of the past and the demoralizing evil of the liquor traffic. Mr. Speaker, we have heard a great deal to-day about beer as a medicine. The best physicians of our country have never contended that beer was useful for medicinal purposes, but on the other hand prominent physicians all over our country are protesting against permitting beer to be made and sold for medicinal use.

And, Mr. Speaker, at this point I would like to insert as part of my remarks a protest that I have received from some very prominent physicians on this question:

KANE, PA., *April 8, 1921.*

HON. JOHN G. COOPER,
Washington, D. C.

HONORABLE SIR: The appended is a list of physicians, members of the McKean County Medical Society, who united in the following resolution:

"We urge Congress to make it its business to correct the law so as to prevent the brewing interests from making the medical profession a party to the sale of malt liquors through 'booze' prescriptions, as it appears it may through the late ruling of ex-Attorney General Palmer."

It is earnestly desired that you make every effort to protect us from the imputation of being little better than bartenders.

Very respectfully, yours,

EVAN O'NEILL KANE.

List of above-named physicians: G. E. Benninghoff, G. G. Ash, Fred C. Johnson, F. De Crerie, F. W. Paton, James B. Stewart, H. A. Canfield, B. J. White, H. J. Nichols, H. Irvin Woodhead, T. O. Glenn, H. A. Wilson, E. M. McLean, R. K. Russell, B. H. Hall, Persis Straight Robbins, A. Grace White, L. D. Joseph, S. H. Haines, F. R. Humphreys, T. A. Dunn, W. J. McGranor, J. W. King, J. H. Smith, J. W. Fredericks, J. H. Smith, O. S. Hannumtin, William C. Hogan, H. M. Cleveland, H. K. Eamon, Burg Chadwick, W. A. Ostrander, A. J. Colcord, Dr. Hanna, S. G. Beatty, E. H. Hickman, Milo W. Cox, J. M. Heimbach, L. W. Dana, Mary J. Hales, D. E. Vogan, Thomas L. Kane, Evan O'Neill Kane.

Mr. Speaker and fellow Members, let us meet this question like men. We have all taken an oath to support and defend the Constitution of our country. The Constitution prohibits the sale and manufacture of intoxicating liquors as beverages, and it is our solemn duty now to do everything in our power to live up to our oath of office and see to it that the law of the land shall be enforced to the letter as long as it remains on our statute books. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the prohibition question has been tried throughout the country for several years. The general opinion of the people that I meet is that as a consequence there are more bootleggers and lawbreakers in the country at this time than there ever were at any time in its history. I have frequently stated on this floor that prohibition would ultimately lead to serious lawbreaking. The man who feels that he wants a drink of some kind as a stimulant, or even as a medicine, is going to get it, law or no law. If he is successful in getting it a good many times without being caught at it, he feels that it is only one step further to break a very serious law, and he too often does that. In my honest opinion this kind of legislation makes men liars, sneaks, hypocrites. I remember stating on this floor some years ago that, after all, the first law that was broken by man was a prohibition law, and the first law that was given to man was a prohibition law.

Mr. UPSHAW. Mr. Speaker, will the gentleman yield?

Mr. KAHN. No. I regret I have not the time. Let me call your attention to the Bible and to the description of the formation of the earth. The Almighty, after having created all things, turned to Adam and Eve and said, in effect: "This is all yours, to have, to enjoy, to hold, and to possess; but in that corner over there there is one tree; I prohibit you from eating of the fruit of that tree." That was the first prohibition law. As soon as the Almighty was out of sight, they ate of the fruit of that tree and broke the law. And then Adam, like a liar, sneak, and hypocrite, blamed it all on the woman.

Mr. PADGETT rose.

Mr. KAHN. I can not yield to the gentleman. I am simply pointing out to you that there is something in human nature which makes us want to get something that we are told we can not have. That is an instinct in the human being that is as old as the world itself.

I believe this thing ought to be handled in a rational way; and this prohibition legislation you all know is not rational. Gentlemen all know that the law is being violated every day of the week and every hour of the day. There is drunkenness all over the country to-day, despite the prohibition law. I do not drink myself. I believe in absolute temperance. But there are men here who vote for prohibition who drink more in one week than I do in one year. [Applause.]

The SPEAKER. The time of the gentleman from California has expired.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Speaker, I am opposed to the enactment into law of the bill under discussion, or any legislation having for its object more stringent and drastic legislation than existing law. Indeed, I am of the conviction that it would be wise to modify existing laws. It were better far to permit the use of light wines and beer than have an illicit trade in alcohols that are poisonous, dangerous to health, and destroyers of life. If there be a majority of this body holding the opposite view, then surely they should be content to rest upon the laurels already won and not drive to desperation masses of people who otherwise desire to be law-abiding citizens, especially when there are so many causes for unrest and discontent. With those who conscientiously hold other opinions I have no quarrel. Let me say that I stand here not as one pleading the case of any man or class of men. Nor am I pleading, in any sense, personal interest, except in so far as a policy encroaches upon individual rights and establishes precedents tending, in my humble opinion, to destroy the principles upon which our Government was founded.

MODERATION IS A VIRTUE.

Moderation and temperance are synonymous. St. Paul said we should "be temperate in all things"—that is to say, temperate in speech, temperate in action, temperate in eating, temperate in the use of tobacco and of strong drink, and especially should we be temperate in the making of laws for the guidance and control of human beings. That temperate laws prohibiting unlimited and unrestrained manufacture, traffic, and use of alcoholic beverages elevates the moral tone of society I shall not deny, but that intemperate laws have a demoralizing influence I likewise submit. The extent of the harmful influence of either can not be calculated. If it be a sin to indulge in the excessive use of alcohol or tobacco or opiates, then why is it not equally sinful to indulge in excessive and extreme regulatory laws which likewise result in the corruption of the morals of society? Again, St. Paul said:

They that sin, though they condemn it in others, can not excuse themselves.

What excuse therefore can we offer for the enactment of laws which are not respected, which prompt vast numbers to resentment and a contempt of law? I do not have reference solely to the prohibition laws, but to any intemperate law, excessive taxation, or regulation of one's actions which do not regulate because they do not have the support of the masses. It can scarcely be denied that our so-called prohibition laws are exceedingly intemperate, interfering and meddling with established rights and privileges of human beings—privileges which have been enjoyed by the human race for more than 6,000 years,

privileges which the Lord did not deem it wise or necessary to write into His code of morals—the Ten Commandments—nor does He seem to have forbidden the temperate use of alcoholic beverages. While opposed myself to the unrestrained traffic in alcoholic beverages as exemplified by the saloon, I believe that man should not be restrained from the right, within the sacred precincts of his home, to make wine for his own use, even as Christ did at the marriage feast. A man's home is his castle, be it ever so humble. To him it is sacred, and so long as he violates no law of the Great Giver of all things nor trespasses upon the rights of others, it should not be the privilege of his fellow man to invade the private recesses of that home. It was Dickens, I believe, who said that he "could well understand the patriotism and love of the rich man for his home of comfort and luxury, but the patriotism and love of the poor man for his humble hearth is welded from a stronger mold and of purer steel." Be that as it may, the home of each is to him sacred. Permit him to enjoy that home in his own way and you have a patriotic and loyal supporter of the Government. Cross that threshold by laws to him vexatious, irritating, and nauseating, and we sow the seeds of discontent, unrest, contempt and hatred of the law, from which we will sooner or later reap a whirlwind.

THE EXTREME IN ANY LINE OF ENDEAVOR IS ATTENDED WITH DANGER.

That extremes are dangerous may be illustrated in many ways. Certainly the excessive use of alcohol is dangerous to health, to morals, to society. The same is true of extreme and drastic laws. This was recognized by Jefferson when he said that "the best governed are the least governed."

Being a temperate man, he, of course, had in mind temperate laws. The occasion for any form of government, as I understand it, is to protect human life, property rights, sanctity of the home, and human endeavor. All government in the higher acceptation of the idea derives its powers from the consent of the governed. Laws, therefore, are supposed to lay down general principles for the guidance not of specific individuals but of all individuals. It would seem unreasonable, therefore, in order to regulate one intemperate individual and curtail his opportunity for self-punishment that fifty temperate individuals should be denied a pleasure which does not trespass upon the rights or privileges of others. Whenever government has undertaken to regulate the religion and the morals of its citizens, bloodshed, destruction of property, and contempt of law and order have followed, and, to my mind, have far overbalanced any good which may have resulted from conservative laws.

The idea appears to prevail that under our form of government the majority should rule, that minorities have no rights which should be respected by the majorities. This is not true in its entirety. There are certain fundamental rights which should be guaranteed to the minority. The founders of our Government recognized this necessity; hence a solemn contract was drawn and entered into by the Government, on the one part, and the people, on the other, in which certain rights were ceded to the Federal Government, which rights were specifically named. All other rights were reserved by the governed. And early statesmen foresaw that waves of sentiment, resentment, malice, envy, war, fanaticism, and even mobocracy would ebb and flow with the years, and therefore the occasion for a binding contract, which would safeguard the rights of the minority. That the masses of our people have demanded the eighteenth amendment, and the drastic laws incident thereto, I deny. That they have cast their ballots for the abolition of the saloon, I agree. When this so-called temperance wave first began, there was no suggestion, so far as I am aware, of an amendment to our Federal Constitution prohibiting the manufacture, sale, and transportation of alcoholic beverages and ceding to the Federal Government extraordinary police powers belonging exclusively to the State. The very name "Anti-Saloon League" suggests the intent and purpose of the movement, and it was for this that the American people voted.

I submit that the leaders of this movement would not dare to-day to give to the masses of our people the opportunity to pass upon the repeal of the eighteenth amendment or the passage of the bill under consideration. We of the South used as an argument for prohibiting the traffic in alcohols that we would prevent disorders in our rural districts incident to drunkenness among the colored race, thereby making our highways and public places safe, and create better labor conditions. As a result we have turned the traffic over to that element of society. We have upon the market poisonous concoctions, injurious to health, and our labor has become grossly inefficient. May I not venture the suggestion that if every adult man and woman in our Southern States had been permitted to cast a ballot upon this subject no majority could ever have been had in favor of the eighteenth amendment or the Volstead law. Permit me to say that by the submission of the eighteenth amendment and its ratification we have surrendered our vaunted liberties to a greater extent than by any other act in the history of our country. We have placed in the hands of one man—the President of the United States of America—powers of persecution possessed by no other ruler of a white race, with the possible exception of Russia. That it may be used with moderation for the time being does not alter the fact that the powers thus granted may be used by some future autocrat and tyrant to persecute, blackmail, punish political opponents, and drive the masses into submission to the tyrant's will. What is there to-day to prevent the powers that be in Washington from placing spies upon the trail of any citizen in Maine or California or other State of the Union and for some trifling violation of any of a hundred drastic laws, punishable by prison sentence, arrest him and thus silence the activities of a political opponent?

Any law to which a majority of those whom it is intended to control is opposed can not be enforced. Any law, as a result of which large profits may be realized, never has and in my judgment never will be enforced. Laws that can not be enforced lead to contempt and derision of all law.

The drastic alcoholic prohibition laws of the Nation being a departure from an established privilege coming down through the ages, there are no precedents or experiences to guide intelligent thought directly as to the probable consequences. The nearest parallel may be found in laws against smuggling and the results incident thereto. Indeed, smuggling is most largely responsible for the Government's inability to control the production and use of alcoholic beverages. Smith, an English authority, quoted in the Cyclopedia of Political Science, Economy, and History, says that—

> the crime of smuggling, which occupies so prominent a place in the criminal legislation of all modern States, is wholly the result of vicious commercial and financial legislation. It is the fruit either of prohibitions of importations or of oppressively high duties. It does not originate in any depravity inherent in man but in the folly and ignorance of legislators.

It can not be said that the submission and ratification of the eighteenth amendment, and the drastic laws incident thereto, have resulted from ignorance. It has been said—with what degree of accuracy I know not—that had a secret ballot been taken upon the submission of the eighteenth amendment it would not have been submitted. Again, says Smith—

> Prohibition against importing a commodity does not take away the taste for it. Governments have usually consulted tax collectors as to the most effectual means of collecting duties, though it is clear that the interest, prejudice, and peculiar habits of such persons utterly disqualify them from forming a sound opinion on such a subject.

The prohibitionist is not interested in the matter of revenue but in regulating the individual in conformity to his views. We have undertaken a far greater problem in that, regardless of revenue, we say, Thou shalt not smuggle or use. The profit and incentive therefor transcends any results of smuggling heretofore engaged in. Our prohibition-enforcement officers, like the tax gatherers, unwilling to admit their inability to enforce, claim and will continue to claim defect in laws; hence the bill under discussion. And we will no doubt have a continuation of amendments to laws already so drastic as to create contempt for law and the imposition of new and severer penalties.

Continuing, Smith says:

> As might have been expected, these attempts have in the great majority of cases proved signally unsuccessful, and it has been invariably found that no vigilance on the part of the revenue officers can prevent smuggling of such commodities as are either prohibited or loaded with excessive duties. The smuggler is generally a popular character, and whatever the law may declare on the subject it is ludicrous to expect that the bulk of society should ever be brought to think that those who furnish them with cheap brandy, tobacco, etc., are guilty of any very heinous offense.

Multiply the conditions resulting, not from high import duties but by actual prohibition, denying under any condition the manufacture, importation, transportation, and use of stimulants which nature craves, and which has been always until now a privilege and right, and we accentuate enforcement difficulties an hundredfold. Prohibition will not prohibit, and if public sentiment does not support a law it can never be enforced. In 1826 England prohibited the importation of foreign silks. The vigilance and integrity of the customhouse officers were no match for the ingenuity and daring of smugglers. When the greatest effort was being displayed by enforcement officers, French silks were openly displayed in the House of Commons. I recently read that in a city of my own State alcoholic beverages were discovered stored in the courthouse. The success of smuggling was due, as stated by the aforesaid authority, "to the corruption of the enforcement officers." It is currently believed to-day that some of our prohibition officers are in some instances conniving, if not actually aid-

ing in the dispensation of alcoholic beverages. In the Gentleman's Magazine, published in England, for 1735, under date of September 3, a correspondent writes that "in several parts of Kent the farmers are obliged to raise wages, and yet are distressed for want of hands to get in their harvest, due to the great numbers engaged in smuggling."

The Rev. R. S. Hawker, of Morwenstown, Wales, tells as apropos of his unavailing effort to combat tax views respecting smuggling. He was answered with "but why should the King tax good liquor." In 1736 in course of debate in the House of Commons it was stated that in France where smuggling of all kinds was punishable by death on the gallows, an army called Les Moltotiers were kept for the purpose of apprehending and inflicting the punishment, and yet smuggling in that Kingdom was as flagrant as in England. I have not a doubt but that this law will be enacted and that at each succeeding Congress additional amendments will be proposed. I am interested to know how soon an amendment will come providing a death penalty for those who may violate our prohibition laws.

The casting of Christians into the arena to be rent and torn to death by wild beasts, the Spanish inquisition, the burning of 300 citizens at the stake during the reign of "Bloody Mary," the ducking and murder of witches in our own country because of their beliefs and desires, only occasioned the spread and growth of the things it was sought to destroy. Are we blind to the experiences of recorded history? Ah, but we are told "it is not in this generation that the millenium will come, only with the coming generations will we see the curse of the world buried and forgotten." History repeats itself. Another generation, if not this, will answer the statement, and answer it as in the past. It has been stated by a supporter of the measure under discussion that the same old arguments against prohibition are being used by its opponents; no doubt this is true, but it is the same old story of plucking the mote from thy brother's eye before removing the beam from thine own eye. Yes; and we will continue to hear these arguments and others, till there are modifications of the intemperate laws now upon our statutes. Does any person seriously feel that the craving for stimulants inherent in all races and in all ages can be eradicated by man-made laws?

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. OLPP].

Mr. OLPP. Mr. Speaker and gentlemen of the House, I have heard a great many arguments here this afternoon about what the good doctor says about beer. Well, I am not going to argue the question of whether alcohol is necessary or not. If it is or is not necessary in respect to treating certain cases, and if you have to limit the physician in the amount he is going to use, I do not see where and how a committee that knows nothing about medicine could limit them if they use it as a medicine. They say that alcohol is not in the Pharmacopœia, but alcohol is something used in tinctures. Well, there is milk and a lot of other things that is not in the Pharmacopœia. It is only to reason out the question of beer and light wines. Do we need these wines for sacramental purposes? No one gets up and says we do not, and yet we are allowed in some instances as high as 10 gallons a year. During the time I spent in the Army we were mighty glad to get carloads of alcohol, which was in the form of whisky and liquors.

Mr. HILL. Will the gentleman yield for a question?

Mr. OLPP. I will.

Mr. HILL. Did not the gentleman serve as an Army doctor in the late war?

Mr. OLPP. I did, sir; as a first lieutenant. And you allow us, as physicians, to prescribe spirituous liquors and wines——

Mr. BLANTON. Will the gentleman yield?

Mr. OLPP. I have not the time now. Wait until I have finished the sentence. You allow us to prescribe a certain amount of liquor. I do not use it myself and I prescribe very little of it, but I have prescribed beer following an operation in order to settle the stomach and to stop vomiting, when beer and nothing else would do it. And what I wish to know, from a medical standpoint, is this: If these physicians say we do not need beer, why not enforce the law and do not allow anyone to use it and not limit us in case we should require it and then have us come to Washington and ask the Commissioner whether we can prescribe any more than just a certain amount in case of emergency.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLASSON. May I inquire how the time stands?

The SPEAKER pro tempore. The gentleman from Wisconsin has 36 minutes.

Mr. CLASSON. And the others?

The SPEAKER pro tempore. The gentleman from Minnesota has 21, and the gentleman from Texas 10, and the gentleman from Illinois 17.

Mr. CLASSON. I yield two minutes to the gentleman from Wisconsin [Mr. VOIGT].

Mr. VOIGT. Mr. Speaker, this bill, among other things, provides that it shall be unlawful for a physician to prescribe beer for a patient. It provides that only whisky and wine may be prescribed, and that the wine shall not contain more than 24 per cent alcohol by volume; that no prescription of wine shall be for more than 1 quart and that a prescription for whisky shall not contain more than one-half pint of alcohol. I understand this to mean that the whisky prescribed by the doctor may be any quantity, but the whole quantity can not contain more than one-half pint of pure alcohol. The bill furthermore provides that the patient may only have one prescription during a period of 10 days and that a physician shall only be furnished with 100 prescription blanks in any period of 90 days, but that the prohibition commissioner for an extraordinary reason may permit a larger number.

I can not support this bill. I voted against the submission of the prohibition amendment and I voted against the Volstead Act and all other prohibition measures, and I feel that experience has justified the course which I have pursued. I have always felt, and feel now, that the prohibition amendment should not be a part of the Constitution. The eighteenth amendment is a freak in the Constitution. The Federal Government was founded for the purpose of enabling the States to do collectively those things which they could not as efficiently do for themselves. It was not intended to transfer to the Federal Government the jurisdiction over matters of local concern.

The framers of the Constitution never intended that the habits of the people should be regulated by the Federal Government. The Federal Constitution is a charter of human rights, and the eighteenth amendment is the only part of the Constitution which denies a human right. I do not think that the people of other States should have the right to dictate what the people of Wisconsin should eat or drink. I have felt and feel now that the people of my State should have the right to determine those things for themselves.

I feel that any legislation which attempts to regulate the habits of the people is bad, because it interferes with the traditional personal liberty for which America has always stood. Prohibition is a moral question addressed largely to the individual, and I believe it is unwise to attempt to legislate morality into the people.

We all know that the enforcement of the prohibition law is a farce. In my judgment, it is impossible to measurably enforce the Volstead Act without the expenditure of a billion dollars a year. Thousands and thousands of people are drinking harmful whisky and other concoctions to-day who, before the period of prohibition, occasionally drank a glass of wine or beer. I do not consider it wise policy to interfere with the personal liberty of a law-abiding citizen because here and there some man can not control his appetite for liquor. In my humble judgment, it will never be possible to enforce prohibition in the United States. Man has always wanted something stronger than water since he has been on this earth, and he is going to get it in spite of all the laws that can be passed. I do not advocate a violation of the law, but I can not close my eyes to the fact that prohibition laws will be violated by the wholesale, because they are not supported by public sentiment.

This bill provides that a doctor may prescribe 100 per cent alcohol or 24 per cent wine for a patient, but he can not prescribe 3 or 4 per cent beer. If Congress thinks that alcohol is dangerous, why do we allow a doctor to prescribe whisky, but do not allow him to prescribe a mild beer? The whole thing looks to me like the rankest kind of hypocrisy. It is proposed in this bill to let a doctor give whisky or wine to the first hundred men who come to him in three months' time. The unfortunate fellow who comes along after the first hundred, and who may need it worse than the first hundred, can not get any. If we are going to allow a doctor to prescribe whisky, we should treat all people alike.

A good deal has been said as to the medicinal value of beer. I know from personal knowledge that doctors have advised people to take beer, and I also know from personal knowledge that a glass of beer has proved beneficial to many patients.

By depriving the people of beer we are creating a disrespect for the law, and we are virtually compelling people to seek strong liquor. There are millions of people in this country who would not drink whisky if they could get beer. I believe that the solution of the prohibition question at this time would be to

permit the people to have beer and light wine. The prohibition amendment does not compel Congress to prohibit beer. The prohibition amendment provides that there shall be no manufacture or sale of intoxicating liquor. The overwhelming evidence is that a 3 or 4 per cent beer is not intoxicating. There is a growing sentiment in the country for light alcoholic drinks, and I predict that in the next few years public sentiment will compel Congress to change the present drastic restrictions.

The prohibition movement in this country has brought about a condition where a rich man can get all he wants to drink. The rich men have filled their cellars and are still able to get it. I have never seen a man who had the money who could not get all the whisky and wine that he wanted. As to him, conditions have not changed; only the system of bookkeeping has changed. The laboring man who can not afford to pay the exorbitant prices is being denied his glass of beer. The American Federation of Labor at its annual meeting at Denver last week, by a unanimous vote, adopted a resolution asking Congress to restore beer. I compliment the Federation on its good sense.

Let us pass laws which have the support of public sentiment. It is a dangerous thing to pass laws which we know are going to be violated by the wholesale, because it will breed a disrespect for all other laws. I am not going to vote for a law which will make hypocrites, liars, and thieves out of the American people. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, I voted against the eighteenth amendment on the ground I did not believe in putting social legislation into the Constitution, and I think that vote and the vote of the others who thought as I do, has been amply justified by the result, for I do not think that the cause of temperance has been helped but rather injured by that amendment. I do not see the wisdom or necessity of continuing to make more drastic the provisions of the Volstead Act, which has not been enforceable but is being less and less observed, so that in the section of the country I know about there appears to be more and more drunkenness every month. Now, a bill which permits the prescription of spirituous and vinous liquors running anywhere from 50 down to 10 per cent of alcohol and prohibits the prescription of liquor which is only 4 per cent alcohol can hardly be defended on logical grounds. I can not enter in the short time at my disposal upon any discussion as to the value of beer either as a tonic or medicine, but I expect to incorporate as a part of my remarks a letter which I have received this very day from Mr. William P. Hornaday, of New York, a New York man, whom most of the people of the United States recognize as one of the greatest naturalists, one of the leading scientists of this country and of international reputation.

He says:

STAMFORD, CONN., *June 24, 1921.*

Hon. SCHUYLER MERRITT,
House of Representatives, Washington, D. C.

DEAR MR. MERRITT: When sweeping prohibition reaches the cot of the sick man and the chair of the invalid, it is time to cry "Halt"!

We are living in the United States of America, and not in fanatical India, where a Hindoo will die of starvation rather than save his life with food prepared by Christian hands.

In my own behalf, and in behalf of an uncountable number of Americans whose views I reflect, I denounce the policy of no malt drinks for medical uses, and I demand the enactment of a sane and just measure that will provide beer, ale, and stout when prescribed by reputable physicians as medicine. For all sick persons I demand a square deal.

I am a strict temperance man. I hate saloons and gin mills; I disapprove of all those who sell whisky, brandy, rum, and gin for use by well and strong men as beverages. My father was a tectotaler. I was a teetotaler until I was 20 years old. When my life was saved in the jungles of India by a well-known malt beverage I learned the value of such remedial agents. Thirty years ago I learned the high value of another malt beverage as a cure for impoverished blood and anemia.

I now could cite from my own experience a striking occurrence of very recent date, but to do so in this letter would invite derision from those who disapprove my proposal. The matter is too serious for ridicule, and I will reserve it for a different occasion.

Through you I call upon the House of Representatives to be reasonable next Monday and to refuse to invade the hospital and the sick room with a Brahminical law against the use of malt beverages as medicines. I call upon Members of the House to be sane and just minded Americans, and not the slaves of one idea alone. The folly of too much prohibition already has been demonstrated. Why drive temperance people into the ranks of the wets? Give the sick man a square deal. Give the invalid the benefit of any doubt that may exist. The American people can not be turned into Hindoo devotees by an act of Congress.

I call for a new deal next Monday. I call upon the "drys" in the House to be as good temperance men as I am and to provide malt beverages for sick people who are certified as in need of them.

Yours, for sanity and justice,

WILLIAM T. HORNADAY.

The SPEAKER. The time of the gentleman has expired. The Chair would suggest to the gentleman from Connecticut and to the House that the permission to extend remarks is limited to the Members' own remarks.

Mr. MERRITT. I ask unanimous consent to extend my remarks. I have read this in my own remarks. [Cries of "Vote, vote!"]

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Pennsylvania. Mr. Speaker, I have listened very attentively to the various men who have made talks on this prohibition proposition. I would like to be consistent, and I think from the calls for a vote at the present time there must be a number drier than I am, and that is "going some." I voted against prohibition when I was in the House before, and I am glad I did so, because the experience of the past two years proves that it has been very injurious to men. They let it out in carload lots at 190 proof. They will not let out a good rye six or seven years old, at 110 or 150 proof.

The matter with the men who advocate prohibition is that they are making too many laws. I trust every man will live up to the law. I like to do so. But whether a man preaches prohibition or not on this floor, I am very often asked, "Mike, where may I get a good, strong stimulant?" They do not say, "How do you get it?" [Laughter.] Therefore I am opposed, not to a sensible prohibition law, but I am opposed to this particular bill, telling medical men what they shall prescribe to the patients when the patients are not yet taken sick, and not what they will give them when they are taken sick. It is one of the strangest things to me. Light wine and beer are good, but you want the 100 per cent proof if you desire a pure stimulant. I am in favor of letting it go as it always was, regulated by Government supervision, and not by prohibition measures and enforcing officers who probably do not like to enforce the law. Like ourselves, they make a law for themselves, and they do not let it strike home to the men who have it in their cellars, the rich men. They can enjoy it, and there are no questions asked whether they had it before the storm set in three years ago or not, but the poor working man, who has but a small mite, and who returns from the rolling mill at night tired and in need of a stimulant, should be considered. And the day is fast approaching when he will be heard from. And God speed the day. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

The SPEAKER. The gentleman from West Virginia is recognized for five minutes.

Mr. GOODYKOONTZ. Mr. Speaker, so far as my observation goes, all the gentlemen who have opposed this legislation, according to their statements—I do not challenge their veracity—have been teetotalers for many years. I presume it therefore follows as a natural consequence that those of us who favor the bill are anything but teetotalers. Consequently, if that impression be correct, we not only have to save ourselves, but we have to save the country.

My distinguished friend from California [Mr. KAHN], who was on the floor a while ago, undertook to justify the opposition to the bill upon an incident that occurred in the Garden of Eden. But I am now here to tell the gentleman that I know men in this House—no; perhaps not in this House, but in the country—who would ride a jackass into the Garden of Eden and hitch him to the tree of life. [Applause.]

The measure before us is founded upon a constitutional provision, a fundamental organic act of the people, and it remains for us to carry that provision into execution. The matter of the enforcement of the act remains for the administrative department of the Government. Whenever the time shall arrive, if it ever does arrive—and I do not expect it to come—when that law shall collapse, break down, and fail, then the representatives of the people, reflecting the opinion of the people in their districts, will take whatever measures may be necessary looking to an orderly change in that organic act. But so long as the Constitution remains in its present form, just so long the duty is superimposed upon every Member of this body to carry into execution the mandate of the people to the very best of his ability.

Law is but crystallized public opinion, and whenever public opinion ceases to reinforce an act, then that act will no longer have any force or effect, because it will not be enforced. But that time has not yet arrived, and in the light of intelligent public opinion of this country, in view of the hope and the aspiration of the Nation, and of every integral member thereof, we have every reason to believe that this adventure—if I may call it an adventure—into a new domain of law, something never attempted before in morals and in ethics, will in the end redound to the honor and the glory of those who conceived it and of those who put it into execution. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman already has that privilege.

Mr. GOODYKOONTZ. I yield back the remainder of my time.

The SPEAKER. The gentleman yields back the balance of his time.

Mr. GOODYKOONTZ. I yield that time to my colleague from West Virginia [Mr. ROSENBLOOM].

The SPEAKER. The gentleman from West Virginia is recognized for one minute.

Mr. ROSENBLOOM. Mr. Speaker and gentlemen, I occupy a peculiar position, as evidenced by the fact that my colleague from West Virginia [Mr. GOODYKOONTZ] was kind enough to yield to me the remainder of his time.

I was somewhat amazed at the arguments that have been presented here to-day. I understood the discussion would be confined strictly to the provisions of this bill, but I was very much amazed to find that practically the entire time has been consumed by men of many years of experience in this body in the discussion of a measure that was not before us at all. The principal argument I heard and the greatest amount of time was used in the discussion of the merits of useless legislation.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. SABATH. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. HARDY].

The SPEAKER. The gentleman from Texas is recognized for one minute.

Mr. HARDY of Texas. Mr. Speaker, I intend to vote against this bill. I know there are dishonest doctors, and the reason for the framing of this bill is to prevent dishonest doctors giving dishonest prescriptions; but this bill, in effect, is an indictment of the entire medical fraternity, and a governmental dictation to them in their practice of medicine. I do not believe they deserve it. This bill does not decree that spirituous and vinous liquor is not a medicine. In fact, it declares the contrary, and then fixes what quantity of it may be given to restore health or save life.

Furthermore, if a prescription for a pint of whisky for 10 days' consumption by a strong man is a prescription at all, it seems to me it is a ridiculous one. I am speaking honestly and straight about it. The truth of the business is, I never touch it myself. There was a time when I used it. I know what it is. I know what evils come of drunkenness. But I will not indict the entire medical profession because there are some dishonest doctors, just as there are some shyster lawyers. [Applause.]

Mr. Speaker, this bill is spoken of and advocated as an anti-beer bill. It is claimed that because the ex-Attorney General ruled that beer might be sold to a sick person on a physician's prescription this bill is necessary in order to prevent breweries being reestablished and saloons reinstalled to make and sell beer on prescription. But that is not all or even the more important part of the bill. Beer may not be a medicine of any virtue whatever. If we as a lawmaking body are willing to assume that we know that, we may forbid its prescription. I, for one, am not willing to invade the sphere of the physician and direct him what he shall not in any case prescribe. But even that, in my judgment, is a minor matter, as, to say the least, beer is rarely prescribed by physicians in critical or immediately dangerous sickness.

As I understand it, it is prescribed as a tonic, in rare cases. The more serious part of the bill has to do with spirituous and vinous liquor. Certainly when the States ratified the amendment prohibiting the manufacture, sale, or transportation of intoxicating liquors for beverage purposes, they did not thereby authorize Congress to practice medicine or prescribe the kind or quantity of medicine that should be given in the treatment of diseases.

Let me quote the bill:

> No physician shall prescribe * * * any vinous liquor that contains more than 24 per cent of alcohol by volume—
>
> Or—
>
> on any prescription more than one-fourth of 1 gallon of vinous liquor, or any liquor that contains more than one-half pint of alcohol for use by any person within any period of 10 days.

If that provision of the bill is wise, then, I say, a wiser provision would have been one prohibiting any prescription whatever of the kind named. I do not believe any doctor or any man of common sense will claim that a patient might for medicine need in 10 days as much as one-half pint, but could not need a spoonful more, regardless of the nature of his sickness.

Vinous liquor or other liquor containing alcohol either is good for medicine or it is not. If it is good, the restriction named is ridiculous; if it is not good, why was it not absolutely prohibited along with beer? If I had followed the path of least resistance, regardless of my judgment and convictions, I would have said nothing and voted for the bill, but, believing as I do, I could not vote that way and preserve my self-respect. I intend, without any reservation whatever, to vote for any law necessary to the full enforcement of the eighteenth amendment—that is, the prohibition of the manufacture, sale, or transportation of intoxicating liquor as a beverage—but I do not believe I am authorized under that amendment to practice or prescribe medicine or dictate to the medical school what it shall prescribe.

On this branch of the question let me quote a statement made to me by a Member of the House who is a physician and as honest a man as I know. This is his statement:

> Under the eighteenth or prohibition amendment of the Constitution of the United States a licensed physician is permitted to prescribe intoxicating liquors for medicinal purposes. The Campbell-Willis or so-called Volstead supplemental bill limits the quantity of alcohol that the licensed physician shall prescribe to a half pint in 10 days, and prevents the use of beer for medicinal purposes. Should this bill become a law, what would happen to a reputable licensed physician if he treated two patients as follows:
>
> First, a man with acute pneumonia and a failing heart, in which it will become necessary, according to his judgment, to prescribe a quart instead of a pint of whiskey during the 10 days. Hughes' Practice of Medicine, one of the best authorities we have, tenth edition, pages 138–139, says:
>
> "Heart failure being one of the most common causes of death in pneumonia, it is very important to sustain the heart from the very beginning. Alcoholic stimulants, judiciously employed, are most efficient means of preventing or overcoming the cardiac failure. The amount can only be determined by a careful study of each case, as a few ounces in the 24 hours may answer in one, while another may require 8 or 10 ounces. The indicator of the heart's condition is the pulse."
>
> It is not reasonable to believe that an intelligent patient would prefer to accept the dose prescribed by Dr. Congressman rather than the dose prescribed by the physician who has studied anatomy, physiology, and materia medica for the purpose of treating scientifically and intelligently. At any rate, suppose a conscientious physician, in order to save this patient, prescribes 2 quarts instead of 1 pint within the 10 days; what could the court do to him under the circumstances? Would he not be within his constitutional rights?
>
> Second. Suppose a reputable licensed physician is called to treat a case of nausea and vomiting in pregnancy and this patient is on the verge of starvation and heart failure. Suppose, further, in his judgment, that alcoholic stimulants are needed, and the patient is unable to retain whisky or wine, and he prescribes beer containing over one-half of 1 per cent and she retains it with marked improvement. Beer containing over one-half of 1 per cent having been declared by Congress an intoxicant, and the Constitution permitting a physician to use alcoholic intoxicants for medicinal purposes, what would become of the physician under those circumstances? Would a court hold that he was within his constitutional rights or a violator of the law? We know, for instance, that quinine is recommended for malaria. What lawmaker would want to confine a physician to the use of two preparations of quinine only, when we know that there are patients with certain idiosyncracies who do not retain one preparation and who retain another. The same applies to any other medicine in the materia medica.
>
> The Constitution permits spirituous, vinous, and malt liquors for medicinal purposes. The Campbell-Willis bill permits the use of whisky and wine, but prohibits the use of beer for medicinal purposes.

Mr. Chairman, it is argued in support of this bill that it is a good law, because many physicians do not ask for a license or permit to prescribe alcoholic stimulants. If that proves anything, it proves too much; that is, that such prescriptions are not required; and if that is true, and the framers of this bill so believed, why did they not prohibit absolutely any such prescription? The truth is, I am told, that many physicians do not take out such permits, because they do not want to be harassed and bedeviled, either by unworthy applications for prescriptions or by overzealous and all-powerful enforcement officers, who might besmirch their names as honorable practitioners.

Another paragraph of the bill gives one physician 100 prescriptions for use in 90 days, and no more, unless, with due humility, he approaches and applies at the throne of grace, the seat of the commissioner, with fullness of proof to satisfy this official that some extraordinary reason exists for a larger amount.

How many miles he must travel, how long a time it will take, how much proof he must furnish, will depend on the location and character of the commissioner. Mr. Chairman, I will gladly vote for any law to punish, and punish severely, any physician who prostitutes his high calling by giving liquor prescriptions to those who only want it as a beverage or who do not need it as a medicine, but I do not believe our people want this law or such a law as this. It was never intended that legislation should treat diseases or stand between the patient and his physician. What evils may follow in the wake of such a law no man knows. We have not yet quite reached the necessity of indicting and pronouncing unworthy of trust a whole profession, and especially that profession which in its ministrations approaches those of the Divine Healer more nearly than any other.

Mr. CLASSON. I yield one minute to the gentleman from Wisconsin [Mr. LAMPERT].

Mr. LAMPERT. Mr. Speaker, I voted against the original Volstead Act and I voted to sustain President Wilson's veto in reference to war-time prohibition, and I am still here. My opponent in the primary, a former member of the Wisconsin

Legislature, was indorsed by the Anti-Saloon League. During the primary campaign I caused to be published in the newspapers an extract from my platform to the effect that I was in favor of light wines and beer. My plurality was over 10,000 votes. In the general election that followed I received a majority of 26,835 votes and in my home city I received 400 votes more than were cast for President Harding. I refer to this simply to show that the people of the United States are not unanimous in favor of prohibition, even though our prohibition friends would have us believe that this thing has reached a stage were no one dares oppose it. I refer to it further to call attention to the fact that if a candidate for office goes before the people with a platform that is square and honest he can trust the result to the American people every time. My able and brilliant colleague from Wisconsin, Judge CLASSON, in opening the debate in opposition to this pernicious measure voiced my sentiments and voiced my prophecy, when he stated that the time would come "When the American people would rise up and demand a restoration of their personal liberty," saying "A plague on both your houses. We are acting for ourselves." That time will come as sure as I am standing here.

When this day of reckoning comes—and it will come too soon for many of you gentlemen, who vote not your conviction, who vote not in accordance with your own daily habits, but who seem to be in a sort of hypnotic state, lulled to sleep, I fear, by the professional reformers, who have left no stone unturned since the passage of the first Volstead Act to render it so drastic, so un-American, that it is now practically unenforecable. It is charged that a certain able lawyer is the author of this measure, which, if true, is unimportant. I am told he is now sitting in the gallery, satisfied with his work, satisfied that he has pulled all the strings and set all the wires to make this performance this afternoon a sort of colossal Punch and Judy show. I can not blame him; no doubt he is well paid; no doubt he earns it. I understand he is a good lawyer, and, like every lawyer, he is worthy of his hire.

I am not a prophet, neither am I the son of a prophet, but I did venture the prophecy some time ago that our paid professional reformers would undertake to go further, to further inflict their pernicious activities on the American people. I refer to the movement popularly known as "the blue Sunday" movement, which is fully as objectionable, fully as un-American, as the one started years ago, and on which we are putting the finishing touches to-day. This movement is already under way, and I am certain that it has gained such an impetus that in a very short time we will be assembled in this same room to consider bills, privileged like this one, which will prohibit the great majority of the American people, who love liberty, whose fathers and sons died for liberty, from indulging in harmless recreation on the Sabbath. Is it any wonder, gentlemen, that the professional activities of the Anti-Saloon League and other organzations of that ilk are a matter of deep concern to the liberty-loving Americans? That time is coming; they will put it over; and when it comes, God help this country.

I can remember a few years ago, when the prohibition amendment was first seriously debated on this floor, the great war cry of our reformers was "Drive out the saloon," "Drive the breweries out of politics." The great cry was then that the saloons were the breeding places, the hatching places of all crimes, and that once we were rid of the saloon and the brewery the millennium would be at hand. We could tear down our jails, dismantle our insane hospitals, dispense with all officers of the law. Oh, what a wild dream! Crime has increased. More insane commitments than ever before. In fact, gentlemen, the Volstead Act has popularized crime, investing it with a halo of romance. I hold no brief for the saloon of ill-repute, nor the millionaire brewery owner, who would not take notice of the handwriting on the wall. The ill-kept saloon and the brewery owner deserved what they got, and no sane real American can sympathize with them. But what do we find now? These blind fanatics, under the guise of reform, are not satisfied with what they have accomplished, but they now wish to invade the sanctity of the home, invade every man's castle. I am not a drinking man. Twenty-one years ago I came to the conclusion that I had consumed my share, and then I quit, but I do condemn and will continue to condemn as long as there is breath left in my body this unwarranted, vicious interference with the liberties of the American people. Oh, yes; the old cry was "Get rid of the saloon."

Nothing said then about prohibiting a doctor from prescribing alcohol as a medicine. Nothing was said then that would indicate that an American citizen could not indulge in a glass of beer, provided that he obtained it lawfully and did not have to visit a saloon to obtain it, but you see now where your professional reformers are leading you. They are not going to discontinue their activities to-day with the passage of this measure, neither will they discontinue their activities with the passage of the "blue law."

Now, all my life I have tried to be fair and to respect the opinions of others. I have in my district many high-minded men and women who honestly believe in and practice—practice, mind you—total abstinence. I have a high regard for their judgment, for their intelligence, and for their patriotism, and I am satisfied that these same people, if they knew of the vast amount of money used by these professional reformers, if they knew the methods used in behalf of certain legislation in Washington, they would condemn them and their methods as I am doing to-day. We have recently been enlightened through the columns of the Washington papers, and through letters that reached us through the mails, concerning the activities of the Anti-Saloon League in this their national headquarters; in short, gentlemen, they are now fighting amongst themselves, and when these reformers fall out I hope that the old adage will prove true and that the American people may come into their own. Oh, Mr. Speaker, some one has said that "None are so blind as those who will not see." Do not our professional reformers realize that they are going too far, or is it due to the fact that they wish to make the Volstead Act so drastic, so impossible of enforcement, that it will fall of its own weight, and then, perhaps, they can commence over and by so doing perpetuate themselves in office and continue to fool and bunko the great American public? I believe that lobbies of all kinds should be prohibited, or else surrounded with restrictions that would compel them to disclose the source from which they derive their money used to influence legislation. Petitions are not effective now, in competition with our powerful lobbies, with their high-priced trained lawyers and with their smooth, suave, slick, and smiling professional lobbyists. I hope to see the day when the petition method will be the only method outside of a direct appeal by the people, in person, used by the American people to impress their views on their representatives, and so I again repeat, "A plague on both your houses."

The Anti-Saloon League appears to be unusually active in the State of Wisconsin. They do not hesitate in their blind fanaticism to align themselves with big business or any other organization that they might be able to use. It is charged that they are in league with big business in Wisconsin. This may be true, but one thing is certain, they seem to be supplied with abundant funds for all their nefarious purposes. They have even invaded the sanctity of the judiciary, and I am informed that the head of that organization in Wisconsin is now under indictment for violation of the corrupt practice act. I am opposed to this bill, for I believe that beer brewed and aged under proper conditions, sold under proper Government regulations, would be a benefit to the people and to the Government. A tax of 5 cents a bottle on beer would produce an enormous revenue and provide a nutritious beverage in place of the many vile concoctions now consumed. My friend the gentleman from California, Mr. RAKER, quotes from a postal signed by "an ex-drunkard, who began on beer." Oh, that is an old stock argument, citing one instance, when I could cite thousands of instances of my own observation among my constituents who drank beer from early youth and who are still in the land of the living, enjoy the best of health, good, reliable citizens who would never think of taking a drink of whisky. But by depriving them of beer you are driving them to the strong liquor, to moonshine, and to poison, as well as creating in their hearts a hatred and disrespect for the law.

In this bill you have condemned and questioned the integrity of the medical profession, the noblest of all professions. It is, perhaps, true, as the gentleman from New York [Mr. KINDRED], himself a physician, has so well said, "That a few high-brow physicians would deprive 150,000 reputable physicians of their traditional rights and stamp them as quacks and bootleggers." But this is all in line with the other activities of the Anti-Saloon League. This bill is, in my opinion, hypocritical to this extent—it provides that a doctor may prescribe strong liquor, 100 per cent proof, for a patient, and then you say he can not prescribe been containing 3 or 4 per cent alcohol for the same purpose. I can not follow that line of reasoning.

Mr. Speaker, I can not close without taking exception to the remarks made by the gentleman from Georgia [Mr. GILBERT] relative to the German people. We have approximately 12,000,000 people of German descent in the United States, of which 1,000,000 reside in the State that I have the honor in part to represent. It is true that the German loves his beer, for it is a sort of a national beverage, and the true German drinks but very little whisky. It does not make him pot-bellied, as the gentleman from Kentucky said, neither does it make him an undesirable citizen. I am now talking about the true German,

the German that left his home, left the fatherland, to escape the evils of Prussianism, who came here with the same ideals as your forefathers and mine; came here seeking a land of equal opportunity for all. That is the German I am talking about; that is the kind of a German that helped to make, by his industry, his sturdy independence, his thrift, and his self-reliance this great country what it is to-day. I am talking about the German that gave his all to his country, that gladly sent his sons across seas to help conquer the brutal Prussianized German, and to make the world "safe for democracy." I wish I had the time and the space to insert in the RECORD the real record of the German in the State of Wisconsin, the record of how they went over the top in all our Liberty loan campaigns. I may some day beg the indulgence of this House and insert in the RECORD the honor roll of the State of Wisconsin, which will show beyond a doubt that the German contributed his share, if not more than his share, toward winning the war.

Mr. Speaker and gentlemen, I know the majority for this measure will be large. I know that if I had the profound knowledge of Webster, coupled with his eloquence, that I could not change a single vote. Your minds are made up. Put the finishing touches on this infamous piece of legislation known as the Volstead Act. Then pass legislation to stop smoking. Then interfere with the right of the American citizen to spend a part of the Sabbath in innocent amusement. Then regulate what we shall eat and wear. Oh, some of you may smile, but it is coming. Our blessed professional reformers must have something to do, something to keep them busy. You gentlemen will be asked to pass these measures, and if past performances are any criterion of the future, special rules will be again brought in here and will again be threatened with political oblivion unless you bow your heads in humble submission. But when you do, remember that the long-suffering, patient American citizen will some time voice a mighty protest, which protest will be a peaceful political revolution.

Mr. SUMNERS of Texas. I yield three minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, first of all I want to emphasize the fact that the friends of the national prohibition amendment have never been in favor of any foolish interference with legitimate business. No such idea has been in the head of the far-seeing chairman of the committee. No such idea has been in the thought of Wayne B. Wheeler, that honest, clear-headed, patriotic man who has given a lifetime to this unselfish, valiant fight.

They have only been anxious that alcohol for legitimate industry should not be made the cloak for all kinds of devilish practices.

Let me here and now help to clear away the brush, if you please, concerning the report spread abroad by the liquor forces that Wayne B. Wheeler, the astute and trusted attorney for the Anti-Saloon League of America, draws a salary of $25,000 a year for his services as one of the trustees of the Anti-Saloon League. I happen to know that his salary is less than one-third of that amount. I happen to know that he recently turned down an offer of salary far, far larger than he is getting now because his comrades and his conscience forced him to remain at his post of duty—that duty that called him with compelling insistence when he was a boy of brilliant promise at Oberlin College 28 years ago, leading him into a life of sacrifice and service where his white plume, like Henry of Navarre, has waved on a thousand battle fields, where right has charged the citadels of wrong from the Atlantic to the Pacific. No wonder the liquor leaders traduce and malign him, for he has led the fight that put them out of business, and he is now our honored, trusted leader as we declare the debauching saloon shall never come back. [Applause.]

I want to say in the next place that I am in favor of the passage of this bill, because the failure to pass it would mean the reentrance of the German brewer into our economic robbery and our American political life, and that is something that good men do not desire and brave men, thank God, will not allow. [Applause.]

In the next place, I wish to reply to my genial friend from New York [Mr. GRIFFIN] and emphasize the mistake in saying that this constitutional amendment loses its sacredness and its binding force because it represents the sentiment of only a part of the American people. I remind him and those who hold with him that this amendment has been added by ordinary constitutional process. I remind the Members of this House that all constitutional amendments that have been added since the birth of our Nation and the adoption of our Constitution have been put there as the expression of a part and not of all of the American people. The amendment concerning slavery, the amendment concerning equal suffrage, the amendment concerning prohibition, all express the thought of a part, indeed, a majority, of the American people.

PROHIBITION LAWS OF GOD AND MAN.

And let me say in reply to the many declarations that it is "dangerous to tell men they must not," that an argument of that kind would abrogate practically every law of God and man from Sinai down to Washington City.

I say it seriously and with grave concern. I think it is one of the saddest hours I have ever known for the youth of America, who constitute "the to-morrow of this Republic," to read from the floor of the American Congress the statements of leaders who have sworn at this sacred desk to stand by the Constitution of the United States and for the enforcement of the law, these defiant utterances against this bill, when almost every such utterance will encourage the breaking of this law all over America. [Applause.] And if this law, born in unselfish love for humanity's happiness and enacted as the result of the demand of the overwhelming majority of the people of this country—if this law is to be trampled with impunity—if its sacredness is to be scouted and its majesty flouted even by Members of the Congress that passed it, then I ask, in God's name, what is to become of the youth of America, and what is to become of the supremacy of the American flag at home, the respect for our flag abroad? The opponents of this bill are playing with both individual and national destiny.

WHAT IS IT THE GENTLEMEN WISH?

As I think of the attitude of the opponents of this remedial prohibition legislation, I find myself unable to forget the words of a certain brilliant and worthy patriot named Patrick Henry—words uttered at a time of a great crisis in our colonial life, and paraphrasing his words a little, let me ask, What is it the gentlemen wish? What would they have? Is political life so dear—are votes so sweet as to be purchased at the price of encouraging individual lawlesssness and practical anarchy? Are the galleries at home so bacchanalian in their tastes, so defiant in their attitude, and so powerful in their influence that their applause must be won at the expense of the majesty of constitutional law and the debauchery of American youth?

What is it the gentlemen wish? What would they have? Do they stand out and out for the overthrow of the eighteenth amendment? Let me remind them of the necessary procedure? If that is what they really seek, they must secure a constitutional majority in both branches of Congress and then secure 36 States in the American Union to ratify the repeal of the national prohibition amendment. And that will occur just the day after Gabriel blows his trumpet and declares that time shall be no more. [Applause.]

A PIECE OF HOPELESS FOLLY.

I grant you that if enough "wet" men were elected as State legislators, Congressmen, governors, and Senators the law would be wiped out in a day. But we put you on notice that the friends of this law—the greatest moral triumph that any nation has ever known—do not intend to allow it. Thank God, they will not be found asleep at the switch! And inasmuch as your fight for repeal is absolutely hopeless, let me ask again: What is it the gentlemen wish? What would they have? Do they intend by personal and official example in the Halls of Congress to give aid and comfort to lawbreakers and liars all over America? Do they intend to join the former governors of New Jersey and Maryland, who led their own legislatures to pass a beverage act allowing 3½ per cent alcoholic content when our national law allowing only one-half of 1 per cent was overwhelmingly passed by this House?

Do they intend to unite their influence with that of the former governor of New York, who led the legislature of the Empire State of the Union to pass a 2.75 per cent license in defiance of the national law? Do they intend to take their place beside the Roman Catholic priest in Brooklyn, who a few months ago shook his fist at the American flag by urging his parishioners to trample under their feet this prohibition law, which interferes with their "personal liberties"? In short, do they intend to defiantly tell that benevolent old gentleman, "Uncle Sam," to come down from his high place of constituted, constitutional authority and go pell-mell to the place "where it does not snow"?

Let us get down to "brass tacks," whatever that means. Their opposition to an honest effort to strengthen our national prohibition law can have but one effect, and that is to help the cause of the lawbreaker everywhere. Is that what the gentlemen wish? Then these same gentlemen who ought to be standing like a stone wall in Congress and at home for the majesty of the law have their doubtful and dangerous reward.

If they take comfort in the retort of their erstwhile colleague who is now president of the Borough of Manhattan that we have "moonshine stills" in the mountains of Georgia and Kentucky, I remind them that these illicit dives of devilment are only the defiant expressions of the appetite begotten by the legalized liquor traffic; that we are making a valiant effort to put them out of business without any help or encouragement of the devotees of "wetness" on the floor of this House; but, after all, I remind you, as I reminded him, that I suppose it is not much more harmful for the Georgia mountaineer to make a "leetle" for home consumption than it is for the "wet" representatives of "wet" communities to make "moonshine" speeches here in Congress purely for "home consumption."

But frankly, my colleagues, the issue is too great for lightness of speech. To those who claim that the American workingman has a right to demand his beer I answer that the brave, sober workingmen of my section, thank God, do not want beer. They recognize the fact that beer can not be had without breweries, and breweries mean the corruption of our politics and the sodden debauchery of millions now living and countless millions yet unborn.

CHEAP OPPOSITION AND SOLEMN RESPONSIBILITY.

It is cheap, the cheapest kind of fruitless criticism for the opponents of this remedial legislation to answer with a taunt and a jeer that the weakness of the prohibition law is found in the fact that too many voters, too many in "high society," and even some Congressmen, "vote dry and drink wet" at Christmas times and other times. That charge gets nowhere. I love my colleagues. I honor my colleagues. But I do declare that in face of the fact that a majority of the people of the United States voted in their respective States and communities to outlaw this devilish thing, in face of the fact that both branches of Congress voted by constitutional majority to outlaw this devilish thing, in face of the fact that the Supreme Court of the United States handed down the high decision ratifying the outlawing of this devilish thing, any private citizen or any Member of Congress who will buy blind-tiger liquor with which to celebrate the birthday of Jesus Christ, or who will connive with any bootlegger to trample the laws of God and man, is a reproach to the church to which he or she belongs; that citizen is a reproach to the flag that has been made "stainless flag"; that citizen is a menace to sobriety and clean government and a travesty on patriotism; that citizen is a poor example for his own children and a dangerous leader for the young manhood of America. [Applause.]

Mr. SABATH. I yield 13 minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, it has been said with much emphasis by supporters of this measure that they have heard no arguments with which they have not been made familiar during the discussions of the Volstead Act. I do not think they have contributed many new arguments themselves, unless it be the one advanced by my friend from California, Judge RAKER, who struck the rather novel method of producing an anonymous communication containing a preposterous statement, and then attributing it to opponents of this bill as the argument they have advanced upon this floor.

Mr. RAKER. Will the gentleman yield right there?

Mr. COCKRAN. I will not. I have not the time. If you will get me a little time at the end, I will gladly yield for all questions that gentlemen wish to ask; but I must entreat gentlemen to let me finish what I have to say now in my own way, because my time is very brief—utterly insufficient to let me make clear the very momentous character of this proposal from the aspect that I hope I can place, though inadequately, before this House.

This is not a measure to enforce the prohibition act. It is a measure to prohibit medical science from exercising in full measure its beneficent influence. It aims to circumscribe the possibilities of remedial agencies for remedying the ills that beset humanity. It represents in the highest degree the measure to which intolerance can go when it is reinforced by a pretense of moral justification.

Mr. Speaker, in this proposal we are brought face to face with the oldest tendency that at recurring intervals has wrecked free governments. The very essence of this Government, the very essence of liberty, is that in matters of personal morals the State has no right to invade the domain of conscience.

If the State Government can prohibit the remedies medical science would prescribe to remedy human weakness and human suffering, then there is nothing it may not prohibit. It may forbid the use of tobacco, of tea, or coffee—even of milk. From prohibitive to command, the step is short and easily accomplished. If it can forbid certain articles it can commend others. If the State can tell me what is best for myself and my family, then, as one gentleman said, it can prescribe my daily attendance at church, it can prescribe morning and evening prayer, and specify the length of it. To do all these would not be half as extravagant as what they have attempted here. It is true that in this measure the Government aims to improve morals—and by improving them elevate conditions—but that is precisely its dangerous feature.

I want to call attention of gentlemen to this historical fact: Never yet have tyranny and prosecution been started to make men bad. It has always had its origin in misdirected and misjudged attempts to make them good. Why were men burned at the stake, why were over 70,000 men and women burned at Smithfield during the reign of Henry VIII? What was the reason assigned for this butchery by its author? Why, to save their souls from the perversity of their bodies. [Laughter.] And when some professed themselves ready to recant and conform to the religion the sovereign had established they were killed anyhow, lest they might once more relapse into infidelity; that is to say, into disbelief of the religion which the sovereign considered the only one consistent with the truths of Revelations. If, then, we allow the Government to decide for us what morality requires and enforce its decision with the club of the policeman, we open wide the door through which tyranny and persecution have always entered.

The gentleman from Ohio [Mr. BURTON] has stated that this legislation has resulted in an improved condition of morals, in turning the dull eye of drunken despondency into the brilliant eye of hopeful anticipation and the staggering gait into a manly tread. I think I am quoting him correctly. I answer him that instead of having restricted intoxication this prohibition has by the judgment of persons best qualified to know increased it.

This widespread growth of intemperance since the Volstead Act was passed justifies the statement made here by several gentlemen on the floor that it is absolutely impossible to enforce morality with a club. The vehement gentleman who just vacated the floor stated that because some of us object to the multiplication of prohibitions against the free actions of citizens, therefore we are in revolt against the law of man and the law of God. We recognize that certain prohibitions are essential to the welfare, indeed, to the safety of all society. But it has all been a fundamental principle of American constitutionalism that the Government which we conceive to be best, that system which we hold to be the soundest, is the one where prohibitions are the least in number. Mr. Speaker, if this attempt to establish morality by penal statute should succeed, then this Government must be subverted. A better one may replace it, but it must be a different one.

There is one feature of this Government wherein it differs from all others. It is fundamental and rests on a certain conception of humanity which underlies no other political system. It acknowledges that man is depraved naturally to some extent, but while he is capable of sinking into depravity unspeakable, so also is he capable of improvement immeasurable—improvement so vast that the Creator himself could come on earth and assume human nature—not the semblance of it, but the substance of it—without suffering any injury or abasement to His divinity.

This Government is founded on the belief that the American people embody the very highest moral excellence, and therefore that they are the fittest depository of power which ever has been found on this earth.

The corner stone of our political system is this belief—that power intrusted to the people will always be exercised to maintain morals and enforce justice. Our laws can never be the source, but always the product, of popular morality. If public opinion does not sanction, nay, if it does not demand enactment of any law, then, though passed a hundred times by Congress, it will remain a dead letter on the statute book.

This measure is founded in deepest distrust of the whole American people, on a belief that without the restraining club of the policeman they will sink into the worst depravities of intemperance.

If this belief be justified, then no law of this character can possibly be enforced. Without public opinion, as one gentleman supporting this measure said here, no law is of any force or vigor whatever. Placing it on the statute books gives it no life. That merely makes it a fountain of disorder, of blackmail, of corruption.

The late James C. Carter, who, I think, it was universally admitted was the greatest constitutional lawyer who appeared in this country since John Marshall adorned the bench, devoted the closing years of his life to preparation of a series of lectures on the fundamentals and essentials of law.

Those lectures he intended to deliver at Harvard University, but death intervened and prevented accomplishment of that purpose. However, they were fully completed. The substance and purpose of them all was to show that all law is merely custom. No law, he insisted, had any force unless it embodied a custom created by the daily doings of men in their ordinary avocations. What we call a statute is merely the determination of a political society to enforce upon a recalcitrant minority obedience to a custom already established by the majority. The instances that he gave to vindicate his thesis were, first, the absolute failure of the fourteenth and fifteenth amendments to secure the right of suffrage to the Negroes in the Southern States. These amendments were supported vigorously by the Federal and the State Governments, by the Army and the Navy, by the Supreme Court, and a powerful newspaper press. Yet they failed. They are to-day dead letters because the public opinion of those States regarded enforcement of them as incompatible with civilized conditions. And it is a fact to-day, of which southern men may well be proud, that they violated these constitutional amendments and excluded human beings who were unfit for the suffrage from the exercise of it, and by that act raised Negroes in the South to a degree of prosperity they do not approach in any Northern State. In the North we allow them to vote, but we do not let them work. In the South they are not allowed to vote, but they are allowed to work. And, thank heaven, the Negro, reduced to a choice between living where he could vote and living where he could work, has elected for work. He has quadrupled in the South. He is acquiring property there and attaining a position that could not have been anticipated or even conceived a few years ago. That impressive result was achieved through resolute and persistent violation of two constitutional provisions, of the civil rights act, of all the laws that were passed during that period of reconstruction, nullification of which was the salvation of the South and, I think, a tremendous contribution to the welfare of the whole country. Yet gentlemen from the South are vehement now in declaring that because this is a constitutional amendment it must be observed.

The other instance that Mr. Carter was wont to give in support of his view was the failure in New York City of laws somewhat similar to this enacted by the State legislature. The liquor laws were never enforced in New York City. Local administrations came into power pledged to enforce them, determined to enforce them, and every one ended in failure. Why? Because, as Mr. Carter well described it, these legislative acts were all attempts to impose the customs of Chautauqua County on Manhattan Island. There would have been no necessity for coercive measures to enforce these laws in Chautauqua County. There public opinion approved them, but they could not be enforced in New York City because there public opinion condemned them.

It is really useless to discuss or consider whether that public opinion is good or bad, sound or unsound. It is the opinion of the locality, and that being the case you can not enforce a law in violation of that opinion. You can not get juries to convict persons accused of violating it. And though you may get officers willing to prosecute them, those prosecuted will always result, as the able gentleman from Massachusetts [Mr. GALLIVAN] said, in a hand stretched out behind the back for the secret, sordid argument of corruption to induce aversion of the official head when violations occur and in withholding the hand of violated law from the shoulder of the offender.

It has been the untold experience of society that whenever laws of this kind are passed they lead to an unlawful and unwholesome system of licensing violations of them, the proceeds of which licensing do not find their way into the Public Treasury but into the pockets of officers as the tribute of corruption.

Mr. Speaker, in the light of all this experience it must be clear it is utterly impossible to enforce in any locality a law that is against the opinion of that locality. This particular law may be enforced in other localities. But it can not be enforced in New York. And there is one reason which makes it doubly impossible to be enforced. This law invades the domain of medical relief. Think of it, sir! A gentleman here has said that there is no such thing in the Pharmacopœia as a prescription of alcohol or beer. Of course there is not. They do not belong to the domain of prescriptions.

Prescriptions are cabalistic figures, comprehendible only by druggists, which result in certain compounds or drugs that are believed to have remedial effect. But as one gentleman supporting this bill said here to-day, the tendency of medical progress now is to avoid prescriptions, or drugs, and fall back upon the regulation of food. It has become an axiom of modern science that men frequently dig their graves with their teeth. Indeed, it claims that more graves are dug with teeth than with spades. It is the improvident use of food with which physicians now concern themselves. One recommendation made by many doctors—and every doctor here on the floor has testified to it from both sides of the House—is the use of beer and ale in moderate quantities to meet certain physical conditions. This would not be a prescription but advice for regulation of food. And now you step in to prevent this. And, pray, who are you? I ask gentlemen not for a moment to think that I am belittling them. But I say that by comparison with the learned men who advise use of beer or ale in certain cases, you are ignoramuses on the subject, and yet you, ignorant of medical science, proceed on some testimony collected here and there from nameless witnesses, against the whole body of scientific opinion, and say that no matter what science may judge essential to the welfare of humanity, forbid—prohibit—the attempts of medical skill to reduce the miseries of the world.

Mr. Speaker, I am not now saying anything about the original Volstead Act. That is here, and I have no doubt in the world that, some way or other, it and the eighteenth amendment will be made ultimately to conform with the opinion and sense of right in each locality, as those two amendments affecting Negro suffrage have been made to confirm the supremacy of the white race in the Southern States. [Loud applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I have not heard a voice here to-day from Illinois except on the other side, and I want to say that the State of Illinois is for the passage of this bill. As far as I am concerned, I do not agree with the gentleman who said a minute ago that "he voted against the original bill and was glad he did it." I want it understood, Mr. Speaker, that I came down here two years ago with 140,000 majority and voted roll call after roll call for this thing and every voter in the State of Illinois knew it and they sent me back here with 799,000 majority. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas [Mr. BLANTON] is recognized.

Mr. BLANTON. Mr. Speaker, the whole argument against this measure is based upon three erroneous assumptions: First, that it can not be enforced, as, especially in the State of New York, citizens generally will violate it; second, the poor workingman thereby will be deprived of his beer; and, third, the American Federation of Labor, from its convention in Denver, Colo., has demanded beer and light wines, and that, forsooth, it will be dangerous to Congressmen in future elections to now disobey its mandate.

Mr. Speaker, it is incumbent upon our President's administration to enforce the law of this land, constitutional and statutory. If our President's administration does its duty—and I believe that it will—it is going to strictly enforce the prohibition laws throughout the United States, even in the so-called outlaw State of New York; and if they continue to violate it there, as was asserted by our friend the gentleman from New York [Mr. RYAN] is generally done there, some of his law-ignoring, beer-drinking constituents there are going to land in the Federal penitentiary unless they reform. It is "Uncle Sam's" law they are going to violate. It is a jury in a Federal court they are going to face, before a Federal judge, and be prosecuted by a Federal district attorney, all of whom are not like our distinguished young friend from Maryland [Mr. HILL]. And ultimately these law breakers are going to ascertain to their sorrow that there is no "monkey business" in Federal courts where our laws have been ruthlessly violated. And if you good Republican brothers of ours under your administration of public affairs can not enforce the laws then the people will put somebody in your places with different administrative policies.

Even should this bill fail of passage, it is not going to be the poor workingmen who get these beer prescriptions in New York. They will all be gobbled up by the rich millionaires in that metropolis, who will be at the head of the line and take them faster than the New York physicians can issue them. This bill is for the millionaire beer drinkers of New York.

Mr. COCKRAN. Their supply is already in.

Mr. BLANTON. Our New York colleagues who are so active to-day are speaking for their millionaire beer-drinking constituents and not for the poor workingmen, concerning whom they seem to be so solicitous.

Prescriptions for beer as medicine will cost money, and doctors charge rich men more for prescriptions than they do workingmen. And doctors are limited in the number of prescriptions they may issue for liquor. Hence will they not be tempted to issue all such prescriptions up to their limit to rich men, and not issue any to the poor workingman? Because they know that beer is not a medicine, and that really the man will be better off without it, hence they will ease their conscience with the thought that after all they have not denied the poor workingman any medical relief, which under all other circumstances all doctors so readily and generously accord.

This subject has ceased to be a question of pro and anti, but has become a question of obedience to or disobeyance of law. It is a question of upholding the fundamental law of the land. Are you going to uphold the Constitution or turn it down?

Mr. TINKHAM. What about the fourteenth amendment?

Mr. BLANTON. It is all right. I uphold it as well as every other part of the Constitution upon which our Government is founded.

But, Mr. Speaker, the distinguished gentleman from Kansas [Mr. CAMPBELL], in spite of all of whose faults we all love still made a sham battle upon the proposed Volstead bill, a rule for which he denied, and made a pretense that its passage would have been impossible. He knows better than anyone else that he could have reported a rule out of his committee, making it in order just as it was without amendment, and could have limited the debate on it to one hour, or to any other specified time he saw fit, and provided for the ordering of the previous question at the end of such debate, and could have had a decisive vote on it to-day, long before this time had he so desired, but he did not so desire. He would give no such rule for the Volstead bill. But he himself took therefrom two sections and introduced the same in the House as his own bill, and gave the Judiciary Committee to understand that they could take that or nothing. But he is not fooling anybody. All of the prohibitionists of the United States fully understand the situation, and his modus operandi. And in a similar way he killed the antisedition bill, at the instance of Samuel Gompers, when radicals were daily preaching revolution and the overthrow of our Government and when 85 per cent of the good people of the United States wanted it passed.

Are you under obligations to obey the mandate of Mr. Samuel Gompers and the American Federation of Labor on this question? I am not. He has ordered his men to disregard the mandate of the Supreme Court of the United States, when it did not suit them. He said at Denver the other day that he was not willing to trust this Government with the destiny of laborers. I differ with him fundamentally.

Mr. CLASSON. I yield two minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Speaker and gentlemen, I would not be doing my duty to my country or to labor if I did not reply to my colleague from Ohio [Mr. COOPER]. Mr. COOPER calls the attention of Congress to the vote of the American Federation of Labor on this question and says that the American Federation of Labor does not speak for labor. If the delegates elected to and attending the convention of the American Federation of Labor do not speak for and represent labor, then the Members elected to this Congress do not speak for or represent the people of this country. The delegates to the convention are elected by the votes of their membership and go to that convention to carry out the will and instructions of the class of labor they represent. Members of Congress are elected by the votes of their constituents and are sent here to carry out their pledges and obey the wishes and desires of the people. If the American Federation of Labor had gone on record in favor of this amendment, it would have taken a couple of you gentlemen to hold the Representative from Texas [Mr. BLANTON] in his seat, his joy would have been so great.

And my good friend from Illinois [Mr. YATES] called your attention to the splendid vote he received after voting for the Volstead Act. Well, in answer to that I will say I voted against the Volstead Act, and the people of Pennsylvania returned me to Congress with a greater majority vote than before.

When the Volstead Act was first up I pleaded then for beer and light wines for the working people of the country, and I stated to the chairman of the committee that if he would amend the bill and let the working people of the country have their light beer and wines, the prohibition question would be settled for years to come; and if not, it would be an issue in every campaign, and I think my prediction is true, and I believe the issue was very much in evidence in Chairman VOLSTEAD'S own district and in his campaign.

This question must be settled right. The working people of this country want their beer and light wines, and their request should be acceded to. Prohibitive laws—restrictive laws which encroach upon personal liberty and the constitutional rights of the American people—are not wise or just laws. They only serve to breed contempt of law and make lawbreakers out of law-abiding citizens. The wisest and best thing for this Congress to do is to enact sane legislation, honest legislation, and progressive legislation in the interest of the country and the American people. There is much need of it at this time and in this critical period of our country's history, but there is no need and no necessity for legislation which tampers with the personal rights of the American people—the rights which are guaranteed them by the Constitution of the United States.

The American working people are opposed to this amendment, and I hope it will be voted down. It is too drastic to be fair, and any legislation which is not enacted in the spirit of justice and fairness to all is not a workable law and can not survive.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLASSON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the problem of national prohibition to-day is the same as it was before the adoption of the constitutional amendment. It is one of enforcement. It was never a question that prohibition could be enforced in communities where the sentiment was overwhelmingly in favor of the law, but the problem when the constitutional amendment was up for consideration was whether you could compel an unwilling constituency to observe a rule of living which was counter to that which they believed was proper and right and was not within the province of legislative domain. Since Congress made its attempt to enforce national prohibition we find, in communities where the majority sentiment was opposed to prohibition, an increasing disrespect for the law. Instead of conditions improving, the fact is they are getting worse.

Many are the instances where persons who prior to the adoption of the national prohibition act were only given to taking a wholesome glass of beer are now given to drinking whisky. Go to New York, to Chicago, to any of our large cities, and you will see instances of persons who never before had drank whisky who are now given over to drinking it ad libitum. The problem to-day before the House is whether you are going to make the enforcement law ridiculous or seek to establish a reasonable provision so as to make it enforceable.

I care not how blatant the prohibitionist may be, he certainly does not wish this unbridled practice of whisky drinking to spread. The country, as I sound public opinion, is opposed to whisky but favor light wines and beer. And yet by this measure you legalize whisky drinking and penalize beer drinking.

If whisky and strong wines, with their strong alcoholic content, have a medicinal value, as this bill acknowledges, certainly beer, with its lighter alcoholic content, has a proportional medicinal value, and, further, it has sedative and laxative qualities wanting in whisky.

Instead of striving to ban whisky and its concoctions, you surrender to the whisky proprietary medicine interests and permit them to manufacture and druggists to sell whisky under camouflage names. Instead of Congress seeking by legislation to restrict the use of whisky, you recognize it by this bill, but restrict the medical profession in prescribing beer, with its long-time recognized health-giving qualities.

Farmers are not specially opposed to this legislation, because they can have their private stills and make their own whisky and have their homemade wines. The people of Ohio and the people of Kansas, seemingly, by the voice of their Representatives here, are in favor of this legislation, because they do not need prescriptions to get their medicated whiskies in the form of patent medicines; but when it comes to the question of allowing the toilers in the industrial centers to have their mild stimulant in a glass of beer, to allow nursing mothers a mild, harmless beverage to sustain them, those on the other side—and three have risen on the Democratic side—throw sneers at the Germans because they happen to have a desire to drink that which has been health giving to them. But there are more people in this country than those of German ancestry who wish to have the privilege to drink beer and light wines given to them. The growing demand to have this privilege restored is not confined to any nationality or to any class. The demand is general—country wide—and will not down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield two and one-half minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Speaker and Members of the House, I want to correct an impression that New Jersey is entirely wet, as two of my colleagues have spoken against this amendment.

I want to say a few words in favor of this amendment, especially representing the womanhood and the youth of my district, who have been benefited by the results already obtained by the adoption of the eighteenth amendment. What they want and the average voter asks is a fair enforcement of this law as other laws are enforced. What has been lacking has been but a partial enforcement of the law in question. As a former mayor of one of the large coast cities I found more difficulty in stopping the sale of beer than whisky.

No arguments presented here to-day have convinced me that beer is not intoxicating.

Let us adopt this amendment and give this law a fair trial. I thank you for your courteous attention. [Applause.]

Mr. SABATH. Mr. Speaker, during this debate it has been frequently intimated that there is a strong organized propaganda to bring about the defeat of this proposed bill. These charges to prejudice the minds of the Members can not be substantiated, as they are without foundation whatever, but it can not be successfully denied by anyone that there is an organized movement on the part of the Anti-Saloon League, aided and assisted by two or three of the largest brewers, who are endeavoring to eliminate the smaller brewers who are manufacturing a much better near beer than they, but who, unfortunately, are not in position to expend tremendous sums in advertising their product as do these few large brewers. This proposed legislation is also favored by some of the large distillers who, notwithstanding the fact that they have disposed of most of their stocks, still hold large quantities of stocks of others and being the only ones authorized to bottle in bond are holding up the owners, and the wholesale and retail druggists, by charging them for bottling at the rate of $3 a gallon, or $9 or $10 for a case of 12 bottles.

Mr. Speaker, the opposition to this bill comes from the great majority of the medical profession and from the continuously increasing number of American citizens who are opposed to sumptuary legislation which deprives an honored profession from its rights and people of their liberty. Notwithstanding the statement of the gentleman from Nebraska [Mr. REAVIS], I maintain the people have not had ample time or opportunity to be heard against this measure. The gentleman from Ohio [Mr. COOPER], in his usual clever way, endeavors to minimize the action of the American Federation of Labor at its recent Denver convention, charged the adoption of the resolutions favoring the return of light wines and beer to the world's greatest labor leader, Mr. Samuel Gompers. The gentleman further states that he is not ready to follow him and that the American Federation of Labor in convention assembled does not represent American labor.

In answer to that statement let me ask the gentleman if the convention of the delegates of the American Federation of Labor, representing directly 5,000,000 and indirectly 15,000,000 more American laboring men and women, does not speak for the American laboring people, who does? Mr. Speaker, that convention by a nearly unanimous vote again has gone on record—not for the saloon as some gentlemen charge, but for personal liberty and for civil rights and the humanizing of the Volstead Act. So there may be no misunderstanding as to the action taken by the convention, I insert an extract from the proceedings, giving the resolution adopted:

Whereas great dissatisfaction is manifested throughout our country among all classes against the Volstead enforcement law; and

Whereas many of our people were of the impression that with the adoption of the eighteenth amendment it would not exclude the Nation's national beverage, that of wholesome beer; and

Whereas the drastic Volstead law has brought about the wholesale illicit manufacture of whisky and other strong alcoholic liquors or concoctions, which has resulted in the deaths of hundreds of our citizens and has impaired the sight of thousands of others, due to the drinking of concoctions containing wood and denatured alcohol; and

Whereas this deplorable condition has made the Volstead enforcement law unpopular with the vast majority of our citizens: Therefore be it

Resolved, That the American Federation of Labor, in the forty-first annual convention, assembled in Denver, Colo., declare itself in favor of modification of the Volstead law so as to permit the manufacture and sale of a national beverage of wholesome beer; and be it further

Resolved, That the officers and executive council of the American Federation of Labor be, and are hereby, directed to do everything within their power to have the contents of this resolution carried into effect.

Mr. Speaker, it is to be regretted to what extent the Anti-Saloon League and some Members on this floor will go and how intemperate they become when it comes to forcing the passage of this sumptuary and fanatical legislation. Some try to create prejudice by endeavoring to inject the belief and false impression by continuous insinuation against the German brewer. Such tactics, insinuations, and charges should be just as strongly condemned as the action on the part of some of the southern and northern Members who still do not know that the Civil War is over, and for their benefit I desire to read the views expressed by Thomas Jefferson on that very question in his letter of introduction to Col. Charles Yancey of one Capt. Miller.

Thomas Jefferson, on January 6, 1816, addressed a communication to Col. Charles Yancey containing the following statement:

There is before the assembly a petition of a Capt. Miller which I have at heart, because I have great esteem for the petitioner as an honest and useful man. He is about to settle in our country and to establish a brewery, in which art I think him as skillful a man as has ever come to America. I wish to see this beverage become common, instead of the whisky, which kills one-third of our citizens and ruins their families. He is staying with me until he can fix himself, and I should be thankful for information from time to time of the progress of his petition.

I regret, Mr. Speaker, that there are some Members so blinded with prejudice that they will make use of the most ridiculous pieces of literature, as has been done by the gentleman from California [Mr. RAKER], who endeavored to make the House believe that he was reading from a card received from an ex-drunkard, when a blind man could have known that it was an anonymous card mailed from Washington to every Member and originated by the Anti-Saloon League. Time does not permit me to read it, but for the purpose of showing to what extent the prohibition fanatics will go I insert it in my remarks:

A DREAM.

Two couples were standing in the spirit world viewing the actions of their children in this world. My wife and I saw our boy staggering through the streets. Our agony was intensified by an angel who said, "Had you done your duty this would not have been." I had lived a drunken life until almost ready for the grave, and she was in favor of and kept "beer and light wines" for daily temperate consumption.

My companion and wife, a man and woman who had never drank anything intoxicating, but who had upheld the rights of others to do so—the man a Member of Congress, his wife a social leader, gazed on the little daughter whom they had left below in a drunkard's home, surrounded by poverty and misery.

As before, the angel said: "Had you done your duty when an inhabitant of the world this would not have been." "But I never did any of these things." "True, but your influence was never exerted against them and you are as guilty, if not more so, than your friend."

Moral: Fight "beer and light wines" and all officials who favor them as you would a rattlesnake, for, as has been well said, "It is a notorious fact that nearly all drunkards begin by drinking 'light wines and beer' when young, and as the appetite grows, the desire for stronger drink is developed." (An ex-drunkard who began on beer.)

It is charged by some of the proponents of this legislation that the medical profession does not believe in prescribing beer and wine. I have in my possession a communication received only this morning, showing that a poll has been taken in the State of Illinois and that nearly 80 per cent of the physicians have gone on record declaring themselves as opposed to this and similar legislation and against restricting them in prescribing what they believe is most beneficial to their patients. The gentleman from New York, Dr. KINDRED, who addressed the House a little while ago, and who is one of the leading physicians of New York City, with 30 years of honorable practice, has clearly demonstrated that in many instances wine and beer possess not only food and strength but medicinal values and is prescribed by the highest and most reputable members of the medical profession.

Mr. Speaker, to show the fallacy of the arguments of two of the Members from Ohio, who stated they were in receipt of petitions from their respective congressional districts signed by 50 physicians who are opposed to prescribing wine or beer, I wish to insert extracts from an article appearing in the June issue of the Illinois Medical Journal, which quotes statistics from the Medical Pocket Quarterly, Jersey City, N. J., showing the result of a referendum of 25,000 votes cast, Of this number 20,176 physicians were against any legislation proposing to change the provisions of the Volstead Act prohibiting the prescribing of wine and beer, while only 1,935 were in favor of further governmental regulation. This, to my mind, shows conclusively the stand of this high profession against Government interference in their prerogative of prescribing whatever they believe proper. The extract from the Illinois Medical Journal is as follows:

A referendum vote taken on this question by the Medical Pocket Quarterly (Jersey City, N. J.) to establish the sentiment of the profession on the question showed 20,176 votes against the surrender of this privilege to the Government and 1,935 in favor of surrender, while 1,134 failed to vote. The total vote cast is claimed by the Quarterly to be "the largest, most nation-wide, and most representa-

tive vote ever cast by the physicians of this country on any single subject," and shows a significant solidarity of sentiment. We read:

"Physicians of every State in the Union voted in this referendum, including practitioners in all the States of the South and West which were running on a prohibition basis before the enactment of the eighteenth amendment. Country as well as city physicians participated in equal amount, the vote as a whole epitomizing clearly the unwillingness of the medical profession to relinquish the prerogative they enjoy, even if they all do not exercise it, for personal or other reasons."

I also wish to insert a statement by Dr. Charles J. Whalen, editor of the Illinois Medical Journal, and also a communication which I have just received from Dr. H. Preston Pratt, secretary of the Legislative Medical Committee, of Chicago, Ill.

Dr. Charles J. Whalen, editor of the Illinois Medical Journal, says:

The attempt by legislative enactment to say how a doctor shall practice medicine and what he shall charge for his services is an unwarranted restriction upon the freedom of his practice. If you put a limitation on the price he shall charge for liquor as medicine, you can also put a price on his charge for digitalis, or an operation, or even what a lawyer shall charge for a divorce case. If this proposed law is adopted, what is to prevent the legislature limiting the fee in an obstetric case to $1.88? I claim the right to prescribe for a patient anything I may see fit, and my reputation as a physician depends upon the judgment with which I exercise this right.

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LEGISLATIVE MEDICAL COMMITTEE,
Chicago, June 25, 1921.

Hon. A. J. SABATH,
Washington, D. C.

DEAR SIR AND FELLOW CITIZEN: We take this means of directing the attention of you and your fellow Members of Congress to a phase of the existing and contemplated so-called prohibition laws, enactments, provisions, and suggestions in the belief that it will give a broader and, if the term is permissible, more comprehensive view of the entire situation.

Through agitation, misunderstanding, and misrepresentation the medical profession, 95 per cent honorable, skilled, responsible, schooled by teaching and experience, is under indictment as a potential and actual lawbreaker; rated, held, and classified practically in the same category as gun toters or bootleggers.

This is a serious and monstrous error, which careful analysis will prove. The responsibilities, obligations, duty, and practice of the trained, matriculated, and licensed physician place him as administering to and a servant of humanity; by his knowledge, judgment, and experience employing the best methods, agents, and materials for the alleviation and cure of human ills.

In the premises his very existence is at stake, being juggled about at the mercy of certain whims and foibles that are fundamentally dangerous and unsound. Wines and alcoholic malt beverages have been employed as among the most valuable props of medical practice for more than a hundred years, for their essential therapeutic and food value and strength. In the best judgment of the medical profession, as vehemently voiced and expressed by individual members, these forms of medicine and food should continue to be available in the practice of medicine.

The physician of the United States is not a lawbreaker, potential or actual; he is not an opponent of any measure for the protection and guidance of the greater number; he is not seeking any class legislation or special privilege. He has observed the fearful increase of diabetes and diabetic conditions in the Nation. He has noted with apprehension the infringement by legal act of rights and duties that are paramount in properly adjusted civilization and standard of living. He does, and memorializes you and your honorable fellow Members of Congress against the enactment of laws and establishment of provisions that strike at the very foundation of medical practice, the use and application of the proper medicinal and food materials, in their recognized forms and uses.

Out of a recent crystallized sentiment of the physicians of the State of Illinois grows the national organization of individual and collective protest, as represented by the undersigned at this time. It is a noteworthy fact that about 80 per cent of the physicians of Illinois filed their written and definite protests against measures pending in the Illinois General Assembly at that time, setting up similar restrictions and limitations as hereinbefore described. A leading medical authority insisted that 95 per cent of the individual members of the medical profession of the United States, not as organizations or societies, would give similar expression. The protests of the individual physicians of Illinois are signed documents not for publication but subject to review and corroboration.

Recognizing the lateness of the hour for such action, it is hoped and prayed that no decisive action be taken by Congress before reasonable opportunity is given for securing and submitting the individual expression of the physicians of the United States, a quick process and a voice that should be heard.

Are we to become a Nation of diabetics because of prohibition? Are we to subject ourselves to the medical practice of legislators and laymen? To what institution or medium shall we turn for the relief of our ills and ailments if the fundamental principles and responsibilities of the medical profession and practice are shackled and practically destroyed?

Your counsel, aid, and cooperation are urgently sought in this all-important time and premise.

Very respectfully, yours,

H. PRESTON PRATT, M. D., *Secretary.*

I also wish to insert as part of my remarks an article signed by nine of the most prominent physicians of New York City, appearing in the Medical Journal of June 4 of this year, page 1593:

It should be pointed out that the Volstead Act contains the most drastic legislation affecting the medical profession yet enacted. A physician becomes a criminal by the mere fact of writing a prescription for more than a pint of whisky for one patient within 10 days, and, so far as the revocation of his permit is concerned, is denied his constitutional right of trial by jury. (This interpretation of the law is supported by competent legal opinion.) The law states that "After a permit has been revoked by the commissioner the permittee may have a review of the decision before a court of equity. During the pendency of such action such permit may be temporarily revoked."

The precedent established by the Volstead Act in restricting medical practice should, if physicians value their therapeutic liberty, be met with a protest which will command attention. To-day it is alcohol, to-morrow it may be any remedy which falls under the ban.

We would suggest that the physicians of the country write to their Senators and Representatives in Congress in terms which leave no doubt with respect to their attitude concerning the regulation of therapeutic procedure by statute.

CHARLES L. DANA, M. D.,
SAMUEL A. BROWN, M. D.,
SAMUEL W. LAMBERT, M. D.,
ROBERT A. HATCHER, M. D.,
HERMANN M. BIGGS, M. D.,
HARLOW BROOKS, M. D.,
GEORGE B. WALLACE, M. D.,
WALTER B. JAMES, M. D.,
WARREN COLEMAN, M. D.,
New York.

An article appearing in the Washington Post gives an account of an interview with the former head of the legal division of the prohibition department, Mr. Alfred D. Van Buren, who, better than any other man, is familiar with the effect this legislation has upon the country. I can not help but feel that it has escaped the attention of a large number of Members who need positive and real enlightenment on this vital question, and I therefore avail myself of the privilege of incorporating it as part of my remarks.

CALLS FOR SANITY IN PROHIBITION LAW—NATION DRIFTING TO DRY ANARCHY, SAYS A. VAN BUREN AS HE RESIGNS ENFORCEMENT POST—LEGITIMATE BUSINESS HURT—RESPECT FOR LIQUOR ACT CAN NOT BE ENGENDERED BY RUTHLESS RESTRICTIONS, HE ASSERTS.

Warning that the entire prohibition situation may be thrown open to "judicial intervention and review" unless saner methods displace the constant cries from extreme drys for more severe enactments by Congress was given to-night by Alfred D. Van Buren, formally announcing his resignation as chief counsel to the Federal prohibition commissioner.

"The country is drifting toward prohibition anarchy," said Mr. Van Buren. "Unless calm and sane judgment displaces popular excitement and hysteria, the respect for the law, so essential to enforcement, will be lost, and the entire situation will be thrown open to judicial intervention and review."

* * * * * * *

PEOPLE ARE INDIGNANT.

Stating that while there can be no doubt that when the amendment was adopted the people intended to prohibit for all time intoxicating liquors for beverage purposes, Mr. Van Buren said:

"There is reason to doubt that the people intended, or at least fully understood, that the measure for its enforcement would be carried to the extremes which Congress deemed necessary to include in the national prohibition act.

"Consequently, when the people realized—and they are just beginning to realize—that the practice of medicine, pharmacy, chemistry, and even religion, is affected, surprise and consternation has prevailed, which in many sections has given way to resentment and indignation."

Mr. Speaker, in reply to those who fear that people may obtain beer for beverage purposes, I say how much better it would be to obtain it in a legitimate way than by illegal means. I feel confident that if 3 per cent beer were permitted that the thousands upon thousands of stills in every State of the Union would not increase but diminish within a very short period, and thereby millions of our otherwise law-abiding citizens would not be forced to become violators and transgressors of the law. It is for that reason that I include as part of my remarks several newspaper articles touching on various phases of the question which I hope will strike home to those who have been swayed by prejudice and unreliable reports in legislating on this all-important subject:

[From the Washington Post.]

BLAMES CRIME ON PROHIBITION—EFFORTS TO ENFORCE DRY ACT ALSO RESPONSIBLE FOR LAWLESSNESS, SAYS GOV. CORNWELL.

[By the Associated Press.]

HUNTINGTON, W. VA., *February 21.*

Gov. John J. Cornwell to-night, in an address before the Men's Service Chapter of the Trinity Episcopal Church, declared it as his belief that the prevalence of crime in the United States is due primarily to national prohibition and attempts to enforce the Volstead Act.

"There is more crime in the United States now than ever before in her history," he said. "This is due to our national prohibition laws and attempts at their enforcement, and much of our crime is due to violations of these laws. The number of violations of these laws is astonishing, and the number of arrests, as well as the number of flagrant cases in which there are no arrests, is astounding.

"Men have not accustomed themselves to these new laws. When the quart a month law was effective I pardoned men by the hundreds. There were several reasons for this, chief of which was the jail census, which showed that there were 1,800 men in the jails of the State. Some business institutions were unable to operate on account of the number of their employees in jail.

"This condition had to be relieved. It is not possible to eliminate or to reduce crime by the pyramiding of penalties. The only way is through education and Christianization."

[From the New York Herald.]

"DRUNKS TREBLED SINCE PROHIBITION," SAYS COURT.

NEW YORK, *May 18.*

Magistrate Geismar, in the Fifth Avenue court, Brooklyn, yesterday expressed surprise when nine men were arraigned before him charged with intoxication. The magistrate said:

"If you can afford to buy 'booze' you can afford a steep fine. I am tired of seeing so many drunkards. We used to get three or four

drunks in this court on a Monday morning, but since the advent of prohibition the number has tripled."

The verdict does not alter Judge Chatfield's decision that raids may be legally made on saloons without search warrants.

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DOCTORS PLEA FOR WINE AS LIFE SAVER.

Chicago physicians members of the American Protective Medical Fraternity yesterday appealed to Gov. Small to veto the bill recently passed by the State senate to forbid prescription of light wines and beer. The bill permits prescriptions for whisky and narcotics.

"Many lives have been saved by champagne," says the telegram signed by Dr. Eldorado W. Scott, secretary. "In many cases it has been invaluable for persons near death, whose stomachs are in such delicate condition they can take nothing else.

"Certain forms of beer are invaluable to nursing mothers and for insomnia cases. Sherry wine, with white of egg, has from time immemorial been considered beneficial."

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[From the Washington Post, May 17, 1921.]

"DRYS" POWERLESS IN NORTH CAROLINA—UNITED STATES AGENTS REPORT 100 PER CENT INCREASE IN ILLICIT DISTILLING—ASK MORE AID OF STATE—UNABLE TO TAKE CARE OF COMPLAINTS, SAYS FEDERAL CHIEF—RURAL DISTRICTS WORST.

[By Associated Press.]

RALEIGH, N. C., *January 16.*

Organization of a State constabulary to supplement the forces of the Federal prohibition agents and county officers in suppressing the widespread manufacture of liquor in North Carolina will be urged at the present session of the North Carolina General Assembly, it was learned to-day.

Federal authorities admit that the job has grown too big for the limited staff of 46 Federal agents now employed in this State.

Transmitting his annual report to R. S. Brame, supervising agent of the prohibition forces, H. G. Gulley, chief of the North Carolina division, declares that a conservative estimate would show an increase of 100 per cent in illicit distilling in the State during the past year.

CAPTURED 4,686 ILLICIT STILLS.

Illicit distilleries captured number 4,686 and the number of men and women arrested 2,317, two-thirds of the number being taken by Federal agents.

"We are not able to take care of the complaints that are made to our department," said Mr. Gulley. "The rural population of North Carolina is infested with violators of the prohibition laws and in some communities it is very serious."

During the past year 8,257 gallons of contraband liquor were seized by Federal agents and half that quantity by the sheriffs of the various counties. Federal agents seized and destroyed 13,405 fermenters, 21,953 gallons of apple cider, 4,450 gallons of molasses, 3,070 pounds of sugar, and 1,048,264 gallons of beer. Forty-six horses and 91 automobiles were seized and sold at public auction.

PENALTIES TOTALED $1,153,181.

The total value of the property seized and not destroyed was $65,047, and the value of property seized and destroyed was placed at $412,947.

Taxes and penalties assessed against violators of the law totaled $1,153,181, which does not include the penalties imposed by county authorities. The cost of administration in the State was less than $150,000, leaving the Federal Government a net profit of $1,074,238.

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[From the Chicago Daily News, Monday, June 27, 1921.]

FINDS PROHIBITION MAKES UNITED STATES GLOOMY—DR. HELMER KEY, STOCKHOLM EDITOR, TELLS OF AMERICAN VISIT IN BOOK.

Here are a distinguished foreigner's two comments on prohibition in the United States:

It makes the American people dull and gloomy.

If you have the price, liquor is not hard to get.

Dr. Helmer Key, editor in chief of the influential Stockholm daily, the Svenska Dagbladet, passes these strictures after a personal tour of the United States. He has just published a book in Sweden, entitled "My Trip to America in 1920," which tells the Swedes a great deal about America. Translations made from this book in the office of the American minister, Ira Nelson Morris, in Stockholm, show that Dr. Key was not favorably impressed by the operation of the prohibition laws in America last year.

Here are extracts from the editor's observations:

HOW SOME PERSONS GET A DRINK.

"The most outstanding characteristic of the situation resulting from the prohibition law is a certain atmosphere of silent weariness, prevailing especially among the lower sections of the people. To the upper classes of society the liquor prohibition so far has brought but few inconveniences. In the leading hotels and restaurants no alcohol whatsoever is served, and even if spirits were served occasionally in some of the restaurants of New York, it is safe to say that the hotels did not dare to transgress the law.

"An attentive observer might, however, soon enough discover certain suspicious maneuvers at the tables around him in the restaurants, not a few brandy flasks of the most peculiar shapes being circulated, evidently containing whisky or similar liquors. The liquor prohibition has given rise to a new branch of goldsmith manufacture, namely, alcoholic reservoirs, for instance, in the form of cigarette cases, spectacle cases, opera-glass cases, and the like.

SAYS LIFE BECOMES DULL.

"One provision in the prohibition law is that it is forbidden to transport alcoholic goods even in one's own automobile; this, of course, being but an absolutely illusory provision. The control in regard to the observance of the law and the problems connected therewith can at first not be surveyed by an outsider. What an outsider can see, however, is that the moral effect of the law is not of a very favorable nature.

"The life especially of manual laborers, who could not afford to lay up supplies, is very dull. If you visit, as I did, for instance, one of the sailors' homes in the harbor of Philadelphia, you will be struck by the immense gloom pervading the place, dreary in itself, where the bored men hang over a filthy billiard table or over a game of dominoes, without the slightest prospect of stimulus.

"Very few people had imagined that ale and lighter wines would be placed under prohibition nor that prohibition would prove of so long duration. The discontent, accordingly, is now the greater. I have talked with many men and women, and nearly all have expressed dissatisfaction even though admitting that the prohibition may prove beneficial to the people as a whole.

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DR. KEY FINDS PRIVATE STILLS.

"Private preparation of spirits and ale is very common. In Washington and also in many other places it is declared that there is not a kitchen but has its own distillation apparatus for the preparation of whisky or other liquors. The whisky thus manufactured is humorously called 'moonshine whisky.'"

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DRY ERA A CURSE TO MAN AND NATION; END IT, DOCTORS DEMAND.

ATLANTIC CITY, N. J., *June 27, 1921.*

The doctors of the country were called upon to-day to unite in an effort to repeal the Volstead Act by Dr. W. Wallace Fritz, of Philadelphia, president of the Allied Medical Association of America, in an address at the annual convention of the organization.

"The precedent established by the Volstead Act," he said, "restricts medical practice, and the profession should not permit itself to be placed in a position as liquor salesmen and drug stores as saloons.

"The question is frequently asked, What benefit, if any, has the public derived from the enactment of the prohibition law?

"From general observation it has been a curse to them and to our country. It has taken away pure liquor and beer and has substituted poison and deleterious liquors and beer.

"It is teaching the public to drink secretly behind closed doors and get drunk. It is causing gambling and immorality; it is causing death and blindness.

"We must decide which is the greater evil from a medical standpoint—prohibition or home brew or the free use of light wines and beer properly distilled and brewed under Government standard."

I also insert a few letters appearing in the Chicago Herald and Examiner, which has opened its columns to a forum on "What Has Prohibition Done for Chicago?"

DRYS AND WETS TELL HOW LAW IS WORKING OUT.

The Herald and Examiner opens its columns to a forum for its readers on the subject "What Has Prohibition Done for Chicago?"

LIQUOR IS BLAMED.

PROHIBITION EDITOR:

I think that one of the most deplorable effects of prohibition is reflected in the "sporty" tendency of young women to drink strong liquors as a novelty. I know scores of young women of excellent families who had never before tasted intoxicants of any kind, but who since prohibition have sampled and become actual liquor addicts. It is no longer considered "common."

B. E. J.

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PRICE VILLAGE VIEWS.

PROHIBITION EDITOR:

Down here in Price Village, Ind., we got a good idea of what prohibition is. There are but 19 families here, and although this was never regarded as a drinking village, 15 of these families are "wet," and prove it daily.

The other four are in doubt about prohibition's results, but opposed to the general idea.

The prohibition vote in the last election certainly must have some purpose, and it was 201,927 out of 27,000,000. Give the people back their liberty. I am 76 years old and know that you can not successfully take it away from them.

H. B.

—

CALLS HEADLINE ANSWER.

PROHIBITION EDITOR:

The answer to "What Has Prohibition Done for Chicago?" was answered the other day on the front page of your splendid paper: "Father, crazed by moonshine, kills baby." That is an answer to the hypocritical prohibition bunch.

H. F.

—

"WORSE FOR MORE."

PROHIBITION EDITOR:

Prohibition has done nothing important except to cheat the Government out of funds and give the public worse liquor for more money. It was sneaked over on the country and will be abolished very deliberately. Let's stop throwing good money after poor money.

L. H.

—

CAN'T LAST, SAYS LETTER.

PROHIBITION EDITOR:

I talk from the standpoint of a temperance enthusiast, and I declare, from my personal observation, that total prohibition in this country is an outrage and will never have either success or long life. There is evidence of it everywhere—more drunkenness in homes, less responsibility on the part of labor, and less return to the Government, whether national or local.

I have known a dozen men who were well-balanced and worth-while citizens until this legislation, furthered by a group of fanatics and sneaked through the legislative channels, was put over on the country. It has brought about national drunkenness of the sneaky sort, and where it has not produced that result it has brought about national sullenness, a new attitude for America.

A. J. K.

—

HUSBAND NOW A DRUNKARD.

PROHIBITION EDITOR:

I inclose my address and ask you to come up at any hour of the day and see the fruits of prohibition—my husband. He is a drunkard, and at the age of 38 had never taken a drink until prohibition was enforced.

MRS. L.

WANTS PURE LIQUOR.

PROHIBITION EDITOR:

For nearly two years, in all, there has been an era of so-called prohibition. The wealthy during this time have had ample liquor, the thieves and the lowest element of our population have had more than ever before, but the workers, who as a class want nothing more than nourishing beer, have been able to have none of it. What miserable hypocrisy! When is this un-American nonsense to be terminated?

Liquor is a medical necessity, isn't it? Then how is it, without change of content, a horrible poison? Let us stop the serving of poisonous drinks at prohibitive prices. Let us have some pure liquor for the serving of which the dispenser pays high tax and asks little money. Let's be done with crime by the half crazed.

F. W. B.

—

BARRIERS BROKEN DOWN.

PROHIBITION EDITOR:

Since prohibition has been in force I notice that many of my friends who either did not drink at all or occasionally drank a gin fizz or some other light drink, have taken to whisky; this is particularly true of women.

As no beer and light wine is obtainable, people who desire to drink at all drink whisky, with the result that those who formerly stayed sober get drunk and those who got drunk get drunker.

G. O. F.

I embody a report made by Duell, Warfield & Duell, of New York City, to McClure's Magazine, on the question of prohibition in 1920, which I believe has not heretofore been given to the public, and which I feel is entitled to the most serious consideration:

DUELL, WARFIELD & DUELL,
19 West Forty-fourth Street, New York.

MCCLURE'S MAGAZINE,
19–23 West Forty-fourth Street,
New York City.

GENTLEMEN: I am forwarding herewith my report in connection with the investigation which I have been making at your request these past weeks relative to war-time prohibition and the possibility of its repeal, to the extent of light wines and beer, before July 1. I am also forwarding to you, together with the report of my investigation, some leading opinions obtained on this subject from many important men and women of the country.

Initially, I have found among labor interests a constantly increasing discontent over the possibility of the workingman being denied his glass of beer—the beer that helps to wash down dried-out lunch in the noonday hour. The workingman is accustomed to his beer, and not only has it been his custom for years but his tradition for centuries. If when July 1 comes it is taken away from him, grave labor unrest will confront the country, becoming more pronounced as the heat of summer increases. There is also another side to this question of labor and beer which will cause great discontent—which, in fact, is leading squarely in the direction of bolshevism—it is the denial to the plain average citizen and workingman what is not denied to the man who is rich or even of moderate wealth. The latter for some months past, and even now, are putting by large stores of various liquors, in many instances sufficient to last a lifetime. Whatever the outcome is to be, all of us, both rich and poor, should share and share alike in the effect of any prohibition legislation. That's only fair play and a square deal. To do otherwise and permit the rich man to have what the poor man can not have is the bitterest sort of class distinction, and any legislation which makes this condition possible is class legislation and accordingly vicious. Such action is playing right into the hands of bolshevism. My investigation also shows that there is wide discontent among the returning soldiers who while fighting were specifically permitted to enjoy, by military order, light wines and beer. They very rightfully can not understand, when they were good enough to fight and die for the country, and could have their light wine or beer, now that the fight is over and they have returned home, why such a simple privilege is denied them.

You find the same sentiment everywhere among the rank and file of citizens, the great middle class in our country who resent bitterly any invasion of their personal privileges as American citizens, their right to the pursuit of normal happiness and enjoyment of life. These same views are also held by many who never drank anything, men and women who are liberal and fair enough to admit that there is no harm in drinking a glass of beer, even the minister who at times enjoys his glass of beer and welsh rarebit.

I reach the conclusion that fundamentally whisky and distilled liquors containing an obviously high alcoholic percentage has been at the basis of the prohibition movement in this country. I firmly believe that if we had never had whisky we never would have even heard of prohibition. Accordingly the elimination of whisky and liquor containing a great amount of alcohol is doubtless wise, for with that another good result will be accomplished, the abolition of the old-fashioned saloon, so called, its "back room," its "barroom rail and family entrance," which has been a great curse to the country and the cause of untold misery and crime. But the question of light wines and beer is a far different matter and presents a harmless compromise. In France, for instance, for centuries light wine has been a part of the daily meal, and in this connection think for a moment of the great strength and virility of the French armies in the recent war. But France thought it wise to put a ban upon absinthe, just as the United States should put the ban upon whisky and legislate against it as a drug.

Here are some leading opinions obtained from many men and women of great prominence in the country who, while standing against whisky and the saloon, favor light wines and beer:

Cardinal Gibbons, with whom I recently had a long talk, writes me as follows:

"To present to the people of the country the issue of the use of light wines and beers, also the abolishing of the saloon of the old type, meets with my hearty approval. For more than 50 years I have preached temperance, being convinced that the practice of the virtue of temperance has regard to the free will and God-given liberty of man, and at the same time makes for merit and reward. I am persuaded that the denial of light wines and beer will be hurtful, if not disastrous, to the cause of temperance, and bring contempt upon the prohibition law. I know the good qualities of the American people, which none esteem more highly than myself. I recognize the worth of that large labor element, the very backbone of our country, and at all times willing to join hands in every fair and honest movement. If, therefore, the law of prohibition can be so interpreted as to permit the use of light wines and beer, I feel sure it will be an efficient measure for temperance and meet with the approval of the majority of our citizens.

"Faithfully, yours,

"J. CARD. GIBBONS."

* * * * * * *

Here is the opinion held by the late Col. Theodore Roosevelt, as obtained from his sister, Mrs. Douglas Robinson, shortly before his death:

"I remember my brother, Theodore Roosevelt, saying that he found it very difficult to make up his mind positively on the subject, but that he was inclined to feel that it would be wiser at present to allow the sale of light wines and beer."

Mrs. Robinson herself writes as follows:

"After serious thought on the subject of prohibition I have come to the conclusion that it would be well for the country were it possible to allow the sale of light wines and beer, rather than to make so drastic a change as absolute prohibition.

"It would seem that great evils might follow so sudden a change of policy, evils which might outweigh any good resulting from the change.

"Yours, sincerely,

"CORINNE ROOSEVELT ROBINSON
"(MRS. DOUGLAS ROBINSON)."

Mary Roberts Rinehart has this to say:

"It is my sincere conviction that no amendment to the Constitution should be made without a vote of the entire American people. It is also my conviction that the restricted sale of beer and light wines would be a harmless compromise, and would soothe somewhat our feeling of outrage at the present interference with our complete liberty of action.

"Most cordially, yours,

"MARY ROBERTS RINEHART."

Gertrude Atherton writes as follows:

"What are the distractions, enjoyments, pleasures that this country, either in its State or National Government, has provided for the laboring class that it should deprive it of one of the few solaces poor men find for living? Beer gives a gentle stimulation that causes an hour's forgetfulness of the grinding day, the sordid home. In moderation it does no more harm than a symphony concert that exalts a woman's nerves.

"Has it occurred to these 'reformers,' who through the criminal carelessness of wiser men have temporarily obtained the upper hand, that the major part of the laboring class is composed of foreigners, who from birth have been accustomed to light wines and beer? These men have been encouraged to come to this country because our old American stock was so diminished that we must have foreign labor or come to a standstill as a nation, and it is not only a criminal lack of tact but the height of insolence to denationalize their palates and stomachs and force them to wash down their monotonous food with water—ice water, which has ruined the American digestion. It would be no less an infringement on the rights of man, although infinitely more beneficial, to pass a law forbidding the native New Englander to eat doughnuts and pie for breakfast. But it is the doughnut-pie-ice-water brain that is responsible for this most insensate and pernicious law ever passed in the United States."

Mrs. Atherton also says:

"Regulation, the abolishment of saloons (the easy drink) would result in temperance, in many cases in indifference; but prohibition will irritate man in the deepest recesses of his self-respect, with a result that there will be more secret drunkards all over the United States than have ever been known in the history of civilization."

Last, but not of least importance, I insert a statement submitted by Mr. Charles B. Stafford, an attorney of Chicago, to the Committee on the Judiciary. Mr. Stafford for upward of 20 years has resided in a prohibition territory and has devoted a great deal of thought and study to the prohibition question:

STOP! READ! CONSIDER!

This letter was delivered to the Judiciary Committee after its hearings had closed. I have therefore had it printed. I am sending a copy to each Member of Congress. May I ask you to read it?

CHARLES B. STAFFORD.

CHICAGO, ILL., *May 19, 1921.*

Hon. ANDREW J. VOLSTEAD,
Chairman, and Members of the Judiciary Committee, House of Representatives of the United States, Washington.

GENTLEMEN: I happened to be in Washington on Friday last, and learning that your committee was listening to suggestions on the bill to prevent the manufacture and sale of beer for medicinal purposes, I asked permission to address you, but was compelled to leave Washington before my name was reached. I was informed, however, that I might present in writing my views.

Permit me to say that at present I reside in Evanston, Ill., and I practice law in Chicago. I claim no authority to speak for anyone other than myself, but from conversation with friends and acquaintances in many parts of the country I believe that in what I shall say I shall voice the opinions and sentiments of a very considerable number of the best citizens of the United States.

Because I am the seventh generation born in this country and have neither affiliations with nor cross-obligations to other nationalities I probably shall say some things that only one born and bred with inherited traditions of this land of the free can either feel or dare utter. Whether it may or may not take several generations to make a gentleman, it does take at least three generations to produce a real American thoroughly imbued with the ideas and conceptions of true Americanism, free from the prejudices and opinions and beliefs which from birth, surrounding circumstances, family life, or education tinge and color the views of all our naturalized citizens.

The Declaration of Independence rang true because it gave utterance to what men and women felt and believed in their heart of hearts. For a hundred years after its adoption we American born, with our mother's milk, with the air we breathed, at school, at play, at home, at work, fed on the truth of the inalienable rights of life, liberty, and the pursuit of happiness. We believed thoroughly in the Roman republican doctrine that one might do whatever one pleased with one's own provided no injury resulted to one's neighbor. Governments derive their powers from the consent of the governed to protect and secure these inalienable rights and further their enjoyment. Governmental restrictions upon and interference with personal and individual conduct and habits would have driven Washington and Adams and Jefferson into immediate revolt. They are distinctly imperialistic doc-

trines, foreign grafts being forced upon us by fanatical autocrats who refuse to concede the possibility of any right or merit in an opinion contrary to their propaganda. What has this to do with the proposed bill? This: All proposed legislation should harmonize with our general concepts of American life, American liberty, and American pursuit of happiness.

The proposed legislation has for its object the prevention of manufacture and sale of certain beverages. It attacks these beverages upon the pretense that they are nonmedicinal. The general impression of the public is that it is to further the prohibition movement. It is a reasonably safe conjecture that neither the proponents nor the supporters of this bill had in mind any hygienic or pathological measure. Witness the presence and activity of prohibition's advocates and representatives. It is the transference of incorporeal psychic concept to affect the physical corpus. Medically and morally, I am against the bill.

For the past 40 years that alcohol was a most pernicious and insidious drug and poison has been preached and taught. Most thinking men—and I make bold to include myself in that class—are agreed that immoderate use of alcoholic stimulants is absolutely objectionable. The line of demarcation between moderate and immoderate use is no longer vague or uncertain. In each individual's case an overdose of alcohol is as readily susceptible of determination as an overdose of morphine or strychnine. The amount would vary with each individual, for the effect of all substances, foods, or poisons upon the human body depends upon idiosyncrasy. Even milk, nature's best food, will poison some. Fruits, vegetables, and meats are prescribed and proscribed according to the patient's requirements and their effect. That one man's food is another man's poison has been demonstrated to be absolutely true. Coffee, tea, cocoa, sugar are deleterious under certain conditions.

If alcohol be a drug, then put it in the pharmacopœia under the control of enlightened physicians. In that respect the attitude of the prohibitionists is similar to that of the old lady who gave her daughter permission to swim, but forbade going near the water. The medical fraternity may boast with justice that almost without exception it has faithfully and honorably complied with the duties of such trusts. The occasional backsliding druggist, the occasional blacksliding doctor, is soon spotted as an outcast, a leper with whom mere contact means death and speedily put beyond power to harm.

But prohibition is fanatic. It is as intemperate as drunkenness. Its pettiness is beyond limit and destructive of greatness. It may be safely asserted that the history of the world in no nation and in no field of human endeavor lists a topnotcher who was a prohibitionist. The reason is plain. Temperance, voluntary abstinence, is one of the cardinal virtues. It has as its prerequisite self-control, and self-control means strength. But prohibition, intemperance, means fanaticism, lack of control, and narrowness that is inconsistent with greatness.

Legislation to be of value must start with a clear conception and just appreciation of the subject matter. What is the truth about all alcoholics? It is not the use but the abuse that cries out for remedy.

Alcohol is potentially present in all grains, fruits, nay, wherever starch or sugar is. Digestion in a crude sense is the conversion of starch into sugar, and sugar, by easy fermentation, becomes alcohol. If the chemists are right, the prohibitionist should stop eating. For his stomach is to some extent an automatic still turning out a modicum of booze daily. In another sense alcohol is a predigested food. As such it is absorbed in the human body and circulated before it has been properly assimilated and treated by the various organs and agencies involved in the digestive process. To this is attributable the deleterious effect of large doses. Conversely, it is claimed that where there is exhaustion, weakness, or depression, the fact that it requires little from digestive apparatus enables it to feed and nourish those too weak to take or assimilate other foods. According to many authorities it has no permanent or real effect as a stimulus. Conceding this, it is nevertheless universal experience that it does create at least a false stimulating sensation, causing a desire for real food. Hence in mild forms, as beer, it is claimed to be beneficial as an appetizer.

The combination in beer has other effects. The best modern authorities are universally preaching yeast as a healthful aid to digestion. To many yeast in its natural condition is not palatable. It needs disguising.

The ordinary individual finds it necessary to take quinine in a capsule. Castor oil, because of its bulk, is not generally given in capsules, but its value has forced the adoption of a number of blends. No sane person would contend that the use of coffee or orange juice or what else to assist a dose of castor oil should be forbidden. Why decry taking yeast by way of beer? The prohibitionists contend that the near beers, nonalcoholic, furnish the benefits without the curse. They willfully blind themselves to the effect of the chemical changes caused by the omission of any element. Near beers are not palatable. Small quantities of alcohol do stimulate and excite the flow of gastric juices. This starts the operation and aids the yeast. Near beers in this respect fail.

The wholesale, universal, heedless onslaught of prohibition needs a curb. It may be conceded that man can live, thrive, and prosper without alcohol. Man can live, thrive, and prosper without all things but salt and water. Man can and has for centuries lived, thrived, and prospered without prohibition. Fats, fried food, pastry in excess cause all manner of wreckage to health. Should laws be therefore passed to forbid the manufacture and sale of wheat cakes and apple pie? If prohibition be wise, why should there be the silly and cowardly exemption made in the name of religion? Are legislators afraid that church sentiment may line up on the side of the wicked? Theology once made human sacrifice obligatory, but men quickly realized that an all just, all wise, all good, all merciful and loving God would not tolerate much less require wicked deeds in His worship. If wine and beer and other alcoholics are pernicious poisons like opium and morphine, God will have none of them. Be consistent.

If alcohol be the hellish offspring and temptation of the devil, away with it to the last atom and ion. Let us be not afraid. For unto the prayer of the righteous will God ever give ear.

Wise control, temperance, not prohibition, is needed.

It is time to stop and take stock of the moral effect of prohibition. I have for many years lived in a section kept free of saloons by local option. In the suburbs of Chicago along Lake Michigan, north to Waukegan, for years voters were against traffic in liquor. So long as Chicago was wide open the suburban resident was careful to keep the shadow of a saloon from his home. A saloon was an offensive place for which he had neither occasion nor use. So long as liquor of all kinds and quantities could be brought from Chicago, local option was perfection. Residence in a dry State like Indiana was ideal so long as it was bounded by wet Ohio, wet Kentucky, and wet Illinois. The Hoosier lived in paradise with the tree of knowledge a few hours' ride to Cincinnati, Louisville, or Chicago.

The advent of national prohibition has brought widespread change in the attitude of citizens. Many who rarely touched liquor, actuated by a resentment to personal restriction, take pleasure in showing their opposition by frequent and open violation. Many financially able laid in stores sufficient to last their estimated lives. Bootlegging and private stills have been encouraged by others. Robberies, burglaries, perjury, forgery, and other crimes have become prevalent. The price that can be obtained for liquor has encouraged lawbreaking. Men otherwise exemplary citizens feel justified in aiding and abetting illegal traffic in liquor.

True it is that in republics majorities should govern. But in our American concept, local options—majorities in constitutional divisions of State, county, city, town—must be recognized and dealt with. There is a limit to the tyranny of majorities. This was boldly set forth in the Declaration of Independence.

One of the earliest amendments to the Constitution recognized that certain subject matters should not be legislated without unanimous consent. That list was not intended to include all exemptions. One of the original thirteen States accepted the Constitution upon condition that no further power would be conceded to the Federal Government. It demonstrates the American conception of inalienable rights that government should not be permitted to invade. It did not include prohibition, because no man then alive could conceive the possibility of such legislation.

There is of necessity a limit when unanimous consent must be necessary. Suppose some great religion should obtain a three-fourths control of the country. Suppose its heads should first amend the Constitution by eliminating religion from the list requiring unanimous consent, and, having thus paved the way, pass a constitutional amendment and other laws fixing an exclusive state religion for these United States and providing for enforcing conformity. Such things could not be, say you? Such a condition is no more impossible than national prohibition was to an American 40 years ago.

Every constitutional amendment and every enactment passed over the wishes of a large majority and jammed down on such minority is cursed by destroying in such minority that love of country and respect of law and order that should be the chief virtue of a citizen. Witness the effect of the abolition amendments and laws passed after the Civil War. The Southern States have always refused to accept them, have evaded and nullified them whenever and wherever possible. Worse than all, the effect of that tyrannical outburst of abolitionism! It has ever since destroyed independence of thought and action by Southern States on all questions. For whatever arises is now by Southern States first tested by: How will it affect the Negro situation? It is absolutely certain that the support by Southern States to this very prohibition proposition was given not that the white man of the South desired to forego his julep or toddy but that the menace of the drunken Negro should be destroyed. With the Negro eliminated, the South would be overwhelmingly against prohibition, because it is overwhelmingly in favor of the broadest liberty of personal action and conduct.

Fanatical radicalism has always been followed by wildest riot. Witness the Puritan control of England. No set of men were personally more pure in thought or action, more sincerely desirous of benefiting mankind, more altruistic in purpose of establishing God's heaven on earth, than the founders of the Puritanism that beheaded Charles I and installed Cromwell as ruler of England. And then followed the unspeakable debauchery of mind, body, and soul of the reign of Charles II.

Because I believe in temperance, I am opposed to prohibition. Because I believe that beverages like beer, with small alcoholic content, are in many cases beneficial, I believe their manufacture and sale should be allowed. Because I believe that alcoholics in all forms are drugs, I believe their manufacture should be under careful governmental supervision and their use and sale under the control of intelligent physicians. Because I believe not in drastic coercion but enlightened persuasion, I believe the most beneficial results and permanent good will follow, not from prohibition, but from governmental control through the doctors.

Because I believe your committee is sincerely interested in trying to work out legislation that will prove wise and helpful, I take the liberty of making these suggestions that may open a line of thought which, if not productive of good, may at least prevent what in my humble opinion threatens to be the most egregious of blunders.

Very respectfully,

CHARLES B. STAFFORD.

I hope, Mr. Speaker, that the few articles, statements, and communications of the many thousands which I have received and which I have taken the privilege to insert will be read and studied by the gentlemen who are advocating this legislation with the hope that they will realize the tremendous resentment against further restrictive legislation, and if they are sincere in eliminating the illicit manufacture of spirits and increasing drunkenness that they themselves will recommend the manufacture and sale of light wines and beer.

Mr. CLASSON. Mr. Speaker, I yield four and one-half minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Speaker and gentlemen, I voted against the Volstead Act because I believed it was a radical misinterpretation of the manifest purpose of the eighteenth amendment. In section 35 of that bill it was provided that very heavy penalties might be imposed upon citizens charged with the illegal manufacture or sale of intoxicating liquors without first establishing their guilt by the ordinary processes of the law.

The bill which we are now considering expressly approves and reenacts this anomalous provision of that act. Under its provisions a citizen may be deprived of his property and subjected to all sorts of taxes and penalties, to quote the statute, "upon evidence of such illegal manufacture or sale." Not "upon proof," mind you, not "upon conviction," but "upon evidence of such illegal manufacture or sale a tax shall be assessed against and collected from the person responsible for such illegal manufacture or sale in double the amount now provided by law, with an additional penalty of $500 on retail dealers and $1,000 on manufacturers." What sort of evidence? The statute does not prescribe. It may be direct, positive, circumstantial. An affidavit that a party is or has been making liquor illegally may be taken by the enforcement officer as evidence, although the accused has never been confronted by the

witness. An assessment of double the old tax, plus all the penalties and in addition thereto $1,000, is made.

The party assessed may protest his innocence, but, if the enforcement officer so decides, his claim in abatement will be disallowed and the collector instructed to distrain the property of the accused. His only recourse then is to sue out a writ of injunction in the Federal court and satisfy the Federal judge, if he can, that the Government is proceeding without "evidence."

Let us suppose a case. A still is found up the creek in a thicket on Friday, whereupon our old friend John Doe informs the officers that he saw our equally old friend Richard Roe on the preceding Thursday coming out of the woods near the place where the still had been discovered, his countenance illumined by a smile of satisfaction such as had not been observable theretofore since the adoption of the eighteenth amendment.

Would this be evidence of the guilt of the said Richard, and if not, why not?

But, in addition to this, suppose that Mr. Doe should make affidavit to other and more convincing circumstances touching the guilt of Mr. Roe. This would be evidence, and in that enthusiasm which characterizes the zeal of the prohibition officers, overlooking the fact that these two gentlemen had many times appeared as litigants the one against the other in the civil as well as the criminal courts of the realm, can it be doubted that poor Richard would be duly assessed under the provisions of section 35?

"I am not guilty," he would naturally insist, assuring the commissioner that the smile was the effect of reminiscence and not of indulgence; but this has nothing to do with the case, and there would be no occasion to cumber the RECORD with any such irrelevant matter. The law says "upon evidence," not upon proof, not upon conviction, not upon guilt, but "upon evidence," and the law books all tell us that there is a very marked difference between evidence and proof. Evidence is that which is legally submitted to a court of competent jurisdiction for the purpose of establishing proof of the allegations in controversy. It may not be sufficient to establish the fact; it may fall far short of proof, but it is none the less evidence. This language was written into the bill by the Committee on the Judiciary of this House, a committee composed exclusively of gentlemen learned in the law, and the enforcement officers must assume that they meant what and only exactly what they said.

Now, this case may be said to be an extreme and unwarrantable assumption, but as a matter of fact it is nothing more than the usual practice, if I am correctly informed. I have heard related in the cloakroom by a number of gentlemen numerous instances no less remarkable than this one.

One gentleman a few days ago related that a reputable druggist had been assessed $2,400, his offense consisting of an alleged unlawful sale of a bottle of Tichnor's Antiseptic. The druggist protested his innocence; insisted that he had in no wise violated the statute. He was not indicted, not haled into court to answer any criminal charge, simply assessed $2,400 "upon evidence."

But this is not all. The last paragraph in section 35 is as follows:

> The commissioner, with the approval of the Secretary of the Treasury, may compromise any civil cause arising under this title before bringing action in court.

And so forth.

This druggist wrote to his Congressman, and, knowing him to be a reputable druggist and convinced that he would not intentionally violate the law, this Member took the matter up over the phone with the prohibition officer here, and was told that they would compromise the matter upon the payment of $25. Evidently the evidence upon which they had proceeded was not very convincing to them. Upon going to the office, however, no one there could be found who was authorized to make any such proposition or who had, in fact, had any conversation with him over the phone, but he was told that the case would be compromised for $100.

An instance in my district has come to my notice: A friend of mine wrote me that a Negro farmer had been assessed $3,200 on what the prohibition officer considered evidence that he had been making whisky. The Negro denied his guilt, and the gentleman who wrote me about it says that he does not believe the Negro is guilty. Whatever the truth may be, the fact is that he has never been convicted. His claim in abatement was overruled and the collector has been instructed to proceed at once to the collection of this $3,200. This man probably has not more than $600 or $800 in property, such as is usually owned by tenant farmers—a mule or two, wagon, farm implements, and so forth. His only recourse is to apply for a writ of injunction, and if granted the issue would be decided not by a jury but by the Federal judge himself, and under the law he would only be called upon to decide whether the commissioner had "evidence of the unlawful manufacture" by the accused.

Assume that this man is not guilty, as he claims, and that when the case comes on for trial in the Federal court and the evidence is submitted the judge, testing it by the rules of evidence which have been sanctioned by the experience and the wisdom of centuries, decides it is insufficient to establish guilt; judgment of "not guilty" will thereupon be directed to be entered and the defendant permitted to go hence without day. This, however, does not affect the proceedings of the collector, and although this evidence has been declared insufficient the first and only time it has ever been submitted to a court of justice for its judgment, the accused has nevertheless been despoiled of his goods and chattels and his property confiscated and he has no recourse.

Gentlemen, we ought not to write such a law on the statute book. The liberty of the citizen ought to be held more sacred than this. I am a prohibitionist, and have been all my life. I am not swept off of my feet, therefore, by the enthusiasm and zeal characteristic of the new convert. If men violate the statute and persist in making or selling liquor illegally, they should be haled into court and punished without mercy for their malefactions. The foundations of liberty, however, are assailed and menaced if in our enthusiasm we lose sight of all the experiences through which our fathers fought and overthrew tyranny and deliberately empower some agent of the Government to take the property of the citizen and brand him as a lawbreaker without proof, without conviction, without confronting him with the witnesses upon whose testimony he is to be condemned, but merely "upon evidence" the competency and sufficiency of which have not and can not be passed upon by the courts of the country.

I do not know how many officers there are in the United States going about seeking the violators of the Volstead Act. There are many of them, and we know how they are appointed. The people have no voice in their selection and they are in no wise responsible to the people or dependent upon them for their jobs. Can we afford to put into their hands this power, the power to assess merely upon evidence and then to compromise? To me the proposition seems monstrous, and I shall vote against it.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. VOLSTEAD. I yield to the gentleman from Ohio [Mr FESS].

Mr. FESS. Mr. Speaker, the eighteenth amendment is now a part of the organic law, by the decree of the American people speaking through their Congress and State legislatures. The enforcement act is on the statute books. It is to assure the country against making the amendment a dead letter.

We thought we had interdicted beer until the decision of Attorney General Palmer, which opened the way for its manufacture and sale by aid of a physician's prescription.

The insistence of the liberal Members of this House for the privilege of beer through a policy of prescription clearly shows the extremity to which these people will go to indulge their appetites for liquor. For 15 months prior to the Palmer ruling, which covers the period of the prohibition régime, not a prescription was written for the use of beer as a medicine. Thirty-eight States had already made it unlawful. The State of Ohio took such action by a tremendous vote after the Palmer ruling had been made.

Under the law no physician could prescribe distilled liquor without a permit. Seventy-eight per cent of the 152,627 physicians in the United States made no application for permit for such purposes. Only a bare 22 per cent made application. Twenty-four States had already made it unlawful to prescribe distilled liquor as a medicine.

Not until the Palmer ruling was there any contention for the use of beer as a medicine. On the other hand, it had been repudiated by the vast aggregation of reputable physicians. It it not recognized by science or law. It is not even listed as a medicine in the American Pharmacopœia, the recognized authority in medicine in America. It is not included as a medicine in the reputable textbooks generally used throughout the medical schools. But, on the other hand, its use as such has been discountenanced by the most eminent physicians, surgeons, and scientists. It has been rejected by professors of medicine in 24 reputable medical colleges, including the special research institutions for medical advancement, such as the Rockefeller Institute, the Mayo Foundation, and other expert institutions. It was repudiated by the officers and members of the convention which revised the American Pharmacopœia.

Beer as a medicine was emphatically denounced by the druggists of the United States in national convention assembled in the following language:

The executive committee of the National Association of Retail Druggists of the United States desire to place on record their conviction that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted. Malt liquors have never been listed in the United States Pharmacopœia as official medicinal remedies.

The demand for beer does not come from the sick chamber or the convalescent. Neither does it come from the physician's office, as it does not come from any distinguished authority on the science of medicine. It does come from the brewing interests under the guise of healing. It also comes from the advocate of beverage drinking. Its loudest call is from the habitué of the saloon.

The proposed measure is necessary to prevent, under the guise of medicine, the flooding of the country with beer. Omission of such measure will open again the beer-drinking place through the agency of the prescription. The less reputable practitioner who thinks more of boodle than of cure under the Palmer ruling can convert his office into a beer-guzzling house, where he can dole out through prescription by the bottle, the case, or the keg as best suits his trade.

The contention of these people is so bald that the purpose can not be misunderstood. If they do not know now, they will soon discover that the American people have no patience with this contention. The saloon is an outlaw. Prohibition is law, and under enforcement will become reality. I can only repeat what I recently said in Philadelphia, "If such foolish contention as this last gasp of the booze advocates is not discontinued, this Congress will make this country as dry as the Sahara desert." To those of our Members who continue to argue for liquor upon the ground that prohibition can not be enforced, I can only say, if they will join us in enforcement legislation with the same aggressiveness that they oppose this legislation, we will raise up a generation in this country with appetites unpolluted from the drink habit, when no such legislation as this proposed act will be necessary. [Applause.]

Mr. VOLSTEAD. I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker, the cry for beer comes not from the sick but from the thirsty. [Laughter.] A hue and cry is set up by beer guzzlers that we are "depriving the sick of their beer." The truth is, there are hundreds of thousands of sick men and women in America to-day because they were not deprived of beer—hundreds of thousands who can not pass a life-insurance examination because of a hobnailed or cirrhosed liver which has resulted from beer drinking.

The physicians do not want to prescribe beer. Hospitals do not want to use beer. The druggists do not want to sell beer, and the sick are not wanting to drink beer. The tears that are being shed because of restrictive beer legislation are all falling from the eyes of perfectly well men who have developed a beer appetite.

Restriction on beer is nothing new. During the 15 months of prohibition prior to the Palmer ruling beer could not be prescribed anywhere in the United States, and even since that ruling the prescribing of it has been unlawful in 38 States.

ATTITUDE OF MEDICAL PROFESSION.

The Campbell bill now under consideration proposes to assist in the enforcement of the eighteenth amendment by regulating the medical use of alcoholic liquors. Let us consider briefly the attitude of the medical profession on this moot question.

Alcohol is a habit-forming narcotic poison. No scientific medical man in all the world disputes this fact. Its evil effects on the human system so far surpass any beneficial effects that the overwhelming verdict of the medical profession is to-day wholly against its use.

One hundred and twenty thousand physicians in the United States have not written one prescription for alcoholic liquor of any kind, including beer, during the last 15 months.

WHISKY, BRANDY, WINE, AND BEER ARE NOT MEDICINES.

Reference has been made here this afternoon several times to the National Pharmacopœia. Perhaps those references have not been well understood. The National Pharmacopœia is the official and recognized list of the useful medical drugs and chemicals of the United States. It is the same to the medical profession that the decisions of the Supreme Court of the United States are to the legal profession. This United States Pharmacopœia has been rewritten by the highest medical, chemical, and pharmaceutical authorities in the United States every 10 years during the last 90 years. It has also been revised every 5 years, and in every case is finally approved by act of Congress.

The last Pharmacopœia, revised by the representatives of the scientific societies of every State in the Union in September, 1916, does not regard whisky, brandy, wine, or beer as of any value whatever in the treatment of any disease; hence they are all omitted, and alcohol is not mentioned as a drug but only as a chemical. We thus reduce all alcoholic liquors to the status of habit-producing narcotic poisons, and should deal with them accordingly.

In 1917 the American Medical Association, which is the mouthpiece of 150,000 physicians in the United States, declared its position in these unmistakable terms:

AMERICAN MEDICAL ASSOCIATION OPPOSES USE OF ALCOHOL.

Whereas we believe that the use of alcohol as a beverage is detrimental to the human economy; and

Whereas its use in therapeutics as a tonic or stimulant or as a food has no scientific basis: Therefore be it

Resolved, That the American Medical Association opposes the use of alcohol as a beverage; and be it further

Resolved, That the use of alcohol as a therapeutic agent be discouraged.

In 1918, Dr. Arthur Dean Bevan, of Chicago, President of the American Medical Association, called upon the 150,000 physicians who acknowledge allegiance to the association to take an active part in the propaganda in favor of prohibition as the greatest single factor they could control in the interests of the public health.

PERSONAL OBSERVATIONS.

During the last 10 years of an extensive practice of medicine I found no necessity for administering or prescribing a single dram of alcoholic liquor in any form. I do not question that worthy and honorable physicians do prescribe alcoholic liquors, but I maintain that, judged by the general and final results, our patients were better off without the liquor than with it.

The gentleman from New York [Mr. COCKRAN] states that every physician in Congress is in favor of beer prescriptions. The gentleman misrepresents my position as a physician on the whole liquor question. Throughout my professional life I have worked and voted against the liquor traffic in city, State, and national elections. As a member of my own State legislature I had an active part in passing "bone-dry" legislation. As a Member of Congress I helped to pass the national prohibition enforcement law, and when it was vetoed by President Wilson I helped to pass it over his veto.

Beer legislation, which is sought by our big cities, would be a backward step, an entering wedge for beer saloons and the old saloon régime. The wet forces are recruiting to-day for the next congressional election, but the voters will not be caught napping. Every law-enforcement officer in the United States knows the eighteenth amendment can not be enforced if we let down the bars for beer and wine.

The opinion of any individual physician, however, is not now under consideration. I have given you the testimony of the overwhelming majority, and we are to-day legislating for the majority.

PRESCRIPTIONS SOUGHT IN BAD FAITH.

Viewed in the light of modern scientific knowledge and experience, we would be justified in making the provisions of the bill now under consideration much more stringent than they are now written. Certainly no Member of this Congress need fear that he is depriving either patient or physician of a remedy that can not be better supplied in some other way.

We all know that alcoholic prescriptions are often sought and often given in bad faith, and now that the eighteenth amendment has been deliberately written into our Constitution by the votes of the people, we owe it as our duty to the people to provide for its enforcement.

WET PROPAGANDISTS FLOOD NEWSPAPERS WITH MISLEADING STATEMENTS.

Wet propagandists flood the newspapers and put into the mouths of the unwary the babel that national prohibition was suddenly obtained by some hocus-pocus method while the great American public slept—or, perchance, while it was fighting overseas.

Nothing could be further from the truth.

PROHIBITION THE RESULT OF EDUCATION.

At least 132 years ago an active temperance society was organized in Connecticut; the Sober Society was organized in Pennsylvania a hundred and fifteen years ago; the Independent Order of Good Templars was organized in New York in 1851 and swept the country for half a century; the Woman's Christian Temperance Union, with Frances Willard as its great leader, and with a little band of devoted mothers in almost every county in the United States, has been quietly educating the American people for more than 50 years.

Perhaps my wet friends do not know that this organization has written scientific temperance in the textbooks of every State in the Union and has thus made known to all the people that alcohol is a narcotic poison, whether taken in large quantities or small.

After a century of education, during which time the distillers and brewers scoffed and mocked, came the great Anti-Saloon League and gathered up and crystallized the educated anti-booze sentiment and completed the job of making America dry.

Can deliberate action taken after an educational campaign of 132 years be termed "emotionalism" or "fanaticism"?

For 70 years one State after another outlawed the liquor traffic, but complete law enforcement was always difficult or impossible because of surrounding wet territory.

The moral sentiment of America would not yield to these discouragements. By 1915 27,000,000 of people living in 19 States had voluntarily deprived themselves of intoxicating liquors as a beverage. This so-called "emotionalism" extended from Maine to Washington, from Alabama to North Dakota. No limited section of the country was inundated by this "wave" that had been gathering force for 130 years. Meanwhile 50 per cent of the population of 12 other States had voted themselves dry; and 25 per cent of 9 other States had also committed the awful deed of depriving themselves of intoxicating liquors.

The Federal Government had now taken a forward step and the sale of liquor was prohibited in all Indian country, in the Navy, the Panama Canal Zone, and the Army canteens were closed.

Fifty-one millions of our people, by a majority vote, were living in dry territory and 80 per cent of our territory was dry two full years before we entered the war and six more entire States had entered the dry column before war was declared.

Finally 75,000,000 of sober-thinking, liberty-loving Americans had deprived themselves of booze; and 2,374 out of 2,989 counties in the United States voted out the saloon.

Local option and State-wide elections everywhere showed an overwhelming sentiment, not only against strong liquor but also against wines and beer.

Eight million voters petitioned Congress for the eighteenth amendment. No petition of the same magnitude was ever, before or since, presented to any legislative body on this earth.

When the Sixty-fifth Congress, which was elected in November, 1916, six month before we declared war, had deliberated for many months it offered the eighteenth amendment to the 48 States for adoption or rejection.

While the ratification by 36 States would have legalized this amendment, the sentiment in favor of national prohibition was so strong that 45 State legislatures ratified the amendment in an incredibly short time.

The first 10 amendments to the Constitution of the United States were ratified by 11 States, and three—Massachusetts, Connecticut, and Georgia—failed to ratify.

The eleventh and twelfth amendments were ratified by three-fourths of the States.

The thirteenth amendment was a prohibitory amendment, and specified in section 2 that Congress should have power to enforce that article by appropriate legislation. That is the kind of legislation and that is the precedent we are following to-day. That amendment was ratified by 27 of the 36 States.

Mr. Chairman and gentlemen, the fourteenth amendment, which provides for your seat and mine in the Halls of this Congress, was alternately approved and disapproved by many of the States, and never was approved by several of them, and yet I hear no complaint from any Member of this House against the fourteenth amendment.

The fifteenth amendment was ratified by 30 of the 37 States. The sixteenth amendment was ratified by 26 States, while 12 failed to ratify.

The seventeenth amendment was ratified by only 36 of our 48 States; but the eighteenth, or national prohibition, amendment was ratified by 45 States within 13 months after it was submitted, leaving only 3 States which have to this date failed to ratify.

Gentlemen, I submit to you that this eighteenth amendment, the enforcement of which we are now providing for, has been ratified by a larger number and a greater proportion of States than any other amendment that has ever been submitted, and yet gentlemen have the temerity to propose that it be nullified by lack of enforcement.

Mr. Speaker, the people demand enforcement and not nullification of the eighteenth amendment.

Mr. VOLSTEAD. I yield one minute to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Speaker and gentlemen of the House, I desire to add my hearty approbation of this bill. [Applause.] The district from which I come has for years been dry. That particular district looks to this Congress, dominated as it is by a majority of Republicans, to carry out to the fullest extent the intent and spirit of the Volstead Act. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLASSON. I yield the remainder of my time to the gentleman from Maryland [Mr. HILL]. [Applause.]

Mr. HILL. Mr. Speaker and gentlemen of the House, the discussion this afternoon has been a very interesting discussion, and it must have been an interesting discussion to the author of this bill, who sits in the gallery beyond us, Mr. Wheeler. [Applause.]

Mr. BRITTEN. Is that the Mr. Wheeler, the $50,000 attorney that has been referred to on several occasions?

Mr. HILL. I understand he is the $25,000 attorney for the Antisaloon League.

Mr. BLANTON. And he is a good one.

Mr. KINDRED. Is he paid by Rockefeller money?

Mr. HILL. I understand he is paid by Rockefeller money. Gentlemen of the House, I shall not extend my remarks in the RECORD, because I am speaking to the House of Representatives and not to constituents. And what I shall say to the House of Representatives is on the subject of this particular and precise bill and not on the general subject of prohibition.

As preparatory to my remarks on this special bill, I want to quote to you the language of Mr. Wheeler before the Judiciary Committee to show you the underlying spirit behind this bill. On page 352 of the proceedings before the Judiciary Committee the attorney for the Anti-Saloon League, who claimed in the daily press two days ago that he wrote the bill, said:

> If it comes to the point where it must be a choice between medicaments of medical preparation and the enforcement of law, I think we must choose law enforcement.

Now, that is all right about law enforcement. We stand for enforcement of existing laws; but, I say to you, hesitate before you put an unconstitutional act on the statute books of the United States. The time has come when you must look carefully to see how far your zeal for prohibition will carry you in unconstitutional and tyrannical measures. I shall submit my few remarks entirely on the subject of the Constitution and this amendment.

The eighteenth amendment gives you authority to do only one thing. It gives you the authority to stop the manufacture and sale and transportation of intoxicating liquors for beverage purposes. It gives you absolutely no authority to pass this bill, which was drafted by the Anti-Saloon League. This bill has gone through four phases. The first phase was H. R. 5033, introduced April 25 by Mr. VOLSTEAD. The second phase was 6752, with amendments introduced by Mr. VOLSTEAD. The third phase was 6752, with some more amendments, and the last was 7294, introduced by the gentleman from Kansas [Mr. CAMPBELL], which was the original bill with sections 3, 4, and 5 cut out.

Now, let us look at the bill as it stands. Section 2 is as follows, and I ask the sérious consideration of the House for what I am about to read, because I say sincerely that I hope the House would pause before it passes the bill. Section 2 says:

> That only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void.

What that means, my colleagues, is that the House is asked to pass legislation which says that no malt liquors, beer, ale, stout, porter, can be prescribed by a physician as a medicine for the sick, and I say to you that you have not the constitutional authority under the eighteenth amendment to do it.

Mr. BURTNESS. Will the gentleman yield?

Mr. HILL. No; the gentleman can not yield. I here submit to you three final considerations. This bill is a direct slander on the integrity of the doctors of this country. It makes no difference if there is only one doctor in this country who desires to prescribe one malt liquor to one sick man, he has a constitutional right to do it, and, gentlemen, those who favor this bill are trying to class as lawbreakers all of the doctors instead of taking the trouble to send to jail those doctors who are crooks. So I say that no matter how rabid and wild a prohibitionist you may be, hesitate before you pass this unconstitutional bill in order that the sincerity of this Congress may not be involved.

Mr. VOLSTEAD. I yield one minute to the gentleman from Ohio [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I had no idea of taking the time of the House, and would not except for the cowardly way that my friend has attacked the gentleman in the gallery, Mr. Wheeler. I want to say that I have opposed Mr. Wheeler in lawsuits and in politics, and have known him intimately, and if my friend from Maryland ever achieves the reputation for honesty, ability, and integrity that Wayne B. Wheeler has he will deserve it. [Applause.] I happen to know that Mr. Wheeler did not prepare this bill, and that he does not receive one-third of the salary that my wild friend from Maryland imagines he does. [Laughter and applause.]

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Speaker, I call attention to some provisions in this bill which, in my judgment, are impractical, unjust, and unnecessary to its beneficial operation. This bill (1) discriminates against light wines in favor of hard liquors by permitting the prescription of more than twice as much alcohol in hard liquors as in light wines. (2) It unjustly operates against the manufacturer and the consumer of medicinal wines by confining production to the supply of current needs. That means the consumption for medicinal purposes of unripe wines and denies the use of "aged" wines, which physicians have universally favored for medicinal purposes. (3) It subjects the labor and investment of the vineyardist to the hazard of securing a permit from a commissioner in Washington, who has no practical knowledge of the situation of the vineyardist or his problems. (4) By placing the very life of an industry which is expressly made lawful at the arbitrary disposal of a commissioner at Washington it opens a fruitful field for scandal, bribery, fraud, and favoritism, which should not be encouraged by law.

The constitutional prohibition amendment prohibits the manufacture and sale of intoxicating liquors * * * for beverage purposes." No one has claimed that the object of Federal prohibition was to prohibit the medicinal use of alcoholic liquors. This bill provides intoxicating liquors may properly and lawfully be prescribed for medicinal use by expressly authorizing the prescription of whisky and wine. It limits the medicinal use of alcoholic liquors by prohibiting the prescription of beer. It limits each physician to 100 prescriptions in 90 days. It also limits the quantity of such liquors which may be furnished on any prescription to not more than 1 quart of vinous liquors, and also limits all liquors so furnished to an alcoholic content of one-half pint. Wines so prescribed shall contain not more than 24 per cent of alcohol.

These limitations permit the prescription of one-half a pint of alcohol in whisky and wines of high alcoholic content to one prescription within 10 days. Natural wines form the bulk of American production and have no alcohol, except that produced by the natural fermentation of their sugar content. Such wines average 11 per cent or less of alcohol. The limitation to 1 quart in 10 days makes the maximum alcoholic content of such light wines that can be so prescribed less than 2 ounces in 10 days, or an equivalent to less than one-fifth of an ounce per day for a patient. That is less than one-half of the amount of alcohol that can be prescribed through whisky and fortified wines. The purpose is to restrict the use of alcohol. Yet light wine is limited by volume and hard liquors are limited by alcoholic content. In other words, section 1 of this law is so drawn as to constitute a discrimination in favor of hard liquors and against light wines, which are the most wholesome for medicinal purposes.

Having authorized the prescription of one-half a pint of alcohol as contained in whisky and wines of high alcoholic content, there is no logical or just reason why only one-half of that amount should be permitted in the more wholesome natural wines. The tendency of the provision is to encourage the fortification of wines and the addition of alcohol to the natural product. A patient desiring light wine will probably buy the 24 per cent wine and increase its quantity by the addition of water and thus double the volume that he can procure lawfully. He will use an inferior substitute instead of the more wholesome light wine that he desired. This discrimination thus operates against the natural wines in favor of those that are adulterated or at least have alcohol artificially added to increase their alcoholic content.

This bill would also operate unjustly against the vineyardist and the manufacturer of wines. The last paragraph of section 2 prohibits the manufacture of vinous or spirituous liquor, save alcohol, "until the amount of such liquor now in distilleries and other bonded warehouses," shall have been reduced to a quantity "that in the opinion of the commissioner will, with liquor that may thereafter be manufactured, be sufficient to supply the current need thereafter for all nonbeverage uses." Spirituous liquors are manufactured almost entirely from products that have a value in the general market, being useful for feed and other purposes as well as for the manufacture of alcoholic liquors. Natural wines are made from grapes produced on vines, which require four years to reach a productive crop and which grapes are ordinarily of little or no value for any purpose other than making wine. There is some propriety for this provision as to distilled liquors, but it should not apply to wines.

Many months are required to clarify wines properly. Age is necessary to develop their best qualities. Physicians since Biblical times have always recommended "old wines" for medicinal purposes. This law, if strictly followed, will prohibit the advanced manufacture that is necessary to produce aged wines for medicinal purposes.

The vineyardist can not hold grapes for manufacture until his wines are required for current needs. His labor, his investment, and his crop precedes the manufacture. If denied manufacture when the crop is ripe, he is denied the benefit of his labor and his investment.

It is a gross injustice to the vineyardist to subject him to this hazard—to make the use and value of his crop depend upon the whim of a commissioner in Washington; to make his right to manufacture after he has produced his crop depend upon whether or not some commissioner in Washington thinks his wine product is required for current medicinal needs.

As a general rule bureaucratic government exercised far from the scene of its practical operation will be arbitrary, technical, domineering, theoretical, and indifferent. No one knows how unreasonable and unbusinesslike any commissioner may be or how completely he will be dominated by influences who have neither the desire or inclination to do justice in such matters.

These provisions are entirely unnecessary to the successful operation of the law proposed. I make no objection to the enforcement of the eighteenth amendment. I support its efficient enforcement. But in my judgment impractical provisions that ignore the just rights of people engaged in lawful occupations have no legitimate place in the statutes of our country. Physicians who unlawfully prescribe intoxicating liquors should be prosecuted, but it will not aid the enforcement of legitimate prohibition to provide a system under which, in attempting to punish the guilty, we impose unjust and unnecessary hardships upon the innocent.

I believe it most unfortunate that a measure of this character should be passed by the Congress without an opportunity of amendment. Why should the "gag" rule be applied to this bill? The House is absolutely denied the right of correcting or improving this measure or changing the proposed law to conform to its best judgment. Such measures as this should be presented in an open forum, where every Member has a right to express his own judgment by his vote upon every important phase of a bill. I hope when this measure reaches the Senate it will be so amended as to remove these unjust provisions. That can be done without in any way detracting from the substantial purposes of this bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken, and Mr. SABATH demanded a division.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, I demand the years and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 93, answered "present" 2, not voting 86, as follows:

YEAS—250.

Ackerman	Campbell, Kans.	Foster	Jeffers, Ala.
Almon	Chalmers	Free	Johnson, Ky.
Anderson	Chandler, Okla.	French	Johnson, Miss.
Andrews	Chindblom	Frothingham	Johnson, Wash.
Appleby	Christopherson	Fulmer	Jones, Pa.
Arentz	Clague	Funk	Jones, Tex.
Aswell	Clarke, N. Y.	Garner	Kearns
Atkeson	Cole	Garrett, Tenn.	Kelley, Mich.
Barbour	Collier	Garrett, Tex.	Kelly, Pa.
Barkley	Colton	Gilbert	Kendall
Beedy	Connally, Tex.	Goldsborough	Ketcham
Begg	Connell	Goodykoontz	Kiess
Bell	Cooper, Ohio	Gorman	Kincheloe
Benham	Cooper, Wis.	Graham, Ill.	King
Bird	Copley	Green, Iowa	Kinkaid
Bixler	Cramton	Greene, Mass.	Kirkpatrick
Black	Crisp	Greene, Vt.	Kline, Pa.
Bland, Ind.	Darrow	Griest	Knight
Bland, Va.	Davis, Tenn.	Hadley	Kopp
Blanton	Denison	Hammer	Kraus
Boies	Dickinson	Hardy, Colo.	Lanham
Bowers	Dominick	Harrison	Lankford
Bowling	Doughton	Haugen	Larsen, Ga.
Box	Dowell	Hawley	Larson, Minn.
Brand	Drane	Hayden	Lawrence
Briggs	Drewry	Hays	Leatherwood
Brinson	Driver	Hersey	Lee, Ga.
Brooks, Ill.	Dunbar	Hickey	Lineberger
Brooks, Pa.	Dunn	Hicks	Little
Browne, Wis.	Echols	Himes	Lowrey
Bulwinkle	Elliott	Hoch	Luce
Burtness	Ellis	Houghton	Lyon
Burton	Faust	Huddleston	McClintic
Butler	Fess	Ireland	McCormick
Byrnes, S. C.	Fields	Jacoway	McDuffie
Byrns, Tenn.	Flood	James, Mich.	McKenzie
Cable	Focht	James, Va.	McLaughlin, Mich.

McLaughlin, Nebr.	Patterson, N. J.	Sinclair	Underhill
McSwain	Pringey	Sinnott	Upshaw
Mapes	Quin	Smith	Vestal
Michaelson	Raker	Smithwick	Vinson
Michener	Ramseyer	Speaks	Volstead
Miller	Rankin	Sproul	Walters
Millspaugh	Rayburn	Steagall	Ward, N. C.
Mondell	Reavis	Stedman	Weaver
Montague	Reece	Steenerson	Webster
Montoya	Reed, W. Va.	Stoll	Wheeler
Moore, Ohio	Ricketts	Strong, Kans.	White, Kans.
Moores, Ind.	Riddick	Summers, Wash.	Williams
Morgan	Ronch	Sumners, Tex.	Williamson
Murphy	Robertson	Swank	Wilson
Nelson, A. P.	Robsion	Sweet	Wingo
Nelson, J. M.	Rose	Swing	Wood, Ind.
Newton, Minn.	Rosenbloom	Taylor, Ark.	Woodruff
Norton	Sanders, Ind.	Taylor, Tenn.	Woods, Va.
Oldfield	Sanders, Tex.	Temple	Woodyard
Osborne	Sandlin	Thomas	Wright
Overstreet	Schall	Thompson	Wyant
Padgett	Scott, Mich.	Tillman	Yates
Park, Ga.	Scott, Tenn.	Timberlake	Young
Parks, Ark.	Shaw	Tincher	Zihlman
Parrish	Shelton	Towner	
Patterson, Mo.	Shreve	Tyson	

NAYS—93.

Ansorge	Glynn	Logan	Ransley
Bacharach	Griffin	London	Reber
Beck	Hardy, Tex.	Longworth	Riordan
Brennan	Hawes	McLaughlin, Pa.	Rodenberg
Britten	Hill	MacGregor	Rogers
Burdick	Hogan	Madden	Rouse
Burke	Hukriede	Magee	Ryan
Campbell, Pa.	Hull	Maloney	Sabath
Crew	Humphreys	Martin	Snyder
Chandler, N. Y.	Jefferis, Nebr.	Mead	Stafford
Classon	Kahn	Merritt	Stephens
Cockran	Keller	Mills	Sullivan
Connolly, Pa.	Kennedy	Morin	Tague
Cullen	Kindred	Mudd	Taylor, N. J.
Curry	Kissel	Newton, Mo.	Ten Eyck
Davis, Minn.	Kleczka	Nolan	Tinkham
Deal	Kline, N. Y.	O'Brien	Vare
Dyer	Kunz	O'Connor	Voigt
Fairchild	Lampert	Ogden	Volk
Favrot	Lazaro	Olpp	Ward, N. Y.
Fenn	Lea, Calif.	Parker, N. J.	Watson
Freeman	Lee, N. Y.	Porter	
Gallivan	Lehlbach	Pou	
Gernerd	Linthicum	Radcliffe	

ANSWERED "PRESENT"—2.

Knutson	Langley

NOT VOTING—86.

Anthony	Evans	Luhring	Rucker
Bankhead	Fairfield	McArthur	Sanders, N. Y.
Blakeney	Fish	McFadden	Sears
Bond	Fisher	McPherson	Siegel
Brown, Tenn.	Fitzgerald	Mann	Sisson
Buchanan	Fordney	Mansfield	Slemp
Burroughs	Frear	Moore, Ill.	Snell
Cannon	Fuller	Moore, Va.	Stevenson
Cantrill	Gahn	Mott	Stiness
Carter	Gensman	Oliver	Strong, Pa.
Clark, Fla.	Good	Paige	Taylor, Colo.
Clouse	Gould	Parker, N. Y.	Tilson
Codd	Graham, Pa.	Perkins	Treadway
Collins	Herrick	Perlman	Vaile
Coughlin	Hudspeth	Peters	Walsh
Crowther	Husted	Petersen	Wason
Dale	Hutchinson	Purnell	White, Me.
Dallinger	Johnson, S. Dak.	Rainey, Ala.	Winslow
Dempsey	Kitchin	Rainey, Ill.	Wise
Dupré	Kreider	Reed, N. Y.	Wurzbach
Edmonds	Layton	Rhodes	
Elston	Lufkin	Rossdale	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. PETERS and Mr. PERKINS (for) with Mr. VAILE (against).

Mr. CANTRILL and Mr. MOTT (for) with Mr. PERLMAN (against).

Mr. FISHER and Mr. PURNELL (for) with Mr. SIEGEL (against).

Mr. BURROUGHS and Mr. HUTCHINSON (for) with Mr. PETERSEN (against).

Mr. BANKHEAD and Mr. DALE (for) with Mr. BOND (against).

Mr. ANTHONY and Mr. STEVENSON (for) with Mr. ROSSDALE (against).

Mr. WISE and Mr. KITCHIN (for) with Mr. RAINEY of Illinois (against).

Mr. SISSON and Mr. LUHRING (for) with Mr. LUFKIN (against).

Mr. EVANS and Mr. HERRICK (for) with Mr. DUPRÉ (against).

General pairs:

Mr. JOHNSON of South Dakota with Mr. CARTER.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. FISH with Mr. KNUTSON.

Mr. CANNON with Mr. TAYLOR of Colorado.

Mr. MOORE of Illinois with Mr. SEARS.

Mr. RHODES with Mr. RUCKER.

Mr. PAIGE with Mr. MANSFIELD.

Mr. MCPHERSON with Mr. BUCHANAN.

Mr. WINSLOW with Mr. HUDSPETH.

Mr. COUGHLIN with Mr. COLLINS.

Mr. WALSH with Mr. OLIVER.

Mr. BLAKENEY with Mr. RAINEY of Alabama.

Mr. WHITE of Maine with Mr. MOORE of Virginia.

Mr. YATES. Mr. Speaker, a parliamentary inquiry. Is not this a motion to suspend the rules requiring a two-thirds vote?

The SPEAKER. It is.

Mr. YATES. Should there not then be two pairs against one?

Mr. LANGLEY. Mr. Speaker, that is the very question I was going to raise. I answered "present" because I have a general pair with the gentleman from Florida [Mr. CLARK], who is absent on account of illness. I do not know how he would vote on this bill. He has not advised me. I think he would vote aye, but, not being sure about it, I want to know what my duty under the circumstances is, as I have been so busy that I have made no arrangements about a two-to-one pair, to which the gentleman from Illinois [Mr. YATES] refers.

The SPEAKER. The gentleman will have to exercise his own judgment as to that.

Mr. LANGLEY. All right; then I shall let my answer of "present" stand in the record.

Mr. TREADWAY. Mr. Speaker, I have a general pair with the gentleman from Mississippi [Mr. COLLIER]. May I ask if he is recorded?

The SPEAKER. The gentleman voted "aye."

Mr. TREADWAY. Am I within the limit of voting? I would like to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. TREADWAY. I came in when the Clerk was announcing the pairs.

The SPEAKER. The gentleman does not qualify.

Mr. KNUTSON. Mr. Speaker, I have a general pair with the gentleman from New York, Mr. FISH, who is indisposed. I wish to withdraw my vote of "aye" and answer "present."

The name of Mr. KNUTSON was called, and he answered "Present."

Mr. OLIVER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. OLIVER. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. CARTER. Mr. Speaker, I understand I was paired with the gentleman from South Dakota, Mr. JOHNSON.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. CARTER. I was right after——

The SPEAKER. Of course, the gentleman can not vote.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MALONEY, for two weeks.

To Mr. BANKHEAD (on request of Mr. BOWLING), indefinitely, on account of serious illness in his family.

To Mr. HUTCHINSON (on request of Mr. ACKERMAN), for three days, on account of witnessing the naval maneuvers off the Virginia Capes.

To Mr. STEVENSON, for two weeks, on account of important personal business.

To Mr. LUHRING, for one week, on account of illness.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Joint resolution (S. J. Res. 80) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress; to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.; and

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children.

PROCEEDINGS DURING RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the statement of the proceedings during the recess be entered in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman makes that motion, will he yield for a moment? I want to ask the gentleman from Wyoming if by adjourning he thinks we will expedite the consideration of the tariff bill?

Mr. MONDELL. I feel quite confident we will.

The SPEAKER. The question is on the motion of the gentleman from Wyoming.

The motion was agreed to; accordingly (at 7 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 28, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

179. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Mississippi River at Fort Madison, Iowa (H. Doc. No. 96); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

180. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Monterey Harbor, Calif; to the Committee on Rivers and Harbors.

181. A letter from the Assistant Secretary of Commerce, transmitting a draft of a bill to provide for the making of anchorage grounds in waters of the United States; to the Committee on Interstate and Foreign Commerce.

182. A letter from the Secretary of War, transmitting a consolidated list of papers not needed in the War Department; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 6864) authorizing exchanges of lands within the Rainier National Forest, in the State of Washington, reported the same with amendments, accompanied by a report (No. 231), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY, from the Committee on the Judiciary, to which was referred the bill (H. R. 2261) providing for an additional judge for the district of Montana, reported the same without amendment, accompanied by a report (No. 232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3522) granting a pension to Andrew J. Shepherd, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANKIN: A bill (H. R. 7394) granting the consent of Congress to the board of supervisors of Itawamba County, Miss., to construct a bridge across the Tombigbee River; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of New Jersey: A bill (H. R. 7395) for the purchase of a site for and the erection of a building for the Arlington post office, in the town of Kearny, N. J.; to the Committee on Public Buildings and Grounds.

By Miss ROBERTSON: A bill (H. R. 7396) to provide for the purchase of a site and the erection of a public building thereon at Wagoner, in the State of Oklahoma; to the Committee on Public Buildings and Grounds.

By Mr. VOLK: A bill (H. R. 7397) to provide for the appointment of one additional judge of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. LINEBERGER: A bill (H. R. 7398) to provide for the erection of a Federal building at Long Beach, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. HARDY of Colorado: A bill (H. R. 7399) to postpone the increase in the rates of postage, effective July 1, 1921, on publications entered as second-class matter under clause (4) of subdivision (b) of section 1101 of the revenue act of 1917; to provide for an investigation of postal costs and postal rates on publications entered as second-class matter and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. LUCE: A bill (H. R. 7400) relating to the quality of domestic anthracite coal; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 7401) prescribing standards and grades for spring wheat; to the Committee on Agriculture.

By Mr. HAMMER: A bill (H. R. 7402) to modify and amend certain paragraphs of the act creating the Public Utilities Commission of the District of Columbia; to the Committee on the District of Columbia.

By Mr. KAHN: Joint resolution (H. J. Res. 164) authorizing the President to communicate with the Government of Italy on the six hundredth anniversary of the death of the poet Dante, and appointing September 14, 1921, a national holiday to be known as Dante's Day; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 134) directing the War Finance Corporation to file with the Speaker of the House a statement showing the number, amount, and character of each loan made by the corporation since its activities were revived by the joint resolution of Congress January 4, 1921; to the Committee on Banking and Currency.

By Mr. CURRY: Resolution (H. Res. 135) for the immediate consideration of Senate bill 1881; to the Committee on Rules.

By Mr. BRAND: Memorial of the Legislature of the State of Georgia, asking Congress to provide the rural credit land banks ample funds to meet the financial needs of the farmers; to the Committee on Banking and Currency.

By Mr. CRISP: Memorial of the Legislature of the State of Georgia, asking Congress to provide the rural credit land banks ample funds to meet the financial needs of the farmers; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 7403) granting a pension to Albertina L. McAllister; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 7404) authorizing the Secretary of War to donate to the city of Claremore, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CONNALLY of Texas: A bill (H. R. 7405) for the relief of Mrs. John P. Hopkins; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 7406) granting an increase of pension to John Hester; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 7407) to provide for a survey of Tampa and Hillsborough Bays, Fla., with a view to securing increased depth and width in the channel from the Gulf of Mexico through Tampa and Hillsborough Bays to the head of the estuary in the city of Tampa; to the Committee on Rivers and Harbors.

By Mr. FENN: A bill (H. R. 7408) granting an increase of pension to Esteller Barrows; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 7409) granting an increase of pension to Peter F. Weasel; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 7410) granting an increase of pension to James G. Fallansbee; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 7411) granting an increase of pension to Lawrence L. Dunning; to the Committee on Pensions.

Also, a bill (H. R. 7412) granting an increase of pension to Lida S. Williams; to the Committee on Pensions.

By Mr. LUFKIN: A bill (H. R. 7413) granting an increase of pension to Maria D. Dyer; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 7414) for the relief of William G. Phelps; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps; to the Committee on Naval Affairs.

Also, a bill (H. R. 7416) granting a pension to John H. Mooney; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 7417) granting an increase of pension to Robert T. C. Blevins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7418) to correct the military record of Henry T. Nave; to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 7419) granting a pension to James J. McTernan; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 7420) granting a pension to Richard King; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7421) granting a pension to James J. O'Shea; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 7422) granting a pension to Nathan L. Smith; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 7423) granting a pension to Orpha Young; to the Committee on Pensions.

Also, a bill (H. R. 7424) granting a pension to Minnie A. Andrews; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 7425) for the relief of Zah Barmon; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1582. By the SPEAKER (by request): Resolutions of the General Eldership of the Churches of God, at session held at North Liberty, Iowa, May 19 to 23, 1921, urging legislation to prevent beer for medicine and other purposes; to the Committee on the Judiciary.

1583. Also (by request), petition of Mrs. D. D. Dean and 334 others, of the second congressional district, and A. J. Luckey and 81 others, of the fifth congressional district, all in the State of Kansas, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1584. Also (by request), resolution of Local Union No. 307, of Oklahoma, of the Farmers' Educational Cooperative Union of America, urging Congress and the President to call a conference of nations for the purpose of disarmament; to the Committee on Foreign Affairs.

1585. Also (by request), petition of Mrs. J. C. Ryan and 178 others, of the State of North Dakota, and 2,610 citizens of the cities of Akron, Cuyahoga Falls, Kenmore, Kent, Barberton, and Lorain, all in the fourteenth Ohio congressional district, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1586. Also (by request), petition of James Hogan and 689 others, of the fifth congressional district of Connecticut, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1587. By Mr. BARBOUR: Petition signed by residents of the city of Bakersfield, Calif., urging consideration of the Towner-Sterling bill (H. R. 7); to the Committee on Education.

1588. By Mr. BRIGGS: Telegram from J. C. Thomas, county superintendent of Walker County, Tex., advocating support of the Fess home economics amendment to the Smith-Hughes Act; to the Committee on Education.

1589. Also, petition of G. W. Robinson, secretary-treasurer Automobile Trades Association, urging the passage of the Townsend highway bill; to the Committee on Roads.

1590. Also, petition of Mr. R. T. Ellis, secretary Texas State Teachers' Association, headquarters, Fort Worth, Tex., relative to Towner-Sterling bill; to the Committee on Education.

1591. Also, petition of L. E. Boddecker, of Galveston, Tex., protesting against the passage of the McFadden-Kenyon bill; to the Committee on Banking and Currency.

1592. Also, request of W. H. H. Owens, of Galveston, Tex., for postponement of increase in second-class mail rates until inquiry into cost of handling newspaper can be made; to the Committee on the Post Office and Post Roads.

1593. By Mr. CULLEN: Resolution of the Savings Bank Association of the State of New York, relative to taxation; to the Committee on Ways and Means.

1594. By Mr. EDMONDS: Petition of Philadelphia Board of Trade, expressing opposition to House bill 5574; to the Committee on Ways and Means.

1595. Also, petition of Philadelphia Board of Trade, expressing approval of House bill 6613; to the Committee on Interstate and Foreign Commerce.

1596. By Mr. HERSEY: Resolution passed by the Congregational Church of Presque Isle, Me., by Rev. J. C. Gregory, pastor, urging relief for the Armenians; to the Committee on Foreign Affairs.

1597. By Mr. HICKEY: Petition of citizens of Notre Dame, Ind., asking for the recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

1598. By Mr. KELLY of Pennsylvania: Petition of Pittsburgh Teachers' Association, favoring establishment of a department of education; to the Committee on Education.

1599. Also, petition of the Pittsburgh Teachers' Association, favoring uniform marriage and divorce laws; to the Committee on the Judiciary.

1600. By Mr. KINDRED: Letter of J. S. Otis inclosing copy of a letter mailed to the principal daily newspapers of New York State in regard to a law compelling manufacturers of furniture to label it the same as is done with food and medicines under the United States pure food and drug act; to the Committee on Interstate and Foreign Commerce.

1601. Also, petition of Dykeman & Hertz, importers, of New York City, opposing House bill 6752; to the Committee on the Judiciary.

1602. Also, resolution of the New York Board of Trade and Transportation, New York City, opposing House joint resolution 124; to the Committee on Ways and Means.

1603. By Mr. KISSEL: Petition of 89 residents of the third New York congressional district, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1604. Also, petition of 114 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1605. Also, petition of A. M. Taylor, of Brooklyn, N. Y., for the relief of people in the near East; to the Committee on Foreign Affairs.

1606. By Mr. LARSON of Minnesota: Resolution adopted by the Twenty-sixth Annual Convention of the Protestant Episcopal Church in the diocese of Duluth, favoring disarmament by international agreement; to the Committee on Foreign Affairs.

1607. By Mr. OSBORNE: Petition of 2,291 employees of the Pacific Electric Railway Co., Los Angeles, Calif., urging approval by Congress of appropriations for naval bases on the Pacific coast; to the Committee on Appropriations.

1608. By Mr. RAKER: Petitions of George Hampton and J. B. Blanchard, of Gerber; Gustave Brenner and Marcus Lafee, of San Francisco; W. K. McFarland, of Jackson; James A. Arkin and F. E. Woodworth, of Portola; Alfred I. Baker, of Susanville; J. R. Roakaird, of Westwood; W. A. Buckman, of Greenwood; D. E. Matteson, of Grass Valley; George L. Pemberton, of Lincoln; A. J. Berg, of Ione; C. A. Berry, of West Point; R. W. Hawley, of Placerville; Z. Sprague, J. S. Giles, and Fred D. Baird, of Roseville; and M. Purcell, of Weed; all in the State of California, indorsing House bill 7 and Senate bill 1252; to the Committee on Education.

1609. Also, letter and resolutions adopted at the annual convention of the California Federation of Post Office Clerks; to the Committee on the Post Office and Post Roads.

1610. By Miss ROBERTSON: Petition of citizens of Hulbert and Ardmore, Okla., urging relief for the Armenians; to the Committee on Foreign Affairs.

1611. By Mr. ROSSDALE: Petition opposing the Volstead Act in favor of enactment of House bill 3208, introduced by Hon. John Philip Hill, repealing the Volstead Act; to the Committee on the Judiciary.

1612. By Mr. SINCLAIR: Letter from Hon. R. H. Walker, of Yucca, N. Dak., on behalf of 300 citizens of Slope County, urging a reduction in naval armament; to the Committee on Foreign Affairs.

1613. Also, petition of dairy and food officials of North Central States Association protesting against Senate bill 1887; also petition of same organization indorsing House bill 4981; to the Committee on Agriculture.

1614. By Mr. SNYDER: Petition of Friends of Irish Freedom, Utica, N. Y., favoring the collection of indebtedness due the United States by other nations, and the disarmament of nations; to the Committee on Foreign Affairs.

1615. By Mr. STINESS: Memorial of Slocum Post No. 10, Grand Army of the Republic, Department of Rhode Island, urging the passage of pension legislation increasing the pension of Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

1616. By Mr. VARE: Petition of Philadelphia Board of Trade relative to the importance of early revision of revenue legislation; to the Committee on Ways and Means.

1617. Also, petition of Second Baptist Church, of Germantown, Philadelphia, Pa., relative to disarmament; to the Committee on Foreign Affairs.

1618. By Mr. WOODS of Virginia: Petition of retail coal dealers of Roanoke, Va., opposing the Frelinghuysen bill and others tending to regulate the coal industry; to the Committee on Interstate and Foreign Commerce.

1619. By Mr. WOODYARD: Petition of citizens of West Virginia relative to labeling of manufactured goods and fabrics; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *June 28, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee this morning, Thou Holy One, who dost inhabit eternity and yet condescend to dwell in the humble and contrite heart, making for Thyself a habitation of our spirit. Grant unto us this knowledge this morning to such an extent that we may be indeed under Thy guidance and fulfill Thy good pleasure. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 7294) supplemental to the national prohibition act, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children;

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River in Muskogee County, Okla.; and

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.

AMERICAN LEGION POSTS IN FRANCE.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter relating to a statement made by me recently in regard to the number of American soldiers' organizations in foreign countries. The information that this letter contains will indicate to what extent our veterans have banded themselves all over the world for mutual comradeship and benefit.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., June 25, 1921.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: A speech made by you, which appeared on pages 2416 and 2417 of the CONGRESSIONAL RECORD, has been called to my attention, the statement being that "Post No. 605, Veterans of Foreign Wars, located in Paris, is the only post of American soldiers located in foreign countries."

I desire to correct this impression that you have, as the American Legion not only has several posts in France and several in England but also posts in every foreign country in the world. This is merely for your information.

I beg to remain,
Sincerely, JOHN THOMAS TAYLOR,
Vice Chairman National Legislative Committee.

PETITIONS.

Mr. MOSES presented a resolution of sundry members of St. Matthews Church, of Goffstown, N. H., favoring the affording of relief to the imperiled peoples of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented a resolution adopted at a mass meeting of citizens at Defiance, Ohio, June 25, 1921, favoring the recognition of the republic of Ireland by the United States, which was referred to the Committee on Foreign Relations.

He also presented 87 petitions of 2,610 citizens of Akron, Cuyahoga Falls, Kenmore, Kent, Barberton, and Lorain, all in the State of Ohio, favoring the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

Mr. LADD presented a resolution adopted at a mass meeting of citizens of Yucca, N. Dak., June 18, 1921, favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Napoleon, N. Dak., praying for the recognition of the republic of Ireland by the United States, which was referred to the Committee on Foreign Relations.

Mr. PHIPPS presented a resolution adopted at a meeting of the board of directors of the Delta Chamber of Commerce, of Delta, Colo., June 16, 1921, favoring the granting of some form of financial relief to the live-stock industry of the western United States, which was referred to the Committee on Agriculture and Forestry.

CONDITIONS IN IRELAND.

Mr. WALSH of Massachusetts. Mr. President, I ask to have printed in the RECORD a very strong letter in support of a resolution now pending before a committee of the Senate by Alice Stone Blackwell, the daughter of one of America's great women and herself a journalist of distinction and a leader in the suffrage and all other movements for the elevation and progress of women. Miss Blackwell has also been deeply interested in the causes of suffering and persecuted peoples throughout the world.

This letter was recently published in the Christian Register, a religious paper of influence and wide circulation in Boston and New England.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IRELAND.

To the EDITOR OF THE CHRISTIAN REGISTER:

Abraham Lincoln drafted the following resolution at a meeting held on September 12, 1849, when Hungary was trying in vain to set up a republic:

Resolved, That in their present glorious struggle for liberty, Hungarians command our highest admiration and have our warmest sympathy.

That they have our most ardent prayers for their speedy triumph and final success.

That the Government of the United States should acknowledge the independence of Hungary as a nation of freemen at the very earliest moment consistent with our amicable relations with the government against which they are contending.

Thomas Jefferson, when Secretary of State, wrote, as official spokesman for President Washington, to the United States minister to France, on November 7, 1792:

It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared.

Lloyd-George said to the House of Commons after the Irish elections of 1918:

If you asked the people of Ireland what they would accept, by an emphatic majority they would say, "We want independence and an Irish republic." There is absolutely no doubt about that. The elected representatives of Ireland now by a clear, definite majority have declared in favor of independence.

Another election has just shown the same thing. According to the principles of Washington and Jefferson, the case for recognition of the Irish republic is complete.

We recognized Cuba and all the other Latin-American Republics that struggled to free themselves from Spain; we have recognized the Republic of Panama and the Republic of Armenia.

No doubt the thought expressed in the last clause of Lincoln's resolution will carry much weight; but even those who feel that we can not recognize the Irish republic ought to wish that we could.

The case of our Confederate States, often quoted in this connection, is not a parallel. The Confederate States had entered the Union of their own free will. They were like a woman who

has been married with her own consent; Ireland is like a woman who has been seized by force and is held in most unwilling subjection.

Unitarians pride themselves on freedom from religious and race prejudice; but if Ireland were an island off the coast of Spain, with the majority of the inhabitants Protestants of British descent, and one little corner of the island Spanish and Catholic, and if the relations between that Island and Spain were in all other respects the same as those between Ireland and Great Britain, my impression is that those Unitarians who are now pro-British in their sympathies would be decidedly anti-Spanish.

This is said not out of any ill will toward Great Britain. I am an Englishman's daughter, and I love England, but I love justice and liberty more.

ALICE STONE BLACKWELL.

DORCHESTER, MASS., *June 23, 1921.*

THE COAL INDUSTRY.

Mr. FRELINGHUYSEN. Mr. President, I send to the desk a telegram which I have just received and ask that it be read.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

CHICAGO, ILL., *June 28, 1921.*

Hon. Senator FRELINGHUYSEN,
Senate Building, Washington, D. C.:

The independent coal dealers of Chicago heartily indorse your seasonal freight bill and also your stabilization bill. These bills are a great benefit to the public, especially in remedying a condition which now exists and has existed for the last year. The whole country is now tied body and foot and hand to organizations formed to extract the highest toll out of the buying public, more especially in the coal trade of our city.

INDEPENDENT COAL DEALERS' ASSOCIATION OF CHICAGO,
By WILLIAM O'ROURKE, *Secretary.*

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Claims, submitted a report (No. 183) to accompany the bill (S. 154) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump, which had been reported by him on the 21st instant.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 757) to validate certain declarations of intention to become citizens of the United States, reported it without amendment and submitted a report (No. 184) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 518) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided, reported it with an amendment and submitted a report (No. 185) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 6573) to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes, reported it without amendment and submitted a report (No. 186) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, reported it with an amendment and submitted a report (No. 187) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 2171) to correct the military record of Israel Huneau (with accompanying papers); to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 2172) to reinstate Surg. J. A. Guthrie, United States Navy, retired, as medical director in the United States Navy as an additional number; to the Committee on Naval Affairs.

A bill (S. 2173) to loan to the College of William and Mary in Virginia two of the cannon surrendered by the British at Yorktown on October 19, 1781; to the Committee on Military Affairs.

A bill (S. 2174) for the relief of J. W. Hogg; and

A bill (S. 2175) for the relief of William Howard May (with accompanying papers); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 2176) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SHIELDS:

A bill (S. 2177) authorizing the appointment of a deputy clerk of the United States District Court for the Northern Division of the Western District of Tennessee; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 2178) to authorize the President to appoint Clarence H. Knight an officer in the United States Army; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 2179) for the relief of Richard Parke; to the Committee on Military Affairs.

(By request.) A bill (S. 2180) to renew and extend certain letters patent; to the Committee on Patents.

ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

Mr. JONES of New Mexico submitted three amendments intended to be proposed by him to the bill (S. 506) to provide adjusted compensation for veterans of the World War, and for other purposes, which were ordered to lie on the table and to be printed.

REFUNDING ON FOREIGN LOANS.

Mr. WALSH of Massachusetts. I submit an amendment intended to be proposed by me to Senate bill No. 2135, a bill to enable the refunding of obligations of foreign Governments owing to the United States of America. I ask that it be referred to the Committee on Finance, and also printed in the RECORD for the information of the Senate.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WALSH of Massachusetts to the bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, viz: On page 2, line 11, add:

"*Provided*, That no agreement with a foreign Government with respect to any measure hereinabove authorized shall be deemed to have been completed, nor to enjoy full force and effect, until it shall have been specifically embodied in a convention duly concluded by the President of the United States and ratified and proclaimed by him, by and with the consent and advice of the Senate of the United States, under Article II, section 2, clause 2, of the Constitution of the United States."

TREATY OF PEACE WITH GERMANY.

Mr. KING submitted the following resolution (S. Res. 100), which was referred to the Committee on Foreign Relations:

Whereas the state of war between the United States and Germany which was declared to exist by the joint resolution approved April 6, 1917, entitled "Joint resolution declaring that a state of war exists between the Imperial German Government and the Government of the United States," etc., was in fact brought to an end by the capitulation of Germany contained in the articles of armistice of November 11, 1918; and

Whereas there is an existing state of peace between the United States and Germany, which state of peace has not been formally declared or recognized by the Government of the United States: Now, therefore, be it

Resolved, That the President is respectfully requested to negotiate a treaty with Germany which shall secure from Germany a complete recognition and assurance of the rights and interests of the Government of the United States and its nationals stipulated in the treaty of Versailles, settle and adjust all outstanding questions and claims of the Government of the United States and its nationals against the German Government, and provide for amity and commerce between the United States and Germany.

RATIFICATION OF TREATY OF VERSAILLES WITH EXCEPTIONS.

Mr. KING submitted the following resolution (S. Res. 101), which was referred to the Committee on Foreign Relations:

Whereas the state of war between the United States and Germany, which was declared to exist by the joint resolution approved April 6, 1917, entitled "Joint resolution declaring that a state of war exists between the Imperial German Government and the Government of the United States, etc.," was in fact brought to an end by the capitulation of Germany made in the articles of armistice of November 11, 1918; and

Whereas the executory terms and covenants of peace were, pursuant to the stipulations of said armistice, incorporated in the treaty of Versailles which was signed by the plenipotentiaries of the United States and of Germany on the 28th day of June, 1919, which treaty has been irrevocably ratified by Germany and has been in force since January, 1920; and

Whereas by said treaty Germany cedes to the United States, in conjunction with Great Britain, France, Italy, and Japan, her overseas possessions, including the German colonies in Africa, the German islands in the Pacific Ocean, and the German cables in the Atlantic and Pacific Oceans, and makes other stipulations which inure to the benefit of the Government and people of the United States; and

Whereas said treaty provides for the resumption of diplomatic relations and of the other relations of peace with Germany; and

Whereas the Government and people of the United States can not obtain the benefit of such stipulations and covenants in their favor without a ratification of the articles of said treaty which inure to the benefit of the Government and people of the United States; and

Whereas Part I of said treaty, comprising articles 1 to 26, inclusive, being the articles of the League of Nations, and Part XIII of said treaty, comprising articles 387 to 427, inclusive, which is ancillary to Part I, are distinct and separable parts of said treaty and do not qualify the rights, titles, and interests of the Government of the United States and of its nationals stipulated and contained in the other parts and articles of the treaty; and

Whereas the Senate of the United States, two-thirds of the Senators concurring, will not agree to advise and consent to the ratification on the part of the United States of Parts I and XIII of said treaty; and

Whereas it is imperative that the terms of peace with Germany be confirmed by the United States, that impediments to the execution of the treaty of Versailles as affecting the interests of the United States and of the allied and associated powers be removed, that the existing state of peace be formally recognized and proclaimed, and that the relations of peace be resumed with Germany: Now, therefore, be it

Resolved, That it is the sense of the Senate that the treaty of peace concluded at Versailles on the 28th day of June, 1919, be ratified, excepting Part I, comprising articles 1 to 26, inclusive, and Part XIII, comprising articles 387 to 427, inclusive, and that the President is respectfully requested to submit said treaty to the Senate in order that the Senate may advise and consent to the ratification of said treaty with suitable reservations, Parts I and XIII thereof to be expressly excepted from the act of ratification.

PROMOTION OF NAVAL OFFICERS.

Mr. KING submitted the following resolution (S. Res. 102), which was referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate the names of the officers who were before the selection board of the Navy between May 31 and June 18, 1921, both inclusive, and were considered by said board for promotion.

HOUSE BILL REFERRED.

The bill (H. R. 7294) supplemental to the national prohibition act was read twice by its title and referred to the Committee on the Judiciary.

CALL OF THE ROLL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McNary	Smith
Borah	Hale	Moses	Smoot
Brandegee	Harreld	Myers	Stanley
Broussard	Harris	Nelson	Sterling
Bursum	Harrison	New	Sutherland
Calder	Heflin	Nicholson	Swanson
Cameron	Johnson	Norris	Townsend
Capper	Jones, N. Mex.	Oddie	Trammell
Culberson	Kellogg	Overman	Underwood
Cummins	Kenyon	Owen	Walsh, Mass.
Curtis	King	Phipps	Walsh, Mont.
Dillingham	Knox	Poindexter	Warren
Edge	Ladd	Pomerene	Watson, Ga.
Ernst	La Follette	Ransdell	Williams
Fernald	Lodge	Sheppard	Willis
Fletcher	McCumber	Shields	Wolcott
Frelinghuysen	McKellar	Shortridge	
Gerry	McKinley	Simmons	

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present.

PROTECTION OF MATERNITY AND INFANCY.

Mr. KENYON. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 1039) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States. This is the bill which was made a special order for 1 o'clock to-day, and I move to take it up at this time.

Mr. KING. I rise to inquire whether the coal bill, which is the unfinished business, would not automatically be laid before the Senate at this time?

The PRESIDENT pro tempore. The Chair thinks otherwise. In the absence of a motion to proceed to the consideration of a bill, the calendar would be in order at this time. The question is on the motion of the Senator from Iowa to proceed to the consideration of Senate bill 1039.

Mr. UNDERWOOD. I desire to ask the Senator from Iowa if it is his purpose to make this the permanent business of the Senate or only to take it up in the morning hour?

Mr. KENYON. I assume that the unfinished business will come before the Senate at 2 o'clock. My object in making the motion now was to gain what remains of the extra hour before 1 o'clock. At 1 o'clock the bill becomes the special order of business, as the Senator knows.

Mr. UNDERWOOD. Then, it will displace the unfinished business?

Mr. KENYON. No; I think not.

Mr. UNDERWOOD. There can not be two bills the unfinished business before the Senate at one time.

Mr. KENYON. This will end at 2 o'clock. I have not been here for a week, but I understand that the unfinished business is the coal bill, and that it will come before the Senate at 2 o'clock.

Mr. UNDERWOOD. I merely wish to understand the status. The Senator is not insisting that his bill shall displace the unfinished business?

Mr. KENYON. No, I am not; but I am going to move to take up this bill at every opportunity I may have. I do not wish to interfere with the consideration of the coal bill. That there may be no misunderstanding about it, I wish to say to the Senator from Alabama that at 2 o'clock, if there is any prospect of a vote this afternoon on the special order, I shall ask the Senator in charge of the coal bill to lay that bill aside temporarily and see if we can not finish this bill.

Mr. UNDERWOOD. I was merely trying to ascertain the legislative status of the two bills. Of course, at 2 o'clock the Senator would either have to get unanimous consent or make a motion to displace the unfinished business.

Mr. KENYON. I realize that.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa to proceed to the consideration of Senate bill 1039.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1039) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States, which had been reported from the Committee on Education and Labor with amendments.

Mr. SMOOT. Mr. President, will the Senator from Iowa yield to me to present a letter?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield.

RELIEF OF DISABLED EX-SERVICE MEN.

Mr. SMOOT. Mr. President, I have received a letter this morning from a prominent citizen of Price, Utah, dated June 22, 1921. I am going to read the letter for the information of the committee that at the present time has charge of the investigation of the Vocational Board and Public Health Service in relation to the expenditure of public money for the benefit of disabled soldiers. This is one of many letters which I have received from different parts of the United States that show where a great deal of the money that is appropriated for the soldier goes and how wrongfully it is spent, doing no good to the soldier, but being really a hindrance to him and a wicked waste of public funds. The letter reads:

PRICE & FOUTS,
Price, Utah, June 22, 1921.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The other day while returning from Duchesne I occupied a seat in the stage with a young man who intends to avail himself of the vocational training offered disabled soldiers by our Government, and in the course of our conversation he stated to me that he was on his way to Price to have his teeth examined, as required by the rules of the department under which he is preparing himself; that he had already been to Salt Lake twice, once to go through a physical examination and the other time to have his eyes tested; that upon his return from Salt Lake for his physical examination there was a notice waiting him to go to Salt Lake to have his eyes tested; that upon his return from Salt Lake there was a notice to go to Price to have his teeth examined; that each trip to Salt Lake costs the Government $35 and that his trip to Price about $17. He himself could not understand why it was that he could not have had his teeth and eyes examined in Salt Lake at the time he took his physical examination and thus save time to himself and money to the Government. I was impressed with the thought that if such needless expenditures prevail in all the departments at Washington that the mothers who gave their sons' lives in the late war would go on forever paying a war tax on medicine necessary in time of sickness.

Knowing that you are opposed to such wanton extravagance, and feeling that the taxpayers of this country are bending under the numerous and heavy taxes imposed, I felt it my duty to call your attention to this seeming indifference on the part of the servants of the taxpayers to the economic methods of operating the various departments of our Government.

Wishing you a successful term as Senator, and that before the present administration shall have concluded its administration that the people who have been so patient will be rewarded by some relief from the burdens they are now carrying, I beg to remain,

Sincerely, yours, C. S. PRICE.

Mr. President, I ask that this letter may be referred to the special committee which is investigating all bureaus and agencies of the Government dealing with the welfare of veterans of the World War.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

Mr. POMERENE. Mr. President, will the Senator from Iowa yield to me for just a moment?

Mr. KENYON. Yes; I will, but I will then have to decline to yield further.

Mr. POMERENE. The letter that has just been read by the Senator from Utah [Mr. SMOOT] recalls to my mind some of the disclosures which were made on yesterday before our special committee which is investigating this subject. One of the most intelligent women that it has been my pleasure to hear in a long time was before our committee. She had been a teacher; she assisted in McHenry Hospital at Baltimore. We were advised by her on yesterday that a large number of these boys were asked to take a course in vulcanizing. Some of the boys did not want to do it. A representative of the Vocational Board said to some of those boys, "You will have to take that course or none." The Government is paying these alleged instructors $30 for each boy to get this kind of instruction that is thrust upon them by some people that have no interest save of the dirty dollars which they get out of it.

Mr. SMOOT. Mr. President——

Mr. KENYON. I am not going to yield any further, because I am trying to utilize the extra hour for the consideration of this bill, and it is slipping away pretty fast.

Mr. SMOOT. I thank the Senator from Iowa for having yielded a few moments to me.

Mr. KENYON. The Senator from Utah will appreciate that if a discussion ensues in reference to the matter he has brought to the attention of the Senate it will consume the entire hour.

PROTECTION OF MATERNITY AND INFANCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1039) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States.

Mr. KENYON. Mr. President, the bill is before the Senate and I decline to yield further. I am going to take a few moments to explain the bill. The Senator from Texas [Mr. SHEPPARD] desires to take 5 or 10 minutes more. Ordinarily I am glad to have questions asked, but I should like to have the bill brought to a vote as quickly as possible. After we are through with explanations of the bill, then, of course, we shall be glad to try to answer any questions that may be asked.

Mr. President, the pending bill is substantially the same as the bill which passed the Senate at the last session, I think, by almost a unanimous vote. It has been termed "the maternity bill." It was reported from our committee at this session, I can not say unanimously, for I think there were two members of the committee who were opposed to it.

The bill is based on the theory of cooperation with the States for the purpose of promoting the care of maternity and infancy. It authorizes appropriations, but does not make appropriations. The chairman of the Committee on Appropriations has objected to the procedure of other committees providing direct appropriations, so in the pending bill we merely authorize appropriations. An appropriation of $480,000 for each year is authorized to be divided among the States. The purpose of the first appropriation is that each State may have at least $10,000. Then, there is $1,000,000 extra a year authorized to be appropriated, to be divided among all the States in the proportion which their population bears to the population of the United States. No payment may be made until the States have appropriated an equal sum. That is the general scheme and plan under which this proposed legislation is to be operated.

The execution of this proposed legislation is placed under the Children's Bureau of the Department of Labor. That matter was all thrashed out on the floor of the Senate the last time the subject was under discussion. I take it there will be some effort made here now to place its administration under the Public Health Service. It should, however, be under the Children's Bureau, which, the bill provides, shall constitute an advisory committee, consisting of the Secretary of Agriculture, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education.

Each State, in order to secure the benefits of the proposed act, must accept its provisions by legislative authority, and must create or designate a State agency to cooperate with the Children's Bureau in carrying out the terms of the act. Not more than 3 per cent—the former bill provided for 5 per cent, but we have made it 3 per cent in this bill—of the additional appropriation of the $1,000,000 which is authorized shall be used for administering the provisions of the act. The employees are to be under the Civil Service Commission.

The vital part of the bill is section 8, which I am going to read:

SEC. 8. That any State desiring to avail itself of the benefits of this act shall, by its agency described in section 4—

That is, the agency which the State creates—

submit to the Children's Bureau for its approval detailed plans for carrying out the provisions of this act. These plans shall include the provisions to be made in the State for the administration of the act; and provision for instruction—

The whole bill is based on instruction. I hope Senators will keep that in mind, because the questions that are raised by the opponents of the bill, it seems to me, are formulated without a proper conception of the fundamentals of the bill. Instruction is the corner stone on which the structure is built:

Instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods.

That is the broad purpose of the bill. We also put in a proviso that agents can not enter the homes or interfere with the people without their consent.

Then, section 9 provides that portions of the money, not to exceed 25 per cent, may be used to provide lecturers who are authorized by educational institutions and are approved by the United States Commissioner of Education.

In a brief way, that is this bill and its object.

Mr. President, the question arises, of course, What is the need of any such measure as that now pending? I simply lay down these facts: There are about 250,000 babies who die every year in this country during their first year of life, and approximately 20,000 mothers. The comparison of the infant mortality and the maternal mortality of the United States with that of other nations is not pleasing to an American citizen. We are seventh in the infant mortality rate and seventeenth in the maternity mortality rate. Outside of certain countries in war-torn Europe, Chile, Japan, and China are the only nations having a higher death rate amongst the babies and the mothers than has the United States. England has gone vastly further than the United States; England has maternity benefits. We have no such thing as that.

The objections raised to this bill before our committee have been many. In the first place, it is stated that it is not a proper function of the Government to interest itself in this subject; that it is socialistic, and it was even claimed that the bill looked to birth control; that its purpose was to develop free love and other kindred absurdities. The opposition before our committee came almost entirely from the antiwoman suffrage associations of the United States.

As to its being no function of the Government to look after the babies or to stimulate the States in looking after the babies and saving their lives, of course that is a question as to which men differ. Those who think that it is no business of the Government ought to vote against this bill. If the Government has no interest in the babies and in the mothers of the country, of course vote against the bill.

We appropriate here for hog cholera. It seems to be a matter of concern to the Government to save the lives of the hogs and the pigs of the country. We appropriate money to eradicate the boll weevil and the pink bollworm and the Japanese boll weevil and the Chinese boll weevil and every other kind of boll weevil; we appropriate funds to kill off the potato weevil and the potato bug; we appropriate money to destroy coyotes, to exterminate ground squirrels and Japanese beetles, and to send garden seed all over the country. All that seems to be consistent with the purposes of the Federal Government; but when it comes to doing anything for the little babies of the country gentlemen hold up their hands in holy horror and say that it is a waste of public money, an invasion of State rights, and so forth.

It is just as much an invasion of State rights to appropriate for hog cholera and the boll weevil. Why do not the States take care of those matters?

Some of the doctors are dissatisfied with this bill. The evidence of a physician from Massachusetts shows that some doctors are dissatisfied with it. The doctors want the work put under the Public Health Service.

I appreciate the argument as to the necessity for economy about which we will hear in connection with this bill. When the Colombian treaty was pending before the Senate I suggested to the Senator from Idaho when he was complaining about hearing nothing of economy that he would hear plenty

about economy when we came to this bill. He will. It will be claimed that we can not afford to spend the money for this purpose. I have tried to be consistent on the question of economy, but I can not quite understand how gentlemen who can vote $25,000,000 to a gang of bandits down in Colombia can find fault with an appropriation of a million dollars a year to help save the babies and the mothers of the country; nor can I quite comprehend how gentlemen who can vote $500,000,000 in a naval appropriation bill can raise the cry of economy in connection with an effort to help to the extent of $1,480,000 a year the babies of this country.

Will the bill do the work? Will it save any babies? Is it a feasible project? Is it a silly proposition? Is it sentimental and hysterical for the Senate of the United States to be concerning itself about such a measure as this? Nobody knows what it will do; but I wish Senators would read the testimony of Dr. S. Josephine Baker, director of the Bureau of Child Hygiene of New York City, where a wonderful work has been carried on through consultation centers such as we expect to have provided under the pending bill and through public nurses cooperating with the consultation centers. They have reduced the baby mortality rate in the city of New York to a tremendous degree. That is simply a question of fact. They have saved the lives of 65,000 babies. Of course, Senators may say that is a matter for the States. Yes; but if the States do not take hold of it, and if the Government can give some stimulation to the work and can accomplish any such result as that, is it not worth the money?

Dr. Baker is connected with the health department of New York City. She says in her testimony, on page 122 of the hearings:

> Now, Mr. Chairman and gentlemen, New York City has a bureau of child hygiene and a system of child hygiene work which has resulted in giving New York City the lowest maternal mortality from preventable causes not only of the large cities of the Nation, but also of the large cities of Europe, where statistics are available.
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> In New York City we have for a number of years carried on a system of maternity protection. By that I do not want to be quoted as saying in any way we have any compulsory maternity work.

Bear in mind that this is all voluntary; it is not intended to force anything on any State; no State has to take it.

> Our women in New York are anxious to obtain this help which we give them. We never canvass for them at all, but they come to us in overwhelming numbers, and they come to us in a greater number than we can take care of, and we have succeeded in the last 10 years in reducing our maternity mortality rates from preventable causes so that they are lower than any of the cities of the United States, and lower than the large cities of Europe.

That is proved by statistics which are cited.

Dr. Baker further says, on page 123:

> Yes, sir. It shows that the United States as a whole is very backward in regard to this subject. It shows that the statement that it is seventeenth in the list is not only true, but it is also a crime against civilization that the mothers of this country should be allowed to die in the manner that they have. It shows that the number of the mothers who died in childbirth during 18 months of the war almost exactly equals the number of soldiers that were lost and killed in battle. In other words, for every soldier killed, a mother died in childbirth, and for every soldier killed six babies died at childbirth, and all because the social and the economical conditions are so poor. It is deplorable for us to realize that, especially when you take into consideration the fact that the remedy is so easily obtained, and also the fact that this is because of a lack of understanding of the subject.
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> There has been a steady decrease in the baby death rate, with the result that in the last year the death rate has been 11,000 as compared with 17,000 of 10 years ago. This has been done by the employment of physicians and nurses who visit these families; that is for the family to express a desire to have them come. We maintain public-health stations and we supervise the practice of obstetrics so far as it obtains to midwives.

She says:

> We have decreased the baby death rate from 144 to 85 per thousand births.

That is in New York City.

> And let me tell you what that means, for if the death rate of 144 had been maintained for that length of time, we would have actually had 65,000 more babies die than we have had die.

If in this United States, by stimulation of the States in the method that Congress has followed, the lives of 65,000 babies could be saved, is it not a national problem? When you come to draft men for war you do not just take them from a State to go out and defend a State; you take them for the whole Nation. The problem of saving the children of a nation is a national problem, and the children of this country are its greatest asset.

There are other parts of this testimony that are very interesting. Dr. Baker discusses the difference between making it entirely a medicinal question and making it a social question. She says:

> There is no question about it that the position of the United States at the present time is extremely humiliating. There is not a person now who comes to visit this country, who knows anything about the conditions, who has not remarked about the present curious position of the United States in this behalf. These mothers want to be saved, and they are anxious to get the information which would be sent out. I think that it would be a reasonable estimate to say that we could save some 15,000 women and 100,000 babies a year by passing this bill.

I am not going to take the time to refer to the rest of the testimony. This legislation is indorsed by the governors of some 35 States. It is indorsed by nearly all of the women's organizations of the United States—the League of Women Voters, representing something like 2,000,000 women, the Daughters of the American Revolution, and a long series of women's organizations throughout this country. It may be sentimental legislation—yes; maybe it is. It is a good thing to have some sentiment once in a while in legislation. It is the one bill that the women of this country are asking of the American Congress. Some women in the antisuffrage societies are against it. I do not know why they have taken up the fight against it. The great body of the women of this country are asking the American Congress for the passage of this measure.

Mr. President, as far as I am concerned, I know of the opposition that there is to the bill. I know of the attempts that will be made to put amendments on it. The Senator from New Hampshire has one to establish hospitals all over the country. There are other amendments to be proposed. The object of those amendments is not friendly. The object of those amendments, I think pretty generally, is to kill the bill.

I think I shall not take the time to read over the list of those who are asking for the passage of this bill. I have felt it my duty, as chairman of the committee reporting this bill, to give this brief résumé; and I know that the Senator from Texas [Mr. SHEPPARD], who is the father of the measure in the Senate, desires to add to the explanation I have made.

Mr. SHEPPARD obtained the floor.

Mr. BRANDEGEE. Mr. President, may I ask a question of the Senator from Iowa?

Mr. KENYON. The Senator was not here when I started. I said that the Senator from Texas wanted to speak, and that after both of us were through we should be glad to answer questions; but I will answer the question if I can.

Mr. BRANDEGEE. It is immaterial to me, except that I may not be here when the Senator finishes. I wanted to ask the Senator what is the idea of the language on page 2:

> There is permanently authorized to be appropriated * * * $480,000 for each year.

Why do they not appropriate it? What is the point of that language?

Mr. KENYON. I explained that. The Senator was not here.

Mr. BRANDEGEE. I was not here.

Mr. KENYON. A great deal of fault has been found with this committee by the chairman of the Appropriations Committee. We have in the past appropriated money. He finds fault with that, and I think his position is well taken, that those appropriations should come from the Committee on Appropriations; so that our committee and other committees in various bills have adopted that language.

Mr. BRANDEGEE. It has to go to the Appropriations Committee?

Mr. KENYON. It has to go to the Appropriations Committee.

Mr. BRANDEGEE. I understand it now.

Mr. SHEPPARD. Mr. President, on April 9, 1912, Congress established the Children's Bureau in the Department of Commerce and Labor. On March 4, 1913, Congress transferred this bureau to the Department of Labor, where it remains.

The act creating the Children's Bureau directed it to investigate and report on all matters pertaining to the welfare of children and child life, especially infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, and legislation affecting children in the several States and Territories. The act provided that no official or agent or representative of the bureau should ever enter any house used exclusively as a family residence over the objection of the head of the family.

It will be observed that the first specific duty assigned the Children's Bureau was the study of infant mortality. That study developed the need of the proposed law relating to maternity and infancy now pending before Congress. Indeed, the bureau found at the outset that the subject of infant mortality demanded immediate attention; that it was a question which the civilized world was beginning seriously to consider.

The bureau found from census figures that 250,000 infants had died in this country in 1913 under 1 year of age, one-half

of whom had succumbed from apparently preventable causes. Census calculations demonstrated also that 43 per cent of the infants dying under 1 year of age in a given year were living less than one month; that seven-tenths of the 43 per cent were perishing from prenatal causes or from accident or injury at birth; that 86 per cent of infants living less than one week and 94 per cent of those living less than one day were passing away as a result of like causes and conditions.

Further investigation revealed the fact that thousands of mothers were dying from lack of proper knowledge and proper care while approaching and undergoing the ordeal of maternity.

The bureau ascertained that most of the other leading governments were meeting similar situations with public systems of information, and, in some instances, of actual assistance, reducing their infant and maternal death rates enormously. Let me say here that as a result of the public protection of maternity and infancy 16 or 17 other countries have to-day lower death rates for mothers and 5 have lower death rates for infants than the United States.

The bureau also noted the fact that in certain cities of the United States information services for mothers and infants had been established with promising results; that in the city of New York a system of consultation centers and public health nurses had in a few years reduced the death rate among the mothers and infants cared for until it was near the lowest in the world.

The bureau also observed that the United States for half a century had been distributing useful data on plant and animal life, expending millions to preserve the existence of plants and animals. So the bureau found ample reason for turning its attention under the law of its creation to the development of an educational service in behalf of the Nation's most permanent and precious assets—the mother and the child.

After several years of intensive study, after many investigations and reports, the results of which were embodied in bulletins for public distribution, the Children's Bureau reached the conclusion that if the frightful mortality of mothers and infants which continued to disgrace this Nation was ever effectively to be resisted action involving more than its already authorized program was essential. Accordingly it worked out a plan for National and State cooperation, such a plan as is comprised in the bill before us.

It was shown in the hearings on this bill, both in the last and the present Congress, that nearly 18,000 mothers and 200,000 infants under 1 year of age are dying every year from causes most of which could be removed through proper instruction and information.

Dr. J. Whitridge Williams, obstetrician in chief of Johns Hopkins Hospital, quoted figures in the course of his testimony showing that 45 per cent of all women dying in childbed in this country succumb to infection and 25 per cent to toxemia—that is, the kidney disease of pregnancy. He said that these figures demonstrated that practically three-fourths of all women dying in childbed in the United States perish from two diseases which could almost always be prevented. He added that many of the women who did not die were permanently invalided as a result of childbirth; that one of the great causes of this invalidism was imperfect care. He said that the Johns Hopkins Hospital had found it essential to proper treatment of mothers to organize a prenatal service by which trained workers gave instruction in the hygiene of infancy and maternity in the home. That, Mr. President, is the principal object of the present measure.

Dr. S. Josephine Baker, director of the division of child hygiene of the department of health of the city of New York, appeared at the hearings and gave approval to this bill. She said that the child-hygiene division of the New York City health department favored this bill because of its own experience in child-welfare work and its knowledge that such an enactment could be made a practical working program. She said that this division had carried on for a number of years an extensive campaign in the city of New York for the reduction of infant mortality and for the protection of mothers. She said that repeatedly it had been found that about 40 per cent of deaths of children under 1 year of age occurred during the first month of life; that this was due almost wholly to the mother's condition before the child was born, and that, therefore, the only opportunity to prevent nearly half the deaths was to reach the mother before the babes were born. She said that her work in New York City had proved over and over again that with instruction in the hygiene of maternity the death rate of infants in the first month of life could be reduced one-half or two-thirds. The bill under consideration provides a simple and practicable method for the distribution of such instruction throughout the United States.

During the hearings a statistical bulletin of the Metropolitan Life Insurance Co., issued in March of 1920, was presented, a bulletin which stated that even at that late date more women were dying in this country from causes incidental to childbearing than from any other cause except tuberculosis; that in regions where no organized effort was being made to give instruction in maternity and infancy hygiene there was 1 maternal death from disorders of childbirth to every 185 confinements; that 1 baby out of every 22 was born dead; that 40 babies out of every thousand born alive lived less than one month. The bulletin indicated, further, that in those areas where women were provided with adequate instruction and care the ratio of deaths to confinements was less than 1 to 400; that 1 baby out of every 85 or 90 was stillborn; and that only 10 babies instead of 40 per 1,000 born alive died under one month of age. The bulletin concluded that prenatal and maternity care held out great promise in life conservation.

The bill before the Senate provides for instruction in the hygiene of maternity and infancy through consultation centers, public health nurses, and similar methods. It offers nothing experimental nor untried. It follows the plan which has operated so successfully in New York City for many years, and which is gaining there in popularity and effectiveness every day. The bill supplements this method with extension courses by qualified lecturers from educational institutions, and with such studies, investigations, and reports as the bureau may find necessary to the efficient administration of this act.

No effort is made in the bill to compel anyone to accept the instruction it provides. The information it supplies, however, is available to all who may desire it. There is nothing in the measure which permits an invasion of the home or intrusion on the privacy of individuals. Indeed, the provision in the act creating the Children's Bureau, which prohibits entry into any home over the objection of the parent, is definitely renewed in this bill.

The bill operates principally through State agencies, but no State is compelled to accept its provisions or to function thereunder. Each State accepting the act gets $10,000 annually from the Federal Government, unconditioned on any appropriation from its own treasury. In addition each State gets annually that proportion of $1,000,000 which its population bears to the population of the Union, provided its legislature appropriates an equal sum. If all the States should be confined to a sum based on population, many small States would receive very little, indeed. The allotment of $10,000 to each, regardless of population or its own contribution, assures to all the States a substantial part in this beneficent work.

The active administration of this measure within a State is to be conducted by the State agency designated for that purpose by the legislature. The Children's Bureau maintains only a general supervision in carrying out the part of the Federal Government in the act.

The Chief of the Children's Bureau is directed to form an advisory committee to consult with the chief and advise concerning problems arising in connection with the administration of the act, such committee to consist of the Secretary of Agriculture, the Surgeon General of the Public Health Service, and the United States Commissioner of Education.

The Children's Bureau is to recommend the appointment by the State agencies of State advisory committees, at least half of whose members shall be women, and all of whose members shall serve without compensation. These advisory committees are to have branches in every county and community, and it is through them that the act is to have its chief encouragement and support. It is through them that localities are to be organized and awakened to the necessity of greater attention to the problems of motherhood and infancy. It is through them that the consultation centers will become widely advertised information services of the most useful type. It is through them that the comparatively small fund supplied by Federal and State governments under this measure will be supplemented by local contributions and in the end the whole country stirred to the performance of one of the most sacred responsibilities of humanity.

It is clear, therefore, that the principal function of this bill is to provide a nucleus of information and action about which communities are to build for themselves.

It is also clear that the Children's Bureau, with a woman at its head, should have supervision of the act. Indeed, the measure is the outgrowth of the work and study of the Children's Bureau, a logical development of its own functions, functions assigned it by the law which gave it being. Within that bureau are trained and capable physicians who have specialized in the treatment of mothers and children. The statement that this

bill will be administered by untrained amateurs and political agents is too absurd and baseless for further mention.

With its nine years of operation and experience, the Children's Bureau has obtained an acquaintance with conditions affected by this bill in every part of the country, an acquaintance with leaders in welfare work throughout the Nation. Thus it is especially qualified for the general administration of this act.

A State secures the benefits of the measure, so far as the uniform amount of $10,000 is concerned, when the legislature signifies acceptance, designates a State agency to carry out the act within the State, and when that agency submits plans of operation in reasonable conformity with the purposes of the act. The State also secures a proportionate share in the additional annual fund of $1,000,000 when, in addition to these steps, it provides an equal sum from its own treasury. The bureau keeps in general touch with the State agencies and may withhold allotments if the purposes of the act are not being accomplished. An appeal may be had to the Secretary of Labor from the decision of the bureau. The chief function of the bureau is to maintain a general observation of the workings of the act in order that its spirit and purpose may be preserved. The details are mainly in the keeping of the local centers.

Attention should be called here to the fact that more than 20 State governors have expressed approval of this enactment and that several State legislatures have already passed laws accepting its terms.

The bill provides an information and instruction service of infinite value. It promotes one of the noblest and purest of aims—the conservation of human life at the source. The fountains of our civilization are motherhood and infancy. The first obligation of society is to the unborn child. The most fundamental right of every human being is to a normal birth. Without it the equal chance which forms the basis of democracy is lost.

This measure stands first in the legislative program of the enfranchised women of America. Full of promise for the future of this Republic is the fact that the advent of women in its political affairs should be marked by the advocacy of a proposal like this. The need of such legislation was developed by the Children's Bureau, an agency directed by women. The first bill for the protection of maternity and infancy was introduced in the Sixty-fifth Congress by Miss Rankin, the first woman Member of the American Congress.

Significant, also, is the fact that the bill is inspired by no partisan authorship or motive. Miss Rankin, the original introducer of a measure of this nature, was and is a Republican. The present bill was offered in the Sixty-sixth Congress by a Republican in the House and a Democrat in the Senate. During that Congress it passed the Senate without division after thorough debate, and after the adoption of important amendments—one of the most important having been offered by the able and distinguished Senator from Utah [Mr. SMOOT]—went to the House, where it was favorably reported by the House Committee on Interstate Commerce after extended hearings, but reached the House Calendar so late in the final session that it was not considered on the floor. There is no doubt that it would have passed the House with as emphatic approval as it passed the Senate. Both the Republican and Democratic candidates for President indorsed the measure during the national campaign of 1920, the Democratic national platform approved it, and the Republican President commended it in his first message to the present Congress.

Mr. President, if this Nation declines to take the necessary steps to end the appalling waste of the lives of mothers and children in America, a destruction exceeding every year our total casualties in the most stupendous and terrible war of history, it will invite severest censure. The mother who faces death in childbirth is as much a soldier as the uniformed hero on the field of arms. The World War has ended, but not her battles or her martyrdoms. Through all the centuries that are yet to come whenever a human life is to be ushered into existence she must go down into the valley of another Marne, the shadows of another Somme. For her and for the life that flowers from her blood and tears it is a compelling duty to provide every possible safeguard, to devise every possible protection.

Mr. President, I desire to insert here a memorandum showing the actual operation of one of these consultation centers, in order that Senators may be familiar with it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON CONSULTATION CENTERS.

A consultation center for infant welfare is a place where health instruction and advice are given to mothers through physicians and public health nurses. Its essential function is to keep well children well.

The work in general is divided into two parts—prenatal and infant. The prenatal work attempts by instruction to the mother during pregnancy to maintain health, to prevent the development of the diseases of pregnancy, and to prepare for any complication of labor. Such care is based on our present medical knowledge of its value for both mother and child. This instruction is accomplished by visits of the mother to the center at stated intervals. Here an examination is conducted by a physician, and advice concerning general care and hygiene is given. The nurse subsequently visits the home to give whatever practical help she can, if the mother desires it. The mother is encouraged to make subsequent visits at regular intervals, so that she can be carefully watched and the first signs of any abnormality detected and corrected. Any abnormalities found which are likely to interfere with her well-being are discussed with the mother, and she is advised to consult her physician with regard to them. If she has no physician, and should she desire, and she usually does, arrangements are made with a hospital clinic for her.

Prenatal instruction affords an opportunity not only of caring for the mother but of instructing her in the important phases of caring for her child and of impressing upon her the importance of health supervision of the baby from the very beginning, particularly as regards feeding, which is certainly the most important aspect of infant care.

Treatment of the baby at the consultation center involves examination, regular weighing, and instruction of the mother concerning the care and feeding of the baby; such instruction followed up with a practical demonstration by the nurse in the home. The importance of the nurse's work in the home can not be overestimated, as the most valuable instruction is conveyed in this way.

At such consultation centers the nurse is usually a full-time paid worker. The physician gives his time for a certain number of conferences a week. In some instances he is paid, in others his work is voluntary. These centers in no way interfere with the private practice of medicine.

The consultation or child health center may be supported by public or private funds or by a combination of the two. If the support is private there is usually formed a voluntary committee or board which assumes responsibility for maintenance, rent, etc.

Mr. SHEPPARD subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks made this morning a brief address on the Children's Bureau delivered by me in the Senate on January 22, 1917, and foreshadowing legislation like that proposed by the pending maternity bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The address referred to is as follows:

"Mr. SHEPPARD. Mr. President, I can not permit this occasion to pass without expressing my earnest advocacy of the amendment increasing the appropriation for child-welfare work. The first obligation of civilization and government is to the child. Victor Hugo, friend of all mankind, furnished no greater illustration of devotion to humanity than his intense love of children. In his last great novel, "Ninety-three," he gives us what is perhaps the most beautiful description of child life in literature. The scene is an old castle in the forest of La Vendee, the home of a French nobleman in the year 1793, one of the bloodiest years of the French Revolution. With the touch of a master Hugo pictures the three children of the nobleman pursuing innocent delights within the castle, unaware of the war raging about them, of the relentless pursuit of their father by the revolutionists, of the destruction to which their habitation was doomed. Georgette, a baby girl of less than 2 years, leaves her cradle to chatter to a sunbeam, and Hugo utilizes the incident for the following tribute:

"What a bird says in its song a child says in its prattle. It is the same hymn; a hymn indistinct, lisping, profound. The child has what the bird has not—the somber human destiny in front of it. Hence the sadness of men as they listen, mingling with the joy of the little one as it sings. The sublimest canticle to be heard on earth is the stammering of the human soul on the lips of infancy. That confused chirruping of a thought that is as yet no more than indistinct has in it one knows not what sort of artless appeal to the eternal justice; or is it a mute protest uttered on the threshold before entering in, a protest meek and poignant? This ignorance smiling at the infinite compromises all creation in the lot that shall fall to the weak, defenseless being.

"Let me repeat this last sentence:

"This ignorance smiling at the infinite compromises all creation in the lot that shall fall to the weak, defenseless human being.

"Mr. President, this sentence contains an indictment of society and government as just as it is terrible. Does the child die from preventable disease? Is it weakened or deformed through neglect, lack of knowledge, or lack of means to secure proper treatment? Some one must answer to the Almighty.

"Go read the shameful records of infant mortality in this country of boasted enlightenment, of the deaths of mothers on the battle fields of maternity, battle fields where a sublimer valor is exhibited than in all the conflicts that are trumpeted by the tongue of history, and ask yourselves where the responsibility rests.

"The creation of the Children's Bureau in 1912 was an effort on the part of the Federal Government to meet that responsibility, to the extent of its powers and facilities.

"This bureau under the able leadership of Miss Lathrop has already brought to the public attention facts of appalling significance.

"It has shown that in 1913 childbirth caused more deaths among the women of this country than any disease except tuberculosis; that although these deaths are largely preventable they are not diminishing, whereas the mortality due to typhoid fever was cut in half from 1900 to 1913, and the mortality due to tuberculosis was materially reduced; that of those who survived the ordeal of maternity untold thousands find their strength permanently wrecked, their health more or less impaired; that if this frightful condition is to be checked and remedied higher standards of care for women before, during, and after childbirth must be adopted.

"It has made a careful survey of infant mortality in typical manufacturing towns, and it has established a definite relation between this mortality and low earnings. It found in one of the localities under investigation that of the babies with fathers earning less than $450 per year one in four died before reaching the age of 12 months. Fathers earning less than $450 per year amounted to 13.7 per cent of the wage-earning population in the industrial center under survey. It found that the greater number of babies had fathers in the wage group from $450 to $849 per annum, and that of these one in every six died before attaining the age of 12 months. It found that of the babies whose fathers earned $850, but less than $1,050, 1 in every 8 failed to live more than 12 months, and that where fathers earned $1,050 or more only 1 in 16 died in the first year.

"It found that where families composed of 2 or more persons occupied one room the infant mortality was twice as high as where there was less than 1 person per room; that babies living in houses occupied by a single family died at the rate of 86.1 per 1,000, while those in tenements occupied by more than 6 families died at the rate of 236.6 per 1,000; that when the mother was a wage earner the baby's chances of living were less than when she was not.

"When this bureau was established in 1912 it was ordered to report on all matters pertaining to the welfare of children and child life. For the first two years it had a staff of 15 persons, and an appropriation of $25,640 for each year. In 1914 the staff was increased to 76 persons, the annual appropriation to $164,460.

"Public interest has been aroused in the work of this bureau to such an extent that it finds the present force utterly inadequate. It asks for an increase of 57 persons for its staff, calling for an additional appropriation of $187,520, the total requested being $352,160.

"The bureau's bulletins on the care of infants have met unqualified indorsement and popularity. Letters from grateful mothers have reached the bureau which more than vindicate the wisdom of Congress in creating this beneficient agency.

"The bureau is indexing and assembling the laws relating to child welfare not only for its own guidance but for the guidance of the Government in administering the child-labor law.

"In cooperation with the General Federation of Women's Clubs it has instituted a nation-wide campaign for the closer study of infant mortality, having set aside a certain week known as baby week, during which the entire country is to devote especial attention to all phases of this fundamental problem. More than 2,000 communities took part in baby week in 1916, and a splendid awakening on this great subject was evident.

"The bureau is making a skillful and careful study of defective children and of child mortality in the rural districts.

"The increased force now asked for will be barely sufficient to enable the bureau to meet the public demand for information regarding the work already undertaken.

"It is to me a matter of wonder that Senators hesitate to vote the remarkably small amount desired for this overwhelmingly important work. I would deem it an honor and a duty to vote millions for it, instead of a few hundred thousands.

"If I could have my way, I would have the Federal Government, in cooperation with the States, take whatever steps might be necessary to make certain the proper care of mother and of child in the supreme and holy crisis of maternity.

"And this could be done with infinitely less than we expend each year for the terrible machinery of war.

"It would be a measure of preparedness in the highest and most effective sense. Behind the machine stands the man. Behind the man stands the child.

"Considering the sacredness and the value of the work, the amount desired is modest in the extreme. Including the requested increase, the total appropriation for this bureau will be less than 4 per cent of the cost of one first-class battleship.

"It is not alone a question of expediency but of right. Every human being has an inalienable right to a normal birth. Every human being has an inalienable right to be born under sanitary and comfortable surroundings, under proper treatment and care. Every little life that perishes through lack of knowledge or neglect or finds a precarious survival within a feeble and defective body is an accusation of the Republic and an indictment of the flag."

Mr. BROUSSARD. Mr. President, the House on yesterday adopted an amendment to the Volstead Act——

Mr. KENYON. Mr. President, I understand, of course, that the Senator from Louisiana can speak on any subject, and I assume he is not going to speak on the maternity bill. I appeal to the Senator, as we have only until 2 o'clock, to let us go ahead and see if we can not get a vote on this particular bill.

Mr. BROUSSARD. Mr. President, I insist upon addressing the Senate at this time.

Mr. KENYON. I ask, Mr. President, if, when a bill is made a special order in the Senate, as this bill will be at 1 o'clock, any subject can be discussed, or if only that bill can be considered?

The PRESIDENT pro tempore. The Chair knows of no rule which will enable it to confine a Senator's observations to the subject under consideration.

Mr. KENYON. Of course, Mr. President, it utterly destroys the purpose of any special order if a Senator can rise where there is a special order for the consideration of a bill and take the whole time in the discussion of something else. I am not quarreling about it. Of course, if the Senator wants to do that, it is his privilege.

ENFORCEMENT OF PROHIBITION LAWS.

Mr. BROUSSARD. Mr. President, the Volstead Act was enacted in the year 1919. Since that time various and conflicting regulations have been promulgated and opinions rendered with reference to that act of Congress.

On March 2 or 3 last the Attorney General gave an opinion wherein most of the arbitrary authority assumed by the Commissioner of Internal Revenue and the enforcement department was set aside. The Attorney General held that a physician could not be controlled as to the quantity of liquor which he might administer to his patients. The Attorney General further ruled that the Congress never intended that the commissioner should have the right to designate one distillery for the purpose of manufacturing whisky for medicinal purposes. He further held that those were matters beyond the control of the commissioner and of the enforcement department.

That opinion of the Attorney General was rendered nearly four months ago. We have been informed that regulations have been prepared, and are ready to be issued, in order to control those subjects which I have referred to, as well as a regulation which, in the opinion of the Attorney General, would permit physicians to prescribe beer. Those regulations have been withheld, notwithstanding the fact that nobody disagreed with the opinion of the Attorney General on the subject.

Congress has been in session since the day after that opinion was rendered, and the wheels in one of the various departments created by the Congress of the United States have been stopped by an agent, who, in accordance with the opinion of the Attorney General, has no discretionary power in the matter.

In the House Mr. VOLSTEAD introduced what a Member of the House on the floor yesterday called the Volstead Act junior. The proposed amendment violates every principle upon which our Government was founded. The amendment proposed by Mr. VOLSTEAD not only interferes with the physician and the people who are sick, but goes much further than that. It places in the hands of the Commissioner of Internal Revenue and the enforcement officials the distribution of alcohol for scientific purposes and for industrial purposes.

When the amendment was proposed and hearings were had during this month it stirred up the American Association of Chemists to such an extent that they sent representatives before the Committee on the Judiciary of the House of Representatives and they pointed out to that committee that it was an interference with national development, with the industries of the country, and that its adoption would be the greatest calamity that could befall the American people. Notwithstanding that, the committee in the House reported the Volstead measure. Then they went to the chairman of the Committee on Rules in the House and appealed to him and brought pressure upon that committee in order to obtain a rule to force the Volstead amendment through the House under a special rule whereby no amendment would be permitted.

The situation therefore became a locked one. The junior Senator from Ohio [Mr. WILLIS] then came to the rescue by offering a measure which they pretend is merely for the purpose of preventing physicians from prescribing beer. Mr. CAMPBELL, chairman of the Rules Committee of the House, agreed that the bill could be brought up on the floor of the House, and yesterday, after four hours' debate, the measure was passed

there. It was sent to the Senate this morning and will naturally go to the Committee on the Judiciary of the Senate.

I consider this a very important question. Senators have stood on the floor here and discussed the railroad rates; they have discussed the agricultural condition of the country; they have discussed the finances of the country; but I dare say that the provisions which are proposed under the amendment to the Volstead Act will bring about more dissatisfaction, bring about more discontent, bring about more contempt and disrespect for the law than any one of the other causes which have been discussed on the floor of the Senate.

Mr. President, the measure which is now before the Senate is merely a forerunner of the Volstead Act junior, which is to follow it. The members of the subcommittee of the Committee on the Judiciary of the Senate know that Mr. Wheeler requested that committee on last Saturday to recommend the bill merely as an emergency measure, but that in the House, with a favorable report from the Judiciary Committee, is the Volstead Act junior, to be urged and pressed upon the Congress of the United States.

Mr. President, I am not unmindful of the narrowness of the rabid prohibitionist. I know that in order to have his way in this matter every principle of our Constitution was violated. I know that the bill of rights and all amendments to the United States Constitution, previous to the eighteenth amendment, were for the protection and absolute guarantee of the rights and liberties of our people. I know that this amendment was inserted and grafted into our Constitution by the minority without giving the people an opportunity to be heard. I know that prohibition is a matter of police regulation and has no place in the fundamental law. I know that the insertion of the eighteenth amendment, a mere legislation measure, into our Constitution has destroyed the democratic rule of the majority and makes it possible for 13 of the smallest States of this Union, with a population of less than 7,000,000 people, to rule the other 100,000,000 of our people on this matter because without the consent of 1 of those 13 States prohibition must forever remain embedded in the Constitution.

I know that when our boys were fighting and dying on the battle fields of Europe to establish the rule of self-determination and all really patriotic Americans at home were giving up their time, money, and substance to assist these brave boys, the eighteenth amendment was put over by fanatics under the pretext of saving grain for food; but I also know that the eighteenth amendment does violence to our basic democratic principle of local self-government, which is the same as self-determination. Our boys in Europe and our people at home were also fighting for the protection of the rights of the minority; but I also know that the eighteenth amendment destroyed that principle at home.

I know that the prohibition movement worked under a smoke screen and claimed to be a movement against the saloon, while it really was aimed at the liberty of the people.

This is clearly established by the words of Mr. William H. Anderson, State superintendent Anti-Saloon League of New York, in his circular letter denouncing Mr. Dinwiddie, issued last week, wherein he says:

> The two great nationally recognized prohibition agencies, the Woman's Christian Temperance Union and the Anti-Saloon League, are solidly against his liquor-assisting proposals, as are the temperate agencies of the largest denominations.

Not one of the organizations has been frank enough to use the word "prohibition" in its name. They were after the saloon supposedly, but it required the Federal courts of this Nation to keep them from continuing to invade the sanctity of the homes of Americans. And what is the crime for which the Anti-Saloon League denounced Mr. Dinwiddie? His Americanism would not permit him to interfere with the respectable physician and consent to destroy American industry. He opposed the Volstead amendment now before the House.

Wherein would the American people conceive the idea that an organization fighting the open saloon, an organization calling themselves a temperance union, intended to deprive the physician of the right to prescribe a little whisky, or as much as needed, or to as many patients as he has? Wherein is the construction that our Federal courts have had to intervene to prevent the agencies of the enforcement department, armed with illegal search warrants, from entering homes and taking from them liquor which they had for their own private use?

Mr. President, I could go along this line all day pointing out how the eighteenth amendment violates all of the rights of the people which previous to that time the Federal Constitution protected. But, Mr. President, it is now part and parcel of our Constitution. The highest court of the land has held that it had been legally adopted and that Congress has the authority to enact laws to make it effective; and it likewise maintained the legality of the Volstead Act adopted over the President's veto by the Sixty-sixth Congress in 1919. That decision very properly held that it was up to Congress to say and to define what was an "intoxicating liquor." Since that decision by our highest court some of the prohibitionists have been clamoring for a more rigid and drastic law, while the masses of the people want the Congress to so amend the law and its definition of intoxicating liquors as to permit the sale of beer and wine under State regulation. Enthusiastic advocates of prohibition, upon the adoption of the eighteenth amendment, held funeral services over the supposed dead corpse of John Barleycorn. Since then their periodicals and newspapers continuously remind us that "booze" is dead. They are trying, by suggestion, to lead the people into the belief that it is true. They want to hypnotize the people. But if booze is dead, why do they want millions to enforce this law and are taking up the valuable time of the Congress to enact laws against the dead, as they contend. But, Mr. President, we all know that a law will not stop the doing of a thing which is not a crime per se. Many prohibitionists violate this law. If those who enacted it violate it, why should not those who are opposed to it? Many sincere prohibitionists have changed their minds about this matter. I have in mind one of the leading prohibitionists in my own State. I shall use his case as an illustration. I have known him as a rabid prohibitionist for the last 30 years. At that time he had little of worldly goods. He was a good man and worked hard. Gradually he saved and accumulated, and for several years has been part owner and is at the head of a large business employing hundreds of men. A sincere prohibitionist and idealist, he subsequently advocated prohibition as an economic proposition and frequently discussed this matter with me. He thought he would get more out of labor if he took the laboring man's drink away. He was happy when the eighteenth amendment was finally adopted. After this short period, since its adoption, this man has changed his mind. Just before I left home last January this man came to my office in New Iberia, La., and laid before me a program which he pleaded with me to present to the Congress and the Finance Committee. I asked him for a memorandum of his program, and I desire to read it to the Senate. He is a gentleman of the highest type. He was a sincere prohibitionist, and I have never seen him visit a saloon. There is no better citizen anywhere. Here are his suggestions:

PROHIBITION AND REVENUE—SUGGESTIONS FOR A REVENUE MEASURE.

Prohibition is a failure and does not prohibit. Drunkenness and crime are both on the increase and the people are fast losing respect for all Federal laws. Intoxicants are being sold in quantities at enormous prices in every community. Smugglers, bootleggers, blind tigers, and foreign manufacturers are the only ones being benefited, while the Government is expending large amounts in its futile attempt to enforce its laws.

The excess-profit tax, the surtax, and the numerous special and stamp taxes are excessive, discriminatory, and a deterrence to business, and are one of the fundamentals that are largely responsible for the present demoralized condition of affairs. A revision of these laws is imperative. The proposed sales or turnover tax or the substitution of a higher normal tax for the excess-profits tax will not satisfactorily relieve the burden.

In view of the above it is suggested that the prohibition or eighteenth amendment be repealed—

Mind you, this former very enthusiastic advocate of prohibition is now in favor of repealing the eighteenth amendment—

and a high excise tax on intoxicants be substituted therefor, both as a means of revenue and for the better control of the liquor traffic, possibly under a Federal license system. An excise tax be also imposed on cigars and tobacco. A moderately high tariff be imposed on all luxuries and semiluxuries, and only a reasonable amount be raised through a normal income and inheritance tax.

Assuming that under such an arrangement the annual consumption of the above articles would be practically the same as they were for the average five years preceding the war, the following revenue could reasonably be expected at the rates named:

Distilled spirits, 140,000,000 gallons at $15	$2,100,000,000
Fermented liquors, 60,000,000 barrels at $15	900,000,000
Cigars, 9,000,000 thousand at $10	90,000,000
Cigarettes, 30,000,000 thousand at $1	30,000,000
Tobacco, 425,000,000 pounds at $0.10	42,500,000
Tariff on luxuries, such as jewelry, furs, and silks, and on semiluxuries, such as sugar, tea, and coffee, of which we import large quantities and which are ideal revenue producers	400,000,000
Normal income and inheritance taxes	400,000,000
Miscellaneous	38,000,000
Total necessary revenue	4,000,000,000

Mr. President, at the request of this constituent of mine, I submit this program for the consideration of the Finance Committee, whose members are so hard put to in order to find the revenue this Government needs and must have.

At the time this gentleman figured it was then estimated that $4,000,000,000 would be sufficient to run the Government for one year; but we now understand that it will require $5,000,000,000 instead of $4,000,000,000. This is a per capita tax of practically $50. Think of it, Mr. President, a yearly tax of $50 on every man, woman, and child in this country! Is it

safe to continue such excessive taxation and appropriate millions to deprive our people of personal liberty? It is dangerous to do so, in my opinion.

Mr. President, I am opposed to the bill proposed. Everyone who has followed the history of the proposed amendment to the national prohibition act knows that the original purpose of those responsible for this outrageous law is not satisfied with the amendment now under discussion. It had been, and still is, the purpose of these people to pass the Volstead amendment, and, although the restrictions of the Volstead amendment as introduced in the House and on which hearings were had do not appear in the Willis amendment, the press announce that the other regulative features as to alcohol for nonbeverage purposes are not abandoned, but will be urged later. The Volstead amendment, reported favorably, is now on the calendar of the House and its proponents intend to pass it and send it to this body. It is intended to pass the Willis amendment at once, because those whose duty it was to enforce the law as interpreted by the Attorney General four months ago, but who have refused to grant to American citizens their clear rights, must be saved from court action to force them to be the servants of the people and not their masters.

Do the American people realize how we are being governed? The Attorney General on March 2 said that the national prohibition act permits doctors to prescribe beer. If that is a fact, then why has the enforcement department denied the people their rights? We are being governed by a clique of arbitrary hypocrites who have no respect for laws which they themselves enacted. What effect has the Palmer opinion had, when after four months the regulations to carry out its meaning have not even been issued? Who is it that is greater than the people and can command the agencies of the Government to disregard a law until time has been afforded to change it? Let the people beware of the sacred rights of liberty bequeathed them, for the same arbitrary, bigoted, fanatical sentiment is even now framing laws against tobacco, laws to take the sun out of Sunday, laws to force all to go to church, and such other sumptuary measures.

We are told that the Volstead amendment will, soon after the passage of the Willis amendment, be pressed; and therefore I desire to discuss its terms and to show how far these people are willing to go to carry out their purpose of controlling our actions.

Mr. Wayne B. Wheeler, general counsel of the Anti-Saloon League, made before the Judiciary Committee of the House on May 20, 1921, a statement, which appears on page 353 of the prohibition legislation, 1921, hearings, as follows, and I should like Senators to pay especial attention to this utterance.

If it comes to the point where it must be a choice between medicaments for medical preparation and the enforcement of law, I think we must choose law enforcement.

Is it possible, Mr. President, that the health of the people is to be subordinated to a mere social experiment? But these people intend to go much further. The above statement was made at a hearing on the Volstead amendment, now pending before the House, under a favorable report, intended to regulate and control the business of all lawful industries needing alcohol in this country.

But, speaking of law enforcement, what are the laws at present? Under the national prohibition act and according to the Palmer opinion the manufacture of alcohol for industrial purposes and for scientific researches is to be encouraged. The physician may prescribe whisky, wine, and beer in the same manner that he may prescribe arsenic, quinine, calomel, and other drugs, while the commissioner may not permit certain distilleries and brewers to operate and outlaw others. These are the laws. Those who shout law enforcement are violating the law and resisting its plain provisions. Those who, in spite of the plain letter and intent of the national prohibition act and the admittedly correct opinion of Mr. Palmer, are responsible for the refusal to issue permits to citizens entitled to them are those who now cry aloud for law enforcement. If Mr. Wheeler would state the case aright, he should say, "If it comes to a choice between the law and medicaments for medicinal preparation on the one hand and our theory of prohibition on the other, we must choose prohibition," for if, as he says, they must choose law enforcement to medicine, then, as a matter of fact, under the law doctors have a right to prescribe that which it is now sought to prevent them prescribing. Certain prohibition advocates are not satisfied with law enforcement, because they refuse to abide by their own law and are asking for other laws, with the knowledge that they will interfere with lawful, necessary industries and the health of the people.

Aside from the fact that I want to see the present national prohibition law modified so as to permit the use of wine and beer and permit physicians to prescribe whisky, I am opposed to the Volstead amendment soon to be pressed before Congress on economic grounds. This measure, if enacted into law, under the pretext of preventing some pervert from drinking antiseptic extracts, hair tonic, or horse medicine, vests in the enforcement department greater powers than have been conferred on any official in Russia under the Czar or in Prussia under the Kaiser. Think of the billions of dollars expended by our people during the war and since in experimenting and promoting scientific research and in the development of fuel, dyes, explosives, chemicals, pharmaceuticals, flavoring extracts, perfumery, sugars, and other necessary and lawful industries, all of which can not be manufactured without alcohol!

Mr. President, the title of the present law now in force and known as the "national prohibition act" reads as follows:

An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and the other lawful purposes.

The war had demonstrated that this Nation was entirely dependent upon foreign markets for some of the most necessary commodities required by our people both in peace and in war, and therefore Congress wanted to insure an ample supply of alcohol and promote its use in scientific research and industries. Had we before the Great War been attacked suddenly by powerful navies and our communication with the rest of the world interrupted we certainly would have suffered because of the lack of many necessities, and without the free use of alcohol for industrial and war purposes would necessarily have been defeated. Alcohol has played the most important part in scientific discoveries and the development of industry and war activities in all the nations of the world. Naturally the Congress must take that into consideration. We should demand that those who are conducting scientific research in this country and those engaged in industries in this country needing alcohol that have to compete with foreign manufacture have as free and as unlimited quantities of alcohol as are needed. The advocates of new restrictions will answer that the proposed Volstead amendment does that by vesting in the commissioner the discretionary power to decide for each line of business the quantity that is needed. Is that based upon common sense? Will our people enter fields of industry and research, invest millions in enterprises which must have alcohol, and depend upon the whims and caprices of a bureau chief who may at any time decrease or stop the supply of this essential article? The mere statement is absurd. Think how the powers delegated to the commissioner could be used to favor some business concern by allowing it all the alcohol it needs and limiting his competitors! The commissioner can not know what quantity each concern in the same line of business nor what quantity in the different lines of business requires. I know it will be claimed that the amendment now before us, introduced by the junior Senator from Ohio, does not so provide; but the mere introduction of the Volstead amendment and the promise that its restrictions will be urged are enough to intimidate capital and further upset business conditions in this country.

We can not afford to give the commissioner the right arbitrarily to limit the quantity of alcohol that is necessary to scientific research or in the development of great industries. This is contrary to the best interests of our Government and its people. The commissioner could deny alcohol to some; he could favor others; he could deny it to certain localities or States, and destroy the business of some persons or localities for the benefit of other persons or localities.

Mr. President, the business of this country is now disorganized. There is already too much governmental regulation. Why create boards, commissioners, or agents with such unlimited powers? This is a constitutional government. We have a written Constitution. Why not adhere to it? I am sure no honest commissioner would want such powers as are provided for in the proposed bill. One would think that the Volstead amendment had been written by our foreign business competitors.

America, Mr. President, must be permitted to develop. Her scientists and industries must not depend for their existence or profits upon regulations issued by the chief of any bureau or department. I would not even give this arbitrary power to the President without reference to whom he is. Its very enactment will affect capital and business. Business will naturally keep out of fields of enterprise that must every day inquire if the regulations have been changed or the permit under which it is suffered to do business has been rescinded. It is the duty of Congress to enact laws. Let us quit creating czars with full power to regulate, discourage, or suppress lawful business. This Nation needs to encourage business instead of encouraging fanaticism and intolerance.

Mr. President, chemists look upon alcohol as one of the most essential and important materials of their industry. They put it in the same class with sulphuric acid, benzol, or caustic soda. There can be no great development of chemical industry without alcohol any more than there could be a steel industry without pig iron, an electric industry without copper, or a fertilizer industry without potash or nitrogen. The great Napoleon realized the importance of chemistry to the industries. He started the work which made possible the greatest development of all the ages. Germany grasped the significance and importance of applied chemistry and made marvelous progress.

The chief element in that development was alcohol, and now come narrow-minded, intolerant people who propose to the most intelligent legislative body in the world to intimidate, hinder, and harass American capital, brain, and industry under the pretext that occasionally some man, once a proud and free American citizen who toiled and was a real producer, deprived of his liberty and freedom, denied a glass of beer or wine in his home with his family, is driven to drink some cosmetic, hair tonic, or horse nostrum. To save the lives of those few for whose death they are responsible they would treat physicians and pharmacists as criminals, bootleggers, and rum runners, and stop the industrial development of this Nation. While the eighteenth amendment was under consideration they called all the active antis "pro-Germans." What should be said of them when their measures now favor foreign competitors?

Prohibition, Mr. President, can not be classed as a national necessity. It is merely a social experiment, and it should certainly not be so administered as to interfere with the economic needs or the national defense requirements of the country any more than a similar experiment should be permitted to disorganize the working forces or interrupt the production of our factories.

Under existing laws a manufacturer using alcohol is required to submit a sworn application and furnish bond, quantitative formula, sample of product, advertising matter, and so forth. The commissioner can withhold the permit if, in his judgment, the product is fit for use as an intoxicating beverage, and even after issuing the permit he has authority to deal with any article on the market if it violates the limitations prescribed by him in its manufacture. These powers are set forth in sections 4, 5, 6, and other sections of the national prohibition act. Under the proposed Volstead amendment the right granted a manufacturer under the national prohibition act to a review by a court of the rulings of the commissioner as to a change of formula or the canceling of a permit is sought to be repealed. His right to have reviewed the commissioner's refusal to issue a permit is proposed to be retained, but once the permit is issued the commissioner is to be supreme. No court may review the unreasonableness or arbitrariness of his decree changing a formula, canceling a permit, or any other arbitrary action by him.

Another reason for my opposing the proposed Volstead amendment is the fact that, even though the commissioner may not directly limit the quantity of alcohol produced, he may, by limiting the quantity consumed, limit the quantity produced. One of the by-products of the manufacture of sugar is molasses. Fully half of the agricultural people of my State are interested in sugar, and therefore in its by-product, molasses. Beet-sugar producers are also interested. We produce in Louisiana annually millions of gallons of molasses, commonly called blackstrap. Before the molasses was used in the manufacture of alcohol some of it sold at 25 cents per barrel of 50 gallons for stock feed. Later in the season the rest was thrown away. We were compelled to pass laws to prevent its being turned into our rivers, where the fish were killed by it. There are even Federal statutes on the subject. Thirty-five million four hundred and fifty-two thousand one hundred and ninety-three gallons of molasses were used in Louisiana alone for the manufacture of industrial alcohol for the year ending June 30, 1920. I refer Senators to the annual report of the Commissioner of Internal Revenue for the fiscal year ended June 3, 1920, on page 131. Prices for our blackstrap molasses, since it is being used for the production of industrial alcohol, range from 15 cents to 20 cents per gallon. It is easily understood that my people would be vitally affected by the proposed further restrictions on the use of industrial alcohol.

Mr. President, the figures just given show the interest the people I here represent have in not unjustly or arbitrarily reducing the use of an important and most essential article which they produce. Agriculture has been discriminated against to the point that our farmers are discouraged. The young men brought up on the farm are no longer satisfied with conditions on the farm. In order to avoid the drinking by a few of nostrums unfit for beverage purposes, we are asked so to control the manufacture of alcohol indirectly by the arbitrary control of its use for nonbeverage purposes as to interfere with scientific research and the manufacture of necessary articles and at the same time injure the farmer who produces corn, molasses, and other farm products when the farmers are already so unjustly treated that the majority of our people now live in towns and cities.

Mr. President, I believe it is well established that even the present law is too drastic and that its enforcement is a joke. Just as long as our people do not look upon its violation as a crime in itself, it will be a failure. You can not legislate morals into the people. Laws denouncing crimes which the majority of our people abhor and condemn can be enforced; but sumptuary laws which a majority of our people in many sections of the country do not approve can not be enforced.

The present national prohibition act has confidence in no one and trusts no one. The physicians of this country are as high a class of men as are found in any country in the world. Our family physician has access to our home. To him are intrusted many family secrets. We hardly ever hear that one of them has betrayed his patient. They are permitted to administer as drugs the most deadly poisons. The law does not interfere in that; but the law now being considered is intended to make a criminal of the physician if he prescribes any beer at all or if he prescribes more than 1 quart of wine per 10 days. Think of it! The Government assumes that all physicians and druggists in this country are potential criminals, bootleggers, rum runners, and law violators! No wonder the American Therapeutic Society, at its meeting in Washington on June 3, denounced the national prohibition act. I shall read the report of this society, composed of noted physicians and specialists, as reported in the Washington Post of June 4, 1921.

I desire to preface the reading of that by saying that this association has only 100 members and that it does not receive applications for membership, but physicians who attain eminence and become noted in this country are invited to become members. The maximum limit is retained at 100, and there are now 35 physicians of national reputation waiting to be admitted into this organization. What do they say?

After deliberate debate in executive council, the American Therapeutic Society, composed of eminent physicians from all parts of the United States, last night decided to petition the President of the United States, the various committees of Congress, and the prohibition enforcement officer to lay aside all rigid restrictions which now prevent physicians from administering or prescribing alcohol "unless they are branded as potential bootleggers."

Led by Dr. Jacob Diner, of New York City, a specialist on internal diseases, the Therapeutic Society, now assembled at the Arlington Hotel for its twenty-second annual meeting went on formal record as opposed to the manner in which physicians are restricted by the prohibition enforcement officers and adopted a resolution which will be forwarded to the White House and the Capitol some time to-day.

Alcohol is a drug with a definite action, a drug that is useful in many conditions, say the memoranda prepared by Dr. Diner. It is not only useful but it is necessary in the treatment of certain diseases. It is also useful from the surgical standpoint. Be it therefore

Resolved, That physicians and surgeons should have the unimpaired right of prescribing this drug without any foolish restrictions. We do not mean that we approve of liquor prescribing physicians nor do we wish to interfere with or violate the eighteenth amendment to the Constitution of the United States, but we do maintain that no legislative body, or enforcement authority, should limit or hamper a doctor in the legitimate practice or legitimate exercise of his function as a physician.

There have been eminent men of the profession who proved conclusively that alcohol has its beneficial effect on gastric conditions, on the proper function of metabolism—which has to do with the building up and breaking down of tissue—and that alcohol is also beneficial in conditions such as diabetes, sugar in the blood. In many instances alcohol has warded off fatal termination of diabetic conditions.

It is therefore logical that the American Therapeutic Society, composed of men who make their life work the study of preventative medicine, should take action at this time and call upon the President of the United States and the various interested committees of Congress, along with the prohibition enforcement authority, for relief from limitations that are hampering them in the practice of their profession.

Rated as one of the most prominent medical societies in the United States, the American Therapeutic Society has a limited membership of 100 members and a waiting list of 35, it was stated last night by Dr. Noble P. Barnes, of Washington, chairman of the council. No man in the medical profession, it is said, can be admitted to membership in this organization by making application. He must first attain eminence in his profession and then serve a period of what amounts to probation. After that, if he receives the entire 100 votes of the membership he is elected.

I should think that the Congress of the United States should hesitate when men of this caliber, men who comply with such strict qualifications, assemble here and solemnly, in the shadow of this Capitol, demand that the manacles placed around them, which prevent the prosecution of scientific research for the discovery of preventives of the ailments of humankind, be removed; we should at least permit these men to prescribe such quantities of alcohol and as frequently as in their opinion they think necessary. What do we know about whether beer or whisky is a medicine? I should think as a layman that if whisky is a medicine so is beer. They are both very good to drink, and as far as I am concerned that is the only qualification, and I think it is the only qualification all the

Senators have on that subject. They ought to be willing to accept the recommendations of such a class of physicians, which to my mind are equal to those of any other organization of scientific physicians in the world.

The Post continues:

That this organization deems it necessary to take the action it has will cause a stir in medical circles, as this is the first time since the adoption of the eighteenth amendment that any organized society of physicians or surgeons has asked for the abolition of certain features of the prohibition enforcement law.

Mr. President, these physicians are asking that the restrictions under the present law be removed, while at the same time we are asked to put on further restrictions.

Now, continuing the quotation from the Post:

The action followed a symposium on alcohol when papers were read by prominent physicians touching every phase of the subject. Literally John Barleycorn was laid on the dissecting table.

By special invitation Dr. Eugene Lyman Fisk, of New York, delivered a discourse on the relationship of alcohol to modern health ideals. It was after this that the council of the society convened and decided to petition the President and Congress for relief from a condition which Dr. Diner described as one which places the American physician in the class of the potential bootlegger. "We are allowed to prescribe quinine" he said; "we should be allowed to prescribe alcohol without being censured by those who know nothing of the practice of medicine."

At the afternoon session of the society papers were read on various subjects relating to therapeutics by Dr. Thomas E. Satterthwaite, of New York; Dr. James M. Anders, of Philadelphia; Dr. W. Wayne Babcock, of Philadelphia; Dr. E. Bosworth MacCready, of Pittsburgh; Dr. Levin and Dr. John Blake White, of New York.

The American Institute of Homeopathy also met here in Washington last week. It was their seventy-seventh annual session. The Washington Post of June 23, 1921, carries an account of their protest of the restriction of the national prohibition act, now the governing statute, not directed at those acts which are intended to make it more rigid in its application but protesting against the present law. This protest reads as follows:

Branded as an indictment against the honesty and integrity of practicing physicians, the medical restrictions of the Volstead Act are scathingly condemned in a resolution adopted last night by the board of trustees of the American Institute of Homeopathy. Final action of the organization is expected this morning when the deliberations of the board are placed before a delegation of almost 2,000 physicians, representing the complete membership of the Institute.

In a resolution framed a week ago at an executive meeting of the American Medical Editors' Association, and which is herewith made public for the first time, there is an added protest against contemplated restrictions in the supplemental Volstead bill now before Congress. Preliminary to taking action on the resolution the board of trustees of the institute yesterday called upon Prohibition Commissioner Haynes for an explanation of certain details in the enforcement law, asking that some one from the Federal office appear before the board of trustees and clear away some misunderstanding of the law.

They were surprised when Wayne B. Wheeler, of the Anti-Saloon League, came to the meeting and undertook to solve the physicians' problem.

So the counsel of the Anti-Saloon League will come before the committees of Congress attempting to solve this medical question. Naturally he may assume to advise us on the question of medicine after having gone before this body of eminent physicians in order to solve this problem.

The Post article continues:

The resolution was brought before the board of trustees by Dr. Lester E. Siemon, of Cleveland, Ohio. It reads as follows:

"Whereas the medical restrictions of the Volstead Act, together with its various administrative and other interpretations and rules and regulations and enforcements, etc., constitute in some of their effects indictment of the medical profession and harassment of the medical practitioner and the sick, and are obstacles to free pursuit of honest medical judgment and therapeutics and have reacted to the detriment of society and the public health and are opposed to public policy; and

"Whereas some of these restrictions and rules and regulations and interpretations, etc., are not based upon consensus of medical experience and practice and established usage; and

"Whereas it is apparent that they have not been framed and interpreted and administered with full appreciation of all matters involved; and

"Whereas the precedent established by the Volstead Act in restricting medical practice should, if physicians value their therapeutic liberty, be met with a protest that will command attention; and

"Whereas the point at issue is the right of the physician to select his remedy and to decide what doses of these remedies each patient requires; and

"Whereas this issue in no wise affects and has nothing to do with propaganda, either for or against prohibition, but is purely a matter of preserving the necessary right of the physician in the interests of public health and public policy: Therefore be it

"*Resolved*, That the American Institute of Homeopathy protest against further regulation of therapeutic procedure by statute or by administrative interpretation or regulation; and be it

"*Resolved*, That the institute request of the proper authorities a review and revision of such existing statutes or rules or regulations as may be unduly restrictive of the therapeutic judgment and procedure of physicians."

We ask this for the preservation of the necessary rights of the medical profession and in the name of public welfare and wise public policy.

Dr. John B. Sutherland, of Boston, dean of the Boston University School of Medicine, said that it was not the intention of the Medical Institute of Homeopathy to go on record either for or against prohibition; that what interests the physicians attending the convention here is a removal of certain restrictions which actually hamper them in their work and which for the general good of the public should be removed.

It is understood that Mr. Wheeler was given to understand the same thing; that Dr. H. M. Stephenson, of Baltimore, and Dr. Siemon, who introduced the resolution, pointed out to Mr. Wheeler the many obstacles placed in the way of physicians by clerks and inexperienced expounders of the law who sometimes prevent the sick and wounded from having medicine with alcoholic contents.

The Louisiana State Board of Pharmacy on June 21, 1921, adopted the following resolution:

LOUISIANA STATE BOARD OF PHARMACY,
Hammond, La., June 21, 1921.

Hon. EDWIN S. BROUSSARD,
Member of Senate, Washington, D. C.

DEAR SIR: Believing the passage of H. R. 5033 to be detrimental to the pharmaceutical profession of this State, we ask your kind and careful consideration to the following resolution recently passed by our board:

"Resolution.

"We, the Louisiana State Board of Pharmacy, enter a protest, collectively and individually, and as representatives of the pharmacists of the State of Louisiana, against the passage of H. R. 5033, on the ground that it would seriously hamper, if not destroy, the retail drug and pharmaceutical service, indispensable to the public. Many other good reasons for the defeat of this bill could also be given. We trust that you use your influence to defeat this bill, which 2,500 pharmacists of Louisiana protest against."

Respectfully submitted.

LOUISIANA STATE BOARD OF PHARMACY,
J. E. GUESS, *Secretary.*

Of course, paid experts of the Anti-Saloon League claim alcohol has no medicinal properties, but unless they so testify they would not be in the pay of this organization. The fact remains, Mr. President, that while the present amendment is being discussed here, and the Volstead amendment is ready to follow it here from the House, these prominent physicians and pharmacists are denouncing the national prohibition act, demanding that they be not restricted and interfered with. If the present laws are already too rigid and restrictive, I ask Senators, Why pass this measure, to be followed by the Volstead amendment?

George Washington said:

The foundation of our Government is laid in private morals.

Certainly, Mr. President, the only security of this Government to-day is the good morals of its citizenship. A government which enacts laws that can not be enforced except with bayonets will soon cease to be a free government. No law which brands half of its people as criminals can retain the respect of its entire people and the world. Many of our best people, including the present President of the United States, do not regard prohibition as a moral question. Neither did President Wilson, who could not give his consent to the laws now on our statute books, and therefore vetoed the national prohibition act. Therefore, the enactment of laws so stringent as to deprive a man of his right to do that which is not a crime per se makes him critical of the wisdom of his government and tends to breed contempt of the law. Many people think that such methods breed discontent and even anarchy. Witness what Mr. Van Buren has to say on this subject. No man or woman is better able to judge of the facts than Mr. Van Buren, who yesterday severed his connection as chief counsel to the enforcement division. I read from an editorial which appears this morning in the Washington Post:

"PROHIBITION ANARCHY."

The statement issued by Alfred D. Van Buren in resigning his position as chief counsel to the Federal prohibition commissioner should serve as a warning to those in authority and cause them to stop and consider carefully the laws and regulations for enforcement of the eighteenth amendment. When Mr. Van Buren says "the country is drifting to prohibition anarchy" he makes a very important assertion, considering his opportunity to gain information.

Mr. President, I believe that newspaper has discharged a duty in carrying this item on its editorial page this morning. As I said at the beginning of my remarks, this one question is agitating the American people to a greater extent than that of any other of the issues which have been discussed in the Senate. There is no man or woman anywhere in the world in a better position to give an honest, sincere, and truthful opinion concerning conditions in the United States with reference to this particular measure than Mr. Van Buren, who was the chief counsel to whom all these laws were sent for interpretation and to whom all questions of violation were brought, who has resigned and severed his connection with that department and said the American people should take warning, because these laws are bringing about prohibition anarchy.

I fully agree with him in that statement for two reasons—because I think he is the best-equipped man to speak upon the subject, and because it has been in my opinion the tendency of the Government to restrict too much and to interfere too much with the rights of the people.

This opinion is held by some of our foremost citizens. In my State, Chief Justice Monroe, of the Supreme Court of Louisiana, our highest court, recently expressed himself in the public press as follows:

Be sure you do not misunderstand me. By no means do I favor the open saloon. I think to the extent that the eighteenth amendment drove from America the open saloon it is a good law; but when it went further and declared a citizen could not purchase a bottle of wine or beer to take to his home and drink there, to that extent it is an infringement upon the liberties of the people.

Justice Monroe has a record of 45 years of consecutive judicial service, 22 years of which he spent on the State's highest bench. He is the present chief justice, is vigorous, and one of the best jurists of this Nation.

The present law I would call the poor man's prohibition. There is not a village, town, or city in the United States where one with money need deprive himself of liquor. The fact that those with money can get all they want, while the poor man can not afford it and must do without it, has caused more discontent in this country than any other cause. Mr. Van Buren corroborates that statement. But the fact remains that many people who did not previously drink whisky are now drinking it. Millions are manufacturing it.

We know that conditions such as are recently reported in the New York Times as having been made by Mr. Don V. Parker, prohibition commissioner of Ohio, are the same in every State. Mr. Parker is quoted as saying that in Ohio two years ago there were less than 100 stills in operation, but he now concedes that a conservative estimate of the stills in that State would place the number at 50,000 active stills. He also admits that with only 200 breweries two years ago, there are now hundreds of thousands. The conditions in other States are not different from those reported in Ohio.

Prohibitionists are idealists who imagine that they can stop the drinking of alcoholic liquors altogether. In order to enforce laws that are too arbitrary and drastic they demand the appropriation of millions of dollars. But, Mr. President, Congress should understand that unless we liberalize the present law, no amount of money can enforce the law. If the Congress which is vested with the power to define what is an "intoxicating liquor" would so modify the law as to permit the use of beer and wine, the bootlegger, with his customary bad whisky and his often fatal poison, would immediately disappear, because most people would be satisfied with beer and wine at meal times and an occasional indulgence with their refreshing effect between meals.

Mr. President, while our people are groaning under extremely heavy taxes and we are devising new taxing schemes to levy taxes for the next year upon our already distressed people amounting to a per capita tax of $50 we should stop wasting the people's money on spies who, while enforcing the law as against the common people, are in too many instances cooperating with bootleggers and are making millions in the disreputable trade. Think of levying a tax of $50 for next year on every man, woman, and child, and then tell me if we should appropriate millions for officers who in many cases are parties to the violation of the law they are paid to enforce. Such a situation is a national disgrace and scandal. I would like to have the whole system of enforcement since 1919 exposed. The graft, murders, and other crimes committed since prohibition, to my mind, exceed all the crimes charged against liquor previous to prohibition.

Mr. President, I think it was for good democratic principle that our boys fought and died in the World War. Who dares deny the people of the respective States the right to govern themselves? Local self-government is the best yet devised. Under that imperishable principle we have grown strong, powerful, rich, and great. It is my opinion that we should permit the respective States to settle this vexed prohibition question. We should all be willing to abide by the wishes of the majority in our respective States. For that reason I shall propose a substitute for the present bill. Congress clearly has a right to say what is an "intoxicating liquor." I propose that we permit the people of the respective States, by referendum, to fix whatever alcoholic content it pleases, provided it does not exceed 5 per cent for beer, ale, and porter, and 14 per cent for wines. Of course, this could not affect the States that desire to continue bone dry, but it would give an opportunity to the people living in wet States to permit the legal sale, under State supervision, of beer and wine. Beer and wine, Mr. President, are never bootlegged around. They are too bulky for that purpose.

The effect of such a law would be most beneficial. We would all feel that we had had restored to us the absolute right to govern ourselves. People would decry the law much less, and those having the right to sell beer and wine would see to it that the illicit purveyor of bad whisky would be apprehended. It would, moreover, bring a very handsome revenue to the Government and the States which permitted the sale of beer and wine.

Mr. President, the Congress might just as well look upon the question in a practical way. Had it done so originally, I am sure that reasonable enactments would have had the support of many good citizens in its enforcement who now have perfect contempt for the present law on the subject and less respect for the Government. The Congress enacted the Mann Act, known as the white slave law. This law denounced the doing of that which is also denounced by the moral law. Have the large organizations back of the prohibition movement ever asked for a special bureau, with thousands of employees and millions of dollars, to enforce that law? I think not. There are statutes denouncing rape, murder, arson, and such other detestable crimes, which are crimes per se. Have these great moralists and uplifters ever asked for millions to enforce these laws? I think not.

Therefore, Mr. President, if it requires a large, special force to enforce the national prohibition act, it is because its terms are too drastic. Let us liberalize the law and there will be no more trouble. Let us return to the good democratic principle of local self-government. It is the anchor of our security and hope for future welfare and greatness.

Let us substitute for that bill one which I have taken from a bill introduced in the House by Mr. KINDRED, and which I send to the desk for the purpose of having printed and placed on the desks of Senators. I shall not read it at this time for that reason, but I introduce it and would like to have it printed and a copy placed on each Senator's desk.

The PRESIDING OFFICER (Mr. FERNALD in the chair). Without objection, the proposed amendment will be received, referred, and printed.

The amendment submitted by Mr. BROUSSARD, in the nature of a substitute intended to be proposed by him to the bill H. R. 7294, supplemental to the national prohibition act, was referred to the Committee on the Judiciary, ordered to be printed, and to be printed in the RECORD, as follows:

That section 1 of title 2 of the national prohibition act is hereby amended by adding at the end of said section the following:

"*Provided, however,* That the above construction of the word 'liquor' or the phrase 'intoxicating liquor,' so far as it relates to beer, ale, porter, and wine, shall not apply in those States which through a referendum vote shall adopt a different construction for the word 'liquor' or the phrase 'intoxicating liquor,' and any State may, through a referendum vote of the people, place such construction upon the word 'liquor' or the phrase 'intoxicating liquor' as shall not include within the operation of this act beer, ale, and porter up to 5 per cent alcoholic content by volume and wine up to 14 per cent alcoholic content by volume, and the Federal Government hereby concurs in such construction, said referendum to be placed upon the ballot at any special election for that purpose called by the governor of any State, or at any State or National election whenever the governor of such State, in his discretion, may so direct or whenever 15 per cent of the voters of such State shall so petition the secretary of state of such State at least 30 days before said election."

Mr. BROUSSARD. This is precisely the bill introduced in the House by Congressman KINDRED, except that 14 per cent is inserted instead of 10 per cent for wines. Many Senators representing dry States will not vote for this substitute, but what reason or excuse can they give to deprive people of other States of the right to have beer and wine or to say that a physician shall not, when necessary, prescribe more than a pint of whisky per 10 days? I hope at the proper time that this body will substitute the measure which I have sent to the desk for the one which has passed the House.

Senators, in conclusion I desire to say that my idea about this question is that it is impossible to enforce any such laws unless the great majority of the American people are in favor of them heart and soul, and are willing to denounce it as a crime in itself to drink a glass of beer or wine. If you come to the conclusion that you can liberalize this law, I am satisfied that every person in the United States will be actively at work to try to enforce the prohibition law; but, up to this time I think it has been a failure.

During Mr. BROUSSARD's speech,

The PRESIDING OFFICER (Mr. LADD in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1806) to further amend the interstate commerce act as amended, to provide for seasonal rates for the transportation of coal.

Mr. KENYON. Mr. President, I should like to ask the Senator from New Jersey [Mr. FRELINGHUYSEN] having charge of the unfinished business if he would not be willing to lay it aside temporarily so that we can continue the consideration of the maternity bill. I wish to appeal to the sense of fair play of the Senate. The maternity bill over a week ago was made a special order of business for 1 o'clock to-day. I realize that Senators have to take chances under the rule. Upon my motion the bill was brought up for consideration a little before 2 o'clock, so that we had some time for its consideration; but the whole hour has been taken up in the discussion of another subject. It does seem that we ought to have an opportunity at

least to have that hour for the consideration of the maternity bill.

Mr. FRELINGHUYSEN. I do not wish to interrupt the remarks of the Senator from Louisiana [Mr. BROUSSARD].

Mr. KENYON. I do not desire to do so either.

Mr. FRELINGHUYSEN. I am disposed to withhold my answer to the request of the Senator from Iowa until after the Senator from Louisiana shall have concluded his speech.

Mr. KENYON. Very well.

After the conclusion of Mr. BROUSSARD'S speech,

ENROLLED BILLS SIGNED.

The VICE PRESIDENT resumed the chair and announced his signature to the following enrolled bills, which had previously received the signature of the Speaker of the House of Representatives:

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children;

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River in Muskogee County, Okla.; and

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. SHIELDS. Mr. President, the bill under consideration, the unfinished business, to amend the interstate commerce act concerning the transportation of coal, is not, in my opinion, very important since the Interstate Commerce Commission, as I believe, has under existing laws the powers now proposed to be conferred, and a duplication will only bring about more or less confusion.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from Tennessee yield?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from New Jersey?

Mr. SHIELDS. I yield.

Mr. FRELINGHUYSEN. I do not want to interrupt the Senator, but I desire to say that his opening statement is directly contradicted by the chairman of the Interstate Commerce Commission, who has written a letter to the Interstate Commerce Committee stating that the commission do not believe that they have the authority at the present time.

Mr. SHIELDS. There is where the gentleman quoted and I differ, which leaves the matter just where it was.

There is another bill upon the calendar—Senate bill 1807, entitled "A bill to aid in stabilizing the coal industry"—also introduced by the Senator from New Jersey [Mr. FRELINGHUYSEN], to follow the pending measure, which is far-reaching in its many drastic provisions and of very great importance.

The provisions of Senate bill 1807 practically provide for governmental operation by departments here in Washington of the coal industry in the United States.

They establish a system of espionage upon and interference with the production, transportation, and sale of coal, which will deprive the owners of the control and free use of their properties and the employees of their freedom of contract and employment.

They will interfere with the domestic affairs and police powers of the States, and the administration of the system will call for appropriations to be paid by unwarranted taxation to maintain a large force of Federal employees.

There are other Senators who will analyze this bill and discuss fully the constitutional and economic objections to it. What I have to say will be directed against the general principles involved in legislation of this character, much of which is now flooding the Congress.

Mr. President, concentration of all the powers of government in the Federal Government at Washington, destroying and devitalizing the State governments, and paternalistic and restrictive laws hampering the rights of personal liberty, freedom of action and contract, and control of private property, are the greatest dangers which threaten our liberties and the perpetuity of our free institutions.

The people who settled the thirteen original States came from western and northern Europe, chiefly from Great Britain and Ireland, some from France, Germany, Holland, and Scandinavia. They were a sturdy, brave, indomitable, liberty-loving, and God-fearing people. They came for the purpose of enjoying personal liberty, freedom of worship, and becoming property owners and acquiring homes. They brought with them the great principles of local self-government, which their forefathers had exercised from earliest recorded history, and made them the foundation of the Commonwealths they established. They builded upon the great fundamental American principles of individual liberty, religious freedom, private property, and the enforcement of law. Theirs were "governments of law and not of men."

These inviolable rights and principles of government were reestablished by the War of the Revolution; they were proclaimed in the Declaration of Independence, and are preserved and guaranteed in our Federal and State Constitutions; they are the principles which distinguish the American Government from all other Governments of ancient and modern times. The American people, under their influence and protection, have become the greatest, the most powerful, the richest, and the most enlightened people in the world, and have transferred the seat of civilization and progress from the Old World to the New World.

We have no cause to fear a foreign enemy. There is no foreign Government that can conquer and subdue America. The whole world was astonished when in the recent war we raised and placed in the field armed and equipped for battle with ample supplies 4,000,000 men, transporting 2,000,000 of them 3,000 miles across the ocean, and provided a formidable Navy, all within a limited time. We so demonstrated our great resources of man power and wealth and our ability to marshal them when needed, and the splendid efficiency, fortitude, and courage of our soldiers, that no nation will ever dare attempt to invade our country or conquer our people. The dangers which threaten our institutions come, I regret to say, from forces within our gates.

When the American Colonies won their independence from Great Britain there were 13 separate, independent, and sovereign States. They were not separately strong enough to resist foreign foes, and, for the common defense and to promote the welfare of all, they formed a Union and created the Government of the United States of America, a Republic composed of sovereign States. They adopted a Constitution by which they delegated to the Federal Government all the powers necessary to carry out the purposes for which it was created, and by express provisions of that Constitution all other powers of government not so delegated, with certain restrictions, were reserved "to the several States and to the people." The powers of the Federal Government extended to all foreign affairs, the national defense, commerce between the States and foreign nations, with the power through Congress to legislate and impose taxes for these purposes. The States and their people reserved to themselves the power to control all of their internal and domestic affairs through and by their local governments, fully preserving the right of local and self-government which our forefathers cherished above all things. The proceedings of the constitutional convention show the determination of the several States that there should be no interference with the integrity of their governments in local concerns.

There are in the United States groups of men, some in high places, who would have all power concentrated in the Federal Government. They are the successors of the old Federalists, led by Alexander Hamilton, who would have destroyed democracy and government by the people but for Thomas Jefferson and his devoted followers.

There is no proposition to effect this concentration by constitutional amendment or direct legislation, but it is being effected by numerous measures assiduously and persistently pressed which inevitably will lead to the control of all local and internal affairs of the States and of the people by the Congress of the United States, exercised chiefly through the multitudinous departments and bureaus created and established at Washington, under rules and regulations made by them having the force of law, presided over by chiefs and clerks, in whose selection the people have no voice and who have no intimate knowledge of local conditions and the interests and necessities of the people, often acting hastily and unwisely and always autocratically. Laws are constantly proposed which, if passed, will collectively produce these intolerable conditions.

The States, if this continues, will gradually be deprived of all their powers and reduced to mere provinces or geographical divisions, with no more dignity or power than our counties, and sovereignty will have passed from the people. If these un-American and unconstitutional measures are not checked, the bureaus at Washington will be directing and controlling our schools, the marriage relations, boards of health and sanitation, internal commerce, banks, our markets, highways, railroads, and other public utilities, labor, industries of all

kinds, primary and general elections, coal production, water-power development, and every other thing of local concern now legislated for by our general assemblies and regulated by our county and municipal authorities.

Bills are proposed and some put through Congress which years ago would have provoked protests from the governors, the general assemblies, and the people of every State in the Union because of their violation of the rights of the States. It is now for the people to determine whether they wish to maintain the State governments and the control of their local affairs through officers elected by and responsible to them or allow them to be usurped by the Federal Government and administered by appointed clerks unknown to them. I have no time to go into the details of these measures, but I have not exaggerated what is going on or what may eventually happen to our State governments and the people.

I do not mean to charge that the Members of Congress supporting these various and different measures have in mind the concentration of all powers in the Federal Government, but they must know the certain tendency of each separate measure, and that the inevitable result and effect of all of them will be the destruction of the States and local government.

There are now constantly proposed paternal laws and restrictions on personal liberty, business, and property rights which, if enacted, will destroy individual freedom of action and of thought, the characteristics that have marked our people from their earliest history, and without which civil and religious liberty can not survive. They will no longer be the sturdy, self-reliant, and independent people, thinking and acting for themselves, having convictions with the courage to maintain them, who threw off the yoke of the King of Great Britain and established this great and free democratic Republic in the wilderness.

These measures are generally sugar-coated with appropriations and ingeniously disguised in the clothing of something apparently beneficial, but valueless, without individual freedom and the right of people to govern themselves. They frequently disclaim interference with the powers of the States in the face of the fact that such interference is apparent and the measure would otherwise be inoperative. The argument generally made that a measure is meritorious affords no justification for invading the jurisdiction of the States. The States can exercise all powers vested in them. That they fail to do so is no excuse for usurpation. Neither neglect nor consent of the States can extend the powers of Congress.

These paternalistic and restrictive policies will also destroy individual initiative and energy which are so necessary to good citizenship and to free and independent government.

The great discoveries and inventions that have opened up new fields of improvement, elevated human thought and action, and advanced civilization have been made by the private judgment and creative power of bold and able individuals. There will be no incentive to industry and economy.

No nation has achieved greatness and prosperity which did not recognize the rights of private property. Civilization has been more than once almost destroyed by restriction of these rights.

No country, whatever its natural resources or the character of its people, can long exist without freedom of individual action and the protection of the right to acquire and enjoy private property, created by the industry and saved by the frugality of its people.

Destroy these rights and you abase the people and destroy the Government.

The whole can not be greater than its parts, and a nation can not be greater than the people who compose it. The final result of paternalism will be autocracy, despotism, tyranny, and anarchy.

Mr. President, the great corporations, public and private, should be confined in their activities to their corporate purposes and powers, and those whose business is of a public nature should be regulated to prevent injustice and oppression. All combinations in restraint of commerce and conspiracies to destroy competition and control prices should be suppressed and unfair practices in trade should be prohibited and punished. We have laws which are ample for these purposes, if vigorously administered, and which can be supplemented if necessary. I believe in these laws and their rigorous enforcement, but I do not believe in espionage and restrictions upon individuals in their private affairs and the shackling and embarrassment of the business of the country by commissions, bureaus, and insolent and autocratic agents. I want now to enter a solemn protest against all this iniquitous legislation.

It is a singular fact, Mr. President, that those who favor laws destructive of the powers of the States, wittingly or unwittingly, have adopted some of the same policies and sinister means which have been advocated for the overthrow of the sovereignty and independence of the Federal Government. It will not be out of place to refer to some of those policies.

There are some people in Great Britain who have never ceased to regret the separation of the United States from the British Empire; and wild and visionary as it may seem, they and some of their sympathizers in the United States' still cherish the hope that we will return to British allegiance.

Cecil Rhodes, the great Englishman, who acquired fabulous wealth mining diamonds in South Africa and who brought a vast domain in that country under the dominion of Great Britain, had this dream and believed it could be realized. In his first will, made in 1877, he provided an enormous trust fund to be used in the establishment and promotion of a secret society for the extension of British rule, and expressly, quoting the will, "for the ultimate recovery of the United States of America as an integral part of the British Empire." You all know that he created a great trust fund to establish scholarships in English universities, through which a large number of American youths would there be educated, the real object being that they might be inoculated with British policies, including that of the extension of the British Empire to all parts of the world, which they are expected to advocate and work for final consummation when they return to America.

Andrew Carnegie, the great ironmaster, a British subject, who made hundreds of millions of dollars in this country and finally returned to spend much of it in Scotland, his native land, was in full accord with Cecil Rhodes in believing that British rule could again be extended over the United States.

In an article published in the North American Review for June, 1893, over his own signature, in furtherance of his desire for "British-American union," as this scheme has been styled, he wrote as follows:

> Let men say what they will, I say that as surely as the sun in the heavens once shown upon Britain and America united, so surely is it one morning to rise, shine upon, and greet again the reunited State, the British-American union.
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> * * * * * * *
>
> National patriotism or pride can not prove a serious obstacle in the way of reunion.
>
> * * * * * * *
>
> All party divisions sink into nothingness in my thoughts compared with the reunion of our race.

Mr. Carnegie adopted the means of Cecil Rhodes for "the reconquest of America," and to carry out his desire to restore America to the British Empire created a foundation with the enormous trust fund of $10,000,000, yielding an annual income of $500,000, as a peace fund, established a discretionary endowment pension fund of nearly $20,000,000 for college professors, contributed to public libraries throughout the United States, and otherwise used his enormous wealth so that its influence might permeate every part of the country, the beneficiaries being expected to embrace and advocate his views.

These appeals of Mr. Rhodes and Mr. Carnegie to the cupidity of the professors of our colleges and the teachers of our schools and the aspiring youths of our country, like some now made by the new Federalist, offering bounties and scholarships, are an insult to their intelligence, love of individual freedom, patriotism, and their loyalty to their State and their country.

I do not believe that the people can be thus deceived and debauched. They will not sell their birthright for a mess of pottage. They are not mendicants, and seek not charity enforced by law.

Those who think must know that the proposed appropriations in various measures before Congress will be paid out of their own money collected from them by taxation. The Federal Government has no other source from which to obtain the money for these or any other purposes. The Federal tax collector is now too frequent a visitor at our doors. Again, taxation for such purposes is without constitutional authority and a usurpation of power.

Mr. Rhodes and Mr. Carnegie both gave as the moving object of the great trusts established by them the alluring cause of international peace, arguing that if all the English-speaking countries of the world were united into one great empire—of course, the British Empire—it would be so powerful and irresistible that it could command and enforce peace among all nations, and I may say a British peace for the advantage of British people and British commerce.

We all want the great English-speaking nations to remain on terms of the best of friendship. War between them would be horrible and is inconceivable; but we want no British-American union.

We all want peace and to alleviate the sufferings of humanity and promote progress and civilization, but we can not and will

not sacrifice our traditions, our love and veneration for the valor and achievements of our forefathers, the form and the sovereignty and independence of our incomparable Government. Greater calamities than war can befall a nation.

A nation without traditions and without national pride and love of country can not long remain free and independent.

Mr. Rhodes and Mr. Carnegie, to their credit, proposed to use their own money in promoting British imperialism in this country, but those who would destroy the State governments propose to debauch the people with their money, wrongfully wrenched from them by increasing taxation, now almost too great for them to stand.

We owe equal allegiance to the Federal Government and our States. Their powers and jurisdiction are separate and distinct. There is no conflict in them. Each is supreme in its constitutional appointed sphere. We must uphold and support both with equal sincerity and loyalty. Those who would take away from the States their reserved powers are just as disloyal and unpatriotic as those who would favor a British-American union and the surrender of the sovereignty and independence of our country, and should receive the same measure of condemnation from the people.

There is but one calamity that can befall America greater than the practical destruction of the governments of the States, and that is the destruction of the Federal Government. Those who would strip the States of their constitutional powers do not seem to realize that they are destroying one of the fundamental and essential parts of our dual form of government. We can not have an "indestructible union of indestructible States" without the States.

Mr. President, we must love and defend our Constitution as we do our flag, for without the Constitution it must be hauled down. This great charter of our liberties should be better understood by our people; it should be studied in our schools and its provisions explained and impressed upon the young women and the young men of the country. Public speakers addressing commercial and business organizations should give it their attention. I do not believe there would be any impropriety in discussing it in the pulpit.

Cardinal James Gibbons, who for his piety, patriotism, and love of justice commanded universal respect, said:

> Next to the worship of God, no higher duty lies within the range of clerical obligations than that of stimulating patriotism, which consists of ardent love of one's own country and the protection and perfection of that country's policies and civil institutions of the willingness, in deed and eagerness, to maintain and perpetuate those institutions, if need arises, at the risk of and even the sacrifice of life itself.

The maintenance of the integrity of the Constitution is necessary to the preservation of the American Government, the great fortress of civil and religious liberty. When it falls, civilization and free government will perish from the face of the earth, and with it will go the Christian religion. Surely in averting such a calamity we serve God. I should like to see the American people united in their love and their defense of every line of the Constitution, as they are in every star and every stripe of their flag.

I believe in the integrity and permanency of our institutions, and that our Constitution will carry us through all the dangers that may threaten and all the assaults that may be made upon our country and Government. I have too much confidence in the patriotism and ultimate sound judgment of the American people to doubt this, but we must meet all the enemies of our Government under whatever guise they may approach us. It is just by such gradual and insidious means as those to which I have referred that Republics are destroyed, and free people lose their liberties.

Let us call a halt upon this course of demagoguery and usurpation and have the courage to go back to the Constitution and the Republic of the fathers.

PROTECTION OF MATERNITY AND INFANCY.

Mr. KENYON. Mr. President, I am going to ask the Senator from New Jersey if he is willing to lay aside the unfinished business in order to give the bill known as the maternity bill the fair opportunity which it impliedly, at least, should have had under the order making it a special order?

The entire hour under which that bill would have been considered as a special order was taken up by a speech on the Volstead Act. Of course that is permissible under the rules of the Senate, and I am the last one to complain; but I do suggest that where a matter is made a special order there is at least an implied agreement of fair play that there should be some consideration of the bill.

Mr. FRELINGHUYSEN. Mr. President, yesterday when the Senate adjourned I felt that we should have recessed, that this question of the coal bill should be settled, either that it should be defeated or that it should be passed. A great deal has already been said on the subject, and I think all that can be said has been said; but dragging along in this way is not my idea of legislation. If the votes in this Chamber are against this bill, let us vote on it, and either pass it or kill it, but let us have action.

I can not yield to the Senator from Iowa. I must object, and try to get a vote on the coal bill.

Mr. KENYON. When does the Senator expect to get a vote?

Mr. FRELINGHUYSEN. Last night I moved an adjournment in order that the Senator might have a chance with his special order to-day——

Mr. KENYON. The Senator realizes that I have not had that chance.

Mr. FRELINGHUYSEN. And I am perfectly willing to-morrow to move an adjournment again in order that he may have another opportunity, but I must insist now that the Senate go on and attempt to decide whether they are going to pass this coal bill or defeat it. I think that is a consideration which is due me and due the committee of this body that I represent.

I know that there are certain Senators who wish to speak on the bill, and I have tried to arrange matters so that they would have the opportunity; but other measures have come up, routine business, and I have tried to be agreeable and yield to every Senator on this floor. I believe that this measure is of vast importance to the American people. I believe that it involves the question as to whether we shall have a supply of coal next winter or not. I believe that if these powers are promptly given to the Interstate Commerce Commission it will induce a movement of coal which will prevent a shortage next year. There may be others who disagree with me, but that is my belief from a study of the situation. Therefore I think that if we act we should act quickly and either pass this bill or defeat it, but not drag along with other matters, putting other measures—probably equally as important—ahead of it, but getting nowhere with this bill.

Therefore I am forced to object.

Mr. KENYON. Mr. President, of course, I can find no fault with the Senator; he is always fair. I think it would be fair that we be given the same status to-morrow, or even a better one, with this bill, in order to have a chance to discuss it. I hope the Senator will soon reach a vote on his coal bill. The movements are somewhat suspicious about it, and I doubt if he is going to reach it as soon as he expects, and the weather is not conducive to hurrying about a coal bill. I ask unanimous consent that Senate bill 1039 be made, under Rule X, a special order for to-morrow at 12.30 o'clock.

Mr. REED. Mr. President, I do not want to object to the request. I myself have had no opportunity to examine this bill, and I think there are a great many other Members of the Senate who have not. It is a bill that is somewhat revolutionary in its character. As nearly as I can catch the spirit of it from a hurried reading, it proposes that we shall go out to teach the women of the United States how to raise their babies, and do that through a Government bureau. There may be some merit in the bill, but I do not want to see a bill of that kind rushed through the Senate without consideration.

Mr. KENYON. A similar bill passed the Senate at the last session.

Mr. REED. Yes; many bills have passed the Senate which never should have been passed.

Mr. KENYON. I am not asking to have it passed, but I am asking to have consideration of it.

Mr. REED. Here is the situation: We are driving along here with committees in session transacting the most important business, and at the same time we are driving along with legislation of a revolutionary character, and we are conducting business frequently with only a few Members of the Senate present, although nearly all of them would like to be here. To-morrow there is to be a hearing before the Finance Committee, at which the Secretary of the Treasury is to appear, and, I presume, advance his reasons for the bill that has been introduced which has to do with all our foreign loans, a subject of the utmost importance. I know the hearing will hardly be concluded by 12.30 o'clock; it is very likely to take the greater part of the day, and it may take all of the day. I want to be present at the hearing, and I am sure the other members of the committee want to be present, and I certainly want to be present when we take charge of the rearing of the families of the United States. I want to understand that scheme, and I hope the Senator will not ask us to come to a unanimous-consent agreement. I do not like to say that I will bar any request of the Senator——

Mr. KENYON. The Senator knows, I think, that the bill was made a special order for to-day. That does not mean a vote;

it means a chance to consider it, and the time for the consideration of the bill expires at 2 o'clock, because then the unfinished business is taken up. The full hour to-day was taken up by a discussion of the Volstead Act. I simply say, as a matter of fair play, that we should put ourselves to-morrow practically where we were to-day. The Senator knows we are not going to push anything contrary to his desire. I do say that we are going to push this bill along with what reasonable speed we can, but we are not going to take from any Senator any rights. I am going to move to take it up every time I get the opportunity. I am going to try to have it made the unfinished business eventually.

Mr. REED. When the Senator gets it made the unfinished business, then, of course, we can all expect to be here; but I put the question about to-morrow morning. The Senator wants to have it made a special order for to-morro · morning.

Mr. KENYON. I want to make up the time we lost to-day.

Mr. REED. And this committee meeting is coming on. Many Members of the Senate, I think 15, are on that important committee, and that is work which can not or ought not be neglected.

Mr. KENYON. There are other Senators who want to discuss the bill besides the Senator from Missouri.

Mr. REED. I want to hear the discussion. I really want to know why it is that——

Mr. KENYON. We have discussed that phase of it briefly this morning.

Mr. REED. I want to know why it is proposed to supplant the discipline of our mothers, or to teach the ignorant mothers of America how to raise their babies by a bureaucratic rule. I am interested in it. I may be wrong. I am always willing to be convinced.

Mr. KENYON. I have noticed that. All I am asking is that the bill be given the same status to-morrow that it had to-day. If the Senator wants to object——

Mr. REED. I do not like to object.

Mr. KENYON. I will move that Senate bill 1039 be made a special order for to-morrow, Wednesday morning, at 12.30 o'clock, and I shall take no advantage of the Senator if he can not be here.

Mr. REED. Mr. President, I shall have either to ask for a roll call on the motion or make a point of no quorum. I ask for a yea-and-nay vote.

Mr. FRELINGHUYSEN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. FRELINGHUYSEN. I inquire of the Chair whether a motion of this character, if it prevails, does not displace the unfinished business?

Mr. KENYON. Rule X expressly provides that it shall not.

Mr. UNDERWOOD. Mr. President, if the Chair will hear me just a moment, I would like to make a suggestion. Of course, the Senator from Iowa would have a right, under the rule, to move the present consideration of Senate bill 1039, the so-called maternity bill, and that would settle the question as to whether the Senate preferred to continue the discussion of the coal bill or take up the maternity bill. That motion would undoubtedly be in order. I say to the Senator from Iowa that if he will move to take up his bill in preference to the bill now pending in the Senate, for one, I would vote with him. So I am not adverse to his position. If he wants to displace the coal bill and take up his bill, I will vote to help him do it.

But it seems to me, Mr. President, when we have before the Senate the unfinished business after 2 o'clock, it is not within the rules of the Senate, or within the order, to stop the unfinished business to proceed to fix a date, by motion, for the consideration of other bills. Of course, it can be done by unanimous consent; there is no question about that; or it could be done in the morning hour to-morrow morning; but I do not see how we can take up a motion to give a calendar right to a particular bill in the midst of the consideration of the unfinished business without entirely destroying the unfinished business status, because if you can do it in one instance you can do it in others, and shortly the hour after 2 o'clock would become a time when Senators who desire to have special orders made would inject their special orders in the midst of the regular business of the Senate, and proceed to move the adoption of special orders when the Senate was considering its daily work.

I do not say that in opposition to the consideration of the bill the Senator is urging, because, as I said, if he will make a motion to take up his bill, I will vote with him to take it up now. But I do not like to see a precedent established which might seriously interfere with the business of the Senate in the future.

Mr. FRELINGHUYSEN. May I ask the Senator from Alabama whether his willingness to vote to displace the coal bill is because he is opposed to the coal bill?

Mr. UNDERWOOD. I may have a double purpose. I can assure the Senator, if he wants to know my attitude on the coal bill, that I think it is a very bad bill. I believe there is no doubt about that.

Mr. FRELINGHUYSEN. I believe the Senator expressed himself in like manner yesterday.

Mr. KENYON. I make the inquiry if my motion is in order.

The VICE PRESIDENT. The motion was made by the Senator from Iowa, the Senator from New Jersey having yielded. The Chair does not understand the Senator from Alabama raises a point of order.

Mr. FRELINGHUYSEN. Mr. President, I ask a ruling on my inquiry, as to whether it will displace the unfinished business, in the opinion of the Chair.

The VICE PRESIDENT. The unfinished business will come up at 2 o'clock.

Mr. REED. Mr. President, is it not the rule that a motion of this character, which is to take effect in the future, must lie over for one day?

The VICE PRESIDENT. The Chair does not know any such rule.

Mr. REED. I do not care to argue it; I was merely making the inquiry.

The VICE PRESIDENT. Under Rule X any subject may be made a special order by a vote of two-thirds of the Senators present.

Mr. REED. The point I make is that the unfinished business being before the Senate, if this motion to take up another bill to-morrow morning is now entertained, it ipso facto displaces the unfinished business at this time.

Mr. STANLEY. Mr. President, a parliamentary inquiry. Is there not an amendment to the bill now pending before the Senate?

The VICE PRESIDENT. There is an amendment pending.

Mr. STANLEY. I ask for a vote on that amendment.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa, no point of order having been made.

Mr. KENYON. As I understand, the Chair has held that the motion I have made is in order.

The VICE PRESIDENT. The Chair understands no point of order has been made against it.

Mr. KENYON. I ask for a vote on my motion.

Mr. FRELINGHUYSEN. The ruling of the Chair is that if the motion prevails, and the order is given for the special order for the maternity bill to-morrow at 12.30, at the hour of 2 o'clock the unfinished business will be resumed under the rules.

The VICE PRESIDENT. That is the understanding of the Chair.

Mr. KING. Mr. President, a parliamentary inquiry. Do I understand that at 2 o'clock to-morrow, automatically, if the motion made now by the Senator from Iowa prevails, the unfinished business, which is the coal bill, will be laid before the Senate?

The VICE PRESIDENT. Rule X provides for that.

Mr. KING. This bill can not, then, supersede the coal bill.

The VICE PRESIDENT. It can not.

Mr. KING. May I inquire, Mr. President, if we took a recess until 12 o'clock to-morrow, what the effect would be? If we recess instead of adjourning, would not that recess carry with it the unfinished business, which would have the right of way not only at 12 o'clock, the hour to which the recess would be taken, but also at any subsequent period?

The VICE PRESIDENT. The Chair stated the effect of the motion—that is, to give a right of consideration for the bill which the Senator from Iowa has in charge from 12.30 until 2 o'clock to-morrow, in case of adjournment; in case of recess the coal bill goes on as unfinished business under Rule X.

Mr. KING. May I inquire, Mr. President, if the business of the morning hour shall not have been completed at 12.30, if the motion of the Senator from Iowa should prevail, would it displace the business of the morning hour?

The VICE PRESIDENT. That would depend upon the vote of the Senate. If it comes up that way and the Senate should want so to provide, they can provide it, and the maternity bill would displace the business of the morning hour.

Mr. KING. I had in mind, if the Chair will pardon me, this situation: Suppose we adjourn until 12 o'clock and convene at that hour and enter upon the business of the morning hour, and with due dispatch the business of the morning hour is proceeded with, when 12.30 o'clock p. m. shall have been reached, would

the morning business then automatically be superseded if the motion of the Senator from Iowa were to prevail?

The VICE PRESIDENT. Yes; it would. The question is on the motion of the Senator from Iowa.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. BALL], who is absent. I understand that if present he would vote as I shall vote on this matter. I therefore vote. I vote "yea."

Mr. MOSES (when Mr. KEYES's name was called). I desire to announce the absence of my colleague [Mr. KEYES] on business of the Senate. If present, he would vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Wisconsin [Mr. LENROOT] and vote "yea."

Mr. SWANSON (when his name was called). I have a general pair with the senior Senator from Washington [Mr. JONES], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. I understand that if present he would vote as I shall vote, and I therefore am at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. Being unable to secure a transfer, I am not at liberty to vote. If at liberty to vote, I would vote "yea."

Mr. HALE. I have a general pair with the senior Senator from Tennessee [Mr. SHIELDS], which I transfer to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. EDGE. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. MOSES (after having voted in the affirmative). Learning that my general pair, the junior Senator from Louisiana [Mr. BROUSSARD], has not voted, I withdraw my vote.

Mr. PHIPPS. I have a pair with the junior Senator from South Carolina [Mr. DIAL]. In his absence, I withhold my vote.

Mr. MCKINLEY. I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the junior Senator from South Dakota [Mr. NORBECK] and vote "yea."

Mr. WOLCOTT. I am informed that if the senior Senator from Indiana [Mr. WATSON], with whom I am paired, were present he would vote as I would vote. I am therefore at liberty to vote. I vote "yea."

Mr. JONES of New Mexico (after having voted in the affirmative). May I inquire if the Senator from Maine [Mr. FERNALD] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. JONES of New Mexico. I have a general pair with that Senator. I do not know how he would vote on this question. I have no opportunity to transfer my pair with that Senator, and shall therefore have to withdraw my vote.

Mr. CURTIS. I wish to announce that the Senator from Illinois [Mr. MCCORMICK] is paired with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 56, nays 4, as follows:

YEAS—56.

Ashurst	Hale	McKinley	Smoot
Brandegee	Harris	McNary	Stanley
Bursum	Harrison	Nelson	Sterling
Calder	Heflin	New	Sutherland
Cameron	Hitchcock	Nicholson	Swanson
Capper	Johnson	Norris	Townsend
Cummins	Kellogg	Oddie	Trammell
Curtis	Kenyon	Overman	Underwood
Edge	Knox	Poindexter	Walsh, Mass.
Elkins	Ladd	Pomerene	Walsh, Mont.
Ernst	La Follette	Sheppard	Watson, Ga.
Fletcher	Lodge	Shortridge	Williams
Frelinghuysen	McCumber	Simmons	Willis
Gerry	McKellar	Smith	Wolcott

NAYS—4.

King	Myers	Reed	Warren

NOT VOTING—36.

Ball	France	McCormick	Pittman
Borah	Glass	McLean	Ransdell
Broussard	Gooding	Moses	Robinson
Caraway	Harreld	Newberry	Shields
Colt	Jones, N. Mex.	Norbeck	Spencer
Culberson	Jones, Wash.	Owen	Stanfield
Dial	Kendrick	Page	Wadsworth
Dillingham	Keyes	Penrose	Watson, Ind.
Fernald	Lenroot	Phipps	Weller

So Mr. KENYON's motion to make Senate bill 1039 a special order for to-morrow, Wednesday, at 12.30 o'clock p. m., was agreed to.

PEACE WITH GERMANY—CONFERENCE REPORT (S. DOC. NO. 42).

Mr. LODGE. Mr. President, I ask to have the report of the conferees on the peace resolution printed. It must be taken up in the House first; it can not be taken up here until it comes to us from the House; but I should like to have it printed so that it may be before Senators and that they may see it before it is taken up.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LODGE. Let it also be printed in the RECORD.

There being no objection, the conference report submitted by Mr. LODGE was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 16) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and the joint resolution of December 7, 1917, declaring a state of war to exist between the United States and the Imperial and Royal Austro-Hungarian Government, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments:

On page 2, line 7, strike out the word "an" and substitute in lieu thereof the word "any."

On page 2, line 13, strike out the comma and substitute a period.

After section 4 add the following:

"SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was, on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian na-

tionals, and shall have waived any and all pecuniary claims against the United States of America.

"SEC. 6. Nothing herein contained shall be construed to repeal, modify, or amend the provisions of the joint resolution 'declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired,' approved March 3, 1921, or the passport-control provisions of an act entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922,' approved March 2, 1921; nor to be effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the selective service law, approved May 18, 1917, of any person who failed to comply with the provisions of said act, or of acts amendatory thereof."

And the House agree to the same.

That the Senate recede from its disagreement to the House amendment to the title and agree to the same, as follows: "Joint resolution terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America."

H. C. LODGE,
P. C. KNOX,
Managers on the part of the Senate.
STEPHEN G. PORTER,
JOHN JACOB ROGERS,
Managers on the part of the House.

The joint resolution as thus agreed to by the managers of both Houses at the conference reads as follows:

"Senate joint resolution 16.

"Joint resolution terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

"SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress; or otherwise.

"SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

"SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of St. Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress; or otherwise."

"SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.

"SEC. 6. Nothing herein contained shall be construed to repeal, modify, or amend the provisions of the joint resolution 'declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired,' approved March 3, 1921, or the passport control provisions of an act entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922,' approved March 2, 1921; nor to be effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the selective-service law, approved May 18, 1917, of any person who failed to comply with the provisions of said act, or of acts amendatory thereof."

SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal coal rates for the transportation of coal.

Mr. FRELINGHUYSEN. Mr. President, the pending amendment is an amendment offered by the Senator from Kentucky [Mr. STANLEY]. I understand a similar amendment has been offered by the junior Senator from Utah [Mr. KING]. I asked the opinion of the Interstate Commerce Commission as to the effect on this legislation of those amendments. I send to the desk a communication from the Interstate Commerce Commission and ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, June 25, 1921.

Hon. JOSEPH S. FRELINGHUYSEN,
United States Senate.

DEAR SENATOR: On your behalf your acting secretary has submitted amendments proposed by Senators STANLEY and KING to bill S. 1806, the seasonal coal rates bill, with request for our views as to the effect these amendments would have upon the bill and the purpose of the legislation. Reply is specially requested by Monday morning.

This matter has had consideration by the commission's legislative committee, and for the committee I am authorized to say that we think that these amendments are not in harmony with the purpose of the proposed legislation and that there are valid objections to the adoption of any of them.

The purpose of the legislation, as we understand it, is to promote continuous operation of coal mines, steady employment of coal miners, and economical use of facilities for distribution

of coal by making lower rates for transportation during the months that are ordinarily dull months in the coal industry, thus relieving the pressure during the months when the movement of coal is active and transportation difficulties generally obtain. This purpose is economic. The theory of the legislation is that the lower rates during the dull months shall not be at the uncompensated expense of the carriers, but that the lower rates for the dull months and the higher rates for the more active months shall, as nearly as may be, bring to the carriers substantially the same revenue from this traffic that they would otherwise secure.

To that end we think that the purpose of the bill would be less clear and the legislation would be weakened if the words "greater or" were, as proposed in two of these amendments, eliminated from line 11, page 1 of the bill.

If all of that part of the bill after the word "periods," in line 1, page 2, to and including the word "designate," in line 7, were eliminated the purpose above referred to of according the carriers, as nearly as may be, the revenue on this traffic which they would receive but for the seasonal changes would not be reflected in the bill.

If from lines 2 and 3, on page 2, the words "yield as nearly as may be the same annual revenue for like movement as rates without seasonal variations" were eliminated and the words "increase the movement of coal and increase the revenues during such specified seasons or periods" were inserted in lieu thereof it would seem to imply that the commission would be authorized to initiate and adjust such rates only when in its judgment the movement of coal and the revenues of the carriers would be increased during the specified season or period.

The second amendment proposed by Mr. KING should, of course, be read in the light of the first amendment just referred to. If the proviso "That in cases where the reduction of rates for specified seasons or periods results in benefits or advantages to a carrier or carriers, such benefits and advantages shall be taken into account in fixing the rates for other specified seasons or periods" were added after the word "designate," in line 7, page 2, it would seem to indicate a purpose to have the seasonal rates and their effect considered with regard to individual carriers. This we regard as impractical. In the main, coal mines are grouped for rate-making purposes, and the rates are the same from all mines in the group and via all routes to the markets. Competition among coal producers and among carriers would not permit of lower rates via one line from mines served by it than via other lines serving other mines in the same group.

We think that the measure clearly announces the sound principle that should underlie the legislation and that the amendments above referred to will weaken or complicate the legislation and its administration.

EDWARD E. CLARK, *Chairman.*

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky.

Mr. STANLEY. Mr. President, the communication which has just been read from the Interstate Commerce Commission is to the effect, and to the effect only, that in so far as this proposed legislation guarantees to the railroads a uniform return for the carriage of coal, it would to that extent be impaired by the adoption of this amendment. It may be true that to so amend the pending bill as to provide that the Interstate Commerce Commission, in order to stimulate the movement of coal, may lower the rate without giving it the corresponding right to raise the rate might in a measure affect the revenues of the roads. It is morally certain, Mr. President, that if the year is divided into two seasons, a summer season, when there is a light movement of a given traffic, and a winter season, during which there is a heavy movement of a given traffic, and a certain amount is taken from the charges allowed upon that traffic when it is light and is added on the traffic when it is heavy, the revenue of the carrier will be increased thereby.

The purpose of this proposed legislation is not to increase the revenue of the carrier. Nobody has argued that the proposed legislation is intended to enable the railroads to receive a larger return for the carriage of coal; nobody has argued that this legislation is initiated in order to guarantee to the roads the same return they now receive. The purpose of the proposed legislation is to move coal in the summer.

It is to give greater continuity of employment to coal miners; it is to give greater regularity to the business; it is to utilize the great number of cars that are idle in the summer; it is so to spread the load of traffic upon the roads as not to necessitate the appropriation of millions now provided for in the revolving fund for the unnecessary construction of additional freight cars. It is not denied—the Interstate Commerce Commission can not deny—that a seasonal rate will stimulate the movement of freight. The distribution of coal via the Great Lakes to points on Lake Superior and Lake Michigan is necessarily seasonal whether so provided or not, because the Lakes are frozen in winter; yet a reduction of 28 cents on the ton diverted to transportation by the Great Lakes 20,000,000 tons of coal which had hitherto been an all-rail haul, and a reduction of 50 cents a ton upon anthracite coal has resulted in the continuity of production and regularity of the distribution of that coal.

I am not here to inveigh against the railroads; I realize the condition in which they are placed; but this is not the time, this is not the psychological moment, for the railroads or those speaking in behalf of the railroads to say that the American consumer of coal must pay higher rates rather than risk the chance of having the revenues of the railroads impaired. As the junior Senator from Pennsylvania [Mr. KNOX], with characteristic perspicacity, has so well explained to this body, the movement of the great quantity of bituminous coal is regular now. As he has stated, it goes to the bunkers of ships; to industrial enterprises; it goes to the movement of transportation, and is as regular as is business—practically the same amount in winter as in summer. There are a hundred million tons of coal used by domestic consumers in the United States; and this legislation is proposed for the purpose of helping the consumer. It is manifestly certain that, to a greater or lesser extent, the consumer will bear all the burden.

The only coal that is seasonal is the consumer's coal. The great ocean-carrying vessel does not consume materially less coal in summer than in winter. A mill or a factory or locomotive does not quit running in summer. It is the fire and the stove that stop. I have proposed here to prevent the raising of the rate to the woman who burns the coal in the stove and the man who burns it at his fireside. The answer to that proposition is not that it will not accomplish that, but that the Interstate Commerce Commission believes that it might affect a theoretical equilibrium, a guaranteed return to the road. Of course, if the Interstate Commerce Commission believes that it will reduce the rate to a point that would be confiscatory, it is within the discretion of the Interstate Commerce Commission not to make the ruling. It is not mandatory upon the Interstate Commerce Commission to do it.

However, I say that if we have to choose between the chance of lowering the rates to the railroads and the certainty of raising the rate upon the consumer, I will take my stand with the consumer, especially with the domestic consumer, and not only the domestic consumer but the poor domestic consumer. If this proposed legislation makes a material change in the cost of coal in winter or summer, the man of wealth who has the room and the money can buy his coal and store it, but the man whose $2 or $3 a day is spent the week that he earns it must buy his coal by the load or by the scuttle full.

What will be the result? Everybody who is in the business understands, the great coal yards of the country understand, that the coal disintegrates every time it is handled. When lump coal is worth $3 a ton slack is worth $1.50 a ton; that is practically the rate now. Every time coal is moved its value is impaired.

The great bulk of the coal of this country, over 600,000,000 tons altogether, will slack like lime to a greater or less extent when exposed to the action of the atmosphere. What would be the result when the great coal companies accumulate their stocks? They will figure on deterioration in their coal, because the coal is less valuable on account of the slacking process incident to handling and the action of the rain and the sun, and they will add that expense as an additional overhead charge to the cost of doing business. Then they will have to charge a higher rate in the wintertime, and, as Senators know, the dealer is certain to add to the winter rate, and so the consumer of the coal, when he buys it in the wintertime, will pay the increased rate because of the deterioration.

I heartily favored this proposed legislation when it was before the committee. I understood at the time, I will say in perfect candor to the able Senator who has it in charge, although he made no such contention, that it was a proposition by which rates might be reduced at certain seasons in order to induce the movement of coal. I never understood, I never dreamed, that it is what it is, a skillful juggling of the rates by which at a certain time if the coal is hauled a certain charge shall be made that is lower than the ordinary rate and at another time that the rate shall be higher, with the higher rate on the dense traffic and the lower rate on the light traffic. If this bill is not amended, it will raise the revenues of the roads. If it is amended, it may lower the revenues of the roads. I am delighted that the communication from the Interstate Com-

merce Commission has been read. I shall be delighted to see the Senate of the United States act on the clean, square-cut issue, whether in accomplishing the beneficent purpose intended by the bill, to furnish more coal in the summer time and greater continuity of service to the miner, they are going to give the benefit to the consumer or to the carrier.

Senators must remember that this bill is intended to accomplish another purpose. We have all noticed the relatively high wage that is paid to the coal miner, but that is nominal, not actual, because the man who maintains his family by digging coal, like the man who maintains his family by plowing the soil, must look to the return for the year. There is no such thing as regular employment in the average mine, for the reason that when the weather is warm and there is no demand for the coal, the miners are thrown out of employment. So they are paid a proportionately high wage during the time they are actually employed. The unemployment of coal miners, the long periods during which they are thrown out of employment by the fluctuating, seasonal, irregular demands have demoralized the business. These considerations have caused the miners of Great Britain to demand a 6-hour day and a 5-day week. They have brought before the English Parliament an act, now pending, to nationalize all the mines in Great Britain. If the movement of coal can be equalized, if labor can be employed with greater regularity, if the miner can be allowed to work six days in the week, he can afford to labor for a less return per day and still receive a greater remuneration at the end of the year. If what I have suggested can be brought about, it will lower the cost of production in the mines; it will lower the cost of transportation to the railroads.

Why should the railroads complain that their nominal return will be less? There are now over 900,000 coal cars, 300,000 of which are idle. It is admitted that the cost of maintaining cars idle on the sidings and in storage is greater than when they are in motion.

Any steel machinery, especially machinery with great numbers of wheels, rapidly deteriorates when it is not in use. You could take the spindles of a mill and leave them for a year, and you could not start your mill. There is a molecular change. More than that, an engine or a car left standing is subject to pilfering of its valuable bearings and all that sort of thing. Now, without another dollar of overhead charge, this amendment, if it acts as I think it will, will move 300,000 cars. It will give them the use of 300,000 cars for 12 months instead of for 6 months or 9 months; and if they get greater service from the car they should not complain at a slightly reduced charge for the service.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. STANLEY. I do.

Mr. REED. I want to call the Senator's attention to the fact, which is well known, that a railroad can operate its track, its cars, and its engines at much less cost in the warm months of the year than it can in the winter months.

Mr. STANLEY. I thank the Senator for the interruption. Cars are propelled by steam. Steam is the result of heating water, and the radiation from the iron boilers of a locomotive in the wintertime is enormous, entailing a greater use of fuel. As the Senator has well said, the cost in the summer time is less. They will be utilizing cars that are idle and do not cost them a cent; and, more than that, the railroads can figure and the Interstate Commerce Commission can figure, and if they believe that the reduction will amount to a confiscatory rate they need not make it.

These railroads can do this for the great corporations. Why can they not do it for the consumer? When the great railroad companies and the manufacturing companies that use this lake coal went to the Interstate Commerce Commission and got a seasonal rate, why can they not give it to Tom, Dick, and Harry to warm their bodies and cook their meals and wash their clothes?

Mr. KELLOGG. Mr. President, I wish to say a few words in explanation of this bill and the amendment offered by the Senator from Kentucky.

The Senator says that he did not understand that this bill proposed a seasonal rate by having a higher rate in the winter and a lower rate in the summer. I do not know how a seasonal rate could be obtained unless you had a higher rate in the winter than in the summer.

Mr. STANLEY. Mr. President, if the Senator will permit an interruption, I meant, of course, a rate above the level rate—the flat rate.

Mr. KELLOGG. Very well. I think the Senator is again mistaken. When the bill was originally before the committee and discussed day after day, it fixed the actual rates and specified the months in which the rates were to apply. The reduction in the months of March, April, and May was in the neighborhood of 25 cents a ton, running down to 5 cents a ton, I think, in July. The increases over the normal rate commenced with about 5 cents a ton and reached the neighborhood of 25 cents in November and December or in October and November—I have forgotten the exact months. I objected to those rates being stated in an act of Congress for many reasons. In the first place, the Interstate Commerce Commission is the proper body to fix the rates. It was impossible for Congress to judge exactly to what mining districts or exactly in what months the rates should be reduced, and how much, or whether they should be reduced an equal number of cents per ton in the summer and raised an equal number of cents per ton in the winter, because that would involve a corresponding expense of hauling in winter and in summer, and it would make an ironclad rule which would not be workable. Therefore the committee concluded that if this power was to be granted, assuming that it did not exist—I think it does exist and I will explain my views on that point—if the power was to be granted, it should be a power delegated to the commission so that the commission could take into consideration all the facts; and if the commission, by making an equitable and just rate, could increase the production in certain spring or summer months so that the coal mines would be run at nearer capacity and would employ their men more regularly, it would be beneficial. Nobody knows whether they can do that or whether it will work or not. The commission believes that it can be done.

Mr. President, I stated before the Senate and the committee that in my opinion the commission already has this power. The commission, or at least some of the commission, notably the chairman, who appeared before the committee, did not think that the commission had that power; at least, he was doubtful of it, because, as Mr. Clark said in substance, it would require the commission to take into consideration certain economic principles which were not proper factors in arriving at what a reasonably compensatory rate was. Now, I do not agree with the commission in that. I do not believe there is a rate fixed in the United States by the railroads or the commission where they do not, and do not necessarily, take into consideration economic conditions. Of course, they take into consideration primarily what is fair and reasonable compensation for transportation, but every rate is not made to be equally compensatory. That is impossible. They must of necessity take into consideration the nature of the traffic, and to some extent whether the traffic will prosper under such a rate, whether the traffic will bear the rate, the price of the commodity, the demands of the public, the prices, and so forth. All of these things must be taken into consideration by the commission in making rates.

Mr. JOHNSON. Mr. President, will the Senator yield for a question?

Mr. KELLOGG. I yield to the Senator.

Mr. JOHNSON. I ask this question because I think the Senator perhaps is as well informed as any man upon the floor concerning the existing laws and concerning the existing powers of the Interstate Commerce Commission. Is it the fact—I may have misunderstood what the Senator said, and therefore I ask the query directly—is it the fact that what is now sought to be done by this bill is already a part of the law?

Mr. KELLOGG. In my opinion, the commission now have the power which this bill seeks to confer; but some do not agree with me, and the commission evidently does not agree with me.

Mr. FRELINGHUYSEN. Mr. President——

Mr. JOHNSON. Just pardon me. Do I understand the Senator to suggest that in this intolerable weather we have been spending a week in passing what is already the law of the land?

Mr. KELLOGG. I realize that it is not a very pleasant time to discuss a coal bill, with the thermometer at the present point, but the Interstate Commerce Commission seem to be of the opinion that they do not have the power, and the majority of the committee were of the opinion that if they did not have the power there could be no objection to conferring the power upon them. I will say, further, that, of course, if the commission think they have not the power they would not exercise it, so that the committee thought it was perfectly proper to confer that power on them.

Mr. JOHNSON. I think the Senator has answered me very fully. It is necessary to pass the bill, although they have the power, in order that the commission may exercise the power, because the commission believed they did not have the power?

Mr. KELLOGG. That is what they say.

Mr. FRELINGHUYSEN. Mr. President——

Mr. KELLOGG. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Three times this question has been asked; and I want to say to the Senator from California that I would not compel the Senators to remain here and discuss this question if the Interstate Commerce Commission would act and if the Interstate Commerce Commission in their own opinion were empowered to make seasonal freight rates. I have repeatedly asked the Interstate Commerce Commission if they had the power. Finally, I asked them in a letter, and I received this reply from the chairman, and I think it should settle this question, which has been asked time and again, although the Senator has not been here, I believe, when it has been asked.

Mr. JOHNSON. No; the reason for my query was because the statement again was made, as I understood the Senator from Minnesota, and because of his expert knowledge, which probably exceeds or equals that of any other Senator upon the floor, I asked the question that I did.

Mr. FRELINGHUYSEN. I am not a lawyer, and I do not know whether the Senators who have expressed themselves to the effect that the commission have this power are right or not; but I do know that the commission say that they have not the power, and that is their analysis of the law.

Mr. KELLOGG. That is correct.

Mr. FRELINGHUYSEN. I will put this letter in the RECORD again, because I hardly believe that this legislation would have passed the committee and would have been before this body as long as it has if they already had the power.

Mr. JOHNSON. Then, as I understand, the Senator disagrees with the opinion expressed by the Senator from Minnesota as to the commission having the power?

Mr. FRELINGHUYSEN. I most certainly do.

Mr. KELLOGG. It is perfectly proper that the Senator should.

Mr. FRELINGHUYSEN (reading)—

> With regard to the commission's powers to prescribe seasonal rates, I have to say that we do not think that we have any powers to adjust rates for the purposes of securing or bringing about certain economic or industrial conditions which might appeal to our judgment. We think that our powers are to deal with the rates in the light of transportation considerations, with a view to avoiding or eliminating undue preference or prejudice and unjust discrimination as between persons or firms, localities or commodities. Our understanding of the purpose of the seasonal coal rate bill in which you are interested is that it recognizes a public interest and contemplates encouraging consumers to purchase their supplies in larger measure during the summer months, when the demand for coal is usually light and when the railroads have more than ample facilities with which to move it. We do not understand that it contemplates that this inducement shall take the form of reduced rates during the summer season wholly at the expense of the carriers, but that it shall be fairly compensated for in the rates applicable during the other months; in other words, that the total amount paid for transportation of coal shall be more evenly distributed over the months of the year without substantially affecting in this way the aggregate revenue of the carriers from this traffic.

I thank the Senator.

Mr. KELLOGG. Mr. President, the Senator from Minnesota of course has no monopoly of knowledge of the interstate commerce act, and the Senator from Minnesota has had experience enough and is old enough to know that he may be mistaken. I simply expressed my opinion, because I believed the commission had a right to take into consideration, in making a rate, economic conditions; but the commission evidently is of the contrary opinion. Now, the railroads have not asked for this legislation. The commission has recommended it. Various people have asked for it, and others have opposed it, but no railroad company that I ever heard of appeared by representative or otherwise and asked to have any such legislation passed, and I have no knowledge or any desire on the part of the railroads for its passage. I believe that it is their opinion generally that the commission has full power now, but in that I may be mistaken.

It is the duty of the commission to fix a reasonable, just, nondiscriminatory and compensatory rate for hauling any traffic. Of course this has to be an approximation. There is no possible way of saying that coal or grain or cattle or fruit pays exactly its proportionate share of the expenses and profits to which a railroad is entitled. Some pay more and some less, depending upon the commercial conditions, the value of the product, and other elements which must necessarily enter into the making of a rate.

The commission was of the opinion that during certain seasons of the year, if it could lower the rates, it would tend to stimulate the production of coal and the transportation of coal during those months; the reduction was from 5 to 25 cents, although the commission might come to a different conclusion after a full hearing and increase them in certain other months.

The majority of the committee was of the opinion that it was well enough to give the commission that power if they did not have it, and for them to inquire into the subject and try to see whether the production and transportation of coal could be stimulated. I do not believe that it will make a penny's difference in the selling price of coal in the whole year. I doubt if it makes any difference either in the wintertime or in the summer time. It is a fact, of course, that at various times in the year cash coal is much cheaper than coal for future delivery.

In fact, when this investigation was on before the subcommittee and at the hearing before the full committee, it appeared that spot coal, as it is called, or cash coal, was selling in Indiana from 50 to 75 cents cheaper, and I do not know but what in some cases $1 a ton cheaper, for cash than it was for delivery in the fall and winter months. How much that stimulated the production and storage of coal, of course, I can not say. But it is manifest that if it is the duty of the commission, as near as it can, to fix a standard rate which for the year would be a fair compensation for handling the enormous coal traffic, then, if they reduce that rate in summer, if they still have a compensatory rate, it must be increased later to make it up. You can not equalize by simply reducing nor can you equalize by simply increasing. I do not assume that the commission would make an unreasonable rate in wintertime or permit an unreasonable increase of the price of coal by increasing the rate. I believe the commission would, as intelligently as possible, examine into the whole question, and they might find that they could increase the production of coal in the summer months by a reduction of the rate and therefore save the clogging of the railroads in the transportation of coal in the wintertime.

But I do not think that the amendment would carry out that purpose at all. Nobody would deny that the commission now can reduce a rate if it is too high; if they find a rate is too high in summer or winter, they can reduce it; they do not need any further legislative authority to do that. The question is, Do they need legislative authority to make a seasonal rate, to take into consideration economic conditions, the movement of traffic, and so forth, in the winter months?

I think, therefore, Mr. President, that anyone who opposes the bill on principle may have the very best of reasons, but I can not see why the amendment should be adopted, because nobody will deny that that power exists now. That is not a seasonal rate. If the rate is fixed at, say, 75 cents a ton or $1 a ton, and that is a reasonable, fair rate, of course, with 25 or 30 cents taken off it would not be a reasonable, fair rate.

It is true that the commission have made certain seasonal reductions on ratings. There is a seasonal rate in existence now to the Lakes of 28 cents a ton, because all coal must move up the Lakes in the summer time. It expires, I believe, in September or the 1st of October, I am not sure which.

I do not believe that the amendment, whatever Senators may think about the bill, ought to be agreed to, because I think it destroys the bill, and certainly renders it perfectly useless.

Mr. HARRISON. Mr. President, if there is no one else who desires to speak, I ask for a vote on the pending amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky [Mr. STANLEY].

Mr. STANLEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

SEVERAL SENATORS. Let the amendment be read.

The VICE PRESIDENT. It will be read.

The ASSISTANT SECRETARY. On page 1, line 11, before the words "less than," strike out the words "greater or," and on page 2, line 1, after the word "periods," strike out the remainder of the clause in the following words: "but which in the judgment of the commission will yield as nearly as may be the same annual revenue for like movement as rates without seasonal variation, to be maintained by carriers as a whole or as a whole in each of such coal rate groups or territories as the commission may from time to time designate for that purpose, or by such carrier or carriers as the commission may designate." So as to read:

> (19) In order to promote continuous operation of coal mines, steady employment of coal miners, and economical use of facilities for distribution of coal, the commission is hereby authorized to initiate, establish, approve, or adjust rates for the transportation of coal during specified seasons or periods which shall be less than the rates for other specified seasons or periods.

The VICE PRESIDENT. The yeas and nays having been ordered, the Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. McKINLEY (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the junior Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. TRAMMELL (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence, being unable to get a transfer, I have to withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. PHIPPS. I have a pair with the junior Senator from South Carolina [Mr. DIAL]. If he were present I understand he would vote "yea," and as I would vote "nay" I withhold my vote.

Mr. WILLIAMS. Mr. President, first transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. McKELLAR], I vote "yea."

Mr. JONES of New Mexico (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and permit my vote to stand.

Mr. FLETCHER. I have a general pair with the junior Senator from Delaware [Mr. BALL]. I am unable to get a transfer of my pair, and therefore withhold my vote.

Mr. WOLCOTT. I have a general pair with the Senator from Indiana [Mr. WATSON], but under the terms of the pair I am permitted to vote on this question. I vote "yea."

Mr. DILLINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS] which I transfer to my colleague the junior Senator from Vermont [Mr. PAGE], and vote "nay."

Mr. CURTIS. I desire to announce that the senior Senator from Illinois [Mr. McCORMICK] is paired with the junior Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 33, nays 27, as follows:

YEAS—33.

Broussard	King	Robinson	Walsh, Mass.
Bursum	Knox	Sheppard	Walsh, Mont.
Elkins	La Follette	Shields	Watson, Ga.
Gerry	McKinley	Simmons	Williams
Harris	Norris	Smith	Willis
Harrison	Overman	Stanley	Wolcott
Heflin	Pomerene	Sutherland	
Hitchcock	Ransdell	Swanson	
Jones, N. Mex.	Reed	Underwood	

NAYS—27.

Brandegee	Ernst	Ladd	Nicholson
Cameron	Frelinghuysen	Lodge	Oddie
Capper	Gooding	McNary	Poindexter
Cummins	Hale	Moses	Shortridge
Curtis	Harreld	Myers	Townsend
Dillingham	Johnson	Nelson	Warren
Edge	Kellogg	New	

NOT VOTING—36.

Ashurst	Fletcher	McCumber	Pittman
Ball	France	McKellar	Smoot
Borah	Glass	McLean	Spencer
Calder	Jones, Wash.	Newberry	Stanfield
Caraway	Kendrick	Norbeck	Sterling
Colt	Kenyon	Owen	Trammell
Culberson	Keyes	Page	Wadsworth
Dial	Lenroot	Penrose	Watson, Ind.
Fernald	McCormick	Phipps	Weller

So Mr. STANLEY's amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, I wish to reserve a vote on this amendment when the bill reaches the Senate.

[Mr. REED addressed the Senate. See Appendix.]

Mr. FRELINGHUYSEN. Mr. President, at the close of the eloquent remarks of the Senator from Missouri, I wish to insert in the RECORD a statement by him, which is found on page 171 of the hearings before the Committee on Manufactures of the Senate on the bill relative to the publication of information concerning the production of coal and the profits of the coal industry. The Senator has attacked Senate bill 1807, the bill which provides for publicity in the coal business, and I desire to read from his statement on the occasion referred to. In that hearing the Senator from Missouri, interrogating a witness during the course of the hearing, said this:

Senator REED. I want to come to the question of costs as a separate matter. I want to see, if I can, how far the coal men of this country feel like cooperating in trying to remove the condition which you say is at times burdensome and which we regard as burdensome. I want to see how far you are willing to cooperate to remove those difficulties. My question thus far has not concerned itself with the question of costs at all.

Mr. MORROW. I understand, Senator.

Senator REED. I have asked whether you would be willing to have a law passed requiring the furnishing of the very kind of information that you were collecting voluntarily and distributing publicly, namely, the statement of the production of the mines and the price charged at the mines. I have not dealt with costs yet. Are you not willing that a law of that kind should be passed, and are you not willing to comply with it?

Mr. MORROW. Senator, if you could stop right there and go no further I do not think you would have a bit of trouble in this industry.

Senator REED. I say this as a lawyer, that I have not any more doubt about the right of the Federal Government to require that sort of information than I have doubt of the right of the Federal Government to take the census. This is only census business. It could be applied to every industry in the United States, and probably with great profit to the people. I have not the slightest doubt of it. It has not anything to do with running your business. It simply has to do with the question of reporting actually what has been done with reference to production and the charge that is made for the thing produced.

Then, further, on pages 637 and 638 of the hearings, referring to the bill introduced by the Senator from New York [Mr. CALDER], and particularly to that part which relates to the compulsory publication of prices, the Senator from Missouri, addressing the Senator from New York, said:

Senator REED. Now, Senator, I have said in the early days of this hearing that I have no doubt that notwithstanding any action of Congress, that there was lodged somewhere in the Federal Government the ability to get the facts with reference to the commerce of the United States, and I will go just as far to help pass legislation of that kind, not only with reference to coal but with reference to every line of business, as anybody can go, keeping, of course, within our just rights and our powers. I think the power exists. I think the case that I examined the other day clearly outlines the way in which we can get it. Now, there can not be any dispute about that, and as for those features of the bill, I am heartily for them.

Mr. REED. What is the object of putting that in? That is what I say now.

Mr. FRELINGHUYSEN. My object in putting it in is to show that the Senator from Missouri favored the bill of the Senator from New York [Mr. CALDER] as far as the informative features were concerned, which is exactly what my bill provides.

Mr. REED. There are so many differences that I will not stop to discuss them now.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 29, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 28, 1921.

ASSISTANT COMPTROLLER GENERAL OF THE UNITED STATES.

Lurtin Rufus Ginn, of Indiana, to be Assistant Comptroller General of the United States.

COLLECTORS OF INTERNAL REVENUE.

FOURTEENTH DISTRICT OF NEW YORK.

Cyrus Durey, of New York, to be collector of internal revenue for the fourteenth district of New York, in place of Roscoe Irwin.

FIRST DISTRICT OF PENNSYLVANIA.

Blakely D. McCaughn, of Philadelphia, to be collector of internal revenue for the first district of Pennsylvania, in place of Ephraim Lederer.

TWELFTH DISTRICT OF PENNSYLVANIA.

David W. Phillips, of Scranton, Pa., to be collector of internal revenue for the twelfth district of Pennsylvania, in place of Fred C. Kirkendall.

TWENTY-THIRD DISTRICT OF PENNSYLVANIA.

Daniel B. Heiner, of Kittanning, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, in place of C. Gregg Lewellyn.

RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

Henry Lincoln Johnson, of Georgia, to be recorder of deeds for the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28, 1921.

WAR DEPARTMENT.

CHIEF OF THE MILITIA BUREAU, WITH THE RANK OF MAJOR GENERAL.

George Collins Rickards.

COURT OF CUSTOMS APPEALS.

PRESIDING JUDGE OF THE COURT OF CUSTOMS APPEALS.

Marion De Vries.

DEPARTMENT OF THE INTERIOR.

SOLICITOR FOR THE DEPARTMENT OF THE INTERIOR.

Edwin S. Booth.

UNITED STATES COURT FOR CHINA.

CLERK OF THE UNITED STATES COURT FOR CHINA.

William A. Chapman.

POST OFFICE DEPARTMENT.

COMPTROLLER, BUREAU OF ACCOUNTS.

Charles A. Kram.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 28, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou Great Jehovah, Thou art the Rock of Ages and our Heavenly Father, clothed in garments of infinite light, majesty, and power. Great is the Lord and greatly to be praised in the mountain of His holiness. Thou art our God forever and ever, and will be our guide even unto death. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONVENTION OF DISABLED AMERICAN VETERANS.

Mr. BRENNAN. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the Huose for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRENNAN. Mr. Speaker, there is formally opened today in the city of Detroit the first annual convention of the Disabled American Veterans of the World War. Every member of this organization either has shed his blood upon the fields of battle in France or otherwise has contributed of his physical well-being upon the Nation's altar. In announcing this convention, I do so not primarily for the purpose of inviting the Members of Congress to attend. It is my thought that we can be of greater service to the disabled veterans here than by making speeches or promises to them upon the stage of their convention hall. It is my purpose rather to invite the attention of Congress to the proceedings of this convention and to the program of legislation which may be indorsed by it.

Whatever may be said of the treatment or the lack of treatment which has been accorded to our wounded heroes in the past, let us have them know that, at the present moment, Congress is keenly alive to the value of the service that they have rendered and to the sufferings they have undergone, and that in the future the Congress will always have a sympathetic ear and be ready to respond in action to the appeals that may be made by the disabled and wounded veterans of the World War. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1881. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes;

S. 901. An act for the payment of certain money to Albert H. Raynolds;

S. 831. An act to amend the proviso in paragraph 10, of section 9, of the Federal reserve act, amended by the act of June 21, 1917, amending the Federal reserve act;

S. 926. An act to withhold from sale and to restore to the Indians of the Umatilla Reservation certain lands which were authorized to be offered for sale under the act of March 3, 1885;

S. 1111. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33;

S. 1738. An act for the completion of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz.;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians;

S. 513. An act granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla.;

S. 902. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 1732. An act for the relief of Mrs. Benjamin Gauthier;

S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended;

S. 1032. An act for the relief of Maj. Francis M. Maddox, United States Army; and

S. 1434. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.;

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2421. An act granting certain public lands to the city of Phoenix, Ariz., for municipal purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5622. An act providing for the appraisal and sale of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; and

H. R. 2422. An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1881. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes; to the Committee on the Territories.

S. 831. An act to amend the proviso in paragraph 10 of section 9 of the Federal reserve act, amended by the act of June 21, 1917, amending the Federal reserve act; to the Committee on Banking and Currency.

S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended; to the Committee on Interstate and Foreign Commerce.

S. 513. An act granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla.; to the Committee on the Public Lands.

S. 1032. An act for the relief of Maj. Francis M. Maddox, United States Army; to the Committee on Claims.

S. 902. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; to the Committee on Indian Affairs.

S. 1111. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33; to the Committee on Indian Affairs.

S. 1434. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; to the Committee on Claims.

S. 1732. An act for the relief of Mrs. Benjamin Gauthier; and

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians; to the Committee on Indian Affairs.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2422. An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1837. An act to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

EXTENSION OF REMARKS.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an important decision on section 300 of the war risk insurance act and correspondence leading up to the decision.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

NAVAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. KELLEY of Michigan. Mr. Speaker, I call up the conference report on the naval appropriation bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes.

The SPEAKER. The gentleman from Michigan calls up the conference report on the naval appropriation bill, which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 9, 10, 12, 13, 17, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 41, 48, 49, 50, 52, 53, 59, 65, 66, 68, 69, 70, 73, 74, 75, 79, 86, 87, 88, 89, 91, 94, 98, 102, 104, 105, 106, 109, 110, and 115.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 29, 30, 43, 61, 62, 63, and 90, and agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "structures," insert the following: "costing not in excess of $5,000 each;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That nothing herein shall be construed as interfering in any way with any existing contract or any work in progress on the date of the approval of this act: *Provided further*, That hereafter no money appropriated for ordnance or ordnance material or material purchased therewith shall be used for any other purpose than that for which the appropriation was made: *Provided further*, That nothing herein shall be construed as preventing the allocation of armor, armament, ammunition, ordnance material, equipment, and accessories to ships according to the requirements of the naval service"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert: "$175,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Naval station, Key West, Fla.: For the development and completion of a submarine base, $800,000, no part thereof to be expended unless the Secretary of the Navy shall first ascertain that the breakwater already begun can be successfully completed and made permanent with this amount."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$77,034,687"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$137,815,303"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$12,060,300.76"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$18,043,891.90"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$4,141,450"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$1,125,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$27,700,341.90"; and the Senate agree to the same.

The committee of conference have not agreed upon the following amendments of the Senate numbered 1, 7, 8, 11, 14, 15, 16, 18, 19, 20, 21, 22, 45, 46, 47, 51, 54, 55, 56, 57, 64, 67, 71, 72, 76, 77, 78, 80, 81, 92, 95, 96, 97, 99, 100, 101, 103, 107, 108, 111, 112, 113, and 114.

PATRICK H. KELLEY,
BURTON L. FRENCH,
WILL R. WOOD,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

MILES POINDEXTER,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 2 to 6, inclusive, relating to the appropriation "Pay, miscellaneous": Limits communication expenses to $250,000 as proposed by the House, instead of $400,000 as proposed by the Senate; restores the language stricken out by the Senate with respect to separate naval district commandants; fixes the limitation on expenditures for classified employees at $750,000 as proposed by the House, instead of $850,000 as proposed by the Senate; and appropriates $3,500,000 as proposed by the House, instead of $4,000,000 as proposed by the Senate.

On Nos. 9, 10, 12, 13, and 17, relating to naval aviation: Strikes out the appropriation of $1,000,000 proposed by the Senate for continuing the construction of a rigid dirigible; appropriates $4,534,181 for the maintenance, repair, and operation of air stations, etc., as proposed by the House, instead of $6,500,000 as proposed by the Senate; appropriates $1,615,000 for experimental and development work as proposed by the House, instead of $3,000,000 as proposed by the Senate; and strikes out the language inserted by the Senate authorizing the construction of a hangar for rigid dirigible and other improvements at Camp Kearny, Calif., and the use of unexpended balances to prosecute the work.

On No. 23: Appropriates $750,000 for instruments and supplies, Bureau of Navigation, as proposed by the House, instead of $850,000, as proposed by the Senate.

On No. 24: Appropriates $125,000 for maintenance of the naval training station, California, as proposed by the House, instead of $150,000, as proposed by the Senate.

On No. 25: Appropriates $185,000 for maintenance of the naval training station, Rhode Island, as proposed by the House, instead of $300,000, as proposed by the Senate.

On No. 26: Appropriates $400,000 for maintenance of the naval training station, Great Lakes, Ill., as proposed by the House, instead of $500,000, as proposed by the Senate.

On Nos. 27 to 30, inclusive, relating to compensation for and the disposition of certain lands and improvements thereon: Strikes out the language inserted by the Senate making the appropriation for compensation for land at Great Lakes, Ill., immediately available, and extends provision with respect to the disposition of lands and improvements to include East Camp, Hampton Roads, Va.

On No. 31: Strikes out the authorization for the establishment of and the appropriation for summer schools for boys.

On Nos. 32 to 34, inclusive, relating to the Naval Reserve Force: Strikes out the language inserted by the Senate providing for traveling expenses of officers of the Navy and Naval Reserve Force traveling in connection with organizing and administering the Naval Reserve Force, and appropriates $50,000, as proposed by the House, instead of $100,000, as proposed by the Senate.

On No. 35, relating to receiving barracks: Appropriates $50,000, as proposed by the House, instead of $100,000, as proposed by the Senate.

On No. 36, relating to ordnance and ordnance stores: Appropriates $14,000,000, as proposed by the House, instead of $15,000,000, as proposed by the Senate.

On Nos. 37 to 40, inclusive, relating to appropriations of the Bureau of Ordnance: Makes the provision applicable to appropriations and allotments of appropriations heretofore made, as proposed by the House; permits the construction of temporary structures at a cost not exceeding $5,000 each; and provides that money appropriated for ordnance or ordnance material or material purchased therewith shall not be used for any other purpose than that for which appropriated, but permitting the allocation to ships according to the requirements of the naval service of armor, armament, ammunition, ordnance material, equipment, and accessories.

On Nos. 41 and 42, relating to the appropriation "Maintenance, Bureau of Yards and Docks": Appropriates $7,500,000, as proposed by the House, instead of $9,000,000, as proposed by the Senate, and limits expenditures on account of motor-propelled passenger-carrying vehicles to $175,000, instead of $150,000, as proposed by the House, and $250,000, as proposed by the Senate, excepting from the limitation Marine Corps vehicles on expeditionary duty.

On No. 43, relating to the New York Navy Yard: Appropriates $100,000, as proposed by the Senate, for continuing dredging.

On No. 44, relating to the Key West Naval Station: Appropriates $800,000, as proposed by the Senate, for the development and completion of a submarine base, the expenditure of the money being withheld until the Secretary of the Navy shall have ascertained that the breakwater already begun can be successfully completed and made permanent with the appropriation provided.

On No. 48: Strikes out the appropriation of $50,000, proposed by the Senate, toward completing a submarine base at New London, Conn.

On No. 49: Strikes out the appropriation of $1,499,000, proposed by the Senate, toward developing a submarine and destroyer base, etc., island of Guam.

On No. 50: Requires that the appropriation for the naval training station, San Diego, Calif., shall be for the completion thereof, as proposed by the House, and not toward the further development thereof, as proposed by the Senate.

On No. 52: Strikes out the appropriation of $1,000,000, proposed by the Senate, toward developing a submarine base at San Pedro, Calif.

On No. 53: Strikes out the language, inserted by the Senate, authorizing the Secretary of the Navy to accept a tract of land from the city of Los Angeles, Calif., for use as a site for a naval submarine base.

On Nos. 58 to 60, inclusive, relating to pay of the Navy: Appropriates $77,034,687 for pay of the enlisted personnel instead of $72,421,647, as proposed by the House, and $87,798,447, as proposed by the Senate; and appropriates $7,000,000 for retainer pay and active-service pay of members of the Naval Reserve Force, as proposed by the House, instead of $12,810,222, as proposed by the Senate.

On Nos. 61 to 63, inclusive, relating to provisions, Navy: Strikes out, as proposed by the Senate, the rates of commuted rations proposed by the House.

On Nos. 65 and 66, relating to the appropriation "Maintenance, Bureau of Supplies and Accounts": Fixes the limitation on expenditures for pay of classified employees at $3,500,000, as proposed by the House, instead of $5,200,000, as proposed by the Senate; and appropriates $9,000,000, as proposed by the House, instead of $9,500,000, as proposed by the Senate.

On No. 68: Appropriates $17,500,000 for fuel and transportation, as proposed by the House, instead of $25,000,000, as proposed by the Senate.

On No. 69: Strikes out the language inserted by the Senate giving the Navy Department free use of Shipping Board vessels.

On No. 70: Appropriates $22,500,000, as proposed by the House, instead of $29,400,000, as proposed by the Senate, for construction and repair of vessels.

On Nos. 73 to 75, inclusive, relating to the Bureau of Engineering: Appropriates $20,500,000, as proposed by the House, instead of $28,000,000, as proposed by the Senate; strikes out the language inserted by the Senate with respect to a publication known as the Shipping Bulletin; and strikes out the appropriation of $2,000,000, proposed by the Senate, for renewing engines of certain submarines.

On No. 79: Appropriates $238,415.99, as proposed by the House, instead of $390,415.99, as proposed by the Senate, for the commissary department, Naval Academy.

On Nos. 82 to 91, inclusive, and No. 93, relating to the Marine Corps: Appropriates $12,060,300.76 for pay of enlisted men, instead of $11,550,300.76, as proposed by the House, and $13,620,000, as proposed by the Senate; appropriates $4,141,450 for provisions, instead of $3,958,950, as proposed by the House, and $5,672,402, as proposed by the Senate; appropriates $1,125,000 for clothing, instead of $1,000,000, as proposed by the House, and $2,250,000, as proposed by the Senate; appropriates $590,000, as proposed by the House, instead of $1,000,000, as proposed by the Senate, for fuel; appropriates $500,000 for military stores, as proposed by the House, instead of $757,400, as proposed by the Senate; appropriates $750,000 for transportation and recruiting, as proposed by the House, instead of $946,000, as proposed by the Senate; appropriates $100,000 for forage, as proposed by the House, instead of $120,000, as proposed by the Senate; excludes from laundering at public expense articles of regulation clothing in use by enlisted men, as proposed by the Senate; and appropriates $2,000,000 for contingent expenses, as proposed by the House, instead of $3,185,200, as proposed by the Senate.

On No. 94: Strikes out the language inserted by the Senate, excepting submarines and one transport from the restriction against using any of the appropriation "Increase of the Navy" on vessels not now being constructed.

On No. 98: Strikes out the language inserted by the Senate requiring the Secretary of the Navy to submit to Congress a detailed report with respect to naval property.

On No. 102: Strikes out the language inserted by the Senate extending the scope of and modifying the provisions of section 1481 of the Revised Statutes, relating to the retirement of naval officers.

On No. 104: Strikes out the language inserted by the Senate providing that officers permanently advanced to the grades or ranks of commander, captain, or rear admiral shall take rank and precedence of officers temporarily serving in said grades or ranks.

On No. 105: Strikes out the language inserted by the Senate authorizing the transfer of enlisted men of the Navy to the Fleet Naval Reserve at any time after the completion of 16 years' naval service.

On No. 106: Strikes out the language inserted by the Senate restoring until January 1, 1923, the provisions of sections 1 and 2 of the act of February 28, 1919, permitting a person who served with the Army, Navy, or Marine Corps in the recent war to retain his uniform and personal equipment and to wear the same under certain conditions.

On No. 109: Strikes out the language inserted by the Senate authorizing the payment of six months' pay to beneficiaries of officers who died between November 11, 1918, and June 4, 1920.

On No. 110: Strikes out the language inserted by the Senate relieving disbursing officers of the Navy and Marine Corps on account of payments made by them for civilian outfits furnished enlisted men of the Navy and Marine Corps upon discharge for bad conduct, etc.

On No. 115: Strikes out the language inserted by the Senate prohibiting any payments to be made to officers of the Navy in the employ of concerns manufacturing, or have or offer to have any contractual relations for, furnishing supplies, ordnance, or materials to the Government.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 1: Providing mileage allowance to midshipmen on first proceeding to the Naval Academy.

On No. 7: Vesting discretion in the Secretary of the Navy in the expenditure of the appropriation "Contingent, Navy."

On No. 8: Requiring United States citizenship of members of the colonial councils of the Virgin Islands, and extending the income tax laws of the United States to the Virgin Islands and providing that the receipts from such taxes shall be paid into the treasuries of said islands.

On Nos. 11, 14, 15, and 16, relating to naval aviation: Appropriating $6,125,750 for new construction and procurement of aircraft and equipment; appropriating $1,339,000 for new construction, buildings, and improvements at air stations; constituting as one fund the various amounts comprising the appropriation "Aviation, Navy"; authorizing the Secretary of the Navy to dispose of claims not exceeding $500 growing out of

damages to private property occasioned by naval aircraft; and increasing the number of heavier-than-air stations to be maintained on the coasts of continental United States from six to seven.

On No. 18: Extending the provisions of the act providing for the establishment of marine schools to include Tampa, Fla., and Portland, Me.

On Nos. 19 and 20, relating to transportation and recruiting, Bureau of Navigation: Authorizing the transportation at public expense of applicants for enlistment and the payment of cash to enlisted men, apprentice seamen, and applicants for enlistment in lieu of transportation in kind.

On No. 21: Appropriating $100,000 for supplying records of men who served in the Navy during the war with Germany to proper officers in the several States, Territories, insular possessions, and the District of Columbia.

On No. 22: Broadening phraseology of the appropriation "Gunnery and engineering exercises," to permit of the award of prizes, trophies, and badges, the establishment of shooting galleries, target houses, targets, and ranges, and the hiring of established ranges.

On Nos. 45 and 46: Appropriating $500,000 for pier extension and $90,000 for rifle range for small arms, including purchase of land, at the navy yard, Puget Sound, Wash.

On No. 47: Authorizing the enlargement of the naval hospital, San Diego, Calif., and appropriating $1,000,000 for such purpose.

On No. 51: Appropriating $800,000 toward the development of a naval heavier-than-air station at Sand Point, Wash.

On No. 54: Authorizing the Secretary of the Navy to accept a tract of land from King County, State of Washington, for use as a site for a naval aviation base.

On Nos. 55 and 56: Authorizing the acquisition out of any funds appropriated for aviation purposes of a tract of land in the vicinity of Camp Kearny, Calif., for use as a site for a lighter-than-air aviation station.

On No. 57: Authorizing a credit of $250 to each midshipman who entered the Naval Academy since May 15, 1920, and to each midshipman discharged from the Naval Academy since that date to the extent of paying any indebtedness on account of clothing and equipment issues, and authorizing an advance of $250 to each midshipman hereafter entering the Naval Academy to cover the cost of initial clothing and equipment issues.

On No. 64: Appropriating $29,392,767 for provisions, Navy.

On No. 67: Increasing the amount of the clothing and small-stores fund, and providing that in the future the clothing and small-stores fund shall be charged with the value of all issues required as outfits on first enlistment and with the value of civilian clothing issued to men given discharge for bad conduct, etc.

On No. 71: Increasing the statutory limit for repairs and changes to capital ships of the Navy from $300,000 to $500,000.

On No. 72: Authorizing the expenditure of not to exceed $2,500 for the purchase of land for radio shore stations.

On Nos. 76, 77, 78, 80, and 81: Increasing the pay of secretary of the Naval Academy from $2,750 to $3,000.

On No. 92: Providing that the several amounts appropriated under the Quartermaster's Department, Marine Corps, shall constitute one fund.

On No. 95: Authorizing the construction of two airplane carriers and appropriating $15,000,000 toward their construction.

On No. 96: Increasing the limits of cost of certain vessels of the Navy.

On No. 97: Providing that all orders or contracts for work or material heretofore or hereafter placed with Government-owned establishments shall be treated the same, so far as the appropriations affected are concerned, as contracts with private concerns.

On No. 99: Restricting the amount of gratuity to be paid to enlisted men of the Navy upon reenlistment.

On No. 100: Making appropriations under the Bureau of Yards and Docks for public works available until expended.

On No. 101: Establishing the commuted ration rate during the fiscal year 1922 for officers and enlisted men of the Navy entitled thereto, and for midshipmen, and also the rate at which the naval hospital fund shall be credited on account of rations of sick in hospital.

On No. 103: Authorizing the exchange of lands in Porto Rico as consideration for a receiving and distant control radio station.

On No. 107: Requiring that all officers of the Naval Reserve Force and temporary officers of the Navy seeking retirement on account of physical disability incurred in the line of duty shall apply therefor not later than June 30, 1922.

On No. 108: Authorizing such entry on the records of men who served honorably in the recent war with the Navy or Marine Corps as will prevent militating against them any charge of desertion standing against them.

On No. 111: Authorizing one position in the office of the Solicitor for the Navy Department at $3,000 per annum in lieu of one position at $2,400 per annum provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1922.

On No. 112: Providing for the transfer under certain conditions to United States district courts all suits brought in State courts growing out of naval war contracts, and prescribing the procedure after such transfer if the United States assumes the defense as the party in interest.

On No. 113: Creating and establishing a bureau of aeronautics in the Navy Department.

On No. 114: Authorizing and requesting the President to invite the Governments of Great Britain and Japan to send representatives to a conference with the view to reducing naval expenditures and building programs.

PATRICK H. KELLEY,
BURTON L. FRENCH,
WILL R. WOOD,
JAMES F. BYRNES,
W. B. OLIVER,
Managers on the part of the House.

Mr. KELLEY of Michigan. Mr. Speaker, the report which has just been read by the Clerk is signed by all the managers on the part of the House and by Senator POINDEXTER and Senator SWANSON on the part of the Senate. The omission of the name of Senator HALE was due to the fact that the Senator was temporarily absent at the time the report was signed, and he supposed that he had left authority with Senator POINDEXTER to sign his name to the report. The absence of the name does not indicate any objection to the report.

I would like to make a short statement, Mr. Speaker, in reference to the report. The bill as it left the House carried in round numbers $396,000,000. The Senate added, in round numbers, $98,000,000, making the bill as it passed the Senate $494,000,000. The conferees on the part of the House have agreed to two additions, amounting to $6,330,540, which, added to the $396,000,000 carried in the House bill, makes a total of $402,330,540, or about $92,000,000 below the amount carried in the Senate bill.

There are certain amendments which involved the expenditure of money and which the conferees on the part of the Senate informally agreed to, if the House should make the additions, which would make $11,956,501 more. So that if all the propositions involving the expenditure of money which will be before the House under the items that are in disagreement should be added to the bill by the House itself the total of the bill would be $414,287,000, which would be something over $81,000,000 less than the Senate bill carries and about $80,000,000 less than the expenditures for the current year.

Mr. BLANTON. Will the gentleman yield there?

Mr. KELLEY of Michigan. I will.

Mr. BLANTON. Has it not come to pass that the distinguished body at the other end of the Capitol, in order to finally get through the things that they do insist upon, do like these bureau chiefs in making estimates, namely, put on more than they expect to be agreed upon finally by the House conferees, and in the final unscrambling usually get what they want anyway?

Mr. KELLEY of Michigan. Well, I will say to the gentleman from Texas that out of the $98,000,000 which was added by the Senate the House conferees agreed to $6,330,000. The reason for the increase of $6,330,000 was the agreement reached by the conferees on the part of the House and the Senate for an increase of 6,000 men in the Navy and 1,000 men in the Marine Corps over the 100,000 for the Navy and 20,000 for the Marine Corps as carried in the House bill, and an item of $800,000 for Key West, and an item of $100,000 for dredging in New York. Those, as I recollect, were the only three items which the conferees upon the part of the House agreed to. The 6,000 men which the House conferees agreed should be added to the 100,000 that the House provided for is just about a sufficient number to take care of the Aviation Service.

So that the bill as it now stands carries 100,000 men exclusively for the Navy and about 6,000 men for aviation. The Marine Corps has usually had one-fifth as many men as there were in the Navy, so we added a thousand men to the Marine Corps, keeping the percentage the same as has been maintained for a number of years.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Certainly.

Mr. OLIVER. In order to be accurate, I understood that the 6,000 over and above the 100,000 which the House authorized would care not only for aviation but also for the radio service.

Mr. KELLEY of Michigan. Yes. I thank the gentleman very much. It will carry not only enough for the Aviation Service but for the radio operators.

Mr. DUNBAR. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. DUNBAR. How much is set aside by the various committees for aviation? How much by the Navy and how much by the other services?

Mr. KELLEY of Michigan. I am not able to inform the gentleman beyond the amount carried for the Navy.

Mr. DUNBAR. What is the amount carried by this bill?

Mr. KELLEY of Michigan. The amount carried by this bill is the same as when the bill passed the House.

Mr. DUNBAR. How much is that?

Mr. KELLEY of Michigan. Nearly $7,000,000.

Now, just a word about the personnel. There was a marked difference of opinion between the House and the Senate as to the number of men necessary to maintain the ships in operation that the Navy Department thought ought to be kept in operation. The conferees on the part of the House believed that 100,000 men were sufficient.

The conferees on the part of the Senate insisted upon 120,000, and their judgment had the backing of the Navy Department Of course, the number of men required for the Navy is not an exact science, and we went into the matter with a great deal of care to determine where the men were stationed, what ships were kept in commission, and whether or not the defense of the country would be in any way impaired by reducing the personnel to 100,000.

I think the House will be interested in this analysis. Men would not care to vote for a reduction in the personnel if that reduction would impair the national defense. We found, as of April 1, in addition to all the fighting ships and ships necessary for the maintenance of fighting ships, that there were in commission at that time 27 old vessels, for which the Navy Department did not make any estimate for next year. No men were evidently expected to be used next year on those ships. Those were old ships, some of them having been gotten during the Spanish-American War; vessels of practically no military value; but they are now in commission and have on board 4,060 men. Of course, during the war we put into commission practically everything we could find that would float for the purpose of hunting submarines, and the Navy Department has put hundreds of these out of commission. But it is pretty difficult to get rid of them all promptly, and there still remain in commission large numbers of small craft of no military value whatever. They should be speedily put out of commission, as is undoubtedly the intention of the Navy Department.

There are 170 small yachts, submarine chasers, and other small craft that were designated as district craft and on those there are 2,988 men. We did not have these yachts and sub chasers before the war, but during the war they were built or purchased and put in operation, and naturally the ax has not been applied quite freely as to them—they eat up 2,988 men. We have eight or nine old battleships that the boys are using at the Naval Academy on their cruise. These will go out of commission when the boys get back to the academy, and there are 3,306 men on them. So that if these 27 old ships about which I have spoken and these sub chasers and yachts and other small craft and the old battleships were put out of commission, there would be released for other ships about 10,000 men.

The Navy Department figured that there would be required next year in the training schools as many as they had last year—14,674—but in all human probability the number in the training schools will be reduced 4,000 or 5,000 below that figure for this reason: The conditions in the country industrially are not the best, and since the war we have disenrolled over 500,000 boys who had actual war training of four months to four years. There are 500,000 or 600,000 men in the country to-day who have had training in the Navy, and out of that 500,000 or 600,000 at a time of industrial depression there is no trouble in replacing those whose enlistments will expire. These will not need to be trained, so that the number that the department figures for training stations was unnecessarily large.

Again, the department estimated that it would require 10,079 men on 175 destroyers to be kept in reserve. We have something like 300 destroyers. On April 1 last we had 122 destroyers in commission, and it is not expected that more than that number will be in commission the coming year. The conferees did not see the necessity of keeping 57 men on board a ship in reserve whose complement was only 114 men, and in making inquiries of naval officers the conferees found that in many cases one crew was being used with satisfaction to take care of four destroyers in a group, so that there would be only 25 or 30 men required on a destroyer in reserve instead of 57. This would make a difference of between 4,000 and 5,000 men who could be assigned to other duty.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. PADGETT. In the course of the committee hearings the fact was brought out that they had a number of ships not needed. Under existing law, if the Secretary wanted to dispose of the ships, it was necessary to have them surveyed, as it is called, and have them denounced as unseaworthy before the Secretary would have authority to dispose of them. The effect of that in advance is practically to discount and disparage very materially the value of the ships. Would it not be well for the gentleman to ask unanimous consent of the House for the conferees to write an amendment to one of these provisions which is still in conference, giving power to the Secretary of the Navy to dispose of ships not needed and of no value to the Navy, without going through this process of practically destroying their market value by disparaging it?

Mr. BUTLER. The Committee on Naval Affairs is considering that subject now. If the gentleman wants to legislate here without consideration, all right.

Mr. KELLEY of Michigan. The suggestion of the gentleman from Tennessee is now under consideration by the Naval Committee and is worthy of serious consideration by that committee and the House.

Mr. BUTLER. I asked the Secretary of the Navy to look around where he might sell enough ships to amount to $7,000,000, and he could not find them.

We have not any to sell that are worth selling. However, the propriety of advising the Secretary of the Navy to sell the old stuff for what he can get is being considered by our committee and we hope it will be acted upon favorably.

Mr. KELLEY of Michigan. The point I want to emphasize in discussing this proposition is that in fixing the number we thought sufficient at 100,000 men for the Navy we did not feel that we were in any way reducing the naval defenses of the country. What I want to impress on the House is that the reduction the committee made from the number now in the Navy to 100,000 could be easily accounted for upon old ships which should be put out of commission.

Mr. McKENZIE. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. McKENZIE. While the gentleman is on the question of enlisted personnel I want to ask one or two questions to get the matter into the RECORD. As I understand it, the basis for enlisted personnel is founded on the tonnage of the Navy. Is that correct?

Mr. KELLEY of Michigan. No; the enlisted personnel is based on the number of ships which the Navy Department thinks necessary to be kept in commission plus the number required for other activities necessary to sustain the ships.

Mr. McKENZIE. But the real basis, however, is tonnage, and the commissioned personnel in the Navy is based on the number of enlisted personnel. In other words, there is a certain percentage of commissioned personnel in each grade.

Mr. KELLEY of Michigan. The gentleman is not quite correct. The officer force of the Navy is not based on the enlisted strength of the Navy, but on the authorized strength which is fixed by law. As I recall, that is 137,431. So that whether we have 100,000 or 105,000 in the Navy would not make any difference in the number of officers in the Navy, nor would it make any difference in the number of officers of any grade.

Mr. McKENZIE. I understand. What I want to bring out, if I can, so that we can have a clear understanding, is the fact that the enlisted personnel in the Navy is supposed to be founded on the tonnage of the Navy, and then the commission personnel is based on the authorized enlisted personnel of the Navy, and at the present time the commission personnel in the Navy is in accordance with the authorized strength provided by law.

Mr. KELLEY of Michigan. That is right.

Mr. McKENZIE. Therefore, reducing the enlisted personnel will not reduce the commission personnel, but you will have an officer overhead something like we have in the Army.

Mr. KELLEY of Michigan. That is right.

Mr. McKENZIE. Does not the pressure come in the Navy by the way of battleships, because every time you build a battleship you increase the tonnage and you furnish an argument for the increase of the enlisted personnel, that being based on the

tonnage, and does not that form a circle that brings pressure to bear on Congress?

Mr. KELLEY of Michigan. There may be something in what the gentleman says, but at the present there is no such pressure, because the battleship construction has been fixed.

Mr. MADDEN. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from Illinois.

Mr. MADDEN. I want to ask two or three simple questions which ought to go into the RECORD. How many men would it take to man every ship in commission?

Mr. KELLEY of Michigan. Every ship that is in full commission at the present moment? They have 120,000 men in the Navy now. I think about 60,000 of these men are on the ships and the balance are in training schools, in radio or aviation, or some other shore activity.

Mr. MADDEN. It will take 60,000 men to man the ships in commission.

Mr. KELLEY of Michigan. And let me say, in addition, there are a large number of ships which are not kept in full commission, but which are kept in reserve, and when you keep ships in reserve you must keep them in condition. That takes a considerable number of men, sometimes 30 per cent of the complement, sometimes 40, sometimes 50. It is not an exact percentage; it depends on the character of the ship, its value, and the age of it.

Mr. MADDEN. What I am trying to get at is this: There are 60,000 men on the ships in commission, and how many are in training schools?

Mr. KELLEY of Michigan. It is not possible to state any fixed percentage. In the old days when we had four-year enlistments only one-fourth of the enlistments expired annually. Congress changed the four-year enlistment a few years ago to two years, so that one-half of the Navy enlistments expire every year. Under these conditions the percentage in training, all other things being equal, would be higher than when we had four-year enlistments. So, I doubt if you can fix any definite percentage that should be kept in training schools as compared with the number in the Navy.

Mr. MADDEN. Suppose you have 60,000 men necessary to man the ships in commission, would there be any difficulty along with 40,000 additional men to take care of all the ships laid aside?

Mr. KELLEY of Michigan. The committee thought that would be sufficient.

Mr. MADDEN. Is there any doubt about it?

Mr. KELLEY of Michigan. Not in the minds of the conferees on the part of the House. But the gentleman knows that when you go into conference with another body there must always be a disposition to give and take. In this case the conferees on the part of the House fully appreciated the wish of the House in this matter, and I fear carried our insistence to the very limit. We agreed to less than $7,000,000 out of $98,000,000 added by the Senate.

Mr. MADDEN. Unless it becomes disagreeable, sometimes it does not become effective.

Mr. KELLEY of Michigan. That is very true.

Mr. BUTLER. I should like to ask the gentleman from Michigan some questions.

Mr. KELLEY of Michigan. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Did the gentleman discover how many capital ships the department proposes to keep in commission?

Mr. KELLEY of Michigan. Fifteen.

Mr. BUTLER. And how many destroyers?

Mr. KELLEY of Michigan. One hundred and twenty-two.

Mr. BUTLER. How many for the capital ships?

Mr. KELLEY of Michigan. Eighteen thousand one hundred and forty.

Mr. BUTLER. How many for the destroyers?

Mr. KELLEY of Michigan. Ten thousand five hundred and sixty.

Mr. BUTLER. How many capital ships did you authorize them to keep in commission?

Mr. KELLEY of Michigan. Fifteen.

Mr. BUTLER. How many destroyers?

Mr. KELLEY of Michigan. One hundred and twenty-two.

Mr. BUTLER. How many men for the two services, the capital ships and the destroyers?

Mr. KELLEY of Michigan. Twenty-nine thousand.

Mr. BUTLER. Tell us what they are going to do with the remainder of 106,000 men, if you please.

Mr. KELLEY of Michigan. Of course, there are a number of other craft that must be kept in commission that go along with these ships which my friend from Pennsylvania has named, and then there are certain other fighting ships that have to be kept in reserve.

Mr. BUTLER. Yes, I know that; but is it not a fact that only about 33 per cent of our men are kept on these capital ships and these destroyers? That is what the percentage used to be.

Mr. KELLEY of Michigan. I think that is about correct.

Mr. BUTLER. About 33 per cent?

Mr. KELLEY of Michigan. Then, there are the submarines, over a hundred of them, but they do not take a very great number of men.

Mr. BUTLER. As a sample, just as a mouthful, will the gentleman tell me where is the *Olympia*, Dewey's flagship of 1898?

Mr. KELLEY of Michigan. The gentleman's question indicates that he and I are in perfect accord.

Mr. BUTLER. Where is the *Olympia?*

Mr. KELLEY of Michigan. I do not know where she is just at the moment, but I think she is in the Pacific; I think at Bremerton.

Mr. MERRITT. She is at Puget Sound.

Mr. KELLEY of Michigan. Possibly she has come across.

Mr. BUTLER. How many men have they on the *Olympia?*

Mr. KELLEY of Michigan. They have 352 men on the *Olympia.* I agree entirely with the gentleman from Pennsylvania that these old craft which I have mentioned, and some others, could with great propriety be put out of commission; and if the gentleman will permit a suggestion, which I know he will, I do not know of anything which would save more money for the Government than for some committee of Congress—I will not undertake to say what committee—to make an inquiry into the ships of the Navy with a view to putting out of commission all useless craft.

Mr. BUTLER. Will the gentleman undertake that inquiry? I know if that inquiry is made this House can save at one stroke $50,000,000. It is not up to me to do it. It is probably up to the Committee on Appropriations. I will say this to my old friend, that I am perfectly willing to join him in making this examination and report to this House, ship by ship, and the character of the ships and the number of men they have on them, and to ask the department to remove the men from these old ships. But what authority has the Naval Affairs Committee to make that examination? It is up to the Subcommitee on Appropriations. It all comes back to the gentleman's subcommittee.

Mr. MONDELL. If the gentleman from Pennsylvania will allow me, it seems to me that is a matter that his committee could inquire into with great propriety, and that it is the duty of his committee to make that inquiry.

Mr. BUTLER. I will say to the gentleman from Wyoming that I am obliged to him for the compliment that he pays the Committee on Naval Affairs, but I am not going to accept his suggestions as to the duty of our committee, for we understand what is necessary for us to do. I certainly am perfectly willing to join with my former colleagues on this committee in making this examination, for the very purpose of saving to the American people millions upon millions of dollars every year in these appropriations, but I would certainly expect Gov. KELLEY and Mr. OLIVER, who sat with us so many years, to join with us in making this examination.

Mr. OLIVER. If the gentleman will allow me, I do not think the gentleman from Pennsylvania, my good friend Mr. BUTLER, and his committee need any aid. He has stated to the House that his committee is now considering a bill to authorize the Secretary of the Navy to dispose of ships no longer needed by our Navy, and I assume it would be perfectly pertinent to that inquiry to find how many ships we can wisely and safely dispose of, and the House will await with interest a report from the committee on that matter.

Mr. BRITTEN. What good would it do to report, if they could not get a rule for the consideration of their recommendation?

Mr. BUTLER. I will ask my friend from Alabama [Mr. OLIVER] a question. Would he suggest that we compel the department to sell certain ships or would he leave that to the discretion of the department?

Mr. OLIVER. I think it should be left to the sound discretion of the Secretary of the Navy—simply give full authority—but you could with propriety indicate what ships you feel could be safely disposed of.

Mr. BUTLER. Will the gentleman join in this investigation?

Mr. OLIVER. I will be very glad to.

Mr. KELLEY of Michigan. Mr. Speaker, the gentleman from Pennsylvania [Mr. BUTLER] and I are in perfect accord as to the propriety of putting out of commission a large number of these worthless ships, and the reduction in the personnel of

14,000 men which has been made in this bill is made on that basis, and will not in the slightest degree reduce the military strength of the Navy below what it is at the present time.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. MACGREGOR. If $50,000,000 can be saved, and it is within the knowledge of the Members of this House who have charge of those matters, why should we stand on the matter of ceremony? Why do not these gentlemen get busy and save this money?

Mr. KELLEY of Michigan. The administration of the Navy Department is in the executive branch of the Government. A new administration has just come in, and we hope at least that it will be able to effect these economies. It is a matter of administration. We have withheld the men from these ships that have been spoken of and have made other cuts below the amounts being spent this year. We are saving upward of $80,000,000 over the current expenditures and are more than $80,000,000 under the Senate amendments. So we have made a fairly good start.

Mr. MACGREGOR. The people are looking to Congress to reduce expenditures.

Mr. KELLEY of Michigan. I hope they will not be disappointed.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. ROSE. I just want to say, in reply to what the gentleman from Pennsylvania [Mr. BUTLER] has said, that I think he has given a revelation to the Members of the House. A great many of us are not in position to find out just exactly the number of battleships in and out of commission and the number of men stationed on them. He has made the startling announcement that this Congress is in position to save the Government $50,000,000, and I think that his committee owes it to the Congress to proceed at once and make that investigation and report to the House, so that those of us who are in favor of economy will have the privilege of showing to the country that we are determined to practice it wherever it is possible. Here is a splendid opportunity to decrease our heavy burdens. Let us have the investigation.

Mr. KELLEY of Michigan. Of course, the gentleman's statement of $50,000,000 was approximate, no doubt, but what the gentleman from Pennsylvania meant and what I meant is this: That if you would tie up or sink or sell for junk certain old vessels running into the hundreds you would not in any way reduce the military strength of the Navy and you would save a good many millions, and I would not be surprised $50,000,000.

Mr. BUTLER. Does the gentleman from Michigan think there is any military value in the *Olympia*, Dewey's old ship?

Mr. KELLEY of Michigan. Very little.

Mr. BUTLER. Will the gentleman give me a minute?

Mr. KELLEY of Michigan. Certainly.

Mr. BUTLER. I want to state to my colleague from Pennsylvania [Mr. ROSE] that I mean just what I say—that there is the biggest opportunity in the wide world to save money, if these examinations are made, if these investigations are concluded, and to show this House where the money goes, the places where it goes, and where it ought not to go, in my judgment. This country has started in to manufacture for the Navy.

Does the gentleman know that they started a $34,000,000 armor-plate factory, and how much armor plate does the gentleman think they are going to make? Does the gentleman know the amount of money that has gone into Nitro, W. Va., for an armor-plate factory? Does the gentleman realize what the Government has been doing for 10 years in the way of injecting itself into private business? I would go further in this examination than the gentleman from Wyoming [Mr. MONDELL], our leader, suggests. I would go to the very bottom.

Mr. MADDEN. Mr. Speaker, the Nitro, W. Va., plant is a war plant, is it not?

Mr. BUTLER. What does my friend call a war plant? Does he call a $34,000,000 permanent plant a war plant?

Mr. MADDEN. It was not started until the war, was it?

Mr. BRITTEN. Yes; it was authorized before the war.

Mr. BUTLER. It was authorized in 1914.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BLANTON. I hope we will leave this investigation entirely within the hands of the gentleman from Pennsylvania [Mr. BUTLER], because he can attend to it without creating 8 or 10 or 15 or 20 or more $15,000 jobs.

Mr. BUTLER. Will the gentleman tell us something about Key West? That is of great concern to me. I would like also to ask the gentleman whether or not he realizes what the pressure is from Key West to induce this Congress to spend $2,000,000 for waterworks there. The gentleman has agreed to put up this breakwater or to continue it, and in my judgment it is better to let the winds of the ocean sweep it away than to continue it and finish it and then come to Congress for $2,000,000 for waterworks. I would never consent to it if I had my way about it.

Mr. KELLEY of Michigan. Mr. Speaker, the other item to which the conferees agreed, as the gentleman from Pennsylvania [Mr. BUTLER] has suggested, is the item respecting Key West, and it was with a good deal of reluctance I will say to the gentleman from Pennsylvania that we agreed to it.

Mr. BUTLER. I do not know how the gentleman could change.

Mr. KELLEY of Michigan. And yet I am inclined to think that even my friend from Pennsylvania would not have done differently, and I shall state the reason why I think so. This project for Key West was authorized in 1918. It never has greatly impressed me as being the proper place for a submarine base, but the naval people seem to think that it is a proper place; $1,100,000 have been expended there under the contract in dredging the harbor to form a breakwater.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. In a minute. About $750,000 is obligated under the contract. The contract is in process of execution. To make the breakwater a success and prevent the waves from washing the mud back into the basin, it is said that it must be covered with marl, which is found in that region; that that is the way the railroad company down there was able to handle its public works. It is claimed that it will be a success, and that when the mud pier or breakwater is covered with marl it will form a permanent breakwater.

Mr. MADDEN. That means that it will cement.

Mr. KELLEY of Michigan. We have agreed to this with an amendment providing that if the Secretary of the Navy finds that this project can not be made permanent by the expenditure of this sum of money, then it is not to be expended, but the work shall stop and the contractors will have to recover whatever damages they may sustain by reason of the cancellation of the contract. We think the course to pursue is to put this money in the hands of the Secretary, to be used to finish the contract in case he finds it can be done successfully, and, if not, to suspend work entirely, in which case the waves will wash the breakwater out of existence entirely in the course of a month or two.

All things being considered, we thought that pending the time the Naval Committee could make inquiry into this project and determine whether any further development should be made at this point, we should at least preserve the investment of $1,000,000 which had already been made and not allow it to be destroyed by the waves during the course of the next month or two.

Mr. BUTLER. But what are we going to do with it when it is done?

Mr. KELLEY of Michigan. The gentleman from Pennsylvania at any time can bring in a bill discontinuing this project or——

Mr. BUTLER. What are we going to do with the thing when we get it finished?

Mr. KELLEY of Michigan. I do not want it.

Mr. BUTLER. In the gentleman's judgment, does the Government want it?

Mr. KELLEY of Michigan. I have never been in favor of it.

Mr. BUTLER. Where will you get the fresh water at that point?

Mr. KELLEY of Michigan. This is a project that is authorized by the Congress. The Naval Committee of the House reported this bill in 1918.

Mr. BUTLER. Oh, yes; it authorized it.

Mr. KELLEY of Michigan. I think Mr. PADGETT, chairman of the Naval Committee, reported it; it never appealed to him much, and yet it was put through, no doubt upon recommendation of the Navy Department.

Mr. BUTLER. In 1918, when we had the war fever on and when we gave everybody everything.

Mr. KELLEY of Michigan. So there was very little else, in my judgment, for the conferees to do.

Mr. BUTLER. Mr. Speaker, I confess I am not criticizing my old friend, but I asked the plain question, What will the Government do with this thing when it gets it finished and then how much more money does the gentleman know that this Government will have to expend in order to use that place at Key West?

Mr. KELLEY of Michigan. The gentleman knows perfectly well that no money can be expended at Key West for further

development so long as he is chairman of the Committee on Naval Affairs unless he approves of such expenditure.

Mr. BUTLER. No; that does not follow.

Mr. KELLEY of Michigan. Unless he brings in a bill to that effect.

Mr. BUTLER. I will never bring one in.

Mr. PADGETT. Mr. Speaker, in reference to the Key West project, it should be borne in mind that Secretary Meyer during that administration appeared before the Committee on Naval Affairs several times, and in his annual report and personally before the committee urged the necessity and demanded that this project should be undertaken by the Congress and that it should be carried on on a larger scale, involving a much larger appropriation than the Committee on Naval Affairs has heretofore or up to this time provided.

Mr. BUTLER. I agree with my friend. Secretary Meyer was a Republican and Secretary of the Navy, and he spoke to me about it. I said, "I will not vote a dollar for that sink hole there now for you or anybody else."

Mr. PADGETT. The committee had hearings and a full investigation, and then Secretary Daniels took it up, and it was backed by the naval people, and all the strategists agreed that the Caribbean Sea will be the area of a war if we are ever engaged directly in a war, and that the Key West proposition is the key to the protection of the Florida Straits and to the Panama Canal, and that is why the committee heretofore, having the backing of all the naval strategists, Secretary of Navy Meyer, Secretary Daniels, after full investigation—also the Helm Board report and the McCain Board—and all of them come under what I spoke of as naval strategists—therefore the Committee on Naval Affairs reported the project that is carried in this bill.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL] and reserve the remainder of my time, reserving, of course, the right to control the floor. How much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. KELLEY of Michigan. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I congratulate the House conferees on the agreement they have reached. I congratulate the House on this report as now presented. The Senate increased the naval bill as it passed the House by approximately $100,000,000. In the other branch during the consideration of the naval bill there was a good deal of discussion on the matter of reduction, but after the smoke had cleared away no considerable reduction in the amount reported by the Senate had been made. It is true there was an item of $1,800,000 that was clearly not necessary after the agreement that no bounty shall be paid, and the Senate bill was reduced by that amount. Except for that no reductions were made in the Senate from the amount reported by the Senate committee. It remained for the House conferees in the face of that situation to prove to the Senate conferees that the increase of $98,000,000 was unnecessary for the maintenance of a navy, for the maintenance of a good navy, for the maintenance of a good navy in a thoroughly efficient manner. Some of the newspapers of the country have seen fit since the conference agreement was published to bewail the fact that the Navy was upon the rocks, that the small-navy men in the House had had their way, and the Navy was to all intents and purposes a wreck. The fact is that the naval bill as it passed the House was a liberal bill; it was a bill drawn by gentlemen on both sides of the Chamber who are favorable to a strong and efficient Navy. It made abundant provision for such a navy; it made liberal provision for such a navy.

And that it did make abundant and liberal provision for the Navy is proven by the fact that, in the face of earnest insistence on the part of the Senate conferees and of the Naval Establishment, the House conferees were able to persuade the Senate committee that they could not stand justified before the country in insistence upon the increases they had made. Of course, it was not to be expected, with such a wide difference of opinion existing, that the House could have its way altogether. There must be something of compromise, but the compromise, from the House standpoint, was very small indeed. The committee have agreed to add 7,000 men to the Navy and Marine Corps above the number that the House believed—that the House committee believed and still believe—was reasonably sufficient for the Navy. We have, it is true, forces of considerable number, such as the air and wireless forces, in the Naval Establishment not formerly a part of the Navy personnel.

The SPEAKER. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I yield five minutes more to the gentleman.

Mr. MONDELL. Taking those forces into consideration, there was a very considerable argument on behalf of some increase in the personnel of the Navy in order to provide not only for the old-time personnel but for some 6,000 of those in these newer classes of naval personnel, adding 1,000 to the Marine Corps in order to maintain the percentage as between the Marine Corps and the Navy that we have long maintained.

Six million five hundred thousand dollars the conferees agree to accept out of $98,000,000. It is not so much a triumph on the part of the House—I would not so state it or consider it—but it is a triumph for careful, conservative examination of the needs of the service, that after the examination of the subject the House committee gave its conferees were able to maintain its position. They were able to do so because they had gone thoroughly into the matter and understood it in all its details.

The conference will, in addition to the $6,500,000 agreed to in the conference report, which I hope will be adopted, ask the House, as I understand it, to acquiesce in a motion agreeing to an additional appropriation of something over six million for new aircraft. It will be recalled that when the bill was before the House in the last Congress the Naval Committee of the House, having jurisdiction of the matter of new aircraft, advised an appropriation for it in a sum considerably in excess of the amount now proposed. That item could only be accepted by unanimous consent, and I took the responsibility, no one else assuming it, to object to that addition to the bill, suggesting that the question of new aircraft could be taken up in conference and there decided upon. We must make provision for new aircraft. We knew that at the time the bill passed the House, and I called attention to the fact. The amendment should be adopted.

Mr. ANDREWS. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. ANDREWS. How many different lines of aircraft activities do we have, and what is the total amount of appropriation for all?

Mr. MONDELL. If the gentleman will propound that to some one who has gone carefully into it and is prepared to answer it, we will all of us be under obligations to him and to whomever answers. I do not now recall in detail, and if I did, I could not answer in the time allotted me. I understand we have expended something over $100,000,000 for aircraft activities of all sorts and kinds within the past year.

Mr. COCKRAN. Will the gentleman yield for a question, for my own enlightenment and the enlightenment possibly of some other Members of the House?

Mr. MONDELL. I will.

Mr. COCKRAN. In describing the character of the Navy that has been established by this measure, I should like to know how the Navy compares with the other navies of the world, if the gentleman is prepared to tell us. Does it give us the first navy or the second navy or the third navy?

Mr. MONDELL. I have discovered that the question of the relative size or strength is to a considerable extent a matter of opinion. I do not know that we shall be able to say that we have the largest Navy in the world, but we shall have a good Navy and one adequate to our needs.

Mr. COCKRAN. Would the gentleman enlighten the House what form of construction can be used except by its comparison to other navies?

Mr. MONDELL. The gentleman's question involves an analysis which, of course, I have not time to make in the remaining fragment of a five-minute speech.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. KELLEY of Michigan. I yield five minutes more to the gentleman.

Mr. COCKRAN. And nobody can employ it better.

Mr. PADGETT. If the gentleman will yield, speaking of first and second class navies, England had a first-class navy and Germany a second-class navy, but the second class was not worth a tuppence in the late war.

Mr. COCKRAN. It is just like a second-best hand at poker. [Laughter.]

Mr. MONDELL. There are quite a number of items still in disagreement. With regard to some of them I do not know the attitude of the House committee of conference. They have done so exceedingly well so far as they have gone that I should be rather inclined to follow their judgment, and yet I trust that they will not ask us to agree to any of the increased or any of the new appropriations which were not agreed to in conference. And I hope they will not ask us to agree to any of the new legislation which the Senate placed on the bill. I know there are one or two of those items of legislation that appeal

strongly to some gentlemen. Some gentlemen think we ought perhaps to provide for an aircraft carrier.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. I have only five minutes. Some gentlemen may think that we ought to provide for a bureau of aeronautics in the Navy Department. Some gentlemen may think that we ought to have an additional flying station up in the Pacific Northwest. It seems, gentlemen, that there is only one logical thing for the House to do, and that is to refuse to consider favorably any of these new propositions that come to us in this irregular way. [Applause.]

I think that the legislative committees are entitled to have their jurisdiction protected, and I hope that no one of the legislative committees, after having somewhat protested that their jurisdiction had been shortened by taking from them authority to appropriate, will now ask the House to agree to items of legislation that the House has not passed upon favorably, or items that the committee has not passed upon favorably.

Whether the committee has been favorable to those items or not, they ought to be considered by the House in an orderly way, and I assure gentlemen here and now that the committees having jurisdiction over these matters will have an early opportunity to have their propositions considered by the House.

But let us preserve the orderly procedure of this body. Let us preserve the jurisdiction of our legislative committees, and let us insist that we shall not pass important legislation on an appropriation bill; that we shall not appropriate in a large way for entirely new enterprises which the House has not agreed to or approved.

If we follow the rule that we shall treat all these items alike, without regard to our view as to their merits, in order that they may be considered on their merits in due course, we shall save money for the taxpayers of the country, and in the long run we shall have better legislation. I hope that we will adhere to that policy. [Applause.]

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The gentleman from Michigan moves the previous question on the conference report.

The previous question was ordered.

Mr. KELLEY of Michigan. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman from Michigan moves the adoption of the conference report. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 1: Page 2, line 14, after the word "employees," insert "and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen."

Mr. KELLEY of Michigan. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BRITTEN] five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. BRITTEN. Mr. Speaker, I desire to move that the House recede and concur in the Senate amendment, which was stricken from the bill on my motion during the present Congress, not because of my antipathy to the bill, but because of my objection to the silly rules under which the House is now operating.

I am rather amazed at the statement of the distinguished leader, Mr. MONDELL, a moment ago, suggesting to the House that the jurisdiction of the legislative committees be not infringed. He suggests that there is not a single amendment, although many of them are recommended by the distinguished Committee on Appropriations, to which the House should now recede and concur. Our leader says we should pay no attention to them, but wipe them all out, for fear of violating the jurisdiction of the legislative committee, of which I happen to be a member, namely, the Committee on Naval Affairs. The Committee on Naval Affairs unanimously reported in the last Congress many of the legislative features that have been incorporated in this bill by the Senate at its request. Is the gentleman going to suggest that we should go out of business just because of the silly rules under which we are operating has taken away our very life? Until these rules are changed we are going to have statements made like the one by the distinguished chairman of our committee, that $50,000,000 might be saved in a certain direction.

What transpires under existing conditions? The Navy Department makes a suggestion to Congress, to the Speaker of the House. That suggestion comes to our committee or to the Committee on Appropriations, and the buck is passed. An admiral will come before us and he will say, "The Navy desires certain legislation; it desires certain appropriations." We suggest that they go to the Committee on Appropriations. The Committee on Appropriations sends them back to us.

Until we change the rules, gentlemen, we are not going to have proper legislation here. There is no question about that. Until we change the rules the Senate, not the House, is going to be the legislative body of Congress. How else can we get legislation? We tried in the last Congress. We had a bill reported unanimously. Several Members appeared before the Committee on Rules and requested a preferential status. That committee, as it determined the other day on a very important bill, decided that our matter was not of sufficient importance to justify a rule, and in consequence we got no preferential status, but had to wait our turn. That is because our Committee on Naval Affairs, the Committee on Foreign Affairs, Military Affairs, and various other former appropriating committees are now simply dead committees, and they will continue to be dead committees until the system is changed.

I am addressing my remarks now to the new Members of Congress. This rule throttling the proper jurisdiction of committees was not given serious consideration before it was adopted except by a comparatively few men, who arranged to control the destinies of the House. The adoption of that rule was taken up as an incident to the budget system, and it was right prior to the election, when few would object to a supposed budget rule, and nobody wanted to obstruct budget legislation, and this silly rule under which we are now operating was then put through. Now, three or four men control absolutely everything that comes before the House. That was illustrated yesterday in the case of the Volstead bill. The Committee on Rules says, "You must not bring in this bill," or "You must not bring in that bill. We will substitute one of our own." The Committee on Rules dominated the situation entirely, and said that the House would get its amended Volstead bill or none.

Our great leader from Wyoming talks about the present condition of the Navy and its preparedness.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. BRITTEN. No; not now. I will not mention any names, but there is a lot of legislation in this bill that is being opposed by small-Navy men, men who before you and I came here were small-Navy men. They have always preached a small Navy in the apparent interest of economy, and they are small-Navy men to-day. Certainly they do not want a bureau of aeronautics. It might increase the expenditures of the Navy Department $10,000 or $12,000 a year, and save $20,000,000 a year, because of the obnoxious methods which are now being used in the control of aviation in the Navy through various departments. There are other features in this bill that have been thoroughly investigated by the Committee on Naval Affairs and reported out unanimously by that committee. The Committee on Naval Affairs desire that legislation in the interest of the Navy. Lots of it does not cost the Treasury a penny. The Navy wants it. Experts in naval affairs want it. Not our distinguished leader. He is not an expert in naval affairs any more than you and I are as we sit here on this floor. Naval officers desire this legislation. They want it now, and the only way they can get it is by the House agreeing to recede and concur in certain Senate amendments, and that motion will be made in many instances by the gentleman who is controlling the bill for the Committee on Appropriations on the floor of the House [Mr. KELLEY of Michigan]. Why should we not put it in? What is the objection? It is not going to cost anything—this legislation that the Navy desires and ought to have—because the experts interested in the Navy want it. [Applause.]

Mr. Speaker, I move that the House recede and concur in Senate amendment numbered 1.

Mr. KELLEY of Michigan. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Illinois [Mr. BRITTEN] is decidedly inconsistent. This item would have been in the bill except for him. It has been carried in appropriation bills for some time, and everybody has been for it.

Mr. BUTLER. How long does the gentleman say it has been carried in the bill?

Mr. MONDELL. For some years.

Mr. BUTLER. Mighty few. I helped to put it in within two or three years.

Mr. BRITTEN. Will the gentleman tell us how long it has been in the bill?

Mr. MONDELL. For some years.

Mr BRITTEN. That is a great reply!

Mr. MONDELL. Nobody disapproves of it. Everybody was for it; but the gentleman from Illinois [Mr. BRITTEN] struck this item from the bill, although he approved of it.

Here is an item that everybody is for, a regular item in an appropriation bill. It was in the bill when it was reported by the Committee on Naval Affairs, of which the gentleman is a member, and was supported by him. Then because he could strike it out by making a point of order on the bill as reported by the Appropriations Committee, it went out. If I were the gentleman from Illinois, I would stand pat. I would stand by my position. I shall not vote to recede and concur. I shall still vote to sustain the jurisdiction of his committee. The gentleman complains that his committee has not anything to do. If any committee in the House has nothing to do, it is because that committee does not do the things that lie right before it. If there is a saving of $50,000,000 that can be made in naval expenditures, for Heaven's sake let the Committee on Naval Affairs, that knows about the Navy, show us how we can make that saving and it will be done. [Applause.]

Mr. BRITTEN. Why does not the gentleman suggest an amendment to the rules, so that the Committee on Naval Affairs will have a privileged status in the House when it comes in with legislation?

Mr. MONDELL. I shall be perfectly willing to do that.

Mr. BRITTEN. Well, do it, and do not talk so much about it. [Laughter.]

Mr. MONDELL. The gentleman from Illinois will kindly keep within the rules. The gentleman from Wyoming does not make the rules of the House. Long ago I said, and I have said it repeatedly, that I should be glad to see the House amend the rules in the way he has suggested. No one on the Naval Affairs Committee has proposed it. There has been nothing of that kind proposed to the Committee on Rules as far as I know. Further than that, these legislative committees will have their day in court. They will have their day before the House. Whenever they bring their propositions before the House, as soon as they can be reached they will be, so far as I have any influence in giving them that opportunity.

Mr. BUTLER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. MONDELL. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. I thank the gentleman very much. Now, we can get right down to what this means. I am not going to stand for a lot of the legislation proposed in this bill. If the House sees fit to legislate on this bill, and will indicate to me where the furniture of the Naval Affairs Committee room can be disposed of, I will send it there this afternoon.

Mr. MONDELL. Well, I am with the gentleman.

Mr. BUTLER. You talk about making fish of one and flesh of another. Here is just a little bit of an item that my friend the gentleman from Illinois [Mr. BRITTEN] took out of the bill. He had a right to take it out, and he did it. I am not criticizing him for that, but it is mighty good for these young lads who have not anything to do, that they should have——

Mr. MONDELL. I have said repeatedly the provision ought never to have gone out of the bill.

Mr. BUTLER. We have reported it favorably.

Mr. MONDELL. It would have been in the bill except for the action of the gentleman from Illinois, and the House will undoubtedly follow the committee; but so far as I am concerned, I want to preserve my duty of impartiality and fairness to these legislative committees, and I shall do it. I do not ask anybody to follow me. This item ought to go in the bill. It ought to have been left in the bill.

Mr. BUTLER. But it is out.

Mr. MONDELL. Well, it will get back. The gentleman will vote for it, and most everybody will vote for it.

Mr. BUTLER. Mr. Speaker, let me ask the gentleman a question. What hope have we of getting an hour or two hours or two days in which we can act upon legislation reported from this committee?

Mr. MONDELL. I will go before the Committee on Rules with the gentleman at any time.

Mr. BUTLER. Go before the Committee on Rules and ask for a day for two or three provisions in this bill?

Mr. MONDELL. I have very recently urged a rule for legislation from the Committee on Military Affairs. They have their rule, and if the gentleman will make the same request for his committee I have no doubt that he will be given an opportunity to bring up his legislation.

Mr. GARRETT of Tennessee. Will the gentleman from Wyoming yield?

Mr. MONDELL. Oh, yes; anticipating the gentleman's question, we hope this will expedite the passage of the tariff bill. [Laughter.]

Mr. GARRETT of Tennessee. I wanted to ask the gentleman if he does not think that while the House is waiting for a committee that has privilege to report, which seems to be delaying unduly, that these gentlemen who have not the privilege may be properly given it? [Laughter.]

Mr. MONDELL. I am sure that the gentleman from Tennessee, a member of the Committee on Rules, will be very glad to afford the opportunity for the committees whenever they desire to be heard.

Mr. GARRETT of Tennessee. Of course, the gentleman will understand that when he pledges me in that way he is authorized to a certain extent, but it must be emphasized that I shall not be compelled to do anything that will interfere with the tariff bill. [Laughter.]

Mr. BYRNES of South Carolina. Mr. Speaker, I do not care to be recognized, but I ask the gentleman from Michigan if he will not take two minutes in order that I may ask him a question?

Mr. KELLEY of Michigan. Very well.

Mr. BYRNES of South Carolina. I desire to ask the chairman of the committee if he will not make to the House a statement of his intentions with reference to these legislative provisions? Assertions have been made that the gentleman would move to concur in some of the legislative provisions. That is not my understanding.

Mr. KELLEY of Michigan. I will yield to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker, I wish to briefly answer some statements made by the gentleman from Illinois [Mr. BRITTEN], which, I think, if unanswered may mislead the House. The House conferees have not nor will they ask the House to concur in any legislation placed on this bill by the Senate, but the House conferees have consistently insisted that matters of legislation should not be placed on an appropriation bill, and we have brought these matters back for the consideration of the House at the urgent insistance of the gentleman from Illinois [Mr. BRITTEN], a member of the House Naval Committee. The gentleman from Illinois came before the House conferees and also before a joint session of the Senate and House conferees and urgently insisted that these matters be brought back to the House. He stated to the conferees of both House and Senate that the House Naval Committee was anxious that this legislation be brought back in order that members of his committee might move that the House concur in the Senate amendments.

Mr. MONDELL. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. MONDELL. Is not that rather an unusual procedure, for a Member of the House to appear before a conference committee and thus urge them? I never assumed to do that in all the years that I have been here.

Mr. OLIVER. It may be unusual, but I am stating what occurred, and the House will determine whether it is unusual or not. [Applause.]

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. OLIVER. Yes.

Mr. BRITTEN. I hold in my hand a typewritten sheet prepared for the gentleman controlling the bill in which various amendments are noted, "Recede and concur with an amendment," "Recede and concur," "Recede and concur with an amendment," one of them being the naval hospital at San Diego. The gentleman will observe that that is new legislation on the bill. That is the reason I made that statement. If I am in error, I am willing to be corrected.

Mr. KELLEY of Michigan. I think the gentleman from Alabama states the thing exactly as it is. It was my understanding that the gentleman from Illinois wanted to move to recede and concur in some of these amendments, whereupon I kindly consented to prepare the amendments for him. [Laughter].

Mr. OLIVER. I can not yield further. The gentleman from Michigan [Mr. KELLEY] correctly states the position of the committee in reference to the preparation of the amendments. The Appropriations Committee has tried to show the legislative committee every courtesy and proper deference. When they appeared before us, as we thought, through the gentleman from Illinois [Mr. BRITTEN], and requested that we permit the House to at least hear the legislative committee on these matters, and that they would urge the House to pass the same, out of deference to such request from the legislative committee we brought this legislation back, but with the distinct understanding that the House conferees would not ask the House to recede and concur in the amendments. These are the facts, and I hope will make

clear to the Members of the House that the conferees of the House have not sought to trespass on the rights of the legislative committee.

Mr. BUTLER. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. BUTLER. Will the gentleman from Michigan give the gentleman from Alabama two minutes more, as I want to have a little talk with my old friend? We have been for several years on the same committee. I know exactly how jealous the gentleman is for the rights of the legislative committee.

Mr. KELLEY of Michigan. I yield to the gentleman from Alabama two minutes more.

Mr. BUTLER. I saw the paper to which my friend from Illinois refers. I did not know what it was, but my friend used the second person, looking at me. Did the gentleman understand that I was going to move to concur and strip the underclothing, all that is left, from the committee over which I preside? I am against this legislation. Did the gentleman mean to convey to the House that it was expected that I would move to concur?

Mr. OLIVER. No; I did not mean to convey that impression. I understood from the gentleman from Illinois [Mr. BRITTEN] that he had been selected as the spokesman of the legislative committee, and——

Mr. BUTLER. My friend from Illinois understands my position, that I am jealous of the little bit of jurisdiction that is left to my committee, and I do not want to send for the woodbox and the trunk just yet.

Mr. OLIVER. It gives me pleasure to state that the gentleman from Pennsylvania [Mr. BUTLER] at no time mentioned the matter of any legislation carried on the appropriation bill to the conferees of either the House or the Senate, but the information that the House legislative committee favored the amendments was communicated to the conferees by the gentleman from Illinois [Mr. BRITTEN], and my recollection is that Mr. BRITTEN at that time stated that he felt the House legislative committee unanimously favored the legislation.

Mr. BRITTEN. On the ground that it had been unanimously reported by the Naval Committee.

Mr. KELLEY of Michigan. Now, as to this amendment which provides for the expenses of the midshipmen, that has been carried in the regular appropriation bill a long time.

Mr. BUTLER. Two years.

Mr. KELLEY of Michigan. In the regular appropriation bill, and it went out on a point of order. Of course, if it is not put in this bill, the Committee on Naval Affairs can authorize this expenditure and it can be handled as a deficiency later. The expense for this year is taken care of out of the current appropriation, and the Naval Committee can legislate upon the subject before the students are required to come in next year. The Committee on Appropriations does not care which course is pursued. The simplest way is to put it in this bill at this time, but it can be done the other way. If the motion made by the gentleman from Illinois [Mr. BRITTEN] be agreed to, it will come in here, and if not it will have to be included in a deficiency after the naval committee has reported a bill authorizing the expenditure.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. ANDREWS. Does the gentleman mean that these expenses are provided for in other legislation for the fiscal year 1922?

Mr. KELLEY of Michigan. No.

Mr. ANDREWS. Or 1921?

Mr. KELLEY of Michigan. No; but the boys enter the academy for the coming school year prior to the 1st of July, so that the expenses of entering this year for next year are already provided for.

Mr. ANDREWS. But the expenses incurred from July 1, 1921, forward will not be provided for unless this provision carries.

Mr. KELLEY of Michigan. That is correct; but, of course, the 1922 boys are already in and the 1923 boys will not enter the academy until late in June, 1922. There will be plenty of time to provide for them.

Mr. ANDREWS. But some of them enter now or on the 1st of July.

Mr. KELLEY of Michigan. And in the meantime the legislative committee can provide for those expenses.

Mr. ANDREWS. Some are entering the 1st of July next, but they are not provided for in this bill. They would be if the motion is agreed to.

Mr. KELLEY of Michigan. That is true. It will have to be taken care of in a deficiency bill; but there would be ample time to provide legislative authority. The simplest way is to put it back into the bill at this time—all those old provisions that were taken out on points of order, and there are only a few of them. This is about the only one, I think, that makes any difference.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GRAHAM of Illinois. The gentleman says that the legislative committee could do this. The gentleman regards this, then, as an authorization and not as an appropriation?

Mr. KELLEY of Michigan. It has been carried as an annual item in the regular Navy appropriation bill for a number of years, but it was not permanent law, and because it was not it was subject to the point of order, and went out at the instigation of the gentleman from Illinois [Mr. BRITTEN].

Mr. GRAHAM of Illinois. Then the best thing to do would be for the Naval Committee to make a permanent authorization, and then it would be regularly carried in the appropriation bill.

Mr. KELLEY of Michigan. That is correct.

Mr. BUTLER. And that we have already reported, and I think the bill is on the calendar.

Mr. CHINDBLOM. Even if there were such an authorization now, there would still have to be an item of appropriation.

Mr. KELLEY of Michigan. It would have to be carried in a deficiency bill some time during the year, so I say I have no objection one way or the other. If the House shall vote in favor of the motion of the gentleman from Illinois [Mr. BRITTEN] it will be put into this bill, otherwise the item will have to come along at some other time.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. SANDERS of Indiana. Does the gentleman think we ought to vote for this or against it?

Mr. KELLEY of Michigan. I do not care anything about it either way. Of course, the Committee on Appropriations included the item in the bill when it was first reported because it was a customary item carried in the regular appropriation bill and it is in no sense new legislation. We thought that we were within the spirit of the rule which provided that legislation should go to the Naval Affairs Committee, and appropriations to the Appropriations Committee, when we did not bring in any propositions not carried in former bills.

Mr. SANDERS of Indiana. I think I understand the status. The status is that when the bill was before the House these amendments went out on points of order made by the gentleman from Illinois [Mr. BRITTEN] because they were legislative matters. The gentleman from Illinois now wants them back because they went out on his points of order, and so makes this motion. The gentleman from Michigan in charge of the bill thought they ought to be in the bill when he brought it in originally. However, having gone out on points of order made by the gentleman from Illinois [Mr. BRITTEN], a member of the Committee on Naval Affairs, the gentleman from Michigan now brings them back and refuses to make a motion to put them in. The majority leader thinks they ought to be in, but the majority leader refuses to vote for them because he is jealous of the authority of the legislative committee. The chairman of the Committee on Naval Affairs thinks we ought to defeat them, so as to protect the jurisdiction of his committee.

Mr. BUTLER. Oh, I do not care anything about it. The House can do as it pleases.

Mr. SANDERS of Indiana. The gentleman from Illinois [Mr. BRITTEN] thinks we ought to adopt his motion. The matter is so confusing that I wanted to get the views of the gentleman from Michigan.

Mr. MONDELL. Mr. Speaker, the gentleman from Indiana has outlined the status of affairs, and under it he has the finest opportunity in the world to exercise his most excellent judgment.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. Mr. Speaker, I think the situation is very well understood, and I ask for a vote.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 7: Page 4, line 2, after the word "Navy" insert "and for such purposes as he may deem proper, $50,000."

Mr. KELLEY of Michigan. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, this Senate amendment had been carried in the annual naval appropriation bill and was

stricken out on a point of order made by myself. I now move that the House recede and concur in the Senate amendment.

Mr. KELLEY of Michigan. It is in the same category as the other.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 8: Page 4, line 20, after the figures "$343,440" insert: "*Provided*, That no person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands: *Provided further*, That the income tax laws now in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands."

Mr. KELLEY of Michigan. Mr. Speaker, I move to further insist on the House disagreement to Senate amendment No. 8.

Mr. TOWNER. Mr. Speaker, I make the preferential motion to recede and concur.

The SPEAKER. The gentleman from Iowa moves to recede and concur.

Mr. FRENCH. Mr. Speaker, this amendment, it seems, can be divided, and I think, even though part of it should be concurred in, that possibly the House would not want to concur in all; and I would suggest that we have it understood that the vote may be taken——

Mr. TOWNER. You can divide the question if you see fit after I make a statement, but I do not think then you will want to divide it.

Mr. PARKER of New Jersey. Can the Committee on Naval Affairs put such a provision as this on a naval appropriation bill?

Mr. TOWNER. Well, I think the gentleman from New Jersey will recognize the fact that the Virgin Islands are now under the control of the Navy Department, and the appropriation that the gentleman will see immediately preceding this amendment is made for the support of the Virgin Islands in this bill, and therefore we presume the Senate amendment was introduced for that reason. Now, gentlemen, let me call your attention to this provision. It consists, as the gentleman from Idaho well said, of two parts. The first part is this:

That no person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands.

The reason of that amendment is found in these facts. The government of the Virgin Islands is, after all, now very largely the government as it was under Danish control. The legislative authority consists of two councils, one of the combined islands of St. Thomas and St. Johns and the other the island of St. Croix, each having its separate colonial council. When the act was passed and the treaty was made by which the jurisdiction of the islands was taken from the Danish Government and put under the United States it was left to the inhabitants of the Virgin Islands to keep their citizenship of the Virgin Islands and remain subject to the sovereignty of Denmark if they so desired. Quite a number—not a great number, but quite a number—did this. However, under the laws then existing, which were continued temporarily and are now in existence awaiting the Americanization of the laws, which is, however, taking place very rapidly—under those laws men who were simply citizens of the Danish Islands were eligible to serve in the colonial councils governing the islands, so that we have this anomalous condition over there: That Danes, subject to the sovereignty of Denmark, are serving in an American possession and legislating for American citizens in those islands. Of course, that is an anomaly that no longer ought to exist, and I hope gentlemen will all recognize the necessity for the passage of this amendment, because it may be some time before we can secure a recodification of the laws so they will be Americanized. That is the first provision.

The second one is this:

That the income tax laws now in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the Treasury of said islands.

Gentlemen will notice that this also consists of two propositions. In the first place, shall we extend the revenue laws of the United States to the Virgin Islands? We have this anomalous condition over there at this time, that the Treasury Department has found that the revenue laws do not hold in the Virgin Islands, and therefore we can not collect any taxes that are imposed under the authority of the United States in the Virgin Islands. It seems to me quite clear that gentlemen will recognize the necessity that that should be done. Now, we have this further condition in this, we are required very largely to furnish money to run the government of the Virgin Islands. We hope that condition will not very long exist, but it does exist to-day, as you will see by the appropriation, $343,440, in the preceding paragraph for the support of the government of the Virgin Islands. Now, it makes no difference whether we put the money in the treasury over there and then take it out as it will be required to do, or whether the money that is collected over there should remain subject to the control of the islands for the purpose of maintaining and carrying on their government. Of course, there is nothing gained in sending it to the United States Treasury and then sending it back, and it will decrease in the exact proportion of the amount that we will be required to appropriate when it can be put in the treasury of the Virgin Islands. Besides, this is true: We have always, we did, and do now in the Philippines, allowed them to use the revenues they collect for the support of their government. We have also in Porto Rico, and we will doubtless do the same when we make permanent laws for the Virgin Islands and establish a civil government over there, so it occurs to me there can be no objection to either of these propositions.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. CHINDBLOM. If the receipts for the income tax laws, after they are applied to the inhabitants of the Virgin Islands, are covered into the treasury of the islands so that there will be money available in both treasuries for governmental expenses, should we still make an appropriation as contained in the original text of the present appropriation bill?

Mr. TOWNER. Oh, yes; I am quite sure that is true.

Mr. CHINDBLOM. Then we are appropriating for the expenses of the Government, collecting revenues which go into the treasuries of the islands, and no provision is made for taking the money out of the treasuries of the islands and applying it to the expenses of the government?

Mr. TOWNER. Oh, no; it will decrease the necessity for our appropriating here just to that extent, I will say to the gentleman.

Mr. CHINDBLOM. But we will get no benefit during the next fiscal year?

Mr. TOWNER. Certainly we will.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. GRAHAM of Illinois. The gentleman is chairman of the Committee on Insular Affairs of the House?

Mr. TOWNER. Yes.

Mr. GRAHAM of Illinois. Has the gentleman's committee considered this matter and reported a bill or had any hearings on a bill to this effect?

Mr. TOWNER. No; except in this regard: We did consider the entire question of revenues of the islands, and we have considered the entire question of the necessity of extending the laws to the islands and have made a report accordingly, although not permanently upon the appropriation or upon this provision. That was made some months ago.

Mr. GRAHAM of Illinois. Do you not think it would be advisable for your committee to report out some legislation of this kind and have it passed as a separate enactment?

Mr. TOWNER. I will say to the gentleman that this is the difficulty with regard to that: We are now trying to recodify and Americanize the laws of the islands. It is thought best by the committee that visited the islands and went into the investigation very carefully that that should be done by the people of the islands themselves. That being so, some of their local laws have already been passed, and they are now recodifying the entire system, so that that will be taken care of. We can not make a civil government for those islands at the present time, because of the conditions that exist, and which perhaps it would be best I should not discuss with the gentleman. It will probably be some time before we can pass a law that will give them a civil government. We hope to do so as soon as possible.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. PARKER of New Jersey. I would like to ask whether the condition of the Virgin Islands is such that it is safe to make these two changes, one of which is to debar Danes of high character who are there holding office, and the second is to introduce the United States system of taxation in islands of that character—a system of taxation which is so different from their own? It seems to me this is rather a big thing to be done on an appropriation bill.

Mr. TOWNER. I have no hesitancy in answering both of the gentleman's questions in the affirmative. Certainly we do not

want foreigners to be legislating for American citizens. That is the answer to that proposition. The other answer is that all the revenues collected down there of an internal nature are collected for the benefit of the people of the islands.

Mr. PARKER of New Jersey. I am speaking of the system. The system of income tax is an unusual system, and I did not suppose it existed there. It means the establishment of a revenue collector and going through all the questionnaires with them, and it will be an exceedingly unpopular thing to introduce that form of taxation. I should like to do it after debate on a separate bill instead of doing it on an appropriation bill.

Mr. TOWNER. The gentleman can make his own reservations about that matter, but I am quite sure he would acquiesce in the wisdom of it if he knew the entire circumstances.

Mr. KELLEY of Michigan. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER pro tempore (Mr. STAFFORD in the chair). The question before the House is on the motion of the gentleman from Iowa to recede and concur.

The question was taken, and the Speaker pro tempore announced that the Chair was in doubt.

Thereupon the House divided; and there were—ayes 35, noes 15.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 11: Page 5, line 15, after the figures "$1,440,000," insert "for new construction and procurement of aircraft and equipment, $6,125,750."

Mr. KELLEY of Michigan. Mr. Speaker, I move to further insist on disagreement to Senate amendment No. 11.

The SPEAKER pro tempore. The gentleman from Michigan moves to further insist on the disagreement to Senate amendment No. 11.

Mr. HICKS. Mr. Speaker, I offer a preferential motion to recede and concur with an amendment which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Mr. HICKS moves to recede and concur in Senate amendment No. 11, with the following amendment: In lieu of the sum proposed in said amendment insert "$5,323,000."

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, the amendment which I have offered I think carries out the purpose probably of the gentlemen on the Appropriations Committee themselves, but of course they were prohibited from suggesting this appropriation because of the rule. This sum appropriates practically the same amount of money for new aircraft which the Naval Affairs Committee have already passed upon and approved of. As a matter of fact, the amount stated in this amendment is $753,000 less than the Naval Affairs Committee thought proper for new aircraft. It provides for lighter-than-air craft, and heavier-than-air craft and equipment. As the Members of Congress know, all kinds of aircraft are subject to rapid deterioration; there must be replacements frequently, and this appropriation simply provides for what the Naval Affairs Committee themselves find proper for the new aircraft for the following year. And for that reason, Mr. Speaker, I hope the amendment will be adopted.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this is one of the items that neither our good friend Dawes nor our committee on reorganization have had time to get to yet in stopping some of the duplications in expenses so long existing in our Government. It may be true that we have not much left of appropriations for new construction in aircraft in the Navy, but there is plenty of money available for new construction and experimentation purposes with respect to aircraft in the Army, as we gave $19,000,000 to it the other day, and we have given the Post Office Department recently over $2,000,000 for aircraft purposes, and here we are continuing to duplicate this expense in the Navy, when all ought to be combined under one head and under one supervision. And when the chairman of the committee and the conferees on behalf of the Members of the House, who believe in economy, have refused to accede to this demand of the Senate that this extra sum of $6,000,000 be spent, and have brought the bill back here for further disagreement, then we have the motion passing without anyone objecting to it on the Republican side of the aisle. I think the time has come when our good friends over on this other side of the aisle ought to stop this duplication. Give our reorganization committee and our man Dawes a chance to stop this expense. Mr. Dawes has just reached Washington. He has not had time to begin his labors. Let us give him a chance. This is one of the items of duplication that he should consider, and I think we ought to vote against this $5,000,000 increase. I think we ought to begin right here in stopping duplication of expense.

Mr. HICKS. Will the gentleman yield?

Mr. BLANTON. Of course.

Mr. HICKS. The gentleman, I think, wants to be fair.

Mr. BLANTON. I do.

Mr. HICKS. When the Appropriations Committee reported this bill a few months ago they would undoubtedly have included this item in the Committee of the Whole had it not been for the rule which prohibits them from appropriating for new aircraft and new types of vessels. It was not because they did not realize the aid of it. It was because of the rule that prevented them from doing it.

Mr. BLANTON. Well, does not the gentleman want to give Mr. Dawes a chance to have "a little look in" on this proposition? Does he not want to give Mr. Dawes an opportunity to decide whether or not there ought to be some concentration under one head of these three different branches of aircraft construction?

Mr. HICKS. I would be only too delighted to have Mr. Dawes look into it, and I hope he will. But in the meantime I am not willing to have the Army and the Navy exposed for lack of sufficient material while we are waiting for reports. This simply carries out one of the needs of the department.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BRITTEN. I would like to suggest to the gentleman from Texas [Mr. BLANTON] that this is not a budgetary question, but a military problem, and Mr. Dawes has nothing to do with it, and never will have.

Mr. BLANTON. I hope he will have something to do with it and that he will keep down some of the duplicated expenses in respect to military and naval affairs; because the distinguished gentleman from Chicago [Mr. BRITTEN] knows that over 90 per cent of the expense that comes out of the Public Treasury is expense incident to wars—military and naval affairs—and if our reorganization committee and Mr. Dawes are going to reach the big expenses of this Nation they have got to look after what is spent on the Army and the Navy. You have got to begin there, and I think it is time we should begin looking after these proposed $5,000,000 increases. I am going to give every man in this House a chance to vote on this retrenchment proposition, and let you show your constituents by your vote whether or not you are for economy and whether or not you are for retrenchment, and whether or not you are for stopping this duplication, because you have not got a quorum. Unless you demand a quorum first and head me off, I am going to force a record vote and give you an opportunity to vote yes or no on this proposition of a $5,000,000 increase.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAYTON. Is not a large part of the 90 per cent you are talking about a fixed charge on the Federal Government occasioned by reason of the war?

Mr. BLANTON. Yes. A big bunch of it comes from duplication, I will say to the distinguished gentleman from Delaware, who is usually in favor of economy.

Mr. LAYTON. I am, but I am in favor of the truth.

Mr. BLANTON. Is not that the truth?

Mr. LAYTON. I want the gentleman to answer me that question—whether 90 per cent of our Government expenditures are not a fixed charge on the Federal Treasury occasioned by reason of the war?

Mr. BLANTON. Yes; Army, Navy, pensions, care of disabled service men, and so forth; but if you will look into the matter you will find there is large duplication of expense which, if stopped, would cause less taxes to be taken from the people.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. BUTLER. Mr. Speaker, my colleague from New York [Mr. HICKS] moves to recede and concur in the amendment. I want to ask my colleague if we had any hearings on this this year?

Mr. HICKS. I will say to my friend from Pennsylvania that we have had very exhaustive hearings, and this estimate is based on those hearings of last winter.

Mr. BUTLER. I know we had last year.

Mr. HICKS. Yes; and we thought that there should be about $750,000 more appropriated for this than my amendment calls for.

Mr. BUTLER. I am not going to oppose this, but I want the House to understand that the gentleman from Texas [Mr. BLANTON] is not idle when he makes the statement that he means to put you on record. You voted here the other day for $1,100,000 for clerks, and I put you on record then. You can not escape it. Yet, if we intend to maintain a naval service we shall have to make this appropriation. We have reported in favor of it. It is a part of the service and is very important—the aviation branch.

My colleague [Mr. HICKS] has suggested the very lowest amount that should be appropriated for it, $5,000,000 and something. And along comes another item following this that will increase the amount for aviation. I understood the gentleman from Wyoming [Mr. MONDELL] to say—and I hope the gentleman from Wyoming will give me his attention for a moment—that he anticipated that this would be one of the items that the House might accept. Yes; I do not see how we can avoid it. But there are other items coming here, and I ask you all to be in your seats, because if the gentleman from Texas [Mr. BLANTON] does not maintain a quorum I propose to do it, and point out to you how you can save to this Government money.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. LAYTON. I simply wanted to ask the chairman of the Committee on Naval Affairs whether he favors this increased appropriation?

Mr. BUTLER. I wish I did not have to say I do. I think it is necessary. I hate to appropriate the $5,000,000 more.

Mr. LAYTON. How is it that the chairman of the Committee on Naval Affairs and the gentleman from New York [Mr. HICKS], who is a very active member of the committee, seem to differ as to the question of how many hearings they have had on this subject?

Mr. BUTLER. I want to answer that question. My colleague and old friend from New York [Mr. HICKS] knows more about this subject than any 25 men in this House. I have followed him in his examination of the subject. I know that he is economical, and therefore I know that when he reaches the conclusion, as he has done here, that it has become an absolute necessity to make the appropriation I am willing to vote for it. [Applause.] I wish that I did not have it to do. But, gentlemen, you will have other opportunities on warships and on naval stations before you get through, and I intend to put my best efforts against them.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. PADGETT. Mr. Speaker, this is a very important amendment, and one that I think should be agreed to. I want to ask the gentleman from New York [Mr. HICKS], who proposed a reduction of $750,000 from the House Naval Affairs Committee estimates, why he is maintaining that reduction? Our committee has investigated the matter, and what we had reported was, as I thought, a rather scant appropriation for the Air Service, considering its very great importance. Why are you making a motion to concur, reducing the amount by $750,000, and from what activity is it to be deducted?

Mr. HICKS. I will say to my friend from Tennessee, who is a friend of aviation, that he knows that we based our bill largely on the hearings of last winter, and that since we had those hearings and made up our estimates there has been quite a large reduction in the cost of the material and labor that goes into these planes and dirigibles. And also, as the gentleman knows, we hoped that there would be certain increased activities in this direction that have not taken place. Therefore we do not need so many machines as we did. The amount was reduced because of the decreased cost of labor and material, and because it was thought that we could probably reduce the number of machines in order to meet the requirements of what is going to be a smaller Navy than we contemplated last year.

Mr. PADGETT. The gentleman states that the reduction is based on the lessened cost of labor and material and also upon a reduction in the activities of the Navy and the Air Service.

Mr. HICKS. If this bill becomes a law, there will be a smaller Navy than was contemplated last winter.

Mr. PADGETT. Considering the importance of this branch of the service, I hope the House will agree to this appropriation, because while I do not think the Air Service is going to destroy the other activities of the Navy, and while we are still going to need battleships, battle cruisers, submarines, and destroyers, and the other activities of the Navy, yet this is an activity that is very important. It is in its infancy, and we should be liberal with it in its development. I hope the amendment will be agreed to.

Mr. HICKS. Let me take this opportunity to thank my friend from Pennsylvania [Mr. BUTLER] for the entirely too complimentary remarks which he has made in reference to me. While I appreciate his generous words, my work has been so insignificant as to warrant no praise. I want to say that this amendment embodies the crux of the aviation situation for the Navy. If you believe in aviation, this amendment must be adopted. If it is defeated, we will have little except make-believe activities in the Aviation Service for one year more. We will be compelled to use old planes and obsolete equipment, which is neither just to the men who operate them or fair to the Navy. Efficiency in aviation demands that this amendment become a law in order that we may hold our place and provide the facilities which experts and laymen alike agree are vital to our development. Why hesitate and jeopardize the future? Why lack the faith in aviation in the face of what it has already accomplished? I do not intend to prophesy, but I am firmly of the opinion that this arm of our service will produce results far in excess of what we see to-day. Its future holds potentialities beyond our present conception of them, and it maybe will create a different standard of measurement for the construction of our fleet in the years to come. [Applause.]

Mr. BUTLER. I should like to ask the gentleman a question.

Mr. HICKS. The gentleman from Michigan [Mr. KELLEY] is in control of the time, but I will gladly reply to my friend if I am given the opportunity.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from New York?

Mr. KELLEY of Michigan. I yield to the gentleman.

Mr. BUTLER. Does the gentleman believe it is absolutely imperative that we should at this time vote for this increased expenditure, when we are all looking forward to an agreement among the nations for a reduction in armament and a saving of expenses in this direction. Does the gentleman believe, in view of that fact, that it is necessary to make this expenditure?

Mr. HICKS. Yes; in the same way that we are making an expenditure in carrying on the construction of battleships. No one is more heartily in favor of an international agreement for the curtailment of armament than I am or is the gentleman from Pennsylvania.

Mr. BUTLER. True.

Mr. HICKS. It seems to me there should be an international agreement on that subject, and when that comes we can then lop off here and there, but do not let us be too hasty. Let us see if the other nations will join with us.

Mr. BUTLER. I deplore the necessity for the expenditure.

Mr. BLANTON. Does not the gentleman realize that there is a movement now on foot to coordinate and concentrate the Air Service all under one head and stop duplication, and does not the gentleman think that it is a good idea, before expending this $5,000,000 in one department, to wait until we ascertain whether it is feasible to concentrate all the Air Service under one head?

Mr. KELLEY of Michigan. I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, in the course of this debate it has been stated that we can not tell how much we are appropriating annually for the Air Service. When we voted for the present Committee on Appropriations, as a part of the program for a budget, it was understood that that committee would place before the House a statement in debit and credit form so that we might know what we pay for ships, what we appropriate for aircraft, what we appropriate for each distinct branch of the public service.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. ANDREWS. No; not now. Mr. Speaker, if we are unable to tell how much we are appropriating for aircraft, I think here is a good place to stop until we find out. [Applause.] And if the floor leader of this House is unable to find out from all the sources of information at his command, he would better begin to go to school on that question and find out.

Mr. MONDELL. Will the gentleman yield?

Mr. ANDREWS. Yes; I will.

Mr. MONDELL. The floor leader does not pretend to have at his tongue's end the details of all items of legislation. Aircraft appropriations are made in many forms in a number of services. The total is something over $100,000,000. If the gentleman from Nebraska is anxious to know just what the amount is, he has all the sources of information that any one of us has.

Mr. ANDREWS. Ah, but the floor leader is the mouthpiece of the House, particularly of the Republican side, and why has he not gathered up the information and told us the facts?

Mr. HICKS. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from New York.

Mr. HICKS. Does the gentleman want to know what the Navy has been spending in aviation?

Mr. ANDREWS. No; I want to know what the total is, and I want it from reliable sources. I want to know how much we are spending for aircraft, I want to know how much we spend for distinctly military purposes, and how much we are spending for each specific branch of the public service. Not until we get to that line can the membership of this House know whether they are voting correctly or incorrectly, and here is the place to draw the line and demand a showing.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS. Yes.

Mr. GARRETT of Tennessee. Does not the gentleman think, in view of the uncertainty of the amount that we are expending, that it is very desirable that the majority leader should attempt to expedite the consideration of the tariff bill?

Mr. ANDREWS. The gentleman is greatly interested in the tariff bill, and he is playing it for fun or for politics. I am trying to get a statement in debit and credit form that will show how we are transacting business, and that means more than the daily question as to the tariff bill propounded by the gentleman from Tennessee.

Mr. KELLEY of Michigan. Mr. Speaker, just a word by way of information which the gentleman is seeking. Of course, the Army bill and the Navy bill for next year have not yet become laws. The Army bill is before the President and this bill is here. The amount carried in the Army bill for aviation is $19,200,000. The amount carried in the Post Office bill for aviation is $1,250,000. If the amount which the gentleman from New York [Mr. HICKS] and the gentleman from Pennsylvania [Mr. BUTLER] have agreed upon as being the proper amount for new construction and aviation in the Navy is placed on this bill it will be $13,413,431. That makes a total of $33,863,431 for aviation.

Mr. BUTLER. It is under $35,000,000 for the whole three services.

Mr. ANDREWS. Where does the $100,000,000 come from?

Mr. KELLEY of Michigan. This is for 1922.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. KELLEY of Michigan. Yes.

Mr. DOWELL. If this was of the importance that has been suggested here, why did not the committee originally recommend this amount?

Mr. KELLEY of Michigan. I will say to the gentleman from Iowa that in the beginning when we took up the consideration of this item in the Committee on Appropriations we thought we had jurisdiction over it, and we conducted extensive hearings upon the subject. The new rule of the House provides that the Committee on Naval Affairs shall have jurisdiction over the authorization of ships.

It did not occur to us at the beginning that that language would include aircraft, but after a little more consideration we made up our minds that it probably would, and being anxious not to exercise any jurisdiction not intended under the rule, we told the Naval Affairs Committee that we thought they had jurisdiction over this and that we did not. When the question came up on the floor of the House, an amendment was offered making an appropriation for new aircraft on the ground that these craft were not ships. The Chair, however, ruled otherwise, as we thought perhaps might be the case, and the amendment offered at that time by the gentleman from New York [Mr. HICKS] was ruled out of order. That is why the original bill as reported from the Committee on Appropriations did not include any provision for new aircraft.

Mr. DOWELL. Mr. Speaker, will the gentleman answer one other question? If this is of the importance that has been stated by the chairman of the committee and another member of the Naval Affairs Committee, why was it, after it was known by the Committee on Appropriations that this is not in order on the Naval appropriation bill, that the Committee on Naval Affairs did not take notice of the situation and make a report to this House?

Mr. HICKS. It did.

Mr. KELLEY of Michigan. The gentleman will remember that this bill is a hang-over bill.

Mr. DOWELL. This question is presented here on a conference report.

Mr. KELLEY of Michigan. Just a moment. This bill was passed at the last session of Congress during the last week or two of the session. There was very little time or opportunity, if time had been given, for the gentleman from Pennsylvania [Mr. BUTLER] to have brought in a bill for that purpose, but his committee did have hearings and the gentleman from New York [Mr. HICKS], acting for the committee, sought to put the item on the bill on the floor. It did not get into the bill because it was subject to the point of order which was made against it.

Mr. DOWELL. But both of these gentlemen are prominent members of the Committee on Naval Affairs, and that committee can report a bill here if it is of this importance at any time they desire. Why should this be brought up now and sprung upon the House in the form of a conference report?

Mr. BUTLER. Oh, do not spank me for what I did. The bill was reported and on the calendar at the time, but we could not get time to consider it.

Mr. DOWELL. I think it ought to go back, and that the committee should consider it, and that it should be taken up on the floor of the House, where it can be properly considered, and not on a conference report.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, no other item in this bill is in exactly the class as the item now before us. I think there are very few Members of the House on either side but would have thought when the matter was taken up by the Committee on Appropriations that that committee had authority to appropriate for new aircraft. That committee can appropriate for muskets and cannon and powder and transport service—for practically everything essential to the Navy except ships. At first blush there would seem to be no question but that the committee had the right to appropriate for new aircraft. The committee had hearings, still under the impression that it was authorized to appropriate. I think the members of that committee came to the conclusion that they ought to appropriate possibly a little more than is now carried in the item. The chairman of the subcommittee talked with me about it.

I agreed with him that in every case the doubt with regard to the jurisdiction of the Committee on Appropriations should be resolved in favor of the legislative committee, and that if there was a real doubt here they should not appropriate, but that they should serve notice as to the situation on the legislative committee and ask them to act. That was done. The Naval Affairs Committee had extensive hearings, and when the appropriation bill came before the House without the item for new airplanes the gentleman from New York [Mr. HICKS], as has been stated, presented the item in a somewhat larger sum than is now presented, with the indorsement of the Committee on Naval Affairs, the legislative committee having jurisdiction. I made the point of order, still trying to preserve the jurisdiction of the Naval Affairs Committee, but said at that time that eventually it would be necessary to take care of this item on this bill. A curious condition had arisen; a new point of order had been suggested which gentlemen had not thought of.

The appropriation had been carried on the appropriation bill theretofore, and it was a necessary item of expenditure. The bill now comes back from the Senate with this item in it in a smaller sum than either committee of the House considering the question believed was necessary. We have saved something like three-quarters of a million dollars from our own estimates by having the matter go to the Senate and be placed on the bill there and presented to the conferees. There is no other item in this bill which occupies the same status that this item does. I still am inclined to the opinion that the item ought to have been in order on the appropriation bill, but as it was held not to be, then, as a matter of principle, we should yield to the appropriate legislative committee, and they have given their judgment in the matter.

Mr. DOWELL. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DOWELL. If the large sum has been saved, as the gentleman suggests, by waiting a while, does not the gentleman believe that if we wait a little longer a quarter of a million more may be saved?

Mr. MONDELL. You could carry that philosophy rather too far. If we made no appropriation for the Navy at all for this year, would we save the amount carried in the bill?

Mr. LAYTON. We have saved $63,000,000 already in 10 minutes. The gentleman says the total appropriation is only $37,000,000, and the gentleman from Wyoming said it was $100,000,000.

Mr. MONDELL. The gentleman from Wyoming was not talking about appropriations. He was talking about the total expenditures for all air machines and air services for the year. It was, I believe, in excess of one hundred million. A considerable portion of it was overhang from former appropriations.

Mr. KELLEY of Michigan. Mr. Speaker, I ask for a vote on the amendment.

Mr. BUTLER. Before the gentleman asks for a vote, so that we may all understand as we go along, let me ask him a question. How much does it cost the Government to maintain the Naval Establishment from July 1, 1920, to July 1, 1921?

Mr. KELLEY of Michigan. Four hundred and ninety-five million dollars.

Mr. BUTLER. How much of that is deficiency?

Mr. KELLEY of Michigan. Sixty-one million dollars.

Mr. BUTLER. I want Members to bear that in mind.

Mr. KELLEY of Michigan. Of that, some $30,000,000 was due to legislation.

Mr. BUTLER. For increased salaries.

Mr. KELLEY of Michigan. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from New York to recede and concur with an amendment.

Mr. BLANTON. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman has a right to do that, and the first question is on the motion to recede.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 87 ayes and 24 noes.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. KELLEY of Michigan. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KELLEY of Michigan. What are we about to vote on?

The SPEAKER. On the motion to recede.

Mr. BLANTON. Mr. Speaker, what became of my point of no quorum?

The SPEAKER. The Chair will count. The gentleman from Michigan made a parliamentary inquiry.

Mr. BLANTON. I make the point that he can not do that after a point of no quorum is made.

The SPEAKER. The gentleman from Michigan was in order. The Chair will count. [After counting.] Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 239, nays 72, answered "present" 1, not voting 119, as follows:

YEAS—239.

Ackerman	Clarke, N. Y.	Foster	Jacoway
Ansorge	Cockran	Freeman	James, Mich.
Appleby	Cole	French	Jeffers, Ala.
Arentz	Collier	Frothingham	Jones, Tex.
Aswell	Colton	Funk	Kearns
Atkeson	Connally, Tex.	Gallivan	Kelley, Mich.
Bacharach	Connolly, Pa.	Garner	Kelly, Pa.
Barbour	Cooper, Ohio	Garrett, Tenn.	Kennedy
Barkley	Cooper, Wis.	Garrett, Tex.	Ketcham
Beedy	Copley	Gernerd	Kiess
Begg	Coughlin	Gilbert	Kincheloe
Bell	Crisp	Glynn	Kirkpatrick
Benham	Cullen	Goldsborough	Kissel
Black	Curry	Gorman	Kline, N. Y.
Blakeney	Dallinger	Graham, Ill.	Kline, Pa.
Bland, Ind.	Darrow	Graham, Pa.	Knutson
Bland, Va.	Davis, Minn.	Greene, Mass.	Kraus
Bond	Deal	Greene, Vt.	Lanham
Box	Denison	Griest	Lankford
Brennan	Dominick	Hadley	Larson, Minn.
Briggs	Drane	Hardy, Colo.	Lea, Calif.
Britten	Drewry	Hardy, Tex.	Lee, Ga.
Brooks, Ill.	Driver	Harrison	Lee, N. Y.
Brooks, Pa.	Dunbar	Hawes	Lehlbach
Bulwinkle	Dupré	Hayden	Lineberger
Burdick	Dyer	Hays	Linthicum
Burtness	Elliott	Hersey	Little
Butler	Elston	Hickey	Logan
Byrnes, S. C.	Fairchild	Hicks	Luce
Byrns, Tenn.	Fairfield	Hill	Lyon
Cable	Faust	Himes	McArthur
Campbell, Kans.	Favrot	Hogan	McCormick
Cantrill	Fenn	Hukriede	McDuffie
Carew	Fess	Hull	McKenzie
Carter	Fields	Humphreys	McLaughlin, Mich.
Chandler, N. Y.	Fish	Husted	McLaughlin, Pa.
Chindblom	Focht	Ireland	McPherson
MacGregor	Ogden	Robsion	Temple
Madden	Oldfield	Rodenberg	Ten Eyck
Magee	Oliver	Ryan	Thompson
Maloney	Olpp	Sabath	Tillman
Mapes	Osborne	Sanders, Ind.	Tinkham
Martin	Padgett	Schall	Treadway
Mead	Parrish	Scott, Mich.	Underhill
Merritt	Patterson, N. J.	Shaw	Vare
Michener	Petersen	Shelton	Vestal
Miller	Pou	Shreve	Vinson
Mills	Pringey	Sinnott	Volstead
Millspaugh	Radcliffe	Smith	Walters
Mondell	Raker	Smithwick	Ward, N. C.
Montague	Ramseyer	Snyder	Weaver
Montoya	Ransley	Sproul	Webster
Moores, Ind.	Rayburn	Stedman	Wheeler
Morin	Reavis	Stephens	Wilson
Mudd	Reber	Stoll	Woodruff
Newton, Mo.	Reece	Summers, Wash.	Woods, Va.
Nolan	Reed, W. Va.	Swing	Wright
Norton	Ricketts	Tague	Wyant
O'Brien	Roach	Taylor, N. J.	Zihlman
O'Connor	Robertson	Taylor, Tenn.	

NAYS—72.

Almon	Gensman	London	Rosenbloom
Anderson	Hammer	Lowrey	Rouse
Andrews	Haugen	McLaughlin, Nebr.	Sanders, Tex.
Beck	Hoch	McSwain	Sandlin
Bird	Huddleston	Mansfield	Sinclair
Blanton	James, Va.	Moore, Ohio	Speaks
Boies	Johnson, Ky.	Moore, Va.	Stafford
Bowling	Johnson, Miss.	Morgan	Steagall
Brand	Keller	Murphy	Strong, Kans.
Burton	Kendall	Nelson, A. P.	Sumners, Tex.
Chalmers	Kinkaid	Nelson, J. M.	Swank
Christopherson	Kleczka	Overstreet	Sweet
Clague	Knight	Park, Ga.	Thomas
Davis, Tenn.	Kopp	Parks, Ark.	Tincher
Dickinson	Larsen, Ga.	Quin	Upshaw
Dowell	Lawrence	Rankin	White, Kans.
Ellis	Layton	Rhodes	Williams
Fulmer	Leatherwood	Rose	Woodyard

ANSWERED "PRESENT"—1.

McClintic

NOT VOTING—119.

Anthony	Flood	Lufkin	Slemp
Bankhead	Fordney	Luhring	Snell
Bixler	Frear	McFadden	Steenerson
Bowers	Free	Mann	Stevenson
Brinson	Fuller	Michaelson	Stiness
Brown, Tenn.	Gahn	Moore, Ill.	Strong, Pa.
Browne, Wis.	Good	Mott	Sullivan
Buchanan	Goodykoontz	Newton, Minn.	Taylor, Ark.
Burke	Gould	Paige	Taylor, Colo.
Burroughs	Green, Iowa	Parker, N. J.	Tilson
Campbell, Pa.	Griffin	Parker, N. Y.	Timberlake
Cannon	Hawley	Patterson, Mo.	Towner
Chandler, Okla.	Herrick	Perkins	Tyson
Clark, Fla.	Houghton	Perlman	Vaile
Classon	Hudspeth	Peters	Voigt
Clouse	Hutchinson	Porter	Volk
Codd	Jefferis, Nebr.	Purnell	Walsh
Collins	Johnson, S. Dak.	Rainey, Ala.	Ward, N. Y.
Connell	Johnson, Wash.	Rainey, Ill.	Wason
Cramton	Jones, Pa.	Reed, N. Y.	Watson
Crowther	Kahn	Riddick	White, Me.
Dale	Kindred	Riordan	Williamson
Dempsey	King	Rogers	Wingo
Doughton	Kitchin	Rossdale	Winslow
Dunn	Kreider	Rucker	Wise
Echols	Kunz	Sanders, N. Y.	Wood, Ind.
Edmonds	Lampert	Scott, Tenn.	Wurzbach
Evans	Langley	Sears	Yates
Fisher	Lazaro	Siegel	Young
Fitzgerald	Longworth	Sisson	

So the motion to recede was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. ANTHONY with Mr. BANKHEAD.

Mr. CODD with Mr. SEARS.

Mr. FREE with Mr. BRINSON.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. HUTCHINSON with Mr. COLLINS.

Mr. WINSLOW with Mr. FISHER.

Mr. WALSH with Mr. RAINEY of Illinois.

Mr. BURROUGHS with Mr. SULLIVAN.

Mr. WASON with Mr. LAZARO.

Mr. PERLMAN with Mr. KUNZ.

Mr. VAILE with Mr. TYSON.

Mr. PERKINS with Mr. DOUGHTON.

Mr. WHITE of Maine with Mr. GRIFFIN.

Mr. STINESS with Mr. SISSON.

Mr. DALE with Mr. TAYLOR of Colorado.

Mr. CANNON with Mr. WINGO.

Mr. MOORE of Illinois with Mr. TAYLOR of Arkansas.

Mr. VOLK with Mr. BUCHANAN.

Mr. PETERS with Mr. RIORDAN.

Mr. BIXLER with Mr. CAMPBELL of Pennsylvania.

Mr. SIEGEL with Mr. KINDRED.

Mr. LUFKIN with Mr. RAINEY of Alabama.

Mr. GAHN with Mr. RUCKER.

Mr. PATTERSON of Missouri with Mr. FLOOD.
Mr. LUHRING with Mr. STEVENSON.
Mr. PURNELL with Mr. WISE.
Mr. PAIGE with Mr. HUDSPETH.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present; the Doorkeeper will open the doors.
Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on the balance of the motion.
The previous question was ordered.
The SPEAKER. The question is on the motion of the gentleman from New York to recede and concur with an amendment, which the Clerk will report.
The Clerk read as follows:

In lieu of the sum proposed by the Senate amendment insert $5,323,000.

The question was taken, and the motion was agreed to.
The SPEAKER. The Clerk will report the next amendment.
The Clerk read as follows:

Amendment No. 14, page 6, line 2, after the figures "$275,000," insert: "New construction, buildings, and improvements at air stations at a total cost not to exceed $1,339,000, as follows: Cape May, $25,000; Coco Solo, $402,000; Hampton Roads, $78,000; Lakehurst, $360,000; Pearl Harbor, $210,000; Pensacola, $100,000; San Diego, $164,000."

Mr. MILLER. May I ask the gentleman from Michigan a short question? How many naval air bases have we?
Mr. KELLEY of Michigan. In a moment. I move that the House further insist on its disagreement; and in answer to the gentleman——
Mr. HICKS. I desire to offer a preferential motion.
Mr. KELLEY of Michigan. To answer the gentleman from Washington, I will say that we have, I think, altogether six heavier than air stations.
Mr. MILLER. How many naval aviation bases altogether, both heavier than air and lighter than air?
Mr. HICKS. Altogether 12 in the United States and Haiti.
Mr. KELLEY of Michigan. Twelve altogether. I will yield to the gentleman from New York.
Mr. HICKS. Mr. Speaker, I offer a preferential motion, which I send to the Clerk's desk.
The SPEAKER. The Clerk will report the motion.
The Clerk read as follows:

Mr. HICKS moves to recede and concur with the following amendment: In lieu of the matter inserted by said amendment insert the following: "New construction, buildings, improvements at air stations at a total cost not to exceed $1,177,000, as follows: Coco Solo, $392,000; Hampton Roads, $70,000; Lakehurst, $280,000; Pearl Harbor, $185,000; Pensacola, $100,000; San Diego, $150,000."

Mr. HICKS. Mr. Speaker, my amendment provides for certain improvements to be made at some of our air stations. The Committee on Naval Affairs approves of the items as I have included them in my motion, with the exception that their approval was for a larger amount than I have made in the motion. I have cut the amounts down because of the fact that there is a reduction in material and in labor costs at the present time, and therefore these improvements can probably be made at the present rates for less expense than was figured on last winter.
Mr. McKENZIE. Will the gentleman yield?
Mr. HICKS. In a moment. The Committee on Naval Affairs went over these items very carefully with the idea of cutting down to the bone these various air stations of ours, that no money should be expended for permanent improvement that was not absolutely necessary, and this amendment, while it includes a large amount of money, is to carry forward and make necessary improvements at our various air stations. No one is more sincerely interested in economy than myself, but I honestly believe these improvements are essential. Now I will yield to the gentleman from Illinois.
Mr. McKENZIE. I desire to ask the gentleman from New York whether or not in the Navy they are still doing construction work under what is known as the cost-plus system?
Mr. HICKS. No; in the Navy we gave that system up three years ago; old contracts on ships commenced during the war are in some cases being completed under the cost-plus system.
Mr. McKENZIE. Are you letting contracts to competitive bidders for all construction work?
Mr. HICKS. Yes; in all cases; and where any changes are made in the contract after work has commenced we figure what the change will cost and then allow 10 per cent profit on that estimate.
Mr. KELLEY of Michigan. If the gentleman will permit, in answer to the gentleman from Illinois I will say that so far as I know there are no cost-plus contracts except for the large ships which were entered into a long time ago, and those are being inspected with the greatest of care. This current construction work is not carried forward under that system now at all.
Mr. McKENZIE. I am glad to hear that.
Mr. SANDERS of Indiana. Will the gentleman yield?
Mr. HICKS. I will.
Mr. SANDERS of Indiana. Why did the gentleman omit Cape May?
Mr. HICKS. Cape May was omitted because of the fact that it is hoped that the time may come when we can eliminate Cape May from our permanent stations, therefore in view of that possibility we did not deem it was wise to make an appropriation for that station. Now, these estimates cover several items which I can explain if desired; if not, I will yield the floor, after saying that those who believe in aviation, as I know many do, should pause before voting against this amendment, no matter how earnest they feel about economy. Aviation is in its infancy; no one can predict its future or prophesy its development. It is an essential arm of the service now and should be encouraged, not hampered; advanced, not retarded. Those tests a few days ago prove its value as a bombing factor which may materially alter our views about naval strategy. It is poor economy, my colleagues, to provide aircraft and then refuse facilities for the housing of that equipment and the training of men to operate it. So let us be reasonable and give to aviation what it needs.
Mr. KELLEY of Michigan. Mr. Speaker, I will yield 10 minutes to the gentleman from Ohio [Mr. BURTON].
Mr. BURTON. Mr. Speaker, I am keenly disappointed because very considerable additions have been made to this bill. I had hoped that we would have at least one appropriation measure that would go to the President for his signature in substantially the form in which it passed the House. The addition of $6,370,000 agreed upon by the conference committee and approximately $5,000,000 more under the amendment proposed by the gentleman from New York are not very considerable when the computation is made on the basis of a percentage of the $98,000,000 placed upon the bill by the Senate, but there is an outcry in this country for economy. Influential journals and prominent individuals that have been demanding a very large Navy for years have become converted to the idea that we must retrench in this branch of the public service. It seems to me the action we are taking is hardly fair to the Army. We treated propositions of the War Department with severity, we rejected them ruthlessly and made a reduction from 220,000 to 150,000 men, to be accomplished by the 1st of October.
The pinch of hard times is upon the people, and no department of the Government can ignore that fact. For these reasons I am opposed to this amendment.
But there is a larger question involved here upon which I wish to address the House. Are we not in a transition stage as regards equipment for war? The whole history of warfare shows a progressive change, much slower in the centuries that are past but very rapid now. In the olden time there was the club, the pike, the spear, the bow and arrow, and the battle-ax. Those gave way when explosives were invented. In the last few decades there has been a very swift development in the use of explosives and heavier ordnance. In recent years dynamite was chosen as an implement of destruction and was thought to be the last invention, but after that we have had the T. N. T. Now there are others under consideration infinitely more destructive even than the T. N. T., and the question arises, Will not the battles of the future be fought in the air? Trials are being made now. It was said when the ironclads were proposed as a substitute for the wooden ships that they would not be effective. Even our own Navy Department in the early sixties opposed the building of the monitors and the ironclads. A former Member of this House, Mr. Sperry, of Connecticut, was one of the guarantors of Mr. Ericsson in the building of the *Monitor*.
But there has been a revolution in naval warfare. In the olden day the wooden ship afforded a theater for heroism in battles unsurpassed in any conflicts on land or sea. The great naval achievements of England from the time of Drake and Frobisher down to the middle of the last century and later are an important part of the history of the world. Our own Navy from the time of the Revolutionary War has shown its splendid prowess with wooden ships. But on the 8th and 9th of March in 1862 a revolution occurred, and the nations realized the necessity of building ironclads. The ram *Merrimac* came out from Norfolk on March 8, 1862, and destroyed the *Cumberland* and *Congress* and beached the *Minnesota*—all wooden ships—and returned to her lair. That night there was more serious apprehension at Washington than on any day or night

of the Civil War. There was a consultation of the Cabinet. Secretary Stanton, so bold and aggressive, was the most frightened of anyone and feared that a single boat, the *Merrimac*, would change the whole course of the contest. But the *Monitor*, diminutive in size, nicknamed "the Yankee cheese box on a raft," this new development in warfare, stood up against the *Merrimac*, drove her back, and she never appeared again upon the seas. Since then there has been a rapid development of the armored ship, the dreadnaught, and after that of the superdreadnaught. Now boats of the so-called Hood type are proposed. And so in the progress of time science devises new implements.

Now, I think we should seriously consider whether aircraft are not destined to make the proudest battleship on the sea a useless hulk, full of danger rather than a mighty implement of war. It may be said I am inconsistent if I oppose this amendment, but there are doubts also in regard to the use of aircraft. There is a heavier-than-air; there is the lighter-than-air. As I am informed, England is abandoning the use of the lighter-than-air as a craft for warlike uses. There is another question—namely, shall they be built of wood or of metal, aluminum, or some other material? Is this amount needed? There was a very considerable appropriation, $6,913,000, for aircraft in this bill as it left the House. Nineteen million dollars, as I understand, are carried in the Army bill, and a smaller amount of $1,500,000, or more, in the Post Office bill. What is especially needed now is experimentation, trial, to determine which are the best airships. The House has already decided on a considerable appropriation for additional construction. Ought we not to feel our way carefully, and especially ought we not to reject propositions that look to scattering all over the country our aircraft stations as is really contemplated by this amendment? Have we not enough to make a thorough trial of this question?

And there is one other point, Mr. Speaker, on which I wish to dwell. If there ever was a time for faith by nations or individuals, it is now, when the world is so oppressed by the enormous burden of armament. [Applause.] Can we not cherish the belief, the conviction, that other nations will join with us in stopping this competition, return to common sense, and travel along the path for peace? For this further reason I am opposed to this amendment. I really believe, I may say to the conferees on the part of the House, if at this time they had brought in the bill, it would not have passed the House with as large appropriations as were carried in it. Now, shall we add $6,000,000 for this, $5,000,000 for this, and a million and more for that? Gentlemen of the House, it is, in my judgment, time to pause, and to see if the forces of peace will not have the effect desired, and if by diplomatic negotiations or conference we can not establish a new order, in which these enormous navies and this enormous expense for aircraft will not be necessary. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. KELLEY of Michigan. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, the distinguished gentleman from Ohio [Mr. BURTON], who has just spoken, intimated that his argument might be somewhat inconsistent. I should say, with all due respect, that it is inconsistent. Many of you, I hope, have read in one of the recent magazines a very able article on a three-plane Navy; that is, on the water, in the air, and under water. The gentleman spoke about the changes of warfare on the seas, the change from wooden ships to armored ships. Now, in this late war have come the engines of war for the air and the engines of war for undersea. We all know that the experiments and expenditures and experience of Germany with aircraft, and especially with the submarines, almost won for her this late war.

Now, further along in the bill I regret to see that the conferees have stricken out an item which permitted the Navy Department to use a part of the $90,000,000 for new construction in the building of submarines. That did not involve any increased appropriation at all, but merely permitted them to proceed with experimental work or with construction, as they liked, on submarines. It would seem that if the argument of the gentleman from Ohio proved anything, it proved that in these services, where changes are rapid, experiment and invention should be encouraged and not stopped.

We all know that in the matter of submarines this country was lamentably behind. If you gentlemen will take the trouble to read the testimony that was taken by the Committee on Naval Affairs in the last Congress you will find there the testimony of Admiral Sims, to the effect that our submarines were not by any means as good as the German submarines. You will find that he gives some reasons for that. One reason is that the submarines have been designed here, many of them, by officers who are not in favor of that branch of the service. You will find further along in his testimony, in a colloquy with the gentleman from Illinois [Mr. BRITTEN], that he thinks that the whole matter of construction of submarines should be investigated, to find out why our submarines were not as good as the German submarines, and to find out who were responsible for that fact. He will tell you that the reason why the Central Powers so excelled in the matter of submarines was that their very life depended on these submarines.

Now, I think it does not take a great expert to say that the very life of the defense of this country in the next war from a naval attack will depend upon aircraft and submarines. So I say it would be a mistake at this time to discontinue the appropriations and discontinue the work on airplanes and submarines, which are by no means finally developed, which are still in an experimental state, and which it is certain are much less expensive as a means of defense than capital ships.

I am not competent to decide as a layman whether or not these capital ships are essential, but it is certain that without adequate submarines and without adequate aircraft we shall have no efficient Navy, and I hope, therefore, that the Committee on Naval Affairs will continue in the work which it has initiated in examining into these two services and bring in legislation providing for continued construction and continued experimentation, because I believe that such action will be not only for the best protection of this country, but also will be in the end most economical. [Applause.]

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Speaker, it is an almost futile proposition to attempt to economize in the House of Representatives or in the Senate or in the Congress, but I deem it my duty to raise a protest to the continued extravagant expenditure of public money. I do not know how your people feel about it; I do not know how the newspapers that are the mouthpieces of your communities feel about it, but I know that the newspapers published throughout my district are weekly saying in every issue that the people of this country are getting tired of the fact that 90 per cent of the taxes raised by this Government are expended for the Army, Navy, and armament. [Applause.] And, although we can not get anywhere with it, I am going again to raise my voice in humble protest.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I will yield in just one minute. I know how the gentleman from Delaware feels about it. He is circumscribed by a party machine influence that whips him into line every time a vote is taken, and instead of voting "no," as he feels deep down in his heart, he votes "yes" every time.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I can not yield.

Mr. LAYTON. But you have got no right to make any statement of that kind.

The SPEAKER. The gentleman declines to yield.

Mr. BLANTON. In the Army bill we have already provided $19,000,000 for the Air Service. In the Post Office appropriation bill we have already provided $2,000,000 more, and in this bill, the naval bill, we are providing, or will when we get through with it, $13,000,000 more for the Air Service—all under three different heads and departments. And yet you have been preaching about concentrating, you have been preaching about preventing duplication, and every time there is given to you an opportunity to vote to stop it you continue to vote "yea" instead of "nay."

Now I will yield to my friend from Delaware.

Mr. LAYTON. I simply want to correct what you have put in the RECORD. You have put something in there that is not exactly or literally true.

Mr. BLANTON. I will take that out, and say that the party machine, led by the distinguished gentleman from Wyoming [Mr. MONDELL] and aided and abetted by the distinguished gentleman from Illinois [Mr. MADDEN], is not altogether able to control the gentleman from Delaware, because when he votes "yea" when he should vote "nay," he does it on his own volition. [Laughter.]

Mr. LAYTON. That is right.

Mr. BLANTON. When is the time coming to begin this practice of economy about which we hear so much? The other day when the distinguished gentleman from Wisconsin [Mr. A. P. NELSON] was on the floor, preaching economy so eloquently——

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have two minutes more?

The SPEAKER. The gentleman asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. LAYTON. I shall not object if the gentleman will answer a question.

Mr. BLANTON. Let me finish this sentence. When the distinguished gentleman from Wisconsin was preaching disarmament so eloquently and I asked him why he did not vote as he preached, he said he did do it. Then I brought in the RECORD here for February 14, 1921, where I made a motion to recommit the naval bill and cut out $83,000,000 that was going to be wasted on new ship construction, and I showed him where he had voted against that saving of $83,000,000, and where there were only nine men in this House who voted for this saving, one of those nine, let me say to my distinguished colleagues on my side of the House, being the distinguished ex-leader of the minority, Hon. Champ Clark of Missouri; and yet you would not follow him.

Mr. LAYTON. Will the gentleman answer my question?

Mr. BLANTON. I will answer the gentleman.

Mr. LAYTON. It is estimated that the total expenditures of the Government will be about $4,000,000,000, is it not?

Mr. BLANTON. Much more than that.

Mr. LAYTON. For the expenses of the Government generally?

Mr. BLANTON. About five and one-half billion, according to our distinguished friend from South Carolina [Mr. BYRNES], who does not make any mistakes.

Mr. LAYTON. Well, I will let even that go. Now, how much is the total for the Army and the Navy as carried in the appropriations that we are making in this Congress?

Mr. BLANTON. I will let the distinguished chairman of the committee answer my friend from Delaware, and he has admitted on the floor that of the expenditures out of the Public Treasury at least 90 per cent go to the Army and Navy, pensions, and war purposes.

Mr. LAYTON. No; he never made any such statement.

Mr. BLANTON. He is here. Let him deny it.

Mr. LAYTON. As a matter of fact, the total amount for the Army and Navy does not exceed $1,000,000,000. Therefore, by the figures which the gentleman from Texas has admitted, those expenditures are only 25 per cent of the total, instead of 90 per cent.

Mr. BLANTON. For the Army, Navy, pensions, and war purposes, and results of wars it is 90 per cent. According to the distinguished gentleman from Illinois [Mr. MADDEN], who runs the steering committee, the expenses of the Government have been decreased to such a great extent that we are not now taking much money out of the Treasury at all, but we are seemingly living on velvet—velvet! We are not expending anything at all, according to him. But the money is coming out of the Treasury all the time and the people are paying the taxes. [Applause.]

Mr. KELLEY of Michigan. I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, what I desire to say is in opposition to the policy expressed in this bill—a policy of navalism which I have consistently opposed and which I expect to continue to oppose so long as I may be a Member of this House.

For the fiscal year beginning July 1, 1921, this session of Congress has appropriated $328,000,000 for the Army, and we are now appropriating $414,000,000 for the Navy, making a total of $742,000,000 for the support of the Army and Navy for the year. Such is the answer given by this Congress to the plea for economy made by the tax-burdened people.

We have provided for an Army of 150,000 and enough officers—17,000—to command an army of three times that number, compared with our 1916 Army of 90,000, with 3,000 officers. We are appropriating nearly $100,000,000 for next year's installment on our naval construction program, which is intended to give us the greatest Navy in the world in 1925. Our present naval strength is 127,000 sailors and marines, as against 66,000 in 1916. Our Navy's vessels are now more than twice the number of 1916, and its fighting efficiency five times as great. Such is the answer given by this Congress to those who plead for disarmament, who plead not merely upon grounds of economy but who realize that a great Army and Navy is a menace to the peace of the world.

RAISING A SMOKE SCREEN.

The great majority of the people believe that we should disarm and return substantially to our prewar forces. The people favor disarmament, and the politicians know it; so they feel the necessity to disguise their votes for big armies and navies by passing a resolution authorizing the President to call a conference on disarmament. It is the smoke screen which they are raising. It is the sop cast to public sentiment. They seek an excuse before the bar of public opinion. Such is the moving force behind the Borah amendment. It is a mere sham, a wretched piece of hypocrisy, a gesture for peace going along with votes for soldiers and ships.

The Borah amendment is a weak and watery thing. Adopted as a rider on the Navy bill, it authorizes and requests the President to invite Great Britain and Japan to confer upon the reduction of naval expenditures and building programs. The President is not required, but merely "requested and authorized" to act. All the nations are not to be invited, merely Great Britain and Japan. The conference is not to consider reduction of armies but merely the reduction of "naval expenditures and building programs." No navy is to be reduced. Not a single ship is to be put out of commission. The reduction relates merely to proposed increases. Such is the excuse to be offered to justify political stupidity and cowardice.

WE HAVE NO NEED TO COMPETE WITH GREAT BRITAIN AND JAPAN.

We are to confer with Great Britain and Japan concerning the reduction of navy building programs. Why with these Governments and not with others? The implication is clear that we are in naval competition with Great Britain and Japan; if they maintain vast navies, we must do likewise; if they go ahead with increases, we must increase; if they persist in the folly and wickedness of vast armaments, we must keep them company.

I deny that we are bound to compete in naval strength with Great Britain and Japan. Why must we compete with them? Is our situation identical? Have we the same aims? Is America committed to a policy of world expansion and exploitation? Do we aspire to far-flung provinces, to the subjugation of weak peoples, to a future of Prussianism and of might? I say no.

Again, our needs and perils are not the same as those of Great Britain and Japan. Our situation is not so precarious. We have no such need as they for armies and navies. Our aims, our ideals, our hopes, and our aspirations are totally different. America is not an empire, it is not a new Rome grasping for the hegemony of the world.

The British are an island nation with a homeland densely populated and dependent on sea and ships for a supply of the instant necessaries of life. Cut off from the outside world, millions of her people would die of starvation in a few weeks. Great Britain is an imperial empire. Her policy has brought her possessions in every corner of the world. Her colonies are planted in every longitude. Her bankers and traders have their investments in every clime. Every continent finds its choice spaces under her control. Great Britain is bound to keep open her lines of communication—to destroy them would mean the disruption of the Empire.

Japan is also an island Empire. Her homeland is also nonselfsupporting. She, too, must depend upon ships for sustenance. Japan, too, has her policy of expansion, her colonial system, and her aims for the dominion of the Orient. She requires a vast fleet to carry out her aspirations for the future.

But the United States is self-supporting. We need not starve nor shiver if an enemy should capture the sea. We may live at home and eat and wear our own produce. We can exist indefinitely with all lines of communication severed. Our situation is not that of Great Britain and Japan. Their perils are not ours. There is no need that we should be guided by their example in maintaining armed forces. We are not in competition with them in the things they are trying to do nor in meeting the needs which confront them.

COMPETITION IN WORLD POLICY MEANS WAR.

Of course, if we are going to compete with Great Britain and Japan in matters of foreign policy—in the things which do not concern our domestic affairs—then we must compete with them in armaments. Indeed, in such case we would be compelled to outdistance them in such competition. Competition in foreign policy with Great Britain and Japan—in expansion, in exploitation, in imperialism—will inevitably bring us into conflict with those nations. Sooner or later such course will bring war with them.

If it is to be the policy of America to seize upon the territory of weak and undeveloped peoples and to spread our possessions over the face of the world, to hold the South, the East, and the islands of the sea in the hollow of our hands, then there will be a clash; there will be a robbers' quarrel over loot; there will be war. If we are to enter upon a foreign policy of expansion, of imperialism, of exploitation, if we are to provide for our financiers and traders a safe market for their money and goods, we must have an Army and a Navy to defend their enter-

prises and to collect their debts. If we, like Japan, intend to seize a section of China, to grind its people, to rob its mines, to make ourselves great at its expense—if we, like Great Britain has done with Africa, intend to mark off an undeveloped continent and hold it for our own to feast and fatten on, and for a field for our commercial enterprises—then we must have armies and navies not only equal to but excelling theirs, for we must be able to defend our spoils and to keep off other buccaneers.

AMERICA, EXEMPLAR OF JUSTICE, LIBERTY, AND BROTHERHOOD.

But I deny that America is to depart from her traditions. I deny that we are to cease to be a great democracy and become a military empire for the benefit of the dollar-grabbing classes. Perhaps there are those who would like to see our country a new Rome, sitting in marble majesty and drawing the best fruits of men's toil from every corner of the world; a new Rome, with an opulent patrician class with a servile and ragged multitude feeding at their gates; a new Rome, with gilded Fifth Avenues thronged with profligates and spendthrifts within a stone's throw of the squalor, disease, and poverty of East Side slums. But I am not one of these. I have no such vicious dream. I hope for my country that it may go forward to its high destiny as a great democracy, an exemplar of liberty, justice, and brotherhood. I hope that throughout the coming centuries it may be a land of opportunity for common men; a land of justice and generosity toward foreign peoples, great and small; a land of economic and political equality and of hope and liberty for every citizen.

Mr. KELLEY of Michigan. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the amendment offered by the gentleman from New York for the increase for purposes of new construction in connection with the airplane bases is not as objectionable as some of the other items of increase in the Senate bill, but I do not believe it should be agreed to. [Applause.] I do not think it is necessary to agree to it for the good of the Navy. I am quite sure it is not wise to agree to it for the good of the legislative committees of the House and of the Treasury. It is true that in the last Congress the Naval Committee did consider these items of increased expenditure and did approve them, but the House never considered them, and in this Congress the Naval Committee has not presented them to the House, although the committee has had abundant time in which to do so.

Had the Naval Committee of the House earlier in the session reported these items, they would have secured the consideration of such a bill. But no such bill has been presented, and the House has not been asked to pass on the matter. Until the House has been in a formal and regular way asked to approve these items of increase, it should not be asked to accept them on an appropriation bill. The committee may still report a bill carrying these items if it approves them. I assure the committee that as far as I have any influence in the matter the House will have an early opportunity to consider such a bill. If the bill is considered favorably by the House, the matter can be taken care of promptly, and there need be no delay that will be harmful to the service. The matter should be cared for in an orderly way through the legislative committee, and not in this irregular way on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, I think there is some misapprehension concerning the pending motion as to whether it promotes an increase or a decrease. Our distinguished leader has suggested that it was an increase, and the distinguished gentleman from Ohio [Mr. BURTON] said it was an increase. It is a decrease of about $150,000 from the amount desired in the Senate amendment. My impression is that the motion of the gentleman from New York carries $1,177,000.

Mr. MONDELL. It is $1,000,000 more than the House provided.

Mr. BRITTEN. I am talking about the bill as amended and not as it left the House. The bill that we have before us carries a Senate amendment for $1,339,000, and the gentleman's amendment reduces it $150,000. Let us see what the amendment desires. Bear in mind that the naval experts have come before our committee time and again on items like this, and on these very items, and have told us solemnly and sincerely that without the control of the air our Navy is useless. With the long-range guns firing accurately 14 to 18 miles, at a distance which can not be seen except through aviation assistance, the big guns would be useless without control of the air.

This amendment provides for new construction at Coco Solo on the Panama Canal, which is the important link in the military strategy of our country. It means new construction at Pearl Harbor. Pearl Harbor may some day be our Heligoland of the Pacific. It means new construction at San Diego, the most important aviation base on the Pacific. It contemplates new construction at Hampton Roads, on the Atlantic coast, the base of our Navy. Surely these are important and very strategic locations.

Now, an amount of $1,175,000 is not important when you realize that aviation is going ahead by leaps and bounds and that without aviation or the control of the air we might as well kiss our battleships good-by.

Mr. Speaker, the following tabulation will give some idea of the contemplated improvement:

"COCO SOLO.

"CONTINUATION OF SANITARY FILL, $56,000.

"The Naval Air Station, Coco Solo, is built on filled ground, and it is desired to extend the area filled to provide for an enlargement of the station and to reduce the danger from malaria on account of the insanitary condition of the swamp.

"HANGAR FOR FIVE F5'S, $120,000.

"Three small hangars are available at the station, none of them large enough to hold the large type of F5L machine now operating there. The original hangars were built to house a smaller type of plane developed early in the war. The F5's are now being moored outdoors, and for the proper protection of the planes and equipment it is desired to construct one large steel hangar 150 feet wide by 200 feet long.

"COMPLETION OF WATER SUPPLY (200,000-GALLON TANK), $30,000.

"It is desired to construct a 200,000-gallon elevated water supply tank in order to have sufficient reserve supply for the station in case of breakdown of the pipe line. Water is sent to the station through an 8-inch pipe line about 7 or 8 miles long, and in case of breakage of line the station has no reserve supply at all for fire protection or domestic uses.

"AEROLOGICAL LABORATORY, $4,000.

"In order to safeguard the operation of aircraft, it is necessary to have complete meteorological records, and it is desired to construct a small laboratory to house the necessary instruments.

"PEARL HARBOR.

"KITE-BALLOON HANGAR, $20,000.

"The present plans for Pearl Harbor do not include a kite-balloon hangar. It is desired to construct one in order to house kite balloons on shore and to permit of experimental work on land and observations from ships.

"EXTENSION TO BARRACKS AND MESS HALL FOR 200 MEN, $100,000.

"The present plans for Pearl Harbor include barracks capacity for 400 men. It is desired to extend the facilities to enable 200 additional men to be housed. This will not entirely meet the requirements, as, on account of the large number of planes that will be sent there, it will be necessary to assign 1,000 or 1,200 enlisted men, and the balance will have to be housed in tents.

"EXTENSION TO BACHELOR OFFICERS' QUARTERS FOR 20 OFFICERS, $40,000.

"The present plan includes a building to house 40 officers. As at least 100 officers will be assigned to the station when it is in full operation, it is desired to increase the facilities for bachelor officers.

"DISPENSARY, $40,000.

"Bureau of Engineering Equipment, $10,000.

"SAN DIEGO.

"CARPENTER SHOP, $100,000.

"During the war a small carpenter shop 60 by 100 feet was built at San Diego for repairs to the small training planes then in use. On account of the increased number of planes, the larger sized planes, and the basing of the Pacific Fleet Air Detachment at San Diego, it is necessary to provide increased carpenter-shop facilities, and it is proposed to construct a building 100 by 220 feet, if this item is approved.

"GASOLINE STORAGE AND DISTRIBUTING SYSTEM, $23,000.

"At present there are three 5,000-gallon gasoline tanks at San Diego. On account of the large increased number of planes operating, it is desired to install additional storage for 60,000 gallons, and to provide a distributing system to feed the gasoline to the different operating points on the beach.

"BUREAU OF ENGINEERING EQUIPMENT, $41,000.

"On account of the construction this year of a machine shop at San Diego, it is necessary for the Bureau of Engineering to purchase additional equipment, and this item is desired in order to enable them to place the machine shop in full operation.

"BULKHEAD, FILL, AND GRADING, $70,000.

"The strengthening of the bulkhead around the east and west aviation piers has never been completed, and it is necessary to repair several hundred linear feet of the bulkhead and to place additional fill and do a certain amount of grading around the buildings and on the landing field.

"BUREAU OF ENGINEERING EQUIPMENT, $8,000.

"This item is requested for Bureau of Engineering shop equipment."

Mr. Speaker, the motion of the gentleman from New York [Mr. HICKS] should prevail.

Mr. KELLEY of Michigan. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, there seems to be some misapprehension with reference to this amendment. From the remarks of the gentleman from Ohio [Mr. BURTON], for whom I have the greatest respect, he gave the impression to the House that these are new stations. He is in error, for these are old stations, and in the betterment of aviation the increased size of the planes alone means that we must increase the size of the hangars; as the science of air advances we must advance in utilizing it or it will be of no avail. When last fall a naval commission went to San Diego we saw plane after plane crowded into hangars when only a part of a plane could get under the roof. We saw the same condition in Panama. Why was that? Because of the increased size of the planes which had been increased since the hangars were built. Now they want to increase the size of the hangars so that they can house the planes properly and keep them out of the weather. Over one-fourth of the amount asked for in my amendment is to be used at Coco Solo, Panama, and you will remember that the President, when he was there, expressed his views that Panama was one place where we must use every effort to defend our property and our rights, in case of trouble. The Panama Canal, my friends, is a most valuable connecting link between the Atlantic and Pacific. Four hundred thousand dollars of this appropriation will be expended in making that station efficient and available for proper defense of the canal. The other amounts are for Lakehurst and for Hampton Roads, Pensacola, and Pearl Harbor. These are military necessities to make aviation an efficient arm of the service, which we all believe it to be. Without this amendment you will weaken the Navy just so much. This is a small percentage of your $400,000,000. In order to round out the Navy and make it efficient you must adopt this amendment.

It is my hope and belief that aviation will increase on the sea and decrease on the land, so far as the Navy is concerned, but we must have places to train our men; we must have facilities upon which to base our patrol of the sea; we must have stations to carry on experimental work. The Navy is depending more and more upon aviation. It is the eye of the fleet, the medium which makes effective the long-range gun. As the Navy is the first line of defense, so aviation will be the first line of defense of the fleet itself. [Applause].

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, the nation that at this time develops the highest efficiency in its air service will take the longest strides toward the permanent peace of the world and toward reducing the expenses of national defense. [Applause.] That nation that has the most efficient air service will be the last nation that will be attacked by a belligerent power. If it has not already been demonstrated that gas, T. N. T., and other explosives can be used from the air against a foe with greater efficiency, with greater destruction, than any other agency of defense that a nation can have, it will be demonstrated within the next 20 days. Within the last few days I have seen airplanes carrying six T. N. T. bombs, each weighing 100 pounds, circling in the air at an elevation of 2,000 to 2,500 feet, 45 miles at sea, searching for an enemy. They found the enemy in a target. From that elevation and from the plane in which I sat one of these 100-pound T. N. T. bombs was dropped, according to a mathematically figured system, and it struck a target about the size of a destroyer in the center the first shot. That bomb would have destroyed any boat of that size afloat to-day. It is just as easy to carry a 2,000-pound bomb as a 100-pound bomb, and just as easy to discharge it with accuracy. The 2,000-pound bomb can be carried on a plane that cost $40,000, which is manned with three men, and the bomb will cost about $2,000. That bomb of T. N. T. will destroy a battleship that costs $40,000,000, manned with 1,200 men, 125 officers, and will leave absolutely nothing to tell the story. So I say that the nation which develops this new agency will have the greatest engine of national defense that there has been developed in the world, and will do more toward establishing the peace of the world and reducing the expense of armament than any nation can do otherwise. Therefore I shall vote for this amendment. I shall vote for the development of the Air Service. I shall do everything I can to develop that great agency, so that it will be the terror of any nation that would declare war against us. No ministry will hereafter declare war against a nation that has a well-developed air service. No European or Asiatic Government will declare war against any nation that has a well-developed air service. That nation will be in the safest position among the nations of the world that has an air service that can meet all comers in the air.

Mr. BURTON. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. BURTON. Is the gentleman not aware that already by amendment we have added more than $5,000,000 for the construction of aircraft?

The SPEAKER pro tempore (Mr. STAFFORD). The time of the gentleman from Kansas has expired.

Mr. KELLEY of Michigan. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I desire to ask the chairman of the subcommittee a question. The facts are that I am averse to adding any expenditure at all unless it is absolutely essential. I want to know whether we have any fund that is appreciable that can be applied to aircraft or aeronautic improvement?

Mr. KELLEY of Michigan. Besides what is appropriated?

Mr. FESS. Besides what is proposed here.

Mr. KELLEY of Michigan. I think not.

Mr. FESS. Then, Mr. Speaker, it is easily within the purview of possibility, I think, that the time will come when the Air Service will be so far improved that it will not be obstructed by the presence of seas and oceans. We must not overlook the possibility that a future enemy may come from any country notwithstanding distance or barrier. If thus prepared and we not prepared, it would not be difficult to predict results. It strikes me that not to move toward the development of this new service, so wonderfully demonstrated in the last few days, would be unwise. It may be the cheapest as well as the most effective defense, which, from recent demonstrations, has at least raised the question of its importance. I have been one of the men who have insisted that we must find a place to cut these appropriations. I still so insist wherever it can be done. But I feel impelled, under the possibility of aircraft development for defense, to vote for a reasonable appropriation for increase of this service. If the predictions of air experts have any basis in fact, and all will agree that the recent demonstrations just referred to compel some credence in those predictions, future consideration must be given to the wisdom of abandoning the construction of the dreadnaughts, so frightfully expensive. It may be that small appropriations for the Air Service may prove to be our greatest step toward economy in naval defense, especially so if the new development can do away with the heavy armaments. In that belief, I will vote for this item.

Mr. KELLEY of Michigan. Mr. Speaker, I ask for a vote on the amendment.

Mr. BLANTON. Mr. Speaker, I demand a division of the question. The motion is to recede and concur with an amendment.

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on all motions pending before the House.

The previous question was ordered.

The SPEAKER pro tempore. The gentleman from Texas demands a division of the question. The question first comes on the motion to recede.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 90, noes 50.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote because there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-two Members present, not a quorum.

Mr. KELLEY of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KELLEY of Michigan. A vote against receding would be in favor of the larger sum, would it not?

Mr. BLANTON. Mr. Speaker, I make the point of order that after the Chair has declared there is no quorum present, everything is out of order.

The SPEAKER pro tempore. The Chair overrules the point of order and will entertain the parliamentary inquiry.

Mr. KELLEY of Michigan. Mr. Speaker, I would inquire whether a vote against the motion to recede would not be equivalent to a vote for the Senate amendment, or the larger sum?

The SPEAKER pro tempore. If the motion to recede is rejected, it is tantamount to insisting upon the disagreement, because then the motion that would be in order would be either a motion to insist or to adhere. The Clerk will call the roll. The question is on the motion to recede.

The question was taken; and there were—yeas 221, nays 95, answered "present" 2, not voting 113, as follows:

YEAS—221.

Ackerman	Elliott	Knutson	Reber
Ansorge	Elston	Lankford	Reece
Appleby	Fairfield	Lawrence	Reed, W. Va.
Atkeson	Faust	Lazaro	Rhodes
Bacharach	Favrot	Lea, Calif.	Riordan
Barbour	Fenn	Lee, N. Y.	Roach
Barkley	Fess	Lehlbach	Robertson
Bell	Fields	Lineberger	Robsion
Benham	Fish	Linthicum	Rodenberg
Bland, Ind.	Flood	Little	Rogers
Bland, Va.	Focht	Logan	Rosenbloom
Bond	Freeman	Lyon	Rouse
Box	French	McArthur	Ryan
Brennan	Frothingham	McClintic	Sabath
Brinson	Funk	McCormick	Sanders, Ind.
Britten	Gallivan	McLaughlin, Mich.	Schall
Brooks, Pa.	Garner	McLaughlin, Nebr.	Shaw
Browne, Wis.	Garrett, Tenn.	McLaughlin, Pa.	Shelton
Bulwinkle	Garrett, Tex.	McPherson	Shreve
Burdick	Gernerd	Madden	Sinnott
Butler	Gilbert	Magee	Smith
Byrnes, S. C.	Glynn	Maloney	Smithwick
Byrns, Tenn.	Goldsborough	Mapes	Snyder
Cable	Gorman	Merritt	Sproul
Campbell, Kans.	Graham, Pa.	Michaelson	Stedman
Cantrill	Greene, Mass.	Michener	Steenerson
Carew	Griest	Miller	Stephens
Chandler, N. Y.	Hadley	Mills	Stoll
Chindblom	Hardy, Tex.	Millspaugh	Swing
Clarke, N. Y.	Harrison	Montague	Tague
Cockran	Hersey	Montoya	Taylor, N. J.
Cole	Hickey	Moores, Ind.	Taylor, Tenn.
Colton	Hicks	Mudd	Temple
Connally, Tex.	Hill	Newton, Mo.	Ten Eyck
Connell	Himes	Nolan	Tillman
Connolly, Pa.	Hogan	Norton	Tinkham
Cooper, Wis.	Houghton	O'Brien	Tyson
Copley	Hukriede	O'Connor	Upshaw
Coughlin	Humphreys	Ogden	Vare
Crisp	Ireland	Oldfield	Vestal
Cullen	Jacoway	Oliver	Vinson
Curry	James, Mich.	Olpp	Walters
Dallinger	Jefferis, Nebr.	Osborne	Weaver
Darrow	Jeffers, Ala.	Padgett	Webster
Davis, Minn.	Kearns	Parker, N. J.	Wheeler
Deal	Kelley, Mich.	Parks, Ark.	Wingo
Denison	Kelly, Pa.	Patterson, N. J.	Wood, Ind.
Dominick	Kennedy	Petersen	Woodruff
Drane	Ketcham	Porter	Woods, Va.
Drewry	Kiess	Pringey	Wright
Driver	Kincheloe	Radcliffe	Wurzbach
Dunbar	Kirkpatrick	Raker	Wyant
Dunn	Kissel	Ramseyer	Zihlman
Dupré	Kline, N. Y.	Ransley	
Dyer	Kline, Pa.	Rayburn	
Echols	Knight	Reavis	

NAYS—95.

Almon	Davis, Tenn.	Kraus	Ricketts
Anderson	Dickinson	Lampert	Rose
Andrews	Dowell	Lanham	Sanders, Tex.
Arentz	Ellis	Larsen, Ga.	Sandlin
Aswell	Foster	Layton	Scott, Tenn.
Beck	Frear	Leatherwood	Sinclair
Beedy	Fulmer	London	Speaks
Begg	Gensman	Lowrey	Stafford
Bird	Graham, Ill.	Luce	Steagall
Black	Hammer	McSwain	Strong, Kans.
Blanton	Hardy, Colo.	MacGregor	Summers, Wash.
Boles	Hoch	Mansfield	Swank
Bowling	Huddleston	Mead	Sweet
Brand	Hull	Moore, Ohio	Taylor, Ark.
Briggs	James, Va.	Moore, Va.	Thompson
Brooks, Ill.	Johnson, Ky.	Morgan	Tincher
Burtness	Johnson, Miss.	Murphy	Voigt
Burton	Jones, Tex.	Nelson, A. P.	Volstead
Carter	Keller	Nelson, J. M.	Ward, N. C.
Chalmers	Kendall	Newton, Minn.	White, Kans.
Christopherson	King	Overstreet	Williamson
Clague	Kinkaid	Parrish	Wilson
Classon	Kleczka	Quin	Woodyard
Cooper, Ohio	Kopp	Rankin	

ANSWERED "PRESENT"—2.

Collier	Martin

NOT VOTING—113.

Anthony	Cannon	Doughton	Good
Bankhead	Chandler, Okla.	Edmonds	Goodykoontz
Bixler	Clark, Fla.	Evans	Gould
Blakeney	Clouse	Fairchild	Green, Iowa
Bowers	Codd	Fisher	Greene, Vt.
Brown, Tenn.	Collins	Fitzgerald	Griffin
Buchanan	Cramton	Fordney	Haugen
Burke	Crowther	Free	Hawes
Burroughs	Dale	Fuller	Hawley
Campbell, Pa.	Dempsey	Gahn	Hayden
Hays	McDuffie	Reed, N. Y.	Timberlake
Herrick	McFadden	Riddick	Towner
Hudspeth	McKenzie	Rossdale	Treadway
Husted	Mann	Rucker	Underhill
Hutchinson	Mondell	Sanders, N. Y.	Vaile
Johnson, S. Dak.	Moore, Ill.	Scott, Mich.	Volk
Johnson, Wash.	Morin	Sears	Walsh
Jones, Pa.	Mott	Siegel	Ward, N. Y.
Kahn	Paige	Sisson	Wason
Kindred	Park, Ga.	Slemp	Watson
Kitchin	Parker, N. Y.	Snell	White, Me.
Kreider	Patterson, Mo.	Stevenson	Williams
Kunz	Perkins	Stiness	Winslow
Langley	Perlman	Strong, Pa.	Wise
Larson, Minn.	Peters	Sullivan	Yates
Lee, Ga.	Pou	Sumners, Tex.	Young
Longworth	Purnell	Taylor, Colo.	
Lufkin	Rainey, Ala.	Thomas	
Luhring	Rainey, Ill.	Tilson	

So the motion to recede was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. MARTIN (for) with Mr. SUMNERS of Texas (against).

Until further notice:

Mr. TREADWAY with Mr. COLLIER.

Mr. PATTERSON of Missouri with Mr. HAWES.

Mr. CROWTHER with Mr. LEE of Georgia.

Mr. EDMONDS with Mr. THOMAS.

Mr. HAYS with Mr. MCDUFFIE.

Mr. KAHN with Mr. PARK of Georgia.

Mr. KREIDER with Mr. HAYDEN.

Mr. WATSON with Mr. POU.

Mr. COLLIER. Mr. Speaker, did the gentleman from Massachusetts, Mr. TREADWAY, vote?

The SPEAKER pro tempore. He did not.

Mr. COLLIER. I desire to vote "aye," but I am paired with him, and I therefore answer "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present; the Doorkeeper will open the doors. The question now is on the other portion of the motion of the gentleman from New York to concur with an amendment.

The question was taken, and the motion was agreed to.

Mr. KELLEY of Michigan. I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 15: Page 6, line 7, strike out the figures "$6,913,431" and insert "$18,729,000, and the money herein specifically appropriated for 'aviation' shall be disbursed and accounted for in accordance with existing laws as 'aviation' and for that purpose shall constitute one fund: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $500: *Provided further*, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy."

Mr. KELLEY of Michigan. Mr. Speaker, I move to recede and concur in the amendment with the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

In lieu of the sum of "$18,729,000" proposed in said amendment No. 15 insert "$13,413,431," and in lieu of the sum of "$500" named in said amendment insert "$250."

The SPEAKER pro tempore. The gentleman from Michigan moves to recede and concur with the amendment which has just been reported at the Clerk's desk.

Mr. KELLEY of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday, in order to-morrow, be dispensed with, so that we may proceed with the consideration of this bill.

Mr. BRITTEN. Reserving the right to object, Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with business in order on to-morrow, Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee and Mr. BRITTEN reserved the right to object.

The SPEAKER pro tempore. The gentleman from Tennessee and the gentleman from Illinois reserve the right to object. The gentleman from Tennessee [Mr. GARRETT] is recognized.

Mr. GARRETT of Tennessee. I presume the gentleman from Michigan [Mr. KELLEY] has no hope of being able to conclude the consideration of the conference report to-day?

Mr. KELLEY of Michigan. I thought inasmuch as this is a pretty warm day we had best adjourn at 5 o'clock to-night.

Mr. GARRETT of Tennessee. I think there is no objection on this side.

The SPEAKER pro tempore. Is there objection?

Mr. BRITTEN. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. BRITTEN. Will the gentleman couple with his request the suggestion that Calendar Wednesday be carried over to Thursday in order that certain bills on the calendar might be then considered?

Mr. MADDEN. I doubt the wisdom of that, because there are some very important matters that ought to come up, and I do not believe we ought to do it.

Mr. BRITTEN. I have in mind certain important matters that are pending and might be considered on Calendar Wednesday.

Mr. MADDEN. I hope the gentleman will not insist on that.

The SPEAKER pro tempore. Is there objection?

Mr. COOPER of Ohio. Reserving the right to object, may I ask the gentleman from Michigan a question? Can the gentleman inform the House whether or not he expects to finish this report to-morrow?

Mr. KELLEY of Michigan. I think so; to-morrow night.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Mr. Speaker, the amendment which I have sent to the Clerk's desk simply corrects the total in harmony with the action of the House, reducing the amount which the Secretary of the Navy can settle claims from $500 to $250.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that amendment No. 16 be passed, as it is contingent on what the House does with amendments Nos. 51 and 54.

The SPEAKER pro tempore. The gentleman asks unanimous consent to pass consideration of Senate amendment No. 16. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 18: Page 7, line 18, after the figures "$106,250," insert: ": *Provided*, That the word 'and,' before Corpus Christi, in line 11 of section 1 of the act entitled 'An act for the establishment of marine schools, and for other purposes,' approved March 4, 1911, be stricken out, and following the words 'Corpus Christi,' in the same line, insert the words 'Tampa, Fla., and Portland, Me.'"

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House further insist on its disagreement. I will say with respect to this amendment that it authorizes two more naval schools, to be maintained by the States of Maine and Florida, toward which the Federal Government will contribute $25,000 a year, provided those States spend that sum. There are already some 8 or 10 schools of this kind authorized by law, and 3 or 4 are in existence. This authorizes repayment to these two extra States. Of course, it is a matter of legislation and comes under the jurisdiction of the Naval Committee. That is why I make the motion.

Mr. BUTLER. We never considered this, as has been suggested.

Mr. PADGETT. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. PADGETT. It amends the act heretofore passed. That act provided that Congress may reimburse States for amounts expended by them not exceeding $25,000.

Mr. KELLEY of Michigan. This adds two States.

Mr. PADGETT. And the States must expend the money in these schools before the reimbursement takes place.

Mr. KELLEY of Michigan. Yes; that is right.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. BEEDY].

The SPEAKER pro tempore. The gentleman from Maine is recognized for five minutes.

Mr. BEEDY. Mr. Speaker, I do not care to take up the time of this House in discussing this amendment. I make a preferential motion that the House recede and concur in this amendment.

The SPEAKER pro tempore. The gentleman from Maine offers a preferential motion, which the Clerk will report.

The Clerk read as follows:

Mr. BEEDY moves that the House recede from its disagreement to the Senate amendment and agree to the same.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Maine.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan [Mr. KELLEY] to further insist on the disagreement of the House to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 19: Page 8, line 10, after the word "men," insert the words "and applicants for enlistment."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Michigan.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the House further insist on its disagreement to Senate amendment No. 19.

Mr. KELLEY of Michigan. Mr. Speaker, I was about to say that this was one of the items that was stricken out by the gentleman from Illinois [Mr. BRITTEN] on a point of order.

Mr. BRITTEN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. BRITTEN. I rise to move that the House recede and concur on the Senate amendment. The language has been carried on the appropriation bills heretofore for many years.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Mr. BRITTEN moves that the House recede and concur in the Senate amendment.

Mr. BRITTEN. Mr. Speaker, this item was carried in the appropriation bill for many years. It was stricken out by a point of order made by myself. It is really necessary legislation.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BUTLER. How much will this cost?

Mr. BRITTEN. Nothing. I say that it is merely legislation, taken out of the bill on a point of order made by me.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. The gentleman from Illinois saw fit to knock it out some time ago. Now he is trying to put it in again.

Mr. BRITTEN. Yes.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Illinois?

Mr. KELLEY of Michigan. Yes; I yield to the gentleman five minutes.

Mr. BRITTEN. Mr. Speaker, I have no interest in this legislation, but it is necessary. It was stricken out on a point of order made by me, not because I had any opposition to the legislation itself, but because of the rule under which we were operating.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Illinois.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question now recurs on the motion of the gentleman from Michigan [Mr. KELLEY] that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next one.

The Clerk read as follows:

Senate amendment No. 20: Page 8, line 11, after the word "route," insert the words "or cash in lieu thereof."

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House further insist on its disagreement.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Michigan.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the House further insist on its disagreement to the amendment of the Senate No. 20.

Mr. KELLEY of Michigan. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, I desire to make a preferential motion, that the House recede and concur in the Senate amendment.

Mr. Speaker, this language was taken out of the bill on a point of order made by myself.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Mr. BRITTEN moves that the House recede and concur in Senate amendment No. 20.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Illinois, to recede and concur.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Michigan, to further insist on the disagreement of the House to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 21: Page 9, after line 4, insert: "The Bureau of Navigation, Navy Department, is hereby directed to furnish to the proper officers in the several States, Territories, insular possessions, and the District of Columbia, on or before December 31, 1921, statements of the services of all persons from those several places who served in the Navy during the war with Germany, and for that purpose an additional sum not to exceed $100,000 is hereby appropriated for obtaining the necessary material and the employment of the necessary clerical force."

Mr. KELLEY of Michigan. I move that the House further insist upon its disagreement.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Michigan.

The Clerk read as follows:

Mr. KELLEY of Michigan moves that the House further insist on its disagreement to the amendment of the Senate No. 21.

Mr. BUTLER. Mr. Speaker, will the gentleman yield to me?

Mr. KELLEY of Michigan. I will.

Mr. BUTLER. Does the gentleman remember that we made a compact with the Navy Department to make these records for something over $200,000? Does the gentleman remember when he sat with us in the committee room they asked $700,000, and we declined to make the appropriation, and these officials appeared and agreed with us to make these records for a little over $200,000 or $250,000? I hope the gentleman will be firm and insist that we shall not increase the amount.

Mr. KELLEY of Michigan. Mr. Speaker, I am entirely willing that the House shall do with the item whatever it sees fit; but I think I ought to state just what the situation is.

This appropriation is to pay for compiling the records of the men who served in the Navy during the war. These records are to be made for the several States. The work is about three-quarters finished, and if it is not finished the States will not have a complete record of those who served in the war. It is estimated that it will be done by the 1st of October. I agree with the gentleman from Pennsylvania [Mr. BUTLER] that they thought it could be finished for a smaller sum and that it could be finished by the 1st of July; but the 1st of July is practically here now and these records are not yet finished, and it will take about $50,000 more to do it. While I have made the motion that the House further insist upon its disagreement, I thought the Members ought to know that if my motion should prevail these records would not be finished and the work already done would be only partial and, I fear, useless. I agree entirely with Mr. BUTLER, but I see no other course open if the records are to be made available. Of course, this is a provision of legislation and if not taken care of here will have to be met by the Naval Committee later, as I feel quite sure that the House will desire to have these records complete and will make this appropriation either now or at some future time.

Mr. BRITTEN. Mr. Speaker, I desire to offer a preferential motion, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BRITTEN moves, in lieu of the matter inserted by said amendment, to insert the following:

"The Bureau of Navigation, Navy Department, is hereby directed to furnish to the proper officers in the several States, Territories, insular possessions, and the District of Columbia, on or before October 31, 1921, statements of the services of all persons from those several places who served in the Navy during the war with Germany, and for that purpose exclusively an additional sum not to exceed $50,000 is hereby appropriated for obtaining the necessary material and the employment of the necessary clerical force."

The SPEAKER pro tempore. The Chair understands the gentleman's motion is to recede and concur with the amendment as stated?

Mr. BRITTEN. Yes.

The SPEAKER pro tempore. Without objection, the motion will be so modified.

There was no objection.

Mr. BRITTEN. Mr. Speaker, may I have three minutes?

Mr. KELLEY of Michigan. I yield three minutes to the gentleman from Illinois.

Mr. BRITTEN. Mr. Speaker, this amendment was prepared by the clerk of the Committee on Appropriations. I think it meets with the approval of the members of that committee. It shortens the time in which these service records for use of the several States are to be made by the department, making the time October 31, 1921, instead of December 31. It also reduces the amount 50 per cent, or, in other words, from $100,000 to $50,000. Now, as indicated by the distinguished gentleman having the bill in charge [Mr. KELLEY of Michigan], unless this appropriation is made these records will not be finished by the department. The service records of the men who took part in the late World War in the Navy will not be compiled, and will not be at the disposal of your State and mine. Sooner or later you will bring in a deficiency appropriation to care for this work, because it ought to be done and it will be done. I hope the House will adopt my motion. It is in the interest of economy to finish this compilation now with an experienced personnel.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BRITTEN. I yield to my colleague.

Mr. GRAHAM of Illinois. Does the gentleman know what the Bureau of Navigation say they need for this purpose?

Mr. BRITTEN. I think they have indicated that they can get along with $50,000 to complete the work.

Mr. GRAHAM of Illinois. Does the gentleman know why the Senate inserted $100,000?

Mr. BRITTEN. No; I have not the slightest idea.

Mr. STEPHENS. Will the gentleman yield?

Mr. BRITTEN. I yield to the gentleman from Ohio.

Mr. STEPHENS. How much have they expended already?

Mr. BRITTEN. Two hundred thousand dollars, I believe.

Mr. STEPHENS. This will make $250,000?

Mr. BRITTEN. Yes.

Mr. BUTLER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BUTLER. The gentleman has made a preferential motion. Did the gentleman learn why the Bureau of Navigation did not keep its compact with us?

Mr. BRITTEN. I can only reply to my good friend that the Bureau of Navigation made a mistake in its estimate of the cost of this work. It is a laborious job.

Mr. BUTLER. I understand that.

Mr. BRITTEN. It is almost completed, and the gentleman knows its value to the country as a matter of future reference. Every man who served is entitled to this slight consideration.

Mr. BUTLER. My friend will recall the fact that they demanded $700,000 to do the work that they propose to do now for $250,000.

Mr. BRITTEN. We gave them but $200,000, and that is the reason they had to call upon us again.

Mr. BUTLER. Two hundred thousand is enough; there is no use to make a contract with them unless they keep it. This is all wrong.

Mr. CARTER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. CARTER. I want to suggest that the gentleman's amendment contains a repetition of language.

Mr. BRITTEN. It is a repetition in language only in so far as that repetition is really necessary.

Mr. CARTER. The gentleman's amendment uses the words "$50,000 is hereby appropriated," when the first part of the act says "the following sums are hereby appropriated." That might render the appropriation ineffective under a strict construction.

Mr. BRITTEN. It was prepared by the clerk of the Committee on Appropriations. I hope the House will see fit to adopt my amendment.

Mr. CARTER. I have great regard for the clerk of the Committee on Appropriations, but it is still a repetition.

Mr. KELLEY of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS].

PEACE RESOLUTION.

Mr. ROGERS. Mr. Speaker, I desire to ask unanimous consent that the conference report on the peace resolution may be presented to the House any time before midnight to-night, to be printed under the rule.

The SPEAKER pro tempore (Mr. STAFFORD). The gentleman from Massachusetts asks unanimous consent that the conference report on the peace resolution may be presented at any time before midnight and have it printed under the rule. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, has the gentleman from Massachusetts consulted the minority conferees?

Mr. ROGERS. Not with specific reference to this request; but there was a meeting of all the conferees this afternoon, and I think it was the undoubted understanding that the conference report was to be submitted to-day in view of the fact that a full agreement had been reached.

Mr. CONNALLY of Texas. Has the gentleman from Massachusetts consulted the gentleman from Virginia [Mr. FLOOD]?

Mr. ROGERS. I just answered the gentleman from Tennessee. I think the gentleman from Virginia understands that the conference report is to be presented to-day.

Mr. CONNALLY of Texas. The gentleman from Virginia is informed of the contents of the report?

Mr. ROGERS. Certainly; there was a full meeting of the conferees this afternoon.

Mr. GARRETT of Tennessee. There will be no effort to call up the report until after this conference report is concluded?

Mr. ROGERS. My understanding is that this conference report on the peace resolution will follow the conference report on the naval bill.

Mr. CONNALLY of Texas. Did the gentleman from Virginia [Mr. FLOOD] sign the conference report?

Mr. ROGERS. Neither the gentleman from Virginia nor the Senate minority conferee signed the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KELLEY of Michigan. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. GARNER].

ELECTION TO COMMITTEES.

Mr. GARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

House resolution 137.

Resolved, That Mr. LAMAR JEFFERS, of Alabama, be, and he is hereby, elected to the Committees on Flood Control, Reform in the Civil Service, and Election of President, Vice President, and Representatives in Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

CONFERENCE ON THE NAVAL BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker, it is a matter of great importance that the amendment offered by the gentleman from Illinois be adopted. The gentleman from Illinois [Mr. BRITTEN] has outlined the situation and has advised the Members of the House that the records of these soldiers who served in the late war in the Navy under the act of Congress are being compiled for the several States of the Union. That work is to-day approximately three-quarters completed. We have appropriated more money than it was at first thought would be necessary to do the work. The total amount appropriated is $300,000. If this work shall stop now it will mean that a force of something like 125 or 130 employees will have to give over the responsibility for the work to a new force, which will have to be assembled whenever Congress shall make the appropriation. I submit that it will take 50 or 100 per cent more money to pay a new group of people to finish this up than it will if we permit the old force to go ahead and finish up the work by the 1st of next October. The amendment of the gentleman from Illinois ought to prevail.

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. BUTLER) there were 58 ayes and 14 nays.

Mr. BUTLER. Mr. Speaker, I make the point there is no quorum present.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Will the gentleman from Pennsylvania withhold his point of no quorum?

Mr. BUTLER. For how long?

The SPEAKER. For a few minutes.

Mr. BUTLER. I will, but I want to reserve all my rights.

The SPEAKER. Will the gentleman from Michigan withhold his motion to adjourn?

Mr. KELLEY of Michigan. I will.

LEAVE OF ABSENCE.

By unanimous consent, the following leaves of absence were granted:

To Mr. SEARS, for an indefinite time, on account of sickness in his family.

To Mr. CRAMTON (at the request of Mr. MAPES), indefinitely, on account of death in family.

To Mr. A. P. NELSON, for a few days, on account of important business.

HAWAIIAN HOMES COMMISSION.

Mr. CURRY. Mr. Speaker, I ask unanimous consent, on behalf of the Committee on Territories, that I may have until 12 o'clock to-night to file a report on Senate bill 1881, to establish an Hawaiian homes commission, and for other purposes.

The SPEAKER. The gentleman from California asks unanimous consent that he may have until 12 o'clock to-night to file a report on S. 1881. Is there objection?

Mr. GARRETT of Tennessee. Are any minority views to be filed, or is it a unanimous report?

Mr. CURRY. It is a unanimous report.

There was no objection.

INTERNATIONAL CENTENNIAL EXPOSITION, BRAZIL.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report from the Secretary of State concerning the desirability of the Government of the United States participating in an international centennial exposition which is to open in Rio de Janeiro, Brazil, on September 7, 1922.

To the recommendations of this report I give my hearty approval. I trust the Congress will view the matter favorably and will make timely provisions to enable the United States suitably to participate in the exposition.

WARREN G. HARDING.

THE WHITE HOUSE,
June 27, 1921.

DEATH OF HON. CHARLES J. BONAPARTE.

Mr. LINTHICUM. Mr. Speaker, it becomes my duty to announce the death at his home in Maryland, at 4.30 a. m. to-day, of the Hon. Charles J. Bonaparte, former Attorney General of the United States and former Secretary of the Navy. Mr. Bonaparte comes of the Patterson family and is the grandson of Betsy Patterson, one of our best Maryland families, which did so much for our State and Union, and was a descendant of the illustrious French family of that name, being the grandson of Jerome Bonaparte, King of Westphalia and grand nephew of the great Napoleon. As a mark of respect to this distinguished gentleman I move that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 29, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the joint resolution (S. J. Res. 72) for the relief of States in the cotton belt that have given aid to cotton farmers forced from the fields in established nonproduction zones through efforts to eradicate the pink bollworm, reported the same without amendment, accompanied by a report (No. 235), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY, from the Committee on the Territories, to which was referred the bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes, reported the same without amendment, accompanied by a report (No. 236), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BULWINKLE, from the Committee on Claims, to which was referred the bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va., reported the same with amendments, accompanied by a report (No. 233), which said bill and report were referred to the Private Calendar.

Mr. ELLIS, from the Committee on Claims, to which was referred the bill (H. R. 1948) for the relief of Virgil O. McWhorter, reported the same without amendment, accompanied by a report (No. 234), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6604) granting a pension to Emma Moore, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WILLIAMSON: A bill (H. R. 7426) creating a revolving fund of $30,000 for the Rosebud Sioux Indians; to the Committee on Indian Affairs.

By Mr. BLANTON: A bill (H. R. 7427) to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

By Mr. COCKRAN: A bill (H. R. 7428) to amend section 1 of an act entitled "An act to incorporate Gonzaga College, in the city of Washington and District of Columbia"; to the Committee on the Judiciary.

By Mr. GALLIVAN: A bill (H. R. 7429) to purchase an oil painting entitled "Our Glory—Battleship *Oregon*"; to the Committee on Appropriations.

By Mr. BRIGGS: A bill (H. R. 7430) to amend section 13 of the rivers and harbors act, approved March 3, 1899, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. ROACH: A bill (H. R. 7431) authorizing the Secretary of the Treasury to convey certain lands to the State of Missouri for the enlargement of the State capitol grounds of that State; to the Committee on Public Buildings and Grounds.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 7432) to amend the Federal farm loan act, approved July 17, 1916; to the Committee on Banking and Currency.

Also, a bill (H. R. 7433) to increase the utility of the postal savings bank, to encourage savings among the people, and to secure the largest returns for such savings consistent with adequate security; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Illinois: Joint resolution (H. J. Res. 165) fixing a duty of 300 per cent ad valorem on all goods exported from the United States for the use of the American Expeditionary Forces and which have been sold to any foreign Government or person when reimported into the United States; to the Committee on Ways and Means.

By Mr. RYAN: Resolution (H. Res. 136) asking the Secretary of the Treasury to seek collection of the amount due from Great Britain and France to the United States of America, and for a commission to review the foreign debt of the United States, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEEDY: A bill (H. R. 7434) granting a pension to Annie H. Quill; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 7435) granting an increase of pension to Margaret L. Livensparger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7436) granting a pension to Louisa Sampson; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 7437) for the relief of R. E. Carpenter; to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 7438) granting a pension to Margaret Hobbs; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 7439) for the relief of the heirs of Thomas J. W. Cooper; to the Committee on Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 7440) granting a pension to Martha L. Stahl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7441) granting a pension to William W. Gillihan; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 7442) granting a pension to Joseph Hixon; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 7443) granting a pension to Elizabeth J. Smith; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 7444) granting an increase of pension to Barbara A. Chambreau; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 7445) to loan to the College of William and Mary, in Virginia, two of the cannon surrendered by the British at Yorktown on October 19, 1781; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 7446) granting a pension to Thomas E. Cole; to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 7447) to reimburse William H. Flagg and others for property destroyed by mail airplane *No. 73*, operated by the Post Office Department; to the Committee on Claims.

By Mr. PERKINS: A bill (H. R. 7448) authorizing the Secretary of War to donate to the borough of Bergenfield, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 7449) granting a pension to Marion Knoblock; to the Committee on Invalid Pensions.

By Miss ROBERTSON: A bill (H. R. 7450) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla.; to the Committee on Indian Affairs.

By Mr. TYSON: A bill (H. R. 7451) for the relief of Mrs. Lizzie Pittman; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1620. By the SPEAKER (by request): Telegram of General Grant Council of the American Association for the Recognition of the Irish Republic of Galena, Ill., asking the Government to recognize the republic of Ireland; to the Committee on Foreign Affairs.

1621. Also (by request): Petition of Edward McArdle and 55 others of North Dakota urging Congress to recognize the Irish republic; to the Committee on Foreign Affairs.

1622. By Mr. BURTNESS: Resolution of Women's Nonpartisan Clubs of Rock Lake, N. Dak., and Norton Township, Walsh County, N. Dak., urging international disarmament conference, curtailing military appropriations, etc.; to the Committee on Foreign Affairs.

1623: By Mr. CONNOLLY of Pennsylvania: Petition of the Art Workers' Building and Loan Association, of Philadelphia, Pa., favoring the proposed amendment to the revenue act exempting from taxation income received from building and loan association shares to the amount of $500; to the Committee on Ways and Means.

1624. By Mr. COOPER of Wisconsin: Resolution of Racine Council, No. 697, Knights of Columbus, indorsing legislation for the relief of the disabled soldiers, sailors, and marines; to the Committee on Interstate and Foreign Commerce.

1625. By Mr. CULLEN: Petition of Kentucky Press Association, protesting against the passage of the Mondell bill and indorsing the present postal zone law; to the Committee on the Post Office and Post Roads.

1626. By Mr. DARROW: Resolution adopted by Second Baptist Church of Germantown, Philadelphia, urging disarmament; to the Committee on Foreign Affairs.

1627. Also, memorial of Philadelphia Board of Trade, opposing passage of Senate bill 1094, creating a live-stock loan fund; to the Committee on Banking and Currency.

1628. Also, memorial of Philadelphia Board of Trade, protesting against the enactment of House bill 2242, providing for the refunding of the national debt; to the Committee on Ways and Means.

1629. By Mr. EDMONDS: Petition of Philadelphia Board of Trade, expressing approval of House bill 4130; to the Committee on Ways and Means.

1630. By Mr. FENN: Petition of Patrick Meade, Owen J. Shannon, and other citizens of Hartford and West Hartford, Conn., seeking recognition of the Irish republic; to the Committee on Foreign Affairs.

1631. Also, petition of Edwin S. Smith and others of Hartford, Conn., for the imperiled peoples of the Near East; to the Committee on Foreign Affairs.

1632. Also, papers to accompany House bill 7408, granting an increase of pension to Esteller Barrows; to the Committee on Invalid Pensions.

1633. By Mr. GRAHAM of Pennsylvania: Memorial of Philadelphia Board of Trade, opposing enactment of House bill 2419, creating an antidepreciation fund; to the Committee on the Judiciary.

1634. Also, memorial of Philadelphia Board of Trade, opposing passage of Senate bill 1719, amending the Federal reserve act; to the Committee on Banking and Currency.

1635. By Mr. KISSEL: Petition of 64 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1636. Also, petition of Margaret G. Ryan and 60 residents third New York congressional district, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1637. By Mr. RAKER: Petition of Julia Fraser, San Francisco, Calif., urging support of international disarmament conference; to the Committee on Foreign Affairs.

1638. Also, petition of California Manufacturers' Association of Oakland, Calif., urging a tariff on Chinese reed and reed furniture from China; to the Committee on Ways and Means.

1639. Also, petition of W. Tyler Smith, publisher Orchard and Farm, of Los Angeles, Calif., protesting against increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

1640. Also, resolution of the House of Representatives of the Commonwealth of Pennsylvania, relative to an exposition to celebrate the sesqui-centennial of American independence; to the Committee on Industrial Arts and Expositions.

1641. Also, petitions of Mrs. Ella J. Kennedy, department chaplain, Auxiliary to United Spanish War Veterans, of San Francisco, and Daisy Brown, department aid, Auxiliary to United Spanish War Veterans, of Long Beach, both in the State of California, indorsing and urging the passage of House bill 4; to the Committee on Pensions.

1642. Also, petition of Mary Ward Williams and others, of Fern, Calif., urging relief be given to the Armenians; to the Committee on Foreign Affairs.

1643. By Mr. THOMPSON: Petition of citizens of Defiance, Ohio, requesting that the President extend immediate recognition to the republic of Ireland, and that Congress pass the Norris resolution (S. J. Res. 27) and the La Follette resolution (S. J. Res. 1); to the Committee on Foreign Affairs.